

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 Division of Budget and Analyses 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 ~~\$2,101~~ \$2,120. ~~In Fiscal Year 2013-14~~ For the current fiscal year, the total pupil count is projected to be ~~698,924~~ 708,231. The average per pupil funding is projected to be ~~\$5,147~~ \$5,290 state, ~~\$1,185~~ \$1,154 federal, and ~~\$4,855~~ \$4,996 local. This is an average total funding level of ~~\$11,187~~ \$11,440 excluding revenues of local bond issues. ~~For Fiscal Year 2013-14~~ the current fiscal year the South Carolina Public Charter School District 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 Budget and Control Board, Research and Statistics Division, must post in a prominent place on their website for each school district projections, including the per pupil state, federal and local revenues, excluding revenues of local bond issues, for the current fiscal year. Also, as soon as practicable, upon determining the exact numbers regarding pupil count and funding, the Budget and Control Board, Research and Statistics Division, shall also post on their website the 135-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 Budget and Control Board, Research and Statistics Division, 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

(2) Weights for students with disabilities as prescribed in Section 59-20-40(1)(c) Special Programs

(3) Additional weights for personalized instruction:

1	<u>(A) Precareer and Career Technology.....</u>	<u>1.20</u>
2	<u>(B) Gifted and Talented.....</u>	<u>0.15</u>
3	<u>(C) Academic Assistance.....</u>	<u>0.15</u>
4	<u>(D) Young Adult Education.....</u>	<u>0.20</u>
5	<u>(E) Limited English Proficiency.....</u>	<u>0.20</u>
6	<u>(F) Pupils in Poverty.....</u>	<u>0.20</u>

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

9 Gifted and talented students are students who are classified as academically or artistically gifted and talented or who are
 10 enrolled in Advanced Placement (AP) and International Baccalaureate (IB) courses in high school.

11 Students in need of academic assistance are students who do not meet state standards in mathematics, English language arts, or
 12 both on state approved assessments in grades 3 through 12. The additional weight generates funds needed to provide additional
 13 instructional services to these students.

14 Young adults are students between the ages of 17 and 21 who are pursuing a diploma or alternative high school credential like a
 15 GED through adult education or other means but are no longer part of the regular school setting.

16 Students with limited English proficiency are students who require intensive English language instruction programs and whose
 17 families require specialized parental involvement intervention.

18 Students in poverty are students eligible for the free or reduced price Federal lunch program and/or are eligible for Medicaid.

19 **1.4.** (SDE: EFA - Formula) The amount appropriated in Part IA, Section 1 for "Education Finance Act" shall be the maximum
 20 paid under the provisions of Act 163 of 1977 (the South Carolina Education Finance Act of 1977) to the aggregate of all recipients.
 21 The South Carolina Education Department shall develop formulas to determine the state and required local funding as stipulated in
 22 the South Carolina Education Finance Act of 1977. Such formulas shall require the approval of the State Board of Education and
 23 the Budget and Control Board. After computing the EFA allocations for all districts, the department shall determine whether any
 24 districts' minimum required local revenue exceeds the districts' total EFA Foundation Program. When such instance is found, the
 25 department shall adjust the index of taxpaying ability to reflect a local effort equal to the cost of the districts' EFA Foundation
 26 Program. The districts' weighted pupil units are to be included in determination of the funds needed for implementation of the
 27 Education Finance Act statewide.

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

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

4 **1.5.** (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein
5 for "Public School Employee Benefits" shall not be utilized to provide employer contributions for any portion of a school district
6 employee's salary that is federally funded.

7 State funds allocated for school district employer contributions must be allocated by the formula and must be used first by each
8 district to cover the cost of fringe benefits for personnel required by the Defined Program, food service personnel and other
9 personnel required by law. Once a district has expended all state allocated funds for fringe benefits, the district may utilize food
10 service revenues to fund a proportionate share of fringe benefits costs for food service personnel.

11 The Department of Juvenile Justice and the Department of Corrections' school districts must be allocated funds under the fringe
12 benefits program in accordance with criteria established for all school districts.

13 **1.6.** (SDE: Employer Contributions/Obligations) In order to finalize each school district's allocations of Employer
14 Contributions funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school
15 district's allocation in the current fiscal year accordingly to reflect actual payroll and payments to the Retirement System from the
16 prior fiscal year. In the event the Department of Education is notified that an educational subdivision has failed to remit proper
17 payments to cover Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational
18 subdivision's state funds until such obligations are met.

19 **1.7.** (SDE: Governor's School for Science & Math) Any unexpended balance on June 30 of the prior fiscal year of funds
20 appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the
21 current fiscal year pursuant to the direction of the board of trustees of the school.

22 **1.8.** (SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education
23 program for all children including disabled students is vested in the public school district wherein a child of lawful school age
24 resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental
25 illness or chemical dependence and habilitation centers for persons with intellectual disabilities or persons with related conditions
26 located within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable
27 local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child
28 last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost
29 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
30 state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be
31 reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student
32 cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies
33 to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has
34 participation in the placement of the student. John de la Howe School shall be reimbursed the local district's local support per
35 weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section
36 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team,

1 written referral, or the school district initiating the placement process. School districts providing the education shall notify the
2 nonresident district in writing within forty-five calendar days that a student from the nonresident district is receiving education
3 services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling
4 condition if available. If appropriate financial arrangements cannot be effected between institutions of the state, including
5 independent school districts under the authority of the Department of Disabilities and Special Needs, and school districts,
6 institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting.
7 Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if
8 appropriate to their educational needs. Such institutions shall determine, on an individual basis, which children residing in the
9 institution might be eligible to receive appropriate educational services in a public school setting. Once these children are
10 identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located.
11 If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public school
12 setting, then the school district in which the institution is located must provide the educational services. However, that school
13 district may enter into contractual agreements with any other school district having schools located within a forty-five mile radius
14 of the institution. The cost for educating such children shall be allocated in the following manner: the school district where the
15 child last resided before being placed in an institution shall pay to the school district providing the educational services an amount
16 equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in
17 Section 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the
18 child for all funding sources, both state and federal. The institution and school district, through contractual agreements, will
19 address the special education and related services to be provided to students. Should the school district wherein the institution is
20 located determine that the child cannot be appropriately served in a public school setting, then the institution may request a due
21 process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education Act.

22 The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local
23 base student cost multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to
24 out-of-district students, shall be paid within sixty days of billing, provided the billing district has provided a copy of the invoice to
25 both the Superintendent and the finance office of the district being invoiced. Should the district not pay within sixty days, the
26 billing district can seek relief from the Department of Education. The department shall withhold EFA funding equal to the billing
27 from the district refusing to pay and submit the funding (equal to the invoice) to the billing school district.

28 The agency placing a child in any situation that requires changing school districts, must work with the schools to assure that all
29 required school records, including confidential records, are transferred from the sending to the receiving school within three
30 working days. School records to be transferred should include grade transcripts, state birth certificate, certificate of immunization,
31 social security card, attendance records, discipline records, IEP's, psychological reports (or notation in the school records that a
32 psychological report on the child is available at the school district office) and any other records necessary for the appropriate
33 placement of the child in the new school. School districts must release all records upon presentation of a court order or appropriate
34 permission for confidential release. If evaluation or placement is pending, the receiving school district is responsible to secure
35 information and to complete the placement. The receiving school will maintain appropriate confidentiality of all records received
36 on a child.

1 **1.9.** (SDE: Disabled/Preschool Children) ~~The state funding for free appropriate public education provided for the three and~~
2 ~~four year old disabled children served under Act 86 of 1993, shall be distributed based on the district's index of taxpaying ability~~
3 ~~as defined in Section 59-20-20(3). Five year old disabled children shall continue to be funded under the Education Finance Act of~~
4 ~~1977.~~

5 **1.10.** (SDE: Instruction in Juvenile Detention Centers) It shall be the responsibility of the school district where a local juvenile
6 detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this
7 State. Students housed in local detention centers are to be included in the average daily membership count of students for that
8 district and reimbursement by the Department of Education made accordingly.

9 **1.11.** (SDE: Revenue Authorization) The State Department of Education is hereby authorized to collect, expend, and carry
10 forward revenues in the following areas to offset the cost of providing such services: the sale of publications, manuals and forms,
11 the sale of Apple Tags, royalties, contributions, donations, foundation funds, special grants and contracts, brochures, photo copies,
12 listings and labels, Directory of South Carolina Schools, student health record cards, items to be recycled, and high school
13 diplomas and certificates; the collection of out-of-state and in-state investigation fees, registration fees for non-SDE employees,
14 recurring facility inspection fees, teacher certification fees; the handling of audio-visual film; the provision of contract computer
15 services to school districts and other state agencies, joint broadcast service to school districts, and education-related statistics
16 through agreement with the National Center for Education Statistics; the lease or sale of programs of television, audio or
17 microcomputer software; the lease or sale of virtual courses to other states; the collection of damage fees for instructional materials
18 and the sale of unusable instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid
19 reimbursable transportation; the receipt of insurance and warranty payments on Department of Education equipment and the sale of
20 used school buses and support equipment. The Department of Education is authorized to collect revenue for deposit into the State
21 General Fund for testing material purchases and test rescoring fees. The Department of Education is authorized to expend revenue
22 collected for lost and damaged instructional materials and the sale of unusable instructional materials for the purpose of contracting
23 for the purchase and maintenance of a statewide textbook inventory management system, provided that schools' newly-adopted
24 instructional materials needs are met first.

25 **1.12.** (SDE: School District Bank Accounts) Each school district in this State, upon the approval of the district's governing
26 body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct
27 school district business and each county treasurer is hereby authorized to transfer such amount as needed, upon receipt of a written
28 order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for
29 immediate disbursement for the payment of correct and legal obligation of the school district.

30 **1.13.** (SDE: School Lunch Program Aid) The amount appropriated herein for School Lunch Program Aid shall be divided
31 among the District and/or County Boards of Education of the State upon the basis of the number of schools participating in the
32 School Lunch Program in each district during the prior school year. The travel expenses of the District and/or County School
33 Lunch Supervisor shall be paid from this appropriation at the prevailing rate of mileage allowed by the State. These funds may be
34 used as an aid in improving the School Lunch Program. These funds may not be used to supplement the salaries of school lunch
35 supervisors. In the absence of a County Board of Education in multi-district counties, the funds will be divided among the school

1 districts of the county on the basis of the number of schools participating in the School Lunch Program in each district during the
2 prior school year.

3 **1.14.** (SDE: Teachers/Temporary Certificates) ~~Of the funds provided for teacher salaries funds may be used to pay salaries for~~
4 ~~those teachers holding temporary certificates which shall remain valid for the current school year if the local board of education so~~
5 ~~requests. The State Department of Education shall submit to the General Assembly by March first of the current fiscal year a~~
6 ~~report showing by district the number of temporary certificates by category; including an enumeration of the certificates carried~~
7 ~~forward from the previous year. No temporary certificate shall be continued more than twice.~~

8 **1.15.** (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds, lottery, and EIA funds shall
9 not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this
10 restriction.

11 **1.16.** (SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not
12 including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds
13 appropriated in Part IA, Section 1, XIV, Aid to School Districts, for the Children's Case Resolution System or private placements
14 for services provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also
15 authorized to use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year.

16 **1.17.** (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted,
17 on a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public
18 agencies in South Carolina.

19 School buses operated by school districts, other governmental agencies or head start agencies for the purpose of transporting
20 students for school or school related activities shall not be subject to state motor fuel taxes. Further, that school districts, other
21 governmental agencies or head start agencies may purchase this fuel, on a cost reimbursable-plus basis, from the Department of
22 Education School Bus Maintenance Shops.

23 **1.18.** (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or
24 self-insure state-owned buses. In no event shall the department charge local school districts for damages to the buses which are
25 commonly covered by insurance.

26 **1.19.** (SDE: Teacher Data Collection) Of the non-program funds appropriated to the Department of Education, it and the
27 Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure
28 (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school
29 teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number
30 of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching,
31 percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the
32 South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of
33 new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful
34 evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it
35 can be disaggregated by ethnicity, gender, geographic location, etc.

1 **1.20.** (SDE: School Building Aid) Of the funds appropriated in Part IA for School Building Aid, \$500,000 shall be allocated
2 on a K-12 per pupil basis to Multi-District Area Vocational Schools.

3 **1.21.** (SDE: Assessment) ~~For the current fiscal year PSAT/PLAN shall be suspended and savings generated from suspension~~
4 ~~of PSAT/PLAN Reimbursement shall be allocated to the Education Finance Act. The department is authorized to carry forward~~
5 ~~into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed~~
6 ~~by the end of the fiscal year including the scoring of the spring statewide accountability assessment.~~

7 **1.22.** (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, X.B., local school districts shall request a
8 criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial
9 employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a
10 charitable organization for purposes of the fee charged for the criminal records search.

11 **1.23.** (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other
12 appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State
13 Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body
14 manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus
15 specifications of ~~Georgia or North Carolina~~ *another state* in the procurement of school buses. If the department uses the
16 specifications of ~~Georgia or North Carolina~~ *another state*, the department must submit a report to the Chairman of the Senate
17 Finance Committee and the Chairman of the House Ways and Means Committee detailing the methodology by which the
18 alternative specifications were determined to be safe, more economical, and in the public interest, when compared to the
19 specifications set forth by the School Bus Specifications Committee.

20 **1.24.** (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program X.B. - Bus Shops and funds
21 appropriated in X.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated
22 for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in the
23 current fiscal year to support bus transportation services.

24 **1.25.** (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of
25 Fairfield County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the
26 Chester County School District. These transportation costs shall continue to be the responsibility of the State Department of
27 Education.

28 **1.26.** (SDE: Status Offenders/John de la Howe) ~~The funds appropriated for the Status Offender Program shall be distributed to~~
29 ~~John de la Howe School to expand residential programs to include court ordered status offenders. Components of such a program~~
30 ~~shall include collaboration between the home school district and the residential school and treatment or related services to the~~
31 ~~families of students in placement.~~

32 **1.27.** (SDE: Governor's School Leave Policy) The South Carolina Governor's School for the Arts and Humanities and the
33 South Carolina Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing
34 annual and sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address
35 their respective school calendars in order to comply with the instructional needs of students attending both special schools.

1 **1.28.** (SDE: School Facilities Management System) School Districts may use capital improvement bond funds, lapsed funds or
2 any other unexpended appropriated funds or revenues to access the Department of Education's School Facilities Management
3 System database.

4 **1.29.** (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related
5 expenses, school districts that have a web site shall place a notice of a regularly scheduled school board meeting twenty-four hours
6 in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall
7 place the minutes of the board meeting on their web site within ten days of the next regularly scheduled board meeting.

8 **1.30.** (SDE: Proviso Allocations) In the event an official General Fund revenue shortfall is declared by the Board of Economic
9 Advisors, the Department of Education may reduce any allocation in Section 1 specifically designated by proviso in accordance
10 with the lower Board of Economic Advisors revenue estimate as directed by the Office of State Budget, except the additional EFA
11 allocation to the South Carolina Public Charter School District. The reduction may not be greater than the total percentage of
12 reduction of the Section 1 appropriation. Should the department hold back funds in excess of the total percentage reduction those
13 funds must be allocated per the proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.

14 **1.31.** (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer
15 and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act
16 funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to
17 ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated
18 specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance
19 of effort requirement for federal program, required for debt service or bonded indebtedness. All school districts and special
20 schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and
21 service area level, except for four-year old programs and programs serving students with exceptional needs.

22 In order for a school district to take advantage of the flexibility provisions, at least seventy-five percent of the school district's
23 per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and non-instruction pupil
24 services. No portion of the seventy-five percent may be used for business services, debt service, capital outlay, program
25 management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the
26 actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil
27 services for the current school year ending June thirtieth. Salaries of on-site principals must be included in the calculation of the
28 district's per pupil expenditures.

29 "In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

30 School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low
31 enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and
32 memberships, reducing transportation costs for extracurricular and academic competitions, restructuring administrative staffing,
33 and expanding virtual instruction.

34 School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

35 Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil
36 allocation due to them for each categorical program.

Quarterly throughout the current fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential 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 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.

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

1 operate a state vehicle transporting hazardous materials and that are required to undergo a national security background check
2 because of the required Hazmat endorsement to their CDL.

3 **1.33.** (SDE: Budget Reduction) In compensating for any reduction in funding, local districts must give priority to preserving
4 classroom teachers and operations. Funding reductions should first be applied to administrative and non-classroom expenses
5 before classroom expenses are affected.

6 **1.34.** (SDE: Governor's School for the Arts and Humanities Carry Forward) Any unexpended balance on June thirtieth of the
7 prior fiscal year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried
8 forward and expended in the current fiscal year pursuant to the discretion of the Board of Trustees of the School.

9 **1.35.** (SDE: Governor's Schools' Fees) The South Carolina Governor's School for the Arts and Humanities and the South
10 Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees
11 as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality
12 in both academics and residential support. No student will be denied admittance or participation due to financial inability to pay.
13 The respective Board of Directors shall promulgate administrative policy governing the collection of all student fees. Both schools
14 shall conspicuously publish a fee schedule on their respective websites.

15 **1.36.** (SDE: School District Furlough) Should there be a midyear reduction in state funding to the districts, school districts
16 may institute employee furlough programs for district-level and school-level professional staff. Before any of these employees
17 may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the
18 General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in
19 force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a
20 year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy
21 must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

22 The local school district board of trustees may implement a furlough of personnel once certification to the State Superintendent
23 documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall
24 have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, instructional personnel
25 may be furloughed for up to five non-instructional days if not prohibited by an applicable employment contract with the district
26 and provided district administrators are furloughed for twice the number of days. District administrators may only be furloughed
27 on non-instructional days and may not be furloughed for a period exceeding ten days. District administrators shall be defined by
28 the Department of Education using the Professional Certified Staff (PCS) System. For individuals not coded in PCS, the
29 determination shall be made based upon whether the individual performs the functions outlined in position codes identified by the
30 department as administration. Educators who would have received a year's experience credit had a furlough not been
31 implemented, shall not have their experience credit negatively impacted because of a furlough implementation.

32 During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them
33 except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not
34 limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be
35 responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those
36 benefits which require only employee contributions, the employee remains solely responsible for making those contributions.

1 Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee
2 grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll
3 purposes regardless of the pay period within which the furlough occurs.

4 Each local school district must prominently post on the district's internet website and make available for public viewing and
5 downloading the most recent version of the school district's policy manual and administrative rule manual.

6 This proviso shall not abrogate the terms of any contract between any school district and its employees.

7 **1.37.** (SDE: School Lunch/Attendance Supervisors) For those counties in which an entity other than the school district
8 administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to
9 the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or attendance
10 supervisor programs. Each district shall transfer a pro rata share of the total cost based upon the percentage of state EFA funds
11 distributed to the districts within the county.

12 **1.38.** (SDE: Replacement Facilities) ~~The Department of Education is directed to proceed with the development of a joint-use~~
13 ~~school transportation maintenance and operations facility in Greenville County. Prior to the availability of this new facility the~~
14 ~~department shall continue to operate state school bus maintenance services from the existing Greenville School Bus Maintenance~~
15 ~~Facility located on Halton Road. All proceeds from the sale of the Halton Road Facility and Property shall become pupil~~
16 ~~transportation operating revenue of the department. The cost of the State share of the new joint use facility, the cost of preparing~~
17 ~~the old Halton Road Facility and Property for disposal, interim relocation/construction financing, all associated relocation~~
18 ~~expenses, and all other related costs shall be funded from the proceeds received from the sale of the existing Halton Road Facility~~
19 ~~and Property. The State Treasurer shall make available all necessary interim financing to accomplish the proviso directives.~~

20 **1.39.** (SDE: SCGSAH Certified Teacher Designation) Because of the unique nature of the South Carolina Governor's School
21 for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are
22 authorized to employ at its discretion non-certified classroom teachers teaching in the literary, visual and performing arts subject
23 areas who are otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

24 **1.40.** (SDE: No Discrimination Requirement) State funds must not be appropriated to a school that discriminates against or
25 participates with or is a member of an association with policies that discriminate or afford different treatment of students based on
26 race or national origin.

27 **1.41.** (SDE: High School Reading Initiative) ~~The funds appropriated for the High School Reading Initiative are to be used to~~
28 ~~expand the South Carolina Reading Initiative to the high school level by providing research based targeted assistance in improving~~
29 ~~and accelerating the reading ability of ninth and tenth grade students scoring Not Met on the eighth grade PASS reading and~~
30 ~~research tests or not passing the English 1 end-of-course test as ninth graders.~~

31 **1.42.** (SDE: Medicaid Cash Match Accounting) The department is granted authority to transfer funds between budget lines
32 and object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health
33 and Human Services.

34 **1.43.** (SDE: Student Report Card-GPA) For each high school student, school districts shall be required to print the student's
35 individual cumulative grade point average for grades nine through twelve on the student's report card.

1 **1.44.** (SDE: Governor's School Reporting) The Governor's School for the Arts and Humanities and the Governor's School for
2 Science and Mathematics are required to submit reports as to how the non-recurring funding appropriated in this act is expended.
3 The report must be submitted to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance
4 Committee by the end of the fiscal year.

5 **1.45.** (SDE: Lost & Damaged Textbook Fees) Fees for lost and damaged textbooks for the prior school year are due no later
6 than December first of the current school year when invoiced by the Department of Education. The department may withhold
7 textbook funding from schools that have not paid their fees by the payment deadline.

8 **1.46.** (SDE: Education and Economic Development Act Carry Forward) ~~Funds provided for the Education and Economic~~
9 ~~Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the department,~~
10 ~~school districts, and special schools.~~

11 **1.47.** (SDE: Education Finance Act Reserve Fund) There is created in the State Treasury a fund separate and distinct from the
12 General Fund of the State and all other funds entitled the Education Finance Act Reserve Fund. All unexpended general funds
13 appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be transferred to the
14 Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to
15 fully fund the base student cost as established by this act, revenues from the Education Finance Act Reserve Fund may be used to
16 supplement the funds appropriated. The General Assembly may make direct appropriations to this fund. All unexpended funds in
17 the Education Finance Act Reserve Fund and any interest accrued by the fund must remain in the fund and may be carried forward
18 into the current fiscal year.

19 **1.48.** (SDE: Prohibit Advertising on School Buses) The Department of Education and local school districts are prohibited
20 from selling space for or the placement of advertisements on the outside or inside of state-owned school buses.

21 **1.49.** (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school
22 age residing in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of
23 the 1976 Code, ("students") shall be entitled to receive educational services from the school district in which the RTF is located
24 ("facility school district"). The responsibility for providing appropriate educational programs and services for these students, both
25 with and without disabilities, who are referred or placed by the State is vested in the facility school districts. If clinically
26 appropriate, the facility school district, the RTF, and the parent or guardian of a student referred or placed in a RTF may consider
27 the appropriateness of providing the student's education program virtually through enrollment in either the facility district's virtual
28 program, the South Carolina Virtual School Program provided through the Department of Education, or a virtual charter school
29 authorized by the South Carolina Public Charter School District. This decision should be made jointly with the best interest of the
30 student and what is clinically indicated being considered.

31 A facility school district must provide the necessary educational programs and services directly to the student at the RTF's
32 facility, provided that the RTF facility provides and maintains comparable adequate space for the educational programs and
33 services consistent with all federal and state least restrictive environment requirements. Adequate space shall include appropriate
34 electrical support and Internet accessibility. Unless the parent or legal guardian of the student seeks to continue the student's
35 enrollment in the resident school district under a medical homebound instruction program and the district approves, if appropriate,
36 then, under these circumstances, the facility school district shall enroll the student and assume full legal and financial responsibility

1 for the educational services including enrolling the student, approving the student's entry into a medical homebound instructional
2 program, if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its
3 educational responsibilities for the student directly. Alternatively, a facility school district may choose to provide the necessary
4 educational programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the
5 student at the RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the
6 educational services provided. If the facility school district determines the educational program being offered by the RTF does not
7 meet the educational standards outlines in the contract, the facility district shall be justified in terminating the contract.

8 The facility school districts are entitled to receive the base student cost multiplied by the Education Finance Act pupil weighting
9 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.
10 These funds may be retained by the facility school districts for the purpose of providing the educational programs and services
11 directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTFs for the
12 educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a
13 resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly
14 by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by
15 the facility school district for that student. However, the reimbursement rate may not exceed \$45 per student per day. Facility
16 school districts providing the educational services shall notify the resident district in writing within forty-five calendar days that a
17 student from the resident district is receiving educational services pursuant to the provisions of the proviso. Reimbursements shall
18 be paid within sixty days of billing, provided the facility district has provided a copy of the invoice to both the District
19 Superintendent and the finance office of the resident district being invoiced. Should the facility school district be unable to reach
20 agreement with the resident school district regarding reasonable costs differences, the facility school district shall notify the
21 Department of Education's Office of General Counsel. The Department of Education shall facilitate a resolution of the dispute
22 between the facility school district and the resident school district within forty-five days of the notice of dispute. If the issue of
23 reasonable cost differences should remain unresolved, a facility school district shall have the right to file a complaint in a Circuit
24 Court. Should a resident school district fail to distribute the entitled funding to the facility school district by the one hundred
25 thirty-five day count, the Department of Education is authorized to withhold the equivalent amount of EFA funds and transfer
26 those funds to the facility school district.

27 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
28 responsible for the educational services. The facility school district may choose to provide the educational program to the child
29 and, upon choosing to do so, shall contract with the appropriate entity for payment of educational serviced provided to the child.
30 Out-of-state students provided educational services by a facility school district shall not be eligible for funding through the
31 Education Finance Act.

32 If a child is placed in a RTF by the child's parent or guardian, the facility school district may choose to provide the educational
33 program to the child, and upon doing so, must negotiate with the resident school district for services through medical homebound
34 procedures. A facility school district is responsible for compliance with all child find requirements under Section 504 of the
35 Rehabilitation Act of 1973 and IDEA.

1 All students enrolled in the facility school districts shall have access to the facility school districts' general education curriculum,
2 which will be tied to the South Carolina academic standards in the core content areas. All students with disabilities who are
3 eligible for special education and related services under the Individuals with IDEA, as amended, and the State Board of Education
4 (SBE) regulations, as amended, shall receive special education and related services in the least restrictive environment by
5 appropriately certified personnel. Students in an RTF will at all times be eligible to receive the educational credits (e.g., Carnegie
6 Units) earned through their educational efforts.

7 With respect to students enrolled in the facility school districts, for accountability purposes, the assessment and accountability
8 measures for students residing in RTFs shall be attributed to a specific school only if the child physically attends the school. The
9 performance of students residing in a RTF who receive their educational program on site at the RTF must be reflected on a separate
10 line on the facility school district's report card and must not be included in the overall performance ratings of the facility school
11 district. The Department of Education shall examine the feasibility of issuing report cards for RTFs. For the current fiscal year, a
12 facility school district shall not have the district's state accreditation rating negatively impacted by deficiencies related to the
13 delivery of an educational program at a RTF.

14 RTFs shall notify the facility school district as soon as practical, and before admission to the RTF if practical, of a student's
15 admission to the RTF. RTFs, the facility school districts and the Department of Education shall use their best efforts to secure
16 and/or exchange information, including documents and records necessary to provide appropriate educational services and/or related
17 services as necessary to assist the facility school district in determining the resident school district. The Department of Education,
18 in collaboration with state placing agencies, RTFs, facility school districts, and resident school districts, shall implement a system
19 to follow the release of students from a RTF and re-enrollment in public, private, or special schools to ensure these students, when
20 appropriate, are not recorded as dropouts.

21 **1.50.** (SDE: Special Schools Flexibility) For the current fiscal year, the special schools are authorized to transfer funds among
22 funding categories, including capital funds.

23 **1.51.** (SDE: High School Driver Education) For the current fiscal year, the requirement for high schools to provide a course in
24 driver education is suspended however, high schools may continue to offer driver education courses if they choose to do so.

25 **1.52.** (SDE: Carry Forward Authorization) For the current fiscal year, the Department of Education is authorized to carry
26 forward and expend any General Fund balances for school bus transportation.

27 **1.53.** (SDE: Administrative Costs Report Posting) School districts must report the amount of funds spent on administrative
28 costs, as defined by In\$ight in the prior fiscal year and post the report on the districts website. School districts shall provide an
29 electronic copy of this report to the Department of Education in conjunction with the financial audit report required by Section 59-
30 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
31 district has sixty days to comply with the reporting requirement. If the district does not report within sixty days, the department is
32 authorized to reduce the district's base student cost by one percent until such time as the requirement is met. Once in compliance,
33 any funds withheld will be returned to the district.

34 **1.54.** (SDE: Teaching Requirement for Certified School Employees) From the funds appropriated, all certified public school
35 teachers, certified special school classroom teachers, certified media specialists, certified guidance counselors, certified full-time

1 athletic directors, certified principals, certified assistant principals, and certified school district administrators that are employed by
2 a school district should, if practicable, teach at least two classes per week within the school district they are employed.

3 **1.55.** (SDE: Governor's Schools Residency Requirement) Of the funds appropriated, the Governor's School for the Arts and
4 the Humanities and the Governor's School for Science and Mathematics are to ensure that a parent(s) or guardian(s) of a student
5 attending either the Governor's School for the Arts and the Humanities or the Governor's School for Science and Mathematics
6 must prove that they are a legal resident of the state of South Carolina at the time of application and must remain so throughout
7 time of attendance. The Governor's School for the Arts and the Humanities and Governor's School for Science and Mathematics
8 may not admit students whose parent(s) or guardian(s) are not legal residents of South Carolina.

9 **1.56.** (SDE: Holocaust Funds) Funds appropriated to the Department of Education for the SC Council on Holocaust shall not
10 be used for any other purpose nor transferred to any other program. In addition, in the event the department is required to
11 implement a budget reduction, SC Council on Holocaust funds may not be reduced.

12 **1.57.** (SDE: South Carolina Public Charter School District Funding) ~~The funds appropriated in Part IA, Section XI—South~~
13 ~~Carolina Public Charter School District must be allocated in the following manner: Pupils enrolled in virtual charter schools~~
14 ~~sponsored by the South Carolina Public Charter School District shall receive \$1,700 per weighted pupil and pupils enrolled in brick~~
15 ~~and mortar charter schools sponsored by the South Carolina Public Charter School District shall receive \$3,250 per weighted pupil.~~
16 ~~Any unexpended funds, not to exceed ten percent of the prior year appropriation, must be carried forward from the prior fiscal year~~
17 ~~and expended for the same purpose.~~

18 **1.58.** (SDE: Governor's Schools Capacity) For Fiscal Year ~~2013-14~~ 2014-15, funds appropriated to the Governor's School for
19 the Arts and Humanities and the Governor's School for Science and Mathematics must be used to bring the schools up to full
20 capacity, to the extent possible. Each school must report electronically to the Chairman of the Senate Finance Committee and the
21 Chairman of the House Ways and Means Committee by December first how the funds have been utilized and how many additional
22 students have been served.

23 **1.59.** (SDE: Student Health and Fitness) Funds appropriated for Student Health and Fitness shall be allocated to school
24 districts to increase the number of physical education teachers to the extent possible and to provide licensed nurses for elementary
25 public schools. Twenty seven percent of the funds shall be allocated to the districts based on average daily membership of grades
26 K-5 from the preceding year for physical education teachers. The remaining funds will be made available through a grant program
27 for school nurses and shall be distributed to the school districts on a per school basis. Schools that provide instruction in grades K-
28 5 are eligible to apply for the school nurse grant program.

29 **1.60.** (SDE: One Year Suspension of Programs) ~~The following program will be temporarily suspended for Fiscal Year 2013-~~
30 ~~14: SAT/ACT Improvement. Funds appropriated to this program must be allocated to districts based on the number of weighted~~
31 ~~pupil units.~~

32 **1.61.** (SDE: EEDA Regional Education Centers) ~~Funds appropriated from the EEDA for Regional Education Centers must not~~
33 ~~be less than \$108,500.~~

34 **1.62.** (SDE: Impute Index Value) ~~For Fiscal Year 2013-14~~ In the current fiscal year and for the purposes of calculating the
35 index of taxpaying ability the Department of Revenue shall impute an index value for owner-occupied residential property
36 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. (SDE: Next Generation Science Standards) No funds shall be expended in the current fiscal year by the Department of Education, the Education Oversight Committee, or the State Board of Education to participate in, implement, adopt or promote the Next Generation Science Standards initiative.

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 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 Fiscal Year 2013-14~~ In 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 Fiscal Year 2013-14~~ In 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. (SDE: Alternative Fuel School Bus Pilot) ~~For the current fiscal year, the State Department of Education or any school district of the state is permitted to enter into an agreement to pilot school buses operated using alternative fuels.~~

1.72. (SDE: 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 5th, 45th, 90th and 135th days. Reporting~~

1 ~~requirements shall include both Average Daily Membership and Weighted Pupil Unit membership. The South Carolina Public~~
2 ~~Charter School District shall then provide the data for each charter school to the Department of Education. Quarterly, the~~
3 ~~department will submit the information to the House Ways and Means Committee, the House Education and Public Works~~
4 ~~Committee, the Senate Finance Committee and the Senate Education Committee.~~

5 ~~The South Carolina Public Charter School District must also require each virtual charter school to collect the following~~
6 ~~information: (1) the reason or reasons why each student enrolled in the virtual charter school district from both the parent(s) and~~
7 ~~the referring school district; and (2) the reason or reasons why a student withdrew from the virtual charter school district. This data~~
8 ~~must be provided to the Department of Education quarterly and must include the unique student identifier. The department, in turn,~~
9 ~~will provide summary information to the House Ways and Means Committee, the House Education and Public Works Committee,~~
10 ~~the Senate Finance Committee and the Senate Education Committee on the enrollment and withdrawal information.~~

11 **1.73.** (SDE: Transportation Maintenance Facilities) For the current fiscal year, a school district wishing to include school bus
12 maintenance in a contract with a private vendor may enter into an agreement with the Department of Education whereby the
13 department releases the school district to include school bus maintenance in the private vendor contract.

14 **1.74.** (SDE: First Steps) The South Carolina First Steps to School Readiness Board of Trustees shall incorporate findings of
15 the Legislative Audit Council within the scope of the First Steps next external evaluation. The report shall be submitted to the
16 General Assembly no later than November 15, 2014.

17 **1.75.** (SDE: School District Activity Bus Advertisements) School Districts may sell commercial advertising space on the
18 outside or inside of district owned activity buses. However, as defined and determined by the local school board, a school district
19 may not sell such commercial advertising if the advertisement promotes a political candidate, ideology, or cause, a product that
20 could be harmful to children, or a product that appeals to the prurient interest. Revenue generated from the sale of commercial
21 advertising space shall be retained by the school district.

22 **1.76.** (SDE: School District Property) The requirements of Section 59-19-250 of the 1976 Code, as amended, which requires
23 the consent of a governing board of a county in order for school trustees to sell or lease school property whenever they deem it
24 expedient to do so are suspended for the current fiscal year.

25 **1.77.** (SDE: Digital Instructional Materials) Utilizing the funds appropriated for digital instructional materials, the Department
26 of Education shall determine a per pupil amount using the prior year's 135 ADM. These funds shall be made available to all
27 school districts using the following procedure:

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

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

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

(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.

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. 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 five 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 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.~~

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

4 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
5 county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of
6 Education and the Office of First Steps, CDEPP providers may then enroll pay lunch children who score at or below the twenty-
7 fifth national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are
8 available.

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

14 Providers shall:

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

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

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

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

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

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

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

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

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

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

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

34 (1) develop the provider application form;

35 (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 pre-kindergarten 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;~~
- ~~(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 pre-service 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;~~
- ~~(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~~

1 ~~waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children five~~
2 ~~years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or~~
3 ~~the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.~~

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

12 ~~(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from~~
13 ~~school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services~~
14 ~~provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students~~
15 ~~attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be~~
16 ~~responsible for transportation. When transporting four year old child development students, providers shall make every effort to~~
17 ~~transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than~~
18 ~~\$185 per student shall be retained by the Department of Education for the purposes of transporting four year old students. This~~
19 ~~amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics~~
20 ~~of the Budget and Control Board for the Education Finance Act.~~

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

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

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

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

14 ~~(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the~~
15 ~~current school year, the funded cost per child shall be \$4,218 increased annually by the rate of inflation as determined by the~~
16 ~~Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling~~
17 ~~with private providers during the school year shall be funded on a pro rata basis determined by the length of their enrollment.~~
18 ~~Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child~~
19 ~~transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling~~
20 ~~between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding,~~
21 ~~with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment~~
22 ~~grants are expected to participate in the program and provide high quality, center based programs as defined herein for a minimum~~
23 ~~of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a~~
24 ~~level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is~~
25 ~~contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.~~

26 ~~(L) Pursuant to this provision, the Department of Social Services shall:~~
27 ~~(1) maintain a list of all approved public and private providers; and~~
28 ~~(2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements~~
29 ~~of this provision.~~

30 ~~(M) The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state~~
31 ~~funded programs provided through private providers.~~

32 ~~(N) Of the funds appropriated, \$300,000 shall be allocated to the Education Oversight Committee to conduct an annual~~
33 ~~evaluation of the South Carolina Child Development Education Pilot Program and to issue findings in a report to the General~~
34 ~~Assembly by January fifteenth of each year. The evaluation shall include, but is not limited to: (1) student data including the~~
35 ~~number of at risk four year old kindergarten students served in publically funded programs, by county and by program; (2)~~
36 ~~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 non-academic 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 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) ~~\$300,000~~ 20% to the Department of Education to provide bus transportation for students attending the camps; and (2) 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. The reading camps must provide an educational program offered in the summer by each local school district for students who are substantially not demonstrating reading proficiency at the end of third grade. The camp must be six to eight weeks long for four or five days each week and include at least five and one-half hours of instructional time daily. The camps must be taught by compensated, licensed teachers who have demonstrated substantial success in helping students comprehend grade-appropriate texts. Schools and districts should partner with county or school libraries, community organizations, faith-based institutions, pediatric and family practice medical personnel, businesses, and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading camps. In addition, a district may offer summer reading camps for students who are not exhibiting reading proficiency in prekindergarten through grade two and may charge fees based on a sliding scale pursuant to Section 59-19-90 of the 1976 Code, as amended.

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)~~ (4) '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)~~ (5) '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:

1 (a) offers a general education to primary or secondary school students;
2 (b) does not discriminate on the basis of race, color, or national origin;
3 (c) is located in this State;
4 (d) has an educational curriculum that includes courses set forth in the state's diploma requirements and where the
5 students attending are administered national achievement or state standardized tests, or both, at progressive grade levels to
6 determine student progress;

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

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

10 (6) 'Exceptional needs child' means a child who has been designated by the South Carolina Department of Education to
11 meet the requirements of 34 CFR Part A Section 300.8 and for whom the parents or legal guardian believe that the services
12 provided by the school district of legal residence do not sufficiently meet the needs of the child. For purposes of this proviso, this
13 definition includes a child who met this definition in the prior fiscal year but who has since been mainstreamed into a regular
14 school program offered by an eligible school.

15 (7) 'Grant' means an award paid by a nonprofit scholarship funding organization in an amount not exceeding ten
16 thousand dollars or the total cost of tuition, whichever is less, for a student with exceptional needs to attend an independent school.

17 ~~(7)~~ (8) 'Nonprofit scholarship funding organization' means a charitable organization that:

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

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

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

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

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

34 (f) does not have as a member of its governing board any person who has been convicted of a felony, or who has
35 declared bankruptcy within the last seven years.

36 ~~(8)~~ (9) 'Person' means an individual, partnership, corporation, or other similar entity.

1 ~~(9)~~ (10) 'Transportation' means transportation to and from school only.

2 (B) For the current fiscal year, there is established a tax credit for the Education of Children with Exceptional Needs. A
3 person who receives an allocation from the Department of Revenue under subsection (C) is entitled to a tax credit for ~~the amount~~
4 ~~of money the person contributes~~ contributions made to a qualifying nonprofit scholarship funding organization ~~up~~ subject to the
5 ~~limits terms and limitations~~ of this proviso ~~if and provided that~~:

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

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

10 ~~(C) Grants may be awarded by a scholarship funding organization in an amount not exceeding ten thousand dollars or the total~~
11 ~~cost of tuition, whichever is less, for students with 'exceptional needs' to attend an independent school. An 'exceptional needs'~~
12 ~~child is defined as a child who has been designated by the South Carolina Department of Education to meet the requirements of~~
13 ~~CFR Part A Section 300.8 and the child's parents or legal guardian believe that the services provided by the school district of legal~~
14 ~~residence do not sufficiently meet the needs of the child.~~

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

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

21 ~~(3) If a husband and wife file separate returns, they each may only claim one half of the tax credit that would have been~~
22 ~~allowed for a joint return for the year.~~

23 ~~(4) The person shall apply for a credit under subsection (B) on or with the tax return for the period for which the credit is~~
24 ~~claimed.~~

25 ~~(5) The Department of Revenue shall prescribe the form and manner of proof required to obtain the credit authorized by~~
26 ~~subsection (B). Also, the department shall develop a method of informing taxpayers if either of the credit limits are met at any~~
27 ~~time during the 2013 tax year.~~

28 ~~(6) A person may claim a credit under subsection (B) for contributions made on or after January 1, 2014.~~

29 (C) The tax credit for the Education of Children with Exceptional Needs shall be administered as follows:

30 (1) Beginning on July 1, the Department of Revenue shall, on a form and in a manner established by the Department,
31 accept applications for tax credit allocations. The Department shall allocate tax credits on a first-come, first-served basis, within
32 the limitations established under subsection (C)(2).

33 (2) The Department of Revenue shall allocate no more than \$8,000,000 of credits. No person shall be allocated or claim
34 more than \$800,000 of credits in the current year. The credit must be claimed in the taxable year the contribution is paid.

35 (3) A person who receives an allocation from the Department of Revenue under subsection (C)(1) must make a
36 contribution to a qualifying nonprofit scholarship funding organization within thirty days after receiving notice from the

1 Department of Revenue that the person has received an allocation under subsection (C)(1). At the time that the contribution is
2 made, the person shall clearly indicate to the nonprofit scholarship funding organization that the person has received an allocation
3 from the Department of Revenue and intends to claim the credit established by this proviso. Upon payment of the contribution,
4 both the contributor and the nonprofit scholarship funding organization must immediately notify the Department of Revenue of the
5 contributor's name and the amount and date of the contribution.

6 (4) A person who has made a contribution pursuant to subsection (C)(3) is entitled to claim a credit against income taxes
7 imposed under Chapter 6 or 13 of Title 12 or bank taxes imposed under Chapter 11 of Title 12 for up to eighty percent of the first
8 \$1,000,000 contributed. The credit taken must not exceed the amount allocated to that person by the Department of Revenue.

9 (5) A taxpayer may not claim the credit authorized by subsection (B) in an amount that exceeds sixty percent of the
10 taxpayer's total tax liability for the year.

11 ~~(E)~~ (6) A corporation or entity entitled to a credit under subsection (B) may not convey, assign, or transfer the deduction or
12 credit authorized by this section to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in the
13 same transaction.

14 (7) A credit issued pursuant to this proviso is not refundable and may not be carried forward.

15 (8) A person who, by the relevant deadline established in subsection (C)(3), does not make contributions in an amount
16 equal to or greater than the allocation received from the Department of Revenue, has forfeited the unclaimed balance of the
17 allocation. The Department may reissue any forfeited allocations. Any credits forfeited after the end of the fiscal year shall not be
18 reallocated.

19 (9) The Department of Revenue shall prescribe the form and manner of proof required to obtain the credit authorized by
20 subsection (B). A person may not claim the credit if the person claims a state charitable deduction for the same contribution.

21 (D) The Department of Education must maintain and publish a list of qualifying nonprofit scholarship funding organizations as
22 follows:

23 (1) A nonprofit scholarship funding organization that provides a report to the Department of Education by August 1 that
24 includes the following, on a form prescribed by the Department, shall be considered a qualifying nonprofit scholarship funding
25 organization for the year:

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

27 (b) For each grant issued to an eligible school in the preceding year, the identity of the school and the amount of the
28 grant;

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

31 (d) A copy of the organization's Form 990 or other comparable federal submission that indicates the provision of the
32 Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;

33 (e) A copy of a compilation, review, or audit of the organization's financial statements, conducted by a certified
34 public accounting firm, which the Department of Education shall publish on its website; and

1 (f) A certification by the organization that it meets the definition of a nonprofit scholarship funding organization as that
2 term is defined in subsection (A)(8) and that the report is true, accurate, and complete under penalty of perjury in accordance with
3 Section 16-9-10.

4 (2) A nonprofit scholarship funding organization must re-qualify annually.

5 (3) By September 1, the Department of Education must publish on its website a list of all qualifying nonprofit scholarship
6 funding organizations, to include their names, addresses, telephone numbers, and if available, website addresses.

7 (E) The Department of Education must maintain and publish a list of eligible schools as follows:

8 (1) An independent school that provides a report to the Department of Education by August 1 that includes the following,
9 on a form prescribed by the Department, shall be considered an eligible school for the year:

10 (a) The number and total amount of grants received from nonprofit scholarship funding organizations in the
11 preceding year;

12 (b) The average test scores for the school's students on national achievement and state standardized tests, reported
13 by category for all grades tested for the most recent year for which such data are available;

14 (c) A copy of a compilation, review, or audit of the organization's financial statements, conducted by a certified
15 public accounting firm, which the Department of Education shall publish on its website; and

16 (d) A certification by the organization that it meets the definition of an eligible school as that term is defined in
17 subsection (A)(5) and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16-9-10.

18 (2) An independent school must renew its eligibility annually.

19 (3) By September 1, the Department of Education must publish on its website a list of all eligible schools, to include their
20 names, addresses, telephone numbers, and if available, websites. Score reports received by the Department pursuant to subsection
21 (E)(1)(b) must also be published at the same website. The Department may summarize or redact the score reports if necessary to
22 prevent the disclosure of personally identifiable information.

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

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

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

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

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

8 ~~(4) (H)~~ ~~The Education Oversight Committee, after consultation with its nine member advisory committee, may exempt an~~
9 ~~independent school having students with exceptional needs who receive scholarship grants pursuant to this proviso from the~~
10 ~~curriculum requirements of subsection (A)(6)(d). The Department of Education may promulgate regulations regarding the criteria~~
11 ~~an independent school must meet to be deemed an eligible school pursuant to subsection (A)(5). Any similar regulations~~
12 ~~previously adopted by the Education Oversight Committee are continued and shall be considered to have been promulgated by the~~
13 ~~Department of Education. The Department of Education may also issue exemptions from the curriculum requirements of~~
14 ~~subsection (A)(5)(d) to eligible schools that receive grants pursuant to this proviso.~~

15 ~~(H) (1) Every nonprofit scholarship funding organization providing grants under subsection (C), shall cause an outside~~
16 ~~auditing firm to conduct a comprehensive financial audit of its operations in conformity with generally accepted accounting~~
17 ~~principles and shall furnish the same within thirty days of its completion and acceptance to the Secretary of State and Department~~
18 ~~of Revenue which must be made available by them on their website for public review.~~

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

23 ~~(I) Within thirty days of the conclusion of the fiscal year, the Department of Revenue shall report to the Governor and the~~
24 ~~Chairmen of the House Ways and Means Committee, House Education and Public Works Committee, Senate Finance Committee,~~
25 ~~and Senate Education Committee on the number and amounts of credits issued pursuant to this proviso.~~

26 **1.81.** (SDE: Interscholastic Athletic Association Dues) A public school district supported by state funds shall not use any
27 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
28 support any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of the association, body, or
29 entity contain the following:

30 (1) a range of sanctions that may be applied to a student, coach, team, or program and that takes into account factors such as
31 the seriousness, frequency, and other relevant factors when there is a violation of the constitution, bylaws, rules, or other governing
32 provisions of the association, body, or entity;

33 (2) (a) guarantees that private or charter schools are afforded the same rights and privileges that are enjoyed by all other
34 members of the association, body, or entity. A private or charter school may not be expelled from or have its membership
35 unreasonably withheld by the association, body, or entity or restricted in its ability to participate in interscholastic athletics
36 including, but not limited to, state playoffs or championships based solely on its status as a private school or charter school. The

1 association, body, or entity shall set reasonable standards for private or charter school admission. A private or charter school
2 denied membership must be provided, in writing within five business days, the reason or reasons for rejection of its application for
3 membership;

4 (b) guarantees that a South Carolina home school athletic team that is a member of a home school athletic association
5 may not be denied access to preseason and regular season interscholastic athletics including, but not limited to, jamborees and
6 invitational tournaments, based solely on its status as a home school athletic team; other rules or policies of the association, body,
7 or entity would apply;

8 (3) (a) an appeals process in which appeals of the association, body, or entity are made to a disinterested third-body
9 appellate panel which consists of seven members who serve four year terms, with one person appointed by the delegation of each
10 congressional district;

11 (b) a member of the panel serves until his successor is appointed and qualifies. A vacancy on the panel is filled in the
12 manner of the original appointment;

13 (c) members of the appellate panel do not concurrently serve as officers of the association, body, or entity and may not
14 have served as a member of the executive committee within the last three years. Principals and superintendents are able to appeal a
15 ruling of the association, body, or entity to the panel. The appellate panel also must provide the final ruling in any appeal brought
16 against a decision of the association, body, or entity;

17 (4) a procedure in place for emergency appeals to be held and decided upon in an expedited manner if the normal appellate
18 process would prohibit the participation of a student, team, program, or school in an athletic event, to include practices;

19 (5) provisions, implemented within one year after the effective date of this section, that require the composition of the
20 executive committee of the association, body, or entity be geographically representative of this State.

21 In the event an association, body, or entity fails to include one of the items listed in this proviso, public school districts and
22 schools must end their affiliation with the association, body, or entity prior to the beginning of the upcoming school year and are
23 prohibited from paying dues or fees to the association, body, or entity.

24 **1.82.** (SDE: CDEPP Expansion) ~~If by October first, First Steps or the Department of Education determine they will not~~
25 ~~expend the full amount of the CDEPP expansion funds allocated to each they are permitted to transfer any unspent funds to the~~
26 ~~other, provided that they will be used for expansion. First Steps and the Department of Education must report to the Chairman of~~
27 ~~the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than February 1st how many~~
28 ~~additional 4K programs have opened and how many additional students have been served.~~ A public school district receiving funds
29 pursuant to the provisions of the Fiscal Year 2013-14 CDEPP expansion cannot build or add additional space, to include the
30 addition of mobile units and also to include displacing currently enrolled students out of their current classrooms or schools, to
31 accommodate students in a new 4-K program.

32 **1.83.** (SDE: Reading Coaches) (A) Funds appropriated for Reading Coaches must be allocated to school districts by the
33 Department of Education as follows:

34 1) for each elementary school in which twenty percent or more of the students scored Not Met on the reading and research
35 test in the most recent year for which such data are available, the school district shall be eligible to receive the lesser of either
36 \$62,730 or the actual cost of salary and benefits for a full-time reading coach; and

1 2) for each elementary school in which fewer than twenty percent of the students scored Not Met on the reading and
2 research test during the same period, the school district shall be eligible to receive the lesser of either \$31,365 or fifty percent of
3 the actual cost of salary and benefits for a full-time reading coach. A school district must provide a 1:1 local match for each state
4 dollar provided under this paragraph.

5 (B) By accepting these funds, a school district warrants that they will not be used to supplant existing school district
6 expenditures.

7 (C) Funds appropriated for Reading Coaches are intended to be used to provide elementary schools with reading coaches, who
8 shall serve as job-embedded, stable resources for professional development throughout schools in order to generate improvement
9 in reading and literacy instruction and student achievement. Reading coaches will support and provide initial and ongoing
10 professional development to teachers in each of the major reading components, as needed, based on an analysis of student
11 performance data. Reading coaches may also provide similar services relating to the administration and analysis of instructional
12 assessments and the provision of differentiated instruction and intensive intervention. Specific services offered by a dedicated
13 reading coach may include but are not limited to:

14 1) modeling effective instructional strategies for teachers;

15 2) facilitating study groups;

16 3) training teachers in data analysis and using data to differentiate instruction;

17 4) coaching and mentoring colleagues;

18 5) providing daily support to classroom teachers;

19 6) working with teachers to ensure that research-based reading programs are implemented with fidelity;

20 7) helping to increase instructional density to meet the needs of all students;

21 8) helping lead and support reading leadership teams at his or her school;

22 9) continuing to increase his or her knowledge base in best practices in reading instruction, intervention, and instructional
23 reading strategies;

24 10) working with all teachers (including content area, and elective areas) in the school he or she serves, prioritizing time
25 for those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring
26 in classrooms; and

27 11) working frequently with students in whole and small group instruction in the context of modeling and coaching in other
28 teachers' classrooms.

29 A reading coach must not:

30 1) be assigned a regular classroom teaching assignment;

31 2) perform administrative functions that will confuse their role for teachers; or

32 3) devote a significant portion of his or her time to administering or coordinating assessments.

33 (D) No later than August 1, 2014, the Department of Education must publish guidelines that define the minimum qualifications
34 for a reading coach for Fiscal Year 2014-15. These guidelines must deem any licensed teacher qualified if he or she:

35 1) holds a bachelor's degree and an add-on endorsement for literacy, or

36 2) holds a master's degree in reading or a closely-related field.

Within these guidelines, the Department of Education must also establish a process for Fiscal Year 2014-15 through which an elementary school may be permitted to use the allocation 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 match 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 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 for teachers.

(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; and

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

(H) Funds appropriated for Reading Coaches shall be retained and carried forward to be used for the same purpose.

SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA

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. (SDE-EIA: XII.A.1 Services for Students with Disabilities) ~~The money appropriated in Part IA, Section 1, XII.A.1. for Services for Students with Disabilities shall be used only for educational services for pupils with moderate to severe intellectual disabilities.~~

1A.3. (SDE-EIA: XII.B - Half Day Program for Four-Year-Olds) ~~Funds~~ Of the funds appropriated in Part IA, Section 1, XII.B. for half-day programs for four-year-olds, up to \$3,000,000 must allocated for the administration in the current fiscal year of a formative readiness assessment or assessments that will analyze the literacy, mathematics, and physical, social and emotional behavioral competencies of children in prekindergarten and 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. The remainder of the funds

1 shall be distributed based on the prior year number of students in kindergarten eligible for free and reduce price lunch to school
2 districts that are not participating or not eligible to participate in the Child Development Education Pilot Program.

3 **1A.4.** (SDE-EIA: XII.A.3. African-American History) Funds provided for the development of the African-American History
4 curricula may be carried forward into the current fiscal year ~~to be expended for the same purpose.~~ For Fiscal Year 2014-15, not
5 less than 70 percent of the funds carried forward must be expended for the development of additional instructional materials by
6 nonprofit organizations selected through a competitive bid process by the Department of Education. Priority must be given to
7 organizations that have already produced materials that are currently being used by schools and to outreach programs that reflect
8 African-American culture and history and that support literacy efforts.

9 **1A.5.** (SDE-EIA: XII.C.2-Teacher Evaluations, XII.F.2- Implementation/Education Oversight) The Department of Education
10 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
11 Department of Juvenile Justice under the ADEPT model.

12 **1A.6.** (SDE-EIA: XII.F.2-Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has
13 instructional personnel shall receive an allocation from the line item "Alloc. EIA - Teacher/Other Pay" in Part IA, Section 1,
14 XII.F.2. for teachers salaries based on the following formula: Each state agency shall receive such funds as are necessary to adjust
15 the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the
16 agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a public
17 school district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational
18 testing psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers located at
19 Clemson University are to be included in this allocation of funds for base salary increases. The South Carolina Governor's School
20 for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to increase the
21 salaries of instructional personnel by an amount equal to the percentage increase given by the School District in which they are
22 both located.

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

25 **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
26 Learning Program, \$75,000 shall be used by the State Department of Education to provide for regional professional development in
27 contextual methodology techniques and integration of curriculum, and professional development in career guidance for teachers
28 and guidance counselors and training mentors. Pilot-site delivery of contextual methodology training in mathematics will be
29 supported by technology and hands-on lab activities. In addition, \$500,000 shall be allocated for Regional Career Specialists.
30 Each Regional Career Specialist shall (1) be housed within the regional centers/WIA geographic areas, (2) provide career
31 development activities throughout all schools within the region, (3) be under the program supervision of the Office of Career and
32 Technology Education, State Department of Education, and (4) adhere to an accountability and evaluation plan created by the
33 Office of Career and Technology Education, State Department of Education. The Office of Career and Technology Education,
34 State Department of Education, shall provide a report, in February of the current fiscal year to the Senate Finance Committee and
35 the House Ways and Means Committee on accomplishments of the Career Counseling Specialists. Of the funds appropriated in the
36 prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

1 **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
2 Recruitment Program, the South Carolina Commission on Higher Education shall distribute a total of ninety-two percent to the
3 Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program,
4 of which at least seventy-eight percent must be used for the Teaching Fellows Program specifically to provide scholarships for
5 future teachers, and of which twenty-two percent must be used for other aspects of the state teacher recruitment program, including
6 the Teacher Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers: and shall
7 distribute eight percent to South Carolina State University to be used only for the operation of a minority teacher recruitment
8 program and therefore shall not be used for the operation of their established general education programs. Working with districts
9 with an absolute rating of At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to
10 schools in these districts. CERRA will report annually by October first to the Education Oversight Committee and the Department
11 of Education on the success of the recruitment and retention efforts in these schools. The South Carolina Commission on Higher
12 Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued
13 coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and
14 budget approval. The South Carolina State University program, in consultation with the Commission on Higher Education, shall
15 extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the
16 effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations
17 to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October
18 1 annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

19 With the funds appropriated CERRA shall also ~~establish~~, appoint, and maintain the South Carolina Teacher Loan Advisory
20 Committee. The Committee shall be composed of one member representing each of the following: (1) Commission on Higher
21 Education; (2) State Board of Education; (3) Education Oversight Committee; (4) Center for Educator Recruitment, Retention, and
22 Advancement; (5) South Carolina Student Loan Corporation; (6) South Carolina Association of Student Financial Aid
23 Administrators; (7) a local school district human resources officer; (8) a public higher education institution with an approved
24 teacher education program; and (9) a private higher education institution with an approved teacher education program. The
25 members of the committee representing the public and private higher education institutions shall rotate among those institutions and
26 shall serve a two-year term on the committee. ~~Initial appointments must be made by July 1, 2013, at which time the member~~
27 ~~representing CERRA shall call the first meeting. At the initial meeting, a chairperson and vice chairperson must be elected by a~~
28 ~~majority vote of the committee.~~ The committee must be staffed by CERRA, and shall meet at least twice annually. The
29 committee's responsibilities are limited to: (1) establishing goals for the Teacher Loan Program; (2) facilitating communication
30 among the cooperating agencies; (3) advocating for program participants; and (4) recommending policies and procedures necessary
31 to promote and maintain the program.

32 **1A.9.** (SDE-EIA: XII.F.2-Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50,
33 S.C. Code of Laws, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1, XII.F.2. Other State
34 Agencies and Entities shall be disbursed on a quarterly basis by the Department of Revenue directly to the state agencies and
35 entities referenced except for the Teacher Loan Program, Centers of Excellence, the Education Oversight Committee and School
36 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.

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 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 non-retention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November twenty-fifth and December sixth that receipts must be submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement.

1 Any classroom teacher, including a classroom teacher at a South Carolina private school, that is not eligible for the
2 reimbursement allowed by this provision, may claim a refundable income tax credit on the teacher's ~~2013~~ 2014 tax return,
3 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
4 two hundred seventy-five dollars, or the amount the teacher expends on teacher supplies and materials, whichever is less. If any
5 expenditures eligible for a credit are made after December thirty-first, the teacher may include the expenditures on his initial return
6 or may file an amended 2013 return claiming the credit, so long as the return or amended return is filed in this fiscal year. The
7 Department of Revenue may require whatever proof it deems necessary to implement the credit provided by this part of this
8 provision.

9 **1A.12.** (SDE-EIA: XI.C.2-Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each
10 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
11 \$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
12 participate in the State Teacher of the Year Program sponsored by the State Department of Education. These awards shall not be
13 subject to South Carolina income taxes.

14 **1A.13.** (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference
15 registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided
16 by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities.
17 Any unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same
18 purposes.

19 **1A.14.** (SDE-EIA: Technical Assistance) In order to best meet the needs of underperforming schools, funds appropriated for
20 technical assistance to schools with an absolute rating of below average or at-risk on the most recent annual school report card
21 must be allocated according to the severity of not meeting report card criteria.

22 Schools receiving an absolute rating of below average or at-risk must develop and submit to the Department of Education a
23 school renewal plan outlining goals for improvements. Of the technical assistance funds allocated to below average or at-risk
24 schools each allocation must address specific strategies designed to increase student achievement and must include measures to
25 evaluate success. The school renewal plan may include expenditures for recruitment incentives for faculty and staff, performance
26 incentives for faculty and staff, assistance with curriculum and test score analysis, professional development activities based on
27 curriculum and test score analysis that may include daily stipends if delivered on days outside of required contract days. School
28 expenditures of technical assistance shall be monitored by the Department of Education.

29 With the funds appropriated to the Department of Education for technical assistance services, the department will assist schools
30 with an absolute rating of below average or at-risk in designing and implementing technical assistance school renewal plans and in
31 brokering for technical assistance personnel as needed and as stipulated in the plan. In addition, the department must monitor
32 student academic achievement and the expenditure of technical assistance funds in schools receiving these funds and report their
33 findings to the General Assembly and the Education Oversight Committee by January first of each fiscal year as the General
34 Assembly may direct. If the Education Oversight Committee or the department requests information from schools or school
35 districts regarding the expenditure of technical assistance funds pursuant to evaluations, the school or school district must provide
36 the evaluation information necessary to determine effective use. If the school or school district does not provide the evaluation

1 information necessary to determine effective use, the principal of the school or the district superintendent may be subject to
2 receiving a public reprimand by the State Board of Education if it is determined that those individuals are responsible for the
3 failure to provide the required information.

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

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

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

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

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

1 Schools must use technical assistance funds only to supplement, and to the extent practical, increase the level of funds available
2 from other revenue sources.

3 **1A.15.** (SDE-EIA: Proviso Allocations) In the event an official EIA revenue shortfall is declared by the Board of Economic
4 Advisors, the Department of Education may reduce any allocation in Section 1A specifically designated by proviso in accordance
5 with the lower Board of Economic Advisors revenue estimate as directed by the Office of State Budget. No allocation for teacher
6 salaries shall be reduced as a result of this proviso.

7 **1A.16.** (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may
8 transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery
9 Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment
10 assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds
11 allocated specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level
12 maintenance of effort requirement for federal program, required for debt service or bonded indebtedness. All school districts and
13 special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function
14 and service area level, except for four-year old programs and programs serving students with exceptional needs.

15 In order for a school district to take advantage of the flexibility provisions, at least seventy-five percent of the school district's
16 per pupil expenditures must be utilized within the InSite categories of instruction, instructional support, and non-instruction pupil
17 services. No portion of the seventy-five percent may be used for business services, debt service, capital outlay, program
18 management, and leadership services, as defined by InSite. The school district shall report to the Department of Education the
19 actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil
20 services for the current school year ending June thirtieth. Salaries of on-site principals must be included in the calculation of the
21 district's per pupil expenditures.

22 "InSite" means the financial analysis model for education programs utilized by the Department of Education.

23 School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low
24 enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and
25 memberships, reducing transportation costs for extracurricular and academic competitions, restructuring administrative staffing,
26 and expanding virtual instruction.

27 School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

28 Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil
29 allocation due to them for each categorical program.

30 Quarterly throughout the current fiscal year, the chairman of each school district's board and the superintendent of each school
31 district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions
32 taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State
33 Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of
34 the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House
35 Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school
36 board meeting, and the certification must be conspicuously posted on the internet website maintained by the school district.

1 For the current fiscal year, Section 59-21-1030 is suspended. Formative assessments for grades one, two, and nine, the foreign
2 language program assessment, and the physical education assessment must be suspended. School districts and the Department of
3 Education are granted permission to purchase the most economical type of bus fuel.

4 For the current fiscal year, savings generated from the suspension of the assessments enumerated above must be allocated to
5 school districts based on weighted pupil units.

6 School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred
7 dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and
8 made available for public viewing and downloading. The register must include for each expenditure:

9 (i) the transaction amount;

10 (ii) the name of the payee; and

11 (iii) a statement providing a detailed description of the expenditure.

12 The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must
13 not include any information that can be used to identify an individual employee. The register must be accompanied by a complete
14 explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at
15 least once a month.

16 Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards
17 maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each
18 statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the
19 thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

20 The Comptroller General must establish and maintain a website to contain the information required by this section from a school
21 district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate
22 between the school districts and search for the information they are seeking.

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

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

27 **1A.17.** (SDE-EIA: Teacher Salary Supplement) The department is directed to carry forward prior year unobligated teacher
28 salary supplement and related employer contribution funds into the current fiscal year to be used for the same purpose.

29 **1A.18.** (SDE-EIA: Dropout Prevention and High Schools That Work Programs) The Department of Education must report
30 annually by December first, to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways
31 and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public
32 Works Committee on the effectiveness of dropout prevention programs funded by the Education and Economic Development Act
33 ~~and on the High Schools that Work Programs' progress and effectiveness~~ in providing a better prepared workforce and student
34 success in post-secondary education. The department, school districts, and special schools may carry forward unexpended funds
35 from the prior fiscal year into the current fiscal that were allocated for High Schools That Work.

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

4 **1A.20.** (SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined
5 by the Department of Education's InSite classification for "Instruction" must be printed on the Annual School and District Report
6 Card.

7 **1A.21.** (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, XII.A.3 for instructional materials
8 for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the
9 development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum
10 instructional materials. Furthermore, the evaluation criteria used to select instructional materials with funds appropriated in Part
11 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
12 skills and critical thinking.

13 **1A.22.** (SDE-EIA: XII-E.2.- Certified Staff Technology Proficiency) To ensure the effective and efficient use of the funding
14 provided by the General Assembly in Part IA, Section 1 XII.E.2 for school technology in the classroom and internet access, the
15 State Department of Education shall approve district technology plans that specifically address and incorporate certified staff
16 technology competency standards and local school districts must require certified staff to demonstrate proficiency in these
17 standards as part of each certified staff's Professional Development plan. The Department of Education's professional
18 development tracking, prescriptive and electronic portfolio system for certified staff is the preferred method for demonstrating
19 technology proficiency as this system is aligned to the International Society for Technology in Education (ISTE) teacher standards.
20 Evidence that districts are meeting the requirement is a prerequisite to expenditure of a district's technology funds.

21 **1A.23.** (SDE-EIA: Accountability Program Implementation) To support implementation of the accountability program, the
22 Education Oversight Committee may carry forward unexpended Education Accountability Act funds authorized specifically for the
23 administration of the Education Oversight Committee.

24 **1A.24.** (SDE-EIA: 4K Targeting) EIA funds allocated for the provision of four-year-old kindergarten shall be utilized for the
25 provision of services to age-eligible children qualifying for free or reduced-price lunch or Medicaid. Children with developmental
26 delays documented through state approved screening assessments or children with medically documented disabilities who do not
27 already qualify for special need services should also be considered for enrollment. In the event that more students seek to enroll
28 than available space permits, districts shall prioritize students (at the time of acceptance) on the basis of family income expressed
29 as a percentage of the federal poverty guidelines, with the lowest family incomes given the highest enrollment priority.

30 **1A.25.** (SDE-EIA: Reading) Of the funds appropriated for reading/literacy, the Department of Education, schools, and districts
31 shall ensure that resources are utilized to improve student achievement in reading/literacy. To focus on the importance of early
32 reading and writing skills and to ensure that all students acquire reading/literacy skills by the end of grade three, fifty percent of the
33 appropriation shall be directed toward acquisition of reading proficiency to include, but not be limited to, strategies in phonemic
34 awareness, phonics, fluency, vocabulary, and comprehension. Forty percent of the appropriation shall be directed toward
35 classroom instruction and intervention to focus on struggling readers and writers in grades four through eight. Ten percent of the

1 appropriation should be directed toward acceleration to provide additional opportunities for deepening and refinement of literacy
2 skills.

3 Fifty percent of the funds shall be allocated to school districts based on the number of weighted pupil units in each school
4 district in proportion to the statewide weighted pupil units using the one hundred thirty-five day count of the prior school year.
5 Fifty percent of the funds shall be allocated to the Department of Education to provide districts with research-based strategies and
6 professional development and to work directly with schools and districts to assist with implementation of research-based strategies.
7 When providing professional development the department and school districts must use the most cost effective method and when
8 able utilize ETV to provide such services throughout the state. The department shall provide for an evaluation to review first year
9 implementation activities and to establish measurements for monitoring impact on student achievement.

10 **1A.26.** (SDE-EIA: Artistically and Academically High-Achieving Students) ~~EIA funds appropriated for high achieving students~~
11 ~~must be allocated to districts based on three factors: (1) the number of students served in academic gifted and talented programs~~
12 ~~based on the prior year's one hundred thirty five day count of average daily membership adjusted for the current year's forty five~~
13 ~~day count and the number of students identified as artistically gifted and talented; (2) the number of students taking Advanced~~
14 ~~Placement or International Baccalaureate (IB) exams in the prior year; and (3) a per pupil allocation for charter schools serving~~
15 ~~state identified artistically and academically high achieving students in core academic classes with an accelerated curriculum that~~
16 ~~has been verified by the Department of Education to meet the requirements of State Board of Education Regulation 43-220 and if~~
17 ~~they are serving state identified artistically and academically high achieving students in core academic courses which are included~~
18 ~~on the prior year's Commission on Higher Education's list of transferable courses. The Department of Education shall report to the~~
19 ~~Senate Education Committee and the House Education and Public Works Committee regarding the allocation and distribution of~~
20 ~~the funds by June first. At least eighty five percent of the funds appropriated for each student classified herein must be spent for~~
21 ~~instruction and instructional support for students who generated the funds. Up to \$500,000 of the funds may be retained by the~~
22 ~~Department of Education for teacher endorsement and certification activities. Districts shall set aside twelve percent of the funds~~
23 ~~for serving artistically gifted and talented students in grades three through twelve.~~

24 ~~The board of trustees of a school district electing to charge a fee to the parent or legal guardian of a student taking the Advanced~~
25 ~~Placement or International Baccalaureate exam is required to develop a policy for such a fee which accounts for the student's~~
26 ~~ability to pay and at an amount not to exceed the actual test cost. A test fee may not be charged to students eligible for free lunch~~
27 ~~and must be pro rata for students eligible for reduced price lunch if the parent or legal guardian requests.~~

28 **1A.27.** (SDE-EIA: Students at Risk of School Failure) For the current fiscal year, EIA funds appropriated for students at
29 academic risk of school failure, which include funds for Act 135 Academic Assistance, summer school, reduce class size,
30 alternative schools, parent support and family literacy, must be allocated to school districts based two factors: (1) the poverty index
31 of the district as documented on the most recent district report card, which measures student eligibility for the free or reduced price
32 lunch program and Medicaid; and (2) the number of students not in poverty or eligible for Medicaid but who fail to meet state
33 standards on state standards-based assessments in either reading or mathematics. At least eighty-five percent of the funds allocated
34 for students classified as at academic risk must be spent on instruction and instructional support for these students who generated
35 the funds. Instructional support may include family literacy and parenting programs to students at-risk for school failure and their
36 families. Students at academic risk are defined as students who are at risk of not graduating from high school because they failed

1 either the English language arts or mathematics portion of the High School Assessment Program on first attempt and who score not
2 met on grades three through eight in reading and mathematics state assessments. Public charter schools, the Palmetto Unified
3 School District, and the Department of Juvenile Justice must also receive a proportionate per pupil allocation based on the number
4 of students at academic risk of school failure served.

5 **1A.28.** (SDE-EIA: Professional Development) EIA funds appropriated for professional development must be allocated to
6 districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units
7 using the one hundred thirty-five day count of the prior school year. The funds must be expended on professional development for
8 certificated instructional and instructional leadership personnel in grades kindergarten through twelve across all content areas,
9 including teaching in and through the arts. No more than twenty-five percent of the funds appropriated for professional
10 development may be retained by the Department of Education for the administration and provision of professional development
11 services. The Department of Education must provide professional development on assessing student mastery of the content
12 standards through classroom, formative and end-of-year assessments. The Department of Education also must post on the agency's
13 website the South Carolina Professional Development Standards and provide training through telecommunication methods to
14 school leadership on the professional development standards.

15 **1A.29.** (SDE-EIA: Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Of the funds
16 appropriated and/or authorized for assessment, up to \$4,600,000 shall be used for assessments to determine eligibility of students
17 for gifted and talented programs and for the cost of Advanced Placement and International Baccalaureate exams. The board of
18 trustees of a school district electing to charge a fee to the parent or legal guardian of a student taking the Advanced Placement or
19 International Baccalaureate exam is required to develop a policy for such a fee which accounts for the student's ability to pay and
20 at an amount not to exceed the actual test cost. A test fee may not be charged to students eligible for free lunch and must be pro
21 rata for students eligible for reduced price lunch if the parent or legal guardian requests.

22 **1A.30.** (SDE-EIA: Adult Education) A minimum of thirty percent of the funds appropriated for adult education must be
23 allocated to school districts to serve adult education students between the ages of seventeen and twenty-one who are enrolled in
24 programs leading to a state high school diploma, state high school equivalency diploma (GED), or career readiness certificate
25 (WorkKeys). The remaining funds will be allocated to districts based on a formula which includes target populations without a
26 high school credential, program enrollment the previous school year, total hours of attendance the previous school year, and
27 performance factors such as number of high school credentials and career readiness certificates awarded the previous school year.
28 Overall levels of state funding must meet the federal requirement of state maintenance of effort. Each school district must collect
29 information from both the student and the school including why the student has enrolled in Adult Education and whether or not the
30 student is pursuing a GED or Diploma. The school district must then provide a quarterly report to the Department of Education
31 and must include the unique student identifier. The department, in turn, will provide summary information to the House Ways and
32 Means Committee, the House Education and Public Works Committee, the Senate Finance Committee and the Senate Education
33 Committee on the information.

34 **1A.31.** (SDE-EIA: Clemson Agriculture Education Teachers) The funds appropriated in Part IA, Section XII.F.2 for Clemson
35 Agriculture Education Teachers must be transferred to Clemson University PSA to fund summer employment of agriculture

1 teachers and to cover state-mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer
2 employment.

3 **1A.32.** (SDE-EIA: Incentive for National Board Certification After June 30, 2010) Public school classroom teachers to include
4 teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at
5 the special schools who are certified by the State Board of Education and who complete the application process on or after July 1,
6 2010 shall be paid a \$5,000 salary supplement in the year of achieving certification. The special schools include the Governor's
7 School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe
8 School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The
9 \$5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed ten years of the national certificate.
10 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
11 with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South
12 Carolina) shall administer whereby teachers who are United States citizens or permanent resident aliens apply to the National
13 Board for Professional Teaching Standards for certification on or after July 1, 2010. ~~Should the program not be suspended, up to~~
14 ~~nine hundred applications shall be processed annually.~~ Of the funds appropriated in Part IA, Section 1, XII.C.2. for National Board
15 Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement
16 (CERRA-South Carolina) the funds necessary for the administration of teachers applying to the National Board for Professional
17 Teaching Standards for certification.

18 New applications for the salary supplement prescribed in this proviso are suspended for Fiscal Year 2014-15. The Department
19 of Education shall submit a report on the long-term costs of the program to the Senate Finance Committee and the House Ways
20 and Means Committee by November 1, 2014. This proviso does not prohibit school districts from offering a local salary
21 supplement for National Board certified teachers nor does it prohibit a teacher or teacher specialist from seeking National Board
22 certification.

23 **1A.33.** (SDE-EIA: Child Development Education Pilot Program) There is created the South Carolina Child Development
24 Education Pilot Program (CDEPP). This program shall be available for the current school year on a voluntary basis and shall focus
25 on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting
26 education.

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

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

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

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

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

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

7 The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must
8 be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and
9 documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of one
10 hundred eighty-five percent or less of the federal poverty guidelines as promulgated annually by the United States Department of
11 Health and Human Services or a statement of Medicaid eligibility.

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

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

19 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
20 county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of
21 Education and the Office of First Steps, CDEPP providers may then enroll pay-lunch children who score at or below the twenty-
22 fifth national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are
23 available.

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

29 Providers shall:

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

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

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

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

- 1 (5) comply with all program, reporting, and assessment criteria required of providers;
- 2 (6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment
- 3 data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;
- 4 (7) designate whether extended day services will be offered to the parents/guardians of children participating in the
- 5 program;
- 6 (8) be approved, registered, or licensed by the Department of Social Services; and
- 7 (9) comply with all state and federal laws and requirements specific to program providers.

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

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

- 13 (1) develop the provider application form;
- 14 (2) develop the child enrollment application form;
- 15 (3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina
- 16 Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;
- 17 (4) develop a list of approve pre-kindergarten readiness assessments to be used in conjunction with the program, provide
- 18 assessments and technical assistance to support assessment administration in approved classrooms serving children;
- 19 (5) establish criteria for awarding new classroom equipping grants;
- 20 (6) establish criteria for the parenting education program providers must offer;
- 21 (7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;
- 22 (8) develop a list of data collection needs to be used in implementation and evaluation of the program;
- 23 (9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;
- 24 (10) establish criteria for granting student retention waivers; and
- 25 (11) establish criteria for granting classroom size requirements waivers.

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

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

- 32 (1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of
- 33 this requirement from the Department of Education or the Office of First Steps to School Readiness;
- 34 (2) employ an education assistant with pre-service or in-service training in early childhood education;
- 35 (3) maintain classrooms with at least ten four-year-old children, but no more than twenty four-year-old children with an
- 36 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.

1 Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public
2 providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;

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

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

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

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

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

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

26 (H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from
27 school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services
28 provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students
29 attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be
30 responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to
31 transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than
32 \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This
33 amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics
34 of the Budget and Control Board for the Education Finance Act.

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

- 1 (1) serve as the fiscal agent;
- 2 (2) verify student enrollment eligibility;
- 3 (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to
- 4 the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide
- 5 services to any children;
- 6 (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- 7 (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- 8 (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on
- 9 approved criteria;
- 10 (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting
- 11 four-year-old kindergarten programs;
- 12 (8) maintain a database of the children enrolled in the program; and
- 13 (9) promulgate guidelines as necessary for the implementation of the pilot program.
- 14 (J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:
- 15 (1) serve as the fiscal agent;
- 16 (2) verify student enrollment eligibility;
- 17 (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to
- 18 the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide
- 19 services to any children;
- 20 (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- 21 (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- 22 (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on
- 23 approved criteria;
- 24 (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting
- 25 four-year-old kindergarten programs;
- 26 (8) maintain a database of the children enrolled in the program; and
- 27 (9) promulgate guidelines as necessary for the implementation of the pilot program.
- 28 (K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the
- 29 current school year, the funded cost per child shall be \$4,218 increased annually by the rate of inflation as determined by the
- 30 Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling
- 31 with private providers during the school year shall be funded on a pro rata basis determined by the length of their enrollment.
- 32 Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child
- 33 transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling
- 34 between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding,
- 35 with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment
- 36 grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum

1 of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a
2 level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is
3 contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.

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

5 (1) maintain a list of all approved public and private providers; and

6 (2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements
7 of this provision.

8 (M) The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state
9 funded programs provided through private providers.

10 (N) Of the funds appropriated, \$300,000 shall be allocated to the Education Oversight Committee to conduct an annual
11 evaluation of the South Carolina Child Development Education Pilot Program and to issue findings in a report to the General
12 Assembly by January 15 of each year. The evaluation shall include, but is not limited to: (1) student data including the number of
13 at-risk four-year-old kindergarten students served in publically funded programs, by county and by program; (2) program
14 effectiveness including developmentally appropriate assessments of children to measure emerging literacy and numeracy; (3)
15 individual classroom assessments to determine program quality; (4) longitudinal analysis of academic and non-academic measures
16 of success for children who participated in the program; and (5) an evaluation of the professional development, monitoring and
17 assistance offered to public and private providers.

18 To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private
19 providers are required to submit the necessary data as a condition of continued participation in and funding of the program. This
20 data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall
21 issue a unique student identifier for each child receiving services from a private provider. The Department of Education shall be
22 responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-old kindergarten
23 programs. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the
24 state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other
25 collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of
26 student success in the early elementary grades.

27 **1A.34.** (SDE-EIA: Aid to Districts) Funds appropriated in Part IA, Section 1, XII.A.1 Aid to Districts shall be dispersed to
28 school districts based on the number of weighted pupil units.

29 **1A.35.** (SDE-EIA: Carry Forward) EIA carry forward from the prior fiscal year and Fiscal Year ~~2013-14~~ 2014-15 and not
30 otherwise appropriated or authorized must be carried forward and expended ~~first to provide Clemson University with \$1,000,000~~
31 ~~no later than July fifteenth to fund a summer reading pilot program for low income elementary school students. Clemson~~
32 ~~University will work in conjunction with the Education Oversight Committee to determine the outcomes of the program. Clemson~~
33 ~~University is authorized to retain no more than fifteen percent of the funds to complete the study. Funds also must be expended to~~
34 ~~provide \$200,000 to each school that was designated by the department as a Palmetto Priority School in the prior year but did not~~
35 ~~receive an allocation of EIA technical assistance funds in the prior fiscal year to improve teacher recruitment and retention, to~~
36 ~~reduce the district's dropout rate, to improve student achievement in reading/literacy, or to train teachers in how to teach children~~

1 of poverty as stipulated in the school's renewal plan. If funds are not sufficient to provide \$200,000 to each qualifying school, the
2 \$200,000 shall be reduced on a pro rata basis. Any balance remaining must be expended for school bus fuel operations costs,
3 National Board Supplements, and Instructional Materials.

4 **1A.36.** (SDE-EIA: Centers of Excellence) Of the funds appropriated for Centers of Excellence, \$350,000 must be allocated to
5 the Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand statewide training for
6 individuals who teach children of poverty through weekend college, non-traditional or alternative learning opportunities. ~~The~~
7 ~~center also is charged with developing a sequence of knowledge and skills and program of study for add on certification for~~
8 ~~teachers specializing in teaching children of poverty.~~ Furthermore, with increased funds provided, the Commission on Higher
9 Education will fund a new center in Fiscal Year 2014-15 that will provide professional development to teachers to enable them to
10 transform the P-12 experience to create a college-going and career readiness culture that prepares students for postsecondary
11 education and the world of work.

12 **1A.37.** (SDE-EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section XII.A.1 Aid to Districts
13 according to Proviso 1A.34 for ~~Fiscal Year 2013-14~~ the current fiscal year, the department shall direct funds appropriated in
14 Section XII.A.1 Aid To Districts to school districts and special schools for supplemental support of programs and services for
15 students with disabilities, to meet the estimated maintenance of effort for IDEA. Funds provided for the maintenance of effort for
16 IDEA may not be transferred to any other purpose and therefore are not subject to flexibility. The department shall distribute these
17 funds using the current fiscal year one hundred thirty-five day Average Daily Membership. For continued compliance with the
18 federal maintenance of efforts requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be
19 held harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of effort requirements
20 under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts,
21 the department must not reduce funding to support children with disabilities who qualify for services under the IDEA in a manner
22 that is disproportionate to the level of overall reduction to state programs in general. By December 1, ~~2013~~ 2014, the department
23 must submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor. ~~The department is directed to~~
24 ~~transfer \$350,000 to the South Carolina Autism Society for the Autism Parent School Partnership Program, as long as sufficient~~
25 ~~funds are available to meet the IDEA maintenance of effort.~~

26 **1A.38.** (SDE-EIA: Career Cluster Industry Partnerships) From the funds appropriated to the Department of Education, \$800,000
27 must be provided as direct grants to the private sector statewide trade association or educational foundation providing nationally
28 certified programs in career and technology education representing the automotive, construction, engineering, healthcare,
29 mechanical contracting/construction, and hospitality tourism career clusters. Organizations applying for a grant must do so by July
30 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
31 career clusters to be used exclusively for career and technology education. The recipient industry organization must conduct end-
32 of-course exams graded by a national industry organization and must include in their grant request how the money will be spent to
33 further industry-specific career technology education; a description and history of their program nationally and within South
34 Carolina; estimates of future employment growth in their industry; and the national scope of their program. By August first of the
35 following year, the organization must submit to the department a report detailing how the grant increased industry/employer
36 awareness; the number of increased schools using the industry-based curriculum and partnered with the industry organization; the

1 increased number of students in the program; and an overview and analysis of the organization's statewide student competition.
2 The grant must be used for career awareness programs for that industry cluster; statewide student competitions leading to national
3 competitions; teacher development and training; post-secondary scholarships in industry-specific degree programs; student
4 recruitment into that career cluster programs; programs to educate middle and high school Career or Guidance Counselors about
5 the industry; service to disadvantaged youth; and administering business/employer awareness and partnerships which help lead to
6 experience-based, career-oriented experiences including internships, apprenticeships, mentoring, co-op education and service
7 learning. The Office of Career and Technology Education of the department will develop goals with each career cluster on the
8 number of new schools using the industry-based curriculum and partnered with that career cluster organization. These funds may
9 not be used to supplant or replace, in whole or in part, other existing resources/assets sourced outside the present grant being used
10 to provide the same services or programs. Organizations may carry-over grants for up to three years when a large project is
11 identified in the grant application to be used at a future date; otherwise excess funds must be returned to the state. Organizations
12 awarded must submit a semi-annual programmatic and financial report on the last day of December in addition to the final report
13 due August first that has been audited by a third party accounting firm ~~in addition to the final report due August first.~~

14 **1A.39.** (SDE-EIA: Partnerships/Other Agencies & Entities) For the current fiscal year, agencies and other entities receiving
15 funds appropriated in Part IA, Section 1, XII.F.2. will continue to report annually to the Education Oversight Committee (EOC).
16 Any entity receiving funds that must flow through a state agency will receive those funds through the EOC. The EOC will make
17 funding recommendations to the Governor and General Assembly as part of the agency's annual budget request.

18 **1A.40.** (SDE-EIA: ETV Teacher Training/Support) Of the funds appropriated in Part IA, Section 1, XII.F.2. South Carolina
19 Educational Television must provide training and technical support on the educational resources available to teachers and school
20 districts.

21 **1A.41.** (SDE-EIA: Career and Technology Education Consumables) ~~Funds appropriated for Career and Technology Education~~
22 ~~may be utilized to purchase textbooks, instructional materials and other consumables used in classroom instruction.~~

23 **1A.42.** (SDE-EIA: XII.C.2.-Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the
24 average of the average teachers' salaries of the southeastern states as projected by the Division of Budget and Analyses. For the
25 current school year the Southeastern average teacher salary is projected to be ~~\$48,858~~ \$48,892. The General Assembly remains
26 desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to
27 make such equivalent to the national average teacher salary.

28 The statewide minimum teacher salary schedule used in Fiscal Year 2012-13 will continue to be used in Fiscal Year ~~2013-14~~
29 2014-15.

30 Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all
31 eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule
32 utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all
33 eligible certified teachers.

34 Funds appropriated in Part IA, Section 1, XII.C.2. for Teacher Salaries must be used to increase salaries of those teachers
35 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. ~~The Department of Education shall report to the Senate Education Committee and the House Education and Public Works Committee on the implementation of a dropout recovery rate.~~

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, 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. (SDE-EIA: Next Generation Science Standards) No funds shall be expended in the current fiscal year by the Department of Education, the Education Oversight Committee, or the State Board of Education to participate in, implement, adopt or promote the Next Generation Science Standards initiative.

1 **1A.49.** (SDE-EIA: XII.C.2-National Board Certification Incentive) Public school classroom teachers to include teachers
2 employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the
3 special schools who are certified by the State Board of Education and who have been certified by the National Board for
4 Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary
5 supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants. The
6 special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou
7 Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice
8 and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the
9 length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and
10 paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and
11 Advancement (CERRA-South Carolina) shall administer the programs whereby teachers who are United States citizens or
12 permanent resident aliens, and who applied to the National Board for Professional Teaching Standards for certification prior to July
13 1, 2010, may receive a loan equal to the amount of the application fee. Teachers who applied to the National Board for
14 Professional Teaching Standards for certification prior to July 1, 2010 shall have one-half of the loan principal amount and interest
15 forgiven when the required portfolio is submitted to the national board. Teachers who applied to the National Board for
16 Professional Teaching Standards for certification prior to July 1, 2010 who attain certification within three years of receiving the
17 loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National
18 Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their
19 certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in
20 default of the National Board loan shall be retained and carried forward by the department. The department may retain up to ten
21 percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the
22 department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, XII.C.2 for National
23 Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and
24 Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program for teachers who applied to
25 the National Board for Professional Teaching Standards for certification prior to July 1, 2010. In addition, teachers who have
26 applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a
27 recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification.
28 National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed
29 the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are
30 exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract
31 status. Their recertification cycle will be consistent with national board certification.

32 Provided, further, that in calculating the compensation for teacher specialists, the Department of Education shall include state
33 and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National
34 Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

35 New applications for the salary supplement prescribed in this proviso are suspended for Fiscal Year 2014-15. The Department
36 of Education shall submit a report on the long-term costs of the program to the Senate Finance Committee and the House Ways

1 and Means Committee by November 1, 2014. This proviso does not prohibit school districts from offering a local salary
2 supplement for National Board certified teachers nor does it prohibit a teacher or teacher specialist from seeking National Board
3 certification.

4 **1A.50.** (SDE-EIA: XII.F.2. Educational Partnerships) The funds provided to the Center for Educational Partnerships at the
5 College of Education at the University of South Carolina will be used to create a consortium of educational initiatives and services
6 to schools and communities. These initiatives will include, but are not limited to, professional development in writing, geography
7 and other content areas; training; research; advocacy; and practical consultancy. The Center will establish collaborative
8 educational enterprises with schools, school districts, parents, communities, and businesses while fulfilling the responsibilities of
9 the School Improvement Council Assistance. The Center will focus on connecting the educational needs and goals of communities
10 to improve efficiency and effectiveness.

11 **1A.51.** (SDE-EIA: XII.F.2. STEM Centers SC) All EIA-funded entities that provide professional development and science
12 programming to teachers and students should be included in the state's science, technology, engineering and mathematics
13 education strategic plan.

14 **1A.52.** (SDE-EIA: Technology Academy Pilot) For Fiscal Year ~~2013-14~~ 2014-15 the Department of Education is directed to
15 ~~enter into an agreement with a provider who provides Microsoft IT Academy certification to pilot the Microsoft Technology~~
16 ~~Academy utilizing~~ use available Modernize Vocational Equipment funds. ~~The department must~~ to continue to offer high schools
17 across the state the opportunity to participate in the existing IT certification pilot project. The department must report by February
18 1, ~~2014~~ 2015 to the House Ways and Means Committee, the House Education and Public Works Committee, the Senate Finance
19 Committee, and the Senate Education Committee on the number of high schools that participated in the pilot and the number of
20 students participating in the program and earning the ~~Microsoft Office Specialists certification~~ certifications.

21 **1A.53.** (SDE-EIA: EOC Partnerships for Innovation) Of the funds appropriated or carried forward from the prior fiscal year, the
22 Education Oversight Committee is directed to participate in public-private partnerships to promote innovative ways to transform
23 the assessment of public education in South Carolina that support increased student achievement in reading and college and career
24 readiness. The Education Oversight Committee may provide financial support to districts and to public-private partnerships for
25 planning and support to implement, sustain and evaluate the innovation and to develop a matrix and measurements of student
26 academic success based on evidence-based models. These funds may also focus on creating public-private literacy partnerships
27 utilizing a 2:1 matching funds provision when the initiative employs research-based methods, has demonstrated success in
28 increasing reading proficiency of struggling readers, and works directly with high poverty schools and districts. The committee
29 will work to expand the engagement of stakeholders including state agencies and boards like the Educational Television
30 Commission, businesses, and higher education institutions. The committee shall annually report to the General Assembly on the
31 measurement results.

32 **1A.54.** (SDE-EIA: XII.F.2 CHE/CERRA) The Center for Educator Recruitment, Retention and Advancement (CERRA) must
33 complete periodic evaluations of the institutions currently hosting a Teaching Fellows (TF) program and ensure that the TF
34 programs at the current host institutions continue to meet the requirements for a TF program as set forth by the CERRA Board of
35 Directors. Further, CERRA is directed to develop a plan and a reasonable timeframe for approving additional TF programs at

1 other public, four-year institutions who wish to be considered to host a TF program, provided the proposed programs meet the
2 requirements for a TF program, as set forth by the CERRA Board of Directors.

3 **1A.55.** (SDE-EIA: XII.A.1 - Aid to Districts Draw Down) For Fiscal Year ~~2013-14~~ 2014-15, in order to draw down funds
4 appropriated in Part IA, Section 1, XII.A.1, Aid to Districts, a school district or a special school must work with local law
5 enforcement agencies, and when necessary, state law enforcement agencies in order to ensure that the district has an updated
6 school safety plan in place. The safety plan must include safety directives in the classroom, a safe student and staff exit strategy
7 and necessary safety staff. Notice of completion of the updated plan must be submitted to the Department of Education no later
8 than September 1, ~~2013~~ 2014. The department must report to the Chairman of the House Ways and Means Committee, the
9 Chairman of the House Education and Public Works Committee, the Chairman of the Senate Finance Committee and the Chairman
10 of the Senate Education Committee by September 30, ~~2013~~ 2014, on any districts that failed to submit an updated plan.

11 **1A.56.** (SDE-EIA: XII.F.2-CERRA/Teaching Fellows) ~~The additional~~ Of the funds provided to CERRA in the current fiscal
12 year, \$500,000 must only be used to support the Teaching Fellows and Teacher Cadet programs.

13 **1A.57.** (SDE-EIA: Academic Enrichment Activities) ~~For Fiscal Year 2013-14 school districts may use funds appropriated for~~
14 ~~High Achieving Students for academic enrichment activities.~~

15 **1A.58.** (SDE-EIA: South Carolina Success Program) ~~From the funds in specific appropriations Assessment/Testing, the~~
16 ~~Department of Education shall issue a request for proposal to provide a statewide South Carolina Success Program, a program to be~~
17 ~~available to all public school districts and open enrollment charters in the State of South Carolina. The department may use up to~~
18 ~~\$3,500,000 of the local assessment funds for this program. This program shall provide academic support to students and teachers~~
19 ~~to help ensure on grade level achievement in reading by making available for grades PreK-8 an online delivered, interactive~~
20 ~~reading assessment and research-based intervention program for use both at school and at home. This online program must~~
21 ~~automatically place students into an individualized on-line curriculum and instruction, provide teachers and administrators with~~
22 ~~immediate reporting, provide recommendations for interventions and teacher lessons, and provide small group instruction lessons.~~
23 ~~The program must provide computer adaptive assessments at least eight times per year, and teachers, principals, and districts must~~
24 ~~have immediate on-line reporting to identify those students who are not reading on grade level and those that are at risk of failing~~
25 ~~the state reading assessment pursuant to Section 59-18-310 of the 1976 Code, as amended. The program must make available to~~
26 ~~parents reporting and resources regarding student participation via a home portal. To ensure effective implementation of the~~
27 ~~program in conjunction with the beginning of the academic school year, the Department of Education shall issue a request for~~
28 ~~proposal to carry out the requirements of this provision no later than July 5, 2013. Implementation of the program must begin no~~
29 ~~later than August 15, 2013.~~

30 **1A.59.** (SDE-EIA: Pilot Assessment) In the current fiscal year and from funds appropriated, there is created a pilot assessment.
31 The Education Oversight Committee may select no more than five school districts to participate in the pilot. To be eligible to
32 participate in the pilot, a school district must have received an absolute rating of Excellent on its most recent state report card and a
33 letter grade of "A" on the most recent federal report card. The district must request and receive approval from the Education
34 Oversight Committee and the State Board of Education to use an alternative assessment to current state assessments in grades three
35 through eight to measure student performance on English language arts, mathematics and science, and in high school the district
36 may use alternative assessments to the High School Assessment program to measure college and career readiness, or any

1 combination thereof. The alternative assessments must be aligned to college and career readiness standards as approved by the
2 State Board of Education and the Education Oversight Committee. The district may use financial flexibility to absorb any
3 additional costs of the alternative assessments with state, local or other funds. The district must still administer the Palmetto
4 Assessment of State Standards in grades three through eight in social studies and the state end-of-course assessment program as
5 funded with EIA revenues. Unless otherwise provided for in law, students graduating in the current fiscal year must still pass all
6 exit exam requirements. The Education Oversight Committee, working with school districts in the pilot, must devise an alternative
7 state district and school report card. In addition the Department of Education must request changes to its ESEA waiver to permit
8 alternative and innovative approaches to assessment.

9 **1A.60.** (SDE-EIA: Education and Economic Development Act Carry Forward) Funds provided for the Education and Economic
10 Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the department,
11 school districts, and special schools.

12 **1A.61.** (SDE-EIA: Modernize Vocational Equipment) To prioritize the use of funds appropriated to modernize vocational
13 equipment, the Education Oversight Committee must convene an advisory panel composed of directors of career and technology
14 centers, representatives of the South Carolina Technical College System, and private-sector leaders from business, trade, and
15 industry organizations. The panel will review the existing allocations, uses, and impacts of funds appropriated for vocational
16 equipment and recommend statewide funding priorities to support career and technical education goals.

17 **1A.62.** (SDE-EIA: Teach for America SC) In the current fiscal year, a school district that partners with Teach For America SC
18 must, by September first, provide to Teach For America SC information on the academic achievement of students who were
19 directly taught by Teach For America corps members during the prior year. The information must be in a format that protects the
20 identity of individual students and must include state assessment data as appropriate.

21 **1A.63.** (SDE-EIA: Kindergarten Assessment) To ensure the effectiveness of the state's investment in public and private pre-
22 kindergarten programs, the State Board of Education shall adopt a statewide kindergarten assessment no later than June 30, 2015
23 and shall establish policies for its prompt implementation, using funds appropriated for Assessment/Testing.

24 **1A.64.** (SDE-EIA: CERRA School Leadership Mentors) Of the funds appropriated to the Center for Educator Recruitment,
25 Retention and Advancement (CERRA), up to \$200,000 shall be used to establish and operate a program to expand and enhance the
26 ranks of qualified mentors for principals and school leaders. In developing the program, CERRA shall emphasize research-based
27 practices in its identification, training, and maintenance of a diverse network of principal and school leader mentors, with an
28 emphasis placed on developing mentors with significant instructional experience improving student achievement. These mentors
29 shall not only support and guide principals and school leaders during and after the induction process, but also strive to attract a
30 broad range of professionals, including underrepresented and non-traditional candidates, to consider and pursue opportunities
31 to serve in school leadership positions.

32 **1A.65.** (SDE-EIA: South Carolina Public Charter School District Funding) The funds appropriated in Part IA, Section XI -
33 South Carolina Public Charter School District must be allocated in the following manner: Pupils enrolled in virtual charter
34 schools sponsored by the South Carolina Public Charter School District shall receive \$1,900 per weighted pupil and pupils
35 enrolled in brick and mortar charter schools sponsored by the South Carolina Public Charter School District shall receive \$3,600
36 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.66. (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 5th, 45th, 90th and 135th days. Reporting requirements shall include both Average Daily Membership and Weighted Pupil Unit membership. The South Carolina Public Charter School District 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 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.

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. (LEA: FY 2013-14 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 Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.~~

~~The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.~~

~~All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.~~

~~For Fiscal Year 2013-14 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;~~

SECTION 3 - H66-LOTTERY EXPENDITURE ACCOUNT

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1	(2) Commission on Higher Education LIFE Scholarships as provided in Chapter 149, Title 59	\$ 109,306,354;
2	(3) Commission on Higher Education HOPE Scholarships as provided in Section 59-150-370.....	\$ 7,779,856;
3	(4) Commission on Higher Education Palmetto Fellows Scholarships as provided in	
4	Section 59-104-20	\$ 30,777,240;
5	(5) Commission on Higher Education Need Based Grants	\$ 13,000,000;
6	(6) Tuitions Grants Commission Tuition Grants	\$ 8,000,000;
7	(7) Commission on Higher Education National Guard Tuition Repayment Program as	
8	provided in Section 59-111-75.....	\$ 4,545,000;
9	(8) South Carolina State University.....	\$ 2,500,000;
10	(9) Technology Public Four Year Universities, Two Year Institutions, and State Technical	
11	Colleges.....	\$ 7,301,816;
12	(10) Department of Education K-5 Reading, Math, Science & Social Studies Program as	
13	provided in Section 59-1-525.....	\$ 26,291,798;
14	(11) Department of Education Grades 6-8 Reading, Math, Science & Social Studies Program	\$ 2,000,000;
15	(12) School for the Deaf and the Blind Technology.....	\$ 200,000;
16	(13) Commission on Higher Education Higher Education Excellence Enhancement Program	\$ 1,028,053;
17	(14) Commission on Higher Education Public Four Year Universities, Two Year Branch	
18	Campuses, and State Technical Colleges Academic Facility Building, Repair and	
19	Maintenance, and Training.....	\$ 10,509,883;
20	(15) Department of Education Digital Instructional Material	\$ 4,000,000;
21	(16) Department of Education New School Buses	\$ 3,510,000;
22	(17) State Library Union County Carnegie Library Renovations	\$ 1,250,000; and
23	(18) Department of Education New Carolina Transformation in Education	\$ 100,000.
24	Fiscal Year 2013-14 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to	
25	the technical colleges and two-year institutions as provided in Section 59-150-360. Annually the State Board for Technical and	
26	Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds	
27	appropriated.	
28	Of the funds appropriated to South Carolina State University, \$250,000 may be used for the BRIDGE Program.	
29	The funds appropriated above in subitem (14) to the Commission on Higher Education for Public Four Year Universities, Two-	
30	Year Branch Campuses, and State Technical Colleges Academic Facility Building, Repair and Maintenance, and Training shall be	
31	distributed as follows:	
32	(1) Four Year University and Two Year Branch Campus Repair and Maintenance 1:1 Match.....	\$ 1,919,883;
33	(2) Spartanburg Community College Academic Student Center/Industrial Training	\$ 840,000;
34	(3) Midlands Technical College Quick Jobs Program	\$ 500,000;
35	(4) Francis Marion University Health Sciences Building 2:1 Match.....	\$ 3,250,000;
36	(5) Horry Georgetown Technical College Culinary Arts Academic Building 1:1 Match	\$ 2,000,000; and

1 ~~(6) Tri-County Technical College—Oconee Economic Development and Workforce~~
2 ~~Center 1:1 Match~~ \$ ~~2,000,000.~~

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

5 ~~The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to~~
6 ~~ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition~~
7 ~~Assistance program at such a level to support at least \$996 per student per term for full time students.~~

8 ~~Fiscal Year 2013-14 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment~~
9 ~~earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for~~
10 ~~Fiscal Year 2013-14 are fully funded.~~

11 ~~If the lottery revenue received for Fiscal Year 2013-14 is less than the amounts appropriated, the projects and programs~~
12 ~~receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must~~
13 ~~not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.~~

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

16 ~~The Higher Education Tuition Grants Commission is authorized to use up to \$70,000 of the funds appropriated in this provision~~
17 ~~for Tuition Grants to provide the necessary level of program support for the grants award process.~~

18 ~~For Fiscal Year 2013-14, of the funds certified from unclaimed prizes, \$1,700,000 shall be appropriated to the Department of~~
19 ~~Education for the purchase of new school buses; \$1,700,000 shall be appropriated to the Commission on Higher Education and~~
20 ~~State Board for Technical and Comprehensive Education for Tuition Assistance Two Year Institutions; \$50,000 shall be~~
21 ~~appropriated to the Department of Alcohol and Other Drug Abuse Services for gambling addiction services; \$2,950,000 shall be~~
22 ~~appropriated to the Commission on Higher Education for the Higher Education Excellence Enhancement Program; and \$1,600,000~~
23 ~~shall be appropriated to the Department of Education for K-5 Reading, Math, Science & Social Studies Program as provided in~~
24 ~~Section 59-1-525.~~

25 ~~If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2013-14 is less than the amounts appropriated, the~~
26 ~~projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis.~~

27 ~~Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$3,300,000 shall be~~
28 ~~directed to the Department of Education for new school buses. The next \$1,500,000 shall be directed to the Commission on Higher~~
29 ~~Education for the Partnership Among South Carolina Academic Libraries (PASCAL) Program. The next \$5,470,093 shall be~~
30 ~~directed for Technology: Public Four Year Universities, Two Year Institutions, and State Technical Colleges. The next~~
31 ~~\$2,000,000 shall be directed to the State Library for Aid to County Libraries. The next \$1,000,000 shall be directed to the~~
32 ~~Commission on Higher Education for the Higher Education Excellence Enhancement Program. The next \$4,000,000 shall be~~
33 ~~directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next \$1,000,000 shall~~
34 ~~be directed to the Commission on Higher Education for the Critical Needs Nursing Program. All additional revenue in excess of~~
35 ~~the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher~~
36 ~~Education for LIFE, HOPE, and Palmetto Fellows Scholarships.~~

For Fiscal Year 2013-14, net lottery proceeds and investment earnings realized in the prior fiscal year above the amounts needed to fund the appropriations in this provision are appropriated as follows on a pro rata basis:

(1) Department of Education New School Buses	\$ 3,500,000;
(2) Department of Education Textbooks.....	\$ 1,500,000;
(3) Commission on Higher Education Public Four Year Universities, Two Year Branch Campuses Repair and Maintenance 1:1 Match	\$ 12,075,000;
(4) State Board for Technical and Comprehensive Education Manufacturing Skills Standards Council Initiative.....	\$ 1,275,000;
(5) Commission on Higher Education Technology Public Four Year Universities, Two Year Institutions, and State Technical Colleges	\$ 2,275,000;
(6) Department of Alcohol and Other Drug Abuse Services for Gambling Addiction Services.....	\$ 100,000;
(7) School for the Deaf and the Blind Technology.....	\$ 200,000; and
(8) University of South Carolina Aiken Science Center/Building Roof and HVAC Repair/Replacement.....	\$ 575,000.

Based on the methodology described below, funds allocated in this provision to the Commission on Higher Education for repair and maintenance at public four year universities and two year branch campuses may only be distributed to an institution to the extent the funds are matched by the institution for repair and maintenance. Matching funds exclude supplemental, capital reserve, lottery, or other non-recurring 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 288 of 2012 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 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 to a subsequent fiscal year by each institution, if any, and the reasons for the deferral.

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 Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

For Fiscal Year 2014-15 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 \$ 49,100,000;

(2) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149, Title 59 \$ 109,306,354;

(3) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370 \$ 7,779,856;

(4) Commission on Higher Education--Palmetto Fellows Scholarships as provided in

Section 59-104-20 \$ 30,777,240;

(5) Commission on Higher Education--Need-Based Grants \$ 13,000,000;

(6) Tuitions Grants Commission--Tuition Grants \$ 8,000,000;

(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) Department of Education--K-5 Reading, Math, Science & Social Studies Program as

provided in Section 59-1-525 \$ 26,291,798;

(10) Department of Education--Grades 6-8 Reading, Math, Science & Social Studies Program \$ 2,000,000; and

(11) School for the Deaf and the Blind--Technology \$ 199,752;

Fiscal Year 2014-15 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.

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 2014-15 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 2014-15 are fully funded.

If the lottery revenue received for Fiscal Year 2014-15 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 2014-15, of the funds certified from unclaimed prizes, \$7,766,604 shall be appropriated to the Higher Education Tuition Grants Commission for Tuition Grants, \$100,000 shall be appropriated to the Department of Alcohol and Other Drug Abuse Services for gambling addiction services; and \$133,396 shall be appropriated to the State Library for Aid to County Libraries.

If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2014-15 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.

Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$8,000,000 shall be directed to the Department of Education for School Bus Leases or Purchases. 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 2014-15, net lottery proceeds and investment earnings realized in the prior fiscal year above the amounts needed to fund the appropriations in this provision are appropriated as follows on a pro-rata basis:

(1) State Library--Aid to County Libraries..... \$ 1,866,604;

(2) Commission on Higher Education--Technology--Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges..... \$ 12,771,909;

(3) Commission on Higher Education--Higher Education Excellence Enhancement Program..... \$ 3,978,053;

(4) Department of Education--K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525..... \$ 1,600,000;

(5) Commission on Higher Education--Partnership Among South Carolina Academic Libraries (PASCAL)..... \$ 1,500,000;

(6) Department of Education--Career and Technology Education..... \$ 500,000,000; and

(7) Department of Education--Dual and Concurrent Enrollment Programs for high school students enrolled in courses for credit at Public Four-Year Universities, Two-Year Universities, and State Technical Colleges..... \$ 5,000,000.

Any net lottery proceeds and investment earnings realized in the prior fiscal year above the amounts needed to fund the appropriations in this provision shall be appropriated to the Department of Education for the State Public School Building Fund.

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. Prior to taking the GED the student must be pretested using the official General Education Development Practice Test and score a minimum of 2200.

5.3. (WLG: Deferred Salaries Carry Forward) Wil Lou Gray is authorized to carry forward into the current fiscal year the amount of the deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

5.4. (WLG: 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.

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 2013-14,~~ 2014-15 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, multi-disabled 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 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,

1 organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and
2 expended for the purpose of covering expenses of the school's programs and operations.

3 **6.10.** (SDB: Deferred Salaries Carry Forward) South Carolina School for the Deaf and the Blind is authorized to carry forward
4 in the current fiscal year the amount of the deferred salaries and employer contributions earned in the prior fiscal year for non-
5 twelve month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

6 **6.11.** (SDB: Sale of Property) After receiving approval from the Budget and Control Board for the sale of property, the school
7 may retain revenues associated with the sale of property titled to or utilized by the school. These funds shall be expended on capital
8 improvements approved by the Joint Bond Review Committee and the Budget and Control Board. For the current fiscal year, the
9 school is authorized to use the retained revenue from the sale of donated property for educational and other operating purposes.

10 **6.12.** (SDB: USC-Upstate Visual Impairment Master of Education Program) Of the funds appropriated to the South Carolina
11 School for the Deaf and the Blind, \$50,000 shall be used to fund the Master of Education Program In Visual Impairment at the
12 University of South Carolina - Upstate.

13 **6.13.** (SDB: Capacity) ~~For Fiscal Year 2013-14, 2014-15~~ funds appropriated to the School for the Deaf and the Blind must be
14 used to bring the school up to full capacity, to the extent possible, and the school must report electronically to the Chairman of the
15 Senate Finance Committee and the Chairman of the House Ways and Means Committee by December first, on how the funds have
16 been utilized and how many additional students have been served.

17 **6.14.** (SDB: Educational Program Initiatives) The School for the Deaf and Blind is authorized to utilize funds received from
18 the Department of Education for vocational equipment on educational program initiatives.

19 **6.15.** (SDB: School Leave Policy) The School for the Deaf and Blind is authorized to promulgate administrative policy
20 governing annual and sick leave relative to faculty and staff with the approval of the School's board of directors. This policy shall
21 address the school calendar in order to comply with the instructional needs of students attending the school.

22 **6.16.** (SDB: Buildings) For the current fiscal year; the South Carolina School for the Deaf and Blind will be subject to the
23 same requirements as a local education agency for the purposes of building renovation and construction.
24

25 SECTION 7 - L12-JOHN DE LA HOWE SCHOOL

26
27 **7.1.** (JDLHS: Status Offender Carry Forward) Unexpended status offender funds distributed to John de la Howe School from
28 the Department of Education may be carried forward and used for the same purpose.

29 **7.2.** (JDLHS: Campus Private Residence Leases) John de la Howe School is authorized to lease, to its employees, private
30 residences on the agency's campus. Funds generated may be retained and used for general operating purposes including, but not
31 limited to, maintenance of the residences. Any lease amended, extended, or entered into on or after July 1, 2014 shall require an
32 employee to pay market-based rent. By August 1, 2014, the John de la Howe School must report to the House Ways and Means
33 Committee, the House Education and Public Works Committee, the Senate Finance Committee, and the Senate Education
34 Committee on the terms, rates, and expiration dates for any current leases of its private residences.

1 **7.3.** (JDLHS: Deferred Salaries Carried Forward) John de la Howe School is authorized to carry forward into the current fiscal
2 year the amount of deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees.
3 These deferred funds are not to be included or part of any other authorized carry forward amount.

4 **7.4.** (JDLHS: Capacity) ~~For Fiscal Year 2013-14, funds appropriated to John de la Howe School must be used to complete~~
5 ~~deferred maintenance on the residential cottages and to bring the school up to full capacity, to the extent possible. The school must~~
6 ~~not utilize the funds to hire new employees until the school has completed deferred maintenance on a cottage and requires the new~~
7 ~~employee due to a projected increase in students. Any increases in staff must be reported to the Chairman of the House Ways and~~
8 ~~Means Committee and the Chairman of the Senate Finance Committee thirty days prior to the hire. Further, the school must report~~
9 ~~electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by~~
10 ~~December first, on how the funds have been utilized and how many additional students have been served.~~

11 **7.5.** (JDLHS: Student Assessments) In the current fiscal year, the board of trustees of the John de la Howe School shall
12 exercise its duties and responsibilities, as defined in Chapter 49, Title 59, only upon the approval of the Director of the
13 Department of Juvenile Justice. During this period, the board, superintendent, and Director of the Department of Juvenile Justice
14 must establish a process for assessing the needs of each student by comprehensively accounting for the student's developmental,
15 mental health, and educational needs, along with the needs and capacity of the student's family and the availability of appropriate
16 supportive services. The Department of Mental Health, Department of Social Services, and Continuum of Care for Emotionally
17 Disturbed Children shall provide any needed support in conducting these assessments and producing a plan for each child's
18 continued care and education. No later than April 1, 2015, the Director of the Department of Juvenile Justice must submit an
19 interim report to the Governor and the Chairmen of the House Ways and Means Committee and the Senate Finance Committee
20 containing the status of these assessments and making initial recommendations regarding the appropriate use and management of
21 the John de la Howe School in the future.

22 23 SECTION 8 - H67-EDUCATIONAL TELEVISION COMMISSION

24
25 **8.1.** (ETV: Grants/Contributions Carry Forward) The Educational Television Commission shall be permitted to carry forward
26 any funds derived from grant awards or designated contributions and any state funds necessary to match such funds, provided that
27 these funds be expended for the programs which they were originally designated.

28 29 SECTION 11 - H03-COMMISSION ON HIGHER EDUCATION

30
31 **11.1.** (CHE: Contract for Services Program Fees) The amounts appropriated in this section for “Southern Regional Education
32 Board Contract Programs” and “Southern Regional Education Board Dues” are to be used by the commission to pay to the
33 Southern Regional Education Board the required contract fees for South Carolina students enrolled under the Contract for Services
34 program of the Southern Regional Education Board, in specific degree programs in specified institutions and the Southern
35 Regional Education Board membership dues. The funds appropriated may not be reduced to cover any budget reductions or be
36 transferred for other purposes.

1 **11.2.** (CHE: Out-of-State School of the Arts) The funds appropriated herein for Out-of-State School of the Arts must be
2 expended for an SREB Contract Program, administered by the Commission, which will offset the difference between the out-of-
3 state cost and in-state cost for artistically talented high school students at the North Carolina School of the Arts.

4 **11.3.** (CHE: African-American Loan Program) Of the funds appropriated to the Commission on Higher Education for the
5 African-American Loan Program, 73.7% shall be distributed to South Carolina State University and 26.3% shall be distributed to
6 Benedict College, and must be used for a loan program with the major focus of attracting African-American males to the teaching
7 profession. The Commission of Higher Education shall act as the monitoring and reporting agency for the African-American Loan
8 Program. Of the funds allocated according to this proviso, no more than ten percent shall be used for administrative purposes.

9 **11.4.** (CHE: GEAR-UP) Funds appropriated for GEAR-UP shall be used for state grants programs to reach disadvantaged
10 middle school students to improve their preparation for college. Eligible South Carolina public schools and public institutions of
11 higher education shall cooperate with the Commission on Higher Education in the provision of services under the Gaining Early
12 Awareness and Readiness for Undergraduate Programs (GEAR-UP) grant.

13 **11.5.** (CHE: EPSCoR Committee Representation) With the intent that the four-year teaching institutions receive a portion of
14 EPSCoR funding, the State EPSCoR Committee shall have an executive committee consisting of one representative from each of
15 the research institutions and one representative from the four-year teaching university sector.

16 **11.6.** (CHE: SREB Funds Exempt From Budget Cut) In the calculation of any across the board cut mandated by the Budget
17 and Control Board or General Assembly, the amount which the Commission on Higher Education is appropriated for Southern
18 Regional Education Board (SREB) Professional Scholarship Programs and Fees, Dues and Assessments shall be excluded from the
19 Commission on Higher Education's base budget. Funds appropriated for SREB programs may be carried forward into the current
20 fiscal year and expended for the same purpose by the Commission on Higher Education.

21 **11.7.** (CHE: Performance Improvement Pool Allocation) ~~Of the funds appropriated to the Commission on Higher Education~~
22 ~~under Section XI, Special Items: Performance Funding, eighty percent will be allocated to the EPSCoR program under the~~
23 ~~Commission on Higher Education to improve South Carolina's research capabilities and twenty percent will be allocated to support~~
24 ~~the management education programs of the School of Business at South Carolina State University.~~

25 **11.8.** (CHE: Troop-to-Teachers) Members of the Armed Forces either active-duty, retired, or separated who are admitted to
26 and enrolled in the South Carolina Troop-to-Teachers Alternative Route to Certification program are entitled to pay in-state rates at
27 participating state institutions for requisite program work.

28 **11.9.** (CHE: Need-Based Grants for Foster Youth) For the current academic year, youth in the custody of the Department of
29 Social Services and attending a higher education institution in South Carolina are eligible for additional need-based grants funding
30 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.
31 All other grants, both state and federal, for which these foster youth are eligible must be applied first to the cost of attendance prior
32 to using the additional need-based grant funding. If the cost of attendance for a foster youth is met with other grants and
33 scholarships, then no additional need-based grant may be used. The Department of Social Services, in cooperation with the
34 Commission on Higher Education, will track the numbers of recipients of this additional need-based grant to determine its
35 effectiveness in encouraging more foster youth to pursue a secondary education. No more than \$100,000 may be expended from
36 currently appropriated need-based grants funding for this additional assistance.

1 **11.10.** (CHE: Tuition Age) For the current fiscal year, the age limitation for those children of certain war veterans who may be
2 admitted to any state-supported college, university, or post high school technical education institution free of tuition is suspended
3 for eligible children that successfully appeal the Division of Veterans Affairs on the grounds of a serious extenuating health
4 condition.

5 **11.11.** (CHE: LIFE and Palmetto Fellows Enhancement Stipends) In the current fiscal year before fall awards are made, to
6 continue eligibility for LIFE and Palmetto Fellows Enhancement Stipends, students shall certify and the institutions shall verify
7 that the student is meeting all requirements as stipulated by the policies established by the institution and the academic department
8 to be enrolled as a declared major in an eligible program and is making academic progress toward completion of the student's
9 declared eligible major. These determinations are subject to the verification and audit of the Commission on Higher Education.
10 Institutions shall return funds determined to have been awarded to ineligible students.

11 **11.12.** (CHE: SmartState) The Commission on Higher Education is prohibited from expending any source of funds on the
12 marketing of the SmartState Program.

13 **11.13.** (CHE: Higher Education Excellence Enhancement Program Additions) Converse College and Columbia College shall be
14 eligible to receive funds under the Higher Education Excellence Enhancement Program until June 30, 2014 2015.

15 **11.14.** (CHE: Parity Funding) ~~The Commission on Higher Education is directed to study the issue of parity funding for all state~~
16 ~~institutions of higher learning. Findings and recommendations shall be submitted to the members of the General Assembly by~~
17 ~~January 3, 2014.~~

18 **11.15.** (CHE: SCNG CAP Carry Forward) Funds appropriated for the South Carolina National Guard College Assistance
19 Program may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purpose. If a mid-
20 year budget reduction is imposed by the General Assembly or the State Budget and Control Board, the appropriations for the
21 program are exempt.

22 **11.16.** (CHE: College Transition Connection Need-Based Grants) ~~Funds appropriated for the College Transition Connection~~
23 ~~shall be transferred to the Commission on Higher Education Need Based Grant program. These funds~~ *Of the currently*
24 *appropriated need-based grants funding, no more than \$179,178* shall be used to provide need-based grants to South Carolina
25 resident students enrolled at a public institution of higher education in an established college transition program that serves
26 students with intellectual disabilities. The Commission on Higher Education, ~~in consultation with College Transition Connection,~~
27 ~~shall develop guidelines for awarding these need-based grants and~~ shall allocate the available funds to eligible institutions on the
28 basis of student need and enrollment in the established college transition programs. All other grants and gift aid for which these
29 students are eligible must be applied first to the cost of attendance prior to using the need-based grant funding. If the cost of
30 attendance for an eligible student is met with all other grants and gift aid, the need-based grant shall not be used. The participating
31 institutions, in cooperation with the Commission on Higher Education ~~and College Transition Connection,~~ shall track the number
32 of grant recipients and other information determined necessary to evaluate the effectiveness of these grants in assisting students
33 with intellectual disabilities in college transition programs. ~~No more than the amount transferred in Fiscal Year 2013-14~~ *2014-15*
34 ~~for College Transition Connection may be expended from currently appropriated Commission on Higher Education Need Based~~
35 ~~Grant funding for grants for students in college transition programs.~~

1 **11.17.** (CHE: Inventory of State-Mandated Reporting Requirements) ~~To help reduce the cost of higher education and~~
2 ~~institutions' compliance burdens by eliminating conflicting, redundant, or other excessive reporting requirements, the Commission~~
3 ~~on Higher Education is directed to work with the state's colleges and universities to prepare a report inventorying all state~~
4 ~~mandated reporting requirements, including those of the Commission on Higher Education, imposed on South Carolina's~~
5 ~~institutions of higher education. This report shall be provided to the Governor, the Chairman of the Senate Finance Committee,~~
6 ~~and the Chairman of the House Ways and Means Committee by December 1, 2013.~~

7 **11.18.** (CHE: SmartState Draw Down) *The Commission on Higher Education, upon receipt of the dollar-for-dollar non-state*
8 *match for a SmartState "South Carolina Center of Economic Excellence" required pursuant to Section 2-75-50 of the 1976 Code,*
9 *and after State Budget Division approval, shall be authorized to draw down previously appropriated lottery funds that had been*
10 *held in trust until matching funds were on hand. The commission shall submit required documentation to the State Budget Division*
11 *for approval of such draw downs, including proof that the required match is on hand, and the State Budget Division shall notify the*
12 *Other Funds Oversight Committee of an authorization approved for this purpose. These draw downs shall be exempt from the*
13 *requirements of proviso 91.21 contained herein.*

14 **11.19.** (CHE: Palmetto Fellows and LIFE Scholarships) *A student may receive a Palmetto Fellows or LIFE scholarship award*
15 *during the summer, in addition to fall and spring semesters of an academic year, provided continued eligibility requirements are*
16 *met as of the end of the spring semester. Students must enroll full-time, which for purposes of the summer award will require*
17 *enrollment in at least twelve hours over the course of the summer. The summer is defined as the period between the end of the*
18 *spring term and prior to the opening of the fall term. The total summer award per student may not exceed half of the allowable*
19 *academic year award up to the cost of attendance and must be reimbursed if less than twelve hours for academic credit are not*
20 *completed by the student during summer sessions. If awarded in the summer, a student's total award during his or her enrollment*
21 *may not exceed the amount that would otherwise be provided under current semester limits applied for the scholarship awards.*
22 *The Commission on Higher Education may provide additional guidelines necessary to ensure uniform implementation.*
23

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

25

26 **14.1.** (CU: Travel Advances and Subsistence Expenses) Clemson University may advance travel and subsistence expense
27 monies to its employees for the financing of ordinary and necessary travel required in the conducting of the business of the
28 institution. Clemson University may develop and publish rules and regulations pertaining to the advancing of travel expenses. All
29 advances for travel and subsistence monies shall be repaid within thirty days after the end of the trip.
30

31 SECTION 19 - H24-SOUTH CAROLINA STATE UNIVERSITY

32

33 **19.1.** (SCSU: BRIDGE Program) The funds appropriated to South Carolina State University for the BRIDGE Program shall
34 be utilized to recruit minority high school students along the I-95 corridor into the teaching profession by offering them, while still
35 in high school, access to counseling, mentoring, on campus summer enrichment programs, and opportunities for dual enrollment

1 credits at South Carolina State University for the purpose of preparing these students to major in education and to become future
2 teachers along the I-95 corridor.

3
4 **SECTION 20 - H45-UNIVERSITY OF SOUTH CAROLINA**
5

6 **20.1.** (USC: Palmetto Poison Center) Of the funds appropriated or authorized herein, the University of South Carolina shall
7 expend at least \$150,000 on the Palmetto Poison Center.

8 **20.2.** (USC: School Improvement Council) Of the funds appropriated to the University of South Carolina Columbia Campus,
9 \$100,000 shall be used for the School Improvement Council.

10 **20.3.** (USC: Child Abuse Medical Response Program) Of the funds appropriated to the University of South Carolina School of
11 Medicine, not less than \$576,160 shall be expended for the Child Abuse and Neglect Medical Response Program. In addition,
12 when instructed by the Budget and Control Board or the General Assembly to reduce funds by a certain percentage, the university
13 may not reduce the funds for the Child Abuse and Neglect Medical Response Program greater than such stipulated percentage.
14

15 **SECTION 23 - H51-MEDICAL UNIVERSITY OF SOUTH CAROLINA**
16

17 **23.1.** (MUSC: Rural Dentist Program) The Rural Dentist Program, in coordination with the Department of Health and
18 Environmental Control's Public Health Dentistry Program, is established at the Medical University of South Carolina. The funds
19 appropriated to the Medical University of South Carolina for the Rural Dentist Program shall be administered by the South
20 Carolina Area Health Education Consortium physician recruitment office. The costs associated with administering this program
21 are to be paid from the funds appropriated to the Rural Dentist Program and shall not exceed four percent of the appropriation. The
22 Medical University of South Carolina is responsible for the fiscal management of funds to ensure that state policies and guidelines
23 are adhered to. MUSC shall be permitted to carry forward unspent general funds appropriated to the Rural Dentist program
24 provided that these funds be expended for the program for which they were originally designated. A board is created to manage
25 and allocate these funds to insure the location of licensed dentists in rural areas of South Carolina and on the faculty of the College
26 of Dental Medicine at MUSC. The board will be composed of the following: the Dean, or his designee, of the MUSC College of
27 Dental Medicine; three members from the South Carolina Dental Education Foundation Board who represent rural areas; and the
28 President of the South Carolina Dental Association. The Director of DHEC's Office of Primary Care; the Director or his designee
29 of the Department of Health and Human Services; and the Executive Director of the South Carolina Dental Association shall serve
30 as ex officio members without vote. This board shall serve without compensation.

31 **23.2.** (MUSC: Telemedicine) From the \$8,000,000 appropriated to the Medical University of South Carolina for the MUSC
32 Hospital Authority, the Authority is directed to continue the development of its Telemedicine network. The MUSC Hospital
33 Authority shall determine which hospitals are best suited for a Telemedicine partnership.

34 **23.3.** (MUSC: Rural Access Plan) The MUSC Hospital Authority, in conjunction with the Department of Health and Human
35 Services, shall study how to partner with existing rural hospitals to ensure that these regions maintain access to medical care.
36

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

2
3 **25.1.** (TEC: Training of New & Expanding Industry) (A) Notwithstanding the amounts appropriated in this section for the
4 “Center for Accelerated Technology Training,” it is the intent of the General Assembly that the State Board for Technical and
5 Comprehensive Education expend the funds necessary to provide direct training for new and expanding business or industry.

6 (B) In the event projected expenditures are above the appropriation, the appropriation in this section for the “Center for
7 Accelerated Technology Training” may be appropriately adjusted, if and only if, the Budget and Control Board determines that the
8 projected expenditures are directly related to:

9 (1) an existing technology training program where the demand for the program exceeds the program’s capacity and the
10 additional funds are to be utilized to meet the demand; or

11 (2) a new program is necessary to provide direct training for new or expanding business or industry.

12 (C) The adjustment may occur only upon approval by the Budget and Control Board. Upon the Budget Control Board’s
13 approval of the adjustment, the Executive Director of the Budget and Control Board must certify, in writing, that the adjustment is
14 directly related to either subsection (B)(1) or (B)(2). The Executive Director must immediately provide a copy of the written
15 certification, including the amount of the adjustment, to the President Pro Tempore of the Senate, the Speaker of the House of
16 Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

17 (D) Upon the Executive Director’s written certification approving an adjustment, the State Board for Technical and
18 Comprehensive Education must submit a statement to the President Pro Tempore of the Senate, the Speaker of the House of
19 Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee
20 containing a detailed itemization of the manner in which funds initially appropriated for technology training were utilized, the
21 specific purpose for the adjustment, and the ultimate recipient of the adjusted amount.

22 (E) The aggregate amount of all adjustments made pursuant to this section may not exceed ten million dollars.

23 (F) In the event that projected expenditures for the Center for Accelerated Technology Training exceed the amounts
24 appropriated and the amount of any adjustments authorized, the State Board for Technical and Comprehensive Education may
25 request a supplemental appropriation from the General Assembly.

26 **25.2.** (TEC: Training of New & Expanding Industry Carry Forward) In addition to the funds appropriated in this section, any
27 of the funds appropriated under this section for the prior fiscal year which are not expended during that fiscal year may be carried
28 forward and expended for direct training of new and expanding industry in the current fiscal year.

29 **25.3.** (TEC: Training of New & Expanding Industry - Payments of Prior Year Expenditures) The State Board for Technical
30 and Comprehensive Education may reimburse business and industry for prior year training costs billed to the agency after fiscal
31 year closing with the concurrence of the Comptroller General.

32 **25.4.** (TEC: MSSC) The funds appropriated to the State Board for Technical and Comprehensive Education for the
33 Manufacturing Skills Standards Council Initiative may not be used for consulting associated with the Initiative.

34 **25.5.** *(TEC: Apprenticeships) The funds appropriated to the State Board for Technical and Comprehensive Education as a*
35 *Special Item for Apprenticeships shall be used to identify, develop, and expand apprenticeship opportunities and to provide on-the-*

job training that will improve the skills of and employment opportunities for the state's workforce, in partnership with South Carolina's business and education community.

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 non-record 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.

1 **27.6.** (LIB: Donations) The State Library may accept donation funds to be used for administration, operation, and programs
2 from any donor source. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year.

3 **27.7.** (LIB: Sale of Promotional Items) The State Library shall be allowed to sell promotional items with the South Carolina
4 State Library brand and logo for the purpose of generating funds for the State Library. Unexpended funds shall be carried forward
5 from the prior fiscal year into the current fiscal year.

6 **27.8.** (LIB: Consortium Purchasing) The State Library shall be authorized to accept funds to be used for consortium
7 purchasing between libraries (public, academic, special) that serve South Carolina residents. Funds received by the State Library
8 for consortium purchasing agreements shall be placed in a designated account and shall only be used to pay for items related to
9 specific consortium purchasing agreements. These funds may be retained, expended, and carried forward from the prior fiscal year
10 into the current fiscal year and used for the same purpose.

11 12 SECTION 28 - H91-ARTS COMMISSION 13

14 **28.1.** (ARTS: Professional Artists Contract) Where practicable, all professional artists employed by the Arts Commission in
15 the fields of music, theater, dance, literature, musical arts, craft, media arts and environmental arts shall be hired on a contractual
16 basis as independent contractors. Where such a contractual arrangement is not feasible employees in these fields may be
17 unclassified, however, the approval of their salaries shall be in accord with the provisions of Section 8-11-35 of the 1976 Code.

18 **28.2.** (ARTS: Special Revolving Account) Any income derived from Arts Commission sponsored arts events or by gift,
19 contributions, or bequest now in possession of the Arts Commission including any federal or other funds balance remaining at the
20 end of the prior fiscal year, shall be retained by the commission and placed in a special revolving account for the commission to
21 use solely for the purpose of supporting the programs provided herein. Any such funds shall be subject to the review procedures as
22 set forth in Act 651 of 1978.

23 **28.3.** (ARTS: Partial Indirect Cost Waiver) The commission is allowed to apply a fifteen percent indirect cost rate for
24 continuing federal grants for which they must compete. The commission shall apply the full approved negotiated rate to the Basic
25 State Grant and any new grants received by the commission.

26 **28.4.** (ARTS: Grants) The Arts Commission must expend seventy percent of appropriated state funds on grants to support the
27 statewide improvement of learning and enrichment opportunities for children and communities through educational and cultural
28 programs with proven research based strategies.

29 **28.5.** (ARTS: Distribution to Subdivisions) Of the funds appropriated ~~and/or to or~~ authorized ~~to for~~ for the Arts Commission for
30 Distribution to Subdivisions, ~~the following amounts shall be distributed in the same manner as the funds were distributed in the~~
31 ~~prior fiscal year: \$11,420 for Alloc Mun Restricted; \$3,381 for Alloc Cnty Restricted; \$78,376 for Alloc School Dist; \$12,336 for~~
32 ~~Alloc Other State Agencies; \$429,845 for Alloc Private Sector; \$29,494 for Alloc Private Sector; \$31,581 for Aid Mun~~
33 ~~Restricted; \$15,485 for Aid Cnty Restricted; \$358,344 for Aid School Districts; \$205,138 for Aid Other State Agencies; \$794,598~~
34 ~~for Aid To Private Sector; and \$3,168 for Aid To Private Sector Reportable~~ at least \$1,000,000 must be used for grants to school
35 districts.
36

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

2
3 **29.1.** (MUSM: Duplicate Materials) ~~The commission may give away, but not sell, natural history materials in its possession~~
4 ~~for educational purposes, such materials being less than museum quality or duplicative of materials owned by the Museum~~
5 ~~Commission.~~

6 **29.2.** (MUSM: Removal From Collections) The commission may remove accessioned objects from its museum collections by
7 gift to another public or non-profit institution, by trade with another public or non-profit institution, by public sale, by transfer to
8 the commission's education, exhibit, or study collections or to its operating property inventory; or as a last resort, by intentional
9 destruction on the condition that the objects so removed meet with one or more of the following criteria: (1) they fall outside the
10 scope of the South Carolina Museum Commission's collections as defined in the Collection Policy ; (2) they are unsuitable for
11 exhibition or research; (3) they are inferior duplicates of other objects in the collection; or (4) they are forgeries or were acquired
12 on the basis of false information; funds from the sale of such objects will be placed in a special revolving account for the
13 commission to use solely for the purpose of purchasing objects for the collections of the State Museum.

14 **29.3.** (MUSM: Museum Store) The Museum Commission shall establish and administer a museum store in the State Museum.
15 This store may produce, acquire, and sell merchandise relating to historical, scientific, and cultural sources. All profits received
16 from the sale of such merchandise shall be retained by the Museum Commission in a restricted fund to be carried forward into the
17 following fiscal year. These funds may be used for store operations, publications, acquisitions, educational programs, exhibit
18 production and general operating expenses provided that the expenditures for such expenses are approved by the General Assembly
19 in the annual Appropriation Act.

20 **29.4.** (MUSM: Retention of Revenue) The Museum Commission may retain revenue received from admissions, program fees,
21 facility rentals, professional services, donations, food service, exhibits and exhibit components, and other miscellaneous operating
22 income generated by or for the museum and may expend such revenue for general operating expenses provided that such
23 expenditures are approved by the General Assembly in the annual Appropriation Act. Any unexpended revenue from these sources
24 may be carried forward into the current fiscal year to be expended for the same purposes.

25 **29.5.** (MUSM: Across-the-Board Cut Exemption) ~~In the calculation of any across-the-board cut mandated by the Budget and~~
26 ~~Control Board or General Assembly, the amount of the museum's rent which the commission pays to General Services shall be~~
27 ~~excluded from the museum's base budget.~~

28 **29.6.** (MUSM: School Tour Fee Prohibition) The commission may not charge admission fees to groups of children from
29 South Carolina who have made reservations that are touring the museum as part of a school function.

30 **29.7.** (MUSM: Dining Area Rent) Of the space currently vacant in the Columbia Mills Building, space large enough for the
31 museum to have dining space for school-aged children shall be provided to the State Museum at no cost.

32 **29.8.** (MUSM: Remittance to General Services) The State Museum is directed to remit not less than \$1,800,000 to the Budget
33 and Control Board, Division of General Services as compensation for expenses associated with the premises it leases in the
34 Columbia Mills Building. In the event the General Assembly or the Budget and Control Board implements a mid-year across-the-
35 board budget reduction, the rent that the State Museum remits to the Budget and Control Board shall be reduced by the same
36 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.

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 Budget and Control Board, Division of Budget and Analyses. Data obtained from Medicaid cost reporting records applicable to long term care providers will be supplied to the Budget and Control Board, Division of Budget and Analyses. A composite index, developed by the Budget and Control Board, Division of Budget and Analyses 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

1 reimbursement of providers. The Division of Budget and Analyses of the Budget and Control Board shall update the composite
2 index so as to have the index available for each contract renewal.

3 The department may apply the inflation factor in calculating the reimbursement rate for the new contract period from zero
4 percent up to the inflation factor developed by the Division of Budget and Analyses.

5 **33.3.** (DHHS: Medical Assistance Audit Program Remittance) The Department of Health and Human Services shall remit to
6 the State Auditor's Office an amount representing fifty percent (allowable Federal Financial Participation) of the cost of the
7 Medical Assistance Audit Program as established in the State Auditor's Office of the Budget and Control Board Section 102. Such
8 amount shall also include appropriated salary adjustments and employer contributions allocable to the Medical Assistance Audit
9 Program. Such remittance to the State Auditor's Office shall be made monthly and based on invoices as provided by the State
10 Auditor's Office of the Budget and Control Board.

11 **33.4.** (DHHS: Third Party Liability Collection) The Department of Health and Human Services is allowed to fund the net
12 costs of any Third Party Liability and Drug Rebate collection efforts from the monies collected in that effort.

13 **33.5.** (DHHS: Medicaid State Plan) Where the Medicaid State Plan has been altered to cover services that previously were
14 provided by one hundred percent state funds, or that have been requested to be added by other state agencies, the department can
15 bill other agencies for the state share of services provided through Medicaid. In order to comply with Federal regulations regarding
16 allowable sources of matching funds, state agencies are authorized to make appropriation transfers to the Department of Health and
17 Human Services to be used as the state share when certified public expenditures are not allowed for those state agency Medicaid
18 services. The department will keep a record of all services affected and submit periodic reports to the Senate Finance and House
19 Ways and Means Committees.

20 **33.6.** (DHHS: Medically Indigent Assistance Fund) The department is authorized to expend disproportionate share funds to all
21 eligible hospitals with the condition that all audit exceptions through the receipt and expenditures of these funds are the liability of
22 the hospital receiving the funds.

23 **33.7.** (DHHS: Registration Fees) The department is authorized to receive and expend registration fees for educational,
24 training, and certification programs.

25 **33.8.** (DHHS: Fraud and Abuse Collections) The Department of Health and Human Services may offset the administrative
26 costs associated with controlling fraud and abuse.

27 **33.9.** (DHHS: Provider Reimbursement Rate Report) The Department of Health and Human, in conjunction with the Office of
28 Research and Statistics of the Budget and Control Board, shall prepare a report that compares the reimbursement rate of Medicaid
29 providers to the reimbursement rate of the Medicare Program and the State Health Plan. This report shall be completed by January
30 thirty-first, each year, and submitted to the Governor and the members of the General Assembly.

31 **33.10.** (DHHS: Medicaid Eligibility Transfer) The South Carolina Department of Health and Human Services (DHHS) is
32 hereby authorized to determine the eligibility of applicants for the South Carolina Medicaid Program in accordance with the State
33 Plan Under Title XIX of The Social Security Act Medical Assistance Program. The governing authority of each county shall
34 provide office space and facility service for this function as they do for DSS functions under Section 43-3-65.

35 **33.11.** (DHHS: Franchise Fees Suspension) Franchise fees imposed on nursing home beds and enacted by the General
36 Assembly during the 2002 session are suspended.

1 **33.12.** (DHHS: Program Integrity Efforts) The Department of Health and Human Services is instructed to expand its program
2 integrity efforts by utilizing resources both within and external to the agency including, but not limited to, the ability to contract
3 with other entities for the purpose of maximizing the department's ability to detect and eliminate provider fraud.

4 **33.13.** (DHHS: Post Payment Review) The department is directed to perform post payment reviews as permitted under
5 Medicaid regulations to ensure compliance with the Hyde Amendment provisions as it relates to the performance of medically
6 necessary services under the Medicaid program. The results of such reviews shall be available to the General Assembly upon
7 request in a format that meets the requirements of the Health Insurance Accountability and Portability Act (HIPAA) and Medicaid
8 confidentiality regulations.

9 **33.14.** (DHHS: Long Term Care Facility Reimbursement Rates) The department shall direct staff to complete and submit its
10 Medicaid State Plan Amendment for long term care facility reimbursement rates to the Director of the Department of Health and
11 Human Services by August first of each year. The Director shall review the plan and submit to the Federal Government on or
12 before August fifteenth of each year provided the State Appropriations Act has been enacted by that date. All additional requests
13 for information from CMS concerning the plan shall be promptly submitted to CMS by the Department of Health and Human
14 Services.

15 **33.15.** (DHHS: Nursing Services to High Risk/High Tech Children) The Department of Health and Human Services shall
16 continue a separate classification and compensation plan for Registered Nurses (RN) and Licensed Practical Nurses (LPN) who
17 provide services to Medically Fragile Children, who are Ventilator dependent, Respirator dependent, Intubated, and Parenteral
18 feeding or any combination of the above. The classification plan shall recognize the skill level that these nurses caring for these
19 Medically Fragile Children must have over and above normal home-care or school-based nurses.

20 **33.16.** (DHHS: Medicaid Cost and Quality Effectiveness) The Department of Health and Human Services shall establish a
21 procedure to assess the various forms of ~~managed care (Health Maintenance Organizations and Medical Home Networks, and any~~
22 ~~other forms authorized by the department)~~ *health care delivery systems* to measure cost effectiveness and quality. These measures
23 must be compiled on an annual basis. The Healthcare Effectiveness Data and Information Set (HEDIS) shall be utilized for quality
24 measurement and must be performed by an independent third party according to HEDIS guidelines. Cost effectiveness shall be
25 determined in an actuarially sound manner and data must be aggregated in a manner to be determined by a third party in order to
26 adequately compare cost effectiveness of the different managed care programs versus Medicaid fee-for-service. The methodology
27 must use appropriate case-mix and actuarial adjustments ~~that allow cost comparison of managed care organizations, medical home~~
28 ~~networks, and fee for service.~~ The department shall issue annual healthcare report cards for each participating Medicaid managed
29 ~~care plan and Medical Home Network operating in South Carolina and the Medicaid fee for service program~~ *plan based on the*
30 *plans' reported NCQA report and other measures deemed appropriate by the department required under state and federal*
31 *guidelines. The report card will be issued for all plans operating in South Carolina and the Medicaid fee-for-service program.*
32 The report card measures shall be developed by the department and the report card shall be formatted in a clear, concise manner in
33 order to be easily understood by Medicaid beneficiaries. The results of the cost effectiveness calculations, quality measures and
34 the report cards shall be made public on the department's website by December thirty-first for the prior state fiscal year.

35 **33.17.** (DHHS: SCHIP Enrollment and Recertification) The Department of Health and Human Services shall enroll and
36 recertify eligible children to the State Children's Health Insurance Program (SCHIP) and must use available state agency program

1 data housed in the Budget and Control Board's Office of Research and Statistics, to include the Department of Social Services'
2 Food Stamp program and the Department of Education's Free and Reduced Meal eligibility data. Use of this data and cooperative
3 efforts between state agencies reduces the cost of outreach and maintenance of eligibility for SCHIP.

4 **33.18.** (DHHS: Carry Forward) The Department of Health and Human Services is authorized to carry forward cash balances
5 from the prior fiscal year into the current fiscal year for any earmarked or restricted trust and agency, or special revenue account or
6 subfund. The department shall submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year.
7 The report shall, at a minimum, for each account or subfund include the following: the statutory authority that allows the funds to
8 be carried forward, the maximum authorized amount that can be carried forward, the general purpose or need for the carry forward,
9 the specific source(s) of funding or revenue that generated the carry forward, and a detailed description of any pending obligations
10 against the carry forward. The report must be submitted to the President Pro Tempore of the Senate, Chairman of the Senate
11 Finance Committee, Speaker of the House of Representatives, and Chairman of the House Ways and Means Committee, within
12 fifteen days after the Comptroller General closes the fiscal year.

13 **33.19.** (DHHS: Medicaid Provider Fraud) The department shall expand and increase its effort to identify, report, and combat
14 Medicaid provider fraud. The department shall publish on its' agency homepage by April first, of the current fiscal year, the
15 results of these efforts, the funds recovered, and information pertaining to prosecutions of such cases, including pleas agreements
16 entered into.

17 **33.20.** (DHHS: Community Health Plans) ~~The Department of Health and Human Services shall oversee all community health~~
18 ~~plans approved to operate as a pilot program for the purpose of providing health care. Such oversight shall include the review and~~
19 ~~approval of the financial and business plan of the community health plan. Only those plans receiving approval from the~~
20 ~~department, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee prior to~~
21 ~~January 1, 2009 shall be authorized to operate as an approved community health plan pursuant to this provision. The department~~
22 ~~shall approve participation requirements of community health plans. An approved community health plan acting in accordance~~
23 ~~with these provisions shall not be considered as providing insurance or an unauthorized insurer.~~

24 **33.21.** (DHHS: GAPS) The requirements of Title 44, Chapter 6-610 through Chapter 6-660 shall be suspended for the current
25 state fiscal year.

26 **33.22.** (DHHS: Disproportionate Share - DMH) For the current fiscal year, the department is directed to transfer funds to the
27 Department of Mental Health to make up any shortfall in disproportionate share funding due to rule changes from the Center for
28 Medicare and Medicaid Services from the latest federal fiscal year amount. The department must also take any necessary action,
29 including the submission of an amendment to the State Medicaid Plan, to minimize the impact of disproportionate share funding
30 redistribution to the Department of Mental Health in future years.

31 **33.23.** (DHHS: Medicaid Reporting) ~~Within ninety days of the end of each quarter during the current fiscal year, the~~
32 ~~department shall report each cost savings measure implemented. By county, the department shall report the number of enrolled~~
33 ~~and active providers by provider type, provider specialty and sub-specialty, the number of recipients, the number of recipients by~~
34 ~~provider type, the expenditures by provider type and specialty, and service level utilization trends. The department shall continue~~
35 ~~to annually report HEDIS measures, noting where measures improve or decline. Each report shall be prominently displayed on the~~
36 ~~department's website.~~

1 **33.24.** (DHHS: ~~Grant~~ Contract Authority) The Department of Health and Human Services is authorized to ~~make grants to~~
2 ~~contract with~~ community-based not-for-profit organizations for local projects that further the objectives of department programs.
3 ~~The department is authorized to issue a total of \$20,000,000 in grants, with no individual grant exceeding \$500,000.~~ The department
4 shall develop policies and procedures and may promulgate regulations to assure compliance with state and federal requirements
5 associated with the funds used for the ~~grants~~ contracts and to assure fairness and accountability in the award and administration of
6 these ~~grants~~ contracts. The department may require a match from ~~grant~~ contract recipients. The department shall report to the
7 Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committees on the ~~grants awarded~~
8 ~~contracts administered~~.

9 **33.25.** (DHHS: Community Health Center/FQHC) Entities receiving funding under Section 330 of the Public Health Services
10 Act, qualify to receive funds provided in this act for Community Health Center/FQHC. FQHC Look-A-Likes are also included in the
11 distribution of these funds. However, no entity is eligible to receive funds allocated by this proviso if the Chief Executive Officer is
12 not an employee of the entity or is hired under a management agreement to operate the entity.

13 This appropriation shall be disbursed as follows: (1) thirty percent of the total appropriation will be divided among qualifying
14 entities; and (2) the balance of the appropriation will be distributed with forty percent based on uninsured patients served and thirty
15 percent based on the number of patients seen from counties with a population of less than 125,000. Any newly established
16 Community Health Center/FQHC shall receive an amount equivalent to the average disbursement made to all Centers/FQHCs.

17 **33.26.** (DHHS: Medicaid Accountability and Quality Improvement Initiative) From the funds appropriated and authorized to
18 the Department of Health and Human Services, the department ~~shall~~ is authorized to implement the following accountability and
19 quality improvement initiatives:

20 (A) Healthy Outcomes Initiative - ~~Upon approval of the Centers for Medicare and Medicaid Services (CMS), the~~ The
21 Department of Health and Human Services shall ~~make available to participating hospitals up to a \$35,000,000 aggregate rate~~
22 ~~incentive effective October 1, 2013. This incentive shall be directly linked to a hospital's~~ tie Disproportionate Share Hospital
23 ~~(DSH) payments to participation in initiatives designed to reduce system cost and increase health outcomes~~ the Healthy Outcomes
24 ~~Initiative and may expand the program as DSH funding is available.~~

25 (B) To improve community health, the department may explore various health outreach, education, ~~and~~ patient wellness and
26 incentive programs. ~~Working with Kershaw Health and its LiveWell Kershaw program, the~~ The department may pilot health
27 ~~interventions targeting~~ diabetes, smoking cessation, weight management, ~~and~~ heart disease, and other health conditions
28 ~~interventions to identify the potential to offer such interventions as models for other hospitals to pursue. These programs may be~~
29 ~~expanded as their potential to improve health and lower costs are identified by the department. These initiatives may include, but~~
30 ~~are not limited to:~~

31 (1) ~~entering into a Memorandum of Understanding (MOU) with selected primary health care and other providers to co-~~
32 ~~manage chronically ill uninsured high-utilizers of emergency room services; and~~

33 (2) ~~participating in price and quality transparency efforts initiated by the department.~~

34 ~~In designing these initiatives the department shall receive public input, and make the final determination of the initiative design.~~
35 ~~The department shall, no later than August 1, 2013, publish the manner in which participation in these initiatives will correspond~~

1 with incentives. If at the end of the state fiscal year the department determines that this program is not generating cost savings or
2 increasing health outcomes the department may retract this incentive in part or full.

3 (B) ~~Disproportionate Share (DSH) Payment Accountability~~ Upon approval of CMS, in order to increase accountability for
4 money reimbursed to hospitals under the DSH program and to improve outcomes for the uninsured, hospitals shall:

5 (1) ~~submit claims level data for all individuals receiving uncompensated care; and~~

6 (2) ~~obtain a patient attestation to determine whether or not the individual receiving uncompensated care has access to~~
7 ~~affordable health insurance or does not have other means to pay for services.~~

8 (C) Rural Hospital DSH Payment ~~Upon approval of CMS,~~ Medicaid-designated rural hospitals in South Carolina shall may be
9 eligible to receive full coverage up to one hundred percent (100%) of costs associated with uncompensated care as part of the
10 State's Medicaid Disproportionate Share (DSH) program. Funds shall be allocated from the existing DSH program and shall not
11 exceed \$20,000,000 \$25,000,000 total funds. ~~Rural Hospitals are ineligible for this increased coverage should they not~~ To be
12 eligible, rural hospitals must participate in reporting and quality guidelines published by the department and outlined in the
13 Healthy Outcomes Initiative ~~in the Fiscal Year 2013-14 Appropriations Act. These guidelines shall be published no later than~~
14 ~~August 1, 2013.~~ In addition to the requirements placed upon them by the department, rural hospitals must actively participate with
15 the department and any other stakeholder identified by the department, in efforts to design an alternative health care delivery
16 system in these regions.

17 (D) Primary Care Safety Net - The department shall ~~develop~~ implement a methodology to reimburse safety net providers to
18 provide primary care, behavioral health services, and pharmacy services for chronically ill individuals that do not have access to
19 affordable insurance. Qualifying safety net providers are approved, licensed, and duly organized Federally Qualified Health
20 Centers (FQHCs, entities receiving funding under Section 330 of the Public Health Services Act, and FQHC Look-A-Likes), Rural
21 Health Clinics (RHCs), Free Clinics, other clinics serving the uninsured, and Welvista. No FQHC ~~and or~~ or FQHC Look-A-Likes
22 Like operating under a management agreement or operated by a Chief Executive Officer who is not an employee of the entity is
23 eligible to receive funds allocated by this proviso.

24 The department shall formulate methodology and allocate at least \$5,000,000 for baseline funding to FQHCs ~~as defined in~~
25 ~~paragraph (D), at least \$2,000,000 for documented capital needs for FQHCs as defined in paragraph (D), and~~ at least \$2,000,000
26 for baseline funding for Free Clinics, ~~and~~ The department shall formulate methodology and allocate at least \$5,000,000 for
27 innovative care strategies for qualifying safety net providers participating in a hospital Healthy Outcomes Initiative program.

28 The department shall consult with the SC Primary Health Care Association to determine the entities with the most critical capital
29 needs. From the aforementioned \$14,000,000, Welvista shall receive at least an additional \$600,000.

30 To be eligible for funds, qualifying providers shall be required to provide the department patient and service data to assist in the
31 overall improvement of the state's health quality and when appropriate safety net providers must enter into a MOU with hospitals
32 to co-manage chronically ill uninsured high-utilizers of emergency room services. ~~Participants in this program shall submit~~
33 ~~evaluations of effectiveness annually to the department.~~

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

1 (1) the department shall leverage the Medicaid spending on Graduate Medical Education (GME) program and develop a
2 methodology to improve accountability and increased outcomes for the State's GME and Supplemental Teaching Payments
3 investment by implementing methodologies that support recommendations contained in the January 4, 2014 report of the South
4 Carolina GME Advisory Group;

5 (2) the department shall develop a program to leverage the use of teaching hospitals to provide rural physician coverage,
6 expand the use of Telemedicine, and ensure targeted placement and support of OB/GYN services in at least four counties with a
7 demonstrated lack of adequate OB/GYN resources by July 1, 2014 2015; and

8 (3) during the current fiscal year the department shall allocate \$4,000,000 to the MUSC Hospital Authority for
9 telemedicine.

10 (F) ~~Community Residential Care Optional State Supplement~~ The department shall establish policies and procedures to include
11 establishing a facility rate per eligible beneficiary at \$1,500 per month for recipients and providers who meet the requirements for
12 the enhanced maximum OSS payment; establish eligibility criteria; and establish a methodology for increasing the personal needs
13 allowance. The department will revise the net income limit to accommodate the change in the maximum OSS facility rate. A total
14 of at least \$12,000,000 shall be made available for this rate increase. The facility rate shall increase a minimum of \$100 per month
15 per eligible beneficiary. All current recipients shall remain eligible for the supplement during the fiscal year and nothing contained
16 herein may conflict with or limit existing regulations.

17 In addition, the department will establish Quality of Care Standards and other requirements for facilities licensed as a
18 Community Residential Care Facility and participating in the OSS program and Medicaid Waiver services. To be eligible for funds
19 in this proviso, providers must provide the department with patient, service and financial data to assist in the operation and
20 ongoing evaluation of both the initiatives resulting from this proviso, and also other price and quality transparency efforts initiated
21 by the department. The Office of Research and Statistics shall provide the department with any information required by the
22 department in order to implement this proviso. (G) The department shall publish quarterly reports on the agency's website
23 regarding the department's progress in meeting the goals established by this provision.

24 **33.27.** (DHHS: Medicaid Healthcare Initiatives Outcomes) Prior to February 15 of the current fiscal year, the Director of the
25 Department of Health and Human Services shall make a presentation to the House Ways and Means Healthcare Budget
26 Subcommittee on the outcomes of Medicaid healthcare initiatives enacted during since Fiscal Year 2013-14 to improve the well
27 being of persons enrolled in the Medicaid program and receiving services from Medicaid providers.

28 **33.28.** (DHHS: Medicaid Non-Emergency Medical Transportation) The Department of Health and Human Services
29 (department) shall procure transportation services upon the expiration of the current Medicaid non-emergency medical
30 transportation contracts using a service model that maximizes efficiencies and cost effectiveness; improves health care outcomes;
31 and improves member experience regarding quality and satisfaction in the Medicaid transportation program while using qualified
32 transportation providers.

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

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

1 **33.29.** (DHHS: Carry Forward Authorization) For the current fiscal year, the Department of Health and Human Services is
2 authorized to carry forward and expend any General Fund balances for the Medicaid program. Within thirty days after the close of
3 the fiscal year, the department shall report the balance carried forward to the Chairman of the Senate Finance Committee and the
4 Chairman of the House Ways and Means Committee.
5

6 **SECTION 34 - J04-DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**
7

8 **34.1.** (DHEC: County Health Departments Funding) Out of the appropriation provided in this section for “Access to Care”,
9 the sum of \$25,000 shall be distributed to the county health departments by the commissioner, with the approval of the Board of
10 Department of Health and Environmental Control, for the following purposes:

- 11 (1) To insure the provision of a reasonably adequate public health program in each county.
- 12 (2) To provide funds to combat special health problems that may exist in certain counties.
- 13 (3) To establish and maintain demonstration projects in improved public health methods in one or more counties in the
14 promotion of better public health service throughout the State.
- 15 (4) To encourage and promote local participation in financial support of the county health departments.
- 16 (5) To meet emergency situations which may arise in local areas.
- 17 (6) To fit funds available to amounts budgeted when small differences occur.

18 The provisions of this proviso shall not supersede or suspend the provisions of Section 13-7-30 of the 1976 Code.

19 **34.2.** (DHEC: County Health Units) General funds made available to the Department of Health and Environmental Control for
20 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
21 Department of Health and Environmental Control. The amount of general funds appropriated herein for Access to Care shall be
22 allocated on a basis such that no county budget shall receive less than the amount received in the prior fiscal year, except when
23 instructed by the Budget and Control Board or the General Assembly to reduce funds within the department by a certain
24 percentage, the department may unilaterally reduce the county health units up to the stipulated percentage.

25 **34.3.** (DHEC: Camp Burnt Gin) Private donations or contributions for the operation of Camp Burnt Gin shall be deposited in a
26 restricted account. These funds may be carried forward and shall be made available as needed to fund the operation of the camp.
27 Withdrawals from this restricted account must be in accordance with approved procedures.

28 **34.4.** (DHEC: Children’s Rehabilitative Services) The Children’s Rehabilitative Services shall be required to utilize any
29 available financial resources including insurance benefits and/or governmental assistance programs, to which the child may
30 otherwise be entitled in providing and/or arranging for medical care and related services to physically handicapped children
31 eligible for such services, as a prerequisite to the child receiving such services.

32 **34.5.** (DHEC: Cancer/Hemophilia) Notwithstanding any other provisions of this act, the funds appropriated herein for
33 prevention, detection and surveillance of cancer as well as providing for cancer treatment services, \$545,449 and the hemophilia
34 assistance program, \$1,186,928 shall not be transferred to other programs within the agency and when instructed by the Budget and
35 Control Board or the General Assembly to reduce funds within the department by a certain percentage, the department may not act

1 unilaterally to reduce the funds for any cancer treatment program and hemophilia assistance program provided for herein greater
2 than such stipulated percentage.

3 **34.6.** (DHEC: Local Health Departments) Counties of the state will be relieved of contribution requirements for salary, fringe
4 benefits and travel reimbursement to local health departments. The amount of \$5,430,697 is appropriated for county health
5 department salaries, fringe benefits and travel. These funds and other state funds appropriated for county health units may, based
6 upon need, be utilized in either salary or travel categories. Each county shall provide all other operating expenses of the local
7 health department in an amount at least equal to that appropriated for operations for each county in Fiscal Year 1981. In the event
8 any county makes uniform reductions in appropriations to all agencies or departments for maintenance and operations, exclusive of
9 salaries and fringe benefits, a like reduction shall be made in funds appropriated for the operating expenses of the local health
10 department.

11 **34.7.** (DHEC: Insurance Refunds) The Department of Health and Environmental Control is authorized to budget and expend
12 monies resulting from insurance refunds for prior year operations for case services in family health.

13 **34.8.** (DHEC: Emergency Medical Services) Funds appropriated herein for Emergency Medical Services, shall be allocated
14 for the purpose of improving and upgrading the EMS system throughout the state. The monies allocated to the Counties are for the
15 purpose of improving or upgrading the local EMS system through the licensed ambulance services, the monies allocated to the
16 EMS Regional Councils are for the administration of training programs and technical assistance to local EMS organizations and
17 county systems. All additional funds are to be allocated as follows: to the counties at the ratio of eighty-one percent of the
18 additional funds appropriated herein, to the EMS Regions at a ratio of twelve percent of the additional funds appropriated herein
19 and to the state EMS Office at the ratio of seven percent of the additional funds appropriated herein. The Department of Health
20 and Environmental Control shall develop criteria and guidelines and administer the system to make allocations to each region and
21 county within the state, based on demonstrated need and local match. Funds appropriated to Emergency Medical Services shall not
22 be transferred to other programs within the department's budget. Unexpended funds appropriated to the program may be carried
23 forward to succeeding fiscal years and expended for administrative and operational support and for temporary and contract
24 employees to assist with duties related to improving and upgrading the EMS system throughout the state, including training of
25 EMS personnel and administration of grants to local EMS providers. In addition, when instructed by the Budget and Control
26 Board or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds appropriated for
27 EMS Regional Councils or Aid to Counties greater than such stipulated percentage.

28 **34.9.** (DHEC: Rape Violence Prevention Contract) Of the amounts appropriated in Rape Violence Prevention, \$1,103,956
29 shall be used to support programmatic efforts of the state's rape crisis centers with distribution of these funds based on the
30 Standards and Outcomes for Rape Crisis Centers and each center's accomplishment of a pre-approved annual action plan. For
31 Fiscal Year ~~2013-14~~ 2014-15, the department shall not reduce these contracts below the current funding level.

32 **34.10.** (DHEC: Sickle Cell Blood Sample Analysis) \$16,000 is appropriated in Independent Living for the Sickle Cell Program
33 for Blood Sample Analysis and shall be used by the department to analyze blood samples submitted by the four existing regional
34 programs - Region I, Barksdale Sickle Cell Anemia Foundation in Spartanburg; Region II, Clark Sickle Cell Anemia Foundation in
35 Columbia; Region III, Committee on Better Racial Assurance Hemoglobinopathy Program in Charleston; and the Orangeburg Area
36 Sickle Cell Anemia Foundation.

1 **34.11.** (DHEC: Sickie Cell Programs) \$761,233 is appropriated for Sickie Cell program services and shall be apportioned as
2 follows:

3 (1) sixty-seven percent is to be divided equitably between the existing Community Based Sickie Cell Programs located in
4 Spartanburg, Columbia, Orangeburg, and Charleston; and

5 (2) thirty-three percent is for the Community Based Sickie Cell Program at DHEC.

6 The funds shall be used for providing prevention programs, educational programs, testing, counseling and newborn screening.
7 The balance of the total appropriation must be used for Sickie Cell Services operated by the Independent Living program of
8 DHEC. The funds appropriated to the community based sickie cell centers shall be reduced to reflect any percent reduction
9 assigned to the Department of Health and Environmental Control by the Budget and Control Board; provided, however, that the
10 department may not act unilaterally to reduce the funds for the Sickie Cell program greater than such stipulated percentage. The
11 department shall not be required to undertake any treatment, medical management or health care follow-up for any person with
12 sickie cell disease identified through any neonatal testing program, beyond the level of services supported by funds now or
13 subsequently appropriated for such services. No funds appropriated for ongoing or newly established sickie cell services may be
14 diverted to other budget categories within the DHEC budget. For Fiscal Year ~~2013-14~~ 2014-15, the department shall not reduce
15 these funds below the current funding level.

16 **34.12.** (DHEC: Genetic Services) The sum of \$104,086 appearing under the Independent Living program of this act shall be
17 appropriated to and administered by the Department of Health and Environmental Control for the purpose of providing appropriate
18 genetic services to medically needy and underserved persons. Such funds shall be used by the department to administer the
19 program and to contract with appropriate providers of genetic services. Such services will include genetic screening, laboratory
20 testing, counseling, and other services as may be deemed beneficial by the department, and these funds shall be divided equally
21 among the three Regional Genetic Centers of South Carolina, composed of units from the Medical University of South Carolina,
22 the University of South Carolina School of Medicine, and the Greenwood Genetic Center.

23 **34.13.** (DHEC: Revenue Carry Forward Authorization) The Department of Health and Environmental Control is hereby
24 authorized to collect, expend, and carry forward revenues in the following programs: Sale of Goods (confiscated goods, arm
25 patches, etc.), sale of meals at Camp Burnt Gin, sale of publications, brochures, Spoil Easement Areas revenue, performance bond
26 forfeiture revenue for restoring damaged critical areas, beach renourishment appropriations, photo copies and certificate forms,
27 including but not limited to, pet rabies vaccination certificate books, sale of listings and labels, sale of State Code and
28 Supplements, sale of films and slides, sale of maps, sale of items to be recycled, including, but not limited to, used motor oil and
29 batteries, sale and/or licensing of software products developed and owned by the Department, and collection of registration fees for
30 non-DHEC employees. Any unexpended balance carried forward must be used for the same purpose.

31 **34.14.** (DHEC: Medicaid Nursing Home Bed Days) Pursuant to Section 44-7-84(A) of the 1976 Code, the maximum number of
32 Medicaid patient days for which the Department of Health and Environmental Control is authorized to issue Medicaid nursing
33 home permits is 4,452,015. Facilities exceeding their Medicaid patient days permit by more than five percent shall be fined
34 incrementally at the same rate established by the General Assembly for Fiscal Year 2012-13.

35 **34.15.** (DHEC: Health Licensing Fee) Funds resulting from an increase in the Health Licensing Fee Schedule shall be retained
36 by the department to fund increased responsibilities of the health licensing programs. Failure to submit a license renewal

1 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
2 licensing fee amount, whichever is greater, in addition to the licensing fee. Continual failure to submit completed and accurate
3 renewal applications and/or fees by the time period specified by the department shall result in enforcement actions. The
4 department may waive any or all of the assessed late fees in extenuating circumstances, as long as it is with public knowledge.

5 **34.16.** (DHEC: Infectious Waste Contingency Fund) The Department of Health and Environmental Control is authorized to use
6 not more than \$75,000 from the Infectious Waste Contingency Fund per year for personnel and operating expenses to implement
7 the Infectious Waste Act.

8 **34.17.** (DHEC: Nursing Home Medicaid Bed Day Permit) When transfer of a Medicaid patient from a nursing home is
9 necessary due to violations of state or federal law or Medicaid certification requirements, the Medicaid patient day permit shall be
10 transferred with the patient to the receiving nursing home. The receiving facility shall apply to permanently retain the Medicaid
11 patient day permit within sixty days of receipt of the patient.

12 **34.18.** (DHEC: Mineral Sets Revenue) The department is authorized to charge a reasonable fee for mineral sets. Funds
13 generated from the sale of mineral sets may be retained by the department in a revolving account with a maximum carry forward of
14 \$2,000 and must be expended for mineral set supplies and related mining and reclamation educational products.

15 **34.19.** (DHEC: Spoil Easement Areas Revenue) The department is authorized to collect, retain and expend funds received from
16 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
17 providing adequate spoil easement areas for the Atlantic Intracoastal Waterway in South Carolina.

18 **34.20.** (DHEC: Per Visit Rate) The SC DHEC is authorized to compensate non-permanent, part-time employees on a fixed rate
19 per visit basis. Compensation on a fixed rate per visit may be paid to employees for whom the department receives per visit
20 reimbursement from other sources. These individuals will provide direct patient care in a home environment. The per visit rate
21 may vary based on the discipline providing the care and the geographical location of services rendered. Management may pay
22 exempt or non-exempt employees as defined by the Fair Labor Standards Act only when they are needed to work. Individuals
23 employed in this category may exceed twelve months, but are not eligible for State benefits except for the option of contributing to
24 the State Retirement System.

25 **34.21.** (DHEC: Allocation of Indirect Cost and Recoveries) The department shall continue to deposit in the general fund all
26 indirect cost recoveries derived from state general funds participating in the calculation of the approved indirect cost rate. Further
27 administration cost funded with other funds used in the indirect cost calculation may, based on their percentage, be retained by the
28 agency to support the remaining administrative costs of the agency.

29 **34.22.** (DHEC: Permitted Site Fund) The South Carolina Department of Health and Environmental Control may expend funds
30 as necessary from the permitted site fund established pursuant to Section 44-56-160(B)(1), for legal services related to
31 environmental response, regulatory, and enforcement matters, including administrative proceedings and actions in state and all
32 federal courts.

33 **34.23.** (DHEC: Shift Increased Funds) The Director is authorized to shift increased appropriated funds in this act to offset
34 shortfalls in other critical program areas.

35 **34.24.** (DHEC: Health Licensing Monetary Penalties) In the course of regulating health care facilities/services, the Division of
36 Health Licensing (DHL) assesses civil monetary penalties against non-conforming providers. DHL shall retain up to the first

1 \$50,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce the
2 provisions of regulations applicable to that Division. These funds shall be separately accounted for in the Department's fiscal
3 records.

4 **34.25.** (DHEC: Health Facility Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of
5 Health Facilities and Services Development (BHF) assesses civil monetary penalties against non-conforming providers. BHF shall
6 retain up to the first \$100,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry
7 out and enforce the provisions of regulations applicable to that Bureau. These funds shall be separately accounted for in the
8 Department's fiscal records.

9 **34.26.** (DHEC: Radiological Health Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of
10 Radiological Health (BRH) assesses civil monetary penalties against non-conforming providers. BRH shall retain up to the first
11 \$30,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce the
12 provisions of regulations applicable to that Bureau. These funds shall be separately accounted for in the Department's fiscal
13 records.

14 **34.27.** (DHEC: Prohibit Use of Funds) The Department of Health and Environmental Control must not use any state
15 appropriated funds to terminate a pregnancy or induce a miscarriage by chemical means.

16 **34.28.** (DHEC: Meals in Emergency Operations) The cost of meals may be provided to state employees who are required to
17 work during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

18 **34.29.** (DHEC: Compensatory Payment) In the event the President of the United States has declared a state of emergency or the
19 Governor has declared a state of emergency in a county in the State, Fair Labor Standards Act exempt employees of the department
20 may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency Director, and providing
21 funds are available.

22 **34.30.** (DHEC: Beach Renourishment and Monitoring and Coastal Access Improvement) ~~\$1,000,000 of funds allocated or~~
23 ~~carried forward for beach renourishment may be spent in accordance with all required state and federal permits and certifications to~~
24 ~~benefit an area in which the erosion of the beaches located in state jurisdiction is attributed to a federally authorized navigation~~
25 ~~project as documented by the findings of a Section 111 Study conducted under the authority of the federal Rivers and Harbors Act~~
26 ~~of 1968, as amended by the federal Water Resources Development Act of 1986, and approved by the United States Army Corps of~~
27 ~~Engineers and \$500,000 may be spent in accordance with all required state and federal permits and certifications for the purpose of~~
28 ~~constructing outfalls for stormwater emanating from jurisdictions where maintenance of near shore water quality is critical to~~
29 ~~tourism.~~ If state funds are made available or carried forward from any general revenue, capital, surplus or bond funding
30 appropriated to the department for beach renourishment and maintenance, the department shall be able to expend not more than
31 \$100,000 of these funds annually to support annual beach profile monitoring. Additional funds made available or carried forward
32 for beach renourishment projects that are certified by the department as excess may be spent for beach renourishment and
33 departmental activities that advance the policy goals contained in the State Beachfront Management Plan, R.30-21.

34 **34.31.** (DHEC: South Carolina State Trauma Care Fund) Of the funds appropriated to the South Carolina State Trauma Care
35 Fund, \$2,268,885 shall be utilized for increasing the reimbursement rates for trauma hospitals, for trauma specialists' professional
36 fee, for increasing the capability of EMS trauma care providers from counties with a high rate of traumatic injury deaths to care for

1 injury patients, and for support of the trauma system, based on a methodology as determined by the department with guidance and
2 input from the Trauma Council as established in Section 44-61-530 of the South Carolina Code of Laws. The methodology to be
3 developed will include a breakdown of disbursement of funds by percentage, with a proposed seventy-six and one half percent
4 disbursed to hospitals and trauma physician fees, sixteen percent of the twenty-one percent must be disbursed to EMS providers for
5 training EMTs, Advanced EMTs and paramedics by the four regional councils of this state and the remaining five percent must be
6 disbursed to EMS providers in counties with high trauma mortality rates, and two and one half percent allocated to the department
7 for administration of the fund and support of the trauma system. The Department of Health and Environmental Control shall
8 promulgate regulations as required in Section 44-61-540 of the 1976 Code for the administration and oversight of the Trauma Care
9 Fund.

10 **34.32.** (DHEC: Pandemic Influenza) The Department of Health and Environmental Control shall assess South Carolina's ability
11 to cope with a major influenza outbreak or pandemic influenza and maintain an emergency plan and stockpile of medicines and
12 supplies to improve the state's readiness condition. The department shall report on preparedness measures to the Speaker of the
13 House of Representatives, the President Pro Tempore of the Senate, and the Governor by November first, each year. The
14 department, in conjunction with the Department of Health and Human Services, is authorized to establish a fund for the purpose of
15 developing an emergency supply, stockpile, and distribution system of appropriate antiviral, antibiotic, and vaccine medicines and
16 medical supplies. In the event the United States Department of Health and Human Services makes available medicines or vaccines
17 for purchase by states via federal contract or federally-subsidized contract or other mechanism, the department, with Budget and
18 Control Board approval, may access appropriated or earmarked funds as necessary to purchase an emergency supply of these
19 medicines for the State of South Carolina.

20 **34.33.** (DHEC: Pharmacist Services) For the current fiscal year, provisions requiring that all department facilities distributing
21 or dispensing prescription drugs be permitted by the Board of Pharmacy and that each pharmacy have a pharmacist-in-charge are
22 suspended. Each Department of Health and Environmental Control Public Health Region shall be required to have a permit to
23 distribute or dispense prescription drugs. A department pharmacist may serve as the pharmacist-in-charge without being physically
24 present in the pharmacy. The department is authorized to designate one pharmacist-in-charge to serve more than one department
25 facility. Only pharmacists, nurses, or physicians are allowed to dispense and provide prescription drugs/products/vaccines for
26 conditions or diseases that the department treats, monitors, or investigates. In the event of a public health emergency or upon
27 activation of the strategic national stockpile, other medications may be dispensed as necessary.

28 **34.34.** (DHEC: Coastal Zone Appellate Panel) The Coastal Zone Appellate Panel as delineated in Section 48-39-40 of the 1976
29 Code under the Department of Health and Environmental Control shall be suspended for the current fiscal year.

30 **34.35.** (DHEC: Rural Hospital Grants) Rural Hospital Grants funds shall be allocated to public hospitals in very rural or rural
31 areas whose largest town is less than 25,000 and whose licensed bed capacity does not exceed two hundred beds. Hospitals
32 qualifying for the grants shall utilize such funds for any of the following purposes: (a) the development of preventive health
33 programs, medical homes, and primary care diversion from emergency departments; (b) expanded health services, including
34 physician recruitment and retention; (c) to improve hospital facilities; (d) activities involving electronic medical records or claims
35 processing systems; (e) to enhance disease prevention activities in diabetes, heart disease, etc; and (f) activities to ensure
36 compliance with State or Federal regulations.

1 **34.36.** (DHEC: Camp Burnt Gin) ~~Notwithstanding any other provision of law, the funds appropriated to the department~~
2 ~~pursuant to Part IA, or funds from any other source, for Camp Burnt Gin must not be reduced in the event the department is~~
3 ~~required to take a budget reduction.~~

4 **34.37.** (DHEC: Metabolic Screening) The department may suspend any activity related to blood sample storage as outlined in
5 Section 44-37-30 (D) and (E) of the 1976 Code, if there are insufficient state funds to support the storage requirements. In that
6 event, the samples may be destroyed in a scientifically appropriate manner after testing. The department shall notify providers of
7 the suspension within thirty days of its effective date.

8 **34.38.** (DHEC: Fetal Pain Awareness) (A) The department must utilize at least one hundred dollars to prepare printed materials
9 concerning information that unborn children at twenty weeks gestation and beyond are fully capable of feeling pain and the right of
10 a woman seeking an abortion to ask for and receive anesthesia to alleviate or eliminate pain to the fetus during an abortion
11 procedure. The materials must be provided to each abortion provider in the State and must be placed in a conspicuous place in
12 each examination room at the doctor's office. The materials must contain only the following information:

13 "Fetal Pain Awareness

14 An unborn child who is twenty weeks old or more is fully capable of experiencing pain. Anesthesia provided to a woman for an
15 abortion typically offers little pain prevention for the unborn child. If you choose to end your pregnancy, you have a right to have
16 anesthesia or analgesic administered to alleviate the pain to your unborn child during the abortion."

17 (B) The materials must be easily comprehensible and must be printed in a typeface large and bold enough to be clearly legible.

18 **34.39.** (DHEC: SCHIDS) From funds appropriated for Chronic Disease Prevention, the department shall establish a South
19 Carolina Health Integrated Data Services (SCHIDS) program to disseminate data about prevalence, treatment and cost of disease
20 from the South Carolina Health and Human Services Data Warehouse and in particular the Medicaid System. The purpose of the
21 program is to educate communities statewide about improving health and wellness through lifestyle changes.

22 The Budget and Control Board, Office of Research and Statistics shall provide data needed by the SCHIDS program to fulfill its
23 mission, and all state agencies and public universities involved in educating South Carolinians through public programs for the
24 purpose of improving health and wellness shall communicate with the program in order to improve collaboration and coordination
25 and the possible use of SCHIDS to assist in the evaluation of program outcomes.

26 Medicaid staff shall coordinate with the SCHIDS program staff to target Prevention Partnership Grant awards to those
27 communities demonstrating a prevalence of chronic disease and/or lack of access to care.

28 **34.40.** (DHEC: Abstinence Education Contract) For the current fiscal year, funds made available to the State of South Carolina
29 under the provisions of Title V, Section 510, may only be awarded to other entities through a competitive bidding process.

30 **34.41.** (DHEC: Immunizations) The department is authorized to utilize the funds appropriated for immunizations to hire
31 temporary personnel to address periods of high demand for immunizations at local health departments.

32 **34.42.** (DHEC: Laurens County) ~~By August 1, 2013, the department shall transfer \$39,425 to the County of Laurens, South~~
33 ~~Carolina to reimburse the county for the expenses of reroofing a building vacated by the department.~~

34 **34.43.** (DHEC: Cancer Early Detection/Screenings) ~~Of the funds appropriated and/or authorized to the Department of Health~~
35 ~~and Environmental Control, excluding department Restricted fund accounts, \$1,000,000 shall be used for the Best Chance Network~~
36 ~~and \$500,000 shall be used as matching funds for the Colon Cancer Prevention Network.~~

1 **34.44.** (DHEC: Obesity) The Department of Health and Environmental Control is charged with addressing the public health of
2 our citizens and shall be the convener and coordinator of the fight against Obesity in South Carolina. Because addressing the
3 obesity epidemic requires behavioral, educational, systemic, medical, and community involvement, the following state agencies
4 should use their best efforts to cooperate with the requests of the department and its partners to facilitate an environment that
5 decreases body mass index (BMI): Department of Education; Department of Health and Human Services; Department of Social
6 Services; Department of Mental Health; Medical University of South Carolina; University of South Carolina Arnold School of
7 Public Health; Department of Parks, Recreation & Tourism; Department of Commerce; Department of Transportation; and
8 Commission for the Blind.

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

16 **34.45.** (DHEC: Residential Treatment Facilities Swing Beds) For Fiscal Year 2013-14 in coordination with the South Carolina
17 Health Plan and to improve access for acute psychiatric beds as patient populations demand, Residential Treatment Facilities
18 (RTF) may swing up to 10 beds per qualifying facility to accommodate patients with a diagnosis of an acute psychiatric disorder.
19 In order to qualify to utilize swing beds a facility must meet the following criteria: the facility must currently have both licensed
20 acute psychiatric and residential treatment facility beds, the RTF beds must meet the same licensure requirements as the existing
21 licensed acute psychiatric beds, and any facility utilizing swing beds must keep the acute and RTF patient populations separate and
22 distinct. The utilization of swing beds must also comply with all federal Centers for Medicare and Medicaid Services rules and
23 regulations.

24 **34.46.** (DHEC: Surface Water Withdrawal Permit) ~~For purposes of compliance with the requirements of R.61-119, any existing~~
25 ~~surface water withdrawer, as defined in Section 49-4-20(9) of the 1976 Code, as amended, shall be allowed to file a permit~~
26 ~~application, pay the \$1,000 application fee and receive a permit as an existing surface water withdrawer, as long as the application~~
27 ~~is submitted prior to July 15, 2013.~~

28 **34.47.** (DHEC: Sand-scraping and Sandbagging) ~~Sand scraping and sandbagging is allowed as protection for golf courses, if~~
29 ~~permitted by the department, until December 31, 2013, at which time sand scraping and sandbagging will no longer be allowed for~~
30 ~~the protection of golf courses.~~

31 **34.48.** (DHEC: Tuberculosis Outbreak) ~~Upon discovery of a tuberculosis outbreak, the Department of Health and~~
32 ~~Environmental Control may expend any funds available to the agency, for the purpose of surveillance, investigation, containment,~~
33 ~~and treatment activities related thereto.~~

34

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. (DMH: Practice Plan) ~~Employees of the department affiliated with the University of South Carolina School of Medicine, who hold faculty appointments in the School, may participate in the School's Practice Plan provided that participation not take place during regular working hours. Funds generated by such participants shall be handled in accordance with University policies governing Practice Plan funds.~~

35.4. (DMH: Huntington's Disease) ~~Of funds appropriated, the Department of Mental Health shall designate \$150,000 for administrative and personnel costs for Huntington's Disease clinical services within the Department of Mental Health.~~

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 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).

1 **35.8.** (DMH: Uncompensated Patient Medical Care) There is created an Uncompensated Patient Care Fund to be used by the
2 department for medical costs incurred for patients ~~that must be transferred to a private hospital for services~~. These funds may be
3 carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

4 **35.9.** (DMH: Meals in Emergency Operations) The cost of meals may be provided to state employees who are required to
5 work during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

6 **35.10.** (DMH: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Mental Health is
7 authorized to establish an interest bearing fund with the State Treasurer to deposit funds appropriated for deferred maintenance and
8 other one-time funds from any source. After receiving any required approvals, the department is authorized to expend these funds
9 for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance. These funds may be carried
10 forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

11 **35.11.** (DMH: State Veterans Domiciliary Facility) ~~The Department of Mental Health shall prepare a report evaluating the~~
12 ~~feasibility and desirability of the State furnishing domiciliary care to eligible veterans in State Veterans' Homes. Domiciliary care~~
13 ~~is the provision of shelter, sustenance, and incidental medical care on an ambulatory self-care basis to assist eligible veterans,~~
14 ~~disabled by age or illness to attain physical, mental, and social well being through rehabilitative programs. This report must~~
15 ~~consider and discuss the feasibility of locating a facility in proximity to current State Veterans Nursing Homes, including but not~~
16 ~~limited to available space at the agency's C.M. Tucker Nursing Care Center in Columbia. The report must also consider and~~
17 ~~discuss opportunities for the private sector's role in operating such facilities. This report shall be provided to the Chairman of the~~
18 ~~Senate Finance Committee, the Chairman of the Senate Medical Affairs Committee, the Chairman of the House Ways and Means~~
19 ~~Committee, and the Chairman of the Medical, Military, Public, and Municipal Affairs Committee by January 10, 2014.~~

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

21
22
23 **36.1.** (DDSN: Work Activity Programs) All revenues derived from production contracts earned by mentally retarded trainees
24 in Work Activity Programs be retained by the South Carolina Department of Disabilities and Special Needs and carried forward as
25 necessary into the following fiscal year to be used for other operating expenses and/or permanent improvements of these Work
26 Activity Programs.

27 **36.2.** (DDSN: Sale of Excess Real Property) The department is authorized to retain revenues associated with the sale of excess
28 real property owned by, under the control of, or assigned to the department and may expend these funds as grants to purchase or
29 build community residences and day program facilities for the individuals DDSN serves. The department shall follow all the
30 policies and procedures of the Budget and Control Board and the Joint Bond Review Committee.

31 **36.3.** (DDSN: Prenatal Diagnosis) Revenues not to exceed \$126,000 from client fees, credited to the debt service fund and not
32 required to meet the department's debt service requirement, may be expended only in the current fiscal year to promote expanded
33 prenatal diagnosis of mental retardation and related defects by the Greenwood Genetic Center.

34 **36.4.** (DDSN: Medicaid Funded Contract Settlements) The department is authorized to carry forward and retain settlements
35 under Medicaid-funded contracts.

1 **36.5.** (DDSN: Departmental Generated Revenue) The department is authorized to continue to expend departmental generated
2 revenues that are authorized in the budget.

3 **36.6.** (DDSN: Transfer of Capital/Property) The department may transfer capital to include property and buildings to local
4 DSN providers with Budget and Control Board approval.

5 **36.7.** (DDSN: Unlicensed Medication Providers) The provision of selected prescribed medications may be performed by
6 selected unlicensed persons in community-based programs sponsored, licensed or certified by the South Carolina Department of
7 Disabilities and Special Needs, provided such selected unlicensed persons have documented medication training and skill
8 competency evaluation. Licensed nurses may train and supervise selected unlicensed persons to provide medications and, after
9 reviewing competency evaluations, may approve selected unlicensed persons for the provision of medications. The provision of
10 medications by selected unlicensed persons is limited to oral and topical medications and to regularly scheduled insulin and
11 prescribed anaphylactic treatments under established medical protocol and does not include sliding scale insulin or other injectable
12 medications. The selected unlicensed persons shall be protected against tort liability provided their actions are within the scope of
13 their job duties and the established medical protocol.

14 The Department of Disabilities and Special Needs shall establish curriculum and standards for training and oversight.

15 This provision shall not apply to a facility licensed as a habilitation center for the mentally retarded or persons with related
16 conditions.

17 **36.8.** (DDSN: Pervasive Developmental Disorder) The Department of Disabilities and Special Needs, as the agency
18 authorized to treat autistic disorder, is designated for a Medicaid project to treat children who have been diagnosed by eight years
19 of age with a pervasive developmental disorder. The project must target the youngest ages feasible for treatment effectiveness,
20 treatment for each individual child shall not exceed three years without a special exception as defined in the waiver, and
21 reimbursement for each individual participant may not exceed \$50,000 per year. The Department of Disabilities and Special Needs
22 and the Department of Health and Human Services will determine the areas of the State with the greatest need and availability of
23 providers. Children participating in the project will be selected based upon an application system developed in compliance with
24 the Medicaid waiver. Treatment will be provided as authorized and prescribed by the department according to the degree of the
25 developmental disability. In authorizing and prescribing treatment the department may award grants or negotiate and contract with
26 public or private entities to implement intervention programs, which must comply with Medicaid reimbursement methodologies,
27 for children who have been diagnosed with a pervasive developmental disorder. "Pervasive developmental disorder" means a
28 neurological condition, including autistic disorder and Asperger's syndrome, as defined in the most recent edition of the Diagnostic
29 and Statistical Manual of Mental Disorders of the American Psychiatric Association. The department shall report semi-annually to
30 the General Assembly and the Governor on the developmental progress of the children participating in the project and the fiscal
31 status of the project, to include expenditure data and appropriation balances. This provision does not establish or authorize creation
32 of an entitlement program or benefit.

33 **36.9.** (DDSN: Modular Ramps) ~~The Department of Disabilities and Special Needs is authorized to lease modular ramps in the~~
34 ~~event the department can foresee demonstrated cost savings to the department.~~

35 **36.10.** (DDSN: Child Daycare Centers) Of the funds appropriated to the department, the department shall provide
36 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 1, the department must report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on the remaining balance in this account and on the amounts and purposes for which the account was used in the prior fiscal year.

36.12. (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.

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. (DAODAS: Eligibility for Treatment Services) ~~Upon the payment of all applicable fees, any resident of South Carolina is eligible to take part in the treatment programs offered by the Department of Alcohol and Other Drug Abuse Services during the current fiscal year.~~

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 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

1 in offsetting the costs associated with the new system implementation through the Medicare and Medicaid EHR Incentive Program
2 or any other grant programs.

3
4 **SECTION 38 - L04-DEPARTMENT OF SOCIAL SERVICES**
5

6 **38.1.** (DSS: Fee Retention) The Department of Social Services shall recoup all refunds and identified program overpayments
7 and all such overpayments shall be recouped in accordance with established collection policy. Funds of ~~\$800,000~~ \$500,000
8 collected under the Child Support Enforcement Program (Title IV-D) which are state funds shall be remitted to the State Treasurer
9 and credited to the General Fund of the State. All state funds above ~~\$800,000~~ \$500,000 shall be retained by the department to fund
10 Self-Sufficiency and Family Preservation and Support initiatives.

11 **38.2.** (DSS: Recovered State Funds) The department shall withhold a portion of the State Funds recovered, under the Title IV-
12 D Program, for credit to the general fund in order to allow full participation in the federal "set off" program offered through the
13 Internal Revenue Service, the withholding of unemployment insurance benefits through the Department of Employment and
14 Workforce and reimbursement for expenditures related to blood testing. Such funds may not be expended for any other purpose.
15 The Department of Social Services shall be allowed to utilize the State share of Federally required fees, collected from non-TANF
16 clients, in the administration of the Child Support Enforcement Program. Such funds may not be expended for any other purpose.
17 However, this shall not include Child Support Enforcement Program incentives paid to the program from federal funds to
18 encourage and reward cost effective performance. Such incentives are to be reinvested in the program to increase collections of
19 support at the state and county levels in a manner consistent with federal laws and regulations governing such incentive payments.
20 The department shall not use clerk of court incentive funds to replace agency operating funds. Such funds shall be remitted to the
21 appropriate state governmental entity to further child support collection efforts.

22 **38.3.** (DSS: Foster Children Burial) The expenditure of funds allocated for burials of foster children shall not exceed one
23 thousand five hundred dollars per burial.

24 **38.4.** (DSS: Battered Spouse Funds) Appropriations included in Subprogram II.J entitled Battered Spouse shall be allocated
25 through contractual agreement to providers of this service. These appropriations may also be used for public awareness and
26 contracted services for victims of this social problem including the abused and children accompanying the abused. Such funds
27 may not be expended for any other purpose nor be reduced by any amount greater than that stipulated by the Budget and Control
28 Board or the General Assembly for the agency as a whole.

29 **38.5.** (DSS: Court Examiner Service Exemption) In order to prevent the loss of federal funds to the State, employees of the
30 Department of Social Services whose salaries are paid in full or in part from federal funds will be exempt from serving as court
31 examiners.

32 **38.6.** (DSS: TANF Advance Funds) The Department of Social Services is authorized to advance sufficient funds during each
33 fiscal year from the Temporary Assistance for Needy Families Assistance Payments general fund appropriations to the Temporary
34 Assistance for Needy Families Assistance Payments federal account only for the purpose of allowing a sufficient cash flow in the
35 federal account. The advance must be refunded no later than April of the same fiscal year. Upon the advance of funds as provided
36 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 requests for social services provided under their direct responsibility on the basis of a fee schedule. The fees collected shall be utilized by the Department of Social Services to further develop and administer these program efforts. The below fee schedule is established for the current fiscal year.

Day Care

Family Child Care Homes (up to six children)	\$ 15
Group Child Care Homes (7-12 children)	\$ 30
Registered Church Child Care (13+)	\$ 50
Licensed Child Care Centers (13-49)	\$ 50
Licensed Child Care Centers (50-99)	\$ 75
Licensed Child Care Centers (100-199)	\$100
Licensed Child Care Centers (200+).....	\$125

Central Registry Checks

Non-profit 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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1 **38.8.** (DSS: Food Stamp Fraud) The state portion of funds recouped from the collection of recipient claims in the TANF and
2 Food Stamp programs shall be retained by the department. A portion of these funds shall be distributed to local county offices for
3 emergency and program operations.

4 **38.9.** (DSS: TANF - Immunizations Certificates) The department shall require all TANF applicants and/or recipients to
5 provide proof of age appropriate immunizations for children. If such immunizations have not been administered, the department
6 shall assist in referring applicants to appropriate county health departments to obtain the immunizations.

7 **38.10.** (DSS: Fees for Court Witness in Child Welfare Services) ~~Effective July 1, 1994, any monies appropriated for the~~
8 ~~payment of court testimony in either abuse and neglect, termination of parental rights, or judicial review cases arising under~~
9 ~~Section 20-7-480, et. seq. of the South Carolina Code of Laws, 1976, as amended, and adult protective service cases under Section~~
10 ~~43-35-10(9), et. seq. of the South Carolina Code of Laws, 1976, as amended, shall only be paid in accordance with DSS policy~~
11 ~~which shall include limits on awards and procedures for payment, in due consideration of the agency budgetary limitations and~~
12 ~~specific funds allocated for such purposes. Provided further that DSS shall pay up to a maximum hourly rate to licensed~~
13 ~~psychologists, social workers, nurses, ministerial counseling, family and marriage counselors of \$60 for counseling and \$60 for~~
14 ~~expert witness fees, to include travel time and DSS shall pay up to a maximum hourly rate to physicians of \$125 for expert witness~~
15 ~~fees, to include travel time.~~

16 **38.11.** (DSS: County Directors' Pay) With respect to the amounts allocated to the Department of Social Services for Employee
17 Pay Increase in this act, the Department of Social Services is authorized to allot funds for pay increases to individual county
18 directors and regional directors in classified positions without uniformity. Pay increases for DSS county directors and regional
19 directors shall be administered in accordance with the guidelines established by the Budget and Control Board for Executive
20 Compensation System and other non-academic unclassified employees. Any employees subject to the provisions of this paragraph
21 shall not be eligible for any other compensation increases provided in this act.

22 **38.12.** (DSS: Use of Funds Authorization) Department investigative units shall be authorized to receive and expend funds
23 awarded to these units as a result of a donation, contribution, prize, grant, and/or court order. These funds shall be retained by the
24 department on behalf of the investigative units and deposited in a separate, special account and shall be carried forward from year
25 to year and withdrawn and expended as needed to fulfill the purposes and conditions of the donation, contribution, prize, grant,
26 and/or court order, if specified, and if not specified, as may be directed by the Director of the Department of Social Services.
27 These accounts shall not be used to supplant operating funds in the current or future budgets. The agency shall report to the Senate
28 Finance Committee and Ways and Means Committee by January thirtieth of the current fiscal year on the amount of funds received
29 and how expended.

30 **38.13.** (DSS: Use of Funds Authorization) Unless specifically directed by the General Assembly, when DSS is directed to
31 provide funds to a not-for-profit or 501(c)(3) organization, that organization must use the funds to serve persons who are eligible
32 for services in one or more DSS programs.

33 **38.14.** (DSS: Grant Authority) The Department of Social Services is authorized to make grants to community-based not-for-
34 profit organizations for local projects that further the objectives of DSS programs. The department shall develop policies and
35 procedures and may promulgate regulations to assure compliance with state and federal requirements associated with the funds

1 used for the grants and to assure fairness and accountability in the award and administration of these grants. The department shall
2 require a match from all grant recipients.

3 **38.15.** (DSS: Family Foster Care Payments) The Department of Social Services shall furnish as Family Foster Care payments
4 for individual foster children under their sponsorship:

5 ages 0 - 5 ~~\$332~~ \$383 per month

6 ages 6 - 12 ~~\$359~~ \$458 per month

7 ages 13 + ~~\$425~~ \$518 per month

8 These specified amounts are for the basic needs of the foster children. Basic needs within this proviso are identified as food (at
9 home and away), clothing, housing, transportation, education and other costs as defined in the U.S. Department of Agriculture
10 study of "Annual Cost of Raising a Child to Age Eighteen". Further, each agency shall identify and justify, as another line item, all
11 material and/or services, in excess of those basic needs listed above, which were a direct result of a professional agency evaluation
12 of clientele need. Legitimate medical care in excess of Medicaid reimbursement or such care not recognized by Medicaid may be
13 considered as special needs if approved by the sponsoring/responsible agency and shall be reimbursed by the sponsoring agency in
14 the same manner of reimbursing other special needs of foster children.

15 **38.16.** (DSS: Penalty Assessment) The Department of Social Services may impose monetary penalties against a person, facility,
16 or other entity for violation of statutes or regulations pertaining to programs, other than foster home licensing, that the department
17 regulates. Penalties collected must be remitted to the State Treasurer for deposit into the State General Fund. The department shall
18 promulgate regulations for each program in which penalties may be imposed. The regulations must include guidance on the
19 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
20 into account severity and frequency of violations. These regulations must provide for notice of the penalty and the right to a
21 contested case hearing before a designee of or panel appointed by the director of the department. Judicial review of the final
22 agency decision concerning a penalty must be in accordance with statutes or regulations that apply to judicial review of final
23 revocation and denial decisions in that particular program. The department, in accordance with regulations promulgated pursuant
24 to this provision, shall have discretion in determining the appropriateness of assessing a monetary penalty against a person or
25 facility and the amount of the penalty. The authority to assess monetary penalties shall be in addition to other statutory provisions
26 authorizing the department to seek injunctive relief or to deny, revoke, suspend, or otherwise restrict or limit a license or other
27 types of operating or practice registrations, approvals, or certificates.

28 **38.17.** (DSS: Child Support Enforcement Automated System Carry Forward) The department shall be authorized to retain and
29 carry forward any unexpended funds appropriated for the Child Support Enforcement automated system and related penalties.

30 **38.18.** (DSS: Child Support Enforcement System) From the funds appropriated in Part IA, Section 38(F), the Department of
31 Social Services shall prepare a detailed report on the status of the Child Support Enforcement System. The report shall include, but
32 not be limited to, actions currently being undertaken to become compliant with federal government requirements; the cost required
33 to meet minimum federal guidelines; total funds spent so far on the system; the amount of fines assessed by the federal government
34 associated with non-compliance; how much has been spent to satisfy actions taken by the state judicial system; and how much has
35 been spent related to actions taken by any other entity which may have altered the amount required for meeting minimum federal
36 guidelines. The report shall be submitted to the General Assembly by August thirty-first of the current fiscal year.

1 **38.19.** (DSS: Child Care Voucher) State funds allocated to the Department of Social Services and used for child care vouchers
2 must be used to enroll eligible recipients within provider settings exceeding the state's minimum child care licensing standards.
3 ~~The department may waive this requirement on a case-by-case basis.~~

4 **38.20.** (DSS: Abstinence Until Marriage Teen Pregnancy Prevention Funding) From the monies appropriated for the
5 Continuation of Teen Pregnancy Prevention, contracts must be awarded to separate private, non-profit 501(c)(3) entities to provide
6 Abstinence Until Marriage teen pregnancy prevention programs and services within the State.

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

8 The monies appropriated will be half the amount allocated for the Continuation of Teen Pregnancy Prevention with the other
9 half appropriated under proviso 38.25 (Comprehensive Teen Pregnancy Prevention Funding). Monies will be paid over a twelve
10 month basis for services rendered. Unexpended funds shall be carried forward for the purpose of fulfilling the department's
11 contractual agreement.

12 Entities that have a proven and public history of having effectively implemented abstinence programs in this State may be given
13 a preference during the contract evaluation and awarding process. For the purposes of this proviso, a program is "effectively
14 implemented" if the program has published positive behavioral outcomes by an independent and nationally recognized private or
15 government agency demonstrating that a year after the program, program participants initiated sex at a rate of at least thirty percent
16 lower than comparable non-program students.

17 Abstinence until marriage contracts must be awarded to programs that are consistent with the A through H legislative
18 requirements defined in Title V, Section 510(b)(2) and are evidence-based and medically accurate.

19 Programs implemented by the entities awarded contracts pursuant to this proviso must be compliant with the South Carolina
20 Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the South
21 Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.

22 **38.21.** (DSS: Meals in Emergency Operations) The cost of meals may be provided to state employees who are not permitted to
23 leave their stations and are required to work during actual emergencies, emergency situation exercises, and when the Governor
24 declares a state of emergency.

25 **38.22.** (DSS: Day Care Facilities Supervision Ratios) For the current fiscal year, staff-child ratios contained in Regulations
26 114-504(B), 114-504(C), 114-524(B), and 114-524(C) shall remain at the June 24, 2008 levels.

27 **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
28 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
29 for more than twenty-four months will not exceed a total of 2,617 during the fiscal year. The Department of Social Services shall
30 develop appropriate plans for timely permanency and use appropriate data benchmarks and targets that will achieve this goal.

31 **38.24.** (DSS: Comprehensive Teen Pregnancy Prevention Funding) (A) From the monies appropriated for the Continuation of
32 Teen Pregnancy Prevention, the department must award half of the dollars allocated to a non-profit 501(c)(3) entity to provide
33 abstinence first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent
34 pregnancy throughout South Carolina.

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

1 (C) The monies appropriated must be paid over a twelve month basis for services rendered. Unexpended funds shall be carried
2 forward for the purpose of fulfilling the department's contractual agreement.

3 (D) The programs implemented by the entity awarded a contract pursuant to this proviso may not violate any portion of the
4 South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of
5 the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.

6 **38.25.** (DSS: SNAP Coupons) ~~The Department of Social Services shall establish a program to provide coupons that will allow~~
7 ~~Supplemental Nutrition Assistance Program (SNAP) recipients to obtain additional fresh fruits and vegetables when purchasing~~
8 ~~fresh produce at grocery stores or farmers markets with SNAP benefits through their EBT cards. Each coupon shall allow the~~
9 ~~beneficiary to double the amount of produce purchased, up to five dollars. The agency shall utilize all funds received in the prior~~
10 ~~and current fiscal years from the U.S. Department of Agriculture as a bonus for reducing the error rate in processing SNAP~~
11 ~~applications to fund the program.~~
12

13 SECTION 39 - L24-COMMISSION FOR THE BLIND

14

15 **39.1.** (BLIND: Matching Federal Funds) For the current fiscal year the amount appropriated in this section under Program II
16 for Rehabilitative Services is conditioned upon matching by federal funds to the maximum amount available under the Federal
17 Vocational Rehabilitation Program.
18

19 SECTION 42 - L32-HOUSING FINANCE AND DEVELOPMENT AUTHORITY

20

21 **42.1.** (HFDA: Federal Rental Assistance Administrative Fee Carry Forward) All federal rental assistance administrative fees
22 shall be carried forward to the current fiscal year for use by the authority in the administration of the federal programs under
23 contract with the authority.

24 **42.2.** (HFDA: Program Expenses Carry Forward) For the prior fiscal year monies withdrawn from the authority's various
25 bond-financed trust indentures and resolutions, which monies are deposited with the State Treasurer to pay program expenses, may
26 be carried forward by the authority into the current fiscal year.

27 **42.3.** (HFDA: Advisory Committee Mileage Reimbursement) Members of the nine member South Carolina Housing Trust
28 Fund Advisory Committee are eligible for mileage reimbursement at the rate allowed for state employees as established in Proviso
29 117.21(J) (Travel-Subsistence Expenses & Mileage) in this act.

30 **42.4.** (HFDA: Allocation of Indirect Cost Recoveries) The authority shall deposit in the state general fund indirect cost
31 recoveries for the authority's portion of the Statewide Central Services Cost Allocation Plan (SWCAP). The authority shall retain
32 recoveries in excess of the SWCAP amount to be deposited in the state general fund.
33

1 **SECTION 43 - P12-FORESTRY COMMISSION**
2

3 **43.1.** (FC: Grant Funds Carry Forward) The Forestry Commission is authorized to use unexpended federal grant funds in the
4 current year to pay for expenditures incurred in the prior year.

5 **43.2.** (FC: Retention of Emergency Expenditure Refunds) The Forestry Commission is authorized to retain all funds received
6 as reimbursement of expenditures from other state or federal agencies when personnel and equipment are mobilized due to
7 an emergency.

8 **43.3.** (FC: Commissioned Officers' Physicals) The Forestry Commission is authorized to pay the cost of physical
9 examinations for agency personnel who are required to receive such physical examinations prior to receiving a law enforcement
10 commission.

11 **43.4.** (FC: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the
12 Forestry Commission may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency
13 director, and providing funds are available.
14

15 **SECTION 44 - P16-DEPARTMENT OF AGRICULTURE**
16

17 **44.1.** (AGRI: Market Bulletin) The Market Bulletin shall be mailed only to those persons who request it in writing and a
18 record of each request shall be maintained by the department. Provided further, that the Department of Agriculture is authorized to
19 charge a yearly subscription fee to each person requesting the bulletin and may charge for classified advertisements printed in the
20 bulletin. The funds collected pursuant to this provision shall be retained by the department to defray the costs of publication and
21 related incidental expenses.

22 **44.2.** (AGRI: Fruit/Vegetable Inspectors Subsistence) A daily subsistence allowance of up to \$30.00 may be allowed for
23 temporarily employed fruits and vegetables inspectors from funds generated by fruits and vegetables inspection fees and budgeted
24 under other funds in Program IV Marketing Services, D. Inspection Services, in lieu of reimbursements for meals and lodging
25 expense.

26 **44.3.** (AGRI: Warehouse Receipts Guaranty Fund) The Department of Agriculture may retain and expend fifty thousand
27 dollars from the Warehouse Receipts Guaranty Fund established by Section 39-22-150 of the 1976 Code as is necessary for the
28 department to administer the funding of the program.

29 **44.4.** (AGRI: Weights & Measures Registration) All servicepersons required to be registered with the Department of
30 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.
31 Revenues generated by this provision shall be for use by the Department of Agriculture to offset expenses incurred in
32 administering this registration program.

33 **44.5.** (AGRI: Sale of Property Revenue) The department may retain revenues associated with the sale of the property titled to
34 or utilized by the department, except for the State Farmers Market property, and must expend these funds on capital improvements
35 approved by the Joint Bond Review Committee and the Budget and Control Board. The department must continue to occupy any
36 property until replacement capital improvements are completed.

1 **44.6.** (AGRI: Farmers Market Revenue) The revenues associated with the sale of the State Farmers Market shall be deposited
2 into a separate restricted special account under the authority of the Budget and Control Board. These funds and accrued interest
3 may only be expended for relocating and reestablishing the State Farmers Market after approval by the Joint Bond Review
4 Committee and the Budget and Control Board.

5 **44.7.** (AGRI: Export Certification) The Department of Agriculture is allowed to charge up to \$250 for each export
6 certification of agricultural products and to retain revenues to offset expenses incurred in performing certifications.

7 **44.8.** (AGRI: Feed Label Registration) The Department of Agriculture is authorized to require the annual registration of feed
8 labels by manufacturers and to charge a fee of \$15.00 for such registrations. Revenues generated by these fees shall be retained
9 and used by the department to offset expenses incurred in operating the Feed Inspection Program.

10 **44.9.** (AGRI: Farmers Market Appraisal) ~~The department shall remit to the general fund any remaining funds from the~~
11 ~~appropriation received by Act 290 of 2012 for the Farmers Market Phase II Property Acquisition and Expansion and used for the~~
12 ~~state farmers market appraisal.~~

13 **44.10.** (AGRI: Farmers Market Purchase) The Department of Agriculture, while negotiating the purchase of any property
14 located at the State Farmers Market in Lexington County, shall work with the Attorney General's office to ensure that no new
15 acquisition of property will restrict the department from facilitating the sale of market-related products on any property owned by
16 the department. The department shall forward to the Chairman of the Senate Finance Committee and the Chairman of the House
17 Ways and Means Committee copies of any recorded changes to the original farmers market development agreement or the
18 declaration of covenants, conditions and restrictions for the wholesalers section. Any contract for the acquisition of property at the
19 State Farmers Market is subject to approval of the Joint Bond Review Committee and the Budget and Control Board.

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

21
22
23 **45.1.** (CU-PSA: Phytosanitary Certificates) Revenues collected from the issuance of phytosanitary certificates shall be
24 retained by the Division of Regulatory and Public Service for the purpose of carrying out phytosanitary inspections.

25 **45.2.** (CU-PSA: Witness Fee) The Public Service Activities of Clemson University are hereby authorized to charge a witness
26 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
27 involve the State as a party in interest. This fee shall be charged in addition to any court prescribed payment due as compensation
28 or reimbursement for judicial appearances and deposited into a designated revenue account.

29 **45.3.** (CU-PSA: Nursery/Nursery Dealer Registration Fee) The Division of Regulatory and Public Service Programs is
30 authorized to retain up to \$92,000 of revenue collected from the issuance of Nursery/Nursery Dealer Fees for the purpose of
31 carrying out nursery/nursery dealer inspections. Revenue collected from this fee above \$92,000 shall be deposited into the general
32 fund.

33 **45.4.** (CU-PSA: Retention of Fees) All revenues collected from the regulatory programs of agrichemical, plant industry and
34 crop protection including: fertilizer, lime, and soil amendments registration fees; pesticide licensing fees; seed certification fees;
35 and fertilizer tax/inspection fees must be retained by Clemson University PSA regulatory programs.

1 **45.5.** (CU-PSA: Pesticide Registration) All revenues collected from pesticide registration fees and revenue collected from
2 structural pest control businesses for business licensing must be retained by Clemson University PSA Regulatory and Public
3 Service Programs to support general regulatory, enforcement, and education programs and to carry out provisions of the South
4 Carolina Pesticide Control Act and regulations related to it.

5 **45.6.** (CU-PSA: Fertilizer Inspection Fee) For the current fiscal year Clemson Public Service Activities is authorized to charge
6 an inspection fee of \$1.50 per ton of commercial fertilizer sold or distributed in this state. Clemson University-PSA may retain,
7 expend, and carry forward these funds to maintain its programs.

8 **45.7.** (CU-PSA: Lime Inspection Fee) The Public Service Activities of Clemson University are hereby authorized to charge an
9 inspection fee of \$0.50 per ton on Agricultural Liming Materials sold or distributed in this state. Clemson University-PSA may
10 retain, expend, and carry forward these funds to maintain its programs.

11 **45.8.** (CU-PSA: Livestock-Poultry Health Programs) For the current fiscal year Clemson University Public Service Activities
12 shall maintain operation of the state Meat Inspection Program. All revenues and recoveries from USDA Food Safety Inspection
13 Services and from USDA Animal and Plant Health Inspection Services for Clemson University PSA's Livestock-Poultry Health
14 Programs and its departments shall be retained by Clemson University-PSA's Livestock-Poultry Health Program for purposes of
15 carrying out the operation of its programs.

16 **45.9.** (CU-PSA: Boll Weevil Eradication) For the current fiscal year Clemson University Public Services Activities shall
17 maintain operation of the Boll Weevil Eradication Program. In the calculation of any across-the-board budget reduction mandated
18 by the Budget and Control Board or the General Assembly, the amount appropriated for the Boll Weevil Eradication Program shall
19 be excluded from Clemson PSA's base budget. In the event of such a reduction Clemson PSA may reduce the amount of funds
20 appropriated for this program by an amount not to exceed the percentage associated with the mandated reduction.

21 **45.10.** (CU-PSA: Landplaster Inspection Fee) For the purpose of regulating its use as applied to land for crop production,
22 landplaster (gypsum), shall be defined as a product consisting chiefly of calcium sulfate with two combined water ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$)
23 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
24 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
25 to Clemson University Regulatory Services an inspection fee of fifty cents for each ton sold. Clemson University-PSA may retain,
26 expend, and carry forward these funds from the prior fiscal year into the current fiscal year to maintain its programs.

27 **45.11.** (CU-PSA: Broadcasting Wheat) ~~Clemson University PSA is directed to use existing funds to start a pilot study on the~~
28 ~~effectiveness of broadcasting wheat for use as a cover crop.~~
29

30 SECTION 47 - P24-DEPARTMENT OF NATURAL RESOURCES

31
32 **47.1.** (DNR: Publications Revenue) For the current fiscal year all revenue generated from the sale of the "South Carolina
33 Wildlife" magazine, its by-products and other publications, shall be retained by the department and used to support the production
34 of same in order for the magazine to be self-sustaining. In addition, the department is authorized to sell advertising in the
35 magazine and to increase the magazine's subscription rate, if necessary, to be self-sustaining. No general funds may be used for
36 the operation and support of the "South Carolina Wildlife" magazine.

1 **47.2.** (DNR: Casual Sales Tax Collection) The Department of Natural Resources shall continue to collect the casual sales tax
2 as contained in the contractual agreement between the Department of Revenue and the Department of Natural Resources and the
3 State Treasurer is authorized to reimburse the department on a quarterly basis for the actual cost of collecting the casual sales tax
4 and such reimbursement shall be paid from revenues generated by the casual sales tax.

5 **47.3.** (DNR: Proportionate Funding) Each of South Carolina's forty-six soil and water conservation districts shall receive a
6 proportionate share of funding set aside for Aid to Conservation Districts at \$13,674 per district for general assistance to the
7 district's program. Available funding above \$13,674 for each district will be apportioned by the Department of Natural Resources
8 based upon local needs and priorities as determined by the board. During the fiscal year, the districts' funding may only be
9 reduced in an amount not to exceed the percentage of each agency budget reduction. No district shall receive any funds under this
10 provision unless the county or counties wherein the district is located shall have appropriated no less than three hundred dollars to
11 the district from county funds for the same purposes.

12 **47.4.** (DNR: Carry Forward - Contract for Goods & Services) If any funds accumulated by the Department of Natural
13 Resources Geology Program, under contract for the provision of goods and services not covered by the department's appropriated
14 funds, are not expended during the preceding fiscal years, such funds may be carried forward and expended for the costs associated
15 with the provision of such goods and services.

16 **47.5.** (DNR: Revenue Carry Forward) The department may collect, expend, and carry forward revenues derived from the sale
17 of goods and services in order to support aerial photography, map services, climatology data, and geological services. The
18 department shall annually report to the Senate Finance and Ways and Means Committees the amount of revenue generated from
19 the sale of these goods and services.

20 **47.6.** (DNR: Clothing Allowance) The Department of Natural Resources is hereby authorized to provide Natural Resource
21 Enforcement Officers on special assignment with an annual clothing allowance (on a prorata basis) not to exceed \$600 per officer
22 for required clothing used in the line of duty.

23 **47.7.** (DNR: Commissioned Officers' Physicals) The department is authorized to pay for the cost of physical examinations for
24 department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

25 **47.8.** (DNR: Cormorant Control) ~~The Department of Natural Resources is directed, through the use of existing funds, to~~
26 ~~develop regulations in conjunction with the US Fish and Wildlife Service to allow public participation in Cormorant control~~
27 ~~activities on Lake Marion and Lake Moultrie providing that impacts are positive to the fisheries and vegetation.~~

29 **SECTION 48 - P26-SEA GRANT CONSORTIUM**

31 **48.1.** (SGC: Publications Revenue) Funds generated by the sale of pamphlets, books, and other promotional materials, the
32 production of which has been paid for by non-state funding, may be deposited in a special account by the consortium and utilized
33 as other funds for the purchase of additional pamphlets, books, and other promotional materials for distribution to the public.
34

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 Grand Strand 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, \$20,000 distributed to the City of Georgetown, and \$20,000 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 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

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

4 **49.5.** (PRT: Motion Picture Administration Application Fee) The Department of Parks, Recreation and Tourism may charge
5 an application fee for the Motion Picture Incentive programs and may retain and expend these funds for the purposes of meeting
6 administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. A fee
7 schedule must be established and approved by the Director of the Department of Parks, Recreation and Tourism.

8 **49.6.** (PRT: Gift Shops) At the discretion of the Department of Parks, Recreation and Tourism, the State House Gift Shop may
9 close on weekends.

10 **49.7.** (PRT: PARD Interest) The department is hereby prohibited from utilizing the interest generated in the PARD program
11 for anything other than the uses authorized by the law creating PARD. Should the PARD account not reach the required amount of
12 \$920,000 to activate the minimum \$20,000 per county distribution, the department shall carry forward the funding until such time
13 as the funds are sufficient to distribute as originally intended.

14 **49.8.** (PRT: Destination Specific, Tourism and Marketing Transfer) From the funds set aside pursuant to the Motion Picture
15 Incentive Wage Rebate, for Fiscal Year ~~2013-14~~ 2014-15 unexpended funds carried forward from the prior fiscal year shall be
16 transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism and may be utilized for the
17 Destination Specific Tourism Program. The Destination Specific program shall not exceed ~~twelve~~ eight million dollars when
18 combining all source of funds. Any unexpended wage rebate carry forward funds not used for the Destination Specific program
19 can be used by the department for capital improvements to the state's Welcome Centers, for deferred maintenance and capital
20 projects at state parks, and for Marketing/Advertising. From the funds set aside pursuant to the Motion Picture Incentive Supplier
21 Rebate, for Fiscal Year ~~2013-14~~ 2014-15 unexpended funds carried forward from the prior fiscal year shall be transferred from the
22 Department of Revenue to the Department of Parks, Recreation and Tourism and may be utilized for Marketing/Advertising, for
23 capital improvements to the state's Welcome Centers, and for deferred maintenance and capital projects at state parks. These funds
24 shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purpose.

25 **49.9.** (PRT: Funds Exempt from Budget Cut) In the calculation of any across the board cut mandated by the Budget and
26 Control Board or the General Assembly, any amounts appropriated for pass through, special items, or other items specified in any
27 general proviso, which are exempt from reduction, shall be excluded from the Department of Parks, Recreation and Tourism's base
28 budget.

29 **49.10.** (PRT: PARD) The Department of Parks, Recreation, and Tourism shall be authorized to expend restricted funds for the
30 Parks and Recreation Development Fund (PARD) in accordance with the Section 51-23-20 of the 1976 Code, Regulations, and
31 generally accepted accounting standards. The department is allowed to reimburse PARD grantees from current year funds for prior
32 year expenditures for a period of three years as allowed in Section 51-23-30 of the 1976 Code.

33 **49.11.** (PRT: Admission Fees and Charges) The department may impose reasonable fees and charges for admission to and/or
34 use of park and recreational facilities and the revenues from such fees and charges must be used for park and recreational uses.
35

1 **SECTION 50 - P32-DEPARTMENT OF COMMERCE**
2

3 **50.1.** (CMRC: Development - Publications Revenue) The proceeds from the sale of publications may be retained in the
4 agency's printing, binding, and advertising account to offset increased costs.

5 **50.2.** (CMRC: Economic Dev. Coordinating Council - Set Aside Fund) From the amount set aside in Section 12-28-2910, the
6 council is authorized to use up to ten percent of such amount for actual operating expenses in support of administrative program
7 costs and business recruitment and retention and up to \$60,000 to support the Geographic Information Systems (GIS) program , as
8 approved by council. Any balance on June thirtieth of the prior fiscal year may be carried forward and expended for the same
9 purposes in the current fiscal year.

10 **50.3.** (CMRC: Coordinating Council Funds) In order to provide maximum flexibility to encourage the creation of new jobs
11 and capital investment, the Coordinating Council for Economic Development has the authority to transfer economic development
12 funds at its disposal to the Closing Fund, provided the transfer is approved by a majority vote of the Coordinating Council
13 members in a public meeting. Any unexpended balance on June thirtieth, of the prior fiscal year may be carried forward and
14 expended in the current fiscal year by the Department of Commerce for the same purpose.

15 **50.4.** (CMRC: Export Trade Show Funds) Funds collected from South Carolina companies for offsetting costs associated with
16 participation in future trade shows may be carried forward from the prior fiscal year to the current fiscal year and used for that
17 purpose.

18 **50.5.** (CMRC: Special Events Advisory Committee) The Department of Commerce is required to establish a Special Events
19 Advisory Committee to provide oversight to the department as it relates to the department's Special Events Fund. The Advisory
20 Committee shall be made up of contributors to the Fund appointed by the Secretary of Commerce and shall consist of no fewer
21 than eight members, including a chairman. The Advisory Committee shall establish guidelines for the use of these funds. The
22 Department of Commerce shall prepare a detailed report and have an independent audit of all expenditures of the fund during the
23 previous calendar year. None of these funds shall be used for operating expenses. The report shall be submitted to the Governor,
24 the Speaker of the House, the President of Pro Tempore of the Senate, the Chairman of the House Ways and Means Committee,
25 and Chairman of the Senate Finance Committee.

26 **50.6.** (CMRC: Development-Rental Revenue) Revenue received from the sublease on non-state owned office space may be
27 retained and expended to offset the cost of the department's leased office space.

28 **50.7.** (CMRC: Development-Ad Sales Revenue) The department may charge a fee for ad sales in department authorized
29 publications and may use these fees to offset the cost of printing and production of the publications. Any revenue generated above
30 the actual cost shall be remitted to the General Fund.

31 **50.8.** (CMRC: Foreign Offices) The Secretary of Commerce shall be authorized to appoint the staff of the department's
32 foreign offices on a contractual basis on such terms as the Secretary deems appropriate, subject to review by the Office of Human
33 Resources of the Budget and Control Board.

34 **50.9.** (CMRC: Funding For I-73) Of the funds authorized for the Coordinating Council Economic Development, \$500,000
35 shall be made available for the routing, planning and construction of I-73.

1 **50.10.** (CMRC: Closing Fund) In order to encourage and facilitate economic development, funds appropriated for the Closing
2 Fund for competitive recruitment purposes shall be used as approved by the Coordinating Council for Economic Development.
3 Any unexpended at the end of the prior fiscal year may be carried forward and expended in the current fiscal year by the
4 Department of Commerce for the same purposes.

5 **50.11.** (CMRC: Coordinating Council - Application Fee Deposits) Application fees received by the department must be
6 deposited within five business days from the Coordinating Council application approval date.

7 **50.12.** (CMRC: Recycling Advisory Council Reporting) The Recycling Market Development Advisory Council must submit an
8 annual report outlining recycling activities to the Governor and members of the General Assembly by March fifteenth each year.

9 **50.13.** (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize the \$5,000,000
10 appropriated in ~~Fiscal Year 2013-14~~ the current fiscal year for Regional Economic Development Organizations to provide funds to
11 the following economic development organizations. Of the \$5,000,000 appropriated for this purpose, \$4,350,000 must be
12 disbursed as follows:

- 13 (1) Upstate Alliance, \$750,000;
- 14 (2) Central SC Economic Development Alliance, \$750,000;
- 15 (3) North Eastern Strategic Alliance (NESA), \$650,000;
- 16 (4) Charleston Regional Development Alliance, \$650,000;
- 17 (5) I-77 Alliance, \$575,000;
- 18 (6) Economic Development Partnership, \$500,000; and
- 19 (7) Southern Carolina Alliance, \$475,000.

20 Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify
21 that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously
22 allocated or designated for economic development.

23 The remaining \$650,000 shall be provided to counties as follows, provided they meet the requirements established above:

- 24 (1) Beaufort County, \$250,000;
- 25 (2) Sumter County, \$250,000;
- 26 (3) Lancaster County, \$75,000; and
- 27 (4) Saluda County, \$75,000.

28 Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the
29 funds to the requesting organization.

30 Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the
31 House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.

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

34 **50.14.** (CMRC: Research Funds) Funds appropriated to the Department of Commerce as a special item or nonrecurring
35 appropriation for Research shall be used to fund, upon approval of the Secretary of Commerce and the Coordinating Council for
36 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 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 \$650,000 appropriated in Fiscal Year 2013-14 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 private funds and prior to the disbursement of funds, the Council on Competitiveness 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. The Council on Competitiveness shall provide a report on the expenditure of the funds and on the outcome measures by January 1, 2014, 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: Base Closure Fund Carry Forward Transfer) The balance of the funds previously appropriated for the Base Closure Fund shall be carried forward into the current fiscal year and used for the South Carolina Military Base Task Force.

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.

1 **SECTION 57 - B04-JUDICIAL DEPARTMENT**
2

3 **57.1.** (JUD: Prohibit County Salary Supplements) County salary supplements of Judicial Department personnel shall be
4 prohibited.

5 **57.2.** (JUD: County Offices For Judges) Every county shall provide for each circuit and family judge residing therein an office
6 with all utilities including a private telephone, and shall provide the same for Supreme Court Justices and Judges of the Court of
7 Appeals upon their request.

8 **57.3.** (JUD: Commitments to Treatment Facilities) The appropriation for continued implementation of Article 7, Chapter 17,
9 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
10 commitments, admissions and discharges to mental health facilities, or treatment facility for the purpose of alcohol and drug abuse
11 treatment, shall be expended for the compensation of court appointed private examiners, guardians ad litem, and attorneys for
12 proposed patients, and related costs arising from the filing, service and copying of legal papers and the transcription of hearings or
13 testimony. Court appointed private examiners, guardians ad litem and attorneys shall be paid at such rates or schedules as are
14 jointly determined to be reasonable by the South Carolina Association of Probate Judges, the State Court Administrator, and the
15 South Carolina Department of Mental Health with the approval of the Attorney General. The Judicial Department shall notify the
16 Senate Finance Committee and the House Ways and Means Committee of any fee adjustment or change in schedule before
17 implementation.

18 **57.4.** (JUD: Judicial Commitment) Except as otherwise provided in Section 117.5, no money appropriated pursuant to Item
19 VI, Judicial Commitment shall be used to compensate any state employees appointed by the court as examiners, guardians ad
20 litem, or attorneys nor shall such funds be used in payment to any state agency for providing such services by their employees.

21 **57.5.** (JUD: Judicial Expense Allowance) Each Supreme Court Justice, Court of Appeals Judge, Family Court Judge and
22 Circuit Court Judge and any retired judge who receives payment for performing full-time judicial duties pursuant to Section 9-8-
23 120 of the South Carolina Code of Laws, shall receive five hundred dollars per month as expense allowance.

24 **57.6.** (JUD: Special Judge Compensation) In the payment of funds from "Contractual Services", and "Administrative Fund",
25 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
26 case of an ongoing trial.

27 **57.7.** (JUD: BPI/Merit) Judicial employees shall receive base and average merit pay in the same percentages as such pay are
28 granted to classified state employees.

29 **57.8.** (JUD: Supreme Court Bar Admissions) Any funds collected from the Supreme Court Bar Admissions Office in excess
30 of the amount required to be remitted to the general fund may be deposited into an escrow account with the State Treasurer's
31 Office. The department is authorized to receive, expend, retain, and carry forward these funds.

32 **57.9.** (JUD: Travel Reimbursement) State employees of the Judicial Department traveling on official state business must be
33 reimbursed in accordance with Section 117.21(J) of this act.

34 **57.10.** (JUD: Interpreters) The funds appropriated in this section for "Interpreters" shall be used to offset costs associated with
35 interpreters appointed in judicial proceedings under Sections 17-1-50, 15-27-155, and 15-27-15. The selection, use, and
36 reimbursement of interpreters shall be determined under such guidelines as may be established by the Chief Justice of the Supreme

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

5 **57.11.** (JUD: Reimbursement Receipt Deposit) Amounts received as payment for reproducing, printing, and distributing copies
6 of court rules and other department documents shall be retained for use by the department.

7 **57.12.** (JUD: Surplus Property Disposal) Technology equipment that has been declared surplus may be donated directly to
8 counties for use in court-related activities.

9 **57.13.** (JUD: Judicial Carry Forward) In addition to the funds appropriated in this section, the funds appropriated for the
10 Judicial Department in the prior fiscal year which are not expended during that fiscal year may be carried forward to be expended
11 in the current fiscal year.

12 **57.14.** (JUD: Case Management Services) The Judicial Department shall retain revenue generated by charging a fee for
13 technology support services provided to users of the State case management system. These funds may be expended and carried
14 forward to offset the costs of supporting and maintaining the case management system.

15 **57.15.** (JUD: Magistrates' Training) From the funds appropriated to the Judicial Department, the department shall provide
16 magistrates annual continuing education on domestic violence, which may include, but is not limited to:

- 17 (1) the nature, extent, and causes of domestic and family violence;
- 18 (2) issues of domestic and family violence concerning children;
- 19 (3) prevention of the use of violence by children;
- 20 (4) sensitivity to gender bias and cultural, racial, and sexual issues;
- 21 (5) the lethality of domestic and family violence;
- 22 (6) legal issues relating to domestic violence and child custody;
- 23 (7) procedures, penalties, programs, and other issues relating to criminal domestic violence, including social and
24 psychological issues relating to such violence, the vulnerability of victims and volatility of perpetrators, and the court's role in
25 ensuring that the parties have appropriate and adequate representation;
- 26 (8) procedures and other matters relating to issuing orders of protection from domestic violence.

27 **57.16.** (JUD: Judges Salary Exemption) For the current fiscal year, judges' salaries and related employer contributions in Part
28 IA, Section 57, are exempt from mid-year across-the-board reductions.
29

30 SECTION 58 - C05-ADMINISTRATIVE LAW COURT

31

32 **58.1.** (ALC: Copying Costs Revenue Deposit) The Administrative Law Court shall retain and expend, for the same purpose
33 for which it is generated, all revenue received during the current fiscal year as payment for printing and distributing copies of court
34 rules and other agency documents.

35 **58.2.** (ALC: County Office Space for Judges) Every county shall provide for each Administrative Law Judge residing therein,
36 upon their request, an office within the existing physical facilities if space is available, to include all utilities and a private

1 telephone. The request shall only be made provided that the judge's residence is not within fifty miles of the official headquarters
2 of the agency by which the Administrative Law Judge is employed.

3 **58.3.** (ALC: ALJ Travel) While holding court or on other official business outside the county in which he resides, within fifty
4 miles of his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount of \$35 per day plus such
5 mileage allowance for travel as is provided for other employees of the State. While holding court or on other official business at a
6 location fifty miles or more from his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount
7 as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other
8 employees of the State. However, notwithstanding any other provision of law, the allowance as provided shall not exceed \$8,000
9 per judge in a fiscal year.

11 SECTION 59 - E20-OFFICE OF THE ATTORNEY GENERAL

13 **59.1.** (AG: Prior Year Expenditures) The Office of the Attorney General is authorized to use unexpended federal funds in the
14 current fiscal year to pay for expenditures incurred in the prior fiscal year.

15 **59.2.** (AG: Other Funds Carry Forward) Any balance of unexpended funds, not including general fund appropriations, may be
16 carried forward for the operation of the Office of Attorney General.

17 **59.3.** (AG: Reimbursement for Expenditures) The Office of the Attorney General may retain for general operating purposes,
18 any reimbursement of funds for expenses incurred in a prior fiscal year.

19 **59.4.** (AG: Donation Carry Forward) All revenue derived from donations received at the Office of the Attorney General shall
20 be retained, carried forward, and expended according to agreement reached between the donor, or donors, and the Attorney
21 General.

22 **59.5.** (AG: Water Litigation) Unexpended Water Litigation funds must be transferred to the Tax Relief Reserve Fund.

23 **59.6.** (AG: Securities Fee Revenue) After the provisions of Section 35-1-702(b) of the 1976 Code have been satisfied, and
24 upon notification to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee
25 that such provisions have been satisfied, the next \$20,500,000 of Securities Fee revenues collected during the current fiscal year by
26 the Office of the Attorney General shall be remitted to the General Fund of the State. The Office of the Attorney General may
27 retain the next \$300,000 collected and may utilize these funds for operations to include expert witness expenses, investigative
28 costs, trial preparation, and other related expenses associated with the increase in licensed securities agents. These funds may be
29 carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose.

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

31 **59.7.** (AG: Savannah River Maritime Commission Funds) The Office of the Attorney General is authorized to use funds
32 appropriated for litigation expenses related to the Savannah River Maritime Commission to reimburse litigation expenditures
33 incurred by the Office of the Attorney General on behalf of the Savannah River Maritime Commission during the current fiscal
34 year. Following the conclusion of these litigation matters any remaining funds shall be deposited in the General Fund.

1 **59.8.** (AG: Gang Violence Prevention/Youth Mentor) The Office of the Attorney General may expend other funds to
2 implement and maintain gang prevention and youth mentoring programs in conjunction with Section 63-19-1430 of the 1976 Code,
3 the Youth Mentor Act.
4

5 **SECTION 60 - E21-PROSECUTION COORDINATION COMMISSION**
6

7 **60.1.**(PCC: Solicitor Salary) The amount appropriated in this section for salaries of solicitors shall be paid to each full-time
8 solicitor. Each full-time circuit solicitor shall earn a salary not less than each full-time circuit court judge.

9 **60.2.**(PCC: Solicitor Expense Allowance) Each solicitor shall receive five hundred dollars (\$500.00) per month as expense
10 allowance.

11 **60.3.**(PCC: Judicial Circuits State Support) The amount appropriated and authorized in this section for Judicial Circuits (16)
12 State Support shall be apportioned among the circuits. The first \$4,692,961 shall be distributed on a per capita basis based upon
13 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
14 beginning of each quarter as practical.

15 **60.4.**(PCC: Solicitor Carry Forward) Any unexpended balance on June 30, of the prior fiscal year, may be carried forward into
16 the current fiscal year and expended for the operation of the solicitor's office relating to operational expenses.

17 **60.5.**(PCC: Solicitor's Office - County Funding Level) It is the intent of the General Assembly that the amounts appropriated
18 for solicitors' offices shall be in addition to any amounts presently being provided by the county for these services and may not be
19 used to supplant funding already allocated for such services without any additional charges. If the county reduces the amount of
20 support provided to solicitors' offices below the level provided in the prior fiscal year, the Solicitor shall notify the Chairman of
21 the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the amount of such reduced support.

22 **60.6.**(PCC: Solicitors Victim/Witness Assistance Programs) When funds are available, the amount appropriated and authorized
23 in Part IA, Section 60 for Solicitors Victim/Witness Assistance Programs shall be apportioned among the circuits on a per capita
24 basis and based upon the current official census . Payment shall be made as soon after the beginning of each quarter as practical.

25 **60.7.** (PCC: CDV Prosecution) The amount appropriated and authorized in this section for Criminal Domestic Violence
26 Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Prosecution
27 Coordination Commission shall collect and retain information and data regarding Criminal Domestic Violence Prosecution and
28 shall include: the number of dispositions, types of dispositions and county in which the disposition took place and shall provide the
29 General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year.

30 **60.8.** (PCC: Victim Assistance Programs) It is the intent of the General Assembly that the amounts appropriated in this section
31 for victim assistance programs in solicitors' offices shall be in addition to any amounts presently being provided by the county for
32 these services and may not be used to supplant funding already allocated for such services. Any reduction by any county in
33 funding for victim assistance programs in solicitors' offices shall result in a corresponding decrease of state funds provided to the
34 solicitors' office in that county for victim assistance services. Each solicitor's office shall submit an annual financial and
35 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.

60.9. (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 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.

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 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 among the circuits on a per capita basis based upon the current official census. 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 non-capital cases

1 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-
2 207(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
3 deposited into the Death Penalty Trial Fund, fifteen percent must be deposited into the Conflict Fund, and the
4 remaining funds each month must be apportioned among the counties' public defender offices pursuant to Section 17-3-330. At
5 the end of each fiscal year any leftover funds shall carryover to the next fiscal year. All applications for the payment of fees and
6 expenses in capital cases shall be applied for from the Death Penalty Trial Fund which shall be administered by the Commission on
7 Indigent Defense. All applications for the payment of fees and expenses of private counsel or expenses of public defenders
8 pursuant to Section 17-3-50 shall be applied for from the Conflict Fund administered by the Commission on Indigent Defense.
9 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
10 written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is
11 necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is
12 appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not
13 obtained, no additional fees shall be paid under any circumstances.

14 Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the
15 representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant
16 and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed
17 five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the
18 court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the
19 limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall
20 be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of
21 the court is not obtained, no additional expenses shall be paid under any circumstances.

22 Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies
23 established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and
24 policies to the Senate Finance Committee and the House Ways and Means Committee.

25 **61.2.** (INDEF: State Employee Compensation Prohibited) Except as otherwise provided in Section 117.5, no money
26 appropriated pursuant to Defense of Indigents shall be used to compensate any state employees appointed by the court as
27 examiners, guardians ad litem or attorneys nor shall such funds be used in payment to any state agency for providing such services
28 by their employees.

29 **61.3.** (INDEF: Appellate Conflict Fund) The purpose of the Appellate Conflict Fund is to provide money to pay attorneys for
30 representing indigent defendants on appellate review when the Office of Appellate Defense is unable to do so. Funds designated
31 for appellate use in conflict cases shall be administered by the Commission on Indigent Defense. The Office of Appellate Defense
32 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
33 court work, with a maximum of \$3,500 per case for non-capital appeals. Fees shall be \$50 per hour for out of court work and \$75
34 per hour for in court work in capital appeals with a maximum of \$10,000 per capital appeal. The appropriate appellate court shall
35 review and approve vouchers for payment for appellate conflict cases. The Office of Appellate Defense shall continue to provide
36 printing and other support functions currently provided from their resources. On June thirtieth of each year, the Commission on

1 Indigent Defense shall review all outstanding obligations in this fund. Any unspent and unobligated money shall be used to pay
2 outstanding vouchers in the Death Penalty Trial Fund or the Conflict Fund, provided the designated fund has become exhausted
3 during the year.

4 **61.4.** (INDEF: SC Appellate Court Rule 608 Appointments) The funds appropriated under “SC Appellate Court Rule 608
5 Appointments” shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate
6 Court Commitments, Sexually Violent Predator Act, and Post Conviction Relief (PCR) and Criminal Conflict appointments to
7 reimburse court appointed private attorneys and for other expenditures as specified in this provision. SC Appellate Court Rule 608
8 Appointments funds may not be transferred or used for any other purpose.

9 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for “Termination of
10 Parental Rights” cases and “Abuse and Neglect” cases to reimburse private attorneys who are appointed by the Family Court to
11 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.,
12 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
13 private attorneys who are appointed by the Probate Court to represent indigent persons; and for “Sexually Violent Predator” cases
14 to reimburse private attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent
15 persons. When private counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be
16 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
17 payment and the amount of the set fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed
18 two thousand dollars for any case under which such private attorney is appointed.

19 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for non-capital Post
20 Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time
21 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
22 payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed
23 one thousand dollars in any single case.

24 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for non capital criminal
25 cases pursuant to Section 17-3-50 (Conflict Fund). Any attorney appointed shall be compensated at a rate not to exceed forty
26 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)
27 fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney
28 fees shall not exceed three thousand five hundred dollars in any single felony case or one thousand dollars in any single
29 misdemeanor case.

30 Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order
31 with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to
32 provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate
33 because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no
34 additional fees shall be paid under any circumstances.

35 Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the
36 representation of the defendant, the court shall authorize the defendant’s attorney to obtain such services on behalf of the defendant

1 and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed
2 five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the
3 court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the
4 limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall
5 be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of
6 the court is not obtained, no additional expenses shall be paid under any circumstances.

7 Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies
8 established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and
9 policies to the Senate Finance Committee and the House Ways and Means Committee.

10 A portion of the funds appropriated under “ SC Appellate Court rule 608 Appointments” may be used by the Commission on
11 Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil and criminal court
12 appointments, to be reimbursed in accordance with applicable provisos and statutes.

13 **61.5.** (INDEF: Volunteer Guardian Ad Litem Appointments and Attorney Representation) The Commission on Indigent
14 Defense working with the Guardian ad Litem’s Office of the Division of Children’s Services, shall allocate a portion of the funds
15 provided for SC Appellate Court Rule 608 Appointments for payments of contracts with attorneys who agree to represent volunteer
16 Guardians ad Litem in child abuse and neglect and termination of parental rights actions in Family Court, based on the rate of \$100
17 per completed hearing. In determining the amount to be allocated, the commission must take into account the total funds
18 appropriated and weigh this sum against the other demands and obligations of the SC Appellate Court Rule 608 Appointment
19 Fund. The Commission on Indigent Defense shall report to the Senate Finance Committee and the House Ways and Means
20 Committee any payments to individual guardians ad litem from funds provided from the SC Appellate Court Rule 608
21 Appointment Fund.

22 **61.6.** (INDEF: Carry Forward) To offset budget reductions, the Commission on Indigent Defense may carry forward and
23 utilize any unencumbered balances available in the Appellate Conflict Fund and the SC Appellate Court Rule 608 Appointment
24 Fund at the end of the prior fiscal year.

25 **61.7.** (INDEF: Public Defender Fee) Every person placed on probation on or after July 1, 2003, who was represented by a
26 public defender or appointed counsel, shall be assessed a fee of five hundred dollars. The revenue generated from this fee must be
27 collected by the clerk of court and sent on a monthly basis to the Commission on Indigent Defense. However, if a defendant fails
28 to pay this fee, this failure alone is not sufficient basis for incarceration for a probation violation. This assessment shall be
29 collected and paid over before any other fees.

30 **61.8.** (INDEF: Defense of Indigents Civil Action Application Fee) (A) A person requesting appointment of counsel in any
31 termination of parental rights (TPR), abuse and neglect, or any other civil court action in this state shall execute an affidavit that
32 the person is financially unable to employ counsel and that affidavit shall set forth all of the person’s assets. This affidavit must be
33 completed before counsel may be appointed. If it appears that the person has some assets but they are insufficient to employ
34 private counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the Commission on
35 Indigent Defense.

1 (B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit
2 that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate
3 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
4 fee may be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount
5 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
6 method as the trial judge deems appropriate. The clerk of court or other appropriate official shall collect the application fee
7 imposed by this section and remit the proceeds to the Commission on Indigent Defense on a monthly basis. The monies must be
8 deposited in an interest-bearing account separate from the general fund and used only to provide for indigent defense services. The
9 monies shall be administered by the Commission on Indigent Defense. The clerk of court or other appropriate official shall
10 maintain a record of all persons applying for representation and the disposition of the application and shall provide this information
11 to the Commission on Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.

12 (C) In matters in which a juvenile is brought before a court, the parents or legal guardian of such juvenile shall execute the
13 above affidavit based upon their financial status and shall be responsible for paying any fee. In matters concerning juveniles, the
14 parents or legal guardians of said juvenile, shall be advised in writing of this requirement at the earliest stage of the proceedings
15 against said juvenile.

16 (D) Nothing contained above shall restrict or hinder a court from appointing counsel in any emergency proceedings or where
17 existing statutes do not provide sufficient time for an individual to complete the application process.

18 (E) The appointment of counsel, as herein before provided, creates a claim against the assets and estate of the person who is
19 provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a
20 voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed
21 counsel.

22 (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
23 of a claim shall not constitute a lien against real or personal property of the person unless, in the discretion of the court, part or all
24 of such claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days' notice that
25 judgment will be entered. When a claim is reduced to judgment, it shall have the same effect as judgments, except as modified by
26 this provision.

27 **61.9.** (INDEF: Exemption for Pass Through Funding) The funds distributed by the Commission on Indigent Defense to the
28 Legal Services Corporation in accordance with Section 14-1-204 of the 1976 Code shall not be considered part of the
29 commission's budget for purposes of calculating budget reductions.

30 **61.10.** (INDEF: Reporting Requirement) Circuit Public Defenders shall provide, in a manner and form as the agency head
31 requires, information and data concerning caseloads, dispositions, and other information as required by the agency head or General
32 Assembly. The agency shall withhold payments and transfers to Circuit Public Defenders who are not in compliance with the
33 agency reporting requirements.

34 **61.11.** (INDEF: Donation Carry Forward) The Commission on Indigent Defense may accept donations for the publication of
35 "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.

61.12. (INDEF: Investigators) *(A) The funds appropriated for "Investigators" shall be used by the Commission on Indigent Defense ("commission") to establish or improve investigative support for public defenders in unserved or underserved judicial circuits. The commission shall make allocations to judicial circuits based upon guidelines it develops that must meet the following criteria:*

(1) Funding must be prioritized for circuits with no full-time investigative staff as of July 1, 2014;

(2) All state funds must be matched by an equal or greater amount of local funds; and

(3) In order for an allocation to be made to a judicial circuit, each county in that circuit must contribute to the local match.

(B) No later than December 1, 2014, the commission shall report to the Chairmen of the House Judiciary Committee, the Senate Judiciary Committee, the House Ways and Means Committee, and the Senate Finance Committee on the guidelines used to allocate these funds, the anticipated allocations to be made in the current fiscal year, and the amount of local match that these allocations are expected to leverage.

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 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

1 shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and
2 deposited into a designated revenue account.

3 **62.7.** (SLED: Commissioned Officers' Physicals) The department is authorized to pay for the cost of physical examinations
4 for department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

5 **62.8.** (SLED: Meals in Emergency Operations) The State Law Enforcement Division may provide meals to employees of
6 SLED who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation
7 exercises and when the Governor declares a state of emergency.

8 **62.9.** (SLED: Hazardous Materials Security Detail) The State Law Enforcement Division (SLED) is authorized to be
9 reimbursed for security related law enforcement services provided to entities authorized to transport sensitive materials within the
10 borders of South Carolina. SLED shall determine all costs associated with security details and is authorized to coordinate the
11 collection, retention, and distribution to any assisting agency. SLED and each assisting agency shall expend any funds associated
12 with minimizing risks related to the transportation of these hazardous materials for the implementation of homeland security
13 initiatives.

14 **62.10.** (SLED: Sex Offender Registry Fee) Each Sheriff is authorized to charge and collect an annual amount of one hundred
15 fifty dollars from each sex offender required to register by law. If such sex offender has been declared indigent by the Sheriff of
16 the county in which the offender must register and provides proof of the declaration at the time of registration, the fee will
17 automatically be waived. If an offender is not declared indigent and fails to pay the fee, he is officially declared unregistered. This
18 fee shall be divided between the Sheriffs and the State Law Enforcement Division with one hundred dollars of the fee retained by
19 the Sheriffs and the remaining fifty dollars remitted by the Sheriffs to SLED on a quarterly basis. These funds must be used to
20 support the Statewide Sex Offender Registry.

21 **62.11.** (SLED: Private Detective Fees Criminal History Checks) The State Law Enforcement Division is authorized to charge
22 private detective companies, individual private detectives, private security companies, armed security guards, and proprietary
23 security companies a fee of twenty-five dollars to process state criminal history checks and fifty dollars for federal fingerprint
24 based criminal history checks. These funds shall be collected, retained, expended and carried forward by the State Law
25 Enforcement Division.

26 **62.12.** (SLED: CWP Instructors Certification) The State Law Enforcement Division is authorized to charge one hundred dollars
27 for the issuance of a Certified Concealable Weapons Permit Instructor certificate, and one hundred dollars every three years for
28 each renewal. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement Division.

29 **62.13.** (SLED: Expungement Requests) The State Law Enforcement Division is authorized to collect a twenty-five dollar
30 expungement fee for each request to expunge criminal records. These funds shall be used to offset the operational and research
31 expenses associated with processing these expungement requests. SLED is authorized to collect, retain, expend, and carry forward
32 these funds. Persons found not guilty by a court of competent jurisdiction or where charges have been dismissed or nolle prossed
33 shall be excluded from the fee requirement.

34 **62.14.** (SLED: Retention of Funds Reimbursed by State or Federal Agencies) The State Law Enforcement Division is authorized
35 to collect, expend, retain, and carry forward all funds received from other state or federal agencies in the current fiscal year as
36 reimbursement of expenditures incurred in the current or prior fiscal year.

1 **62.15.** (SLED: Monies Associated with Illegal Gaming Devices) The State Law Enforcement Division is authorized to retain,
2 expend, and carry forward all monies associated with illegal gaming devices seized by the division, once orders of destruction and
3 awarding of these monies have been received from a court of competent jurisdiction.

4 **62.16.** (SLED: Use of PIP Funds) ~~The agency is authorized to use approved permanent improvement funds for projects 9807~~
5 ~~and 9845 toward construction of a storage and logistics facility.~~

6 **62.17.** (SLED: Private Detective/Security Fee) The license and registration fees set by the State Law Enforcement Division for
7 private detective businesses, private security businesses, including employees of these businesses, and companies which provide
8 private security on their own premises must not exceed those fees set by regulation as of January 1, 2011, unless otherwise
9 approved by the General Assembly. From the funds collected from these fees, the State Law Enforcement Division must transfer
10 \$480,000 to the Department of Public Safety which shall be used for the purpose of providing security in the Capitol Complex
11 area.

12 **62.18.** (SLED: Criminal Record Search Fees) The State Law Enforcement Division is authorized to charge and collect a fee of
13 eight dollars for a criminal record search for local park and recreation volunteers through a commission, municipality, county, or
14 the South Carolina Department of Parks, Recreation, and Tourism. Any organization that is authorized to receive the reduced fee
15 must not charge the volunteer, mentor, member, or employee more than the eight dollars or any additional fee that is not required
16 by the State Law Enforcement Division. All criminal record searches conducted under this provision must be for a volunteer,
17 mentor, member or employee performing in an official capacity of the organization and must not be resold.

18 **62.19.** (SLED: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of
19 the State Law Enforcement Division may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion
20 of the Chief, and providing funds are available.

21 **62.20.** (SLED: Meth Lab Clean Up Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year, in the
22 special line "Meth Lab Clean Up" may be carried forward and expended for the same purpose in the current fiscal year.

23 **62.21.** (SLED: CWP Renewal and Replacement) A concealed weapons permit may not be suspended by a state official, agent,
24 or employee supported by state funds if the permit holder has initiated a renewal or replacement application and the processing and
25 issuance of a renewal or replacement permit is delayed for administrative reasons. A concealed weapons permit remains valid
26 during the pendency of the renewal or replacement process so long as the application for replacement renewal is submitted prior to
27 the expiration of the permit.

28 **62.22.** (SLED: Alcohol Enforcement) ~~Of new funds appropriated in Fiscal Year 2013-14, the State Law Enforcement Division~~
29 ~~shall use up to \$448,000 for Alcohol Enforcement.~~

30 31 SECTION 63 - K05-DEPARTMENT OF PUBLIC SAFETY

32
33 **63.1.** (DPS: Special Events Traffic Control) ~~The highway patrol must not charge any fee associated with special events for~~
34 ~~maintaining traffic control and ensuring safety on South Carolina public roads and highways unless approved by the General~~
35 ~~Assembly. Nothing shall prohibit the Treasury of the State from accepting voluntary payment of fees from private or public~~
36 ~~entities to defray the actual expenses incurred for services provided by the Department of Public Safety.~~

1 **63.2.** (DPS: Retention of Private Detective Fees) The Department of Public Safety is hereby authorized to receive, expend,
2 retain, and carry forward all funds transmitted from SLED related to fees charged and collected by SLED from license and
3 registration fees for private detective businesses, private security businesses, including employees of these businesses, and
4 companies which provide private security on their own premises. The funds transferred are to be used in the Bureau of Protective
5 Services Program to provide security for state agencies and the Capitol Complex.

6 **63.3.** (DPS: Motor Carrier Advisory Committee) From the funds appropriated and/or authorized to the Department of Public
7 Safety and the Department of Motor Vehicles, the departments are directed to jointly establish a Motor Carrier Advisory
8 Committee to solicit input from the Trucking Industry and other interested parties in developing policies and procedures for the
9 regulation of this industry. The members of the advisory committee shall serve without compensation.

10 **63.4.** (DPS: Sale of Real Property) At such time as any portion of the Laurens Road property in Greenville is declared to be
11 surplus by the agency or agencies which occupy said portion, and after receiving approval from the Budget and Control Board for
12 the sale of the property, the Department of Public Safety, the Department of Transportation, and the Department of Motor Vehicles
13 are authorized to receive, retain, expend, and carry forward funds derived from the sale of the real property in which each agency
14 holds an interest or title. No portion of the property may be declared as surplus by one agency if another agency is occupying said
15 property. The Department of Public Safety is directed to use these funds to defray the operating expenses of the Highway Patrol
16 and the Department of Transportation and the Department of Motor Vehicles are directed to use their portion of these funds for
17 department operating expenses.

18 **63.5.** (DPS: CMV Driver Rest Areas) A joint working group is to be established between the Department of Transportation,
19 Department of Public Safety, State Transport Police and the South Carolina Trucking Association to review and evaluate where
20 critical rest areas may be made available for commercial motor vehicle drivers to park and obtain their federally mandated required
21 rest.

22 **63.6.** (DPS: SC Law Enforcement Officers Hall of Fame Scholarships) The Department of Public Safety is hereby authorized
23 to accept donations from the public in order to provide scholarships to the children of law enforcement officers killed in the line of
24 duty. The South Carolina Law Enforcement Officers Hall of Fame Advisory Committee is authorized to set the criteria for
25 awarding such scholarships. All revenue received for this purpose shall be used to provide scholarships and shall be retained,
26 carried forward, and expended for the same purpose.

27 28 **SECTION 64 - N20-LAW ENFORCEMENT TRAINING COUNCIL**

29
30 **64.1.** (LETC: CJA-Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Law
31 Enforcement Training Council, Criminal Justice Academy is authorized to expend federal and earmarked funds in the current fiscal
32 year for expenditures incurred in the prior fiscal year.

33 **64.2.** (LETC: CJA-Retention of Emergency Expenditure Refunds) The Law Enforcement Training Council, Criminal Justice
34 Academy is authorized to collect, expend, retain, and carry forward all funds received from other state or federal agencies in the
35 current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year when personnel and equipment are
36 mobilized and expenses incurred due to an emergency.

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

2
3 **65.1.** (CORR: Canteen Operations) Revenue derived wholly from the canteen operations within the Department of Corrections
4 on behalf of the inmate population, may be retained and expended by the department for the continuation of the operation of said
5 canteens and the welfare of the inmate population or, at the discretion of the Director, used to supplement costs of operations. The
6 canteen operation is to be treated as an enterprise fund within the Department of Corrections and is not to be subsidized by state
7 appropriated funds.

8 **65.2.** (CORR: E.H. Cooper Trust Fund) Any unclaimed funds remaining in any inmate account, after appropriate and
9 necessary steps are taken to determine and contact a rightful owner of such funds, shall be deposited into the Inmate Welfare Fund.

10 **65.3.** (CORR: Instructional Salaries) The certified instructional personnel of the Department of Corrections shall receive a
11 percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel
12 throughout the State.

13 **65.4.** (CORR: Funding Through State Criminal Assistance Program) All funds received by the State from the United States
14 Department of Justice, State Criminal Alien Assistance Program, for care and custody of illegal aliens housed in the state
15 correctional facilities shall be retained by the South Carolina Department of Corrections to offset incurred expenses.

16 **65.5.** (CORR: Remedial Education Funding) A criminal offender committed to the custody of the Department of Corrections,
17 who has been evaluated to function at less than an eighth grade educational level, or less than the equivalent of an eighth grade
18 educational level, may be required by department officials to enroll and actively participate in academic education programs.
19 Funds appropriated to the Department of Corrections for educational programs shall be prioritized to assure such remedial services
20 are provided.

21 **65.6.** (CORR: Tire Retreading Program Restriction) The tire retreading program at the Lieber Correctional Institution shall be
22 limited to the marketing and sale of retreads to state governmental entities.

23 **65.7.** (CORR: Social Security Administration Funding) All funds received by the South Carolina Department of Corrections
24 from the Social Security Administration under Section 1611 (e)(1)(I) of the Social Security Act, which provides payment for
25 information regarding incarcerated Social Security Insurance recipients, shall be retained by the South Carolina Department of
26 Corrections and credited to a fund entitled "Special Social Security" for the care and custody of inmates housed in the state
27 correctional facilities.

28 **65.8.** (CORR: Medical Expenses) The Department of Corrections shall be authorized to charge inmates a nominal fee for any
29 medical treatment or consultation provided at the request of or initiated by the inmate. A nominal co-pay shall be charged for
30 prescribed medications. Inmates shall not be charged for psychological or mental health visits.

31 **65.9.** (CORR: Prison Industry Funds) The Director of the Department of Corrections, at his discretion, is hereby authorized to
32 utilize prison industry funds for projects or services benefiting the general welfare of the inmate population or to supplement costs
33 of operations.

34 **65.10.** (CORR: Reimbursement for Expenditures) The Department of Corrections may retain for general operating purposes
35 any reimbursement of funds for expenses incurred in a prior fiscal year.

1 **65.11.** (CORR: Sale of Real Property) Funds generated from the sale of real property owned by the Department of Corrections
2 shall be retained by the department to offset renovation and maintenance capital expenditures.

3 **65.12.** (CORR: Major Renovations and Repairs) ~~The Department of Corrections may utilize any existing bond funds approved~~
4 ~~by the 1997 Bond Act for major renovations and repairs and/or the construction of new beds as the budget and inmate population~~
5 ~~dietate.~~

6 **65.13.** (CORR: Funds From Vehicle Cleaning) Monies generated by inmates engaged in the cleaning and waxing of private
7 vehicles, or any other adult work activity center, shall be placed in a special account and utilized for the welfare of the inmate
8 population.

9 **65.14.** (CORR: Release of Inmates) The Director of the Department of Corrections and other persons having charge of
10 prisoners who are required to serve a period of six months or more, may release all such prisoners, including prisoners to whom
11 Section 24-13-150, subsection (A) of the 1976 Code applies, on the first day of the month in which their sentences expire, and if
12 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
13 to the first of the month which is not a holiday.

14 **65.15.** (CORR: Western Union Funding) All funds received by the South Carolina Department of Corrections from the Western
15 Union Quick Collect Revenue Sharing Program or similar private sector entities, which provides payment for processing electronic
16 transfers into the E.H. Cooper Trust Fund, shall be retained by the South Carolina Department of Corrections and credited to a fund
17 entitled "Inmate Welfare Fund" to be expended for the benefit of the inmate population.

18 **65.16.** (CORR: Monitoring Fees) The Department of Corrections is authorized to charge an inmate who participates in
19 community programs a reasonable fee for the cost of supplying electronic and telephonic monitoring. The fees charged may not
20 exceed the actual cost of the monitoring.

21 **65.17.** (CORR: Inmate Insurance Policies) The Department of Corrections may collect and record private health insurance
22 information from incarcerated individuals. The department may file against any private insurance policy covering an inmate to
23 recoup any health care expenditures covered by the policy. Health care will be provided in accordance with law and standards
24 regardless of whether or not an inmate is covered by insurance.

25 **65.18.** (CORR: Work Release Transportation Fee) The South Carolina Department of Corrections is authorized to charge a
26 ~~\$4.00 per day~~ daily transportation fee to participants in the work release program only when such transportation is provided by the
27 department. Monies collected shall be credited to the South Carolina Department of Corrections, and utilized solely to fund
28 transportation of work release participants and vehicle replacement for the work release program.

29 **65.19.** (CORR: Special Assignment Pay Level 2 & 3 Facilities) Funds appropriated for special assignment pay at the
30 Department of Corrections are for the purpose of addressing vacancies and turnover of staff by providing a pay differential for
31 certain employees assigned to institutions with a Level II or Level III security designation. The funds are to be used for special
32 assignment pay only and may not be transferred to any other program. If the employee leaves one of the qualifying job classes or
33 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
34 assignment pay. Only employees in full-time equivalent positions are eligible for this special assignment pay.

35 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) 4% for Correctional Officers including Class Code JD-30 (cadets and Officer I and II positions) and Corporals I and II;
- (2) 2% for Sergeants and Lieutenants;
- (3) 1% for Captains and Majors;
- (4) 2% for Nursing staff; and
- (5) 2% for Food Service staff.

(B) At Level III institutions:

- (1) 8% for Correctional Officers including Class Code JD-30 (cadets and Officer I and II positions) and Corporals I and II;
- (2) 3% for Sergeants and Lieutenants;
- (3) 1% for Captains and Majors;
- (4) 3% for Nursing staff; and
- (5) 3% 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, or Allendale Correctional Institution, at least \$150,000 in matching funds and/or construction materials or services must be donated before construction of the facility may begin. At other Department of Corrections locations, the Director may require that donated funds and/or materials or services equal one-half of the cost of construction, including design and engineering costs.

1 **65.22.** (CORR: Inmate Barbering Program) Inmate barbers in the Inmate Barbering Program at the Department of Corrections,
2 shall not be subject to the licensing requirement of Section 40-7-30 of the 1976 Code.

3 **65.23.** (CORR: Executed Inmate Autopsy) For the current fiscal year, the autopsy requirements of Section 17-7-10 of the 1976
4 Code are suspended when an inmate is executed by the Department of Corrections pursuant to a valid order of the Supreme Court
5 of South Carolina.

6 **65.24.** (CORR: Recoupment of Expenses Associated with Inmate Cremation) If the Department of Corrections incurs expenses
7 for cremating and disposing of an unclaimed deceased inmate, the department may recoup all associated costs of cremation,
8 including transportation, through the deceased inmate's E.H. Cooper account, providing funds are available.

9 **65.25.** (CORR: Credited Jail Time; DNA Sample Collection) Inmates committed to the Department of Corrections for
10 sentences greater than ninety days, but who have credit for jail time in excess of their sentence to incarceration are not required to
11 be transported to the Reception and Evaluation Center of the Department of Corrections. Cities and counties housing inmates who
12 have credit for jail time in excess of their sentence may, through written agreement with the Department of Corrections, transfer
13 required commitment records to the department electronically or by other means. The Department of Corrections must establish
14 reasonable documentation requirements to facilitate the implementation of this cost savings measure. Employees of the
15 Department of Probation, Parole, and Pardon Services assigned to the court or employees of the Department of Corrections, as
16 applicable, shall obtain DNA samples from the offenders who are required to submit DNA samples. This provision does not
17 exempt the above referenced inmates from the \$250 DNA fee as required by Section 23-3-670 of the 1976 Code. The \$250 fee
18 shall be collected in the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.

19 **65.26.** (CORR: Cell Phone Interdiction) The Director of the Department of Corrections is granted the right to add a surcharge
20 to all inmate pay phone calls to offset the cost of equipment and operations of cell phone interdiction measures. The surcharge will
21 be added to the cost per call, collected by chosen telephone vendor and paid to the department on a monthly basis. The department
22 is authorized to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell
23 phone interdiction. When the equipment has been paid in full, the surcharge amount will be reviewed and adjusted to cover the
24 cost of ongoing operational expenses of the interdiction equipment. Any unexpended balance may be carried forward from the
25 prior fiscal year into the current fiscal year and be used for the same purpose.

26 **65.27.** (CORR: ~~Wateree River~~ Correctional Institution *Maintenance and Construction*) ~~The~~ *For maintenance and construction*
27 *activities funded in the current fiscal year, the* Department of Corrections may utilize inmate labor to perform any portion of the
28 work ~~which will be installed on the Wateree River Correctional Institution property for the Wateree River Correctional Institution~~
29 ~~Radium—Drinking Water Compliance Project~~ *on its own grounds and facilities. The provisions of Section 40-11-360(A)(9) shall*
30 *apply to any such project, including new construction.*

31 **65.28.** (CORR: Meals in Emergency Operations) The Department of Corrections may provide meals to public employees who
32 are not permitted to leave their stations and are required to work during actual emergencies, emergency simulation exercises, or
33 when the Governor declares a state of emergency.

34 **65.29.** (CORR: Prohibition on Funding Certain Surgery) (A) The Department of Corrections is prohibited from using state
35 funds or state resources to provide a prisoner in the state prison system sexual reassignment surgery; however, if a person is taking

1 hormonal therapy at the time the person is committed to the Department of Corrections, the department shall continue to provide
2 this therapy to the person as long as medically necessary for the health of the person.

3 (B) As used in this provision:

4 (1) 'Hormonal therapy' means the use of hormones to stimulate the development or alteration of a person's sexual
5 characteristics in order to alter the person's physical appearance so that the person appears more like the opposite gender;

6 (2) 'Sexual reassignment surgery' means a surgical procedure to alter a person's physical appearance so that the person
7 appears more like the opposite gender.

8
9 **SECTION 66 - N08-DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES**

10
11 **66.1.** (DPPP: Sale of Equipment) All revenue generated by the Department of Probation, Parole and Pardon Services from the
12 sale of various equipment ~~in excess of \$575, less the cost of disposition incurred by the Budget and Control Board, Division of~~
13 ~~Operations,~~ may be retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items.

14 **66.2.** (DPPP: Interstate Compact Application Fee) The department may charge offenders an application fee set by the
15 department, not to exceed ~~\$100~~ *the department's actual costs*, to offenders applying for transfers out of or into the state under the
16 Interstate Compact Act. The application fee shall be retained by the department to offset the cost of the Interstate Compact Act.
17 All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

18 **66.3.** (DPPP: GED Learn and Earn Program) From the funds appropriated in Part IA, the department may enter into
19 agreements with statewide colleges, technical colleges, and school districts for the purpose of providing GED and GED Prep
20 education to offenders. Offenders of the department enrolled in the program must repay the department the cost of the course and
21 materials within six months of obtaining their GED.

22 **66.4.** (DPPP: Sex Offender Monitoring Carry Forward) The Department of Probation, Parole and Pardon Services is
23 authorized to carry forward any unexpended funds in the Sex Offender Monitoring program. These funds must be used for the sex
24 offender monitoring program. For the purpose of calculating the amount of funds which may be carried forward by the
25 department, Sex Offender Monitoring program funds carried forward by this provision shall be excluded from the calculation of
26 the carry forward authorized by provision elsewhere in this Act.

27 **66.5.** (DPPP: Offender Drug Testing Fee) The department may charge offenders a fee set by the department, not to exceed
28 \$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
29 retained by the department to offset the cost of drug testing. All unexpended funds at year-end may be retained and carried
30 forward by the department to be expended for the same purpose.

31 **66.6.** (DPPP: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult
32 offender placed under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty-five
33 dollar Public Service Employment set-up fee. The fee must be retained by the department and applied to the department's
34 supervision process. The department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of
35 the House Ways and Means Committee on the number of offenders who were assessed the set-up fee and the amount of funds
36 collected.

1 **SECTION 67 - N12-DEPARTMENT OF JUVENILE JUSTICE**
2

3 **67.1.** (DJJ: Meal Ticket Revenue) The revenue generated from sale of meal tickets by the Department of Juvenile Justice shall
4 be retained and carried forward into the current fiscal year by the agency and expended for the operation of the agency's cafeterias
5 and food service programs.

6 **67.2.** (DJJ: Interstate Compact Revenue) The revenue returned to the Interstate Compact Program shall be retained and carried
7 forward into the current fiscal year by the agency and expended for the operation of the program.

8 **67.3.** (DJJ: Children's Projects Revenue) Funds generated from the projects undertaken by children under the supervision of
9 the Department of Juvenile Justice may be retained by the department and utilized for the benefit of those children. Such funds
10 may be carried forward into the following fiscal year.

11 **67.4.** (DJJ: Instructional Salaries) The certified instructional personnel of the Department of Juvenile Justice shall receive a
12 percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel
13 throughout the State.

14 **67.5.** (DJJ: Reimbursements for Expenditures) The Department of Juvenile Justice may retain for general operating purposes
15 any reimbursement of funds for expenses incurred in a prior fiscal year.

16 **67.6.** (DJJ: Juvenile Arbitration/Community Advocacy Program) The amount appropriated and authorized in this section for
17 the Juvenile Arbitration Program shall be retained and expended by the Department of Juvenile Justice for the purpose of providing
18 juvenile arbitration services through the sixteen (16) Judicial Circuit Solicitors' offices in the state and used to fund necessary
19 administrative and personnel costs for the programs.

20 The Department of Juvenile Justice shall contract with Solicitors to administer the Juvenile Arbitration Program and disburse up
21 to \$60,000 per Judicial Circuit based on services rendered. The amount payable to Solicitors may vary based on consistent
22 adherence to established statewide program guidelines to assess program performance.

23 The \$250,000 appropriated for the Community Advocacy Program in the first Judicial Circuit, will be used to fund necessary
24 administrative and personnel costs for this status offender diversion program. The Department of Juvenile Justice shall monitor
25 and provide support to this program.

26 All unexpended funds may be retained and carried forward from the prior fiscal year to be used for the same purposes.

27 **67.7.** (DJJ: Sale of Real Property) After receiving approval from the Budget and Control Board for the sale of property, the
28 department is authorized to retain revenues associated with the sale of department-owned real property and may expend these
29 funds on capital improvements reviewed by the Joint Bond Review Committee and approved by the Budget and Control Board.

30 **67.8.** (DJJ: Sale of Timber) The Department of Juvenile Justice is hereby authorized to sell mature trees and other timber
31 suitable for commercial purposes from lands owned by the department. Prior to such sales, the director shall consult with the State
32 Forester to determine economic and environmental feasibility and to obtain approval for such sales. Funds derived from timber
33 sales shall be retained and utilized for family support services after setting aside a reasonable amount, as determined by the State
34 Forester, for reforestation of the lands from which the trees and timber are sold.

1 **67.9.** (DJJ: Drug Free Workplace) The critical mission of the Department of Juvenile Justice requires a safe and drug free
2 work environment. In order to accomplish this, the department may conduct and pay for the cost of pre-employment drug testing
3 and random employee drug testing. The department is authorized to expend funds in order to provide or procure these services.

4 **67.10.** (DJJ: Definition of Juveniles) The Department of Juvenile Justice is authorized to place juveniles in marine and
5 wilderness programs or other community residence programs operated by non-governmental entities. Juveniles receiving services
6 in these community residence programs must either be referred to such a program by the Family Court as a condition of probation,
7 released to such a program by the Board of Juvenile Parole, or voluntarily agree to be assigned and released to such a program by
8 the Department of Juvenile Justice.

9 **67.11.** (DJJ: Adult Education - GED) Juveniles committed to the Department of Juvenile Justice who have been enrolled in, but
10 not yet completed, a GED educational program while at the department, at the discretion of the local school district, upon release
11 from the department shall be allowed to enroll in either the juvenile's local school district's regular education program, in their
12 appropriate grade placement, or allowed to enroll in that district's or county's adult education program. If enrolled in an adult
13 education program, the juvenile's eligibility for taking the GED shall be based upon the regulations promulgated by the
14 Department of Education for youth who are confined in, or under the custody of, the Department of Juvenile Justice.

15 **67.12.** (DJJ: Local District Effort) Upon commitment or confinement to a Department of Juvenile Justice facility, the school
16 district in which that child resides shall pay an amount equivalent to the statewide average of the local base student cost (thirty
17 percent), multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-
18 district students to the Department of Juvenile Justice for the time period in which the child is committed or confined to a
19 department facility. EFA funding for school districts is provided for a one hundred eighty day school year. The billing provided
20 by the department shall be calculated by dividing the local base student cost by two hundred twenty-five days to determine the
21 daily rate. The department shall notify the school district in writing within forty-five calendar days that a student from the
22 non-resident district is receiving education services pursuant to this provision. The notice shall also contain the student's name,
23 date of birth, disabling condition if available, and dates of service.

24 The invoice shall be paid within sixty days of billing, provided the department has provided a copy of the invoice to both the
25 superintendent and the finance office of the school district being invoiced. Should the school district fail to pay the invoice within
26 sixty days, the department can seek relief from the Department of Education. The Department of Education shall withhold EFA
27 funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the department. If
28 adequate funding is not received, the department shall have the flexibility to use funds from other programmatic areas to maintain
29 an appropriate level of service.

30 **67.13.** (DJJ: Early Release Authorization) In order to avoid unconstitutional levels of overcrowding and other unconstitutional
31 conditions from occurring in facilities operated by the department and in residential programs operated for the department, the
32 number of children housed in residential placements (either committed to the custody of the Department of Juvenile Justice or who
33 are under the department's supervision) shall not exceed the number of beds available to the department to house them. Should
34 appropriation reductions necessitate that the department close any additional facility, program, or housing unit it operates, or to be
35 unable to fund any additional residential program operated for its benefit, the department is authorized and empowered to release
36 from its residential placements sufficient numbers of children committed to its custody or supervision for a status offense, a

1 misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature and Assault with Intent to Kill, or for
2 violation of probation/contempt of a status offense or a misdemeanor offense, other than Assault and Battery of a High and
3 Aggravated Nature and Assault with Intent to Kill, so that the number of children in its custody or under its supervision and placed
4 in these residential placements does not exceed the number of housing units/beds available to properly house those children. No
5 child adjudicated delinquent for a violent crime as defined in Section 16-1-60 of the 1976 Code, a felony offense as defined in
6 Section 16-1-90 of the 1976 Code, or a sexual offense shall be released pursuant to this proviso.

7 8 **SECTION 70 - L36-HUMAN AFFAIRS COMMISSION**

9
10 **70.1.** (HAC: Human Affairs Forum Carry Forward) All revenue derived from donations and registration fees received for
11 attendance at Human Affairs Forums shall be retained and carried forward and expended for the purpose of general operations of
12 the Human Affairs Commission.

13 **70.2.** (HAC: Training Revenue) All revenue derived from fees received from training and technical assistance provided by the
14 Human Affairs Commission to entities other than state agencies shall be retained, carried forward, and expended for the purpose of
15 general operations of the Human Affairs Commission.

16 **70.3.** (HAC: Revenue from Copying Fees) All revenue derived from providing requested copies of commission files, final
17 opinions, orders, and determinations shall be retained, carried forward, and expended for the purpose of general operations of the
18 Human Affairs Commission.

19 20 **SECTION 71 - L46-COMMISSION FOR MINORITY AFFAIRS**

21
22 **71.1.** (CMA: Private Contributions and Sponsorship) Monies derived from private sources for agency research, forums,
23 training, and institutes may be retained and expended by the commission for the said
24 purpose. Any remaining balance may be carried forward and expended for the same purpose.

25 **71.2.** (CMA: Carry Forward Registration Fees) Revenue derived from registration fees received from training and institutes
26 may be retained and carried forward for the purpose of conducting future training and institutes.

27 **71.3.** (CMA: Carry Forward Grant Awards) Revenues pooled from public and private sources for the purpose of awarding
28 grants to address problems in the minority community may be retained and carried forward by the commission.

29 **71.4.** (CMA: Carry Forward Bingo Revenues) Bingo revenues received by the commission in the prior fiscal year pursuant to
30 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
31 the current fiscal year.

32 **71.5.** (CMA: Retention of Photocopy Fees) Revenue derived from photocopy fees and other fees related to Freedom of
33 Information Act requests from the general public may be retained and carried forward by the Commission.

34

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 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 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 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.

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

1 expended within the agency's budget to help offset the costs of investigating, prosecuting, and the administrative costs associated
2 with these violations, may be carried forward and expended for the same purposes in the current fiscal year.

3 **80.2.** (CA: Student Athlete/Agents Registration) Funds received by the department of Consumer Affairs pursuant to
4 registrations under Chapter 102, Title 59 of the 1976 Code may be retained by the department for its enforcement duties relating to
5 athlete agents and student athletes under that chapter.

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

9 **80.4.** (CA: Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) The Department of Consumer
10 Affairs may retain all Consumer Credit Grantor Notification filing fees collected under Section 37-6-203 and all Maximum Rate
11 Schedules filing fees collected under Section 37-2-305 and Section 37-3-305. These fees shall be used to offset the cost of
12 administering and enforcing Chapters 2 and 3, Title 37 of the 1976 Code and may be applied to the cost of operations.
13 Unexpended balances may be carried forward for the prior fiscal year into the current fiscal year and be utilized for the same
14 purposes.

15 **80.5.** (CA: Retention of Fees) ~~For Fiscal Year 2013-14~~ *In the current fiscal year*, the department may retain all fees collected
16 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
17 implement the requirements of the programs mandated by those sections of the code.

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

20
21 **81.1.** (LLR: Fire Marshal - Authorization to Charge Fees for Training) The Fire Academy may charge participants a fee to
22 cover the cost of education, training programs, and operations. The revenue generated may be applied to the cost of operations,
23 and any unexpended balance may be carried forward to the current fiscal year and utilized for the same purposes.

24 **81.2.** (LLR: Real Estate - Special Account) Revenue in the Real Estate Appraisal Registry account shall not be subject to
25 fiscal year limitations and shall carry forward each fiscal year for the designated purpose.

26 **81.3.** (LLR: POLA - Ten Percent, Other Funds) The Professional and Occupational Offices in Program II.F. Professional and
27 Occupational Licensing must remit annually an amount equal to ten percent of the expenditures to the general fund. The
28 Contractor's Licensing Board must remit all revenues above their expenditures to the general fund. The revenue remitted by the
29 Contractor's Licensing Board to the general fund includes the ten percent.

30 **81.4.** (LLR: Fire Marshal Fallen Firefighters Memorial) The Department of Labor, Licensing and Regulation - Division of the
31 State Fire Marshal is authorized to accept gifts or grants of services, properties, or monies from individuals or public and private
32 organizations to honor South Carolina firefighters who have died in the line of duty. All excess monies collected to erect a
33 memorial are to be placed in a fund for upkeep and maintenance. Any later contributions are to be used for upkeep and
34 maintenance.

35 **81.5.** (LLR: Firefighter Mobilization Project) The Department is directed to utilize \$165,000 of the funds derived under
36 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

1 on the gross premium receipts less premiums returned on canceled policy contracts and less dividends and returns of unabsorbed
2 premium deposits of all fire insurance companies doing business in the State to fund the Firefighter Mobilization Project.

3 **81.6.** (LLR: Match for Federal Funds) State appropriations to the Department of Labor, Licensing, and Regulation that are
4 required to provide match for federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and
5 expended for the same purpose as originally appropriated.

6 **81.7.** (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the OSHA and
7 OSHA Voluntary Programs, the Department of Labor, Licensing, and Regulation shall be authorized to spend agency earmarked
8 and restricted accounts to maintain these critical programs previously funded with general fund appropriations. Any increase in
9 spending authorization for these purposes must receive the prior approval of the Office of State Budget.

10 **81.8.** (LLR: Immigration Bill Funding Report) Prior to any funds carried forward from the prior fiscal year in Subfund 3135
11 being transferred to fund any other purpose, \$250,000 must be retained by the Department of Labor, Licensing, and Regulation to
12 fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. The department shall compile an
13 accountability report outlining expenditures of the Immigration Bill funding to be issued to the President Pro Tempore of the
14 Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources and Economic
15 Development Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means
16 Committee, and the Chairman of the House Ways and Means Transportation and Regulatory Subcommittee. Said report must be
17 issued on the first Tuesday of February ~~2014~~ 2015.

18 **81.9.** (LLR: Authorized Reimbursement) The Director of the Department of Labor, Licensing, and Regulation cannot
19 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
20 meetings held at any location other than the offices of the department unless there has been a determination that the department is
21 unable to provide space for the meeting in a state owned or leased facility in Richland or Lexington County.

22 **81.10.** (LLR: Illegal Immigration Hotline Assistance) Upon the request of the Commission on Minority Affairs, the Department
23 of Labor, Licensing, and Regulation shall provide assistance to establish and maintain a twenty-four hour toll free telephone
24 number and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related
25 provisions of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal
26 immigration laws or related provisions in South Carolina law against any non-United States citizen or immigrant.

27 Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations
28 of Chapter 83, Title 40 of the 1976 Code relating to immigration assistance services, or any regulations enacted governing the
29 operation of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration
30 matter, as defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-930, landlord tenant law
31 violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services.

32 **81.11.** (LLR: Board of Pharmacy) The Board of Pharmacy must accept affidavits of practical experience from interns whose
33 practical experience internships occurred in this State. The affidavit must provide that the supervising pharmacist and the site of
34 experience is licensed and in good standing with the board and that the internship falls within the criteria for internships set by the
35 board. The affidavit must be accompanied by a ten dollar fee to cover administrative costs associated with compliance with this
36 proviso.

1 **81.12.** (LLR: Office of State Fire Marshal - Clothing) The Department of Labor, Licensing, and Regulation is authorized to
2 purchase and issue clothing to the non-administrative staff of the Office of the State Fire Marshal that are field personnel working
3 in a regulatory aspect and/or certified to be a resident state fire marshal.
4

5 **SECTION 82 - R40-DEPARTMENT OF MOTOR VEHICLES**
6

7 **82.1.** (DMV: Miscellaneous Revenue) Revenue received from the sale of legal manuals and other publications, postal
8 reimbursement, third party commercial driver license testing, photo copying, sale of miscellaneous refuse and recyclable materials,
9 insurance claim receipts, and tuition from non-mandated, advanced, or specialized courses shall be retained by the department and
10 expended in budgeted operations and other related services or programs as the Director of the Department of Motor Vehicles may
11 deem necessary. The Department of Motor Vehicles shall report annually to the General Assembly the amount of miscellaneous
12 revenue retained and carried forward.

13 **82.2.** (DMV: Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Department
14 of Motor Vehicles is authorized to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the
15 prior fiscal year.

16 **82.3.** (DMV: Publish County DMV Local Telephone Number) From the funds appropriated in Part IA, Section 82 to the
17 Department of Motor Vehicles, it is the intent of the General Assembly that the Department of Motor Vehicles in each county
18 should have a local telephone number that is published.

19 **82.4.** (DMV: Cost Recovery Fee/Sale of Photos or Digitized Images) The Department of Motor Vehicles may collect
20 processing fees and fees to recover the costs of the production, purchase, handling and mailing of documents, publications, records
21 and data sets. The amount charged by the Department of Motor Vehicles for any fees collected pursuant to this proviso may not
22 exceed the rates that the department charged as of February 1, 2001. The Department of Motor Vehicles may not sell, provide or
23 otherwise furnish to private parties, copies of photographs, whether digitized or not, taken for the purpose of a driver's license or
24 personal identification card. Photographs and digitized images from a driver's license or personal identification card are not
25 considered public records. Funds derived from these sources shall be retained by the department.

26 **82.5.** (DMV: DPPA Compliance Audit) The Department of Motor Vehicles may charge fees to defray the costs associated
27 with auditing and enforcing compliance of all Federal or State statutes and regulations pertaining to personal information for
28 customers receiving information disseminated by the department as allowed by law. This provision does not pertain to state
29 agencies. The Comptroller General shall place the funds into a special restricted account to be used by the department.

30 **82.6.** (DMV: Underutilized Offices) The Director of the Department of Motor Vehicles is authorized to develop and
31 implement a plan to reduce the hours of operation in underutilized DMV field offices; however the legislative delegation of the
32 county in which the affected field office is located must be notified prior to implementation of the plan. In addition, the director
33 shall review field offices which have a high volume of traffic to determine whether it would be beneficial to expand the hours of
34 operation.

35 **82.7.** (DMV: Facial Recognition Program) The Department of Motor Vehicles is directed to utilize the funds authorized for
36 the agency to continue the Facial Recognition Program.

1 **82.8.** (DMV: Five Year Eye Exam Suspension) For the current fiscal year, Section 56-1-220(B), relating to the requirement
2 for a vision screening certificate during the fifth year of a ten-year driver's license, is suspended. The department may use the
3 savings recognized from the suspension of this requirement to support necessary technology upgrades.
4

5 **SECTION 83 - R60-DEPARTMENT OF EMPLOYMENT AND WORKFORCE**
6

7 **83.1.** (DEW: SCOICC User Fee Carry Forward) All user fees collected by the South Carolina Occupational Information
8 Coordinating Committee through the Department of Employment and Workforce may be retained by the SCOICC to be used for
9 the exclusive purpose of operating the South Carolina Occupational Information System. All user fees not expended in the prior
10 fiscal year may be carried forward for use in the current fiscal year.

11 **83.2.** (DEW: Consortium Contracts: Training-Development Sessions and Media Services) All earmarked funds collected for
12 the LMI - Training-Development Sessions; Media Services and Program Contracts through the Department of Employment and
13 Workforce may be retained by the agency to be used for the exclusive purpose of operating these programs. All funds not
14 expended in the prior fiscal year may be carried forward for use in the current fiscal year.

15 **83.3.** (DEW: Federal and Earmarked Prior Year Payments) The Department of Employment and Workforce shall be allowed
16 to pay federal and earmarked prior year obligations with current year funds.

17 **83.4.** (DEW: WIA Prior Year Payments) ~~The Department of Employment and Workforce shall be allowed to pay Workforce~~
18 ~~Investment Act prior year obligations with current year funds.~~

19 **83.5.** (DEW: Transparency of Funding Appropriation) In order to promote accountability and transparency, the Department of
20 Employment and Workforce must provide and release to the public via the agency's website, a report of all aggregate amounts of
21 taxes, fees and payments that were charged, collected and paid by that state agency in the prior fiscal year. For the purpose of
22 efficiency and conservation of resources, this report shall be incorporated into the Trust Fund Report due by October first as
23 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
24 include, but not be limited to: (1) SUTA taxes collected per Tier; (2) unemployment benefit claims paid; (3) how many
25 unemployment claims were made in error; (4) loan repayments made to the federal government; and (5) the amount of funds left in
26 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.
27 Additionally, the report must be delivered to the Chairman of the Senate Finance Committee and the Chairman of the House Ways
28 and Means Committee by October first. Funds appropriated to and/or authorized for use by the department shall be used to
29 accomplish this directive.

30 **83.6.** (DEW: SUTA Contingency Assessment Funds) Thirty percent of the funds appropriated through the contingency
31 assessment funds collected on taxable wages paid by employers shall be spent on enforcement of Section 41-35-110(3) and Section
32 41-35-120(5) of the 1976 Code, via Eligibility Reviews, Random Verification of Job Contacts and Wage Cross Matches during
33 those weeks covered by the South Carolina State Unemployment Tax Authority (SUTA), and to ensure seated meetings with
34 Unemployment Insurance claimants and requiring that one of the four job search contacts required per week be conducted through
35 SC Works Online System (SCWOS), so that it can be electronically verified. The agency must also inform claimants in advance

1 that Eligibility Reviews and Random Verification of Job Contacts will be used by the Department to verify compliance with laws
2 administered by the agency.

3 **83.7.** (DEW: Negotiation of Interest) By October 1, ~~2013~~ 2014, the Department of Employment and Workforce must develop
4 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
5 payments on South Carolina employers.

6
7 **SECTION 84 - U12-DEPARTMENT OF TRANSPORTATION**
8

9 **84.1.** (DOT: Expenditure Authority Limitation) The Department of Transportation is hereby authorized to expend all cash
10 balances brought forward from the previous year and all income including all federal funds, unexpended general funds and
11 proceeds from bond sales accruing to the Department of Transportation, but in no case shall the expenditures of the Department of
12 Transportation exceed the amount of cash balances brought forward from the preceding year plus the amount of all income
13 including federal funds, general funds and proceeds from bond sales.

14 **84.2.** (DOT: Special Fund Authorization) The Department of Transportation with the approval of the State Treasurer, is
15 hereby authorized to set up with the State Treasurer such special funds out of the Department of Transportation funds as may be
16 deemed advisable for proper accounting purposes.

17 **84.3.** (DOT: Secure Bonds & Insurance) The Department of Transportation is hereby authorized to secure bonds and
18 insurance covering such activities of the department as may be deemed proper and advisable, due consideration being given to the
19 security offered and the service of claims.

20 **84.4.** (DOT: Benefits) Employees of the Department of Transportation shall receive equal compensation increases, health
21 insurance benefits and employee bonuses provided in this act for employees of the State generally. The amount will be funded
22 from Department of Transportation funding sources.

23 **84.5.** (DOT: Document Fees) The Department of Transportation is hereby authorized to establish an appropriate schedule of
24 fees to be charged for copies of records, lists, bidder's proposals, plans, maps, etc. based upon approximate actual costs and
25 handling costs of producing such copies, lists, bidder's proposals, plans, maps, etc.

26 **84.6.** (DOT: Meals in Emergency Operations) The Department of Transportation may provide meals to employees of the
27 department who are not permitted to leave assigned duty stations and are required to work during deployment, emergency
28 simulation exercises, and when the Governor declares a state of emergency.

29 **84.7.** (DOT: Rest Area Water Rates) For the current fiscal year, rest areas of the Department of Transportation shall be
30 charged in-district water rates by providers of water and sewer services, unless the rate currently charged by the provider is less
31 than in-district rates.

32 **84.8.** (DOT: Shop Road Farmers Market Bypass Carry Forward) Unexpended funds appropriated for the Shop Road Farmers
33 Market Bypass may be carried forward into the current fiscal year and expended for the matching requirement for the widening and
34 expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads-Phase I).

35 **84.9.** (DOT: Hanahan Permit Negotiation) ~~With the funds authorized for the Department of Transportation, the department~~
36 ~~shall initiate negotiations between the City of Hanahan, the United States Army Corps of Engineers, CSX Railroad, and other~~

~~applicable entities to demonstrate the valid purpose and need for the necessary permit required to complete the Railroad Avenue Extension project in the City of Hanahan. The department shall provide a report to the members of the Berkeley County Delegation and the Berkeley, Charleston, and Dorchester Council of Governments and CHATS detailing the history of the project, status of the negotiations, and a plan for completion. The report shall be completed by June 30, 2014.~~

84.10. (DOT: Tree Removal) The Department of Transportation is prohibited from using funds authorized by this act for tree removal, 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 until approval is given by the BCD Council of Governments.

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.

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.

1 The Aeronautics Commission shall promulgate regulations establishing the grants program that, at a minimum, address: (1)
2 priorities among improvements qualifying for grants; (2) an airport selection process to ensure an equitable distribution of funds
3 among eligible airports; and (3) the criteria for distribution of funds among eligible airports.

4 Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a
5 major factor in the priority guidelines established by the Aeronautics Commission pursuant to this provision. The Commission
6 also shall have discretion consistent with Section 55-5-170 of the 1976 Code to establish a program to grant Aviation Fund dollars
7 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
8 smaller relative contribution from the fund.

9 A report on the expenditure of these funds shall be submitted to the Senate Finance Committee and the House Ways and Means
10 Committee.

11 Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes.
12

13 SECTION 88 - Y14-STATE PORTS AUTHORITY 14

15 **88.1.** (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating
16 fund surplus available and any funds appropriated to the authority in prior fiscal years and left unexpended as of July 1, ~~2013~~ 2014,
17 pay to the State Transportation Infrastructure Bank one million dollars before June 30, ~~2014~~ 2015, to continue the Charleston
18 Cooper River Bridge Project.

19 **88.2.** (SPA: Georgetown Port Marketing) The State Ports Authority will continue its cargo diversification strategy which
20 enhances the marketing of all terminal capabilities in Charleston and Georgetown highlighting cruise, breakbulk, bulk, and roll
21 on/roll-off.

22 **88.3.** (SPA: Harbor Deepening Reserve Fund) The State Ports Authority shall maintain the Harbor Deepening Reserve Fund.
23 This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund
24 must be used exclusively by the South Carolina Ports Authority for the activities associated with deepening the state's harbors.
25 Prior to expending any amount from the fund, the State Ports Authority must present a comprehensive plan for the use of the fund
26 for harbor deepening to the Joint Bond Review Committee for review and comment. These funds shall be carried forward from the
27 prior fiscal year into the current fiscal year and must be used for the same purpose.
28

29 SECTION 91 - A99-LEGISLATIVE DEPARTMENT 30

31 **91.1.** (LEG: Legislative Employee Designations) The positions included in this section designated (P) shall denote a
32 permanent employee and the salary is an annual rate. The positions designated (T) shall denote a temporary employee and the
33 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
34 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
35 Assembly is not in session. The positions designated (PTT) shall denote part-time temporary employees on a twelve-months basis.
36 The positions designated (PPT) shall denote permanent part-time employees retained for full-time work for a period of months or

1 the duration of the legislative session. The House of Representatives shall maintain an internal record denoting permanent,
2 temporary, interim, part-time temporary, and permanent part-time employees.

3 **91.2.** (LEG: Legislative Employee BPI/Merit) Legislative employees designated (P) or (PPT) shall receive base pay and
4 average merit pay in the same manner as such pay is granted to classified state employees, but for purposes of this paragraph, the
5 term “legislative employees” does not include employees of the House of Representatives. From the funds appropriated for
6 Employee Pay Increases, the Speaker of the House and the President Pro Tempore of the Senate shall determine the amount
7 necessary for compensation of the employees of the House and Senate.

8 **91.3.** (LEG: Interim Expenses Allowance) The Chairman of the Standing House and Senate Committees shall each be allowed
9 the sum of six hundred and fifty dollars for expenses during the interim, between sessions of the General Assembly, to be paid
10 from the House or Senate approved accounts, with each body paying the expense allowance of the chairman in its membership.
11 The Speaker of the House is authorized to approve not more than six hundred and fifty dollars for expenses during the interim for
12 Chairmen of the Standing Committees of the House.

13 **91.4.** (LEG: Subsistence/Travel Regulations) (A) Members of the General Assembly shall receive subsistence for each
14 legislative day that the respective body is in session and in any other instance in which a member is allowed subsistence expense.
15 No member of the General Assembly except those present are eligible for subsistence on that day. Legislative day is defined as
16 those days commencing on the regular annual convening day of the General Assembly and continuing through the day of
17 adjournment sine die, excluding Friday, Saturday, Sunday, and Monday.

18 (B) Standing Committees of the Senate and House of Representatives are authorized to continue work during the interim;
19 however, House members must receive advanced approval by the Speaker of the House and Senate members must receive
20 advanced approval by the President Pro Tempore of the Senate or Standing Committee Chairman to meet. If such advanced
21 approval is not received, the members of the General Assembly shall not be paid the per diem authorized in this provision. When
22 certified by the Speaker of the House, President Pro Tempore of the Senate, or Standing Committee Chairman, the members
23 serving on such committees shall receive a subsistence and mileage at the rate provided for by law, and the regular per diem
24 established in this act for members of boards, commissions, and committees while attending scheduled meetings. Members may
25 elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds for
26 allowances specified in this proviso shall be paid to the members of the Senate or House of Representatives from the Approved
27 Accounts of the respective body except as otherwise may be provided.

28 (C) Joint Study Committees created pursuant to Acts and Resolutions of the General Assembly are authorized to continue work
29 during the interim to secure such information and complete such investigations as may be assigned to the respective committees;
30 however, House members must receive advanced approval by the Speaker of the House and Senate members must receive
31 advanced approval by the President Pro Tempore of the Senate or Standing Committee Chairman to meet. If such advanced
32 approval is not received, the House and Senate members of the Joint Study Committee shall not be paid the per diem authorized in
33 this provision. When certified by the appropriate authority, the members appointed to such committees shall receive a subsistence
34 and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards, commissions,
35 and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and
36 meals in lieu of the allowable subsistence expense. The allowances specified in this proviso shall be paid from funds appropriated

1 to the respective committees for such purposes, or from Approved Accounts of the respective body of the General Assembly if no
2 funds have been appropriated to such a committee for these purposes.

3 (D) Members of the Senate and the House of Representatives when traveling on official State business shall be allowed a
4 subsistence and transportation expenses as provided for by law, and the regular per diem established in this act for members of
5 boards, commissions, and committees upon approval of the appropriate chairman. When traveling on official business of the
6 Senate or the House of Representatives not directly associated with a committee of the General Assembly, members shall be paid
7 the same allowance upon approval of the President Pro Tempore of the Senate or the Speaker of the House of Representatives. In
8 either instance, the members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable
9 subsistence expense. The funds for the allowances specified in this proviso shall be paid from the Approved Accounts of the
10 Senate or the House of Representatives or from the appropriate account of the agency, board, commission, task force or committee
11 upon which the member serves.

12 (E) Members of the House of Representatives shall not be reimbursed for per diem, subsistence, or travel in connection with
13 any function held outside of the regular session of the General Assembly unless prior approval has been received from the Speaker
14 of the House.

15 (F) Notwithstanding any other provision of law, subsistence and mileage reimbursement for members of the General Assembly
16 shall not exceed the level authorized by the Internal Revenue Service for the Columbia area.

17 **91.5.** (LEG: Senate Voucher Approval) All payroll vouchers, disbursement vouchers, and interdepartmental transfers of the
18 Senate shall only require the approval of the Clerk of the Senate.

19 **91.6.** (LEG: Supplies Approval) All supplies for the Senate shall be purchased only upon the authority of the Clerk of the
20 Senate and all supplies for the House of Representatives shall be purchased only upon the authority of the Clerk of the House.

21 **91.7.** (LEG: House Pages) Up to one hundred forty-four Pages may be appointed pursuant to House policies and procedures
22 and they shall be available for any necessary service to the House of Representatives.

23 **91.8.** (LEG: Senate Research Personnel Compensation) Senate Research personnel other than Directors of Research and the
24 committee research staff shall be paid from funds appropriated for Senate Research at the direction of the Clerk of the Senate.

25 **91.9.** (LEG: Contract for Services) The Standing Committees of the Senate may, upon approval of the President Pro Tempore,
26 contract with state agencies and other entities for such projects, programs, and services as may be necessary to the work of the
27 respective committees. Any such projects, programs, or services shall be paid from funds appropriated for contractual services.

28 **91.10.** (LEG: Jt. Leg. Committee Operational Authorization) Only the Joint Legislative Committees for which funding is
29 provided herein are authorized to continue operating during the current fiscal year under the same laws, resolutions, rules or
30 regulations which provided for their operations during the prior fiscal year.

31 **91.11.** (LEG: Legislative Carry Forward) In addition to the funds appropriated in this section, the funds appropriated under Part
32 IA, Sections 91A, 91B, 91C, 91D, and 91E for the prior fiscal year which are not expended during that fiscal year may be carried
33 forward to be expended for the same purposes in the current fiscal year.

34 **91.12.** (LEG: Senate Expenditures/O&M Committee) Notwithstanding any limitation or other provisions of law to the contrary,
35 funds expended by the Senate for salary adjustments, professional fees and dues, and necessary expenses, supplies, and equipment
36 for Senate employees, must be paid from funds appropriated to the Senate Operations and Management Committee and funds

1 available in approved accounts of the Senate, and shall be authorized and allocated in such manner as determined by the Senate
2 Operations and Management Committee. From the funds annually allocated to each Senator and Representative for postage and
3 telephone, \$250 may be used to purchase American and State flags.

4 **91.13.** (LEG: In-District Compensation) All members of the General Assembly shall receive an in-district compensation of
5 \$1,000 per month .

6 **91.14.** (LEG: Additional House Support Personnel) From the funds appropriated to the House of Representatives in Part IA,
7 \$287,500 shall be dedicated for the administration and operation of the Legislative Aide program pursuant to the policies and
8 procedures as determined by the House Operations and Management Committee.

9 **91.15.** (LEG: House Postage) The Speaker of the House is authorized to approve no more than \$600 per member per fiscal year
10 for postage.

11 **91.16.** (LEG: Legislative Dual Employment) Each committee and joint legislative committee provide a list to the members of
12 the General Assembly of all employees who hold dual positions of state employment.

13 **91.17.** (LEG: Code of Law Reimbursement) The Legislative Council may require reimbursement from public sector recipients
14 except for the General Assembly of its cost of acquiring codes of law, supplements, or replacement volumes distributed to them.

15 **91.18.** (LEG: Bonded Indebtedness Oversight Study) ~~The Senate Finance Committee shall undertake a study of the state's~~
16 ~~processes for oversight of bonded indebtedness. Funds provided herein for this purpose shall be used to enable the committee to~~
17 ~~obtain assistance and expertise as necessary to fully evaluate the processes. The Chairman of the Senate Finance Committee may~~
18 ~~engage consultants or experts in the field of bond financing or in other fields of expertise as necessary to provide the committee~~
19 ~~with timely and accurate information.~~

20 **91.19.** (LEG: Statewide Acts Availability) From the funds appropriated in Part IA, Section 91D of this Act, for the current
21 fiscal year the clerks of the House of Representatives and the Senate are to make all statewide Acts available to the public
22 electronically. The provisions of this section are in lieu of the House and Senate Clerks' duties related to the printing and mailing
23 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.

24 **91.20.** (LEG: LAC Matching Federal Funds) The Legislative Audit Council is authorized to use funds appropriated in this act
25 as state matching funds for federal funds available for audits and reviews. The council is also authorized to charge state agencies
26 for federal funds, if available, for the costs associated with audits and reviews. Agencies shall remit the federal funds to the
27 Legislative Audit Council as reimbursement for the costs of audits and reviews.

28 **91.21.** (LEG: Other Funds Oversight Committee) There is created a joint committee of the Senate and of the House of
29 Representatives entitled the Other Funds Oversight Committee. The committee shall consist of eight members as follows: the
30 Chairman of the Senate Finance Committee, or his designee; one member of the Senate Finance Committee appointed by the
31 Chairman of the Senate Finance Committee; the Chairman of the House of Representatives Ways and Means Committee, or his
32 designee; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means
33 Committee; the Senate Majority Leader, or his designee; the Senate Minority Leader, or his designee; the House Majority Leader,
34 or his designee; and the House Minority Leader, or his designee.

35 The committee shall review and examine the source of other funds in this State and recommend to the General Assembly the
36 appropriate policy for the receipt, appropriation, expenditure, and reporting of other funds. In making its determination, the

1 committee shall solicit and receive testimony from state agencies, departments, boards or commissions regarding the status of the
2 receipt of other funds, the conditions of receipt, the expenditure of other funds, and any relevant statistic or measurement. The
3 committee shall make recommendations to the General Assembly regarding any necessary action.

4 Each state agency, department, board, or commission shall cooperate with the committee and provide any information the
5 committee determines is necessary.

6 The Office of State Budget must notify the committee of any request for an increase in interim budget authorization resulting
7 from other funds collections that is made by any state agency, department, board, or commission. The committee shall review each
8 request and recommend appropriate action.

9 Members of the committee shall serve without compensation, but are allowed the usual per diem and mileage as provided by law
10 for members of boards, commissions, and committees while on official business.

11 For purposes of the proviso, 'other funds' means any revenues received by an agency which are not federal funds and are not
12 general funds appropriated by the General Assembly in the appropriations act.

13 **91.22.** (LEG: Suspend LAC Evaluation) ~~For Fiscal Year 2013-14~~ In the current fiscal year, the provisions of Section 43-5-1285
14 of the 1976 Code are suspended. Any savings generated by the suspension of the evaluation of the South Carolina Family
15 Independence Act of 1995 shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

16 **91.23.** (LEG: DMV Audit Review) ~~For Fiscal Year 2013-14~~ In the current fiscal year, the provisions of Section 56-1-5(F) are
17 suspended. Any savings generated by not conducting the review shall be used to conduct audits required by Section 2-15-60 of the
18 1976 Code.

19 **91.24.** (LEG: Electronic Correspondence) ~~For Fiscal Year 2013-14~~ In the current fiscal year, the House of Representatives may
20 not expend any funds for the printing or mailing of bills, summaries, committee agendas, etc. to committee members. The House
21 of Representatives shall send all relevant information concerning committee meetings to committee members via electronic means.

22 **91.25.** (LEG: Technology Panel) ~~Of the funds appropriated in XII.E.2. for Technology the K-12 Technology Initiative~~
23 ~~partnership shall provide a report to the House Education and Public Works Committee, the House Ways and Means Committee,~~
24 ~~the Senate Education Committee and the Senate Finance Committee, describing the state's efforts to facilitate the cost-effective~~
25 ~~provision of connectivity and internet bandwidth to schools and libraries on a statewide basis, regardless of location, activities to~~
26 ~~assist schools and libraries in minimizing and detecting internet security threats, the development and utilization of technological~~
27 ~~and online resources to support student development and achievement, the development and utilization of curriculum and~~
28 ~~professional training to support the use of instructional technology in schools and libraries, and other educational technology~~
29 ~~related activities engaged in by the partnership. The report shall be submitted no later than February 1, 2014.~~

30 **91.26.** (Impact of Scholarship Eligibility Criteria) With the funds appropriated to or authorized for the Education Oversight
31 Committee, the committee shall investigate whether academic eligibility criteria for state-supported scholarships are deterring
32 talented high school students from enrolling in higher-level, including dual enrollment, courses. The committee shall submit a
33 report to the Governor and the Chairmen of the House Ways and Means Committee, the House Education and Public Works
34 Committee, the Senate Finance Committee, and the Senate Education Committee no later than December 1, 2014 with its findings
35 and an evaluation of various policy options to mitigate any adverse findings.
36

SECTION 92 - D21-OFFICE OF THE GOVERNOR

92.1. (GOV: OEPP - Grant Funds Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, in Part IA, Section 92B "Implementing Federal Programs" may be carried forward to the current fiscal year and used for matching committed and/or unanticipated grant funds.

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 (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 60.8 and 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.

1 **92.9.** (GOV: M&G - Mansion and Grounds Budget) The Governor's Office of Mansion and Grounds shall not exceed ten
2 percent of its quarterly allocation of funds so as to provide for agency operations on a uniform basis throughout the fiscal year.

3 **92.10.** (GOV: OEPP - Guardian Ad Litem Program) Both the program and the funds appropriated to the Governor's Office,
4 Division of Children's Services, Guardian ad Litem Program must be administered separately from other programs within the
5 Division of Children's Services and must be expended for the exclusive use of the Guardian ad Litem Program.

6 For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by two
7 percentage points. The revenue resulting from this reduction must be used exclusively for operations of the Guardian ad Litem
8 program and be deposited in the State Treasury in a separate and distinct fund known as the "South Carolina Guardian ad Litem
9 Trust Fund." Unexpended revenues in this fund carry forward to succeeding fiscal years, and earnings in this fund must be
10 credited to it. The Guardian ad Litem program may carry forward the other funds authorized herein for its operations from the
11 prior fiscal year into the current fiscal year.

12 **92.11.** (GOV: OEPP - Continuum of Care Carry Forward) The Division of Continuum of Care may carry forward funds
13 appropriated herein to continue services.

14 **92.12.** (GOV: OEPP - Procuring Services) In order to maximize services for victims of crime, if the fulfilling of requirements
15 pursuant to Section 16-3-1410 of the 1976 Code, necessitates hiring any outside entities, the State Office of Victims' Assistance
16 must follow procedures established by the SC Consolidated Procurement Code. Any entity contracting with the agency will submit
17 an annual report by August first to the Governor's Office and to the Chairmen of the Senate Finance Committee and House Ways
18 and Means Committee detailing expenditures from the prior fiscal year in accordance with the State Office of Victims' Assistance.
19 The Governor's Office of Executive Policy and Programs is directed to transfer \$122,032 of the funds carried forward from the
20 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
21 contracts or services procured.

22 **92.13.** (GOV: OEPP - M.J. "Dolly" Cooper Veterans Cemetery Carry Forward) The Governor's Office of Executive Policy and
23 Programs, Veterans' Affairs Program may carry forward unexpended funds appropriated and/or authorized for the M.J. "Dolly"
24 Cooper Veterans Cemetery from the prior fiscal year and shall use such funds for the same purpose. In addition, any unexpended
25 funds in the Veterans' Affairs Program, including Special Line Items, shall be carried forward from the prior fiscal year into the
26 current fiscal year and used for operation of the M.J. "Dolly" Cooper Veterans Cemetery. Funds carried forward in excess of the
27 amount needed for the operation of the Cemetery may be used for other expenses of the Veterans' Affairs Program. Funds carried
28 forward may not be transferred to any other Governor's Office programs.

29 **92.14.** (GOV: M&G - Mansion and Grounds Maintenance and Complex Facilities) Revenue collected from rental of Mansion
30 Complex facilities and grounds must be retained and expended by the Governor's Office, Mansion and Grounds to support its
31 operations. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and be utilized for the
32 same purposes.

33 **92.15.** (GOV: OEPP - Crime Victims Ombudsman) For the current fiscal year, the State Office of Victims Assistance shall
34 transfer \$71,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.

1 **92.16.** (GOV: OEPP - Veterans' Affairs Budget Reduction Exemption) Funds appropriated for the Veterans' Affairs Program
2 shall be excluded from the Governor's Office of Executive Policy and Programs base budget in the calculation of any across-the-
3 board agency base reductions mandated by the Budget and Control Board or General Assembly.

4 **92.17.** (GOV: Use of Funds Report) In order to ensure transparency and accountability, the Governor's Office of Executive
5 Control of State shall report quarterly to the Senate Finance Committee and House Ways and Means Committee on financial
6 transactions that have taken place between Executive Control of State, Office of Executive Policy and Programs, and Mansion and
7 Grounds. These transactions shall include, but are not limited to, any transfer of funds or payments or reimbursements for services
8 rendered. For each transfer, payment, or reimbursement the report must specify the amount, the reason for, or circumstance that
9 necessitated the transaction, and the source of funds used. In the event federal or other funds were utilized, the source from which
10 the revenue was generated must also be included. The report must be submitted as soon after the end of each quarter as
11 practicable.
12

13 **SECTION 93 - D25-OFFICE OF INSPECTOR GENERAL**

14

15 **93.1.** (SIG: Coordination with State Auditor) The State Inspector General will prepare an annual report to the Chairmen of the
16 House Ways and Means Committee and the Senate Finance Committee and the Governor detailing all written referrals of fraud,
17 waste, and abuse from the State Auditor and all corresponding actions taken by the State Inspector General.
18

19 **SECTION 94 - E04-OFFICE OF THE LIEUTENANT GOVERNOR**

20

21 **94.1.** (LTG: State Matching Funds Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of the
22 required state matching funds appropriated in Part IA, Section 94, Distribution to Subdivisions, shall be carried forward into the
23 current fiscal year to be used as required state match for federal funds awarded to subdivisions on or before September thirtieth of
24 the current fiscal year.

25 **94.2.** (LTG: State Match Funding Formula) Of the state funds appropriated under "Distribution to Subdivisions", the first
26 allocation by the Office on Aging shall be for the provision of required State matching funds according to the Office on Aging
27 formula for distributing Older Americans Act funds. The balance of this item shall be distributed to the planning and service areas
28 of the State. In the event state appropriations are reduced, reductions to the planning and service areas shall be based on amounts
29 distributed in accordance with the previous requirements.

30 **94.3.** (LTG: Registration Fees) The Office on Aging is authorized to receive and expend registration fees for educational,
31 training and certification programs.

32 **94.4.** (LTG: Loan Forgiveness Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of funds
33 appropriated in Part IA, Section 94, Geriatric Physician Loan Program, shall be carried forward and used for the same purpose as
34 originally appropriated.

35 **94.5.** (LTG: Council Meeting Requirements) The duties and responsibilities, including the statutory requirement to hold
36 meetings of the Coordinating Council established pursuant to Section 43-21-120 and of the Long Term Care Council established

1 pursuant to Section 43-21-130, both under the Office on Aging in the Office of the Lieutenant Governor, are suspended for the
2 current fiscal year.

3 **94.6.** (LTG: Home and Community Based Services Carry Forward) Unexpended funds from appropriations to the Lieutenant
4 Governor's Office on Aging for Home and Community Based Services shall be carried forward from the prior fiscal year and used
5 for the same purpose.

6 **94.7.** (LTG: Geriatric Loan Forgiveness Program Payment) In lieu of quarterly payments to a recipient of the Geriatric Loan
7 Forgiveness Program, the Lieutenant Governor's Office on Aging is authorized to make a single lump sum payment to the lending
8 institution of up to \$35,000 or the loan balance, whichever is less.
9

10 SECTION 95 - E08-OFFICE OF SECRETARY OF STATE

11

12 **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
13 retained by the Secretary of State for purposes of UCC administration.
14

15 SECTION 96 - E12-OFFICE OF COMPTROLLER GENERAL

16

17 **96.1.** (CG: Signature Authorization) The Comptroller General is hereby authorized to designate certain employees to sign, in
18 his stead, warrants drawn against the State Treasurer and the State Treasurer is hereby authorized to accept such signatures when
19 notified by the Comptroller General. This provision shall in no way relieve the Comptroller General of responsibility.

20 **96.2.** (CG: GAAP Implementation & Refinement) It is the intent of the General Assembly that the State of South Carolina
21 issue financial statements in conformance with Generally Accepted Accounting Principles (GAAP). To this end, the Comptroller
22 General is directed, as the State Accounting Officer, to maintain a Statewide Accounting and Reporting System that will result in
23 proper authorization and control of agency expenditures, including payroll transactions, and in the preparation and issuance of the
24 official financial reports for the State of South Carolina. Under the oversight of the General Assembly, the Comptroller General is
25 given full power and authority to issue accounting policy directives to state agencies in order to comply with GAAP. The
26 Comptroller General is also given full authority to conduct surveys, acquire consulting services, and implement new procedures
27 required to implement fully changes required by GAAP.

28 **96.3.** (CG: Payroll Deduction Processing Fee) There shall be a fee for processing payroll deductions, not to exceed twenty
29 cents, for insurance plans, credit unions, deferred compensation plans, benefit providers, and professional associations per
30 deduction per pay day. This fee shall not be applied to charitable deductions. The revenues generated from these fees and those
31 provided for child support deductions in accordance with Section 20-7-1315(F)(3), South Carolina Code of Laws, 1976, as
32 amended, may be used to support the operations of the Office of Comptroller General and any unexpended balance may be carried
33 forward from the prior fiscal year to the current fiscal year and utilized for the same purposes.

34 **96.4.** (CG: Unemployment Compensation Fund Administration) The lesser of two percent or \$200,000 of the fund balance of
35 the Unemployment Compensation Fund shall be paid out annually to the Office of Comptroller General to be used by that agency
36 to recover the costs of administering the fund. The Unemployment Compensation Fund is provided for in Section 41-31-820, S. C.

1 Code of Laws, 1976, as amended. Any unexpended balance may be carried forward from the prior fiscal year to the current fiscal
2 year and used for the same purposes.

3 **96.5.** (CG: Purchasing Card Rebate Program) The Office of Comptroller General is authorized to retain the first \$100,000 of
4 rebate associated with the Purchasing Card Program and \$200,000 of agency incentive rebates.

5 The funds retained may be used to support the operations of the Office of Comptroller General and any unexpended balance may
6 be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

7 **96.6.** (CG: Payroll System Maintenance for State Optional Retirement Program) The Comptroller General is hereby
8 authorized to contract on mutually agreeable terms with the Public Employee Benefit Authority (PEBA) to maintain the State's
9 payroll and accounting systems to accommodate the requirements of the State Optional Retirement Program (ORP). The Office of
10 the Comptroller General is authorized to seek cost recovery not to exceed \$100,000 from PEBA for those services. The cost
11 recovery may be used to support the operations of the Office of the Comptroller General and any unexpended balance may be
12 carried forward from the prior fiscal year into the current fiscal year and be used for the same purposes.
13

14 SECTION 97 - E16-OFFICE OF STATE TREASURER

15

16 **97.1.** (TREAS: Nat'l. Forest Fund - Local Govt. Compliance) In order to conform to federal requirements local governments
17 receiving distributions of National Forest Fund revenues are required to report annually to the State Treasurer indicating
18 compliance with authorized purposes.

19 **97.2.** (TREAS: STARS Approval) Decisions relating to the Statewide Accounting and Reporting System (STARS) and the
20 South Carolina Enterprise Information System (SCEIS) which involve the State Treasurer's Banking Operations and other
21 functions of the State Treasurer's Office shall require the approval of the State Treasurer.

22 **97.3.** (TREAS: Investments) The State Treasurer may pool funds from accounts for investment purposes and may invest all
23 monies in the same types of investments as set forth in Section 11-9-660.

24 **97.4.** (TREAS: Management Fees) The State Treasurer is authorized to charge a fee for the operating and management costs
25 associated with the Local Government Investment Pool, the Deferred Compensation Program, the Tuition Prepayment Program,
26 and the College Investment Program and is further authorized to retain and expend the fees to provide these services. The fees
27 assessed may not exceed the cost of the provision of such services.

28 **97.5.** (TREAS: Investment Management Fees) Unless otherwise prohibited by law, the State Treasurer may charge a fee for
29 the operating and management costs associated with the investment management and support operations of various state funds and
30 programs, and further, may retain and expend the fees to provide these services. The fees assessed may not exceed the actual cost
31 of the provision of these services or the earnings on these investments.

32 **97.6.** (TREAS: Debt Management Cost Allocation) Unless otherwise prohibited by law, the State Treasurer may charge actual
33 costs associated with the administration and management of the indebtedness of the State, its agencies and institutions, and further,
34 may retain and expend any amounts so allocated to provide these services. Costs associated with the original issuance of bonds
35 and other indebtedness must be assessed on an hourly basis, must be taken from the costs of issuance of any bond issue or other

1 indebtedness, and must not exceed the actual cost of providing these services. Ongoing costs of administration and maintenance
2 must be assessed against expenses of debt service, and must not exceed the actual costs of providing these services.

3 **97.7.** (TREAS: Withheld Accommodations Tax Revenues) Revenues withheld pursuant to Sections 6-4-35(B)(1)(a) and 6-4-
4 35(B)(1)(b) prior to July 1, 2006 must be returned to the entity from which revenues were withheld, in the same amount and
5 manner that they were withheld. After July 1, 2006, before non-compliant expenditures and penalties withheld pursuant to
6 Sections 6-4-35(B)(1)(a) and 6-4-35(B)(1)(b) are reallocated, the Tourism Expenditure Review Committee must certify to the
7 Office of State Treasurer that the time period for an appeal of the committee's action to the Administrative Law Court has expired
8 or that the action of the committee has been upheld or overturned by the Administrative Law Court. Non-compliant expenditures
9 and penalties withheld must be reallocated annually after August first. Allocations withheld must be reallocated proportionately
10 based on the most recent completed fiscal year's total statewide collections of the accommodations tax revenue according to the
11 Office of State Treasurer records. Each annual reallocation of withheld funds to non-offending counties and municipalities must be
12 calculated separately then combined if necessary. Each reallocation to a county or municipality calculated less than a dollar must
13 be transferred to the General Fund of the State.

14 **97.8.** (TREAS: Tuition Prepayment Program) The South Carolina Tuition Prepayment Program shall not accept any new
15 enrollment in the current fiscal year. The annual increase in tuition for the purposes of the Tuition Prepayment Program, for an
16 institution cannot exceed seven percent per year from the 2006-07 level. To the extent that actual tuition for an institution exceeds
17 an annual growth of seven percent per year since Fiscal Year 2006-07, colleges and universities must grant a waiver of the
18 difference to the designated beneficiary and shall not pass along this difference to any student.

19 **97.9.** (TREAS: Penalties for Non-reporting) If a municipality fails to submit the audited financial statements required under
20 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
21 must withhold all state payments to that municipality until the required audited financial statement is received.

22 If the State Treasurer receives an audit report from either a county or municipality that contains a significant finding related to
23 court fine reports or remittances to the Office of State Treasurer, the requirements of Proviso 117.55 shall be followed if an amount
24 due is specified, otherwise the State Treasurer shall withhold twenty-five percent of all state payments to the county or
25 municipality until the estimated deficiency has been satisfied.

26 If a county or municipality is more than ninety days delinquent in remitting a monthly court fines report, the State Treasurer
27 shall withhold twenty-five percent of state funding for that county or municipality until all monthly reports are current.

28 After ninety days, any funds held by the Office of State Treasurer will be made available to the State Auditor to conduct an audit
29 of the entity for the purpose of determining an amount due to the Office of State Treasurer, if any.

30 **97.10.** (TREAS: Signature Authorization) The State Treasurer is hereby authorized to designate certain employees to sign
31 payments for the current fiscal year in accordance with Section 11-5-140 of the 1976 Code to meet the ordinary expenses of the
32 State. This provision shall in no way relieve the State Treasurer of responsibility.

33 **97.11.** (TREAS: Unclaimed Property) The State Treasurer may not expend funds to retain a third party, private sector auditor,
34 or auditing firms to fulfill his duties pursuant to the South Carolina Uniform Unclaimed Property Act on a contingency basis or any
35 basis other than an hourly basis, with the exception that the State Treasurer may join other state(s) in multi-state contingent fee
36 auditors' examinations, not to include companies whose parent company is headquartered or incorporated in South Carolina, when

1 there is a reason to believe that those companies being audited are holding funds belonging to South Carolina citizens. The Office
2 of State Treasurer shall retain \$200,000 from the Unclaimed Property Program for the sole purpose of employing internal
3 compliance auditors to enforce the Unclaimed Property Act.

4 **97.12.** (TREAS: Identity Theft Reimbursement Fund) (A) There is established in the State Treasury the Department of
5 Revenue Identity Theft Reimbursement Fund which must be maintained separately from the general fund of the State and all other
6 funds. The proceeds of the fund must be utilized to reimburse eligible expenses incurred by an eligible person. The obligation to
7 reimburse claims pursuant to this section does not arise until monies are credited to the fund, and only to the extent that monies are
8 credited to the fund. Any monies remaining in the fund at the end of the fiscal year shall lapse to the general fund.

9 (B) A person seeking reimbursement from the fund must file with the Treasurer a claim on a form prescribed by him and
10 verified by the claimant. The Treasurer shall consider each claim within ninety days after it is filed and give written notice to the
11 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
12 amount equal to his eligible expenses subject to availability of monies in the fund. The decision by the Treasurer regarding a claim
13 is a final agency decision that may be appealed to the Administrative Law Court pursuant to the Administrative Procedures Act
14 naming the Treasurer as the defendant. The action must be brought within ninety days after the Treasurer's decision or within one
15 hundred eighty days after the filing of the claim if he has failed to act on it.

16 (C) The State Treasurer shall set forth policies and make the necessary determinations to implement the provisions of this
17 section, including the disbursal of proceeds of the fund.

18 (D) For the purposes of this provision:

19 (1) 'Eligible person' shall mean a person whose personally identifiable information was obtained by a third party from a
20 compromised computer system maintained by a state agency, board, committee, or commission.

21 (2) 'Eligible expenses' shall mean financial losses incurred by an eligible person directly related to the misappropriation of
22 the eligible person's personally identifiable information that was obtained by a third party from a compromised computer system
23 maintained by a state agency, board, committee, or commission. Expenses for services provided by private entities to assist
24 eligible persons with financial losses are not eligible expenses to the extent such services are offered through the State or a state-
25 supported program free of charge.

26 (3) 'Financial losses' shall mean actual losses, including, but not limited to, lost wages, costs incurred by an eligible
27 person related to correcting his credit history or credit rating, or costs or judgments related to any criminal, civil, or administrative
28 proceeding brought against the eligible person resulting from the misappropriation of the victim's personally identifiable
29 information not recovered from any other source. Costs associated with the purchase of identity theft protection and identity theft
30 resolution services are not financial losses.

31 (4) 'Identity theft protection' means identity fraud and protection products and services that attempt to proactively detect,
32 notify, or prevent unauthorized access or misuse of a person's identifying information or financial information to fraudulently
33 obtain resources, credit, government documents or benefits, phone or other utility services, bank or savings accounts, loans, or
34 other benefits in the person's name.

35 (5) 'Identity theft resolution services' means products and services that attempt to mitigate the effects of identity fraud
36 after personally identifiable information has been fraudulently obtained by a third party, including, but not limited to, identity theft

1 insurance and other identity theft resolution services that are designed to resolve actual and potential identity theft and related
2 matters.

3 (6) 'Person' shall mean an individual, corporation, firm, association, joint venture, partnership, limited liability
4 corporation, or any other business entity.

5 (7) 'Personally identifiable information' means information that can be used to uniquely identify, contact, or locate a
6 single person or can be used with other sources to uniquely identify a single individual, including, but not limited to, social security
7 numbers, debit card numbers, and credit card numbers.
8

9 SECTION 99 - E24-OFFICE OF ADJUTANT GENERAL

10
11 **99.1.** (ADJ: Unit Maintenance Funds) The funds appropriated as unit maintenance funds shall be distributed to the various
12 National Guard units at the direction of the Adjutant General.

13 **99.2.** (ADJ: Revenue Collections) All revenues collected by National Guard units from county and city appropriations,
14 vending machines, rental of armories, court martial fines, federal reimbursements to armories for utility expenses, and other
15 collections may be retained and expended in its budgeted operations.

16 **99.3.** (ADJ: Rental Fee for Election Purposes) The maximum fee that an armory may charge for the use of its premises for
17 election purposes shall be the cost of providing custodial services, utilities and maintenance.

18 **99.4.** (ADJ: Parking Lot Revenues) Notwithstanding other provisions of this act, as a security measure for the State Military
19 Department's headquarters building and grounds, the Adjutant General may control and contractually lease the headquarters'
20 building parking facilities, during events at the University of South Carolina's Williams-Brice Stadium, to a state chartered and
21 federally recognized 501(c)(4) tax exempt agency employees' association who may then sub-lease individual parking spaces. Such
22 a contract must require the employees association to obtain liability insurance against wrongful death or injury. The contract must
23 clearly hold the Adjutant General's Office, its officers, and the State of South Carolina harmless from any liability resulting from
24 the use of the parking lot when rented by the employees association. In addition, the contract must specify that the State of South
25 Carolina's Military Department shall receive no less than thirty-three percent of the gross profits from the sub-leasing of the
26 parking spaces. The contract must allow the State to audit the employees association's funds. Funds at the Adjutant General's
27 Office derived wholly from the rental of Adjutant General's headquarters' parking lot may be retained at the Adjutant General's
28 Office, but may not be used for employee perquisites.

29 **99.5.** (ADJ: Armory Rental Program) The Adjutant General is authorized to develop and implement an armory rental program
30 to recoup costs associated with the use of armories by state agencies or other non-Guard organizations. The rental program must
31 be uniform in its application to the maximum extent possible. Funds generated by this program may be retained and expended for
32 armory maintenance and operations.

33 **99.6.** (ADJ: Meals in Emergency Operations Centers) The cost of meals, or the advanced purchase of food products to be
34 stored and prepared for meals, may be provided to state employees who are required to work at the State Emergency Operations
35 Centers during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

1 **99.7.** (ADJ: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to
2 be used for the printing of materials and other expenses related to conducting the seminars. The balance of funds shall be reported
3 annually to the General Assembly.

4 **99.8.** (ADJ: Retention of Lease Property Revenue) The Adjutant General is authorized to lease all real property under the
5 control of SCMD. All revenue generated by the lease program may be retained for SCMD armory operations and maintenance as
6 authorized by the Adjutant General or Deputy Adjutant General .

7 **99.9.** (ADJ: Billeting and Dining Facility Operations) All revenues collected by the Billeting and Dining Facility operations at
8 the R.L. McCrady Training Center shall be retained and expended in their budgeted operations or be expended in support of
9 SCMD operations, including use for matching federal funds, and armory maintenance and operations. Expenditures from these
10 funds shall be determined by the Billeting Committee for Billeting operations and the Deputy Adjutant General for state operations
11 for the Dining Facility operation.

12 **99.10.** (ADJ: EMD Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees
13 of the Emergency Management Division may be paid for actual hours worked in lieu of accruing compensatory time, at the
14 discretion of the Agency Director, and providing funds are available.

15 **99.11.** (ADJ: Civil Air Patrol) The funds appropriated in this section for the Civil Air Patrol shall be expended by the Civil Air
16 Patrol so as to discharge the state's obligations in conjunction with the Civil Air Patrol as outlined in the SARDA Plan, the South
17 Carolina Operational Radiological Emergency Response Plan, and to assist county and local authorities and other state agencies as
18 permitted by the regulations governing the Civil Air Patrol. All expenditures for equipment and services shall be in accordance
19 with state fiscal policies.

20 **99.12.** (ADJ: Citadel-S.C. National Guard Readiness Center) ~~The Adjutant General's Office, during Fiscal Year 2013-14, shall~~
21 ~~repay to the General Fund of the State \$300,000, plus interest, of the \$2,500,000 appropriated by Proviso 73.12 of the Fiscal Year~~
22 ~~2007-2008 Appropriation Act to the Adjutant General's Office for the Citadel South Carolina National Guard Readiness Center. It~~
23 ~~is the intent of the General Assembly that \$300,000, plus interest, shall be repaid annually until the \$1,250,000 balance has been~~
24 ~~repaid to the General Fund.~~

25 **99.13.** (ADJ: Parking Lot Revenues-Columbia Armory, Buildings and Grounds) The Adjutant General may control and
26 contractually lease the Columbia Armory, and its buildings and grounds parking facilities during events at the University of South
27 Carolina's Williams-Brice Stadium. Funds derived wholly from the rental of the Columbia Armory, and its buildings and grounds
28 parking facilities may be retained by the Adjutant General's Office and used for the Funeral Caisson and for SCMD operations,
29 including matching federal funds and armory maintenance and operations. These funds may not be used for any other purpose.

30 **99.14.** (ADJ: Emergency Commodities) The Emergency Management Division shall be allowed to rotate and replace water and
31 Meals Ready to Eat (MREs) emergency commodities housed in the state's Logistic Center through the provision of said
32 commodities to neighboring states, counties, municipalities and other state agencies, and shall be allowed to accept compensation
33 for said commodities not to exceed replacement costs. Revenues from this exchange shall be utilized solely for the replacement of
34 state emergency commodities.

1 **99.15.** (ADJ: Funeral Caisson) In the event of a mandated general fund budget reduction, the Adjutant General's Office is
2 prohibited from reducing the funds appropriated for the Funeral Caisson. In addition, these funds shall not be transferred to any
3 other program or be used for any other purpose by the Office of Adjutant General.

4 **99.16.** (ADJ: Mental Health Care Facilitator/Coordinator) The funds appropriated and or authorized to the Office of the
5 Adjutant General may be utilized to hire a Mental Health Care Facilitator/Coordinator who shall act as a liaison to provide mental
6 health care coordination for mental health services to all members of the South Carolina National Guard. The responsibilities of
7 the position shall include, but are not limited to, focusing on individuals without health insurance or without adequate health
8 insurance; facilitating Memorandum of Understanding with mental health facilities across the state to provide assistance to
9 National Guard Service Members; assisting in coordinating Yellow Ribbon and Beyond and other post deployment and mental
10 health events; coordinating treatment for Service Members for conditions that may or may not result in their being medically non
11 deployable; and participating in staff meetings to discuss care of Service Members. The individual hired must be knowledgeable
12 of state and federal privacy laws, including the HIPAA privacy regulations. In addition, it is preferred that the individual have a
13 previous background in Social Work. A national security background check must be performed on the individual prior to a job
14 offer being tendered.

15 16 **SECTION 100 - E28-ELECTION COMMISSION**

17
18 **100.1.** (ELECT: County Registration Board and County Election Commission Compensation) The amounts appropriated in this
19 section for "County Registration Board Members and County Election Commissioners," shall be disbursed annually to the County
20 Treasurer at the rate of \$1,500 for each member, not to exceed \$12,500 per county. The County Treasurer shall use these funds
21 only for the compensation of County Registration Board Members and County Election Commissioners. Any funds not used for
22 this purpose shall be returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in
23 the calculation of any across the board agency base reductions mandated by the Budget and Control Board or the General
24 Assembly, the amount of funds appropriated for compensation of County Registration Board Members and County Election
25 Commissioners shall be excluded from the agency's base budget.

26 **100.2.** (ELECT: Elections Managers & Clerks Per Diem) Managers and clerks of state and county elections shall receive a per
27 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
28 any election. The commission may adjust the per diem of \$60.00 for the managers and clerks of the statewide election to a higher
29 level only to the extent that the appropriation for the statewide election is sufficient to bear the added cost of increasing the per
30 diem and the cost of the statewide election. Up to three additional managers per county may be appointed to assist county
31 registration boards with the absentee/fail safe voting process prior to, on election day, and immediately following statewide
32 elections. Managers assisting the registration board in the absentee/fail safe process may receive a per diem of \$60.00 per day for
33 not more than a total of fifteen days regardless of whether one, two, or three additional managers are used.

34 **100.3.** (ELECT: Board of State Canvassers Compensation) \$100.00 additional compensation per day may be paid to each
35 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
36 Board of State Canvassers.

1 **100.4.** (ELECT: Sale of Lists Revenue Carry Forward) Any revenue generated from the sale of election lists may be retained
2 and expended by the South Carolina Election Commission to reimburse the Budget and Control Board, Division of Operations, for
3 the printing of such lists and to pay expenses of postage and shipment of these lists to electors who purchase them. After such
4 reimbursement has been made an amount, not to exceed \$400,000, shall be used for non-recurring expenses in conjunction with
5 extraordinary special election and legal costs and costs for upgrading the Statewide Voter Registration System. Any balance in the
6 Sale of Lists Account on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during
7 the current fiscal year.

8 **100.5.** (ELECT: Budget Reduction Exemption) Funds appropriated for recurring and non-recurring general and primary
9 election expenses are exempted from mandated across the board reductions. In addition, in the calculation of any across the board
10 agency base reductions mandated by the Budget and Control Board or the General Assembly, the amount of funds appropriated for
11 recurring and non-recurring primary and general election expenses shall be excluded from the agency's base budget.

12 **100.6.** (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or
13 special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary
14 elections. Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for
15 the same purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June
16 thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In
17 addition, the aforementioned funds may also be utilized to conduct the Presidential Preference Primary elections.

18 **100.7.** (ELECT: Training & Certification Program) All members and staff of County Boards of Voter Registration and County
19 Election Commissions will receive a common curriculum to include core courses on the duties and responsibilities of county
20 registration boards and county election commissions and electives to promote quality service and professional development. The
21 State Election Commission shall make these courses available in various locations, including but not be limited to, the upstate,
22 coastal, and midlands areas of the state. Up to \$35,000 of revenue generated by charging a fee to attend these courses may be
23 retained and expended by the South Carolina Election Commission to help cover the cost of providing the training. Any balance in
24 the training and certification account on June 30, of the prior fiscal year may be carried forward and expended for the same purpose
25 during the current fiscal year.

26 The State Election Commission is required to withhold the stipend of members who do not complete the training and
27 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
28 withheld if a board or commission member completes the training and certification program, but fails to complete at least one
29 training course per year. The board or commission member and members of that county's legislative delegation will be notified of
30 the withholding of the stipend and the requirements needed to bring the member into compliance with the law. If a board or
31 commission member cannot complete the program or complete the required continuing education due to extenuating
32 circumstances, the board or commission member must submit a written request to the county legislative delegation for approval or
33 funds will continue to be withheld as described in this proviso. If a board or commission member does not become compliant with
34 the law within eighteen months of initial notification of stipend withholding, the county's legislative delegation must replace that
35 person on the board or commission.

1 **100.8.** (ELECT: Penalty for Late Submission of Reimbursable Expenses) In the event that a county submits reimbursable
2 election expenses to the Commission for payment more than thirty days after the election is held, the Commission may deduct a
3 penalty of ten percent of the late-submitted amount. The county is responsible for payment of this amount. If the Commission
4 finds good reason for such late submission, the penalty may be waived. The Election Commission shall be authorized to expend
5 funds appropriated/ authorized in the current fiscal year to pay election expenses incurred by a county in the prior fiscal year. If a
6 county submits a request for reimbursement of election expenses through any means other than the Voter Registration and Election
7 Management System (VREMS), the Commission may deduct a penalty of ten percent of the amount submitted.

8 **100.9.** (ELECT: Help America Vote Act) Of funds appropriated to the commission for primary and general elections, the
9 commission shall utilize any excess funds to match the Help America Vote Act program to the greatest extent possible, and also
10 ensure compliance with the Uniformed and Overseas Citizens Absentee Voting Act of 1986.

11 **100.10.** (ELECT: HAVA Carry Forward) The Election Commission shall be authorized to carry forward unexpended Help
12 America Vote Act funds into the current fiscal year and to use these funds for the same purpose.

13 **100.11.** (ELECT: HAVA Match Funds) Funds appropriated through the General Fund for the purpose of providing a match
14 for federal funds received through the Help America Vote Act (HAVA) shall be moved to a restricted account in order that the
15 funds may accrue interest as per Section 254 (b) (1) of the Help America Vote Act.

16 **100.12.** (ELECT: Use of Election Funds) Funds appropriated to the Election Commission for the purpose of conducting
17 elections shall not be used for any other purpose unless specifically authorized in this act. However, up to \$200,000 may be
18 transferred to other operating accounts from General Election accounts upon approval from the State Budget Division, which shall
19 then notify the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the
20 Governor of such transfer of funds.

21 22 **SECTION 101 - F03-BUDGET AND CONTROL BOARD**

23
24 **101.1.** (BCB: Southern Maritime Collection) The Budget and Control Board, on behalf of the Hunley Commission is
25 authorized to expend funds appropriated for such purpose to pay the outstanding note entered into to finance the purchase of the
26 Southern Maritime Collection and the Hunley Commission will assume custody and management of the Collection for the State.
27 The board is authorized to use up to \$500,000 of the funds transferred for implementation of this proviso. The balance of the funds
28 transferred may be used by the board for costs associated with other Museum operations. The General Assembly will provide for
29 funds in future fiscal years to cover the costs of the financing of the Southern Maritime Collection.

30 **101.2.** (BCB: Procurement of Art Objects) Before any governmental body, with the exception of the South Carolina Museum
31 Commission, the Budget and Control Board and the South Carolina Hunley Commission as defined under the South Carolina
32 Consolidated Procurement Code, procures any art objects such as paintings, antiques, sculptures, or similar objects above \$1,000,
33 the head of the Purchasing Agency shall prepare a written determination specifying the need for such objects and benefits to the
34 State. The South Carolina Arts Commission shall review such determination for approval prior to any acquisition.

35 **101.3.** (BCB: State House Operation & Maintenance Account) Funds appropriated to the Budget and Control Board - for State
36 House Maintenance & Operations & Renovations must be set aside in a separate account for the operation and maintenance of the

1 State House. The Budget and Control Board shall report annually to the State House Committee on the amount expended from this
2 fund.

3 **101.4.** (BCB: Wireless Communications Tower) The Budget and Control Board is directed to coordinate tower and antenna
4 operations within South Carolina state government. The Board shall (1) approve all leases regarding antenna placement on state
5 owned towers and buildings, (2) coordinate all new tower construction on state owned property, (3) promote and market excess
6 capacity on the State's wireless communications infrastructure, (4) generate revenue by leasing, licensing, or selling excess
7 capacity on the State's wireless communications infrastructure, and (5) construct new communications assets on appropriate state
8 owned property for the purpose of generating revenue pursuant to this proviso. All revenue from tower and antenna leases and
9 contracts after July 1, 2001 must be remitted to a separate fund established by the Board and shall be transferred to the Educational
10 Television Commission which shall retain and expend such funds for agency operations. The commission shall be authorized to
11 carry forward unexpended funds from the prior fiscal year into the current fiscal year. Agencies owning tower and antenna assets
12 will be allowed to recover expenses associated with implementing this proviso from this fund. The Board shall annually report to
13 the Chairmen of the Senate Finance and House Ways and Means Committees by October first of each year all revenue collected
14 and disbursed. This report shall also include a summary of each agency's overall revenues, whether retained by the agency or
15 remitted to the separate fund.

16 **101.5.** (BCB: Compensation - Reporting of Supplemental Salaries) No supplement shall be paid to an agency's employee
17 unless the agency head or designated official of the employing agency has approved the conditions and amount of salary
18 supplement. Any compensation, excluding travel reimbursement, from an affiliated public charity, foundation, clinical faculty
19 practice plan, or other public source or any supplement from a private source to the salary appropriated for a state employee and
20 fixed by the State must be reported by the employing agency to the Human Resources Division of the Budget and Control Board.
21 The report must include the amount, source, and any condition of the supplement. The employing agency must report this
22 information on or before August thirty-first of each year and must include the total amount and source of the salary supplement
23 received by the employee during the preceding fiscal year (July first through June thirtieth). The Human Resources Division of the
24 Budget and Control Board shall formulate policies and procedures to ensure compliance with the reporting provisions of this
25 proviso.

26 **101.6.** (BCB: Compensation Increase - Appropriated Funds Ratio) Appropriated funds may be used for compensation increases
27 for classified and unclassified employees and agency heads only in the same ratio that the employee's base salary is paid from
28 appropriated sources.

29 **101.7.** (BCB: Vacant Positions) In the event that any permanent position in an agency remains vacant for more than twelve
30 months the position may be deleted by the Budget and Control Board. Institutions of higher learning shall be exempt from the
31 requirements of this provision.

32 **101.8.** (BCB: Carry Forward - Local Government Assistance) The Budget and Control Board may carry forward from prior
33 fiscal years to the current fiscal year funds appropriated for the purpose of providing financial assistance and for matching federal
34 funds for financial assistance to local governments with water, wastewater, and sewer projects.

1 **101.9.** (BCB: State Water Pollution Control Revolving Fund) In the event that any state funds remain after fully matching
2 federal grants for the State Revolving Funds under the Clean Water Act or Safe Drinking Water Act, such funds may be deposited
3 into the South Carolina Infrastructure Revolving Loan Fund established pursuant to Section 11-40-50.

4 **101.10.** (BCB: Carry Forward Calculation) For purposes of calculating the amount of funds which may be carried forward by
5 the Budget and Control Board, grant and loan program funds carried forward by the Office of Local Government shall be excluded
6 from the calculation of the carry forward authorized by provision elsewhere in this Act.

7 **101.11.** (BCB: Local Provider Health Insurance) The local health care providers of the Department of Disabilities and Special
8 Needs shall be awarded funding increases as prescribed for state agencies to cover the employer's share for the cost of providing
9 health and dental insurance to their employees.

10 **101.12.** (BCB: Geodetic Mapping Program) Funds appropriated or authorized to the Budget and Control Board as a Special
11 Item for Mapping, shall be used ~~for to clarify county boundary determination and resolution of the boundary between the states of~~
12 ~~South Carolina and North Carolina~~ boundaries as directed by SC Code of Laws Section 27-2-105. In the event a resolution cannot
13 be reached by all parties, each party is entitled to seek resolution in accordance with the Administrative Procedures Act.

14 **101.13.** (BCB: Military Service) Notwithstanding the provisions of Section 8-11-610 of the 1976 Code, a permanent full-time
15 state employee who serves on active duty as a result of an emergency or conflict declared by the President of the United States, and
16 performs such duty, may use up to forty-five days of accumulated annual leave and may use up to ninety days of accumulated sick
17 leave in a calendar year as if it were annual leave.

18 **101.14.** (BCB: Antenna and Tower Placement) All leases for antenna and tower operations within institutions of higher
19 learning campuses must conform to master plans for such property, as determined solely by the institution of higher learning.

20 **101.15.** (BCB: Lawsuit Funding) The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the
21 State, which are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care
22 litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a
23 monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the
24 provider of these services the amount certified.

25 **101.16.** (BCB: Election File Merge) In order to assist the County Registration and Election Commissions to ensure that
26 registered voters are assigned to proper election districts, the Research and Statistics Division, in conjunction with the South
27 Carolina Election Commission, shall merge the voter registration file with the division's Geocoded Address List and the district
28 boundaries of the Congress, South Carolina Senate, South Carolina House of Representatives, county councils, and such other
29 districts as the office possesses official district boundary records in electronic format. The merged systems will allow the Research
30 and Statistics Division to provide the respective county officials with a list of potential voters who are possibly assigned to the
31 wrong election district. File merger is required only for those districts in which elections are scheduled. Counties and
32 municipalities shall release GIS to the Research and Statistics Division upon the division's written request. Written request must
33 be sent to the chief administrative officer of the county or municipality and advise the county or municipality that failure to comply
34 within thirty days of request may result in the withholding of ten percent of the county's or municipality's state aid. The Director
35 of the Research and Statistics Division may grant additional time for good cause and must waive release if the county or
36 municipality does not possess GIS data. For counties and municipalities that possess GIS data but do not release it, the Director of

1 the Research and Statistics Division shall notify the State Treasurer of the failure to comply with this provision after the required
2 notice. Notification shall result in the withholding of ten percent of subsequent payments of state aid to the entity until the GIS
3 data is provided. Municipal and county data acquired by the Research and Statistics Division in the course of performing its
4 responsibilities may be used for other functions of the office as well as shared with other state agencies. For this provision GIS
5 data includes, but is not limited to, road centerlines; orthophotography; parcel boundaries; address points; political boundaries; and
6 administrative boundaries.

7 **101.17.** (BCB: Base Closure Fund Carry Forward Transfer) ~~The balance of the funds previously appropriated to the Budget~~
8 ~~and Control Board for the Base Closure Fund shall be carried forward into the current fiscal year and transferred to the Department~~
9 ~~of Commerce, and shall be used for the South Carolina Military Base Task Force.~~

10 **101.18.** (BCB: SC/NC Boundary Dispute) ~~The Budget and Control Board is directed to submit a report to the Senate Finance~~
11 ~~Committee and the House Ways and Means Committee regarding the progress of the South Carolina and North Carolina Boundary~~
12 ~~Dispute within sixty days of the close of each fiscal year until such dispute is resolved.~~

13 **101.19.** (BCB: SC Boundary Commission) There is hereby created the South Carolina Boundary Commission to be composed
14 of seven members as follows: one member appointed by the President Pro Tempore of the Senate; one member appointed by the
15 Speaker of the House of Representatives; one member appointed by the Chairman of the Senate Finance Committee; one member
16 appointed by the Chairman of the House Ways and Means Committee; the Director of the Budget and Control Board's ~~Office~~
17 Division of Research and Statistics; the Director of the Department of Natural Resources, or his designee; and the technical advisor
18 of the Geodetic and Mapping Survey Program appointed by the Director of the ~~Office Division~~ of Research and Statistics who shall
19 serve as the coordinator and chairman of the commission. The purpose of the commission is to work with the North Carolina
20 Boundary Commission to ~~resolve undocumented boundaries~~ oversee and approve work re-establishing the boundary between
21 South Carolina and North Carolina.

22 The Director of the Division of Research and Statistics of the Budget and Control Board is directed to submit a report to the
23 Senate Finance Committee and the House Ways and Means Committee regarding the progress of re-establishing the South
24 Carolina-North Carolina boundary within sixty days of the close of each fiscal year until such re-establishment is completed.

25 **101.20.** (BCB: First Responder Interoperability) The Budget and Control Board, through its Division of State Information
26 Technology, is directed to administer and coordinate First Responder Interoperability operations for the statewide Palmetto 800
27 MHz radio system to better coordinate public safety disaster responses and communications. First Responder Interoperability
28 administration and coordination shall be funded as provided in this Act. The cost-proportional funds shall be utilized for radio user
29 fees of state agencies and public safety first responders (Fire, EMS and Law Enforcement) that participate in the statewide
30 Palmetto 800 MHz radio system (Palmetto 800 participants). The Division of State Information Technology, in consultation with
31 the State Law Enforcement Division, the Department of Public Safety, and the State Emergency Management Division, and a
32 representative of the South Carolina Sheriff's Association, shall set a baseline number of radios used by each Palmetto 800
33 participant based on the technical aspects of the Palmetto 800 MHz radio system and the jurisdictional requirements of the
34 participant. If a Palmetto 800 participant reduces the baseline number of radios in use, the amount of funds allocated for the
35 participant's radio user fees shall be reduced in a proportional amount. The funds shall also be utilized to provide private county
36 and city 800 MHz radio systems with grant funds to be used for purchases of equipment that support interoperability with the

1 statewide Palmetto 800 MHz radio system and its users. Grant funds shall be allocated to private county and city 800 MHz radio
2 systems based on the criteria used for Palmetto 800 Participants and in amounts proportional to the amounts allocated to support
3 the per-site radio user fees of Palmetto 800 participants. A matching share is required by a Palmetto 800 participant or by a private
4 county or city 800 MHz radio system in order to qualify for receipt of funds pursuant to this proviso. Each fiscal year the Budget
5 and Control Board, through the Division of State Information Technology, shall establish the level of match required based upon
6 funding provided by this Act. These entities shall be required to furnish such documentation as may be required by the Division of
7 State Information Technology to verify that the matching funds requirement is met. Upon funding state agency and public safety
8 first responder user fees and private county and city 800 MHz equipment purchases, any remaining funds may be used to enhance
9 and expand the statewide Palmetto 800 MHz radio system. All funds shall be held in a separate account established by the Board
10 for the purposes set forth herein. Any unexpended portion of these funds may be carried forward and used for the same purpose.
11 In the calculation of any across-the-board budget reduction mandated by the Budget and Control Board or General Assembly, the
12 amount appropriated to the Budget and Control Board for First Responder Interoperability must be excluded from the Board's base
13 budget.

14 The Budget and Control Board shall provide a report on the status of the integration of the statewide Palmetto 800 MHz radio
15 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
16 immediately preceding fiscal year and the reason why they are not integrated. The report shall be submitted by October first, of the
17 current fiscal year to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

18 **101.21.** (BCB: Employee Compensation) The amounts appropriated to the Budget and Control Board for Employee Pay
19 Increases must be allocated by the Board to the various state agencies to provide for employee pay increases in accordance with the
20 following plan:

21 (1) With respect to classified and non-judge judicial classified employees, effective on the first pay date that occurs on or
22 after July first of the current fiscal year, the compensation of all classified employees shall be increased by zero percent.

23 (2) With respect to unclassified and non-judge judicial unclassified employees or unclassified executive compensation
24 system employees not elsewhere covered in this act, effective on the first pay date that occurs on or after July first of the current
25 fiscal year the compensation of all unclassified employees shall be increased by zero percent. Any employee subject to the
26 provisions of this paragraph shall not be eligible for compensation increases provided in paragraphs 1, 3, 4, 5, or 6.

27 (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
28 Agency Head Salary Commission, shall receive an annualized base pay increase of zero percent.

29 (4) With respect to local health care providers compensation increases shall be zero percent effective on the first pay date
30 that occurs on or after July first of the current fiscal year. With respect to Area Agencies on Aging funded by the Lieutenant
31 Governor's Office on Aging, compensation shall be increased by zero percent effective on the first pay date that occurs on or after
32 July first of the current fiscal year. With respect to local councils on aging or local providers of services funded by the Lieutenant
33 Governor's Office on Aging through Area Agencies on Aging, no pay increases will be allowed. School Bus Driver salary and
34 fringe funding to school districts shall be increased by zero percent.

35 (5) Effective on the first pay date that occurs on or after July first of the current fiscal year, the Chief Justice and other
36 judicial officers shall receive an annualized base pay increase of zero percent.

1 (6) Effective on the first pay date that occurs on or after July first of the current fiscal year, county auditors and county
2 treasurers shall receive an annualized base pay increase of zero percent.

3 The Budget and Control Board shall allocate associated compensation increases for retirement employer contributions based on
4 the retirement rate of the retirement system in which individual employees participate.

5 The Executive Director of the Budget and Control Board is authorized to use excess appropriations for the current fiscal year, as
6 determined by the Director of the Office of State Budget, designated for statewide employer contributions for other statewide
7 purposes. At the discretion of the Executive Director of the Budget and Control Board, such action may be considered a permanent
8 transfer into the receiving agency's base budget.

9 Funds appropriated in Part IA, F30, Section 103, Budget and Control Board, Employee Benefits may be carried forward from
10 the prior fiscal year into the current fiscal year.

11 **101.22.** (BCB: Public Procurement Unit) For purposes of participation in the Minnesota Multi State Contracting Alliance for
12 Pharmacy (MMCAP), a private, non-profit corporation that provides only free medical care may be allowed to participate as a local
13 public procurement unit in the MMCAP cooperative purchase. The participation of non-profit corporations in the program is
14 contingent upon approval of the Minnesota Multi-State Contracting Alliance for Pharmacy. Participating non-profit corporations
15 must comply with all applicable federal laws or regulations for participation in the MMCAP cooperative purchase. The state shall
16 not be liable for any action or inaction of such a non-profit corporation.

17 **101.23.** (BCB: Sale of Surplus Real Property) Up to fifty percent of the proceeds, net of selling expenses, from the sale of
18 surplus real properties shall be retained by the Budget and Control Board and used for the deferred maintenance of state-owned
19 buildings. The remaining fifty percent of the net proceeds shall be returned to the agency that the property is owned by, under the
20 control of, or assigned to and shall be used by that agency for non-recurring purposes. This provision applies to all state agencies
21 and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital
22 Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers
23 Market; the Department of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex
24 Redevelopment Authority; the Department of Commerce's Division of Public Railways; the Midlands Technical College
25 Enterprise Campus Authority; the Trident Technical College Enterprise Campus Authority; the Commissioners residence at the
26 Department of Corrections and the Educational Television Commission's Key Road property.

27 The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road,
28 and such proceeds may be used for the renovation of the ETV Telecommunications Center and other maintenance and operating
29 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
30 the cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale
31 hereunder shall, prior to said sale, be submitted to the Budget and Control Board for approval as being in compliance with the
32 requirements of this subsection.

33 The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the
34 Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of
35 Corrections.

1 The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting
2 operations and replacement of firefighting equipment.

3 The Department of Mental Health shall be authorized to retain the net proceeds it receives for sale of the property sold in
4 accordance with, and identified in Exhibit A of the Sale and Purchase Agreement dated December 16, 2010 between the
5 Department of Mental Health and Hughes Development Corporation for the sale of 165.79± acres on the Bull Street Campus,
6 as approved by the Budget and Control Board on June 14, 2011.

7 The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally
8 purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation,
9 and/or establishment of regional offices and related facilities.

10 The Department of Vocational Rehabilitation shall be authorized to retain the net proceeds from the sale of 3.205 acres located
11 at 22861 Highway 76 East in Clinton, South Carolina to be used for capital projects and deferred maintenance.

12 The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of
13 Natural Resources, the Department of Mental Health, the Forestry Commission, and the Department of Vocational Rehabilitation
14 shall annually submit a report, within sixty days after the close of the fiscal year, to the Senate Finance Committee and the House
15 Ways and Means Committee on the status of the sale of the identified property and a detailed accounting on the expenditure of
16 funds resulting from such sale.

17 This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state owned real property
18 whether in permanent law, temporary law or by provision elsewhere in this act.

19 Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

20 **101.24.** (BCB: Compensation - Agency Head Salary) In the event of an agency head or technical college president vacancy, the
21 governing board of the agency or the Governor, or the appointing authority of a technical college president, must have the prior
22 favorable recommendation of the Agency Head Salary Commission to set, discuss, offer, or pay a salary for the agency head or
23 technical college president at a rate that exceeds the minimum of the range established by the Agency Head Salary Commission.
24 No agency head or technical college president shall be paid a salary higher than that recommended by the commission. Boards and
25 commissions, or the Governor if he is the appointing authority, of newly created agencies or technical colleges shall not offer or
26 pay a salary to a prospective agency head until a salary range has been established and the salary approved by the Agency Head
27 Salary Commission. The funding of the salaries of any agency head or technical college president should come from resources
28 within the agency. The Budget and Control Board shall contract every four years for a study of agency head and technical college
29 president compensation. The cost of the study must be shared by the participating agencies. The staff of the Budget and Control
30 Board shall serve as the support staff to the Agency Head Salary Commission. Limited only by the maximum of the respective
31 salary range, the General Assembly authorizes the respective appointing authority for an agency head or technical college president
32 to provide salary increases for an agency head or technical college president not to exceed that recommended by the Agency Head
33 Salary Commission. No agency head or technical college president shall be paid less than the minimum of the pay range nor
34 receive an increase that would have the effect of raising the salary above the maximum of the pay range.

35 **101.25.** (BCB: Insurance Coverage for Aging Entity Authorized) The State Budget and Control Board, through the Insurance
36 Reserve Fund, for Fiscal Year 2013-14 2014-15, is also authorized to offer insurance coverage to an aging entity and its employees

1 serving clients countywide which previously obtained its tort liability insurance coverage through the board. The Insurance
2 Reserve Fund and the State of South Carolina shall not be liable to any person or entity, including an insured, for any
3 insufficiencies of coverage provided hereunder.

4 **101.26.** (BCB: Statewide Appropriations Budget Module) Funds provided for the Statewide Appropriations Budget Module
5 known as PBF (the Public Budgeting Formulation Module) shall be used for the design and implementation of the statewide
6 budgeting system to produce the state's annual operating budget through the passage of the Annual Appropriation Act. Project
7 oversight and direction shall be the responsibility of the State Budget Division. Unexpended funds shall be carried forward from
8 the prior fiscal year and expended for continued implementation of the budget module.

9 **101.27.** (BCB: IRF Report) The Budget and Control Board shall prepare a report on prior fiscal year utilization of the
10 Insurance Reserve Fund to include for each transaction the amount, the recipient of the funds, the date of the transfer or payment,
11 and the action or reason that necessitated the transfer. The report shall be submitted to the President Pro Tempore of the Senate,
12 the Chairman of the Senate Finance Committee, the Speaker of the House of Representatives, and the Chairman of the House
13 Ways and Means Committee by October 15, ~~2013~~ 2014.

14 **101.28.** (BCB: Activation of State House Garage Security System) ~~The Budget and Control Board, Division of General~~
15 ~~Services is directed to take the steps necessary to activate the State House Garage Security System, effective July 1, 2013, which is~~
16 ~~to be operated by the Bureau of Protective Services.~~

17 **101.29.** (BCB: Consolidation of Administrative Functions) ~~From the funds appropriated to the Budget and Control Board, the~~
18 ~~board shall study the feasibility, including a cost benefit analysis, of assuming certain functions of state agencies that receive less~~
19 ~~than five million dollars in total funds appropriations in the current fiscal year. The functions to be considered shall include, but~~
20 ~~are not limited to, personnel administration, human resources, accounting, information technology, maintenance, and other~~
21 ~~functions that are administrative in nature and not agency specific. Upon completion of the study, the board shall submit a report~~
22 ~~detailing its findings to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means~~
23 ~~Committee. The report must be submitted no later than January 3, 2014.~~

24 **101.30.** (BCB: Second Injury Fund Closure Plan) The Budget and Control Board is authorized and empowered to take all
25 necessary actions to ~~implement and~~ administer the closure plan for the Second Injury Fund, as adopted pursuant to Section 42-7-
26 320(A) of the 1976 Code, as amended, and use ~~appropriate accounts for administrative costs associated with this responsibility~~ the
27 separate and distinct trust and administrative accounts established for this purpose. ~~In order for the board to administer the plan~~
28 ~~and pay the remaining liabilities of the Second Injury Fund, applicable subfunds shall be transferred from the former Second Injury~~
29 ~~Fund to the Budget and Control Board. The funds shall be transferred and general ledger accounts established under the Board as~~
30 ~~soon as practicable after Fiscal Year 2012-13 closing transactions are processed. Because the Second Injury Fund terminates July~~
31 ~~1, 2013, the board is authorized to act on behalf of the former Second Injury Fund to process its closing transactions and~~
32 ~~appropriately record the transactions. The State Budget Division is directed to provide the Second Injury Fund and the Budget and~~
33 ~~Control Board, as appropriate, other fund spending authority equal to the amount of any remaining administrative expenditures~~
34 ~~associated with closing the Second Injury Fund, if needed and adequately documented. The transferred funds shall continue to be~~
35 ~~held as separate and distinct trust accounts by the State Treasurer.~~

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 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.

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 the adoption of a special needs child qualifying for two times the benefit of a non-special needs child.

1 **105.3.** (PEBA: Health Plan Tobacco User Differential) For health plans adopted under the authority of Section 1-11-710 of the
2 1976 Code by the Public Employee Benefit Authority during the current fiscal year, the board is authorized to differentiate
3 between tobacco users and non-users regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee
4 rates based upon tobacco use. The surcharge for tobacco use may not exceed \$40 per month per subscriber or \$60 per month per
5 subscriber and dependant(s).

6 **105.4.** (PEBA: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance
7 Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the mother's medical
8 condition is one which, on the basis of the physician's good faith judgment, so complicates the pregnancy as to necessitate an
9 immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible
10 impairment of major bodily function, and the State Health Plan may not offer coverage for abortion services, including ancillary
11 services provided contemporaneously with abortion services. The Public Employee Benefit Authority must determine the amount
12 of the total premium paid for health coverage necessary to cover the risks associated with reimbursing participants in the plan for
13 obtaining an abortion in the circumstances covered by this provision. The determination must be based on actuarial data and
14 empirical study in the same manner and by the same method that other risks are adjusted for in similar circumstances. The plan
15 must report this determination annually to the respective Chairmen of the Senate Finance Committee and the House Ways and
16 Means Committee.

17 **105.5.** (PEBA: TRICARE Supplement Policy) The Public Employee Benefit Authority (PEBA) shall offer a group TRICARE
18 Supplement policy or policies to its TRICARE-eligible subscribers through its flexible benefits program to provide that subscribers
19 may pay premiums for such policies on a pre-tax basis, in accordance with federal law and regulations. PEBA may charge
20 TRICARE Supplement subscribers an amount not to exceed \$2 per subscriber per month for any associated administrative costs.

21 **105.6.** (PEBA: Tobacco User Differential Study) ~~The Public Employee Benefit Authority shall conduct a study to determine if~~
22 ~~it is in the best interest of the state and the State Health Plan to differentiate between tobacco users by category of product used and~~
23 ~~non-users regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee rates based upon the category~~
24 ~~of tobacco product used. In conducting the study, the authority shall offer a period for public comment. Recommendations shall~~
25 ~~include, but not be limited to an appropriate surcharge to be assessed and shall be submitted to the Chairman of the Senate Finance~~
26 ~~Committee and the Chairman of the House Ways and Means Committee by December 31, 2013.~~

27 **105.7.** (PEBA: FY 2014 State Health Plan) ~~Of the funds authorized for the State Health Plan in Plan Year 2014 pursuant to~~
28 ~~Section 1-11-710(A)(2) of the 1976 Code, an employer premium increase of 6.8% and a subscriber premium increase of zero~~
29 ~~percent for each tier (subscriber, subscriber/spouse, subscriber/children, full family) will result for the standard State Health Plan in~~
30 ~~Plan Year 2014. Co-payment increases for participants of the State Health Plan in Plan Year 2014 shall not exceed twenty percent.~~
31 ~~Notwithstanding the foregoing, pursuant to Section 1-11-710(A)(3), the Public Employee Benefit Authority may adjust the plan,~~
32 ~~benefits, or contributions of the State Health Plan during Plan Year 2014 to ensure the fiscal stability of the Plan.~~

33 **105.8.** (PEBA: Exempt National Guard Pension Fund) In the calculation of any across-the-board cut mandated by the Budget
34 and Control Board or General Assembly, the amount of the appropriation for the National Guard Pension Fund shall be excluded.

35 **105.9.** (PEBA: Plan Year 2015 State Health Plan) Of the funds authorized for the State Health Plan in Plan Year 2015
36 pursuant to Section 1-11-710(A)(2) of the 1976 Code, an employer premium increase of 3.9% and a subscriber premium increase

1 of zero percent for each tier (subscriber, subscriber/spouse, subscriber/children, full family) will result for the standard State
2 Health Plan in Plan Year 2015. Co-payments may be increased for participants of the State Health Plan in Plan Year 2015 within
3 the limitations of the plan's grandfathered status under the Patient Protection and Affordable Care Act. Notwithstanding the
4 foregoing, pursuant to Section 1-11-710(A)(3), the Public Employee Benefit Authority may adjust the plan, benefits, or
5 contributions of the State Health Plan during Plan Year 2015 to ensure the fiscal stability of the Plan.
6

7 SECTION 106 - R44-DEPARTMENT OF REVENUE

8

9 **106.1.** (DOR: Subpoenaed Employee Expense Reimbursement) If any employee of the Department of Revenue is subpoenaed
10 to testify during litigation not involving the Department of Revenue, the party subpoenaing the employee(s) to testify shall
11 reimburse the State for expenses incurred by the employee(s) requested to testify. Expenses shall include but are not limited to the
12 cost of materials and the average daily salary of the employee or employees.

13 **106.2.** (DOR: Court Order Funds Carry Forward) Funds awarded to the Department of Revenue by court order shall be retained
14 in a special account and shall be carried forward from year to year, and expended as needed to accomplish the purposes and
15 conditions of said order if specified, and if not specified, as may be directed by the Director of the Department of Revenue.

16 **106.3.** (DOR: Rural Infrastructure Fund Transfer) Notwithstanding Section 12-10-85, the Department of Revenue is authorized
17 to deposit revenues from the Rural Infrastructure Fund in excess of \$12 million dollars to the Rural Infrastructure Fund under the
18 Rural Infrastructure Authority. Any revenues in excess of \$17 million shall be deposited in the Rural Infrastructure Fund under the
19 Department of Commerce, Coordinating Council.

20 **106.4.** (DOR: SCBOS Funds) The Department of Revenue shall share equally the collection assistance fees imposed on
21 overdue tax debt with the South Carolina Business One Stop program. The funds received by the department from this fee shall be
22 used for continued administration of the revenue laws in a fair and impartial manner. Any unexpended funds generated by the fee
23 shall be carried forward from the prior fiscal year into the current fiscal year and shall also be shared equally between the
24 Department of Revenue and the South Carolina Business One Stop program.

25 **106.5.** (DOR: Across the Board Cut Exemption) Whenever the Budget and Control Board or General Assembly implements an
26 across the board budget reduction, the funds appropriated to the Department of Revenue shall be exempt from any such mandated
27 budget reduction.

28 **106.6.** (DOR: Candidate Tax Return Programs) (A) From the funds appropriated in this act, the department must develop a
29 program to process inquiries from a candidate for an office of this State or its political subdivisions or any gubernatorial appointee
30 concerning whether that candidate or appointee has filed annual state income tax returns that he was required to file during the past
31 ten years, regardless of the source of income, has paid all income taxes due during that time period, and has satisfied all judgments,
32 liens, or other penalties for failure to pay income taxes when due. The department may only respond to an inquiry if the inquiry is
33 made by a candidate or appointee concerning that candidate's or appointee's own income tax returns.

34 (B) Unless a candidate or appointee requests otherwise, the department must post the results of all inquiries from candidates or
35 appointees in a prominent place on its internet website. The information must be organized in the following manner: (1) the
36 candidates name as it will appear on the ballot or the appointee's name as it appears on his income tax returns; (2) identify the

1 years that the candidate or appointee was required to file income tax returns and identify the years, if any, that the candidate or
2 appointee was not required to file income tax returns; (3) state whether the candidate or appointee filed income tax returns in each
3 year that the candidate or appointee was required to file income tax returns; (4) state whether the candidate or appointee paid
4 income taxes due each year that the candidate or appointee was required to file income tax returns; and (5) state whether the
5 candidate or appointee had a judgment, lien, or other penalty levied against him for failure to pay income taxes when due, the year
6 of the levy, and whether that judgment, lien, or other penalty has been satisfied. The department may not post a candidate's
7 complete income tax return when fulfilling its obligations under this proviso.

8 (C) (1) Participation in this program by a candidate or appointee is voluntary.

9 (2) A candidate's or appointee's inquiry constitutes a waiver of confidentiality with the department concerning the
10 information posted.

11 **106.7.** (DOR: Admissions Tax Exemption) Any amount that an accredited college or university requires a season ticket holder
12 to pay to a nonprofit athletic booster organization that is exempt from federal income taxation in order to receive the right to
13 purchase athletic event tickets is exempt from admissions tax.

14 **106.8.** (DOR: Fraudulent Tax Return Program) The Department of Revenue may establish a Fraudulent Tax Return Detection
15 Program to prevent payment of fraudulent tax refunds. To implement the program the department may contract with information
16 and technology entities to provide the necessary detection capabilities. The department shall pay for the program from the savings
17 realized by implementation.

18 **106.9.** (DOR: Treasury Offset Program) The Department of Revenue is authorized to retain up to \$140,000 of mailing and
19 associated administrative costs incurred as a result of the State's participation in and the notice requirements of the Federal
20 Treasury Offset Program. Retained expenses shall be from tax offset revenue received from the federal government. Remaining
21 revenue shall be deposited in the General Fund.

22 **106.10.** (DOR: Rapid Response to Declared Disasters) (A) (1) For purposes of this proviso:

23 (a) 'Registered business in this State' or 'registered business' means a business entity that is registered to do business
24 in this State before the declared state disaster or emergency.

25 (b) 'Out-of-state business' means a business entity that has no presence in the State and conducts no business in this
26 State whose services are requested by a registered business or by a state or local government for purposes of performing disaster or
27 emergency-related work in this State. This definition includes a business entity that is affiliated with the registered business in this
28 State solely through common ownership. The out-of-state business must have no registrations or tax filings or nexus in the State
29 before the declared state disaster or emergency.

30 (c) 'Out-of-state employee' means an employee who does not reside in or work in the State, except for disaster or
31 emergency related work during the disaster period.

32 (d) 'Infrastructure' means property and equipment owned or used by communications networks, electric generation,
33 transmission and distribution systems, gas distribution systems, water pipelines, and public roads and bridges and related support
34 facilities that services multiple customers or citizens including, but not limited to, real and personal property such as buildings,
35 offices, lines, poles, pipes, structures and equipment.

36 (e) 'Declared state disaster or emergency' means a disaster or emergency event:

1 (i) for which a Governor's state of emergency proclamation has been issued;
2 (ii) for which a presidential declaration of a federal major disaster or emergency has been issued; or
3 (iii) other disaster or emergency event within this State for which a good faith response effort is required, and for
4 which the Director of the South Carolina Department of Revenue designates the event as a disaster or emergency and thereby
5 invokes this chapter.

6 (f) 'Disaster period' means a period that begins within ten days of the first day of the Governor's proclamation, the
7 President's declaration or designation by the Director of the Department of Revenue, whichever occurs first, and that extends for a
8 period of sixty calendar days after the end of the declared disaster or emergency period, or any longer period authorized by the
9 designated state official or agency.

10 (g) 'Disaster or emergency related-work' means repairing, renovating, installing, building, rendering services or other
11 business activities that relate to infrastructure that has been damaged, impaired, or destroyed by the event precipitating the declared
12 state disaster or emergency.

13 (B) (1) (a) An out-of-state business that conducts operations within this State during ~~Fiscal Year 2013-14~~ the current fiscal
14 year for purposes of performing work or services related to a declared state disaster or emergency during the portion of a disaster
15 period that occurs during ~~Fiscal Year 2013-14~~ the current fiscal year must not be considered to have established a level of presence
16 that would require that business to register, file, and remit state or local taxes or that would require that business or its out-of-state
17 employees to be subject to any state licensing or registration requirements or any combination of these actions. Except as provided
18 in subsection (B)(1)(b), this exemption includes all state or local business licensing or registration requirements or state and local
19 taxes or fees including, but not limited to, unemployment insurance, state or local occupational licensing fees, sales and use tax, or
20 property tax on equipment used or consumed during the disaster period, and includes South Carolina Public Service Commission
21 and Secretary of State licensing and regulatory requirements. For purposes of a state or local tax on or measured by, in whole or in
22 part, net or gross income or receipts, all activity of the out-of-state business that is conducted in this state pursuant to this chapter
23 must be disregarded with respect to any filing requirements for that tax including the filing required for a unitary or combined
24 group of which the out-of-state business may be a part.

25 (b) An out-of-state employee is not considered to have established residency or a presence in the State that would
26 require that person or that person's employer to file and pay income taxes or to be subjected to tax withholdings or to file and pay
27 any other state or local tax or fee during the disaster period that occurs during ~~Fiscal Year 2013-14~~ the current fiscal year. This
28 includes any related state or local employer withholding and remittance obligations.

29 (2) Out-of-state businesses and out-of-state employees are not exempted by this chapter from transaction taxes and fees
30 including, but not limited to, fuel taxes and fuel user fees or sales and use taxes on materials or services subject to sales and use
31 tax, accommodations taxes, car rental taxes or fees that the out-of-state affiliated business or out-of-state employee purchases for
32 use or consumption in this State during the disaster period, unless the taxes or fees are otherwise exempted during a disaster period.

33 (3) An out-of-state business or out-of-state employee that remains in the State during ~~Fiscal Year 2013-14~~ the current
34 fiscal year and after the disaster period becomes subject to the state's normal standards for establishing presence, residency or
35 doing business in this State and the resulting requirements.

(C) (1) (a) The out-of-state business that enters this State upon request, shall provide to the Department of Revenue a notification statement that it is in this State for purposes of responding to the disaster or emergency, which statement must include the business' name, state of domicile, principal business address, federal tax identification number, date of entry, and contact information.

(b) A registered business in this State, upon request, shall provide the information required in item (1)(a) of this subsection for an affiliate that enters this State that is an out-of-state business. The notification also must include contact information for the registered business in this State.

(2) An out-of-state business or an out-of-state employee that remains in this State during ~~Fiscal Year 2013-14~~ the current fiscal year and after the disaster period shall notify the Department of Revenue and shall comply with state and local registration, licensing, and filing requirements that ensue as a result of establishing the requisite business presence or residency in this State.

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 2012-13~~ the prior fiscal year may be carried forward and expended for debt service purposes in ~~Fiscal Year 2013-14~~ the current fiscal year.

SECTION 110 - X22-AID TO SUBDIVISIONS, STATE TREASURER

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 allocated to it for the prior fiscal year plus an amount equivalent to base pay increases for state employees, less any

1 adjustments made for budget reductions. This allocation shall be distributed on a quarterly basis to the County Treasurer who will
2 handle and distribute these monies for the sole benefit and use of the County Veterans' Affairs Offices.

3 **110.2.** (AS-TREAS: Quarterly Distributions) ~~For Fiscal Year 2013-14~~ In the current fiscal year, one quarter of the amount
4 appropriated in Part IA for Aid to Subdivisions-Local Government Fund shall be distributed as soon after the beginning of each
5 quarter as practical with the four distributions together totaling the ~~2013-14~~ current fiscal year Part IA appropriation for the Local
6 Government Fund.

7 **110.3.** (AS-TREAS: Salary Supplements) The amounts appropriated in Part IA, Section 110, for Aid Cnty-Clerks of Court, Aid
8 Cnty-Probate Judges, Aid Cnty-Coroners, and Aid Cnty-Sheriffs shall be distributed by the State Treasurer to each county treasurer
9 equally on a quarterly basis, and shall be used as a salary supplement for each clerk of court, probate judge, county coroner, and
10 county sheriff. The amounts appropriated in Part IA, Section 110 for Aid Cnty-Register of Deeds, shall be equally distributed by
11 the State Treasurer to the appropriate county treasurer on a quarterly basis, and shall be used as a salary supplement for registers of
12 deeds.

13 The amount appropriated in Part IA, Section 110, for Aid Cnty-Auditors and Aid Cnty-Treasurers, shall be equally distributed to
14 each county auditor and county treasurer as a salary supplement in addition to any amounts presently being provided by the county
15 for these positions. It is the intent of the General Assembly that the amount appropriated by the county as salaries for these
16 positions shall not be reduced as a result of the appropriation and that such appropriation shall not disqualify each county auditor
17 and each county treasurer for salary increases that they might otherwise receive from county funds in the future. The salary
18 supplement for each county auditor and county treasurer shall be paid in accordance with the schedule and method of payment
19 established for state employees.

20 The amounts appropriated in Part IA, Section 110 for Clerks of Court, Probate Judges, Sheriffs, Register of Deeds, Coroners,
21 Auditors, and Treasurers shall be exempt from any across the board cut mandated by the Budget and Control Board or General
22 Assembly. However, the governing body of a county may reduce the expenditures in the operation of the offices of these officials
23 without any required corresponding reduction in the county's state aid to subdivisions distribution. However, any reduction in
24 these officials' budgets must be made in consultation with the affected official.

25 **110.4.** (AS-TREAS: Legislative Delegations) In the current fiscal year, a county government must fund its legislative
26 delegation budget pursuant to Section 3, Act No. 283 of 1975. If a county council does not meet that funding level, the amount of
27 the shortfall must be deducted from the responsible county's Aid to Subdivisions allocation and forwarded to the legislation
28 delegation of the county. Additionally, the responsible county's remaining Aid to Subdivisions allotment must be reduced by
29 twenty-five percent of the shortfall amount, which sum must be forwarded to the legislative delegation to be used for its
30 administrative costs.

31 **110.5.** (AS-TREAS: LGF) For Fiscal Year ~~2013-14~~ 2014-15, the provisions of Section 6-27-30 and Section 6-27-50 of the
32 1976 Code are suspended.

33 **110.6.** (AS-TREAS: Transparency-Political Subdivision Appropriation of Funds) (A) A political subdivision receiving aid
34 from the Local Government Fund may not:

35 (1) appropriate money to any entity unless that appropriation appears as a separate and distinct line item in the political
36 subdivision's budget or in an amendment to the political subdivision's budget; or

(2) except in cases of emergency or unforeseen circumstances, donate funds to a non-profit 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 non-profit 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.

(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 ~~2013-14~~ 2014-15, 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.

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 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:

1 Department of Education;
2 State Board for Technical and Comprehensive Education;
3 Educational Television Commission;
4 Wil Lou Gray Opportunity School;
5 School for the Deaf and the Blind;
6 John de la Howe School;
7 Debt Service on Capital Improvement Bonds Applicable to
8 Above Agencies;
9 Debt Service on School Bonds;
10 Other School Purposes.

11 Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

12 **117.2.** (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this
13 part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the
14 Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for
15 Fiscal Year ~~2013-14~~ 2014-15, and for other purposes specifically designated.

16 **117.3.** (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, “current fiscal year” means the fiscal
17 year beginning July 1, ~~2013~~ 2014, and ending June 30, ~~2014~~ 2015, and “prior fiscal year” means the fiscal year beginning July 1,
18 ~~2012~~ 2013, and ending June 30, ~~2013~~ 2014.

19 **117.4.** (GP: Descriptive Proviso Titles) Descriptive proviso titles listed in this act are for purposes of identification only and are
20 not to be considered part of the official text.

21 **117.5.** (GP: Judicial & Involuntary Commitment, Defense of Indigents) It is the responsibility of all agencies, departments and
22 institutions of state government, to provide at no cost and as a part of the regular services of the agency, department or institutions
23 such services as are necessary to carry out the provisions of Chapter 52, Title 44 (Involuntary Commitment), Article 7, Chapter 17,
24 Title 44 of the 1976 Code (Judicial Commitment), Chapter 3, Title 17 of the 1976 Code (Defense of Indigents), and Article 1,
25 Chapter 3, Title 16 of the 1976 Code (Death Penalty), as amended, upon request of the Judicial Department and/or the appropriate
26 court. To this end, state agencies are directed to furnish to the Judicial Department a list of their employees who are competent to
27 serve as court examiners. The Judicial Department shall forward a copy of this list to the appropriate courts, and the courts shall
28 utilize the services of such state employees whenever feasible. State employees shall receive no additional compensation for
29 performing such services. For the purpose of interpreting this section, employees of the Medical University of South Carolina and
30 individuals serving an internship or residency as an academic requirement or employees who are not full-time state employees and
31 who are not performing duties as state employees are not considered state employees.

32 **117.6.** (GP: Case Service Billing Payments Prior Year) Agencies appropriated case services funds who routinely receive prior
33 year case service billings after the old fiscal year has been officially closed are authorized to pay these case service obligations with
34 current funds. This authorization does not apply to billings on hand that have been through a timely agency payment approval
35 process when the old fiscal year closes.

1 **117.7.** (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an
2 existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or
3 function is authorized by statutory law and set by regulation except as provided in this paragraph.

4 (B) This paragraph does not apply to:

- 5 (1) state-supported governmental health care facilities;
- 6 (2) state-supported schools, colleges, and universities;
- 7 (3) educational, entertainment, recreational, cultural, and training programs;
- 8 (4) the State Board of Financial Institutions;
- 9 (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- 10 (6) charges by state agencies for room and board provided on state-owned property;
- 11 (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- 12 (8) court fees or fines levied in a judicial or adjudicatory proceeding;
- 13 (9) the South Carolina Public Service Authority or the South Carolina Ports Authority.

14 (C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for
15 services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health
16 care and laboratory services regardless of whether the fee is set by statute.

17 (D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State
18 Administrative Procedures Act.

19 **117.8.** (GP: State Institutions - Revenues & Income) The University of South Carolina, Clemson University, the Medical
20 University of South Carolina (including the Medical University Hospital), The Citadel, Winthrop University, South Carolina State
21 University, Francis Marion University, University of Charleston, Lander University, Coastal Carolina University, and the Wil Lou
22 Gray Opportunity School shall remit all revenues and income, collected at the respective institutions, to the State Treasurer
23 according to the terms of Section 117.1 of this act, but all such revenues or income so collected, except fees received as regular
24 term tuition, matriculation, and registration, shall be carried in a special continuing account by the State Treasurer, to the credit of
25 the respective institutions, and may be requisitioned by said institutions, in the manner prescribed in Section 11-3-185 of the 1976
26 Code, and expended to fulfill the purpose for which such fees or income were levied, but no part of such income shall be used for
27 permanent improvements without the express written approval of the Budget and Control Board and the Joint Legislative Capital
28 Bond Review Committee; and it is further required that no such fee or income shall be charged in excess of the amount that is
29 necessary to supply the service, or fulfill the purpose for which such fee or income was charged. Notwithstanding other provisions
30 of this act, funds at state institutions of higher learning derived wholly from athletic or other student contests, from the activities of
31 student organizations, and from the operations of canteens and bookstores, and from approved Private Practice plans at institutions
32 and affiliated agencies may be retained at the institution and expended by the respective institutions only in accord with policies
33 established by the institution's Board of Trustees. Such funds shall be audited annually by the State but the provisions of this act
34 concerning unclassified personnel compensation, travel, equipment purchases and other purchasing regulations shall not apply to
35 the use of these funds.

1 **117.9.** (GP: Transfers of Appropriations) Agencies and institutions shall be authorized to transfer appropriations within
2 programs and within the agency with notification to the Division of Budget and Analyses and Comptroller General. No such
3 transfer may exceed twenty percent of the program budget. Upon request, details of such transfers may be provided to members of
4 the General Assembly on an agency by agency basis. Transfers of appropriations from personal service accounts to other operating
5 accounts or from other operating accounts to personal service accounts may be restricted to any established standard level set by
6 the Budget and Control Board upon formal approval by a majority of the members of the Budget and Control Board.

7 **117.10.** (GP: Federal Funds - DHEC, DSS, DHHS - Disallowances) Amounts appropriated to the Department of Health and
8 Environmental Control, Department of Social Services and Department of Health and Human Services may be expended to cover
9 program operations of prior fiscal years where adjustment of such prior years are necessary under federal regulations or audit
10 exceptions. All disallowances or notices of disallowances by any federal agency of any costs claimed by these agencies shall be
11 submitted to the State Auditor, the Senate Finance Committee and the House Ways and Means Committee, within five days of
12 receipt of such actions.

13 **117.11.** (GP: Fixed Student Fees) During the current fiscal year, student fees at the state institutions of higher learning shall be
14 fixed by the respective Boards of Trustees as follows:

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

18 (2) Student activity fees may be fixed at such rates as the respective Boards shall deem reasonable and necessary.

19 **117.12.** (GP: Tech Educ. Colleges Student Activity Fees) Notwithstanding any other provisions of this act, funds at technical
20 education colleges derived wholly from the activities of student organizations and from the operations of canteens and bookstores
21 may be retained by the college and expended only in accord with policies established by the respective college's area commission
22 and approved by the State Board for Technical and Comprehensive Education.

23 **117.13.** (GP: SC Health & Human Services Data Warehouse) There is hereby established within the Research and Statistics
24 Division, South Carolina Budget and Control Board, the South Carolina Health and Human Services Data Warehouse. The
25 purpose of the Warehouse is to ensure that the operation of health and human services agencies may be enhanced by coordination
26 and integration of client information. Client data is defined as person-level data that is created, received, and/or maintained by
27 state agencies and other entities required to report client information to the Research and Statistics Division under this provision.
28 To integrate client information, client data from health and human services state agencies will be linked to improve client outcome
29 measures, enabling state agencies to analyze coordination and continuity of care issues. The addition of these data will enhance
30 existing agency systems by providing client data from other state agency programs to assist in the provision of client services.
31 Certain client information shall be delivered to the Research and Statistics Division in order to assist in the development and
32 maintenance of this Warehouse. The following agencies shall report client information:

33 • Departments of

34 (1) Health and Human Services;

35 (2) Health and Environmental Control;

36 (3) Mental Health;

- 1 (4) Alcohol and Other Drug Abuse Services;
- 2 (5) Disabilities and Special Needs;
- 3 (6) Social Services;
- 4 (7) Vocational Rehabilitation;
- 5 (8) Education;
- 6 (9) Juvenile Justice;
- 7 (10) Corrections;
- 8 (11) Probation, Parole and Pardon Services;
- 9 • Office of the Governor
- 10 (1) Children's Foster Care Review Board;
- 11 (2) Continuum of Care;
- 12 • Office of the Lieutenant Governor, Division on Aging;
- 13 • South Carolina School for the Deaf and the Blind;
- 14 • Commission for the Blind, and
- 15 • Other entities as deemed necessary by the Research and Statistics Division.

16 These agencies and departments shall collect and provide client data in formats and schedules to be specified by the Research
17 and Statistics Division (Division). The Division shall establish a Memorandum of Agreement with each agency, department or
18 division. These Memorandums of Agreement shall specify, but are not limited to, the confidentiality of client information, the
19 conditions for the release of data that may identify agencies, departments, divisions, programs and services, or clients, any
20 restrictions on the release of data so as to be compliant with state and federal statutes and regulations on confidentiality of data,
21 conditions under which the data may be used for research purposes, and any security measures to be taken to insure the
22 confidentiality of client information.

23 To ensure accountability and the coordinated, efficient delivery of health and human services, the Division shall implement, in
24 consultation with state health and human services agencies and other entities as deemed necessary by the Division, an integrated
25 data system that includes client data from all participating agencies.

26 In order to provide for inclusion of other entities into the South Carolina Health and Human Services Data Warehouse and other
27 research and analytic-oriented applications that will assist the state in the efficient and effective provision of services, the Division
28 shall have the authority to enter into agreements or transactions with any federal, state or municipal agency or other public
29 institution or with any private individual, partnership, firm, corporation, association or other entity to provide statistical, research
30 and information dissemination services including, but not limited to, program and outcomes evaluation, program
31 monitoring/surveillance, projects to determine the feasibility of data collection and/or analyses, information dissemination and
32 research. The confidentiality of data collected under these initiatives shall comply with applicable state and federal laws governing
33 the privacy of data. The Office shall have the power to promulgate regulations, policies and procedures, in consultation with the
34 participating agencies, for the development, protection and operation of the Data Warehouse, other research and analytic-oriented
35 applications, and their underlying processes.

1 The Division shall develop internet-accessible secure analytic query tools (such as analytic cubes) using integrated client data
2 from the Warehouse. All agencies shall cooperate with the Division in the development of these analytic tools. It is the intent of
3 this provision that the analytic tools developed under this provision shall be made available to members of the South Carolina
4 General Assembly and their research staff members, state agencies, and researchers. To that end, the Division shall, in consultation
5 with the participating agencies, promulgate regulations addressing access to and use and release of information generated through
6 use of the query tools.

7 All state agencies participating in the Warehouse shall utilize it and its associated software applications in the day-to-day
8 operation of their programs and for coordination, collaboration, program evaluation and outcomes analysis. The Department of
9 Health and Environmental Control shall be exempt from usage of the integrated client management system and the analytic query
10 tools in the day-to-day operation of their Client Automated Record and Encounter System and their South Carolina Community
11 Assessment Network, but shall provide the Warehouse with client data from the system and network.

12 No state agency shall duplicate any of the responsibilities of this provision.

13 For purposes of this subsection, all state laws, regulations, or any rule of any state agency, department, board, or commission
14 having the effect or force of law that prohibits or is inconsistent with any provision of this subsection is hereby declared
15 inapplicable to this subsection.

16 **117.14.** (GP: Discrimination Policy) It is the policy of the State of South Carolina to recruit, hire, train, and promote
17 employees without discrimination because of race, color, sex, national origin, age, religion or physical disability. This policy is to
18 apply to all levels and phases of personnel within state government, including but not limited to recruiting, hiring, compensation,
19 benefits, promotions, transfers, layoffs, recalls from layoffs, and educational, social, or recreational programs. It is the policy of
20 the State to take affirmative action to remove the disparate effects of past discrimination, if any, because of race, color, sex,
21 national origin, age, religion or physical disability.

22 Each state agency shall submit to the State Human Affairs Commission employment and filled vacancy data by race and sex by
23 October thirty-first, of each year.

24 In accordance with Section 1-13-110 of the South Carolina Code of Laws of 1976, as amended, the Human Affairs Commission
25 shall submit a report on the status of state agencies' Affirmative Action Plans and Programs to the General Assembly by February
26 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
27 preceding reporting period, a breakdown by race and sex of those hired or promoted from within the agency during the reporting
28 period, and an indication of whether affirmative action goals were achieved. For each job group referenced in the Human Affairs
29 report, where the hiring of personnel does not reflect the percentage goals established in the agency's affirmative action plan for
30 the year in question, the state agency shall submit a detailed explanation to the Human Affairs Commission by February fifteenth,
31 explaining why goals were not achieved.

32 The Human Affairs Commission shall review the explanations and notify the Budget and Control Board of any agency not in
33 satisfactory compliance with meeting its stated goals.

34 The Budget and Control Board shall notify any agency not in compliance that their request for additional appropriations for the
35 current appropriation cycle, may not be processed until such time as the Budget and Control Board, after consultation with the
36 Human Affairs Commission, is satisfied that the agency is making a good faith effort to comply with its affirmative action plan,

1 and that the compliance must be accomplished within a reasonable length of time to be determined by the mission and
2 circumstances of the agency. This requirement shall not affect additional appropriation requests for public assistance payments or
3 aid to entities. This section does not apply to those agencies that have been exempted from the reporting requirements of the
4 Human Affairs Commission.

5 **117.15.** (GP: Personal Service Reconciliation, FTEs) In order to provide the necessary control over the number of employees,
6 the Budget and Control Board is hereby directed to maintain close supervision over the number of state employees, and to require
7 specifically the following:

8 (1) That no state agency exceed the total authorized number of full-time equivalent positions and those funded from state
9 sources as provided in each section of this act except by majority vote of the Budget and Control Board.

10 (2) That the Budget and Control Board shall maintain and make, as necessary, periodic adjustments thereto, an official
11 record of the total number of authorized full-time equivalent positions by agency for state and total funding sources.

12 (a) That within thirty days of the passage of the Appropriation Act or by August first, whichever comes later, each agency
13 of the State must have established on the Budget and Control Board records all positions authorized in the Act. After that date, the
14 Board shall delete any non-established positions immediately from the official record of authorized full-time equivalent positions.
15 No positions shall be established by the board in excess of the total number of authorized full-time equivalent positions. Each
16 agency may, upon notification to the Budget and Control Board, change the funding source of state FTE positions established on
17 the Budget and Control Board records as necessary to expend federal and other sources of personal service funds to conserve or
18 stay within the state appropriated personal service funds. No agency shall change funding sources that will cause the agency to
19 exceed the authorized number of state or total full-time equivalent positions. Each agency may transfer FTE's between programs
20 as needed to accomplish the agency mission.

21 (b) That by September thirtieth, the board shall prepare a personal service analysis, by agency, which shows the number of
22 established positions for the fiscal year and the amount of funds required, by source of funds, to support the FTE's for the fiscal
23 year at a funding level of one hundred percent. The board shall then reconcile each agency's personal service detail with the
24 agency's personal service appropriation as contained in the Act adjusted for any pay increases and any other factors necessary to
25 reflect the agency's personal service funding level. The board shall provide a copy of each agency's personal service
26 reconciliation to the Senate Finance and House Ways and Means Committees.

27 (c) That any position which is shown by the reconciliation to be unfunded or significantly underfunded may be deleted at
28 the direction of the Budget and Control Board.

29 (3) That full-time equivalent (FTE) positions shall be determined under the following guidelines:

30 (a) The annual work hours for each FTE shall be the agency's full-time standard annual work hours.

31 (b) The state FTE shall be derived by multiplying the state percentage of budgeted funds for each position by the FTE for
32 that position.

33 (c) All institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty
34 with a duration of nine (9) months.

35 The FTE method of accounting shall be utilized for all authorized positions.

36 (4) That the number of positions authorized in this act shall be reduced in the following circumstances:

- 1 (a) Upon request by an agency.
2 (b) When anticipated federal funds are not made available.
3 (c) When the Budget and Control Board, through study or analysis, becomes aware of any unjustifiable excess of positions
4 in any state agency.

5 (5) That the Budget and Control Board shall annually reconcile personal service funds with full-time employee count.
6 Unfunded positions will be eliminated no later than January fifteenth of the current fiscal year unless specifically exempted
7 elsewhere in this act or by the Budget and Control Board. The Budget and Control Board must report the full-time employee count
8 and unfunded position status to the Senate Finance Committee and the Ways and Means Committee by February first of the current
9 fiscal year.

10 (6) That no new permanent positions in state government shall be funded by appropriations in acts supplemental to this act
11 but temporary positions may be so funded.

12 (7) That the provisions of this section shall not apply to personnel exempt from the State Classification and Compensation
13 Plan under item I of Section 8-11-260 of the 1976 Code.

14 (8) Institutions of higher learning shall be exempt from the requirements of subitem (2)(c) and subitem (5) contained in this
15 provision.

16 The Governor, in making his appropriation recommendations to the Ways and Means Committee, must provide that the level of
17 personal service appropriation recommended for each agency is at least ninety-seven percent of the funds required to meet one
18 hundred percent of the funds needed for the full-time equivalents positions recommended by the Governor (exclusive of new
19 positions).

20 **117.16.** (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the
21 State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of
22 office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be
23 charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or
24 employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial
25 officer at each agency maintaining its own payroll system. This shall not apply to the Governor's Mansion, nor to guards at any of
26 the state's penal institutions and nurses and attendants at the Department of Disabilities and Special Needs, and registered nurses
27 providing clinical care at the MUSC Medical Center, nor to the Superintendent and staff of John de la Howe School, nor to the
28 cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working
29 hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science and
30 Mathematics and the Governor's School for Arts and Humanities who are required to stay on campus by the institution because of
31 job requirements or program participation. Any state institution of higher learning may provide complimentary membership
32 privileges to employees who work at their wellness centers. The presidents of those state institutions of higher learning authorized
33 to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions
34 without charge.

35 Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the
36 amount to be approved by the Budget and Control Board.

1 That the following may be permitted to occupy residences owned by the respective departments without charge: the Farm
2 Director, Farm Managers, and Specialists employed at the Wateree River Correctional Institution; the South Carolina State
3 Commission of Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural
4 Resources' Game Management Personnel, Fish Hatchery Personnel, and Fort Johnson Superintendent; the Department of Parks,
5 Recreation and Tourism field personnel in the State Parks Division; Director of Wil Lou Gray Opportunity School; President of the
6 School for the Deaf and the Blind; houseparents for the Commission for the Blind; South Carolina Department of Health and
7 Environmental Control personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander
8 University; Residence Life Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop
9 University; Farm Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; the Department of
10 Disabilities and Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus
11 Agricultural Staff and Housing Area Coordinators; and TriCounty Technical College's Bridge to Clemson Resident and Area
12 Directors. Except in the case of elected officials, the fair market rental value of any residence furnished to a state employee shall
13 be reported by the state agency furnishing the residence to the Agency Head Salary Commission, and the Division of Budget and
14 Analyses by October first of each fiscal year.

15 All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan,
16 approved by the Budget and Control Board, applicable to all personnel of the State Government whose compensation is not
17 specifically fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for
18 personal service is drawn. The Division of Budget and Analyses of the Budget and Control Board is authorized to approve
19 temporary salary adjustments for classified and unclassified employees who perform temporary duties which are limited by time
20 and/or funds. When approved, a temporary salary adjustment shall not be added to an employee's base salary and shall end when
21 the duties are completed and/or the funds expire. Academic personnel of the institutions of higher learning and other individual or
22 group of positions that cannot practically be covered by the plan may be excluded therefrom but their compensations as approved
23 by the Division of Budget and Analyses shall, nevertheless, be subject to review by the Budget and Control Board. Salary
24 appropriations for employees fixed in this act shall be in full for all services rendered, and no supplements from other sources shall
25 be permitted or approved by the Budget and Control Board. With the exception of travel and subsistence, legislative study
26 committees shall not compensate any person who is otherwise employed as a full-time state employee. Salaries of the heads of all
27 agencies of the State Government shall be specifically fixed in this act and no salary shall be paid any agency head whose salary is
28 not so fixed. As long as there is no impact on appropriated funds, state agencies and institutions shall be allowed to spend public
29 funds and/or other funds for designated employee award programs which shall have written criteria approved by the agency
30 governing board or commission. For purposes of this section, monetary awards, if any, shall not be considered a part of an
31 employee's base salary, a salary supplement, or a perquisite of employment. The names of all employees receiving monetary
32 awards and the amounts received shall be reported annually to the South Carolina Division of Budget and Analyses.

33 In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if
34 the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet
35 the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the
36 average of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year

1 for lodging provided by the educational institution which is comparable to the qualified campus lodging provided to the employee,
2 over the rent paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be
3 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
4 one year, at any time during the calendar year in which the period begins.

5 **117.17.** (GP: Universities & Colleges - Allowance for Presidents) Presidents of the University of South Carolina, Clemson
6 University, the Medical University of South Carolina, The Citadel, Winthrop University, South Carolina State University, Francis
7 Marion University, University of Charleston, Coastal Carolina University and Lander University must not be paid a fixed
8 allowance for personal expenses incurred in connection with the performance of their official duties. Reimbursements may be
9 made to the presidents from funds available to their respective institutions for any personal expenses incurred provided that all
10 requests for reimbursement are supported by properly documented vouchers processed through the normal accounting procedures
11 of the institutions.

12 **117.18.** (GP: Replacement of Personal Property) The Department of Juvenile Justice, Department of Corrections, Department
13 of Probation, Parole and Pardon Services, Department of Mental Health, Department of Disabilities and Special Needs, Continuum
14 of Care, Department of Social Services and School for the Deaf and the Blind may replace the personal property of an employee
15 which has been damaged or destroyed by a client while in custody of the agency. The replacement of personal property may be
16 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
17 head and if the damaged or destroyed item is found by the agency head to be reasonable in value, and necessary for the employee
18 to carry out the functions and duties of his employment. Replacement of damaged or destroyed items shall not exceed \$250 per
19 item, per incident. Each agency must have guidelines to insure the reasonableness of the replacement payments.

20 **117.19.** (GP: Business Expense Reimbursement) Agency heads and deputy commissioners or deputy directors designated by
21 agency heads may receive reimbursements for business expenses incurred while performing their official duties, provided that
22 receipts are presented when seeking reimbursement and justification is submitted to document the time, place, and purpose of the
23 expense as well as the names of the individuals involved. The Budget and Control Board shall promulgate regulations governing
24 these expenses.

25 **117.20.** (GP: Per Diem) The per diem allowance of all boards, commissions and committees shall be at the rate of thirty-five
26 (\$35) dollars per day. No full-time officer or employee of the State shall draw any per diem allowance for service on such boards,
27 commissions or committees.

28 **117.21.** (GP: Travel - Subsistence Expenses & Mileage) Travel and subsistence expenses, whether paid from state
29 appropriated, federal, local or other funds, shall be allowed in accordance with the following provisions:

30 (A) Unless otherwise provided in paragraphs B through H of this section, all employees of the State of South Carolina or any
31 agency thereof including employees and members of the governing bodies of each technical college while traveling on the business
32 of the State shall, upon presentation of a paid receipt, be allowed reimbursement for actual expenses incurred for lodging, not to
33 exceed the current maximum lodging rates, excluding taxes, established by the U.S. General Services Administration. The lodging
34 reimbursement for employees of a school district must also conform to these rates when that employee's travel reimbursement is
35 paid by state funds that are transferred to the school district. Agencies may contract with lodging facilities to pay on behalf of an
36 employee. Failure to maintain proper control of direct payments for lodging may result in the revocation of the agency's authority

1 by the Comptroller General or the State Auditor. The employee shall also be reimbursed for the actual expenses incurred in the
2 obtaining of meals except that such costs shall not exceed \$25 per day within the State of South Carolina. For travel outside of
3 South Carolina the maximum daily reimbursement for meals shall not exceed \$32. Agencies may contract with food or dining
4 facilities to pay for meals on behalf of employees in accordance with rules and regulations established by the Budget and Control
5 Board. It shall be the responsibility of the agency head to monitor the charges for lodging which might be claimed by his
6 employees in order to determine that such charges are following maximum lodging rates as established by the U.S. General
7 Services Administration. Any exceptions must have the written approval of the agency head, taking into consideration location,
8 purpose of travel or other extenuating circumstances. The provisions of this item shall not apply to Section 42-3-40 of the 1976
9 Code, and when pertaining to institutions of higher learning, for travel paid with funds other than General Funds.

10 (B) That employees of the State, when traveling outside the United States, Canada, and Puerto Rico upon promotional
11 business for the State of South Carolina shall be entitled to actual expenses for both food and lodging.

12 (C) The Governor, Lieutenant Governor, Secretary of State, Comptroller General, Attorney General, State Treasurer,
13 Adjutant General, Superintendent of Education and the Commissioner of Agriculture shall be reimbursed actual expenses for
14 subsistence.

15 (D) Non-legislative members of committees appointed pursuant to Acts and Resolutions of the General Assembly whose
16 membership consists solely of members of the General Assembly or members of the General Assembly and other personnel who
17 are not employees of the State of South Carolina shall be allowed subsistence expenses of \$35 per day while traveling on official
18 business, unless otherwise designated by law. Members of such committees may opt to receive actual expenses incurred for
19 lodging and actual expenses incurred in the obtaining of meals in lieu of the allowable subsistence expense.

20 (E) Members of the state boards, commissions, or committees whose duties are not full-time and who are paid on a per diem
21 basis, shall be allowed reimbursement for actual expenses incurred at the rates provided in paragraph A and I of this section while
22 away from their places of residence on official business of the State. One person accompanying a handicapped member of a state
23 board, commission, or committee on official business of the State shall be allowed the same reimbursement for actual expenses
24 incurred at the rates provided in paragraph A through I of this section.

25 (F) No subsistence reimbursement shall be allowed to a Justice of the Supreme Court or Judge of the Court of Appeals while
26 traveling in the county of his official residence. When traveling on official business of said court within fifty miles outside the
27 county of his official residence, a Supreme Court Justice and a Judge of the Court of Appeals shall be allowed subsistence
28 expenses in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State.
29 When traveling on official business of said court fifty or more miles outside the county of his official residence, each Justice and
30 Judge of the Court of Appeals shall be allowed subsistence expenses in the amount as provided in this act for members of the
31 General Assembly plus such mileage allowance for travel as is provided for other employees of the State. The Chief Justice, or
32 such other person as the Chief Justice designates, while attending the Conference of Chief Justices and one member of the Supreme
33 Court while attending the National Convention of Appellate Court Judges, and three Circuit Judges while attending the National
34 Convention of State Trial Judges shall be allowed actual subsistence and travel expenses.

1 Upon approval of the Chief Justice, Supreme Court Justices, Judges of the Court of Appeals, Circuit Judges, and Family Court
2 Judges shall be reimbursed for actual expenses incurred for all other official business requiring out-of-state expenses at the rate
3 provided in paragraph A of this section.

4 (G) No subsistence reimbursements are allowed to a Circuit Judge, a Family Court Judge, or an Administrative Law Judge
5 while holding court within the county in which he resides. While holding court or on other official business outside the county,
6 within fifty miles of his residence, a Circuit Court Judge, Family Court Judge, or an Administrative Law Judge is entitled to a
7 subsistence allowance in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of
8 the State. While holding court or on other official business at a location fifty miles or more from his residence, a Circuit Court,
9 Family Court or Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members
10 of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State.

11 (H) Any retired Justice, Circuit Court Judge or Family Court Judge or Master-in-Equity appointed by the Supreme Court to
12 serve as a Special Circuit Judge, Family Court Judge, Appeals Court Judge, or Acting Associate Justice shall serve without pay but
13 shall receive the same allowance for subsistence, expenses, and mileage as provided in Part I for Circuit Court Judges.

14 (I) No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by
15 which he is employed except as provided in paragraph E, of this section. When an employee is assigned to work a particular
16 territory or district, and such territory or district and his official headquarters are in different localities or sections of the State,
17 expenses may be allowed for the necessary travel to his official headquarters. The members of the Workers' Compensation
18 Commission may be reimbursed at the regular mileage rate of one round trip each week from their respective homes to Columbia.
19 No subsistence reimbursement shall be allowed to a member of the Workers' Compensation Commission while traveling in the
20 county of his official residence. When traveling on official business of the commission outside the county of his official residence,
21 a member of the Workers' Compensation Commission shall be allowed subsistence expenses in the amount of \$35 per day. When
22 traveling on official business of the commission fifty or more miles outside the county of his official residence, each member shall
23 be allowed a subsistence allowance in the amount as provided in this act for members of the General Assembly. When out-of-
24 state, members of the Workers' Compensation Commission and the members of the Appellate Panel of the Department of
25 Employment and Workforce may claim the established amount of per diem, as stated in the General Appropriation Act, or actual
26 expenses as deemed reasonable by the Comptroller General. The members of the Appellate Panel of the Department of
27 Employment and Workforce may be reimbursed at the regular mileage rate when the member is on official business fifty miles or
28 more outside of Columbia. The members of the Appellate Panel of the Department of Employment and Workforce shall be
29 allowed subsistence allowance in the amount as provided in this act for members of the General Assembly when the member is on
30 official business fifty miles or more outside of Columbia.

31 (J) When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a
32 charge to equal the standard business mileage rate as established by the Internal Revenue Service will be allowed for the use of
33 such automobile and the employee shall bear the expense of supplies and upkeep thereof. The standard business mileage rate used
34 in this calculation shall be the current rate established by the Internal Revenue Service. Whenever state provided motor pool
35 vehicles are reasonably available and their use is practical and an employee of the State shall request for his own benefit to use his
36 or her personal vehicle in traveling on necessary official business, a charge of four cents per mile less than the standard business

1 mileage rate as established by the Internal Revenue Service will be allocated for the use of such vehicle and the employee shall
2 bear the expense of supplies and upkeep thereof. The standard business mileage rate used in this calculation shall be the current
3 rate established by the Internal Revenue Service. When such travel is by a state-owned automobile, the State shall bear the
4 expense of supplies and upkeep thereof but no mileage will be allowed. Agencies and employees are directed to use state fueling
5 facilities to the maximum extent possible, when such use is cost beneficial to the State. When using commercial fueling facilities,
6 operators of State-owned vehicles are directed to use self-service pumps. In traveling on the business of the State, employees are
7 required to use the most economical mode of transportation, due consideration being given to urgency, schedules and like factors.

8 Mileage between an employee's home and his/her place of employment is not subject to reimbursement. However, when an
9 employee leaves on a business trip directly from his/her home, and does not go by the employee's headquarters, the employee shall
10 be eligible for reimbursement for actual mileage beginning at his/her residence.

11 (K) That a state agency may advance travel and subsistence expense monies to employees of that agency for the financing of
12 ordinary and necessary travel required in the conducting of the business of the agency. The Budget and Control Board is directed
13 to develop and publish rules and regulations pertaining to the advancing of travel expenses and no state agency shall make such
14 advances except under the rules and regulations as published. All advances for travel and subsistence monies shall be repaid to the
15 agency within thirty days after the end of the trip or by July fifteenth, whichever comes first.

16 (L) That the state institutions of higher learning are authorized to reimburse reasonable relocation expenses for new
17 employees when such reimbursements are considered by the agency head to be essential to successful recruitment of professionally
18 competent staff members.

19 (M) The Budget and Control Board is authorized to promulgate and publish rules and regulations governing travel and
20 subsistence payments.

21 (N) No state funds may be used to purchase first class airline tickets.

22 **117.22.** (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall
23 render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting
24 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
25 recent operating financial statement. The funds appropriated in this act for contributions shall not be expended until the required
26 financial statements are filed with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes
27 which practice discrimination against persons by virtue of race, creed, color or national origin. The State Auditor shall review and
28 audit, if necessary, the financial structure and activities of each organization receiving contributions in this act and make a report to
29 the General Assembly of such review and/or audit, when requested to do so by the Budget and Control Board.

30 **117.23.** (GP: State Owned Aircraft - Flight Logs) Each agency having in its custody one or more aircraft shall maintain a
31 continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and
32 shall also be posted online. Any and all aircraft owned or operated by agencies of the State Government shall be used only for
33 official business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the
34 Governor, Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and
35 their invitees for official business only; no member of the General Assembly, no member of a state board, commission, or
36 committee, and no state official shall use any state owned or operated aircraft unless the member or official files within twenty-four

1 hours after the completion of the flight with the agency that provided the flight a sworn statement certifying and describing the
2 official nature of his trip; and no member of the General Assembly, no member of a state board, commission or committee, and no
3 state official shall be furnished air transportation by a state agency unless such agency prepares and maintains in its files a sworn
4 statement from the highest ranking official of the agency or its designee certifying that the member's or state official's trip was in
5 conjunction with the official business of the agency. Official business shall not include routine transportation to and from meetings
6 of the General Assembly or committee meetings for which mileage is authorized. Official business also does not include attending
7 a press conference, bill signing, or political function.

8 All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of
9 any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of
10 SLED or the Department of Commerce whose confidentiality must, in the opinion of SLED or the department, be protected shall
11 be listed in writing on the flight log as "Confidential Passenger SLED or the Department of Commerce (strike one)" and the
12 appropriate official of SLED or the department shall certify to the agency operating the aircraft the necessity for such
13 confidentiality. The Division of Aeronautics shall post its flight logs on its website within one working day of completion of trips.

14 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
15 and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a
16 violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them
17 as provided by law. The above provisions do not apply to state owned or operated aircraft when used by the Medical University of
18 South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher
19 education, nor to law enforcement officers when flying on state owned aircraft in pursuit of fugitives, missing persons, or felons or
20 for investigation of gang, drug, or other violent crimes.

21 Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

22 **117.24.** (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior
23 fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any
24 appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

25 This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the
26 amount of the general fund deficit shall be determined after first applying the Capital Reserve Fund provisions in Section 11-11-
27 320(D) of the 1976 Code, and before any transfers from the General Reserve. The amount of general funds needed to avoid a year-
28 end deficit shall be reduced proportionately from each agency's carry forward amount.

29 Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate
30 authority from their base for purposes of calculating the ten percent carry forward authorized herein. Any funds that are carried
31 forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

32 **117.25.** (GP: TEFRA-Tax Equity and Fiscal Responsibility Act) It is the intent of the General Assembly that the State
33 Medicaid Plan be amended to provide benefits for disabled children as allowed by the Tax Equity and Fiscal Responsibility Act
34 (TEFRA) option. State agencies, including but not limited to, the Department of Social Services - the Continuum of Care, the
35 Department of Health and Environmental Control, the Department of Mental Health, the Department of Disabilities and Special
36 Needs, and the Department of Health and Human Services shall collectively review and identify existing state appropriations

1 within their respective budgets that can be used as state match to serve these children. Such funds shall be used effective January
2 1, 1995 to implement TEFRA option benefits. Agencies providing services under the provisions of this paragraph must not spend
3 less in the current fiscal year than expended in the previous fiscal year.

4 **117.26.** (GP: Frequent Flyer Premiums) State agencies and employees shall select air carriers based on cost and time criteria,
5 not on whether frequent flyer premiums are given. State agencies should ensure that employees earning frequent flyer premiums
6 while traveling on state business use them to reduce the cost of subsequent business travel whenever possible.

7 **117.27.** (GP: Prison Industries) All agencies funded in this act, when procuring goods and services, shall first consider
8 contracting for services or purchasing goods and services through the Department of Corrections' Prison Industries Program. The
9 Department of Corrections shall furnish, upon request, to all agencies a catalogue of goods and services provided by Prison
10 Industries. The department is hereby directed to develop and market a catalogue of Prison Industries products for nationwide
11 circulation.

12 **117.28.** (GP: Travel Report) Annually on November first, the Comptroller General shall issue a report on travel expenditures
13 for the prior fiscal year which shall be distributed to the Senate Finance Committee, the House Ways and Means Committee, and
14 the Statehouse Press Room. The Comptroller General may use up to \$500 of general fund appropriations for the purpose of
15 providing copies to the media or the public upon request. The report must contain a listing for every agency receiving an
16 appropriation in the annual General Appropriations Act. The listing must show at a minimum the top ten percent of employees for
17 whom travel expenses and registration fees were paid within each agency, not to exceed twenty-five employees per agency.
18 Agencies should include position titles for each of the top twenty-five travelers for each agency. Expenditures must include state,
19 federal and other sources of funds. Expenditures for in-state and out-of-state registration fees (fees to attend conferences,
20 teleconferences, workshops, or seminars for training on a per person basis) must be shown as a separate subtotal within the grand
21 total for the individual employees and the agency as a whole. The list for each agency must be in rank order with the largest
22 expenditure first and the name of the employee must be shown with each amount. Agencies should include a brief summary of the
23 type of travel the agency incurs. The Comptroller General may provide additional information as deemed appropriate. The
24 Comptroller General shall provide no exceptions to this report in that the information contained is not considered confidential or
25 restricted for economic development purposes. However, further disclosure of detailed information shall be restricted as provided
26 for by law.

27 **117.29.** (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the
28 Department of Education, in consultation with the Budget and Control Board's Division of State Information Technology, the State
29 Library, the Educational Television Commission, and a representative from the Education Oversight Committee, shall administer
30 the K-12 technology initiative funds. These funds are intended to provide technology, encourage effective use of technology in K-
31 12 public schools throughout the state, conduct cost/benefit analyses of the various technologies, and should, to the maximum
32 extent possible, involve public-private sector collaborative efforts. Funds may also be used to establish pilot projects for new
33 technologies with selected school districts as part of the evaluation process. K-12 technology initiative funds shall be retained and
34 carried forward to be used for the same purpose.

35 **117.30.** (GP: State Operated Day Care Facilities Fees) Any state agency receiving funding in this act and any higher education
36 institution, including four-year institutions, two-year institutions, and technical colleges, that operates an early childhood

1 development center or day care facility shall charge, at a minimum, fees that are comparable to those charged by private day care
2 facilities in the local community. The institution or agency shall not restrict enrollment in the center solely to the children of
3 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
4 agency.

5 **117.31.** (GP: Base Budget Analysis) Agencies' annual accountability reports for the prior fiscal year, as required in Section
6 1-1-810, must be accessible to the Governor, Senate Finance Committee, House Ways and Means Committee, and to the public on
7 or before September fifteenth, for the purpose of a zero-base budget analysis and in order to ensure that the Agency Head Salary
8 Commission has the accountability reports for use in a timely manner. Accountability Report guidelines shall require agencies to
9 identify key program area descriptions and expenditures and link these to key financial and performance results measures. The
10 Budget and Control Board is directed to develop a process for training agency leaders on the annual agency accountability report
11 and its use in financial, organizational, and accountability improvement. Until performance-based funding is fully implemented
12 and reported annually, the state supported colleges, universities and technical schools shall report in accordance with Section 59-
13 101-350.

14 **117.32.** (GP: Collection on Dishonored Payments) In lieu of any other provision of law, any state agency may collect a service
15 charge as provided in Section 34-11-70 to cover the costs associated with the processing and collection of dishonored instruments
16 or electronic payments where any amount is not paid by the drawee due to insufficient funds on deposit with the bank or the person
17 upon which it was drawn when presented, or the instrument has an incorrect or insufficient signature on it. Such funds shall be
18 retained and expended by the agency in accordance with this purpose and any unused amount shall carry forward to the following
19 fiscal year.

20 **117.33.** (GP: State DNA Database) Funds collected by the South Carolina Department of Corrections, the Department of
21 Probation, Parole and Pardon, and Department of Juvenile Justice to process DNA samples must be remitted to the State Law
22 Enforcement Division to offset the expenses incurred to operate the State DNA Database program. SLED may retain, expend, and
23 carry forward these funds. Any carry forward funds resulting from the DNA Database program must be used solely to operate the
24 DNA Database program.

25 **117.34.** (GP: Menu Option Telephone Answering Devices) From the funds appropriated to state agencies, state agencies and
26 their departments shall not expend funds for any type of menu option telephone answering device, unless the menu option system
27 provides the caller with access to a non-electronic attendant or automatically transfers the caller to a non-electronic attendant. This
28 requirement applies during the hours of 8:30 a.m. until 5:00 p.m., Monday through Friday, excluding holidays. This requirement
29 does not apply to integrated voice response systems that are specifically designed to exclude human interaction. No additional
30 personnel may be hired to implement the requirements of this provision.

31 **117.35.** (GP: Voluntary Separation Incentive Program) State agencies may implement, in consultation with the Human
32 Resources Division of the Budget and Control Board, a program to realign resources to include provisions for a separation
33 incentive payment for employees which may include the employer portion of health and dental benefits not to exceed one year.
34 Employees participating in such program shall not be eligible to participate in the Teacher and Employee Retention Incentive
35 (TERI) program. Employees participating in such program shall be considered to have voluntarily quit their employment without
36 good cause and be subject to the provisions of Section 41-35-120(1) of the South Carolina Employment Security Law. Any

1 program developed under this provision will involve voluntary participation from employees and will be funded within existing
2 appropriations. The program must be approved by the agency head and the Director of the Human Resources Division based on
3 ability to demonstrate recurring cost savings for realignment and/or permanent downsizing. State agencies shall report the prior
4 year's results to the Budget and Control Board by August fifteenth, of the current fiscal year. The Budget and Control Board, upon
5 request, shall report to the Senate Finance Committee and the House Ways and Means Committee on these results.

6 **117.36.** (GP: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving
7 funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children
8 whose truancy is approaching the level of being referred to family court. When proceeding under S.C. Code Section 59-65-50 to
9 bring an individual case before the family court, the school district must present this plan as well as the district's efforts with
10 respect to the individual child to the court. Each school district's plan under this proviso shall include possible assignment to
11 alternative school for a non-attending child before petitioning the court.

12 **117.37.** (GP: Debt Collection Reports) Each state agency shall provide to the Chairmen of the Senate Finance and House of
13 Representatives Ways and Means Committees and the Inspector General a report detailing the amount of its outstanding debt and
14 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
15 purposes of this provision, outstanding debt means a sum remaining due and owed to a state agency by a non-governmental entity
16 for more than sixty (60) calendar days.

17 **117.38.** (GP: State Funded Libraries - Web Filters) (A) A library receiving state funds, directly, indirectly, by grant, or
18 otherwise, other than a library at an institution of higher learning, that has computers available for use by the public or students, or
19 both, must equip these computers with software incorporating web-filtering technology designed to eliminate or reduce the ability
20 of the computer to access sites displaying pornographic pictures or text. However, up to ten percent, and at least one, of the
21 library's computers must be unfiltered. Each library's governing officials shall determine the physical location of any unfiltered
22 computer(s). The library also must have a written policy providing sanctions against a person who instructs or demonstrates to
23 another person how to bypass this web-filtering technology.

24 (B) State funds intended for a library not in compliance with subsection (A) must be reduced by fifty percent. Funds resulting
25 from this reduction must be distributed among other libraries that are in compliance with subsection (A).

26 **117.39.** (GP: Tobacco Settlement Funds Carry Forward) State agencies are hereby authorized to retain and carry forward any
27 unexpended Tobacco Settlement Agreement funds from the prior fiscal year into the current fiscal year and to expend such funds
28 for the same purpose.

29 **117.40.** (GP: Use Tax Exemption) For the current fiscal year there is exempt from the use tax imposed pursuant to Chapter 36,
30 Title 12 of the 1976 Code the sales price of tangible personal property purchased for use in private primary and secondary schools,
31 including kindergartens and early childhood education programs, which are exempt from income taxes pursuant to Section
32 501(c)(3) of the Internal Revenue Code. For the purposes of this item, the Internal Revenue Code means Internal Revenue Code as
33 described in Section 12-6-40 of the 1976 Code. This exemption applies for sales occurring after 1995. No refund is due any
34 taxpayer of use tax paid on sales exempted by this paragraph.

35 **117.41.** (GP: Personal Property Tax Relief Fund) For the current fiscal year, Section 12-37-2735 of the 1976 Code is
36 suspended. If the Personal Property Tax Exemption Sales Tax is imposed in a county and a sales tax rate of two percent of gross

1 proceeds of sales is insufficient to offset the property tax not collected, sufficient amounts must be credited to the Trust Fund for
2 Tax Relief established pursuant to Section 11-11-150 of the 1976 Code to provide the reimbursement to offset such a shortfall in
3 the manner provided in Section 4-10-540(A) of the 1976 Code.

4 **117.42.** (GP: COG Annual Report) Each Council of Government shall submit a report to the Senate Finance Committee and
5 the House Ways and Means Committee by December first each year describing how the funds which they received from the State
6 in the prior fiscal year were expended.

7 **117.43.** (GP: Governor's Office, Veterans Affairs) Of the funds appropriated for the Division of Veterans Affairs, the Director
8 of the Division shall appoint an additional claims representative within the Division of Veterans Affairs, who, in addition to being
9 charged with the duty of assisting all ex-servicemen, regardless of the wars in which their service may have been rendered, in
10 filing, presenting, and prosecuting to final determination all claims which they have for money compensation, hospitalization,
11 training, and insurance benefits under the terms of federal legislation, shall also specialize in the specific needs and diseases
12 associated with veterans of the Vietnam era. The person appointed as a claims representative under this section must be versed in
13 federal legislation relating to these matters and the rules, regulations, and practice of the Veterans Administration as created by
14 Congress and his appointment must be approved by the Governor.

15 Subject to the direction of the director, and in addition to other duties prescribed in this section, the claims representative
16 appointed pursuant to this section may represent the Division of Veterans Affairs on the South Carolina Agent Orange Advisory
17 Council and on the Hepatitis C Coalition established by the South Carolina Department of Health and Environmental Control,
18 assist the Division of Veterans Affairs in carrying out its duties in connection with the Agent Orange Information and Assistance
19 program, represent the director in connection with functions relating to Vietnam veterans, and perform other duties as may be
20 assigned by the director.

21 **117.44.** (GP: South Carolina Recycling Initiative) To protect the public health and safety, protect and preserve the
22 environment of this State, and to recover resources which have the potential for usefulness in the most environmentally safe,
23 economically feasible and cost effective manner, state agencies shall purchase recycled steel unless the item cannot be acquired
24 competitively at a reasonable price.

25 **117.45.** (GP: Life and Palmetto Fellows Scholarships Waiver Exemption) Any provision in permanent law or in Part IB,
26 Section 117 of this act, except that which is specified for LIFE and Palmetto Fellows Scholarships, that would require general fund
27 appropriations other than what is specified in Part IA of this act is waived for the current fiscal year.

28 **117.46.** (GP: Sole Source Procurements) The Budget and Control Board shall evaluate and determine whether the written
29 determinations, explanations, and basis for sole source procurements, pursuant to S.C. Code Section 11-35-1560, and emergency
30 procurements, pursuant to S.C. Code Section 11-35-1570, are legitimate and valid reasons for awarding non-competitive contracts.

31 **117.47.** (GP: DMV Data) The Department of Motor Vehicles shall provide access, in compliance with all state and federal
32 privacy protection statutes, to the following data and reports without charge to the South Carolina Department of Transportation:

- 33 (1) all collision data and collision reports;
- 34 (2) registration information used for toll enforcement; and
- 35 (3) driver records of employees or prospective employees.

1 **117.48.** (GP: Parking Fees) State agencies shall not impose additional parking fees or increases in current fees for state
2 employees during the current fiscal year. This provision does not apply to any college or university.

3 **117.49.** (GP: Tobacco Funds) ~~The Tobacco Settlement Revenue Management Authority may determine by resolution that~~
4 ~~some or all of the amounts on deposit in the Healthcare Tobacco Settlement Trust Fund established pursuant to Section 11-11-170,~~
5 ~~whether in the form of principal or interest, may be used to refund bonds issued pursuant to Chapter 49, Title 11, to purchase such~~
6 ~~bonds, directly or indirectly, and/or to secure bonds issued to refund such bonds. Any amounts received by the Authority pursuant~~
7 ~~to the preceding clause in excess of the amount required to refund or purchase such bonds and all tobacco settlement receipts~~
8 ~~received by the State pursuant to Section 11-49-130 must be deposited directly with the Department of Health and Human Services~~
9 ~~for health care expenditures to achieve the maximum Medicaid match.~~

10 **117.50.** (GP: Facility Rental Fee) The Governor's School for the Arts and Humanities, Governor's School for Science and
11 Mathematics, Wil Lou Gray Opportunity School, and John de la Howe School are authorized to charge, collect, expend and carry
12 forward fees charged for facility and equipment rental and registration.

13 **117.51.** (GP: Insurance Claims) Any insurance reimbursement to an agency may be used to offset expenses related to the claim.
14 These funds may be retained, expended, and carried forward.

15 **117.52.** (GP: Organizational Charts) All agencies, departments and institutions of state government shall furnish to the Human
16 Resources Division (1) a current personnel organizational chart annually no later than September 1 of the current fiscal year, or
17 upon the request of the Division and (2) notification of any change to the agency's organizational structure which impacts an
18 employee's grievance rights within thirty days of such change. The organizational chart shall be in a form prescribed by the
19 Human Resources Division showing all authorized positions, class title, class code, position number and indications as to whether
20 such positions are filled or vacant. In addition, the organizational chart shall clearly identify those employees who are exempt
21 from the State Employee Grievance Procedure Act.

22 **117.53.** (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly the Budget
23 and Control Board is directed to work with affected State agencies in order to phase-in operations of restructured organizations
24 during the current fiscal year. Restructured organizations should be operating entirely under the revised structure no later than
25 December thirty-first, of the current fiscal year, unless otherwise directed by law. The Board is further directed to work with the
26 affected agencies in order to identify and facilitate the transfer of any portion of their operations, including transfer of funds during
27 the current fiscal year, which is affected by the restructured organization adopted by the General Assembly, but which has not
28 already been accomplished herein. Until sufficient changes can be made to the State's accounting system and the appointment of
29 appropriate agency heads, the Comptroller General and the State Treasurer shall allow those agencies affected by restructuring to
30 continue processing documents within the account structure existing on June thirtieth, of the prior fiscal year. Restructured
31 agencies shall make all the necessary accounting adjustments to complete the transition to the new account structure as soon as
32 possible, but no later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The Budget and
33 Control Board State Budget Division is directed to prepare the subsequent detail budget to conform Part IA and corresponding
34 provisos in this act to any restructuring changes that are ratified.

1 **117.54.** (GP: Agency Administrative Support Collaboration) It is the intent of the General Assembly that state agencies
2 continue to actively pursue cost savings measures through collaborative efforts and where feasible may combine administrative
3 support functions with other agencies in order to maximize efficiency and effectiveness.

4 **117.55.** (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal
5 treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines,
6 and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B)(D),
7 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
8 Assistance. The State Office of Victim Assistance is authorized to conduct an audit which shall include both a programmatic
9 review and financial audit of any entity or non-profit organization receiving victim assistance funding based on the referrals from
10 the State Auditor or complaints of a specific nature received by the State Office of Victim Assistance to ensure that crime victim
11 funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed by the Victim
12 Services Coordinating Council. The Victim Services Coordinating Council shall develop these guidelines to ensure any
13 expenditure which meets the parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure. Any local entity or non-
14 profit organization that receives funding from revenue generated from crime victim funds is required to submit their budget for the
15 expenditure of these funds to the State Office of Victim Assistance within thirty days of the budget's approval by the governing
16 body of the entity or non-profit organization. Failure to comply with this provision shall cause the State Office of Victim
17 Assistance to initiate a programmatic review and a financial audit of the entity's or non-profit organization's expenditures of victim
18 assistance funds. Additionally, the State Office of Victim Assistance will place the name of the non-compliant entity or non-profit
19 organization on their website where it shall remain until such time as they are in compliance with the terms of this proviso. Any
20 entity or non-profit organization receiving victim assistance funding must cooperate and provide expenditure/program data
21 requested by the State Office of Victim Assistance. If the State Office of Victim Assistance finds an error, the entity or non-profit
22 organization has ninety days to rectify the error. An error constitutes an entity or non-profit organization spending victim
23 assistance funding on unauthorized items as determined by the State Office of Victims Assistance. If the entity or non-profit
24 organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the State
25 Office of Victim Assistance shall assess and collect a penalty in the amount of the unauthorized expenditure plus \$1,500 against
26 the entity or non-profit organization for improper expenditures. This penalty plus \$1,500 must be paid within thirty days of the
27 notification by the State Office of Victim Assistance to the entity or non-profit organization that they are in non-compliance with
28 the provisions of this proviso. All penalties received by the State Office of Victim Assistance shall be credited to the General Fund
29 of the State. If the penalty is not received by the State Office of Victim Assistance within thirty days of the notification, the
30 political subdivision will deduct the amount of the penalty from the entity or non-profit organization's subsequent fiscal year
31 appropriation.

32 **117.56.** (GP: H.L. Hunley Museum Location) The General Assembly approves the City of North Charleston as the permanent
33 site of the H.L. Hunley Museum. This approval is contingent upon the negotiation and execution of necessary contracts between
34 the State of South Carolina and the City of North Charleston. The Hunley Commission is directed to expend funds from its
35 account to negotiate and execute contracts on behalf of the State of South Carolina.

1 **117.57.** (GP: Secure Juvenile Confinement) The Attorney General shall review the interpretation of the current policies of the
2 Department of Public Safety and the Department of Corrections regarding secure juvenile confinement that the departments
3 indicate may jeopardize federal grant funds. The departments may not implement any changes to the current policies regarding
4 secure juvenile confinement until the Attorney General considers the departments' interpretation of the federal Juvenile Justice and
5 Delinquency Prevention Act in regard to the secure holding of juveniles for more than six hours in adult detention facilities that
6 also serve as forty-eight-hour juvenile holdover facilities. The Attorney General will determine if the departments' interpretation is
7 fair and equitable and how the local governments and the Department of Juvenile Justice would be impacted, to include any
8 financial considerations.

9 **117.58.** (GP: ISCEDC Funding Transfer) The departments of Mental Health, Disabilities and Special Needs, and Juvenile
10 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
11 System for Caring for Emotionally Disturbed Children. Funding transfers shall be in the following amounts: Department of
12 Mental Health - \$595,000, Department of Disabilities and Special Needs - \$379,456, and Department of Juvenile Justice -
13 \$225,000. The transfer of funds shall be accomplished by September thirtieth of the current fiscal year.

14 **117.59.** (GP: Employee Bonuses) State agencies and institutions are allowed to spend state, federal, and other sources of
15 revenue to provide selected employees lump sum bonuses, not to exceed three thousand dollars per year, based on objective
16 guidelines established by the Budget and Control Board. Payment of these bonuses is not a part of the employee's base salary and
17 is not earnable compensation for purposes of employee and employer contributions to respective retirement systems. Employees
18 earning \$100,000 or more shall not be eligible to receive bonuses under this provision.

19 **117.60.** (GP: FEMA Flexibility) Any appropriation designated as the state share for a federally declared disaster may be
20 carried forward and used for the same purpose by the Emergency Management Division of the Adjutant General's Office in the
21 event of additional federally declared disasters. Unallocated funds from established state accounts may be used as the state share in
22 any federally declared disaster. Such funds may not be expended for any purpose other than for the state share for a federally
23 declared disaster.

24 In the event there is a federally declared disaster and state match funds are unavailable, the Budget and Control Board may
25 borrow from any internal account or accounts necessary to maximize federal matching funds through the Emergency Management
26 Division. Any such borrowing must be reported to the General Assembly within five days. Funds borrowed from accounts shall
27 be replenished by the General Assembly as soon as practicable.

28 **117.61.** (GP: Respiratory Syncytial Virus Prescription Sales and Use Tax Exemption) The effective date of the exemption
29 from sales and use tax of prescription medicines used to prevent respiratory syncytial virus shall be January 1, 1999. No refund of
30 sales and use taxes may be claimed as a result of this provision.

31 **117.62.** (GP: Year-End Financial Statements - Penalties) Agencies and other reporting entities required to submit annual
32 audited financial statements for inclusion in the State's Comprehensive Annual Financial Report must comply with the submission
33 dates stipulated in the State Auditor's Office audit contract. If the audit was not contracted by the State Auditor's Office, the final
34 audited financial statements are due not later than October tenth for the prior fiscal year. Each agency that does not comply with
35 the provisions of this proviso shall appear before the Comptroller General, providing an explanation for the delay.

1 **117.63.** (GP: Purchase Card Incentive Rebates) In addition to the Purchase Card Rebate deposited in the general fund, any
2 incentive rebate premium received by an agency from the Purchase Card Program may be retained and used by the agency to
3 support its operations.

4 **117.64.** (GP: Sex Offender Monitoring and Supervision) The funds appropriated to the Department of Probation, Parole and
5 Pardon Services in Part IA, Section 66, Program II.A.2. for the Sex Offender Monitoring Program and to the Department of
6 Juvenile Justice in Part IA, Section 67, Program III.A., Special Item: Sex Offender Monitoring are to be used and expended only
7 for GPS monitoring programs of the departments. In cases of limited funds, monitoring of “Jessie’s Law” offenders shall take
8 precedence over all other GPS programs of the departments. Funds appropriated for this program may not be used for any other
9 purpose or transferred to any other program. Unexpended funds appropriated for Sex Offender Monitoring may be carried forward
10 and used for the same purpose. The departments are directed to submit a report to the General Assembly by January fifteenth each
11 year accounting for the expenditure of the funds including any carry-forward funding; the total costs and per-day costs for
12 equipment, supervision, and monitoring; the total number of staff assigned to the activity and the average agent case loads; the
13 amount of funds collected from sex offenders for both intensive supervision and electronic monitoring; and the anticipated fiscal
14 needs for the upcoming fiscal year. The report shall also include, but not be limited to, data regarding the number of offenders
15 sentenced to electronic monitoring, including the number sentenced for life; the number of alert notifications received,
16 investigated, and prosecuted; and the number of offenders returned to prison as a result of electronic monitoring violations.

17 **117.65.** (GP: Viscosupplementation Therapies Sales and Use Tax Exemption) For the current fiscal year only, sales and use
18 taxes on viscosupplementation therapies shall be suspended. No refund or forgiveness of tax may be claimed as a result of this
19 provision.

20 **117.66.** (GP: LightRail) Pursuant to this provision the three research universities: Clemson University, the Medical University
21 of South Carolina, and the University of South Carolina-Columbia, are authorized and directed to plan, procure, administer,
22 oversee, and manage all functions associated with the South Carolina LightRail and are thereby exempt from the oversight and
23 project management regulations of the Budget and Control Board, Division of State Information Technology. South Carolina
24 LightRail is an academic network for the use of the state’s three research universities for the exchange of information directly
25 related to their mission and must not carry commercial or K-12 traffic originated in South Carolina. For the current fiscal year,
26 public or private organizations and entities may be provided access only through formal documented partnerships with one or more
27 of the three research universities. On February first of the current fiscal year, the entity managing the network must submit to the
28 Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee a report specifically
29 identifying each entity with access to the network and any payment, including without limitation in-kind payment, that each such
30 organization and entity is making for access to the network.

31 **117.67.** (GP: CID & PCC Agency Head Salaries) All hiring salaries and salary increases for the agency heads of the
32 Commission on Indigent Defense and the Prosecution Coordination Commission shall be subject to all provisions related to agency
33 heads covered by the Agency Head Salary Commission.

34 **117.68.** (GP: Prosecutors and Defenders Public Service Incentive Program) The Office of Attorney General, the Prosecution
35 Coordination Commission, and the Commission on Indigent Defense, in consultation with the South Carolina Student Loan
36 Corporation and the Commission on Higher Education, shall develop and implement a Prosecutors and Defenders Public Service

1 Incentive Program for attorneys employed by the Office of Attorney General, the Prosecution Coordination Commission, the
2 Commission on Indigent Defense, a Circuit Solicitor's Office or a county Public Defender's Office.

3 After more than three years of continuous service as a full-time attorney with any of these entities, qualifying attorneys may be
4 reimbursed up to \$1,000 for payments made in the prior calendar year on outstanding law school loans. Reimbursements for law
5 school loan payments may be increased by up to \$1,000 for each additional year of continuous service; however, such
6 reimbursements shall not exceed \$5,000 in any year. The amount of law school loan payment reimbursement in any calendar year
7 shall not exceed the amount of principal and interest paid on the loan in the prior calendar year. Reimbursements under the
8 program may continue until all outstanding law school loans are satisfied; however, such reimbursements shall not exceed \$40,000
9 per qualifying attorney. Reimbursements shall be adjusted if necessary so as not to exceed appropriations for the program.

10 The Prosecutors and Defenders Public Service Incentive Program must be administered by the South Carolina Student Loan
11 Corporation, which shall pay for the cost of administration within the funds appropriated.

12 The Office of Attorney General, the Prosecution Coordination Commission, and the Commission on Indigent Defense shall each
13 compile a report that includes, but is not limited to, the number of applicants and the impact of the program on attracting and
14 retaining attorneys. The Student Loan Corporation shall compile a report that includes, but is not limited to, the cost of
15 administering the program as well as the amount of reimbursements per agency or entity. Such reports shall be submitted to the
16 Senate Finance Committee and the House Ways and Means Committee by September first each fiscal year.

17 Unexpended program funds from the prior fiscal year may be carried forward into the current fiscal year to be used for the same
18 purpose.

19 **117.69.** (GP: Attorney Dues) Agencies and offices of the State of South Carolina that employ attorneys are authorized, if they
20 so decide, to use other appropriated funds, including General Fund carry forward funds, to pay the costs of mandatory dues owed
21 to the South Carolina Bar Association.

22 **117.70.** (GP: Healthcare Employee Recruitment and Retention) The Department of Corrections, Department of Disabilities
23 and Special Needs, Department of Health and Environmental Control, Department of Health and Human Services, Department of
24 Juvenile Justice, Department of Mental Health, and Department of Vocational Rehabilitation are allowed to spend state, federal,
25 and other sources of revenue to provide lump sum bonuses to aid in recruiting and retaining healthcare workers in critical needs
26 healthcare jobs based on objective guidelines established by the Budget and Control Board. The employee bonus amount shall be
27 approved by the State Human Resources Director and shall not exceed \$10,000 per year. Payment of these bonuses is not a part of
28 the employee's base salary and is not earnable compensation for purposes of employee and employer contributions to respective
29 retirement systems.

30 These agencies may also provide paid educational leave for any employees in an FTE position to attend class while enrolled in
31 healthcare degree programs that are related to the agency's mission. All such leave is at the agency head's discretion.

32 These agencies may enter into an agreement with Psychiatrists and Nurses newly employed in those positions to repay them for
33 their outstanding student loans associated with completion of a healthcare degree. The employee must be employed in a critical
34 needs area, which would be identified at the agency head's discretion. Critical needs areas could include rural areas, areas with
35 high turnover, or where the agency has experienced recruiting difficulties. Agencies may pay these employees up to twenty
36 percent or \$7,500, whichever is less, of their outstanding student loan each year over a five-year period. Payments will be made

1 directly to the employee at the end of each year of employment. The agency will be responsible for verifying the principle balance
2 of the employee's student loan prior to issuing payments.

3 Employees of these agencies working on a practicum or required clinical experience towards completion of a healthcare degree
4 may be allowed to complete these requirements at their state agency or another state agency at the discretion of the agency head.
5 This field placement at another state agency may be considered work time for participating employees.

6 These agencies are also authorized to allow tuition reimbursement from a maximum of ten credit hours per semester; allow
7 probationary employees to participate in tuition programs; and provide tuition pre-payment instead of tuition reimbursement for
8 employees willing to pursue a degree in a healthcare program. An agency may pay up to fifty percent of an employee's tuition
9 through tuition pre-payment. The remaining tuition could be reimbursed to the employee after successful completion of the class.

10 **117.71.** (GP: Governor's Budget Certification) The annual Executive Budget proposed by the Governor must be certified by
11 the Director of the State Budget Division of the Budget and Control Board or his designee in the same manner as the House Ways
12 and Means and Senate Finance Committee versions of the budget bill are certified.

13 **117.72.** (GP: Sexually Violent Predator Program) After the Department of Mental Health obtains all necessary project
14 approvals, the Department of Corrections may utilize inmate labor to perform any portion of the construction of an addition to the
15 Edisto Unit at the Broad River Correctional Institution, which houses the Department of Mental Health's Sexually Violent Predator
16 Treatment Program, such addition to be used for additional treatment space and staff offices. For purposes of this project, the
17 Department of Corrections may exceed the \$350,000 limit on projects for which it may use inmate labor.

18 **117.73.** (GP: Voluntary Furlough) Agency heads may institute a voluntary employee furlough program of not more than
19 ninety days per fiscal year. During this voluntary furlough, the state employees shall be entitled to participate in the same state
20 benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and
21 employee contributions, the state agencies, institutions and departments will be responsible for making both employer and
22 employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee
23 contributions, the employee remains solely responsible for making those contributions. In the event an agency's reduction is due
24 solely to the General Assembly transferring or deleting a program, this provision does not apply.

25 **117.74.** (GP: Governor's Security Detail) The State Law Enforcement Division, the Department of Public Safety, and the
26 Department of Natural Resources shall provide a security detail to the Governor in a manner agreed to by the State Law
27 Enforcement Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor.
28 Reimbursement to the State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources
29 to offset the cost of the security detail for the Governor shall be made in an amount agreed to by the State Law Enforcement
30 Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor from funds
31 appropriated to the Office of Governor for this purpose. Law enforcement officers assigned to security detail for the Governor
32 shall only perform services related to security and shall not provide any unrelated service during the assignment.

33 **117.75.** (GP: Reduction in Force Antidiscrimination) In the event of a reduction in force implemented by a state agency or
34 institution, the state agency or institution must comply with Title VII of the Civil Rights Act of 1964 or any other applicable
35 federal or state antidiscrimination laws.

1 **117.76.** (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or
2 institution of higher learning, the agency head shall be required to take five days furlough in the current fiscal year. If more than
3 one reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required for the initial plan.
4 The agency head will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be
5 retained by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled
6 to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits
7 which require employer and employee contributions, the state agency will be responsible for making both employer and employee
8 contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the
9 agency head remains solely responsible for making those contributions.

10 Placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State
11 Employee Grievance Procedure Act. In the event the reduction for the state agency or institution of higher learning is due solely to
12 the General Assembly transferring or deleting a program, this provision does not apply. Agencies may allocate the agency head's
13 reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough
14 occurs. The Budget and Control Board, Human Resources Division shall promulgate guidelines and policies, as necessary, to
15 implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Human Resources
16 Division of the Budget and Control Board.

17 For purposes of this provision, agency head includes the president of a technical college as defined by Section 59-103-5 of the
18 1976 Code.

19 The agency head of the State Board for Technical and Comprehensive Education shall not be required to take this mandatory
20 furlough based solely on the implementation of a reduction in force plan by a technical college.

21 An agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented as a result
22 of federal budget cuts or reorganization to accomplish organizational efficiencies.

23 **117.77.** (GP: Printed Report Requirements) (A) ~~For Fiscal Year 2013-14~~ *In the current fiscal year*, state supported institutions
24 of higher learning shall not be required to submit printed reports mandated by Sections 2-47-40, 2-7-50, and 59-103-110 of the
25 1976 Code, and shall instead only submit the documents electronically.

26 Submission of the plans or reports required by Sections 2-47-55, 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall
27 be waived for the current fiscal year, except institutions of higher learning must continue to report under 2-47-55 year one of the
28 Comprehensive Permanent Improvement Plan, student pass rates on professional examinations, and data elements otherwise
29 required for the Commission on Higher Education Management Information System. The commission, in consultation with
30 institutions, shall take further action to reduce data reporting burdens as possible.

31 (B) ~~For Fiscal Year 2013-14~~ *In the current fiscal year*, the Department of Agriculture shall not be required to submit printed
32 reports mandated by Section 46-49-10 of the 1976 Code. The department shall provide these reports electronically and shall use
33 any monetary savings for K5-12 agricultural education programs.

34 (C) ~~For Fiscal Year 2013-14~~ *In the current fiscal year*, the Department of Health and Human Services shall not be required to
35 provide printed copies of the Medicaid Annual Report required pursuant to Section 44-6-80 of the 1976 Code and the Provider
36 Reimbursement Rate Report required pursuant to Proviso 33.11, and shall instead only submit the documents electronically.

1 (D) ~~For Fiscal Year 2013-14~~ *In the current fiscal year*, the Department of Transportation shall not be required to submit printed
2 reports or publications mandated by Sections 1-11-58, 2-47-55, and 58-17-1450 of the 1976 Code.

3 The Department of Transportation may combine their Annual Report and Mass Transit Report into their Annual Accountability
4 Report.

5 **117.78.** (GP: IMD Operations) All funds received by the Department of Education, the Department of Juvenile Justice, the
6 Department of Disabilities and Special Needs, the Department of Mental Health, the Department of Social Services, and the
7 Governor's Office of Executive Policy and Programs-Continuum of Care as State child placing agencies for the Institution for
8 Mental Diseases Transition Plan (IMD) of the discontinued behavioral health services in group homes and child caring institutions,
9 as described in the Children's Behavioral Health Services Manual Section 2, dated 7/01/06, shall be applied only for out of home
10 placement in providers which operate Department of Social Services or Department of Health and Environmental Control licensed
11 institutional, residential, or treatment programs. An annual report by each state child placing agency shall be made on the
12 expenditures of all IMD transition funds and shall be provided to the Chairman of the Senate Finance Committee, Chairman of the
13 House Ways and Means Committee, and the Governor no later than November first each year. The Department of Health and
14 Human Services shall review the numbers of out of home placements by type and by agency each year and make recommendations
15 to the General Assembly.

16 **117.79.** (GP: Fines and Fees Report) In order to promote accountability and transparency, each state agency must provide and
17 release to the public via the agency's website, a report of all aggregate amounts of fines and fees that were charged and collected
18 by that state agency in the prior fiscal year. The report shall include, but not be limited to: (1) the code section, regulation, or
19 proviso that authorized the fines and fees to be charged, collected, or received; (2) the amount received by source; (3) the purpose
20 for which the funds were expended by the agency; (4) the amount of funds transferred to the general fund, if applicable, and the
21 authority by which the transfer took place; and (5) the amount of funds transferred to another entity, if applicable, and the authority
22 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
23 online by September first. Additionally, the report must be delivered to the Chairman of the Senate Finance Committee and the
24 Chairman of the House Ways and Means Committee by September first. Funds appropriated to and/or authorized for use by each
25 state agency shall be used to accomplish this directive.

26 **117.80.** (GP: Mandatory Furlough) In a fiscal year in which the general funds appropriated for a state agency are less than the
27 general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Budget and Control
28 Board implements a midyear across-the-board budget reduction, and agency heads institute a mandatory employee furlough
29 program, in determining which employees must participate in the program, agency heads should give consideration to furloughs for
30 contract employees, post-TERI employees, and TERI employees before other employees. During this mandatory furlough, the
31 state employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their
32 salaries. As to those benefits which require employer and employee contributions, the state agencies, institutions, and departments
33 will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to
34 those benefits which require only employee contributions, the employee remains solely responsible for making those contributions.
35 In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not
36 apply.

1 **117.81.** (GP: Reduction In Force) In a fiscal year in which the general funds appropriated for a state agency are less than the
2 general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Budget and Control
3 Board implements a midyear across-the-board budget reduction, and agency heads must make reductions in force, agency heads
4 should give consideration to reductions of contract employees, post-TERI employees, and TERI employees before other
5 employees. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this
6 provision does not apply.

7 **117.82.** (GP: Cost Savings When Filling Vacancies Created by Retirements) During the current fiscal year, whenever
8 classified FTEs become vacant because of employee retirements, it is the intent of the General Assembly that state agencies should
9 realize personnel costs savings of at least twenty-five percent in the aggregate when managing these vacant positions. Prior to
10 filling a classified FTE which has become vacant because of a retirement, an agency must review and determine the appropriate
11 salary for the position as well as determine whether the agency can manage without filling the position or by delay in filling the
12 position. Prior to filling the vacant FTE, agencies must follow all laws and regulations concerning posting and competitive
13 solicitation and consideration of applicants. No agency shall enter into any agreement with any employee that violates the terms of
14 this proviso.

15 **117.83.** (GP: Information Technology for Health Care) From the funds appropriated and awarded to the South Carolina
16 Department of Health and Human Services for the Health Information Technology for Economic and Clinical Health Act of 2009,
17 the department shall advance the use of health information technology and health information exchange to improve quality and
18 efficiency of health care and to decrease the costs of health care. In order to facilitate the qualification of Medicare and/or
19 Medicaid eligible providers and hospitals for incentive payments for meaningful health information technology (HIT) use, a health
20 care organization participating in the South Carolina Health Information Exchange (SCHIEEx) or a Regional Health Information
21 Organization (RHIO) or a hospital system health information exchange (HIE) that participates in SCHIEEx may release patient
22 records and medical information, including the results of any laboratory or other tests ordered or requested by an authorized health
23 care provider within the scope of his or her license or practice act, to another health information organization that requests the
24 information via a HIE for treatment purposes with or without express written consent or authorization from the patient. A health
25 information organization that receives or views this information from a patient's electronic health record or incorporates this
26 information into the health information organization's electronic medical record for the patient in providing treatment is considered
27 an authorized person for purposes of 42 C.F.R. 493.2 and the Clinical Laboratory Improvement Amendments.

28 **117.84.** (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment
29 Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the
30 recapture provisions would result in a decrease in payments received by the State. The Educational Television Commission
31 assumes management and administration of the lease and receives lease payments directly. The Educational Television
32 Commission shall retain and expend funds received pursuant to the lease for agency operations. The commission shall be
33 authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year. In the event of a default by the
34 current lease holder, the Educational Television Commission is authorized to use contingent funds up until such time as a new
35 lease can be negotiated by the State and the Educational Television Commission.

1 **117.85.** (GP: Reduction in Compensation) For the current fiscal year, no state agency or political subdivision of this state may
2 decrease the compensation of an employee, including dismissal, suspension, or demotion, solely because the employee gave sworn
3 testimony regarding alleged wrongdoing to a standing committee, subcommittee of a standing committee, or study committee of
4 the Senate or the House of Representatives. This proviso shall apply regardless of when the alleged wrongdoing occurred.

5 **117.86.** (GP: Deficit Monitoring) If at the end of each quarterly deficit monitoring review by the State Budget Division, it is
6 determined by either the State Budget Division or an agency that the likelihood of a deficit for the current fiscal year exists, the
7 agency shall submit to the State Budget Division within fourteen days, a plan to minimize or eliminate the projected deficit. After
8 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
9 officially notify the Budget and Control Board within thirty days of such determination that the agency is requesting that a deficit
10 be recognized. Once a deficit has been recognized by the Budget and Control Board, the agency shall limit travel and conference
11 attendance to the minimum required to perform the core mission of the agency. In addition, the board when recognizing a deficit
12 may direct that any pay increases and purchases of equipment and vehicles shall be approved by the State Budget Division.

13 **117.87.** (GP: Commuting Costs) State government employees who use a permanently assigned agency or state owned vehicle
14 to commute from their permanently assigned work location to and from the employee's home must reimburse the agency in which
15 they are employed for commuting use in accordance with IRS regulations based on guidance from the Office of Comptroller
16 General which must use the Cents per mile Rule, unless they are exempted from such reimbursement by applicable IRS
17 regulations. These permanently assigned vehicles must be clearly marked as a state or agency vehicle through the use of
18 permanent state-government license plates and either state or agency seal decals unless the vehicle is used primarily in undercover
19 operations. This requirement does not apply to a vehicle used by an employee for the purpose of a special travel assignment, for
20 active certified law enforcement officers authorized to carry firearms, execute warrants, and make arrests, for Constitutional
21 Officers, or for Department of Transportation employees on call for emergency maintenance.

22 **117.88.** (GP: Bank Account Transparency and Accountability) Each state agency, except state institutions of higher learning,
23 which has composite reservoir bank accounts or any other accounts containing public funds which are not included in the
24 Comptroller General's Statewide Accounting and Reporting System or the South Carolina Enterprise Information System shall
25 prepare a report for each account disclosing every transaction of the account in the prior fiscal year. The report shall be submitted
26 to the Budget and Control Board, through the Division of State Budget by October first of each fiscal year. The report shall
27 include the name(s) and title(s) of each person authorized to sign checks or make withdrawals from each account, the name and
28 title of each person responsible for reconciling each account, the beginning and year-end balance of funds in each account, and data
29 related to both deposits and expenditures of each account. The report shall include, but not be limited to, the date, amount, and
30 source of each deposit transaction and the date, name of the payee, the transaction amount, and a description of the goods or
31 services purchased for each expenditure transaction. To facilitate review, the Budget and Control Board shall prescribe a common
32 format for the report which agencies must use. In order to promote accountability and transparency, a link to the report shall be
33 posted on the Comptroller General's website as well as the agency's homepage.

34 When the State Auditor conducts or contracts for an audit of a state agency, accounts of the agency subject to this proviso must
35 be included as part of the review.

1 If an agency determines that the release of the information required in this provision would be detrimental to the state or the
2 agency, the agency may petition the Budget and Control Board to grant the agency an exemption from the reporting requirements
3 for the detrimental portion. The meeting to determine whether an exemption should be granted shall be closed. However, the
4 exemption may only be granted upon a majority vote of the Budget and Control Board in a public meeting.

5 **117.89.** (GP: Websites) All agencies, departments, and institutions of state government shall be responsible for providing on
6 its Internet website a link to the Internet website of any agency, other than the individual agency, department, or institution, that
7 posts on its Internet website that agency, department, or institution's monthly state procurement card statements or monthly reports
8 containing all or substantially all the same information contained in the monthly state procurement card statements. The link must
9 be to the specific webpage or section on the website of the agency where the state procurement card information for the state
10 agency, department, or institution can be found. The information posted may not contain the state procurement card number. Any
11 information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any
12 posting required by this section.

13 **117.90.** (GP: Regulations) For the current fiscal year, if a state agency proposes a regulation that levies or increases a fee, fine,
14 or that otherwise generates revenues, the title to the Joint Resolution which proposes the regulation must indicate that a fee, fine, or
15 revenue source is being proposed.

16 **117.91.** (GP: Joint Children's Committee) For the current fiscal year, the Department of Revenue is directed to reduce the rate
17 of interest paid on eligible refunds by one percentage point. Of the revenue resulting from this reduction, \$300,000 shall be
18 transferred to the Senate for the Joint Citizens and Legislative Committee on Children to provide the report, research, and other
19 operating expenses as directed in Section 63-1-50 of the 1976 Code. The remaining revenue resulting from this reduction shall be
20 transferred to the Department of Juvenile Justice to be used for mentoring or alternatives to incarceration programs. Unexpended
21 funds authorized by this provision may be retained and carried forward by the Senate or the Department of Juvenile Justice,
22 respectively, and used for the same purposes. The rate of reduction authorized in this provision shall be in addition to the reduction
23 authorized in Proviso 92.10.

24 **117.92.** (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a
25 state or local government employee or former state or local government employee ("government employee") is personally sued for
26 civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to
27 trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee
28 within the scope of their official duty. If the court finds that the government employee was acting outside the scope of the
29 employee's official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the
30 government employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages
31 with respect to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that
32 the employee was acting within the scope of their official duties. Nothing in this proviso prevents an insurance provider from
33 defending and paying, respectively, any claims that the provider has contractually agreed to defend and pay.

34 **117.93.** (GP: Recovery Audits) The Budget and Control Board shall contract with one or more firms to conduct recovery
35 audits of payments made by all state agencies to vendors for goods and services. The audits must be designed to detect, document,
36 and recover overpayments and erroneous payments to the vendors and to recommend improved financial and operational practices

1 and procedures. A state agency shall pay, from recovered monies received, the recovery audit firm responsible for obtaining for
2 the agency a reimbursement or payment from a vendor a negotiated fee not to exceed twenty percent of the funds recovered by that
3 firm.

4 Unless otherwise restricted by law, funds recovered, less the cost of recovery, shall be remitted to ~~a special fund subject to~~
5 ~~appropriation by the General Assembly~~ the Tax Relief Reserve Fund. Agencies may recover costs that are documented to be
6 directly related to implementation of this provision. On July 1, 2014, any funds contained in the special fund established under
7 proviso 117.96 of Act 101 of 2013 shall be transferred to the Tax Relief Reserve Fund.

8 Recovery audits apply only to payments made more than one hundred eighty days prior to the date the audit is initiated and shall
9 cover at least three complete fiscal years.

10 All information provided under a contract must be treated as confidential by the recovery audit firm. A violation of this
11 provision shall result in the forfeiture by the firm of all compensation under the contract and to the same sanctions and penalties
12 that would apply to that disclosure.

13 Each state agency shall participate in this recovery audit program and shall cooperate and provide the recovery audit firm with
14 all information necessary for the audit in a timely manner, except a state agency may elect not to participate in the current fiscal
15 year if its most recent three-year audit demonstrated no overpayments. All vendors that provide goods or services to a state
16 agency shall cooperate with the recovery audit firm in its audit.

17 A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit
18 conducted under this provision. Payments to the recovery audit firm from the federal share of recovered funds shall be solely from
19 the federal portion as allowed by the federal agency.

20 In addition to performing the recovery audits, the recovery audit firm may conduct an analysis of contracts and pricing
21 structures, as determined and directed by the Executive Director of the Budget and Control Board or her or his designee, to identify
22 and recommend future cost-savings and improved state agency financial operations going forward. A state agency shall pay the
23 recovery audit firm responsible for obtaining the agency actual cost-savings a fee as authorized by the contract with the recovery
24 audit firm.

25 The recovery audit firm shall provide reports to the Budget and Control Board detailing its findings, the causes for the
26 overpayments and erroneous payments, future cost-savings opportunities and its recommendations for strengthening state
27 operations and/or state contracts to prevent improper payments in the future.

28 For purposes of this proviso, the term “vendor” or “vendors” includes, but is not limited to, sellers, suppliers, service providers,
29 other providers, contractors and third party administrators; the term “overpayments and erroneous payments” includes, but is not
30 limited to, overpayments, duplicate payments, erroneous payments, and rebates, discounts and credits not received; and the term
31 “state agency” or “state agencies” includes all state agencies, boards, commissions, institutions and institutions of higher education

32 The Budget and Control Board shall provide copies, including electronic form copies, of final reports received from a firm under
33 contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means
34 Committee; and the state auditor’s office. Not later than January first of each year, the board shall issue a report to the General
35 Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.

1 **117.94.** (GP: Funds Transfer to ETV) In the current fiscal year funds appropriated in Part IA to the Budget and Control Board
2 in Section 101 for Legislative & Public Affairs Coverage and Emergency Communications Backbone and to the Law Enforcement
3 Training Council in Section 64 for State & Local Training of Law Enforcement, City and County municipal training services must
4 be transferred to the Educational Television Commission (ETV) ~~during July, 2013~~ no later than July thirty-first for the
5 continuation of services as provided in the prior fiscal year.

6 **117.95.** (GP: Opt Out of Federal Patient Protection and Affordable Care Act) If federal law permits, the State of South
7 Carolina opts out of the following provisions in the federal Patient Protection and Affordable Care Act (Public Law 111-148):

8 (1) Subtitles A through C of Title I (and the amendments made by such subtitles), except for Sections 1253 and 1254;

9 (2) Parts I, II, III, and V of subtitle D of Title I (and the amendments made by such parts);

10 (3) Part I of subtitle E of Title I (and the amendments made by such part);

11 (4) Subtitle F of Title I (and the amendments made by such subtitle);

12 (5) Sections 2001 through 2006 (and the amendments made by such sections); and

13 (6) Sections 10101 through 10107 (and the amendments made by such sections).

14 **117.96.** (GP: Means Test) All agencies providing Healthcare Services are directed to identify standards and criteria for means
15 testing on all programs provided, where allowed by Federal guidelines. Once a consistent criteria has been established within an
16 agency, they shall implement their respective plans. Each agency shall report all criteria and fiscal data to the Chairman of the
17 Senate Finance Committee and to the Chairman of the House Ways and Means Committee no later than January 1, ~~2014~~ 2015.

18 **117.97.** (GP: Agency Reduction Management) ~~The General Assembly encourages state agencies, in the event agencies are~~
19 ~~assessed a base reduction, to endeavor to realize savings through: (1) payroll management, including, but not limited to, furloughs,~~
20 ~~reductions in employee compensation, and instituting a hiring freeze; (2) eliminate administrative overhead cost that does not~~
21 ~~directly impact the agency's mission; and as a final option (3) reductions to programmatic funding.~~

22 **117.98.** (GP: WIA Service Advertising) For Fiscal Year ~~2013-14~~ 2014-15, the Workforce Investment Boards may promote
23 outreach for their services via billboard, bus placard, newspapers, or radio in all workforce investment areas. This outreach may
24 not be limited to e-mail, online, or other internet-based outreach, publicity, or other promotions. Workforce investment boards
25 must adhere to all state procurement policies and procedures when utilizing outreach for the services provided by the Workforce
26 Investment Act.

27 **117.99.** (GP: WIA Training Marketability Evaluation) (A) For Fiscal Year ~~2013-14~~ 2014-15, the Department of Employment
28 and Workforce shall submit a report that demonstrates how funds were expended in the prior fiscal year to provide marketable
29 work skills training. The report shall include, but not be limited to the total number of local training recipients, a description of the
30 training area in which each recipient participated, and the number and percentage of participants in each training area that, upon
31 completion of training, have become employed in the field in which they were trained. The report shall be submitted to the
32 Chairman of the Senate Finance Committee, the Chairman of the Senate Labor, Commerce and Industry Committee, the Chairman
33 of the House Ways and Means Committee, and the Chairman of the House Labor, Commerce and Industry Committee on or before
34 November 16th.

35 (B) Also, the report must specifically describe any restructuring or realignment of agency functions, and any changes in staffing
36 levels or service. The report must detail information on employees terminated, hired, re-hired, reassigned, or reclassified by

1 program area and location. Further, the report must describe efforts made by the agency to reassign or retrain employees who were
2 terminated for positions for which the department hired new employees.

3 **117.100.** (GP: Victims Assistance Transfer) The Department of Corrections shall transfer \$20,500 each month to the
4 Department of Public Safety for distribution through the State Victims Assistance Program.

5 **117.101.** (GP: DOC & PPP Potential Consolidation Plan) From the funds appropriated to the Department of Corrections and the
6 Department of Probation, Parole and Pardon Services, the directors of the departments may collaborate and develop a plan to
7 consolidate the functions of the departments.

8 **117.102.** (GP: USC Greenville Medical School) It is the intent of the General Assembly that during Fiscal Year ~~2013-14~~ 2014-
9 15, no general funds shall be appropriated for the new medical school at the University of South Carolina in Greenville. In
10 addition, no state funds may be transferred from state earmarked or restricted funds held by the University of South Carolina to the
11 medical school except for grants, contributions, contractual payments, and tuition and required fees for students attending the new
12 medical school at the University of South Carolina in Greenville that are specifically designated for the medical school at the
13 University of South Carolina in Greenville.

14 **117.103.** (GP: Retirement Investment Commission) Of the funds appropriated and or authorized, the Retirement Investment
15 Commission shall submit a report to the Governor, the Senate Finance Retirement Subcommittee and the Ways and Means
16 Legislative, Executive, and Local Government Subcommittee by January 15, ~~2014~~ 2015 that sets forth a plan regarding salary
17 bonuses for calendar year 2015. ~~The plan must be approved by both subcommittees before implementation.~~

18 **117.104.** (GP: First Steps - BabyNet) In addition to the statutory duties assigned to South Carolina First Steps to School
19 Readiness Board of Trustees; the board shall ensure the state's compliance with the Individuals with Disabilities Act, Part C and
20 the First Steps' full implementation of recommendations contained in the 2011 audit report of the LAC regarding the BabyNet
21 Program. First Steps shall submit any necessary statutory changes to the Chairman of the House Education and Public Works
22 Committee and the Chairman of the Senate Education Committee and any budget recommendations in the agency's budget request
23 as submitted to the Governor. Until completion, First Steps shall post on its website a quarterly report on the timelines of its
24 progress in implementing the recommendations of the LAC. The Board of Trustees will be kept informed monthly of all activities
25 related to this requirement and those progress reports must be recorded in the minutes for each meeting of the Board of Trustees.
26 When First Steps has implemented all of the recommendations enumerated above, a final report shall be submitted to the Board of
27 Trustees for its adoption. Upon approval by the Board of Trustees, the final report shall be published on First Steps' homepage.
28 First Steps to School Readiness, the School for the Deaf and Blind, the Department of Disabilities and Special Needs, the
29 Department of Health and Human Services, the Department of Mental Health and the Department of Social Services shall each
30 provide on a common template developed by the agencies, a quarterly report to the Chairman of the House Ways and Means
31 Committee and the Chairman of Senate Finance outlining all programs provided by them for BabyNet; all federal funds received
32 and expended on BabyNet and all state funds expended on BabyNet. Each entity and agency shall report on its share of the state's
33 ongoing maintenance of effort as defined by the US Department of Education under IDEA Part C.

34 **117.105.** (GP: Single Audit Schedule of Federal Expenditures) To ensure timely completion of the of the Statewide Single
35 Audit, state agencies which do not receive a separate audit of federal expenditures, must submit to the Office of the State Auditor a

1 schedule of federal program expenditures in a format prescribed by the Office of the State Auditor, no later than August fifteenth
2 of each year.

3 **117.106.** (GP: Prohibits Local Government Fund Public Funded Lobbyists) All local governmental entities including, but not
4 limited to, counties, municipalities, and associations are prohibited from using taxpayer funds received from the Local Government
5 Fund to compensate employees for lobbying activities engaged in on behalf of such governmental entity.

6 **117.107.** (GP: School Construction Development Impact Fee Assessment Prohibition) Governmental entities are prohibited
7 from assessing South Carolina Development Impact Fees on the construction of new elementary, middle, or secondary schools. If
8 a governmental entity violates this prohibition it shall have its Aid to Subdivisions Allocation reduced by the amount of the impact
9 fee.

10 **117.108.** (GP: First Steps Reauthorization) ~~Act 99 of 1999, the South Carolina First Steps to School Readiness Act, is~~
11 ~~reauthorized for the duration of Fiscal Year 2013-14.~~

12 **117.109.** (GP: Sexually Violent Predator Treatment RFP) ~~The Director of the Department of Mental Health and the Director of~~
13 ~~the Department of Corrections shall cooperate with the Budget and Control Board, Division of Procurement Services which shall~~
14 ~~develop and cause to be issued a Request for Proposals (RFP) seeking long term solutions for securely housing and treating the~~
15 ~~growing population of individuals adjudicated as Sexually Violent Predators and civilly committed to the Department of Mental~~
16 ~~Health pursuant to the Sexually Violent Predators Act.~~

17 ~~The purpose of the RFP shall be to seek proposals from qualified private providers to provide secure housing and treatment~~
18 ~~services to all individuals civilly committed pursuant to the Sexually Violent Predators Act.~~

19 ~~As part of the process, the Department of Mental Health, the Department of Corrections, and the Budget and Control Board shall~~
20 ~~provide up to date information concerning the current operation of the program and shall provide information about suitable state~~
21 ~~owned real property. The RFP shall be issued on or before October 31, 2013.~~

22 ~~The RFP shall be worded broadly to allow respondents to propose creative and cost effective long term solutions for the~~
23 ~~operation of this program in order to address the issues raised in Proviso 23.15 of the 2012-13 State Appropriations Act and the~~
24 ~~resulting January 3, 2013, Report on the SVP Program issued by the Department of Mental Health and the Department of~~
25 ~~Corrections.~~

26 ~~In addition to treatment services, respondents shall be allowed, but not required, to propose a single source solution with~~
27 ~~responsibility for all aspects of the program including but not limited to housing, security, food, clothing, health care, transport, and~~
28 ~~treatment services. The RFP shall allow for, but not require, respondents to include in their responses the use of other private or~~
29 ~~public partners (subcontractors) and/or the lease or use or purchase of state owned real property.~~

30 ~~The selected contractor may be authorized to sponsor the issuance of tax exempt certificates of participation or other finance~~
31 ~~solutions to fund the project and the state is authorized to enter into a lease/purchase agreement for the necessary replacement~~
32 ~~facilities.~~

33 **117.110.** (GP: Prohibit Use of State Aircraft for Athletic Recruitment) Institutions of higher learning may ~~not~~ use the state
34 aircraft operated by the Division of Aeronautics for the purpose of athletic recruiting, *provided that they reimburse the Division of*
35 *Aeronautics on an at-cost basis, using non-state funds.*

1 **117.111.** (GP: Recreational Activities) Two counties that receive an allocation from the Local Government Fund may enter into
2 a Memorandum of Understanding in order to provide recreational activities and projects that benefit the citizens of both counties.

3 **117.112.** (GP: Annual Audit of Court Fees and Fines Reports) The State Auditor is required to perform a minimum of fifteen
4 (15) audits annually of county treasurers, municipal treasurers, county clerks of court, magistrates and/or municipal courts as
5 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
6 required to spend more than the annual amount of \$250,000, received from the State Treasurer to conduct the said audits pursuant
7 to Section 14-1-210 of the 1976 Code. The State Auditor shall consult with the State Treasurer to determine the jurisdictions to be
8 audited in the current fiscal year. Jurisdictions may be selected randomly or based on an instance in the current or previous fiscal
9 year of failing to report, incorrectly reporting or under remitting amounts owed. The funds transferred to the State Auditor by the
10 State Treasurer shall not be used for any purpose other than to conduct the described audits and report whether or not the
11 assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed and/or mandated are properly
12 collected and remitted to the State. Any unexpended balance on June thirtieth of the prior fiscal year shall be carried forward and
13 must be expended for the same purpose during the current fiscal year. The State Auditor shall annually report by October 1 its
14 findings of the jurisdictions audited to the Senate Finance Committee and the House Ways and Means Committee.

15 **117.113.** (GP: Technology and Remediation) The funds appropriated to the Budget and Control Board for the Division of
16 Information Security shall be used to develop and implement a statewide information security program. A portion of the non-
17 recurring funds may be used for enterprise technology and remediation, and distributed to state agencies to address the State's most
18 serious information security vulnerabilities as determined by the Division of Information Security and the Division of State
19 Information Technology.

20 **117.114.** (GP: Fiduciary Audit) Of the funds authorized for the Retirement System Investment Commission, the commission
21 shall transfer ~~\$700,000~~ \$500,000 to the Office of Inspector General. The funds transferred shall be utilized by the Inspector
22 General to employ a private audit firm to perform the fiduciary audit on the Retirement System Investment Commission as
23 required by ~~Section~~ Sections 9-4-40 and 9-16-380 of the 1976 Code, as amended.

24 **117.115.** (GP: Aircraft Chartering Services Analysis) ~~The Budget and Control Board is directed to conduct an analysis to~~
25 ~~determine the costs and benefits of selling the following state-owned aircraft operated by the Division of Aeronautics: Hawker~~
26 ~~Beechcraft King Air 350 and Hawker Beechcraft King Air C90; and authorizing private chartering services for use by state~~
27 ~~officials and state agencies to conduct the state's official business. This analysis must be presented to the Governor and General~~
28 ~~Assembly no later than January 1, 2014. The Budget and Control Board shall have the authority to sell the state-owned aircraft if~~
29 ~~the cost-benefit analysis justifies the sale.~~

30 **117.116.** (GP: Donation of Alcoholic Liquors) ~~In the current fiscal year, a wholesaler may donate beer, wine, and alcoholic~~
31 ~~liquors to a nonprofit organization that has a license, including a temporary license, to serve the applicable beverage. This~~
32 ~~provision only applies if the event hosted by the nonprofit organization creates an economic impact on State revenues.~~

33 **117.117.** (GP: Data Breach Notification) (A) An agency of this State owning or licensing computerized data or other data that
34 includes personal identifying information shall disclose any breach of the security of the system following discovery or notification
35 of the breach in the security of the data to any resident of this State whose personal identifying information was, or is reasonably
36 believed to have been, acquired by an unauthorized person. In determining whether information has been acquired, or is

1 reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the agency may
2 consider the following factors, among others:

3 (1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or
4 stolen computer or other device containing information;

5 (2) indications that the information has been viewed, downloaded, or copied; or

6 (3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances
7 of reported identity theft.

8 (B) An agency maintaining computerized data or other data that includes personal identifying information that the agency does
9 not own shall notify the owner or licensee of the information of a breach of the security of the data immediately following
10 discovery, if the personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person.

11 (C) The disclosure requirements of subsections (A) and (B) must be made in the most expedient time possible and without
12 unreasonable delay; however, the notification required by this section may be delayed if a law enforcement agency determines that
13 the notification impedes a criminal investigation and must be made after the law enforcement agency determines that it no longer
14 compromises the investigation. A delay in notification shall not exceed seventy-two hours after discovery, unless the agency
15 requests and the attorney general grants, in writing, additional delays of up to seventy-two hours each upon a determination that
16 such notification impedes a criminal investigation.

17 (D) For purposes of this section:

18 (1) "Agency" means any agency, department, board, commission, committee, or institution of higher learning of the State
19 or a political subdivision of it.

20 (2) "Breach of the security of the system" means unauthorized access to and acquisition of computerized data that was not
21 rendered unusable through encryption, redaction, or other methods that compromise the security, confidentiality, or integrity of
22 personal identifying information maintained by the agency, when illegal use of the information has occurred or is reasonably likely
23 to occur or use of the information creates a material risk of harm to the consumer. Good faith acquisition of personal identifying
24 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
25 the personal identifying information is not used or subject to further unauthorized disclosure.

26 (3) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative non-profit basis,
27 regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information
28 on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate
29 commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies shall be compiled by
30 the Department of Consumer Affairs and furnished upon request to the agency required to make a notification under this section.

31 (4) "Personal identifying information" means the first name or first initial and last name in combination with and linked to
32 any one or more of the following data elements that relate to a resident of this State, when the data elements are neither encrypted
33 nor redacted or when the data elements are encrypted with an encryption key and the encryption key that has also been acquired:

34 (a) social security number;

35 (b) driver's license number or state identification card number issued instead of a driver's license;

1 (c) financial account number, or credit card or debit card number in combination with any required security code,
2 access code, or password that would permit access to a resident's financial account; or

3 (d) other numbers or information which may be used to access a person's financial accounts or numbers or
4 information issued by a governmental or regulatory entity that uniquely will identify an individual.

5 The term does not include information that is lawfully obtained from publicly available information, or from federal, state, or
6 local government records lawfully made available to the general public.

7 (E) The notice required by this section may be provided by:

8 (1) written notice;

9 (2) electronic notice, if the agency's primary method of communication with the individual is by electronic means, the
10 person to whom notice is required has expressly consented to receiving said notice in electronic form, or is consistent with the
11 provisions regarding electronic records and signatures set forth in Section 7001 of Title 15 USC and Chapter 6, Title 26 of the 1976
12 Code;

13 (3) telephonic notice; or

14 (4) substitute notice, if the agency demonstrates that the cost of providing notice exceeds two hundred fifty thousand
15 dollars or that the affected class of subject persons to be notified exceeds five hundred thousand or the agency has insufficient
16 contact information. Substitute notice consists of:

17 (a) e-mail notice when the agency has an e-mail address for the subject persons;

18 (b) conspicuous posting of the notice on the agency's web site page, if the agency maintains one; or

19 (c) notification to major statewide media.

20 Regardless of the method by which notice is provided, such notice shall include contact information for the agency making the
21 notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a
22 person without valid authorization, including specification of which of the elements of personal information and private
23 information were, or are reasonably believed to have been, so acquired.

24 (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
25 remedies available at law, may:

26 (1) institute a civil action to recover damages;

27 (2) seek an injunction to enforce compliance; and

28 (3) recover attorney's fees and court costs, if successful.

29 (G) An agency that knowingly and willfully violates this section is subject to an administrative fine up to one thousand dollars
30 for each resident whose information was accessible by reason of the breach, the amount to be decided by the Department of
31 Consumer Affairs.

32 (H) If the agency provides notice to more than one thousand persons at one time pursuant to this section, the agency shall
33 notify, without unreasonable delay, the Consumer Protection Division of the Department of Consumer Affairs and all consumer
34 reporting agencies that compile and maintain files on a nationwide basis, as defined in 15 USC Section 1681a(p), of the timing,
35 distribution, and content of the notice.

1 **117.118.** (GP: State Ports Authority Property) ~~If the State Ports Authority has not completed the sale of its real property on~~
2 ~~Daniel Island and Thomas (St. Thomas) Island, except for the dredge disposal cells that are needed in connection with the~~
3 ~~construction of the North Charleston terminal on the Charleston Naval Complex and for harbor deepening and for channel and~~
4 ~~berth maintenance, by December 31, 2013, the Budget and Control shall, on January 1, 2014, transfer the property back to the~~
5 ~~authority. The authority shall sell the real property under terms and conditions it considers most advantageous to the authority and~~
6 ~~the State of South Carolina and the sale must be completed by June 30, 2014. The State Ports Authority must transfer the property~~
7 ~~to the Budget and Control Board for sale if the authority is unable to complete the sale by June 30, 2014.~~
8

9 **SECTION 118 - X91-STATEWIDE REVENUE**
10

11 **118.1.** (SR: Year End Expenditures) Unless specifically authorized herein, the appropriations provided in Part IA of this act as
12 ordinary expenses of the State Government shall lapse on July 31, ~~2014~~ 2015. State agencies are required to submit all current
13 fiscal year input documents and all electronic workflow for accounts payable transactions to the Office of Comptroller General by
14 July 14, ~~2014~~ 2015. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of
15 the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the
16 approval of the Budget and Control Board and Joint Bond Review Committee, toward the accomplishment of the purposes for
17 which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now
18 outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided,
19 unless definite commitments shall have been made, with the approval of the Budget and Control Board, toward the
20 accomplishment of the purposes for which the appropriations were provided.

21 **118.2.** (SR: Titling of Real Property) It is the intent of the General Assembly to establish a comprehensive central property and
22 office facility management process to plan for the needs of state government agencies and to achieve maximum efficiency and
23 economy in the use of state owned or state leased real properties. The Budget and Control Board is directed to identify all state
24 owned properties whether titled in the name of the state or an agency or department, and all agencies and departments of state
25 government are upon request to provide the Board all documents related to the title and acquisition of the real properties that are
26 occupied or used by the agency or titled in the name of the agency. Except for any properties where the Board determines title
27 should not be in the name of the State because the properties are subject to reverter clauses or other restraints on the property, or
28 where the Board determines the state would be best served by not receiving title, and with the exception of properties, highways
29 and roadways owned by the Department of Transportation, title of any property held by or acquired by a state agency or
30 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
31 state shall not affect the operation or use of real property by an agency.

32 This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority;
33 the Ports Authority; the South Carolina Division of Public Railways; the MUSC Hospital Authority; the Myrtle Beach Air Force
34 Redevelopment Authority; the Department of Transportation; the Midlands Technical College Enterprise Campus Authority, the
35 Trident Technical College Enterprise Campus Authority; the Area Commission of Tri-County Technical College; and the
36 Charleston Naval Complex Redevelopment Authority.

1 This provision is comprehensive and supersedes any conflicting provisions concerning title and acquisition and disposition of
2 state owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

3 ~~The Budget and Control Board is directed to provide to the Department of Education, funds equal to the amount realized from~~
4 ~~the sale of the Greenville Halton Road Bus Shop property for school bus maintenance shop relocations, construction, and shop~~
5 ~~equipment.~~

6 **118.3.** (SR: Contingency Reserve Fund) (A) There is created in the State Treasury a fund separate and distinct from the general
7 fund of the State, the Capital Reserve Fund, and all other funds entitled the Contingency Reserve Fund. All general fund revenues
8 accumulated in a fiscal year in excess of general appropriations and supplemental appropriations must be credited to this fund.
9 Revenues credited to this fund in a fiscal year may be appropriated by the General Assembly. Upon determination by the
10 Comptroller General as to the amount to be deposited in the Contingency Reserve Fund, the Comptroller General shall notify the
11 Board of Economic Advisors and the board shall recognize that amount as surplus funds. Revenues in this fund may be
12 appropriated only for the purposes provided in subsection (B).

13 (B) (1) If the balance in the general reserve fund established pursuant to Section 36, Article III of the Constitution of this State
14 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
15 Contingency Reserve Fund up to the total necessary to replenish the general reserve fund. This amount does not replace or
16 supplant the minimum replenishment amount otherwise required to be made to the general reserve fund.

17 (2) After the appropriation of amounts required pursuant to item (1) of this subsection, any remaining balance may be
18 appropriated by the General Assembly as it deems appropriate.

19 **118.4.** (SR: Criminal Justice Academy Funding) (A) In addition to all other assessments and surcharges, during the current
20 fiscal year, a five dollar surcharge to fund training at the South Carolina Criminal Justice Academy is also levied on all fines,
21 forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates' or municipal court
22 for misdemeanor traffic offenses or for non-traffic violations. No portion of the surcharge may be waived, reduced, or suspended.
23 The additional surcharge imposed by this section does not apply to parking citations.

24 (B) The revenue collected pursuant to subsection (A) must be retained by the jurisdiction, which heard or processed the case and
25 paid to the State Treasurer within thirty days after receipt. The State Treasurer shall transfer the revenue quarterly to the South
26 Carolina Criminal Justice Academy.

27 (C) The State Treasurer may request the State Auditor to examine the financial records of any jurisdiction which he believes is
28 not timely transmitting the funds required to be paid to the State Treasurer pursuant to subsection (B). The State Auditor is further
29 authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the
30 examination.

31 **118.5.** (SR: LGF) ~~For the current fiscal year, Section 6-27-30 of the 1976 Code is suspended.~~

32 **118.6.** (SR: Increased Enforced Collections Carry Forward) ~~Unexpended~~ On July 1, 2014, any unexpended funds appropriated
33 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~~
34 ~~year and shall be expended for the same purposes~~ must be transferred to the Tax Relief Reserve Fund.

35 **118.7.** (SR: Health Care Maintenance of Effort Funding) ~~The source of funds appropriated in this provision is \$158,000,000~~
36 ~~from the~~ The revenue collected from the ~~fifty~~ 50 cent cigarette surcharge and deposited into the South Carolina Medicaid Reserve

1 Fund and shall be utilized by the Department of Health and Human Services for the Medicaid ~~Program's maintenance of effort~~
2 program. By this provision these funds are deemed to have been received and are available for appropriation. Unexpended funds
3 appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

4 **118.8.** (SR: Prohibits Public Funded Lobbyists) All state agencies and institutions are prohibited from using general fund
5 appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics
6 Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the
7 lobbying activities were not funded by general fund appropriations.

8 All state agencies and institutions are prohibited from entering into contracts using general fund appropriations to provide
9 lobbying services to the agency or institution.

10 **118.9.** (SR: Admissions Tax) For the current fiscal year, up to one hundred fourteen thousand dollars in admissions tax revenue
11 collected annually from all events held at a NASCAR sanctioned motor speedway or racetrack that hosts at least one race each year
12 featuring the preeminent NASCAR cup series must be rebated to the motorsports entertainment complex facility in the current
13 fiscal year to keep a NASCAR race at the motorsports entertainment complex facility.

14 **118.10.** (SR: Agency Deficit Notice) The Comptroller General or the Office of State Budget shall (1) provide written notice to
15 each member of the General Assembly when it makes a report to the Budget and Control Board concerning an agency, department,
16 or institution that is expending authorized appropriations at a rate which predicts or projects a general fund deficit for the agency,
17 department, or institution, and (2) make monthly progress reports concerning an agency's, department's, or institution's plan to
18 reduce or eliminate the deficit.

19 **118.11.** (SR: Tax Relief Reserve Fund) There is created the Tax Relief Reserve Fund, which shall be separate and distinct
20 from the General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on
21 December 31, ~~2013~~ 2014, the State Treasurer shall transfer funds identified in this act from the General Fund to the Tax Relief
22 Reserve Fund. These funds may only be used to provide tax relief to businesses and individuals as provided by law. Funds within
23 the Tax Relief Reserve Fund shall be retained and carried forward to be used for the same purpose.

24 **118.12.** (SR: Tobacco Settlement) ~~(A) To the extent funds are available from payments received on behalf of the State by the~~
25 ~~Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement ("MSA") during calendar~~
26 ~~year 2014, the State Treasurer is authorized and directed to transfer \$1,253,000 to the Attorney General's Office for Diligent~~
27 ~~Enforcement and Arbitration Litigation; \$450,000 to the State Law Enforcement Division for Diligent Enforcement; \$325,000 to~~
28 ~~the Department of Revenue for Diligent Enforcement, all to enforce Chapter 47 of Title 11, the Tobacco Escrow Fund Act. The~~
29 ~~remaining balance shall be transferred to the Department of Health and Human Services for Medicaid.~~

30 ~~(B) To the extent funds are available from payments received on behalf of the State by the Tobacco Settlement Revenue~~
31 ~~Management Authority from the Tobacco Master Settlement Agreement ("MSA") during calendar year 2013, excluding funds~~
32 ~~received from settlement of the 2003-2012 NPM Adjustments Under the Tobacco Master Settlement Agreement, the State~~
33 ~~Treasurer is authorized and directed to transfer funds sufficient to cover the operating expenses of the Authority and to transfer~~
34 ~~\$37,372,707 to the General Fund of the State, with the remaining balance transferred to the Department of Health of Human~~
35 ~~Services for Medicaid.~~

~~(C) To the extent funds are available to the Tobacco Settlement Revenue Management Authority following the discharge of the Series 2008 Tobacco Bonds and all remaining uncommitted Tobacco funds held by the State Treasurer prior to calendar year 2013, the State Treasurer is authorized and directed to transfer \$4,287,779 to the Department of Social Services to complete development of the Child Support Enforcement System; \$4,000,000 to the Medical University of South Carolina Hospital Authority for the Telemedicine program; and \$2,000,000 to the Department of Agriculture pursuant to Section 11-49-55 of the 1976 Code. The remaining balance shall be transferred to the Department of Health and Human Services for Medicaid.~~

~~(D) The requirements of Section 11-11-170 of the 1976 Code shall be suspended for Fiscal Year 2013-14.~~

118.13. (SR: Non-recurring Revenue) ~~(A) The source of revenue appropriated in this provision is non-recurring revenue generated from the following sources:~~

~~(1) \$159,845,460 from Fiscal Year 2012-13 unobligated general fund revenue as certified by the Board of Economic Advisors;~~

~~(2) \$1,782,396 from the LCD Hitachi Settlement; and~~

~~(3) Funds from Settlement of the 2003-2012 NPM Adjustments Under the Tobacco Master Settlement Agreement which shall be transferred to the General Fund of the State.~~

~~This revenue is deemed to have occurred and is available for use in Fiscal Year 2013-14 after September 1, 2013, following the Comptroller General's close of the state's books on Fiscal Year 2012-13.~~

~~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 2012-13 and shall be available for use in Fiscal year 2013-14.~~

~~(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, 2013, for the purposes stated:~~

~~(1) Part IA - General Fund \$ 50,739,599;~~

~~(2) X22 - Local Government Fund State Treasurer~~

~~Local Government Fund \$ 29,999,999;~~

~~(3) H63 - Department of Education~~

~~(a) Governor's School for the Arts and Humanities Data Network Wiring \$ 187,000;~~

~~(b) Transportation - Fuel and Bus Parts \$ 6,426,188;~~

~~(c) Instructional Materials \$ 22,667,978;~~

~~(d) 4K Statewide at Risk Phase In - Districts with 75% + Poverty \$ 4,120,000;~~

~~(3.1) Of the funds appropriated above to the Department of Education for 4K Statewide at Risk Phase In - Districts with 75% + Poverty, 35% shall be distributed to First Steps to School Readiness for the Child Development Education Pilot Program (CDEPP) and 65% shall be retained by the Department of Education for the Child Development Education Pilot Program (CDEPP).~~

1	(4) H75 School for the Deaf and the Blind	
2	(a) Educational Technology	\$ 575,000;
3	(b) Distance Learning	\$ 185,000;
4	(c) Audio Description Devices	\$ 65,000;
5	(d) Student Response Services	\$ 40,000;
6	(e) Auditory Enhancement	\$ 65,000;
7	(f) Records Management	\$ 175,000;
8	(5) J02 Department of Health and Human Services	
9	(a) Nursing Homes Rate Increase	\$ 5,000,000;
10	(b) SC Health Information Network (Palmetto Project)	\$ 100,000;
11	(6) H03 Commission on Higher Education	
12	University Center of Greenville Infrastructure Development	\$ 200,000;
13	(7) H12 Clemson University	
14	Student Career Opportunity Program	\$ 1,000,000;
15	(8) H27 University of South Carolina	
16	(a) On Your Time	\$ 2,500,000;
17	(b) SC Child Abuse Medical Response Program	\$ 225,000;
18	(9) H51 Medical University of South Carolina	
19	(a) MUSC Hospital Authority Rural Hospital Transformation	\$ 400,000;
20	(b) Institute of Medicine	\$ 400,000;
21	(c) Mobile Cancer Screening and Early Detection	\$ 600,000;
22	(10) H59 State Board for Technical and Comprehensive Education	
23	Midlands Technical Quickjobs Program Equipment	\$ 500,000;
24	(11) H15 University of Charleston	
25	Avery Center	\$ 300,000;
26	(12) H37 University of South Carolina Lancaster	
27	(a) Deferred Maintenance	\$ 400,000;
28	(b) Parity Funding	\$ 148,400;
29	(13) H38 University of South Carolina Salkehatchie	
30	Parity Funding	\$ 118,720;
31	(14) H39 University of South Carolina Sumter	
32	Parity Funding	\$ 97,520;
33	(15) H40 University of South Carolina Union	
34	Parity Funding	\$ 59,360;
35	(16) H79 Department of Archives and History	
36	(a) Archival Technology	\$ 56,957;

1	(b) GLEAMNS Benjamin Mays Historical Preservation Site Capital Equipment.....	\$ 200,000;
2	(17) P36 Patriots Point Development Authority	
3	National Flight Academy	\$ 400,000;
4	(18) J04 Department of Health and Environmental Control	
5	(a) SC Bleeding Disorders Premium Assistance Program	\$ 100,000;
6	(b) Ocean Water Quality Outfall Initiative	\$ 750,000;
7	(c) HIV Prevention Project Faith.....	\$ 350,000;
8	(d) Nurse Family Partnership	\$ 100,000;
9	(e) Best Chance Network and Colon Cancer Prevention Network Proviso 34.43	\$ 1,500,000;
10	(f) Stroke System of Care Act of 2011	\$ 50,000;
11	(g) Donate Life SC Organ Donor Registry	\$ 100,000;
12	(h) James R. Clark Sickle Cell Foundation.....	\$ 100,000;
13	(i) State Beachfront Management Plan	\$ 2,000,000;
14	(19) H73 Vocational Rehabilitation	
15	Basic Services Case Services	\$ 500,000;
16	(20) P32 Department of Commerce	
17	(a) Deal Closing Fund	\$ 12,677,766;
18	(b) Base Closure Fund	\$ 500,000;
19	(c) Business Incubator Program.....	\$ 5,000,000;
20	(d) SC Council on Competitiveness.....	\$ 650,000;
21	(e) Community Development Corporation Initiative.....	\$ 400,000;
22	(20.1) Of the funds appropriated above to the Department of Commerce for the Business Incubator Program, \$1,000,000 shall	
23	be used to invest in technology based economic development projects. The department shall develop guidelines to administer the	
24	program and any investment made by the department shall be accompanied by a dollar for dollar match from non state	
25	appropriated funds. Eligible projects shall foster economic development through university collaboration, local government	
26	participation, public private partnership participation, all of which is aimed at "digital interactive and immersive media" projects	
27	throughout the state. \$400,000 shall be designated for the digital design initiative. Up to \$300,000 may be used by the department	
28	for administrative costs associated with this program.	
29	(21) D10 State Law Enforcement Division	
30	(a) Maintenance Fees	\$ 30,000;
31	(b) Law Enforcement Equipment.....	\$ 739,980;
32	(c) Vehicle Replacement.....	\$ 720,000;
33	(22) K05 Department of Public Safety	
34	Vehicle Replacement	\$ 500,000;
35	(23) N04 Department of Corrections	
36	(a) Statewide Paving	\$ 1,000,000;

1	(b) Deferred Maintenance	\$ 3,635,000;
2	(c) Security/Detention Systems and Equipment	\$ 2,542,000;
3	(d) Inmate Security and Support Vehicles	\$ 1,000,000;
4	(e) Broad River Sewer System Upgrade	\$ 700,000;
5	(f) Food Service Institutional Equipment	\$ 489,357;
6	(g) Observation Towers - Lee Correctional Institution	\$ 236,900;
7	(h) Center Pivot Irrigation System	\$ 100,000;
8	(i) Weapons Replacement	\$ 40,000;
9	(24) P24 Department of Natural Resources	
10	(a) Outreach Programs	\$ 200,000;
11	(b) State River Basin Study	\$ 1,500,000;
12	(c) Information Technology - Phase II Upgrade Software and Equipment Replacement	\$ 1,725,000;
13	(d) Groundwater Monitoring Clusters	\$ 250,000;
14	(e) Enforcement Division Vehicles	\$ 785,050;
15	(f) Invasive Species Control Program	\$ 50,000;
16	(g) Catawba/Wateree River Basin Study	\$ 250,000;
17	(24.1) The funds appropriated above to the Department of Natural Resources for the State River Basin Study Project must be	
18	used for water data collection to provide scientific information on water resources in the state's eight major river basins. The	
19	department shall, on a quarterly basis beginning October 1, 2013, submit to the Senate Finance Committee, the House Ways and	
20	Means Committee, the Senate Agriculture and Natural Resources Committee, and the House Agriculture, Natural Resources and	
21	Environmental Affairs Committee, a report on the project's timeline, findings, and expenditure of funds. Additionally, this	
22	information shall be posted electronically on the Department of Natural Resources and the Department of Health and	
23	Environmental Control websites.	
24	(25) L36 Human Affairs Commission	
25	Computerized Affirmative Action Management System (CAAMS)	\$ 100,000;
26	(26) R28 Department of Consumer Affairs	
27	(a) Licensing Database Reconfiguration/Upgrade	\$ 100,000;
28	(b) Identify Theft Unit - S.334	\$ 1;
29	(27) R40 Department of Motor Vehicles	
30	ADA Compliance	\$ 925,000;
31	(28) D25 Office of Inspector General	
32	Office Infrastructure	\$ 52,565;
33	(29) E04 Office of Lieutenant Governor	
34	Caregivers	\$ 2,999,999;
35	(30) E08 Secretary of State	
36	(a) Board and Commissions Database Project	\$ 250,000;

1	(b) Disaster Recovery/Image Digitization	\$ 97,800;
2	(31) E24 Office of Adjutant General	
3	(a) Armory Maintenance and Repair Projects	\$ 650,000;
4	(b) Emergency Management Program Improvements	\$ 375,000;
5	(32) H87 State Library	
6	Aid to Counties	\$ 1,341,395;
7	(33) E21 Prosecution Coordination Commission	
8	Centers for Fathers and Families	\$ 400,000;
9	(34) N20 Law Enforcement Training Council	
10	Purchase Netbooks to Replace Paper Testing	\$ 49,000;
11	(35) L04 Department of Social Services	
12	Phyllis Wheatley Donaldson Center Revitalization	\$ 150,000;
13	(36) R36 Department of Labor, Licensing, and Regulation	
14	Urban Search and Rescue (USAR)	\$ 500,000;
15	(37) U12 Department of Transportation	
16	(a) Traffic Management/Richland Electrical Building Construction	\$ 875,000;
17	(b) Lexington County Maintenance Complex Land Acquisition	\$ 700,000;
18	(c) Lexington County Maintenance Complex Construction	\$ 100,000;
19	(d) Upstate Salt Storage Facility Construction	\$ 313,500;
20	(e) Cherokee Salt Shed Construction	\$ 260,000;
21	(f) Sandy Island Boat Ramp	\$ 150,000; and
22	(38) A85 Education Oversight Committee	
23	Partnerships for Innovation	\$ 100,000.

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

(C) 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 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 2013-14 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.

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

1 identity theft protection and identity theft resolution services. The deduction allowed by this item may not be claimed by an
2 individual if the individual deducted the same actual costs as a business expense or if the taxpayer is enrolled in the identity theft
3 protection and identity theft resolution services offered free of charge by the State of South Carolina. For purposes of this item,
4 'identity theft protection' means products and services designed to prevent an incident of identify fraud or identity theft or other
5 protect the private of a person' personal identifying information, as defined in Section 16-13-510(D), by precluding a third party
6 from gaining unauthorized acquisition of another's personal identifying information to obtain financial resources or other products,
7 benefits or services; and identity theft resolution services means products and services designed to assist persons whose personal
8 indentifying information, as defined by Section 16-13-510(D), was obtained by a third party, whereby minimizing the effects of the
9 identity fraud or identity theft incident and restoring the person's identity to pre-theft status.

10 (B) The deduction provided in (A) is only allowed for taxpayers that filed a return with the Department of Revenue for any
11 taxable year after 1997 and before 2013, whether by paper or electronic transmission, or any person whose personally identifiable
12 information was contained on the return of another eligible person, including minor dependents.

13 (C) By March fifteenth of each year, the department shall issue a report to the Governor and the General Assembly detailing the
14 number of taxpayers claiming the deduction allowed by this item in the most recent tax year for which there is an accurate figure,
15 and the total monetary value of the deductions claimed pursuant to this item in that same year.

16 (D) The department shall prescribe the necessary forms to claim the deduction allowed by this section. The department may
17 require the taxpayer to provide proof of the actual costs and the taxpayer's eligibility.

18 118.15. (SR: Tobacco Settlement) (A) To the extent funds are available from payments received on behalf of the State by the
19 Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement ("MSA") during Fiscal Year
20 2014-15, the State Treasurer is authorized and directed, after transferring funds sufficient to cover the operating expenses of the
21 Authority, to transfer the remaining funds as follows:

22 (1) \$1,253,000 to the Attorney General's Office for Diligent Enforcement and Arbitration Litigation; \$450,000 to the State
23 Law Enforcement Division for Diligent Enforcement; and \$325,000 to the Department of Revenue for Diligent Enforcement, all to
24 enforce Chapter 47 of Title 11, the Tobacco Escrow Fund Act;

25 (2) \$1,000,000 to the Department of Agriculture pursuant to Section 11-49-55 of the 1976 Code; and

26 (3) The remaining balance shall be transferred to the Department of Health and Human Services for the Medicaid
27 program.

28 (B) The requirements of Section 11-11-170 of the 1976 Code shall be suspended for Fiscal Year 2014-15.

29 118.16. (SR: Non-recurring Revenue) (A) The source of revenue appropriated in this provision is non-recurring revenue
30 generated from the following sources:

31 (1) \$68,370,147 from the Fiscal Year 2012-13 Contingency Reserve Fund;

32 (2) \$95,288,476 from Fiscal Year 2013-14 unobligated general fund revenue as certified by the Board of Economic
33 Advisors; and

34 (3) \$28,003,208 from the GDK Avandia Settlement.

35 This revenue is deemed to have occurred and is available for use in Fiscal Year 2014-15 after September 1, 2014, following the
36 Comptroller General's close of the state's books on Fiscal Year 2013-14.

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 2013-14 and shall be available for use in Fiscal Year 2014-15.

(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) V04-Debt Service

General Obligation Bonds \$ 25,951,954;

(2) General Reserve Fund..... \$ 26,589,048;

(3) H63-Department of Education

(a) Digital Instructional Materials \$ 12,000,000;

(b) Transition Payments - New Funding Model..... \$ 3,779,616;

(c) Teacher Training for Technology..... \$ 4,000,000;

(d) Charter School Facility Revolving Loan Program \$ 4,000,000;

(3.1) Of the funds appropriated above to the Department of Education for Teacher Training for Technology, each school district or special school shall receive an allocation in proportion to its share of funds distributed through Section 1(1) of H. _____, a Joint Resolution to Appropriate Monies from the Capital Reserve Fund for Fiscal Year 2013-2014. The Department of Education must develop procedures for monitoring the use of funds appropriated for Teacher Training for Technology to ensure they are applied to their intended uses and are not redirected for other purposes. By accepting these funds, a school district warrants that they will not be used to supplant existing school district expenditures. By August 1, 2015, and on a form specified by the Department of Education, each school district or special school shall account for the specific amounts and uses of these funds.

(4) J02-Department of Health and Human Services

Medicaid..... \$ 21,500,000;

(4.1) Of the funds appropriated above to the Department of Health and Human Services for Medicaid, up to \$1,500,000, may be used to provide local Disabilities and Special Needs boards with the operating capacity to make more aggressive progress in reducing waiting lists.

(5) H59-State Board for Technical and Comprehensive Education

(a) CATT Program/ReadySC \$ 5,438,000;

(b) Additional WorkKeys Profiles \$ 375,000;

(6) F03-Budget and Control Board

Implement Information Security Recommendations \$ 8,782,000;

(7) H03-Commission on Higher Education

(a) Summer Semester Eligibility \$ 3,425,804;

(b) Efficiency Studies for Public Colleges and Universities \$ 2,000,000;

(7.1) Of the funds appropriated above to the Commission on Higher Education for Efficiency Studies for Public Colleges and Universities, the commission shall, through a competitive process, select a qualified vendor to assess the administration and operations of individual institutions, benchmark existing structures and approaches against best practices in the higher education community, and identify specific opportunities to control costs, generate revenues, or improve service delivery through administrative realignment, shared services, and/or other mechanisms. The commission shall develop a process for identifying specific institutions to participate in this initiative.

(8) R44-Department of Revenue

(a) Tax Processing System..... \$ 14,000,000;

(b) Identity and Credit Protection Services \$ 6,500,000;

(8.1) Of the funds appropriated above to the Department of Revenue for Identity and Credit Protection Services, any funds that the Department of Revenue determines on or before April 1, 2015 shall not be required to fund a statewide contract for identity and credit protection services shall by that date be transferred to the Division of Information Security to support the statewide information security program. Funds transferred pursuant to this provision 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.

(9) P32-Department of Commerce

Closing Fund..... \$ 13,566,809;

(10) J04-Department of Health and Environmental Control

IT Security and Network Modernization Equipment..... \$ 1,392,000

(11) E08-Secretary of State's Office

Disaster Recovery Image Digitization – Phase II..... \$ 98,500;

(12) E28-Election Commission

(a) Statewide Election Funds..... \$ 625,000;

(b) Security and Technology Improvements..... \$ 100,000;

(13) H63-Department of Education

BabyNet Data System Upgrades \$ 838,100;

(14) P24-Department of Natural Resources

Coastal and Offshore Mapping and Water Monitoring \$ 300,000;

(13) X22-Local Government Fund-State Treasurer

Local Government Fund \$ 30,000,000; and

(14) V04-Debt Service

General Obligation Bonds \$ 6,400,000.

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

(C) 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 Facility operations in order to preserve the economic

1 viability of the facility. The amount distributed to offset any operating shortfalls shall be determined by calculating the difference
2 between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by
3 the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls shall also be used to maintain
4 access fees to the facility for Fiscal Year 2014-15 at the Fiscal Year 2009-2010 level. There shall also be paid from the escrow
5 account the annual dues of the Southern States Energy Board.

6
7 **END OF PART IB**
8

9 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-
10 2015.

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

17 Except as otherwise specifically provided, this act takes effect July 1, 2014.