

**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 100 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 \$1,630. In Fiscal Year 2010-11, the total pupil count is projected to be 694,303. The average per pupil funding is projected to be \$4,485 state, \$1,633 federal, and \$5,254 local. This is an average total funding level of \$11,372 excluding revenues of local bond issues. For Fiscal Year 2010-11 the South Carolina Public Charter School District shall receive and distribute state funds to the charter school as determined by the current year's base student cost, as funded by the General Assembly, plus an additional \$700, multiplied by the weighted students enrolled in the charter school, which must be subject to adjustment for student attendance and must not be reduced for state budget allocations.

In Fiscal Year 2010-11, the Abbeville School District total pupil count is projected to be 2,963. The per pupil funding is projected to be \$5,892 state, \$1,878 federal, and \$3,286 local. This is a total projected funding level of \$11,057 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Aiken School District total pupil count is projected to be 23,756. The per pupil funding is projected to be \$4,237 state, \$1,578 federal, and \$3,177 local. This is a total projected funding level of \$8,992 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Allendale School District total pupil count is projected to be 1,590. The per pupil funding is projected to be \$5,388 state, \$2,736 federal, and \$3,452 local. This is a total projected funding level of \$11,576 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Anderson School District 1 total pupil count is projected to be 9,042. The per pupil funding is projected to be \$4,267 state, \$922 federal, and \$3,060 local. This is a total projected funding level of \$8,249 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Anderson School District 2 total pupil count is projected to be 3,600. The per pupil funding is projected to be \$4,440 state, \$1,432 federal, and \$3,368 local. This is a total projected funding level of \$9,240 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Anderson School District 3 total pupil count is projected to be 2,588. The per pupil funding is projected to be \$4,534 state, \$1,578 federal, and \$3,571 local. This is a total projected funding level of \$9,683 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Anderson School District 4 total pupil count is projected to be 2,726. The per pupil funding is projected to be \$4,557 state, \$1,326 federal, and \$6,584 local. This is a total projected funding level of \$12,467 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Anderson School District 5 total pupil count is projected to be 12,010. The per pupil funding is projected to be \$4,546 state, \$1,635 federal, and \$4,032 local. This is a total projected funding level of \$10,213 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Bamberg School District 1 total pupil count is projected to be 1,387. The per pupil funding is projected to be \$5,491 state, \$2,166 federal, and \$3,299 local. This is a total projected funding level of \$10,956 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Bamberg School District 2 total pupil count is projected to be 846. The per pupil funding is projected to be \$6,283 state, \$2,477 federal, and \$3,768 local. This is a total projected funding level of \$12,529 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Barnwell School District 19 total pupil count is projected to be 829. The per pupil funding is projected to be \$5,252 state, \$2,775 federal, and \$3,212 local. This is a total projected funding level of \$11,238 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Barnwell School District 29 total pupil count is projected to be 1,075. The per pupil funding is projected to be \$4,356 state, \$1,453 federal, and \$2,675 local. This is a total projected funding level of \$8,484 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Barnwell School District 45 total pupil count is projected to be 2,261. The per pupil funding is projected to be \$5,398 state, \$1,663 federal, and \$3,030 local. This is a total projected funding level of \$10,091 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Beaufort School District total pupil count is projected to be 19,776. The per pupil funding is projected to be \$3,518 state, \$1,608 federal, and \$10,018 local. This is a total projected funding level of \$15,144 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Berkeley School District total pupil count is projected to be 28,797. The per pupil funding is projected to be \$4,177 state, \$1,528 federal, and \$4,768 local. This is a total projected funding level of \$10,473 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Calhoun School District total pupil count is projected to be 1,712. The per pupil funding is projected to be \$5,207 state, \$2,479 federal, and \$6,031 local. This is a total projected funding level of \$13,717 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Charleston School District total pupil count is projected to be 41,754. The per pupil funding is projected to be \$3,539 state, \$1,825 federal, and \$8,330 local. This is a total projected funding level of \$13,694 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Cherokee School District total pupil count is projected to be 8,654. The per pupil funding is projected to be \$4,584 state, \$2,050 federal, and \$4,723 local. This is a total projected funding level of \$11,357 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Chester School District total pupil count is projected to be 5,204. The per pupil funding is projected to be \$4,954 state, \$2,072 federal, and \$4,522 local. This is a total projected funding level of \$11,548 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Chesterfield School District total pupil count is projected to be 7,271. The per pupil funding is projected to be \$4,858 state, \$1,854 federal, and \$3,477 local. This is a total projected funding level of \$10,189 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Clarendon School District 1 total pupil count is projected to be 835. The per pupil funding is projected to be \$5,741 state, \$4,127 federal, and \$5,947 local. This is a total projected funding level of \$15,815 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Clarendon School District 2 total pupil count is projected to be 3,063. The per pupil funding is projected to be \$4,683 state, \$2,714 federal, and \$2,138 local. This is a total projected funding level of \$9,535 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Clarendon School District 3 total pupil count is projected to be 1,207. The per pupil funding is projected to be \$4,767 state, \$1,327 federal, and \$2,984 local. This is a total projected funding level of \$9,079 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Colleton School District total pupil count is projected to be 6,107. The per pupil funding is projected to be \$4,230 state, \$2,511 federal, and \$5,011 local. This is a total projected funding level of \$11,752 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Darlington School District total pupil count is projected to be 10,461. The per pupil funding is projected to be \$4,560 state, \$2,077 federal, and \$4,729 local. This is a total projected funding level of \$11,365 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Dillon School District 1 total pupil count is projected to be 835. The per pupil funding is projected to be \$4,555 state, \$2,323 federal, and \$1,730 local. This is a total projected funding level of \$8,608 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Dillon School District 2 total pupil count is projected to be 3,330. The per pupil funding is projected to be \$4,447 state, \$2,552 federal, and \$1,593 local. This is a total projected funding level of \$8,592 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Dillon School District 3 total pupil count is projected to be 1,731. The per pupil funding is projected to be \$3,781 state, \$1,537 federal, and \$1,913 local. This is a total projected funding level of \$7,231 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Dorchester School District 2 total pupil count is projected to be 23,163. The per pupil funding is projected to be \$4,281 state, \$840 federal, and \$3,133 local. This is a total projected funding level of \$8,255 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Dorchester School District 4 total pupil count is projected to be 2,079. The per pupil funding is projected to be \$5,069 state, \$2,557 federal, and \$7,710 local. This is a total projected funding level of \$15,336 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Edgefield School District total pupil count is projected to be 3,727. The per pupil funding is projected to be \$5,029 state, \$1,632 federal, and \$3,408 local. This is a total projected funding level of \$10,069 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Fairfield School District total pupil count is projected to be 2,715. The per pupil funding is projected to be \$6,049 state, \$2,644 federal, and \$7,916 local. This is a total projected funding level of \$16,609 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Florence School District 1 total pupil count is projected to be 15,598. The per pupil funding is projected to be \$4,441 state, \$1,670 federal, and \$3,854 local. This is a total projected funding level of \$9,965 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Florence School District 2 total pupil count is projected to be 1,299. The per pupil funding is projected to be \$4,210 state, \$1,501 federal, and \$3,286 local. This is a total projected funding level of \$8,998 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Florence School District 3 total pupil count is projected to be 3,335. The per pupil funding is projected to be \$5,061 state, \$4,100 federal, and \$2,349 local. This is a total projected funding level of \$11,511 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Florence School District 4 total pupil count is projected to be 822. The per pupil funding is projected to be \$6,881 state, \$3,205 federal, and \$5,021 local. This is a total projected funding level of \$15,107 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Florence School District 5 total pupil count is projected to be 1,405. The per pupil funding is projected to be \$4,777 state, \$1,522 federal, and \$4,263 local. This is a total projected funding level of \$10,563 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Georgetown School District total pupil count is projected to be 9,345. The per pupil funding is projected to be \$4,202 state, \$1,935 federal, and \$6,614 local. This is a total projected funding level of \$12,751 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Greenville School District total pupil count is projected to be 70,951. The per pupil funding is projected to be \$4,312 state, \$1,355 federal, and \$4,365 local. This is a total projected funding level of \$10,032 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Greenwood School District 50 total pupil count is projected to be 8,435. The per pupil funding is projected to be \$4,412 state, \$1,671 federal, and \$6,114 local. This is a total projected funding level of \$12,216 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Greenwood School District 51 total pupil count is projected to be 1,069. The per pupil funding is projected to be \$4,607 state, \$1,635 federal, and \$3,675 local. This is a total projected funding level of \$9,917 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Greenwood School District 52 total pupil count is projected to be 1,550. The per pupil funding is projected to be \$3,175 state, \$1,056 federal, and \$7,027 local. This is a total projected funding level of \$11,258 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Hampton School District 1 total pupil count is projected to be 2,291. The per pupil funding is projected to be \$5,723 state, \$2,292 federal, and \$2,981 local. This is a total projected funding level of \$10,995 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Hampton School District 2 total pupil count is projected to be 973. The per pupil funding is projected to be \$6,484 state, \$3,320 federal, and \$4,160 local. This is a total projected funding level of \$13,965 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Horry School District total pupil count is projected to be 36,702. The per pupil funding is projected to be \$3,691 state, \$1,555 federal, and \$8,142 local. This is a total projected funding level of \$13,388 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Jasper School District total pupil count is projected to be 3,164. The per pupil funding is projected to be \$4,742 state, \$2,278 federal, and \$4,891 local. This is a total projected funding level of \$11,912 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Kershaw School District total pupil count is projected to be 9,956. The per pupil funding is projected to be \$4,766 state, \$1,441 federal, and \$4,438 local. This is a total projected funding level of \$10,645 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Lancaster School District total pupil count is projected to be 11,220. The per pupil funding is projected to be \$4,394 state, \$2,176 federal, and \$3,937 local. This is a total projected funding level of \$10,507 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Laurens School District 55 total pupil count is projected to be 5,700. The per pupil funding is projected to be \$4,369 state, \$1,755 federal, and \$3,037 local. This is a total projected funding level of \$9,161 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Laurens School District 56 total pupil count is projected to be 2,830. The per pupil funding is projected to be \$5,150 state, \$3,271 federal, and \$3,343 local. This is a total projected funding level of \$11,764 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Lee School District total pupil count is projected to be 2,304. The per pupil funding is projected to be \$7,386 state, \$2,611 federal, and \$3,289 local. This is a total projected funding level of \$13,286 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Lexington School District 1 total pupil count is projected to be 23,348. The per pupil funding is projected to be \$4,786 state, \$826 federal, and \$5,441 local. This is a total projected funding level of \$11,054 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Lexington School District 2 total pupil count is projected to be 8,884. The per pupil funding is projected to be \$4,282 state, \$1,508 federal, and \$4,092 local. This is a total projected funding level of \$9,882 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Lexington School District 3 total pupil count is projected to be 1,804. The per pupil funding is projected to be \$5,608 state, \$2,049 federal, and \$6,765 local. This is a total projected funding level of \$14,422 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Lexington School District 4 total pupil count is projected to be 3,100. The per pupil funding is projected to be \$5,553 state, \$2,555 federal, and \$3,535 local. This is a total projected funding level of \$11,643 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Lexington School District 5 total pupil count is projected to be 16,333. The per pupil funding is projected to be \$5,785 state, \$914 federal, and \$5,611 local. This is a total projected funding level of \$12,310 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Marion School District 1 total pupil count is projected to be 2,615. The per pupil funding is projected to be \$4,771 state, \$2,531 federal, and \$2,473 local. This is a total projected funding level of \$9,775 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Marion School District 2 total pupil count is projected to be 1,607. The per pupil funding is projected to be \$5,184 state, \$3,774 federal, and \$3,044 local. This is a total projected funding level of \$12,002 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Marion School District 7 total pupil count is projected to be 562. The per pupil funding is projected to be \$9,241 state, \$4,601 federal, and \$2,789 local. This is a total projected funding level of \$16,631 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Marlboro School District total pupil count is projected to be 4,275. The per pupil funding is projected to be \$5,422 state, \$3,399 federal, and \$2,742 local. This is a total projected funding level of \$11,564 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the McCormick School District total pupil count is projected to be 782. The per pupil funding is projected to be \$7,504 state, \$3,324 federal, and \$8,710 local. This is a total projected funding level of \$19,539 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Newberry School District total pupil count is projected to be 5,460. The per pupil funding is projected to be \$5,294 state, \$2,288 federal, and \$5,755 local. This is a total projected funding level of \$13,338 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Oconee School District total pupil count is projected to be 10,490. The per pupil funding is projected to be \$4,016 state, \$1,559 federal, and \$6,519 local. This is a total projected funding level of \$12,095 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Orangeburg School District 3 total pupil count is projected to be 2,789. The per pupil funding is projected to be \$4,922 state, \$2,719 federal, and \$6,513 local. This is a total projected funding level of \$14,155 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Orangeburg School District 4 total pupil count is projected to be 3,778. The per pupil funding is projected to be \$4,871 state, \$1,909 federal, and \$4,836 local. This is a total projected funding level of \$11,615 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Orangeburg School District 5 total pupil count is projected to be 6,214. The per pupil funding is projected to be \$4,954 state, \$2,438 federal, and \$5,636 local. This is a total projected funding level of \$13,029 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Pickens School District total pupil count is projected to be 16,106. The per pupil funding is projected to be \$4,136 state, \$1,228 federal, and \$5,497 local. This is a total projected funding level of \$10,861 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Richland School District 1 total pupil count is projected to be 23,453. The per pupil funding is projected to be \$4,043 state, \$2,524 federal, and \$9,980 local. This is a total projected funding level of \$16,548 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Richland School District 2 total pupil count is projected to be 25,023. The per pupil funding is projected to be \$4,884 state, \$967 federal, and \$5,259 local. This is a total projected funding level of \$11,109 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Saluda School District total pupil count is projected to be 2,105. The per pupil funding is projected to be \$4,810 state, \$1,552 federal, and \$3,252 local. This is a total projected funding level of \$9,615 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Spartanburg School District 1 total pupil count is projected to be 4,801. The per pupil funding is projected to be \$5,684 state, \$1,194 federal, and \$3,884 local. This is a total projected funding level of \$10,763 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Spartanburg School District 2 total pupil count is projected to be 9,512. The per pupil funding is projected to be \$4,958 state, \$1,169 federal, and \$3,264 local. This is a total projected funding level of \$9,391 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Spartanburg School District 3 total pupil count is projected to be 2,808. The per pupil funding is projected to be \$4,654 state, \$1,517 federal, and \$5,114 local. This is a total projected funding level of \$11,285 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Spartanburg School District 4 total pupil count is projected to be 2,912. The per pupil funding is projected to be \$4,295 state, \$990 federal, and \$2,848 local. This is a total projected funding level of \$8,133 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Spartanburg School District 5 total pupil count is projected to be 7,530. The per pupil funding is projected to be \$4,467 state, \$1,049 federal, and \$5,720 local. This is a total projected funding level of \$11,236 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Spartanburg School District 6 total pupil count is projected to be 10,032. The per pupil funding is projected to be 4,582 state, \$1,173 federal, and \$4,388 local. This is a total projected funding level of \$10,144 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Spartanburg School District 7 total pupil count is projected to be 6,729. The per pupil funding is projected to be \$5,523 state, \$2,842 federal, and \$6,425 local. This is a total projected funding level of \$14,791 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Sumter School District 2 total pupil count is projected to be 8,216. The per pupil funding is projected to be \$4,378 state, \$2,007 federal, and \$3,317 local. This is a total projected funding level of \$9,702 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Sumter School District 17 total pupil count is projected to be 7,847. The per pupil funding is projected to be \$4,636 state, \$2,246 federal, and \$3,102 local. This is a total projected funding level of \$9,984 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Union School District total pupil count is projected to be 4,234. The per pupil funding is projected to be \$5,349 state, \$1,793 federal, and \$2,843 local. This is a total projected funding level of \$9,984 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the Williamsburg School District total pupil count is projected to be 4,800. The per pupil funding is projected to be \$5,122 state, \$3,469 federal, and \$4,910 local. This is a total projected funding level of \$13,500 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the York School District 1 total pupil count is projected to be 5,021. The per pupil funding is projected to be \$4,728 state, \$1,691 federal, and \$4,244 local. This is a total projected funding level of \$10,663 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the York School District 2 total pupil count is projected to be 6,520. The per pupil funding is projected to be \$5,000 state, \$852 federal, and \$7,546 local. This is a total projected funding level of \$13,398 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the York School District 3 total pupil count is projected to be 17,569. The per pupil funding is projected to be \$4,892 state, \$1,151 federal, and \$4,564 local. This is a total projected funding level of \$10,607 excluding revenues of local bond issues.

In Fiscal Year 2010-11, the York School District 4 total pupil count is projected to be 11,004. The per pupil funding is projected to be \$4,652 state, \$552 federal, and \$5,398 local. This is a total projected funding level of \$10,602 excluding revenues of local bond issues.

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



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

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

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

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

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

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

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

**1.8.** (SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness or chemical dependence and habilitation centers for mentally retarded persons or persons with related conditions located within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable local cost reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by

the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies to John de la Howe School who also has the authority to seek reimbursement in any situation that the school district has participation in the placement of the student. John de la Howe school shall be reimbursed the local district's local support per weighted pupil above the statewide average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, written referral, or the school district initiating the placement process. School districts providing the education shall notify the nonresident district in writing within forty-five calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial arrangements cannot be effected between institutions of the state, including independent school districts under the authority of the Department of Disabilities and Special Needs, and school districts, institutions receiving educational appropriations shall pay the local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be educated with nondisabled children in the public school districts if appropriate to their educational needs. Such institutions shall determine, on an individual basis, which children residing in the institution might be eligible to receive appropriate educational services in a public school setting. Once these children are identified, the institution shall convene an IEP meeting with officials of the public school district in which the institution is located. If it is determined by the committee that the least restrictive environment in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must provide the educational services. However, that school district may enter into contractual agreements with any other school district having schools located within a forty-five mile radius of the institution. The cost for educating such children shall be allocated in the following manner: the school district where the child last resided before being placed in an institution shall pay to the school district providing the educational services an amount equivalent to the statewide average of the local base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act; the school district providing the educational services shall be able to count the child for all funding sources, both state and federal. The institution and school district, through contractual agreements, will address the special education and related services to be provided to students. Should the school district wherein the institution is located determine that the child cannot be appropriately served in a public school setting, then the institution may request a due process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education Act.

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

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

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

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

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

**1.12.** (SDE: School District Bank Accounts) Each school district in this State, upon the approval of the district's governing body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct school district business and each county treasurer is hereby authorized to transfer such amount as needed, upon receipt of a written

order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for immediate disbursement for the payment of correct and legal obligation of the school district.

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

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

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

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

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

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

**1.18.** (SDE: Assisting, Developing, and Evaluating Professional Teaching--ADEPT) Funds appropriated in Part IA, Section 1, XIII.A-Aid to School Districts-Aid to Subdivision-APT/ADEPT, may be used for the implementation of the ADEPT system. Of the funds appropriated, ten percent is to be used to pay colleges and universities for ADEPT services. The remaining funds will be distributed to school districts, School for the Deaf and the Blind, John de la Howe School, Governor's School for Arts and Humanities and the Department of Juvenile Justice on a per induction contract teacher basis to offset the costs of implementing 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. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

**1.19.** (SDE: Summer Exit Exam Cost) Funds appropriated in Part IA, Section 1, III 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.

**1.20.** (SDE: Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

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

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

**1.23.** (SDE: School Building Aid Allocation) Funds appropriated for School Building Aid shall be transferred to a special trust fund established by the Comptroller General. Funds appropriated shall be distributed to the school districts of the State for use in accordance with Section 59-21-350 of the Code of Laws of 1976. Funds shall be allocated to eligible school districts on a per pupil basis. The allocation must be based on the 135 day count of average daily membership for the second preceding fiscal year.

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

**1.25.** (SDE: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. SDE is authorized to carry forward into the

current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment.

**1.26.** (SDE: Basic Skill Exam) Any person seeking candidacy in an undergraduate teacher education program is required to take and pass the teacher candidate basic skill examination pursuant to Sections 59-26-20 and 59-26-40. Any person who fails to achieve a passing score on all sections shall be allowed to retake the test or a portion thereof. All sections of the teacher candidate basic skill examination must be passed before any person is formally admitted into any undergraduate teacher preparation program in South Carolina. However, any person having attained 1650 or better on the SAT or a comparable ACT score shall be exempt from this requirement.

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

**1.28.** (SDE: SAT Preparation) From the funds appropriated for SAT Preparation, the State Department of Education shall institute a plan reviewing, on an individual basis, weaknesses of students on actual PSAT administrations, and providing assistance. To accomplish this, the Department shall use reports that analyze student weaknesses and provide guidance to local schools on the effective use of the reports.

**1.29.** (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of Georgia or North Carolina in the procurement of school buses.

**1.30.** (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program IX.B. - Bus Shops and funds appropriated in IX.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in FY 2010-11 to support bus transportation services.

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

**1.32.** (SDE: 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.

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

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

**1.35.** (SDE: Sale of School District Property) Notwithstanding Section 59-19-250 of the 1976 Code, during the current fiscal year, school trustees of a school district which do not currently have the authority to do so, may sell or lease school property, real or personal, in their school district whenever they deem it expedient to do so and apply the proceeds of the sale or lease to the school fund of the district.

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

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

**1.38.** (SDE: Alternative Certification/Displaced Employees) The Department of Education is directed to give priority in the Program for Alternative Certification for Educators (PACE) to the recruitment of qualified state employees impacted by reduction in force actions of agencies. The Student Loan Corporation is directed to give priority in the Career-Changer Loan program to qualified state employees. The Department of Education shall provide information to the Office of Human Resources and the personnel offices of state agencies instituting a reduction in force to advertise and inform employees of this program and state agencies shall work with the department in this effort.

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

**1.40.** (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds required for debt

service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy percent of the school district's per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and non-instruction pupil services. No portion of the seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the school year ending June 30, 2011. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

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

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

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

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

Quarterly throughout the 2010-11 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 posted on the internet website maintained by the school district.

For Fiscal Year 2010-11, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list must be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For Fiscal Year 2010-11, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula.

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 Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

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.

**1.41.** (SDE: Medical Examination and Security Reimbursement/Expenditures) From funds authorized in Part IA, Section 1, IX.B. Other Operating Expenses, the Department of Education may directly pay, or reimburse employees, for the cost of a medical examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are required to operate a state vehicle transporting hazardous materials and that are required to undergo a national security background check because of the required Hazmat endorsement to their CDL.

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

**1.43.** (SDE: Governor's School for the Arts and Humanities Carry Forward) Any unexpended balance on June 30 of the prior fiscal year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried forward and expended in the current fiscal year pursuant to the discretion of the Board of Trustees of the School.

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

**1.45.** (SDE: National Board Certification Incentive) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who

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

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

Teachers who begin the application process after July 1, 2007 and prior to July 1, 2010 and who teach in schools which have an absolute rating of below average or at-risk at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the

loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or at-risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or at risk.

**1.46.** (SDE: National Board Certification Incentive Surplus) National Board Certification Incentive appropriation excess of all obligations to include the national board certification incentive salary supplement, related fringe, loan principal amount and interest forgiven, and the administration funds necessary for the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) and the Department of Education shall be distributed to school districts and allocated based on the Education Finance Act Formula.

**1.47.** (SDE: School District Furlough) If state funds appropriated for a school district in this State are less than state funds appropriated for that school district in the preceding fiscal year, or if the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, school districts may institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

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

During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs.

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

**1.48.** (SDE: Base Student Cost Funding) The funding for particular items and areas in the Department of Education's base budget that have been reduced or eliminated and provisos that directed funding for specific items that have been deleted, shall be redirected to the Base Student Cost.

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

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

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

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

**1.53.** (SDE: High School Reading Initiative) The funds appropriated for the High School Reading Initiative are to be used to expand the South Carolina Reading Initiative to the high school level by providing research based targeted assistance in improving and accelerating the reading ability of ninth and tenth grade students scoring Not Met on the 8<sup>th</sup> grade PASS reading and research tests or not passing the English 1 end-of-course test as ninth graders.

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

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

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

**1.57.** (SDE: Lost & Damaged Textbook Fees) Fees for lost and damaged textbooks for the prior school year are due no later than December 1 of the current school year when invoiced by the Department of Education. The department may withhold textbook funding from schools that have not paid their fees by the payment deadline.

**1.58.** (SDE: Physical Education Teachers) A school district's allocation from the funds appropriated in Part IA, Section 1, Program III are to be used to increase the number of physical education teachers to the extent possible.

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

**1.60.** (SDE: High Schools That Work Carry Forward) Funds provided for High Schools That Work may be carried forward into the current fiscal year to be expended for the same purposes by the department, school districts, and special schools.

**1.61.** (SDE: Career Cluster Industry Partnerships) From the funds appropriated to the Department of Education, \$800,000 must be provided as direct grants to the private sector statewide trade association or educational foundation providing nationally certified programs in career and technology education representing the automotive, construction, engineering, healthcare, mechanical contracting/construction, and hospitality tourism career clusters. Organizations applying for a grant must do so by July first and the Department of Education must award a minimum of one grant of at least \$150,000 in at least four of these specified career clusters to be used exclusively for career and technology education. The recipient industry organization must conduct end-of-course exams graded by a national industry organization and must include in their grant request how the money will be spent to further industry-specific career technology education; a description and history of their program nationally and within South Carolina; estimates of future employment growth in their industry; and the national scope of their program. By August first of the following year, the organization must submit to the department a report detailing how the grant increased industry/employer awareness; the number of increased schools using the industry-based curriculum and partnered with the industry organization; the increased number of students in the program; and an overview and analysis of the organization's statewide student competition. The grant must be used for career awareness programs for that industry cluster; statewide student competitions leading to national competitions; teacher development and training; post-secondary scholarships in industry-specific degree programs; student recruitment into that career cluster programs; programs to educate middle and high school Career or Guidance Counselors about the industry; service to disadvantaged youth; and administering business/employer awareness and partnerships which help lead to experience-based, career-oriented experiences including internships, apprenticeships, mentoring, co-op education and service learning. The Office of Career and Technology Education of the department will develop goals with each career cluster on the number of new schools using the industry-based curriculum and partnered with that career cluster organization. These funds may not be used to supplant or replace, in whole or in part, other existing resources/assets sourced outside the present grant being used to provide the same services or programs. Organizations may carry-over grants for up to three years when a large project is identified in the grant application to be used at a future date; otherwise excess funds must be returned to the state.

**1.62.** (SDE: Education Finance Act Reserve Fund) There is created in the State Treasury a fund separate and distinct from the General Fund of the State and all other funds entitled the Education Finance Act Reserve Fund. All unexpended general funds appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be transferred to the Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to

fully fund the base student cost as established by this act, revenues from the Education Finance Act Reserve Fund may be used to supplement the funds appropriated. The General Assembly may make direct appropriations to this fund. All unexpended funds in the Education Finance Act Reserve Fund and any interest accrued by the fund must remain in the fund and may be carried forward into the current fiscal year.

**1.63.** (SDE: GSAH Human Resources Annual Report) Of the funds appropriated to the Governor's School for the Arts and the Humanities, the school shall provide to the Senate Finance Committee, the House Ways and Means Committee, the Budget and Control Board Office of Human Resources, and the Commission on Human Affairs an annual report detailing the school's human resource statistics for both filled and vacant positions. The report shall include specifics as to advertising, applicants, and selections as well as the composition of the selection team. In addition, an annual report of recruiting activities that address the school's Access Plan shall be required. A comprehensive enrollment report must be furnished annually.

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

**1.65.** (SDE: Charter School Funding Schedule) Of the funds appropriated, districts with charter schools will receive funds after verification of student attendance on the fifth day of school at the beginning of each school year for those charter schools with approved incremental growth and due to expansion as provided in their charter application for new charter schools opening in the current fiscal year. The Department of Education will release funds to districts on behalf of their charter schools no later than fifteen days after receipt of verified enrollment. Districts must provide this funding to eligible charters no later than thirty days after receipt from the Department of Education. Funding will be adjusted at the forty-five-day school count as is currently the case with the Education Finance Act.

**1.66.** (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school age residing in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code, ("students") shall be entitled to receive educational services from the school district in which the RTF is located ("facility school district"). The responsibility for providing appropriate educational programs and services for these students, both with and without disabilities, who are referred or placed by the State is vested in the facility school districts.

A facility school district must provide the necessary educational programs and services directly to the student at the RTF's facility, provided that the RTF facility provides and maintains comparable adequate space for the educational programs and services consistent with all federal and state least restrictive environment requirements. Adequate space shall include appropriate electrical support and Internet accessibility. Unless the parent or legal guardian of the student seeks to continue the student's enrollment in the resident school district under a medical homebound instruction program and the district approves, if appropriate, then, under these circumstances, the facility school district shall enroll the student and assume full legal and financial responsibility for the educational services including enrolling the student, approving the student's entry into a medical homebound instructional program, if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its educational responsibilities for the student directly.

Alternatively, a facility school district may choose to provide the necessary educational programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the student at the RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the educational services provided. If the

facility school district determines the educational program being offered by the RTF does not meet the educational standards outlines in the contract, the facility district shall be justified in terminating the contract.

The State shall appropriate one hundred percent of the base student cost to provide for the education of the students referred or placed by the State in an RTF. The facility school districts are entitled to receive the base student cost multiplied by the appropriate Education Finance Act pupil weighting, as set forth in Section 59-20-40 of the 1976 Code and any eligible federal funds. These funds may be retained by the facility school districts for the purpose of providing the educational programs and services directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTF's for the educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by the facility school district for that student. Should the facility school district be unable to reach agreement with the resident school district regarding reasonable costs differences, the facility school district shall notify the Department of Education's Office of General Counsel. The Department of Education shall facilitate a resolution of the dispute between the facility school district and the resident school district. If the issue of reasonable cost differences should remain unresolved, the case shall be referred to the Administrative Law Court for a final decision.

If a child from out of state is placed in a RTF by an out-of-state school district or agency, the child's home state remains responsible for the educational services. The facility school district may choose to provide the educational program to the child and, upon choosing to do so, shall contract with the appropriate entity for payment of educational services provided to the child.

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 program to the child, and upon doing so, must negotiate with the resident school district for services through medical homebound procedures. A facility school district is responsible for compliance with all child find requirements under Section 504 of the Rehabilitation Act of 1973 and IDEA.

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

With respect to students enrolled in the facility school districts, for accountability purposes, the assessment and accountability measures for students residing in RTFs shall be attributed to a specific school only if the child physically attends the school. The performance of students residing in a RTF who receive their educational program on site at the RTF must be reflected on a separate line on the facility school district's report card and must not be included in the overall performance ratings of the facility school district. The Department of Education shall examine the feasibility of issuing report cards for RTFs. For the 2010-11 school year, a facility school district shall not have the district's state accreditation rating negatively impacted by deficiencies related to the delivery of an educational program at a RTF.

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

The Department of Education shall convene a task force to research and make recommendations to the State Superintendent of Education by December 1, 2010, regarding oversight of the educational programs provided to students residing in a RTF. Recommendations may include, but not be limited to, implementing a system of state oversight, state standards for an appropriate educational program for students residing in a RTF, and requirements for collaboration between the Department of Health and Environmental Control and the Department of Education regarding educational program requirements when new RTFs are licensed. The task force shall include, but not be limited to, representation of the following groups: state placing agencies, RTFs, facility school districts, resident school districts, Department of Health and Environmental Control, and other interested entities. The report shall be made available to the General Assembly no later than January 1, 2011.

**1.67.** (SDE: Transparency) The department must publish a link on its homepage to a listing of all programs funded during the current fiscal year with Federal Stimulus Funds to include program name, location, starting date, funding level and contact person with telephone number. This listing must be updated monthly to allow the public to easily identify how these funds are being used.

**1.68.** (SDE: Prohibit Use of ARRA for Administration) The department and school districts are prohibited from using funds received from the American Recovery and Reinvestment Act of 2009 for state department or school district administrative salary increases, bonuses, retirement incentives, or severance packages. The department shall provide to the General Assembly a list of federal stimulus expenditures.

**1.69.** (SDE: Special Schools Flexibility) For Fiscal Year 2010-11 the special schools are authorized to transfer funds among funding categories, including capital funds.

**1.70.** (SDE: High School Driver Education) For Fiscal Year 2010-11 the requirement for high schools to provide a course in driver education is suspended however, high schools may continue to offer driver education courses if they choose to do so. The Department of Education is directed to survey school districts and collect information concerning, but not limited to, the costs of delivering the driver education program, the number of students participating in the program, and recommendations regarding continuation of the program. The department shall submit a report outlining the survey findings and recommended changes to the public school driver education course to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 1, 2011. The Department of Education shall work with the Department of Motor Vehicles in collecting and reporting driver education input.

**1.71.** (SDE: Background Checks for Substitute Teachers) Each individual hired by a local board of trustees to serve as a substitute teacher must undergo a name based South Carolina criminal records search conducted by the local school district using records maintained by the State Law Enforcement Division (SLED). SLED shall provide these records without charge to the school district or the substitute teacher. District school boards of trustees must adopt a written policy outlining this requirement as



well as how the information received from the background check will impact hiring decisions. The policy must include, at a minimum, hiring recommendations relative to felony convictions and relevant “just cause” examples cited in Section 59-25-160 of the 1976 Code. SLED, working with the Department of Education, shall provide training to appropriate school district personnel regarding appropriate use of the information provided in background checks. The Department of Education shall adopt a model policy.

**1.72.** (SDE: Program Reports) For Fiscal Year 2010-11, all programmatic reports required by the General Assembly shall be submitted electronically. By December 1, 2010, the department shall develop a template outlining a triennial reporting cycle for all reports required by the General Assembly except for the Accountability Report or other reports required specifically for annual budget preparation.

**1.73.** (SDE: Consolidated Funds Allocation) In the current fiscal year, funds consolidated from the Middle School Initiative, Credits for High School Diploma, and Principal Salary Supplement programs will be allocated to school districts based solely on the number of weighted pupil units in each district.

**1.74.** (SDE: Index of Taxpaying Ability) For the current fiscal year, the provisions of Section 59-20-20(3) of the 1976 Code providing for the calculation of the Index of Taxpaying Ability are suspended. In lieu of the index as calculated pursuant to that provision, the index as calculated by the Department of Revenue for 2009 applies for the current fiscal year.

**1.75.** (SDE: AED Study) The Department of Education may coordinate a study to determine if training on the proper use of an automated external defibrillator (AED) should be required of all public and private high school instructional and administrative staff. In the event the study is conducted, the department shall report the findings of the study to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January 31, 2011.

**1.76.** (SDE: Carry Forward Authorization) For Fiscal Year 2010-11 the Department of Education is authorized to carry forward and expend any General Fund balances for school bus transportation.

**1.77.** (SDE: Administrative Costs Report Posting) School districts must report the amount of funds spent on administrative costs and post the report on the districts website.

**1.78.** (SDE: Effectiveness of Strategies for Teaching Reading) Funds appropriated in Section XIII.A. in the amount of \$34,911 shall be coordinated by the Department of Education to provide evidence of the effectiveness of strategies for the teaching of reading.

**1.79.** (SDE: Index of Taxpaying Ability Study Committee) From the funds appropriated or authorized for the Department of Education, there is created the Index of Taxpaying Ability Study Committee. The committee shall examine the index of taxpaying ability and its relationship to Education Finance Act resources available to the individual school districts in support of the education foundation program required by the State. The committee shall also examine the manner in which the index is calculated and the impact of property tax measures on the calculation.

The committee shall also examine how funds should be distributed to school districts that receive less than forty percent of state support as computed in Section 59-20-40(1) of the 1976 Code, taking into consideration whether each district’s amount should be determined in accordance with the district’s number of weighted students, subject to adjustment for student attendance.

The committee shall be composed of fourteen members, which shall be appointed as follows:

(1) four members appointed by the President Pro Tempore of the Senate, and four members appointed by the Speaker of the House of Representatives. Appointees must possess experience in business, school district finance, or economics, and must include representatives from the Department of Education, the Department of Revenue, and the Budget and Control Board Office of Research and Statistics as well as members of the business and education communities;

(2) one member of the Senate appointed by the Senate President Pro Tempore; one member of the Senate appointed by the Senate Majority Leader; and one member of the Senate appointed by the Senate Minority Leader; and

(3) three members of the House appointed by the Speaker of the House of Representatives, one of which must be a member of the minority caucus.

The members shall elect a chairman at the first meeting of the committee.

No later than January 1, 2011, the committee shall prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of House Education and Public Works Committee.

Members of the study committee shall serve without compensation for per diem, mileage, and subsistence.

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

Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified or certified for renewal by the National Board for Professional Teaching Standards or completed the application or renewal application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July 1 in the year following the year of achieving certification, beginning with 2009 applicants.

**1.81.** (SDE: Application of Reductions) The department is authorized to proportionately apply 38% of the Fiscal Year 2010-11 agency base reductions among the other state entities and non-flow thru appropriations housed within the department's budget with the remaining 62% of the Fiscal Year 2010-11 agency base reduction first exempting the EFA and EFA Employer Contributions

prior to being proportionately applied throughout the department's budget. The Governor's School for the Arts and the Humanities and the Governor's School for Science and Mathematics base reduction shall be limited to no more than 5%.

**1.82.** (SDE: Teaching Requirement for Certified School Employees) From the funds appropriated, all certified public school teachers, certified special school classroom teachers, certified media specialists, certified guidance counselors, certified full-time athletic directors, certified principals, certified assistant principals, and certified school district administrators that are employed by a school district should, if practicable, teach at least two classes per week within the school district they are employed.

## **SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA**

**1A.1.** (SDE-EIA: XI-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: XI.A.1 Services for Students with Disabilities) The money appropriated in Part IA, Section 1, XI.A.1. for Services for Students with Disabilities shall be used only for educational services for trainable mentally disabled pupils and profoundly mentally disabled pupils.

**1A.3.** (SDE-EIA: XI.B - Half Day Program for Four-Year-Olds) Funds appropriated in Part IA, Section 1, XI.B. for half-day programs for four-year-olds shall be distributed based on the prior year number of students in kindergarten eligible for free and reduce price lunch, however, no district shall receive less than 90 percent of the amount it received in the prior fiscal year.

**1A.4.** (SDE-EIA: XI.A.3. African-American History) Funds provided for the development of the African-American History curricula may be carried forward into the current fiscal year to be expended for the same purpose.

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

**1A.6.** (SDE-EIA: XI.C.2.-Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be \$48,725. The statewide minimum teacher salary schedule used in Fiscal Year 2008-09 will continue to be used in Fiscal Year 2010-11. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Funds appropriated in Part IA, Section 1, XI.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.

**1A.7.** (SDE-EIA: XI.F.2-Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has instructional personnel shall receive an allocation from the line item “Alloc. EIA - Teacher/Other Pay” in Part IA, Section 1, XI.F.2. for teachers salaries based on the following formula: Each state agency shall receive such funds as are necessary to adjust the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in which the agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a public school district, and may at the discretion of the state agency, be defined to cover curriculum development specialists, educational testing psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers located at Clemson University are to be included in this allocation of funds for base salary increases. The South Carolina Governor’s School for the Arts and Humanities and the South Carolina Governor’s School for Science and Mathematics are authorized to increase the salaries of instructional personnel by an amount equal to the percentage increase given by the School District in which they are both located.

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

**1A.8.** (SDE-EIA: XI.A.1-Work-Based Learning) Of the funds appropriated in Part IA, Section 1, XI.A.1. for the Work-Based Learning Program, \$75,000 shall be used by the State Department of Education to provide for regional professional development in contextual methodology techniques and integration of curriculum, and professional development in career guidance for teachers and guidance counselors and training mentors. Pilot-site delivery of contextual methodology training in mathematics will be supported by technology and hands-on lab activities. In addition, \$500,000 shall be allocated for Regional Career Specialists. Each Regional Career Specialist shall (1) be housed within the regional centers/WIA geographic areas, (2) provide career development activities throughout all schools within the region, (3) be under the program supervision of the Office of Career and Technology Education, State Department of Education, and (4) adhere to an accountability and evaluation plan created by the Office of Career and Technology Education, State Department of Education. The Office of Career and Technology Education, State Department of Education, shall provide a report, in February of the current fiscal year to the Senate Finance Committee and the House Ways and Means Committee on accomplishments of the Career Counseling Specialists. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

**1A.9.** (SDE-EIA: XI.E.2.-Evaluation/EIA Programs) Of the funds appropriated in Part IA, Section 1, XI.E.2. for EIA Implementation, Other Operating Expenses, 50% may only be used by the State Department of Education to support its contracted program evaluations. Of the remaining funds appropriated in Part IA, Section 1, XI.E.2. for EIA Implementation, Other Operating Expenses shall be used to support the continuation of program and policy evaluations and studies and to support the state’s participation in the Middle Grades Project, at no less than 25%. Provided further, for the current fiscal year, 25% shall be provided to the South Carolina Educational Policy Center for collaborative projects with the Department of Education and the Education Oversight Committee to provide research based information and consultation services on technical issues related to establishing a more thorough accountability system for public schools, school districts, and the K-12 education system. These entities shall pursue grants and contracts to supplement state appropriations.

**1A.10.** (SDE-EIA: XI.F.2-CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, XI.F.2. for the Teacher Recruitment Program, the S.C. Commission on Higher Education shall distribute a total of 92% to the Center for Educator

Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which 78% must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers, and of which 22% must be used for other aspects of the state teacher recruitment program, including the Teacher Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers: and shall distribute 8% to S.C. State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. Working with districts with an absolute rating of At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October 1 to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The S.C. Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The S.C. State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October 1 annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

**1A.11.** (SDE-EIA: XI.F.2-Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, S.C. Code of Laws, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1, XI.F.2. Other State Agencies and Entities shall be disbursed on a quarterly basis by the Department of Revenue directly to the state agencies and entities referenced except for the Teacher Loan Program, Centers of Excellence, the Education Oversight Committee and School Technology, which shall receive their full appropriation at the start of the fiscal year from available revenue. The Comptroller General's Office is authorized to make necessary appropriation reductions in Part IA, Section 1, XI.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, XI.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, XI.F.2. Other State Agencies and Entities.

**1A.12.** (SDE-EIA: XI.A.1-Arts in Education) Funds appropriated in Part IA, Section 1, XI.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 33% 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 S.C. 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.13.** (SDE-EIA: XI.C.2-National Board Certification Incentive) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010, may receive a loan equal to the amount of the application fee. Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 shall have one-half of the loan principal amount and interest forgiven when the required portfolio is submitted to the national board. Teachers who applied to the National Board for Professional Teaching standards for certification prior to July 1, 2010 who attain certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The department may retain up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program for teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

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

Teachers who begin the application process after July 1, 2007 and prior to July 1, 2010 and who teach in schools which have an absolute rating of below average or at-risk at the time the teacher applies to the National Board for certification, but who fail to

obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or at-risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or at risk.

**1A.14.** (SDE: XI-Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

**1A.15.** (SDE-EIA: XI.A.1-Autism Parent-School Partnership Program) From funds appropriated for Services For Students with Disabilities, \$350,000 shall be provided to the South Carolina Autism Society for the Parent-School Partnership Program.

**1A.16.** (SDE-EIA: XI.C.2-Teacher Supplies) For FY 2010-11 a local school board, in a public school board meeting prior to the first contract day of the school year, by majority vote may decide to retain the school district's allocation for Teacher Supply funds and instead of disbursing the funds to all certified public school teachers, certified special school classroom teachers, certified media specialists, and certified guidance counselors may utilize the school district's allocation for the purposing of funding teacher salaries either to avoid or decrease the impact of a teacher furlough imposed by the school board or to avoid the elimination of a teaching position as determined by the school board. A school district may not utilize this provision to increase district or school level administrators or teacher salaries. A school board utilizing this provision must notify the certified public school teacher, certified special school classroom teachers, certified media specialists, and certified guidance counselors in written communication on or before the first contract day of the school year of the school board's decision not to provide the teacher supply reimbursement along with the school board's purpose in utilizing the reimbursement funds. 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. School districts utilizing this provision to retain the teaching supplies funding for purposes other than reimbursement to the teacher must publicly display on the school district's website the number of jobs saved through the use of these funds and to electronically forward the report on jobs saved to the Department of Education no later than December 31 of the current fiscal year to be compiled in a report for electronic presentation to the General Assembly by January 15 of the current fiscal year.

**1A.17.** (SDE-EIA: XLC.2-Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district Teacher of the Year shall receive an award of \$1,000. In addition, the State Teacher of the Year shall receive an award of \$25,000, and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. To be eligible, districts must participate in the State Teacher of the Year Program sponsored by the State Department of Education.

**1A.18.** (SDE-EIA: XI-State of Emergency District) Funds may be used for retired educators serving as teacher specialists, principal specialists, principal leaders, or curriculum specialists on site in districts in which a state of emergency is declared. These educators may be hired as a principal specialist in a state of emergency district for up to four years.

**1A.19.** (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities. Any unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same purposes. The Education Oversight Committee is permitted to utilize the funds appropriated to it to fund programs promoting the teaching of economic education in South Carolina.

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

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



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

The department shall coordinate with and monitor the services provided by the School Improvement Council Assistance and the Writing Improvement Network to the schools. Based on criteria jointly determined by the department and the Education Oversight Committee, the School Improvement Council Assistance and the Writing Improvement Network must submit external evaluations to the Education Oversight Committee at least once every three years.

No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of below average or at-risk may be retained and expended by the department for implementation and delivery of technical assistance services. Using previous report card data, the department shall identify priority schools. Up to \$13,000,000 of the total funds appropriated for technical assistance shall be used by the department to work with those schools identified as priority schools.

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

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

The reconstitution of a school could take place if the school has been identified as a priority school that has failed to improve satisfactorily. The decision to reconstitute a school shall be made by the State Superintendent of Education in consultation with the

principal and/or principal mentor, the school board of trustees, and the district superintendent. The decision to reconstitute a school shall be made by April 1, at which time notice shall be given to all employees of the school. The department, in consultation with the principal and district superintendent, shall develop a staffing plan, recruitment and performance bonuses, and a budget for each reconstituted school.

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

**1A.21.** (SDE-EIA: Proviso Allocations) In the event an official EIA revenue shortfall is declared by the Board of Economic Advisors, the Department of Education may reduce any allocation in Section 1A specifically designated by proviso in accordance with the lower Board of Economic Advisors revenue estimate as directed by the Office of State Budget. No allocation for teacher salaries shall be reduced as a result of this proviso.

**1A.22.** (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy percent of the school district's per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and non-instruction pupil services. No portion of the seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the school year ending June 30, 2011. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

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

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

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

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

Quarterly throughout the 2010-11 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 posted on the internet website maintained by the school district.

For Fiscal Year 2010-11, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list must be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For Fiscal Year 2010-11, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula.

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 Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

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

**1A.23.** (SDE-EIA: Teacher Salary Supplement) The department is directed to carry forward prior year unobligated teacher salary supplement and related employer contribution funds into the current fiscal year to be used for the same purpose.

**1A.24.** (SDE-EIA: High Schools That Work Programs) The Department of Education must report annually by December first, to the Governor, the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee on the High Schools that Work Programs' progress and effectiveness in providing a better prepared workforce and student success in post-secondary education. The department, school districts, and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal that were allocated for High Schools That Work.

**1A.25.** (SDE-EIA: PSAT/PLAN Reimbursement) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. SDE is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment.

**1A.26.** (SDE-EIA: Early Childhood Review) From the funds appropriated for EIA Four-Year-Old Early Childhood, the Department of Education shall utilize up to \$300,000 to provide monitoring and oversight of the program and to institute a plan for tracking 4K students through fifth grade, examining components that have contributed to student academic success and to review on a district basis, professional development needs based on successful program components. The department shall use all pertinent information obtained to implement statewide professional development to guide efforts aimed at increasing the success of all children.

**1A.27.** (SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined by the Department of Education's InSite classification for "Instruction" must be printed on the Annual School and District Report Card.

**1A.28.** (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, XI.A.3 for instructional materials for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum instructional materials. Furthermore, the evaluation criteria used to select instructional materials with funds appropriated in Part IA, Section 1, XI.A.3 shall include a weight of up to ten percent of the overall criteria to the development of higher order thinking skills and critical thinking.

**1A.29.** (SDE-EIA: XI-E.2.-Teacher Technology Proficiency) To ensure the effective and efficient use of the funding provided by the General Assembly in Part IA, Section 1 XI.E.2 for school technology in the classroom and internet access, the State Department of Education shall approve district technology plans that specifically address and incorporate teacher technology competency standards and local school districts must require teachers to demonstrate proficiency in these standards as part of each teacher's Professional Development plan. The Department of Education's professional development tracking, prescriptive and electronic portfolio system for teachers is the preferred method for demonstrating technology proficiency as this system is aligned

to the International Society for Technology in Education (ISTE) teacher standards. Evidence that districts are meeting the requirement is a prerequisite to expenditure of a district's technology funds.

**1A.30.** (SDE-EIA: Accountability Program Implementation) To support implementation of the accountability program, the Education Oversight Committee may carry forward unexpended Education Accountability Act funds authorized specifically for the administration of the Education Oversight Committee.

**1A.31.** (SDE-EIA: One Year Suspension of EIA Programs) The following program funded with EIA revenues will be temporarily suspended for Fiscal Year 2010-11 and funds appropriated to this program allocated to teacher salaries and fringe benefits, National Board Certification Incentive salary supplements, teacher supplies, Science PLUS, and the Teaching Fellows Program administered by CERRA to hold the funding level to maintain fellowships for existing cohorts of participants in the Teacher Fellows Program: the Palmetto Gold and Silver program. Schools may still be recognized as Palmetto Gold and Silver recipients in Fiscal Year 2010-11 but will not receive financial compensation.

**1A.32.** (SDE-EIA: 4K Targeting) EIA funds allocated for the provision of four-year-old kindergarten shall be utilized for the provision of services to age-eligible children qualifying for free or reduced-price lunch or Medicaid. Children with developmental delays documented through state approved screening assessments or children with medically documented disabilities who do not already qualify for special need services should also be considered for enrollment. In the event that more students seek to enroll than available space permits, districts shall prioritize students (at the time of acceptance) on the basis of family income expressed as a percentage of the federal poverty guidelines, with the lowest family incomes given the highest enrollment priority.

**1A.33.** (SDE-EIA: Reading) Of the funds appropriated for reading/literacy, the Department of Education, schools, and districts shall ensure that resources are utilized to improve student achievement in reading/literacy. To focus on the importance of early reading and writing skills and to ensure that all students acquire reading/literacy skills by the end of grade 3, fifty percent of the appropriation shall be directed toward acquisition of reading proficiency to include, but not be limited to, strategies in phonemic awareness, phonics, fluency, vocabulary, and comprehension. Forty percent of the appropriation shall be directed toward classroom instruction and intervention to focus on struggling readers and writers in grades four through eight. Ten percent of the appropriation should be directed toward acceleration to provide additional opportunities for deepening and refinement of literacy skills.

Fifty percent of the funds shall be allocated to school districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the 135 day count of the prior school year. Fifty percent of the funds shall be allocated to the Department of Education to provide districts with research-based strategies and professional development and to work directly with schools and districts to assist with implementation of research-based strategies. When providing professional development the department and school districts must use the most cost effective method and when able utilize ETV to provide such services throughout the state. The department shall provide for an evaluation to review first year implementation activities and to establish measurements for monitoring impact on student achievement.

**1A.34.** (SDE-EIA: Artistically and Academically High-Achieving Students) EIA funds appropriated for high achieving students must be allocated to districts based on three factors: (1) the number of students served in academic gifted and talented programs based on the prior year's 135-day count of average daily membership adjusted for the current year's 45-day count and the number of students identified as artistically gifted and talented; (2) the number of students taking Advanced Placement or

International Baccalaureate (IB) exams in the prior year; and (3) a per pupil allocation for charter schools serving state-identified artistically and academically high-achieving students in core academic classes with an accelerated curriculum that has been verified by the Department of Education to meet the requirements of State Board of Education Regulation 43-220 and if they are serving state-identified artistically and academically high-achieving students in core academic courses which are included on the prior year's Commission on Higher Education's list of transferable courses. The Department of Education shall report to the Senate Education Committee and the House Education and Public Works Committee regarding the allocation and distribution of the funds by June first. At least eighty-five percent of the funds appropriated for each student classified herein must be spent for instruction and instructional support for students who generated the funds. Up to \$500,000 of the funds may be retained by the Department of Education for teacher endorsement activities. Twelve percent of the funds shall be set-aside for serving artistically gifted and talented students in grades three through twelve.

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 Placement or International Baccalaureate exam is required to develop a policy for such a fee which accounts for the student's 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 and must be pro rata for students eligible for reduced price lunch if the parent or legal guardian requests.

Endorsement criteria established by the State Board of Education for teachers assigned to teach gifted and talented and advanced placement classes shall be suspended for the current school year.

**1A.35.** (SDE-EIA: Students at Risk of School Failure) For Fiscal Year 2010-11, EIA funds appropriated for students at academic risk of school failure, which include funds for Act 135 Academic Assistance, summer school, reduce class size, alternative schools, parent support and family literacy, must be allocated to school districts based two factors: (1) the poverty index of the district as documented on the most recent district report card, which measures student eligibility for the free or reduced price lunch program and Medicaid; and (2) the number of students not in poverty or eligible for Medicaid but who fail to meet state standards on state standards-based assessments in either reading or mathematics. At least eighty-five percent of the funds allocated for students classified as at academic risk must be spent on instruction and instructional support for these students who generated the funds. Instructional support may include family literacy and parenting programs to students at-risk for school failure and their families. Students at academic risk are defined as students who are at risk of not graduating from high school because they failed either the English language arts or mathematics portion of the High School Assessment Program on first attempt and who score not met on grades three through eight in reading and mathematics state assessments. Public charter schools, the Palmetto Unified School District, and the Department of Juvenile Justice must also receive a proportionate per pupil allocation based on the number of students at academic risk of school failure served.

Of the funds appropriated for students at academic risk of school failure, \$350,000 must be allocated to the Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand statewide training for individuals who teach children of poverty through weekend college, non-traditional or alternative learning opportunities. The Center also is charged with developing a sequence of knowledge and skills and program of study for add-on certification for teachers specializing in teaching children of poverty.

**1A.36.** (SDE-EIA: Professional Development) EIA funds appropriated for professional development must be allocated to districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units

using the one hundred thirty-five day count of the prior school year. The funds must be expended on professional development for certificated instructional and instructional leadership personnel in grades kindergarten through twelve across all content areas, including teaching in and through the arts. No more than twenty-five percent of the funds appropriated for professional development may be retained by the Department of Education for the administration and provision of professional development services. The Department of Education must provide professional development on assessing student mastery of the content standards through classroom, formative and end-of-year assessments. The Department of Education also must post on the agency's website the South Carolina Professional Development Standards and provide training through telecommunication methods to school leadership on the professional development standards.

**1A.37.** (SDE-EIA: Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Of the funds appropriated and/or authorized for assessment, up to \$2,455,000 shall be used for assessments to determine eligibility of students for gifted and talented programs and for the cost of Advanced Placement and International Baccalaureate exams.

**1A.38.** (SDE-EIA: Statewide Student Information System) Contingent on the availability of a Fiscal Year 2009-10 end of year EIA cash balance the department is authorized in Fiscal Year 2010-11 to utilize up to \$5,000,000 for the costs related to the conversion, implementation, support, maintenance, and training activities for state, school district, and school users for the statewide student information system essential for sustaining accountability and transparency. The department may utilize any remaining balance for transportation purposes.

**1A.39.** (SDE-EIA: Adult Education) A minimum of thirty percent of the funds appropriated for adult education must be allocated to school districts to serve adult education students between the ages of seventeen and twenty-one who are enrolled in programs leading to a state high school diploma, state high school equivalency diploma (GED), or career readiness certificate (WorkKeys). The remaining funds will be allocated to districts based on a formula which includes target populations without a high school credential, program enrollment the previous school year, total hours of attendance the previous school year, and performance factors such as number of high school credentials and career readiness certificates awarded the previous school year. Overall levels of state funding must meet the federal requirement of state maintenance of effort.

**1A.40.** (SDE-EIA: Clemson Agriculture Education Teachers) The funds appropriated in Part IA, Section XI.F3 for Clemson Agriculture Education Teachers must be transferred to Clemson University PSA to fund summer employment of agriculture teachers and to cover state-mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment.

**1A.41.** (SDE-EIA: Education Oversight Committee Transfer) For Fiscal Year 2010-11 the Education Oversight Committee is directed to transfer \$250,000 to Teacher Supplies. The Education Oversight Committee is further directed to transfer the funds for the EOC 4 Year Old Evaluation to the Office of First Steps only for use in the CDEPP program.

**1A.42.** (SDE-EIA: Effectiveness of Strategies for Teaching Reading ) Funds appropriated in Section XI.A.1. Other Entities in the amount of \$106,790 shall be coordinated by the Department of Education to provide evidence of the effectiveness of strategies for the teaching of reading.

**1A.43.** (SDE-EIA: Incentive for National Board Certification After 6/30/10) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who complete the application process on or after July 1,

2010 shall be paid a \$5,000 salary supplement in the year of achieving certification. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed ten years of the national certificate. However, the \$5,000 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer whereby teachers who are United States citizens or permanent resident aliens apply to the National Board for Professional Teaching Standards for certification on or after July 1, 2010. Beginning July 1, 2010, up to nine hundred applications shall be processed annually. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of teachers applying to the National Board for Professional Teaching Standards for certification.

Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified or certified for renewal by the National Board for Professional Teaching Standards or completed the application or renewal application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants.

**1A.44.** (SDE-EIA: First Steps-CDEPP Program) For Fiscal Year 2010-11 the Office of First Steps is directed to utilize the funds transferred from the Education Oversight Committee only to serve students in the CDEPP program and shall report the number of students served to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2011.

**1A.45.** (SDE-EIA: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the 2010-11 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 2010-11 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 following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of 90% or greater. Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children.

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 185% 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 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

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

If by October 1 of the school year at least 75% of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, CDEPP providers may then enroll pay-lunch children who score at or below the 25th national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are available.

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

Providers shall:

- (1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;
- (2) comply with all state and local health and safety laws and codes;
- (3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;
- (4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;

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

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

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

- (1) develop the provider application form;
- (2) develop the child enrollment application form;
- (3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;
- (4) develop a list of approved 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 waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children five years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

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

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

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

- (1) serve as the fiscal agent;
  - (2) verify student enrollment eligibility;
  - (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
  - (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
  - (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
  - (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
  - (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
  - (8) maintain a database of the children enrolled in the program; and
  - (9) promulgate guidelines as necessary for the implementation of the pilot program.
- (J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:
- (1) serve as the fiscal agent;
  - (2) verify student enrollment eligibility;
  - (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
  - (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
  - (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
  - (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
  - (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
  - (8) maintain a database of the children enrolled in the program; and
  - (9) promulgate guidelines as necessary for the implementation of the pilot program.
- (K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the 2010-11 school year, the funded cost per child shall be \$4,218 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro-rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum

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

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

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

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

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

## **SECTION 2 - H66-LOTTERY EXPENDITURE ACCOUNT**

**2.1.** (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.

**2.2.** (LEA: SDE Lottery Carry Forward) The Department of Education is authorized to carry forward and expend any unexpended balances of lottery funds from the prior fiscal year into the current fiscal year for expenditures incurred in the prior fiscal year or to be expended for the same purpose.

**2.3.** (LEA: Higher Education Excellence Enhancement Program) All funds appropriated for the Higher Education Excellence Enhancement Program shall be allocated equally among the eligible institutions as defined in Section 2-77-15. The Commission on Higher Education is authorized to retain and carry forward funds not allocated in the prior fiscal year and to allocate those funds in the current fiscal year equally among the eligible institutions as defined in Section 2-77-15.

**2.4.** (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.

**2.5.** (LEA: FY 2010-11 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 2010-11 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

(1) Commission on Higher Education--Tuition Assistance Two-Year Institutions.....\$ 47,000,000;

(2) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149, Title 59.....	\$ 87,370,916;
(3) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370.....	\$ 7,823,474;
(4) Commission on Higher Education--Palmetto Fellows Scholarships as provided in Section 59-104-20 .....	\$ 30,277,240;
(5) Commission on Higher Education--Need-Based Grants.....	\$ 11,631,566;
(6) Tuitions Grants Commission--Tuition Grants.....	\$ 7,766,604;
(7) Commission on Higher Education--National Guard Tuition Repayment Program as Provided in Section 59-111-75 .....	\$ 1,700,000;
(8) South Carolina State University .....	\$ 2,500,000;
(9) Technology--Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges .....	\$ 4,154,702;
(10) Department of Education--K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525.....	\$ 41,891,798;
(11) Department of Education--Grades 6-8 Reading, Math, Science & Social Studies Program.....	\$ 2,000,000;
(12) Commission on Higher Education--Higher Education Excellence Enhancement Program.....	\$ 3,000,000; and
(13) School for the Deaf and the Blind--Technology Replacement .....	\$ 200,000.

Fiscal Year 2010-11 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.

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 2010-11 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 2010-11 are fully funded.

If the lottery revenue received for Fiscal Year 2010-11 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.

For Fiscal Year 2010-11, \$8,400,000 certified from unclaimed prizes shall be appropriated as follows: \$5,722,729 to the Department of Education for K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525 and

\$2,677,271 for Technology: Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges. The allocations of Section 59-150-230(I) of the 1976 Code are suspended for the current fiscal year.

Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$7,618,477 shall be directed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships. The next \$100,000 shall be directed to the Department of Alcohol and Other Drug Abuse Services for Prevention/Treatment of Gambling Disorders.

The next \$1,500,000 shall be directed to the Commission on Higher Education for the Partnership Among South Carolina Academic Libraries (PASCAL) Program. The next \$5,470,093 shall be directed for Technology: Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges. The next \$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 Commission on Higher Education for the Higher Education Excellence Enhancement Program. The next \$4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Critical Needs Nursing. 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.

Notwithstanding the provisions of Section 59-150-355 of the 1976 Code or any other provision of law, the Budget and Control Board may distribute funds from the Education Lottery Account on a monthly basis during the final quarter of the fiscal year.

### **SECTION 3 - H71-WIL LOU GRAY OPPORTUNITY SCHOOL**

**3.1.** (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.

**3.2.** (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.

**3.3.** (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.

**3.4.** (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.

**3.5.** (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.

**3.6.** (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.

**3.7.** (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.

**3.8.** (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.

#### **SECTION 4 - H75-SCHOOL FOR THE DEAF AND THE BLIND**

**4.1.** (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.

**4.2.** (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.

**4.3.** (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.

**4.4.** (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.

**4.5.** (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.

**4.6.** (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.

**4.7.** (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.

**4.8.** (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.

**4.9.** (SDB: By-Products Revenue Carry Forward) The School for the Deaf and the Blind is authorized to sell goods that are by-products of the school's programs and operations, charge user fees and fees for services to the general public: individuals, organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and expended for the purpose of covering expenses of the school's programs and operations.

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

**4.11.** (SDB: Sale of Property) After receiving approval from the Budget and Control Board for the sale of property, the school may retain revenues associated with the sale of property titled to or utilized by the school. These funds shall be expended on capital improvements approved by the Joint Bond Review Committee and the Budget and Control Board. For Fiscal Year 2010-11, the school is authorized to use the retained revenue from the sale of donated property for educational and other operating purposes.

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

**4.13.** (SDB: School Bus Purchase) The School for the Deaf and the Blind shall receive, from the amounts appropriated for School Transportation School Bus Purchases and subject to the availability of these funds, funds for two new school buses equipped according to the School for the Deaf and the Blind's specifications. Funds used for this purpose shall not exceed \$250,000.

## **SECTION 5 - L12-JOHN DE LA HOWE SCHOOL**

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

**5.2.** (JDLHS: Campus Private Residence Leases) John de la Howe School is authorized to lease, to its employees, private residences on the agency's campus. Funds generated may be retained and used for general operating purposes including, but not limited to, maintenance of the residences.

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

## **SECTION 6 - H03-COMMISSION ON HIGHER EDUCATION**

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

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

**6.3.** (CHE: Access & Equity Programs) Of the funds appropriated herein for Access and Equity Programs, the Commission on Higher Education shall distribute at least \$98,313 to South Carolina State University, \$24,559 to Denmark Technical College, and \$588,741 to the Access and Equity Program. With these funds the colleges and universities shall supplement their access and equity programs so as to provide, at a minimum, the same level of minority recruitment activities as provided during the prior fiscal year. Any additional funds appropriated herein for the Access and Equity Program shall be used for Commission on Higher Education implementation of statewide program priorities.

**6.4.** (CHE: Performance Funding Calculations Changes) The allocations made for the immediate fiscal year following March 1 of any year may not be adjusted by the commission due to any change in performance funding calculations, or methodology.

**6.5.** (CHE: Allowable Tuition and Fees) State funds shall not be used to provide undergraduate out-of-state subsidies to students attending state-supported public institutions of higher learning, as defined in Section 59-103-5.

**6.6.** (CHE: African-American Loan Program) Of the funds appropriated to the Commission on Higher Education for the African-American Loan Program, \$149,485 shall be distributed to South Carolina State University and \$53,389 shall be distributed to Benedict College, and must be used for a loan program with the major focus of attracting African-American males to the teaching profession. The Commission of Higher Education shall act as the monitoring and reporting agency for the African-American Loan Program. Of the funds allocated according to this proviso, no more than 10% shall be used for administrative purposes.

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

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

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

**6.10.** (CHE: Performance Improvement Pool Allocation) Of the funds appropriated to the Commission on Higher Education under Section XI. Special Items: Performance Funding, \$1,642,536 will be allocated to the EPSCoR program under the Commission on Higher Education to improve South Carolina's research capabilities, \$410,635 will be allocated to South Carolina State University as matching funds for the Transportation Center, and \$410,635 will be allocated to support the management education programs of the School of Business at South Carolina State University.

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

**6.12.** (CHE: Research Universities Matching Resources) Notwithstanding the provisions of Sections 2-75-05(B)(4) and (6) and 2-75-50 of the 1976 Code, to meet the endowed professorships matching requirement of those provisions, a research university may use funds specifically provided for use in the areas of Engineering, Nanotechnology, Biomedical Sciences, Energy Sciences, Environmental Sciences, Information and Management Sciences, and for other sciences and research that create well-paying jobs and enhanced economic opportunities for the people of South Carolina and that are approved by the Research Centers of Excellence Review Board that are derived from private or federal government sources, excluding state appropriations to the institution, tuition, or fees. The only federal dollars that may be used to meet the endowed professorships matching requirement are those federal dollars received after July 1, 2003.

**6.13.** (CHE: SREB Veterinary Students) Of the funds appropriated to or authorized for the Commission on Higher Education, the commission is directed to fund the Southern Regional Educational Board dues at an appropriate amount to include five additional veterinary medicine students.

**6.14.** (CHE: EPSCoR Transfer Authority) At the discretion of the State Manager of the South Carolina EPSCoR Program, the State Manager is authorized to transfer the South Carolina EPSCoR Program from the South Carolina Research Authority to the Commission on Higher Education. Regardless of whether the State Coordinator chooses for the program to be transferred, no funds appropriated to or authorized for the South Carolina EPSCoR Program may be retained by the South Carolina Research Authority or the Commission on Higher Education without the consent of the South Carolina EPSCoR Program.

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

**6.16.** (CHE: Need-Based Grants for Foster Youth) For the current academic year, youth in the custody of the Department of Social Services and attending a higher education institution in South Carolina are eligible for additional need-based grants funding

of up to \$2,000 above the \$2,500 maximum. Foster youth must apply for these funds no later than May first, of the preceding year. All other grants, both state and federal, for which these foster youth are eligible must be applied first to the cost of attendance prior to using the additional need-based grant funding. If the cost of attendance for a foster youth is met with other grants and scholarships, then no additional need-based grant may be used. The Department of Social Services, in cooperation with the Commission on Higher Education, will track the numbers of recipients of this additional need-based grant to determine its effectiveness in encouraging more foster youth to pursue a secondary education. No more than \$100,000 may be expended from currently appropriated need-based grants funding for this additional assistance.

**6.17. (CHE: Grants and Scholarships)** No state or other appropriated funds authorized in this act or authorized in any state law may be used to provide illegal aliens tuition assistance, scholarships, or any form of reimbursement of student expenses for enrolling in or attending an institution of higher learning in this State. The Commission on Higher Education, the Higher Education Tuition Grants Commission, the South Carolina Student Loan Corporation, and the individual public institutions of higher learning are responsible for ensuring compliance with this provision.

**6.18. (CHE: Education & General Funds - Institutions)** Of the funds appropriated to the Commission on Higher Education for Education and General Funds for Institutions, the commission shall allocate the funds to research universities, excluding Clemson University and the University of South Carolina-Columbia, four-year comprehensive teaching colleges and universities, two year branches of the University of South Carolina, and the state technical and comprehensive education system per the allocation methodology adopted by the commission for FY 2007-08 such that 35% is distributed to the institutions to begin addressing parity issues with the remaining funding distributed based on the institution's share as determined by the commission's funding model for Fiscal Year 2007-08.

**6.19. (CHE: Critical Needs Nursing Initiative)** The funds appropriated to the Commission on Higher Education for the Critical Needs Nursing Initiative shall be used the purpose of implementing the Critical Needs Nursing Initiative Fund per Section 59-110-10, et seq., of the 1976 Code of Laws, as amended. Funds allocated for nursing faculty and faculty salary enhancements and new nursing faculty shall be permanently transferred to the affected institutions where such faculty are employed. The governing body of the institution, pursuant to its procedures, shall then allocate these enhancements among its affected faculty in such amounts as it determines appropriate consistent with their salary guidelines.

**6.20. (CHE: Need-Based Grant Allocation Methodology)** Need-based grant funds for public institutions must be allocated using a methodology that considers state resident Pell Grant recipients such that each public institution shall receive an amount sufficient to provide a similar level of support per state resident Pell recipient when compared to tuition and required fees. However, no public institution shall receive a smaller proportion of funding than would be provided under the student enrollment methodology used in past years.

**6.21. (CHE: Tuition Age)** For Fiscal Year 2010-11, the age limitation for those children of certain war veterans who may be admitted to any state-supported college, university, or post high school technical education institution free of tuition is suspended for eligible children that successfully appeal the Division of Veterans Affairs on the grounds of a serious extenuating health condition.

**6.22. (CHE: Mandatory Furlough)** In a fiscal year in which the general funds appropriated for an institution of higher learning are less than the general funds appropriated for that institution in the prior fiscal year, or whenever the General Assembly or the

Budget and Control Board implements a midyear across-the-board budget reduction, agency heads for institutions of higher learning and the State Board for Technical and Comprehensive Education through policy and procedure for the Technical College System may institute employee furlough programs of not more than twenty working days in the fiscal year in which the deficit is projected to occur. The furlough must be inclusive of all employees in an agency or within a designated department or program regardless of source of funds, place of work, or tenure status, and must include employees in classified positions and unclassified positions as well as agency heads. A furlough program may also be implemented by pay band for classified employees and by pay rate for unclassified employees. Law enforcement, employees who provide direct patient or client care, and front-line employees who deliver direct customer services may be exempted from a mandatory furlough. If the furlough includes the entire agency, the furlough must include the agency head. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency or individual institution. In the event that an agency implements both a voluntary furlough program and a mandatory furlough program during the fiscal year, furlough days taken voluntarily will count toward furlough days required by the mandatory furlough. During this furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, including but not limited to contributions to the South Carolina Retirement System or the optional retirement program, institutions will be responsible for making both employer and employee contributions during the time of the furlough if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Act. In the event an institution's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply. The implementation of a furlough program authorized by this provision shall be on an institution by institution basis. Agencies may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs if that employee is non-exempt under the provisions of the federal Fair Labor Standards Act. State agencies shall report information regarding furloughs to the Office of Human Resources of the Budget and Control Board as requested.

**6.23.** (CHE: Religious Activities) For Fiscal Year 2010-11, state supported higher education institutions receiving Federal Stimulus Stabilization funds must continue to support, operate and maintain existing religious programs, instruction, and facilities used for religious activities.

**6.24.** (CHE: Scholarships Funded From Unclaimed Capital Credits) For the current fiscal year, businesses identified in Section 27-18-30(C) of the 1976 Code who have contributed to a scholarship program at an institution of higher education in South Carolina from unclaimed capital credits for the last five consecutive years may continue to fund the scholarships for those students who were awarded scholarships prior to August 31, 2010, and such funds are exempt from the provisions of Section 27-18-30(C) provided that the reporting requirements of Section 27-18-180 are met.

**6.25.** (CHE: In-State Tuition for Military Personnel and Dependents) During the period of their assignment to South Carolina, members of the armed services of the United States stationed in South Carolina and their dependents are eligible for in-state tuition rates. When these armed service personnel are ordered away from the State, their dependents are eligible for in-state tuition rates as long as they remain continuously enrolled at the state institution in which they are enrolled at the time the assignment ends or transfer to an eligible institution during the term or semester, excluding summer terms, immediately following their enrollment at

the previous institution. In the event of a transfer, the receiving institution shall verify the decision made by the student's previous institution in order to certify the student's eligibility for in-state tuition rates. It is the responsibility of the transferring student to ensure that all documents required to verify both the previous and present residency decisions are provided to the institution. These persons and their dependents are eligible for in-state rates after their discharge from the armed services even though they were not enrolled at a state institution at the time of their discharge, if they have evidenced an intent to establish domicile in South Carolina and if they have resided in South Carolina for a period of at least twelve months immediately preceding their discharge.

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

## **SECTION 9 - H12-CLEMSON UNIVERSITY - EDUCATIONAL & GENERAL**

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

## **SECTION 14 - H24-SOUTH CAROLINA STATE UNIVERSITY**

**14.1.** (SCSU: BRIDGE Program) The funds appropriated to South Carolina State University for the BRIDGE Program shall be utilized to recruit minority high school students along the I-95 corridor into the teaching profession by offering them, while still in high school, access to counseling, mentoring, on campus summer enrichment programs, and opportunities for dual enrollment credits at South Carolina State University for the purpose of preparing these students to major in education and to become future teachers along the I-95 corridor.

## **SECTION 15 - H45-UNIVERSITY OF SOUTH CAROLINA**

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

**15.2.** (USC: Indirect Cost Recovery Waiver for Summer Food Service Program) The University of South Carolina is granted partial waiver of the remittance of indirect cost recoveries for the Summer Food Service Program supported by the Federal Department of Agriculture through the Department of Social Services. The waiver may not exceed the amount of direct administrative cost for the program.

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

## **SECTION 17 - H54-MEDICAL UNIVERSITY OF SOUTH CAROLINA**

**17.1.** (MUSC: Palmetto Initiative for Excellence) Funds appropriated herein to the SC Healthcare Recruitment and Retention Center for the Palmetto Initiative for Excellence shall be used as match funds to promote diversity within the administrative health services workforce in South Carolina. Funds are to be used to stimulate the development of post-graduate fellowships, undergraduate internships, and mentoring programs.

**17.2.** (MUSC: Rural Dentist Program) The Rural Dentist Program, in coordination with the Department of Health and Environmental Control's Public Health Dentistry Program, is established at the Medical University of South Carolina. The funds appropriated to the Medical University of South Carolina for the Rural Dentist Program shall be administered by the South Carolina Area Health Education Consortium physician recruitment office. The costs associated with administering this program are to be paid from the funds appropriated to the Rural Dentist Program and shall not exceed 4% of the appropriation. The Medical University of South Carolina is responsible for the fiscal management of funds to ensure that state policies and guidelines are adhered to. MUSC shall be permitted to carry forward unspent general funds appropriated to the Rural Dentist program provided that these funds be expended for the program for which they were originally designated. A board is created to manage and allocate these funds to insure the location of licensed dentists in rural areas of South Carolina and on the faculty of the College of Dental Medicine at MUSC. The board will be composed of the following: the Dean, or his designee, of the MUSC College of Dental Medicine; three members from the South Carolina Dental Education Foundation Board who represent rural areas; and the President of the South Carolina Dental Association. The Director of DHEC's Office of Primary Care; the Director or his designee of the Department of Health and Human Services; and the Executive Director of the South Carolina Dental Association shall serve as ex officio members without vote. This board shall serve without compensation.

**17.3.** (MUSC: Preterm Birth Prevention) For Fiscal Year 2010-11, the Medical University of South Carolina shall implement a preterm prevention case management program utilizing a disease management coordination network for the Medicaid fee for service population in the Low Country Perinatal Region. The purpose of the program is to reduce premature births, neonatal morbidity and mortality, and the attendant costs for neonatal intensive care. The Department of Health and Human Services shall provide administrative funding to the Medical University of South Carolina for the cost of this program.

## **SECTION 18 - H59-STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION**

**18.1.** (TEC: Training of New & Expanding Industry) Notwithstanding the amounts appropriated in this section for the "Center for Accelerated Technology Training", it is the intent of the General Assembly that the State Board for Technical and Comprehensive Education expend whatever funds as are necessary to provide direct training for new and expanding business or industry. In the event expenditures are above the appropriation, the appropriation in this section for the "Center for Accelerated Technology Training" shall be appropriately adjusted, if and only if, the Budget and Control Board approves the adjustment.

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

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

**18.4.** (TEC: Caterpillar Dealer Academy) The area commission for the Florence-Darlington Technical College may waive the requirements of Chapter 112, Title 59 for student participants in the Caterpillar Dealer Academy operated by Florence-Darlington Technical College.

## **SECTION 19 - H67-EDUCATIONAL TELEVISION COMMISSION**

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

**19.2.** (ETV: Digital Satellite) The state's digital satellite video transmission system will support public and higher education, enhance the statewide delivery of health care services, improve public service, and assist state agencies with statewide personnel training. To facilitate the achievement of these objectives, there is created a Video Resources Oversight Council composed of representatives of the South Carolina Educational Television Commission, the State Department of Education, the Commission on Higher Education, the Human Services Coordinating Council, and the Budget and Control Board's Division of Budget and Analyses, Office of Information Technology Policy and Management.

## **SECTION 20 - H73-DEPARTMENT OF VOCATIONAL REHABILITATION**

**20.1.** (VR: Production Contracts Revenue) All revenues derived from production contracts earned by the handicapped trainees of the Evaluation and Training Facilities (Workshops) 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.

**20.2.** (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.

**20.3.** (VR: Basic Support Program Reconciliation) The General Assembly hereby directs the Department of Vocational Rehabilitation to complete a reconciliation of the cost to operate the Basic Support program related to the combination of state and federal funds available following the close of each federal fiscal year. Such reconciliation shall begin with the federal fiscal year ending September 30, 1989. Federal funds participation for that period shall be applied at the maximum allowable percentage and the level of those funds on hand which have resulted from the over participation of state funds shall be remitted to the general fund



within 120 days following the close of the federal fiscal year. This reconciliation and subsequent remission to the general fund shall be reviewed by the State Auditor to ensure that appropriate federal/state percentages are applied. It is the intent of the General Assembly that federal/state percentages budgeted and appropriated shall in no way be construed as authorization for the department to retain the federal funds involved.

**20.4.** (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.

**20.5.** (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.

**20.6.** (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 S.C. 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 Title 59, Chapter 142 of the South Carolina Code of Laws.

## **SECTION 21 - J02-DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**21.1.** (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.

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

The department may apply the inflation factor in calculating the reimbursement rate for the new contract period from zero percent (0%) up to the inflation factor developed by the Division of Budget and Analyses.

**21.3.** (DHHS: Medical Assistance Audit Program Remittance) The Department of Health and Human Services shall remit to the general fund an amount representing fifty percent (allowable Federal Financial Participation) of the cost of the Medical Assistance Audit Program as established in the State Auditor's Office of the Budget and Control Board Section 80B. Such amount shall also include appropriated salary adjustments and employer contributions allocable to the Medical Assistance Audit Program. Such remittance to the general fund shall be made monthly and based on invoices as provided by the State Auditor's Office of the Budget and Control Board.

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

**21.5.** (DHHS: Medicaid State Plan) Where the Medicaid State Plan has been altered to cover services that previously were provided by 100% state funds, or that have been requested to be added by other state agencies, the department can bill other agencies for the state share of services provided through Medicaid. In order to comply with Federal regulations regarding allowable sources of matching funds, state agencies are authorized to make appropriation transfers to the Department of Health and Human Services to be used as the state share when certified public expenditures are not allowed for those state agency Medicaid services. The department will keep a record of all services affected and submit periodic reports to the Senate Finance and House Ways and Means Committees.

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

**21.7.** (DHHS: Admin. Days/Swing Beds Reduction Prohibition) Funds appropriated herein for hospital administrative days and swing beds shall not be reduced in the event the agency cuts programs and the services they provide.

**21.8.** (DHHS: Nursing Home Sanctions) The Department of Health and Human Services is authorized to establish an interest bearing restricted fund with the State Treasurer, to deposit fines collected as a result of nursing home sanctions. The department may use these funds consistent with the provision of Section 44-6-470.

**21.9.** (DHHS: Community Residential Care Optional State Supplementation) The increase to Personal Needs Allowance for residents of community residential care facilities, if the federal government grants a cost of living increase to Social Security and Supplemental Security Income recipients, will be effective in January. The department will increase the residential care payment by the amount of the cost of living increase minus \$2.00 per recipient for an increase in the Personal Needs Allowance. This increase to the Personal Needs Allowance applies to all OSS recipients regardless of whether they receive Social Security and/or Supplemental Security Income. The maximum amount of payment a facility can charge will be increased by the same amount as the cost of living increase, less \$2.00. The department is authorized to maximize a portion of the OSS funds to implement the Integrated Personal Care program for eligible residents of community residential care facilities that receive OSS payments.

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

**21.11.** (DHHS: Chiropractic Services) From the funds appropriated herein, the department is directed to provide coverage for medically necessary chiropractic services for Medicaid eligible recipients.

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

**21.13.** (DHHS: Provider Reimbursement Rate Report) The Department of Health and Human, in conjunction with the Office of Research and Statistics of the Budget and Control Board, shall prepare a report that compares the reimbursement rate of Medicaid providers to the reimbursement rate of the Medicare Program and the State Health Plan. This report shall be completed by January thirty-first, each year, and submitted to the Governor and the Chairmen of the Senate Finance and House Ways and Means Committees.

**21.14.** (DHHS: Medicaid Eligibility Transfer) The South Carolina Department of Health and Human Services (DHHS) is hereby authorized to determine the eligibility of applicants for the South Carolina Medicaid Program. Personnel of the Department of Social Services (DSS) engaged in this function full-time, and other DSS personnel engaged in this function who are identified by agreement of DSS and DHHS, are transferred to DHHS. The governing authority of each county shall continue to provide office space and facility service for this function as they do for DSS functions under Section 43-3-65.

**21.15.** (DHHS: Prescription Reimbursement Payment Methodology) The prescription dispensing fee for the current fiscal year is not less than \$4.05 per prescription filled. Prescription reimbursements must be the lowest of: the federal upper limit of payment or South Carolina maximum allowable cost (MAC) for the drug, if any, less 10% plus the current dispensing fee; the Wholesale Acquisition Cost (WAC) plus 12.5%, or the provider's usual and customary charge to the general public for the dispensed product. By October 31, 2010, the Department of Health and Human Services shall submit a state plan amendment to the Centers for Medicare and Medicaid Services (CMS) requesting approval for the reimbursement rate referenced above. The Department shall submit a copy of the CMS State Plan Amendment to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee.

During the CMS review process or if the CMS denies the aforementioned state plan amendment; prescription reimbursements must be the lowest of: the federal upper limit of payment or South Carolina maximum allowable cost (MAC) for the drug, if any, less 10% plus the current dispensing fee; the Average Wholesale Price (AWP) minus 10%, or the provider's usual and customary charge to the general public for the dispensed product.

The Department of Health and Human Services shall adjust the dispensing fee as necessary to offset any negative change in the federal reimbursement methodology from the prior fiscal year. The department shall submit a report by January thirty-first, of the current fiscal year to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee summarizing any changes in the federal reimbursement methodology and the impact of the changes on the state prescription reimbursement payment.

**21.16.** (DHHS: Franchise Fees Suspension) Franchise fees imposed on nursing home beds and enacted by the General Assembly during the 2002 session are suspended July 1, 2002.

**21.17.** (DHHS: Medicaid Monthly Maintenance Needs Allowance) The Department of Health and Human Services, phased-in ratably over five years, shall conform South Carolina's State Medicaid Monthly Maintenance Needs Allowance to the most current maximum amounts authorized by the Federal Government. The department may utilize, to the extent necessary, general funds appropriated to the agency in Part IA of this act to implement the provisions of this paragraph.

**21.18.** (DHHS: Medicaid Cost Savings Suggestion Award Program) The department is authorized to provide cash or honorary awards to employees of Medicaid providers whose suggestion is adopted by the committee administering the Medicaid Cost Savings Suggestion Award Program that will result in savings of state or federal dollars. Employees of the department are not eligible for cash awards. The department is authorized to fund this program from revenue from third party liability collections. The maximum amount of funds that may be used annually for the program is \$20,000.

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

**21.20.** (DHHS: Prior Authorization Exemptions) The Department of Health and Human Services must expend funds appropriated for pharmaceutical services without prior authorization on medications prescribed to treat major depression, schizophrenia, or bipolar disorder as defined by the most recent edition of the Diagnostics and Statistical Manual of the American Psychiatric Association or following prescribing practice guidelines established by the American Psychiatric Association, or HIV/acquired immune deficiency syndrome, or oncology related pharmaceuticals. Operational procedures necessary to insure the appropriate use and prevent the non-FDA approved use of these medications will be allowed.

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

**21.22.** (DHHS: Prevention Partnership Grants) The Department of Health and Human Services must implement a Prevention Partnership Grants Program with funds appropriated herein for prevention grants. Of these funds \$1,000,000 shall be allocated to the Department of Health and Environmental Control for HIV Prevention. Grants must be awarded through a competitive process to government agencies, private foundations and businesses, and/or non-profit organizations that operate preventive health programs with documented outcomes. To prevent duplication, the department must also function as a clearinghouse for all of the state's prevention and healthy lifestyle activities identified in the activity inventories agencies submitted to the State Budget Office. Information provided to the department for the clearinghouse must include, at a minimum, details on expenditures, administrative costs, recipients, and outcomes. The department will use this clearinghouse to identify gaps and overlaps in the state's prevention and healthy lifestyle efforts, and then develop and present to the Governor and Chairmen of the Senate Finance, House Ways and Means, Senate Medical Affairs, and House Medical, Military, Public and Municipal Affairs Committees an interagency state prevention and healthy living plan, including guidelines for administration and distribution of prevention partnership grants, annually by September 30th. All state agencies, whether specifically identified in this section or not, must provide information upon the department's request.

**21.23.** (DHHS: Federally Qualified Health Centers-Pharmacies) (A) Federally qualified health centers are suspended from provisions of Chapter 43, Title 40 of the 1976 Code that require:

- (1) all facilities distributing or dispensing prescription drugs to be permitted by the Board of Pharmacy;
- (2) each pharmacy to have a pharmacist-in-charge;

(3) a pharmacist to be physically present in the pharmacy or health center delivery site in order to serve as the pharmacist-in-charge;

(4) a pharmacist to serve as a pharmacist-in-charge for only one pharmacy at a time.

(B) A federally qualified health center must be recognized as a covered entity under Section 40-43-60(I) of the 1976 Code allowing licensed practitioners, as defined by Section 40-43-30(45), to dispense drugs or devices that are the lawful property of the practitioner or the corporation.

(C) A federally qualified health center may transport medications in the same manner as allowed by laws for free clinics and/or private physician practices.

**21.24.** (DHHS: High Management Group Homes/Psychiatric Residential Treatment Facility) An existing facility currently licensed by the South Carolina Department of Social Services and enrolled with the Medicaid agency as a High Management Group Home provider may elect to be enrolled with the Medicaid agency as a Psychiatric Residential Treatment Facility and licensed by the Department of Health and Environmental Control as a Residential Treatment Facility provided the facility meets the following criteria:

(1) Department of Health and Environmental Control licensing standards outlined in Regulation 61-103 regarding Residential Treatment Facilities;

(2) State and federal laws, regulations, and policies regarding participation as a Psychiatric Residential Treatment Facility.

A High Management Group Home facility may request and be granted a Certificate of Need exemption from the Department of Health and Environmental Control for up to the number of beds existing as of January 1, 2007. Any such request must be submitted to DHEC prior to January 1, 2008. If the current High Management Group Home facility cannot meet licensing standards or obtain an exemption or waiver from licensing standards of the Department of Health and Environmental Control, the High Management Facility, licensed by the Department of Social Services and enrolled with the Medicaid agency as a High Management Group Home, may move and rebuild within the adjacent twenty miles up to the number of beds existing at the facility on January 1, 2007 and obtain the same exemptions. Facilities seeking to increase the existing number of beds beyond those held on January 1, 2007, or relocate outside of the 20 mile radius will be subject to all CON and licensing requirements.

High Management Group Homes not electing to operate as a Psychiatric Residential Treatment Facility may continue to receive non-Medicaid state and federal funds only, except as allowed under a transition plan authorized by the Medicaid agency.

**21.25.** (DHHS: State Children's Health Insurance Program) The Department of Health and Human Services shall establish a separate, stand-alone plan under the authority of the State Children's Health Insurance Program (SCHIP) for the purpose of expanding eligibility for children up to two hundred percent (200%) of the prevailing federal poverty level. All other Medicaid eligibility criteria shall apply. For these purposes, a child is considered to be an individual under the age of nineteen. This plan shall operate as a combination program complementing existing Medicaid and Medicaid SCHIP expansion programs. The program shall be modeled on private insurance and the benefits package must be substantially equal to the benefits provided by: (1) Federal Employee Health Benefits Program Standard Option; or, (2) a plan offered to state employees; or, (3) a plan offered by an HMO with the largest commercial enrollment in the state; or, (4) a plan approved by the Secretary of the Federal Department of Health & Human Services. The private benefit plan must include dental and visual benefits substantially equal to those benefits currently offered to existing beneficiaries under the Medicaid program. Implementation of this program is contingent upon the availability

of Federal funding appropriated for this purpose. The department shall be authorized to limit the number of enrollees, close enrollment, or establish a waiting list as necessary so as not to exceed available state appropriations. No cost sharing provision shall be applied. The department is directed to convert the stand-alone plan to the standard SCHIP Medicaid program using the same income limits if the department demonstrates a cost savings without a reduction of the services offered.

**21.26.** (DHHS: Long Term Care Facility Reimbursement Rates) The department shall submit its Medicaid State Plan amendment for long term care facility reimbursement rates to the Federal government prior to August 1 of each year provided the State Appropriations Act has been enacted prior to that date. This provision shall apply only in those years when funds are allocated for rate increases.

**21.27.** (DHHS: Upper Payment Limit for Non-State Owned Public Nursing Facilities) The department shall prepare and submit to the Center for Medicare and Medicaid Services no later than August 12, 2010, a state plan amendment to provide Medicaid supplemental payments to non-state owned public nursing facilities who qualify as Essential Public Safety Net providers. The department shall provide a report on the plan amendment to the House of Representatives Ways and Means Committee and the Senate Finance Committee by the aforementioned date.

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

The department shall utilize funds that would have been spent for these children being admitted to Hospital Pediatric Intensive Care Units due to the lack of in-home nursing care services. The department shall provide an hourly rate adjustment of \$3.00 per hour to both the RN rate and LPN rate who provide specialized and technical medical care to those children who are defined as High Risk/High Tech.

**21.29.** (DHHS: Pediatric Literacy Program) The department shall coordinate with any pediatric, non-profit early literacy program, upon request of such program, to identify program participants who are also enrolled as Medicaid providers and, to the extent possible based on data available to the department, work with the program to determine potential geographic areas for program expansion.

**21.30.** (DHHS: Prior Authorization-Formulary Changes) The Department of Health and Human Services shall coordinate and approve formulary changes for medications prescribed to treat major depression, schizophrenia, or bipolar disorder as defined by the most recent edition of the Diagnostics and Statistical Manual of the American Psychiatric Association or following prescribing practice guidelines established by the American Psychiatric Association. The department shall require, in its managed care policy and procedures guide, managed care organizations to utilize a common prior authorization form for drugs used to treat major depression, schizophrenia, or bipolar disorder. Adverse changes to a plan formulary must be coordinated with the agency. If a formulary change regarding a medication prescribed to treat one of the conditions listed above will adversely affect the patient's condition, the grievance process must be exhausted prior to the beneficiary initiating disenrollment from the plan. At no time will a patient who is actively on medication for treatment of one of the above conditions at the time of enrollment in a managed care plan be denied coverage for such medication until resolution of the grievance process. If the department determines the grievance

process does not provide favorable relief for the beneficiary, the beneficiary shall be allowed to enroll in fee-for-service or another managed care plan providing formulary coverage.

**21.31. (DHHS: Offset Budget Reduction)** In the event of a base budget reduction assessed by the Budget and Control Board or the General Assembly, the Department of Health and Human Services is authorized to utilize Program II. A. 3. Z. Case Services/Public Assistance funds carried forward from the prior fiscal year into the current fiscal year as well funds appropriated for the same purpose in Fiscal Year 2010-11 that are in excess of program requirements in order to offset Fiscal Year 2010-11 base budget reductions. The department shall be required to enroll into the program any child who qualifies during Fiscal Year 2010-11.

**21.32. (DHHS: Modular Ramps)** The Department of Health and Human Services is authorized to lease modular ramps in the event the department can foresee demonstrated cost-savings to the department.

**21.33. (DHHS: Medicaid Cost and Quality Effectiveness)** The Department of Health and Human Services shall establish a procedure to assess the various forms of managed care (Health Maintenance Organizations and Medical Home Networks, and any other forms authorized by the department) to measure cost effectiveness and quality. These measures must be compiled on an annual basis. The Healthcare Effectiveness Data and Information Set (HEDIS) shall be utilized for quality measurement and must be performed by an independent third party according to HEDIS guidelines. Cost effectiveness shall be determined in an actuarially sound manner and data must be aggregated in a manner to be determined by a third party in order to adequately compare cost effectiveness of the different managed care programs versus Medicaid fee-for-service. The methodology must use appropriate case-mix and actuarial adjustments that allow cost comparison of managed care organizations, medical home networks, and fee-for-service. The department shall issue annual healthcare report cards for each participating Medicaid managed care plan and Medical Home Network operating in South Carolina and the Medicaid fee-for-service program. The report card measures shall be developed by the department and the report card shall be formatted in a clear, concise manner in order to be easily understood by Medicaid beneficiaries. The results of the cost effectiveness calculations, quality measures and the report cards shall be made public on the department's website no later than 90 days after the end of each fiscal year.

**21.34. (DHHS: MUSC Medicaid Services Reimbursement)** The Department of Health and Human Services must reimburse the Medical University of South Carolina for costs on all Medicaid hospital services rendered as specified in the Medicaid State Plan.

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

**21.36. (DHHS: Carry Forward)** The Department of Health and Human Services is authorized to carry forward cash balances from the prior fiscal year into the current fiscal year for any earmarked or restricted trust and agency, or special revenue account or subfund. All revenue deposited into the Restricted Medicaid Expansion Fund must be expended in the year the revenue is received. The department shall submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year. The report shall, at a minimum, for each account or subfund include the following: the statutory authority that allows the funds to be carried forward, the maximum authorized amount that can be carried forward, the general purpose or need for the carry forward,

the specific source(s) of funding or revenue that generated the carry forward, and a detailed description of any pending obligations against the carry forward. The report must be submitted to the President Pro Tempore of the Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and Chairman of the House Ways and Means Committee, within fifteen (15) days after the Comptroller General closes the fiscal year.

**21.37. (DHHS: Medicaid Provider Fraud)** The department shall expand and increase its effort to identify, report, and combat Medicaid provider fraud. The department shall report to the General Assembly before April 1, 2010 on the results of these efforts, funds recuperated or saved, and information pertaining to prosecutions of such actions, including pleas agreements entered into.

**21.38. (DHHS: ARRA County Matching Funds Adjustment)** From the county assessments for indigent medical care, the department is authorized to reduce and/or refund to the respective counties on a quarterly basis, such amounts as may be necessary to comply with Section 5001(g)(2) of the American Recovery and Reinvestment Act of 2009.

**21.39. (DHHS: Smart Card/USB Token Pilot Study)** At no cost to the State of South Carolina or the Department of Health and Human Services, if any provider for Health Care under Medicaid determines to test a smart card or USB token which meets HIPAA and UETA standards and contains encrypted portable health information, such a pilot study may be conducted so long as all federal and state mandates are satisfied and so long as no medical services are denied if the card does not function properly at the provider site of service or if the card is not provided in an exigent situation. The department must cooperate with the provider in facilitating such a pilot so long as all direct and reasonable indirect costs are paid for, if such costs are incurred by the department.

**21.40. (DHHS: Community Health Plans)** The Department of Health and Human Services shall oversee all community health plans approved to operate as a pilot program for the purpose of providing health care. Such oversight shall include the review and approval of the financial and business plan of the community health plan. Only those plans receiving approval from the department, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee prior to January 1, 2009 shall be authorized to operate as an approved community health plan pursuant to this provision. The department shall approve participation requirements of community health plans.

An approved community health plan acting in accordance with these provisions shall not be considered as providing insurance or an unauthorized insurer. The department shall submit a report no later than January 1, 2011, to the Chairmen of the Senate Finance Committee; House Ways and Means Committee; Senate Medical Affairs Committee; House Medical, Military, Public and Municipal Affairs Committee; Senate Banking and Insurance Committee; and House Labor, Commerce and Industry Committee. The report shall include legislative recommendations, an overview of approved community health plans, a listing of all approved community health plans, and individual reports to be prepared by each approved community health plan providing an analysis of the financial status of the program, data on the enrollees and participating health care providers, a description of enrollee services utilized, and other information as requested by the department or committees.

**21.41. (DHHS: ARRA State Match Carry Forward)** The Department of Health and Human Services is authorized to carry forward from the prior fiscal year into the current fiscal year any unobligated state match funds resulting from additional payments received from the increased Federal Medical Assistance Percentage provided by the American Recovery and Reinvestment Act of 2009.



**21.42.** (DHHS: Personal Emergency Response System) The Department of Health and Human Services may consider the use of Personal Emergency Response Systems (PERS) units with additional functionality to include the use of a two button system that is UL or ETL certified.

**21.43.** (DHHS: GAPS) The requirements of Title 44, Chapter 6-610 through Chapter 6-660 shall be suspended for Fiscal Year 2010-11.

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

**21.45.** (DHHS: Medicaid Pooling Initiative) The Department of Health and Human Services' Medicaid Pharmacy and Therapeutics Committee shall conduct a cost-benefit analysis of the National Medicaid Pooling Initiative (NMPI) and the state's participation in the NMPI. The analysis shall include a review of all other multi-state Medicaid drug purchasing pools that have been approved by the Centers for Medicare and Medicaid Services to compare the NMPI to other available plans to identify the initiative that provides the greatest opportunity to achieve maximum savings for the state. The department shall provide a report on the results of the analysis to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January 14, 2011.

## **SECTION 22 - J04-DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

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

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

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

**22.2.** (DHEC: County Health Units) General funds made available to the Department of Health and Environmental Control for the allocation to the counties of the State for operation of county health units be allotted on a basis approved by the Board of the Department of Health and Environmental Control. The amount of general funds appropriated herein for Access to Care shall be allocated on a basis such that no county budget shall receive less than the amount received in the prior fiscal year, except when

instructed by the Budget and Control Board or the General Assembly to reduce funds within the department by a certain percentage, the department may unilaterally reduce the county health units up to the stipulated percentage.

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

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

**22.5.** (DHEC: Cancer/Hemophilia) Notwithstanding any other provisions of this act, the funds appropriated herein for prevention, detection and surveillance of cancer as well as providing for cancer treatment services, \$686,216 and the hemophilia assistance program, \$1,493,245 shall not be transferred to other programs within the agency and when instructed by the Budget and Control Board or the General Assembly to reduce funds within the department by a certain percentage, the department may not act unilaterally to reduce the funds for any cancer treatment program and hemophilia assistance program provided for herein greater than such stipulated percentage.

**22.6.** (DHEC: Speech & Hearing) The Department of Health and Environmental Control shall utilize so much of the funds appropriated in this section as may be necessary to continue the Speech and Hearing programs.

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

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

**22.9.** (DHEC: Emergency Medical Services) Funds appropriated herein for Emergency Medical Services, shall be allocated for the purpose of improving and upgrading the EMS system throughout the state. The monies allocated to the Counties are for the purpose of improving or upgrading the local EMS system through the licensed ambulance services, the monies allocated to the EMS Regional Councils are for the administration of training programs and technical assistance to local EMS organizations and county systems. All additional funds are to be allocated as follows: to the counties at the ratio of 81% of the additional funds appropriated herein, to the EMS Regions at a ratio of 12% of the additional funds appropriated herein and to the state EMS Office at the ratio of 7% of the additional funds appropriated herein. The Department of Health and Environmental Control shall develop criteria and guidelines and administer the system to make allocations to each region and county within the state, based on demonstrated need and local match. Funds appropriated, \$1,610,512, to Emergency Medical Services shall not be transferred to

other programs within the department's budget. Unexpended funds appropriated to the program may be carried forward to succeeding fiscal years and expended for administrative and operational support and for temporary and contract employees to assist with duties related to improving and upgrading the EMS system throughout the state, including training of EMS personnel and administration of grants to local EMS providers. In addition, when instructed by the Budget and Control Board or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds appropriated for EMS Regional Councils or Aid to Counties greater than such stipulated percentage.

**22.10.** (DHEC: Rape Violence Prevention Contract) Of the amounts appropriated in Rape Violence Prevention, \$513,481 shall be used to support programmatic efforts of the state's rape crisis centers with distribution of these funds based on the Department of Health and Environmental Control Rape Violence Prevention Program service standards and each center's accomplishment of a pre-approved annual action plan.

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

**22.12.** (DHEC: Sickle Cell Programs) \$957,633 is appropriated for Sickle Cell program services and shall be apportioned as follows:

(1) 67% is to be divided equitably between the existing Community Based Sickle Cell Programs located in Spartanburg, Columbia, Orangeburg, and Charleston; and

(2) 33% is for the Community Based Sickle Cell Program at DHEC.

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

**22.13.** (DHEC: Genetic Services) The sum of \$130,948 appearing under the Independent Living program of this act shall be appropriated to and administered by the Department of Health and Environmental Control for the purpose of providing appropriate genetic services to medically needy and underserved persons. Such funds shall be used by the department to administer the program and to contract with appropriate providers of genetic services. Such services will include genetic screening, laboratory testing, counseling, and other services as may be deemed beneficial by the department, and these funds shall be divided equally among the three Regional Genetic Centers of South Carolina, composed of units from the Medical University of South Carolina, the University of South Carolina School of Medicine, and the Greenwood Genetic Center.

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

**22.15.** (DHEC: Medicaid Nursing Home Bed Days) Pursuant to Section 44-7-84(A) of the 1976 Code, the maximum number of Medicaid patient days for which the Department of Health and Environmental Control is authorized to issue Medicaid nursing home permits is 4,452,015.

**22.16.** (DHEC: Health Licensing Fee) Funds resulting from an increase in the Health Licensing Fee Schedule shall be retained by the department to fund increased responsibilities of the health licensing programs. Failure to submit a license renewal application or fee to the department by the license expiration date shall result in a late fee of \$75 or 25% of the licensing fee amount, whichever is greater, in addition to the licensing fee. Continual failure to submit completed and accurate renewal applications and/or fees by the time period specified by the department shall result in enforcement actions. The department may waive any or all of the assessed late fees in extenuating circumstances, as long as it is with public knowledge.

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

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

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

**22.20.** (DHEC: Spoil Easement Areas Revenue) The department is authorized to collect, retain and expend funds received from the sale of and/or third party use of spoil easement areas, for the purpose of meeting the State of South Carolina's responsibility for providing adequate spoil easement areas for the Atlantic Intracoastal Waterway in South Carolina.

**22.21.** (DHEC: Per Visit Rate) The SC DHEC is authorized to compensate nonpermanent, part-time employees on a fixed rate per visit basis. Compensation on a fixed rate per visit may be paid to employees for whom the department receives per visit reimbursement from other sources. These individuals will provide direct patient care in a home environment. The per visit rate may vary based on the discipline providing the care and the geographical location of services rendered. Management may pay exempt or nonexempt employees as defined by the Fair Labor Standards Act only when they are needed to work. Individuals

employed in this category may exceed twelve months, but are not eligible for State benefits except for the option of contributing to the State Retirement System.

**22.22.** (DHEC: Allocation Patient Days) The department will allocate additional Medicaid patient days authorized above the previous fiscal year's level based on the percentage of the additional requested Medicaid patient days and a percentage of the need indicated by the Community Long Term Care waiting list in priority order: (1) to those nursing homes currently holding a Medicaid nursing home permit; (2) to those nursing homes that are currently licensed, but do not participate in the Medicaid program; (3) to those nursing homes that have been approved under the Certificate of Need program. Facilities licensed as of July 1, 2006 shall not have their Medicaid permits or licensed bed capacity reduced by the department except as provided in Section 44-7-84(B) or 44-7-290 of the 1976 Code.

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

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

**22.25.** (DHEC: Health Disparities Study-State Health Plan for Elimination of Health Disparities) The Department of Health and Environmental Control will provide leadership in the implementation of the State Health Improvement Plan for the elimination of health disparities with specific goals similar to the national Healthy People 2010 goals and targeting health disparities among our state's minority population. The Plan will address the areas of diabetes, heart disease, stroke, cancer, HIV/AIDS, infant mortality and childhood/adult immunizations. Working with public and private health care institutions, state agencies and providers, DHEC will provide leadership in the coordination of services, elimination of duplication and coordination of federal and state funding.

**22.26.** (DHEC: Head Lice) The Department of Health and Environmental Control is authorized to expend \$200,000 in other fund accounts in order to fund the head lice program statewide.

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

**22.28.** (DHEC: Health Licensing Monetary Penalties) In the course of regulating health care facilities/services, the Division of Health Licensing (DHL) assesses civil monetary penalties against nonconforming providers. DHL shall retain up to the first \$50,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce the provisions of regulations applicable to that Division. These funds shall be separately accounted for in the Department's fiscal records.

**22.29.** (DHEC: Health Facility Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of Health Facilities and Services Development (BHF) assesses civil monetary penalties against nonconforming providers. BHF shall retain up to the first \$100,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry

out and enforce the provisions of regulations applicable to that Bureau. These funds shall be separately accounted for in the Department's fiscal records.

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

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

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

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

**22.34.** (DHEC: Beach Renourishment and Monitoring) Funds allocated for beach renourishment shall be spent in accordance with the priorities established by the department's Office of Coastal and Resource Management. If state funds are made available from any general revenue, capital, surplus or bond funding appropriated to the department for beach renourishment and maintenance, the department shall be able to expend not more than \$100,000 of these funds annually to support annual beach profile monitoring coast wide to enable the department to determine erosion rates and to identify priority areas needing renourishment and maintenance to mitigate erosion and storm damage potential. Appropriations for beach renourishment projects that are certified by the department as excess to the final State share of project costs and the annual coast wide monitoring costs shall be allocated by the department to other beach renourishment projects on a priority basis in accordance with R.30-18.

**22.35.** (DHEC: South Carolina State Trauma Care Fund) Of the funds appropriated to the South Carolina State Trauma Care Fund, \$2,948,519 shall be utilized for increasing the reimbursement rates for trauma hospitals, for trauma specialists' professional fee, for increasing the capability of EMS trauma care providers from counties with a high rate of traumatic injury deaths to care for injury patients, and for support of the trauma system, based on a methodology as determined by the department with guidance and input from the Trauma Council as established in Section 44-61-530 of the South Carolina Code of Laws. The methodology to be developed will include a breakdown of disbursement of funds by percentage, with a proposed 76.5% disbursed to hospitals and trauma physician fees, 16% of the 21% must be disbursed to EMS providers for training EMTs, Advanced EMTs and paramedics by the four regional councils of this state and the remaining 5% must be disbursed to EMS providers in counties with high trauma mortality rates, and 2.5% allocated to the department for administration of the fund and support of the trauma system. The Department of Health and Environmental Control shall promulgate regulations as required in Section 44-61-540 of the 1976 Code for the administration and oversight of the Trauma Care Fund.

**22.36.** (DHEC: Pandemic Influenza) The Department of Health and Environmental Control shall assess South Carolina's ability to cope with a major influenza outbreak or pandemic influenza and maintain an emergency plan and stockpile of medicines and

supplies to improve the state's readiness condition. The department shall report on preparedness measures to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor by November first, each year. The department, in conjunction with the Department of Health and Human Services, is authorized to establish a fund for the purpose of developing an emergency supply, stockpile, and distribution system of appropriate antiviral, antibiotic, and vaccine medicines and medical supplies. In the event the United States Department of Health and Human Services makes available medicines or vaccines for purchase by states via federal contract or federally-subsidized contract or other mechanism, the department, with Budget and Control Board approval, may access appropriated or earmarked funds as necessary to purchase an emergency supply of these medicines for the State of South Carolina.

**22.37.** (DHEC: Hemophilia Recombinant Factors) The Department of Health and Environmental Control shall provide patients with Hemophilia the choice of recombinant factors when prescribed by a physician regardless of the patient's past Hemophilia treatment methods.

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

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

**22.40.** (DHEC: Rural Hospital Grants) Rural Hospital Grants funds shall be allocated to public hospitals in very rural or rural areas whose largest town is less than 25,000 and whose licensed bed capacity does not exceed 200 beds. Hospitals qualifying for the grants shall utilize such funds for any of the following purposes: (a) the development of preventive health programs, medical homes, and primary care diversion from emergency departments; (b) expanded health services, including physician recruitment and retention; (c) to improve hospital facilities; (d) activities involving electronic medical records or claims processing systems; (e) to enhance disease prevention activities in diabetes, heart disease, etc; and (f) activities to ensure compliance with State or Federal regulations.

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

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

**SECTION 23 - J12-DEPARTMENT OF MENTAL HEALTH**

**23.1.** (DMH: Medicare Revenue) All Federal Funds received by the Department of Mental Health from patients' Medicare benefits shall be considered as patient fees to be used for the repayment of bonds except that the department shall remit to the General Fund of the State \$290,963 from such funds to support the appropriation for administrative costs of the collection of Medicare benefits. The department shall retain and expend up to \$3 million of all Medicare revenue earned prior to July first, of the prior fiscal year, but received in the current fiscal year from cost recovery efforts, all additional prior earnings shall be remitted to the general fund, except that the cost and fees of identifying and collecting such additional Medicare revenue to which the department is entitled may be paid from funds actually collected from such efforts.

**23.2.** (DMH: Paying Patient Account) In addition to other payments provided in Part I of this act, the Department of Mental Health is hereby directed during the current fiscal year to remit to the General Fund of the State the amount of \$3,400,000 to be paid from the surplus funds in the paying patient account which has been previously designated for capital improvements and debt service. It is the intent of the General Assembly to assist the department to reduce and eventually eliminate this obligation to the general fund.

**23.3.** (DMH: Patient Fee Account) In addition to other payments provided in Part I of this act, the Department of Mental Health is hereby authorized during the current fiscal year, to provide the funds budgeted herein for \$6,214,911 for departmental operations, \$400,000 for the Continuum of Care, \$50,000 for the Alliance for the Mentally Ill, \$250,000 for S.C. SHARE Self Help Association Regarding Emotions, and all fees collected at the Campbell Nursing Home and other veterans facilities for day-to-day operations, from the Patient Fee Account which has been previously designated for capital improvements and debt service under provisions of Act 1276 of 1970. The Department of Mental Health is authorized to fund the cost of Medicare Part B premiums from its Patient Fee Account up to \$150,000. The South Carolina Alliance for the Mentally Ill and the South Carolina Self-Help Association Regarding Emotions shall provide an itemized budget before the receipt of funds and quarterly financial statements to the Department of Mental Health. DMH is authorized to use unobligated Patient Paying Fee Account funds for community transition programs. The funds made available shall be utilized consistently with the Transition Leadership Council's definition of severely mentally ill children and adults. The department shall report their use of these funds to the Senate Finance Committee and the House Ways and Means Committee. This amendment is made notwithstanding other obligations currently set forth in this proviso.

**23.4.** (DMH: Institution Generated Funds) The Department of Mental Health is authorized to retain and expend institution generated funds which are budgeted.

**23.5.** (DMH: Transfer of Patients to DDSN) DMH is authorized to transfer to the Department of Disabilities and Special Needs, state appropriations to cover the state match related to expenditures initiated as a result of the transfer of appropriate patients from DMH to the Department of Disabilities and Special Needs. In addition to other payments as authorized in this act, DMH is also authorized to utilize up to \$500,000 from the Patient Fee Account to help defray costs of these transferees.

**23.6.** (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.

**23.7.** (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.

**23.8.** (DMH: Alzheimer's Funding) Of the funds appropriated to the Department of Mental Health for Community Mental Health Centers, \$911,620 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.

**23.9.** (DMH: Crisis Stabilization) During the current fiscal year, the Department of Mental Health must expend for crisis stabilization programs not less than \$2 million. Funds expended by the department for the crisis stabilization program must be used to implement and maintain a crisis stabilization program, or to provide access to a crisis stabilization program through the purchase of local psychiatric beds, in each community mental health center catchment area. As used in this proviso, "crisis stabilization program" means a community-based psychiatric program providing short-term, intensive, mental health treatment in a non-hospital setting for persons who are experiencing a psychiatric crisis and who are either unable to safely function in their daily lives or are a potential threat to themselves or the community, with treatment available twenty-four hours a day, seven days a week. The department must submit a quarterly report, not later than thirty days after the end of each calendar quarter, to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee, identifying the crisis stabilization program in each community mental health center catchment area, the number of persons served, and the expenditures for the crisis stabilization program for the reporting period. The quarterly report must also include information on the number of persons and the duration of stay for persons who are held in hospital emergency rooms when the crisis stabilization program is unable to serve the person.

**23.10.** (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.

**23.11.** (DMH: Crisis Intervention Training) Of the funds appropriated to the department, \$85,500 shall be utilized for the National Alliance on Mental Illness (NAMI) SC for Crisis Intervention Training (CIT).

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

**23.13.** (DMH: Veterans' Nursing Home Death Investigations) In the event that a coroner rules that the death of an individual in a veterans' nursing home under the authority of the Department of Mental Health results from natural causes, then the State Law Enforcement Division is not required to conduct an investigation regarding the individual's death.

**23.14.** (DMH: Carry Forward Unobligated Funds) The Department of Mental Health is authorized to carry forward from the prior fiscal year into the current fiscal year, unobligated funds resulting from additional payments received from the increased Federal Medical Assistance Percentage provided by the American Recovery and Reinvestment Act of 2009 to be used for inpatient hospital services.

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

## **SECTION 24 - J16-DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS**

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

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

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

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

**24.5.** (DDSN: Medicare Reimbursements) The department may continue to budget Medicare reimbursements to cover operating expenses of the program providing such services.

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

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

**24.8.** (DDSN: Unlicensed Medication Providers) The provision of selected prescribed medications may be performed by selected unlicensed persons in community-based programs sponsored, licensed or certified by the South Carolina Department of

Disabilities and Special Needs, provided such selected unlicensed persons have documented medication training and skill competency evaluation. Licensed nurses may train and supervise selected unlicensed persons to provide medications and, after reviewing competency evaluations, may approve selected unlicensed persons for the provision of medications. The provision of medications by selected unlicensed persons is limited to oral and topical medications and to regularly scheduled insulin and prescribed anaphylactic treatments under established medical protocol and does not include sliding scale insulin or other injectable medications. The selected unlicensed persons shall be protected against tort liability provided their actions are within the scope of their job duties and the established medical protocol.

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

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

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

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

**24.11.** (DDSN: Summer Camps) The Department of Disabilities and Special Needs cannot remove any summer camps under their purview due to reductions in their budget.

**24.12.** (DDSN: Child Daycare Centers) Of the funds appropriated to the department, the department shall provide reimbursement for services provided to department eligible children at daycare centers previously under contract prior to December 31, 2008. The reimbursement shall not be less than eighty percent of the amount reimbursed in the previous fiscal year.

**24.13.** (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.

**SECTION 25 - J20-DEPARTMENT OF ALCOHOL & OTHER DRUG ABUSE SERVICES**

**25.1.** (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.

**25.2.** (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.

**25.3.** (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 2010-11 fiscal year.

**SECTION 26 - L04-DEPARTMENT OF SOCIAL SERVICES**

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

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

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

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

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

**26.6.** (DSS: TANF Advance Funds) The Department of Social Services is authorized to advance sufficient funds during each fiscal year from the Temporary Assistance for Needy Families Assistance Payments general fund appropriations to the Temporary Assistance for Needy Families Assistance Payments federal account only for the purpose of allowing a sufficient cash flow in the federal account. The advance must be refunded no later than April of the same fiscal year. Upon the advance of funds as provided herein, the Comptroller General is authorized to process the July voucher for the funding of benefit checks.

**26.7.** (DSS: Fee Schedule) The Department of Social Services shall be allowed to charge fees and accept donations, grants, and bequests for social services provided under their direct responsibility on the basis of a fee schedule approved by the Budget and Control Board. 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

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

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

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

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

**26.12.** (DSS: Use of Funds Authorization) Department investigative units shall be authorized to receive and expend funds awarded to these units as a result of a donation, contribution, prize, grant, and/or court order. These funds shall be retained by the department on behalf of the investigative units and deposited in a separate, special account and shall be carried forward from year to year and withdrawn and expended as needed to fulfill the purposes and conditions of the donation, contribution, prize, grant, and/or court order, if specified, and if not specified, as may be directed by the Director of the Department of Social Services. These accounts shall not be used to supplant operating funds in the current or future budgets. The agency shall report to the Senate Finance Committee and Ways and Means Committee by January 30 of the current fiscal year on the amount of funds received and how expended.

**26.13.** (DSS: Prevent Welfare Reform Duplication of Services) The intent of the General Assembly is that the Department of Social Services not duplicate services available at the Department of Employment and Workforce and other state agencies. All state agencies are directed to cooperate with DSS as it implements the Family Independence Act of 1995. Monies appropriated for the purpose of implementing the Family Independence Act of 1995, and used to hire persons or procure services for employment training purposes, shall be reported to the Governor to ensure duplication of services does not occur.

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

**26.15.** (DSS: Grant Authority) The Department of Social Services is authorized to make grants to community-based not-for-profit organizations for local projects that further the objectives of DSS programs. The department shall develop policies and procedures and may promulgate regulations to assure compliance with state and federal requirements associated with the funds used for the grants and to assure fairness and accountability in the award and administration of these grants. The department shall require a match from all grant recipients.

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

ages	0 - 5	\$332	per month
ages	6 - 12	\$359	per month
ages	13 +	\$425	per month

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

**26.17.** (DSS: Penalty Assessment) The Department of Social Services may impose monetary penalties against a person, facility, or other entity for violation of statutes or regulations pertaining to programs, other than foster home licensing, that the department regulates. Penalties collected must be remitted to the State Treasurer for deposit into the State General Fund. The department shall promulgate regulations for each program in which penalties may be imposed. The regulations must include guidance on the decision to assess a penalty, the effect of failure to pay a penalty in a timely manner, and a schedule of penalty ranges that takes into account severity and frequency of violations. These regulations must provide for notice of the penalty and the right to a contested case hearing before a designee of or panel appointed by the director of the department. Judicial review of the final agency decision concerning a penalty must be in accordance with statutes or regulations that apply to judicial review of final revocation and denial decisions in that particular program. The department, in accordance with regulations promulgated pursuant to this provision, shall have discretion in determining the appropriateness of assessing a monetary penalty against a person or facility and the amount of the penalty. The authority to assess monetary penalties shall be in addition to other statutory provisions

authorizing the department to seek injunctive relief or to deny, revoke, suspend, or otherwise restrict or limit a license or other types of operating or practice registrations, approvals, or certificates.

**26.18.** (DSS: Children's Home Standard Licenses) Standard licenses for children's residential group homes, child caring institutions and child placing agencies shall be effective for two years from the date of issuance or renewal unless revoked or otherwise terminated before the expiration date. Fire inspections required for licensing or renewal of children's residential group homes and child caring institutions must be conducted annually.

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

**26.20.** (DSS: Child Support Enforcement System) From the funds appropriated in Part IA, Section 26(F), the Department of Social Services shall prepare a detailed report on the status of the Child Support Enforcement System. The report shall include, but not be limited to, actions currently being undertaken to become compliant with federal government requirements; the cost required to meet minimum federal guidelines; total funds spent so far on the system; the amount of fines assessed by the federal government associated with non-compliance; how much has been spent to satisfy actions taken by the state judicial system; and how much has been spent related to actions taken by any other entity which may have altered the amount required for meeting minimum federal guidelines. The report shall be submitted to the General Assembly by August thirty-first of the current fiscal year.

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

**26.22.** (DSS: Teen Pregnancy Prevention) From the monies appropriated for the Continuation of Teen Pregnancy Prevention, the department must award two contracts to separate private entities to provide teen pregnancy prevention programs and services within the State. The monies appropriated must be divided equally between the contracts. Entities that have a proven and public history of having effectively implemented abstinence programs in this State may be given a preference during the contract evaluation and awarding process. One contract must be awarded to an entity that utilizes an abstinence first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy throughout South Carolina. One contract must be awarded to an entity that uses a National Abstinence Clearinghouse (NAC) approved curricula for a minimum of one year prior to their application. NAC is the agency the federal Department of Health and Human Services has chosen to provide a comprehensive, national list of approved abstinence-only education curricula that is consistent with the A through H legislative requirements defined in Title V, Section 510(b)(2). Any entity that is awarded one of the above contracts must agree to provide data to verify the program effectiveness. A five-member committee shall oversee the contract award process. The committee's first meeting shall be on or before August 1, 2009. The five member committee shall be composed as follows: the President Pro Tempore of the Senate shall appoint two members of the committee, the Speaker of the House shall appoint two members of the committee and the Governor shall appoint one member of the committee. Members of the committee shall serve without compensation.

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



**26.24.** (DSS: Day Care Facilities Supervision Ratios) For Fiscal Year 2010-11, staff-child ratios contained in Regulations 114-504(B), 114-504(C), 114-524(B), and 114-524(C) shall remain at the June 24, 2008 levels.

**26.25.** (DSS: Child Welfare Outsourcing Study) From funds appropriated to the department for child welfare, the department shall conduct a study with provider and stakeholder participation to determine the feasibility of child welfare outsourcing initiatives. The study should include, but is not limited to, a review of other states contract monitoring and quality assurance models for private providers, to include performance measures and outcomes; a description of all services which might be effectively outsourced to include case management; an analysis of state procurement requirements; an analysis of cost savings or potential costs avoided that may accrue to the state; and a review of provider and state system data measures which can monitor private provider accountability and compliance and assist in rate setting. The department shall provide a report of the findings to the Governor, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January 31, 2011.

**26.26.** (DSS: Child Care Center Provisional License Extension) If a licensed child care center is not in full compliance with Regulation 114-507 item A.6(b) related to the provision of hot water, the center may have their provisional license extended until June 30, 2011.

## **SECTION 27 - L24-COMMISSION FOR THE BLIND**

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

**27.2.** (BLIND: Braille Production and Telecommunications Revenue) Revenues derived from the production of Braille and provision of services by clients of the Adult Adjustment and Training Center may be retained by the commission and used in the facility for production costs.

## **SECTION 28 - H79-DEPARTMENT OF ARCHIVES & HISTORY**

**28.1.** (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.

**28.2.** (AH: Nat'l. Historic Preservation Program) The funds earned from the United States Department of Interior by the South Carolina Department of Archives and History for administering the National Historic Preservation Program in this State, with the exception of the appropriate amount of indirect cost reimbursement to the general fund, must be deposited in a special account in

the State Treasury, to be used by this department for a Historic Preservation Grants program that will assist historic properties throughout South Carolina.

## **SECTION 29 - H87-STATE LIBRARY**

**29.1.** (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 2000, as aid to the County Library. No county shall be allocated less than \$60,000 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.

**29.2.** (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.

**29.3.** (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.

**29.4.** (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.

**29.5.** (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.

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

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

## **SECTION 30 - H91-ARTS COMMISSION**

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

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

**30.3.** (ARTS: Partial Indirect Cost Waiver) The commission is allowed to apply a 15% indirect cost rate for continuing federal grants for which they must compete. The commission shall apply the full approved negotiated rate to the Basic State Grant and any new grants received by the commission.

## **SECTION 31 - H95-STATE MUSEUM**

**31.1.** (MUSM: Duplicate Materials) The commission may give (away) natural history materials in its possession for educational purposes, such materials being less than museum quality or duplicative of materials owned by the Museum Commission.

**31.2.** (MUSM: Removal From Collections) The commission may remove objects from its museum collections by gift to another public or nonprofit institution, by trade with another public or nonprofit institution, by public sale, by transfer to the commission's education, exhibit, or study collections or to its operating property inventory; or as a last resort, by intentional destruction on the condition that the objects so removed meet with one or more of the following criteria: (1) they fall outside the scope of the S. C. Museum Commission's collections as defined in the Collection Policy dated January 20, 1993; (2) they are unsuitable for exhibition or research; (3) they are inferior duplicates of other objects in the collection; or (4) they are forgeries or were acquired on the basis of false information; funds from the sale of such objects will be placed in a special revolving account for the commission to use solely for the purpose of purchasing objects for the collections of the State Museum.

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

**31.4.** (MUSM: Traveling Exhibits Fees) The Museum Commission may rent or sell exhibits and exhibit components and the commission may retain such funds and use them to offset the cost of developing, maintaining, promoting, and improving the changing exhibit program and to support general operations, provided that the expenditures for such expenses are approved by the General Assembly in the annual Appropriation Act. Any unexpended revenue from these sources may be carried forward into the current fiscal year to be expended for the same purposes.

**31.5.** (MUSM: Retention of Revenue) The Museum Commission may retain revenue received from admissions, program fees, facility rentals, professional services, donations, food service, and other miscellaneous operating income generated by or for the museum and may expend such revenue for general operating expenses provided that such expenditures are approved by the

General Assembly in the annual Appropriation Act. Any unexpended revenue from these sources may be carried forward into the current fiscal year to be expended for the same purposes.

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

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

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

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

## **SECTION 32 - L32-HOUSING FINANCE AND DEVELOPMENT AUTHORITY**

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

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

**32.3.** (HFDA: Advisory Committee Mileage Reimbursement) Members of the nine member South Carolina Housing Trust Fund Advisory Committee are eligible for mileage reimbursement at the rate allowed for state employees as established in proviso 89.22(J) (Travel-Subsistence Expenses & Mileage) in this act.

**32.4.** (HFDA: Allocation of Indirect Cost Recoveries) The authority shall deposit in the state general fund indirect cost recoveries for the authority's portion of the Fiscal Year 2010-11 Statewide Central Services Cost Allocation Plan (SWCAP). The authority shall retain recoveries in excess of the SWCAP amount to be deposited in the state general fund.

## **SECTION 33 - P12-FORESTRY COMMISSION**

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

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

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

## **SECTION 34 - P16-DEPARTMENT OF AGRICULTURE**

**34.1.** (AGRI: Market Bulletin) The Market Bulletin shall be mailed only to those persons who request it in writing and a record of each request shall be maintained by the department. Provided further, that the Department of Agriculture is authorized to charge a yearly subscription rate of \$10.00 to each person requesting the bulletin and may charge up to \$5.00 per classified advertisement printed in the bulletin. The funds collected pursuant to this provision shall be retained by the department to defray the costs of publication and related incidental expenses.

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

**34.3.** (AGRI: Commodity Boards Expenditures) Expenditures made for the various Commodity Boards (as budgeted under other funds in Program IV.B. Marketing Services: Commodity Boards) are exempt from regulations under the Procurement Act of 1981.

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

**34.5.** (AGRI: Weights & Measures Registration) All servicepersons required to be registered with the Department of Agriculture pursuant to the provisions of Section 39-9-65 of the 1976 Code shall pay to the department a registration fee of \$25.00. Revenues generated by this provision shall be for use by the Department of Agriculture to offset expenses incurred in administering this registration program.

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

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

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

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

## **SECTION 35 - P20-CLEMSON UNIVERSITY - PSA**

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

**35.2.** (CU-PSA: Witness Fee) The Public Service Activities of Clemson University are hereby authorized to charge a witness fee of \$100.00 per hour up to \$400.00 per day for each employee testifying as an expert witness in civil matters which do not involve the State as a party in interest. This fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and deposited into a designated revenue account.

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

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

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

**35.6.** (CU-PSA: Sandhills Revenue) The funds retained by Clemson University PSA from the sale of the property at the Sandhills Research and Education Center shall be used to construct the new Sandhills facilities and provide endowments as approved by the Clemson Board of Trustees and the Budget and Control Board. These funds are not to be used to offset base budget reductions in Fiscal Year 2004-2005.

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

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

**35.9.** (CU-PSA: Noncommercial Pesticide Applicator Fee) The Public Service Activities of Clemson University are hereby authorized to charge noncommercial pesticide applicators an annual licensing fee of \$50.00. Clemson University-PSA may retain, expend, and carry forward these funds to maintain its programs.

**35.10.** (CU-PSA: Meat Inspection Program) For the current fiscal year Clemson University Public Service Activities shall maintain operation of the state Meat Inspection Program. All revenues and recoveries from USDA Food Safety Inspection Services for Clemson University PSA's Meat and Poultry Inspection Department shall be retained by Clemson University-PSA's Livestock - Poultry Health Program for purposes of carrying out the operation of that program.

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

## **SECTION 37 - P24-DEPARTMENT OF NATURAL RESOURCES**

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

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

**37.3.** (DNR: Proportionate Funding) Each of South Carolina's 46 soil and water conservation districts shall receive a proportionate share of funding set aside for Aid to Conservation Districts at \$13,674 per district for general assistance to the district's program. Available funding above \$13,674 for each district will be apportioned by the Department of Natural Resources based upon local needs and priorities as determined by the board. During the fiscal year, the districts' funding may only be reduced in an amount not to exceed the percentage of each agency budget reduction. No district shall receive any funds under this provision unless the county or counties wherein the district is located shall have appropriated no less than three hundred dollars to the district from county funds for the same purposes.

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

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

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

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

**37.8.** (DNR: Interest - License Fees) Interest earned by the State Treasurer on all hunting and fishing license fees collected by the Department of Natural Resources must be credited to and expended by the department for the protection, promotion, propagation, and management of fish and wildlife, and the enforcement of related laws.

**37.9.** (DNR: Shrimp Baiting Enforcement) The department shall allocate additional enforcement efforts during the sixty (60) day shrimp baiting period to assist existing law enforcement personnel in monitoring and enforcement of the shrimp baiting laws. Further, expenditures for other than law enforcement should not exceed thirty percent (30%) of the annual collections from the sale of shrimp baiting permits.

**37.10.** (DNR: Water Recreation Fund and County Game and Fish Fund) Funds collected during the current fiscal year by the Department of Natural Resources for the Water Recreation Fund and for that portion of the county game and fish fund derived from licenses and fees must be retained by the department and used for the stated purposes of the respective funds, and may not be used by the department to offset base-budget reductions for the current fiscal year. In addition to all other uses allowed by statute, the department may use the Water Recreational Resource Funds of a county for the purchase of boats, boat trailers, motors, and boating safety equipment used for law enforcement and rescue, with the recommendation of the county delegation.

**37.11.** (DNR: Intellectual Property) The Department shall develop a comprehensive written policy providing for the treatment on intellectual property accruing to the Department in the area of shrimp disease and culture. This policy must address the following issues: definitions, coverage and disclosure requirements, ownership, dispute resolution procedures, obtaining of patents and copyrights, incentives, transfer or sales or research results, promotion and licensing, use of proceeds, and release of ownership rights. Upon adoption and implementation, the Department, consistent with the policy, may sell or license intellectual property owned by the Department, upon approval of the Budget and Control Board. The net proceeds or annual net royalties, excluding any expenses including research and development, patent, licensing and litigation from intellectual property owned by the Department shall be apportioned and paid over by the Department according to the following schedule: Inventor 15%; State General Fund 85%. Proceeds apportioned and paid over to the Department shall be used by the Department for scientific research and education for the enhancement, management, and protection of natural resources in the State.



**SECTION 38 - P26-SEA GRANT CONSORTIUM**

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

**SECTION 39 - P28-DEPARTMENT OF PARKS, RECREATION AND TOURISM**

**39.1.** (PRT: Tourism and Promotion) The funds appropriated in this Act for Regional Promotions shall be distributed equally to the eleven Regional Tourism groups, except that the Grandstrand Tourism Region's funds shall be divided, with \$50,000 distributed to the Myrtle Beach Chamber of Commerce, \$105,000 distributed to the Georgetown Chamber of Commerce, 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 1st each year describing how these funds were expended in the prior fiscal year.

**39.2.** (PRT: PARD Prior Year Expenditures) The Department of Parks, Recreation and Tourism shall be authorized to expend restricted funds in the current fiscal year, for Parks and Recreation Development Fund (PARD) grant reimbursement payment expenditures incurred in the prior fiscal year.

**39.3.** (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 stimulate destination travel by persons 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 1, 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.

**39.4.** (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.

**39.5.** (PRT: Product Development Funds) All Product Development funds, whether carried forward or new appropriations, must be matched with a 2 to 1 private funds ratio. An organization receiving a state grant must certify that, as of the date of the application: (i) the private funds are new dollars as of the current fiscal year specifically designated for the purpose of matching state funds; (ii) the private funds have not been previously allocated or designated for product development; (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. Grant recipients shall provide a quarterly report to the Chairman of the Senate Finance Committee, the Chairman of 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. The department is authorized to utilize uncommitted Product Development funds for general agency operational purposes.

**39.6.** (PRT: Regional Tourism) Of the funds appropriated to, authorized for, and/or carried forward by the department, the department shall provide the same level of recurring and non-recurring funds disbursed to the eleven Regional Tourism groups as they received in Fiscal Year 2007-08.

**39.7.** (PRT: Film Marketing) From the funds authorized to the Department of Parks, Recreation and Tourism in Section 39, Part IA of this act for the South Carolina Film Commission, the department may use the film marketing funds for the following purposes: (1) to allow for assistance with recruitment and infrastructure development of the film industry; (2) to develop a film crew base; (3) to develop ally support in the film industry; (4) marketing and special events; and (5) to allow for assistance with the auditing and legal service expenses associated with the Motion Picture Incentive Act.

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

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

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

**39.11.** (PRT: Destination Specific Tourism Transfer) From the funds set aside pursuant to the Motion Picture Incentive Wage Rebate, for Fiscal Year 2010-11 unexpended funds carried forward from the prior fiscal year shall be transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism and utilized for the Destination Specific Tourism

Program. These funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purpose.

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

**39.13.** (PRT: Additional Motion Picture Bonus-Rebate) In addition to the fifteen percent rebate authorized pursuant to Section 12-62-50, the South Carolina Film Commission may provide an additional Bonus-rebate to a motion picture production company of up to five percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. In addition to the fifteen percent rebate authorized pursuant to Section 12-62-60, the South Carolina Film Commission may provide an additional bonus-rebate to a motion picture production company of up to fifteen percent of the expenditures made by the motion picture production company in the State.

## **SECTION 40 - P32-DEPARTMENT OF COMMERCE**

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

**40.2.** (CMRC: Economic Dev. Coordinating Council - GIS Carry Forward) From the amount set aside in Section 12-28-2910, the council is authorized to use up to \$60,000 to support the Geographic Information Systems (GIS) program for actual operating expenses in support of business recruitment and retention, as approved by council. Any balance on June thirtieth of the prior fiscal year may be carried forward and expended for the same purposes in the current fiscal year.

**40.3.** (CMRC: Coordinating Council Funds) From the amount set aside pursuant to Section 12-28-2910 of the 1976 Code, the council is authorized to expend funds which were not obligated or committed as of July first of the current fiscal year only as necessary for the location or expansion of an industry or business facility in South Carolina. Eligible expenditures include water/sewer projects, road or rail construction/improvement projects, land acquisition, fiber-optic cable, relocation of new employees for technology intensive and research and development facilities as defined in South Carolina Code Section 12-6-3360, and site preparation. Site preparation is defined as surveying, environmental and geo-technical study and mitigation, clearing, filling, and grading. The Coordinating Council shall annually prepare a detailed report each year for submission to the General Assembly by March fifteenth of each year which itemizes the expenditures from the fund for the preceding calendar year. Such report shall include an identification of the following information: (a) company name or confidential project number; (b) location of the project; (c) amount of grant award; and (d) scope of grant award.

The General Assembly shall not appropriate funds, and shall not direct the Coordinating Council to extend loans or grants nor shall the Coordinating Council extend any loans or grants from the amount set aside pursuant to Section 12-28-2910 for any purpose other than those listed in this proviso.

In order to provide maximum flexibility to encourage the creation of new jobs and capital investment, the Coordinating Council for Economic Development has the authority to transfer economic development funds at its disposal to the Closing Fund, provided

the transfer is approved by a majority vote of the Coordinating Council members in a public meeting. Any unexpended balance on June thirtieth, of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purpose.

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

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

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

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

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

**40.9.** (CMRC: Funding For I-73 & I-74) Of the funds authorized for the Coordinating Council Economic Development, \$500,000 shall be made available for the routing, planning and construction of I-73 and \$500,000 shall be made available for the routing, planning, and construction of I-74.

**40.10.** (CMRC: Closing Fund) In order to encourage and facilitate economic development, the \$7,000,000 appropriated for the Closing Fund for competitive recruitment purposes shall be used as approved by the Coordinating Council for Economic Development. Any unexpended balance on June thirtieth, of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purposes.

**40.11.** (CMRC: Community Development Corporation Carry Forward) The Department of Commerce shall be authorized to carry forward Community Development Corporation Initiative committed and uncommitted funds from the prior fiscal year and to use these funds for the same purpose.

**40.12.** (CMRC: Economic Development Organizations) The Department of Commerce shall utilize the balance of the \$2,700,000 of the \$3,000,000 appropriated in the Fiscal Year 2007-08 Appropriation Act for Regional Economic Development Organizations to provide funds to the following six economic development organizations that have not already drawn down the maximum of \$450,000:

- (1) Central SC Economic Development Alliance;
- (2) Charleston Regional Development Alliance;
- (3) Economic Development Partnership;
- (4) North Eastern Strategic Alliance (NESA);
- (5) Southern Carolina Alliance; and
- (6) Upstate Alliance.

In addition, from the balance of the \$2,700,000 the Lowcountry Economic Alliance shall receive \$150,000.

For entities that have not already drawn down the maximum of \$450,000 as authorized in Act 117 of 2007, the remaining funds must be disbursed equally to each organization with a maximum amount of \$420,000. Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development.

The remaining \$300,000 shall be provided to Chester County, Lancaster County, Union County, and York County provided they meet the requirements established above.

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

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

Any funds remaining in the department's accounts for Regional Economic Development Organizations at the end of Fiscal Year 2009-10 shall be transferred to the General Fund.

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

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

**40.15.** (CMRC: Civil Air Patrol Transfer) Of the funds appropriated to or authorized for the Department of Commerce, the department shall transfer \$50,000 to the Adjutant's General Office for the Civil Air Patrol.

**40.16.** (CMRC: Regional Economic Development Organizations Carry Forward) Any unexpended funds transferred to the Department of Commerce for Regional Economic Development Organizations by Part III of Act 23 of 2009 shall be carried forward from the prior fiscal year into the current fiscal year and used for the same purposes as originally intended.

## **SECTION 43 - P40-S.C. CONSERVATION BANK**

**43.1.** (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 44 - B04-JUDICIAL DEPARTMENT

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

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

**44.3.** (JUD: Commitments to Treatment Facilities) The appropriation for continued implementation of Article 7, Chapter 17, Title 44 of the 1976 Code, Chapter 24, Title 44 of the 1976 Code, and Chapter 52, Title 44 of the 1976 Code, relating to commitments, admissions and discharges to mental health facilities, or treatment facility for the purpose of alcohol and drug abuse treatment, shall be expended for the compensation of court appointed private examiners, guardians ad litem, and attorneys for proposed patients, and related costs arising from the filing, service and copying of legal papers and the transcription of hearings or testimony. Court appointed private examiners, guardians ad litem and attorneys shall be paid at such rates or schedules as are jointly determined to be reasonable by the South Carolina Association of Probate Judges, the State Court Administrator, and the South Carolina Department of Mental Health with the approval of the Attorney General. The Judicial Department shall notify the Senate Finance Committee and the House Ways and Means Committee of any fee adjustment or change in schedule before implementation.

**44.4.** (JUD: Judicial Commitment) Except as otherwise provided in Section 89.5, no money appropriated pursuant to Item VI, Judicial Commitment shall be used to compensate any state employees appointed by the court as examiners, guardians ad litem, or attorneys nor shall such funds be used in payment to any state agency for providing such services by their employees.

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

**44.6.** (JUD: Special Judge Compensation) In the payment of funds from “Contractual Services”, and “Administrative Fund”, that no special judge shall be paid for more than a two week term within a fiscal year except that this restriction will not apply in case of an ongoing trial.

**44.7.** (JUD: Advance Sheet Revenues Deposit) The Judicial Department shall retain any advance sheet revenues collected above the amount remitted to the general fund in FY 01-02 and shall deposit such revenue into a special revenue account and expend these funds for the production and distribution of same.

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

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

**44.10.** (JUD: Travel Reimbursement) State employees of the Judicial Department traveling on official state business must be reimbursed in accordance with Section 89.22(J) of this act.

**44.11.** (JUD: Interpreters) The funds appropriated in this section for “Interpreters” shall be used to offset costs associated with interpreters appointed in judicial proceedings under Sections 17-1-50, 15-27-155, and 15-27-15. The selection, use, and reimbursement of interpreters shall be determined under such guidelines as may be established by the Chief Justice of the Supreme Court. Interpretive services for hearing impaired persons shall be obtained through contract with the South Carolina School for the Deaf and the Blind, provided that if the Chief Justice determines, for any reason, that adequate services are not available through the South Carolina School for the Deaf and the Blind, the Judicial Department may secure interpretive services from any qualified vendor.

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

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

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

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

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

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

## **SECTION 45 - E20-OFFICE OF ATTORNEY GENERAL**

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

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

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

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

**45.5.** (AG: Water Litigation) The Office of the Attorney General is authorized to expend Water Litigation funds in the current fiscal year to reimburse Water Litigation expenditures incurred in the prior fiscal year. A record of Water Litigation expenses from the prior fiscal year shall be made available to the Senate Finance Committee and the House Ways and Means Committee.

**45.6.** (AG: Auction Rate Securities Settlement/Water Rights) The Office of Attorney General is authorized to retain and expend funds received in Fiscal Year 2009-10 and in Fiscal Year 2010-11 from the "Auction Rate Securities Settlement" to pay for expenses and fees associated with the South Carolina vs. North Carolina water lawsuit (United States Supreme Court original Jurisdiction Case Number 138.) The Office of Attorney General is authorized to use a portion of these funds to reimburse Water Litigation expenses incurred in the prior fiscal year. These funds may be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purpose. Upon satisfaction of the South Carolina vs. North Carolina water lawsuit, any remaining Auction Rate Securities Settlement funds shall be deposited into the general fund. This paragraph takes effect on the earlier of July 1, 2010, or the date on which water settlement revenue in Fiscal Year 2009-10 exceeded \$2,200,000.

**45.7.** (AG: Litigation Recovery Account) During the current fiscal year, when there is a recovery or an award in any litigation managed by the Attorney General, any funds received that would have otherwise been credited to the General Fund shall be deposited to the credit of a special account created in the State Treasurer's Office entitled "Litigation Recovery Account". The funds deposited in this account must be expended only as prescribed by law.

## **SECTION 46 - E21-PROSECUTION COORDINATION COMMISSION**

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

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

**46.3.** (PCC: Judicial Circuits State Support) The amount appropriated and authorized in this section for Judicial Circuits (16) State Support may, upon approval of the commission, be used to fund necessary administrative and personnel costs of the commission and other expenditures approved by the commission, not to exceed 5% of the appropriation, and the balance thereafter remaining shall be apportioned among the circuits on a per capita basis and based upon the official census of 2000. Payment shall be made as soon after the beginning of each quarter as practical.

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



**46.5.** (PCC: Solicitor's Office - County Funding Level) It is the intent of the General Assembly that the amounts appropriated for solicitors' offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services without any additional charges.

**46.6.** (PCC: Solicitors Victim/Witness Assistance Programs) When funds are available, the amount appropriated and authorized in Part IA, Section 46 for Solicitors Victim/Witness Assistance Programs shall be apportioned among the circuits on a per capita basis and based upon the official census of 2000. Payment shall be made as soon after the beginning of each quarter as practical.

**46.7.** (PCC: Violent Crime, CDV, DUI Prosecution) The Prosecution Coordination Commission shall retain information and data on violent crime, criminal domestic violence, and driving under the influence prosecutions and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year of those charges prosecuted by assistant solicitors. If not privileged information by law, the report shall at a minimum include information and statistics regarding the location, the number and type of violent crime, criminal domestic violence, driving under the influence charges, the number of cases prosecuted, and the disposition of the cases.

## **SECTION 47 - E23-COMMISSION ON INDIGENT DEFENSE**

**47.1.** (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 pursuant to Section 17-3-50 (Conflict Fund). Of the funds generated from the fees imposed under Sections 14-1-206(C)(4), 14-1-207(C)(6) and 14-1-208(C)(6) and the application fee provided in Section 17-3-30(B), on a monthly basis, 50% must be deposited into the Death Penalty Trial Fund, 15% must be deposited into the Conflict Fund until each of these funds has received the required level of deposit, and the remaining funds each month must be apportioned among the counties' public defender offices pursuant to Section 17-3-330. When either the Death Penalty Trial Fund or the Conflict Fund has been fully funded, the monthly revenue being set aside for that fund will be directed to the other fund until it is completely funded. Upon complete funding of both the Death Penalty Trial Fund and the Conflict Fund, all revenue collected pursuant to Sections 14-1-206(C)(4), 14-1-207(C)(6), 14-1-208(C)(6), and 17-3-30(B) must be apportioned among the counties' public defender offices pursuant to Section 17-3-330. At the end of each fiscal year, any funds remaining in the Conflict Fund shall be treated as provided in Section 17-3-330(B). At the end of each fiscal year any leftover funds shall carryover to the next fiscal year. All applications for the payment of fees and expenses in capital cases shall be applied for from the Death Penalty Trial Fund which shall be administered by the Commission on Indigent

Defense. All applications for the payment of fees and expenses of private counsel or expenses of public defenders pursuant to Section 17-3-50 shall be applied for from the Conflict Fund administered by the Office of Indigent Defense.

**47.2.** (INDEF: State Employee Compensation Prohibited) Except as otherwise provided in Section 89.5, no money appropriated pursuant to Defense of Indigents shall be used to compensate any state employees appointed by the court as examiners, guardians ad litem or attorneys nor shall such funds be used in payment to any state agency for providing such services by their employees.

**47.3.** (INDEF: Appellate Conflict Fund) The purpose of this fund is to provide money to pay attorneys for representing indigent defendants on appellate review when the Office of Appellate Defense is unable to do so. Funds designated for appellate use in conflict cases shall be administered by the Office of Indigent Defense. The Office of Appellate Defense must first determine that it is unable to provide representation. Fees shall be \$40 per hour for out of court work and \$60 for in court work, with a maximum of \$3,500 per case for non-capital appeals. Fees shall be \$50 per hour for out of court work and \$75 per hour for in court work in capital appeals with a maximum of \$10,000 per capital appeal. The appropriate appellate court shall review and approve vouchers for payment for appellate conflict cases. The Office of Appellate Defense shall continue to provide printing and other support functions currently provided from their resources. On June 30 of each year, the Office of Indigent Defense shall review all outstanding obligations in this fund. Any unspent and unobligated money shall be used to pay outstanding vouchers in the Death Penalty Trial Fund or the Conflict Fund, provided the designated fund has become exhausted during the year.

**47.4.** (INDEF: Post Conviction Relief Payments) The court shall order payment of all fees and costs in non capital Post Conviction Relief cases from funds appropriated to the Office of Indigent Defense for non capital Post Conviction Relief cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Compensation and costs shall not exceed one thousand dollars in any single case and shall be paid from funds appropriated to the Office of Indigent Defense for the representation by court-appointed, private counsel, in non capital Post Conviction Relief cases.

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

A portion of the funds appropriated under “Civil Court Appointments” shall be used for “Termination of Parental Rights” cases and “Abuse and Neglect” cases to reimburse private attorneys who are appointed by the Family Court to serve as guardians ad litem, where volunteer appointments cannot be made and to represent guardians ad litem, children, or parents under the provisions of S.C. Code Sections 20-7-110 et seq., 20-7-1570 et seq., 20-7-1695 (A)(2) et seq., 20-7-7205 et seq., and 20-7-8705 (4)(a) et seq.; for “Probate Court Commitment” cases to reimburse private attorneys who are appointed by the Probate Court to represent indigent persons; and for “Sexual Violent Predator” cases to reimburse private attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty dollars per hour or reimbursement may also be made on the basis of a set (flat) fee. The method of payment and the amount of the set fee will be determined by the

Commission on Indigent Defense. Reimbursement shall not exceed two thousand dollars for any case under which such private attorney is appointed. Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall authorize the payment, from funds available to the Office of Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense.

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

A portion of the funds appropriated under "Civil Court Appointments" may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil court appointments, to be reimbursed in accordance with applicable provisos and statutes.

**47.6.** (INDEF: Volunteer Guardian Ad Litem Appointments and Attorney Representation) The Commission on Indigent Defense working with the Guardian ad Litem's Office of the Division of Children's Services, shall allocate a portion of the funds provided for Civil Court Appointments for payments of contracts with attorneys who agree to represent volunteer Guardians ad Litem in child abuse and neglect and termination of parental rights actions in Family Court, based on the rate of \$100 per completed hearing. In determining the amount to be allocated, the commission must take into account the total funds appropriated and weigh this sum against the other demands and obligations of the Civil Appointment Fund. The Commission on Indigent Defense shall report to the Senate Finance Committee and the House Ways and Means Committee any payments to individual guardians ad litem from funds provided from the Civil Appointment Fund.

**47.7.** (INDEF: Carry Forward) To offset budget reductions, the Office of Indigent Defense may carry forward and utilize any unencumbered balances available in the Appellate Conflict Fund and the Civil Fund at the end of the prior fiscal year.

**47.8.** (INDEF: Application Fee for Appointment of Counsel) For the current fiscal year, the application fee for public defender services payable under Section 17-3-30(B) is increased to forty (\$40) dollars.

**47.9.** (INDEF: Public Defender Fee) Every person placed on probation on or after July 1, 2003, who was represented by a public defender or appointed counsel, shall be assessed a fee of five hundred dollars. The revenue generated from this fee must be collected by the clerk of court and sent on a monthly basis to the Office of Indigent Defense to be divided between the Conflict Fund and the Defense of Indigents/Per Capita Fund administered by that office. However, if a defendant fails to pay this fee, this failure alone is not sufficient basis for incarceration for a probation violation. This assessment shall be collected and paid over before any other fees.

**47.10.** (INDEF: Accounting and Transfer of Assets) Each public defender corporation shall provide to the Commission on Indigent Defense no later than September 1, 2008, an accounting of all funds received and expended by or on behalf of the corporation for each county served during Fiscal Year 2007-08. The accounting shall be certified by an official representative of the defender corporation as true and correct; and no later than September 1, 2008, each such corporation shall assign and transfer or cause to be assigned and transferred all funds and other assets of the corporation of every kind and nature to the Office of the Circuit Public Defender in the circuit in which the county is situate, to be used for the provision of indigent defense services within the county.

**47.11.** (INDEF: Defense of Indigents Civil Action Application Fee) (A) A person requesting appointment of counsel in any termination of parental rights (TPR), abuse and neglect, or any other civil court action in this state shall execute an affidavit that the person is financially unable to employ counsel and that affidavit shall set forth all of the person's assets. This affidavit must be completed before counsel may be appointed. If it appears that the person has some assets but they are insufficient to employ private counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the Commission on Indigent Defense.

(B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate official for a waiver or reduction in the application fee. If it is determined that the person is unable to pay the application fee, the fee may be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived or reduced to the trial judge and the trial judge shall order the remainder of the fee paid by a time payment method or such method as the trial judge deems appropriate. The clerk of court or other appropriate official shall collect the application fee imposed by this section and remit the proceeds to the Commission on Indigent Defense on a monthly basis. The monies must be deposited in an interest-bearing account separate from the general fund and used only to provide for indigent defense services. The monies shall be administered by the Commission on Indigent Defense. The clerk of court or other appropriate official shall maintain a record of all persons applying for representation and the disposition of the application and shall provide this information to the Commission on Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.

(C) In matters in which a juvenile is brought before a court, the parents or legal guardian of such juvenile shall execute the above affidavit based upon their financial status and shall be responsible for paying any fee. In matters concerning juveniles, the parents or legal guardians of said juvenile, shall be advised in writing of this requirement at the earliest stage of the proceedings against said juvenile.

(D) Nothing contained above shall restrict or hinder a court from appointing counsel in any emergency proceedings or where existing statutes do not provide sufficient time for an individual to complete the application process.

(E) The appointment of counsel, as herein before provided, creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed counsel.

(F) Such claim shall be filed in the office of the clerk of court in the county where the person is assigned counsel, but the filing of a claim shall not constitute a lien against real or personal property of the person unless, in the discretion of the court, part or all

of such claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days' notice that judgment will be entered. When a claim is reduced to judgment, it shall have the same effect as judgments, except as modified by this provision.

**47.12.** (INDEF: Exemption for Pass Through Funding) The funds distributed by the Commission on Indigent Defense to the Legal Services Corporation in accordance with Section 14-1-204 of the 1976 Code shall not be considered part of the commission's budget for purposes of calculating budget reductions.

**47.13.** (INDEF: Reporting Requirement) Circuit Public Defenders shall provide, in a manner and form as the agency head requires, information and data concerning caseloads, dispositions, and other information as required by the agency head or General Assembly. The agency shall withhold payments and transfers to Circuit Public Defenders who are not in compliance with the agency reporting requirements.

## **SECTION 48 - D10-STATE LAW ENFORCEMENT DIVISION**

**48.1.** (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.

**48.2.** (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.

**48.3.** (SLED: Agents Operations Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, in Part IA, subsection 48 of the section "Agents Operations" may be carried forward and expended for the same purpose in the current fiscal year.

**48.4.** (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.

**48.5.** (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.

**48.6.** (SLED: Witness Fee) The State Law Enforcement Division is hereby authorized to charge a witness fee of \$130.00 per hour up to \$1,000 per day for each employee testifying in civil matters which do not involve the State as a part in interest. This fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and deposited into a designated revenue account.

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

**48.8.** (SLED: Detective/Security Fee) The State Law Enforcement Division is hereby authorized to charge and collect additional license and registration fees for private detective businesses, private security businesses, including employees of these businesses, and companies which provide private security on their own premises. The funds generated will be transmitted to the Department of Public Safety and used for the purpose of providing additional security in the Capitol Complex area.

**48.9.** (SLED: Meals in Emergency Operations) The State Law Enforcement Division may provide meals to employees of SLED who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation exercises and when the Governor declares a state of emergency.

**48.10.** (SLED: Hazardous Materials Security Detail) The State Law Enforcement Division (SLED) is authorized to be reimbursed for security related law enforcement services provided to entities authorized to transport sensitive materials within the borders of South Carolina. SLED shall determine all costs associated with security details and is authorized to coordinate the collection, retention, and distribution to any assisting agency. SLED and each assisting agency shall expend any funds associated with minimizing risks related to the transportation of these hazardous materials for the implementation of homeland security initiatives.

**48.11.** (SLED: Sex Offender Registry Fee) Each Sheriff is authorized to charge and collect an annual amount of one hundred fifty dollars from each sex offender required to register by law. If such sex offender has been declared indigent by the Sheriff of the county in which the offender must register and provides proof of the declaration at the time of registration, the fee will automatically be waived. If an offender is not declared indigent and fails to pay the fee, he is officially declared unregistered. This fee shall be divided between the Sheriffs and the State Law Enforcement Division with one hundred dollars of the fee retained by the Sheriffs and the remaining fifty dollars remitted by the Sheriffs to SLED on a quarterly basis. These funds must be used to support the Statewide Sex Offender Registry.

**48.12.** (SLED: Private Detective Fees Criminal History Checks) The State Law Enforcement Division is authorized to charge private detective companies, individual private detectives, private security companies, armed security guards, and proprietary security companies an additional fee of twenty-five dollars to process state criminal history checks and fifty dollars for federal fingerprint based criminal history checks. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement Division.

**48.13.** (SLED: CWP Instructors Certification) The State Law Enforcement Division is authorized to charge one hundred dollars for the issuance of a Certified Concealable Weapons Permit Instructor certificate, and one hundred dollars every three years for each renewal. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement Division.

**48.14.** (SLED: Expungement Requests) The State Law Enforcement Division is authorized to collect a twenty-five dollar expungement fee for each request to expunge criminal records. These funds shall be used to offset the operational and research expenses associated with processing these expungement requests. SLED is authorized to collect, retain, expend, and carry forward these funds. Persons found not guilty by a court of competent jurisdiction or where charges have been dismissed or nolle prossed shall be excluded from the fee requirement.

**48.15.** (SLED: Retention of Funds Reimbursed by State or Federal Agencies) The State Law Enforcement Division is authorized to collect, expend, retain, and carry forward all funds received from other state or federal agencies in the current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year.

**48.16.** (SLED: Monies Associated with Illegal Gaming Devices) The State Law Enforcement Division is authorized to retain, expend, and carry forward all monies associated with illegal gaming devices seized by the division, once orders of destruction and awarding of these monies have been received from a court of competent jurisdiction.

**48.17.** (SLED: Alcohol Laws) The department shall convene a working group of state and local law enforcement officials to develop recommendations for improving the enforcement of state statutes relating to the selling, purchasing, and possession of alcohol beverages. The working group shall be comprised of the Director of the State Law Enforcement Division or his designee, the Director of the Department of Public Safety, or his designee, two sheriffs, one from a county with a large population and one from a county with a small population, or their designee, appointed by the South Carolina Sheriff's Association, and two police chiefs, one from a city or municipality with a large population and one from a city or municipality with a small population, appointed by the Municipal Association of South Carolina. The working group may seek input from the South Carolina Hospitality Association, the South Carolina Association of Convenience Stores and other entities as deemed necessary. By November first, SLED must publish on its homepage the recommendations of the working group for strengthening and improving: (1) the enforcement of these laws, (2) the cooperation between state and local agencies regarding these laws, (3) the statewide support of SLED in enforcing these laws, and (4) the use of alcohol related fees collected by SLED.

## **SECTION 49 - K05-DEPARTMENT OF PUBLIC SAFETY**

**49.1.** (DPS: Special Events Traffic Control) The highway patrol must not charge any fee associated with special events for maintaining traffic control and ensuring safety on South Carolina public roads and highways unless approved by the General Assembly. Nothing shall prohibit the Treasury of the State from accepting voluntary payment of fees from private or public entities to defray the actual expenses incurred for services provided by the Department of Public Safety.

**49.2.** (DPS: Retention of Private Detective Fees) The Department of Public Safety is hereby authorized to receive, expend, retain, and carry forward all funds transmitted from SLED related to fees charged and collected by SLED from license and registration fees for private detective businesses, private security businesses, including employees of these businesses, and companies which provide private security on their own premises. The funds transferred are to be used in the Bureau of Protective Services Program to provide security for state agencies and the Capitol Complex

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

**49.4.** (DPS: Sale of Real Property) At such time as any portion of the Laurens Road property in Greenville is declared to be surplus by the agency or agencies which occupy said portion, and after receiving approval from the Budget and Control Board for the sale of the property, the Department of Public Safety, the Department of Transportation, and the Department of Motor Vehicles

are authorized to receive, retain, expend, and carry forward funds derived from the sale of the real property in which each agency holds an interest or title. No portion of the property may be declared as surplus by one agency if another agency is occupying said property. The Department of Public Safety is directed to use these funds to defray the operating expenses of the Highway Patrol and the Department of Transportation and the Department of Motor Vehicles are directed to use their portion of these funds for department operating expenses.

**49.5.** (DPS: CMV Driver Rest Areas) A joint working group is to be established between the Department of Transportation, Department of Public Safety, State Transport Police and the South Carolina Trucking Association to review and evaluate where critical rest areas may be made available for commercial motor vehicle drivers to park and obtain their federally mandated required rest.

**49.6.** (DPS: SC Law Enforcement Officers Hall of Fame Scholarships) The Department of Public Safety is hereby authorized to accept donations from the public in order to provide scholarships to the children of law enforcement officers killed in the line of duty. The South Carolina Law Enforcement Officers Hall of Fame Advisory Committee is authorized to set the criteria for awarding such scholarships. All revenue received for this purpose shall be used to provide scholarships and shall be retained, carried forward, and expended for the same purpose.

**49.7.** (DPS: Retention of DMV Cash Transfer) The Department of Public Safety is hereby authorized to retain, expend, and carry forward funds transmitted by the Department of Motor Vehicles without any specific restrictions for the utilization of these funds pursuant to proviso 90.20 (SR: DMV Cash Transfer) of Act 23 of 2009.

## **SECTION 50 - N20-LAW ENFORCEMENT TRAINING COUNCIL**

**50.1.** (LETC: CJA-Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Law Enforcement Training Council, Criminal Justice Academy is authorized to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the prior fiscal year.

**50.2.** (LETC: CJA-Retention of Emergency Expenditure Refunds) The Law Enforcement Training Council, Criminal Justice Academy is authorized to collect, expend, retain, and carry forward all funds received from other state or federal agencies in the current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year when personnel and equipment are mobilized and expenses incurred due to an emergency.

**50.3.** (LETC: CJA-Loan Approval) Subject to the review of the Joint Bond Review Committee and approval of the Budget and Control Board, the Criminal Justice Academy is authorized to borrow an amount not to exceed \$12,000,000 to construct and equip a new dormitory to house students in training at the Academy and additional classroom and office space to meet the increased demand for mandated basic law enforcement training as well as advanced and specialized training. The State Treasurer is authorized to negotiate the terms and conditions of a loan, revenue bond, or other financing arrangement, the indebtedness for which must be repaid exclusively from either the five dollar surcharge authorized in Section 90 of this Act or other Criminal Justice Academy funds.



**SECTION 51 - N04-DEPARTMENT OF CORRECTIONS**

**51.1.** (CORR: Clothes/Transportation Upon Discharge) Whenever an inmate shall be discharged from the Department of Corrections, the department shall furnish such inmate with a suit of common clothes, if deemed necessary, and transportation from the Department of Corrections to his home, if his home is located within this State. If his home is not located in South Carolina, the Department of Corrections has the discretion of providing transportation to the inmate's home state, or to the county from which he was sentenced.

**51.2.** (CORR: Canteen Operations) Revenue derived wholly from the canteen operations within the Department of Corrections on behalf of the inmate population, may be retained and expended by the department for the continuation of the operation of said canteens and the welfare of the inmate population or, at the discretion of the Director, used to supplement costs of operations. The canteen operation is to be treated as an enterprise fund within the Department of Corrections and is not to be subsidized by state appropriated funds.

**51.3.** (CORR: Contract for Services) Upon initiation by the South Carolina Department of Corrections, and upon prior approval by the Budget and Control Board, the Department of Corrections may contract for any and all services, but such services must (1) demonstrate reasonably comparable, cost-effectiveness to traditional methods of construction, (2) result in long-term operational cost-savings, (3) result in the provision of a new facility of sufficient bed, program, and support space more expeditiously than traditional methods, and (4) be subject to the year-to-year appropriation process of the General Assembly and state procurement procedures.

**51.4.** (CORR: E.H. Cooper Trust Fund) Any unclaimed funds remaining in any inmate account, after appropriate and necessary steps are taken to determine and contact a rightful owner of such funds, shall be deposited into the Inmate Welfare Fund.

**51.5.** (CORR: Instructional Salaries) The certified instructional personnel of the Department of Corrections shall receive a percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel throughout the State.

**51.6.** (CORR: Funding Through State Criminal Assistance Program) All funds received by the State from the United States Department of Justice, State Criminal Alien Assistance Program, for care and custody of illegal aliens housed in the state correctional facilities shall be retained by the South Carolina Department of Corrections to offset incurred expenses.

**51.7.** (CORR: Remedial Education Funding) A criminal offender committed to the custody of the Department of Corrections, who has been evaluated to function at less than an eighth grade educational level, or less than the equivalent of an eighth grade educational level, may be required by department officials to enroll and actively participate in academic education programs. Funds appropriated to the Department of Corrections for educational programs shall be prioritized to assure such remedial services are provided.

**51.8.** (CORR: Tire Retreading Program Restriction) The tire retreading program at the Lieber Correctional Institution shall be limited to the marketing and sale of retreads to state governmental entities.

**51.9.** (CORR: Social Security Administration Funding) All funds received by the S.C. Department of Corrections from the Social Security Administration under Section 1611 (e)(1)(I) of the Social Security Act, which provides payment for information

regarding incarcerated Social Security Insurance recipients, shall be retained by the S.C. Department of Corrections and credited to a fund entitled "Special Social Security" for the care and custody of inmates housed in the state correctional facilities.

**51.10. (CORR: Medical Expenses)** The Department of Corrections shall be authorized to charge inmates a nominal fee for any medical treatment or consultation provided at the request of or initiated by the inmate. A nominal co-pay shall be charged for prescribed medications. Inmates shall not be charged for psychological or mental health visits.

**51.11. (CORR: Prison Industry Funds)** The Director of the Department of Corrections, at his discretion, is hereby authorized to utilize prison industry funds for projects or services benefiting the general welfare of the inmate population or to supplement costs of operations.

**51.12. (CORR: Reimbursement for Expenditures)** The Department of Corrections may retain for general operating purposes any reimbursement of funds for expenses incurred in a prior fiscal year.

**51.13. (CORR: Sale of Real Property)** Funds generated from the sale of real property owned by the Department of Corrections shall be retained by the department to offset renovation and maintenance capital expenditures.

**51.14. (CORR: Major Renovations and Repairs)** The Department of Corrections may utilize any existing bond funds approved by the 1997 Bond Act for the construction of new beds and particularly those currently designated for construction of beds at MacDougall Correctional Institution and maximum security beds at Kirkland Correctional Institution, for major renovations and repairs and/or the construction of new beds as the budget and inmate population dictate.

**51.15. (CORR: Funds From Vehicle Cleaning)** Monies generated by inmates engaged in the cleaning and waxing of private vehicles, or any other adult work activity center, shall be placed in a special account and utilized for the welfare of the inmate population.

**51.16. (CORR: Release of Inmates)** The Director of the Department of Corrections and other persons having charge of prisoners who are required to serve a period of six months or more, may release such prisoners on the first day of the month in which their sentences expire, and if the first day of the month falls on a Saturday, Sunday, or a legal holiday, such prisoners may be released on the last weekday prior to the first of the month which is not a holiday, Saturday or Sunday.

**51.17. (CORR: Western Union Funding)** All funds received by the S.C. Department of Corrections from the Western Union Quick Collect Revenue Sharing Program or similar private sector entities, which provides payment for processing electronic transfers into the E. H. Cooper Trust Fund, shall be retained by the S.C. Department of Corrections and credited to a fund entitled "Inmate Welfare Fund" to be expended for the benefit of the inmate population.

**51.18. (CORR: Monitoring Fees)** The Department of Corrections is authorized to charge an inmate who participates in community programs a reasonable fee for the cost of supplying electronic and telephonic monitoring. The fees charged may not exceed the actual cost of the monitoring.

**51.19. (CORR: Dairy Processing Operation Expansion)** Subject to the review of the Joint Bond Review Committee and approval of the Budget and Control Board, the Department of Corrections is authorized to borrow an amount not to exceed \$6,000,000 for the purpose of constructing and equipping a new Dairy Processing Operation to be located at its Wateree River Farm facility. The State Treasurer is authorized to negotiate the terms and conditions of a loan, revenue bond, or other financing arrangement, the indebtedness for which must be repaid exclusively from either net revenues derived from operations of the new Dairy Processing Operation or other Department of Corrections funds.

**51.20.** (CORR: Inmate Insurance Policies) The Department of Corrections may collect and record private health insurance information from incarcerated individuals. The department may file against any private insurance policy covering an inmate to recoup any health care expenditures covered by the policy. Health care will be provided in accordance with law and standards regardless of whether or not an inmate is covered by insurance.

**51.21.** (CORR: Work Release Transportation Fee) The South Carolina Department of Corrections is authorized to charge a \$4.00 per-day transportation fee to participants in the work release program only when such transportation is provided by the department. Monies collected shall be credited to the South Carolina Department of Corrections, and utilized solely to fund transportation of work release participants and vehicle replacement for the work release program.

**51.22.** (CORR: Special Assignment Pay Level 2 & 3 Facilities) Funds appropriated for special assignment pay at the Department of Corrections are for the purpose of addressing vacancies and turnover of staff by providing a pay differential for certain employees assigned to institutions with a Level II or Level III security designation. The funds are to be used for special assignment pay only and may not be transferred to any other program. If the employee leaves one of the qualifying job classes or leaves a Level II or Level III institution for a non-Level II or non-Level III facility, they shall no longer be eligible for this special assignment pay. Only employees in full-time equivalent positions are eligible for this special assignment pay.

The special assignment pay is not a part of the employee's base salary, but is a percentage thereof, and is to be paid as follows:

(A) At Level II institutions:

- (1) 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.

**51.23.** (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.

**51.24.** (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. The department may utilize inmate labor and other agency resources to construct the buildings only after seeking competitive bids to ensure the most cost-effective method of construction.

**51.25.** (CORR: Inmate Barbering Program) Inmate barbers in the Inmate Barbering Program at the Department of Corrections, shall not be subject to the licensing requirement of Section 40-7-30 of the 1976 Code.

**51.26.** (CORR: Executed Inmate Autopsy) For the current fiscal year, the autopsy requirements of Section 17-7-10 of the 1976 Code are suspended when an inmate is executed by the Department of Corrections pursuant to a valid order of the Supreme Court of South Carolina.

**51.27.** (CORR: Recoupment of Expenses Associated with Inmate Cremation) If the Department of Corrections incurs expenses for cremating and disposing of an unclaimed deceased inmate, the department may recoup all associated costs of cremation, including transportation, through the deceased inmate’s E.H. Cooper account, providing funds are available.

**51.28.** (CORR: LAC Recommendations) The Department of Corrections is directed to provide a report on the status of implementation of the recommendations contained in the Legislative Audit Council’s October 2009 Limited-Scope Review of the Department of Corrections. The report must be provided by January 4, 2011, to the Senate Corrections and Penology Committee and the House of Representatives Medical, Military, Public and Municipal Affairs Committee.

**51.29.** (CORR: Legal Fees) For the current fiscal year, the Department of Corrections shall submit a report to the Senate Finance Committee and the House Ways and Means Committee detailing the expenditure of all funds, including expenditures from the Insurance Reserve Fund or any prepaid legal account, within the last four fiscal years for private lawyers to defend actions for wrongful termination or other personnel matters against the department’s employees or former employees. At a minimum, the report must provide a detailed accounting of the expenditures to include the names of parties to the lawsuits, the cause(s) of action, the date of the alleged wrongdoing, name of private lawyers engaged, amount paid to each private lawyer, status of all pending lawsuits, and outcome of any order or judgment. The report must be submitted by October first of the current fiscal year.

**SECTION 52 - N08-DEPARTMENT OF PROBATION, PAROLE & PARDON SERVICES**

**52.1.** (DPPP: Sale of Equipment) All revenue generated by the Department of Probation, Parole and Pardon Services from the sale of various equipment in excess of \$575, less the cost of disposition incurred by the Budget and Control Board, Division of Operations, may be retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items.

**52.2.** (DPPP: Interstate Compact Application Fee) The department may charge offenders an application fee set by the department, not to exceed \$100, to offenders applying for transfers out of or into the state under the Interstate Compact Act. The application fee shall be retained by the department to offset the cost of the Interstate Compact Act. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

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

**52.4.** (DPPP: Sex Offender Monitoring Carry Forward) The Department of Probation, Parole and Pardon Services is authorized to carry forward any unexpended funds in the Sex Offender Monitoring program. These funds must be used for the sex offender monitoring program. For the purpose of calculating the amount of funds which may be carried forward by the department, Sex Offender Monitoring program funds carried forward by this provision shall be excluded from the calculation of the carry forward authorized by provision elsewhere in this Act.

**52.5.** (DPPP: Offender Drug Testing Fee) The department may charge offenders a fee set by the department, not to exceed \$50, for the purpose of drug testing. If it is determined that the offender is indigent, this fee must be waived. The fee shall be retained by the department to offset the cost of drug testing. All unexpended funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

**52.6.** (DPPP: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult offender placed under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty-five dollar Public Service Employment set-up fee. The fee must be retained by the department and applied to the department's supervision process. The department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on the number of offenders who were assessed the set-up fee and the amount of funds collected.

**SECTION 53 - N12-DEPARTMENT OF JUVENILE JUSTICE**

**53.1.** (DJJ: Meal Ticket Revenue) The revenue generated from sale of meal tickets by the Department of Juvenile Justice shall be retained and carried forward into the current fiscal year by the agency and expended for the operation of the agency's cafeterias and food service programs.

**53.2.** (DJJ: Interstate Compact Revenue) The revenue returned to the Interstate Compact Program shall be retained and carried forward into the current fiscal year by the agency and expended for the operation of the program.

**53.3.** (DJJ: Educational Funds Audit) Notwithstanding the provisions of the Education Finance Act, the South Carolina Department of Juvenile Justice shall have its educational funds audited by the Office of the State Auditor pursuant to a schedule established by the State Auditor, and said audit shall be sufficient to satisfy the timetable for audits required in Regulation 43175.

**53.4.** (DJJ: Children's Projects Revenue) Funds generated from the projects undertaken by children under the supervision of the Department of Juvenile Justice may be retained by the department and utilized for the benefit of those children. Such funds may be carried forward into the following fiscal year.

**53.5.** (DJJ: Instructional Salaries) The certified instructional personnel of the Department of Juvenile Justice shall receive a percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel throughout the State.

**53.6.** (DJJ: Juvenile Justice Parole Board Compensation) The department is authorized to pay the Juvenile Justice Parole Board member up to \$200 per day for services rendered to the agency in the performance of their official duties. The total amount of agency funds which can be utilized in this manner cannot exceed \$48,000 per year and is subject to base budget reductions.

**53.7.** (DJJ: Reimbursements for Expenditures) The Department of Juvenile Justice may retain for general operating purposes any reimbursement of funds for expenses incurred in a prior fiscal year.

**53.8.** (DJJ: Juvenile Arbitration/Community Advocacy Program) The amount appropriated and authorized in this section for the Juvenile Arbitration Program shall be retained and expended by the Department of Juvenile Justice for the purpose of providing juvenile arbitration services through the sixteen (16) Judicial Circuit Solicitors' offices in the state and used to fund necessary administrative and personnel costs for the programs.

The Department of Juvenile Justice shall contract with Solicitors to administer the Juvenile Arbitration Program and disburse up to \$60,000 per Judicial Circuit based on services rendered. The amount payable to Solicitors may vary based on consistent adherence to established statewide program guidelines to assess program performance.

The \$250,000 appropriated for the Community Advocacy Program in the first Judicial Circuit, will be used to fund necessary administrative and personnel costs for this status offender diversion program. The Department of Juvenile Justice shall monitor and provide support to this program.

All unexpended funds may be retained and carried forward from the prior fiscal year to be used for the same purposes.

**53.9.** (DJJ: Sale of Real Property) After receiving approval from the Budget and Control Board for the sale of property, the department is authorized to retain revenues associated with the sale of department-owned real property and may expend these funds on capital improvements reviewed by the Joint Bond Review Committee and approved by the Budget and Control Board.

**53.10.** (DJJ: Sale of Timber) The Department of Juvenile Justice is hereby authorized to sell mature trees and other timber suitable for commercial purposes from lands owned by the department. Prior to such sales, the director shall consult with the State Forester to determine economic and environmental feasibility and to obtain approval for such sales. Funds derived from timber sales shall be retained and utilized for family support services after setting aside a reasonable amount, as determined by the State Forester, for reforestation of the lands from which the trees and timber are sold.

**53.11. (DJJ: Drug Free Workplace)** The critical mission of the Department of Juvenile Justice requires a safe and drug free work environment. In order to accomplish this, the department may conduct and pay for the cost of pre-employment drug testing and random employee drug testing. The department is authorized to expend funds in order to provide or procure these services.

**53.12. (DJJ: Definition of Juveniles)** The Department of Juvenile Justice is authorized to place juveniles in marine and wilderness programs or other community residence programs operated by non-governmental entities. Juveniles receiving services in these community residence programs must either be referred to such a program by the Family Court as a condition of probation, released to such a program by the Board of Juvenile Parole, or voluntarily agree to be assigned and released to such a program by the Department of Juvenile Justice.

**53.13. (DJJ: Adult Education - GED)** Juveniles committed to the Department of Juvenile Justice who have been enrolled in, but not yet completed, a GED educational program while at the department, at the discretion of the local school district, upon release from the department shall be allowed to enroll in either the juvenile's local school district's regular education program, in their appropriate grade placement, or allowed to enroll in that district's or county's adult education program. If enrolled in an adult education program, the juvenile's eligibility for taking the GED shall be based upon the regulations promulgated by the Department of Education for youth who are confined in, or under the custody of, the Department of Juvenile Justice.

**53.14. (DJJ: Local District Effort)** Upon commitment or confinement to a Department of Juvenile Justice facility, the school district in which that child resides shall pay an amount equivalent to the statewide average of the local base student cost (30%), multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-district students to the Department of Juvenile Justice for the time period in which the child is committed or confined to a department facility. EFA funding for school districts is provided for a 180 day school year. The billing provided by the department shall be calculated by dividing the local base student cost by 225 days to determine the daily rate. The department shall notify the school district in writing within 45 calendar days that a student from the nonresident district is receiving education services pursuant to this provision. The notice shall also contain the student's name, date of birth, disabling condition if available, and dates of service.

The invoice shall be paid within 60 days of billing, provided the department has provided a copy of the invoice to both the superintendent and the finance office of the school district being invoiced. Should the school district fail to pay the invoice within 60 days, the department can seek relief from the Department of Education. The Department of Education shall withhold EFA funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the department. If adequate funding is not received, the department shall have the flexibility to use funds from other programmatic areas to maintain an appropriate level of service.

**53.15. (DJJ: Emergency Authority to Transfer PIP Funds)** The Department of Juvenile Justice is authorized to transfer to its operational and/or personnel accounts up to \$1,500,000 of Permanent Improvement Project (PIP) funds, excluding Capital Improvement Bond funds, that have been previously allocated to the department by the General Assembly/Joint Bond Review Committee and approved by the Budget and Control Board, if those funds are unobligated or not otherwise committed by the department for active permanent improvement projects. The department may utilize these funds in Fiscal Year 2010-11 as necessary in order to maintain constitutional conditions in its institutional facilities and residential programs.

**53.16. (DJJ: Emergency Release for Community Evaluation)** The Department of Juvenile Justice is authorized to allow any child adjudicated delinquent for a status offense, for a misdemeanor offense other than Assault and Battery of a High and

Aggravated Nature or Assault with Intent to Kill, or for violation of probation/contempt for any offense who is temporarily committed to its custody for a residential evaluation, to reside in that child's home or in his home community while undergoing a community evaluation, unless the committing judge finds and concludes in the order for evaluation, that a community evaluation of the child shall not be conducted because the child presents an unreasonable flight or public safety risk to his home community.

**53.17. (DJJ: Earned Compliance Credit)** In order to avoid unconstitutional levels of overcrowding and other unconstitutional conditions from occurring in residential programs operated for the Department of Juvenile Justice, and in order to reduce caseloads of the Department's probation and parole officers so that these officers can better focus their attention and limited resources on those offenders who pose a greater threat to public safety, the Department is authorized to grant up to a ten day reduction of their probationary or parole term to probationers and parolees who are under its supervision for each month they are compliant with the terms and conditions of their probation or parole order. Parolees under the jurisdiction of the Board of Juvenile Parole are not eligible to receive this credit.

**53.18. (DJJ: Early Release Authorization)** In order to avoid unconstitutional levels of overcrowding and other unconstitutional conditions from occurring in facilities operated by the department and in residential programs operated for the department, the number of children housed in residential placements (either committed to the custody of the Department of Juvenile Justice or who are under the department's supervision) shall not exceed the number of beds available to the department to house them. Should appropriation reductions necessitate that the department close any additional facility, program, or housing unit it operates, or to be unable to fund any additional residential program operated for its benefit, the department is authorized and empowered to release from its residential placements sufficient numbers of children committed to its custody or supervision for a status offense, a misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature and Assault with Intent to Kill, or for violation of probation/contempt of a status offense or a misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature and Assault with Intent to Kill, so that the number of children in its custody or under its supervision and placed in these residential placements does not exceed the number of housing units/beds available to properly house those children. No child adjudicated delinquent for a violent crime as defined in Section 16-1-60 of the 1976 Code, a felony offense as defined in Section 16-1-90 of the 1976 Code, or a sexual offense shall be released pursuant to this proviso.

## **SECTION 54 - L36-HUMAN AFFAIRS COMMISSION**

**54.1. (HAC: Sale of Publication)** All revenue derived from the sale of "The Blueprint" shall be retained, carried forward, and expended for the purpose of general operations of the Human Affairs Commission.

**54.2. (HAC: Human Affairs Forum Carry Forward)** All revenue derived from donations and registration fees received for attendance at Human Affairs Forums shall be retained and carried forward and expended for the purpose of general operations of the Human Affairs Commission.

**54.3. (HAC: Training Revenue)** All revenue derived from fees received from training and technical assistance provided by the Human Affairs Commission to entities other than state agencies shall be retained, carried forward, and expended for the purpose of general operations of the Human Affairs Commission.



**54.4.** (HAC: Revenue from Copying Fees) All revenue derived from providing requested copies of commission files, final opinions, orders, and determinations shall be retained, carried forward, and expended for the purpose of general operations of the Human Affairs Commission.

## **SECTION 55 - L46-COMMISSION FOR MINORITY AFFAIRS**

**55.1.** (CMA: Private Contributions and Sponsorship) Monies derived from private sources for agency research, forums, training, and institutes may be retained and expended by the commission for the said purpose. Any remaining balance may be carried forward and expended for the same purpose.

**55.2.** (CMA: Carry Forward Registration Fees) Revenue derived from registration fees received from training and institutes may be retained and carried forward for the purpose of conducting future training and institutes.

**55.3.** (CMA: Carry Forward Grant Awards) Revenues pooled from public and private sources for the purpose of awarding grants to address problems in the minority community may be retained and carried forward by the commission.

**55.4.** (CMA: Carry Forward Bingo Revenues) Bingo revenues received by the commission in the prior fiscal year pursuant to Section 12-21-4200(3) of the 1976 Code which are not expended during that fiscal year may be carried forward to be expended in the current fiscal year.

## **SECTION 57 - R06-OFFICE OF REGULATORY STAFF**

**57.1.** (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.

**57.2.** (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.

**57.3.** (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 58 - R08-WORKERS' COMPENSATION COMMISSION**

**58.1.** (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.

**58.2.** (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.

**58.3.** (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 59 - R12-STATE ACCIDENT FUND**

**59.1.** (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 62 - R20-DEPARTMENT OF INSURANCE**

**62.1.** (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.

**62.2.** (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.

**62.3.** (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 63 - R23-BOARD OF FINANCIAL INSTITUTIONS**

**63.1.** (FI: Supervisory Fees) The Board of Financial Institutions shall fix supervisory fees of banks, savings and loan associations and credit unions on a scale which, together with fees collected by the Consumer Finance Division will fully cover the total funds expended under this section.

## **SECTION 64 - R28-DEPARTMENT OF CONSUMER AFFAIRS**

**64.1.** (CA: Consumer Protection Code Violations Revenue) Funds, paid to the department in settlement of cases involving violations of the South Carolina Consumer Protection Code and other statutes enforced by the department be retained and expended within the agency's budget to help offset the costs of investigating, prosecuting, and the administrative costs associated with these violations, may be carried forward and expended for the same purposes in the current fiscal year.

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

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

**64.4.** (CA: Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) The Department of Consumer Affairs may retain all Consumer Credit Grantor Notification filing fees collected under Section 37-6-203 and all Maximum Rate Schedules filing fees collected under Section 37-2-305 and Section 37-3-305. These fees shall be used to offset the cost of administering and enforcing Chapters 2 and 3, Title 37 of the 1976 Code and may be applied to the cost of operations. Unexpended balances may be carried forward for the prior fiscal year into the current fiscal year and be utilized for the same purposes.

**64.5.** (CA: Retention of Fees) For Fiscal Year 2010-11, the department may retain all fees collected pursuant to Sections 39-61-80, 39-61-120, 40-39-120, and 44-79-80 of the 1976 Code. The funds retained shall be utilized to implement the requirements of the programs mandated by those sections of the code.

**SECTION 65 - R36-DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**65.1.** (LLR: Fire Marshal - Authorization to Charge Fees for Training) The Fire Academy may charge participants a fee to cover the cost of education, training programs, and operations. The revenue generated may be applied to the cost of operations, and any unexpended balance may be carried forward to the current fiscal year and utilized for the same purposes.

**65.2.** (LLR: Real Estate - Special Account) Revenue in the Real Estate Appraisal Registry account shall not be subject to fiscal year limitations and shall carry forward each fiscal year for the designated purpose.

**65.3.** (LLR: POLA - 10%, Other Funds) The Professional and Occupational Offices in Program II.F. Professional and Occupational Licensing must remit annually an amount equal to 10% of the expenditures to the general fund. The Contractor's Licensing Board must remit all revenues above their expenditures to the general fund. The revenue remitted by the Contractor's Licensing Board to the general fund includes the 10%.

**65.4.** (LLR: Fire Marshal Fallen Firefighters Memorial) The Department of Labor, Licensing and Regulations - Division of the State Fire Marshal is authorized to accept gifts or grants of services, properties, or monies from individuals or public and private organizations to honor South Carolina firefighters who have died in the line of duty. All excess monies collected to erect a memorial are to be placed in a fund for upkeep and maintenance. Any later contributions are to be used for upkeep and maintenance.

**65.5.** (LLR: Firefighter Mobilization Project) The Department is directed to utilize \$165,000 of the funds derived under Section 2 of Act 1377 of 1968, as amended by Act 60 of 2001 from the tax of thirty-five one-hundredths percent imposed annually on the gross premium receipts less premiums returned on canceled policy contracts and less dividends and returns of unabsorbed premium deposits of all fire insurance companies doing business in the State to fund the Firefighter Mobilization Project.

**65.6.** (LLR: Match for Federal Funds) State appropriations to the Department of Labor, Licensing, and Regulation that are required to provide match for federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and expended for the same purpose as originally appropriated.

**65.7.** (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the OSHA and OSHA Voluntary Programs, the Department of Labor, Licensing, and Regulation shall be authorized to spend agency earmarked and restricted accounts to maintain these critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Office of State Budget.

**65.8.** (LLR: Immigration Bill Funding) Prior to any funds carried forward from the prior fiscal year in Subfund 3135 being transferred to fund any other purpose, \$2,000,000 must be retained by the Department of Labor, Licensing, and Regulation to fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. The department shall compile an accountability report outlining expenditures of the Immigration Bill funding to be issued to the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the Chairman of the House Ways and Means Transportation and Regulatory Subcommittee. Said report must be issued on the first Tuesday of February 2011.

**65.9.** (LLR: Authorized Reimbursement) The Director of the Department of Labor, Licensing, and Regulation cannot authorize reimbursement under Section 40-1-50(A) of the 1976 Code to members of any board listed in Section 40-1-40(B) for meetings held at any location other than the offices of the department unless there has been a determination that the department is unable to provide space for the meeting in a state owned or leased facility in Richland or Lexington County.

**65.10.** (LLR: South Carolina Emergency Response Task Force/State Urban Search and Rescue Program) After the requirements of proviso 65.8 of this act and the state match for the OSHA program have been met, \$650,000 of the funds carried forward in Subfund 3135 must be retained by the Department of Labor, Licensing, and Regulation to fund, maintain, and operate the South Carolina Emergency Response Task Force/State Urban Search and Rescue Program for FY 2010-11.

**65.11.** (LLR: Release of Information) If a Professional and Occupational Licensing Board operating under the purview of the department requests information, such information must be provided in a timely manner.

**65.12.** (LLR: Illegal Immigration Hotline Assistance) Upon the request of the Commission on Minority Affairs, the Department of Labor, Licensing, and Regulation shall provide assistance to establish and maintain a twenty-four hour toll free telephone number and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related provisions of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal immigration laws or related provisions in South Carolina law against any non-United States citizen or immigrant.

Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations of Chapter 83, Title 40 of the 1976 Code relating to immigration assistance services, or any regulations enacted governing the operation of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-930, landlord tenant law violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services.

## **SECTION 66 - R40-DEPARTMENT OF MOTOR VEHICLES**

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

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

**66.3.** (DMV: Publish County DMV Local Telephone Number) From the funds appropriated in Part IA, Section 66 to the Department of Motor Vehicles, it is the intent of the General Assembly that the Department of Motor Vehicles in each county should have a local telephone number that is published.

**66.4.** (DMV: Cost Recovery Fee/Sale of Photos or Digitized Images) The Department of Motor Vehicles may collect processing fees and fees to recover the costs of the production, purchase, handling and mailing of documents, publications, records and data sets. The amount charged by the Department of Motor Vehicles for any fees collected pursuant to this proviso may not exceed the rates that the department charged as of February 1, 2001. The Department of Motor Vehicles may not sell, provide or otherwise furnish to private parties, copies of photographs, whether digitized or not, taken for the purpose of a driver's license or personal identification card. Photographs and digitized images from a driver's license or personal identification card are not considered public records. Funds derived from these sources shall be retained by the department.

**66.5.** (DMV: DPPA Compliance Audit) The Department of Motor Vehicles may charge fees to defray the costs associated with auditing and enforcing compliance of all Federal or State statutes and regulations pertaining to personal information for customers receiving information disseminated by the department as allowed by law. This provision does not pertain to state agencies. The Comptroller General shall place the funds into a special restricted account to be used by the department.

**66.6.** (DMV: DMV Transaction Fee) The Department of Motor Vehicles is authorized to collect a transaction fee from commercial third parties who either transmit or retrieve data from the DMV. The fee cannot exceed five dollars per transaction and must be mutually agreed to by all parties. These fees are to be retained by the division and placed in a special restricted interest-bearing account to be used by the division to defray the costs associated with the maintenance and operation of the division's information and technology system.

**66.7.** (DMV: Motor Carrier Registration Fees) Administration of Articles 3 and 5, Chapter 23, Title 58, shall be funded from the motor carrier registration fees collected by the department that previously were collected by the Public Service Commission. All unexpended funds from prior years collected under this proviso may be retained and carried forward by the department for the same purposes.

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

**66.9.** (DMV: Underutilized Offices) The Director of the Department of Motor Vehicles is authorized to develop and implement a plan to reduce the hours of operation in underutilized DMV field offices.

## **SECTION 67 - R60-DEPARTMENT OF EMPLOYMENT AND WORKFORCE**

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

**67.2.** (DEW: Consortium Contracts: Training-Development Sessions and Media Services) All earmarked funds collected for the LMI - Training-Development Sessions; Media Services and Program Contracts through the Department of Employment and

Workforce may be retained by the agency to be used for the exclusive purpose of operating these programs. All funds not expended in the prior fiscal year may be carried forward for use in the current fiscal year.

**67.3.** (DEW: SCOIS Federal Funds) Should the department receive funds from the federal government for the South Carolina Occupational Information System (SCOIS) program, the department shall return an equivalent amount of general funds, up to \$306,833, to the General Fund of the State. The department shall notify the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of such action.

**67.4.** (DEW: Federal and Earmarked Prior Year Payments) The Department of Employment and Workforce shall be allowed to pay federal and earmarked prior year obligations with current year funds.

**67.5.** (DEW: WIA Prior Year Payments) The Department of Employment and Workforce shall be allowed to pay Workforce Investment Act prior-year obligations with current year funds.

## **SECTION 68A - U12-DEPARTMENT OF TRANSPORTATION**

**68A.1.** (DOT: Expenditure Authority Limitation) The Department of Transportation is hereby authorized to expend all cash balances brought forward from the previous year and all income including all federal funds, unexpended general funds and proceeds from bond sales accruing to the Department of Transportation, but in no case shall the expenditures of the Department of Transportation exceed the amount of cash balances brought forward from the preceding year plus the amount of all income including federal funds, general funds and proceeds from bond sales.

**68A.2.** (DOT: Special Fund Authorization) The Department of Transportation with the approval of the State Treasurer, is hereby authorized to set up with the State Treasurer such special funds out of the Department of Transportation funds as may be deemed advisable for proper accounting purposes.

**68A.3.** (DOT: Secure Bonds & Insurance) The Department of Transportation is hereby authorized to secure bonds and insurance covering such activities of the department as may be deemed proper and advisable, due consideration being given to the security offered and the service of claims.

**68A.4.** (DOT: Benefits) Employees of the Department of Transportation shall receive equal compensation increases, health insurance benefits and employee bonuses provided in this act for employees of the State generally. The amount will be funded from Department of Transportation funding sources.

**68A.5.** (DOT: Document Fees) The Department of Transportation is hereby authorized to establish an appropriate schedule of fees to be charged for copies of records, lists, bidder's proposals, plans, maps, etc. based upon approximate actual costs and handling costs of producing such copies, lists, bidder's proposals, plans, maps, etc.

**68A.6.** (DOT: Commissions Per Diem, Subsistence, Mileage) Members of the Department of Transportation Commission shall receive such per diem, subsistence and mileage for each official meeting as is provided by law for members of boards, commissions, and committees.

**68A.7.** (DOT: Contract Mass Transit System) The Department of Transportation is hereby authorized to directly contract mass transit funds with any private operator of a mass transit system to provide service to the general public; provided, that a plan of

service has been established and approved by the local general purpose government which has jurisdiction for the area to be served, and approved by the department, the Transportation Commission and the federal government.

**68A.8.** (DOT: Coordinate Transportation Funding and Resources) The Department of Transportation shall continue to carry out and enhance the coordination planning and demonstration process for public transportation funding and resources established during the prior fiscal year. A progress report shall be submitted to the General Assembly on or before January fifteenth each year. The progress report required by this section may be combined with the Department of Transportation Annual Report required pursuant to Section 57-3-760 and the Mass Transit Division Report required by Section 57-3-40, Code of Laws, 1976, as amended. The intent of this proviso is to improve access and delivery of transportation services, especially in rural areas. In planning and developing mechanisms for increasing coordination of funding streams and resources at both the state and local levels, the Department of Transportation shall work with each agency that provides funding for transportation and assure input in the process from major local providers of transportation services to the public, including current providers of coordinated public service.

Any agency, local government or other entity, including nonprofit organizations, using state funds or state-administered federal funds for the purpose of transporting private citizens on a regular basis, (1) must provide input and information as requested by the Department of Transportation in a timely manner and in a format specified by the Department of Transportation in order to update data on transportation resources for planning purposes and; (2) show evidence of progress toward the development of or participation in a coordination plan. The Department of Corrections, the Department of Education, school districts and institutions of higher education are exempt from the requirements of this section. No transportation funds may be provided to any entity not in compliance with the requirements of this section.

**68A.9.** (DOT: Payroll Deduction for Uniform Rental) The Department of Transportation, upon the written request of an employee, shall make deduction from the employee's compensation for payments for work related uniform rental.

**68A.10.** (DOT: Financial Status Reports) The Department of Transportation must provide to each Metropolitan Planning Organization and Regional Council of Government, as appropriate, a quarterly financial status report of approved highway projects to include authorized project financial obligations and to date project expenditures and percent of completion.

**68A.11.** (DOT: Meals in Emergency Operations) The Department of Transportation may provide meals to employees of the department who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation exercises, and when the Governor declares a state of emergency.

**68A.12.** (DOT: Rest Area Water Rates) For the current fiscal year, rest areas of the Department of Transportation shall be charged in-district water rates by providers of water and sewer services, unless the rate currently charged by the provider is less than in-district rates.

**68A.13.** (DOT: Shop Road Farmers Market Bypass Carry Forward) Unexpended funds appropriated for the Shop Road Farmers Market Bypass may be carried forward into the current fiscal year and expended for the matching requirement for the widening and expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads-Phase I).



**SECTION 68D - U30 - DIVISION OF AERONAUTICS**

**68D.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.

**68D.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.

**68D.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.

**68D.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.

**68D.5.** (AERO: Airport Development) Any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the Aeronautics Commission.

**68D.6.** (AERO: Grant Funds Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, for Matching National Grant Funds, may be carried forward to the current fiscal year and used for matching committed and/or unanticipated grant funds.

**68D.7.** (AERO: Carry Forward Sale of Aircraft Proceeds) The Division of Aeronautics may carry forward proceeds from the sale of aircraft to be used for replacement aircraft, required Federal Aviation Administration upgrades to existing aircraft, and other Division purposes.

**68D.8.** (AERO: Aviation Grants) The funds appropriated for Aviation Grants, in this bill or any bill supplemental thereto, shall be credited to the State Aviation Fund within the Division of Aeronautics for the following purposes:

(1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement projects;

(2) for maintenance projects of general aviation airports; and or

(3) for aviation education related programs including, but not limited to, educating young people about careers in the aviation industry and/or the promotion of aviation in general.

Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this provision, but the airport must have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems.

The Aeronautics Commission shall promulgate regulations establishing the grants program that, at a minimum, address: (1) priorities among improvements qualifying for grants; (2) an airport selection process to ensure an equitable distribution of funds among eligible airports; and (3) the criteria for distribution of funds among eligible airports.

Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a major factor in the priority guidelines established by the Aeronautics Commission pursuant to this provision. The Commission also shall have discretion consistent with Section 55-5-170 of the 1976 Code to establish a program to grant Aviation Fund dollars for these purposes at the ratio of eighty percent from the fund to twenty percent from the local airport sponsor, or any ratio with a smaller relative contribution from the fund.

A report on the expenditure of these funds shall be submitted to the Senate Finance Committee and the House Ways and Means Committee.

Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes.

**68D.9.** (AERO: Grant Match Funds) The funds appropriated to the Division of Aeronautics for FAA grant matching, may be used to match state and local aviation airports projects whether or not they have received FAA funding. Any funds must be approved by the Aeronautics Commission prior to being awarded.

**68D.10.** (AERO: Transfer of MUSC Aircraft) Title and ownership of the Medical University of South Carolina's Beechcraft King Air 90C model is transferred to the Aeronautics Commission for official use by the state in the manner prescribed by law. It is the intent of the General Assembly that the Aeronautics Commission shall provide funding to the Medical University to cover the value of the aircraft as soon as funding is available.

## **SECTION 69 - Y14-STATE PORTS AUTHORITY**

**69.1.** (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating fund surplus available and any funds appropriated to the authority in prior fiscal years and left unexpended as of July 1, 2010, pay to the State Transportation Infrastructure Bank one million dollars before June 30, 2011, to continue the Charleston Cooper River Bridge Project.

## **SECTION 70 - A99-LEGISLATIVE DEPARTMENT**

**70.1.** (LEG: Legislative Employee Designations) The positions included in this section designated (P) shall denote a permanent employee and the salary is an annual rate. The positions designated (T) shall denote a temporary employee and the salary is for a period of six months to be paid at that rate only while the General Assembly is in session. The positions designated as (Interim) shall denote a temporary employee and the salary is for a period of six months to be paid at that rate while the General Assembly is not in session. The positions designated (PTT) shall denote part-time temporary employees on a twelve-months basis. The positions designated (PPT) shall denote permanent part-time employees retained for full-time work for a period of months or the duration of the legislative session. The House of Representatives shall maintain an internal record denoting permanent, temporary, interim, part-time temporary, and permanent part-time employees.

**70.2.** (LEG: Legislative Employee BPI/Merit) Legislative employees designated (P) or (PPT) shall receive base pay and average merit pay in the same manner as such pay is granted to classified state employees, but for purposes of this paragraph, the term “legislative employees” does not include employees of the House of Representatives. From the funds appropriated for Employee Pay Increases, the Speaker of the House and the President Pro-Tem of the Senate shall determine the amount necessary for compensation of the employees of the House and Senate.

**70.3.** (LEG: Interim Expenses Allowance) The Chairman of the Standing House and Senate Committees shall each be allowed the sum of six hundred and fifty dollars for expenses during the interim, between sessions of the General Assembly, to be paid from the House or Senate approved accounts, with each body paying the expense allowance of the chairman in its membership. The Speaker of the House is authorized to approve not more than six hundred and fifty dollars for expenses during the interim for Chairmen of the Standing Committees of the House.

**70.4.** (LEG: Subsistence/Travel Regulations) A. Members of the General Assembly shall receive subsistence for each legislative day that the respective body is in session and in any other instance in which a member is allowed subsistence expense. No member of the General Assembly except those present are eligible for subsistence on that day. Legislative day is defined as those days commencing on the regular annual convening day of the General Assembly and continuing through the day of adjournment sine die, excluding Friday, Saturday, Sunday, and Monday.

B. Standing Committees of the Senate and House of Representatives are authorized to continue work during the interim; however, House members must receive advanced approval by the Speaker of the House and Senate members must receive advanced approval by the President Pro Tempore of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the members of the General Assembly shall not be paid the per diem authorized in this provision. When certified by the Speaker of the House, President Pro Tempore of the Senate, or Standing Committee Chairman, the members serving on such committees shall receive a subsistence and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds for allowances specified in this proviso shall be paid to the members of the Senate or House of Representatives from the Approved Accounts of the respective body except as otherwise may be provided.

C. Joint Study Committees created pursuant to Acts and Resolutions of the General Assembly are authorized to continue work during the interim to secure such information and complete such investigations as may be assigned to the respective committees; however, House members must receive advanced approval by the Speaker of the House and Senate members must receive advanced approval by the President Pro Tempore of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the House and Senate members of the Joint Study Committee shall not be paid the per diem authorized in this provision. When certified by the appropriate authority, the members appointed to such committees shall receive a subsistence and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The allowances specified in this proviso shall be paid from funds appropriated to the respective committees for such purposes, or from Approved Accounts of the respective body of the General Assembly if no funds have been appropriated to such a committee for these purposes.

D. Members of the Senate and the House of Representatives when traveling on official State business shall be allowed a subsistence and transportation expenses as provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees upon approval of the appropriate chairman. When traveling on official business of the Senate or the House of Representatives not directly associated with a committee of the General Assembly, members shall be paid the same allowance upon approval of the President Pro Tempore of the Senate or the Speaker of the House of Representatives. In either instance, the members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds for the allowances specified in this proviso shall be paid from the Approved Accounts of the Senate or the House of Representatives or from the appropriate account of the agency, board, commission, task force or committee upon which the member serves.

E. Members of the House of Representatives shall not be reimbursed for per diem, subsistence, or travel in connection with any function held outside of the regular session of the General Assembly unless prior approval has been received from the Speaker of the House.

F. Notwithstanding any other provision of law, subsistence and mileage reimbursement for members of the General Assembly shall not exceed the level authorized by the Internal Revenue Service as of June 30, 2008 for the Columbia area.

**70.5.** (LEG: Senate Voucher Approval) All payroll vouchers, disbursement vouchers, and interdepartmental transfers of the Senate shall only require the approval of the Clerk of the Senate.

**70.6.** (LEG: Supplies Approval) All supplies for the Senate shall be purchased only upon the authority of the Clerk of the Senate and all supplies for the House of Representatives shall be purchased only upon the authority of the Clerk of the House.

**70.7.** (LEG: House Pages) Up to one hundred forty-four Pages may be appointed pursuant to House policies and procedures and they shall be available for any necessary service to the House of Representatives.

**70.8.** (LEG: Leg. Council Employment/Salary Adjustments) Notwithstanding any limitation or other provision of law to the contrary, the Legislative Council may adjust salaries for Legislative Council personnel. Any adjustments made must be paid from funds appropriated for the council or from the funds appropriated to the council under Part IA, Section 70C for this purpose, or both.

**70.9.** (LEG: Senate Research Personnel Compensation) Senate Research personnel other than Directors of Research and the committee research staff shall be paid from funds appropriated for Senate Research at the direction of the Clerk of the Senate.

**70.10.** (LEG: Contract for Services) The Standing Committees of the Senate may, upon approval of the President Pro Tempore, contract with state agencies and other entities for such projects, programs, and services as may be necessary to the work of the respective committees. Any such projects, programs, or services shall be paid from funds appropriated for contractual services.

**70.11.** (LEG: Jt. Leg. Committee Operational Authorization) Only the Joint Legislative Committees for which funding is provided herein are authorized to continue operating during the current fiscal year under the same laws, resolutions, rules or regulations which provided for their operations during the prior fiscal year.

**70.12.** (LEG: Legislative Carry Forward) In addition to the funds appropriated in this section, the funds appropriated under Part IA, Sections 70A, 70B, 70C, 70D, and 70E for the prior fiscal year which are not expended during that fiscal year may be carried forward to be expended for the same purposes in the current fiscal year.

**70.13.** (LEG: Senate Expenditures/O&M Committee) Notwithstanding any limitation or other provisions of law to the contrary, funds expended by the Senate for salary adjustments, professional fees and dues, and necessary expenses, supplies, and equipment for Senate employees, must be paid from funds appropriated to the Senate Operations and Management Committee and funds available in approved accounts of the Senate, and shall be authorized and allocated in such manner as determined by the Senate Operations and Management Committee. From the funds annually allocated to each Senator and Representative for postage and telephone, \$250 may be used to purchase American and State flags.

**70.14.** (LEG: Dues) The funds provided herein for the Council of State Governments and the National Conference of State Legislatures are appropriated to be paid as dues to the respective organizations and these funds shall not be transferred to any other program.

**70.15.** (LEG: In-District Compensation) All members of the General Assembly shall receive an in-district compensation of \$1,000 per month effective January 1, 1995.

**70.16.** (LEG: Additional House Support Personnel) The funds provided for Legislative/Constituent Services are appropriated for the purpose of providing additional support personnel to assist House members who are not already being furnished with direct legislative assistance in the conduct of their legislative responsibilities. This amount shall be used for staffing requirements where necessary for part time personnel. The additional personnel may be used only in compliance with Section 8-13-1346(A) of the South Carolina Code of Laws. At a member's request, the House Operations and Management Committee may use any unexpended portion of a member's allotment to purchase equipment for a member's office. The amount herein appropriated for additional support personnel shall be allocated to eligible members as follows: For fiscal years beginning in even years, an eligible member is allowed an allocation of \$500 beginning July 1, as approved by the Speaker of the House. An additional \$2,000 allotment, as approved by the Speaker of the House, is allowed when the eligible member's election to the upcoming General Assembly is certified or at the time the member is unopposed for the general election, whichever occurs first. A member elected to a full term in the House of Representatives, who did not serve in the General Assembly preceding the election, is allowed an allocation of \$2,000, as approved by the Speaker of the House, from the time the member's election is certified until the end of the then current fiscal year. For fiscal years beginning in odd years, eligible members are allowed an allocation of \$2,500, as approved by the Speaker of the House. Whenever a member is elected to fill an unexpired term, the allotment must be prorated on a monthly basis. The amounts provided above as allotments for members are provided for an aide's compensation, exclusive of employer contributions. Each member may choose to expend his allocation for an individual legislative aide or may choose to combine his allocation with allocations of other House members for a legislative aide to assist each of the members contributing to the expense of that aide.

**70.17.** (LEG: House Postage) The Speaker of the House is authorized to approve no more than \$600 per member per fiscal year for postage.

**70.18.** (LEG: Legislative Dual Employment) Each committee and joint legislative committee provide a list to the members of the General Assembly of all employees who hold dual positions of state employment.

**70.19.** (LEG: Leg. Council Combined Position) The Director of the Legislative Council, with the approval of the council, is authorized to combine two or more stenographic, clerical, technical assistant, or administrative assistant positions into one with a

job description for the combined position to be approved by the council, with a compensation level also approved by the council. The appropriations or any portion thereof for the positions combined into one may be used to fund the combined position.

**70.20.** (LEG: Joint Legislative Committee on Aging Expenses) Members of the Joint Legislative Committee on Aging shall receive mileage, per diem, and subsistence as provided by law for members of boards, committees, and commissions. Members of the committee who are Senators shall have their expenses paid by the Senate, and members of the House shall have their expenses paid by the House of Representatives at the rate provided by law. Committee members who are appointed by the Governor shall have their expenses paid from funds appropriated to the Governor.

**70.21.** (LEG: Teacher Certificate/Recertification Staff Exemption) Legislative employees may have made available to them, \$100 to pay toward teacher recertification or may request and be granted an exemption from Section 2-1-120 which shall be extended to include staff of the General Assembly.

**70.22.** (LEG: Code of Law Reimbursement) The Legislative Council may require reimbursement from public sector recipients except for the General Assembly of its cost of acquiring codes of law, supplements, or replacement volumes distributed to them.

**70.23.** (LEG: Bonded Indebtedness Oversight Study) The Senate Finance Committee shall undertake a study of the state's processes for oversight of bonded indebtedness. Funds provided herein for this purpose shall be used to enable the committee to obtain assistance and expertise as necessary to fully evaluate the processes. The Chairman of the Senate Finance Committee may engage consultants or experts in the field of bond financing or in other fields of expertise as necessary to provide the committee with timely and accurate information.

**70.24.** (LEG: Joint Strategic Technology Committee) There is created a joint committee of the General Assembly to be known as the Joint Strategic Technology Committee consisting of eight members. The Chairman of the Senate Finance Committee shall appoint four members, at least two of whom must be appointed from the Senate Finance Committee. The Chairman of the House Ways and Means Committee shall appoint four members, at least two of whom must be appointed from the House Ways and Means Committee.

The Joint Strategic Technology Committee shall have the following purposes and responsibilities:

(1) The joint committee shall review the Statewide Strategic Information Technology Plan prepared by the Budget and Control Board and the Agency Directors Technology Advisory Committee and, as needed, make recommendations to the Senate Finance Committee and the House Ways and Means Committee regarding the plan by January 29, of the current fiscal year. The joint committee shall also recommend priorities for state government enterprise information technology projects and resource requirements as it determines appropriate;

(2) The joint committee shall review information technology spending by state agencies and evaluate whether greater efficiencies, more effective services and cost savings can be achieved through streamlining, standardizing and consolidating state agency information technology. State agencies must consult with hardware maintenance manager vendors under state contract to determine whether the agency may achieve cost savings by utilizing these contracts for information technology. A report by agency of these findings must be provided to the joint committee by the Budget and Control Board no later than March 1, 2011. The joint committee shall recommend to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, for referral to the appropriate standing committees, any statutory changes appropriate for the successful implementation of the

Statewide Strategic Information Technology Plan and the efficient and effective management and use of information technology by state government.

The Budget and Control Board and all state agencies shall cooperate with and provide assistance to the Joint Strategic Technology Committee as requested by the committee.

The Executive Director of the Budget and Control Board shall appoint an Agency Directors Technology Advisory Committee. The Executive Director shall determine the number and composition of this committee, which shall represent a cross-section of state government agencies. This committee shall provide input and advice regarding the Statewide Strategic Information Technology Plan being developed by the State through the Budget and Control Board. The committee shall also assist and advise the Joint Strategic Technology Committee at its request.

**70.25.** (LEG: Statewide Acts Availability) After sine die adjournment, the clerks of the House of Representatives and the Senate are to make all statewide Acts available to the public electronically. The provisions of this section are in lieu of the House and Senate Clerks' duties related to the printing and mailing of statewide acts as set forth in Section 2-7-80 of the 1976 Code.

**70.26.** (LEG: LAC Matching Federal Funds) The Legislative Audit Council is authorized to use funds appropriated in this act as state matching funds for federal funds available for audits and reviews. The council is also authorized to charge state agencies for federal funds, if available, for the costs associated with audits and reviews. Agencies shall remit the federal funds to the Legislative Audit Council as reimbursement for the costs of audits and reviews.

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

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

Each state agency, department, board, or commission shall cooperate with the committee and provide any information the committee determines is necessary.

The Office of State Budget must notify the committee of any request for an increase in interim budget authorization resulting from other funds collections that is made by any state agency, department, board, or commission. The committee shall review each request and recommend appropriate action.

Members of the committee shall serve without compensation, but are allowed the usual per diem and mileage as provided by law for members of boards, commissions, and committees while on official business.

For purposes of the proviso, 'other funds' means any revenues received by an agency which are not federal funds and are not general funds appropriated by the General Assembly in the appropriations act.

#### **SECTION 71 - C05-ADMINISTRATIVE LAW COURT**

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

**71.2.** (ALC: County Office Space for Judges) Every county shall provide for each Administrative Law Judge residing therein, upon their request, an office within the existing physical facilities if space is available, to include all utilities and a private telephone. The request shall only be made provided that the judge's residence is not within fifty miles of the official headquarters of the agency by which the Administrative Law Judge is employed.

**71.3.** (ALJ: Fee Increase) For the current fiscal year, the Administrative Law Court may not charge or increase filing fees beyond the amounts charged on January 1, 2009.

#### **SECTION 72 - D21-OFFICE OF GOVERNOR**

**72.1.** (GOV: OEPP - Grant Funds Carry Forward) Any unexpended balance on June 30, of the prior fiscal year, in Part IA, Section 72B "Implementing Federal Programs" may be carried forward to the current fiscal year and used for matching committed and/or unanticipated grant funds.

**72.2.** (GOV: OEPP - Developmental Disabilities Program) The South Carolina Developmental Disabilities Program of the Office of the Governor, Office of Executive Policy and Programs is authorized to provide aid to sub-grantees for projects and services to benefit persons with developmental disabilities. The intent of this provision is not to duplicate other state agency programs which are considered the legal and programmatic mandate of existing state agencies, but rather to fill gaps that exist in the state service delivery system related to his target population as identified and addressed in the Developmental Disabilities State Plan.

**72.3.** (GOV: OEPP - Development Disabilities Case Coordination System) \$112,559, less any pro rata share adjustment of any mandated base budget reduction, of the sums appropriated under OEPP, Allocations to Other State Agencies must be for the South Carolina Development Disabilities Case Coordination System.

**72.4.** (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.

**72.5.** (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.

**72.6.** (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.

**72.7.** (GOV: OEPP - Victim Advocate Policy Committee) The policy committee appointed pursuant to Section 79.3 of the 1988-89 General Appropriations Act is hereby continued for the purpose of monitoring the implementation of the guidelines developed by it, making such revisions as appear appropriate, assisting and advising the director in development and revision of forms, information and criteria used to evaluate compliance with the guidelines by victim advocate programs in solicitor’s offices.

The information gathered from these programs shall be aggregated by the director into the annual report of the agency which is submitted to the Governor, Speaker of the House of Representatives, and the President of the Senate.

**72.8.** (GOV: OEPP - Victim Assistance Programs) It is the intent of the General Assembly that the amounts appropriated in this section for victim assistance programs in solicitors’ offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services. Any reduction by any county in funding for victim assistance programs in solicitors’ offices shall result in a corresponding decrease of state funds provided to the solicitors’ office in that county for victim assistance services. Each solicitor’s office shall submit an annual financial and programmatic report which describes the use of these funds. The report shall be submitted to the Governor, the Attorney General, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on October 1, for the preceding fiscal year.

**72.9.** (GOV: OEPP - 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.

**72.10.** (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 72.8 and 72.10.

**72.11.** (GOV: OEPP - Physical Abuse Examinations) Of the funds appropriated in this section for Victims' Rights, up to \$60,000 may be expended for physical abuse examinations.

**72.12.** (GOV: OEPP - Foster Care-Reduction in Funds Separation) In recognition of the fact that the funds appropriated for the Division of Foster Care contain both funds appropriated for use by the Division Review System and "pass through" funds designated for use by the South Carolina Protection and Advocacy for the Handicapped, any reduction in funds appropriated for either shall be calculated based upon the separate funds for the respective entities rather than based upon the combined budget of the two organizations.

**72.13.** (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.

**72.14.** (GOV: OEPP - Foster Care-Medicaid Eligible Children) It is the intent of the General Assembly to ensure that placements of emotionally disturbed Medicaid eligible individuals under the age of twenty-one in residential therapeutic treatment are appropriate and that the level of care provided each child is offered in the least restrictive environment appropriate to meet the child's treatment needs. The statutory powers and functions of the Division of Foster Care are expanded to develop, implement, and manage a quality assurance review system under contract with the Department of Health and Human Services. This paragraph supersedes any previous statutory or regulatory mandate.

**72.15.** (GOV: OEPP - Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Governor's Office is authorized to expend federal and earmarked funds in the current fiscal year for expenses incurred in the prior fiscal year.

**72.16.** (GOV: M&G - Mansion and Grounds Budget) The Governor's Office of Mansion and Grounds shall not exceed 10% of its quarterly allocation of funds so as to provide for agency operations on a uniform basis throughout the fiscal year.

**72.17.** (GOV: OEPP - Guardian Ad Litem Program) Both the program and the funds appropriated to the Governor's Office, Division of Children's Services, Guardian ad Litem Program must be administered separately from other programs within the Division of Children's Services and must be expended for the exclusive use of the Guardian ad Litem Program.

For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by two percentage points. The revenue resulting from this reduction must be used exclusively for operations of the Guardian ad Litem program and be deposited in the State Treasury in a separate and distinct fund know as the "South Carolina Guardian ad Litem Trust Fund. Unexpended revenues in this fund carry forward to succeeding fiscal years, and earnings in this fund must be credited

to it. The Guardian ad Litem program may carry forward the other funds authorized herein for its operations from the prior fiscal year into the current fiscal year.

**72.18.** (GOV: OEPP - Continuum of Care Carry Forward) The Division of Continuum of Care may carry forward funds appropriated herein to continue services.

**72.19.** (GOV: OEPP - Procuring Services) In order to maximize services for victims of crime, if the fulfilling of requirements pursuant to Section 16-3-1410 of the 1976 Code, necessitates hiring any outside entities, the State Office of Victims' Assistance must follow procedures established by the SC Consolidated Procurement Code. Any entity contracting with the agency will submit an annual report by August 1 to the Governor's Office and to the Chairmen of the Senate Finance Committee and House Ways and Means Committee detailing expenditures from the prior fiscal year in accordance with the State Office of Victims' Assistance. The Governor's Office of Executive Policy and Programs is directed to transfer \$122,032 of the funds carried forward from the prior fiscal year in the Victims' Compensation Fund, and up to \$41,892 from general funds from Program III.A.1 to pay for any contracts or services procured.

**72.20.** (GOV: OEPP - Anderson Veteran's Cemetery Carry Forward) The Governor's Office of Executive Policy and Programs, Veteran's Affairs Program may carry forward unexpended funds appropriated and/or authorized for the Anderson County Veteran's Cemetery from the prior fiscal year and shall use such funds for the same purpose.

**72.21.** (GOV: M&G - Mansion and Grounds Maintenance and Complex Facilities) The Governor's Office must use a minimum of \$241,569 of the operating funds appropriated in Part IA, Section 72C to reimburse the Budget and Control Board, Division of General Services, for expenses incurred by the division for the operation and maintenance of the facilities and grounds of the Mansion Complex. Revenue collected from rental of Mansion Complex facilities and grounds must be credited to and maintained in an account within the Governor's Office.

**72.22.** (GOV: OEPP - Crime Victims Ombudsman) For the current fiscal year, the State Office of Victims Assistance shall transfer \$48,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.

## **SECTION 73 - E04-OFFICE OF LIEUTENANT GOVERNOR**

**73.1.** (LTG: State Matching Funds Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of the required state matching funds appropriated in Part IA, Section 73, Distribution to Subdivisions, shall be carried forward into the current fiscal year to be used as required state match for federal funds awarded to subdivisions on or before September thirtieth of the current fiscal year.

**73.2.** (LTG: State Match Funding Formula) Of the state funds appropriated under "Distribution to Subdivisions", the first allocation by the Office on Aging shall be for the provision of required State matching funds according to the Office on Aging formula for distributing Older Americans Act funds. The balance of this item shall be distributed to the planning and service areas of the State. In the event state appropriations are reduced, reductions to the planning and service areas shall be based on amounts distributed in accordance with the previous requirements.

**73.3.** (LTG: Registration Fees) The Office on Aging is authorized to receive and expend registration fees for educational, training and certification programs.

**73.4.** (LTG: Loan Forgiveness Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated in Part IA, Section 73, Geriatric Physician Loan Program, shall be carried forward and used for the same purpose as originally appropriated.

**73.5.** (LTG: Council Meeting Requirements) The duties and responsibilities, including the statutory requirement to hold meetings of the Coordinating Council established pursuant to Section 43-21-120 and of the Long Term Care Council established pursuant to Section 43-21-130, both under the Office on Aging in the Office of the Lieutenant Governor, are suspended for the current fiscal year.

**73.6.** (LTG: Home and Community Based Services Carry Forward) Unexpended funds from appropriations to the Lieutenant Governor's Office on Aging for Home and Community Based Services shall be carried forward from the prior fiscal year and used for the same purpose.

**73.7.** (LTG: Geriatric Loan Forgiveness Program Payment) In lieu of quarterly payments to a recipient of the Geriatric Loan Forgiveness Program, the Lieutenant Governor's Office on Aging is authorized to make a single lump sum payment to the lending institution of up to \$35,000 or the loan balance, whichever is less.

#### **SECTION 74 - E08-SECRETARY OF STATE'S OFFICE**

**74.1.** (SS: UCC Filing Fees) Revenues from the fees raised pursuant to Section 36-9-525(a), not to exceed \$120,000, may be retained by the Secretary of State for purposes of UCC administration.

#### **SECTION 75 - E12-OFFICE OF COMPTROLLER GENERAL**

**75.1.** (CG: Signature Authorization) The Comptroller General is hereby authorized to designate certain employees to sign, in his stead, warrants drawn against the State Treasurer and the State Treasurer is hereby authorized to accept such signatures when notified by the Comptroller General. This provision shall in no way relieve the Comptroller General of responsibility.

**75.2.** (CG: GAAP Implementation & Refinement) It is the intent of the General Assembly that the State of South Carolina issue financial statements in conformance with Generally Accepted Accounting Principles (GAAP). To this end, the Comptroller General is directed, as the State Accounting Officer, to maintain a Statewide Accounting and Reporting System that will result in proper authorization and control of agency expenditures, including payroll transactions, and in the preparation and issuance of the official financial reports for the State of South Carolina. Under the oversight of the General Assembly, the Comptroller General is given full power and authority to issue accounting policy directives to state agencies in order to comply with GAAP. The Comptroller General is also given full authority to conduct surveys, acquire consulting services, and implement new procedures required to implement fully changes required by GAAP.

**75.3.** (CG: Payroll Deduction Processing Fee) There shall be a fee for processing payroll deductions, not to exceed 20 cents, for insurance plans, credit unions, deferred compensation plans and professional associations per deduction per pay day. This fee shall not be applied to charitable deductions. The Comptroller General is authorized to charge a reasonable fee to the South Carolina Lottery Commission for the purpose of payroll processing not to exceed \$15,000 annually. The revenues generated from these fees

and those provided for child support deductions in accordance with Section 20-7-1315(F)(3), S. C. Code of Laws, 1976, as amended, may be used to support the operations of the Office of Comptroller General and any unexpended balance may be carried forward from the prior fiscal year to the current fiscal year and utilized for the same purposes.

**75.4.** (CG: Unemployment Compensation Fund Administration) The lesser of two percent or \$200,000 of the fund balance of the Unemployment Compensation Fund shall be paid out annually to the Office of Comptroller General to be used by that agency to recover the costs of administering the fund. The Unemployment Compensation Fund is provided for in Section 41-31-820, S. C. Code of Laws, 1976, as amended. Any unexpended balance may be carried forward from the prior fiscal year to the current fiscal year and used for the same purposes.

**75.5.** (CG: Purchasing Card Rebate Program) The Office of Comptroller General is authorized to retain the first \$100,000 of rebate associated with the Purchasing Card Program and \$200,000 of agency incentive rebates.

The funds retained may be used to support the operations of the Office of Comptroller General and any unexpended balance may be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

## **SECTION 76 - E16-OFFICE OF STATE TREASURER**

**76.1.** (TREAS: Nat'l. Forest Fund - Local Govt. Compliance) In order to conform to federal requirements local governments receiving distributions of National Forest Fund revenues are required to report annually to the State Treasurer indicating compliance with authorized purposes.

**76.2.** (TREAS: STARS Approval) Decisions relating to the Statewide Accounting and Reporting System (STARS) which involve the State Treasurer's Banking Operations and other functions of the State Treasurer's Office shall require the approval of the State Treasurer.

**76.3.** (TREAS: Investments) The State Treasurer may pool funds from accounts for investment purposes and may invest all monies in the same types of investments as set forth in Section 11-9-660.

**76.4.** (TREAS: Management Fees) The State Treasurer is authorized to charge a fee for the operating and management costs associated with the Local Government Investment Pool, the Deferred Compensation Program, the Tuition Prepayment Program, and the College Investment Program and is further authorized to retain and expend the fees to provide these services. The fees assessed may not exceed the cost of the provision of such services.

**76.5.** (TREAS: Investment Management Fees) Unless otherwise prohibited by law, the State Treasurer may charge a fee for the operating and management costs associated with the investment management and support operations of various state funds and programs, and further, may retain and expend the fees to provide these services. The fees assessed may not exceed the actual cost of the provision of these services or the earnings on these investments.

**76.6.** (TREAS: Debt Management Cost Allocation) Unless otherwise prohibited by law, the State Treasurer may charge actual costs associated with the administration and management of the indebtedness of the State, its agencies and institutions, and further, may retain and expend any amounts so allocated to provide these services. Costs associated with the original issuance of bonds and other indebtedness must be assessed on an hourly basis, must be taken from the costs of issuance of any bond issue or other

indebtedness, and must not exceed the actual cost of providing these services. Ongoing costs of administration and maintenance must be assessed against expenses of debt service, and must not exceed the actual costs of providing these services.

**76.7.** (TREAS: ScienceSouth) The Office of State Treasurer is directed to transfer \$500,000 from Subfund 4019 Governor's Teaching School Loan Program to ScienceSouth for the training of public school teachers in science curriculum standards through grade-specific, standards-based instructional activities. Funds transferred to ScienceSouth may be carried forward.

**76.8.** (TREAS: Withheld Accommodations Tax Revenues) Revenues withheld pursuant to Sections 6-4-35(B)(1)(a) and 6-4-35(B)(1)(b) prior to July 1, 2006 must be returned to the entity from which revenues were withheld, in the same amount and manner that they were withheld. After July 1, 2006, before noncompliant expenditures and penalties withheld pursuant to Sections 6-4-35(B)(1)(a) and 6-4-35(B)(1)(b) are reallocated, the Tourism Expenditure Review Committee must certify to the Office of State Treasurer that the time period for an appeal of the committee's action to the Administrative Law Court has expired or that the action of the committee has been upheld or overturned by the Administrative Law Court. Noncompliant expenditures and penalties withheld must be reallocated annually after August first. Allocations withheld must be reallocated proportionately based on the most recent completed fiscal year's total statewide collections of the accommodations tax revenue according to the Office of State Treasurer records. Each annual reallocation of withheld funds to non-offending counties and municipalities must be calculated separately then combined if necessary. Each reallocation to a county or municipality calculated less than a dollar must be transferred to the General Fund of the State.

**76.9.** (TREAS: Tuition Prepayment Program) The South Carolina Tuition Prepayment Program shall not accept any new enrollment in the current fiscal year. The annual increase in tuition for the purposes of the Tuition Prepayment Program, for an institution cannot exceed seven percent per year from the 2006-07 level. To the extent that actual tuition for an institution exceeds an annual growth of seven percent per year since FY 2006-07, colleges and universities must grant a waiver of the difference to the designated beneficiary and shall not pass along this difference to any student.

**76.10.** (TREAS: Penalties for Non-Reporting) If a municipality fails to submit the audited financial statements required under Section 14-1-208 of the 1976 Code to the State Treasurer within thirteen months of the end of their fiscal year, the State Treasurer must withhold all state payments to that municipality until the required audited financial statement is received.

If the State Treasurer receives an audit report from either a county or municipality that contains a significant finding related to court fine reports or remittances to the Office of State Treasurer, the requirements of proviso 89.61 shall be followed if an amount due is specified, otherwise the State Treasurer shall withhold twenty-five percent of all state payments to the county or municipality until the estimated deficiency has been satisfied.

If a county or municipality is more than ninety days delinquent in remitting a monthly court fines report, the State Treasurer shall withhold twenty-five percent of state funding for that county or municipality until all monthly reports are current.

After ninety days, any funds held by the Office of State Treasurer will be made available to the State Auditor to conduct an audit of the entity for the purpose of determining an amount due to the Office of State Treasurer, if any.

**76.11.** (TREAS: Signature Authorization) The State Treasurer is hereby authorized to designate certain employees to sign payments for the current fiscal year in accordance with Section 11-5-140 of the 1976 Code to meet the ordinary expenses of the State. This provision shall in no way relieve the State Treasurer of responsibility.

**76.12.** (TREAS: Prepaid Debit Card Implementation) The State Treasurer is authorized to develop and implement an electronic payment plan for payroll purposes using prepaid debit cards or other similar product to replace paper checks. The State Treasurer shall use a competitive process to solicit proposals for a prepaid debit card and shall include on the evaluation panel representatives of the State Employee's Association and an agency Human Resources Officer. At a minimum, each proposal for consideration must grant employees the same options to deposit or cash the proceeds as is currently provided for payroll checks without imposing any additional costs on the employee. Consideration shall also be given to other benefits, including but not limited to, the number of free services provided to the employee.

**76.13.** (TREAS: Economic Development Unclaimed Capital Credits) Businesses created pursuant to Section 33-45-10 of the 1976 Code who certify they have returned unclaimed capital credits to their permanent capital for economic development for the last five consecutive years, may allocate one hundred percent of their unclaimed capital credits to their permanent capital for economic development in the initial report year pursuant to a settlement agreement with the Office of State Treasurer and eighty percent of their unclaimed capital credits in the following two report years. After these three report years, one hundred percent of unclaimed capital credits must be reported and remitted in accordance with Section 27-18-10 et seq. The funds allocated to permanent capital for economic development under this proviso are exempt from the provisions of Section 27-18-200(A) provided the reporting requirements of Section 27-18-180 are met and the cooperative reimburses the state for any claims in excess of the amount remitted.

## **SECTION 78 - E24-ADJUTANT GENERAL'S OFFICE**

**78.1.** (ADJ: Unit Maintenance Funds) The funds appropriated as unit maintenance funds shall be distributed to the various National Guard units at the direction of the Adjutant General.

**78.2.** (ADJ: Revenue Collections) All revenues collected by National Guard units from county and city appropriations, vending machines, rental of armories, court martial fines, federal reimbursements to armories for utility expenses, and other collections may be retained and expended in its budgeted operations.

**78.3.** (ADJ: Rental Fee for Election Purposes) The maximum fee that an armory may charge for the use of its premises for election purposes shall be the cost of providing custodial services, utilities and maintenance.

**78.4.** (ADJ: Parking Lot Revenues) Notwithstanding other provisions of this act, as a security measure for the State Military Department's headquarters building and grounds, the Adjutant General may control and contractually lease the headquarters' building parking facilities, during events at the University of South Carolina's Williams-Brice Stadium, to a state chartered and federally recognized 501(c)(4) tax exempt agency employees' association who may then sub-lease individual parking spaces. Such a contract must require the employees association to obtain liability insurance against wrongful death or injury. The contract must clearly hold the Adjutant General's Office, its officers, and the State of South Carolina harmless from any liability resulting from the use of the parking lot when rented by the employees association. In addition, the contract must specify that the State of South Carolina's Military Department shall receive no less than thirty-three percent of the gross profits from the sub-leasing of the parking spaces. The contract must allow the State to audit the employees association's funds. Funds at the Adjutant General's

Office derived wholly from the rental of Adjutant General's headquarters' parking lot may be retained at the Adjutant General's Office, but may not be used for employee perquisites.

**78.5.** (ADJ: Armory Rental Program) The Adjutant General is authorized to develop and implement an armory rental program to recoup costs associated with the use of armories by state agencies or other non-Guard organizations. The rental program must be uniform in its application to the maximum extent possible. Funds generated by this program may be retained and expended for armory maintenance and operations.

**78.6.** (ADJ: Meals in Emergency Operations Centers) The cost of meals, or the advanced purchase of food products to be stored and prepared for meals, may be provided to state employees who are required to work at the State Emergency Operations Centers during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

**78.7.** (ADJ: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to be used for the printing of materials and other expenses related to conducting the seminars. The balance of funds shall be reported annually to the General Assembly.

**78.8.** (ADJ: Retention of Lease Property Revenue) The Adjutant General is authorized to lease the property formerly referred to as the Combined Support Maintenance Shop and can retain revenue collected from this lease program. Funds generated by this program may be retained and expended for maintenance, renovation and construction of armory properties covered under the Federal Installation Stationing Plan (FISP) as authorized by the Adjutant General or Deputy Adjutant General for state operations.

**78.9.** (ADJ: Billeting and Dining Facility Operations) All revenues collected by the Billeting and Dining Facility operations at the R. L. McCrady Training Center shall be retained and expended in their budgeted operations or be expended in support of SCMD operations, including use for matching federal funds, and armory maintenance and operations. Expenditures from these funds shall be determined by the Billeting Committee for Billeting operations and the Deputy Adjutant General for state operations for the Dining Facility operation.

**78.10.** (ADJ: EMD Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the Emergency Management Division may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the Agency Director, and providing funds are available.

**78.11.** (ADJ: Civil Air Patrol) The funds appropriated in this section for the Civil Air Patrol shall be expended by the Civil Air Patrol so as to discharge the state's obligations in conjunction with the Civil Air Patrol as outlined in the SARDA Plan, the S. C. Operational Radiological Emergency Response Plan, and to assist county and local authorities and other state agencies as permitted by the regulations governing the Civil Air Patrol. All expenditures for equipment and services shall be in accordance with state fiscal policies.

**78.12.** (ADJ: Citadel-S.C. National Guard Readiness Center) The Adjutant General's Office, during Fiscal Year 2010-11, shall repay to the General Fund of the State \$1,250,000 of the \$2,500,000 appropriated by proviso 73.12 of the Fiscal Year 2007-08 Appropriation Act to the Adjutant General's Office for the Citadel-South Carolina National Guard Readiness Center unless the entire \$2,500,000 loan has been repaid, in which case no further payment shall be required.

**78.13.** (ADJ: Parking Lot Revenues-Columbia Armory, Buildings and Grounds) The Adjutant General may control and contractually lease the Columbia Armory, and its buildings and grounds parking facilities during events at the University of South Carolina's Williams-Brice Stadium. Funds derived wholly from the rental of the Columbia Armory, and its buildings and grounds



parking facilities may be retained by the Adjutant General's Office and used for the Funeral Caisson and for SCMD operations, including matching federal funds and armory maintenance and operations. These funds may not be used for any other purpose.

**78.14.** (ADJ: Emergency Commodities) The Emergency Management Division shall be allowed to rotate and replace water and Meals Ready to Eat (MREs) emergency commodities housed in the state's Logistic Center through the provision of said commodities to neighboring states, counties, municipalities and other state agencies, and shall be allowed to accept compensation for said commodities not to exceed replacement costs. Revenues from this exchange shall be utilized solely for the replacement of state emergency commodities.

## **SECTION 79 - E28-ELECTION COMMISSION**

**79.1.** (ELECT: County Registration Board and County Election Commission Compensation) The amounts appropriated in this section for "County Registration Board Members and County Election Commissioners," shall be disbursed annually to the County Treasurer at the rate of \$1,500 for each member, not to exceed \$12,500 per county. The County Treasurer shall use these funds only for the compensation of County Registration Board Members and County Election Commissioners. Any funds not used for this purpose shall be returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Budget and Control Board or the General Assembly, the amount of funds appropriated for compensation of County Registration Board Members and County Election Commissioners shall be excluded from the agency's base budget.

**79.2.** (ELECT: Elections Managers & Clerks Per Diem) Managers and clerks of state and county elections shall receive a per diem of \$60.00; but managers shall not be paid for more than two days for any election and clerks for not more than three days for any election. The commission may adjust the per diem of \$60.00 for the managers and clerks of the statewide election to a higher level only to the extent that the appropriation for the statewide election is sufficient to bear the added cost of increasing the per diem and the cost of the statewide election. Up to three additional managers per county may be appointed to assist county registration boards with the absentee/fail safe voting process prior to, on election day, and immediately following statewide elections. Managers assisting the registration board in the absentee/fail safe process may receive a per diem of \$60.00 per day for not more than a total of fifteen days regardless of whether one, two, or three additional managers are used.

**79.3.** (ELECT: Board of State Canvassers Compensation) \$100.00 additional compensation per day may be paid to each member of the Board of State Canvassers up to a total of fifteen days that may be required for hearings held by the members of the Board of State Canvassers.

**79.4.** (ELECT: Sale of Lists Revenue Carry Forward) Any revenue generated from the sale of election lists may be retained and expended by the South Carolina Election Commission to reimburse the Budget and Control Board, Division of Operations, for the printing of such lists and to pay expenses of postage and shipment of these lists to electors who purchase them. After such reimbursement has been made an amount, not to exceed \$400,000, shall be used for nonrecurring expenses in conjunction with extraordinary special election and legal costs and costs for upgrading the Statewide Voter Registration System. Any balance in the Sale of Lists Account on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year.

**79.5.** (ELECT: Budget Reduction Exemption) Funds appropriated for nonrecurring general and primary election expenses are exempted from mandated across the board reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Budget and Control Board or the General Assembly, the amount of funds appropriated for nonrecurring primary and general election expenses shall be excluded from the agency's base budget.

**79.6.** (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections. Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year.

**79.7.** (ELECT: Training & Certification Program) All members and staff of County Boards of Voter Registration and County Election Commissions will receive a common curriculum to include core courses on the duties and responsibilities of county registration boards and county election commissions and electives to promote quality service and professional development. The State Election Commission shall make these courses available in various locations, including but not be limited to, the upstate, coastal, and midlands areas of the state. Up to \$35,000 of revenue generated by charging a fee to attend these courses may be retained and expended by the South Carolina Election Commission to help cover the cost of providing the training. Any balance in the training and certification account on June 30, of the prior fiscal year may be carried forward and expended for the same purpose during the current fiscal year.

The State Election Commission is required to withhold the stipend of members who do not complete the training and certification program as required in Sections 7-5-10, 7-5-35 and 7-13-70 of the 1976 Code. Additionally, funds will also be withheld if a board or commission member completes the training and certification program, but fails to complete at least one training course per year. The board or commission member and members of that county's legislative delegation will be notified of the withholding of the stipend and the requirements needed to bring the member into compliance with the law. Funds will be retained by the State Election Commission until the board or commission member has completed the program or completes the training course required for continuing education. If a board or commission member cannot complete the program or complete the required continuing education due to extenuating circumstances, the board or commission member must submit a written request to the county legislative delegation for approval or funds will continue to be withheld as described in this proviso. If a board or commission member does not become compliant with the law within eighteen months of initial notification of stipend withholding, the county's legislative delegation must replace that person on the board or commission.

**79.8.** (ELECT: Penalty for Late Submission of Reimbursable Expenses) In the event that a county submits reimbursable election expenses to the Commission for payment more than thirty (30) days after the election is held, the Commission may deduct a penalty of ten (10) percent of the late-submitted amount. The county is responsible for payment of this amount. If the Commission finds good reason for such late submission, the penalty may be waived. The Election Commission shall be authorized to expend funds appropriated/ authorized in the current fiscal year to pay election expenses incurred by a county in the prior fiscal year.

**79.9.** (ELECT: Help America Vote Act) Of funds appropriated to the commission for primary and general elections, the commission shall utilize any excess funds to match the Help America Vote Act program to the greatest extent possible, and also ensure compliance with the Uniformed and Overseas Citizens Absentee Voting Act of 1986.

**79.10.** (ELECT: HAVA Carry Forward) The Election Commission shall be authorized to carry forward unexpended Help America Vote Act funds into the current fiscal year and to use these funds for the same purpose.

**79.11.** (ELECT: Maintenance of Effort) Of funds appropriated to the State Election Commission for the purposes of “Maintenance of Effort,” a portion must be used to conduct a timely reconciliation of voter registration files maintained by the State Election Commission.

**79.12.** (ELECT: Presidential Preference Primary and Ballot Security) The State Election Commission is authorized to carry forward and use funds originally appropriated for conducting the Presidential Preference Primary elections and for Ballot Security to conduct the 2010 Statewide Primaries/Runoff.

**79.13.** (ELECT: HAVA Match Funds) Funds appropriated through the General Fund for the purpose of providing a match for federal funds received through the Help America Vote Act (HAVA) shall be moved to a restricted account in order that the funds may accrue interest as per Section 254 (b) (1) of the Help America Vote Act.

## **SECTION 80A - F03-BUDGET AND CONTROL BOARD**

**80A.1.** (BCB: Southern Maritime Collection) The Budget and Control Board, on behalf of the Hunley Commission is authorized to expend funds appropriated for such purpose to pay the outstanding note entered into to finance the purchase of the Southern Maritime Collection and the Hunley Commission will assume custody and management of the Collection for the State. The board is authorized to use up to \$500,000 of the funds transferred for implementation of this proviso. The balance of the funds transferred may be used by the board for costs associated with other Museum operations. The General Assembly will provide for funds in future fiscal years to cover the costs of the financing of the Southern Maritime Collection.

**80A.2.** (BCB: Procurement of Art Objects) Before any governmental body, with the exception of the South Carolina Museum Commission, the Budget and Control Board and the South Carolina Hunley Commission as defined under the South Carolina Consolidated Procurement Code, procures any art objects such as paintings, antiques, sculptures, or similar objects above \$1,000, the head of the Purchasing Agency shall prepare a written determination specifying the need for such objects and benefits to the State. The South Carolina Arts Commission shall review such determination for approval prior to any acquisition.

**80A.3.** (BCB: State House Operation & Maintenance Account) Funds appropriated to the Budget and Control Board - for State House Maintenance & Operations & Renovations must be set aside in a separate account for the operation and maintenance of the State House. The Budget and Control Board shall report annually to the State House Committee on the amount expended from this fund.

**80A.4.** (BCB: Wireless Communications Tower) The Budget and Control Board is directed to coordinate tower and antenna operations within South Carolina state government. The Board shall (1) approve all leases regarding antenna placement on state owned towers and buildings, (2) coordinate all new tower construction on state owned property, (3) promote and market excess capacity on the State’s wireless communications infrastructure, (4) generate revenue by leasing, licensing, or selling excess

capacity on the State's wireless communications infrastructure, and (5) construct new communications assets on appropriate state owned property for the purpose of generating revenue pursuant to this proviso. All revenue from tower and antenna leases and contracts after July 1, 2001 must be remitted to a separate fund established by the Board to create and support a statewide public safety communications system. These funds shall be retained and carried forward and used for the same purpose. Agencies owning tower and antenna assets will be allowed to recover expenses associated with implementing this proviso from this fund. The Board shall annually report to the Chairmen of the Senate Finance and House Ways and Means Committees by October first of each year all revenue collected and disbursed. This report shall also include a summary of each agency's overall revenues, whether retained by the agency or remitted to the separate fund.

**80A.5.** (BCB: Compensation - Reporting of Supplemental Salaries) No supplement shall be paid to an agency's employee unless the agency head or designated official of the employing agency has approved the conditions and amount of salary supplement. Any compensation, excluding travel reimbursement, from an affiliated public charity, foundation, clinical faculty practice plan, or other public source or any supplement from a private source to the salary appropriated for a state employee and fixed by the State must be reported by the employing agency to the Division of Budget and Analyses of the Budget and Control Board. The report must include the amount, source, and any condition of the supplement. The employing agency must report this information on or before August thirty-first of each year and must include the total amount and source of the salary supplement received by the employee during the preceding fiscal year (July first through June thirtieth). The Office of Human Resources of the Budget and Control Board shall formulate policies and procedures to ensure compliance with the reporting provisions of this proviso.

**80A.6.** (BCB: Compensation Increase - Appropriated Funds Ratio) Appropriated funds may be used for compensation increases for classified and unclassified employees and agency heads only in the same ratio that the employee's base salary is paid from appropriated sources.

**80A.7.** (BCB: Vacant Positions) In the event that any permanent position in an agency remains vacant for more than twelve months the position may be deleted by the Budget and Control Board.

**80A.8.** (BCB: Carry Forward - Local Government Assistance) The Budget and Control Board may carry forward from prior fiscal years to the current fiscal year funds appropriated for the purpose of providing financial assistance and for matching federal funds for financial assistance to local governments with water, wastewater, and sewer projects. Of the Grant Funds appropriated for such purposes, \$400,000 may be used for operating costs in order to enhance relevant technical assistance capabilities of the board.

**80A.9.** (BCB: Carry Forward - State Water Pollution Control Revolving Fund) If any funds accumulated by the Budget and Control Board from loan fees are not expended during the preceding fiscal years, such funds may be carried forward and expended for the costs associated with conducting the State Revolving Fund programs for wastewater or drinking water.

**80A.10.** (BCB: State Water Pollution Control Revolving Fund) In the event that any state funds remain after fully matching federal grants for the State Revolving Funds under the Clean Water Act or Safe Drinking Water Act, such funds may be deposited into the South Carolina Infrastructure Revolving Loan Fund established pursuant to Section 11-40-50.

**80A.11.** (BCB: Carry Forward Calculation) For purposes of calculating the amount of funds which may be carried forward by the Budget and Control Board, grant and loan program funds carried forward by the Office of Local Government shall be excluded from the calculation of the carry forward authorized by provision elsewhere in this Act.

**80A.12.** (BCB: Local Provider Health Insurance) The local health care providers of the Department of Disabilities and Special Needs shall be awarded funding increases as prescribed for state agencies to cover the employer's share for the cost of providing health and dental insurance to their employees.

**80A.13.** (BCB: Technology and Other Initiatives) The Budget and Control Board shall use \$100,000 to support partnerships that further initiatives to align higher educational programs with the needs of technology-intensive industries. Additionally, the board shall pay the annual dues for NCSL and CSG.

**80A.14.** (BCB: Geodetic Mapping Program) Funds appropriated or authorized to the Budget and Control Board as a Special Item for Mapping, shall be used for county boundary determination and resolution of the boundary between the states of South Carolina and North Carolina.

**80A.15.** (BCB: 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 Budget and Control Board.

**80A.16.** (BCB: 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 Employee Insurance Program(EIP) 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 \$700,000 annually. Employees are eligible for the Adoption Program if they participate in the EIP, 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 \$700,000, the amount of a grant to an eligible employee shall be determined by dividing the \$700,000 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.

**80A.17.** (BCB: Military Service) Notwithstanding the provisions of Section 8-11-610 of the 1976 Code, a permanent full-time state employee who serves on active duty as a result of an emergency or conflict declared by the President of the United States, and performs such duty, may use up to forty-five days of accumulated annual leave and may use up to ninety days of accumulated sick leave in a calendar year as if it were annual leave.

**80A.18.** (BCB: Antenna and Tower Placement) All leases for antenna and tower operations within institutions of higher learning campuses must conform to the present and any future master plans for such property, as determined solely by the institution of higher learning.

**80A.19.** (BCB: Lawsuit Funding) The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the State, which are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a

monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the provider of these services the amount certified.

**80A.20.** (BCB: Election File Merge) In order to assist the County Registration and Election Commissions to ensure that registered voters are assigned to proper election districts, the Office of Research and Statistics, in conjunction with the South Carolina Election Commission, shall merge the voter registration file with the office's Geocoded Address List and the district boundaries of the Congress, SC Senate, SC House of Representatives, county councils, city councils, school districts and commissions of public works. The merged systems will allow the Office of Research and Statistics to provide the respective county officials with a list of potential voters who are possibly assigned to the wrong election district.

**80A.21.** (BCB: Deductible Waiver Prohibition) In order to prevent non-compliance with federal laws pertaining to health care savings accounts, a state sponsored health care entity may not waive the deductible or co-insurance for any employee enrolled in the State Health Plan Savings Plan. This provision is comprehensive and supersedes any conflicting provisions whether in permanent law, temporary law or by provision elsewhere in this act.

**80A.22.** (BCB: South Carolina 911 Advisory Committee) The CMRS Emergency Telephone Advisory Committee established pursuant to Section 23-47-65 of the 1976 Code and which terminated after August 1, 2004, is reestablished for the current fiscal year as it was established in Section 23-47-65. The powers of that committee are devolved on the reestablished committee and the committee shall advise the Budget and Control Board on 911 matters. However, this reestablished committee is renamed the South Carolina 911 Advisory Committee and the ex officio membership of the State Auditor is replaced by a Budget and Control Board Division Director appointed by the Governor, who shall serve ex officio. The Director of the Office of Research and Statistics shall serve in lieu of the Director of the Budget and Control Board, Division of State Information Technology. Also, the member who is an employee of a telephone service supplier must be an employee of a local exchange access facility service supplier licensed to do business in this State.

**80A.23.** (BCB: Base Closure Carry Forward) Funds appropriated to the Budget and Control Board for the Base Closure Fund shall be carried forward into the current fiscal year and shall be used for the same purpose.

**80A.24.** (BCB: SC/NC Boundary Dispute) The Budget and Control Board is directed to submit a report to the Senate Finance Committee and the House Ways and Means Committee regarding the progress of the South Carolina and North Carolina Boundary Dispute within sixty days of the close of each fiscal year until such dispute is resolved.

**80A.25.** (BCB: SC Boundary Commission) There is hereby created the South Carolina Boundary Commission to be composed of seven members as follows: one member appointed by the President Pro Tempore of the Senate; one member appointed by the Speaker of the House of Representatives; one member appointed by the Chairman of the Senate Finance Committee; one member appointed by the Chairman of the House Ways and Means Committee; the Director of the Budget and Control Board's Office of Research and Statistics; the Director of the Department of Natural Resources, or his designee; and the technical advisor of the Geodetic and Mapping Survey Program appointed by the Director of the Office of Research and Statistics who shall serve as the coordinator and chairman of the commission. The purpose of the commission is to work with the North Carolina Boundary Commission to resolve undocumented boundaries between South Carolina and North Carolina.

**80A.26.** (BCB: SEC Legal Expenses) The Executive Director of the Budget and Control Board must reimburse the State Ethics Commission from the Insurance Reserve Fund for expenses incurred in the defense of South Carolinians for Responsible

Government v. Krawcheck, et al., and South Carolina Citizens for Life v. Krawcheck, et al., both filed in the United States District Court of South Carolina, and where the Attorney General has refused to defend the action and the Budget and Control Board has refused to use the Civil Contingent Fund, as provided for in Section 8-13-1373, to pay for defense of such action. The appropriate official of the State Ethics Commission must certify to the Executive Director on a monthly basis the costs incurred in defense of these actions. Upon receipt of the certification the Executive Director shall reimburse the State Ethics Commission the amount certified.

**80A.27.** (BCB: First Responder Interoperability) The Budget and Control Board, through its Division of State Information Technology, is directed to administer and coordinate First Responder Interoperability operations for the statewide Palmetto 800 MHz radio system to better coordinate public safety disaster responses and communications. First Responder Interoperability administration and coordination shall be funded as provided in this Act. The cost-proportional funds shall be utilized for radio user fees of state agencies and public safety first responders (Fire, EMS and Law Enforcement) that participate in the statewide Palmetto 800 MHz radio system (Palmetto 800 participants). The Division of State Information Technology, in consultation with the State Law Enforcement Division, the Department of Public Safety, and the State Emergency Management Division, and a representative of the S. C. Sheriff's Association, shall set a baseline number of radios used by each Palmetto 800 participant based on the technical aspects of the Palmetto 800 MHz radio system and the jurisdictional requirements of the participant. If a Palmetto 800 participant reduces the baseline number of radios in use, the amount of funds allocated for the participant's radio user fees shall be reduced in a proportional amount. The funds shall also be utilized to provide private county and city 800 MHz radio systems with grant funds to be used for purchases of equipment that support interoperability with the statewide Palmetto 800 MHz radio system and its users. Grant funds shall be allocated to private county and city 800 MHz radio systems based on the criteria used for Palmetto 800 Participants and in amounts proportional to the amounts allocated to support the per-site radio user fees of Palmetto 800 participants. A matching share is required by a Palmetto 800 participant or by a private county or city 800 MHz radio system in order to qualify for receipt of funds pursuant to this proviso. Each fiscal year the Budget and Control Board, through the Division of State Information Technology, shall establish the level of match required based upon funding provided by this Act. These entities shall be required to furnish such documentation as may be required by the Division of State Information Technology to verify that the matching funds requirement is met. Upon funding state agency and public safety first responder user fees and private county and city 800 MHz equipment purchases, any remaining funds may be used to enhance and expand the statewide Palmetto 800 MHz radio system. All funds shall be held in a separate account established by the Board for the purposes set forth herein. Any unexpended portion of these funds may be carried forward and used for the same purpose. In the calculation of any across-the-board budget reduction mandated by the Budget and Control Board or General Assembly, the amount appropriated to the Budget and Control Board for First Responder Interoperability must be excluded from the Board's base budget.

The Budget and Control Board shall provide a report on the status of the integration of the statewide Palmetto 800 MHz radio system which shall include, but not be limited to, a list of entities who are not integrated into the system as of the end of the immediately preceding fiscal year and the reason why they are not integrated. The report shall be submitted by October 1, of the current fiscal year to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

**80A.28.** (BCB: SCHIDS) There is created within the Budget and Control Board, Office of Research and Statistics, the South Carolina Health Integrated Data Services (SCHIDS) subprogram under the "Health and Demographic Statistics" program. The

purpose of the subprogram is to disseminate data about prevalence, treatment and cost of disease from the South Carolina Health and Human Services Data Warehouse and in particular the Medicaid System in order to educate communities statewide about improving health and wellness through lifestyle changes.

All state agencies and public universities involved in educating South Carolinians through public programs to improve health and wellness shall communicate with the Office of Research and Statistics in order to improve collaboration and coordination and the possible use of SCHIDS to assist in the evaluation of program outcomes.

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

**80A.29.** (BCB: Employee Compensation) The amounts appropriated to the Budget and Control Board for Employee Pay Increases must be allocated by the Board to the various state agencies to provide for employee pay increases in accordance with the following plan:

1. With respect to classified and non-judge judicial classified employees, effective on the first pay date that occurs on or after July first of the current fiscal year, the compensation of all classified employees shall be increased by 0%.

2. With respect to unclassified and non-judge judicial unclassified employees or unclassified executive compensation system employees not elsewhere covered in this act, effective on the first pay date that occurs on or after July first of the current fiscal year each agency is authorized to allot the total funds for compensation increases among individual employees without uniformity. The funds provided for compensation increases for any employees subject to the provisions of this paragraph are based on an average 0% increase. All of the salaries are subject to the provisions of Section 89.17 of Part IB of this act and Office of Human Resources approval must be obtained before any employees subject to the provisions of this paragraph may be granted an annual pay increase in excess of the guidelines established by the Budget and Control Board. Any employee subject to the provisions of this paragraph shall not be eligible for compensation increases provided in paragraphs 1, 3, 4, 5, or 6.

3. Effective on the first pay date that occurs on or after July first of the current fiscal year, agency heads not covered by the Agency Head Salary Commission, shall receive an annualized base pay increase of 0%.

4. With respect to local health care providers compensation increases shall be 0% effective on the first pay date that occurs on or after July first of the current fiscal year. With respect to Area Agencies on Aging funded by the Lieutenant Governor's Office on Aging, compensation shall be increased by 0% effective on the first pay date that occurs on or after July first of the current fiscal year. With respect to local councils on aging or local providers of services funded by the Lieutenant Governor's Office on Aging through Area Agencies on Aging, no pay increases will be allowed. School Bus Driver salary and fringe funding to school districts shall be increased by 0%.

5. Effective on the first pay date that occurs on or after July first of the current fiscal year, the Chief Justice and other judicial officers shall receive an annualized base pay increase of 0%.

6. Effective on the first pay date that occurs on or after July first of the current fiscal year, county auditors and county treasurers shall receive an annualized base pay increase of 0%.

The Budget and Control Board shall allocate associated compensation increases for retirement employer contributions based on the retirement rate of the retirement system in which individual employees participate.



The Executive Director of the Budget and Control Board is authorized to use excess appropriations for the current fiscal year, as determined by the Director of the Office of State Budget, designated for statewide employer contributions for other statewide purposes. At the discretion of the Executive Director of the Budget and Control Board, such action may be considered a permanent transfer into the receiving agency's base budget.

Funds appropriated in Part IA, F30, Section 80C, Budget and Control Board, Employee Benefits may be carried forward from the prior fiscal year into the current fiscal year.

**80A.30.** (BCB: Public Procurement Unit) For purposes of participation in the Minnesota Multi State Contracting Alliance for Pharmacy (MMCAP), a private, nonprofit corporation that provides only free medical care may be allowed to participate as a local public procurement unit in the MMCAP cooperative purchase. The participation of nonprofit corporations in the program is contingent upon approval of the Minnesota Multi-State Contracting Alliance for Pharmacy. Participating nonprofit corporations must comply with all applicable federal laws or regulations for participation in the MMCAP cooperative purchase. The state shall not be liable for any action or inaction of such a nonprofit corporation.

**80A.31.** (BCB: Insurance Contracts Bid Process) The Insurance Reserve Fund may utilize a competitive process to obtain reinsurance coverage with respect to property insurance written by the Insurance Reserve Fund in the State of South Carolina. The competitive process under this proviso shall be governed exclusively by rules established by the Insurance Reserve Fund for this procurement and shall not be governed by the Consolidated Procurement Code. The Budget and Control Board can comply with the provision by utilizing a competitive process to obtain a broker to provide reinsurance coverage. Bids shall be presented at a meeting of the Budget and Control Board for review and the Board shall make their decision on those bids by their next board meeting.

**80A.32.** (BCB: Census Carry Forward) Any unexpended funds appropriated to the Budget and Control Board for Census Promotion and Participation may be carried forward from the prior fiscal year to the current fiscal year and used for the same purposes.

**80A.33.** (BCB: Sale of Surplus Real Property) Up to 50% of the proceeds, net of selling expenses, from the sale of surplus real properties shall be retained by the Budget and Control Board and used for the deferred maintenance of state-owned buildings. The remaining 50% of the net proceeds shall be returned to the agency that the property is owned by, under the control of, or assigned to and shall be used by that agency for non-recurring purposes. This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers Market; the Department of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident Technical College Enterprise Campus Authority; the Commissioners residence at the Department of Corrections and the Educational Television Commission's Key Road property.

The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road, and such proceeds shall only be used for the renovation of the ETV Telecommunications Center. If it is determined that sufficient net proceeds are not to be derived from the sale of its property on Key Road to cover the cost of all renovations of the

Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder shall, prior to said sale, be submitted to the Budget and Control Board for approval as being in compliance with the requirements of this subsection.

The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of Corrections.

The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting operations and replacement of firefighting equipment.

The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation, and/or establishment of regional offices and related facilities.

The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of Natural Resources, and the Forestry Commission shall annually submit a report, within sixty days after the close of the fiscal year, to the Senate Finance Committee and the House Ways and Means Committee on the status of the sale of the identified property and a detailed accounting on the expenditure of funds resulting from such sale.

This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

**80A.34.** (BCB: Community Safety Anti-Gang Grants and Matching Grants) The Attorney General may make recommendations for Community Safety Anti-Gang Grants and matching grants programs on behalf of the programs relevant to the provisions of Act 82 of 2007.

**80A.35.** (BCB: SCEIS Flexibility) In addition to the flexibility authorized in provision 89.80 (GP: Flexibility), the Executive Director of the Budget and Control Board is directed to transfer and utilize funds from any other accounts within the agency in an effort to maintain critical development of infrastructure assets of the statewide SCEIS implementation until further funding is appropriated by the General Assembly.

**80A.36.** (BCB: Health Plan Tobacco User Differential) For health plans adopted under the authority of Section 1-11-710 of the 1976 Code by the Budget and Control Board during the current fiscal year, the board is authorized to differentiate between tobacco users and nonusers regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee rates based upon tobacco use. The surcharge for tobacco use may not exceed \$40 per month per subscriber or \$60 per month per subscriber and dependant(s).

**80A.37.** (BCB: December Holidays) For state employees, the Saturday, December 25, 2010 legal holiday shall be observed on Monday, December 27, 2010, and the Sunday, December 26, 2010 legal holiday shall be observed on Tuesday, December 28, 2010.

**80A.38.** (BCB: State Health Plan Obesity Treatment Pilot Program) (A) The Budget and Control Board, when establishing the State Health Plan of Benefits for Plan Year 2011, shall establish a one-year pilot program designed to address the problem of the high rate of obesity in South Carolina by providing for the treatment and management of obesity and related conditions through various methods including, but not limited to, bariatric surgery as a treatment option. The State Health Plan through the Budget

and Control Board must conduct this program as provided in this proviso. The program will operate only in Plan Year 2011.

(B)(1) The State Health Plan shall develop criteria for patient and facility eligibility for the program which shall include, but not be limited to, bariatric surgical guidelines and criteria of the American Association of Clinical Endocrinologists (AACE), The Obesity Society (TOS), and American Society for Metabolic & Bariatric Surgery (ASMBS) Guidelines for Clinical Practice for the Perioperative Nutritional, Metabolic, and Nonsurgical Support of the Bariatric Surgery Patient.

(2) In addition to the considerations required in item (1) of this subsection, criteria for patient participation must include that a person may be eligible for bariatric surgery in the program if he is a State Health Plan participant covered as either a subscriber or spouse and is not eligible for Medicare and:

- (a) (i) has a body mass index greater than forty; or
- (ii) has a body mass index greater than thirty-five and with a co-morbidity such as diabetes, hypertension, gastro esophageal reflux disease, sleep apnea, or asthma;
- (b) has participated in the State Health Plan for at least the immediately preceding two years;
- (c) has documented with his primary practitioner at least two failed attempts at sustained weight loss using programmatic methods as approved by the Plan; and
- (d) has presented a pre-operative psychological evaluation indicating the patient is a satisfactory candidate for surgery.

(3) In addition to the considerations required in item (1) of this subsection, a medical center or hospital may be eligible to deliver bariatric surgery in the program if it:

- (a) is a nationally designated ASMBS Center of Excellence for Bariatric Surgery, an American College of Surgeons (ACS) Bariatric Surgery Center Network member, or a Blue Distinction Center for Bariatric Surgery;
- (b) has all the critical post-surgical patient support in place including, but not limited to:
  - (i) a nutritionist or dietician for patient access;
  - (ii) individual and group support meetings;
  - (iii) development of personalized weight loss goals and management and support for lifelong life style changes; and
  - (iv) a physical activity component; and
- (c) imposes an initial surgical fee that must include eighteen months follow-up care for the patient that includes, but is not limited to, clinical complications, all band adjustments, use of COE support staff, use of nutritionists, and access to group meetings.

(C) The program may approve not more than one hundred patients from different regions in the state for the program based on the guidelines developed by the State Health Plan.

(D)(1) The State Health Plan shall report annually to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee with detailed information on the program's trends including, but not limited to, pre-surgical medical and prescription costs, including those associated with obesity and its co-morbidities, and postsurgical medical and prescription costs, including those related to complications from the surgery. A patient must serve as his own control by comparing health care costs in the preceding two years to his health care costs following surgery.

(2) Surgeries performed under this program shall be that determined most medically appropriate for participating patients.

**80A.39.** (BCB: Compensation - Agency Head Salary) In the event of an agency head or technical college president vacancy, the governing board of the agency or the Governor, or the appointing authority of a technical college president, must have the prior favorable recommendation of the Agency Head Salary Commission to set, discuss, offer, or pay a salary for the agency head or technical college president at a rate that exceeds the minimum of the range established by the Agency Head Salary Commission. No agency head or technical college president shall be paid a salary higher than that recommended by the commission. Boards and commissions, or the Governor if he is the appointing authority, of newly created agencies or technical colleges shall not offer or pay a salary to a prospective agency head until a salary range has been established and the salary approved by the Agency Head Salary Commission. The funding of the salaries of any agency head or technical college president should come from resources within the agency. The Budget and Control Board shall contract every four years for a study of agency head and technical college president compensation. The cost of the study must be shared by the participating agencies. The staff of the Budget and Control Board shall serve as the support staff to the Agency Head Salary Commission. Limited only by the maximum of the respective salary range, the General Assembly authorizes the respective appointing authority for an agency head or technical college president to provide salary increases for an agency head or technical college president not to exceed that recommended by the Agency Head Salary Commission. No agency head or technical college president shall be paid less than the minimum of the pay range nor receive an increase that would have the effect of raising the salary above the maximum of the pay range.

#### **SECTION 80C - F30-BUDGET AND CONTROL BOARD, EMPLOYEE BENEFITS**

**80C.1.** (BCB/EB: Deferred Compensation) To the extent funds are appropriated, the State shall make contributions to deferred compensation plan accounts on behalf of permanent, full-time state employees who were employed and earned less than \$20,000 per year as of July 1, 2000, in an amount and under the terms and conditions prescribed for such contributions by the Budget and Control Board, without such employees making contributions to the deferred compensation plan.

**80C.2.** (BCB/EB: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the mother's medical condition is one which, on the basis of the physician's good faith judgment, so complicates the pregnancy as to necessitate an immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided contemporaneously with abortion services.

**80C.3.** (BCB/EB: Exempt National Guard Pension Fund) In the calculation of any across-the-board cut mandated by the Budget and Control Board or General Assembly, the amount of the appropriation for the National Guard Pension Fund shall be excluded.

**80C.4.** (BCB/EB: County Council Member) A person who is eligible to participate in the state health and dental insurance plans as a council member of a participating county and who is also eligible to participate as the spouse of a covered employee or retiree may choose to participate in the insurance plans as either an employee or a spouse, but not both.

**SECTION 81 - R44-DEPARTMENT OF REVENUE**

**81.1.** (DOR: Subpoenaed Employee Expense Reimbursement) If any employee of the Department of Revenue is subpoenaed to testify during litigation not involving the Department of Revenue, the party subpoenaing the employee(s) to testify shall reimburse the State for expenses incurred by the employee(s) requested to testify. Expenses shall include but are not limited to the cost of materials and the average daily salary of the employee or employees.

**81.2.** (DOR: Court Order Funds Carry Forward) Funds awarded to the Department of Revenue by court order shall be retained in a special account and shall be carried forward from year to year, and expended as needed to accomplish the purposes and conditions of said order if specified, and if not specified, as may be directed by the Director of the Department of Revenue.

**81.3.** (DOR: Rural Infrastructure Fund Transfer) Notwithstanding Section 12-10-85, the Department of Revenue is authorized to deposit revenues from the Rural Infrastructure Fund in excess of \$12 million dollars to the Rural Infrastructure Bank Trust Fund under the Budget and Control Board, Office of Local Government. Any revenues in excess of \$17 million shall be deposited in the Rural Infrastructure Fund under the Department of Commerce, Coordinating Council.

**81.4.** (DOR: SCBOS Funds) The Department of Revenue shall share equally the collection assistance fees imposed on overdue tax debt with the South Carolina Business One Stop program. The funds received by the department from this fee shall be used for continued administration of the revenue laws in a fair and impartial manner. Any unexpended funds generated by the fee shall be carried forward from the prior fiscal year into the current fiscal year and shall also be shared equally between the Department of Revenue and the South Carolina Business One Stop program.

**81.5.** (DOR: Across the Board Cut Exemption) Whenever the Budget and Control Board or General Assembly implements an across the board budget reduction, the funds appropriated to the Department of Revenue shall be exempt from any such mandated budget reduction.

**81.6.** (DOR: Candidate Tax Return Programs) (A) From the funds appropriated in this act, the department must develop a program to process inquiries from a candidate for an office of this State or its political subdivisions or any gubernatorial appointee concerning whether that candidate or appointee has filed annual state income tax returns that he was required to file during the past ten years, regardless of the source of income, has paid all income taxes due during that time period, and has satisfied all judgments, liens, or other penalties for failure to pay income taxes when due. The department may only respond to an inquiry if the inquiry is made by a candidate or appointee concerning that candidate's or appointee's own income tax returns.

(B) Unless a candidate or appointee requests otherwise, the department must post the results of all inquiries from candidates or appointees in a prominent place on its internet website. The information must be organized in the following manner: (1) the 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 years that the candidate or appointee was required to file income tax returns and identify the years, if any, that the candidate or appointee was not required to file income tax returns; (3) state whether the candidate or appointee filed income tax returns in each year that the candidate or appointee was required to file income tax returns; (4) state whether the candidate or appointee paid income taxes due each year that the candidate or appointee was required to file income tax returns; and (5) state whether the candidate or appointee had a judgment, lien, or other penalty levied against him for failure to pay income taxes when due, the year of the levy,

and whether that judgment, lien, or other penalty has been satisfied. The department may not post a candidate's complete income tax return when fulfilling its obligations under this proviso.

(C) (1) Participation in this program by a candidate or appointee is voluntary.

(2) A candidate's or appointee's inquiry constitutes a waiver of confidentiality with the department concerning the information posted.

**81.7.** (DOR: Admissions Tax Exemption) Effective January 1, 2008, any amount that an accredited college or university requires a season ticket holder to pay to a nonprofit athletic booster organization that is exempt from federal income taxation in order to receive the right to purchase athletic event tickets is exempt from admissions tax.

**81.8.** (DOR: Penalty Relief) The Department of Revenue will waive interest and penalties for state estimated quarterly individual income tax payments for qualifying individuals who comply with Section 1212 of federal P.L. 111-5. An individual is considered a qualified individual for purposes of South Carolina penalty waiver if the individual meets the adjusted gross income requirement and the 50% of gross income from a small business requirement contained in Section 1212 for South Carolina or federal purposes.

**81.9.** (DOR: Bingo Licenses) The provisions of Section 12-21-3940(D) of the 1976 Code are suspended for the current fiscal year.

## **SECTION 82 - R52 - STATE ETHICS COMMISSION**

**82.1.** (ETHICS: Electronic Filing) The State Ethics Commission is authorized to require all statements and forms filed with the commission to be filed using the electronic filing system developed pursuant to Section 8-13-365 of the 1976 Code. All funds saved must be used to offset the costs of administering and enforcing the Ethics, Government Accountability, and Campaign Reform Act. The State Ethics Commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

## **SECTION 83 - S60-PROCUREMENT REVIEW PANEL**

**83.1.** (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 South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) 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 hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived.

**SECTION 84 - V04-DEBT SERVICE**

**84.1.** (DS: Excess Debt Service Funds Carry Forward) Excess Debt Service funds from Fiscal Year 2009-10 may be carried forward and expended for debt service purposes in Fiscal Year 2010-11.

**SECTION 86 - X22-AID TO SUBDIVISIONS, STATE TREASURER**

**86.1.** (AS-TREAS: Veterans' Affairs-Aid to Counties) In the allocation of the appropriation in Part IA, Section 86, as adjusted for "Aid to County Veteran Offices," each county shall receive an effective annual amount equal to 100% of the amount allocated to it for the prior fiscal year plus an amount equivalent to base pay increases for state employees, less any adjustments made for budget reductions. This allocation shall be distributed on a quarterly basis to the County Treasurer who will handle and distribute these monies for the sole benefit and use of the County Veterans' Affairs Offices.

**86.2.** (AS-TREAS: Local Government Flexibility) Fiscal Year 2010-11, counties of this State may transfer funds among appropriated state revenues as needed to ensure the delivery of services.

**86.3.** (AS-TREAS: Quarterly Distributions) For Fiscal Year 2010-11, the amount of the four quarterly distributions from the Aid to Subdivisions-Local Government Fund shall be as follows: The amount of the first quarterly distribution for each entity shall equal the amount of the last quarterly distribution for Fiscal Year 2009-10 and thereafter the next three quarterly distributions shall be in reduced equal amounts, the four distributions together totaling the 2010-11 appropriation from the Local Government Fund.

**86.4.** (AS-TREAS: Salary Supplements) The amounts appropriated in Part IA, Section 86, for Aid Cnty-Clerks of Court, Aid Cnty-Probate Judges, Aid Cnty-Coroners, and Aid Cnty-Sheriffs shall be distributed by the State Treasurer to each county treasurer equally on a quarterly basis, and shall be used as a salary supplement for each clerk of court, probate judge, county coroner, and county sheriff. The amounts appropriated in Part IA, Section 86, for Aid Cnty-Register of Deeds, shall be equally distributed by the State Treasurer to the appropriate county treasurer on a quarterly basis, and shall be used as a salary supplement for registers of deeds.

The amount appropriated in Part IA, Section 86, for Aid Cnty-Auditors and Aid Cnty-Treasurers, shall be equally distributed to each county auditor and county treasurer as a salary supplement in addition to any amounts presently being provided by the county for these positions. It is the intent of the General Assembly that the amount appropriated by the county as salaries for these positions shall not be reduced as a result of the appropriation and that such appropriation shall not disqualify each county auditor and each county treasurer for salary increases that they might otherwise receive from county funds in the future. The salary supplement for each county auditor and county treasurer shall be paid in accordance with the schedule and method of payment established for state employees.

The amounts appropriated in Part IA, Section 86 for Clerks of Court, Probate Judges, Sheriffs, Register of Deeds, Coroners, Auditors, and Treasurers shall be exempt from any across the board cut mandated by the Budget and Control Board or General Assembly. However, the governing body of a county may reduce the expenditures in the operation of the offices of these officials without any required corresponding reduction in the county's state aid to subdivisions distribution. However, any reduction in these officials' budgets must be made in consultation with the affected official.

**86.5.** (AS-TREAS: Property Tax Relief Reimbursement) The amount to be deducted from state individual and corporate income tax revenues and credited to the Trust Fund for Tax Relief to fund the reimbursement required by Section 12-37-251, is suspended to the extent that the amount to be deducted would exceed the amount deducted in the prior fiscal year.

**86.6.** (AS-TREAS: Legislative Delegations) In the current fiscal year, a county government must fund its legislative delegation budget pursuant to Section 3, Act No. 283 of 1975. If a county council does not meet that funding level, the amount of the shortfall must be deducted from the responsible county's Aid to Subdivisions allocation and forwarded to the legislative delegation of the county. Additionally, the responsible county's remaining Aid to Subdivisions allotment must be reduced by twenty-five percent of the shortfall amount, which sum must be forwarded to the legislative delegation to be used for its administrative costs.

**86.7.** (AS-TREAS: LGF) For Fiscal Year 2010-11, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976 Code are suspended.

**86.8.** (AS-TREAS: Flexibility) For Fiscal Year 2010-11, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, for which a specific level or amount of support or funding is not provided by law, by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the last completed fiscal year.

## **SECTION 89 - X90-GENERAL PROVISIONS**

**89.1.** (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 88 of this act. Appropriations in this act for the support of the public school system shall include the following:

- Department of Education;
- State Board for Technical and Comprehensive Education;
- Educational Television Commission;
- Wil Lou Gray Opportunity School;



School for the Deaf and the Blind;  
 John de la Howe School;  
 Debt Service on Capital Improvement Bonds Applicable to  
 Above Agencies;  
 Debt Service on School Bonds;  
 Other School Purposes.

Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

**89.2.** (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year 2010-11, and for other purposes specifically designated.

**89.3.** (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, “current fiscal year” means the fiscal year beginning July 1, 2010, and ending June 30, 2011, and “prior fiscal year” means the fiscal year beginning July 1, 2009, and ending June 30, 2010.

**89.4.** (GP: Descriptive Proviso Titles) Descriptive proviso titles listed in this act are for purposes of identification only and are not to be considered part of the official text.

**89.5.** (GP: Judicial & Involuntary Commitment, Defense of Indigents) It is the responsibility of all agencies, departments and institutions of state government, to provide at no cost and as a part of the regular services of the agency, department or institutions such services as are necessary to carry out the provisions of Chapter 52, Title 44 (Involuntary Commitment), Article 7, Chapter 17, Title 44 of the 1976 Code (Judicial Commitment), Chapter 3, Title 17 of the 1976 Code (Defense of Indigents), and Article 1, Chapter 3, Title 16 of the 1976 Code (Death Penalty), as amended, upon request of the Judicial Department and/or the appropriate court. To this end, state agencies are directed to furnish to the Judicial Department a list of their employees who are competent to serve as court examiners. The Judicial Department shall forward a copy of this list to the appropriate courts, and the courts shall utilize the services of such state employees whenever feasible. State employees shall receive no additional compensation for performing such services. For the purpose of interpreting this section, employees of the Medical University of South Carolina and individuals serving an internship or residency as an academic requirement or employees who are not full-time state employees and who are not performing duties as state employees are not considered state employees.

**89.6.** (GP: Case Service Billing Payments Prior Year) Agencies appropriated case services funds who routinely receive prior year case service billings after the old fiscal year has been officially closed are authorized to pay these case service obligations with current funds. This authorization does not apply to billings on hand that have been through a timely agency payment approval process when the old fiscal year closes.

**89.7.** (GP: Federal Program Expenses, Lag Time) After July first, of the current fiscal year, the Department of Health and Environmental Control, Department of Mental Health, Department of Disabilities and Special Needs, Department of Social Services, Department of Health and Human Services, Division on Aging, Division of Foster Care, Department of Corrections, and Department of Juvenile Justice may expend if necessary, state appropriated funds for the current fiscal year to cover fourth quarter federal programs expenses incurred in the prior fiscal year necessitated by the time lag of federal reimbursement.

**89.8.** (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or function is authorized by statutory law and set by regulation except as provided in this paragraph.

(B) This paragraph does not apply to:

- (1) state-supported governmental health care facilities;
- (2) state-supported schools, colleges, and universities;
- (3) educational, entertainment, recreational, cultural, and training programs;
- (4) the State Board of Financial Institutions;
- (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- (6) charges by state agencies for room and board provided on state-owned property;
- (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- (8) court fees or fines levied in a judicial or adjudicatory proceeding;
- (9) the South Carolina Public Service Authority or the South Carolina Ports Authority.

(C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health care and laboratory services regardless of whether the fee is set by statute.

(D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State Administrative Procedures Act.

**89.9.** (GP: State Institutions - Revenues & Income) The University of South Carolina, Clemson University, the Medical University of S. C. (including the Medical University Hospital), The Citadel, Winthrop University, S. C. State University, Francis Marion University, University of Charleston, Lander University, Coastal Carolina University, and the Wil Lou Gray Opportunity School shall remit all revenues and income, collected at the respective institutions, to the State Treasurer according to the terms of Section 89.1 of this act, but all such revenues or income so collected, except fees received as regular term tuition, matriculation, and registration, shall be carried in a special continuing account by the State Treasurer, to the credit of the respective institutions, and may be requisitioned by said institutions, in the manner prescribed in Section 11-3-185 of the 1976 Code, and expended to fulfill the purpose for which such fees or income were levied, but no part of such income shall be used for permanent improvements without the express written approval of the Budget and Control Board and the Joint Legislative Capital Bond Review Committee; and it is further required that no such fee or income shall be charged in excess of the amount that is necessary to supply the service, or fulfill the purpose for which such fee or income was charged. Notwithstanding other provisions of this act, funds at state institutions of higher learning derived wholly from athletic or other student contests, from the activities of student organizations, and from the operations of canteens and bookstores, and from approved Private Practice plans at institutions and affiliated agencies may be retained at the institution and expended by the respective institutions only in accord with policies established by the institution's Board of Trustees. Such funds shall be audited annually by the State but the provisions of this act concerning unclassified personnel compensation, travel, equipment purchases and other purchasing regulations shall not apply to the use of these funds.

**89.10.** (GP: Transfers of Appropriations) Agencies and institutions shall be authorized to transfer appropriations within programs and within the agency with notification to the Division of Budget and Analyses and Comptroller General. No such transfer may exceed twenty percent of the program budget. Upon request, details of such transfers may be provided to members of the General Assembly on an agency by agency basis. Transfers of appropriations from personal service accounts to other operating accounts or from other operating accounts to personal service accounts may be restricted to any established standard level set by the Budget and Control Board upon formal approval by a majority of the members of the Budget and Control Board.

**89.11.** (GP: Federal Funds - DHEC, DSS, DHHS - Disallowances) Amounts appropriated to the Department of Health and Environmental Control, Department of Social Services and Department of Health and Human Services may be expended to cover program operations of prior fiscal years where adjustment of such prior years are necessary under federal regulations or audit exceptions. All disallowances or notices of disallowances by any federal agency of any costs claimed by these agencies shall be submitted to the State Auditor, the Senate Finance Committee and the House Ways and Means Committee, within five days of receipt of such actions.

**89.12.** (GP: Fixed Student Fees) During the current fiscal year, student fees at the state institutions of higher learning shall be fixed by the respective Boards of Trustees as follows:

(1) Fees applicable to student housing, dining halls, student health service, parking facility, laundries and all other personal subsistence expenses shall be sufficient to fully cover the total direct operating and capital expenses of providing such facilities and services over their expected useful life except those operating or capital expenses related to the removal of asbestos.

(2) Student activity fees may be fixed at such rates as the respective Boards shall deem reasonable and necessary.

**89.13.** (GP: Tech Educ. Colleges Student Activity Fees) Notwithstanding any other provisions of this act, funds at technical education colleges derived wholly from the activities of student organizations and from the operations of canteens and bookstores may be retained by the college and expended only in accord with policies established by the respective college's area commission and approved by the State Board for Technical and Comprehensive Education.

**89.14.** (GP: SC Health & Human Services Data Warehouse) There is hereby established within the Office of Research and Statistics, South Carolina Budget and Control Board, the South Carolina Health and Human Services Data Warehouse. The purpose of the Warehouse is to ensure that the operation of health and human services agencies may be enhanced by coordination and integration of client information. Client data is defined as person-level data that is created, received, and/or maintained by state agencies and other entities required to report client information to the Office of Research and Statistics under this provision. To integrate client information, client data from health and human services state agencies will be linked to improve client outcome measures, enabling state agencies to analyze coordination and continuity of care issues. The addition of these data will enhance existing agency systems by providing client data from other state agency programs to assist in the provision of client services. Certain client information shall be delivered to the Office of Research and Statistics in order to assist in the development and maintenance of this Warehouse. The following agencies shall report client information:

- Departments of
  1. Health and Human Services;
  2. Health and Environmental Control;
  3. Mental Health;

- 4. Alcohol and Other Drug Abuse Services;
- 5. Disabilities and Special Needs;
- 6. Social Services;
- 7. Vocational Rehabilitation;
- 8. Education;
- 9. Juvenile Justice;
- 10. Corrections;
- 11. Probation, Parole and Pardon Services;
- Office of the Governor
  - 1. Children's Foster Care Review Board;
  - 2. Continuum of Care;
- Office of the Lieutenant Governor, Division on Aging;
- South Carolina School for the Deaf and the Blind;
- Commission for the Blind, and
- Other entities as deemed necessary by the Office of Research and Statistics.

These agencies and departments shall collect and provide client data in formats and schedules to be specified by the Office of Research and Statistics (Office). The Office shall establish a Memorandum of Agreement with each agency, department or division. These Memorandums of Agreement shall specify, but are not limited to, the confidentiality of client information, the conditions for the release of data that may identify agencies, departments, divisions, programs and services, or clients, any restrictions on the release of data so as to be compliant with state and federal statutes and regulations on confidentiality of data, conditions under which the data may be used for research purposes, and any security measures to be taken to insure the confidentiality of client information.

To ensure accountability and the coordinated, efficient delivery of health and human services, the Office shall implement, in consultation with state health and human services agencies and other entities as deemed necessary by the Office, an integrated data system that includes client data from all participating agencies.

In order to provide for inclusion of other entities into the South Carolina Health and Human Services Data Warehouse and other research and analytic-oriented applications that will assist the state in the efficient and effective provision of services, the Office shall have the authority to enter into agreements or transactions with any federal, state or municipal agency or other public institution or with any private individual, partnership, firm, corporation, association or other entity to provide statistical, research and information dissemination services including, but not limited to, program and outcomes evaluation, program monitoring/surveillance, projects to determine the feasibility of data collection and/or analyses, information dissemination and research. The confidentiality of data collected under these initiatives shall comply with applicable state and federal laws governing the privacy of data.

The Office shall have the power to promulgate regulations, policies and procedures, in consultation with the participating agencies, for the development, protection and operation of the Data Warehouse, other research and analytic-oriented applications, and their underlying processes.

The Office shall develop internet-accessible secure analytic query tools (such as analytic cubes) using integrated client data from the Warehouse. All agencies shall cooperate with the Office in the development of these analytic tools. It is the intent of this provision that the analytic tools developed under this provision shall be made available to members of the S.C. General Assembly and their research staff members, state agencies, and researchers. To that end, the Office shall, in consultation with the participating agencies, promulgate regulations addressing access to and use and release of information generated through use of the query tools.

All state agencies participating in the Warehouse shall utilize it and its associated software applications in the day-to-day operation of their programs and for coordination, collaboration, program evaluation and outcomes analysis. The Department of Health and Environmental Control shall be exempt from usage of the integrated client management system and the analytic query tools in the day-to-day operation of their Client Automated Record and Encounter System and their South Carolina Community Assessment Network, but shall provide the Warehouse with client data from the system and network.

No state agency shall duplicate any of the responsibilities of this provision.

For purposes of this subsection, all state laws, regulations, or any rule of any state agency, department, board, or commission having the effect or force of law that prohibits or is inconsistent with any provision of this subsection is hereby declared inapplicable to this subsection.

**89.15.** (GP: Discrimination Policy) It is the policy of the State of South Carolina to recruit, hire, train, and promote employees without discrimination because of race, color, sex, national origin, age, religion or physical disability. This policy is to apply to all levels and phases of personnel within state government, including but not limited to recruiting, hiring, compensation, benefits, promotions, transfers, layoffs, recalls from layoffs, and educational, social, or recreational programs. It is the policy of the State to take affirmative action to remove the disparate effects of past discrimination, if any, because of race, color, sex, national origin, age, religion or physical disability.

Each state agency shall submit to the State Human Affairs Commission employment and filled vacancy data by race and sex by October thirty-first, of each year.

In accordance with Section 1-13-110 of the South Carolina Code of Laws of 1976, as amended, the Human Affairs Commission shall submit a report on the status of state agencies' Affirmative Action Plans and Programs to the General Assembly by February 1 each year. This report shall contain the total number of persons employed in each job group, by race and sex, at the end of the preceding reporting period, a breakdown by race and sex of those hired or promoted from within the agency during the reporting period, and an indication of whether affirmative action goals were achieved. For each job group referenced in the Human Affairs report, where the hiring of personnel does not reflect the percentage goals established in the agency's affirmative action plan for the year in question, the state agency shall submit a detailed explanation to the Human Affairs Commission by February fifteenth, explaining why goals were not achieved.

The Human Affairs Commission shall review the explanations and notify the Budget and Control Board of any agency not in satisfactory compliance with meeting its stated goals.

The Budget and Control Board shall notify any agency not in compliance that their request for additional appropriations for the current appropriation cycle, may not be processed until such time as the Budget and Control Board, after consultation with the Human Affairs Commission, is satisfied that the agency is making a good faith effort to comply with its affirmative action plan,

and that the compliance must be accomplished within a reasonable length of time to be determined by the mission and circumstances of the agency. This requirement shall not affect additional appropriation requests for public assistance payments or aid to entities. This section does not apply to those agencies that have been exempted from the reporting requirements of the Human Affairs Commission.

**89.16.** (GP: Personal Service Reconciliation, FTEs) In order to provide the necessary control over the number of employees, the Budget and Control Board is hereby directed to maintain close supervision over the number of state employees, and to require specifically the following:

1. That no state agency exceed the total authorized number of full-time equivalent positions and those funded from state sources as provided in each section of this act except by majority vote of the Budget and Control Board.

2. That the Budget and Control Board shall maintain and make, as necessary, periodic adjustments thereto, an official record of the total number of authorized full-time equivalent positions by agency for state and total funding sources.

- (a) That within thirty (30) days of the passage of the Appropriation Act or by August first, whichever comes later, each agency of the State must have established on the Budget and Control Board records all positions authorized in the Act. After that date, the Board shall delete any nonestablished positions immediately from the official record of authorized full-time equivalent positions. No positions shall be established by the board in excess of the total number of authorized full-time equivalent positions. Each agency may, upon notification to the Budget and Control Board, change the funding source of state FTE positions established on the Budget and Control Board records as necessary to expend federal and other sources of personal service funds to conserve or stay within the state appropriated personal service funds. No agency shall change funding sources that will cause the agency to exceed the authorized number of state or total full-time equivalent positions. Each agency may transfer FTEs between programs as needed to accomplish the agency mission.

- (b) That by September thirtieth, the board shall prepare a personal service analysis, by agency, which shows the number of established positions for the fiscal year and the amount of funds required, by source of funds, to support the FTE's for the fiscal year at a funding level of 100%. The board shall then reconcile each agency's personal service detail with the agency's personal service appropriation as contained in the Act adjusted for any pay increases and any other factors necessary to reflect the agency's personal service funding level. The board shall provide a copy of each agency's personal service reconciliation to the Senate Finance and House Ways and Means Committees.

- (c) That any position which is shown by the reconciliation to be unfunded or significantly underfunded may be deleted at the direction of the Budget and Control Board.

3. That full-time equivalent (FTE) positions shall be determined under the following guidelines:

- (a) The annual work hours for each FTE shall be the agency's full-time standard annual work hours.

- (b) The state FTE shall be derived by multiplying the state percentage of budgeted funds for each position by the FTE for that position.

- (c) All institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty with a duration of nine (9) months.

The FTE method of accounting shall be utilized for all authorized positions.

4. That the number of positions authorized in this act shall be reduced in the following circumstances:

- (a) Upon request by an agency.
- (b) When anticipated federal funds are not made available.
- (c) When the Budget and Control Board, through study or analysis, becomes aware of any unjustifiable excess of positions in any state agency.

5. That the Budget and Control Board shall annually reconcile personal service funds with full-time employee count. Unfunded positions will be eliminated no later than January fifteenth of the current fiscal year unless specifically exempted elsewhere in this act or by the Budget and Control Board. The Budget and Control Board must report the full-time employee count and unfunded position status to the Senate Finance Committee and the Ways and Means Committee by February first of the current fiscal year.

6. That no new permanent positions in state government shall be funded by appropriations in acts supplemental to this act but temporary positions may be so funded.

7. That the provisions of this section shall not apply to personnel exempt from the State Classification and Compensation Plan under item I of Section 8-11-260 of the 1976 Code.

The Governor, in making his appropriation recommendations to the Ways and Means Committee, must provide that the level of personal service appropriation recommended for each agency is at least 97% of the funds required to meet 100% of the funds needed for the full-time equivalents positions recommended by the Governor (exclusive of new positions).

**89.17.** (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency maintaining its own payroll system. This shall not apply to the Governor's Mansion, nor for department-owned housing used for recruitment and training of Mental Health Professionals, nor to guards at any of the state's penal institutions and nurses and attendants at the Department of Mental Health, and the Department of Disabilities and Special Needs, and registered nurses providing clinical care at the MUSC Medical Center, nor to the Superintendent and staff of John de la Howe School, nor to the cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science and Mathematics who are required to stay on campus by the institution because of job requirements or program participation. The presidents of those state institutions of higher learning authorized to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions without charge.

Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount to be approved by the Budget and Control Board.

That the following may be permitted to occupy residences owned by the respective departments without charge: the Commissioner of the Department of Corrections, the Director of the Department of Mental Health, the Farm Director, Farm Managers, and Specialists employed at the Wateree River Correctional Institution, Walden Correctional Institution, MacDougall Youth Correctional Center, and Givens Youth Correctional Center; the S. C. State Commission of Forestry fire tower operators,

forestry aides, and caretaker at central headquarters; the Department of Natural Resources' Game Management Personnel, Fish Hatchery Superintendents, Lake Superintendent, and Fort Johnson Superintendent; the Department of Parks, Recreation and Tourism field personnel in the State Parks Division; Director of Wil Lou Gray Opportunity School; President of the School for the Deaf and the Blind; houseparents for the Commission for the Blind; S.C. Department of Health and Environmental Control personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander University; Residence Life Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop University; Farm Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; Clemson University's Head Football Coach; the Department of Disabilities and Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus Agricultural Staff and Housing Area Coordinators; and University of South Carolina's Manager of Bell Camp Facility, Housing Maintenance Night Supervisors, Residence Life Directors, temporary and transition employees, and emergency medical personnel; TriCounty Technical College's Bridge to Clemson Resident and Area Directors. Except in the case of elected officials, the fair market rental value of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to the Agency Head Salary Commission, and the Division of Budget and Analyses by October first, of each fiscal year.

All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved by the Budget and Control Board, applicable to all personnel of the State Government whose compensation is not specifically fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is drawn. The Division of Budget and Analyses of the Budget and Control Board is authorized to approve temporary salary adjustments for classified and unclassified employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the plan may be excluded therefrom but their compensations as approved by the Division of Budget and Analyses shall, nevertheless, be subject to review by the Budget and Control Board. Salary appropriations for employees fixed in this act shall be in full for all services rendered, and no supplements from other sources shall be permitted or approved by the Budget and Control Board. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically fixed in this act and no salary shall be paid any agency head whose salary is not so fixed. Commuter mileage on non-exempt state vehicles shall be considered as income and reported by the Comptroller General in accordance with IRS regulations. As long as there is no impact on appropriated funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section, monetary awards, if any, shall not be considered a part of an employee's base salary, a salary supplement, or a perquisite of employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the South Carolina Division of Budget and Analyses.

In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet



the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging provided by the educational institution which is comparable to the qualified campus lodging provided to the employee, over the rent paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the close of the calendar year in which the taxable year begins, or, in the case of a rental period not greater than one year, at any time during the calendar year in which the period begins.

**89.18.** (GP: Universities & Colleges - Allowance for Presidents) Presidents of the University of South Carolina, Clemson University, the Medical University of South Carolina, The Citadel, Winthrop University, South Carolina State University, Francis Marion University, University of Charleston, Coastal Carolina University and Lander University must not be paid a fixed allowance for personal expenses incurred in connection with the performance of their official duties. Reimbursements may be made to the presidents from funds available to their respective institutions for any personal expenses incurred provided that all requests for reimbursement are supported by properly documented vouchers processed through the normal accounting procedures of the institutions.

**89.19.** (GP: Replacement of Personal Property) The Department of Juvenile Justice, Department of Corrections, Department of Probation, Parole and Pardon Services, Department of Mental Health, Department of Disabilities and Special Needs, Continuum of Care, Department of Social Services and School for the Deaf and the Blind may replace the personal property of an employee which has been damaged or destroyed by a client while in custody of the agency. The replacement of personal property may be made only if the loss has resulted from actions by the employee deemed to be appropriate and in the line of duty by the agency head and if the damaged or destroyed item is found by the agency head to be reasonable in value, and necessary for the employee to carry out the functions and duties of his employment. Replacement of damaged or destroyed items shall not exceed \$250 per item, per incident. Each agency must have guidelines to insure the reasonableness of the replacement payments.

**89.20.** (GP: Business Expense Reimbursement) Agency heads and deputy commissioners or deputy directors designated by agency heads may receive reimbursements for business expenses incurred while performing their official duties, provided that receipts are presented when seeking reimbursement and justification is submitted to document the time, place, and purpose of the expense as well as the names of the individuals involved. The Budget and Control Board shall promulgate regulations governing these expenses.

**89.21.** (GP: Per Diem) The per diem allowance of all boards, commissions and committees shall be at the rate of thirty-five (\$35) dollars per day. No full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions or committees.

**89.22.** (GP: Travel - Subsistence Expenses & Mileage) Travel and subsistence expenses, whether paid from state appropriated, federal, local or other funds, shall be allowed in accordance with the following provisions:

A. Unless otherwise provided in paragraphs B through H of this section, all employees of the State of South Carolina or any agency thereof including employees and members of the governing bodies of each technical college while traveling on the business of the State shall, upon presentation of a paid receipt, be allowed reimbursement for actual expenses incurred for lodging, not to exceed the current maximum lodging rates, excluding taxes, established by the U.S. General Services Administration. The lodging reimbursement for employees of a school district must also conform to these rates when that employee's travel reimbursement is

paid by state funds that are transferred to the school district. Agencies may contract with lodging facilities to pay on behalf of an employee. Failure to maintain proper control of direct payments for lodging may result in the revocation of the agency's authority by the Comptroller General or the State Auditor. The employee shall also be reimbursed for the actual expenses incurred in the obtaining of meals except that such costs shall not exceed \$25 per day within the State of South Carolina. For travel outside of South Carolina the maximum daily reimbursement for meals shall not exceed \$32. Agencies may contract with food or dining facilities to pay for meals on behalf of employees in accordance with rules and regulations established by the Budget and Control Board. It shall be the responsibility of the agency head to monitor the charges for lodging which might be claimed by his employees in order to determine that such charges are following maximum lodging rates as established by the U.S. General Services Administration. Any exceptions must have the written approval of the agency head, taking into consideration location, purpose of travel or other extenuating circumstances. The provisions of this item shall not apply to Section 42-3-40 of the 1976 Code, and when pertaining to institutions of higher learning, for travel paid with funds other than General Funds.

B. That employees of the State, when traveling outside the United States, Canada, and Puerto Rico upon promotional business for the State of South Carolina shall be entitled to actual expenses for both food and lodging.

C. The Governor, Lieutenant Governor, Secretary of State, Comptroller General, Attorney General, State Treasurer, Adjutant General, Superintendent of Education and the Commissioner of Agriculture shall be reimbursed actual expenses for subsistence.

D. Nonlegislative members of committees appointed pursuant to Acts and Resolutions of the General Assembly whose membership consists solely of members of the General Assembly or members of the General Assembly and other personnel who are not employees of the State of South Carolina shall be allowed subsistence expenses of \$35 per day while traveling on official business, unless otherwise designated by law. Members of such committees may opt to receive actual expenses incurred for lodging and actual expenses incurred in the obtaining of meals in lieu of the allowable subsistence expense.

E. Members of the state boards, commissions, or committees whose duties are not full-time and who are paid on a per diem basis, shall be allowed reimbursement for actual expenses incurred at the rates provided in paragraph A and I of this section while away from their places of residence on official business of the State. One person accompanying a handicapped member of a state board, commission, or committee on official business of the State shall be allowed the same reimbursement for actual expenses incurred at the rates provided in paragraph A through I of this section.

F. No subsistence reimbursement shall be allowed to a Justice of the Supreme Court or Judge of the Court of Appeals while traveling in the county of his official residence. When traveling on official business of said court within fifty miles outside the county of his official residence, a Supreme Court Justice and a Judge of the Court of Appeals shall be allowed subsistence expenses in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. When traveling on official business of said court fifty or more miles outside the county of his official residence, each Justice and Judge of the Court of Appeals shall be allowed subsistence expenses in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State. The Chief Justice, or such other person as the Chief Justice designates, while attending the Conference of Chief Justices and one member of the Supreme Court while attending the National Convention of Appellate Court Judges, and three Circuit Judges while attending the National Convention of State Trial Judges shall be allowed actual subsistence and travel expenses.

Upon approval of the Chief Justice, Supreme Court Justices, Judges of the Court of Appeals, Circuit Judges, and Family Court Judges shall be reimbursed for actual expenses incurred for all other official business requiring out-of-state expenses at the rate provided in paragraph A of this section.

G. No subsistence reimbursements are allowed to a Circuit Judge, a Family Court Judge, or an Administrative Law Judge while holding court within the county in which he resides. While holding court or on other official business outside the county, within fifty miles of his residence, a Circuit Court Judge, Family Court Judge, or an Administrative Law Judge is entitled to a subsistence allowance in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. While holding court or on other official business at a location fifty miles or more from his residence, a Circuit Court, Family Court or Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State.

H. Any retired Justice, Circuit Court Judge or Family Court Judge or Master-in-Equity appointed by the Supreme Court to serve as a Special Circuit Judge, Family Court Judge, Appeals Court Judge, or Acting Associate Justice shall serve without pay but shall receive the same allowance for subsistence, expenses, and mileage as provided in Part I for Circuit Court Judges.

I. No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by which he is employed except as provided in paragraph E, of this section. When an employee is assigned to work a particular territory or district, and such territory or district and his official headquarters are in different localities or sections of the State, expenses may be allowed for the necessary travel to his official headquarters. The members of the Workers' Compensation Commission may be reimbursed at the regular mileage rate of one round trip each week from their respective homes to Columbia. No subsistence reimbursement shall be allowed to a member of the Workers' Compensation Commission while traveling in the county of his official residence. When traveling on official business of the commission outside the county of his official residence, a member of the Workers' Compensation Commission shall be allowed subsistence expenses in the amount of \$35 per day. When traveling on official business of the commission fifty or more miles outside the county of his official residence, each member shall be allowed a subsistence allowance in the amount as provided in this act for members of the General Assembly. When out-of-state, members of the Workers' Compensation Commission and the members of the Appellate Panel of the Department of Employment and Workforce may claim the established amount of per diem, as stated in the General Appropriation Act, or actual expenses as deemed reasonable by the Comptroller General. The members of the Appellate Panel of the Department of Employment and Workforce may be reimbursed at the regular mileage rate when the member is on official business fifty miles or more outside of Columbia. The members of the Appellate Panel of the Department of Employment and Workforce shall be allowed subsistence allowance in the amount as provided in this act for members of the General Assembly when the member is on official business fifty miles or more outside of Columbia.

J. When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge to equal the standard business mileage rate as established by the Internal Revenue Service will be allowed for the use of such automobile and the employee shall bear the expense of supplies and upkeep thereof. However, the standard business mileage rate used in this calculation shall be the lesser of 50.5 cents per mile or the current rate established by the Internal Revenue Service. Whenever state provided motor pool vehicles are reasonably available and their use is practical and an employee of the State shall request for his own benefit to use his or her personal vehicle in traveling on necessary official business, a charge of 4 cents per mile

less than the standard business mileage rate as established by the Internal Revenue Service will be allocated for the use of such vehicle and the employee shall bear the expense of supplies and upkeep thereof. However, the standard business mileage rate used in this calculation shall be the lesser of 50.5 cents per mile or the current rate established by the Internal Revenue Service. When such travel is by a state-owned automobile, the State shall bear the expense of supplies and upkeep thereof but no mileage will be allowed. Agencies and employees are directed to use state fueling facilities to the maximum extent possible, when such use is cost beneficial to the State. When using commercial fueling facilities, operators of State-owned vehicles are directed to use self-service pumps. In traveling on the business of the State, employees are required to use the most economical mode of transportation, due consideration being given to urgency, schedules and like factors.

Mileage between an employee's home and his/her place of employment is not subject to reimbursement. However, when an employee leaves on a business trip directly from his/her home, and does not go by the employee's headquarters, the employee shall be eligible for reimbursement for actual mileage beginning at his/her residence.

K. That a state agency may advance travel and subsistence expense monies to employees of that agency for the financing of ordinary and necessary travel required in the conducting of the business of the agency. The Budget and Control Board is directed to develop and publish rules and regulations pertaining to the advancing of travel expenses and no state agency shall make such advances except under the rules and regulations as published. All advances for travel and subsistence monies shall be repaid to the agency within thirty (30) days after the end of the trip or by July fifteenth, whichever comes first.

L. That the state institutions of higher learning are authorized to reimburse reasonable relocation expenses for new employees when such reimbursements are considered by the agency head to be essential to successful recruitment of professionally competent staff members.

M. The Budget and Control Board is authorized to promulgate and publish rules and regulations governing travel and subsistence payments.

N. No state funds may be used to purchase first class airline tickets.

**89.23.** (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting of how the state funds will be spent, a copy of the adopted budget for the current year, and also a copy of the organization's most recent operating financial statement. The funds appropriated in this act for contributions shall not be expended until the required financial statements are filed with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes which practice discrimination against persons by virtue of race, creed, color or national origin. The State Auditor shall review and audit, if necessary, the financial structure and activities of each organization receiving contributions in this act and make a report to the General Assembly of such review and/or audit, when requested to do so by the Budget and Control Board.

**89.24.** (GP: Information Technology - Report of Requested Increases) The Budget and Control Board is authorized and directed to identify all requested increases for information technology for agencies, Institutions or departments, with the exception of colleges, universities and technical institutions, compile the requests into one report for the Governor, the Chairman of Senate Finance Committee, and the Chairman of the House Ways and Means Committee or a respective subcommittee chairman. Upon request of the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, or a respective subcommittee chairman, the Budget and Control Board shall provide an evaluation of any request.

**89.25.** (GP: State Owned Aircraft - Maintenance Logs) Each agency having in its custody one or more aircraft shall maintain a continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and shall also be posted online. Any and all aircraft owned or operated by agencies of the State Government shall be used only for official business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the Governor, Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and their invitees for official business only; no member of the General Assembly, no member of a state board, commission, or committee, and no state official shall use any aircraft of the Division of Aeronautics unless the member or official files within forty-eight hours after the time of departure of the flight with the Division of Aeronautics a sworn statement certifying and describing the official nature of his trip; and no member of the General Assembly, no member of a state board, commission or committee, and no state official shall be furnished air transportation by a state agency other than the Division of Aeronautics unless such agency prepares and maintains in its files a sworn statement from the highest ranking official of the agency certifying that the member's or state official's trip was in conjunction with the official business of the agency. Official business shall not include routine transportation to and from meetings of the General Assembly or committee meetings for which mileage is authorized.

All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of SLED or the Division of State Development whose confidentiality must, in the opinion of SLED or the division, be protected shall be listed in writing on the flight log as "Confidential Passenger SLED or the Division of State Development (strike one)" and the appropriate official of SLED or the division shall certify to the agency operating the aircraft the necessity for such confidentiality.

Violation of the above provisions of this section is prima facie evidence of a violation of Section 8-13-410(1) of the 1976 Code and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as provided by law. The above provisions do not apply to aircraft of the Division of Aeronautics when used by the Medical University of South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher education, nor to law enforcement officers when flying on state owned aircraft in pursuit of fugitives, missing persons, or felons or for investigation of gang, drug, or other violent crimes.

Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

**89.26.** (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the amount of the general fund deficit shall be determined after first applying the Capital Reserve Fund provisions in Section 11-11-320(D) of the 1976 Code, and before any transfers from the General Reserve. The amount of general funds needed to avoid a year-end deficit shall be reduced proportionately from each agency's carry forward amount.

Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate authority from their base for purposes of calculating the ten percent carry forward authorized herein. Any funds that are carried forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

**89.27.** (GP: Regulatory Audit) Each agency shall conduct a jurisdictional audit for the purpose of identifying laws, regulations and provisos which are not being used or no longer need to be regulated. After identifying these laws, repeals are to be drafted for submission to the appropriate standing committee of the General Assembly by January thirty-first.

**89.28.** (GP: TEFRA-Tax Equity and Fiscal Responsibility Act) It is the intent of the General Assembly that the State Medicaid Plan be amended to provide benefits for disabled children as allowed by the Tax Equity and Fiscal Responsibility Act (TEFRA) option. State agencies, including but not limited to, the Department of Social Services - the Continuum of Care, the Department of Health and Environmental Control, the Department of Mental Health, the Department of Disabilities and Special Needs, and the Department of Health and Human Services shall collectively review and identify existing state appropriations within their respective budgets that can be used as state match to serve these children. Such funds shall be used effective January 1, 1995 to implement TEFRA option benefits. Agencies providing services under the provisions of this paragraph must not spend less in the current fiscal year than expended in the previous fiscal year.

**89.29.** (GP: Frequent Flyer Premiums) State agencies and employees shall select air carriers based on cost and time criteria, not on whether frequent flyer premiums are given. State agencies should ensure that employees earning frequent flyer premiums while traveling on state business use them to reduce the cost of subsequent business travel whenever possible.

**89.30.** (GP: Prison Industries) All agencies funded in this act, when procuring goods and services, shall first consider contracting for services or purchasing goods and services through the Department of Corrections' Prison Industries Program. The Department of Corrections shall furnish, upon request, to all agencies a catalogue of goods and services provided by Prison Industries. The department is hereby directed to develop and market a catalogue of Prison Industries products for nationwide circulation.

**89.31.** (GP: Travel Report) Annually on November first, the Comptroller General shall issue a report on travel expenditures for the prior fiscal year which shall be distributed to the Senate Finance Committee, the House Ways and Means Committee, and the Statehouse Press Room. The Comptroller General may use up to \$500 of general fund appropriations for the purpose of providing copies to the media or the public upon request. The report must contain a listing for every agency receiving an appropriation in the annual General Appropriations Act. The listing must show at a minimum the top ten percent of employees for whom travel expenses and registration fees were paid within each agency, not to exceed twenty-five employees per agency. Agencies should include position titles for each of the top twenty-five travelers for each agency. Expenditures must include state, federal and other sources of funds. Expenditures for registration fees with object codes 0507 and 0517 must be shown as a separate subtotal within the grand total for the individual employees and the agency as a whole. The list for each agency must be in rank order with the largest expenditure first and the name of the employee must be shown with each amount. Agencies should include a brief summary of the type of travel the agency incurs. The Comptroller General may provide additional information as deemed appropriate. The Comptroller General shall provide no exceptions to this report in that the information contained is not considered confidential or restricted for economic development purposes. However, further disclosure of detailed information shall be restricted as provided for by law.

**89.32.** (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the Department of Education, in consultation with the Budget and Control Board's Division of State Information Technology, the State Library and Educational Television Commission shall administer the K-12 technology initiative funds. These funds are intended to

provide technology, encourage effective use of technology in K-12 public schools throughout the state, conduct cost/benefit analyses of the various technologies and should, to the maximum extent possible, involve public-private sector collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

**89.33.** (GP: State Operated Day Care Facilities Fees) Any state agency receiving funding in this act and any higher education institution, including four-year institutions, two-year institutions, and technical colleges, that operates an early childhood development center or day care facility shall charge, at a minimum, fees that are comparable to those charged by private day care facilities in the local community. The institution or agency shall not restrict enrollment in the center solely to the children of faculty, staff, and students of the institution; nor shall fees be set at a lower level for faculty, staff, or students of the institution or agency.

**89.34.** (GP: Base Budget Analysis) Agencies' annual accountability reports for the prior fiscal year, as required in Section 1-1-810, must be accessible to the Governor, Senate Finance Committee, House Ways and Means Committee, and to the public on or before September fifteenth, for the purpose of a zero-base budget analysis and in order to ensure that the Agency Head Salary Commission has the accountability reports for use in a timely manner. Accountability Report guidelines shall require agencies to identify key program area descriptions and expenditures and link these to key financial and performance results measures. The Budget and Control Board is directed to develop a process for training agency leaders on the annual agency accountability report and its use in financial, organizational, and accountability improvement. Until performance-based funding is fully implemented and reported annually, the state supported colleges, universities and technical schools shall report in accordance with Section 59-101-350.

**89.35.** (GP: Collection on Dishonored Payments) In lieu of any other provision of law, any state agency may collect a service charge as provided in Section 34-11-70 to cover the costs associated with the processing and collection of dishonored instruments or electronic payments where any amount is not paid by the drawee due to insufficient funds on deposit with the bank or the person upon which it was drawn when presented, or the instrument has an incorrect or insufficient signature on it. Such funds shall be retained and expended by the agency in accordance with this purpose and any unused amount shall carry forward to the following fiscal year.

**89.36.** (GP: State DNA Database) Funds collected by the S.C. Department of Corrections, the Department of Probation, Parole and Pardon, and Department of Juvenile Justice to process DNA samples must be remitted to the State Law Enforcement Division to offset the expenses incurred to operate the State DNA Database program. SLED may retain, expend, and carry forward these funds. Any carry forward funds resulting from the DNA Database program must be used solely to operate the DNA Database program.

**89.37.** (GP: Innovative Transportation) The Transportation Infrastructure Bank or the Railroad Commission may make grants for developing innovative transportation technology, such as light rail, mono-rail, or mono-beam.

**89.38.** (GP: Menu Option Telephone Answering Devices) From the funds appropriated to state agencies, state agencies and their departments shall not expend funds for any type of menu option telephone answering device, unless the menu option system provides the caller with access to a nonelectronic attendant or automatically transfers the caller to a nonelectronic attendant. This requirement applies during the hours of 8:30 AM until 5:00 PM, Monday through Friday, excluding holidays. This requirement

does not apply to integrated voice response systems that are specifically designed to exclude human interaction. No additional personnel may be hired to implement the requirements of this provision.

**89.39.** (GP: Voluntary Separation Incentive Program) State agencies may implement, in consultation with the Office of Human Resources of the Budget and Control Board, a program to realign resources to include provisions for a separation incentive payment for employees which may include the employer portion of health and dental benefits not to exceed one year. Employees participating in such program shall not be eligible to participate in the Teacher and Employee Retention Incentive (TERI) program. Employees participating in such program shall be considered to have voluntarily quit their employment without good cause and be subject to the provisions of Section 41-35-120(1) of the S.C. Employment Security Law. Any program developed under this provision will involve voluntary participation from employees and will be funded within existing appropriations. The program must be approved by the agency head and the Director of the Division of Budget and Analyses based on ability to demonstrate recurring cost savings for realignment and/or permanent downsizing. State agencies shall report the prior year's results to the Budget and Control Board by August fifteenth, of the current fiscal year. The Budget and Control Board shall report to the Senate Finance Committee and the House Ways and Means Committee on these results.

**89.40.** (GP: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children whose truancy is approaching the level of being referred to family court. When proceeding under S.C. Code Section 59-65-50 to bring an individual case before the family court, the school district must present this plan as well as the district's efforts with respect to the individual child to the court. Each school district's plan under this proviso shall include possible assignment to alternative school for a nonattending child before petitioning the court.

**89.41.** (GP: Debt Collection Reports) Each state agency shall provide to the Chairmen of the Senate Finance and House of Representatives Ways and Means Committees a report detailing the amount of its outstanding debt and all methods it has used to collect that debt. This report is due by the last day of February for the previous calendar year. For purposes of this provision, outstanding debt means a sum remaining due and owed to a state agency by a non-governmental entity for more than sixty (60) calendar days.

**89.42.** (GP: State Funded Libraries - Web Filters) (A) A library receiving state funds, directly, indirectly, by grant, or otherwise, other than a library at an institution of higher learning, that has computers available for use by the public or students, or both, must equip these computers with software incorporating web-filtering technology designed to eliminate or reduce the ability of the computer to access sites displaying pornographic pictures or text. However, up to ten percent, and at least one, of the library's computers must be unfiltered. Each library's governing officials shall determine the physical location of any unfiltered computer(s). The library also must have a written policy providing sanctions against a person who instructs or demonstrates to another person how to bypass this web-filtering technology.

(B) State funds intended for a library not in compliance with subsection (A) must be reduced by fifty percent. Funds resulting from this reduction must be distributed among other libraries that are in compliance with subsection (A).

**89.43.** (GP: Tobacco Settlement Funds Carry Forward) State agencies are hereby authorized to retain and carry forward any unexpended Tobacco Settlement Agreement funds from the prior fiscal year into the current fiscal year and to expend such funds for the same purpose.



**89.44.** (GP: Use Tax Exemption) For the current fiscal year there is exempt from the use tax imposed pursuant to Chapter 36, Title 12 of the 1976 Code the sales price of tangible personal property purchased for use in private primary and secondary schools, including kindergartens and early childhood education programs, which are exempt from income taxes pursuant to Section 501(c)(3) of the Internal Revenue Code. For the purposes of this item, the Internal Revenue Code means Internal Revenue Code as described in Section 12-6-40 of the 1976 Code. This exemption applies for sales occurring after 1995. No refund is due any taxpayer of use tax paid on sales exempted by this paragraph.

**89.45.** (GP: Personal Property Tax Relief Fund) For the current fiscal year, Section 12-37-2735 of the 1976 Code is suspended. If the Personal Property Tax Exemption Sales Tax is imposed in a county and a sales tax rate of two percent of gross proceeds of sales is insufficient to offset the property tax not collected, sufficient amounts must be credited to the Trust Fund for Tax Relief established pursuant to Section 11-11-150 of the 1976 Code to provide the reimbursement to offset such a shortfall in the manner provided in Section 4-10-540(A) of the 1976 Code.

**89.46.** (GP: Accommodations Tax) For the current fiscal year the word ‘tourist’, as used in Section 6-4-10, does not apply to museums or to festivals, arts and cultural events, or the sponsoring organization of these events.

**89.47.** (GP: COG Annual Report) Each Council of Government shall submit a report to the Senate Finance Committee and the House Ways and Means Committee by December first each year describing how the funds which they received from the State in the prior fiscal year were expended.

**89.48.** (GP: Governor’s Office, Veterans Affairs) Of the funds appropriated for the Division of Veterans Affairs, the Director of the Division shall appoint an additional claims representative within the Division of Veterans Affairs, who, in addition to being charged with the duty of assisting all ex-servicemen, regardless of the wars in which their service may have been rendered, in filing, presenting, and prosecuting to final determination all claims which they have for money compensation, hospitalization, training, and insurance benefits under the terms of federal legislation, shall also specialize in the specific needs and diseases associated with veterans of the Vietnam era. The person appointed as a claims representative under this section must be versed in federal legislation relating to these matters and the rules, regulations, and practice of the Veterans Administration as created by Congress and his appointment must be approved by the Governor.

Subject to the direction of the director, and in addition to other duties prescribed in this section, the claims representative appointed pursuant to this section may represent the Division of Veterans Affairs on the South Carolina Agent Orange Advisory Council and on the Hepatitis C Coalition established by the South Carolina Department of Health and Environmental Control, assist the Division of Veterans Affairs in carrying out its duties in connection with the Agent Orange Information and Assistance program, represent the director in connection with functions relating to Vietnam veterans, and perform other duties as may be assigned by the director.

**89.49.** (GP: South Carolina Recycling Initiative) To protect the public health and safety, protect and preserve the environment of this State, and to recover resources which have the potential for usefulness in the most environmentally safe, economically feasible and cost effective manner, state agencies shall purchase recycled steel unless the item cannot be acquired competitively at a reasonable price.

**89.50.** (GP: Life and Palmetto Fellows Scholarships Waiver Exemption) Any provision in permanent law or in Part IB, Section 89 of this act, except that which is specified for LIFE and Palmetto Fellows Scholarships, that would require general fund appropriations other than what is specified in Part IA of this act is waived for the current fiscal year.

**89.51.** (GP: Sole Source Procurements) The Budget and Control Board shall evaluate and determine that the written determinations, explanations, and basis for sole source procurements, pursuant to S.C. Code Section 11-35-1560, and emergency procurements, pursuant to S.C. Code Section 11-35-1570, are legitimate and valid reasons for awarding non-competitive contracts.

**89.52.** (GP: DMV Data) The Department of Motor Vehicles shall provide access, in compliance with all state and federal privacy protection statutes, to the following data and reports without charge to the South Carolina Department of Transportation:

- (1) all collision data and collision reports;
- (2) registration information used for toll enforcement; and
- (3) driver records of employees or prospective employees.

**89.53.** (GP: Parking Fees) State agencies shall not impose additional parking fees or increases in current fees for state employees during the current fiscal year. This provision does not apply to any college or university.

**89.54.** (GP: Constitutional Officer & Agency Head Voluntary Furlough) All constitutional officers and agency heads may take up to thirty-six days furlough in the current fiscal year. The officials will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the constitutional officer or agency head. During this furlough, the constitutional officer or agency head shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the constitutional officer or agency head remains solely responsible for making those contributions.

**89.55.** (GP: Tobacco Funds) The Tobacco Settlement Revenue Management Authority may determine by resolution that some or all of the amounts on deposit in the Healthcare Tobacco Settlement Trust Fund established pursuant to Section 11-11-170, whether in the form of principal or interest, may be used to refund bonds issued pursuant to Chapter 49, Title 11, to purchase such bonds, directly or indirectly, and/or to secure bonds issued to refund such bonds. Any amounts received by the Authority pursuant to the preceding clause in excess of the amount required to refund or purchase such bonds and all tobacco settlement receipts received by the State pursuant to Section 11-49-130 must be deposited directly with the Department of Health and Human Services for health care expenditures to achieve the maximum Medicaid match.

**89.56.** (GP: Facility Rental Fee) The Governor's School for the Arts and Humanities, Governor's School for Science and Mathematics, Wil Lou Gray Opportunity School, and John de la Howe School are authorized to charge, collect, expend and carry forward fees charged for facility and equipment rental and registration.

**89.57.** (GP: Insurance Claims) Any insurance reimbursement to an agency may be used to offset expenses related to the claim. These funds may be retained, expended, and carried forward.

**89.58.** (GP: Organizational Charts) All agencies, departments and institutions of state government shall furnish to the Office of Human Resources (1) a current personnel organizational chart annually no later than September 1 of the current fiscal year, or upon the request of the Office and (2) notification of any change to the agency's organizational structure which impacts an employee's

grievance rights within 30 days of such change. The organizational chart shall be in a form prescribed by the Office of Human Resources showing all authorized positions, class title, class code, class slot and indications as to whether such positions are filled or vacant. In addition, the organizational chart shall clearly identify those employees who are exempt from the State Employee Grievance Procedure Act.

**89.59.** (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly in separate legislation, the Budget and Control Board is directed to work with affected State agencies in order to phase-in operations of restructured organizations during the current fiscal year. Restructured organizations should be operating entirely under the revised structure no later than June thirtieth, of the current fiscal year. The Board is further directed to work with the affected agencies in order to identify and facilitate the transfer of any portion of their operations, including transfer of funds during the current fiscal year, which is affected by the restructured organization adopted by the General Assembly, but which has not already been accomplished herein. Until sufficient changes can be made to the State's accounting system and the appointment of appropriate agency heads, the Comptroller General and the State Treasurer shall allow those agencies affected by restructuring to continue processing documents within the account structure existing on June 30, of the prior fiscal year. Restructured agencies shall make all the necessary accounting adjustments to complete the transition to the new account structure as soon as possible, but no later than June thirtieth, of the current fiscal year. The Budget and Control Board Office of State Budget is directed to prepare the subsequent detail budget to conform Part IA and corresponding provisos in this act to any restructuring changes that are ratified in separate legislation.

**89.60.** (GP: Agency Administrative Support Collaboration) It is the intent of the General Assembly that state agencies continue to actively pursue cost savings measures through collaborative efforts and where feasible may combine administrative support functions with other agencies in order to maximize efficiency and effectiveness.

**89.61.** (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B)(D), 14-1-207(B)(D), 14-1-208(B)(D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Office of Victim Assistance. The State Office of Victim Assistance is authorized to conduct programmatic reviews on any entity or non-profit organization receiving victim assistance funding based on the referrals from the State Auditor or complaints of a specific nature received by the State Office of Victim Assistance to ensure that crime victim funds are expended in accordance with the law. Any local entity or non-profit organization who receives funding from victim assistance is required to submit their budget to the State Office of Victim Assistance within thirty days of the budget being approved by the local governing entity or non-profit organization. In addition, any entity or non-profit organization receiving victim assistance funding must cooperate and provide expenditure/program data requested by the State Office of Victim Assistance. If the State Office of Victim Assistance finds an error, the entity or non-profit organization has ninety days to rectify the error. An error constitutes an entity or non-profit organization spending victim assistance funding on unauthorized items. If the entity or non-profit organization fails to rectify the error within ninety days, the State Office of Victim Assistance shall assess and collect a penalty of the amount of the unauthorized expenditure plus \$1,500 against the entity or non-profit organization for improper expenditures in a fiscal year. All penalties received by the State Office of Victim Assistance shall be credited to the General Fund of the State. If the penalty is not received

by the State Office of Victim Assistance within ninety days, the political subdivision will deduct the amount of the penalty from the entity or non-profit organization's subsequent fiscal year appropriation.

**89.62.** (GP: H.L. Hunley Museum Location) The General Assembly approves the City of North Charleston as the permanent site of the H.L. Hunley Museum. This approval is contingent upon the negotiation and execution of necessary contracts between the State of South Carolina and the City of North Charleston. The Hunley Commission is directed to expend funds from its account to negotiate and execute contracts on behalf of the State of South Carolina.

**89.63.** (GP: Secure Juvenile Confinement) The Attorney General shall review the interpretation of the current policies of the Department of Public Safety and the Department of Corrections regarding secure juvenile confinement that the departments indicate may jeopardize federal grant funds. The departments may not implement any changes to the current policies regarding secure juvenile confinement until the Attorney General considers the departments' interpretation of the federal Juvenile Justice and Delinquency Prevention Act in regard to the secure holding of juveniles for more than six hours in adult detention facilities that also serve as forty-eight-hour juvenile holdover facilities. The Attorney General will determine if the departments' interpretation is fair and equitable and how the local governments and the Department of Juvenile Justice would be impacted, to include any financial considerations.

**89.64.** (GP: ISCEDC Funding Transfer) The departments of Mental Health, Disabilities and Special Needs, and Juvenile Justice are directed to transfer a total of \$1,199,456 in funds to the Department of Social Services for the support of the Interagency System for Caring for Emotionally Disturbed Children. Funding transfers shall be in the following amounts: Department of Mental Health - \$595,000, Department of Disabilities and Special Needs - \$379,456, and Department of Juvenile Justice - \$225,000. The transfer of funds shall be accomplished by September thirtieth of the current fiscal year.

**89.65.** (GP: Employee Bonuses) State agencies and institutions are allowed to spend state, federal, and other sources of revenue to provide selected employees lump sum bonuses, not to exceed three thousand dollars per year, based on objective guidelines established by the Budget and Control Board. Payment of these bonuses is not a part of the employee's base salary and is not earnable compensation for purposes of employee and employer contributions to respective retirement systems. Employees earning \$100,000 or more shall not be eligible to receive bonuses under this provision.

**89.66.** (GP: FEMA Flexibility) Any appropriation designated as the state share for a federally declared disaster may be carried forward and used for the same purpose by the Emergency Management Division of the Adjutant General's Office in the event of additional federally declared disasters. Unallocated funds from established state accounts may be used as the state share in any federally declared disaster. Such funds may not be expended for any purpose other than for the state share for a federally declared disaster.

In the event there is a federally declared disaster and state match funds are unavailable, the Budget and Control Board may borrow from any internal account or accounts necessary to maximize federal matching funds through the Emergency Management Division. Any such borrowing must be reported to the General Assembly within five days. Funds borrowed from accounts shall be replenished by the General Assembly as soon as practicable.

**89.67.** (GP: Respiratory Syncytial Virus Prescription Sales and Use Tax Exemption) The effective date of the exemption from sales and use tax of prescription medicines used to prevent respiratory syncytial virus shall be January 1, 1999. No refund of sales and use taxes may be claimed as a result of this provision.

**89.68.** (GP: Photo Identification Card) The Department of Corrections and the Department of Probation, Parole and Pardon Services are directed to work with the Department of Motor Vehicles to develop and implement a plan for providing inmates who are being released from a correctional facility with a valid photo identification card. To the extent that funds are available from an individual inmate's account, the Department of Corrections or the Department of Probation, Parole and Pardon Services shall transfer five dollars to the Department of Motor Vehicles to cover the cost of issuing the photo identification card. The Department of Motor Vehicles shall use existing resources and technology to produce the photo identification card.

**89.69.** (GP: Year-End Financial Statements - Penalties) Agencies and other reporting entities required to submit annual audited financial statements for inclusion in the State's Comprehensive Annual Financial Report must comply with the submission dates stipulated in the State Auditor's Office audit contract. If the audit was not contracted by the State Auditor's Office, the final audited financial statements are due not later than October fifteenth for the prior fiscal year. Each agency that does not comply with the provisions of this proviso shall appear before the Comptroller General, providing an explanation for the delay.

**89.70.** (GP: Purchase Card Incentive Rebates) In addition to the Purchase Card Rebate deposited in the general fund, any incentive rebate premium received by an agency from the Purchase Card Program may be retained and used by the agency to support its operations.

**89.71.** (GP: Sex Offender Monitoring and Supervision) The funds appropriated to the Department of Probation, Parole and Pardon Services in Part IA, Section 52, Program II.A.2. for the Sex Offender Monitoring Program and to the Department of Juvenile Justice in Part IA, Section 53, Program III.A., Special Item: Sex Offender Monitoring are to be used and expended only for GPS monitoring programs of the departments. In cases of limited funds, monitoring of "Jessie's Law" offenders shall take precedence over all other GPS programs of the departments. Funds appropriated for this program may not be used for any other purpose or transferred to any other program. Unexpended funds appropriated for Sex Offender Monitoring may be carried forward and used for the same purpose. The departments are directed to submit a report to the General Assembly by January fifteenth each year accounting for the expenditure of the funds including any carry-forward funding; the total costs and per-day costs for equipment, supervision, and monitoring; the total number of staff assigned to the activity and the average agent case loads; the amount of funds collected from sex offenders for both intensive supervision and electronic monitoring; and the anticipated fiscal needs for the upcoming fiscal year. The report shall also include, but not be limited to, data regarding the number of offenders sentenced to electronic monitoring, including the number sentenced for life; the number of alert notifications received, investigated, and prosecuted; and the number of offenders returned to prison as a result of electronic monitoring violations.

**89.72.** (GP: Viscosupplementation Therapies Sales and Use Tax Exemption) For the current fiscal year only, sales and use taxes on viscosupplementation therapies shall be suspended. No refund or forgiveness of tax may be claimed as a result of this provision.

**89.73.** (GP: LightRail) Pursuant to this provision the three research universities: Clemson University, the Medical University of South Carolina, and the University of South Carolina-Columbia, are authorized and directed to plan, procure, administer, oversee, and manage all functions associated with the South Carolina LightRail and are thereby exempt from the oversight and project management regulations of the Budget and Control Board, Division of State Information Technology. South Carolina LightRail is an academic network for the use of the state's three research universities for the exchange of information directly related to their mission and must not carry commercial or K-12 traffic originated in South Carolina. For Fiscal Year 2010-11,

public or private organizations and entities may be provided access only through formal documented partnerships with one or more of the three research universities. On February 1, 2011, the entity managing the network must submit to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee a report specifically identifying each entity with access to the network and any payment, including without limitation in-kind payment, that each such organization and entity is making for access to the network.

**89.74.** (GP: CID & PCC Agency Head Salaries) All hiring salaries and salary increases for the agency heads of the Commission on Indigent Defense and the Prosecution Coordination Commission shall be subject to all provisions related to agency heads covered by the Agency Head Salary Commission.

**89.75.** (GP: Prosecutors and Defenders Public Service Incentive Program) The Office of Attorney General, the Prosecution Coordination Commission, and the Commission on Indigent Defense, in consultation with the South Carolina Student Loan Corporation and the Commission on Higher Education, shall develop and implement a Prosecutors and Defenders Public Service Incentive Program for attorneys employed by the Office of Attorney General, the Prosecution Coordination Commission, the Commission on Indigent Defense, a Circuit Solicitor's Office or a county Public Defender's Office.

After more than three years of continuous service as a full-time attorney with any of these entities, qualifying attorneys may be reimbursed up to \$1,000 for payments made in the prior calendar year on outstanding law school loans. Reimbursements for law school loan payments may be increased by up to \$1,000 for each additional year of continuous service; however, such reimbursements shall not exceed \$5,000 in any year. The amount of law school loan payment reimbursement in any calendar year shall not exceed the amount of principal and interest paid on the loan in the prior calendar year. Reimbursements under the program may continue until all outstanding law school loans are satisfied; however, such reimbursements shall not exceed \$40,000 per qualifying attorney. Reimbursements shall be adjusted if necessary so as not to exceed appropriations for the program.

The Prosecutors and Defenders Public Service Incentive Program must be administered by the South Carolina Student Loan Corporation, which shall pay for the cost of administration within the funds appropriated.

The Office of Attorney General, the Prosecution Coordination Commission, and the Commission on Indigent Defense shall each compile a report that includes, but is not limited to, the number of applicants and the impact of the program on attracting and retaining attorneys. The Student Loan Corporation shall compile a report that includes, but is not limited to, the cost of administering the program as well as the amount of reimbursements per agency or entity. Such reports shall be submitted to the Senate Finance Committee and the House Ways and Means Committee by September first each fiscal year.

Unexpended program funds from the prior fiscal year may be carried forward into the current fiscal year to be used for the same purpose.

**89.76.** (GP: Attorney Dues) Agencies and offices of the State of South Carolina that employ attorneys are authorized, if they so decide, to use other appropriated funds, including General Fund carry forward funds, to pay the costs of mandatory dues owed to the South Carolina Bar Association.

**89.77.** (GP: Healthcare Employee Recruitment and Retention) The Department of Corrections, Department of Disabilities and Special Needs, Department of Health and Environmental Control, Department of Health and Human Services, Department of Juvenile Justice, Department of Mental Health, and Department of Vocational Rehabilitation are allowed to spend state, federal, and other sources of revenue to provide lump sum bonuses to aid in recruiting and retaining healthcare workers in critical needs

healthcare jobs based on objective guidelines established by the Budget and Control Board. Employees may receive up to \$5,000, not to exceed an accumulation of more than \$10,000 in bonuses per year. Payment of these bonuses is not a part of the employee's base salary and is not earnable compensation for purposes of employee and employer contributions to respective retirement systems.

These agencies may also provide paid educational leave for any employees in an FTE position to attend class while enrolled in healthcare degree programs that are related to the agency's mission. All such leave is at the agency head's discretion.

These agencies may enter into an agreement with Psychiatrists and Nurses newly employed in those positions to repay them for their outstanding student loans associated with completion of a healthcare degree. The employee must be employed in a critical needs area, which would be identified at the agency head's discretion. Critical needs areas could include rural areas, areas with high turnover, or where the agency has experienced recruiting difficulties. Agencies may pay these employees up to 20% or \$7,500, whichever is less, of their outstanding student loan each year over a five-year period. Payments will be made directly to the employee at the end of each year of employment. The agency will be responsible for verifying the principle balance of the employee's student loan prior to issuing payments.

Employees of these agencies working on a practicum or required clinical experience towards completion of a healthcare degree may be allowed to complete these requirements at their state agency or another state agency at the discretion of the agency head. This field placement at another state agency may be considered work time for participating employees.

These agencies are also authorized to allow tuition reimbursement from a maximum of ten credit hours per semester; allow probationary employees to participate in tuition programs; and provide tuition pre-payment instead of tuition reimbursement for employees willing to pursue a degree in a healthcare program. An agency may pay up to 50% of an employee's tuition through tuition pre-payment. The remaining tuition could be reimbursed to the employee after successful completion of the class.

**89.78.** (GP: Governor's Budget Certification) The annual Executive Budget proposed by the Governor must be certified by the Director of the State Budget Division of the Budget and Control Board or his designee in the same manner as the House Ways and Means and Senate Finance Committee versions of the budget bill are certified.

**89.79.** (GP: Sexually Violent Predator Program) After the Department of Mental Health obtains all necessary project approvals, the Department of Corrections may utilize inmate labor to perform any portion of the construction of an addition to the Edisto Unit at the Broad River Correctional Institution, which houses the Department of Mental Health's Sexually Violent Predator Treatment Program, such addition to be used for additional treatment space and staff offices. For purposes of this project, the Department of Corrections may exceed the \$350,000 limit on projects for which it may use inmate labor.

**89.80.** (GP: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to Fiscal Year 2008-09 general fund appropriations, agencies are authorized for FY 2010-11 to spend agency earmarked and restricted accounts designated as "special revenue funds" as defined in the Comptroller General's records, to maintain critical programs previously funded with general fund appropriations. Any spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control

Board, Office of State Budget in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

State institutions of higher learning whose budgets have been reduced from the Fiscal Year 2009-10 state funding level, shall have the authority to use other sources of available funds to support and maintain state funded programs affected by state reductions during Fiscal Year 2010-11 and may adjust appropriations from special items or programs contained in this act in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Institutions shall submit to the Office of State Budget, the Senate Finance Committee, and the House Ways and Means Committee the amount of base budget reductions associated with these programs.

Notwithstanding the flexibility authorized in this provision, the following agencies are prohibited from reducing or transferring funds from the following programs or areas:

- (A) Department of Health and Human Services
  - (1) Teen Pregnancy/Abstinence Programs including, but not limited to MAPPS
  - (2) PACE
  - (3) Federally Qualified Health Centers
  - (4) Provider Rates

The Department of Health and Human Services shall not decrease provider reimbursement rates from their current levels.

It is not the intent of this proviso to restrict the annual updating of cost based rates and those rates which are indexed to methodologies described in the Medicaid State Plan.

- (B) Lieutenant Governor's Office
  - Home and Community Based Services (Meals on Wheels)
- (C) Department of Commerce
  - Regional Economic Development Organizations as defined by proviso 40.12
- (D) Department of Natural Resources
  - Law Enforcement Program/Enforcement Operations as contained in Program II. F. 1
- (E) Department of Parks, Recreation, and Tourism
  - (1) Program II. A. Special Item: Regional Promotions
  - (2) Program II. C. Special Item: Palmetto Pride

In addition the Department of Parks, Recreation and Tourism is prohibited from closing or reducing the FTE's in the State House Gift Shop, and the Santee Welcome Center.

Notwithstanding the prohibition on reducing or transferring funds from the programs or areas listed above, the Department of Natural Resources may reduce the specified programs or areas by an amount not to exceed the percentage associated with any mandated reduction.

**89.81.** (GP: Voluntary Furlough) In a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, agency heads may institute a voluntary employee furlough program of not more than ninety days per fiscal year. During this voluntary furlough, the state employees shall be entitled to



participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agencies, institutions and departments will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

**89.82.** (GP: Governor's Security Detail) The State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources shall provide a security detail to the Governor in a manner agreed to by the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor. Reimbursement to the State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources to offset the cost of the security detail for the Governor shall be made in an amount agreed to by the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor from funds appropriated to the Office of Governor for this purpose.

**89.83.** (GP: Reduction in Force Antidiscrimination) In the event of a reduction in force implemented by a state agency or institution, the state agency or institution must comply with Title VII of the Civil Rights Act of 1964 or any other applicable federal or state antidiscrimination laws.

**89.84.** (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or institution, the agency head shall be required to take five days furlough in the current fiscal year. If more than one reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required for the initial plan. The agency head will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the agency head remains solely responsible for making those contributions.

Placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act. In the event the reduction for the state agency or institution is due solely to the General Assembly transferring or deleting a program, this provision does not apply. Agencies may allocate the agency head's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The Budget and Control Board, Office of Human Resources shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Office of Human Resources of the Budget and Control Board.

**89.85.** (GP: Implementation of Access to Justice Post-Conviction DNA Testing Act) The provisions of the "Access to Justice Post-Conviction DNA Testing Act" (Act 413 of 2008) are not required to be implemented until such time as general funds are appropriated or federal or other funds are received to begin implementation of the act.

**89.86.** (GP: Mandatory State Agency Furlough Program) In a fiscal year in which the general funds appropriated for a state agency, are less than the general funds appropriated for that agency in the prior fiscal year, or in a fiscal year in which an agency

that is funded by other funds projects other funds collections to be less than in the prior fiscal year, or whenever the General Assembly or the Budget and Control Board implements a mid-year across-the-board budget reduction, agency heads may institute employee furlough programs of not more than ten working days in the fiscal year in which the deficit is projected to occur.

The furlough must be:

(1) inclusive of all employees in an agency or within a designated department or program regardless of source of funds or place of work, including all classified and unclassified employees in the designated area; or

(2) based upon pay band for classified employees and based upon pay rate for unclassified employees within the agency or designated department respectively.

If the state agency will incur costs for overtime under the federal Fair Labor Standards Act, law enforcement employees and correctional employees may be exempted from a mandatory furlough. Employees who provide direct patient or client care and front-line employees who deliver direct customer services may be exempted from a mandatory furlough. The mandatory furlough must include the agency head. Constitutional officers are exempt from mandatory furlough. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency head, but under no circumstances should the agency close completely.

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

Placement of an employee on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act.

In the event the reduction for the state agency, institution, or department is due solely to the General Assembly transferring or deleting a program, this provision does not apply. The implementation of a furlough program authorized by this provision shall be on an agency-by-agency basis. Agencies may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. In the event that an agency implements both a voluntary furlough program and a mandatory furlough program during the fiscal year, furlough days taken voluntarily shall count toward furlough days required by the mandatory furlough.

The Budget and Control Board shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Office of Human Resources of the Budget and Control Board.

The Office of Human Resources of the Budget and Control Board must provide consultation and guidance to each state agency implementing a furlough or reduction in force regarding the long term career development of its employees and the potential financial benefit of implementing a furlough program or reduction in force.

This provision does not apply to employees of those state agencies or institutions covered by Section 8-11-193 of the 1976 Code, and Section 8-11-193, rather than this provision continues to apply to those employees in the manner provided by law.

**89.87.** (GP: Conservation Bank Funding LLR) The Department of Labor, Licensing, and Regulation is directed to transfer \$207,050 from carry-forward monies in Subfund 3135 to the South Carolina Conservation Bank which shall be used for personal services and other operation expenses.

**89.88.** (GP: Transparency) State agencies must publish on their homepage a listing of all programs funded during the current fiscal year with funds from the American Recovery and Reinvestment Act of 2009 to include program name, location, starting date, and funding level. This listing must be updated quarterly to allow the public to easily identify how these funds are being used.

**89.89.** (GP: ARRA Oversight) In order to provide transparency and accountability, and to maintain the separation of duties as provided by our Constitution, the State Treasurer and Comptroller General shall organize and co-chair a committee for monitoring funds associated with the American Recovery and Reinvestment Act of 2009. This committee shall collect information from state agencies and institutions regarding funds received from the American Recovery and Reinvestment Act of 2009. Information collected shall include, but not be limited to, the name of state agency or institution, the program designation, the purpose for which the funds were received and expended, and the amount of funds received and expended. The information shall also include data and documentation on job creation resulting from receipt of the federal stimulus funds and any other data or explanation as required by the American Recovery and Reinvestment Act of 2009. The co-chairs may also require local government entities to provide any information deemed relevant to provide disclosure of the American Recovery and Reinvestment Act of 2009 funds to the public, including audit reports.

To provide funding for the central oversight costs for transparency and accountability of ARRA funding, the committee is directed to assess state agencies, except the Department of Transportation, as allowed by HR1 of 2009, an amount of funds equal to their pro rata share of ARRA funds received, adequate to fund the activities related to carrying out these functions. The total assessment shall not exceed the central administrative budget submitted to the federal government for these activities. The funds shall be transferred by the agencies assessed into an account established by the State Treasurer. Agencies are authorized and directed to transfer the invoiced amounts from appropriated or authorized funds. The Budget and Control Board, Office of State Budget shall assist agencies in identifying funding sources and making the necessary transfers. Funds are to be transferred by no later than October 1, 2010. At the end of the ARRA reporting period, any funds not expended for central administrative costs shall be remitted to the contributing agencies on a pro-rata basis.

**89.90.** (GP: Printed Report Requirements) (A) For Fiscal Year 2010-11, state supported institutions of higher learning shall not be required to submit printed reports mandated by Sections 2-47-40, 2-47-50, and 59-103-110 of the 1976 Code, and shall instead only submit the documents electronically.

Submission of the plans or reports required by Sections 2-47-55, 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall be waived for the current fiscal year, except institutions of higher learning must continue to report under 2-47-55 year one of the Comprehensive Permanent Improvement Plan, student pass rates on professional examinations, and data elements otherwise required for the Commission on Higher Education Management Information System. The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.

(B) For Fiscal Year 2010-11, the Department of Agriculture shall not be required to submit printed reports mandated by Section 46-49-10 of the 1976 Code. The department shall provide these reports electronically and shall use any monetary savings for K5-12 agriculture education programs.

(C) For Fiscal Year 2010-11 the Department of Health and Human Services shall not be required to provide printed copies of the Medicaid Annual Report required pursuant to Section 44-6-80 of the 1976 Code and the Provider Reimbursement Rate Report required pursuant to proviso 21.13, and shall instead only submit the documents electronically.

(D) For Fiscal Year 2010-11, the Department of Transportation shall not be required to submit printed reports or publications mandated by Sections 1-11-58, 2-47-55, and 58-17-1450 of the 1976 Code.

The Department of Transportation may combine their Annual Report and Mass Transit Report into their Annual Accountability Report.

**89.91.** (GP: IMD Operations) All funds received by State child placing agencies for the Institution for Mental Diseases Transition Plan (IMD) of the discontinued behavioral health services in group homes and child caring institutions, as described in the Children's Behavioral Health Services Manual Section 2, dated 7/01/06, shall be applied only for out of home placement in providers which operate Department of Social Services or Department of Health and Environmental Control licensed institutional, residential, or treatment programs. An annual report on the expenditures of all IMD transition funds shall be provided to the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, and the Governor. Funds must be allocated based on the Department of Health and Human Services allocation methodology developed for the distribution of these funds.

**89.92.** (GP: Fines and Fees Report) In order to promote accountability and transparency, each state agency must provide and release to the public via the agency's website, a report of all aggregate amounts of fines and fees that were charged and collected by that state agency in the prior fiscal year. The report shall include, but not be limited to: (1) the code section, regulation, or proviso that authorized the fines and fees to be charged, collected, or received; (2) the amount received by source; (3) the purpose for which the funds were expended by the agency; (4) the amount of funds transferred to the general fund, if applicable, and the authority by which the transfer took place; and (5) the amount of funds transferred to another entity, if applicable, and the authority by which the transfer took place, as well as the name of the entity to which the funds were transferred. The report must be posted online by September first. Additionally, the report must be delivered to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by September first. Funds appropriated to and/or authorized for use by each state agency shall be used to accomplish this directive.

**89.93.** (GP: Transfer Division of Aeronautics) Effective July 1, 2009, or as soon as practicable, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated and authorized funds, carry forward funds and all other assets and resources of the Division of Aeronautics in the Department of Commerce are transferred to the Budget and Control Board.

**89.94.** (GP: Mandatory Furlough) In a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, and agency heads institute a mandatory employee furlough program, in determining which employees must participate in the program, agency heads should give consideration to furloughs for contract employees, post-TERI employees, and TERI employees before other employees. During this mandatory furlough, the

state employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agencies, institutions, and departments will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

**89.95.** (GP: Reduction In Force) In a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, and agency heads must make reductions in force, agency heads should give consideration to reductions of contract employees, post-TERI employees, and TERI employees before other employees. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

**89.96.** (GP: Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) The gross proceeds of sales or sales price of handguns as defined pursuant to Section 16-23-10(1) of the 1976 Code, rifles, and shot guns is exempt from the taxes imposed pursuant to Chapter 36, Title 12 of the 1976 Code and Chapter 10, Title 4 of the 1976 Code for sales occurring from 12:01 a.m., Friday, November 26, 2010, through twelve midnight, Saturday, November 27, 2010.

**89.97.** (GP: Cost Savings When Filling Vacancies Created by Retirements) During the current fiscal year, whenever classified FTEs become vacant because of employee retirements, it is the intent of the General Assembly that state agencies should realize personnel costs savings of at least 25% in the aggregate when managing these vacant positions. Prior to filling a classified FTE which has become vacant because of a retirement, an agency must review and determine the appropriate salary for the position as well as determine whether the agency can manage without filling the position or by delay in filling the position. Prior to filling the vacant FTE, agencies must follow all laws and regulations concerning posting and competitive solicitation and consideration of applicants. No agency shall enter into any agreement with any employee that violates the terms of this proviso.

**89.98.** (GP: Travel Reduction Assessment) Agencies are encouraged, when assessing travel reductions, to ensure that front line employees who provide direct services to clients are minimally impacted by the reduction.

**89.99.** (GP: Retirement Systems) A charter school employing an individual on leave from a local school district on, or after July 1, 2006 shall participate in the South Carolina Retirement Systems as a covered employer with respect to the employee on leave through June 30, 2011 only to the extent that the charter school and the employee have made required employer and employee contributions to the South Carolina Retirement Systems from the employee's date of employment with the charter school. The employee on leave from a local school district employed by a charter school shall accrue benefits and credits in the South Carolina Retirement Systems. The charter school shall remit to the Retirement Systems the employer contributions required by law for participating employers. The employee shall make the employee contributions to the Retirement Systems required by law and the contributions must be picked up in accordance with Section 9-1-1020. The South Carolina Retirement Systems may impose reasonable requirements to administer this section.

**89.100.** (GP: Winthrop University Owens Hall) All procurements related to reconstruction/restoration of Winthrop University properties damaged by the Owens Hall fire of March 6, 2010, and related fire suppression efforts, shall be deemed allowed and

determined to meet all requirements of sole source and emergency procurement provisions of SC Code of Regulations 19-445-2105 and 19-445-2110, through use of original contractors and vendors as necessary to insure compatibility of equipment, accessories and replacement parts as a paramount consideration in order to expedite the return of damaged properties to intended uses by August 15, 2010, (or as reasonable close thereto as possible), the welfare, continued educational progress, and best interests of Winthrop University students and the State of South Carolina requiring it. Further, by adoption of this proviso, all Permanent Improvement Project documentation related to this work shall be deemed submitted and approved, with the original documentation for the Owens Hall Project incorporated by reference, the welfare, continued educational progress, and best interests of Winthrop University students and the State of South Carolina requiring it. All documentation related to reconstruction/restoration conducted under this proviso shall be subject to routine audit measures and compliance.

**89.101.** (GP: Information Technology for Health Care) From the funds appropriated and awarded to the S.C. Department of Health and Human Services for the Health Information Technology for Economic and Clinical Health Act of 2009, the department shall advance the use of health information technology and health information exchange to improve quality and efficiency of health care and to decrease the costs of health care. In order to facilitate the qualification of Medicare and/or Medicaid eligible providers and hospitals for incentive payments for meaningful health information technology (HIT) use, a health care organization participating in the South Carolina Health Information Exchange (SCHIEEx) or a Regional Health Information Organization (RHIO) or a hospital system health information exchange (HIE) that participates in SCHIEEx may release patient records and medical information, including the results of any laboratory or other tests ordered or requested by an authorized health care provider within the scope of his or her license or practice act, to another health information organization that requests the information via a HIE for treatment purposes with or without express written consent or authorization from the patient. A health information organization that receives or views this information from a patient's electronic health record or incorporates this information into the health information organization's electronic medical record for the patient in providing treatment is considered an authorized person for purposes of 42 C.F.R. 493.2 and the Clinical Laboratory Improvement Amendments.

**89.102.** (GP: SCEIS DHEC) It is the intent of the General Assembly that all agencies achieve the maximum benefit of accounting, management and transparency through the implementation of the South Carolina Enterprise Information System (SCEIS). To accomplish this goal at the Department of Health and Environmental Control for the SCEIS Financial and Procurement components of SCEIS, the SCEIS Program and the Department of Health and Environment Control are directed to complete the implementation of those components not later than August 2, 2010. The Department of Health and Environmental Control shall expend funds as required to ensure the implementation is completed as scheduled. The SCEIS Program shall use resources available to assist and support the Department of Health and Environmental Control implementation. The SCEIS Team shall make monthly reports to the SCEIS Executive Oversight Committee concerning its activities under this provision.

**89.103.** (GP: SCEIS-DOT) It is the intent of the General Assembly that all agencies achieve the maximum benefit of accounting, management and transparency through the implementation of the South Carolina Enterprise Information System (SCEIS). In order to ensure this goal is completed by not later than June 30, 2011 at the Department of Transportation, the following process shall be implemented. The SCEIS Program and the Department of Transportation shall form a DOT SCEIS Implementation Team dedicated to the successful implementation of SCEIS within the Department of Transportation. This team is directed to identify and implement high level interfaces to allow the Department of Transportation to remain operational as the

Statewide Accounting and Reporting System, Human Resources and Payroll systems are retired prior to the full implementation of SCEIS within the Department of Transportation. The DOT SCEIS Implementation Team is further directed to develop an implementation plan to identify the components to be fully implemented at the Department of Transportation and to develop the proposed scope, schedule and projected cost of these components not later than September 1, 2010. The SCEIS Executive Oversight Committee is directed to establish a SCEIS/Department of Transportation Implementation subcommittee consisting of a senior manager designated by the Comptroller General, a senior manager designated by the Executive Director of the Budget and Control Board, and a senior manager designated by the Secretary of the Department of Transportation, and shall include staff as designated by the Department of Transportation and staff as designated by the SCEIS Program. In addition, the Department of Transportation shall include a senior management representative of the federal highway administration as an advisor to this subcommittee and as a member of the DOT SCEIS Implementation Team. The Department of Transportation may expend funds as determined under the implementation plan as necessary to maximize the long term return in the areas of finance, procurement, human resources and payroll, budgeting, federal aid billing, project management and other areas where modernization benefits the agency. The SCEIS Program shall use resources available to assist and support the Department of Transportation implementation.

**89.104.** (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the recapture provisions would result in a decrease in payments received by the State for deposit into the State General Fund.

**89.105.** (GP: SCEIS Set-Aside Accounts) The Comptroller General is directed to transfer all agency funds remaining in a SCEIS set-aside account to the Budget and Control Board for the South Carolina Enterprise Information System (SCEIS) during Fiscal Year 2010-11. The Budget and Control Board, SCEIS program must assume responsibility for repayment of the funds transferred under this provision.

**89.106.** (GP: Reduction in Compensation) For the current fiscal year, no state agency or political subdivision of this state may decrease the compensation of an employee, including dismissal, suspension, or demotion, solely because the employee gave sworn testimony regarding alleged wrongdoing to a standing committee, subcommittee of a standing committee, or study committee of the Senate or the House of Representatives. This proviso shall apply regardless of when the alleged wrongdoing occurred.

**89.107.** (GP: Deficit Monitoring) If at the end of each quarterly deficit monitoring review by the Office of State Budget, it is determined by either the Office of State Budget or an agency that the likelihood of a deficit for the current fiscal year exists, the agency shall submit to the Office of State Budget within fourteen days, a plan to minimize or eliminate the projected deficit. After submission of the plan, if it is determined that the deficit cannot be eliminated by the agency on its own, the agency is required to officially notify the Budget and Control Board within thirty days of such determination that the agency is requesting that a deficit be recognized. Once a deficit has been recognized by the Budget and Control Board, the agency shall limit travel and conference attendance to the minimum required to perform the core mission of the agency. In addition, the board when recognizing a deficit may direct that any pay increases and purchases of equipment and vehicles shall be approved by the Office of State Budget.

**89.108.** (GP: Commuting Costs) State government employees who use a permanently assigned agency or state owned vehicle to commute from their permanently assigned work location to and from the employee's home must either reimburse the agency in which they are employed for the cost of fuel or the personal use of the vehicle must be considered income and as such reported by the Comptroller General in accordance with IRS regulations. These permanently assigned vehicles must be clearly marked as a

state or agency vehicle through the use of permanent state-government license plates and either state or agency seal decals unless the vehicle is used primarily in undercover operations. This requirement does not apply to a vehicle used by an employee for the purpose of a special travel assignment, for active certified law enforcement officers authorized to carry firearms, execute warrants, and make arrests, for Constitutional Officers, for agency heads, or for Department of Transportation employees on call for emergency maintenance.

**89.109.** (GP: Video Conferencing) The Department of Corrections, in consultation with Court Administration, shall determine if the use of video conferencing technology would be cost effective for certain court proceedings. The Department shall report their findings to the Ways and Means Committee and the Medical, Military, Public and Municipal Affairs Committee of the House of Representatives and the Finance Committee and Corrections and Penology Committee of the Senate by December 1, 2010. The report shall include an analysis of which court proceedings would be most appropriate for video conferencing, the court locations that would be most cost effective, a general description and estimated cost of the equipment needed, and the estimated savings that may be realized by the use of video conferencing.

**89.110.** (GP: Bank Account Transparency and Accountability) Each state agency, except state institutions of higher learning, which has composite reservoir bank accounts or any other accounts containing public funds which are not included in the Comptroller General's Statewide Accounting and Reporting System or the South Carolina Enterprise Information System shall prepare a report for each account disclosing every transaction of the account in the prior fiscal year. The report shall be submitted to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the State Treasurer, and the Comptroller General by October first of each fiscal year. The report shall include the name(s) and title(s) of each person authorized to sign checks or make withdrawals from each account, the name and title of each person responsible for reconciling each account, the year-end balance of funds in each account, and data related to both deposits and expenditures of each account. The report shall include, but not be limited to, the date, amount, and source of each deposit transaction and the date, name of the payee, the transaction amount, and a description of the goods or services purchased for each expenditure transaction. In order to promote accountability and transparency, a link to the report shall be posted on the Comptroller General's website as well as the agency's homepage.

If an agency determines that the release of the information required in this provision would be detrimental to the state or the agency, the agency may petition the Budget and Control Board to grant the agency an exemption from the reporting requirements for the detrimental portion. The meeting to determine whether an exemption should be granted shall be closed. However, the exemption may only be granted upon a majority vote of the Budget and Control Board in a public meeting.

**89.111.** (GP: DOC & PPP Consolidation Study) There is created a study committee to study and develop a plan to consolidate the functions of the Department of Corrections and the Department of Probation, Parole and Pardon Services. The plan must include an estimate of cost savings that may be realized from the consolidation of both agencies.

The study committee shall be composed of the Governor, or his designee; the President Pro Tempore of the Senate, or his designee; the Speaker of the House of Representatives, or his designee; the Chairman of the Senate Corrections and Penology Committee, or his designee; the Chairman of the House of Representatives Medical, Military and Municipal Affairs Committee, or his designee; the Director of the Department of Corrections, or his designee; and the Director of the Department of Probation, Parole and Pardon Services, or his designee. The members of the study committee shall elect a chairman.



The study committee shall accept committee staffing and coordination from the appropriate committees of the Senate and House of Representatives. The members of the study committee shall serve without mileage, per diem, and subsistence. The study committee shall meet as often as is necessary, and shall convene no later than sixty days after the effective date of this act.

The study committee shall submit its plan to the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Ways and Means Committee, the Chairman of the Senate Corrections and Penology Committee, and the Chairman of the House of Representatives Medical, Military, Public and Municipal Affairs Committee no later than December 31, 2010, at which point the study committee shall dissolve.

**89.112.** (GP: State Agency Restructuring Study Committee) There is created a State Agency Restructuring Study Committee. The committee shall be co-chaired by the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. Its membership shall consist of an additional ten members of the General Assembly appointed as follows: two members appointed by the President Pro Tempore of the Senate; one member of the Senate Finance Committee appointed by the Chairman of the Senate Finance Committee; one member appointed by the Senate Majority Leader; one member appointed by the Senate Minority Leader; two members appointed by the Speaker of the House of Representatives; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; one member appointed by the House Majority Leader; and one member appointed by the House Minority Leader.

The committee shall review and recommended ways to further streamline government to realize maximum effectiveness and efficiency. The committee shall not be limited in scope, but at a minimum it shall review (1) Education; (2) Health and Social Services; (3) Natural Resources and Environmental Services; (4) Cultural; (5) Regulatory; and (6) Transportation. This review, including an estimate of cost savings must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee by December 10, 2010.

**89.113.** (GP: Websites) All agencies, departments, and institutions of state government shall be responsible for providing on its Internet website a link to the Internet website of any agency, other than the individual agency, department, or institution, that posts on its Internet website that agency, department, or institution's monthly state procurement card statements or monthly reports containing all or substantially all the same information contained in the monthly state procurement card statements. The link must be to the specific webpage or section on the website of the agency where the state procurement card information for the state agency, department, or institution can be found. The information posted may not contain the state procurement card number. Any information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting required by this section.

**89.114.** (GP: Regulations) For the current fiscal year, if a state agency proposes a regulation that levies or increases a fee, fine, or that otherwise generates revenues, the title to the Joint Resolution which proposes the regulation must indicate that a fee, fine, or revenue source is being proposed.

**89.115.** (GP: Beach Renourishment Suspension) For Fiscal Year 2010-11, Chapter 40, Title 48 of the 1976 Code is suspended. In the event of a natural disaster that affects the coastline of South Carolina, this suspension shall be lifted.

**89.116.** (GP: Joint Children's Committee) For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by one percentage point. Of the revenue resulting from this reduction, \$250,000 shall be transferred to the Senate for the Joint Citizens and Legislative Committee on Children to provide the report, research, and other

operating expenses as directed in Section 63-1-50 of the 1976 Code. The remaining revenue resulting from this reduction shall be transferred to the Department of Juvenile Justice to be used for mentoring or alternatives to incarceration programs. Unexpended funds authorized by this provision may be retained and carried forward by the Senate or the Department of Juvenile Justice, respectively, and used for the same purposes. The rate of reduction authorized in this provision shall be in addition to the reduction authorized in Proviso 72.17.

**89.117.** (GP: General Fund Transfer to Conservation Bank) The Department of Revenue is directed to transfer to the South Carolina Conservation Bank, \$1,500,000 of the increased general fund revenue resulting from the motion picture wage rebate of fifteen percent as required by Section 12-62-50 of the 1976 Code, rather than twenty percent as authorized in prior appropriation acts.

**89.118.** (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a state or local government employee or former state or local government employee ("government employee") is personally sued for civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee within the scope of their official duty. If the court finds that the government employee was acting outside the scope of the employee's official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the government employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages with respect to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that the employee was acting within the scope of their official duties. Nothing in this proviso prevents an insurance provider from defending and paying, respectively, any claims that the provider has contractually agreed to defend and pay.

**89.119.** (GP: Sunday Work Law Exemption) For the current fiscal year, in addition to all other business operations exempt from the application of the Sunday work restrictions imposed pursuant to Chapter 1, Title 53 of the 1976 Code, telephone call center operations are exempt from the restrictions imposed on Sunday work pursuant to that chapter. An employee of a business which operates on Sunday pursuant to this provision has the option of refusing to work in accordance with Section 53-1-100 of the 1976 Code and that employee, if dismissed or demoted because of conscientious objection to Sunday work, has the remedies provided pursuant to Section 53-1-150(C) of the 1976 Code.

**89.120.** (GP: Recovery Audits) The Budget and Control Board shall contract with one or more consultants to conduct recovery audits of payments made by state agencies included in this act to vendors. The audits must be designed to detect and recover overpayments and erroneous payments to the vendors and to recommend improved state agency accounting operations. A state agency shall pay, from recovered monies received, the recovery audit consultant responsible for obtaining for the agency a reimbursement from a vendor based on the following scale: 10% of up to the first \$1,000,000 recovered; 5% of \$1,000,001 to \$5,000,000 recovered; 2.5% of the amount recovered above \$5,000,001 with a maximum consultant payment of \$2,500,000.

Funds recovered, less the cost of recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation of this provision.

Recovery audits apply only to a payment made after a one hundred eighty day period from the date the payment was made.

All information provided under a contract must be treated as confidential by the vendor. A violation of this provision shall result in the forfeiture by the vendor of all recovery payments under the contract and to the same sanctions and penalties that would apply to that disclosure.

The Budget and Control Board shall require that recovery audits be performed in regard to state agencies which have total expenditures during a fiscal year in an amount that exceeds one hundred million dollars. Each state agency subject to this provision shall provide the recovery audit consultant with all information necessary for the audit. The Budget and Control Board may exempt from the mandatory recovery audit process a state agency that has a low proportion of its expenditures made to vendors, or sufficient internal procedures in place to prevent overpayments. The Budget and Control Board or a state agency in its discretion may require similar recovery audits of a state agency with expenditures of less than one hundred million dollars during a fiscal year.

Funds recovered, less the cost of audit and agency recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation.

A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit conducted under this chapter. Payments to the recovery audit consultant from the federal share of recovered funds shall be solely from the federal portion as allowed by the federal agency.

The Budget and Control Board shall provide copies, including electronic form copies, of final reports received from a consultant under contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means Committee; and the state auditor's office. Not later than January first of each year, the board shall issue a report to the General Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.

## **SECTION 90 - X91-STATEWIDE REVENUE**

**90.1.** (SR: Year End Expenditures) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary expenses of the State Government shall lapse on July 31, 2011. State agencies are required to submit all current fiscal year input documents to the Office of Comptroller General by July 15, 2011. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the Budget and Control Board and Joint Bond Review Committee, toward the accomplishment of the purposes for which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the Budget and Control Board, toward the accomplishment of the purposes for which the appropriations were provided.

**90.2.** (SR: Titling of Real Property) It is the intent of the General Assembly to establish a comprehensive central property and office facility management process to plan for the needs of state government agencies and to achieve maximum efficiency and economy in the use of state owned or state leased real properties. The Budget and Control Board is directed to identify all state owned properties whether titled in the name of the state or an agency or department, and all agencies and departments of state government are upon request to provide the Board all documents related to the title and acquisition of the real properties that are

occupied or used by the agency or titled in the name of the agency. Except for any properties where the Board determines title should not be in the name of the State because the properties are subject to reverter clauses or other restraints on the property, or where the Board determines the state would be best served by not receiving title, and with the exception of properties, highways and roadways owned by the Department of Transportation, title of any property held by or acquired by a state agency or department shall be titled in the name of the state under the control of the Budget and Control Board. Titling in the name of the state shall not affect the operation or use of real property by an agency.

This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the South Carolina Division of Public Railways; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Midlands Technical College Enterprise Campus Authority, the Trident Technical College Enterprise Campus Authority; the Area Commission of Tri-County Technical College; and the Charleston Naval Complex Redevelopment Authority.

This provision is comprehensive and supersedes any conflicting provisions concerning title and acquisition and disposition of state owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

The Budget and Control Board is directed to provide to the Department of Education, funds equal to the amount realized from the sale of the Greenville Halton Road Bus Shop property for school bus maintenance shop relocations, construction, and shop equipment.

**90.3.** (SR: Tobacco Settlement) Contingent upon the approval of the Tobacco Settlement Revenue Management Authority and parties to the trust agreement, the State Treasurer shall transfer an amount equal to \$10,000,000 from the unrestricted taxable proceeds portion of the principal of the Healthcare Tobacco Settlement Trust Fund established pursuant to Section 11-11-170(B)(1) of the 1976 Code to the Department of Health and Human Services to be expended as follows: \$10,000,000 for Medicaid. The State Treasurer is authorized and directed to transfer to the Office of the Attorney General from funds available to the Tobacco Settlement Management Authority such amounts as shall be necessary for the enforcement of Chapter 47 of Title 11, The Tobacco Escrow Fund Act, which will protect the payments to the State under the Master Settlement Agreement. The State Treasurer is further authorized and directed to transfer to the General Fund from funds available to the Tobacco Settlement Revenue Management Authority up to \$1,200,000 to reimburse amounts previously appropriated for Tobacco Arbitration Settlement pursuant to Proviso 73.14(B) item 99 of Act 397 of 2006. Any remaining balance from the appropriation shall be remitted to the General Fund, but the combined transfer and reimbursement shall not total more than \$1,200,000.

**90.4.** (SR: Contingency Reserve Fund) (A) There is created in the State Treasury a fund separate and distinct from the general fund of the State, the Capital Reserve Fund, and all other funds entitled the Contingency Reserve Fund. All general fund revenues accumulated in a fiscal year in excess of general appropriations and supplemental appropriations must be credited to this fund. Revenues credited to this fund in a fiscal year may be appropriated by the General Assembly. Upon determination by the Comptroller General as to the amount to be deposited in the Contingency Reserve Fund, the Comptroller General shall notify the Board of Economic Advisors and the board shall recognize that amount as surplus funds. Revenues in this fund may be appropriated only for the purposes provided in subsection (B).

(B)(1) If the balance in the general reserve fund established pursuant to Article III, Section 36 of the Constitution of this State and Section 11-11-310 of the 1976 Code is less than the required balance, there must be appropriated to it all amounts in the

Contingency Reserve Fund up to the total necessary to replenish the general reserve fund. This amount does not replace or supplant the minimum replenishment amount otherwise required to be made to the general reserve fund.

(2) After the appropriation of amounts required pursuant to item (1) of this subsection, any remaining balance may be appropriated by the General Assembly as it deems appropriate.

**90.5.** (SR: Criminal Justice Academy Funding) (A) In addition to all other assessments and surcharges, during the current fiscal year, a five dollar surcharge to fund training at the South Carolina Criminal Justice Academy is also levied on all fines, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates' or municipal court for misdemeanor traffic offenses or for nontraffic violations. No portion of the surcharge may be waived, reduced, or suspended. The additional surcharge imposed by this section does not apply to parking citations.

(B) The revenue collected pursuant to subsection (A) must be retained by the jurisdiction, which heard or processed the case and paid to the State Treasurer within thirty days after receipt. The State Treasurer shall transfer the revenue quarterly to the South Carolina Criminal Justice Academy.

(C) The State Treasurer may request the State Auditor to examine the financial records of any jurisdiction which he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to subsection (B). The State Auditor is further authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the examination.

**90.6.** (SR: LGF) For the current fiscal year, Section 6-27-30 of the 1976 Code is suspended.

**90.7.** (SR: E-Verify) For the current fiscal year, a state entity must certify that it is a participant in the E-verify federal work authorization program before it may accept or use any monies that are a part of the federal stimulus package. Failure to do so is a violation of the provisions of Act 280 of 2008.

**90.8.** (SR: Repayment of Deficit) The State Treasurer is directed to transfer, prior to the close of the books for Fiscal Year 2009-10, the sources of revenue identified in this provision for the repayment of the Fiscal Year 2008-09 general fund operating deficit. The transfers are to be made in the following priority order as funds are available:

- (1) Excess Fiscal Year 2009-10 general fund revenue above the statewide adjusted agency appropriations;
- (2) \$2,500,000 from P16 - Department of Agriculture, Subfund 3079, Renewable Energy Infrastructure Development Fund;
- (3) \$9,431,724 from F03 - Budget and Control Board, Subfund 3146; and
- (4) \$7,341,716 from F03 - Budget and Control Board, Fiscal Year 2009-10 Educational Broadband Spectrum Lease receipts.

Upon the complete repayment of the Fiscal Year 2008-09 general fund operating deficit any remaining funds from sources (2) through (4) are to be transferred in Fiscal Year 2010-11 to the General Reserve Fund.

From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, there shall remain \$4,300,000 in the account 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 may also be used to maintain access fees to the facility for Fiscal Year 2010-11 at the Fiscal Year 2009-10 level. The Budget and Control Board may authorize the expenditure of funds, not to exceed \$700,000, from the escrow account for any actions taken by the Attorney

General's Office and expenses associated with such actions relating to the Nuclear Waste Policy Act of 1982. The Attorney General's Office is authorized to retain, expend, and carry forward these funds for the Yucca Mountain suit on the behalf of the State of South Carolina. The Attorney General's Office is authorized to use a portion of these funds to reimburse the office for any Yucca Mountain expenses incurred in the prior fiscal year. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.

**90.9.** (SR: Nonrecurring Revenue – Increased Enforcement Collections) For Fiscal Year 2010-11, the Department of Revenue shall continue its efforts pertaining to increased enforcement collections as established in Fiscal Year 2009-10.

The department may collect revenues from any source within its jurisdiction, which may include but is not limited to corporate, individual or sales tax collections but especially shall focus on enforced collections and outstanding liabilities.

These funds shall be deposited in a fund separate and distinct from the general fund as established within the Office of the State Treasurer, except that any motor fuel funds collected as a result of the enforced collection efforts shall be distributed in the same manner as other motor fuel tax revenues are currently distributed.

The Department of Revenue shall develop internal mechanisms to insure the integrity of customary and usual enforced collections. When the department determines that the quarterly customary and usual enforced collections have been exceeded, the department shall deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision.

For the fiscal year beginning July 1, 2010 and ending June 30, 2011, the State Treasurer shall disburse \$3,625,000 to E28 - Election Commission for the 2010 General Election, \$250,000 to D05 - Governor's Office of Executive Control of State for transition costs, and \$100,000 to E04 - Office of Lieutenant Governor for transition costs, and shall then disburse quarterly the following funds on a pro rata basis:

(1) Part IA State General Fund .....	\$ 11,257,832;
(2) F03 - Budget and Control Board SCEIS .....	\$ 2,179,716;
(3) H03 - Commission on Higher Education SREB Dues.....	\$ 413,929;
(4) H59 - State Board for Technical and Comprehensive Education CATT Program .....	\$ 7,000,000;
(5) P32 - Department of Commerce Deal Closing Fund.....	\$ 5,000,000;
(6) A01 - The Senate Reapportionment .....	\$ 1,000,000;
(7) P28 - Department of Parks, Recreation and Tourism Operating Expenses.....	\$ 1,000,000;
(8) H63 - Department of Education Career and Technology Education (CATE) Textbooks and Resource Materials .....	\$ 662,000;

(9) H63 - Department of Education	
Transportation .....	\$ 900,000;
(10) H63 - Department of Education	
School Bus Fuel .....	\$ 11,000,000
(11) H63 - Department of Education	
Governor's School for the Arts and the Humanities .....	\$ 500,000;
(12) H63 - Department of Education	
Governor's School for Math and Science .....	\$ 500,000;
(13) E21 - Prosecution Coordination Commission	
Operating Expenses.....	\$ 1,000,000;
(14) E23 - Commission on Indigent Defense	
Operating Expenses.....	\$ 1,000,000;
(15) X44 - Aid to Subdivisions - Department of Revenue	
Homestead Exemption Shortfall .....	\$ 35,480,071;
(16) L12 - John de la Howe School	
Operating Expenses.....	\$ 308,765;
(17) L71 - Wil Lou Gray Opportunity School	
Operating Expenses.....	\$ 308,764;
(18) N04 - Department of Corrections	
Operating Expenses.....	\$ 8,571,992;
(19) N08 - Department of Probation, Parole and	
Pardon Services Sentencing Reform Act .....	\$ 510,000;
(20) N08 - Department of Probation, Parole and Pardon	
Services Ignition Interlock Implementation .....	\$ 67,000;
(21) N12 - Department of Juvenile Justice	
Operating Expenses.....	\$ 2,000,000; and
(22) B04 - Judicial Department	
Operating Expenses.....	\$ 2,900,000.

Once sufficient revenue has been collected to fully fund the above items, the first \$8,000,000 of excess revenue shall be transferred to the Department of Motor Vehicles to reimburse the department for the funds transferred to other agencies by proviso 90.10 of this act. The next \$1,000,000 of excess revenue shall be transferred to the Forestry Commission for expenses associated with firefighting activities. The next \$1,000,000 shall be transferred to the National Guard. Any excess increased tax enforcement collections revenue above the amounts identified in this provision shall be transferred to the General Fund of the State.

To insure that customary and usual enforced collections are unaffected by this provision, the Office of the State Treasurer may not disburse funds from this account until the following schedule of General Fund enforced collections are deposited by the Department of Revenue by the end of each quarter in the fiscal year. If quarterly General Fund enforced collections do not reach

the required levels, distributions from this account are suspended for that quarter. The required deposits of quarterly General Fund enforced collections by the end of each quarter are:

July to September 2010	\$ 90,000,000
October to December 2010	\$180,000,000
January to March 2011	\$270,000,000
April to June 2011	\$360,000,000

The Department of Revenue shall report on a quarterly basis to the finance committees of the General Assembly and to the Board of Economic Advisors on the amount of customary and usual enforced collections and the excess collections from the enhanced collection activities. The Department of Revenue shall provide data to the finance committees of the General Assembly and the Board of Economic Advisors on prior years enforced collections to assist in monitoring revenue collection seasonal flows that impact the funding of state government programs.

By this provision these funds are deemed to have been received and are available for appropriation.

**90.10.** (SR: Non-Recurring Revenue Transfers) If the funds transferred from the Department of Motor Vehicles by proviso 90.20 of Act 23 of 2009 have been repaid pursuant to proviso 90.21 of Act 23 of 2009, the Department of Motor Vehicles shall transfer, from these funds, \$7,000,000 to H12 - Clemson University for the Drive Train Test Facility.

The Department of Transportation shall transfer \$10,000,000 from Subfund 4862, Non-Federal Aid Highway Funds to the General Fund of the State.

For Fiscal Year 2010-11, the license plate replacement interval is suspended until the funds transferred to other agencies within this provision are repaid to the department pursuant to proviso 90.9 of this act or by any other source of funds, or until such time as the Plate Replacement Fee Fund has a sufficient balance to reinstitute license plate replacement.

Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year.

**90.11.** (SR: Health Care Maintenance of Effort Funding) (A) The source of funds appropriated in this provision is \$121,348,857 from the Health Care Annualization and Maintenance of Effort Fund. By this provision these funds are deemed to have been received and are available for appropriation.

(B) The State Treasurer shall disburse the following appropriations by September 1, 2010, for the purposes stated:

- (1) Part IA State General Fund ..... \$ 71,685,517;
- (2) L04 Department of Social Services  
Child Support Enforcement Penalties and Development ..... \$ 18,677,849;

The below funds shall be disbursed for the purpose of agency operating expenses.

- (3) J12 Department of Mental Health ..... \$ 9,500,000;
- (4) J16 Department of Disabilities and Special Needs ..... \$ 21,385,491;

The Department of Disabilities and Special Needs shall utilize \$1,250,000 of the above \$21,385,491 for Early Intervention for three to five year-olds.

- (5) L24 Commission for the Blind ..... \$ 100,000.

If the balance of the Fund exceeds the total amount appropriated in this provision, the excess funds shall be appropriated to the Department of Health and Human Services for Medicaid Maintenance of Effort. If the balance of the Fund is less than the total



amount appropriated in this provision, the appropriation to the Department of Health and Human Services shall be reduced by a corresponding amount.

(C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

**90.12.** (SR: Zero Based Budgeting Study) The Office of State Treasurer shall study and make recommendations including suggested procedures and implementation dates regarding the implementation of a zero-based budgeting process for every state agency, department, instrumentality, entity, or institution. Included in this study shall be a determination and establishment of functional areas for state government within which state agencies, departments, and institutions shall operate, and the establishment of suggested performance standards, objectives, and measuring criteria for each agency within its functional area. Institutions of higher education shall also be included in this study. The goal and intent of this study is for better and more efficient analysis and utilization of authorized and appropriated state funds for the benefit of the citizens of this State. The Office of State Treasurer is responsible for this study and recommendations which shall be submitted to the General Assembly at the beginning of its 2011 session. Prior to completion of this study and these recommendations, progress reports must be submitted at the end of each quarter to the chairmen of House Ways and Means and Senate Finance.

**90.13.** (SR: Pfizer Settlement) The Attorney General is directed to transfer all funds received as a result of the state's settlement agreement with Pfizer Incorporated to the Department of Health and Human Services for Medicaid Maintenance of Effort.

**90.14.** (SR: Health and Human Services Funding) The source of funds appropriated in this provision is \$234,886,144 of Department of Health and Human Services general fund appropriations, carry forward funds, earmarked and restricted special revenue fund accounts, and unobligated state match funds resulting from the extension of the increased Federal Medical Assistance Percentage. All agencies, unless specifically exempt by another provision contained in this act, shall transfer unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage from July 1, 2010 to December 31, 2010 to the Department of Health and Human Services.

Of these funds the Department of Health and Human Services shall transfer \$49,107,658 to the General Fund of the state no later than December 31, 2010.

Of these funds the department is directed to disburse the following appropriations for the purposes stated:

1. Department of Health and Human Services  
Medicaid Maintenance of Effort ..... \$ 162,778,486;
2. Department of Disabilities and Special Needs  
Agency Operating Expenses ..... \$ 19,000,000; and
3. Department of Social Services  
Therapeutic Foster Care ..... \$ 4,000,000.

Any unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage in excess of the funds appropriated above shall be retained by the Department of Health and Human Services for Medicaid Maintenance of Effort.

**END OF PART IB**

All acts or parts of acts inconsistent with any of the provisions of Parts IA or IB of this act are suspended for Fiscal Year 2011-2012.

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

Except as otherwise specifically provided, this act takes effect immediately upon its approval by the Governor.