

SENATE AMENDMENT

AMENDMENT NO. _____

Cone/Melton
April 9, 2012

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED
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Clerk of the Senate

ADOPTION NO. _____

BILL NO: S. 418

(Reference is to Printer's Date 2/23/11--S.)

Senator _____ proposed the following amendment (BBM\10625HTC12):

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

/ SECTION 1. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of permanently codifying temporary provisos contained in prior versions of the annual general appropriations act.

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 2. This act may be cited as the "Budget Proviso Codification Act of 2012".

Part 1

Education

A.(1.2), (1.10) Chapter 17, Title 59 of the 1976 Code is amended by adding:

“Section 59-17-160. All school districts shall participate in the Medicaid program to the fullest extent possible by seeking appropriate reimbursement for services and administration of health and social services.

Reimbursements to school districts must not be used to supplant funds currently being spent on health and social services.

Section 59-17-170. It is 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 for students detained in such facilities. Students housed in local detention centers must be included in the average daily membership count of students for that district and reimbursement by the State Department of Education made accordingly.”

B.(1.12), (1.40) Chapter 69, Title 59 of the 1976 Code is amended by adding:

“Section 59-69-280. 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. Each county treasurer is authorized to transfer the amounts needed into the account, upon receipt of a written order certified by the district governing body or the governing body’s designee. This order must contain a statement that the amount is for immediate disbursement for the payment of correct and legal obligations of the school district.

Section 59-69-290. In compensating for any reduction in funding, local districts shall give priority to providing funding for classroom teachers and classroom operations. Funding reductions first should be applied to administrative and nonclassroom expenses before classroom expenses are affected.”

C.(1.6), (1.14), (1.50) Chapter 5, Title 59 of the 1976 Code is amended by adding:

“Section 59-5-170. To finalize each school district’s allocations of employer contributions funds for retiree insurance from the prior fiscal year, the State Department of Education may 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. If the department is notified that a school district has failed to remit proper payments to cover employee fringe benefit obligations, the department shall withhold state funds to this school district until the obligations are met.

Section 59-5-180. State funds provided for teacher salaries may be used to pay salaries for those teachers holding temporary certificates. These temporary certificates 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 each 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. A temporary certificate may not be continued more than twice.

Section 59-5-190. The State Department of Education may 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.”

D.(1.48) Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59-1-485. State funds must not be appropriated to a school that participates with or is a member of an association with policies that discriminate against or afford different treatment of students based on race or national origin.”

E. (1.33) Section 59-19-250 of the 1976 Code is amended to read:

“Section 59-19-250. The school trustees of ~~the several~~ a school ~~districts~~ district may sell or lease school property, real or personal, in ~~their~~ the school district whenever ~~they deem~~ the trustees consider it expedient to do so and apply the proceeds of any such sale or lease to the school fund of the district. ~~The consent of the county board of education or, in~~

~~those counties which do not have a county board of education, the governing body of the county, shall be first obtained by the trustees desiring to make any such sale or lease. The board of trustees, within thirty days after making any such sale or lease, shall send a report thereof to the county board of education or, in those counties which do not have a county board of education, the governing body of the county, setting forth the terms and amount of the sale or lease.”~~

Part 2

Wil Lou Gray Opportunity School

A.(3.1)Section 59-51-20 of the 1976 Code is amended to read:

“Section 59-51-20. The school shall:

- (1) serve as an alternative school cooperating with other agencies and organizations;
- (2) provide training for persons interested in continuing their elementary or high school education or in taking refresher courses preparatory to college, with emphasis on personal development, vocational efficiency, and effective citizenship;
- (3) disseminate information concerning practices that have proven to be effective in working with its students; ~~and~~
- (4) cooperate with the vocational rehabilitation department in providing personal and social adjustment and prevocational and vocational courses for persons with disabilities; and
- (5) incorporate into its program, services for students ages fifteen and over who are considered truant and cooperate with the Department of Juvenile Justice, the family courts, and school districts to encourage the removal of truant students to the school when such students can be served appropriately by the school’s program.”

B.(3.2)Chapter 51, Title 59 of the 1976 Code is amended by adding:

“Section 59-51-60. Students attending school at the Wil Lou Gray Opportunity School who 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. Before taking the GED, the student must be pretested using the official General Education Development Practice Test and score a minimum of 2200.”

C.(3.3), (3.8), (3.6), (3.7), (3.5), (3.4) Chapter 51, Title 59 of the 1976 Code is amended by adding:

“Section 59-51-25. The school may:

(1) carry forward to succeeding fiscal years the amount of the deferred salaries and employer contributions earned in the preceding fiscal year for non-twelve month employees. These deferred funds are in addition to any other carry forwards allowed by law;

(2) 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. Any unexpended revenue from these sources may be retained and carried forward into succeeding fiscal years and expended to meet the expenses of the school’s programs and operations;

(3) retain revenues derived from the lease of school properties titled to or utilized by the school and use revenues for general school operations, including, but not limited to, maintenance of these properties. Unexpended funds from these leases may be carried forward into succeeding fiscal years and used for the same purposes;

(4) retain and expend revenues generated from United States Department of Agriculture federal grants in accordance with federal regulations for the purpose of covering actual expenses in the school’s cafeteria and food service operations;

(5) utilize funds received from the Department of Education for vocational equipment on educational program initiatives; and

(6) at the discretion of the trustees, carry out improved forestry practices for timber holdings on 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.”

Part 3

School for the Deaf and the Blind

A.(4.3)Section 59-47-70 of the 1976 Code is amended to read:

“Section 59-47-70. (A) All deaf, hard of hearing, blind, and visually impaired persons of the State who are eligible, each case to be decided by the board of commissioners, must be admitted to the benefits of the school.

(B) Deaf, blind, multidisabled and other disabled students identified by the Board of Commissioners as target groups for admission to the school 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 considered necessary by the board. All placement hearings for admission to the school must be organized by the school. The school shall obtain information from the local school district concerning the needs of the student and shall prepare an Individualized Education Plan (IEP)for each student admitted. All parents applying for admission of their children must sign a statement certifying that they believe 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 IEP. The decision concerning placement and least restrictive environment must be reviewed annually at the IEP conference.”

B.(4.1), (4.5), (4.4)Section 59-47-90 of the 1976 Code is amended to read:

“Section 59-47-90. (A) Pursuant to the authority of Section 59-47-80, the board of commissioners shall establish a maintenance fee schedule to be charged students attending the school. ~~Such~~ This schedule ~~may~~, in the discretion of the board, may be graduated in accordance with the financial resources and income of the parent or guardian of the student concerned, or may be excused entirely in proper cases. Failure to pay maintenance fees in accordance with the schedule prescribed by the board may result in the discharge of a student from the school when the board determines that payment of fees would not be an unreasonable burden upon those persons obligated to pay ~~such~~ the fees. All funds collected as maintenance fees, ~~including any such fees collected prior to July 1 1970, shall~~ must be remitted to the State Treasurer for deposit in a special fund to be used for capital improvements at the school.

(B) The school may charge the parents of students at the school a student activity fee, differentiated according to the income of the family. The required student activity fee may not exceed forty dollars. This revenue may be retained by the school and carried forward into succeeding fiscal years and expended for the purpose of covering expenses for student activities.

(C) The school may 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 this revenue must be retained and carried forward into succeeding fiscal years and expended by the school for the purpose of covering expenses in the blind school.

(D) The school may charge appropriate tuition room and board, and other fees to students accepted into the adult vocational program. These fees must be determined by the Board of Commissioners, and the revenue retained and carried forward into succeeding fiscal years and expended by the school for the purpose of covering expenses in the adult vocational program.”

C.(4.2)Chapter 47, Title 59 of the 1976 Code is amended by adding:

“Section 59-47-105. The school shall receive through the Education Finance Act the average state share of the required weighted cost for each student enrolled in the school.”

D.(4.10), (4.9), (4.6), (4.8) Chapter 47, Title 59 of the 1976 Code is amended by adding:

“Section 59-47-35. The school may:

(1) carry forward in the current fiscal year the amount of the deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees. These deferred funds are not to be included or part of any other authorized carry forward amount;

(2) 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; and

(3) retain and expend all revenues of the institution to cover actual expenses of food service and cafeteria operations and, in accordance with federal regulations, retain and expend all United States Department of Agriculture grant funds for the same purposes.”

E. (4.7)Chapter 47, Title 59 of the 1976 Code is amended by adding:

“Section 59-47-115. Notwithstanding Section 59-67-515 or any other provisions of law, the school buses of the South Carolina School for the Deaf and the Blind are authorized to travel at the posted speed limit.”

Part 4

John De La Howe

A.(5.1), (5.2), (5.3)Chapter 49, Title 59 of the 1976 Code is amended by adding:

“Section 59-49-135. The school may:

(1) retain and carry forward into succeeding fiscal years unexpended status offender funds distributed to the school by the Department of Education. These funds, when carried forward, must be used for the same purpose for which they were awarded;

(2) lease private residences on the agency’s campus to its employees. Revenue generated by such leases may be retained and used for general operating purposes including, but not limited, maintenance of these residences; and

(3) carry forward into succeeding fiscal years the amount of deferred salaries and employer contributions earned in the preceding fiscal year for non-twelve month employees. These deferred funds are in addition to any other carry forwards allowed by law.”

Part 5

Commission on Higher Education

A.(6.18) Article 2, Chapter 101, Title 59 of the 1976 Code is amended by adding:

“Section 59-101-615. 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 enacts or the State 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 reduction occurs. 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 also may 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, are at the discretion of the agency or individual institution. If an agency implements both a voluntary furlough program and a mandatory furlough program during the fiscal year, furlough days taken voluntarily count toward furlough days required by the mandatory furlough. During this furlough, affected employees are 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 are 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 section does not constitute a grievance or appeal under the State Employee Grievance Act. If an institution’s reduction is due solely to the General Assembly transferring or deleting a program, this section does not apply. The implementation of a furlough program authorized by this section must 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 nonexempt under the provisions of the federal Fair Labor Standards Act. State agencies shall report information regarding furloughs to the Human Resources Division of the State Budget and Control Board as requested.”

B.(6.10) Chapter 112, Title 59 of the 1976 Code is amended by adding:

“Section 59-112-115. Members of the Armed Forces of the United States, either active-duty, retired, or separated from service, who are admitted to and enrolled in the South Carolina Troop-to-Teachers Alternative Route to Certification program are entitled to pay in-state tuition rates at participating state institutions for requisite program work.”

C.(6.14) Chapter 150, Title 59 of the 1976 Code is amended by adding:

“Section 59-150-376. Foster children in the custody of the Department of Social Services and attending a higher education institution in South Carolina are eligible for an additional HOPE scholarship of up to \$2,000 above the \$2,500 maximum provided in Section 59-150-370. Foster children 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 children 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 child 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, shall track the numbers of recipients of this additional need-based grant to determine its effectiveness in encouraging more foster children to pursue a secondary education. No more than \$100,000 each year may be expended from HOPE scholarship appropriations or authorizations for this additional assistance.”

D.(6.17) Section 59-111-20 of the 1976 Code is amended by adding a new subsection to read:

“(C) 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 as contained in subsection (B) is suspended for eligible children that successfully appeal to the Division of Veterans Affairs for a waiver on the grounds of a serious extenuating health condition.”

E.(6.19) Chapter 103, Title 59 of the 1976 Code is amended by adding:

“Section 59-103-155. Before the renewal of LIFE and Palmetto Fellows Scholarships at the beginning of each school year and to continue eligibility for LIFE and Palmetto Fellows Enhancement Stipends, as provided in Sections 59-149-15 and 59-104-25, respectively, 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.”

Part 6

Medical University of South Carolina

A.(17.2) Chapter 123, Title 59 of the 1976 Code is amended by adding:

“Section 59-123-113. 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 (MUSC). The funds appropriated to the Medical University of South Carolina for the Rural Dentist Program must 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 may not exceed four percent of the appropriation. The Medical University of South Carolina is responsible for the fiscal management of funds to ensure that state policies and guidelines are adhered to. Unexpended general fund appropriations for the program carry forward to the succeeding fiscal year and must be expended for the same purposes. A board is established 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 is composed as follows: the Dean, or the Dean’s designee, of the MUSC College of Dental Medicine, ex officio; three members from the South Carolina Dental Education Foundation Board who represent rural areas appointed by the MUSC Board of Trustees; and the President of the South Carolina Dental Association, ex officio. The Director of Department of Health and Environmental Control’s Office of Primary Care; the Director or the director’s designee of the Department of Health and Human Services; and the Executive Director of the South Carolina Dental Association also shall serve on the board ex officio, but without a vote. Members of this board shall serve without compensation.”

Part 7

State Board for Technical and Comprehensive Education

A.(18.2) Article 1, Chapter 53, Title 59 of the 1976 Code is amended by adding:

“Section 59-53-59. Funds appropriated to the board unexpended at the end of a fiscal year may be carried forward into the succeeding fiscal year and expended by the board for direct training for new and expanded industry.”

B.(18.3) Article 1, Chapter 53, Title 59 of the 1976 Code is amended by adding:

“Section 59-53-110. With approval of the Comptroller General, the State Board for Technical and Comprehensive Education may reimburse business and industry for prior year training costs billed to the agency after the fiscal year closes.”

C.(89.12)Article 1, Chapter 53, Title 59 of the 1976 Code is amended by adding:

“Section 59-53-120. Notwithstanding any other provisions of law, 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.”

Part 8

Department of Health and Human Services

A.(21.1) Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Section 44-6-47. The Department of Health and Human Services shall recover all refunds and identified program overpayments, which must be collected in accordance with established collection policy and deposited in the Office of the State Treasurer in an account separate and distinct from the general fund. These funds must be expended in the fiscal year following their collection to improve accountability in future audits. If the funds collected exceed one percent of the total department appropriation for the year in which they are to be expended, the excess funds must be remitted to the general fund.”

B.(21.3) Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Section 44-6-60. The Department of Health and Human Services shall remit to the Office of the State Auditor funds in an amount equal to fifty percent of the costs of conducting medical assistance audits for the department as provided for in Section 11-7-40. These costs must include those appropriated salary adjustments and employer contributions allowable under Medicaid. The funds must be remitted monthly based on invoices provided by the Office of the State Auditor.”

C. Section 11-7-40 of the 1976 Code is amended to read:

“Section 11-7-40. The State Auditor shall bill the South Carolina Department of Health and Human Services monthly for fifty percent of the costs incurred by the State Auditor ~~in for~~ for conducting ~~the~~ the medical assistance ~~audit~~ audits for the department. ~~The amount billed costs incurred~~ The amount billed costs incurred by the State Auditor ~~must~~ include those appropriated salary adjustments and employer contributions allowable under the Medicaid program. The Department of Health and Human Services shall remit the amount billed to ~~the credit of the general fund of the~~ the Office of the State Auditor.”

D.(21.4, 21.9, 21.10) A.Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Section 44-6-42. To carry out the duties and responsibilities required pursuant to this chapter or any other provision of law, the department may:

- (1) fund the net costs of a third party liability and drug rebate collection effort from the monies collected in that effort;
- (2) offset the administrative costs associated with controlling fraud and abuse;
- (3) receive and expend registration fees for educational, training, and certification programs;

E.(21.8) Section 44-6-470 of the 1976 Code is amended to read:

“Section 44-6-470. (A) Any Use of funds collected by the department as a result of the imposition of civil monetary penalties or other enforcement actions must be for a purpose related to the protection of the health and property of residents of nursing homes that participate in the Medicaid program. These funds may be used for ~~the~~:

- (1) the cost of relocating residents to other nursing homes, if necessary, and also may be used to;
- (2) reimburse the reimbursement of residents for personal funds lost as a result of nursing home violations of the requirements for participation in the Medicaid program by the nursing home. In addition, these funds may be used for other requirements;

(3) costs directly associated with enforcement or corrective measures at facilities ~~found to be~~ out of compliance with ~~the requirements for participation in the~~ Medicaid program ~~or for requirements~~;

(4) any other purpose that enhances or improves the health and quality of life for nursing home residents. ~~These requirements for the use of funds collected also apply to~~

(B) Funds received by the department that are collected as the result of enforcement actions ~~directed~~ conducted by federal authorities also may be used as provided for in subsection (A).

(C) The department may deposit funds collected and received pursuant to this section in the Office of the State Treasurer in an account separate and distinct from the general fund to be expended in accordance with subsection (A).”

F.1 (21.12)Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Section 44-6-102. (A) The Department of Health and Human Services has the sole authority to determine the eligibility of applicants for the Medicaid program.

(B) The governing body in counties in which department employees conduct Medicaid eligibility determinations shall provide these employees with office space and facility service, including janitorial, utility, and telephone services and related supplies.”

2. On this section’s effective date, personnel at the Department of Social Services engaged full-time in determining Medicaid eligibility and other Department of Social Services’ personnel engaged in determining Medicaid eligibility who are identified by agreement of the Department of Health And Human Services and the Department of Social Services are transferred to the Department of Health and Human Services.

G.(21.15)Article 1, Chapter 6, Title 44 of the 9176 Code is amended by adding”

“Section 44-6-55. The department shall expand its program integrity efforts by contracting with other entities to maximize the department’s ability to detect and eliminate provider fraud and by implementing other actions the department considers appropriate to expand these efforts.”

H.(21.16)Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Section 44-6-107. The department shall perform post payment reviews in accordance with Medicaid regulations to ensure compliance with federal requirements prohibiting the use of Medicaid funds for abortions except under certain circumstances.”

I. (21.11)Section 44-6-80 of the 1976 Code is amended to read:

“Section 44-6-80. (A) The department ~~must~~ shall submit to the Governor, the State Budget and Control Board, and the General Assembly an annual report concerning the work of the department including details on improvements in the cost effectiveness achieved since the enactment of this chapter and ~~must~~ shall recommend changes for further improvements.

Interim reports must be submitted as needed to advise the Governor and the General Assembly of substantive issues.

(B) The department, in conjunction with the Office of Research and Statistics of the State 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 must be completed by January thirty-first of each year, and submitted to the Governor and the members of the General Assembly.”

J. (21.24), (21.26) Section 44-6-30 of the 1976 Code, as last amended by Act 263 of 2004, is further amended to read:

“Section 44-6-30. The department shall:

(1) administer Title XIX of the Social Security Act (Medicaid), including the Early Periodic Screening, Diagnostic and Treatment Program, and the Community Long-Term Care System;

(2) be designated as the South Carolina Center for Health Statistics to operate the Cooperative Health Statistics Program pursuant to the Public Health Services Act;

(3) be prohibited from engaging in the delivery of services;

(4) 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 Office of Research and Statistics of the State Budget and Control Board, to include the Department of Social Services’ Supplemental Nutrition Assistance Program (SNAP) and the Department of Education’s free and reduced meal eligibility data;

(5) expand and increase its effort to identify, report, and combat Medicaid provider fraud. The department shall report to the General Assembly annually on the results of these efforts, including funds recovered or saved, and information pertaining to prosecutions of such actions, including plea agreements entered into.”

K.(21.25)Article 1, Chapter 53, Title 12 of the 1976 Code is amended by adding:

“Section 44-6-49. The department is authorized to carry forward cash balances at the end of a fiscal year to the succeeding fiscal year for any earmarked or restricted trust and agency, or special revenue account or subfund. The department shall submit a comprehensive report of all cash balances brought forward pursuant to this section. The report, at a minimum, for each account or subfund, must 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 or sources of funding or revenue that generated the carry forward, and a detailed description of any pending obligations against the carry forward. The report must be submitted to the President Pro Tempore of the Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and Chairman of the House Ways and Means Committee, within fifteen days after the Comptroller General closes the State’s books for the fiscal year.”

Part 9

Department of Health and Environmental Control

A.(22.4) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44-1-247. As a prerequisite to a child receiving services from the Children’s Rehabilitative Services of the department, that program shall use any available financial resources, including insurance benefits or governmental assistance programs, or both to which the child otherwise may be entitled in providing or arranging for medical care and related services to physically handicapped children eligible for these services.

B.(22.8) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44-1-249. The Department of Health and Environmental Control may budget and expend funds derived from insurance refunds for prior year operations providing family health case services.

C.(22.14)Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44-1-250. The Department of Health and Environmental Control may collect, expend, and carry forward revenues in the following programs:

- (1) sale of goods;
- (2) sale of meals at Camp Burnt Gin;
- (3) sale of publications, brochures;
- (4) spoil easement areas revenue;
- (5) performance bond forfeiture revenue for restoring damaged critical area;
- (6) beach renourishment appropriations;
- (7) photo copies and certificate forms;
- (8) sale of listings and labels;
- (9) sale of sets of the Code of Laws of South Carolina, 1976 and supplements thereto;
- (10) sales of films and slides;
- (11) sale of maps;
- (12) sale of recyclables;

- (13) sale or licensing, or both, of software products developed and owned by the department; and
- (14) collection of registration fees for non-DHEC employees.

Any unexpended balance carried forward pursuant to this section must be used for the same purpose.”

D.(22.16)Section 44-7-270 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“Section 44-7-270. (A) Applicants for a license shall file annually, or as may be provided for in regulation, applications under oath with the department upon prescribed forms. An application must be signed by the owner, if an individual or a partnership, or in the case of a corporation by two of its officers, or in the case of a government unit by the head of the governmental department having jurisdiction over it. The application must set forth the full name and address of the facility for which the license is sought, as applicable, and the full name and address of the owner, the names of the persons in control, and additional information as the department may require, including affirmative evidence of ability to comply with standards and regulations adopted by the department. Each applicant shall pay a license fee prior to issuance of a license as established by regulation. The department may charge an inspection fee.

(B) Funds derived from an increase in the health licensing fee schedule must be retained by the department to fund increased responsibilities of 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 seventy-five dollars or twenty-five percent of the licensing fee amount, whichever is greater, in addition to the licensing fee. Continual failure to submit completed and accurate renewal applications or fees, or both, by the time specified by the department shall result in enforcement actions. The department may waive all or any part of assessed late fees in extenuating circumstances, if the waiver is made public.”

E. (22.17)Section 44-93-170 of the 1976 Code is amended by adding a new paragraph at the end to read:

“The department may use not more than seventy-five thousand dollars from the Infectious Waste Contingency Fund each year for personnel and operating expenses incurred in implementing this chapter.”

F. (22.18)Article 2, Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44-7-95. 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 must be transferred with the patient to the receiving nursing home. The receiving facility shall apply to retain permanently the Medicaid patient day permit within sixty days of receipt of the transferred patient.”

G.(22.19)Chapter 20, Title 48 of the 1976 Code is amended by adding:

“Section 48-20-105. The department may charge a reasonable fee for mineral sets. Revenues generated from the sale of mineral sets may be retained by the department in a revolving account with a maximum carry forward of two thousand dollars and must be expended for mineral set supplies and related mining and reclamation educational products.”

H.(22.20)Article 1, Chapter 5, Title 3 of the 1976 Code is amended by adding:

“Section 3-5-155. The Department of Health and Environmental Control may collect, retain, and expend funds received from the sale of or third party use, or both, of spoil easement areas, for the purpose of meeting this State’s responsibility for providing adequate spoil easement areas for the Atlantic Intracoastal Waterway in this State.”

I. (22.21)Section 44-1-200 of the 1976 Code is amended to read:

“Section 44-1-200. (A)(1) The Department of Health and Environmental Control may provide home health services to those persons living in areas of the State in which adequate home health services are not available and may charge fees for such services. Home health services shall include care of the ill and disabled rendered at home including, but not limited to, bedside care, treatment, and rehabilitation services. In order that it may to provide such these services, the department may employ the necessary personnel, including nurses, physical therapists, speech therapists, occupational therapists,

medical social workers, home health aides, nutritionists, and supervisory personnel, and may purchase equipment and materials necessary to maintain an effective program.

(2) The department may 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. The per visit rate may vary based on the discipline providing the care and the geographical location of services rendered. The department may pay exempt or nonexempt employees, as defined by the Fair Labor Standards Act, only when they are needed to work. These exempt or nonexempt employees may exceed twelve months but are not eligible for state benefits except for the option of contributing to the State Retirement System.

(B) The Department shall, wherever possible, assist and advise nonprofit agencies or associations in the development of home health services programs and may enter into agreements with such these agencies or associations specifying the type of assistance and advice the department will provide.

J. (22.23.) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44-1-218. 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 administrative costs funded with other funds used in the indirect cost calculation must, based on their percentage, be retained by the department to support the remaining administrative costs of the department.”

K.(22.24) Section 44-56-160(B)(1) of the 1976 Code is amended to read:

“(1) thirteen percent must be held separate and distinct within the fund in a permitted site fund for the purpose of response actions arising from the operation of the permitted land disposal facilities in this State; use of these funds includes legal services related to environmental response, regulatory, and enforcement matters in administrative proceedings and actions in state and federal courts;”

L. (22.27) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44-1-214. The department may transfer increased funds appropriated to the department in the general appropriations act to critical program areas to offset shortfalls in those program areas.”

M. (22.28, 22.29) Section 44-7-320(F) of the 1976 Code is amended to read:

“(F)(1) All penalties collected pursuant to this article must be deposited in the state treasury and credited to the general fund of the State, except as provided for in subsections (F)(2) and (F)(3) .

(2) The first fifty thousand dollars in penalties collected each fiscal year pursuant to this article must be retained by the department for the exclusive use of the Division of Health Facility Licensing to carry out and enforce those regulations relative to the division. These funds must be credited to a separate and distinct account within the department’s fiscal records.

(3) The first one hundred thousand dollars in penalties collected each fiscal year pursuant to this article must be retained by the department for the exclusive use of the Bureau of Health Facilities and Services Development to carry out and enforce those regulations relative to the bureau. These funds must be credited to a separate and distinct account within the department’s fiscal records.”

N.(22.30) Section 13-7-85D. of the 1976 Code, as added by Act 429 of 1980, is amended to read:

“D. The monies obtained from the levying of fines, penalties, or fees under each fiscal year pursuant to this article shall accrue must be deposited in the state treasury and credited to the general fund of the State, except that the first thirty thousand dollars of monies collected must be retained by the department for the exclusive use by the Bureau of Radiological Health to carry out and enforce regulations applicable to the bureau.”

O.(22.32) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44-1-212. The department may provide the cost of meals to department employees who are required to work during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.”

P. (22.33) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44-1-216. If the President of the United States declares a state of emergency or the Governor declares a state of emergency in a county in this State, Fair Labor Standards Act exempt employees of the department may, at the discretion of the director, be paid for actual hours worked in lieu of accruing compensatory time, contingent upon available funds.”

Q.(22.38) Section 40-43-83(K) of the 1976 Code is amended to read:

“(K) The Department of Health and Environmental Control is exempt from the provisions of this section that require facilities distributing or dispensing prescription drugs to be permitted by the Board of Pharmacy and from the provisions of this section that require each pharmacy to have a pharmacist-in-charge; However, if the department designates a pharmacist as a pharmacist-in-charge, the pharmacist may serve more than one department facility pharmacy and may serve as the pharmacist-in-charge at a facility pharmacy without being physically present at the facility pharmacy, over which he is the pharmacist-in-charge. Each health district in this State must have a permit to distribute or dispense prescription drugs, and only department pharmacists, nurses, and physicians may distribute or dispense vaccines and prescription drugs and devices for conditions or diseases that the department treats, monitors, or investigates. If there is a public health emergency or upon activation of the strategic national stockpile of medications and supplies, other medications may be dispensed as necessary.”

R.(22.42) Section 44-37-30(F) and (G) of the 1976 Code, as last amended by Act 255 of 2002, are further amended to read:

“(F) The department may suspend any activity related to blood sample storage, as provided for in this section, if state funds are insufficient to support the storage requirements of these samples. If the suspension of blood sample storage is necessary pursuant to this subsection, the samples may be destroyed in a scientifically appropriate manner after testing, and the department shall notify providers of this suspension at least thirty days before the suspension takes effect.

(G) The department shall promulgate regulations necessary for the implementation of this section. All forms must include information concerning the benefits of neonatal testing and storage of a blood sample.

~~(G)~~(H) A person who violates this section or the regulations promulgated pursuant to this section or who provides or obtains or otherwise tampers with a blood sample collected pursuant to this section is guilty of a misdemeanor and, upon conviction, may be fined not more than fifty thousand dollars or imprisoned for not more than three years.”

S. (22.1), (22.2), (22.7) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44-1-175.(A) Out of the appropriation to the department in the annual general appropriations act for ‘Access to Care’, twenty-five thousand dollars must be distributed to county health departments by the director, with the approval of the board 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; and
- (6) to fit funds available to amounts budgeted when small differences occur.

The provisions of this section do not supersede or suspend the provisions of Section 13-7-30.

(B) General funds appropriated to the Department of Health and Environmental Control for allocation to counties for operation of county health units must be allowed on a basis approved by the board. The amount of general funds appropriated in the annual general appropriations act for ‘Access to Care’ must be allocated so that no county budget receives less than the amount received in the prior fiscal year, except when instructed by the State Budget and Control Board or the General Assembly to reduce funds within the department by a certain percentage. When a percentage

reduction is ordered or enacted, the department may reduce 'Access to Care' funds to the county health units up to the stipulated percentage. reduction.

(C) Counties are relieved of contribution requirements for salary, fringe benefits and travel reimbursement for local health departments. In the annual general appropriations act, the General Assembly shall appropriate \$5,430,697 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 - 1982. If a county makes uniform reductions in appropriations to all agencies or departments for maintenance and operations, exclusive of salaries and fringe benefits, an equal reduction must be made in funds appropriated for the operating expenses of the local health department.”

T.(22.3) Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44-1-310. Private donations or contributions for the operation of Camp Burnt Gin must be deposited in a restricted account. These funds may be carried forward to succeeding fiscal years and made available as needed to fund the operation of the camp. Withdrawals from this restricted account must be in accordance with approved procedures.”

Part 10

Department of Mental Health

A.(23.3) Section 44-9-90 of the 1976 Code, as last amended by Act 266 of 2008, is further amended by adding a new item at the end to read:

“(8) The department may retain and expend budgeted institution-generated funds.”

B.(23.5) Chapter 9, Title 44 of the 1976 Code is amended by adding:

“Section 44-9-115. An employee of the department who holds a faculty appointment with the University of South Carolina School of Medicine may participate in the Practice Plan of that school if his participation does not occur during regular working hours. The department must handle funds generated by this participant pursuant to policies of the university that govern Practice Plan funds.”

C.(23.13) Chapter 9, Title 44 of the 1976 Code is amended by adding:

“Section 44-9-105. The cost of meals may be provided to state employees who are required to work during actual emergencies, emergency simulation exercises, and when the Governor declares a state of emergency if the employees are not permitted to leave their stations.”

D.(23.11)Chapter 9, Title 44 of the 1976 Code is amended by adding:

“Section 44-9-85. There is created the Uncompensated Patient Care Fund (UPCF) to be used by the department for medical costs incurred for patients that must be transferred to a private hospital for services. Unexpended funds in the UPCF at the end of a state fiscal year may be carried forward to the succeeding fiscal year and used for the same purpose.”

Part 11

Department of Disabilities and Special Needs

A.(24.1, 24.2, 24.4, 24.6 and 24.7) Section 44-20-250 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44-20-250. (A) The department shall coordinate services and programs with other state and local agencies for persons with intellectual disability, related disabilities, head injuries, and spinal cord injuries. The department may negotiate and contract with local agencies, county boards of disabilities and special needs, private organizations, and foundations in order to implement the planning and development of a full range of services and programs for persons with intellectual disability, related disabilities, head injuries, and spinal cord injuries subject to law and the availability of fiscal resources. The department has the same right to be reimbursed for expenses in providing disabilities and special needs services through a contractual arrangement as it has to be reimbursed for expenses provided through direct departmental services. The department shall develop service standards for programs of the department and for programs for which the department may contract and shall review and evaluate these programs on a periodic basis.

(B) The department may retain all revenue derived from production contracts earned by intellectually disabled trainees in Work Activity Programs, carry forward these funds to the immediately following fiscal year as necessary, and use these funds for operating expenses and permanent improvements of these Work Activity Programs.

(C) The department may retain revenues associated with the sale of any excess real property that is assigned to it or that it owns or controls, and may expend these funds as grants to purchase or build community residences and day program facilities for the individuals served by the department. The department shall follow all policies and procedures of the State Budget and Control Board and the Joint Bond Review Committee.

(D) The department may carry forward and retain settlements under Medicaid-funded contracts.

(E) The department may continuously expend departmentally generated revenues authorized in the annual appropriations act.

(F) The department may continuously transfer capital, including but not limited to real property and buildings, to local providers of the department if the State Budget and Control Board approves this transfer.”

Part 12

Department of Alcohol and Other Drug Abuse Services

A.(25.1) Section 44-49-10 of the 1976 Code is amended by adding a new subsection at the end to read:

“(F) The department may charge fees for participation in education and professional development initiatives of the department provided under this chapter, and must retain revenue derived from these fees to increase funding of these initiatives.”

B.(25.2) Section 44-49-40 of the 1976 Code is amended by adding the following appropriately lettered subsection at the end:

“() 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.”

C.(25.3) Chapter 49, Title 44 of the 1976 Code is amended by adding:

“Section 44-49-90. 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.”

Part 13

Department of Social Services

A.(26.3) Article 5, Chapter 7, Title 63 of the 1976 Code is amended by adding:

“Section 63-7-2395. The expenditure of funds allocated by the department for burials of foster children must not exceed one thousand five hundred dollars per burial.”

B.(26.7) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43-1-725. The Department of Social Services may charge fees and accept donations, grants, and bequests for services provided under the department’s direct responsibility. The following fees may be collected by the department and must be utilized to further develop and administer these program efforts:

Daycare	
Family Childcare Homes (up to six children)	\$ 15
Group Childcare Homes (7-12 children)	\$ 30
Registered Church Childcare (13+)	\$ 50
Licensed Childcare Centers (13-49)	\$ 50
Licensed Childcare Centers (50-99)	\$ 75
Licensed Childcare Centers (100-199)	\$100
Licensed Childcare Centers (200+)	\$125
Central Registry Checks	
Nonprofit Entities	\$ 8
For-profit Agencies	\$ 25
State Agencies	\$ 8
Schools	\$ 8
Daycare	\$ 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 Childcare Institutions Fee for an Initial License	\$500
For Renewal	\$100
Licensing Child Placement Agencies Fee for an Initial License	\$500
For Renewal	\$ 60
For Each Private Foster Home Under the Supervision of a Child Placement Agency	\$ 15
Responsible Father Registry Search	\$ 50”

C.(26.8) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43-1-730. The state portion of funds recouped from claims against a recipient for TANF and Food Stamp program benefits illegally obtained must be retained by the department. A portion of these funds must be distributed to local county offices for emergency and program operations.”

D.(26.9) Article 1, Chapter 5, Title 43 of the 1976 Code is amended by adding:

“Section 43-5-260. The department shall require all Temporary Assistance for Needy Families applicants and recipients to provide proof of age-appropriate immunizations for children. If these immunizations have not been administered, the department shall assist in referring applicants to appropriate county health departments to obtain the immunizations.”

E. (26.11)Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43-1-75. From funds allocated in the general appropriations act to the Department of Social Services for employee pay increases, the department may allot funds for pay increases, without uniformity, to individual county directors and regional directors in classified positions. Pay increases for county directors and regional directors must be administered in accordance with the guidelines established by the State Budget and Control Board for the Executive Compensation System and other nonacademic unclassified employees. An employee subject to the provisions of this section is not eligible for any other compensation increase that may otherwise be provided for in the general appropriations act.”

F. (26.12) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43-1-730. Department of Social Services investigative units are authorized to receive and expend funds awarded to these units as a result of a donation, contribution, prize, grant, or court order. These funds must be retained by the department on behalf of the investigative units and deposited in a separate, special account and must 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, 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 department shall report to the Senate Finance Committee and the House Ways and Means Committee by January thirtieth of each fiscal year on the amount of funds received and expended.”

G. (26.13) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43-1-740. The Department of Social Services shall not duplicate services available at the Department of Employment and Workforce and other state agencies. All state agencies are directed to cooperate with Department of Social Services 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, must be reported to the Governor to ensure duplication of services does not occur.”

H. (26.14) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43-1-750. Unless specifically directed by the General Assembly, when the Department of Social Services 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 Department of Social Services programs.”

I. (26.15) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43-1-760. 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 the Department of Social Services 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.”

J. (26.16) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43-1-770. 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 or services, or both 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 must be reimbursed by the sponsoring agency in the same manner of reimbursing other special needs of foster children.”

K.(26.17)Chapter 1, Title 43 of the 1976 Code amended by adding:

“Section 43-1-780. (A) The Department of Social Services may impose monetary penalties against a person, facility, or other entity for violation of a statute or regulation 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.

(B) 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 section, has sole discretion in determining the appropriateness of assessing a monetary penalty against a person or facility and the amount of the penalty.

(C) The authority to assess monetary penalties is 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 type of operating or practice registrations, approvals, or certificates.”

L. (26.22)Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43-1-195. The cost of meals may be provided to state employees who are required to work during actual emergencies, emergency simulation exercises, and when the Governor declares a state of emergency if the employees are not permitted to leave their stations.”

M. (26.5) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 41-1-270. A Department of Social Services employee whose salary is paid in full or in part from federal funds is exempt from serving as a court examiner.”

N.(26.6) Chapter 1, Title 43 of the 1976 Code is amended by adding:

“Section 43-1-280. 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 in this section, the Comptroller General is authorized to process the July voucher for the funding of benefit checks.

Part 14

Commission for the Blind

A.(27.1) Chapter 25, Title 43 of the 1976 Code is amended by adding:

“Section 43-25-75. Notwithstanding any other provision of law, in order for the Commission for the Blind to provide rehabilitation services to clients, state funds for this service must be matched by federal funds to the maximum amount available under the federal Vocational Rehabilitation Program.”

Part 15

Housing Finance and Development Authority

A.(32.1, 32.2, 32.4) Article 1, Chapter 13, Title 31 of the 1976 Code is amended by adding:

“Section 31-13-100. (A) All federal rental assistance administrative fees shall be carried forward each year for use by the authority in the administration of the federal programs under contract with the authority.

(B) 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 each year.

(C) The authority shall deposit in the state general fund indirect cost recoveries for the authority’s portion of each year’s 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.”

B.(32.3) Section 31-13-430(D) of the 1976 Code is amended to read:

“(D) Members of the advisory committee are not eligible for reimbursement for travel, lodging, meals, or per diem as is provided for by law for boards, committees, and commissions. Membership on the committee must include representation from rural communities.”

Part 16

Forestry Commission

A. (33.1), (33.2), (33.3) Chapter 23, Title 48 of the 1976 Code is amended by adding:

“Section 48-23-92. (A) The commission may use unexpended federal grant funds available to the commission in the current fiscal year to pay for commission expenses incurred in the prior fiscal year.

(B) The commission may retain all funds received as reimbursement of expenditures from other state agencies or from federal agencies when commission personnel and equipment are mobilized due to an emergency.

Section 48-23-94. The commission may pay the cost of physical examinations for agency personnel who are required to receive physical examinations before receiving a law enforcement commission.”

Part 17

Department of Agriculture

A.(34.3) Section 39-22-150 of the 1976 Code, as last amended by Act 375 of 1998, is further amended to read:

“Section 39-22-150. All net revenues derived from operation of the state warehouse system must be transferred annually to a special account in the State Treasury until the sum of three million dollars accrues. When the fund reaches three million dollars, these transfers shall cease; however, all interest and investment revenue shall accrue solely to the fund and be returned annually to the fund. In order to support the increase of this fund, the funds must be invested at interest by the State Treasurer who shall credit the interest earned on the funds to the increase of the fund up to and above three million dollars. In addition to the interest, the commissioner shall assess an amount ratably against each warehouseman in this State issuing warehouse receipts a special additional fee not to exceed ten cents a bale of cotton or one cent a bushel of soybeans and one-half cent a bushel of any other stored feed grains or oil seeds for which warehouse receipts have been issued. The additional assessment may be charged not more than once for each receipt issued on a bale of cotton or bushel of grain. When the fund has reached the total sum of one million five hundred thousand dollars, the special additional assessment must be discontinued. If the fund is reduced to below one million dollars, the assessment must be resumed. The funds must be used to guarantee state warehouse receipts in excess of an amount recovered from the bonds required by this chapter, and to protect and reimburse depositors against losses as defined in Section 39-22-15. If there is an insufficient amount of money in the fund to cover all claims against the fund, payments must be made on a

pro rata basis up to one hundred percent of the total loss of each claimant. If payment is not received in the amount of one hundred percent, then additional amounts must be paid as funds become available until payment of one hundred percent of the total is attained. The state's guarantee of warehouse receipts is based on monies available through the required bonds and the fund. Upon approval of a claim to the fund and before payment from the fund, the claimant shall subrogate his interest, if any, to the department in a cause of action against all parties relating to the claim. In no event may the funds be available for the reimbursement of an insurer or surety on the bonds required by this chapter, Chapter 19 of this title, or Chapter 7 of Title 36, who has paid a loss under this chapter. All income, interest, or otherwise, derived from this guaranty fund must be reinvested in the fund. Fifty thousand dollars of the income must be paid into the general fund of the State. Another fifty thousand dollars must be retained by the department to cover the costs of administering the program. Any of the funds not appropriated for the employment of additional auditors for the warehousemen and Dealers and Handlers Division of the Department of Agriculture must be returned to the fund."

B.(34.4) Section 39-9-65 of the 1976 Code, as last amended by Act 501 of 1994, is further amended to read:

"Section 39-9-65. The Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations", and its supplements and revisions, apply to the registration of servicepersons and service agencies in the State, except as modified or rejected by regulation. The department may collect a twenty-five dollar registration fee for those servicepersons registered pursuant to this section. Registration fees must be retained by the department to offset expenses in administering the program."

C.(34.7) Chapter 1, Title 46 of the 1976 Code is amended by adding:

"Section 46-1-160. The department may assist and provide Certificates of Free Sale for producers wishing to export their South Carolina products to other states and countries. The department may charge up to two hundred fifty dollars for each export certification of agricultural products and retain the revenues to offset expenses in the program."

D.(34.8) Section 46-27-210 of the 1976 Code is amended to read:

"Section 46-27-210. Each manufacturer, importer, jobber, agent or seller before selling or offering or exposing for sale in this State any commercial feed shall, for each and every feed bearing a distinct name or trademark, file for registration with the Commissioner a copy of the statement required in Section 46-27-310 and accompany the statement, on request, by a sealed container of at least one pound of the commercial feed. The sample shall correspond within reasonable limits to the feed which it represents in the percentages of crude protein, crude fat and crude fiber which it contains. Registration of each label must be submitted annually along with a fifteen dollar fee, which must be retained by the department to offset expenses in the program."

Part 18

Clemson University Public Service Activities

A.(35.7) Section 46-25-810 of the 1976 Code, as last amended by Act 107 of 2005, is further amended to read:

"Section 46-25-810. For the purpose of carrying out the provisions of this chapter, all registrants or guarantors who distribute or sell any commercial fertilizer in South Carolina shall pay to the division an inspection tax of one dollar and fifty cents for each ton of commercial fertilizer sold. A report of tonnage is due and the inspection tax payable quarterly for periods ending September thirtieth, December thirty-first, March thirty-first, and June thirtieth. The report is due within thirty days following the end of each quarter covering tonnage of commercial fertilizer sold during the preceding quarter by the registrant or guarantor transacting, distributing, or selling to a nonregistrant. If the tonnage report is not filed and the payment of inspection taxes is not made within fifteen days after the date due, a collection fee amounting to ten percent of the amount due must be assessed against the guarantor, and the amount of fees due constitutes a debt and becomes the basis of a judgment against the guarantor. If the tonnage report is not filed and the payment of the inspection

tax and collection fee is not made within thirty days after the date due, the registration of the commercial fertilizer registered by the delinquent guarantor is automatically canceled. If the report is false, fifteen days after due written notice and opportunity for hearing have been given, the commission may cancel the registration of commercial fertilizer registered by the delinquent guarantor.”

B.(35.8) Section 46-26-80 of the 1976 Code, as last amended by Act 378 of 1992, is further amended to read:

“Section 46-26-80. ~~(a)~~(A) It ~~shall be~~ is the duty of the commission who may act through its authorized agent to sample, inspect, make analyses of and test agricultural liming materials distributed within the State as it may deem necessary to determine whether ~~such~~ the agricultural liming materials are in compliance with the provisions of this chapter. Any officer or agent of the commission or of a committee thereof authorized by the commission may enter upon any public or private premises or carriers during regular business hours ~~in order~~ to have access to agricultural liming material subject to the provisions of this chapter and regulations pertaining thereto, and to the records relating to their distribution.

~~(b)~~(B) The methods of analysis and sampling ~~shall~~ must be those approved by the commission and ~~shall~~ must be guided by the Association of Official Analytical Chemists procedures.

~~(c)~~(C) The results of official analysis of agricultural liming materials and portions of official samples ~~shall~~ must be distributed by the commission as provided ~~in the regulations~~ by regulation at least annually.

(D) For purposes of executing the provisions of this chapter, all registrants of bulk liming materials or landplaster who sell or distribute in South Carolina shall pay to the division an inspection fee of fifty cents for each ton sold.”

Part 19

Department of Natural Resources

A.(37.1, 37.4) Article 1, Chapter 3, Title 50 of the 1976 Code is amended by adding:

“Section 50-3-85. (A) The department is authorized to produce publications for disseminating facts and findings from studies and investigations and other information that may assist the General Assembly, the Office of the Governor, other agencies, and the public.

(B) Publications may be made available to the public for a fee. The fee must not exceed the cost to produce and distribute the publication. All revenues from the sale of publications must be credited to the department’s operating revenue fund. Revenues and funds collected but not expended must be carried forward annually.

(C) The department may produce the ‘South Carolina Wildlife’ magazine. The publication must primarily promote and raise awareness of natural resources in this State. The publication must be self sustaining and the department may offer advertising space in the publication if necessary. The department may determine the subscription rate based on production costs. By-products of the publication and other items related to promoting natural resources may be offered for sale by the department to support the publication. All revenues from the sale of subscriptions and by-products must be credited to the departments’ operating revenue fund. Revenues and funds collected but not expended must be carried forward annually and used for the same purpose.”

B. (37.2) Article 3, Chapter 23, Title 50 of the 1976 Code is amended by adding:

“Section 50-23-530. The department may enter into a contractual agreement with the Department of Revenue to collect the casual sales tax due at the time application is made for title or registration for a watercraft or outboard motor. The Department of Revenue shall reimburse the department on a quarterly basis for the actual cost of collecting the casual sales tax and the reimbursement must be paid from revenues generated by the casual sales tax.”

C. (37.5) Article 1, Chapter 3, Title 50 of the 1976 Code is amended by adding:

“Section 50-3-75. The department may collect and expend revenues derived from the sale of goods and services in order to support segments of the aerial photography, climatology, flood mitigation, geological services, and hydrology programs not covered by the department’s annual appropriation. Revenues must be credited to the department’s operating

revenue fund. Revenues and funds collected but not expended must be carried forward annually and used for the same purpose.”

D.(37.6) Article 3, Chapter 3, Title 50 of the 1976 Code is amended by adding:

“Section 50-3-355. The department may authorize natural resource enforcement officers on special assignment an annual clothing allowance not to exceed six hundred dollars. The Board of the Department of Natural Resources annually may authorize an adjustment in the allowance but that adjustment may not exceed three percent of the then applicable maximum allowance amount as most recently adjusted. The clothing allowance must be prorated based on the duration of the assignment for the fiscal year. Only that clothing used in the line of duty qualifies for the allowance. The allowance is not authorized when the enforcement officer’s official uniform is appropriate for the special assignment.”

E.(37.7) Article 1, Chapter 3, Title 50 of the 1976 Code is amended by adding:

“Section 50-3-115. The department is authorized to pay for the cost of a physical examination for department personnel who are required to undergo a physical examination before receiving a law enforcement commission.”

Part 20

Department of Parks, Recreation and Tourism

A.(39.3, 39.7) Section 51-1-40 of the 1976 Code, as last amended by Act 356 of 2002, is further amended by adding two new subsections at the end to read:

“(D)The department may carry forward any unexpended funds appropriated to it in the annual general appropriations act 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 purpose. Those purposes include the Tourism Partnership Fund, destination specific marketing grants, and the agency advertising fund.

(E) The department may close the State House Gift Shop on weekends.”

B.(39.6) Chapter 62, Title 12 of the 1976 Code is amended by adding:

“Section 12-62-25. When an application for motion picture incentives is filed in accordance with the established policy and procedures of the South Carolina Film Commission, the department 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.”

C.(39.11)Section 12-62-50(A)(1) of the 1976 Code, as last amended by Act 359 of 2008, is further amended to read:

“(1) The South Carolina Film Commission may rebate to a motion picture production company a portion of the South Carolina payroll of the employment of persons subject to South Carolina income tax withholdings in connection with production of a motion picture. The rebate may not exceed ~~fifteen~~ twenty percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production when total production costs in South Carolina equal or exceed one million dollars during the taxable year. The rebates in total may not annually exceed ten million dollars and shall come from the state’s general fund. For purposes of this section, ‘total aggregate payroll’ does not include the salary of an employee whose salary is equal to or greater than one million dollars for each motion picture.”

D.(39.5, 39.11) Section 12-62-60(A)(1) and (B) of the 1976 Code, as last amended by Act 56 of 2004, is further amended to read:

“(1) An amount equal to twenty-six percent of the general fund portion of admissions tax collected by the State of South Carolina for the previous fiscal year must be funded annually by September first to the department for the exclusive use of the South Carolina Film Commission. The department may rebate to a motion picture production company up to ~~fifteen~~ thirty percent of the expenditures made by the motion picture production company in the State if the motion picture production company has a minimum in-state expenditure of one million dollars. The distribution of rebates may not exceed the amount annually funded to the department for the South Carolina Film Commission from the admissions tax collected by the State.”

“(B) Up to seven percent of the amount provided to the department in subsection (A) may be used exclusively for ~~marketing and special events~~ 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.”

Part 21

Department of Commerce

A.(40.2) Article 11, Chapter 1, Title 13 of the 1976 Code is amended by adding:

“Section 13-1-1745. The council may use up to ten percent of the amount set aside pursuant to Section 12-28-2910 for actual operating expenses in support of its administrative program costs and business recruitment and retention and up to sixty thousand dollars to support the Geographic Information Systems (GIS) program, as approved by the council. Any balance of these funds on June thirtieth of the prior fiscal year may be carried forward and expended for the same purposes in the current fiscal year.”

B.(40.8) Section 13-1-30 of the 1976 Code, as last amended by Act 11 of 2005, is further amended by adding a new subsection at the end to read:

“(D) The Secretary of Commerce may appoint the staff of the department’s foreign offices on a contractual basis on the terms the secretary considers appropriate subject to review by the Office of Human Resources of the State Budget and Control Board.”

C. (40.12) Section 13-1-25 of the 1976 Code, as added by Act 86 of 2003, is amended by adding a new subsection at the end to read:

“(C) Application fees received by the department accompanying an application requiring approval by the Coordinating Council for Economic Development must be deposited by the department within five business days of the council’s approval of the application.”

D.(40.13) Section 13-1-380(G) of the 1976 Code, as last added by Act 181 of 1993, is amended to read:

“(G) ~~Following its initial report,~~ The council shall submit to the Governor and to the General Assembly by ~~the end of~~ March fifteenth of each ~~calendar~~ year an annual report on recycling activities in this State which ~~shall~~ must, at a minimum, include the following:

- (1) any revisions which the council determines are necessary to its initial report;
- (2) a description and analysis of the amounts and types of solid waste materials recovered or recycled in this State during the preceding year;
- (3) recommendations regarding materials which should be added to or deleted from source separation, recovery, and recycling programs; and

(4) any other recommendations, including tax incentives, to facilitate the development of markets for recovered materials or products in this State.”

Part 22

Judicial Department

A.(44.1), (44.2) Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14-1-260. County salary supplements for Judicial Department personnel are prohibited.”

“Section 14-1-270. Every county shall provide for each circuit and family judge residing in the county an office with all utilities including a private telephone. Every county shall provide an office and utilities for Supreme Court justices and judges of the Court of Appeals residing in the county upon the request of the justice or judge.”

Part 23

Office of Attorney General

A.(45.1, 45.3, 45.4) Article 1, Chapter 7, Title 1 of the 1976 Code is amended by adding:

“Section 1-7-175. The Office of the Attorney General may:

- (1) use unexpended federal funds in the current fiscal year to pay for expenses incurred in the prior fiscal year;
- (2) retain for general operating purposes any reimbursement of funds for expenses incurred in a prior fiscal year; and
- (3) retain donations received by the Office of the Attorney General, carry forward unexpended donations received to succeeding fiscal years, and expend donations according to an agreement between the donors and the Attorney General.”

Part 24

Prosecution Coordination Commission

A.(46.1), (46.2), (46.3), (46.4), (46.5) Section 1-7-1000 of the 1976 Code is amended to read:

“Section 1-7-1000. (A) Circuit solicitors shall receive a salary equal to that of a circuit judge as provided to be appropriated by the General Assembly in the annual general appropriations act.

(B) Each solicitor must be paid an expense allowance of five hundred dollars a month to be appropriated by the General Assembly in the annual general appropriations act.

(C) An unexpended balance at the end of a fiscal year may be carried forward into the succeeding year and expended for the operational expenses of the solicitor’s office.

(D)(1) Amounts appropriated in the annual general appropriations act for judicial circuits state support must be apportioned among the state’s judicial circuits on a per capita basis based on the most recent United States Census. These payments must be made as soon after the beginning of each calendar quarter as practical.

(2) It is the intent of the General Assembly that the amounts appropriated in the annual general appropriations act for solicitors’ offices are in addition to any amounts presently being provided by counties for these services and may not be used to supplant funding already allocated by counties for such services.”

Part 25

Commission on Indigent Defense

A.(47.4) Chapter 1, title 14 of the 1976 Code is amended by adding:

“Section 14-1-245. The funds appropriated to the Commission on Indigent Defense in the annual general appropriations act for the South Carolina appellate Court Rule 608 Appointments (608 Appointment) must be used for civil court appointments including termination of parental rights, abuse and neglect, probate court commitments, the Sexually Violent Predator Act, and post conviction relief to reimburse court-appointed private attorneys and for other expenditures as specified in this section. Funds appropriated for 608 Appointments may not be transferred or used for any other purpose.

A portion of 608 Appointment funds must be used for termination of parental rights cases and abuse and neglect cases to reimburse private attorneys who are appointed by the family court to represent guardians ad litem, children, or parents pursuant to the provisions of Sections 63-7-1620, Article 5, Chapter 11, Title 63, 63-9-320(A)(2) et seq.; 63-19-810 et seq.; and 63-19-2220 et seq.; for probate court commitment cases to reimburse private attorneys who are appointed by the probate court to represent indigent persons; and for sexually violent predator cases to reimburse private attorneys who are appointed by the circuit court pursuant to Chapter 48, Title 44, the Sexually Violent Predator Act, to represent indigent persons. When private counsel is appointed pursuant to these provisions, counsel must be reimbursed a reasonable fee to be determined on the basis of fifty dollars an hour. Reimbursement also may be made on the basis of a set fee. The method of payment and the amount of the set fee must be determined by the Commission on Indigent Defense. Reimbursement may not exceed two thousand dollars for any case under which the private attorney is appointed.

A portion of 608 Appointment funds must be used for non-capital post conviction relief cases. Any attorney appointed must be compensated at a rate not to exceed forty dollars an hour for time expended out of court and sixty dollars an hour for time expended in court, or on the basis of a set fee. The method of payment and amount of set fee must be determined by the Commission on Indigent Defense. Compensation and costs may not exceed one thousand dollars in any single case.

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

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant’s attorney to obtain these services on behalf of the defendant and authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, before the expenses are 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 must be made from funds appropriated for this purpose from the Commission on Indigent Defense. If prior approval by written order of the court is not obtained, no additional expenses may be paid under any circumstances.

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

A portion of 608 Appointment funds 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 provisions of law.”

B.(47.7) Article 1, Chapter 3, Title 17 of the 1976 Code is amended by adding:

“Section 17-3-35. Every person placed on probation after June 30, 2003, who was represented by a public defender or appointed counsel, must be assessed a fee of five hundred dollars. The revenue generated from this fee must be collected by the clerk of court and sent monthly to the Commission on 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 must be collected and remitted before any other fees.”

C.(47.8) Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14-1-250. (A) A person requesting appointment of counsel in any termination of parental rights, 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 must 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 of them 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, but 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 considers 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 monthly. The monies must be deposited in an interest-bearing account separate from the general fund of the state and all other funds and used only to provide for indigent defense services. The monies must 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 monthly when 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 the juvenile shall execute the required affidavit, based upon their financial status and are responsible for paying any fee. In matters concerning juveniles, the parents or legal guardians of the juvenile, must be advised in writing of this requirement at the earliest stage of the proceedings against the juvenile.

(D) Nothing contained in this section restricts or hinders 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 provided pursuant to this section, 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. This claim must 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 does not constitute a lien against real or personal property of the person unless, in the discretion of the court, part or all of the 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 has the effect as a judgment, except as modified by this subsection.”

Part 26

State Law Enforcement Division

A. (48.1) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-52. Funds awarded to SLED by either court order, from donations, or from contributions must be deposited in a special account with the State Treasurer, and may be carried forward from year to year, and withdrawn from the Treasurer as needed to fulfill the purposes and conditions of the 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 annually must be reported by October first to the Senate Finance Committee and the House Ways and Means Committee.”

B. (48.2) Article 3, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-117. 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.”

C. (48.3) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-53. Any unexpended balance on June thirtieth, of each prior fiscal year, for ‘Agents Operations’ may be carried forward by SLED and expended for the same purpose in the current fiscal year.”

D. (48.4) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-54. State appropriations to SLED that are required to provide a match for federal grant programs in a prior fiscal year may be carried forward into the current fiscal year and expended for the same purpose as originally appropriated.”

E. (48.5) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

Section 23-3-22. SLED is authorized to provide its agents and criminalists with an annual clothing allowance on a pro rata basis not to exceed six hundred dollars per agent/criminalist for required clothing used in the line of duty.”

F. (48.6) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-56. SLED is authorized to charge a witness fee of one hundred thirty dollars per hour up to one thousand dollars per day for each employee testifying in a civil matter which does not involve the State as a party in interest. This fee must be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances, and deposited into a designated revenue account.”

G. (48.7) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-23. SLED is authorized to pay for the cost of physical examinations for division personnel who are required to receive physical examinations before receiving a law enforcement commission.”

H.1. (48.18, 48.11) Chapter 18, Title 40 of the 1976 Code is amended by adding:

“Section 40-18-35. (A) The revenues of fees imposed by SLED pursuant to Regulation 73.408 must be credited, retained, or remitted as follows:

- (1) one-third must be credited to the general fund of the State;
- (2) one-third must be retained by SLED for its use in defraying expenses incurred pursuant to this chapter; and
- (3) one-third must be remitted to the South Carolina Department of Public Safety for the purposes provided pursuant to Section 23-6-60.

(B) Unexpended revenues retained by SLED pursuant to subsection (A)(2) of this section carry forward to the succeeding fiscal year and must be used for the same purposes.”

2. Section 23-3-50 of the 1976 Code is amended to read:

“Section 23-3-50. Notwithstanding any other provisions of law, all revenue from fees and licenses received by the State ~~Law Enforcement~~ Law Enforcement Division related to enforcement and regulation of ~~private detective and security companies (Section 40-17-160 of the 1976 Code)~~, gun dealers (Section 16-23-10), gun permits (Sections 23-31-110 and 17-5-110) and massage parlors (Section 40-29-160) ~~shall~~ must be remitted to the State Treasurer as collected and credited to the general fund of the State.

I. (48.8) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-24. SLED may provide meals to its employees 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.”

J. (48.9) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-57. SLED is authorized to be reimbursed for security related law enforcement services provided to entities authorized to transport sensitive materials within the borders of the State. 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.”

K. (48.10) Article 7, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-455. 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 the 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 be waived automatically. If an offender is not declared indigent and fails to pay the fee, he officially is declared unregistered. This fee shall be divided between the sheriffs and SLED 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.”

L. (48.12) Article 4, Chapter 3, Title 31 of the 1976 Code is amended by adding:

“Section 23-31-218. SLED 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 may be collected, retained, expended and carried forward by SLED.”

M. (48.13) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-58. SLED is authorized to collect a twenty-five dollar expungement fee for each request to expunge a criminal record. These funds must 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. A person found to be not guilty by a court of competent jurisdiction or whose charges have been dismissed or nolle prossed is excluded from the fee requirement.”

N. (48.14) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-59. SLED is authorized to collect, retain, expend, and carry forward all funds received from other state or federal agencies in a current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year.”

O. (48.15) Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-60. SLED 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.”

P. (89.35) Article 9, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23-3-675. Funds collected by the Department of Corrections, the Department of Probation, Parole and Pardon Services, and the Department of Juvenile Justice to process DNA samples must be remitted to SLED 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.”

A.(49.2) Article 1, Chapter 6, Title 23 of the 1976 Code is amended by adding:

“Section 23-6-60. The Department of Public Safety shall receive, expend, retain, and carry forward all revenues remitted to it by the State Law Enforcement Division pursuant to Section 40-18-35(A)(3). The funds received must be used in the Bureau of Protective Services Program to provide security for state agencies and the Capitol Complex.”

Part 28

Law Enforcement Training Council

A.(50.1), (50.2) Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23-23-140. (A) To complete projects begun in a prior fiscal year, the Law Enforcement Training Council, Criminal Justice Academy may expend federal and earmarked funds available to the council in the current fiscal year for expenses incurred in the prior fiscal year.

(B) The Law Enforcement Training Council, Criminal Justice Academy may 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 emergency.”

Part 29

Department of Corrections

A.(51.4, 51.10, 51.26) Section 24-13-80 of the 1976 Code, as last amended by Act 237 of 2010, is further amended by adding three new subsections at the end to read:

“(E) Any unclaimed funds remaining in any inmate account, after appropriate and necessary steps are taken to determine and contact a rightful owner of the funds, must be deposited into the Inmate Welfare Fund.

(F) The department may charge inmates a nominal fee for any medical treatment or consultation provided at the request of or initiated by the inmate. A nominal copay must be charged for prescribed medications. Inmates may not be charged for psychological or mental health visits.

(G) If the department 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, if funds are available.”

B.(51.6) Chapter 1, Title 24 of the 1976 Code is amended by adding:

“Section 24-1-240. All funds received by this State from the United States Department of Justice pursuant to the State Criminal Alien Assistance Program, for care and custody of illegal aliens housed in the state correctional facilities must be retained by the South Carolina Department of Corrections to offset incurred expenses.”

C.(51.9) Chapter 1, Title 24 of the 1976 Code is amended by adding:

“Section 24-1-245. All funds received by the department from the Social Security Administration pursuant to Section 1611(e)(1)(I) of the Social Security Act, which provides payment for information regarding incarcerated Social Security Insurance recipients, must be retained by the department and credited to a fund entitled ‘Special Social Security’ for the care and custody of inmates housed in the state correctional facilities.”

D.(51.15)Chapter 1, Title 24 of the 1976 Code is amended by adding:

“Section 24-1-255. Funds generated by inmates engaged in the cleaning and waxing of private vehicles, or any other adult work activity center, must be placed in a special account and utilized for the welfare of the inmate population.”

E. (51.16)Section 24-13-150 of the 1976 Code, as last amended by Act 237 of 2010, is further amended by adding a new subsection at the end to read:

“(C) The Director of the Department of Corrections and other persons having charge of prisoners who are required to serve a period of six months or more, may release all such prisoners, including prisoners to whom subsection (A) applies, on the first day of the month in which their sentences expire, and if the first day of the month falls on a Saturday, Sunday, or a state holiday, the prisoners may be released on the last weekday before the first of the month which is not a holiday.”

F. (51.25)The first undesignated paragraph of Section 17-7-10 of the 1976 Code is amended to read:

“The coroner of the county in which a body is found dead or the solicitor of the judicial circuit in which the county lies shall order an autopsy or post-mortem examination to be conducted to ascertain the cause of death. If any person dies while detained, incarcerated, or under the jurisdiction of a municipal, county, or regional holdover facility, holding cell, overnight lockup or jail, a county or regional prison camp, or a state correctional facility, the coroner of the county in which the death occurs or, should that be unknown, the county in which the institution is located shall order an autopsy immediately upon notification of the death. However, if the official in charge of the institution is unable to arrange an autopsy within the State of South Carolina, he shall provide the coroner with an affidavit attesting to this inability. An autopsy is not required for an inmate of the South Carolina Department of Corrections executed pursuant to a valid order of the Supreme Court of South Carolina.”

G.(51.2)Chapter 1, Title 24 of the 1976 Code is amended by adding:

“Section 24-1-300. 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 the canteens and the welfare of the inmate population or, at the discretion of the director, used to supplement the costs of operations. The canteen operation is to be treated as an enterprise fund within the department and is not to be subsidized by state appropriated funds.”

H.(51.7)Article 1, Chapter 13, Title 24 of the 1976 Code is amended by adding:

“Section 24-13-180. An 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 for educational programs must be prioritized to assure such remedial services are provided.”

I. (51.11) Chapter 1, Title 24 of the 1976 Code is amended by adding

“Section 24-1-310. The Director of the Department of Corrections, at his discretion, is authorized to utilize prison industry funds for projects or services benefiting the general welfare of the inmate population or to supplement costs of operations.”

J. (51.18) Chapter 1, Title 24 of the 1976 Code is amended by adding

“Section 24-1-320. 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.”

K.(51.19)Chapter 1, Title 24 of the 1976 code is amended by adding:

“Section 24-1-330. The Department of Corrections may collect and record private health insurance information from inmates. The department may file against any private insurance policy covering an inmate to recoup any health care expenditures covered by the policy. Health care must be provided in accordance with law and standards regardless of whether or not an inmate is covered by insurance.”

L.(51.20)Article 7, Chapter 13, Title 24 of the 1976 Code is amended by adding:

“Section 24-13-670. The Department of Corrections is authorized to charge a four dollar per-day transportation fee to participants in the work release program only when transportation is provided by the department. Monies collected must be credited to the Department of Corrections, and utilized solely to fund transportation of work release participants and vehicle replacement for the work release program.”

M. (51.24) Chapter 1, Title 24 of the 1976 Code is amended by adding:

“Section 24-1-340. 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.”

Part 30

Department of Probation, Parole and Pardon Services

A.(52.2, 52.5, 52.6) Section 24-21-87 of the 1976 Code, as added by Act 353 of 2008, is amended by adding at the end:

“(C) The department may charge offenders an application fee set by the department, not to exceed one hundred dollars, to offenders applying for transfers out of or into the state pursuant to Article 12 of this chapter, the Interstate Compact for Adult Offender Supervision. The application fee must be retained by the department to offset the cost of the compact. All unexpended funds at year end may be retained and carried forward by the department to be expended for the same purpose.

(D) The department may charge offenders a fee set by the department, not to exceed fifty dollars, for the purpose of drug testing. If it is determined that the offender is indigent, this fee must be waived. The fee must 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.

(E) 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.”

Part 31

Department of Juvenile Justice

A.(53.15)Section 63-19-350(15) of the 1976 Code is amended by adding:

“(15) juveniles must be assigned to intensive probation or aftercare services by the Department of Juvenile Justice. Juveniles assigned to these intensive supervision services must be those juveniles who require enhanced supervision, monitoring and contacts, or a higher level of treatment services. Intensive supervision must be provided by the department in all regions of the State. In conjunction with establishing these intensive supervision services, the department shall develop an array of graduated sanctions and impose these sanctions on offenders being provided intensive supervision services for technical rule violations and minor infractions, whenever feasible to do so, in lieu of reincarceration of the juvenile in a secure correctional facility. The array of graduated sanctions developed by the department may include, as a condition of probation or parole, placement of a juvenile in a staff or environmentally secure

residential program. Case workers selected to monitor, supervise, and serve juveniles assigned to intensive supervision services shall have caseloads of no more than twenty juveniles;

(16) granting up to a ten-day reduction of the probationary or parole term of probationers and parolees who are under the department's supervision for each month they are compliant with the terms and conditions of their probation or parole order."

B.(53.8) Section 63-19-420 of the 1976 Code is amended to read:

"Section 63-19-420. The ~~director~~ department is authorized to sell mature trees, other timber, and farm products and commodities suitable for commercial purposes from lands owned by the department. Before the sale of timber, the director shall consult with the State Forester to determine the economic feasibility of and obtain approval for the sales. Funds derived from the sales must be credited to the account of the department to be used for capital improvements subject to the approval of the State Budget and Control Board or family support services after setting aside a reasonable amount, as determined by the State Forester, for restoration of the lands from which the trees and other timber are sold."

C.(53.9) Article 3, Chapter 19, Title 63 of the 1976 Code is amended by adding:

"Section 63-19-500. 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."

D.(53.10)Section 63-19-360 of the 1976 Code is amended by adding a new appropriately numbered item at the end to read:

"() placing juveniles in marine and wilderness programs or other community residence programs operated by nongovernmental entities. Juveniles receiving services in these community residence programs must either be referred to a program by the family court as a condition of probation, released to a program by the Board of Juvenile Parole, or voluntarily agree to be assigned and released to a program by the department."

Part 32

Human Affairs Commission

A.(54.2, 54.3, 54.4) Section 1-13-70 of the 1976 Code is amended by adding a new appropriately lettered subsection at the end to read:

"() To retain, carry forward, and expend for the purpose of general operations of the commission all revenue derived from:

- (1) donations and registration fees received from attendance at Human Affairs Forums;
- (2) fees received from training and technical assistance provided by the commission to entities other than state agencies; and
- (3) providing requested copies of commission files, final opinions, orders, and determinations."

Part 33

Commission for Minority Affairs

A.(55.1, 55.2) Section 1-31-30 of the 1976 Code is amended by adding a new undesignated paragraph at the end to read:

"The commission is authorized to retain, carry forward, and expend revenue derived from private sources for agency research, forums, training, and institutes, including revenue derived from registration fees, for the purpose of conducting future endeavors for the same purpose."

B.(55.3, 55.4) Chapter 31, Title 1 of the 1976 Code is amended by adding:

“Section 1-31-60. The commission may retain and carry forward funds derived from:

- (1) revenues pooled from public and private sources for the purpose of awarding grants to address problems in the minority community; and
- (2) bingo revenues received pursuant to Section 12-21-4200(3).”

Part 34

Department of Consumer Affairs

A.(64.1), (64.2), (64.3), (64.4), (64.5) Part 5, Chapter 6, Title 37 of the 1976 Code is amended by adding:

“Section 37-6-513. (A) 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 department’s budget to offset the costs of investigating, prosecuting, and the administrative costs associated with these violations, unexpended amounts of these funds at the end of a fiscal year may be carried forward and expended for the same purposes in the succeeding fiscal year.

(B) Funds received by the department pursuant to registration fees imposed pursuant to Chapter 102, Title 59, relating to athlete agents and student athletes may be retained by the department for its enforcement duties pursuant to that chapter.

(C) Unexpended encumbered appropriated funds at the end of a fiscal year for the Consumer Advocacy expert witness/assistance program, pursuant to Section 37-6-603, may be carried forward into the succeeding fiscal year in order to meet contractual obligations existing as of June thirtieth and not paid by July thirty-first.

(D) The department may retain all consumer credit grantor notification filing fees collected pursuant to Section 37-6-203 and all maximum rate schedules filing fees collected pursuant to Sections 37-2-305 and 37-3-305. These fees must be used to offset the cost of administering and enforcing Chapters 2 and 3, Title 37 and may be applied to the cost of operations. Unexpended balances of the funds at the end of a fiscal year may be carried forward to the succeeding fiscal year and used for the same purposes.

(E) The department may retain all fees collected pursuant to Sections 39-61-80, 39-61-120, 40-39-120, and 44-79-80. These retained fees must be used to implement the requirements of the programs mandated by these respective sections.”

Part 35

Department of Motor Vehicles

A.(66.1), (66.2), (66.5) Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

Section 56-1-347. (A) Revenue received from the sale of legal manuals and other publications, postal reimbursement, third party commercial driver license testing, photo copying, sale of miscellaneous refuse and recyclable materials, insurance claim receipts, and tuition from nonmandated, advanced, or specialized courses must be retained by the Department of Motor Vehicles (department) and expended in budgeted operations and other related services or programs as the director of the department considers necessary. The department shall report annually to the General Assembly the amount of miscellaneous revenue retained and carried forward.

(B) In order to complete projects begun in a prior fiscal year, the department may expend federal and earmarked funds in the current fiscal year for expenditures incurred in the prior fiscal year.

(C)(1) The department may charge and collect processing fees and fees to recover the costs of the production, purchase, handling, and mailing of documents, publications, records, and data sets. Fees charged by the department pursuant to this section may not exceed fees that the department charged for these purposes as of February 1, 2001. Funds derived pursuant to this item may be retained by the department.

(2) The department may charge fees to defray the costs associated with auditing and enforcing compliance with all federal and state statutes and regulations governing personal information allowed or required by law to be disseminated by the department to eligible recipients. Fees charged pursuant to this subsection do not apply to state agencies.

(3) The Comptroller General shall place fees collected pursuant to this subsection into a special restricted account for the use of the department.”

B.(66.4) Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56-1-7. The department 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 by public records.”

C.(66.7) Section 56-1-5(B) of the 1976 Code is amended to read:

“(B)(1) Upon the signature of the Governor, all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit within the Department of Public Safety are transferred to and devolved upon the Department of Motor Vehicles.

(2) In addition to the functions, powers, duties, responsibility, and authority of the Department of Motor Vehicles (DMV) under item (1), the department also may develop and implement a plan to reduce the hours of operation in underused DMV field offices.”

Part 36

Department of Employment and Workforce

A.(67.1, (67.2) Article 5, Chapter 27, Title 41 of the 1976 Code is amended by adding:

“Section 41-27-655. (A) All user fees collected by the South Carolina Occupational Information Coordinating Committee (SCOICC) through the department for the operation of the South Carolina Occupational Information System (system) may be retained by the SCOICC and used for the exclusive purpose of operating the system. Unexpended user fees at the end of a fiscal year may be carried forward to the succeeding fiscal year and used for the same purposes.

(B) Earmarked funds collected for the LMI-training-development sessions, media services, and program contracts through the department may be retained by the department to be used for the exclusive purpose of operating these programs. Unexpended earmarked funds at the end of a fiscal year may be carried forward to the succeeding fiscal year and used for the same purposes.”

Part 37

Department of Transportation

A.(68.A.1) Section 57-11-80 of the 1976 Code is amended to read:

“Section 57-11-80. “(A) The department shall adopt a budget in accordance with the provisions of Chapters 9 and 11, Title 11.

(B) Notwithstanding the prohibition provided pursuant to Section 11-9-20(A), the department may 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. However, in no case may the expenditures of the department in a fiscal year 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.”

B.(68.A.2) Article 1, Chapter 11, Title 57 of the 1976 Code is amended by adding:

“Section 57-11-30. The department, with the approval of the State Treasurer, may establish in the State Treasury special funds for department funds as considered advisable for proper accounting purposes.”

C.(68.A.5) Article 1, Chapter 11, Title 57 of the 1976 Code is amended by adding:

“Section 57-11-50. The department may establish an appropriate fee schedule to be charged for copies of records, lists, bidder’s proposals, plans, maps, and related documents based on the department’s estimate of the actual costs and handling costs of producing the copies.”

D.(68.A.8) Article 1, Chapter 11, Title 57 of the 1976 Code is amended by adding:

“Section 57-11-60. Rest areas of the department must 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.”

E.(68A.7) Article 7, Chapter 3, Title 57 of the 1976 Code is amended by adding:

“Section 57-3-787. The department 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.”

Part 38

Division of Aeronautics

A.(68D.2), (68D.3), (68D.4), (68D.8) Chapter 1, Title 55 of the 1976 Code is amended by adding:

“Section 55-1-110. Revenue received from the rental of the division’s office space may be retained and expended to cover the cost of building operations.

Section 55-1-120. (A) The division shall provide hangar and parking facilities for government owned 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 must be determined by the division and shall not exceed local average market rates.

(B) Personnel from an agency owning or operating aircraft must be responsible for ground movement of its aircraft.

Section 55-1-130. Due to the special funding available to the four air carrier airports (Columbia, Charleston, Greenville-Spartanburg, Myrtle Beach Jetport) from United States Department of Transportation and Federal Aviation Administration (FAA) appropriations based on enplanements in South Carolina, all general aviation airports shall receive funding prior to the four air carrier airports. This policy may be waived to provide matching state funds for critical FAA safety or capacity projects at air carrier airports.

Section 55-1-140. (A) Any funds appropriated by the General Assembly for aviation grants must be credited to the State Aviation Fund within the Division of Aeronautics for the following purposes:

(1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement projects;

(2) for maintenance projects of general aviation airports; and

(3) for aviation education related programs including, but not limited to, educating young people about careers in the aviation industry and the promotion of aviation in general.

(B) Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this section, but the airport must have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems.

(C) 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.

(D) In addition to subsection (C), 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. Also, the commission has discretion consistent with Section 55-5-170 to establish a program to grant State 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.

(E) By September first of each year, the commission shall prepare a report detailing the expenditure of these funds. The report must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

(F) Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for the same purposes.”

Part 39

Legislative Department

A.(70.23)Section 2-15-65 of the 1976 Code is amended to read:

“Section 2-15-65. (A) Notwithstanding any other provision of law, in order to further comply with federal requirements and increase the oversight abilities of the General Assembly, the Legislative Audit Council shall ensure that an appropriate amount is budgeted for audit purposes in all Title XX federal programs and shall designate and assign audit responsibility in accordance with state and federal laws and regulations and the intent of the General Assembly.

(B) The Legislative Audit Council may use funds appropriated in the annual general appropriations act as state matching funds for federal funds available for audits and reviews. The council also may 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.”

Part 40

Administrative Law Court

A.(71.2) Section 1-23-640 of the 1976 Code, as last amended by Act 334 of 2008, is further amended to read:
Title for A-B at the end

“Section 1-23-640. (A) The court shall maintain its principal offices in the City of Columbia. However, judges of the court shall hear contested cases at the court’s offices or at a suitable location outside the City of Columbia when determined by the chief judge.

(B) Every county shall provide for each administrative law judge residing in that county at the resident administrative law judge’s request, an office within existing physical facilities if space is available, to include all utilities and a private telephone. The request may be made only if that judge’s residence is fifty or more miles from the Columbia offices of the Administrative Law Court.”

B.(71.1) Article 5, Chapter 23, Title 1 of the 1976 Code is amended by adding:

“Section 1-23-675. Revenues received by the Administrative Law Court from printing and distributing copies of agency documents may be retained by it and used to defray the cost of printing and distributing such documents.”

Part 41

A.(72.1) Article 1, Chapter 3, Title 1 of the 1976 Code is amended by adding:

“Section 1-3-60. Any unexpended balance on June thirtieth, 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 or unanticipated grant funds, or both.”

B. (72.3, 72.4) Section 63-11-1140 of the 1976 Code is amended by adding two paragraphs at the end to read:

“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.

Under this section, ‘significant fiscal impact’ in the current fiscal year must 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.”

C.(72.7, 72.8) Article 14, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-1430. (A) It is the intent of the General Assembly that the amounts appropriated for victim assistance programs in solicitors’ offices must 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 these services. A reduction by a 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 that describes the use of these funds. The report must be submitted to the Governor, the Attorney General, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on October first for the preceding fiscal year.

(B) The funds appropriated 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 other necessary support services to victims/witnesses such as contact with employers or creditors; and
- (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.”

D.(72.11) Section 63-11-700 of the 1976 Code is amended by adding subsection (H) at the end to read:

“(H) The Division for Review of the Foster Care of Children 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 budget reductions. These decisions must be based upon the availability of existing funds. This provision supersedes previous statutory or regulatory mandates.”

E.(72.13) Section 63-11-500 of the 1976 Code, as last amended by Act 202 of 2010, is further amended by adding two new subsections at the end to read:

“(C) Both the program and the funds appropriated to the Office of the Governor, 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.

(D) 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 also may carry forward to succeeding fiscal years other funds authorized in preceding fiscal years for program operations.”

F.(72.14) Section 63-11-1330 of the 1976 Code is amended by adding a paragraph at the end to read:

“The Continuum of Care for Emotionally Disturbed Children Division may carry forward appropriated funds for the continuation of services.”

G.(72.17)Section 10-3-60 of the 1976 Code is amended to read:

“Section 10-3-60. Revenues generated from the rentals of the facilities of the Governor’s Mansion Complex may be retained and expended for the budgeted operation of the complex Revenue collected from rental of the Mansion Complex facilities and grounds must be retained and expended by the Office of the Governor, Mansion and Grounds to support its operations. Unexpended funds must be carried forward from the prior fiscal year and be used for the same purposes.”

Part 42

Office of Lieutenant Governor

A.(73.2, 73.3, and 73.6) Section 43-21-110 of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“Section 43-21-110. (A) The General Assembly shall provide an annual appropriation to carry out the work of the ~~commission~~ division.

(B) Of the state funds appropriated under ‘Distribution to Subdivisions’, the first allocation by the Office on Aging must 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 must 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 must be based on amounts distributed in accordance with the previous requirements.

(C) The Office on Aging is authorized to receive and expend registration fees for educational, training and certification programs.

(D) Unexpended funds from appropriations to the Office on Aging for Home and Community-Based Services must be carried forward from the prior fiscal year and used for the same purpose.”

Part 43

Office of Comptroller General

A.(75.1) Chapter 3, Title 11 of the 1976 Code is amended by adding:

“Section 11-3-135. The Comptroller General may designate certain employees to sign, in his stead, warrants drawn against the State Treasurer and the State Treasurer may accept these signatures when notified by the Comptroller General. This provision does not relieve the Comptroller General of responsibility with respect to the warrants signed by his designees.”

Part 44

Office of State Treasurer

A.(76.10)Chapter 5, Title 11 of the 1976 Code is amended by adding:

“Section 11-5-145. The State Treasurer may designate certain employees to sign payments in accordance with Section 11-5-140 to meet the ordinary expenses of the State. This provision does not relieve the State Treasurer of responsibility with respect to the payments signed by his designees.”

B.(76.3) Section 11-9-660 of the 1976 Code is amended by adding a new subsection at the end to read:

“(D) The State Treasurer may pool funds from accounts for investment purposes and may invest all monies in the same types of investments provided pursuant to this section.”

Part 45

Election Commission

A.(79.6) Section 7-13-40 of the 1976 Code, as last amended by Act 236 of 2000, is further amended by adding an unnumbered paragraph at the end to read:

“Section 7-13-40. 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.”

Part 46

State Budget and Control Board

A.(80A.2) 1.Subarticle 9, Article 3, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Section 11-35-1270. Before any governmental body procures any artifact with a value in excess of one thousand dollars, the head of the purchasing agency shall prepare a written determination specifying the need for such objects, identifying the benefits to the State, and determining that the item is reasonably priced, except where specific statutory authority is otherwise provided. Except for the South Carolina Museum Commission, the Confederate Relic Room, the State Budget and Control Board, and the South Carolina Hunley Commission, these determinations must be reviewed for concurrence and approved by the South Carolina Arts Commission before acquisition. As used in this section, ‘artifact’ means: (i) an art object such as a painting, antique, sculpture, or similar object, including without limitation an example of fine art, decorative art, and folk art and craft work; (ii) a historical object, including either a current, specific item or an

object of future historical significance; or (iii) a scientific specimen, including without limitation study skins, skeletal mounts, taxidermy mounts, models, fossils, rocks and minerals, and other such materials representative of, or illustrative of, the natural world. In procurements for the State Museum or the Confederate Relic Room, 'artifact' also means: (iv) collection disciplines, to include cultural history, science and technology, art and natural history; and (v) exhibits, to include design and fabrication and specialty materials not commercially available that are used as components of exhibits.”

2. Section 11-35-710(10) of the 1976 Code is amended to read:

~~“(10) South Carolina Arts Commission and South Carolina Museum Commission for the purchase of one of a kind items such as paintings, antiques, sculpture, and similar objects. Before a governmental body procures the objects, the head of the purchasing agency shall prepare a written determination specifying the need for the objects and the benefits to the State. The South Carolina Arts Commission shall review the determination and forward a recommendation to the board for approval Reserved.”~~

3. Items (14) and (15) of Section 11-35-1510 are amended to read:

~~“(14) Section 11-35-3220 (Architect Engineer, Construction Management and Land Surveying Services Procurement Procedures); and
(15) Section 11-35-3230 (Exception for Small Architect-Engineer and Land Surveying Services Contracts); and
(16) Section 11-35-1270 (Historical artifacts, scientific specimens, and artwork).”~~

4. Section 11-35-1270 of the 1976 Code, as added by item (1) of this subsection, supersedes any exemptions for the acquisition of artifacts, as defined in Section 11-35-1270 of the 1976 Code, as added by this subsection, which has been previously granted by the State Budget and Control Board pursuant to Section 11-35-710 of the 1976 Code.

B.(80A.3) Article 1, Chapter 11, Title 1 of the 1976 Code is amended to read:

“Section 10-1-10. (A) The State Budget and Control Board shall keep, landscape, cultivate and beautify the State House and State House grounds with authority to expend such amounts as may be annually appropriated therefor. The Board shall employ all help and labor in policing, protecting and caring for the State House and State House grounds and shall have full authority over them.

(B) Funds appropriated to the State Budget and Control Board in the annual general appropriations act for State House maintenance, operations, and renovations must be set aside in a separate fund for the operations and maintenance of the State House. The State Budget and Control Board shall report annually to the State House Committee on amounts expended from this fund.”

C.(80A.5), (80A.6) Article 1, Chapter 11, Title 8 of the 1976 Code is amended by adding:

“Section 8-11-172. (A) No supplement may be paid to a state agency employee unless the agency head or designated official of the employing agency has approved the conditions and amount of salary supplement. Any compensation, excluding travel reimbursement, from an affiliated public charity, foundation, clinical faculty practice plan, or other public source or any supplement from a private source to the salary appropriated for a state employee and fixed by the State must be reported by the employing agency to the Human Resources Division of the State Budget and Control Board. The report must include the amount, source, and any condition of the supplement. The employing agency shall report this information on or before August thirty-first of each year and shall include the total amount and source of the salary supplement received by the employee during the preceding fiscal year. The Human Resources Division of the State Budget and Control Board shall formulate policies and procedures to ensure compliance with the reporting provisions of this section.

(B) Appropriated funds may be used for compensation increases for classified and unclassified state employees and state agency heads only in the same ratio that the employee’s base salary is paid from appropriated funds.”

D.(80A.11) Section 1-11-725 of the 1976 Code, as added by Act 353 of 2008, is amended to read:

“Section 1-11-725. The State Budget and Control Board’s experience rating of all local disabilities and special needs providers entities pursuant to Section 1-11-720(A)(3) must be rated as a single group when rating all optional groups participating in the state employee health insurance program. These entities also must be awarded funding increases as provided for state agencies to cover the employer’s share for the cost of providing health and dental insurance to those employees.”

E. (80A.13) Section 1-11-720 of the 1976 Code, as last amended by Act 31 of 2011, is further amended by adding a new subsection at the end to read:

“(D)Members of the South Carolina Lottery Commission and members of the South Carolina Transportation Infrastructure Bank board and their eligible dependents are eligible to participate in the state health and dental insurance plans upon paying the full premium costs as determined by the State Budget and Control Board.”

F. (80A.14) Article 5, Chapter 11, Title 1 of the 1976 Code is amended by adding:

“Section 1-11-765. The Employee Adoption Assistance Program is established to provide grants to eligible employees to assist them with the direct costs of adoption. The program is an employee benefit through the Employee Insurance Program (EIP) and must be funded from the appropriation for the State Health Plan in the annual general appropriations act. Total funding for the Adoption Program may not exceed the amount appropriated for this purpose in the annual general appropriations act. 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 is July first through September thirtieth of the current fiscal year for an adoption in the prior fiscal year. The maximum grant amount is ten thousand dollars in the case of the adoption of a special needs child and five thousand dollars for all other child adoptions. If the total amount needed to fund grants at the maximum level exceeds the appropriated amount, the amount of a grant to an eligible employee must be determined by dividing the appropriated amount evenly among qualified program applicants, with the adoption of a special needs child qualifying for twice the benefit of a nonspecial needs child.”

G.(80A.15) Chapter 7, Title 8 of the 1976 Code is amended by adding:

“Section 8-7-100. Notwithstanding the provisions of Section 8-11-610, 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 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.”

H.(80A.16) Article 1, Chapter 101, Title 59 of the 1976 Code is amended by adding:

“Section 59-101-182. All leases for antenna and tower operations located on campuses of public institutions of higher learning must conform to the present and any future master plans for the campus as determined solely by the institution of higher learning.”

I. (80A.28) Section 7 of Act 82 of 2007 is designated Section 16-8-340 of the 1976 Code and amended to read:

“Section 16-8-340. (A) There is established in the appropriate office of the State Budget and Control Board a Community Safety Anti-Gang Matching Grants program to provide funding for local programs to prevent youth idleness and intervene with at-risk youth. These grants may be awarded to counties and municipalities upon application for after school programs, summer youth employment programs, and police and sheriff anti-gang task forces. Grants must be awarded on a two-for-one matching basis with the local match component consisting of cash. Grant applications must be reviewed and rated by the Governor’s Committee on Criminal Justice, Crime, and Delinquency, but responsibility for the award of grants is solely with the board. Funding for these grants must be in the amount as the General Assembly shall provide by law.

(B) The Attorney General may make recommendations for Community Safety Anti-Gang Grants and matching grants programs authorized pursuant to this section.”

J. (80A.29) Section 1-11-710 of the 1976 Code, as last amended by Act 195 of 2008, is further amended by adding a new subsection at the end to read:

“(E) For health plans adopted pursuant to this section, the State Budget and Control Board may differentiate between tobacco users and nonusers regarding rates charged to enrollees in the health plans by imposing a surcharge on enrollee rates based upon tobacco use. The surcharge for tobacco use may not exceed forty dollars a month for each subscriber or sixty dollars a month for each subscriber and dependents.”

K.1. (80A.30), (89.71) Section 8-11-160 of the 1976 Code, as last amended by Act 20 of 1987, is further amended to read:

“Section 8-11-160. (A)(1) All boards and commissions, including the Commission on Indigent Defense and the Prosecution Coordination Commission, are required to submit justification of an agency head’s performance and salary recommendations to the Agency Head Salary Commission. This commission consists of four appointees of the chairman of the House Ways and Means Committee, four appointees of the chairman of the Senate Finance Committee, and three appointees of the Governor with experience in executive compensation.

(2) Salary increases for agency heads must be based on recommendations by each agency board or commission to the Agency Head Salary Commission and their recommendations to the General Assembly.

(B) For a state agency head or technical college president vacancy, the governing board of the agency, 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. An agency head or technical college president must not be paid a salary higher than that recommended by the commission. Boards and commissions, or the Governor if the Governor is the appointing authority, of newly created agencies or technical colleges may 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.”

2. Section 8-11-165 of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

~~“Section 8-11-165. It is the intent of the General Assembly that a salary and fringe benefit survey for agency heads must be conducted by the Office of Human Resources of the State Budget and Control Board every three years. The staff of the office shall serve as the support staff to the Agency Head Salary Commission.~~

(A) The State Budget and Control Board, every four years, shall contract 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 State 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. An agency head or technical college president may not 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.

(B) No An employee of agencies reviewed by the Agency Head Salary Commission may not receive a salary in excess of ninety-five percent of the midpoint of the agency head salary range or the agency head actual salary, whichever is greater, except on approval of the State Budget and Control Board, and except for employees of higher education technical colleges, colleges, and universities.

~~No president of a technical college may receive a salary in excess of ninety five percent of the midpoint of the agency head salary range or the agency head actual salary, whichever is greater, except on approval of the Agency Head Salary Commission and the State Budget and Control Board.~~

~~The Agency Head Salary Commission may recommend to the State Budget and Control Board that agency head salaries be adjusted to the minimum of their salary ranges and may recommend to the board that agency head salaries be adjusted when necessary up to the midpoints of their respective salary ranges. These increases must be based on criteria developed and approved by the Agency Head Salary Commission.~~

(C) All new members appointed to a governing board of an agency where the performance of the agency head is reviewed and ranked by the Agency Head Salary Commission shall attend the training in agency head performance

appraisal provided by the commission within the first year of their appointment unless specifically excused by the chairman of the Agency Head Salary Commission.”

L.(80A.31) Section 53-5-30 of the 1976 Code is amended to read:

“Section 53-5-30. ~~Whenever any of the~~ When a legal holiday specified in Section 53-5-10 shall fall falls on ~~upon~~ the following Monday next following shall be ~~is~~ deemed a public holiday and whenever any of the holidays mentioned when a holiday specified in such that section shall fall upon falls on ~~the~~ preceding Friday next preceding shall be ~~is~~ deemed a public holiday for all of the purposes aforesaid. If either the following Monday or the preceding Friday is also a legal holiday, then the State Human Resources Division shall designate the day on which the legal holiday is observed by state employees. To insure that no more than the legal holidays specified in Section 53-5-10 are observed in the calendar year, a New Year’s Day that falls on Saturday must be observed on the following Monday. In such cases all All bills of exchange, checks, and promissory notes which would otherwise be presentable for acceptance or payment on any such a Monday or Friday observed as a holiday pursuant to this section shall be are deemed to be presentable for acceptance or payment on the secular or business day next succeeding the holiday.”

Part 47

Department of Revenue

A.(81.1) Article 3, Chapter 4, Title 12 of the 1976 Code is amended by adding:

“Section 12-4-398. If an employee of the department is subpoenaed to testify in litigation not involving the department, the party subpoenaing the employee shall reimburse the department for the employee’s expenses. Expenses include, but are not limited to, the cost of materials and the average daily salary of the employee.”

B.(81.2) Article 3, Chapter 4, Title 12 of the 1976 Code is amended by adding:

“Section 12-4-400. Funds awarded to the department by court order must be retained in a special account and carried forward from year to year, and expended as needed to accomplish the purposes and conditions of the order, if specified, and if not specified, as directed by the director of the department.”

C.(81.4) Article 3, Chapter 4, Title 12 of the 1976 Code is amended by adding:

“Section 12-4-402. The department shall share equally with the South Carolina Business One Stop program the collection assistance fees imposed on overdue tax debt. The funds received by the department from this fee must be used for administration of the revenue laws in a fair and impartial manner. Unexpended fees at the end of the fiscal year are carried forward to the succeeding fiscal year and also must be shared equally between the department and the South Carolina Business One Stop program.”

D.(81.5) Article 3, Chapter 4, Title 12 of the 1976 Code is amended by adding:

“Section 12-4-404. The Department of Revenue is exempt from across the board budget cuts ordered by the State Budget and Control Board pursuant to Section 1-11-495.”

E.(81.7) 1. Section 12-21-2420 of the 1976 Code, as last amended by Act 74 of 2001, is further amended by adding a new item before the last unnumbered paragraph to read:

“(16) On amounts 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.”

2. The exemption allowed pursuant to Section 12-21-2420(16) as contained in subsection 1 of this section also applies retroactively for all open tax periods as of the effective date of this section.

Part 48

Aid to Subdivisions, State Treasurer

A.(86.4) Chapter 5, Title 11 of the 1976 Code is amended by adding:

“Section 11-5-135. (A) The amounts appropriated in the annual general appropriations act as state salary supplements for clerks of court, probate judges, coroners, sheriffs, and registers of deeds must be distributed by the State Treasurer to each county treasurer equally on a quarterly basis, and must be used as a salary supplement for each clerk of court, probate judge, county coroner, county sheriff, and register of deeds.

(B) The amount appropriated in the annual general appropriations act as state salary supplements for county auditors and county treasurers must 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 not be reduced as a result of the state supplement and that the supplement 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 must be paid in accordance with the schedule and method of payment established for state employees.

(C) The amounts appropriated in the annual general appropriations act as state salary supplements for clerks of court, probate judges, sheriffs, registers of deeds, coroners, auditors, and treasurers are exempt from any across the board cut mandated by the State 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.”

Part 49

Public Officers and Employees

A.(89.73)Chapter 1, Title 1 of the 1976 Code is amended by adding:

“Section 8-1-195. Agencies and offices of state government that employ attorneys, at their discretion, may use other appropriated funds, including general fund carry-forward funds, to pay the costs of mandatory dues owed to the South Carolina Bar by these attorneys.”

Part 50

General Provisions

A.(89.6, 89.10, 89.32, 89.37, 89.55) Chapter 1, Title 1 of the 1976 Code is amended by adding:

“Article 27

Miscellaneous

Section 1-1-1800. (A) Any agency appropriated case services funds that receives case service billings from the prior fiscal year after the current fiscal year begins may use the appropriation from the previous fiscal year to pay the previous year’s case service obligations in the current fiscal year. This section does not apply to billings received in the prior fiscal year through a timely agency payment approval process.

(B) 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.

Section 1-1-1810. Any state agency, including public institutions of higher learning as defined in Section 59-103-5, that operates an early childhood development center or childcare facility shall charge, at a minimum, fees that are comparable to those charged by private childcare facilities in the local community. The institution or agency shall not restrict enrollment to the facility or reduce the fees for the facility solely for the children of faculty, staff, and students.

Section 1-1-1820. A state agency shall not expend appropriated 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 section applies during the hours of 8:30 a.m. until 5:00 p.m., Monday through Friday, excluding holidays. This section 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 section.

Section 1-1-1830. Any insurance reimbursement to a state agency may be used to offset expenses related to the claim. These funds may be retained, expended, and carried forward.”

B.(89.13)Title 44 of the 1976 Code is amended by adding”

“CHAPTER 136

South Carolina Health and Human Services Data Warehouse

Section 44-136-10. As used in this chapter:

- (1) ‘Office’ means the Office of Research and Statistics of the State Budget and Control Board.
- (2) ‘Warehouse’ means the South Carolina Health and Human Services Data Warehouse established pursuant to Section 44-136-20.

Section 44-136-20. There is established within the Office of Research and Statistics of the State Budget and Control Board, the South Carolina Health and Human Services Data Warehouse (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 maintained, or any of these, by state agencies and other entities required to report client information to the Office of Research and Statistics pursuant to this chapter. To integrate client information, client data from health and human services state agencies must be linked to improve client outcome measures, enabling state agencies to analyze coordination and continuity of care issues. The addition of this data must enhance existing agency systems by providing client data from other state agency programs to assist in the provision of client services. Certain client information must be delivered to the office to assist in the development and maintenance of the warehouse. The following agencies shall report client information:

- (1) Department of Health and Human Services;
- (2) Department of Health and Environmental Control;
- (3) Department of Mental Health;
- (4) Department of Alcohol and Other Drug Abuse Services;
- (5) Department of Disabilities and Special Needs;
- (6) Department of Social Services;
- (7) Department of Vocational Rehabilitation;
- (8) Department of Education;
- (9) Department of Juvenile Justice;
- (10) Department of Corrections;
- (11) Department of Probation, Parole and Pardon Services;
- (12) Office of the Governor, Children’s Foster Care Review Board;
- (13) Office of the Governor, Continuum of Care for Emotionally Disturbed Children;
- (14) Office of the Lieutenant Governor, Division on Aging;

- (15) South Carolina School for the Deaf and the Blind;
- (16) Commission for the Blind; and
- (17) other entities as considered necessary by the office.

Section 44-136-30. These agencies and department specified in Section 44-136-20 shall collect and provide client data in formats and schedules to be specified by the office. The office shall enter into a memorandum of agreement with each agency, department, or division. These agreements must 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 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 considered necessary by the office, an integrated data system that includes client data from all participating agencies.

Section 44-136-40. To provide for inclusion of other entities into the warehouse and other research and analytic oriented applications assisting the state in the efficient and effective provision of services, the office may 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 or analyses, or both, information dissemination and research. The confidentiality of data collected under these initiatives must comply with applicable state and federal laws governing the privacy of data.

Section 44-136-50. The office may promulgate regulations and prescribe policies and procedures, in consultation with the participating agencies, for the development, protection and operation of the warehouse, other research and analytic-oriented applications, and their underlying processes.

Section 44-136-60. The office shall develop internet-accessible secure analytic query tools, such as analytic cubes, using integrated client data from the warehouse. All agencies must cooperate with the office in the development of these analytic tools. It is the intent of this chapter that the analytic tools developed under this section are made available to members of the General Assembly and their research staff members, state agencies, and researchers. To that end, the office, in consultation with the participating agencies, shall promulgate regulations addressing access to and use and release of information generated through use of the query tools.

Section 44-136-70. 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 is 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 chapter.

Section 44-136-80. Where state law, regulations, and agency policies and procedures conflict or are in any way inconsistent with the provisions of this chapter, the provisions of this chapter apply.”

C.(89.14)Article 1, Chapter 11, Title 8 of the 1976 Code is amended by adding:

“Section 8-11-125. (A) 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.

(B) 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.

(C) In accordance with Section 1-13-110, the State Human Affairs Commission shall submit a report on the status of state agencies' affirmative action plans and programs to the General Assembly by February first of each year. This report must 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 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 State Human Affairs Commission by February fifteenth, explaining why goals were not achieved.

The State Human Affairs Commission shall review the explanations and notify the State Budget and Control Board of any agency not in satisfactory compliance with meeting its stated goals.

(D) The State Budget and Control Board shall notify an agency not in compliance that the agency's request for additional appropriations for the current appropriation cycle, may not be processed until the State Budget and Control Board, after consultation with the State 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 does 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 State Human Affairs Commission.”

D.(89.15) Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11-11-195. (A) To provide the necessary control over the number of employees, the State Budget and Control Board (board) shall maintain close supervision over the number of state employees, and require specifically the following:

(1) that no state agency exceed the total authorized number of full-time equivalent (FTE) positions and those funded from state sources as provided in each section of the annual general appropriations act except by majority vote of the board; and

(2) that the board shall maintain and make, as necessary, periodic adjustments, an official record of the total number of authorized full-time equivalent positions by agency for state and total funding sources.

(B)(1) Within thirty days of the date of enactment of the annual general appropriations act or by August first, whichever comes later, each state agency shall have established on the State Budget and Control Board records all positions authorized in the annual general appropriations act. After that date, the board shall delete any nonestablished positions immediately from the official record of authorized full-time equivalent positions. No positions may be established by the board in excess of the total number of authorized full-time equivalent positions. Each agency, upon notification to the board, may change the funding source of state FTE positions established on the 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. An agency may not change funding sources that will cause the agency to exceed the authorized number of state or total full-time equivalent positions. Each agency may transfer FTE's between programs as needed to accomplish the agency mission.

(2) By September thirtieth of each year, 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 applicable fiscal year at a funding level of one hundred percent. The board shall then reconcile each agency's personal service detail with the agency's personal service appropriation as contained in the annual general appropriations 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.

(3) Any position which is shown by the reconciliation to be unfunded or significantly underfunded may be deleted at the direction of the board.

(C) Full-time equivalent positions must be determined under the following guidelines:

(1) the annual work hours for each FTE must be the agency's full-time standard annual work hours;

(2) the state FTE must be derived by multiplying the state percentage of budgeted funds for each position by the FTE for that position; and

(3) all institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty with a duration of nine months.

The FTE method of accounting shall be utilized for all authorized positions.

(D) The number of positions authorized in the annual general appropriations act must be reduced in the following circumstances:

(1) upon request by an agency;

(2) when anticipated federal funds are not made available; or

(3) when the board, through study or analysis, becomes aware of any unjustifiable excess of positions in any state agency.

(E) The board annually shall reconcile personal service funds with full-time employee count. Unfunded positions must be eliminated no later than January fifteenth of the current fiscal year unless specifically exempted by law or by the board. The board shall report the full-time employee count and unfunded position status to the Senate Finance Committee and the House Ways and Means Committee by February first of the current fiscal year.

(F) New permanent positions in state government may not be funded by supplemental appropriation acts but temporary positions may be so funded.

(G) The provisions of this section do not apply to personnel exempt from the State Classification and Compensation Plan pursuant to Section 8-11-260(i).

(H) The Governor, in making appropriation recommendations to the House Ways and Means Committee, shall provide that the level of personal service appropriation recommended for each agency is at least ninety-seven percent of the funds required to meet one hundred percent of the funds needed for the full-time equivalent positions recommended by the Governor, exclusive of new positions.”

E. (89.25)Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11-11-235. (A) Each state agency may carry forward general fund appropriations unspent at the end of a fiscal year to the succeeding fiscal year as provided in this section.

(B) The carry forward allowed pursuant to subsection (A) of this section is limited to ten percent of general fund appropriations made to the agency for a fiscal year calculated after applying any midyear reductions in such appropriations.

(C) The carry forward allowed pursuant to this section is suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this subsection, the amount of the general fund deficit is determined after first applying the Capital Reserve Fund provisions in Section 11-11-320(D), and before any transfers from the General Reserve Fund. The amount of general funds needed to avoid a year-end deficit is obtained by an equal percentage reduction from each agency’s carry-forward amount.

(D) Agencies which have general fund carry-forward authority pursuant to a separate provision of law shall exclude the amount carried forward as allowed by that separate provision of law from their base for purposes of calculating the ten percent carry forward allowed pursuant to this section.

(E) Funds allowed to be carried forward by an agency pursuant to this section and funds carried forward by an agency as allowed pursuant to a separate provision of law are not considered part of the agency’s base appropriations for any succeeding years. Agencies may not withhold services in order to carry forward general funds.”

F. (89.26, 89.40) Article 1, Chapter 7, Title 2 of the 1976 Code is amended by adding:

“Section 2-7-130. By January thirty-first of each year, each agency shall conduct a jurisdictional audit for the purpose of identifying laws, regulations, and Part 1B general appropriation provisos that are no longer used or no longer needed. After identifying these laws, the agency shall prepare a draft repealing the identified laws and submit the draft to the appropriate standing committee of each house of the General Assembly.

Section 2-7-131. Each state agency shall provide to the Chairman of Senate Finance Committee and the Chairman of House Ways and Means Committees a report detailing the amount of its outstanding debt and all methods it has used to collect that debt. The report is due annually by the last day of February for the previous calendar year. For purposes of this section, outstanding debt means a sum remaining due and owed to a state agency by a nongovernmental entity for more than sixty calendar days.”

G.(89.27)Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11-11-265. (A) Notwithstanding any other provision of law, the State Medicaid Plan shall provide benefits to disabled children as allowed by the Tax Equity and Fiscal Responsibility Act (TEFRA) option. By January thirty-first of each year, a state agency that provides benefits to disabled children, 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 disabled children.

(B) Effective July 1, 2012, these funds shall be used to implement TEFRA option benefits. Agencies providing services under the provisions of this section must not spend less in the current fiscal year than expended in the previous fiscal year on disabled children.”

H.(89.34) Chapter 11, Title 34 of the 1976 Code is amended by adding:

“Section 34-11-140. In lieu of any other provision of law, any state agency may collect a service charge pursuant to 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 contains an incorrect or insufficient signature. Such funds shall be retained and expended by the agency in accordance with this purpose and any unused amount shall carry forward.”

I. (89.38), (89.52), (89.77)Article 1, Chapter 11, Title 8 of the 1976 Code is amended by adding:

“Section 8-11-188. State agencies, in consultation with the Division of Human Resources of the State Budget and Control Board, may implement 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 this program are not eligible to participate in the Teacher and Employee Retention Incentive program. Employees participating in the program are considered to have voluntarily quit their employment without good cause and are subject to the provisions of Section 41-35-120(1) of the South Carolina Employment Security Law. Any program developed under this provision must involve voluntary participation from employees and must be funded within existing appropriations. The program must be approved by the agency head and the Director of the Human Resources Division based on ability to demonstrate recurring cost savings for realignment or permanent downsizing. State agencies shall report the prior year’s results to the State Budget and Control Board by August fifteenth, of the current fiscal year. The State Budget and Control Board shall report the results to the Senate Finance Committee and the House Ways and Means Committee.

Section 8-11-189. (A) All constitutional officers and agency heads may take up to thirty-six days furlough in a fiscal year. The officials will retain all responsibilities and authority during the furlough. All funds saved as a result of 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 is 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 is 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.

(B) 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 enacts or the State 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 in a fiscal year. During this voluntary furlough, the state employees are 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 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. If an agency's reduction is due solely to the General Assembly transferring or deleting a program, this subsection does not apply."

J. (89.42)Section 11-11-170 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

"() State agencies are 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."

K.(89.46)Article 1, Chapter 11, Title 25 of the 1976 Code is amended by adding:

"Section 25-11-95. (A) The Director of the Division of Veterans' Affairs 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 monetary 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.

(B) 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."

L. (89.54)Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

"Section 59-1-485. The Governor's School for the Arts and Humanities, Special School for Science and Mathematics, Wil Lou Gray Opportunity School, and John de la Howe School may charge, collect, and expend fees charged for facility an equipment rental and registration at these schools. Unexpended fee revenues may be carried forward to succeeding fiscal years."

M. (89.56)Section 1-1-970 of the 1976 Code is amended to read:

~~"Section 1-1-970. All agencies, departments and institutions of state government shall furnish to the State Personnel Division not later than fifteen days following the close of the second quarter of each even numbered year a current personnel organization chart in a form prescribed by the division showing all authorized positions, the personnel grade and compensation of each and indications as to whether such positions are filled or vacant.~~

~~All agencies, departments and institutions of state government shall furnish to the State Personnel Division not later than fifteen days following the close of each quarter except the second quarter of each even numbered year any and all changes or alterations to the personnel organization chart in a form prescribed by the division.~~

~~The State Personnel Division shall ensure that all reports submitted to the division by agencies, departments and institutions of state government are accurate and up to date and, based on that information, shall furnish to the Legislative Audit Council organizational charts and alterations to existing charts for each such agency, department and institution in such form as the division and Audit Council shall determine.~~

~~The charts prepared by the division shall be furnished to the Audit Council not later than thirty days following the end of each quarter.~~ All agencies, departments, and institutions of state government shall furnish to the Division of Human Resources of the State Budget and Control Board:

(1) a current personnel organizational chart annually no later than September first of the current fiscal year, or upon request of the division; and

(2) notification of any change to the agency's organizational structure which impacts an employee's grievance rights within thirty days of the change.

The organizational chart must be in a form prescribed by the Division of Human Resources of the State Budget and Control Board showing all authorized positions, class titles, class codes, class slots, and indications as to whether the positions are filled or vacant. In addition, the organizational chart must clearly identify those employees who are exempt from the State Employee Grievance Procedure Act.”

N.(89.57)Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11-11-225. Upon restructuring of state agencies by the General Assembly, the State Budget and Control Board shall work with affected state agencies in order to phase-in operations of restructured organizations during the current fiscal year. Restructured organizations should be operating entirely under the revised structure no later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The board also shall work with the affected agencies to identify and facilitate the transfer of any portion of their operations, including transfer of funds in the current fiscal year affected by the restructured organization enacted by the General Assembly, but which have not already been accomplished. 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 as of June thirtieth, of the most recently completed fiscal year. Restructured agencies shall make all the necessary accounting adjustments to complete the transition to the new account structure as soon as possible, but no later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The State Budget Division shall prepare the subsequent detail budget to conform Part IA and corresponding paragraphs in the annual general appropriations act to any restructuring changes.”

O.(89.74)Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11-11-181. 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 health care workers in critical needs health care jobs based on objective guidelines established by the State Budget and Control Board. Employees may receive up to five thousand dollars, not to exceed an accumulation of more than ten thousand dollars, in bonuses a 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 the respective state retirement systems.

These agencies also may provide paid educational leave for any employees in a full-time equivalent position to attend class while enrolled in health care degree programs that are related to the agency’s mission. This 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 health care degree. The employee must be employed in a critical needs area, as identified at the agency head’s discretion. Critical needs areas may include rural areas, areas with high turnover, or where the agency has experienced recruiting difficulties. Agencies may pay these employees up to twenty percent or seven thousand five hundred dollars, whichever is less, of their outstanding student loan each year over a five-year period. Payments must be made directly to the employee at the end of each year of employment. The agency is responsible for verifying the principle balance of the employee’s student loan before issuing payments.

Employees of these agencies working on a practicum or required clinical experience towards completion of a health care 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 also may allow tuition reimbursement for a maximum of ten credit hours a semester; allow probationary employees to participate in tuition programs; and provide tuition prepayment instead of tuition reimbursement for employees willing to pursue a degree in a health care program. An agency may pay up to fifty percent of an employee’s tuition through tuition prepayment. The remaining tuition may be reimbursed to the employee after successful completion of the class.”

P. (89.75)Section 11-11-15 of the 1976 Code is amended to read:

“Section 11-11-15. (A) The functions of the State Budget and Control Board in the preparation and submission to the General Assembly of the recommended state budget are devolved upon the Governor. Wherever the phrase ‘State Budget and Control Board’ appears in the context of preparing and submitting budget recommendations to the General Assembly, it means the Governor. In preparing the recommended state budget, the Governor may consult with the State Treasurer, the Comptroller General, or other state officials as needed. The Budget Division of the State Budget and Control Board shall assist the Governor in preparing the budget recommendations, but this function of the Budget Division may not be construed as altering the overall management and administration of the Budget Division as an entity of the State Budget and Control Board.

(B) The annual executive budget proposed by the Governor must be certified by the Director of the State Budget Division of the State Budget and Control Board or the director’s designee in the same manner as the House Ways and Means and Senate Finance Committee versions of the annual general appropriations bill are certified.”

Q.(89.50) Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56-1-560. Notwithstanding another provision of law, 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) driving records of employees or prospective employees.”

Part 51

Statewide Revenue

A.(90.5) Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14-1-237. (A) In addition to all other assessments and surcharges required to be imposed by law, 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 this 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.”

SECTION 3. The numbers in parentheses following the individually lettered subparts in each part of Section 1 of this act are references to paragraphs in Part IB of the general appropriations act for fiscal year 2012-2013, and are for purposes of identification only.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. The purpose of this, the Budget Proviso Codification Act of 2012, is to enact into permanent law temporary provisions that are reenacted annually in the annual general appropriations act. With respect to the imposition of fees and

assessments, this act must not be construed in a manner that would result in a doubling of the fees and assessments by deeming them to be imposed cumulatively pursuant to both temporary and permanent law.

SECTION 6. If any part, subpart, 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, subpart, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other parts, subparts, sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 7. This act takes effect July 1, 2013. However, for those provisions providing for the carry forward of an agency's unexpended funds at the end of a fiscal year to that agency's budget for the succeeding fiscal year, this act is effective for that agency's unexpended funds as of June 30, 2013. /

Renumber sections to conform.

Amend title to conform.