

SENATOR DAVIS

OFFICE OF THE ATTORNEY GENERAL

59.jot. (AG: Jasper Ocean Terminal) From the funds appropriated to the Office of the Attorney General, the Attorney General is directed to monitor the activities associated with the preparation for and/or actual permitting of the Jasper Ocean Terminal on the Savannah River in Jasper County, as set forth in Proviso 88.jot, and to provide a monthly report of such activities to the members of the General Assembly, commencing on August 1, 2018, and continuing on the 1st day of each succeeding month.

59.srm Savannah River Maritime Commission Sen. Davis.docx

SENATOR DAVIS

STATE PORTS AUTHORITY

88.jot. (SPA: Jasper Ocean Terminal Permitting) The funds appropriated to the State Ports Authority (SPA) for the Jasper Ocean Terminal Permitting shall be utilized by SPA to pay for activities associated with the preparation for or the actual permitting of the Jasper Ocean Terminal (JOT) on the Savannah River in Jasper County. Activities to be undertaken during FY 2018-19 shall include but are not limited to the following:

1. Developing reasonable and practical alternatives for the JOT, initiating various technical investigations for the JOT, and taking other necessary steps toward the development of the Environmental Impact Statement (EIS), which is currently scheduled for 2020, such steps to include:

a) developing a draft Regional Traffic Demand Model for the JOT to help identify the environmental consequences for inclusion in the EIS;

b) preparing a research design for review by the Corps of Engineers' archaeologists;

c) conducting field surveys on the proposed site of the JOT to verify the accuracy of the existing preliminary base maps for vegetation, habitat and waters of the United States, including wetlands; and

d) preparing Chapters 1 and 2 of the preliminary draft of the EIS (including the description of the Project Alternatives and the Screening Process) and portions of Chapter 3 (Affected Environment);

2. Conducting field assessments on the proposed site of the JOT, including an assessment of the transportation and utility improvements that would serve the JOT, such to include a 4-lane divided highway to connect the JOT to U.S. Highway 17, a double-track rail corridor to connect the JOT's intermodal rail yard to existing CSX Transportation and Norfolk Southern rail lines, a new rail bridge across the Savannah River, and utility lines and intermediary facilities to connect to existing services (water, sewer, electricity, etc.);

3. Taking actions in furtherance of obtaining a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, in that the development of the JOT would result in the dredging of navigable waters and potential impacts to wetlands and other waters of the United States;

4. Taking actions as required by Section 203 of the Water Resources Development Act of 1986, as amended, to prepare a Channel Modification Feasibility Study;

5. Discharging its obligations pursuant to its Joint Venture Agreement with the Georgia Ports Authority;

6. Discharging the legislative directive of Section 54-3-115 of the South Carolina Code in regard to taking "all action necessary to expeditiously develop a port in Jasper County."

The funds appropriated to SPA for the Jasper Ocean Terminal Permitting may not be used for reimbursement of SPA made in a prior fiscal year and must be used only for one or more of the purposes set forth above.

SPA shall provide a detailed report in writing to the members of the General Assembly on or before the first day of the 2018 legislative session describing the progress made in the previous calendar year in regard to the JOT, such to include a description of the studies being conducted, the estimated costs of those studies, the funds expended on the studies and the estimated dates of completion, the additional studies needed to obtain a permit to build the JOT, the estimated costs of those additional studies, and the estimated beginning and completion dates of those additional studies.

SENATOR DAVIS

**Section 72 – PUBLIC SERVICE COMMISSION**

With funds appropriated and authorized in the current fiscal year, the Public Service Commission shall (i) determine what contract length for power purchase agreements between electrical utilities and qualifying facilities (as defined in the Public Utility Regulatory Policies Act (Pub.L. 95-617, 92 Stat. 3117) ("PURPA") is necessary to give such facilities a reasonable opportunity to attract capital; (ii) adopt model power purchase agreements for such transactions that contain commercially reasonable terms and conditions, including a prohibition on uncompensated curtailment of qualifying facilities except as authorized by PURPA; (iii) require electrical utilities to compensate a qualifying facility for all capacity costs avoided by the utility as a result of the construction and operation of the facility; and (iv) prohibit an electrical utility from charging, or reducing the price paid to, a qualifying facility based on costs incurred by the electrical utility to respond to the intermittent nature of electrical generation by the facility.

**Senator Setzler**

**23.bus.** (MUSC: Burn Unit Feasibility Study) Of the funds appropriated, the MUSC Hospital Authority is directed to conduct a feasibility study of the total costs of the implementation and annual operation of a fully operational adult and pediatric burn unit. The Authority shall submit the study to the Chairmen of: House Ways & Means, House Medical, Military, Public and Municipal Affairs, Senate Finance and Senate Medical Affairs Committees by January 15, 2019.

SENATOR CROMER

RECONSIDER AND AMEND NEW PROVISIO

101.mah. (Match for Additional HAVA Funds) In the event that additional Help America Vote Act federal funds become available, the commission shall be authorized to utilize funds appropriated for primary and general elections **and for voting system refurbishment** to provide a match for the federal funds.

SENATOR CROMER

OFFICE OF ADJUTANT GENERAL

100.hi. (ADJ: Hurricane Irma FEMA Match) The Office of Adjutant General, Emergency Management Division shall be authorized to utilize existing fund balances to provide the non-federal cost share to state and local government entities for work that is eligible under the Federal Emergency Management Agency Public Assistance Program for Hurricane Irma. Existing fund balances may not be used to provide the non-federal cost share to the South Carolina Public Service Authority or to private non-profit entities.

ben. scott

Add a new proviso

**A JOINT RESOLUTION**

TO CREATE THE SOUTH CAROLINA STATE FLAG STUDY COMMITTEE CHARGED WITH PROPOSING AN OFFICIAL, UNIFORM DESIGN FOR THE STATE FLAG.

Amend Title To Conform

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

~~SECTION 1 (A)~~ There is created the South Carolina State Flag Study Committee charged with proposing an official, uniform design for the state flag based on historically accurate details and legislative adoptions. Membership of the study committee shall be comprised of five members as follows:

- (1) the Director of the Department of Archives and History, or his designee, who shall serve as chair;
- (2) the Director of the Department of Administration, or his designee;
- (3) one member appointed by the President Pro Tempore of the Senate;
- (4) one member appointed by the Speaker of the House of Representatives; and
- (5) one member appointed by the Governor.

(B) The study committee shall provide a report including a proposed design to the General Assembly by February 1, 2019, at which time the study committee shall dissolve. Members of the study committee shall receive mileage, per diem, and subsistence as provided by law.

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

---XX---

SENATOR BENNETT

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(DHEC: Ocean and Coastal Regulation) The department may not expend any funds or assets, including employees, to regulate and shall cease regulating ocean and coastal resources in Dorchester County except for inside the critical area boundary located in the seaward portion of Dorchester County bounded beginning at the intersection of the county line and S.C. 165, then northward along S.C. 165 until its intersection with S.C. 642, then southeastward along S.C. 642 until its intersection with the county line.



**SPONSOR: SENATOR HEMBREE**

**117.121 AMEND** (Sentencing Reform Oversight Committee Reauthorization) Establishes the Sentencing Reform Oversight Committee; provides for the powers and duties of the committee; directs that committee members are entitled to mileage, subsistence and per diem; and provides for the composition of the 11 member committee: two members of the Senate, both appointed by the Chair of the Senate Judiciary Committee and one being the Chair of the Senate Judiciary Committee or his designee, two members of the Senate, one appointed by the President Pro Tempore and one appointed by the Senate Finance Committee Chairman; two members of the House, both appointed by the Chair of the House Judiciary Committee and one being the Chair of the House Judiciary Committee or his designee; two members of the House, one appointed by the Speaker of the House and one appointed by the Ways and Means Committee Chairman, one member appointed by the Chair of the Senate Judiciary Committee from the general public at large; one member appointed by the Chair of the House Judiciary Committee from the general public at large; and one member appointed by the Governor..

**REQUEST:** AMEND proviso to change the number of committee members to nine and the composition of the committee: two members of the Senate, one each appointed by the Senate Majority Leader and the Senate Minority Leader; two members of the House of Representatives, one each appointed by the House Majority Leader and the House Minority Leader; the Chief of the State Law Enforcement Division or his designee; one member appointed by the Governor from each of the following agencies: South Carolina Victims Assistance Network, South Carolina Indigent Defense, South Carolina Commission on Prosecution, and South Carolina Department of Corrections. Direct that legislative members may not serve more than two consecutive years and that a legislative member who has served on the committee before may serve a new term after a break in service of one year.

**117.121.** (GP: Sentencing Reform Oversight Committee Reauthorization) There is established for the current fiscal year the South Carolina Sentencing Reform Oversight Committee. The oversight committee shall be composed of ~~eleven~~ *nine* members, ~~two of whom shall be members of the Senate, both appointed by the Chair of the Senate Judiciary Committee and one being the Chair of the Senate Judiciary Committee or his designee; two of whom shall be members of the Senate, one appointed by the President Pro Tempore of the Senate and one appointed by the Chairman of the Senate Finance Committee; two of whom shall be members of the House of Representatives, both appointed by the Chair of the House Judiciary Committee and one being the Chair of the House Judiciary Committee or his designee; two of whom shall be members of the House of Representatives, one appointed by the Speaker of the House and one appointed by the Chairman of the House Ways and Means Committee; one of whom shall be appointed by the Chair of the Senate Judiciary Committee from the general public at large; one of whom shall be appointed by the Chair of the House Judiciary Committee from the general public at large; and one of whom shall be appointed by the Governor.~~ *two of whom shall be members of the Senate, one each appointed by the Senate Majority Leader and the Senate Minority Leader; two of whom shall be members of the House of Representatives, one each appointed by the House Majority Leader and the House Minority Leader; one of which shall be the Chief of the State Law Enforcement Division or his designee; one of whom shall be appointed by the Governor from each of the following agencies: South Carolina Victims Assistance Network, South Carolina Indigent Defense, South Carolina Commission on Prosecution, and South Carolina Department of Corrections.* Provided, however, that in making appointments to the oversight committee, race, gender, and other demographic factors should be considered to

assure nondiscrimination, inclusion, and representation to the greatest extent of all segments of the population of the State. ~~The members of the general public appointed by the chairs of the House and Senate Judiciary Committees must be representative of all citizens of this State and must not be members of the General Assembly.~~ No legislative committee member may serve more than two consecutive years. A legislative member may be reappointed after the expiration of one year from the date of his last day of service on the committee.

The oversight committee must meet as soon as practicable after appointment and organize itself by electing one of its members as chair and such other officers as the oversight committee may consider necessary. Thereafter, the oversight committee must meet at the call of the chair or by a majority of the members. A quorum consists of seven members.

The oversight committee shall have the following powers and duties:

(1) to review the implementation of the recommendations made in the Sentencing Reform Commission report of February 2010, including, but not limited to:

(a) the plan required from the Department of Probation, Parole and Pardon Services on the parole board training and other goals identified in Section 24-21-10;

(b) the report from the Department of Probation, Parole and Pardon Services on its goals and the development of assessment tools consistent with evidence-based practices;

(c) the report from the Office of Pretrial Intervention Coordinator in the Commission on Prosecution Coordination on diversion programs required by the provisions of Article 11, Chapter 22, Title 17; and

(d) the report from the Department of Probation, Parole and Pardon Services on:

(i) the number and percentage of individuals placed on administrative sanctions and the number and percentage of individuals who have earned compliance credits; and

(ii) the number and percentage of probationers and parolees whose supervision has been revoked for violations of conditions or for convictions of new offenses;

(2) to request data similar to the information contained in the report required by Section 17-22-1120 from private organizations for which programs are operated through a court and that divert individuals from prosecution, incarceration, or confinement, such as diversion from incarceration for failure to pay child support, and for which programs are sanctioned by, coordinated with, or funded by federal, state, or local governmental agencies;

(3) (a) to calculate:

(i) any state expenditures that have been avoided by reductions in the revocation rate as calculated by the Department of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680; and

(ii) any state expenditures that have been avoided by reductions in the new felony offense conviction rate as calculated by the Department of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680;

(b) to develop rules and regulations for calculating the savings in item (3)(a), which shall account at a minimum for the variable costs averted, such as food and medical expenses, and also to consider fixed expenditures that are avoided if larger numbers of potential inmates are avoided;

(c) on or before December first, to report the calculations made pursuant to item (3)(a) to the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the South Carolina Supreme Court, and the Governor. The report also shall recommend whether or not to appropriate up to thirty-five percent of any state expenditures that are avoided as calculated in item (3)(a) to the Department of Probation, Parole and Pardon Services;

(i) with respect to the recommended appropriations in item (c), none of the calculated savings shall be recommended for appropriation for that fiscal year if

there is an increase in the percentage of individuals supervised by the Department of Probation, Parole and Pardon Services who are convicted of a new felony offense as calculated in subitem (3)(a)(ii);

(d) any funds appropriated during this fiscal year pursuant to the recommendations in item (c) shall be used to supplement, not replace, any other state appropriations to the Department of Probation, Parole and Pardon Services;

(e) funds received through appropriations pursuant to this item shall be used by the Department of Probation, Parole and Pardon Services for the following purposes:

(i) implementation of evidence-based practices;

(ii) increasing the availability of risk reduction programs and interventions, including substance abuse treatment programs, for supervised individuals; or

(iii) grants to nonprofit victim services organizations to partner with the Department of Probation, Parole and Pardon Services and courts to assist victims and increase the amount of restitution collected from offenders;

(4) to submit to the General Assembly, on an annual basis, the oversight committee's evaluation of the implementation of the recommendations of the Sentencing Reform Commission report of February 2010;

(5) to make reports and recommendations to the General Assembly on matters relating to the powers and duties set forth in this section, including recommendations on transfers of funding based on the success or failure of implementation of the recommendations; and

(6) to undertake such additional studies or evaluations as the oversight committee considers necessary to provide sentencing reform information and analysis.

The oversight committee members are entitled to such mileage, subsistence, and per diem as authorized by law for members of boards, committees, and commissions while in the performance of the duties for which appointed. These expenses shall be paid from the general fund of the State on warrants duly signed by the chair of the oversight committee and payable by the authorities from which a member is appointed.

The oversight committee is encouraged to apply for and may expend grants, gifts, or federal funds it receives from other sources to carry out its duties and responsibilities.

The oversight committee must use clerical and professional employees of the General Assembly for its staff, who must be made available to the oversight committee.

The oversight committee may employ or retain other professional staff, upon the determination of the necessity for other staff by the oversight committee.

The oversight committee may employ consultants to assist in the evaluations and, when necessary, the implementation of the recommendations of the Sentencing Reform Commission report of February 2010.

SENATOR LEATHERMAN

98.iei. (TREAS: Investment Earnings and Interest) In accordance with the requirements of Section 11-13-125 of the 1976 Code, the State Treasurer shall remit all gross earnings and interest from investments of general deposit funds into the General Fund of the State.

SENATOR LEATHERMAN

117.afm. (GP: Accounting and Financial Management Systems) The Office of State Treasurer and the Department of Administration shall provide the staffs of the Senate Finance Committee, the House Ways and Means Committee, the Joint Bond Review Committee, the Executive Budget Office, and the Revenue and Fiscal Affairs Office read-only access to the accounting and financial management systems utilized by the Office of State Treasurer to manage the state's investment, depository, debt, and all other treasury functions.

SENATOR LEATHERMAN

112.1. (DS: Excess Debt Service) Excess debt service funds ~~from~~ available in Fiscal Year ~~2016-17~~ 2018-19 must may be carried forward and ~~expended in Fiscal Year 2017-18~~ expended in the fiscal year to pay down general obligation bond debt for which the State (1) is paying the highest rate of interest, (2) will achieve relief in constrained debt capacity, or (3) reduce the amount of debt issued. Before excess debt service funds are utilized for these purposes, the State Treasurer's Office shall submit its proposal to the Joint Bond Review Committee for review and comment.

SENATOR LEATHERMAN

LEGISLATIVE DEPARTMENT

91.app. (LEG: Statutory Appointments) Beginning on January 9th and for the current fiscal year, all appointments of the Lieutenant Governor provided for by statute shall be made instead by the President of the Senate.

# Senator Sheheen

7.4. (JDLHS: Transition) For Fiscal Year ~~2017-18~~ 2018-19, all financial and programmatic management and operations of the John de la Howe School shall continue to operate. *The John de la Howe board shall designate the Piedmont Technical Education Commission as its agent for fiscal affairs. In that capacity, the Piedmont Technical Education Commission must make all fiscal decisions for the school.* However, the wilderness camp activities and the operation of the residential facilities shall be maintained as the primary operation of the school.

The ~~John de la Howe Board~~ *Piedmont Technical Education Commission must* utilize funds *appropriated to the John de la Howe School* to perform or contract for an evaluation and report focused on *(1) what agricultural educational programs can be offered that align with the terms and purpose of the Dr. John de la Howe will; (2) what land management and operation changes are needed in order for the property and remaining assets to support the agricultural education programming mission of the will; and (3) what would be the projected costs of and timeframe for these changes concerning the highest and best use of the property upon which the John de la Howe school is currently located.*

~~John de la Howe School~~ *The Piedmont Technical Education Commission* shall report to the Senate Finance Committee and to the House Ways and Means Committee by December first of the current fiscal year on its findings and recommendations.



# Senator Sheheen

1.70. (SDE: Teacher Certification Exemption) For the current fiscal year, a teacher certified at the secondary level may teach such courses in grades seven through twelve without having the add on certification for middle-level education. A teacher certified in elementary education may teach first grade without having the add on certification in early childhood education. Districts must report to the Department of Education and the Center for Educator Recruitment Retention and Advancement on the teachers and courses that utilize this exemption.

# Senator Sheheen

1.47. (SDE: Student Health and Fitness) Funds appropriated for Student Health and Fitness shall be allocated to school districts to increase the number of physical education teachers to the extent possible and to provide licensed nurses for elementary public schools. ~~Twenty-seven~~ Twenty-one percent of the funds shall be allocated to the districts based on average daily membership of grades K-5 from the preceding year for physical education teachers. If a public school offers instruction in marching band based on the South Carolina Academic Standards for the Visual and Performing Arts that also incorporates the South Carolina Academic Standards for Physical Education, the funds appropriated pursuant to this proviso may be used on such instruction, and such instruction is equivalent to that of physical education instruction and may be accepted in lieu of physical education instruction for all purposes. The remaining funds will be made available for school nurses and shall be distributed to the school districts on a per school basis. Schools that provide instruction in grades K-5 are eligible to apply for the school nurse funds.

# Senator Sheheen

**1A.82.** (SDE-EIA: Algebra) Of the funds appropriated to the Education Oversight Committee for Partnerships for Innovation, \$1,500,000 must be used to pilot and evaluate a program that provides students with statewide access to: (a) algebra videos, online practice tools, and tutoring; (b) algebra videos taught by at least 5 different instructors. The instructors must be from diverse backgrounds and have different teaching styles so students may differentiate their learning; (c) algebra videos, specifically aligned with South Carolina state standards; (d) algebra study guides/notes that follow along explicitly with the algebra videos. Each student must have access to a workbook version of these study guides; (e) algebra practice tool that provides instant feedback to students, as well as solution videos and guidance to review; and (f) online, collaborative discussion wall where students can ask questions and receive assistance from both peers and instructors. The discussion wall must be accessible after school and on weekends.

The pilot must also provide teachers with statewide access to: (a) a professional learning community and discussion wall, where teachers can share best practices and resources; (b) reports on student usage and progress; and (c) teacher materials, answer keys, and resources accessible within the same platform.

# Senator Sheheen

**1A.36.** (SDE-EIA: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school year the Southeastern average teacher salary is projected to be \$51,966 ~~\$51,152~~ ~~\$52,152~~. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

The statewide minimum teacher salary schedule used in Fiscal Year ~~2016-17~~ ~~2017-18~~ will continue to be used in Fiscal Year ~~2017-18~~ ~~2018-19~~ and the starting salary shall be increased to \$32,000 with the remaining salary schedule increased by XXX percent.

Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible certified teachers. ~~For Fiscal Year 2018-19, the requirement that school districts maintain local salary supplements per teacher no less than their prior fiscal year level is suspended if additional State funds fill the gap.~~

Funds appropriated in Part IA, Section 1, VIII.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50(4)(b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.

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

# Senator Sheheen

1 (DOR: Notification of Protest) In the current fiscal year and from the funds appropriated, if a taxpayer, other than an individual, files a written protest pursuant to Section 12-60-2120, then the department shall notify any affected county and school district of the written protest.

# Senator Peeler

**1A.72.** (SDE-EIA: National Board Certification Incentive) Public school classroom teachers, to include teachers employed at the special schools or classroom teachers who work with classroom teachers, to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governors School for Science and Math, Governors School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teachers FTE and paid to the teacher in accordance with the districts payroll procedure. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

For the current fiscal year the salary supplement will be \$5,000 for public school classroom teachers, to include teachers employed at the special schools or classroom teachers who work with classroom teachers, to include teachers employed at the special schools who are certified by the State Board of Education and who complete the application process on or after July 1, 2010, beginning in the year of achieving certification and applies uniformly to all teachers covered under Section 59-26-85(A)(2) of the 1976 Code. The special schools include the Governors School for Science and Math, Governors School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Department of Juvenile Justice and Palmetto Unified School District 1. The \$5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed the lesser of, the length of one national certificate cycle. However, the \$5,000 supplement shall be adjusted on a pro rata basis for the teachers FTE and paid to the teacher in accordance with the districts payroll procedure.

~~Fiscal Year 2017-18 2018-19 shall be the final year for eligible teachers to submit the initial application and fee for NBPTS and be eligible to receive the state supplement upon achieving certification. Teachers eligible to receive the state supplement upon achieving certification must have submitted the initial application and fee for NBPTS in Fiscal Year 2017-18. In order for teachers to be eligible to receive the state supplement upon achievement of certification by NBPTS, they must have submitted the initial NBPTS application and fee on or before June 30, 2018.~~ Appropriations in excess of applicable expenditures shall be distributed to school districts based on the EFA formula.

Senator Peeler

SENATE AMENDMENT

AMENDMENT NO. \_\_\_\_\_

GOOD/MELTON  
MARCH 27, 2018

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED

\_\_\_\_\_  
Clerk of the Senate

ADOPTION NO. \_\_\_\_\_

**BILL NO: H.4950**

(Reference is to Printer's Date 03/29/18-S.)

Senator PEELER proposes the following amendment (\4950C005.BBM.DG18.DOCX):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, by adding an appropriately numbered new proviso at the end of Section 1 to read:

/ (SDE: Lockhart Schools) In the current fiscal year, if the Union County School District closes the Lockhart Schools, then the State Superintendent of Education may withhold all distributions to the district if the Superintendent determines that the district is not taking appropriate and timely actions to transfer the real property of the Lockhart Schools to the Town of Lockhart free of charge. Nothing in this proviso requires the withholding of distributions if, as determined by the Superintendent, unforeseen circumstances surrounding the transfer arise. /

Renumber sections to conform.  
Amend sections, totals and title to conform.

23-

# Senator Hembree

(DOA: Cherry Grove Deferred Maintenance) In the current fiscal year, the Department of Administration shall transfer any remaining fund balance appropriated or authorized for the Cherry Grove Building Roof Repair pursuant to Act 286 of 2014 to the Department of Education. The remaining funds shall be used by the Department of Education for deferred maintenance and other capital improvements.



SENATOR LEATHERMAN

112.2. (DS: Ports Authority Loan) ~~The~~ From the funds appropriated for "General Obligation Bonds" which exceed the principal and interest due in the current fiscal year and paid from the General Fund, the State Treasurer is directed to ~~loan the State Ports Authority~~ transfer up to \$50,000,000 of excess debt ~~service to assist~~ to the General Fund to be effected as a loan to the State Ports Authority's Authority to assist in cash flow needs related to the Charleston Harbor Deepening Project. Upon receipt of the federal government's share of the project, the State Ports Authority shall reimburse the General Fund the amount of the loan received together with interest accrued to the date of reimbursement, calculated at the rate earned on the General Fund for the period during which the loan remains outstanding.

**117.sel** **ADD** (SCRS Earnings Limitation Exemption) **REQUEST:** ADD new proviso to direct that an SCRS member that was a participant of the Teacher and Employee Retention Incentive (TERI) program on October 31, 2017 that returns to work as an educator in a public school may draw full service retirement benefits without being subject to the earnings limitation of \$10,000 annually. Direct that a retired member exempt from the earnings limitation under this proviso shall not accrue additional service credit as a result of contributions paid to the retirement system as a working retiree, and is not entitled to any rights or benefits granted active SCRS members. Fiscal Impact: GRS, the State's actuary, reports no fiscal impact to SCRS.

*117.sel. (GP: SCRS Earnings Limitation Exemption) For the current fiscal year, a South Carolina Retirement System (SCRS) member that was a program participant of the former Teacher and Employee Retention Incentive (TERI) program as of October 31, 2017 and is employed as an educator in a public school shall be retired for benefit purposes only and, for employment purposes, shall be an active employee, retaining all other rights and benefits of an active employee except for grievance rights pursuant to Section 8-17-37 of the 1976 Code, and shall not be subject to the earnings limitation of Section 9-1-1790. A retired member of SCRS whose re-employment is subject to this proviso shall not accrue additional service credit as a result of any working retiree contributions paid, and shall not be entitled to any other rights or benefits granted active SCRS members. The school-level positions classified as 'educators' for purposes of this proviso shall be included in the Department of Education's Professional Certified Staff (PCS) system and published by the department.*

**SPONSOR: SENATOR BENNETT**

- 117.sel **AMEND PROPOSED NEW PROVISIO** (SCRS Earnings Limitation Exemption) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that an SCRS member that was a participant of the Teacher and Employee Retention Incentive (TERI) program on October 31, 2017 that returns to work as an educator in a public school may draw full service retirement benefits without being subject to the earnings limitation of \$10,000 annually. Direct that a retired member exempt from the earnings limitation under this proviso shall not accrue additional service credit as a result of contributions paid to the retirement system as a working retiree, and is not entitled to any rights or benefits granted active SCRS members. Fiscal Impact: GRS, the State's actuary, reports no fiscal impact to SCRS.
- REQUEST:** AMEND new proviso as recommended by the subcommittee to add language directing that a retired member exempt from the earnings limitation under this proviso shall not accrue additional service credit as a result of contributions paid to the retirement system as a working retiree, and is not entitled to any rights or benefits granted active PORS members.

*117.sel. (GP: SCRS Earnings Limitation Exemption) For the current fiscal year, a South Carolina Retirement System (SCRS) member that was a program participant of the former Teacher and Employee Retention Incentive (TERI) program as of October 31, 2017 and is employed as ~~an educator~~ as a teacher, principal, assistant principal, or co-principal in a public school shall be retired for benefit purposes only and, for employment purposes, shall be an active employee, retaining all other rights and benefits of an active employee except for grievance rights pursuant to Section 8-17-37 of the 1976 Code, and shall not be subject to the earnings limitation of Section 9-1-1790 of the 1976 Code. A retired member of SCRS whose re-employment is subject to this proviso shall not accrue additional service credit as a result of any working retiree contributions paid, and shall not be entitled to any other rights or benefits granted active SCRS members. ~~The school-level positions classified as 'educators' for purposes of this proviso shall be included in the Department of Education's Professional Certified Staff (PCS) system and published by the department.~~*

## Senator Cromer's Amendment

117.21 **AMEND** (Organizations Receiving State Appropriations Report) Requires organizations that receive contributions in this act to provide the following information to the agency from which they received the funds by November 1st: (1) how the state funds will be spent, (2) a copy of the adopted budget for the current year, and (3) a copy of the organization's most recent operating financial statement and prohibits the funds from being spent by the organization until this information is received. Prohibits funds from being disbursed to organizations that practice discrimination. Authorizes the State Auditor to review and audit each of these organizations.

**HOU:** AMEND proviso to direct that goals and proposed measures be included in the information to be provided prior to receiving any funds. Require the organizations to submit a report by June 30th accounting for how the funds were spent and the outcome measures used to determine success of the goals. Direct state agencies to forward the report to the Chairmen of the Senate Finance and House Ways and Means Committees. Sponsor: Rep. Daning.

**SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**117.21.** (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting of how the state funds will be spent, ~~goals to be accomplished, proposed measures to evaluate success in implementing and meeting the goals,~~ a copy of the adopted budget for the current year, and also a copy of the organization's most recent operating financial statement. The funds appropriated in this act for contributions shall not be expended until the required financial statements are filed with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes which practice discrimination against persons by virtue of race, creed, color or national origin. The State Auditor shall review and audit, if necessary, the financial structure and activities of each organization receiving contributions in this act and make a report to the General Assembly of such review and/or audit, when requested to do so by the State Fiscal Accountability Authority. From the funds an organization receives from a state agency, for accountability purposes, by June thirtieth organizations receiving contributions in this act shall submit a report to the state agency making the contribution that includes an accounting of how the funds were spent and the outcome measures used to determine the success of the stated goals. State agencies receiving such data from organizations shall forward the information to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

**SPONSOR: SENATOR SHEHEEN**

- 108.e1 **ADD** (Application of Earnings Limitation) **REQUEST:** ADD new proviso to direct that the return to work earnings limitation provisions of Section 9-1-1790(A) and Section 9-11-90(4)(a) apply to retired members of SCRS and PORS that undertake an activity for a covered employer traditionally performed by employees of the covered employer, except where a retired member is otherwise exempt from the earnings limitation. Directs PEBA to determine whether an activity is traditionally performed by employees of the participating employer, taking into consideration various factors.

*108.e1. (PEBA: Application of Earnings Limitation) Compensation received in the current fiscal year by a retired member of the South Carolina Retirement System or the South Carolina Police Officers Retirement System to undertake an activity for a participating employer of either system that has traditionally been performed by employees of the participating employer is considered earnings from covered employment for the purposes of the earnings limitation set out in Section 9-1-1790(A) and Section 9-11-90(4)(a), subject to the exceptions set forth therein. In making a determination about whether the activity has been traditionally performed by employees of the participating employer, the Public Employee Benefit Authority shall consider whether there is evidence of the right to or exercise control over the retired members; the method of payment, whether by the job or by wage; who furnishes equipment to perform the activity; and the right to fire.*

**SPONSOR: SENATOR SHEHEEN**

- 117.sel** **ADD** (SCRS Earnings Limitation Exemption) **REQUEST:** ADD new proviso to direct that an SCRS member that was a participant of the Teacher and Employee Retention Incentive (TERI) program on October 31, 2017 that returns to work as an educator in a public school may draw full service retirement benefits without being subject to the earnings limitation of \$10,000 annually. Direct that a retired member exempt from the earnings limitation under this proviso shall not accrue additional service credit as a result of contributions paid to the retirement system as a working retiree, and is not entitled to any rights or benefits granted active SCRS members. Fiscal Impact: GRS, the State's actuary, reports no fiscal impact to SCRS.

*117.sel. (GP: SCRS Earnings Limitation Exemption) For the current fiscal year, a South Carolina Retirement System (SCRS) member that was a program participant of the former Teacher and Employee Retention Incentive (TERI) program as of October 31, 2017 and is employed as an educator in a public school shall be retired for benefit purposes only and, for employment purposes, shall be an active employee, retaining all other rights and benefits of an active employee except for grievance rights pursuant to Section 8-17-37 of the 1976 Code, and shall not be subject to the earnings limitation of Section 9-1-1790. A retired member of SCRS whose re-employment is subject to this proviso shall not accrue additional service credit as a result of any working retiree contributions paid, and shall not be entitled to any other rights or benefits granted active SCRS members. The school-level positions classified as 'educators' for purposes of this proviso shall be included in the Department of Education's Professional Certified Staff (PCS) system and published by the department.*

SUBSTITUTE AMENDMENT (Higher Education Subcommittee Package - Page 13)

11.efd. (CHE: Enrollment and Financial Data Submission) Each public institution of higher education shall submit the following information directly into the Commission on Higher Education Management Information System (CHEMIS) by October 1, 2018:

(1) The total amount paid by each student, and amount of any deviation from the "sticker price" itemized in the following categories:

- (A) Net tuition paid (out-of-pocket by student)
- (B) Abatement received
- (C) Waiver received
- (D) Institutional scholarship received
- (E) State grant received (i.e. lottery scholarship, need-based, etc.)
- (F) Federal grant received (i.e. Pell grant, etc.)
- (G) Assistantships, awards/grants to reduce cost of room and board
- (H) Breakdown of all fees charged
- (I) Expected family contribution (reported in FAFSA)

(2) Household income per student (if such information is collected)

(3) Pre-enrollment income (if such information is collected)

(4) Electronically upload information from Consolidated Annual Financial Reports (CAFRs), from ~~2000~~ 2013 to present

(5) Debt related items:

(A) Data and reports ~~submitted to credit rating agencies for credit worthiness evaluation, along with resulting credit reports~~ received from credit rating agencies:

(B) Amortization schedule for debt over the next 5 years

(6) Leases ~~= annual lease payment, capital or operating value of underlying asset, date which obligation began, end date of lease obligation, annual increment in lease payment (%) threshold for reporting data will be set on leases where the replacement cost or fair value exceeds a certain percentage of long term assets~~

(A) Total number of capital lease obligations of the institution

(B) Beginning and end date of each capital lease

(C) Underlying book value of each capital lease

(D) Total Annual capital lease payments of the institution

~~(7) Auxiliary Enterprises, broken by category:~~

~~(A) Matching revenue and expense~~

~~(B) Debt associated with the auxiliary enterprise, debt service, and coverage ratios~~

~~(C) Percentage associated with education and general activities~~

~~(D) Deferred maintenance of the assets in that enterprise~~

~~(8) 7) Five-Year projected increases (decreases) in:~~

~~(A) Fringe benefits, including healthcare spending~~

~~(B) Enrollments (in-state, out-of-state, undergraduates, graduates)~~

~~(C) Net tuition revenue, spending on abatements~~

~~(9) Endowment and investments (reported separately):~~

~~(A) Opening balance, additions, withdrawals, income/gains, closing balance~~

~~(B) Degree of restrictions and expendability of investments~~

~~(10) 8) Capital Projects~~

Cost estimate of projects, status, anticipated end date, changes to timeline and budget, a five-year timeline for future projects

The University of South Carolina shall report all financial information, including CAFR information, for USC-Aiken, USC-Beaufort, USC-Lancaster, USC-Salkehatchie, USC-Sumter, USC-Upstate and USC-Union separately from financial information reported for USC-Columbia.

SENATOR PEELER

Substitute for 25.9 in Higher Education Subcommittee Package

**SECTION 25 - H590 - STATE BOARD FOR TECHNICAL & COMPREHENSIVE EDUCATION**

25.9 AMEND NEW PROVISO (York Tech Fund Repurpose) WMC: ADD new proviso to direct that \$900,000 and \$5,600,000 appropriated to TEC for the York Technical College Health and Human Service Building in 2016 by Act 284 and Act 25 be redirected for the H-Building and K-Building Renovations. Authorize unexpended funds to be carried forward and used for the H-Building and K-Building Renovations.

HOU: ADOPT new proviso.

**SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to replace “H-Building Renovations” with “Campus Loop Road Completion.”

*25.9. (TEC: York Tech Fund Repurpose) The \$900,000 appropriated in Act No. 284 of 2016, by proviso 118.16, Item (23)(bb) to the State Board for Technical and Comprehensive Education for the York Technical College Health and Human Service Building and the \$5,600,000 appropriated in Act 25 of 2016, Section 1, Item (37) to the State Board for Technical and Comprehensive Education for the York Technical College Health and Human Service Building shall be redirected to be used for ~~H-Building Renovations~~ **Campus Loop Road Completion** and K-Building Renovations. Unexpended funds may be carried forward into the current fiscal year to be expended for ~~H-Building Renovations~~ **Campus Loop Road Completion** and K-Building Renovations.*



SPONSOR: SENATOR BENNETT

- 117.sel **AMEND PROPOSED NEW PROVISIO** (SCRS Earnings Limitation Exemption) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that an SCRS member that was a participant of the Teacher and Employee Retention Incentive (TERI) program on October 31, 2017 that returns to work as an educator in a public school may draw full service retirement benefits without being subject to the earnings limitation of \$10,000 annually. Direct that a retired member exempt from the earnings limitation under this proviso shall not accrue additional service credit as a result of contributions paid to the retirement system as a working retiree, and is not entitled to any rights or benefits granted active SCRS members. Fiscal Impact: GRS, the State's actuary, reports no fiscal impact to SCRS.
- REQUEST:** AMEND new proviso as recommended by the subcommittee to add language directing that a retired member exempt from the earnings limitation under this proviso shall not accrue additional service credit as a result of contributions paid to the retirement system as a working retiree, and is not entitled to any rights or benefits granted active PORS members.

*117.sel. (GP: SCRS Earnings Limitation Exemption) For the current fiscal year, a South Carolina Retirement System (SCRS) member that was a program participant of the former Teacher and Employee Retention Incentive (TERI) program as of October 31, 2017 and is employed as ~~an educator~~ as a teacher, principal, assistant principal, or co-principal in a public school shall be retired for benefit purposes only and, for employment purposes, shall be an active employee, retaining all other rights and benefits of an active employee except for grievance rights pursuant to Section 8-17-37 of the 1976 Code, and shall not be subject to the earnings limitation of Section 9-1-1790 of the 1976 Code. A retired member of SCRS whose re-employment is subject to this proviso shall not accrue additional service credit as a result of any working retiree contributions paid, and shall not be entitled to any other rights or benefits granted active SCRS members. ~~The school-level positions classified as 'educators' for purposes of this proviso shall be included in the Department of Education's Professional Certified Staff (PCS) system and published by the department.~~*

**SPONSOR: SENATOR SHEHEEN**

- 108.el **ADD** (Application of Earnings Limitation) **REQUEST:** ADD new proviso to direct that the return to work earnings limitation provisions of Section 9-1-1790(A) and Section 9-11-90(4)(a) apply to retired members of SCRS and PORS that undertake an activity for a covered employer traditionally performed by employees of the covered employer, except where a retired member is otherwise exempt from the earnings limitation. Directs PEBA to determine whether an activity is traditionally performed by employees of the participating employer, taking into consideration various factors.

*108.el. (PEBA: Application of Earnings Limitation) Compensation received in the current fiscal year by a retired member of the South Carolina Retirement System or the South Carolina Police Officers Retirement System to undertake an activity for a participating employer of either system that has traditionally been performed by employees of the participating employer is considered earnings from covered employment for the purposes of the earnings limitation set out in Section 9-1-1790(A) and Section 9-11-90(4)(a), subject to the exceptions set forth therein. In making a determination about whether the activity has been traditionally performed by employees of the participating employer, the Public Employee Benefit Authority shall consider whether there is evidence of the right to or exercise control over the retired members; the method of payment, whether by the job or by wage; who furnishes equipment to perform the activity; and the right to fire.*

**SPONSOR: SENATOR SHEHEEN**

**117.sel** **ADD** (SCRS Earnings Limitation Exemption) **REQUEST:** ADD new proviso to direct that an SCRS member that was a participant of the Teacher and Employee Retention Incentive (TERI) program on October 31, 2017 that returns to work as an educator in a public school may draw full service retirement benefits without being subject to the earnings limitation of \$10,000 annually. Direct that a retired member exempt from the earnings limitation under this proviso shall not accrue additional service credit as a result of contributions paid to the retirement system as a working retiree, and is not entitled to any rights or benefits granted active SCRS members. Fiscal Impact: GRS, the State's actuary, reports no fiscal impact to SCRS.

*117.sel. (GP: SCRS Earnings Limitation Exemption) For the current fiscal year, a South Carolina Retirement System (SCRS) member that was a program participant of the former Teacher and Employee Retention Incentive (TERI) program as of October 31, 2017 and is employed as an educator in a public school shall be retired for benefit purposes only and, for employment purposes, shall be an active employee, retaining all other rights and benefits of an active employee except for grievance rights pursuant to Section 8-17-37 of the 1976 Code, and shall not be subject to the earnings limitation of Section 9-1-1790. A retired member of SCRS whose re-employment is subject to this proviso shall not accrue additional service credit as a result of any working retiree contributions paid, and shall not be entitled to any other rights or benefits granted active SCRS members. The school-level positions classified as 'educators' for purposes of this proviso shall be included in the Department of Education's Professional Certified Staff (PCS) system and published by the department.*