

**SENATE FINANCE COMMITTEE  
CONSTITUTIONAL SUBCOMMITTEE  
PROVISO RECOMMENDATIONS FOR FY 2021-22**

**SECTION 91 - A990 - LEGISLATIVE DEPARTMENT**

- 91.20 DELETE** (Other Funds Oversight Committee) Establishes the Other Funds Oversight Committee to review and make recommendations regarding receipt, appropriation, expenditure and reporting of other funds.  
**WMC:** DELETE proviso.  
**HOU:** ADOPT deletion.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

~~**91.20.** (LEG: Other Funds Oversight Committee) There is created a joint committee of the Senate and of the House of Representatives entitled the Other Funds Oversight Committee. The committee shall consist of eight members as follows: the Chairman of the Senate Finance Committee, or his designee; one member of the Senate Finance Committee appointed by the Chairman of the Senate Finance Committee; the Chairman of the House of Representatives Ways and Means Committee, or his designee; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; the Senate Majority Leader, or his designee; the Senate Minority Leader, or his designee; the House Majority Leader, or his designee; and the House Minority Leader, or his designee.~~

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

~~The Executive Budget Office must notify the committee of any request for an increase in interim budget authorization resulting from other funds collections that is made by any state agency, department, board, or commission. The committee shall review each request and recommend appropriate action.~~

~~Members of the committee shall serve without compensation, but are allowed the usual per diem and mileage as provided by law for members of boards, commissions, and committees while on official business.~~

~~For purposes of the proviso, 'other funds' means any revenues received by an agency which are not federal funds and are not general funds appropriated by the General Assembly in the appropriations act.~~

- 91.23 AMEND** (Technology Panel) Directs the K-12 Technology Initiative partnership to provide a report that describes the state's efforts to facilitate providing cost effective connectivity and internet bandwidth to schools and libraries statewide and to report on certain technology related activities by June 1, 2021.  
**WMC:** AMEND proviso to update report due date to no later than June first of the current fiscal year. Requested by Department of Administration.  
**HOU:** ADOPT proviso as amended.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**91.23.** (LEG: Technology Panel) Of the funds appropriated in the Department of Education's program VIII.D. for Technology the K-12 Technology Initiative partnership shall provide a report to the House Education and Public Works Committee, the House Ways and Means Committee, the Senate Education Committee and the Senate Finance Committee,

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describing the state’s efforts to facilitate the cost effective provision of connectivity and internet bandwidth to schools and libraries on a statewide basis, regardless of location, activities to assist schools and libraries in minimizing and detecting internet security threats, the development and utilization of technological and online resources to support student development and achievement, the development and utilization of curriculum and professional training to support the use of instructional technology in schools and libraries, and other educational technology related activities engaged in by the partnership. Further, the report must detail information on the expenditure of the K-12 Technology funds by each district as well as a list of the districts requesting flexibility in the use of those funds. The report shall be submitted no later than June 1, 2021 *first of the current fiscal year.*

**SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION**

**93.2** **AMEND** (~~State House Operation & Maintenance Account~~ *Capitol Complex & Mansion*) Directs that funds appropriated for State House maintenance and operations be retained in a separate account and requires DOA to annually report to the State House Committee the amount spent from this fund.

**WMC:** AMEND proviso to change references to “State House Maintenance & Operations & Renovations” and “State House” to “Capitol Complex & Mansion.” Requested by Department of Administration.

**HOU:** ADOPT proviso as amended.

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

**93.2.** (DOA: ~~State House Operation & Maintenance Account~~ *Capitol Complex & Mansion*) Funds appropriated to the Department of Administration - for ~~State House Maintenance & Operations & Renovations~~ *Capitol Complex & Mansion* must be set aside in a separate account for the operation and maintenance of the ~~State House~~ *Capitol Complex & Mansion*. The department shall report annually to the State House Committee on the amount expended from this fund *for the operation and maintenance of the State House.*

**SECTION 97 - E120 - OFFICE OF COMPTROLLER GENERAL**

**97.4** **AMEND** (Unemployment Compensation Fund Administration) Directs that the lesser of 2% or \$200,000 of the balance in the Unemployment Compensation Fund be paid annually to the Comptroller General’s Office to recover the costs of administering the fund and authorizes these funds to be carried forward and used for the same purposes.

**WMC:** AMEND proviso to delete the lesser of 2% provision. Fiscal Impact: RFAO states there would be no impact on the General Fund or the agency since \$200,000 is currently and has been directed to the agency each fiscal year in recent years. Requested by Office of Comptroller General.

**HOU:** ADOPT proviso as amended.

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

**97.4.** (CG: Unemployment Compensation Fund Administration) ~~The lesser of two percent~~ *of \$200,000* of the fund balance of the Unemployment Compensation Fund shall be paid out annually to the Office of Comptroller General to be used by that agency to recover the costs of administering the fund. The Unemployment Compensation Fund is provided for in Section 41-31-820, South Carolina Code of Laws, 1976, as amended. Any unexpended balance may be carried forward from the prior fiscal year to the current fiscal year and used for the same purposes.

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**SECTION 98 - E160 - OFFICE OF STATE TREASURER**

**98.9 AMEND** (Penalties for Non-Reporting) Directs that if a municipality does not submit audited financial statements within 13 months of the end of their fiscal year, the State Treasurer must withhold their state payments until the statement is received. Requires the State Treasurer to follow the requirements of proviso 117.49 when an audit report is received from a county or municipality with significant findings related to court fine reports or remittances. Provides penalties for deficiencies and delinquent reports. Provides for funds to be made available to the State Auditor for an audit to determine amounts due to the State Treasurer.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to suspend the penalty requirement for municipalities for FY 2021-22 and authorize and direct the State Treasurer to release all funds withheld from municipalities in previous fiscal years.

**98.9.** (TREAS: Penalties for Non-reporting) If a municipality fails to submit the audited financial statements required under Section 14-1-208 of the 1976 Code to the State Treasurer within thirteen months of the end of their fiscal year, the State Treasurer must withhold all state payments to that municipality until the required audited financial statement is received.

If the State Treasurer receives an audit report from either a county or municipality that contains a significant finding related to court fine reports or remittances to the Office of State Treasurer, the requirements of Proviso 117.49 shall be followed if an amount due is specified, otherwise the State Treasurer shall withhold twenty-five percent of all state payments to the county or municipality until the estimated deficiency has been satisfied.

If a county or municipality is more than ninety days delinquent in remitting a monthly court fines report, the State Treasurer shall withhold twenty-five percent of state funding for that county or municipality until all monthly reports are current.

After ninety days, any funds held by the Office of State Treasurer will be made available to the State Auditor to conduct an audit of the entity for the purpose of determining an amount due to the Office of State Treasurer, if any.

*The penalty provisions in this proviso are suspended during Fiscal Year 2021-22 for municipalities. The State Treasurer is authorized and directed to release all funds withheld from municipalities in previous fiscal years due to a municipality not submitting the required audited financial statements or submitting financial information to the Revenue and Fiscal Affairs Office as required by Section 6-1-50 of the 1976 Code.*

**SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL**

**100.11 DELETE** (Funeral Caisson) Prohibits Funeral Caisson funds from being reduced if a general fund budget reduction is mandated and also prohibits these funds from being transferred or used for any other purpose.

**WMC:** DELETE proviso. Requested by Office of Adjutant General.

**HOU:** ADOPT deletion.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

~~**100.11.** (ADJ: Funeral Caisson) In the event of a mandated general fund budget reduction, the Adjutant General's Office is prohibited from reducing the funds appropriated for the Funeral Caisson. In addition, these funds shall not be transferred to any other program or be used for any other purpose by the Office of Adjutant General.~~

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**100.13 AMEND FURTHER** (National or State Guard State Active Duty) Authorizes and directs the State Treasurer and the Comptroller General to pay from the general fund any funds necessary, not to exceed \$500,000, to cover actual costs incurred if the Governor activates the National Guard or State Guard to State Active Duty in a declared state of emergency, in response to an imminent or anticipated emergency, or for Emergency Management Assistance Compact activities. Directs that funds reimbursed, up to the amount advanced, be deposited into the general fund.

**WMC:** AMEND proviso to change “\$500,000” to “\$1,000,000.” Requested by Office of Adjutant General.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to change “\$1,000,000” to “\$1,500,000”.

**100.13.(ADJ: National or State Guard State Active Duty)** In the event of the activation of the South Carolina National Guard or State Guard to State Active Duty in response to a declared emergency or in response to an imminent or anticipated emergency, including support provided under Section 25-9-420 of the 1976 Code, the Emergency Management Assistance Compact, the State Treasurer and the Comptroller General are hereby authorized and directed to pay from the general fund of the State such funds as necessary, not to exceed ~~\$500,000~~ ~~\$1,000,000~~ \$1,500,000, to cover the actual costs incurred. Any funds reimbursed to the state shall be deposited in the state general fund, up to the amount of funds advanced to the Office of Adjutant General for these activities.

**100.18 AMEND** (Natural Disaster FEMA Match) Authorizes EMD to use existing fund balances to provide the non-federal cost share to state and local government entities for work associated with Hurricane Irma and Hurricane Florence that is eligible under FEMA Public Assistance Program; and prohibits these funds from being used to provide the non-federal cost share to private non-profits. Directs EMD to make surplus 2015 Flood disaster non-federal cost share funds available to counties and municipalities with unreimbursed non-federal cost share from 2014 Ice Storm damages and requires counties and municipalities to submit an application for the funds by 7/31/18. Allows the \$500,000 authorized by Proviso 100.21 in Act 264 of 2018 [2017 HURRICANE IRMA AND 2014 ICE STORM FEMA MATCH] for grants to non-profit entities to be carried forward and used for the same purpose. Directs EMD to report grant recipients and amounts to the Chairmen of the Senate Finance and House Ways and Means Committees by 1/15/21.

**WMC:** AMEND proviso to update fiscal year reference to “2021-22” and report due date to January 15, “2022.”

**HOU:** ADOPT proviso as amended.

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

**100.18.(ADJ: Natural Disaster 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 and Hurricane Florence. Existing fund balances may not be used to provide the non-federal cost share to private non-profit entities.

The Office of Adjutant General, Emergency Management Division is directed to use existing fund balances for the 2015 Flood disaster (Presidential Disaster Declaration DR-4241) to reimburse counties and municipalities with unreimbursed non-federal cost share from the 2014 Ice Storm disaster for storm cleanup expenses incurred during and after states of emergency declared by Executive Orders 2014-06 and 2014-11 and Presidential Disaster Declaration

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DR-4166. Counties and municipalities must submit an application for such funds by July 31, 2018.

The \$500,000 authorized by Proviso 100.21 in Act 264 of 2018 for grants for non-profit entities may be carried forward and used for the same purpose in Fiscal Year ~~2020-21~~ 2021-22. The Emergency Management Division shall prepare a report listing the name of the grant recipient and the amount received and submit the report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 15, ~~2021~~ 2022.

**SECTION 101 - E260 - DEPARTMENT OF VETERANS' AFFAIRS**

**101.3 DELETE** (Additional Claims Representative) Directs that the director of the department shall appoint an additional claims representative and provides for the responsibilities and expectations of the position.

**WMC:** DELETE proviso. Requested by Department of Veterans' Affairs.

**HOU:** ADOPT deletion.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

~~101.3. (VET: Additional Claims Representative) Of the funds appropriated for the Department of Veterans' Affairs, the director shall appoint an additional claims representative who, in addition to being charged with the duty of assisting all ex-servicemen, regardless of the wars in which their service may have been rendered, in filing, presenting, and prosecuting to final determination all claims which they have for money compensation, hospitalization, training, and insurance benefits under the terms of federal legislation, shall also specialize in the specific needs and diseases associated with veterans of the Vietnam era. The person appointed as a claims representative under this section must be versed in federal legislation relating to these matters and the rules, regulations, and practice of the Veterans Administration as created by Congress and his appointment must be approved by the Governor.~~

~~Subject to the direction of the director, and in addition to other duties prescribed in this section, the claims representative appointed pursuant to this provision may represent the Department 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 Department 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.~~

**SECTION 102 - E280 - ELECTION COMMISSION**

**102.13 DELETE** (Third Party Consultant) Directs the commission to expend funds to contract for a third party consultant to advise the commission on the conduct of elections in the current fiscal year.

**WMC:** DELETE proviso. Requested by Election Commission.

**HOU:** ADOPT deletion.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

~~102.13.(ELECT: Third-Party Consultant) In the current fiscal year and from the funds appropriated, the Election Commission must expend funds to contract for a third party consultant to advise the Richland County Election Commission on the conduct of elections.~~

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**102.14 ADD** (November 2020 Election Investigation Report) **HOU:** ADD new proviso to direct the Election Commission to submit a report by August 1, 2021, to the General Assembly on the number of election fraud investigations conducted on the November 2020 election and to post the report on their website. Sponsors: Reps. Brawley, Cobb-Hunter, King, Garvin, Matthews, K.O. Johnson, J.L. Johnson, and Rivers.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*102.14. (ELECT: November 2020 Election Investigation Report) From the funds appropriated to the Election Commission for statewide elections, the commission shall submit a report to the General Assembly by August 1, 2021, on the number of election fraud investigations conducted regarding the November 2020 election. Such report shall also be posted on the commission's website.*

**SECTION 103 - E500 - REVENUE AND FISCAL AFFAIRS OFFICE**

**103.6 DELETE** (NG9-1-1 Strategic Plan) Authorizes RFA to use up to \$150,000 of wireless 9-1-1 fund compliance cost monies to further plan, develop and implement the comprehensive statewide NG9-1-1 system as outlined in the strategic plan; and define associated costs.

**WMC:** DELETE proviso. Requested by Revenue and Fiscal Affairs Office.

**HOU:** ADOPT deletion.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

~~103.6. (RFAO: NG9-1-1 Strategic Plan) The Revenue and Fiscal Affairs Office shall be authorized to use up to \$150,000 of the funds from the 58.2 percent compliance cost portion of the wireless 9-1-1 fund for costs associated with the further planning, development, and implementation of the comprehensive statewide NG9-1-1 system as outlined in the South Carolina NG9-1-1 strategic plan. Associated costs include, but are not limited to, the hiring of consultants, technical experts, or other professionals for assistance in defining, developing, or implementing the operating model and standards, system or technical requirements, or other elements of the system as outlined in the strategic plan.~~

**SECTION 105 - F270 - SFAA, OFFICE OF STATE AUDITOR**

**105.afs ADD** (Audited Financial Statements) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the State Auditor's Office to issue a statewide contract for audit services to facilitate timely reporting from municipalities and to convene a working group of stakeholders to develop municipalities auditing requirements and to make recommendations to the General Assembly.

*105.afs. (Audited Financial Statements) The Office of the State Auditor is directed to work with the State Fiscal Accountability Authority to issue a statewide contract for Fiscal Year 2021-22 for the performance of audited financial statements which municipalities could use for audits required by Section 5-7-240 of the 1976 Code.*

*The State Auditor is directed to convene a working group of stakeholders to develop appropriate auditing requirements for municipalities and to make recommendations for the General's consideration.*

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**SECTION 112 - V040 - DEBT SERVICE**

- 112.2 CONFORM TO FUNDING/ADD** (Excess Debt Service) **WMC:** ADD new proviso to direct that excess debt service funds available in FY 2021-22 may be used to pay down general obligation bond debt.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING.

*112.2. (DS: Excess Debt Service) Excess debt service funds available in Fiscal Year 2021-22 may be 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.*

**SECTION 113 - X220 - AID TO SUBDIVISIONS, STATE TREASURER**

- 113.2 AMEND** (Quarterly Distributions) Provides for the quarterly distribution of Aid to Subdivisions Local Government Fund.  
**WMC:** AMEND proviso to update fiscal year references to “2021-22.”  
**HOU:** ADOPT proviso as amended.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

*113.2. (AS-TREAS: Quarterly Distributions) For Fiscal Year ~~2020-21~~ 2021-22, one quarter of the amount appropriated in Part IA for Aid to Subdivisions-Local Government Fund shall be distributed as soon after the beginning of each quarter as practical with the four distributions together totaling the Fiscal Year ~~2020-21~~ 2021-22 Part IA appropriation for the Local Government Fund.*

- 113.5 DELETE** (LGF) Suspends Sections 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] and 6-27-50 [RESTRICTIONS ON AMENDMENT OR REPEAL OF CHAPTER] for Fiscal Year 2020-21.  
**WMC:** DELETE proviso.  
**HOU:** ADOPT deletion.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

*113.5. (AS-TREAS: LGF) For Fiscal Year ~~2020-21~~, the provisions of Section ~~6-27-30~~ and Section ~~6-27-50~~ of the 1976 Code are suspended.*

- 113.7 AMEND** (Political Subdivision Flexibility) Authorizes political subdivisions that receive Local Government Fund monies to reduce the amount of support they provide to any state mandated program or requirement up to the percentage their Local Government Fund appropriation has been reduced compared to the amount required to be funded by law, but excludes the court system and assessment for indigent medical care from the reductions.  
**WMC:** AMEND proviso to update fiscal year reference to “2021-22.”  
**HOU:** ADOPT proviso as amended.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

*113.7. (AS-TREAS: Political Subdivision Flexibility) For Fiscal Year ~~2020-21~~ 2021-22, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, by up to a percentage equal to the percentage*

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reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to be appropriated pursuant to Section 6-27-30. Excluded from said reductions are Administrative Law Judges and their offices, Court of Appeals and their offices, Circuit and Family Courts and their offices, Magistrates and their offices, Masters-in-Equity and their offices, Probate Courts and their offices, Public Defenders and their offices, Solicitors and their offices, and the Supreme Court and their offices, and assessment for indigent medical care pursuant to Section 44-6-146 of the 1976 Code.

- 113.9 ADD** (Excess Sales Tax Collections) **WMC:** ADD new proviso to authorize a county to use excess unexpired capital project sales tax collections to fund road improvements, intersection improvements and pedestrian transportation. Require the county, before the tax expires, to adopt an ordinance that specifies how the funds will be used. Allow a county to spend Aid to Subdivision distributions to meet the requirements of this provision.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*113.9. (AS-TREAS: Excess Sales Tax Collections) In the current fiscal year, if a county has capital projects sales tax collections in excess of the amount necessary to complete all projects for which the tax was imposed and the tax has not yet expired, the county may pledge and use the excess collections to fund road improvements, intersection improvements, and pedestrian transportation. However, prior to the expiration of the tax, an eligible county must adopt an ordinance specifying the purposes for which the excess funds will be used. A county may expend distributions received pursuant to the Aid to Subdivisions, State Treasurer section to meet the requirements of this provision.*

**SECTION 117 - X900 - GENERAL PROVISIONS**

- 117.2 AMEND** (Appropriations From Funds) Directs that funds appropriated from the General Fund, EIA Fund, Highways and Public Transportation Fund and other applicable funds are to meet the ordinary expenses of the State for FY 2020-21.  
**WMC:** AMEND proviso to update fiscal year reference to “2021-22.” *Technical.*  
**HOU:** ADOPT proviso as amended.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**117.2.** (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year ~~2020-21~~ 2021-22, and for other purposes specifically designated.

- 117.3 AMEND** (Fiscal Year Definitions) Defines current and prior fiscal year time frames.  
**WMC:** AMEND proviso to update fiscal year references from “2020” to “2021;” “2021” to “2022;” and “2019” to “2020.” *Technical.*  
**HOU:** ADOPT proviso as amended.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**117.3.** (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, “current fiscal year” means the fiscal year beginning July 1, ~~2020~~ 2021, and ending June 30, ~~2021~~



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2022, and “prior fiscal year” means the fiscal year beginning July 1, ~~2019~~ 2020, and ending June 30, ~~2020~~ 2021.

**117.128 AMEND** (Statewide Administrative Services) Authorizes the Department of Administration to provide consolidated administrative services to agencies to promote cost savings, process integrity and other efficiencies and to reduce duplication, overlap and redundancies. Requires agencies that receive appropriations of \$20,000,000 or less to consult with DOA to determine whether the use of consolidated administrative services would be beneficial to the agency. Directs DOA to provide a report to the Chairmen of the Senate Finance and House Ways and Means Committees by December 31, 2020 on the usage of the administrative services offered.

**WMC:** AMEND proviso to update “2020” to “2021.”

**HOU:** ADOPT proviso as amended.

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

**117.128.** (GP: Statewide Administrative Services) The Department of Administration may provide consolidated administrative services to all agencies to promote cost savings, process integrity and other efficiencies, and to reduce duplication, overlap and redundancies, or any combination thereof and to provide for consistency in transactions and processes and to advance a statewide approach to agency administration. Consolidated administrative services may include, but are not limited to: 1) financial and accounting support, such as accounts payable and receivable processing, procurement processing, journal entry processing and financial reporting assistance; 2) human resources administrative support, such as transaction processing and reporting, payroll processing, and human resources training; and 3) budget support, such as budget transaction processing and budget reporting assistance.

Agencies that receive twenty million dollars or less in total appropriations in the current fiscal year shall consult with the Department of Administration to determine whether the use of consolidated administrative services offered by the department would be beneficial to the agency. The Legislative Branch, the Judicial Branch, public institutions of higher learning and technical colleges shall be exempt from the requirements of this provision.

The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding agency utilization of administrative services offered by the department no later than December 31, ~~2020~~ 2021.

**117.130 DELETE** (State Flag Study Committee) Creates a state flag study committee charged with proposing an official and uniform design for the state flag which is historically accurate. Provides for the composition of the study committee. Directs the committee to provide a report to the General Assembly by June 30, 2021.

**WMC:** DELETE proviso.

**HOU:** ADOPT deletion.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

**117.130.** (GP: State Flag Study Committee) ~~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 chairman;~~

~~(2) the Director of the Department of Administration, or his designee;~~

~~(3) one member appointed by the President Pro Tempore of the Senate;~~

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- (4) ~~one member appointed by the Speaker of the House of Representatives; and~~
- (5) ~~one member appointed by the Governor.~~

~~The study committee shall provide a report including a proposed design to the General Assembly by June 30, 2021, at which time the study committee shall dissolve. Members of the study committee shall receive mileage, per diem, and subsistence as provided by law.~~

**117.137 DELETE** (CDBG-DR Flexibility) Directs the Department of Commerce to transfer to DOA any funds that remain from a 2017 appropriation for 2015 - Non-CDBG - Disaster Recovery and directs DOA to use the funds for any disaster recovery program.

**WMC:** DELETE proviso. *Funds expended.* Requested by Department of Administration.

**HOU:** ADOPT deletion.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

~~117.137. (GP: CDBG-DR Flexibility) The Department of Commerce is directed to transfer any funds remaining from the appropriation it received through Act 97 of 2017 for 2015 Non-CDBG Disaster Recovery to the Department of Administration which shall utilize these funds for any disaster recovery program.~~

**117.140 DELETE** (Voting System Funds Transfer) Directs the Election Commission to transfer to DOA any funds, excluding federal funds, appropriated to the commission for the purchase of a new statewide voting system or refurbishment of the current system. Directs DOA to hold these funds as well as funds appropriated to them for this purpose in a separate account. Directs that funds available to the commission or the department shall be used in FY 2020-21 to purchase a new statewide voting system.

**WMC:** DELETE proviso. *Funds expended.* Requested by Department of Administration.

**HOU:** ADOPT deletion.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

~~117.140. (GP: Voting System Funds Transfer) The State Election Commission is directed to transfer any funds which have been appropriated to the commission for the purchase of a new statewide voting system or for the refurbishment of the current statewide voting system to the Department of Administration. The Department of Administration shall hold these funds and any other funds appropriated to the department for the same purpose in a separate account. This transfer requirement shall not apply to any federal funds granted to the State Election Commission. Any funds available to the State Election Commission or the Department of Administration shall be used in Fiscal Year 2020-21 to purchase a new statewide voting system.~~

**117.151 DELETE** (Voluntary Support Payments to Employees Furloughed - COVID-19) Directs that all voluntary support payments made to a furloughed employee as a result of COVID-19 shall be classified as a form of severance pay, not wages, and are not subject to repayment by the employee.

**WMC:** DELETE proviso.

**HOU:** ADOPT deletion.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

~~117.151. (GP: Voluntary Support Payments to Employees Furloughed - COVID-19) All voluntary support payments made by an employer to a furloughed employee as a result of the COVID-19 crisis shall be classified as a form of severance pay, are not wages, and are not subject to repayment by the furloughed employee. Any provision of law that conflicts with this section is suspended until July 31, 2020.~~

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- 117.158 CONFORM TO FUNDING / ADD** (Statewide Strategic Personnel Budgeting) **WMC:** ADD new proviso to require agencies to submit all human resources and personnel related budget requests to DOA's Executive Budget Office (EBO) and Division of State Human Resources (SHR) by September 1st. Direct EBO and SHR to jointly review the budget requests and submit funding recommendations to the Governor and the Chairmen of the House Ways and Means and Senate Finance Committees. Require agencies to comply with all SHR human resources rules, regulations, standards, plans, policies and directives. Exempt the Judicial and Legislative Departments, political subdivisions and quasi-governmental bodies from these requirements.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING.

117.158. (GP: Statewide Strategic Personnel Budgeting) (A) To encourage consistency in human resources compensation decisions, support data driven decisions regarding expenditure of funds for personnel in state government, and improve the state's ability to recruit and retain top talent, all state agencies are directed as follows:

With regard to the annual Appropriations Act budget plan submission, agencies shall submit all human resources and personnel related budget requests to the Department of Administration's Executive Budget Office and Division of State Human Resources on or before September 1 of the current fiscal year. The Executive Budget Office and the Division of State Human Resources shall jointly review the budget requests and make recommendations for funding consideration. These funding recommendations shall be submitted to the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee.

Agencies shall comply with all human resources rules, regulations, standards, plans, policies, and directives of the Division of State Human Resources.

(B) The Judicial Department, Legislative Department, political subdivisions, and quasi-governmental bodies are exempt from the requirements of this provision.

- 117.159 ADD** (Job Order Contracting Pilot Program) **WMC:** ADD new proviso to authorize SFAA Procurement Services to pilot test a job order contracting method on behalf of one or more governmental bodies or public procurement units by entering into job order contracts to acquire construction services when exact time or quantities of future jobs are not know when the contract is awarded. Authorize Procurement Services to enter into contracts with up to four businesses for each geographic area for each licensing classification and sub-classification for construction. Direct that an individual project using a job order may not exceed \$500,000 and the sum of all individual job orders may not exceed \$4,000,000 per contract.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

117.159. (GP: Job Order Contracting Pilot Program) For the current fiscal year, Procurement Services of the State Fiscal Accountability Authority may pilot test a job order contracting method on behalf of one or more governmental bodies or public procurement units by entering into job order contracts to acquire construction services when the exact time or exact quantities of future jobs are not known at the time of contract award. Procurement Services shall determine, in its sole discretion, which governmental bodies and public procurement units may participate in the pilot project. Procurement Services may enter into job order contracts with up to four businesses for each geographic area for each licensing classification and sub-classification for construction.

For purposes of this proviso, the term 'job order contract' means a contract that provides for the issuance of job orders for the performance of construction, renovation, and repair work.

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where contractors propose an adjustment factor or factors to be applied to a catalog of preset unit prices calculated using local prevailing wage rates, local equipment, and local material costs, and where individual job orders are issued to the awarded contractors on an as-needed basis and the price paid for the work is a lump sum of the preset unit prices needed to complete the job order multiplied by the quantity required multiplied by the adjustment factor.

For purposes of the pilot project, an individual project using job orders may not exceed five hundred thousand dollars and the sum of all individual job orders may not exceed four million dollars per contract. Work may not be divided artificially in order to avoid these limits. A single project must not be performed using job order contracts in combination with contracts awarded pursuant to Section 11-35-1550 of the 1976 Code.

For purposes of the pilot project, a job order must clearly specify all tasks to be performed or property to be delivered under the order so the full price for the performance of the work can be established when the order is placed. All job orders must be issued on a fixed-price basis. All job orders must be issued within the period of the contract and must be within the scope and maximum value of the contract. Each job order shall provide an itemized list of each construction tasks required to complete the work with the task's associated unit price and applied adjustment factor. Each job order proposal shall be certified as contract compliant by a reviewer independent of the contractor.

Any solicitation for a job order contract must include the following: (1) the period of the contract; (2) the maximum dollar value of the services to be procured under the contract; (3) the maximum dollar value of the services to be procured under a single job order; (4) a description that reasonably describes the licensing classification and the general scope, nature, complexity, and purposes of the services to be procured under the contract in a manner that will enable a prospective bidder to decide whether to submit a bid; (5) the procedures that the governmental body will use for issuing job orders for the pilot program; (6) if applicable, the geographic area to which the job order contract applies; ordinarily, a geographically contiguous area should not be subdivided; and (7) the number of job order contracts to be awarded.

**SECTION 118 - X910 - STATEWIDE REVENUE**

- 118.1**    **AMEND** (Year End Cutoff) Directs year-end expenditure deadlines.  
**WMC:** AMEND proviso to update calendar year references from “2021” to “2022.” *Technical.*  
Requested by Office of Comptroller General.  
**HOU:** ADOPT proviso as amended.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**118.1.** (SR: Year End Cutoff) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary expenses of the State Government shall lapse on July 31, ~~2024~~ 2022. State agencies are required to submit all current fiscal year input documents and all electronic workflow for accounts payable transactions to the Office of Comptroller General by July 14, ~~2024~~ 2022. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State Fiscal Accountability Authority and Joint Bond Review Committee, toward the accomplishment of the purposes for which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State Fiscal Accountability

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Authority, toward the accomplishment of the purposes for which the appropriations were provided.

- 118.9 AMEND** (Tax Relief Reserve Fund) Creates the Tax Relief Reserve Fund; directs that accrued interest remain in the fund; and directs the State Treasurer, on December 31, 2019, to transfer from the General Fund any funds identified in this act designated for the Tax Relief Reserve Fund. Directs that the fund may only be used to provide tax relief to businesses and individuals as provided by law and authorizes these funds to be retained, carried forward, and used for the same purpose.

**WMC:** AMEND proviso to update calendar year reference from “2019” to “2021.”

**HOU:** ADOPT proviso as amended.

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

**118.9.** (SR: Tax Relief Reserve Fund) There is created the Tax Relief Reserve Fund, which shall be separate and distinct from the General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on December 31, ~~2019~~ 2021, the State Treasurer shall transfer funds identified in this act from the General Fund to the Tax Relief Reserve Fund. These funds may only be used to provide tax relief to businesses and individuals as provided by law. Funds within the Tax Relief Reserve Fund shall be retained and carried forward to be used for the same purpose.

- 118.14 DELETE** (Taxpayer Rebate) Provides for a one-time taxpayer refund of up to \$50 per taxpayer if excess FY 2018-19 unobligated general revenue as certified by the BEA become available due to increased income tax collections resulting from the October 24, 2018 Mega Millions lottery ticket redemption. Directs that those funds, combined with funds appropriated for a taxpayer rebate, must be used to provide the one-time rebate.

**WMC:** DELETE proviso. *Funds expended.*

**HOU:** ADOPT deletion.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

**118.14.** (SR: Taxpayer Rebate) ~~In the event that amounts in excess of the Fiscal Year 2018-19 unobligated general fund revenue as certified by the Board of Economic Advisors become available due to increased income tax collections resulting from the lottery ticket redemption associated with the October 24, 2018 Mega Millions contest, the Comptroller General shall transfer such amounts in excess of the total certified unobligated general fund revenue up to \$61,400,000 to a Taxpayer Rebate Fund after the close of Fiscal Year 2018-19. To the extent sufficient funds are available, the Department of Revenue shall provide a fifty dollar refund to each individual income tax return filed for tax year 2018 that has at least a state individual income tax liability of fifty dollars, after credits, for returns filed on or before October 15, 2019. The Department of Revenue may prorate this amount based upon actual funds and eligible returns and is directed to issue these checks on December 2, 2019.~~

- 118.16 DELETE** (Accrual of Tax Payments) Directs the Comptroller General to accrue into FY 2019-20 General Fund revenues previously due to be remitted to DOR by April 15th or June 15th, but which were allowed to be remitted as late as July 15th by federal directive or Governor’s Executive Order 2020-12 including, but not limited to, individual and corporate income tax returns and quarterly estimated declarations.

**WMC:** DELETE proviso.

**HOU:** ADOPT deletion.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

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~~118.16. (SR: Accrual of Tax Payments) The Comptroller General is directed to accrue into Fiscal Year 2019-20 General Fund revenues previously due for remittance to the Department of Revenue by April fifteenth or June fifteenth but allowed to be remitted as late as July fifteenth pursuant to federal directive or the Governor's Executive Order 2020-12 including, but not limited to, individual and corporate income tax returns and quarterly estimated declarations.~~

**118.19 ADD** (Expenditure of Federal Funds) **HOU:** ADD new proviso to direct that any funds received from the Federal Government not directly allocated to a state agency must be spent through the legislative budgeting process. Sponsor: Rep. Cobb-Hunter.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*118.19. (SR: Expenditure of Federal Funds) Any funds received from the Federal Government that are not allocated directly to a state agency must be expended through the legislative budgeting process.*

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