

1 CONFERENCE COMMITTEE REPORT ADOPTED -- NOT
2 PRINTED
3 June 29, 2011

4

5

S. 172

6

7 Introduced by Senators Rose, Fair, Leatherman, Bright, Bryant,
8 Campsen, Knotts, O'Dell, S. Martin, Ford and McGill

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10 S. Printed 6/1/11--S.

11 Read the first time January 11, 2011.

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A BILL

11 TO ENACT THE "SOUTH CAROLINA HIGHER EDUCATION
12 EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF
13 2011", BY ADDING SECTION 59-101-670 SO AS TO
14 PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER
15 LEARNING MUST MAINTAIN A DETAILED TRANSACTION
16 REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND
17 POST THAT REGISTER ONLINE; BY ADDING SECTION
18 1-1-1040 SO AS TO PROVIDE THAT ALL STATE AGENCIES
19 MUST HAVE A LINK ON THEIR INTERNET WEBSITE TO
20 THE STATE AGENCY RESPONSIBLE FOR POSTING ON ITS
21 INTERNET WEBSITE THE AGENCY'S, DEPARTMENT'S,
22 OR INSTITUTION'S MONTHLY STATE PROCUREMENT
23 CARD STATEMENTS, TO DIRECT THE BUDGET AND
24 CONTROL BOARD'S STATE OFFICE OF HUMAN
25 RESOURCES TO PARTICIPATE WITH FIVE
26 REPRESENTATIVES SELECTED BY THE RESPECTIVE
27 PRESIDENTS OF THE PUBLIC INSTITUTIONS OF HIGHER
28 LEARNING AND TECHNICAL COLLEGES TO STUDY,
29 DEVELOP, AND RECOMMEND A SEPARATE,
30 COMPREHENSIVE HUMAN RESOURCES SYSTEM FOR
31 THE PUBLIC INSTITUTIONS OF HIGHER LEARNING AND
32 TECHNICAL COLLEGES; TO AMEND SECTION 2-47-50, AS
33 AMENDED, RELATING TO PERMANENT IMPROVEMENT
34 PROJECTS, SO AS TO DEFINE 'PERMANENT
35 IMPROVEMENT PROJECT'; TO AMEND SECTION 11-35-
36 1210, RELATING TO THE STATE BUDGET AND CONTROL
37 BOARD'S REVIEW OF DOLLAR LIMITS FOR A
38 GOVERNMENTAL BODY'S PROCUREMENT, SO AS TO
39 PROVIDE THAT THE STATE BOARD FOR TECHNICAL
40 AND COMPREHENSIVE EDUCATION, IN COORDINATION
41 WITH THE APPROPRIATE CHIEF PROCUREMENT
42 OFFICER, MAY APPROVE A CUMULATIVE TOTAL OF UP

1 TO FIFTY THOUSAND DOLLARS IN ADDITIONAL
2 PROCUREMENT AUTHORITY FOR TECHNICAL
3 COLLEGES; TO AMEND SECTION 11-35-1550, RELATING
4 TO BID PROCEDURES, SO AS TO PROVIDE THAT IN
5 CERTAIN SITUATIONS, A PUBLIC INSTITUTION OF
6 HIGHER LEARNING AND TECHNICAL COLLEGE MAY
7 MAKE SMALL PURCHASES NOT EXCEEDING TEN
8 THOUSAND DOLLARS WITHOUT CERTAIN PROVISIONS
9 OF THE PROCUREMENT CODE APPLYING; TO AMEND
10 SECTION 11-35-3310, RELATING TO INDEFINITE
11 DELIVERY CONTRACTS, SO AS TO INCREASE CERTAIN
12 DOLLAR LIMITS FOR PUBLIC INSTITUTIONS OF HIGHER
13 LEARNING AND TECHNICAL COLLEGES; TO AMEND
14 SECTION 11-35-4810, RELATING TO COOPERATIVE
15 PURCHASING, SO AS TO EXEMPT PUBLIC INSTITUTIONS
16 OF HIGHER LEARNING FROM THE REQUIREMENT OF
17 THIRTY DAYS' NOTICE OF A MULTISTATE
18 SOLICITATION IF A COST SAVINGS IS DEMONSTRATED
19 TO THE OFFICE OF STATE PROCUREMENT; TO AMEND
20 SECTION 1-7-170, RELATING TO ENGAGING AN
21 ATTORNEY ON A FEE BASIS, SO AS TO PROVIDE THAT A
22 PUBLIC INSTITUTION OF HIGHER LEARNING SHALL
23 ENGAGE AND COMPENSATE OUTSIDE COUNSEL IN
24 ACCORDANCE WITH POLICIES AND PROCEDURES
25 ADOPTED BY THE STATE BUDGET AND CONTROL
26 BOARD FOR MATTERS OF BONDED INDEBTEDNESS,
27 PUBLIC FINANCE, BORROWING, AND RELATED
28 FINANCIAL MATTERS; BY ADDING SECTION 59-101-55 SO
29 AS TO PROHIBIT STATE APPROPRIATED FUNDS FROM
30 BEING USED TO PROVIDE OUT-OF-STATE SUBSIDIES TO
31 STUDENTS ATTENDING STATE-SUPPORTED
32 INSTITUTIONS OF HIGHER LEARNING; BY ADDING
33 SECTION 59-112-115 SO AS TO PROVIDE THAT WHEN THE
34 GOVERNING BOARD OF A PUBLIC INSTITUTION OF
35 HIGHER LEARNING OR TECHNICAL COLLEGE ADOPTS A
36 CHANGE TO THE TUITION OR FEES IMPOSED ON
37 STUDENTS, THE CHANGE MAY BE IMPLEMENTED ONLY
38 AFTER A PUBLIC VOTE WITH THE NUMBER OF
39 TRUSTEES OR LOCAL AREA COMMISSIONERS VOTING
40 FOR AND AGAINST THE CHANGE BEING COUNTED; BY
41 ADDING SECTION 8-11-162 SO AS TO PROVIDE THAT
42 TECHNICAL COLLEGE PRESIDENTS ARE COVERED BY
43 THE AUTHORITY OF THE AGENCY HEAD SALARY

1 COMMISSION; TO AMEND SECTION 1-11-55, RELATING
2 TO THE LEASING OF REAL PROPERTY FOR
3 GOVERNMENTAL BODIES, SO AS TO PROVIDE THAT A
4 TECHNICAL COLLEGE, WITH THE APPROVAL OF THE
5 STATE BOARD FOR TECHNICAL AND COMPREHENSIVE
6 EDUCATION, AND A PUBLIC INSTITUTION OF HIGHER
7 LEARNING, MAY ENTER INTO ANY LEASE AGREEMENT
8 OR RENEW ANY LEASE AGREEMENT UP TO ONE
9 HUNDRED THOUSAND DOLLARS ANNUALLY FOR EACH
10 PROPERTY OR FACILITY WITHOUT NOTIFYING THE
11 OFFICE OF GENERAL SERVICES FOR AN INVESTIGATION
12 OF AVAILABLE SPACE; BY ADDING SECTION 59-53-168
13 SO AS TO AUTHORIZE THE STATE BOARD FOR
14 TECHNICAL AND COMPREHENSIVE EDUCATION TO
15 EMPLOY AND ADMINISTER CERTAIN ADMINISTRATIVE
16 EFFICIENCY PROVISIONS, AND TO ESTABLISH AN
17 ADVISORY BOARD; BY ADDING SECTION 59-112-140 SO
18 AS TO ALLOW THE AREA COMMISSION FOR THE
19 FLORENCE-DARLINGTON TECHNICAL COLLEGE TO
20 WAIVE CERTAIN REQUIREMENTS FOR STUDENT
21 PARTICIPANTS IN THE CATERPILLAR DEALER
22 ACADEMY OPERATED BY FLORENCE-DARLINGTON
23 TECHNICAL COLLEGE; TO AMEND SECTION 2-77-20,
24 RELATING TO THE SOUTH CAROLINA HIGHER
25 EDUCATION EXCELLENCE ENHANCEMENT PROGRAM,
26 SO AS TO REQUIRE THAT ALL THE FUNDS
27 APPROPRIATED TO THE PROGRAM MUST BE
28 ALLOCATED EQUALLY AMONG THE ELIGIBLE
29 INSTITUTIONS; AND TO AMEND SECTION 59-142-40,
30 RELATING TO STUDENTS FIRST FINANCIAL RESOURCES
31 FOR SCHOLARSHIPS AND TUITION, SO AS TO UPDATE
32 REFERENCES AND TO PROVIDE THAT FUNDS FOR THE
33 NEED-BASED GRANT MUST BE ALLOCATED IN A GIVEN
34 YEAR TO INSTITUTIONS USING A METHODOLOGY THAT
35 CONSIDERS STATE RESIDENT PELL GRANT RECIPIENTS
36 SO THAT EACH PUBLIC INSTITUTION SHALL RECEIVE
37 AN AMOUNT SUFFICIENT TO PROVIDE A SIMILAR LEVEL
38 OF SUPPORT PER STATE RESIDENT PELL RECIPIENT
39 WHEN COMPARED TO TUITION AND REQUIRED FEES,
40 BUT THAT NO INSTITUTION SHALL RECEIVE A
41 SMALLER PROPORTION OF FUNDING THAN WOULD BE
42 PROVIDED UNDER THE STUDENT ENROLLMENT

1 METHODOLOGY USED IN YEARS PRIOR TO FISCAL YEAR
2 2008-2009.

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

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Part I

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Citation

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11 SECTION 1. This act is known and may be cited as the "South
12 Carolina Higher Education Efficiency and Administrative Policies
13 Act of 2011".

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Part II

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Transaction Register

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19 SECTION 2. A. Article 2, Chapter 101, Title 59 of the 1976
20 Code is amended by adding:

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"Section 59-101-670. (A) Each public institution of higher learning shall maintain a transaction register that includes a complete record of all funds expended, from whatever source for whatever purpose. The register must be prominently posted on the institution's Internet website and made available for public viewing and downloading.

(1)(a) The register must include for each expenditure:

(i) the transaction amount;

(ii) the name of the payee;

(iii) the identification number of the transaction; and

(iv) a description of the expenditure, including the source of funds, a category title, and an object title for the expenditure.

(b) The register must include all reimbursements for expenses, but must not include an entry for salary, wages, or other compensation paid to individual employees.

(c) The register must not include a social security number.

(d) The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure.

1 (e) At the option of the public institution, the register may
2 exclude any information that can be used to identify an individual
3 employee or student.

4 (f) This section does not require the posting of any
5 information that is not required to be disclosed under Chapter 4,
6 Title 30.

7 (2) The register must be searchable and updated at least once
8 a month. Each monthly register must be maintained on the
9 Internet website for at least three years.

10 (B) Each public institution of higher learning shall be
11 responsible for providing on its Internet website a link to the
12 Internet website of any agency, other than the individual
13 institution, that posts on its Internet website the institution's
14 monthly state procurement card statements or monthly reports
15 containing all or substantially all of the same information
16 contained in the monthly state procurement card statements. The
17 link must be to the specific webpage or section on the website of
18 the agency where the state procurement card information for the
19 institution can be found. The information posted may not contain
20 the state procurement card number.

21 (C) Any information that is expressly prohibited from public
22 disclosure by federal or state law or regulation must be redacted
23 from any posting required by this section.

24 (D) In the event any public institution of higher learning has a
25 question or issue relating to technical aspects of complying with
26 the requirements of this section or the disclosure of public
27 information under this section, it shall consult with the
28 Comptroller General's Office, which may provide guidance to the
29 public institution."

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31 B. Article 15, Chapter 1, Title 1 of the 1976 Code is amended by
32 adding:

33
34 "Section 1-1-1040. All agencies, departments, and institutions
35 of state government must be responsible for providing on their
36 Internet websites a link to the Internet website of any agency, other
37 than the individual agency, department, or institution, that posts on
38 its Internet website that agency's, department's, or institution's
39 monthly state procurement card statements or monthly reports
40 containing all or substantially all the same information contained
41 in the monthly state procurement card statements. The link must
42 be to the specific webpage or section on the website of the agency
43 where the state procurement card information for the state agency,

1 department, or institution can be found. The information posted
2 may not contain the state procurement card number. Any
3 information that is expressly prohibited from public disclosure by
4 federal or state law or regulation must be redacted from any
5 posting required by this section.”
6

7 C. This SECTION takes effect upon approval by the Governor,
8 and public institutions of higher learning to which this SECTION
9 applies shall have one year from the effective date of this act to
10 comply with its requirements.

11
12 Part III

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14 Human Resources

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16 SECTION 3. The Budget and Control Board’s State Office of
17 Human Resources shall participate with five representatives
18 selected by the respective presidents of the public institutions of
19 higher learning and technical colleges to represent all of the public
20 institutions of higher learning and technical colleges to study,
21 develop, and recommend a separate, comprehensive human
22 resources system for the public institutions of higher learning and
23 technical colleges. The recommendation shall include, but not be
24 limited to, prescription of a methodology to establish a uniform
25 compensation and classification plan among the public institutions
26 of higher learning and technical colleges. The recommendations
27 must provide for necessary accountability to the Budget and
28 Control Board, including a process for reporting human resources
29 data. The recommendation must be submitted to the State Budget
30 and Control Board for its review no later than July 1, 2012, and
31 shall not be implemented until approved by the Budget and
32 Control Board pursuant to Section 8-11-230.

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34 Part IV

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36 Facilities and Capital Expenditure Revisions

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38 SECTION 4. Section 2-47-50 of the 1976 Code, as last amended
39 by Act 143 of 2005, is further amended to read:

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41 “Section 2-47-50. The board shall establish formally each
42 permanent improvement project before actions of any sort which
43 implement the project in any way may be undertaken and no

1 expenditure of any funds for any services or for any other project
2 purpose contracted for, delivered, or otherwise provided prior to
3 the date of the formal action of the board to establish the project
4 shall be approved. State agencies and institutions may advertise
5 and interview for project architectural and engineering services for
6 a pending project so long as the architectural and engineering
7 contract is not awarded until after a state project number is
8 assigned. After the committee has reviewed the form to be used to
9 request the establishment of permanent improvement projects and
10 has reviewed the time schedule for considering such requests as
11 proposed by the board, requests to establish permanent
12 improvement projects shall be made in such form and at such times
13 as the board may require.

14 Any proposal to finance all or any part of any project using any
15 funds not previously authorized specifically for the project by the
16 General Assembly or using any funds not previously approved for
17 the project by the board and reviewed by the committee shall be
18 referred to the committee for review prior to approval by the
19 board.

20 Any proposed revision of the scope or of the budget of an
21 established permanent improvement project deemed by the board
22 to be substantial shall be referred to the committee for its review
23 prior to any final action by the board. In making their
24 determinations regarding changes in project scope, the board and
25 the committee shall utilize the permanent improvement project
26 proposal and justification statements, together with any supporting
27 documentation, considered at the time the project was authorized
28 or established originally. Any proposal to increase the budget of a
29 previously approved project using any funds not previously
30 approved for the project by the board and reviewed by the
31 committee shall in all cases be deemed to be a substantial revision
32 of a project budget which shall be referred to the committee for
33 review. The committee shall be advised promptly of all actions
34 taken by the board which approve revisions in the scope of or the
35 budget of any previously established permanent improvement
36 project not deemed substantial by the board.

37 For purposes of this chapter, with regard to all institutions of
38 higher learning, permanent improvement project is defined as:

- 39 (1) acquisition of land, regardless of cost, with staff level
40 review of the committee and the Budget and Control Board,
41 Capital Budget Office, up to two hundred fifty thousand dollars;
42 (2) acquisition, as opposed to the construction, of buildings or
43 other structures, regardless of cost, with staff level review of the

1 committee and the Budget and Control Board, Capital Budget
2 Office, up to two hundred fifty thousand dollars;

3 ~~(3) construction of additional facilities and~~ work on existing
4 facilities for any given project including their renovation, repair,
5 maintenance, alteration, or demolition in those instances in which
6 the total cost of all work involved is ~~five hundred thousand~~ one
7 million dollars or more;

8 (4) architectural and engineering and other types of planning
9 and design work, regardless of cost, which is intended to result in a
10 permanent improvement project. Master plans and feasibility
11 studies are not permanent improvement projects and are not to be
12 included;

13 (5) capital lease purchase of a facility acquisition or
14 construction in which the total cost is one million dollars or more;
15 ~~and~~

16 (6) equipment that either becomes a permanent fixture of a
17 facility or does not become permanent but is included in the
18 construction contract shall be included as a part of a project in
19 which the total cost is one million dollars or more; and

20 (7) new construction of a facility that exceeds a total cost of
21 five hundred thousand dollars.

22 Any permanent improvement project that meets the above
23 definition must become a project, regardless of the source of funds.
24 However, an institution of higher learning that has been authorized
25 or appropriated capital improvement bond funds, capital reserve
26 fund or state appropriated funds, or state infrastructure bond funds
27 by the General Assembly for capital improvements shall process a
28 permanent improvement project, regardless of the amount.

29 For purposes of establishing permanent improvement projects,
30 Clemson University Public Service Activities (Clemson-PSA) and
31 South Carolina State University Public Service Activities (SC
32 State-PSA) are subject to the provisions of this chapter.”

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Part V

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Procurement Code Revisions

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38 SECTION 5. Section 11-35-1210 of the 1976 Code is amended
39 by adding an appropriately numbered subsection at the end to read:

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41 “() Subject to subsection (1), the State Board for Technical and
42 Comprehensive Education, in coordination with the appropriate
43 Chief Procurement Officer, may approve a cumulative total of up

1 to fifty thousand dollars in additional procurement authority for
2 technical colleges, provided that the designated board office makes
3 no material audit findings concerning procurement. As provided
4 by regulation, any authority granted pursuant to this paragraph is
5 effective when certified in writing by the designated board office.”

6

7 SECTION 6. Section 11-35-1550 of the 1976 Code is amended to
8 read:

9

10 “Section 11-35-1550.(1) Authority. The following small
11 purchase procedures may be utilized only in conducting
12 procurements for governmental bodies that are up to fifty thousand
13 dollars in actual or potential value. A governmental body may
14 conduct its own procurement up to fifty thousand dollars in actual
15 or potential value, and a governmental body that has received
16 procurement certification pursuant to Section 11-35-1210 to handle
17 the type and estimated value of the procurement may conduct the
18 procurement under its own authority in accordance with this code.
19 Procurement requirements must not be artificially divided by
20 governmental bodies so as to constitute a small purchase pursuant
21 to this section.

22 (2) Competition and Price Reasonableness.

23 (a) Purchases not in excess of two thousand five hundred
24 dollars. Except as provided in subitem (d) below, small purchases
25 not exceeding two thousand five hundred dollars may be
26 accomplished without securing competitive quotations if the prices
27 are considered reasonable. The purchasing office must annotate
28 the purchase requisition: ‘Price is fair and reasonable’ and sign.
29 The purchases must be distributed equitably among qualified
30 suppliers. When practical, a quotation must be solicited from other
31 than the previous supplier before placing a repeat order. The
32 administrative cost of verifying the reasonableness of the price of
33 purchase ‘not in excess of’ may more than offset potential savings
34 in detecting instances of overpricing. Action to verify the
35 reasonableness of the price need be taken only when the
36 procurement officer of the governmental body suspects that the
37 price may not be reasonable, comparison to previous price paid, or
38 personal knowledge of the item involved.

39 (b) Purchases over two thousand five hundred dollars to ten
40 thousand dollars. Except as provided in subitem (d) below,
41 solicitation of written quotes from a minimum of three qualified
42 sources of supply must be made and documentation of the quotes
43 attached to the purchase requisition for a small purchase over two

1 thousand five hundred dollars but not in excess of ten thousand
2 dollars. The award must be made to the lowest responsive and
3 responsible sources.

4 (c) Purchases over ten thousand dollars up to fifty thousand
5 dollars. Written solicitation of written quotes, bids, or proposals
6 must be made for a small purchase over ten thousand dollars but
7 not in excess of fifty thousand dollars. The procurement must be
8 advertised at least once in the South Carolina Business
9 Opportunities publication or through a means of central electronic
10 advertising as approved by the designated board office. A copy of
11 the written solicitation and written quotes must be attached to the
12 purchase requisition. The award must be made to the lowest
13 responsive and responsible source or, when a request for proposal
14 process is used, the highest ranking offeror.

15 (d) For public institutions of higher learning in this State
16 excluding technical colleges, small purchase amounts to which the
17 provisions of subitem (a) apply are those purchases not exceeding
18 ten thousand dollars, and for these purchases subitem (b) above
19 does not apply. In addition, purchasing cards of the institution for
20 these purchases also may be used by officials or employees of the
21 institution as the governing board approves.

22 (3) All competitive procurements above ten thousand dollars
23 must be advertised at least once in the South Carolina Business
24 Opportunities publication or through a means of central electronic
25 advertising as approved by the designated board office.
26 Governmental bodies may charge vendors the cost incurred for
27 copying and mailing bid or proposal documents requested in
28 response to a procurement.

29 (4) The Division of Aeronautics of the Department of
30 Commerce may act as its own purchasing agency for all
31 procurements of maintenance services for aircraft and these
32 procurements may be conducted pursuant to ~~Section 11-35-1550~~
33 subsection (2)(b).

34 (5) For a technical college authorized by the State Board for
35 Technical and Comprehensive Education, small purchase amounts
36 to which the provisions of subsection (2)(a) apply are those
37 purchases up to an amount not to exceed ten thousand dollars. If
38 authority is approved, a technical college may use purchasing
39 cards for these purchases up to the amount approved by the State
40 Board for Technical and Comprehensive Education.”

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42 SECTION 7. Section 11-35-3310 of the 1976 Code is amended to
43 read:

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“Section 11-35-3310.(1) General Applicability. Indefinite delivery contracts may be awarded on an as-needed basis for construction services pursuant to the procedures in Section 11-35-3015(2)(b) and for architectural-engineering and land surveying services pursuant to Section 11-35-3220.

(a) Construction Services. When construction services contracts are awarded, each contract ~~shall~~ must be limited to a total expenditure of seven hundred fifty thousand dollars for a two-year period with individual project expenditures not to exceed one hundred fifty thousand dollars; however, for public institutions of higher learning, and for technical college service contracts authorized by the State Board for Technical and Comprehensive Education, these limits shall be one million dollars for total expenditures and two hundred fifty thousand dollars for individual expenditures within the time periods specified.

(b) Architectural-Engineering and Land-Surveying Services. When architectural-engineering and land-surveying services contracts are awarded, each contract ~~shall~~ must be limited to a total expenditure of three hundred thousand dollars for a two-year period with individual project expenditures not to exceed one hundred thousand dollars; however, for public institutions of higher learning, and for technical college service contracts authorized by the State Board for Technical and Comprehensive Education, these limits shall be five hundred thousand dollars for total expenditures and two hundred thousand dollars for individual expenditures within the time periods specified.

(2) Small Indefinite Delivery Contracts. Small indefinite delivery contracts for architectural-engineering and land-surveying services may be procured as provided in Section 11-35-3230. A contract established under this section ~~shall~~ must be subject to Section 11-35-3230, and any regulations promulgated ~~thereunder~~ except that for public institutions of higher learning, and for technical college delivery contracts authorized by the State Board for Technical and Comprehensive Education, the individual and total contract limits shall be fifty thousand and one hundred fifty thousand dollars, respectively.”

SECTION 8. Section 11-35-4810 of the 1976 Code is amended to read:

“Section 11-35-4810. Any public procurement unit may participate in, sponsor, conduct, or administer a cooperative

1 purchasing agreement for the procurement of any supplies,
2 services, or construction with one or more public procurement
3 units or external procurement activities in accordance with an
4 agreement entered into between the participants. Such cooperative
5 purchasing may include, but is not limited to, joint or multi-party
6 contracts between public procurement units and open-ended state
7 public procurement unit contracts which shall be made available to
8 local public procurement units, except as provided in Section
9 11-35-4820 or except as may otherwise be limited by the board
10 through regulations.

11 However, thirty days' notice of a proposed multi-state
12 solicitation shall must be provided through central advertising and
13 such contracts may be only awarded to manufacturers who will be
14 distributing the products to South Carolina governmental bodies
15 through South Carolina vendors; provided, however, that the
16 provisions of this paragraph do not apply to public institutions of
17 higher learning if the institution demonstrates a cost savings to the
18 Office of State Procurement in regard to the multistate solicitation
19 and procurement."

20 21 Part VI

22 23 Miscellaneous Provisions

24
25 SECTION 9. Section 1-7-170 of the 1976 Code, as added by Act
26 353 of 2008, is amended to read:

27
28 "Section 1-7-170. (A) A department or agency of state
29 government may not engage on a fee basis an attorney at law
30 except upon the written approval of the Attorney General and upon
31 a fee as must be approved by him. This section does not apply to
32 the employment of attorneys in special cases in inferior courts
33 when the fee to be paid does not exceed two hundred fifty dollars
34 or exceptions approved by the State Budget and Control Board.
35 This section does not apply to an attorney hired by the General
36 Assembly or the judicial department.

37 (B) A public institution of higher learning shall engage and
38 compensate outside counsel in accordance with policies and
39 procedures adopted by the State Budget and Control Board for
40 matters of bonded indebtedness, public finance, borrowing, and
41 related financial matters."

42

1 SECTION 10. Article 1, Chapter 101, Title 59 of the 1976 Code
2 is amended by adding:

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4 "Section 59-101-55. State appropriated funds shall not be used
5 to provide out-of-state subsidies to students attending
6 state-supported institutions of higher learning."

7

8 SECTION 11. Chapter 112, Title 59 of the 1976 Code is
9 amended by adding:

10

11 "Section 59-112-115. When the governing board of a public
12 institution of higher learning, excluding technical colleges, adopts
13 a change to the tuition or fees imposed on students, the change
14 may be implemented by the institution only after a public vote with
15 the number of trustees voting for and against the change being
16 counted. A majority vote is required to implement any change to
17 the tuition or fees. For technical colleges, when the local area
18 commission of a technical college adopts a change to the tuition or
19 fees imposed on students, the change may be implemented by the
20 technical college only after a public vote with the number of local
21 area commissioners voting for and against the change being
22 counted. A majority vote is required to implement any change to
23 the tuition or fees. A change to tuition or fees adopted by the local
24 area commission must be reported to the State Board for Technical
25 and Comprehensive Education within five business days."

26

27 SECTION 12. Article 1, Chapter 11, Title 8 of the 1976 Code is
28 amended by adding:

29

30 "Section 8-11-162. For purposes of Section 8-11-160 and the
31 other provisions related to the authority of the Agency Head Salary
32 Commission, Technical College Presidents are covered by the
33 authority of the commission."

34

35 SECTION 13. Section 1-11-55(2) of the 1976 Code is amended
36 to read:

37

38 "(2) The Budget and Control Board is hereby designated as the
39 single central broker for the leasing of real property for
40 governmental bodies. No governmental body shall enter into any
41 lease agreement or renew any existing lease except in accordance
42 with the provisions of this section. However, a technical college,
43 with the approval by the State Board for Technical and

1 Comprehensive Education, and a public institution of higher
2 learning, may enter into any lease agreement or renew any lease
3 agreement up to one hundred thousand dollars annually for each
4 property or facility.”
5

6 SECTION 14. Article 2, Chapter 53, Title 59 of the 1976 Code
7 is amended by adding:
8

9 “Section 59-53-168. (A) The State Board for Technical and
10 Comprehensive Education (state board) is granted the authority to
11 employ and administer certain administrative efficiency provisions
12 provided in Sections 11-35-1210, 11-35-1550(2), 11-35-3310,
13 11-35-4810, 1-7-170, 59-101-620, and 1-11-55(2) of the 1976
14 Code. The state board shall establish a tiered system for
15 categorizing technical colleges with respect to their financial
16 strength and ability to manage day-to-day operations. Technical
17 colleges, by way of application from their area commissions, may
18 request the state board apply these administrative efficiency
19 provisions to their respective institutions. The state board shall
20 review the technical college’s request and determine the proper
21 category for the technical college.

22 (B) The state board shall establish an advisory board to provide
23 oversight and review of the provisions of this chapter. The state
24 board shall submit an annual report on oversight to the Governor,
25 the Chairman of the House Ways and Means Committee, and the
26 Chairman of the Senate Finance Committee by November fifteenth
27 of each year and shall submit a report every two years to include
28 how changes have benefitted the agency to the Governor and the
29 Chairmen of the House Ways and Means Committee, the Senate
30 Finance Committee, the House Education and Public Works
31 Committee, and the Senate Education Committee.”
32

33 SECTION 15. Chapter 112, Title 59 of the 1976 Code is
34 amended by adding:
35

36 “Section 59-112-140. The area commission for the
37 Florence-Darlington Technical College may waive the
38 requirements of this chapter for student participants in the
39 Caterpillar Dealer Academy operated by Florence-Darlington
40 Technical College.”
41

42 SECTION 16. Section 2-77-20(C) of the 1976 Code is amended
43 to read:

1
2 “(C) An institution seeking to qualify as an eligible institution
3 must submit an annual application to the commission. The
4 commission must certify the eligibility of institutions seeking
5 contracts pursuant to this section. ~~Of the~~ The funds appropriated
6 for this program, ~~one-half~~ must be allocated equally among the
7 eligible institutions. ~~The remainder of the appropriated funds shall~~
8 ~~be awarded to eligible institutions based upon merit, through~~
9 ~~criteria developed by the Commission on Higher Education.”~~

10
11 SECTION 17. Section 59-142-40 of the 1976 Code is amended
12 to read:

13
14 ~~“The provisions of this chapter apply to eligible students~~
15 ~~beginning in the 1996-97 academic year. Funds must be allocated~~
16 ~~in a given year to institutions using a methodology that considers~~
17 ~~state resident Pell Grant recipients so that each public institution~~
18 ~~shall receive an amount sufficient to provide a similar level of~~
19 ~~support per state resident Pell recipient when compared to tuition~~
20 ~~and required fees. However, no institution shall receive a smaller~~
21 ~~proportion of funding than would be provided under the student~~
22 ~~enrollment methodology used in years prior to fiscal year 2008-09~~
23 ~~based on the percentage of the state full-time enrollment enrolled~~
24 ~~at the institutions in the preceding year. Funds must be awarded to~~
25 ~~eligible students according to the financial need of the student.”~~

26
27 Part VII

28
29 Severability and Time Effective

30
31 SECTION 18. If any section, subsection, item, subitem,
32 paragraph, subparagraph, sentence, clause, phrase, or word of this
33 act is for any reason held to be unconstitutional or invalid, such
34 holding shall not affect the constitutionality or validity of the
35 remaining portions of this act, the General Assembly hereby
36 declaring that it would have passed this act, and each and every
37 section, subsection, item, subitem, paragraph, subparagraph,
38 sentence, clause, phrase, and word thereof, irrespective of the fact
39 that any one or more other sections, subsections, items, subitems,
40 paragraphs, subparagraphs, sentences, clauses, phrases, or words
41 hereof may be declared to be unconstitutional, invalid, or
42 otherwise ineffective.
43