**A** **BILL**

TO AMEND CHAPTER 3, TITLE 46 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF AGRICULTURE, BY ADDING SECTION 46‑3‑250 TO PROVIDE FOR THE ESTABLISHMENT OF THE DIVISION OF AGRICULTURAL PUBLIC SERVICES ACTIVITIES; AND TO REPEAL SECTION 59‑119‑165, RELATING TO TRANSFER OF CERTAIN AGRICULTURAL FUNDS TO CLEMSON UNIVERSITY PUBLIC SERVICE ACTIVITIES.

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

SECTION 1. Chapter 3, Title 46 of the 1976 Code is amended by adding:

“Section 46‑3‑250. (A) There is established within the department a Division of Agricultural Public Service Activities which shall have the exclusive authority to conduct all agricultural public services, including those conducted by institutions of higher education as of the effective date of this section.

(B) No later than July fifteenth of each fiscal year, the Budget and Control Board, in conjunction with the Department of Education, shall transfer to the division all federal funds associated with Agricultural Education at the Department of Education that were formerly transferred to the now dissolved Clemson‑PSA (Public Service Activities). Notwithstanding any other provisions of law, funds and positions transferred to the division for agricultural education must be used for personnel positions and related office and travel expenses to provide overall leadership, coordination, and structure for agricultural education programs and South Carolina Association of Young Farmers activities in the public schools of this State. No later than each December first, the division shall provide a report to the Secretary of Agriculture on the use and expenditure of all federal funds that it received during the previous twelve months.”

SECTION 2. All of the duties and responsibilities of the State’s institutions of higher learning related to agricultural public service activities are transferred to and devolved on the Department of Agriculture.

SECTION 3. Section 59‑119‑165 of the 1976 Code is hereby repealed.

SECTION 4. (A) This act takes effect upon approval by the Governor.

(B) Where the provisions of this act transfers the duties and responsibilities of the State’s institutions of higher learning related to agricultural public service activities (transferring agency) to the Department of Agriculture (receiving agency), the employees, authorized appropriations, and real and personal property related to agricultural public service activities of the transferring agency are also transferred to and become part of the receiving agency. All transferred classified or unclassified personnel of the transferring agency shall become employees of the receiving agency, with the same compensation, classification, and grade level, as applicable. Where necessary and appropriate, the Budget and Control Board shall cause all necessary actions to be taken to accomplish this transfer and shall, in consultation with the agency heads of the transferring and receiving agencies, prescribe the manner in which the transfer provided for in this section shall be accomplished. The board’s action in facilitating the provisions of this section are ministerial in nature and shall not be construed as an approval process over any of the transfers.

(C) Employees or personnel of the transferring agency transferred to or made a part of the receiving agency shall continue to occupy the same office locations and facilities which they now occupy unless or until otherwise changed by appropriate action and authorization. The rent and physical plant operating costs of these offices and facilities, if any, shall continue to be paid by the transferring agency until otherwise provided by the General Assembly. The records and files of the transferring agency shall remain the property of the transferring agency, except that the transferred personnel shall have complete access to these records and files in the performance of their duties as new employees of the receiving agency.

(D) All remaining costs necessary for the implementation and operation of the agricultural public service activities shall be provided for by the General Assembly in the annual appropriations act.

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