**South Carolina General Assembly**

121st Session, 2015-2016

**S. 435**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Sheheen

Document Path: l:\s-res\vas\014doa .kmm.vas.docx

Introduced in the Senate on February 10, 2015

Currently residing in the Senate Committee on **Finance**

Summary: State Fiscal Accountability Authority

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/10/2015 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h:\SJ%20Archive\2015\02-10-15.docx))

2/10/2015 Senate Referred to Committee on **Finance** ([Senate Journal‑page 4](file:///h:\SJ%20Archive\2015\02-10-15.docx))

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**VERSIONS OF THIS BILL**

[2/10/2015](file:///p:\pprever\2015-16\435_20150210.docx)

**A** **BILL**

TO AMEND VARIOUS SECTIONS OF THE 1976 CODE CONTAINED IN TITLE 1, RELATING TO THE ADMINISTRATION OF THE GOVERNMENT, TITLE 2, RELATING TO THE GENERAL ASSEMBLY, TITLE 6, RELATING TO LOCAL GOVERNMENT, TITLE 8, RELATING TO PUBLIC OFFICERS AND EMPLOYEES, TITLE 10, RELATING TO PUBLIC BUILDINGS AND PROPERTY, TITLE 11, RELATING TO PUBLIC FINANCE, TITLE 12, RELATING TO TAXATION, TITLE 13, RELATING TO PLANNING, RESEARCH, AND DEVELOPMENT, TITLE 23, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, TITLE 24, RELATING TO CORRECTIONS, JAILS, PARDONS, PROBATION, AND PAROLE, TITLE 31, RELATING TO HOUSING AND REDEVELOPMENT, TITLE 38, RELATING TO INSURANCE, TITLE 41, RELATING TO LABOR AND EMPLOYMENT, TITLE 43, RELATING TO SOCIAL SERVICES, TITLE 44, RELATING TO HEALTH, TITLE 48, RELATING TO ENVIRONMENTAL PROTECTION AND CONSERVATION, TITLE 49, RELATING TO WATER, WATER RESOURCES, AND DRAINAGE, TITLE 50, RELATING TO FISH, GAME, AND WATERCRAFT, TITLE 51, RELATING TO PARKS, RECREATION, AND TOURISM, TITLE 54, RELATING TO PORTS AND MARITIME MATTERS, TITLE 55, RELATING TO AERONAUTICS, TITLE 56, RELATING TO MOTOR VEHICLES, TITLE 57, RELATING TO HIGHWAYS, BRIDGES, AND FERRIES, TITLE 58, RELATING TO PUBLIC UTILITIES, SERVICES, AND CARRIERS, AND TITLE 59, RELATING TO EDUCATION, ALL RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF ADMINISTRATION, THE REVENUE AND FISCAL AFFAIRS OFFICE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY, TO MAKE CONFORMING AND TECHNICAL AMENDMENTS TO EFFECTUATE THE ABOLITION OF THE STATE BUDGET AND CONTROL BOARD AND ITS DEVOLUTION OF AUTHORITY AMONG VARIOUS STATE AGENCIES PURSUANT TO ACT 121 OF 2014, R. 124, S. 22, THE SOUTH CAROLINA RESTRUCTURING ACT OF 2014.

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

SECTION 1. Act 121 of 2014, R. 124, S. 22, the South Carolina Restructuring Act of 2014, abolished the South Carolina Budget and Control Board and devolved its powers, duties, responsibilities, and authority upon the newly created Department of Administration, State Fiscal Accountability Authority, Revenue and Fiscal Affairs Office, and other previously existing departments and agencies of the State. Act 121 required the South Carolina Code Commissioner to make a report to the General Assembly recommending amendments to sections of the 1976 Code not addressed in the act that must nonetheless be amended to comply with the provisions contained within the Act. It is the intent of the General Assembly to act upon the Code Commissioner’s report to make technical and conforming changes to the 1976 Code to reflect the devolution of the Budget and Control Board as contained in Act 121.

SECTION 2. Section 1‑7‑85 of the 1976 Code is amended to read:

“Section 1‑7‑85. Notwithstanding any other provision of law, the Office of the Attorney General may obtain reimbursement for its costs in representing the State in criminal proceedings and in representing the State and its officers and agencies in civil and administrative proceedings. These costs may include, but are not limited to, attorney fees or investigative costs or costs of litigation awarded by court order or settlement, travel expenditures, depositions, printing, transcripts, and personnel costs. Reimbursement of these costs may be obtained by the Office of the Attorney General from the budget of an agency or officer that it is representing or from funds generally appropriated for legal expenses, with the approval of the ~~State Budget and Control Board~~ State Fiscal Accountability Authority.”

SECTION 3. Section 1‑7‑160 of the 1976 Code is amended to read:

“Section 1‑7‑160. A department or agency of state government may not hire a classified or temporary attorney as an employee except upon the written approval of the Attorney General and at compensation approved by him. All of these attorneys at all times are under the supervision and control of the Attorney General except as otherwise provided by law unless prior approval by ~~the State Budget and Control Board~~ the Department of Administration is obtained. This section does not apply to an attorney hired by the General Assembly or the Judicial department.”

SECTION 4. Section 1‑7‑170(A) of the 1976 Code is amended to read:

“Section 1‑7‑170. (A) A department or agency of state government may not engage on a fee basis an attorney at law except upon the written approval of the Attorney General and upon a fee as must be approved by him. This section does not apply to the employment of attorneys in special cases in inferior courts when the fee to be paid does not exceed two hundred fifty dollars or exceptions approved by the ~~State Budget and Control Board~~ Department of Administration. This section does not apply to an attorney hired by the General Assembly or the judicial department.”

SECTION 5. Section 1‑11‑141(A) of the 1976 Code is amended to read:

“Section 1‑11‑141. (A) Agencies shall insure state‑owned vehicles through the ~~Budget and Control Board~~ State Fiscal Accountability Authority or shall absorb the cost of accident repairs within the agency budget.”

SECTION 6. Section 1‑11‑141(C) of the 1976 Code is amended to read:

“(C) Employees subjected to these assessments may appeal the assessment to the following bodies, in the following order:

(1) Agency Accident Review Board;

(2) Agency Executive Director or governing board or commission;

(3) State Motor Vehicle Management Council; and

(4) ~~State Budget and Control Board~~ State Fiscal Accountability Authority.”

SECTION 7. Section 1‑11‑145 of the 1976 Code is amended to read:

“Section 1‑11‑145. The ~~State Budget and Control Board~~ State Fiscal Accountability Authority may employ special agents to examine insurance risks carried by ~~such Board~~ the authority and perform any other duties which may be required of them. The cost of necessary supplies, equipment and travel expenses of the special agents shall be paid from the revenues of the Insurance Reserve Fund.”

SECTION 8. Section 1‑11‑147 of the 1976 Code is amended to read:

“Section 1‑11‑147. To underwrite automobile liability insurance provided by the ~~board~~ authority, the ~~Budget and Control Board~~ State Fiscal Accountability Authority is authorized to either self‑insure, purchase reinsurance, or use a combination of self‑insurance and reinsurance. Should the ~~board~~ authority elect to purchase automobile liability reinsurance, the reinsurance shall be procured through a bid process in accordance with the South Carolina Consolidated Procurement Code with a contract term not to exceed three years.”

SECTION 9. Section 1‑11‑160 of the 1976 Code is amended to read:

“Section 1‑11‑160. The Division of General Services ~~Division~~ of the ~~Budget and Control Board~~ Department of Administration shall, when necessary, execute a certificate of exemption from taxation when a certificate is required for Federal tax purposes for or on behalf of political subdivisions that purchase property from or through the Division of General Services ~~Division~~ and the certificate so executed shall then constitute the certificate of the political subdivision. The Division of General Services ~~Division~~ shall accept the political subdivision’s requisition or purchase order as conclusive proof that the property so requisitioned or purchased is for the exclusive use of the political subdivision.”

SECTION 10. Section 1‑11‑405 of the 1976 Code is amended to read:

“Section 1‑11‑405. No aircraft may be purchased, leased, or lease‑purchased for more than a thirty‑day period by any state agency without the prior authorization of the ~~State Budget and Control Board~~ State Fiscal Accountability Authority and the Joint Bond Review Committee.”

SECTION 11. Section 1‑11‑460 of the 1976 Code is amended to read:

“Section 1‑11‑460. The State ~~Budget and Control Board~~ Fiscal Accountability Authority, through the ~~Division of Insurance Services~~ Insurance Reserve Fund, is authorized to pay judgments against individual governmental employees and officials, in excess of one million dollars, subject to a maximum of four million dollars in excess of one million dollars for one employee and a maximum of twenty million dollars in excess of five million dollars in one fiscal year. These payments are limited to judgments rendered under 42 U.S.C. Section 1983 against governmental employees or officials who are covered by a tort liability policy issued by the Insurance Reserve Fund. These payments are also limited to judgments against governmental employees and officials for acts committed within the scope of employment. If a judgment is paid, the payment must be recovered by assessments against all governmental entities purchasing tort liability insurance from the Insurance Reserve Fund.”

SECTION 12. Section 2‑7‑69(A) of the 1976 Code is amended to read:

“Section 2‑7‑69. (A) (A) Notwithstanding another provision of law, if the ~~Budget and Control Board~~ Executive Budget Office authorizes a state agency to exceed the number of positions authorized by the general appropriation act, the authorization for the positions must terminate at the end of the fiscal year in which the authorization is made unless the authorization is included as a new position in the general appropriation act for the following fiscal year. At each stage of the consideration of the annual general appropriation bill, the ~~Budget and Control Board~~ Executive Budget Office shall compile and present in a report to the Members of the General Assembly an explanation and justification of all such new positions.”

SECTION 13. Section 6‑27‑20 of the 1976 Code is amended to read:

“Section 6‑27‑20. There is created the Local Government Fund administered by the State Treasurer. This fund is part of the general fund of the State. It is the intent of the General Assembly that this fund not be subject to mid‑year cuts. However, if mid‑year cuts are mandated by the ~~State Budget and Control Board~~ Executive Budget Office or the General Assembly, as appropriate, pursuant to section 11‑9‑890(B), to avoid a year‑end deficit, this fund is not subject to such cuts, except by a majority vote of the entire ~~State Budget and Control Board~~ State Fiscal Accountability Authority which is separate and apart from any other reduction. These cuts are permitted only to the extent that counties and municipalities do not receive less funding than received in the immediate preceding fiscal year. The Local Government Fund must be financed as provided in this chapter.”

SECTION 14. Section 8‑1‑190 of the 1976 Code is amended to read:

“Section 8‑1‑190. Notwithstanding other provisions of law, the ~~Budget and Control Board~~ Department of Administration is authorized to enter into pilot programs with individual agencies or groups of agencies in order to create innovations in State Government. The ~~Budget and Control Board~~ Department of Administration will monitor the findings and results of pilot programs to determine if legislative recommendations should be provided to the General Assembly.”

SECTION 15. The second, third, and fourth paragraphs of Section 8‑11‑165 of the 1976 Code is amended to read:

“No employee of agencies reviewed by the Agency Head Salary Commission may receive a salary in excess of ninety‑five percent of the midpoint of the agency head salary range or the agency head actual salary, whichever is greater, except on approval of the ~~State Budget and Control Board~~ Department of Administration and the Agency Head Salary Commission, and except for employees of higher education technical colleges, colleges, and universities.

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

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

SECTION 16. Section 8‑11‑170(A) of the 1976 Code is amended to read:

“Section 8‑11‑170. (A) An agency head may not be dually employed by another state agency or institution of higher education without prior approval by the Agency Head Salary Commission ~~and the State Budget and Control Board~~.”

SECTION 17. Section 8‑11‑186 of the 1976 Code is amended to read:

“Section 8‑11‑186. A state agency shall report to the appropriate Senate Finance and House of Representatives Ways and Means subcommittees an interim new full‑time employment position when authorization is requested from the ~~Budget and Control Board~~ Executive Budget Office. The report must include, but not be limited to, justification of need for the position and a detailed explanation of the source of funding.”

SECTION 18. Section 8‑11‑193 of the 1976 Code is amended to read:

“Section 8‑11‑193. Notwithstanding any other provision of law, in a fiscal year in which the general funds appropriated for an institution of higher education are less than the general funds appropriated for that institution in the preceding fiscal year, or whenever the General Assembly or the ~~State Budget and Control Board~~ Director of the Executive Budget Office implements a midyear across‑the‑board budget reduction, agency heads for institutions of higher education and the State Board for Technical and Comprehensive Education through policy and procedure for the Technical College System may institute employee furlough programs of not more than twenty working days in the fiscal year in which the deficit is projected to occur. The furlough must be inclusive of all employees regardless of source of funds, place of work, or tenure status, and must include employees in classified positions and unclassified positions as well as agency heads. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency or individual institution. During the furlough, affected employees shall be entitled to receive the same state benefits as otherwise available to them except for receiving their salaries. For benefits which require employer and employee contributions including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, institutions will be responsible for making both employer and employee contributions during the time of the furlough if coverage would otherwise be interrupted. For benefits which require only employee contributions, the employee remains solely responsible for making the contributions. Placement of an employee on furlough pursuant to this section does not constitute a grievance or appeal under the State Employee Grievance Act. In the event an institution’s reduction is due solely to the General Assembly transferring or deleting a program, this section does not apply. The implementation of a furlough program authorized by this section shall be on an institution by institution basis.”

SECTION 19. Section 8‑11‑195(A) of the 1976 Code is amended to read:

“Section 8‑11‑195. (A) During a fiscal year when the Board of Economic Advisors officially estimates and the ~~State Budget and Control Board~~ Department of Administration formally certifies that revenues likely will result in a deficit in excess of the combined reserves in the Capital Reserve Fund and the General Fund Reserve, the ~~board~~ department may authorize the furlough of employees of state agencies, institutions, or departments. However, a furlough only may be authorized ~~by unanimous consent of the board and~~ only as a last resort alternative to a reduction in force of state employees. Furloughs may be authorized for the time considered necessary by the ~~board~~ department but may not exceed ten days in a fiscal year nor more than two days in a pay period. No furlough may be authorized before January fifteenth of the fiscal year in which the deficit is projected to occur.”

SECTION 20. Section 8‑11‑195(B) of the 1976 Code is amended to read:

“(B) If the ~~Budget and Control Board~~ Department of Administration authorizes a furlough, to the extent practical it must be statewide in nature and inclusive of all employees regardless of source of funds, place of work, or tenure. The furlough must include employees in classified positions and unclassified positions as well as agency heads.”

SECTION 21. Section 8‑11‑700(5) of the 1976 Code is amended to read:

“(5) ‘Division’ means the Office of Human ~~Resource Management Division~~ Resources of the ~~State Budget and Control Board~~ Department of Administration.”

SECTION 22. Section 8‑11‑920(2) of the 1976 Code is amended to read:

“(2) ‘Board’ means the ~~State Budget and Control Board~~ Department of Administration.”

SECTION 23. The third paragraph of Section 10‑1‑105 is amended to read:

“Unless agreed to by the ~~State Budget and Control Board~~ Director of the Department of Administration, any building constructed with the state funds shall include windows which may be conveniently opened.”

SECTION 24. Section 10‑1‑130 of the 1976 Code is amended to read:

“Section 10‑1‑130. The trustees or governing bodies of state institutions and agencies may grant easements and rights of way over any property under their control, ~~upon the concurrence and acquiescence of the State Budget and Control Board~~ subject to the provisions contained in Section 1‑11‑65(A), whenever it appears that such easements will not materially impair the utility of the property or damage it and, when a consideration is paid therefor, any such amounts shall be placed in the State Treasury to the credit of the institution or agency having control of the property involved.”

SECTION 25. Section 10‑1‑135 of the 1976 Code is amended to read:

“Section 10‑1‑135. For easements, rights‑of‑way, or any other encroachment on or over any state park, state forest, state historic area, state wildlife refuge or preserve, Heritage Trust Site, or other state‑owned lands of natural significance the responsible management agency shall, in addition to the provisions of Section 10‑1‑130, make the following determinations prior to requesting approval from the ~~State Budget and Control Board~~ Department of Administration, or the State Fiscal Accountability Authority, as appropriate:

(a) There is an important public necessity for the encroachment;

(b) Alternative routes or locations not on state property are neither prudent nor feasible, and the proposed encroachment is not disruptive of the existing or planned uses of the state property;

(c) The entity responsible for the encroachment shall make reasonable mitigation of the impacts of the proposed encroachment, upon the recommendation of the governing body of the responsible management agency.”

SECTION 26. Section 10‑1‑163(B) of the 1976 Code is amended to read:

“Section 10‑1‑163. ~~(B)~~ All costs for the display, cleaning, and restoration of all portraits, flags, banners, monuments, statues, and plaques on the exterior or interior of the State House except those inside the Senate and House Chambers must be paid from the accounts of ~~General Services, Division of the State Budget and Control Board~~ the Division of General Services of the Department of Administration unless otherwise directed by the General Assembly.”

SECTION 27. Section 10‑1‑180 of the 1976 Code is amended to read:

“Section 10‑1‑180. The expenditure of funds by any state agency, except the Department of Transportation for permanent improvements as defined in the state budget, is subject to approval and regulation of the ~~State Budget and Control Board~~ Department of Administration or the State Fiscal Accountability Authority, as appropriate. The board shall have authority to allot to specific projects from funds made available for such purposes, such amounts as are estimated to cover the respective costs of such projects, to declare the completion of any such projects, and to dispose, according to law, of any unexpended balances of allotments, or appropriations, or funds otherwise provided for such projects, upon the completion thereof. The approval of the ~~Budget and Control~~ ~~Board~~ Department of Administration is not required for minor construction projects, including renovations and alterations, where the cost does not exceed an amount determined by the ~~Joint Bond Review Committee and the Budget and Control Board~~ department.

All construction, improvement, and renovation of state buildings shall comply with the applicable standards and specifications set forth in each of the following codes: The Standard Building Code, The Standard Existing Building Code, The Standard Gas Code, The Standard Mechanical Code, The Standard Plumbing Code and The Standard Fire Prevention Code, all as adopted by the Southern Building Code Congress International, Inc.; and the National Electrical Code NFPA 70, The National Electrical Safety Code‑ANSI‑C2, The National Fire Protection Association Standard‑NFPA 59, all with the code editions, revision years, and deletions as specified in the Manual For Planning and Execution of State Permanent Improvements. The State Engineer shall determine the enforcement and interpretation of the aforementioned codes and referenced standards on state buildings. Any interested local officials shall coordinate their comments related to state buildings through the State Engineer and shall neither delay construction nor delay or deny water, sewer, power, other utilities, or firefighting services. Agencies may appeal to the ~~Director of Office of General Services~~ State Fiscal Accountability Authority regarding the application of these codes to state buildings.”

SECTION 28. The first paragraph of Section 10‑7‑80 of the 1976 Code is amended to read:

“Section 10‑7‑80. The State Superintendent of Education and the county superintendents of education of the several counties of the State shall furnish upon request to the ~~State Budget and Control Board~~ State Fiscal Accountability Authority and the Department of Administration ~~on request~~ a complete list showing the location of each and every school building in their several counties, the numbers of the school districts in which such buildings are located and the names and addresses of the trustees having the buildings in charge.”

SECTION 29. Section 11‑9‑30 of the 1976 Code is amended to read:

“Section 11‑9‑30. The ~~Budget and Control Board~~ State Fiscal Accountability Authority shall have the authority to transfer appropriate funds from one department to another when personnel are transferred by an act of the legislature from one department to another to perform the same functions.”

SECTION 30. Section 11‑9‑810 of the 1976 Code is amended to read:

“Section 11‑9‑810. The General Assembly finds and declares that ~~the present system of advising the Budget and Control Board and General Assembly on economic trends has, at times, developed in a fragmented manner, and that~~ a unified system of dealing with the collection, analysis, interpretation, and presentation of matters relative to the economy is urgently needed for the orderly development of projections and forecasts as relates to revenues and expenditures for a specified period of time. It is the purpose of this provision to establish an organizational and procedural framework governing formulation, evaluation and continuing review of all state revenues and expenditures for all state programs; and to establish general policy governing the administration of the ~~Office of The Board of Economic Advisors~~ Revenue and Fiscal Affairs Office.”

SECTION 31. Section 11‑11‑15 of the 1976 Code is amended to read:

“Section 11‑11‑15. The ~~functions of the State Budget and Control Board in the preparation and submission~~ Governor shall annually prepare and submit to the General Assembly a ~~of the~~ recommended state budget ~~are devolved upon the Governor~~. ~~Wherever the phrase ‘State Budget and Control Board’ appears in the context of preparing and submitting budget recommendations to the General Assembly, it means the Governor.~~ In preparing the recommended state budget, the Governor may consult with the State Treasurer, the Comptroller General, or other state officials as needed. The Executive Budget Office shall assist the Governor in preparing the budget recommendations~~, but this function of the Executive Budget Office may not be construed as altering the overall management and administration of the Executive Budget Office.~~”

SECTION 32. Section 11‑11‑170(B)(4) of the 1976 Code is amended to read:

“(B)(4) Two percent of the revenues, or the funds obtained pursuant to Chapter 49, Title 11, must be deposited in a fund separate and distinct from the general fund and all other funds, which is hereby established in the State Treasury styled the Tobacco Settlement Local Government Fund. Earnings on the fund must be credited to the fund. This fund must be used to fund the operation of and grants distributed by the ~~Office~~ Division of Local Government ~~of the Division of Regional Development~~ ~~of the~~ ~~Budget and Control Board~~ of the Rural Infrastructure Authority, or its successor in interest.”

SECTION 33. Section 11‑11‑180(A) of the 1976 Code is amended to read:

“Section 11‑11‑180. (A) By August thirty‑first of each year, the Comptroller General shall report to the ~~State Budget and Control Board~~ Executive Budget Office and Revenue and Fiscal Affairs Office the amounts of general fund revenues and expenditures recorded for the preceding fiscal year and any resulting surplus or deficit of the general fund from a budgetary‑based perspective. If the Comptroller General determines that annual expenditures exceeded revenues, an operating deficit must be declared in the report and ~~the State Budget and Control Board~~ ~~must meet to address~~ the deficit must be addressed in the manner that revenue forecast shortfalls are addressed in Section 11‑9‑890(B). ~~within sixty days of receiving the report or earlier at any previously scheduled meeting. The operating deficit must be the first item on the agenda of the first State Budget and Control Board meeting held after the Comptroller General reports a deficit pursuant to this section.~~”

SECTION 34. Section 11‑11‑320(D)(1) of the 1976 Code is amended to read:

“(D)(1) Any appropriation of monies from the Capital Reserve Fund as provided in subsection (C) of this section must be ranked in priority of expenditure and is effective on September first of the following fiscal year. If it is determined that the fiscal year has ended with an operating deficit, then the monies appropriated from the Capital Reserve Fund must be reduced by the ~~State Budget and Control Board~~ State Fiscal Accountability Authority based on the rank of priority, beginning with the lowest priority, to the extent necessary and applied by the board to the year‑end operating deficit before withdrawing monies from the General Reserve Fund.”

SECTION 35. Section 11‑11‑420(B) of the 1976 Code is amended to read:

“(B) To ~~insure~~ ensure compliance with subsection (A) of this section, the Executive Budget Office shall annually and prior to December first determine the total number of permanent state positions based on full‑time annual equivalency and the total resident population of the State for which data are available.”

SECTION 36. Section 11‑49‑100 of the 1976 Code is amended to read:

“Section 11‑49‑100. All accounts of the authority must be held and maintained separately from all other funds, properties, assets, and accounts of this State and its other agencies. The board shall keep an accurate account of all of its activities and all of its receipts and expenditures and annually, in the month of January, shall make a report of its activities to the ~~State Budget and Control Board~~ State Fiscal Accountability Authority, the report to be in a form prescribed by the ~~State Budget and Control Board~~ State Fiscal Accountability Authority. Audited financial statements must be submitted to the Comptroller General by October fifteenth following the end of the fiscal year.”

SECTION 37. Section 11‑53‑10 of the 1976 Code is amended to read:

“Section 11‑53‑10. Each state agency may establish a special account for the purpose of funding the agency’s nonrecurring implementation expenses of the South Carolina Enterprise Information System (SCEIS). An agency may transfer into this account funds at the discretion of the agency head to be set aside and expended for the identified purpose. The total amount of funds transferred into the account cannot exceed the agency’s implementation costs as projected by the SCEIS Project Team. The special account is exempt from the calculation of any mid‑year budget reduction ~~ordered by the State Budget and Control Board~~ imposed pursuant to Section 11‑11‑890(B). Any unexpended balance in the special account may be carried forward to the succeeding fiscal year and expended for the same purposes. The Comptroller General shall monitor these special accounts to ensure compliance with the provisions of this joint resolution. It is the intent of the General Assembly that agencies pursue grants and other nonstate funding sources to fund their portion of the SCEIS implementation.”

SECTION 38. Section 12‑10‑100(C) of the 1976 Code is amended to read:

“(C) By May fifteenth of each year, the council shall prepare a public document that itemizes each revitalization agreement concluded during the previous calendar year. The report must list each revitalization agreement, the results of each cost/benefits analysis, and receipts and expenditures of application fees. This document must be forwarded to the ~~State Budget and Control Board~~ State Fiscal Accountability Authority, Governor, Senate Finance Committee, and House Ways and Means Committee. This document may not contain proprietary or confidential information that is otherwise exempt pursuant to Chapter 4 of Title 30, the Freedom of Information Act, and this section must not be construed to require the release of that exempt information.”

SECTION 39. Section 12‑62‑70(A)(1) of the 1976 Code is amended to read:

“Section 12‑62‑70. (A)(1) Upon a determination by the director of the ~~Office of General Services Division of the State Budget and Control Board~~ Division of General Services of the Department of Administration of the underutilization of state property by a state agency, the department may negotiate below‑market rates for temporary use, no more than twelve months, of space for the underutilized property. The negotiations and temporary use are exempt from the provisions of the State Consolidated Procurement Code. The motion picture production company shall reimburse costs at normal and customary rates incurred by the state agency to the state agency, including costs required to repair any damage caused by the motion picture production company to real or personal property of the State.”

SECTION 40. Section 13‑1‑45(B) of the 1976 Code is amended to read:

“(B) The department shall provide the required staff and may add additional staff or contract for services, if necessary, to administer the fund in accordance with this section. The compensation, costs, and expenses incurred incident to administering the fund may be paid from revenues. If the department requests, the State ~~Budget and Control Board~~ Fiscal Accountability Authority may provide legal, technical, planning, and other assistance through intergovernmental agreement. Costs incurred by the board pursuant to such a request must be reimbursed to it by the department from revenues.”

SECTION 41. Section 13‑1‑1000(1) of the 1976 Code is amended to read:

“(1) ‘Board’ means the ~~Budget and Control Board~~ State Fiscal Accountability Authority.”

SECTION 42. Section 13‑1‑1010 of the 1976 Code is amended to read:

“Section 13‑1‑1010. Notwithstanding any other provision of law, the Aeronautics Commission is hereby created within the ~~Budget and Control Board~~ State Fiscal Accountability Authority. The ~~Budget and Control Board~~ State Fiscal Accountability Authority shall provide administrative support functions to the division. The commission shall oversee the operation of the division as the division’s governing body. The Joint Bond Review Committee must review, prior to approval by the Aeronautics Commission, purchases or sales of any aeronautics assets, the value of which exceeds fifty thousand dollars. There may be no purchase or sale of any aeronautics assets without the approval of the commission.”

SECTION 43. Section 23‑47‑65(A)(1) of the 1976 Code is amended to read:

“(A)(1) The South Carolina 911 Advisory Committee is created to assist the Revenue and Fiscal Affairs Office in carrying out its responsibilities in implementing a wireless enhanced 911 system consistent with FCC Docket Number 94‑102. The committee must be appointed by the Governor and shall consist of: a director of a division of the ~~State Budget and Control Board, ex officio;~~ Department of Administration; the Executive Director of the Revenue and Fiscal Affairs Office; two employees of CMRS providers licensed to do business in the State; two 911 system employees; and one employee of a telephone (local exchange access facility) service supplier licensed to do business in the State; and one consumer. Local governments and related organizations such as the National Emergency Number Association may recommend PSAP Committee members, and industry representatives may recommend wireline and CMRS Committee members to the Governor. There is no expense reimbursement or per diem payment from the fund created by the CMRS surcharge made to members of the committee.”

SECTION 44. Section 24‑1‑250(A) of the 1976 Code is amended to read:

“Section 24‑1‑250. (A) The Department of Corrections is hereby authorized to sell mature trees and other timber suitable for commercial purposes from lands owned by the department. Prior to such sales, the director shall consult with the State Forester to determine the economic and environmental feasibility of and obtain approval for such sales. Funds derived from timber sales shall be utilized by the Department of Corrections to maintain and expand the agricultural program subject to the approval of the ~~State Budget and Control Board~~ Department of Administration or at the discretion of the director, for projects or services benefiting the general welfare of the inmate population.”

SECTION 45. Section 24‑1‑290(D) of the 1976 Code is amended to read:

“(D) The marketing plan and the procedures for negotiating new contracts and contract renewals must be ~~submitted to and approved by the Budget and Control Board prior to implementation~~ conducted in a manner consistent with the provisions of the State Consolidated Procurement Code. The Department of Corrections shall annually submit an audit report of the program to the Senate Corrections and Penology Committee and the House Medical, Military, Public and Municipal Affairs Committee. The provisions of the section may not be construed to apply to traditional prison industries as authorized in Section 24‑3‑320.”

SECTION 46. Section 24‑3‑20(C) of the 1976 Code is amended to read:

“(C) Notwithstanding another provision of law, the department shall make available for use in litter control and removal any or all prison inmates not engaged in programs determined by the department to be more beneficial in terms of rehabilitation and cost effectiveness. The department shall not make available for litter control those inmates who, in the judgment of the director, pose a significant threat to the community or who are not physically, mentally, or emotionally able to perform work required in litter control. No inmate may be assigned to a county prison facility except upon written acceptance of the inmate by the chief county administrative officer or his designee, and no prisoner may be assigned to litter control in a county which maintains a facility unless he is assigned to the county prison facility. The department shall include in its annual report to the ~~Budget and Control Board~~ Executive Budget Office and the Revenue and Fiscal Affairs Office an analysis of the job and program assignments of inmates. This plan must include such programs as litter removal, prison industries, work release, education, and counseling. The department shall make every effort to minimize not only inmate idleness but also occupation in marginally productive pursuits. The ~~Budget and Control Board and the Governor’s Office~~ Executive Budget Office and the Revenue and Fiscal Affairs Office shall comment in writing to the department concerning necessary alterations in this plan.”

SECTION 47. Section 31‑3‑1690 of the 1976 Code is amended to read:

“Section 31‑3‑1690. No authority shall be required to offer its securities to the ~~State Budget and Control Board~~ State Fiscal Accountability Authority, the Department of Administration, or any other governmental entity at any time nor shall any authority be required to turn over any surplus of sinking funds to said ~~Board~~ State Fiscal Accountability Authority, the Department of Administration, or any other governmental entity.”

SECTION 48. Section 38‑13‑180 of the 1976 Code is amended to read:

“Section 38‑13‑180. For purposes of Sections 38‑13‑190 and 38‑13‑200, ‘insurance reserve fund’ or ‘funds’ means the insurance reserve funds administered by the ~~Division of General Services of the State Budget and Control Board~~ State Fiscal Accountability Authority to provide liability and property insurance, as authorized under Section 1‑11‑140, Chapter 7 of Title 10, and the regulations prescribed by the ~~State Budget and Control Board~~ State Fiscal Accountability Authority.”

SECTION 49. Section 38‑13‑190(2) of the 1976 Code is amended to read:

“(2) The director or his designee shall examine all methods of operation of the insurance reserve funds to determine whether the funds are being administered in accordance with sound insurance practices and in the best interest of the State. Following the examination, the director or his designee shall prepare a report for submission, through the department, to the State ~~Budget and Control~~ ~~Board~~ Fiscal Accountability Authority, the Governor, the Speaker of the House of Representatives, and the President of the Senate containing his findings and conclusions and any recommendations to improve the efficiency, effectiveness, and overall operation of the funds.”

SECTION 50. Section 38‑57‑45 of the 1976 Code is amended to read:

“Section 38‑57‑45. (A) No insurance agency, insurer, or health maintenance organization may make, publish, disseminate, circulate, or place before the public or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other solicitation material, an advertisement, representation, or statement with respect to the business of insurance which utilizes the Seal of South Carolina or any symbol which contains, includes, or is derivative of the Seal of South Carolina without the approval of the ~~State Budget and Control Board~~ Department of Insurance.

(B) An insurance agency, an insurer, or a health maintenance organization must include in a prominent manner in solicitation material it utilizes specifically directed at and distributed to state employees a statement that the insurance program or health maintenance program is not officially endorsed by the State unless the program officially has been endorsed by the ~~Budget and Control Board~~ Public Employee Benefit Authority.”

SECTION 51. Section 41‑31‑820 of the 1976 Code is amended to read:

“Section 41‑31‑820. (A) Unemployment compensation premiums collected from state agencies will be deposited into a separate account and used to pay unemployment compensation benefits to eligible employees of the State. Premiums will be based on experience ratings provided by private consultants and the ~~State Budget and Control Board~~ Department of Administration. The Unemployment Compensation Funds’ contribution level must be reviewed no less than biennially to ensure that premiums are commensurate with the cost of operating the Unemployment Compensation Fund. All interest earned on this account must be retained by the Unemployment Compensation Fund and used to offset costs.

(B) Notwithstanding the amounts annually appropriated as "Unemployment Compensation Insurance" to cover unemployment benefit claims paid to employees of the state government who are entitled under federal law, the State Treasurer and the Comptroller General, are hereby authorized and directed to pay from the general fund of the State to the department funds necessary to cover actual benefit claims paid during the current fiscal year which exceed the amounts paid in for this purpose by the various agencies, departments, and institutions subject to unemployment compensation claims. The department must certify quarterly to the ~~State Budget and Control Board~~ Department of Administration the state’s liability for such benefit claims actually paid to claimants who were employees of the State of South Carolina and entitled under federal law. The amount so certified must be remitted to the department.”

SECTION 52. Section 41‑33‑470 of the 1976 Code is amended to read:

“Section 41‑33‑470. The department shall report to the State ~~Budget and Control Board~~ Executive Budget Office in the same manner as is required generally for the submission of financial requirements for the ensuing year and the board shall include in its request for general appropriations presented to the General Assembly at its next regular session a statement of the amounts required for any replacement required by Section 41‑33‑460.”

SECTION 53. Section 43‑1‑70 of the 1976 Code is amended to read:

“Section 43‑1‑70. The director may appoint and employ such other officers and employees as are authorized and may be necessary to perform the duties placed upon the department by law, and the director shall fix their compensation unless the General Assembly shall do so, but in no event shall the director expend any sums for purposes unauthorized by law. All such compensation shall be fixed by the state department, which shall submit to the ~~State Budget and Control Board~~ Director of the Department of Administration all proposed salaries not fixed by law, and the ~~State Budget and Control Board~~ Director of the Department of Administration shall pass upon such salaries so that the amounts paid shall be in keeping with the salaries paid to other state employees for similar service and duties. The director may require such officers and employees to furnish bonds in such amounts as it may determine. The selection of such officers and employees shall be made entirely upon the qualification and merit of the individuals so employed.”

SECTION 54. Section 43‑5‑1275 of the 1976 Code is amended to read:

“Section 43‑5‑1275. As applicable, all state agencies shall adopt Electronic Data Interchange Standards as set forth by the ~~Budget and Control Board, Office of Research and Statistics Information Resource Planning and Management~~ Division of Technology of the Department of Administration so that exchanges and sharing of information concerning AFDC clients and revenue sources are freely available. However, in the exchange and sharing of information all requirements for confidentiality of information must be maintained. ~~For the next two years these state agencies shall report to the Budget and Control Board, Division of Information Resource Technology before January first on the agency’s progress and compliance with this section and its utilization of the system created as a result of this action.~~”

SECTION 55. Section 44‑1‑40 of the 1976 Code is amended to read:

“Section 44‑1‑40. The board shall select a director for the department who shall serve a four‑year term and who shall have such authority and perform such duties as may be directed by the board. The salary of the director shall be fixed by the board, upon approval of the ~~State Budget and Control Board~~ Agency Head Salary Commission. For any vacancy occurring in the office of director ~~on or after February 1, 1995~~, the board, after consultation with and approval by the Governor, must submit the name of its appointee to the Senate for the Senate’s advice and consent. ~~On or after February 1, 1995, the~~ The board may remove a director only after consultation with and approval by the Governor.”

SECTION 56. Section 48‑23‑290 of the 1976 Code is amended to read:

“Section 48‑23‑290. The State Commission of Forestry may use the income from the Sand Hills State Forest, with the approval of the ~~State Budget and Control Board~~ Executive Budget Office, for the operation, development, and obligations of the forest and other purposes. Income not expended in one year must be retained by the commission and carried forward each year for use pursuant to this section. The commission shall promulgate regulations necessary to carry out this section.”

SECTION 57. Section 48‑39‑130(C) of the 1976 Code is amended to read:

“(C) Ninety days after July 1, 1977 no person shall fill, remove, dredge, drain or erect any structure on or in any way alter any critical area without first obtaining a permit from the department. Provided, however, that a person who has legally commenced a use such as those evidenced by a state permit, as issued by the former Budget and Control Board prior to July 1, 2015, or a project loan approved by the rural electrification administration or a local building permit or has received a United States Corps of Engineers or Coast Guard permit, where applicable, may continue such use without obtaining a permit. Any person may request the department to review any project or activity to determine if he is exempt under this section from the provisions of this chapter. The department shall make such determinations within forty‑five days from the receipt of any such request.”

SECTION 58. Section 48‑39‑220(A) of the 1976 Code is amended to read:

“Section 48‑39‑220. (A) Any person claiming an interest in tidelands which, for the purpose of this section, means all lands except beaches in the Coastal zone between the mean high‑water mark and the mean low‑water mark of navigable waters without regard to the degree of salinity of such waters, may institute an action against the State of South Carolina for the purpose of determining the existence of any right, title or interest of such person in and to such tidelands as against the State. Service of process shall be made upon the ~~secretary of the State Budget and Control Board~~ Department of Administration, with notice provided to the Attorney General and the Department of Health and Environmental Control.”

SECTION 59. Section 48‑43‑390(A) or the 1976 Code is amended to read:

“Section 48‑43‑390. (A) The ~~South Carolina State Budget and Control Board~~ State Fiscal Accountability Authority, hereinafter referred to as the board, is hereby designated as the State Agency with the authority, responsibility and power to lease all State lands to persons for the purpose of drilling for and producing oil and gas. The Department of Health and Environmental Control is hereby designated as the exclusive agent for the board in selecting lands to be leased, administering the competitive bidding for leases, administering the leases, receiving and compiling comments from other state agencies concerning the desirability of leasing the state lands proposed for leasing and such other activities that pertain to oil and gas leases as may be included herein as responsibilities of the board.”

SECTION 60. Section 48‑52‑620(D) of the 1976 Code is amended to read:

“(D) Each public school district and state agency shall submit to the State Energy Office and each state agency shall include in its annual report to the ~~State Budget and Control Board~~ State Energy Office:

(1) activities undertaken implementing its energy conservation plan; and

(2) progress made in achieving its energy conservation goals.”

SECTION 61. A. Section 48‑52‑810(1) of the 1976 Code is amended to read:

“(1) ‘~~Board’ means the State Budget and Control Board~~ ‘Office’ means the State Energy Office.”

B. Section 48‑52‑820(12) of the 1976 Code is amended to read:

“(12) authorize the ~~board~~ office to pursue ENERGY STAR designation from the United States Environmental Protection Agency to further demonstrate a building project’s energy independence.”

C. Section 48‑52‑825(A) of the 1976 Code is amended to read:

“Section 48‑52‑825. (A)(1)(a) The ~~board~~ office shall automatically adopt by reference the most current editions of the rating systems developed by Green Building Initiative and U.S. Green Building Council’s Leadership in Energy and Environmental Design used for certification pursuant to this article. Upon adoption, the most current edition of the rating system shall be used for certification purposes under this article. Provided, however, that the most current edition of the rating system shall be subject to regulations concerning that edition of the rating system when promulgated pursuant to item (2).

(b) In the event that two rating systems from the same organization have been adopted by reference and are effective concurrently for certification purposes, then either rating system may be utilized to certify projects as required pursuant to this article. The latter of the two rating systems to be adopted by reference pursuant to subitem (a) shall be deemed to be the most current edition of the rating system for purposes of review and regulation pursuant to subsection (B).

(2) The ~~board~~ office shall refer new or updated rating systems to the Energy Independence and Sustainable Construction Advisory Committee for consideration pursuant to Section 48‑52‑865(B) immediately upon the release of the new or updated rating system and prior to the rating system’s effective date. After receiving the advisory committee’s recommendations, the ~~board~~ office shall promulgate regulations to amend the rating system under consideration to remove specific provisions, provided that the recommended amendments would not so alter the rating system as to render certification under the rating system impossible. If the advisory committee does not make a recommendation within the time period prescribed in Section 48‑52‑865(B)(2) the ~~board~~ office, upon consultation with the State Engineer, shall proceed with promulgating regulations as provided in this item.”

D. Section 48‑52‑830 of the 1976 Code is amended to read:

“Section 48‑52‑830. (A)(1) All major facility projects in this State, as defined in Section 48‑52‑810(10)(i), must be designed, constructed, and at least certified as receiving two globes using the Green Globes Rating System or receiving the LEED Silver standard. All major facility projects in this State, as defined in Section 48‑52‑810(10)(a)(ii) or (iii), must be analyzed using a life cycle cost analysis comparing the cost and benefits of designing, constructing, maintaining, and operating the facility at the LEED Silver standard or two globes standard, or better, with certification; normal industry and regulatory standards as applicable; or some standard between the two that causes the project to be designed and constructed in a manner that achieves the lowest thirty‑year life cycle cost.

(2) In obtaining certification as receiving two globes using the Green Globes Rating System, a major facility project must earn at least twenty percent of the available points for energy performance under ‘C.1.1 Energy Consumption’. In obtaining certification as meeting the LEED Silver standard, a major facility project must earn at least forty percent of the available points for energy performance under ‘EA Credit: Optimize Energy Performance’. The Office of State Engineer may waive the requirements of this item for a proposed major facility project should it determine that the costs of meeting this item are not economically feasible. The Office of State Engineer shall notify the ~~board~~ office of the reason for the issuance of a waiver.

(B) The ~~board~~ office may petition the General Assembly to require all major facility projects be certified to a high‑performance building rating system standard in addition to or instead of the systems provided in this chapter. However, any alternate rating system adopted by the General Assembly must be no less stringent than the systems provided in this chapter.

(C) The ~~board~~ office shall administer and enforce the provisions in this article. Also, the ~~board~~ office may adopt rules and promulgate regulations to comply with the goals set forth in Section 48‑52‑820.”

E. Section 48‑52‑840(C) of the 1976 Code is amended to read:

“(C) The ~~board~~ office shall develop and implement a process to monitor and evaluate the energy and environmental benefits associated with each major facility project designed, constructed, or renovated pursuant to this article. The monitoring and evaluation of each major facility project shall commence one year after certification of the major facility project and shall continue for nineteen years thereafter. All data concerning energy and environmental benefits collected pursuant to this section must be made available to the board to be compiled and submitted to the General Assembly pursuant to Section 48‑52‑860.”

F. Section 48‑52‑850(C) of the 1976 Code is amended to read:

“(C) The ~~board~~ office shall develop and implement a process to monitor and evaluate the energy and environmental benefits associated with each major facility project designed, constructed, or renovated pursuant to this article. The monitoring and evaluation of each major facility project shall commence one year after certification of the major facility project and shall continue for nineteen years thereafter. All data concerning energy and environmental benefits collected pursuant to this section must be made available to the board to be compiled and submitted to the General Assembly pursuant to Section 48‑52‑860.”

G. Section 48‑52‑860 of the 1976 Code is amended to read:

“Section 48‑52‑860. The ~~board~~ office annually shall submit a report regarding major facility projects to the General Assembly that includes:

(1) the number and types of buildings designed and constructed;

(2) the level of certification of each building designed, constructed, or renovated;

(3) actual savings in energy costs;

(4) a description of all potential environmental benefits, including, but not limited to, water resources savings and the reduction of waste generation;

(5) the ability of buildings to continue to operate at the standard to which it was originally certified;

(6) the reason for any waiver granted by the State Engineer’s Office; and

(7) any conflicts or barriers that hinder the effectiveness of this article.”

SECTION 62. Section 49‑19‑630 of the 1976 Code is amended to read:

“Section 49‑19‑630. The chief engineer shall have control of the engineering work in the district and he may, whenever he deems it necessary, confer with the Chief Engineer of this State ~~or the State Budget and Control Board~~ and he may, by and with the consent of the board of supervisors, consult any eminent engineer or engineers and obtain his or their opinion and advice concerning the reclamation of lands in the district.”

SECTION 63. Section 49‑19‑1440(2) of the 1976 Code is amended to read:

“Section 49‑19‑1440. (2) Construct and maintain main and lateral ditches, canals, levees, dykes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations and syphons and connect them or any of them with any canals, drains, ditches, levees or other works that may have been constructed by the ~~State Budget and Control Board~~ State of South Carolina and with any natural stream, lake or watercourse in or adjacent to the district;”

SECTION 64. The third paragraph of Section 49‑29‑100 of the 1976 Code is amended to read:

“Land placed in the Scenic Rivers Program which is owned by the State may be restricted in conformance with this chapter by executed easement or deed restriction executed by the donating agency and approved by the ~~Budget and Control Board~~ Department of Administration upon authorization of the State Fiscal Accountability Authority.”

SECTION 65. The fourth paragraph of Section 49‑29‑100 of the 1976 Code is amended to read:

“Section 49‑29‑100. The ~~Budget and Control Board~~ Department of Administration shall submit annually a report of the property included in the Scenic Rivers Program to the Department of Revenue and the auditor of each county in which the property is situated.”

SECTION 66. Section 50‑5‑2720 of the 1976 Code is amended to read:

“Section 50‑5‑2720. The State Auditor may from time to time examine the accounts and books of the Compact Commission, including its receipts, disbursements, and such other items referring to its financial standing as the State Auditor may consider proper, and report the results to the ~~State Budget and Control Board~~ State Fiscal Accountability Authority and the Department of Natural Resources.”

SECTION 67. Section 51‑1‑60 of the 1976 Code is amended to read:

“Section 51‑1‑60. The department may contract, be contracted with, use a common seal, and make and adopt regulations. No regulation may be promulgated affecting hunting and fishing except as provided in Section 51‑3‑145. The department may accept gifts and acquire by gift, purchase, or otherwise real estate and other property, but no real estate may be purchased or disposed of by the department except on approval of the ~~State Budget and Control Board~~ Department of Administration or State Fiscal Accountability Authority, as appropriate. The department shall keep accurate records showing in full the receipts and disbursements and the records must be open at any reasonable time to inspection by the public. The department shall submit annually to the General Assembly and the ~~Budget and Control Board~~ Department of Administration, and the State Fiscal Accountability Authority reports ~~the board requires~~ required by the Department of Administration or the State Fiscal Accountability Authority. The department shall have the following duties and responsibilities in addition to such other functions as may, from time to time, be assigned by legislative action ~~or by the State Budget and Control Board~~:”

SECTION 68. Section 54‑3‑119 of the 1976 Code is amended to read:

“Section 54‑3‑119. (A) Except as provided in subsection (B), the State Ports Authority Board is directed to sell under those terms and conditions it considers most advantageous to the authority and the State of South Carolina all real property it owns on Daniel Island and Thomas (St. Thomas) Island except for the dredge disposal cells that are needed in connection with the construction of the North Charleston terminal on the Charleston Naval Complex and for harbor deepening and for channel and berth maintenance. The sale shall be timed and concluded on a schedule that prudently considers all market conditions affecting the sale but in any event must be ~~under contract for sale by December 31, 2012, and the sale~~ completed by December 31, ~~2013~~ 2015. The property must be transferred to the State ~~Budget and Control Board~~ Fiscal Accountability Authority for sale if the ports authority is unable to complete the sale by December 31, ~~2013~~ 2015. To assist in the sale of the property, the board shall have the property appraised by at least two independent qualified commercial appraisers not affiliated with the authority. The real property appraisers must be a State Certified General Real Estate Appraiser, a member of the Appraisal Institute (MAI), and must be knowledgeable in appraisal and in appraising marine terminal facilities. The appraisal of the real property should include its future development opportunities and those of the surrounding properties. The sale price must be equal to or greater than at least one of the independent appraisals. The approval of the State ~~Budget and Control Board~~ Fiscal Accountability Authority is required to effectuate the sale if completed on or before December 31, ~~2013~~ 2015.

(B) The board shall give the right of first refusal to those former landowners on Thomas (St. Thomas) Island who sold their land located within the transportation corridor to the authority in anticipation of the authority’s exercise of eminent domain. The right of first refusal must provide that the landowner may repurchase his land at the same price for which the authority purchased it from him. Each contract for the sale of a parcel located in the transportation corridor on Thomas Island must contain a covenant creating an easement over the parcel. The easement must permit the authority, and any successor in interest to the authority, reasonable ingress and egress to the real property on Daniel Island owned by the authority as of the effective date of this section. The easement must contain express language that the easement runs with the land.

(C)(1) With regard to the sale of real property pursuant to subsection (A), the State ~~Budget and Control Board~~ Fiscal Accountability Authority is vested with all of the board’s fiduciary duties to the ports authority and the ports authority’s bondholders if the property is transferred to the State ~~Budget and Control Board~~ Fiscal Accountability Authority for sale. The acceptance of any sales price by either the board or the State ~~Budget and Control Board~~ Fiscal Accountability Authority must be exercised with due regard to the fiduciary duty owed to the ports authority and for the protection of the interests of the ports authority’s bondholders as set forth in its bond covenants, and otherwise according to law, including the conversion of a nonperforming asset into revenues in the most expeditious manner.

(2) The State ~~Budget and Control Board~~ Fiscal Accountability Authority may deduct from the proceeds of the sale an amount equal to the actual costs incurred in conjunction with the sale of the property. The balance of the proceeds must be transmitted to the authority.”

SECTION 69. Section 55‑1‑1 of the 1976 Code is amended to read:

“Section 55‑1‑1. There is created a Division of Aeronautics within the ~~South Carolina Budget and Control Board~~ State Fiscal Accountability Authority that shall be governed by the Aeronautics Commission as provided in Chapter 1, Title 57.”

SECTION 70. Section 55‑1‑5(10) of the 1976 Code is amended to read:

“(10) ‘Division’ unless otherwise indicated, means the Division of Aeronautics of the ~~South Carolina Budget and Control Board~~ State Fiscal Accountability Authority.”

SECTION 71. Section 55‑11‑10(5) of the 1976 Code is amended to read:

“(5) designate the Division of Aeronautics of the ~~Budget and Control Board~~ State Fiscal Accountability Authority as its agent, to accept, receive, receipt for and disburse federal or state funds or other funds, public or private, made available for the purposes of this section, as may be required or authorized by law;”

SECTION 72. Section 55‑15‑10(f) of the 1976 Code is amended to read:

“Section 55‑15‑10. (f) The term ‘public authority’ means the Division of Aeronautics of the ~~Budget and Control Board~~ State Fiscal Accountability Authority, a municipality, a county or other political subdivision of this State, separately or jointly, authorized to acquire land, air rights, safety markers, and lights as provided in Chapter 9, Title 55.”

SECTION 73. The third paragraph of Section 56‑3‑840 of the 1976 Code is amended to read:

“Section 56‑3‑840. All monies collected pursuant to this section, not to exceed the actual revenues collected in fiscal year 1999‑2000, must be annually deposited to a separate account and held in reserve for the Department of Public Safety. Notwithstanding any other provision of law, these monies must be deposited to the credit of the department into a special fund in the office of the State Treasurer designated as the ‘Department of Public Safety Building Fund’. The Department of Public Safety must use these monies and other unobligated monies for the purpose of issuing revenue bonds or for entering into a lease purchase agreement for a headquarters facility, including the renovation of existing facilities. The Department of Public Safety is authorized to initiate and direct a capital project to purchase or construct a new headquarters facility. Projects funded under this section other than for the construction or purchase of a new headquarters facility, including but not limited to, the expansion or renovation of an existing facility, must be approved by a joint resolution provided that if the Department of Public Safety employs a lease purchase agreement to build or purchase a new headquarters facility, the lease purchase agreement must be approved by the ~~State Budget and Control Board~~ Department of Administration or State Fiscal Accountability Authority, as appropriate. The cost of a headquarters facility must not exceed thirty million dollars unless a parking facility or garage is required.”

SECTION 74. Section 56‑3‑4910(B) of the 1976 Code is amended to read:

“(B) The fees collected pursuant to this section must be deposited in a separate fund for the South Carolina Fire Academy. The fund must be administered by the ~~Budget and Control Board~~ Department of Labor, Licensing and Regulation Division of State Fire Marshal and must be used only to train in‑state public firefighters, paid and volunteer, to comply with state and federal mandated training standards. Funds collected must be deposited with the State Treasurer. The distribution of the funds is based on fifteen dollars to the department and twenty dollars to the academy for each special license plate sold.”

SECTION 75. Section 57‑11‑235 of the 1976 Code is amended to read:

“Section 57‑11‑235. Following the receipt of any request pursuant to Section 57‑11‑220, the ~~state board~~ State Fiscal Accountability Authority shall review the same and to the extent that it shall approve such request, it shall be empowered, by resolution duly adopted, to effect the issuance of state highway bonds, or pending the issuance thereof, effect the issuance of bond anticipation notes pursuant to Chapter 17 of Title 11.”

SECTION 76. Section 58‑9‑2550(1) of the 1976 Code is amended to read:

“Section 58‑9‑2550. (1) The Office of Regulatory Staff may establish a distribution system for TTY and other related telecommunications devices. In establishing this program, the Office of Regulatory Staff may:

(1) select an administrator through the ~~State Budget and Control Board~~ State Fiscal Accountability Authority procurement process to purchase, store, distribute, and maintain telecommunications devices for persons qualified to receive such equipment. In addition, the administrator must be responsible for providing user training and assistance; and”

SECTION 77. Section 59‑10‑370 of the 1976 Code is amended to read:

“Section 59‑10‑370. Each phase of implementation of this chapter is contingent upon the appropriation of adequate funding as documented by the fiscal impact statement provided by the Office of State Budget of the State Budget and Control Board, prior to July 1, 2014 and the Revenue and Fiscal Affairs Office after July 1, 2014. There is no mandatory financial obligation to school districts if state funding is not appropriated for each phase of implementation as provided for in the fiscal impact statement ~~of the Office of the State Budget of the State Budget and Control Board~~.”

SECTION 78. Section 59‑19‑93 of the 1976 Code is amended to read:

“Section 59‑19‑93. Distributions of funds to a school district pursuant to the South Carolina Education Improvement Act of 1984 must be suspended after June 30, 1985, unless the school district has adopted and filed with the ~~Division of General Services of the~~ State ~~Budget and Control Board~~ Fiscal Accountability Authority a procurement code modeled on the South Carolina Consolidated Procurement Code or the model set forth in the Report of the Local Government Task Force on Procurement. All suspended funds must be released to the district at the time the district files an adopted procurement code and all subsequent distributions must be made as provided by law.”

SECTION 79. Section 59‑67‑710 of the 1976 Code is amended to read:

“Section 59‑67‑710. (1) The ~~Director of the Division of General Services~~ State Fiscal Accountability Authority~~, with the approval of the State Budget and Control Board,~~ shall provide insurance coverage on all state‑owned school buses which are operated under the authority of, and which are being used for the purposes of, Article 3 of this chapter. Such insurance contracts must be provided either through commercial carriers or through the insurance reserve funds ~~of the Division of General Services~~. The insurance contracts shall provide at least the following benefits:

(a) for the lawful occupant of any such school bus who suffers bodily injuries or death, a death benefit of not less than fifty thousand dollars;

(b) for the lawful occupant of any such school bus who suffers bodily injuries, an amount sufficient to defray the cost of hospitalization, surgery, dentistry, medicine, and all other medical expenses up to three thousand dollars or such amount as promulgated by regulation of the Department of Education;

(c) additional coverage must also be provided for the following named perils:

(i) for the loss of both hands or both feet or sight of both eyes, fifty thousand dollars;

(ii) for loss of one hand and one foot, thirty thousand dollars;

(iii) for loss of either hand or foot and sight of one eye, thirty thousand dollars; and

(iv) for loss of either hand or foot or sight of one eye, thirty thousand dollars.”

SECTION 80. Section 59‑67‑780 of the 1976 Code is amended to read:

“Section 59‑67‑780. The ~~Director of the Sinking Funds and Property Division of the State Budget and Control Board~~ State Fiscal Accountability Authority may promulgate any rules or regulations or set up any procedure which will, in his judgment, clarify the provisions or facilitate the purposes of this article.”

SECTION 81. Section 59‑67‑790 of the 1976 Code is amended to read:

“Section 59‑67‑790. (A) There is hereby created a fund to be administered by the ~~Director of the Division of General Services~~ State Fiscal Accountability Authority to provide major medical benefits for bodily injuries to school bus passengers when the cost exceeds the benefits provided for in subsection (1)(a) of Section 59‑67‑710 of the 1976 Code. No claim shall exceed fifty thousand dollars for any one person for any one accident.

(B) The ~~Director of the Division of General Services~~ State Fiscal Accountability Authority shall pay into the Pupil Injury Insurance Fund that portion of the premiums charged to the State Department of Education for providing insurance covering buses he deems necessary to maintain the Pupil Injury Insurance Fund at an actuarially sound level sufficient to pay the benefits authorized by this section.

(C) No payment from the Pupil Injury Insurance Fund shall be permitted when other insurance benefits or workers’ compensation is available to pay such cost or where no charge is made for treatment. Whoever shall file a claim for payment from the Pupil Injury Insurance Fund shall at the same time file an affidavit swearing under oath that the requested claim is not covered by other insurance benefits or workers’ compensation to be received for that claim; provided, this shall not apply to any injured school bus passenger who receives, for bodily injuries, an amount not exceeding three thousand dollars under Section 59‑67‑710(1)(b) of the 1976 Code.

(D) Any recovery from the State or governmental entity under Chapter 78 of Title 15 of the 1976 Code shall be reduced by the sum received pursuant to this section. In any recovery from a third party, the State shall have a right of subrogation for recovery of payments pursuant to this section.

(E) The ~~Director of the Division of General Services~~ State Fiscal Accountability Authority, with the approval of the State Budget and Control Board, shall promulgate such rules and regulations as may be necessary to carry out the provisions of this section.”

SECTION 82. The first paragraph of Section 59‑111‑30 of the 1976 Code is amended to read:

“Section 59‑111‑30. The South Carolina defense scholarship fund is hereby created for which the sum of one hundred twenty thousand dollars is hereby appropriated from the general fund for the fiscal year 1962‑1963. Additional appropriations to the fund may be made in annual general appropriation acts. The ~~State Budget and Control Board~~ State Fiscal Accountability Authority shall administer the fund and shall allocate to State‑supported institutions of higher learning which have elected to make loans to students under the provisions of subchapter II of chapter 17 of Title 20, United States Code, Annotated, their equitable share of the funds appropriated, so as to enable the institutions to contribute to the fund created as required by Federal law, a sum equal to one ninth of the total Federal capital contributed. The allocations made to institutions of higher learning shall be deemed loans by the State to the institutions and payment on the loans shall be made as directed by the Budget and Control Board. Interest on the loans shall not exceed three per cent per annum.”

SECTION 83. Section 59‑112‑60(B) of the 1976 Code is amended to read:

“Section 59‑112‑60. (B) Employees of public colleges, universities, and technical colleges may attend classes at an institution of higher learning and receive tuition assistance ~~in accordance with Budget and Control Board guidelines and regulations~~.”

SECTION 84. Section 59‑112‑70(B) of the 1976 Code is amended to read:

“Section 59‑112‑70. (B) State‑supported colleges and universities, including the technical colleges, may waive the nonresident portion of tuition and fees for those students who are participating in an international Sister‑State agreement program which the Governor and the General Assembly have entered to promote the economic development of South Carolina. The nonresident fee waiver for the students is applicable only for those Sister‑State agreements where South Carolina students receive reciprocal consideration. The Commission on Higher Education, through coordination with the ~~State Budget and Control Board~~ State Fiscal Accountability Authority, will annually notify institutions of the Sister‑State agreements eligible for the nonresident fee waiver. The credit hours generated by these students must be included in the Mission Resource Requirement for funding.”

SECTION 85. Section 59‑119‑165 of the 1976 Code is amended to read:

“Section 59‑119‑165. The ~~Budget and Control Board~~ Department of Administration, in conjunction with the Department of Education, shall transfer all federal funds associated with Agricultural Education at the Department of Education to Clemson‑PSA (Public Service Activities) no later than July fifteenth of each fiscal year. Notwithstanding any other provisions of law, funds and positions transferred to Clemson‑PSA from the Department of Education for Agricultural Education shall 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. Clemson‑PSA shall provide a report to the Department of Education on the use and expenditure of the federal funds transferred by the Department of Education to Clemson‑PSA no later than December first of each fiscal year.”

SECTION 86. Section 59‑136‑505(A) of the 1976 Code is amended to read:

“Section 59‑136‑505. (A) ~~No later than June 30, 1995, the~~ The formerly constituted Budget and Control Board ~~shall issue~~ issued state institution bonds pursuant to Title 59, Chapter 107, on behalf of Coastal Carolina University to refund and defease all state institution bonds issued on behalf of the University of South Carolina which are the Series 1991B and Series 1992C State Institution Bonds. That portion of the State Institution Bonds to be refunded which was used to provide facilities at Coastal Carolina University shall be refunded by a series of state institution bonds issued on behalf of Coastal Carolina University and secured by pledge of the tuition fees from Coastal Carolina University. The remaining state institution bonds to be refunded shall be refunded from the proceeds of state institution bonds issued on behalf of the University of South Carolina and secured by pledge of tuition fees collected at the University of South Carolina. To the extent that any further action is required by the Budget and Control Board, that action shall be taken by the State Fiscal Accountability Authority as the successor to the board.”

SECTION 87. Article 3, Chapter 136, Title 59 of the 1976 Code is amended by adding:

“Section 59‑136‑395. Any action by the former Budget and Control Board that is required pursuant to this article, shall be taken by the State Fiscal Accountability Authority as the successor to the board.”

SECTION 88. Section 59‑150‑390 of the 1976 Code is amended to read:

“Section 59‑150‑390. The State Department of Education, in consultation with the ~~Budget and Control Board’s Office of Information Resources~~ Department of Administration, the State Library, and the Education Television Commission, shall administer primary and secondary technology funding provided for in Section 59‑150‑350. These funds are intended to provide technology connectivity, hardware, software, and training for the K‑12 public schools throughout the State and, to the maximum extent possible, involve public‑private sector collaborative efforts. Funds allocated to the local school districts for technology expenditures must be distributed based on the number of students eligible for the free and reduced lunch program in grades 1‑3.”

SECTION 89. The following Sections of the 1976 Code are repealed: 1‑11‑22, 1‑11‑23, 1‑11‑360, 1‑11‑400, 1‑25‑70, the second paragraph of Section 2‑7‑65, 9‑4‑10, 10‑1‑163(A), 10‑1‑179(A), 10‑1‑206, 44‑20‑30(19), 48‑23‑270, 48‑23‑280, 51‑1‑70, 51‑13‑860, 59‑7‑50, 59‑10‑370, 59‑59‑250, 59‑136‑500, and 59‑136‑505(C).

SECTION 90. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of government restructuring as clearly enumerated in the title.

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

SECTION 91. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 92. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 93. This act takes effect July 1, 2015.

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