**South Carolina General Assembly**

121st Session, 2015-2016

**S. 586**

**STATUS INFORMATION**

General Bill

Sponsors: Senators L. Martin, Sheheen, Massey and Campsen

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Summary: Fiscal Accountability Authority

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/24/2015 Senate Introduced and read first time ([Senate Journal‑page 9](file:///h:\SJ%20Archive\2015\03-24-15.docx))

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3/24/2015 Senate Referred to Subcommittee: Massey (ch), Malloy, Gregory

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4/22/2015 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 8](file:///h:\SJ%20Archive\2015\04-22-15.docx))

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4/28/2015 Senate Read third time and sent to House

4/28/2015 House Introduced and read first time ([House Journal‑page 145](file:///h:\HJ%20Archive\2015\04-28-15.docx))

4/28/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 145](file:///h:\HJ%20Archive\2015\04-28-15.docx))

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**VERSIONS OF THIS BILL**

[3/24/2015](file:///p:\pprever\2015-16\586_20150324.docx)

[4/22/2015](file:///p:\pprever\2015-16\586_20150422.docx)

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~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

April 23, 2015

**S. 586**

Introduced by Senators L. Martin, Sheheen and Massey

S. Printed 4/23/15--S. [SEC 4/23/15 7:45 PM]

Read the first time March 24, 2015.

**A** **BILL**

TO AMEND SECTION 1‑11‑470, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON A CONSTITUTIONAL OFFICER’S USE OF FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY, SO AS TO CHANGE REFERENCES FROM THE BUDGET AND CONTROL BOARD TO THE STATE FISCAL ACCOUNTABILITY AUTHORITY; TO AMEND CHAPTER 30 OF TITLE 1 OF THE 1976 CODE, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO PROVIDE CORRECT REFERENCES TO ESTABLISHING AUTHORITY OR DUTIES FOR EACH DEPARTMENT AND DELETE LANGUAGE CONCERNING GOVERNMENT AGENCY TRANSFERS THAT HAVE BEEN ACCOMPLISHED; TO AMEND SECTION 2‑13‑240, RELATING TO DISTRIBUTION OF CODE SETS BY THE LEGISLATIVE COUNCIL, SO AS TO PROVIDE THAT THE LEGISLATIVE COUNCIL, AS IT DETERMINES IN THE BEST INTERESTS OF THE STATE, MAY DISTRIBUTE OR SELL CODE OF LAWS, SUPPLEMENTS, OR REPLACEMENT VOLUMES TO PUBLIC SECTOR ENTITIES EXCEPT THAT IT MUST NOT CHARGE THE GENERAL ASSEMBLY FOR CODES PLACED IN THE STATE HOUSE OR GRESSETTE OR BLATT BUILDINGS; TO AMEND SECTION 48‑4‑10, RELATING TO CREATION OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO DELETE PROVISIONS CONCERNING GOVERNMENT AGENCY TRANSFERS THAT HAVE BEEN ACCOMPLISHED; TO AMEND SECTION 58‑3‑580, RELATING TO STAFF ORGANIZATION AND ALLOCATION IN THE OFFICE OF REGULATORY STAFF, SO AS TO DELETE PROVISIONS THAT HAVE BEEN ACCOMPLISHED AND TO CLARIFY THE EXECUTIVE DIRECTOR’S AUTHORITY CONCERNING OFFICE PERSONNEL; TO AMEND SECTION 63‑19‑360, RELATING TO INSTITUTIONAL SERVICES, SO AS TO DELETE LANGUAGE CONCERNING REPORTS THAT ALREADY HAVE BEEN COMPLETED AND TO PROVIDE THAT FUTURE REPORTS BE MADE TO THE DEPARTMENT OF ADMINISTRATION INSTEAD OF THE BUDGET AND CONTROL BOARD, WHICH WILL BE ABOLISHED JULY 1, 2015, AS PROVIDED BY ACT 121 OF 2014; AND TO REPEAL SECTION 1‑11‑22, RELATING TO THE ORGANIZATION OF THE BUDGET AND CONTROL BOARD STAFF; SECTION 48‑22‑20, RELATING TO POWERS DEVOLVED UPON THE DEPARTMENT OF NATURAL RESOURCES BY THE 1993 RESTRUCTURING ACT; AND SECTION 59‑150‑355, RELATING TO EDUCATION LOTTERY APPROPRIATIONS AND USES, SO AS TO DELETE PROVISIONS CONCERNING TRANSFERS OF OR ACTIONS BY STATE GOVERNMENT AGENCIES THAT HAVE BEEN ACCOMPLISHED.

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

SECTION 1. Section 1‑11‑470 of the 1976 Code is amended to read:

“Section 1‑11‑470. (A) No funds appropriated by the General Assembly may be used by a constitutional officer to purchase space including, but not limited to, notices or advertisements, in a print medium or time from a radio or television medium without unanimous prior written approval of the ~~Budget and Control Board~~ General Assembly.

(B) ~~No funds appropriated by the General Assembly may be used by a constitutional officer to print on, or distribute with, official documents extraneous promotional material or to purchase plaques, awards, citations, or other recognitions without unanimous prior written approval of the Budget and Control Board.~~

~~(C)~~ If nonpublic funds are used for the purposes enumerated in subsection (A), the constitutional officer expending the funds must submit the source of the funds showing all contributors to the ~~Budget and Control Board~~ Other Funds Joint Oversight Committee before the funds are expended.

~~(D)~~(C) The provisions of this section do not apply to the Governor or to the General Assembly.”

SECTION 2. Chapter 30 of Title 1 of the 1976 Code is amended to read:

“CHAPTER 30

DEPARTMENTS OF STATE GOVERNMENT

Section 1‑30‑10. (A) There are hereby created, within the executive branch of the state government, the following departments:

1. Department of Administration

2. Department of Agriculture

3. Department of Alcohol and Other Drug Abuse Services

4. Department of Commerce

5. Department of Corrections

6. Department of Disabilities and Special Needs

7. Department of Education

8. Department of Health and Environmental Control

9. Department of Health and Human Services

10. Department of Insurance

11. Department of Juvenile Justice

12. Department of Labor, Licensing and Regulation

13. Department of Mental Health

14. Department of Motor Vehicles

15. Department of Natural Resources

16. Department of Parks, Recreation and Tourism

17. Department of Probation, Parole and Pardon Services

18. Department of Public Safety

19. Department of Revenue

20. Department of Social Services

21. Department of Transportation

22. Department of Employment and Workforce.

(B)(1) The governing authority of each department shall be:

(i) a director or a secretary, who must be appointed by the Governor with the advice and consent of the Senate, subject to removal from office by the Governor pursuant to provisions of Section 1‑3‑240(B); or

(ii) a board to be appointed and constituted in a manner provided for by law; or

(iii) in the case of the Department of Agriculture and the Department of Education, the State Commissioner of Agriculture and the State Superintendent of Education, respectively, elected to office under the Constitution of this State; or

(iv) in the case of the Department of Transportation, a seven member commission constituted in a manner provided by law, and a Secretary of Transportation appointed by and serving at the pleasure of the Governor.

(2) In making an appointment for a governing authority of a department, race, gender, and other demographic factors should be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this State; however, consideration of these factors in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. The Governor in making the appointments provided for by this section shall endeavor to appoint individuals who have demonstrated exemplary managerial skills in either the public or private sector.

(C) Each department shall be organized into appropriate subdivisions by the governing authority of the department through further consolidation or further subdivision. The power to organize and reorganize the department into divisions lies with the General Assembly in furtherance of its mandate pursuant to Article XII of the South Carolina Constitution, 1895. The dissolution of any division must likewise be statutorily approved by the General Assembly.

(D) The governing authority of a department is vested with the duty of overseeing, managing, and controlling the operation, administration, and organization of the department. The governing authority has the power to create and appoint standing or ad hoc advisory committees in its discretion or at the direction of the Governor to assist the department in particular areas of public concern or professional expertise as is deemed appropriate. Such committees shall serve at the pleasure of the governing authority and committee members shall not receive salary or per diem, but shall be entitled to reimbursement for actual and necessary expenses incurred pursuant to the discharge of official duties not to exceed the per diem, mileage, and subsistence amounts allowed by law for members of boards, commissions, and committees.

(E) The governing authority of a department may appoint deputies to head the divisions of their department, with each deputy managing one or more of the divisions; in the case of the Department of Commerce, the Secretary of Commerce may appoint a departmental executive director and also may appoint directors to manage the various divisions of the Department of Commerce. In making appointments race, gender, and other demographic factors should be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. Deputies serve at the will and pleasure of the governing authority. The deputy of a division is vested with the duty of overseeing, managing, and controlling the operation and administration of the division under the direction and control of the department’s governing authority and performing such other duties as delegated by the department’s governing authority.

(F) In the event a vacancy occurs in the office of the department’s governing authority at a time when the General Assembly is not in session, the Governor temporarily may fill the vacancy pursuant to Section 1‑3‑210.

(G)(1) Department and agency governing authorities must, no later than the first day of the 2015 Legislative Session and every twelve months thereafter, submit to the Governor and General Assembly reports giving detailed and comprehensive recommendations for the purposes of merging or eliminating duplicative or unnecessary divisions, programs, or personnel within each department to provide a more efficient administration of government services. If an agency or department has no recommendations for restructuring of divisions, programs, or personnel, its report must contain a statement to that effect. Upon their receipt by the President of the Senate and the Speaker of the House of Representatives, these reports must be referred as information to the standing committees of the respective bodies most jurisdictionally related in subject matter to each agency. Alternatively, the House and Senate may provide by rule for the referral of these reports. The Governor periodically must consult with the governing authorities of the various departments and upon such consultation, the Governor must submit a report of any restructuring recommendations to the General Assembly for its review and consideration.

(2) Department and agency governing authorities must, no later than the first day of the 2015 Legislative Session, and, as a part of the agency’s seven‑year oversight study and investigation conducted pursuant to Chapter 2, Title 2, submit to the Governor and the General Assembly a seven‑year plan that provides initiatives and/or planned actions that implement cost savings and increased efficiencies of services and responsibilities within the projected seven‑year period.

Section 1‑30‑12. The Department of Administration is established as provided in Section 1‑11‑10.

Section 1‑30‑15. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Agriculture:~~

~~Department of Agriculture, formerly provided for at Section 46‑39‑10, et seq.~~

The duties of the Department of Agriculture and the Commissioner of Agriculture are as provided in Chapter 3 of Title 46.

Section 1‑30‑20. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Alcohol and Other Drug Abuse Services:~~

~~(A)~~ ~~South Carolina Commission on Alcohol and Drug Abuse, formerly provided for at Section 44‑49‑10, et seq.;~~

~~(B)~~ ~~Drug‑free Schools and Communities Program in the Governor’s Office, provided for under grant programs.~~

The Department of Alcohol and Other Drug Abuse Services is established as provided in Section 44‑49‑10.

Section 1‑30‑25. ~~The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are transferred to and incorporated in and must be administered as part of the Department of Commerce to be initially divided into divisions for Aeronautics, Advisory Coordinating Council for Economic Development, State Development, Public Railways, and Savannah Valley Development:~~

~~(A)~~ ~~South Carolina Aeronautics Commission, formerly provided for at Section 55‑5‑10, et seq.;~~

~~(B)~~ ~~Coordinating Council for Economic Development, formerly provided for at Section 41‑45‑30, et seq.;~~

~~(C)~~ ~~Savannah Valley Authority, formerly provided for at Section 13‑9‑10, et seq.;~~

~~(D)~~ ~~existing divisions or components of the Department of Commerce formerly a part of the State Development Board excluding the South Carolina Film Commission; and~~

~~(E)~~ ~~South Carolina Public Railways Commission, formerly provided for at Section 58‑19‑10, et seq.~~

The Department of Commerce is established as provided in Section 13‑1‑10.

Section 1‑30‑30. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Corrections:~~

~~Department of Corrections, formerly provided for at Section 24‑1‑10, et seq.~~

The Department of Corrections is established as provided in Section 24‑1‑30.

Section 1‑30‑35. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Disabilities and Special Needs to be initially divided into divisions for Intellectual Disability, Head and Spinal Cord Injury, and Autism; provided, however, that the board of the former Department of Mental Retardation as constituted on June 30, 1993, and thereafter, under the provisions of Section 44‑19‑10, et seq., shall be the governing authority for the department.~~

~~(A)~~ ~~Department of Mental Health Autism programs, formerly provided for at Section 44‑9‑10, et seq.;~~

~~(B)~~ ~~Head and Spinal Cord Injury Information System, formerly provided for at Section 44‑38‑10, et seq.;~~

~~(C)~~ ~~Department of Mental Retardation, formerly provided for at Section 44‑19‑10, et seq.~~

The Department of Disabilities and Special Needs is established as provided in Section 44‑20‑240.

Section 1‑30‑40. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Education:~~

~~State Department of Education, provided for at Section 59‑5‑10, et seq.~~

The duties and organization for the Department of Education are as provided in Title 59.

Section 1‑30‑45. ~~Effective on July 1, 1994, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Health and Environmental Control and to include a coastal division:~~

~~(A)~~ ~~Department of Health and Environmental Control, formerly provided for at Section 44‑1‑10, et seq.;~~

~~(B)~~ ~~South Carolina Coastal Council, formerly provided for at Section 48‑39‑10, et seq.;~~

~~(C)~~ ~~State Land Resources Conservation Commission regulatory division, formerly provided for at Section 48‑9‑10, et seq.;~~

~~(D)~~ ~~Water Resources Commission regulatory division, formerly provided for at Section 49‑3‑10, et seq.~~

The Department of Health and Environmental Control is established as provided in Section 44‑1‑20.

Section 1‑30‑50. ~~Effective on July 1, 1995, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Health and Human Services:~~

~~Department of Health and Human Services Finance Commission, formerly provided for at Section 44‑6‑10, et seq.~~

The Department of Health and Human Services is established as provided in Section 44‑6‑10.

Section 1‑30‑55. ~~Effective on July 1, 1995, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Insurance:~~

~~Department of Insurance, formerly provided for at Section 38‑3‑10, et seq.~~

The Department of Insurance is established as provided in Section 38‑3‑10.

Section 1‑30‑60. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Juvenile Justice:~~

~~Department of Youth Services, formerly provided for at Section 20‑7‑6805, et seq.~~

The Department of Juvenile Justice is established as provided in Section 63‑19‑310.

Section 1‑30‑65. ~~Effective on February 1, 1994, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Labor, Licensing, and Regulation to be initially divided into divisions for Labor, State Fire Marshal, and Professional and Occupational Licensing:~~

~~(A)~~ ~~Fire Marshal Division of Budget & Control Board, formerly provided for at Section 23‑9‑10, et seq.;~~

~~(B)~~ ~~Department of Labor, formerly provided for at Title 12, Chapter 37; Title 46, Chapter 43; and Title 41, Chapters 1‑25;~~

~~(C)~~ ~~Professional and Occupational Licensing Boards including:~~

~~Accountancy Board, formerly provided for at Section 40‑1‑10, et seq.;~~

~~Architectural Board of Examiners, formerly provided for at Section 40‑3‑10, et seq.;~~

~~Athletic Commission, formerly provided for at Section 52‑7‑10, et seq.;~~

~~Auctioneers Commission, formerly provided for at Section 40‑6‑10, et seq.;~~

~~Barber Examiners Board, formerly provided for at Section 40‑7‑10, et seq.;~~

~~Accessibility Committee for the Building Codes Council, formerly provided for at Section 10‑5‑210, et seq.;~~

~~Building Code Council, formerly provided for at Section 6‑9‑60, et seq.;~~

~~Burglar Alarm Business, formerly provided for at Section 40‑79‑10, et seq.;~~

~~Chiropractic Examiners Board, formerly provided for at Section 40‑9‑10, et seq.;~~

~~Contractors Licensing Board, formerly provided for at Section 40‑11‑10, et seq.;~~

~~Cosmetology Board, formerly provided for at Section 40‑13‑10, et seq.;~~

~~Dentistry Board, formerly provided for at Section 40‑15‑10, et seq.~~;

~~Embalmers and Funeral Directors/Funeral Service Board, formerly provided for at Section 40‑19‑10, et seq.;~~

~~Engineers and Land Surveyors Board, formerly provided for at Section 40‑21‑10, et seq.;~~

~~Environmental Systems Operators Board, formerly provided for at Section 40‑23‑10, et seq.;~~

~~Fire Sprinkler Contractors Board, formerly provided for at Section 23‑45‑10, et seq.;~~

~~Foresters Registration Board, formerly provided for at Section 48‑27‑10, et seq.;~~

~~Geologists Registration Board, formerly provided for at Section 40‑77‑10, et seq.;~~

~~Harbor Pilots/Pilotage Commission, formerly provided for at Section 54‑15‑40, et seq.;~~

~~Liquefied Petroleum Gas Board, formerly provided for at Section 39‑43‑20, et seq.;~~

~~Manufactured Housing Board, formerly provided for at Section 40‑29‑10, et seq.;~~

~~Modular Appeals Board, formerly provided for at Section 23‑43‑50, et seq.;~~

~~Nursing Board, formerly provided for at Section 40‑33‑10, et seq.;~~

~~Nursing Home Administrators Board, formerly provided for at Section 40‑35‑10, et seq.;~~

~~Occupational Therapy Board, formerly provided for at Section 40‑36‑10, et seq.;~~

~~Optometry Board, formerly provided for at Section 40‑37‑10, et seq.;~~

~~Opticianry Board, formerly provided for at Section 40‑38‑10, et seq.;~~

~~Pharmacy Board, formerly provided for at Section 40‑43‑10, et seq.;~~

~~Physical Therapy Examiners, formerly provided for at Section 40‑45‑10, et seq.;~~

~~Physicians, Surgeons and Osteopaths/Board of Medical Examiners, formerly provided for at Section 40‑47‑10, et seq.;~~

~~Podiatry Examiners, formerly provided for at Section 40‑51‑10, et seq.;~~

~~Professional Counselors, Marital and Family Therapists, formerly provided for at Section 40‑75‑10, et seq.;~~

~~Psychology Board of Examiners, formerly provided for at Section 40‑55‑20, et seq.;~~

~~Pyrotechnic Safety Board, formerly provided for at Section 40‑56‑10, et seq.;~~

~~Real Estate Commission regulating Real Estate Brokers, Counsellors, Salesmen, Auctioneers, and Property Managers, formerly provided for at Section 40‑57‑10 et seq., and Real Estate Appraisers Board, formerly provided for at Section 40‑60‑10 et seq.;~~

~~Residential Home Builders Board, formerly provided for at Section 40‑59‑10, et seq.;~~

~~Social Worker Board of Examiners, formerly provided for at Section 40‑63‑10, et seq.;~~

~~Speech/Language Pathology and Audiology Board of Examiners, formerly provided for at Section 40‑67‑10, et seq.;~~

~~Veterinary Medical Examiners, formerly provided for at Section 40‑69‑10, et seq.~~

The governance and duties of the Department of Labor, Licensing and Regulation are as provided in Section 41‑3‑10.

Section 1‑30‑70. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Mental Health to include a Children’s Services Division and shall include:~~

~~Department of Mental Health, provided for at Section 44‑9‑10, et seq.~~

The Department of Mental Health is established as provided in Section 44‑9‑10.

Section 1‑30‑72. The Department of Motor Vehicles is established as provided in Section 56‑1‑5.

Section 1‑30‑75. ~~Effective on July 1, 1994, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with the agency, except for those subdivisions specifically included under another department, are transferred to and incorporated in, and must be administered as part of the Department of Natural Resources. The department must be divided initially into divisions for Land Resources and Conservation Districts, Water Resources, Marine Resources, Wildlife and Freshwater Fisheries, and State Natural Resources Enforcement. The South Carolina Wildlife and Marine Resources Commission, as constituted on June 30, 1993, and after that time, under the provisions of Section 50‑3‑10 et seq. is the governing authority for the department:~~

~~(1)~~ ~~Geological Survey of the Research and Statistical Services Division of the Budget and Control Board, to include the State Geologist, formerly provided for at Section 1‑11‑10, et seq.;~~

~~(2)~~ ~~State Land Resources Conservation Commission, less the regulatory division, formerly provided for at Section 48‑9‑10, et seq.;~~

~~(3)~~ ~~South Carolina Migratory Waterfowl Commission, formerly provided for at Section 50‑11‑20, et seq.;~~

~~(4)~~ ~~Water Resources Commission, less the regulatory division, formerly provided for at Section 49‑3‑10, et seq.;~~

~~(5)~~ ~~South Carolina Wildlife and Marine Resources Commission, formerly provided for at Section 50‑3‑10, et seq.~~

The governance and duties of the Department of Natural Resources are as provided in Chapter 3 of Title 50.

Section 1‑30‑80. (A) ~~The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations association with any such agency, except for those subdivisions specifically included under another department, are transferred to and incorporated in and must be administered as part of the Department of Parks, Recreation and Tourism to include a Parks, Recreation and Tourism Division.~~

~~Department of Parks, Recreation and Tourism, formerly provided for at Sections 51‑1‑10, 51‑3‑10, 51‑7‑10, 51‑9‑10, and 51‑11‑10, et seq.~~

The Department of Parks, Recreation and Tourism is established as provided in Section 51‑1‑10.

(B)(1) ~~Effective July 1, 2008, the~~ The South Carolina Film Commission ~~of the Department of Commerce is transferred to the Department of Parks, Recreation and Tourism and becomes~~ is a separate division of the Department of Parks, Recreation and Tourism.

(2) The South Carolina Film Commission as established in this section as a separate division of the Department of Parks, Recreation and Tourism ~~and transferred to it~~ shall ensure that funds made available to film projects through the South Carolina Film Commission are budgeted and spent so as to further the following objectives:

(a) stimulation of economic activity to develop the potentialities of the State by recruiting and facilitating motion picture production and supporting companies and facilities that further the objectives of the division’s programs and standards;

(b) ~~conservation, restoration, and development of the natural and physical, the human and social, and the economic and productive resources of the State~~ taking steps necessary to foster the economic and cultural development of the indigenous motion picture industry;

(c) ~~promotion of a system of transportation for the State, through development and expansion of the highway, railroad, port, waterway, and airport systems~~  receiving and disbursing funds which may become available by the federal government for programs related to motion picture production and related activities;

(d) ~~promotion and correlation of state and local activity in planning public works projects;~~

~~(e)~~ promotion of public interest in the development of the State through cooperation with public agencies, private enterprises, and charitable and social institutions by entering contracts within the amount made available by appropriation, with individuals, organizations, and institutions for services furthering the objectives of the division’s programs, and with local and regional associations for cooperative endeavors furthering the objectives of the division’s programs;

~~(f)~~ ~~encouragement of industrial development, private business, commercial enterprise, agricultural production, transportation, and the utilization and investment of capital within the State;~~

~~(g)~~ ~~assistance in the development of existing state and interstate trade, commerce, and markets for South Carolina goods and in the removal of barriers to the industrial, commercial, and agricultural development of the state;~~

~~(h)~~(e) assistance in ensuring stability in employment, increasing the opportunities for employment of the citizens of the State, devising ways and means to raise the living standards of the people of the State in accordance with the objectives of the division’s programs and standards;

~~(i)~~(f) enhancement of the general welfare of the people; and

~~(j)~~(g) encouragement and consideration as appropriate so as to consider race, gender, and other demographic factors to ensure nondiscrimination, inclusion, and representation of all segments of the State to the greatest extent possible.

Section 1‑30‑85. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and must be administered as part of the Department of Probation, Parole, and Pardon Services:~~

~~Department of Probation, Pardon and Parole, formerly provided for at Section 24‑21‑10, et seq.~~

The governance and duties of the Department of Probation, Parole and Pardon Services are as provided in Chapter 21 of Title 24.

Section 1‑30‑90. ~~The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities, as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Public Safety to be initially divided into divisions for Highway Patrol, State Police, and Training and Continuing Education.~~

~~(A)~~ ~~Law Enforcement Hall of Fame, formerly provided for in Section 23‑25‑10, et seq.;~~

~~(B)~~ ~~State Highway Patrol, formerly provided for in Section 23‑5‑10, et seq.;~~

~~(C)~~ ~~Public Service Commission Safety Enforcement, formerly provided in Section 58‑3‑310;~~

~~(D)~~ ~~Public Safety Division, formerly of the Governor’s Office.~~

The Department of Public Safety is established as provided in Section 23‑6‑20.

Section 1‑30‑95. ~~The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Revenue to be initially divided into divisions for Alcohol Beverage Control and Tax; provided, however, that from July 1, 1993, until February 1, 1995, the governing authority of the department shall be the commissioners of the Tax Commission, as constituted June 30, 1993, and thereafter, pursuant to the provisions of Section 12‑3‑10, et seq.;~~

~~(A)~~ ~~Licensing Division of Alcoholic Beverage Control Commission, formerly provided for at Section 61‑1‑10, et seq.;~~

~~(B)~~ ~~Tax Commission, formerly provided for at Section 12‑3‑10, et seq.~~

The Department of Revenue is established as provided in Section 12‑4‑10.

Section 1‑30‑100. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Social Services:~~

~~Department of Social Services, formerly provided for at Section 43‑1‑10, et seq.~~

The Department of Social Services is established as provided in Section 43‑1‑10.

Section 1‑30‑105. ~~Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Transportation to be initially divided into divisions for Mass Transit, Construction and Maintenance, Engineering and Planning, and Finance and Administration; however, the State Highway Commission as constituted on June 30, 1993, under the provisions of Title 56, shall be the governing authority for the department until February 15, 1994, or as soon as its successors are elected or appointed and qualified, whichever is later.~~

~~Department of Highways and Public Transportation, except the Motor Vehicle Division, which was established as the Department of Motor Vehicles by Section 56‑1‑5, and the State Highway Patrol, formerly provided for at Section 56‑1‑10, et seq.~~

The Department of Transportation is established as provided in Section 57‑1‑20.

Section 1‑30‑110. The Department of Employment and Workforce is established as provided in Section 41‑29‑20.

Section 1‑30‑120. ~~Effective July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the State Law Enforcement Division:~~

~~(A)~~ ~~Alcoholic Beverage Control Commission enforcement division, formerly provided for at Section 61‑1‑60, et seq.;~~

~~(B)~~ ~~State Law Enforcement Division, formerly provided for at Section 23‑3‑10, et seq.~~

The State Law Enforcement Division is established as provided in Section 23‑3‑10.

Section 1‑30‑125. (A) There is established, within the Department of Administration, the Executive Budget Office which shall support the Office of the Governor by conducting analysis, implementing and monitoring the annual general appropriations act, and evaluating program performance.

(B) The Executive Budget Office shall use the existing resources of the organizations transferred to the Department of Administration including, but not limited to, funding, personnel, equipment, and supplies. Vacant FTEs at the former State Budget and Control Board also may be used to fill needed positions for the office.”

SECTION 3. Section 2‑13‑240 of the 1976 Code is amended to read:

“Section 2‑13‑240. (a) ~~Sets of the Code of Laws of South Carolina, 1976, shall be distributed by the Legislative Council as follows:~~

~~(1)~~ ~~Governor, three;~~

~~(2)~~ ~~Lieutenant Governor, two;~~

~~(3)~~ ~~Secretary of State, three;~~

~~(4)~~ ~~Treasurer, one;~~

~~(5)~~ ~~Attorney General, fifty;~~

~~(6)~~ ~~Adjutant General, one;~~

~~(7)~~ ~~Comptroller General, two;~~

~~(8)~~ ~~Superintendent of Education, two;~~

~~(9)~~ ~~Commissioner of Agriculture, two;~~

~~(10)~~ ~~each member of the General Assembly, one;~~

~~(11)~~ ~~office of the Speaker of the House of Representatives, one;~~

~~(12)~~ ~~Clerk of the Senate, one;~~

~~(13)~~ ~~Clerk of the House of Representatives, one;~~

~~(14)~~ ~~each committee room of the General Assembly, one;~~

~~(15)~~ ~~each member of the Legislative Council, one;~~

~~(16)~~ ~~Code Commissioner, one;~~

~~(17)~~ ~~Legislative Council, ten;~~

~~(18)~~ ~~Supreme Court, fourteen;~~

~~(19)~~ ~~Court Administration Office, five;~~

~~(20)~~ ~~each circuit court judge, one;~~

~~(21)~~ ~~each circuit court solicitor, one;~~

~~(22)~~ ~~each family court judge, one;~~

~~(23)~~ ~~each county court judge, one;~~

~~(24)~~ ~~Administrative Law Judge Division, nine;~~

~~(25)~~ ~~College of Charleston, one;~~

~~(26)~~ ~~The Citadel, two;~~

~~(27)~~ ~~Clemson University, three;~~

~~(28)~~ ~~Francis Marion College, one;~~

~~(29)~~ ~~Lander College, one;~~

~~(30)~~ ~~Medical University of South Carolina, two;~~

~~(31)~~ ~~South Carolina State College, two;~~

~~(32)~~ ~~University of South Carolina, four;~~

~~(33)~~ ~~each regional campus of the University of South Carolina, one;~~

~~(34)~~ ~~University of South Carolina Law School, forty‑six;~~

~~(35)~~ ~~Winthrop College, two;~~

~~(36)~~ ~~each technical college or center, one;~~

~~(37)~~ ~~each county governing body, one;~~

~~(38)~~ ~~each county clerk of court and register of deeds where such offices are separate, one;~~

~~(39)~~ ~~each county auditor, one;~~

~~(40)~~ ~~each county coroner, one;~~

~~(41)~~ ~~each county magistrate, one;~~

~~(42)~~ ~~each county master in equity, one;~~

~~(43)~~ ~~each county probate judge, one;~~

(44) ~~each county public library, one;~~

~~(45)~~ ~~each county sheriff, one;~~

~~(46)~~ ~~each public defender, one;~~

~~(47)~~ ~~each county superintendent of education, one;~~

~~(48)~~ ~~each county treasurer, one;~~

~~(49)~~ ~~Library of Congress, three;~~

~~(50)~~ ~~United States Supreme Court, one;~~

~~(51)~~ ~~each member of Congress from South Carolina, one;~~

~~(52)~~ ~~each state library which furnishes this State a free set of its Code of Laws, one;~~

~~(53)~~ ~~Division of Aeronautics of the Department of Commerce, one;~~

~~(54)~~ ~~Department of Alcohol and other Drug Abuse Services, one;~~

~~(55)~~ ~~Department of Archives and History, one;~~

~~(56)~~ ~~Board of Bank Control, one;~~

~~(57)~~ ~~Commissioner of Banking, one;~~

~~(58)~~ ~~Budget and Control Board~~

~~(a)~~ ~~Auditor, six;~~

~~(b)~~ ~~General Services Division, six;~~

~~(c)~~ ~~Personnel Division, one;~~

~~(d)~~ ~~Research and Statistical Services Division, one;~~

~~(e)~~ ~~Retirement System, one.~~

~~(59)~~ ~~Children’s Bureau, one;~~

~~(60)~~ ~~Department of Consumer Affairs, one;~~

~~(61)~~ ~~Department of Corrections, two;~~

~~(62)~~ ~~Criminal Justice Academy, one;~~

~~(63)~~ ~~Department of Commerce, five;~~

~~(64)~~ ~~Department of Employment and Workforce, two;~~

~~(65)~~ ~~Ethics Commission, one;~~

~~(66)~~ ~~Forestry Commission, one;~~

~~(67)~~ ~~Department of Health and Environmental Control, five;~~

~~(68)~~ ~~Department of Transportation, five;~~

~~(69)~~ ~~Department of Public Safety, five;~~

~~(70)~~ ~~Human Affairs Commission, one;~~

~~(71)~~ ~~Workers’ Compensation Commission, seven;~~

~~(72)~~ ~~Department of Insurance, two;~~

~~(73)~~ ~~Department of Juvenile Justice and Aftercare, one;~~

~~(74)~~ ~~Department of Labor, Licensing and Regulation, two;~~

~~(75)~~ ~~South Carolina Law Enforcement Division, four;~~

~~(76)~~ ~~Legislative Audit Council, one;~~

~~(77)~~ ~~State Library, three;~~

~~(78)~~ ~~Department of Mental Health, three;~~

~~(79)~~ ~~Department of Disabilities and Special Needs, five;~~

~~(80)~~ ~~Ports Authority, one;~~

~~(81)~~ ~~Department of Probation, Parole and Pardon, two;~~

~~(82)~~ ~~Public Service Commission, three;~~

~~(83)~~ ~~Department of Social Services, two;~~

~~(84)~~ ~~Department of Revenue, six;~~

~~(85)~~ ~~Board for Technical and Comprehensive Education, one;~~

~~(86)~~ ~~Veterans’ Affairs Division of the Governor’s office, one;~~

~~(87)~~ ~~Vocational Rehabilitation, one;~~

~~(88)~~ ~~Department of Natural Resources, four~~.

The Legislative Council may distribute or sell the codes of law, supplements, or replacement volumes to the public sector as Legislative Council determines to meet the best interests of the State; however, Legislative Council must not require reimbursement from the General Assembly for the cost of acquiring codes of law, supplements, or replacement volumes for placement in the State House or the Gressette or Blatt buildings.

(b) ~~If any technical college or center offers a course in paralegal practice such college or center shall be allowed two additional sets of the Code.~~

~~(c)~~ ~~All remaining copies of the Code may be sold or distributed in the best interest of the State as may be determined by the Legislative Council.~~

~~(d)~~ The provisions of Sections 8‑15‑30 and 8‑15‑40 of the 1976 Code shall not apply to members of the General Assembly, members of the Legislative Council, and the Code Commissioner.”

SECTION 4. Section 48‑4‑10 of the 1976 Code is amended to read:

“Section 48‑4‑10. (A) The South Carolina Department of Natural Resources is created to administer and enforce the laws of this State relating to wildlife, marine resources, and natural resources and other laws specifically assigned to it. The department must be comprised of a Natural Resources Enforcement Division, a Wildlife and Freshwater Fisheries Division, a Marine Resources Division, a Water Resources Division, and a Land Resources and Conservation Districts Division. Each division of the department must have the functions and powers provided by law.

(B) ~~All functions, powers, and duties provided by law to the South Carolina Wildlife and Marine Resources Department, the Geological Survey Division of the Budget and Control Board, to include the State Geologist, and the South Carolina Migratory Waterfowl Committee are transferred to the Department of Natural Resources. All nonregulatory functions, powers, and duties provided by law to the South Carolina Water Resources Commission and the State Land Resources Conservation Commission are transferred to the Department of Natural Resources. All rules, regulations, standards, orders, or other actions of these entities remain in effect unless specifically changed or voided by the department in accordance with the Administrative Procedures Act.~~

~~(C)~~ All divisions are directly accountable to and subject to the Department of Natural Resources.

~~(D)~~ ~~The Wildlife and Marine Resources Commission, the Land Resources Conservation Commission, and the Water Resources Commission are abolished.~~”

SECTION 5. Section 63‑19‑360(4) of the 1976 Code is amended to read:

“(4) providing juvenile detention services for juveniles charged with having committed a criminal offense who are found, after a detention screening or detention hearing, to require detention or placement outside the home pending an adjudication of delinquency or dispositional hearing. Detention services provided by the department for the benefit of the counties and municipalities of this State must include secure juvenile detention centers. The size and capacity of the juvenile detention facilities needed must be determined by the department after its consideration and review of minimum standards for local detention facilities in South Carolina for the design, construction, and operation of juvenile detention centers. These recognized state standards must be met or exceeded by the department in determining the size and capacity of the juvenile detention centers and in planning for the construction and operation of the facilities. The department shall determine and announce the anticipated maximum operational capacity of each facility and shall contact each county and municipal governmental body in this State for the purpose of determining which counties or municipalities anticipate utilizing these facilities upon each facility becoming operational. The department shall inform each county and municipal governmental body of the existing state and federal laws regarding the confinement of juveniles charged with committing criminal offenses, of each county’s and municipality’s ability to develop its own facility or to contract with other counties or municipalities for the development of a regional facility, and of the availability of the department’s facilities. This notice must be provided to each county and municipality for the purpose of determining which county governmental bodies desire to enter into an intergovernmental agreement with the department for the detention of juveniles from their particular community who are charged with committing a criminal offense for which pretrial detention is both authorized and appropriate. ~~No later than September 1, 1993, the~~ The department shall report to the ~~Budget and Control Board~~ Department of Administration on the strategy of each county to comply with requirements of counties under this chapter. The department must include with its report a plan for the construction and the operation of those facilities which are projected to be necessary for the preadjudicatory detention of juveniles in this State. No later than September first of each ~~subsequent~~ year, the department shall report to the ~~board~~ Department of Administration on the status of all preadjudicatory juvenile detention facilities known to be operational or planned, regardless of ownership or management. ~~Beginning with the report to the board which is due no later than September 1, 1996, the~~ The department must include an annual status report on the numbers of juveniles in pretrial detention who are awaiting disposition in general sessions court, whether they have been waived by the family court or whether they qualify due to the offense with which they are charged. The ~~board~~ Department of Administration then will coordinate with all responsible and affected agencies and entities to ensure that adequate funding is identified to prevent the detention or incarceration of juveniles who are awaiting disposition by, or who are under the jurisdiction of, the family court in adult jails anywhere within the State of South Carolina and to prevent the detention of juveniles who are awaiting disposition by general sessions court in facilities which do not provide actual sight and sound separation from adults who are in detention or custody. Upon completion of each facility and upon the determination by the Jail and Prison Inspection Division of the Department of Corrections that each facility is staffed in accordance with relevant standards and can be operated in accordance with these standards, the division shall determine and announce the rated capacity of each facility. A facility operated by the Department of Juvenile Justice for the preadjudicatory detention of juveniles must be maintained and continued in operation for that purpose until approved for conversion or closure by the ~~Budget and Control Board~~ Department of Administration. However, a county or municipality which decides to maintain its own approved facilities or which has entered into a regional intergovernmental agreement, which has provided secure facilities for preadjudicatory juveniles, and which meets the standards set forth above, may continue to operate these facilities. County and regionally operated facilities are subject to inspection by the Jail and Prison Inspection Division of the Department of Corrections for compliance with the standards set forth above and those created pursuant to Section 24‑9‑20. The division has the same enforcement authority over county, municipal, and regionally operated secure juvenile detention facilities as that which is provided in Section 24‑9‑30. In Department of Juvenile Justice operated facilities, the department shall determine an amount of per diem for each child detained in a center, which must be paid by the governing body of the law enforcement agency having original jurisdiction where the offense occurred. The per diem paid by the governing body of the law enforcement agency having original jurisdiction where the offense occurred must be based on the average operating cost among all preadjudicatory state facilities. The Department of Juvenile Justice must assume one‑third of the per diem cost and the governing body of the law enforcement agency having original jurisdiction where the offense occurred must assume two‑thirds of the cost. Per diem funds received by the department must be placed in a separate account by the department for operation of all preadjudicatory state facilities. Transportation of the juvenile to and from a facility is the responsibility of the law enforcement agency having jurisdiction where the offense was committed. Transportation of juveniles between department facilities, if necessary, is the responsibility of the department;”

SECTION 6. 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 7. 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 8. 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 9. 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~~ Insurance Reserve Fund of the State Fiscal Accountability Authority or shall absorb the cost of accident repairs within the agency budget.”

SECTION 10. 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~~ Insurance Reserve Fund of the State Fiscal Accountability Authority.”

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

“Section 1‑11‑145. The ~~State Budget and Control Board~~ Insurance Reserve Fund of the 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 12. 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~~ Insurance Reserve Fund of the 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 13. 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 14. 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 15. 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 16. 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 17. 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 18. 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 19. 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~~ the Agency Head Salary Commission and the Department of Administration, 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 20. 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 21. 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 22. 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 23. 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~~ it is formally ~~certifies~~ certified pursuant to Section 11‑9‑890 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 24. 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 25. 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 26. 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 27. The third paragraph of Section 10‑1‑105 is amended to read:

“Unless otherwise 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 28. 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 29. 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 30. 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 31. 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, pursuant to Section 1‑11‑185(A) or as otherwise provided by law. 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 32. 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 33. Section 11‑9‑30 of the 1976 Code is amended to read:

“Section 11‑9‑30. The ~~Budget and Control Board~~ Executive Budget Office 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 34. 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 35. 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 36. 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 37. 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 38. 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 39. 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 40. 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 41. 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 11‑9‑890(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 42. 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 43. 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 44. 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 45. 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 46. 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 47. 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 48. 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 49. 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 50. 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 51. 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 52. 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 53. 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 54. 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 55. 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 56. 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 57. 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 58. 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 59. 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 60. 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 61. 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 62. 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 63. 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, subject to review by the Joint Bond Review Committee as required by law, 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~~ State Fiscal Accountability Authority 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~~ authority.”

SECTION 64. 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 65. 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 66. 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 67. 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 68. 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 69. 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 70. 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 71. 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 72. 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 73. 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 74. 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 75. 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 76. 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 77. 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. The cost of a headquarters facility must not exceed thirty million dollars unless a parking facility or garage is required.~~”

SECTION 78. 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 79. 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 80. Section 58‑9‑2550(1) of the 1976 Code is amended to read:

“Section 58‑9‑2550. 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~~ Department of Administration or the State Fiscal Accountability Authority, as appropriate, 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 81. 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 82. 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 83. 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 84. 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 85. 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 86. 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 87. 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 88. 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 89. 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 90. 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 91. 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 92. 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 93. Section 59‑7‑50 of the 1976 Code is amended to read:

“Section 59‑7‑50. The Commission shall have the power to accept contributions from all persons, firms, and corporations who may wish to contribute to the program~~, provided, that both the acceptance and use of any such contributions shall be subject to express approval by the State Budget and Control Board~~. The Commission may lease or sell the use of its facilities, equipment, programs, publications, and other related materials on ~~such~~ terms ~~as~~ that the Commission deems advantageous, and funds received ~~therefrom~~ shall be used for Commission purposes.”

SECTION 94. Article 11, Chapter 9, Title 11 of the 1976 Code, as added by Act 121 of 2014, is amended to read:

“Article 11

Revenue and Fiscal Affairs Office

Section 11‑9‑1110. (A) There is established the Revenue and Fiscal Affairs Office to be governed by ~~the three appointed members of the Board of Economic Advisors pursuant to Section 11‑9‑820. The office is comprised of the Board of Economic Advisors, Office of Research and Statistics, and the Office of State Budget~~ a board comprised of three members as provided in Section 11‑9‑1120. The functions of the office must be performed, exercised, and discharged under the supervision and direction of the board. The board may organize its staff as it considers appropriate to carry out the various duties, responsibilities, and authorities assigned to it and to its various divisions. The board may delegate to one or more officers, agents, or employees the powers and duties it determines are necessary for the effective and efficient operation of the office.

(B) The Department of Administration shall provide such administrative support to the Revenue and Fiscal Affairs Office or any of its divisions or components as they may request and require in the performance of their duties including, but not limited to, financial management, human resources management, information technology, procurement services, and logistical support.

Section 11‑9‑1120. (A) ~~The Board of Economic Advisors division of the office shall maintain the organizational and procedural framework under which it is operating, and exercise its powers, duties, and responsibilities, as of the effective date of this section.~~ The board of the Revenue and Fiscal Affairs Office shall be comprised of:

(1) one member, appointed by, and serving at the pleasure of the Governor, who shall serve as chairman;

(2) one member appointed by, and serving at the pleasure of the Chairman of the Senate Finance Committee;

(3) one member appointed by, and serving at the pleasure of the Chairman of the Ways and Means Committee of the House of Representatives;

(B) The board shall unanimously select an Executive Director of the Revenue and Fiscal Affairs Office who shall serve a four‑year term. The executive director only may be removed for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity as found by the board. The executive director shall have the authority and perform the duties prescribed by law and as may be directed by the board.

(C) The Chairman of the board shall report directly to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee to establish policy governing economic trend analysis. The Revenue and Fiscal Affairs Office shall provide for its staffing and administrative support from funds appropriated by the General Assembly.

(D) The Revenue and Fiscal Affairs Office shall assist the Governor, Chairman of the Senate Finance Committee, and Chairman of the Ways and Means Committee of the House of Representatives in providing an effective system for compiling and maintaining current and reliable economic data. The Revenue and Fiscal Affairs Office may establish an advisory board to assist in carrying out its duties and responsibilities. All state agencies, departments, institutions, and divisions shall provide the information and data the office requires. The Revenue and Fiscal Affairs Office is considered a public body for purposes of the Freedom of Information Act, pursuant to Section 30‑4‑20(a).

Section 11‑9‑1130. ~~(A)~~ ~~The Office of Research and Statistics must be comprised of an Economic Research division and an Office of Precinct Demographics division.~~

~~(B~~) ~~The Economic Research division shall maintain the organizational and procedural framework under which it is operating, and exercise its powers, duties, and responsibilities, as of the effective date of this section.~~

~~(C)~~ ~~The Office of Precinct Demographics shall:~~ The Revenue and Fiscal Affairs Office shall:

(1) review existing precinct boundaries and maps for accuracy and develop and rewrite descriptions of precincts for submission to the legislative process;

(2) consult with members of the General Assembly or their designees on matters related to precinct construction or discrepancies that may exist or occur in precinct boundary development in the counties they represent;

(3) develop a system for originating and maintaining precinct maps and related data for the State;

(4) represent the General Assembly at public meetings, meetings with members of the General Assembly, and meetings with other state, county, or local governmental entities on matters related to precincts;

(5) assist the appropriate county officials in the drawing of maps and writing of descriptions or precincts preliminary to these maps and descriptions being filed in this office for submission to the United States Department of Justice;

(6) coordinate with the Census Bureau in the use of precinct boundaries in constructing census boundaries and the identification of effective uses of precinct and census information for planning purposes; and

(7) serve as a focal point for verifying official precinct information for the counties of South Carolina.

Section 11‑9‑1140. ~~The Office of State Budget division of the office shall maintain the organizational and procedural framework under which it is operating, and exercise its powers, duties, and responsibilities, as of the effective date of this section.~~ The Revenue and Fiscal Affairs Office shall assist the General Assembly with the development of the annual general appropriations act.”

SECTION 95. Section 11‑9‑820 of the 1976 Code is amended to read:

“Section 11‑9‑820. (A)(1) There is created the Board of Economic Advisors, a division of the Revenue and Fiscal Affairs Office, as follows:

(a) one member, appointed by, and serving at the pleasure of the Governor, who shall serve as chairman and shall receive annual compensation of ten thousand dollars;

(b) one member appointed by, and serving at the pleasure of the Chairman of the Senate Finance Committee, who shall receive annual compensation of eight thousand dollars;

(c) one member appointed by, and serving at the pleasure of the Chairman of the Ways and Means Committee of the House of Representatives, who shall receive annual compensation of eight thousand dollars;

(d) the Director of the Department of Revenue, who shall serve ex officio, with no voting rights.

(2) ~~The board shall unanimously select an Executive Director of the Revenue and Fiscal Affairs Office who shall serve a four‑year term. The executive director only may be removed for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity as found by the board. The executive director shall have the authority and perform the duties prescribed by law and as may be directed by the board.~~ The members of the board identified in items (1)(a), (b), and (c) of this subsection shall be the same individuals appointed pursuant to Section 11‑9‑1120.

~~(B)~~ ~~The Chairman of the Board of Economic Advisors shall report directly to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee to establish policy governing economic trend analysis. The Board of Economic Advisors shall provide for its staffing and administrative support from funds appropriated by the General Assembly.~~

~~(C)~~ ~~The Executive Director of the Revenue and Fiscal Affairs Office shall assist the Governor, Chairman of the Board of Economic Advisors, Chairman of the Senate Finance Committee, and Chairman of the Ways and Means Committee of the House of Representatives in providing an effective system for compiling and maintaining current and reliable economic data. The Board of Economic Advisors may establish an advisory board to assist in carrying out its duties and responsibilities. All state agencies, departments, institutions, and divisions shall provide the information and data the advisory board requires. The Board of Economic Advisors is considered a public body for purposes of the Freedom of Information Act, pursuant to Section 30‑4‑20(a).~~

~~(D)~~(B) The Department of Commerce shall provide to the ~~Board of Economic Advisors~~ Revenue and Fiscal Affairs Office by November tenth the public document prepared pursuant to Section 12‑10‑100(C) itemizing each revitalization agreement concluded during the previous calendar year. The Department of Revenue shall provide to the ~~Board of Economic Advisors~~ Revenue and Fiscal Affairs Office by November tenth a report of the amount of each tax credit claimed in the previous tax year pursuant to Title 12. The report must list individually the amount claimed and the number of filings for each tax credit. The Department of Revenue also must provide to the ~~Board of Economic Advisors~~ Revenue and Fiscal Affairs Office by November tenth ~~magnetic tapes~~ data files containing data from all state individual and corporate income tax filings from the previous tax year, excluding confidential identifying information.”

SECTION 96. Sections 11‑9‑825 through 11‑9‑840 of the 1976 Code are amended to read:

“Section 11‑9‑825. The staff of the ~~Board of Economic Advisors~~ Revenue and Fiscal Affairs Office must be supplemented by the following officials who each shall designate one professional from their individual staffs to assist the ~~BEA~~ RFA staff on a regular basis: the Governor, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Finance Committee, and the State Department of Revenue director. The ~~BEA~~ RFA staff shall meet monthly with these designees in order to solicit their input on BEA forecasts and monthly revenue analysis.

Section 11‑9‑830. In order to provide a more effective system of providing advice to the Governor and the General Assembly on economic trends, the ~~Board of Economic Advisors~~ Revenue and Fiscal Affairs Office shall:

(1) compile and maintain in a unified, concise, and orderly form information about total revenues and expenditures which involve the funding of state government operations, revenues received by the State which comprise general revenue sources of all receipts to include amounts borrowed, federal grants, earnings, and the various activities accounted for in other funds;

(2) continuously review and evaluate total revenues and expenditures to determine the extent to which they meet fiscal plan forecasts/projections;

(3) evaluate federal revenues in terms of impact on state programs;

(4) compile economic, social, and demographic data for use in the publishing of economic scenarios for incorporation into the development of the state budget;

(5) bring to the attention of the Governor and the General Assembly the effectiveness, or lack thereof, of the economic trends and the impact on statewide policies and priorities;

(6) establish liaison with the Congressional Budget Office and the Office of Management and Budget at the national level.

Section 11‑9‑840. (A) In the organizational and procedural framework governing the formulation, evaluation, and continuing review of revenues and expenditures, any appropriate governmental entity identifying or requesting a change in the official revenue and expenditure forecast or projection, for a specified period of time, shall first notify the office of the Chairman of the Board of Economic Advisors who must bring it to the attention of the Governor before any independent adjustment in the appropriations or requests of the revenue or expenditures for a particular year. The Ways and Means Committee in the House of Representatives and the Senate Finance Committee must be the first to be notified subsequent to notifying the Governor and must be informed simultaneously.

(B) The ~~Board of Economic Advisors~~ Revenue and Fiscal Affairs Office shall meet on a quarterly basis and at the call of the Governor, the General Assembly, the Chairman of the Board, or at the request of any member of the board who believes a meeting is necessary due to existing financial circumstances.

(C) The ~~Board of Economic Advisors~~ Revenue and Fiscal Affairs Office is the official voice of the State in economic matters and shall speak as one voice through the guidance and direction of the chairman. Individual members shall not speak or report individually on findings and status of economic ~~developments~~ activity.”

SECTION 97. Section 11‑9‑880(A) of the 1976 Code is amended to read:

“Section 11‑9‑880. (A) The Board of Economic Advisors shall make an initial forecast of economic conditions in the State and state revenues for the next fiscal year no later than November ~~tenth~~ fifteenth of each year. Adjustments to the forecast must be considered on December ~~tenth~~ fifteenth and January ~~tenth~~ fifteenth. A final forecast for the next fiscal year must be made on February fifteenth. The February fifteenth forecast may be adjusted monthly if the board determines that changing economic conditions have affected the February fifteenth forecast. Before making or adjusting any forecast, the board must consult with outside economic experts with respect to national and South Carolina economic business conditions. All forecasts and adjusted forecasts must contain:

(1) a brief description of the econometric model and all assumptions and basic decisions underlying the forecasts;

(2) a projection of state revenues on a quarterly basis;

(3) separate discussions of any industry which employs more than twenty percent of the state’s total nonagricultural employment and separate projections for these industries.”

SECTION 98. Section 11‑9‑890 of the 1976 Code, as last amended by Act 121 of 2014, is amended to read:

“Section 11‑9‑890. ~~A.~~ (A) ~~Beginning August 15, 1986, the Board of Economic Advisors shall delineate the official fiscal year 1986‑87 revenue estimates by quarters.~~ In all ~~subsequent~~ revenue estimates made under the provisions of Section 11‑9‑880, the Board of Economic Advisors shall incorporate quarterly revenue estimates within the annual revenue estimate.

~~B.~~(B)(1) If at the end of the first, second, or third quarter of any fiscal year the Board of Economic Advisors reduces the revenue forecast for the fiscal year by three percent or less below the amount projected for the fiscal year in the forecast in effect at the time the general appropriations bill for the fiscal year is ratified, within three days of that determination, the Director of the Executive Budget Office must reduce general fund appropriations by the requisite amount in the manner prescribed by law. Upon making the reduction, the Director of the Executive Budget Office immediately must notify the State Treasurer and the Comptroller General of the reduction, and upon notification, the appropriations are considered reduced. No agencies, departments, institutions, activity, program, item, special appropriation, or allocation for which the General Assembly has provided funding in any part of this section may be discontinued, deleted, or deferred by the Director of the Executive Budget Office. A reduction of rate of expenditure by the Director of the Executive Budget Office, under authority of this section, must be applied as uniformly as shall be practicable, except that no reduction must be applied to funds encumbered by a written contract with the agency, department, or institution not connected with state government.

(2) If at the end of the first, second, or third quarter of any fiscal year the Board of Economic Advisors reduces the revenue forecast for the fiscal year by more than three percent below the amount projected for the fiscal year in the forecast in effect at the time the general appropriations bill for the fiscal year is ratified, the President Pro Tempore of the Senate and the Speaker of the House of Representatives may call each respective house into session to take action to avoid a year‑end deficit. If the General Assembly has not taken action within twenty days of the determination of the Board of Economic Advisors, the Director of the Executive Budget Office must reduce general fund appropriations by the requisite amount in the manner prescribed by law and in accordance with item (1).”

SECTION 99. A. Section 2‑7‑71 of the 1976 Code is amended to read:

“Section 2‑7‑71. When a bill relating to state taxes is reported out of a standing committee of the Senate or House of Representatives for consideration, there must be attached and printed as a part of the committee report a statement of the estimated revenue impact of the bill on the finances of the State certified by the ~~Board of Economic Advisors~~ Executive Director of the Revenue and Fiscal Affairs office, or his designee. As used in this section ‘statement of estimated revenue impact’ means the consensus of the persons executing the required statement as to the increase or decrease in the net tax revenue to the State if the bill concerned is enacted by the General Assembly. In preparing a statement, the ~~Board of Economic Advisors~~ Revenue and Fiscal Affairs Office may request technical advice of the Department of Revenue.”

B. Section 2‑7‑73(A) of the 1976 Code is amended to read:

“Section 2‑7‑73. (A) Any bill or resolution which would mandate a health coverage or offering of a health coverage by an insurance carrier, health care service contractor, or health maintenance organization as a component of individual or group policies, must have attached to it a statement of the financial impact of the coverage, according to the guidelines enumerated in subsection (B). This financial impact analysis must be conducted by the ~~Revenue and Fiscal Affairs Office~~ Department of Insurance and signed by an authorized agent of the Department of Insurance, or his designee. The statement required by this section must be delivered to the Senate or House committee to which any bill or resolution is referred, within thirty days of the written request of the chairman of such committee.”

C. Section 2‑7‑78 of the 1976 Code is amended to read:

“Section 2‑7‑78. This section applies to the annual appropriation recommendation of the Governor and to the report of the conference committee on the annual general appropriations bill. A provision offered for inclusion in the annual general appropriations bill by amendment or otherwise, by the Governor, or which increases or decreases the most recent official projection of general fund revenues of the Board of Economic Advisors must not be included in the bill or recommendation unless the revenue impact is certified by the ~~board~~ Executive Director of the Revenue and Fiscal Affairs Office, or his designee. Changes to the official general fund revenue estimate as a result of the provision may not exceed the amounts certified by the board. The requirements of this section are in addition to the other provisions of law regarding fiscal impact statements.”

SECTION 100. Section 4‑10‑790 of the 1976 Code is amended to read:

“Section 4‑10‑790. The ~~Revenue and Fiscal Affairs Office~~ Department of Revenue shall furnish data to the State Treasurer and to the applicable political subdivisions receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to political subdivisions upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12‑54‑240. A person violating this section is subject to the penalties provided in Section 12‑54‑240. The Revenue and Fiscal Affairs Office shall provide technical assistance to the applicable political subdivisions receiving revenues for the purpose of calculating distributions and estimating revenues.”

SECTION 101. Section 6‑1‑50 of the 1976 Code is amended to read:

“Section 6‑1‑50. Counties and municipalities receiving revenues from state aid, currently known as Aid to Subdivisions, shall submit annually to the Revenue and Fiscal Affairs Office a financial report detailing their sources of revenue, expenditures by category, indebtedness, and other information as the Revenue and Fiscal Affairs Office requires. The Revenue and Fiscal Affairs Office shall determine the content and format of the annual financial report. The financial report for the most recently completed fiscal year must be submitted to the Revenue and Fiscal Affairs Office by ~~January~~ March fifteenth of each year. If an entity fails to file the financial report by January fifteenth, then the chief administrative officer of the entity shall be notified in writing that the entity has thirty days to comply with the requirements of this section. The Director of the Revenue and Fiscal Affairs Office may, for good cause, grant a local entity an extension of time to file the annual financial report. Notification by the Director of the Revenue and Fiscal Affairs Office to the ~~Comptroller General~~ State Treasurer that an entity has failed to file the annual financial report thirty days after written notification to the chief administrative officer of the entity must result in the withholding of ten percent of subsequent payments of state aid to the entity until the report is filed. The Revenue and Fiscal Affairs Office is responsible for collecting, maintaining, and compiling the financial data provided by counties and municipalities in the annual financial report required by this section.”

SECTION 102. Section 23‑47‑65(A)(1) of the 1976 Code is amended to read:

“Section 23‑47‑65. (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~~ an individual with technical or operational knowledge of E‑911 systems who is appointed by the Executive Director of the Fiscal Affairs Office; the Executive Director of the Revenue and Fiscal Affairs Office or his designee; 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 103. A. Section 44‑6‑170(A) and (B) of the 1976 Code is amended to read:

“Section 44‑6‑170. (A) As used in this section:

(1) ‘Office’ means the ~~Office of Research and Statistics of the~~ Revenue and Fiscal Affairs Office.

(2) ‘Council’ means the Data Oversight Council.

(3) ‘Committee’ means the Joint Legislative Health Care Planning and Oversight Committee.

(B) There is established the Data Oversight Council comprised of:

(1) one hospital administrator;

(2) the chief executive officer or designee of the South Carolina Hospital Association;

(3) one physician;

(4) the chief executive officer or designee of the South Carolina Medical Association;

(5) one representative of major third party health care payers;

(6) one representative of the managed health care industry;

(7) one nursing home administrator;

(8) three representatives of nonhealth care‑related businesses;

(9) one representative of a nonhealth care‑related business of less than one hundred employees;

(10) the executive vice president or designee of the South Carolina Chamber of Commerce;

(11) a member of the Governor’s office staff;

~~(12)~~ ~~a representative from the Human Services Coordinating Council;~~

~~(13)~~(12) the director or his designee of the South Carolina Department of Health and Environmental Control;

~~(14)~~(13) the executive director or his designee of the State Department of Health and Human Services~~;~~

~~(15)~~ ~~the chairman or his designee of the State Health Planning Committee created pursuant to Section 44‑7‑180~~.

The members enumerated in items (1) through (10) must be appointed by the Governor for three‑year terms and until their successors are appointed and qualify; the remaining members serve ex officio. The Governor shall appoint one of the members to serve as chairman. The office shall provide staff assistance to the council.”

B. Section 44‑6‑170(H) of the 1976 Code is amended to read:

“(H) If a provider fails to submit the health care data as required by this section or Section 44‑6‑175 or regulations promulgated pursuant to those sections, the ~~Office of Research and Statistics~~ office may assess a civil fine of up to five thousand dollars for each violation, but the total fine may not exceed ten thousand dollars.”

SECTION 104. The Code Commissioner is directed to change or correct all similar references in the 1976 Code to the “Office of Research and Statistics of the Revenue and Fiscal Affairs Office” to “the Revenue and Fiscal Affairs Office”.

SECTION 105. Sections 1‑11‑22, 48‑22‑20, and 59‑150‑355 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(H), 9‑16‑315(G), 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, 59‑59‑250, 59‑111‑30, 59‑130‑35, 59‑136‑500, 59‑136‑505(C) 1‑11‑360, and 2‑7‑62 of the 1976 Code are repealed.

SECTION 106. 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 107. 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 108. 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 109. 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 110. This act takes effect July 1, 2015.

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