**A** **BILL**

TO AMEND THE FIRST UNDESIGNATED PARAGRAPH IN SECTION 11-35-5270, RELATING TO THE DIVISION OF SMALL AND MINORITY BUSINESS CONTRACTING AND CERTIFICATION, TO PROVIDE THAT THE DIVISION OF SMALL AND MINORITY BUSINESS CONTRACTING AND CERTIFICATION MUST BE ESTABLISHED WITHIN THE STATE FISCAL ACCOUNTABILITY AUTHORITY; AND TO AMEND SECTION 1-11-10(A), RELATING TO THE COMPOSITION OF THE DEPARTMENT OF ADMINISTRATION, TO CONFORM TO THE TRANSFER OF THE DIVISION OF SMALL AND MINORITY BUSINESS CONTRACTING AND CERTIFICATION TO THE STATE FISCAL ACCOUNTABILITY AUTHORITY.

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

SECTION 1. The first undesignated paragraph in Section 11-35-5270 of the 1976 Code is amended to read:

“Section 11-35-5270. The Division of Small and Minority Business Contracting and Certification must be established within the ~~Department of Administration~~ State Fiscal Accountability Authority to assist the ~~Department of Administration~~ authority and the Department of Revenue in carrying out the intent of this article. The responsibilities of the division include, but are not limited to, the following:”

SECTION 2. Section 1-11-10(A) is amended by deleting item (13).

SECTION 3. A. Where the provisions of this act transfer duties, programs, or services of the Department of Administration to the State Fiscal Accountability Authority, the employees, authorized appropriations, and assets and liabilities of these divisions, services, and programs also are transferred to and become part of the State Fiscal Accountability Authority. All classified or unclassified personnel employed by the divisions, programs, services, or initiatives transferred from the Department of Administration, either by contract or by employment at will, become on July 1, 2018 employees of the State Fiscal Accountability Authority with the same compensation, classification, and grade level, as applicable. Before the transfer of the applicable divisions, programs, services, or initiatives of the Department of Administration pursuant to this act, these agencies and organizations shall cause all necessary actions to be taken to accomplish this transfer in accordance with state and federal laws and regulations.

B. Applicable regulations promulgated by the Department of Administration are continued and are considered to be promulgated by the State Fiscal Accountability Authority. Applicable contracts entered into by the Department of Administration are continued and are considered to be devolved upon the State Fiscal Accountability Authority at the time of the transfer.

SECTION 4. The repeal or amendment by this act of any law, whether temporary, permanent, 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 5. 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 6. This act takes effect July 1, 2018.

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