South Carolina General Assembly
123rd Session, 2019-2020

Download This Bill in Microsoft Word format

A142, R148, H5202

STATUS INFORMATION

Joint Resolution
Sponsors: Ways and Means Committee
Document Path: l:\council\bills\nbd\11359dg20.docx

Introduced in the House on March 3, 2020
Introduced in the Senate on March 11, 2020
Last Amended on June 23, 2020
Passed by the General Assembly on June 24, 2020
Governor's Action: June 25, 2020, Signed

Summary: CARES appropriations

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
3/3/2020	House	Introduced, read first time, placed on calendar without reference (House Journal-page 47)
3/5/2020	House	Special order, set for following second reading of H. 5201
3/10/2020	House	Amended
3/10/2020	House	Read second time
3/10/2020	House	Roll call Yeas-113 Nays-0
3/11/2020	House	Read third time and sent to Senate (House Journal-page 50)
3/11/2020		Scrivener's error corrected
3/11/2020	Senate	Introduced and read first time (Senate Journal-page 5)
3/11/2020	Senate	Referred to Committee on **Finance** (Senate Journal-page 5)
6/23/2020	Senate	Committee report: Favorable with amendment **Finance** (Senate Journal-page 11)
6/23/2020	Senate	Committee Amendment Adopted (Senate Journal-page 12)
6/23/2020	Senate	Amended (Senate Journal-page 11)
6/23/2020	Senate	Read second time (Senate Journal-page 12)
6/23/2020	Senate	Roll call Ayes-43 Nays-0 (Senate Journal-page 12)
6/23/2020	Senate	Unanimous consent for third reading on next legislative day (Senate Journal-page 12)
6/24/2020		Scrivener's error corrected
6/24/2020	Senate	Read third time and returned to House with amendments (Senate Journal-page 4)
6/24/2020	House	Concurred in Senate amendment and enrolled (House Journal-page 43)
6/24/2020	House	Roll call Yeas-109 Nays-2 (House Journal-page 52)
6/25/2020		Ratified R 148
6/25/2020		Signed By Governor

6/26/2020 Effective date 06/25/2020
6/26/2020 Act No. 142

View the latest legislative information at the website

VERSIONS OF THIS BILL

3/3/2020
3/10/2020
3/11/2020
6/23/2020
6/24/2020

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(A142, R148, H5202)

A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

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

PART I

Expenditure Authorizations and Reimbursement

SECTION 1. The source of revenue authorized for expenditure in SECTION 3 is the federal funds disbursed to the State pursuant to the federal "Coronavirus Aid, Relief, and Economic Security Act" (hereinafter referred to as the CARES Act) currently on deposit in the Coronavirus Relief Fund established and maintained by the Executive Budget Office pursuant to Act 135 of 2020.

SECTION 2. (A) The expenditure authorizations contained in this act are for the maximum amounts that may be reimbursed by the Executive Budget Office from the Coronavirus Relief Fund. State agencies, institutions of higher learning, including technical colleges, counties, municipalities, special purpose districts, and hospitals shall maximize the use of federal funds made available in this act wherever possible within the allowable uses. If any reimbursement to any recipient, or subrecipient, resulting from an authorization contained herein is disallowed by federal law, then the recipient or subrecipient shall promptly return the funds disbursed to the Executive Budget Office for deposit in the Coronavirus Relief Fund.

(B) To maximize the benefit of all funds received by the State, all state agencies, institutions of higher learning, including technical colleges, counties, municipalities, special purpose districts, and hospitals, are directed to coordinate expenditure reimbursements through, and in consultation with, the Department of Administration and the grant manager. State agencies and institutions of higher learning, including technical colleges, shall submit to the Executive Budget Office a detailed budget plan for any funding received that is related to COVID-19, regardless of the source. Counties, municipalities, special purpose districts, and

hospitals shall submit to the Executive Budget Office information sufficient to identify other COVID-19-related funding that they are receiving, regardless of the source, and provide a detailed accounting of how the funding is being used.

SECTION 3. State agencies are authorized to expend federal funds in the Coronavirus Relief Fund if the expenditure is in compliance with the CARES Act. The Executive Budget Office is authorized to reimburse from the Coronavirus Relief Fund, up to the amounts listed below in each category, expenditures compliant with the CARES Act by the following sectors: state agencies, institutions of higher learning, counties, municipalities, special purpose districts, and public and private hospitals.

(A) Department of Employment and Workforce Unemployment Trust Fund.....$500,000,000

(B) State Department of Education Academic Recovery Camps, Five Days of Academic Instruction and Food Services.....$222,700,000

(C) Department of Administration State and Local Government Expenditures.....$270,000,000

(D) Department of Health and Environmental Control Statewide Testing and Monitoring.....$ 42,437,873

(E) Adjutant General - Emergency Management Division Personal Protective Equipment Stockpile and Supply Chain.....$ 16,804,115

(F) Department of Administration - Executive Budget Office Hospital Relief Fund.....$125,000,000

(G) Office of Regulatory Staff Broadband Mapping and Planning, Infrastructure and Mobile Hotspots.....$ 50,000,000

(H) Department of Administration - Executive Budget Office Grant Management Oversight and Compliance.....$ 10,000,000

Part II

Directives to Receiving Entities

SECTION 4. (A) The Department of Employment and Workforce shall develop a methodology, in coordination with the Department of Administration and the grant manager procured through SECTION 12 of this act and Part II, Section 2 of Act 135 of 2020, to determine the amount of benefits paid from the Department of Employment and Workforce's Unemployment Trust Fund resulting from unemployment attributable to COVID-19. Once calculated, the Department of Administration shall reimburse the Unemployment Trust Fund in a cumulative amount not to exceed $500,000,000.

(B) The Department of Employment and Workforce shall provide a weekly report for the duration of the CARES Act to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House of Representatives Ways and

Means Committee. The report shall include the Unemployment Trust Fund balance, the number of covered workers receiving benefits, new covered workers receiving benefits, and any other measurements the Department of Employment and Workforce selects.

SECTION 5. (A) The Department of Education is authorized to reimburse public school districts up to $12,000,000 for the additional cost of cafeteria workers' salaries and the cost of meals to students that are not reimbursed by the United States Department of Agriculture.

(B) The Department of Education is authorized to reimburse public school districts up to $210,700,000 for the cost of providing unbudgeted instructional support beyond the number of days and hours required by state law. The additional support is to focus on face-to-face instruction for (1) any at-risk students in kindergarten through third grade residing in the school district for Academic Recovery Camps in reading and mathematics during the summer and (2) students in 4K through eighth grade for five additional instructional days at the start of the school year.

(C) School districts utilizing Academic Recovery Camps will assess students at the beginning and end of the camp. The results of the pre- and post-assessments must be submitted to the Department of Education which, in turn, must provide the information to the Education Oversight Committee for evaluation of the impact the recovery camps had on student learning and the impact of the interventions on student learning.

(D) School districts are required to utilize the additional instructional days and to assess each student enrolled in 4K through eighth grade in reading and mathematics. The assessment shall utilize a pre- and post-formative assessment from the state-approved list.

(E) All students will be assessed during the first two weeks of school to identify students needing additional support and the support to be provided. All students will be assessed again prior to the end of the 2020 Calendar Year to measure the impact of the intervention provided. The results of the pre- and post-assessments must be submitted to the Department of Education which, in turn, must provide the information to the Education Oversight Committee for evaluation of the pandemic's impact on student learning and the impact of the interventions on student learning.

(F) Each district is required to identify the strategies used and document the services received by each student. Districts must report the expenditure of funds to the Department of Education pursuant to a uniform reporting mechanism developed by the department.

(G) To help recoup extensive instruction time lost when our public schools closed in Spring 2020 due to the COVID-19 pandemic:

(1) the State Department of Education shall seek a waiver from all federal accountability-related testing requirements and concomitant accountability, school identification, and reporting requirements for the 2020-2021 School Year; and

(2) all state-mandated public school accountability testing requirements and concomitant requirements are suspended for the 2020-2021 School Year unless prohibited by federal law.

SECTION 6. (A) State agencies, institutions of higher learning, counties, municipalities, and special purpose districts are authorized to apply for reimbursement of expenditures incurred March 1, 2020, through June 30, 2020, that were necessary for the response to the COVID-19 public health emergency.

(B) The Executive Budget Office, in consultation with the grant manager procured through SECTION 11 of this act and Part II, Section 2 of Act 135 of 2020, will develop an application process for reimbursement of eligible expenditures. All entities applying for reimbursement must include an attestation that the expenditures are not eligible for reimbursement from any other funding source. Expenditures approved for reimbursement must comply with all federal requirements and are subject to immediate repayment by the recipient or subrecipient if disallowed.

(C) If the Executive Budget Office determines the amount of eligible expenditures through June 30, 2020, exceeds the authorization in SECTION 3(C), the Executive Budget Office, with notification to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House of Representatives Ways and Means Committee, may increase the authorization to a total of $320,000,000.

SECTION 7. (A) Funds authorized in SECTION 3(D) are to be used for the necessary expenses of the Statewide Testing Plan for COVID-19 developed and implemented by the Medical University of South Carolina, the Department of Health and Environmental Control, and the South Carolina Hospital Association. Funds also shall be used for the support of the statewide nursing home and congregate living facilities testing program.

(B) Funds authorized in SECTION 3(D) may be utilized to support the monitoring of positive COVID-19 cases, which may include contact tracing. However, participation by individuals in the contact-tracing program shall be solely on a voluntary basis. The Department of Health and Environmental Control and any individual conducting contact-tracing collection are prohibited from using any applications created for such purpose on a cellular device. Any contact-tracing technologies utilized for data collection must be restricted for the collection of public health information only and must be carried and maintained in a decentralized manner. Access to any information collected will be used for public health information purposes only and will comply with all confidentiality requirements contained in the Health Insurance Portability and Accountability Act. Contact tracers must be properly trained and certified by the Department of Health and Environmental Control. The department shall conduct a public awareness campaign to explain the use of contact tracing and that individuals may decline to participate.

SECTION 8. (A) The Emergency Management Division, in consultation with the Department of Administration and the State Fiscal Accountability Authority, shall procure and maintain a statewide, twenty-eight day supply of personal protective equipment. The State Fiscal Accountability Authority is authorized to include a resident vendor preference for the procurement of personal protective equipment, if allowable under the CARES Act.

(B) The statewide stockpile is intended for use by state and local governments, law enforcement, first responders, hospitals, and other medical providers.

(C) The Emergency Management Division is directed to procure a vendor for the development of a supply chain plan and long-term strategy for acquiring personal protective equipment.

SECTION 9. The Executive Budget Office is authorized to establish a Hospital Relief Fund of up to $125,000,000.

(1) Hospitals that are not eligible for the employee retention credit provided for in the CARES Act may submit an application to the Executive Budget Office for reimbursement of expenditures incurred through

June 30, 2020, for the implementation of an employee retention plan due to the COVID-19 public health emergency, subject to the limits of the CARES Act Employee Retention Credit.

(2) Funds remaining after reimbursements provided in item (1) shall be allocated to hospitals based on the pro-rata percentage of the annual hospital tax assessment pursuant to Section 12-23-810 for the fiscal year ending June 30, 2020. The amount allocated is the maximum amount available per hospital for reimbursement of expenditures incurred due to the COVID-19 public health emergency.

(3) Applications for reimbursement shall be submitted to the Executive Budget Office for review in consultation with the grant manager to determine expenditures that are compliant with all federal requirements.

(4) Each hospital submitting an application for reimbursement from the Cornavirus Relief Fund must include an attestation that the expenditures are not eligible for reimbursement from any other funding source.

SECTION 10. (A) The Office of Regulatory Staff is directed to secure a vendor for the development of a broadband statewide county-by-county mapping plan and to secure a vendor for the development of a statewide broadband infrastructure plan. The infrastructure plan shall identify and prioritize communities in the State where access to broadband has impeded the delivery of distance learning, telework, and telehealth for the most vulnerable population of South Carolinians impacted by COVID-19. The plan must identify the role that public and private broadband operators can play in addressing the state's broadband plans.

(B)(1) The Office of Regulatory Staff, in consultation with the State Department of Education and the Commission on Higher Education, shall procure mobile hotspots and monthly service through December 2020 for distribution to a minimum of one hundred thousand households. Eligibility shall be limited to households with an annual income of two hundred fifty percent or less of federal poverty guidelines that also have an individual attending a public or private K-12 school or a public or private college, university, or technical college. School districts, private schools, and institutions of higher learning will be responsible for distributing the hotspots and ensuring that appropriate security measures are installed on each hotspot. Priority should be given to households in counties that contain a school district that has been defined by the Department of Education as having a poverty rate greater than or equal to eighty-six percent.

(2) Expansion of broadband infrastructure shall emphasize services to rural communities and communities with a high prevalence of COVID-19 or with demographic characteristics consistent with risk factors for COVID-19. Reimbursable expenditures for infrastructure expansion must be necessary for the COVID-19 public health emergency and must increase capacity for distance learning, telework, or telehealth. Entities seeking reimbursement of broadband infrastructure expenditures shall submit an application for reimbursement to the Executive Budget Office.

(C) It is vital to the state's interest that contracts be awarded for the mapping and infrastructure plans and mobile hotspots in the most expeditious manner possible. Accordingly, this procurement should be done pursuant to the provisions of Section 11-35-1570 of the 1976 Code. The Executive Director of the Office of Regulatory Staff shall coordinate the process used to procure the mapping and infrastructure services and mobile hotspots needed and shall be responsible for the development of specifications to be included in any contract awarded. The State Fiscal Accountability Authority shall serve as the procuring officer for the procurement process and is responsible for administrative duties related to the process and the contract awarded. The State Fiscal Accountability Authority shall assign such personnel as necessary to assist the Office of Regulatory Staff in carrying out its duties under this act.

SECTION 11. As directed in Act 135 of 2020, Part II, Section 2, the Department of Administration shall procure professional grant management services for oversight and compliance of funds received through the CARES Act and any other available source of federal COVID-19 relief funds. An amount up to $10,000,000 contained in this SECTION 3(H) is authorized to enable the Department of Administration to fulfill this requirement.

Part III

Miscellaneous Matters

SECTION 12. Reimbursements authorized pursuant to this act may be applied to qualifying expenditures incurred between March 1, 2020, and December 30, 2020, except as provided in SECTION 6 and SECTION 9(1).

SECTION 13. The Executive Budget Office shall report on the first of each month the reimbursements made during the previous month together with the aggregate totals, by category, of reimbursements made to date. The report shall include the amount of funds reimbursed to each recipient, the nature of the expenditure that qualified for reimbursement, and the total amount remaining for reimbursement, in the aggregate and by category. The report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Ways and Means Committee, and published on the Executive Budget Office's website.

SECTION 14. This act takes effect upon approval of the Governor.

Ratified the 25th day of June, 2020.

Approved the 25th day of June, 2020.

This web page was last updated on July 2, 2020 at 10:29 AM