

**SUMMARY OF
PROVISO CHANGES
FOR FY 2013-14
AS RECOMMENDED BY
THE HOUSE WAYS AND
MEANS COMMITTEE**

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SECTION 1 - H63-DEPARTMENT OF EDUCATION

- 1.3 AMEND (EFA Formula/Base Student Cost Inflation Factor)** States the General Assembly's intent to fully implement the EFA including an inflation factor to match the inflation wages of public school employees in the southeast; states that for FY 12-13, the base student cost has been determined to be \$2,012; that the per pupil count is projected to be 693,431 and projects the average per pupil funding. Provides for the distribution of funds to the SC Public Charter School District. Requires the B&C Board, Office of Research and Statistics to post each school district's projections, including per pupil state, federal, and local revenues, excluding local bond issues in a prominent place on their website and as soon as the exact pupil count and ADM is available for each school district to also post those numbers. Requires the department and the EOC provide links to this information on their websites.
WMC: AMEND proviso to update the projections for FY 13-14 as follows: base student cost \$2,101; total pupil count, 698,924; average per pupil funding, \$5,147; state, \$1,185 federal; and local, \$4,855; for an average total funding level of \$11,187, excluding local bond issues. Change "Office of Research and Statistics" to "Research and Statistics Division."
- 1.50 DELETE (Charter School Funding Schedule)** Establishes a funding schedule for the distribution of funds to public charter schools.
WMC: DELETE proviso. *Codified in 59-40-140(A).* Requested by Department of Education.
- 1.60 AMEND (Governor's Schools Capacity)** Directs the Governor's Schools for the Arts and Humanities and for Science and Mathematics to use their FY 12-13 funds to bring the schools up to full capacity, to the extent possible and to report by December 1st on how the funds have been used and how many additional students have been served.
WMC: AMEND proviso to update fiscal year reference to "2013-14."
- 1.62 AMEND (One Year Suspension of Programs)** Suspends the SAT/ACT Improvement program for Fiscal Year 2012-13 and directs that the funds be allocated to districts based on weighted pupil units.
WMC: AMEND proviso to update fiscal year reference to "2013-14." Requested by Department of Education.
- 1.64 AMEND (Impute Index Value)** Provides for the Index of Taxpaying Ability to be used in the calculation of EFA disbursements to school districts.
WMC: AMEND proviso to update fiscal year reference to "2013-14." Requested by Department of Education.
- 1.70 AMEND (EFA-IDEA Contingency Reserve)** Provides for the expenditure of up to \$36,202,909 of EFA-IDEA Contingency Reserve funds to supplement a loss of federal funding from the Individuals with Disabilities Education Act (IDEA) expected on October 1, 2012. Directs that if any of these funds are not needed for this purpose, they shall be distributed to school districts and special schools based on the EFA formula which would result in a maximum BSC increase of approximately \$58 or a total maximum BSC of \$2,070.
WMC: AMEND proviso to update calendar year reference to "2013" and delete reference to maximum base student cost. Requested by Department of Education.

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- 1.71 DELETE** (Lee County Bus Shop) Requires the department fund the Lee County and Kershaw County School District Bus Shops at the same level of funding as they were provided in the prior fiscal year.
WMC: DELETE proviso. *SDE states the return on investment to maintain the Lee County facility is non-existent and the buses should be transferred to other facilities.* Fiscal Impact: OSB states the agency indicates a general fund recurring savings of \$29,048 with additional savings yielded if the property was sold. Requested by Department of Education.
- 1.72 AMEND** (School Enrollment Policy) Requires school districts with an open enrollment policy that had previously accepted students to an academic magnet school to continue to accept these students and their siblings for enrollment under the same terms and conditions.
WMC: AMEND proviso to update fiscal year reference to "2013-14."
- 1.73 ADD** (District Funding Flexibility) **WMC:** ADD new proviso to require districts to use funding flexibility to ensure that every school has district approved safety precautions in place.

SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA

- 1A.2 AMEND** (Services for Students with Disabilities) Directs the expenditure of funds appropriated for Services for Students with Disabilities.
WMC: AMEND proviso to change "trainable pupils with intellectual disabilities and pupils with profound intellectual disabilities" to "pupils with moderate to severe intellectual disabilities." *Conform reference to current federal and state laws, statutes and regs.* Requested by Department of Education.
- 1A.8 DELETE** (Evaluation/EIA Programs) Provides for the use of EIA Implementation, Other Operating Expenses: 50% to be used by the department to support contracted program evaluations; no less than 25% to be used to support continuation of program and policy evaluations and studies to support the Middle Grades Project; and 25% provided to the SC Educational Policy Center for collaborative projects with the department and EOC.
WMC: DELETE proviso. Requested by Education Oversight Committee.
- 1A.9 AMEND** (CHE/Teacher Recruitment) Provides for the distribution of Teacher Recruitment Program funds.
WMC: AMEND proviso to specify that "at least" 75% of the 92% distributed to CERRA-SC must be used for the Teaching Fellows Program to provide scholarships for future teachers. Delete the directive that the current year administrative base reduction may be applied proportionately between CERRA and SC State but not to Teaching Fellows Scholarships. Direct CERRA to establish, appoint, and maintain the South Carolina Teacher Loan Advisory Committee which shall be composed of 9 members from various agencies, entities, school districts, and higher education institutions. Require members that represent higher education institutions serve a 2-year term and rotate among the institutions. Require initial committee appointments be made by July 1, 2013, with the CERRA member of the committee calling the first meeting for election of a chairperson and vice-chairperson. Require CERRA to staff the committee which must meet at least twice a year. Limit the committee's responsibilities to (1) establishing goals for the Teacher Loan Program; (2) facilitating communication among the cooperating agencies; (3) advocating for program participants; and (4) recommending policies

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and procedures necessary to promote and maintain the program. Fiscal Impact: CERRA will manage the committee with existing resources. Requested by Education Oversight Committee.

- 1A.14 AMEND (EOC)** Authorizes the EOC to collect and retain fees provided by certain services and activities and provides carry forward for this revenue. Permits EOC to utilize funding for programs promoting the teaching of economic education in SC.
WMC: AMEND proviso to delete the authorization for EOC to use funds for programs that promote teaching economic education. *Funding will be placed on a special EIA line item.* Requested by Education Oversight Committee.
- 1A.27 AMEND (Artistically and Academically High-Achieving Students)** Provides for the allocation to districts of EIA funds appropriated for high achieving students.
WMC: AMEND proviso to also allow funds to be used for "certification" activities. Specify that "Districts" shall set-aside 12% of the funds for serving grades 3-12. Delete the suspension on teacher certification endorsement criteria. *Originally suspended because the department did not offer professional development opportunities for these teachers, however it does now. Also conforms to State Board Regulation 43-258.* Requested by Department of Education.
- 1A.30 AMEND (Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams)** Directs \$2,455,000 of assessment appropriations be used for eligibility determination assessments and for the costs of AP and IB exams.
WMC: AMEND proviso to change "\$2,455,000" to "\$4,600,000." *Increased authorization is needed due to the increased cost of exams.* Fiscal Impact: No additional funds are requested. Agency indicates this increases an authorization level related to an existing appropriation line item. Requested by Department of Education and Education Oversight Committee.
- 1A.33 AMEND (Incentive for National Board Certification After 6/30/10)** Provides for the National Board Certification Incentive for teachers certified by the National Board or who completed the application process on or after July 1, 2010.
WMC: AMEND proviso to suspend the salary supplement for new applicants for FY 13-14 and require the department submit a report on the long term costs of the program to the Senate Finance and House Ways and Means Committees by November 1, 2013. Direct that school districts are not prohibited from offering National Board certified teachers a local salary supplement nor are teachers or teacher specialists prohibited from seeking National Board certification. Requested by Department of Education.
- 1A.36 AMEND (Carry Forward)** Requires that EIA funds carried forward from the prior fiscal year and FY 12-13 that are not otherwise dedicated, be used to provide \$200,000 to each school designated as a Palmetto Priority School in the prior year which did not receive EIA technical assistance funds. Directs that the funds are to be used to improve teacher recruitment and retention, to reduce the dropout rate, to improve reading literacy, or to train teachers to teach children of poverty. Directs that if there are not enough funds to provide \$200,000 to each school, the funds must be reduced on a pro-rata basis. Directs any remaining balance be directed to school bus fuel costs.
WMC: AMEND proviso to update fiscal year reference to "2013-14." Require \$1,000,000 be provided to the EOC by July 31, 2013, for an innovative reading partnership with Clemson University. Direct that any remaining balance also be spent for Instructional Materials. Delete extra reference to carry forward authority.

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- 1A.38 AMEND (IDEA Maintenance of Effort)** Directs that up to \$30,494,337 of Aid to Districts funds be used to meet the estimated maintenance of effort for IDEA. Directs that funds provided for IDEA's maintenance of effort may not be transferred for any other purpose and are not subject to flexibility. Requires the department submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor by December, 2012. Directs the department to transfer \$350,000 to the S.C. Autism Society for the Autism Parent-School Partnership Program.
WMC: AMEND proviso to update fiscal year reference to "2013-14" and calendar year reference to "2013."
- 1A.43 AMEND (Teacher Salaries/SE Average)** States the projected Southeastern average teacher salary and increases the FY 2008-09 statewide salary schedule by 2%. Requires a local district board of trustees to provide a step increase for all eligible certified teachers, but provides for a waiver if providing the increase would result in the school district incurring a deficit.
WMC: AMEND proviso to change the projected SE average teacher salary from "\$49,319" to "\$48,858." Delete the directive to increase the 2008-09 statewide salary schedule by 2% and instead direct the department to continue to use the FY 2012-13 schedule in FY 13-14. Delete the requirement that a local school district board of trustees must provide a 2% salary increase. Delete the authority for the State Board of Education to grant a waiver to a local school district from having to provide the required additional step increase. Requested by Department of Education.
- 1A.50 AMEND (National Board Certification Incentive)** Provides guidelines for the National Board Certification Incentive for public school classroom teachers.
WMC: AMEND proviso to suspend the salary supplement for new applicants for FY 13-14 and require the department submit a report on the long term costs of the program to the Senate Finance and House Ways and Means Committees by November 1, 2013. Direct that school districts are not prohibited from offering National Board certified teachers a local salary supplement nor are teachers or teacher specialists prohibited from seeking National Board certification. Requested by Department of Education.
- 1A.52 ADD (Educational Partnerships) WMC:** ADD new proviso to direct that funds provided to the Center for Educational Partnerships at USC's College of Education be used to create a consortium of educational initiatives and services to schools and communities. Direct that the initiatives include, but not be limited to, professional development in writing, geography and other content areas; training; research; advocacy; and practical consultancy. Direct the Center to establish collaborative educational enterprises with schools, school districts, parents, communities, and businesses while fulfilling School Improvement Council Assistance responsibilities. Requested by Education Oversight Committee.
- 1A.53 ADD (STEM Centers SC) WMC:** ADD new proviso to direct that all EIA funded entities that provide professional development and science programming to teachers and students should be included in the state's science, technology, engineering and mathematics education strategic plan. *Effectiveness could be maximized though greater coordination of resources and accountability.* Requested by Education Oversight Committee.
- 1A.54 ADD (Technology Academy Pilot) WMC:** ADD new proviso to direct the department to use available assessment funds to enter into an agreement with Microsoft to pilot the Microsoft

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Technology Academy and to report to specific committees of the General Assembly by February 1, 2014 on the number of high schools that participated in the pilot along with the number of students who earned the Microsoft Office Specialists certification. Fiscal Impact: OSB states that the department indicates the cost to fund this pilot program is \$330,000, with funding coming from available EIA Assessment/Testing funding.

- 1A.55 ADD (EOC Partnerships for Innovation) WMC:** ADD new proviso to direct the EOC to participate in public-private partnerships to promote innovative ways to transform assessing public education that supports increased student achievement in reading and college and career readiness. Authorize the EOC to provide financial support to districts and public-private partnerships for planning and support to implement, sustain, and evaluate the innovation and to develop a matrix and measurements of success based on evidence-based models. Direct the committee to work to expand the engagement of stakeholders and report to the General Assembly annual on measurement results.
- 1A.56 ADD (CHE/CERRA) WMC:** ADD new proviso to require CERRA to review the list of schools that are currently eligible to receive Teaching Fellows Program scholarships to ensure they still meet CERRA criteria and to add any public institution that currently meets the criteria to they can admit students who receive a Teaching Fellows scholarship.
- 1A.57 ADD (Aid to Districts Draw Down) WMC:** ADD new proviso to require school districts, in order to draw down funds appropriated in XII.A.1. Aid to Districts, to work with local, and if necessary state, law enforcement agencies to ensure that they have an updated school safety plan. Require the plan include classroom safety directives, a safe student and staff exit strategy, and necessary safety staff. Require districts to submit updated plans to the department by September 1, 2013 and require the department report to the Chairmen of specific committees by September 30, 2013, on any districts that did not submit an updated plan.
- 1A.58 ADD (CERRA/Teaching Fellows) WMC:** ADD new proviso to direct that the additional funds provided to CERRA must only be used to support the Teaching Fellows and Teacher Cadet program.

SECTION 3 - H66-LOTTERY EXPENDITURE ACCOUNT

- 3.4 DELETE (FY 12-13 Lottery Funding)** Directs expenditure of lottery funds for Fiscal Year 2012-13.
WMC: DELETE proviso.
- 3.5 ADD (FY 2013-14 Lottery Funding) WMC:** ADD new proviso to direct expenditure of lottery funds certified by the BEA for FY 13-14, as follows: \$42,900,000 to CHE and State Board for Tec and Comp Ed for Tuition Assistance; \$109,341,120 to CHE for LIFE Scholarships; \$7,779,856 to CHE for HOPE Scholarships; \$30,777,240 to CHE for Palmetto Fellows Scholarships; \$11,631,566 to CHE for Need-Based Grants; \$7,766,604 to Tuition Grants Commission for Tuition Grants; \$1,700,000 to CHE for the National Guard Tuition Repayment Program; \$2,500,000 to SC State University; \$7,301,816 for Technology for Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges; \$26,291,798 to Dept. of Education for K-5 Reading, Math, Science & Social Studies programs; \$2,000,000 to Dept. of Education for Grades 6-8 Reading, Math, Science, & Social Studies programs; \$200,000 to

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School for the Deaf and the Blind for Technology; and \$50,000 to CHE for Higher Education Excellence Enhancement Program. Require Tuition Assistance funds appropriated to CHE be distributed to technical colleges and 2-year institutions as required by Section 59-150-360 and require the State Board for Tec and Comp Ed and CHE to annually develop how the funds are to be distributed. Authorize SC State to use \$250,000 of their funds for the BRIDGE program. Suspend, for the current fiscal year, the provisions of Section 2-75-30 regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment. State that the goal is to fund the Tuition Assistance program at a level to support at least \$996 per student per term for full-time students. Direct that net lottery proceeds and investment earnings in excess of certified net lottery proceeds and investment earnings are appropriated and must be used to ensure that LIFE, Palmetto Fellows, and HOPE scholarships are fully funded for FY 13-14. Provide for lottery appropriations to be reduced on a pro rata basis, excluding LIFE, HOPE, and Palmetto Fellows Scholarships, if lottery revenue is less than the amounts appropriated. Authorize CHE to use up to \$260,000 of LIFE, HOPE, and Palmetto Fellow Scholarship funds and Higher Ed Tuition Grants to use up to \$70,000 of Tuition Grants funds to support the award process. Direct that \$12,400,000 of certified unclaimed prize money is appropriated as follows: \$6,200,000 to CHE and State Board for Tec and Comp Ed for Tuition Assistance; \$50,000 to DAODAS for gambling addiction services; \$2,950,000 to CHE for Higher Education Excellence Enhancement Program; and \$3,200,000 to Department of Education for K-5 Reading, Math, Science & Social Studies Program. Direct that of any unclaimed prize funds in excess of the amount certified by the BEA the first \$1,500,000 be directed to CHE for the Partnership Among South Carolina Academic Libraries (PASCAL) Program; the next \$5,470,093 be directed for Technology for Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges; the next \$2,000,000 be directed to the State Library for Aid to County Libraries; the next \$1,000,000 be directed to CHE for the Higher Education Excellence Enhancement Program; the next \$4,000,000 be directed to the State Bd for Tec and Comp Ed for the Allied Health Initiative; and the next \$1,000,000 be directed to CHE for the Critical Needs Nursing Program. Direct that additional revenue in excess of the amount certified by the BEA for unclaimed prizes be distributed to CHE for LIFE, HOPE, and Palmetto Fellows Scholarship. Authorize the B&C Board to distribute lottery funds on a monthly basis during the final quarter of the fiscal year.

SECTION 5 - H71-WIL LOU GRAY OPPORTUNITY SCHOOL

- 5.9 AMEND (Capacity)** Directs that FY 12-13 funds be used to bring the school up to full capacity, to the extent possible and to report by December 1st on how the funds have been used and how many additional students have been served.
WMC: AMEND proviso to update fiscal year reference to "2013-14."

SECTION 6 - H75-SCHOOL FOR THE DEAF AND THE BLIND

- 6.13 AMEND (Capacity)** Directs that FY 12-13 funds be used to bring the school up to full capacity, to the extent possible and to report by December 1st on how the funds have been used and how many additional students have been served.
WMC: AMEND proviso to update fiscal year reference to "2013-14."

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- 6.16 ADD (Buildings) WMC:** ADD new proviso to direct that for purposes of building renovation and construction, the school will be subject to the same requirements as a local education agency.

SECTION 7 - L12-JOHN DE LA HOWE SCHOOL

- 7.4 AMEND (Capacity)** Directs that FY 12-13 funds be used to bring the school up to full capacity, to the extent possible. Prohibits new employees from being hired until required by a projected increase in students. Requires staff increases be reported to the Chairmen of the House Ways and Means and Senate Finance Committees 30 days before they are hired. Requires a report be submitted by December 1st on how the funds have been used and how many additional students have been served.
WMC: AMEND proviso to update fiscal year reference to "2013-14."

SECTION 11 - H03-COMMISSION ON HIGHER EDUCATION

- 11.3 DELETE (Access & Equity Programs)** Designates the amount of the appropriation for Access and Equity that is to be provided to public Historically Black Colleges and Universities with the balance distributed among the state's other public institutions in support of their Access and Equity programs.
WMC: DELETE proviso. *The line item appropriation was vetoed and sustained in FY 2010-11 and funds have not been restored.* Requested by Commission on Higher Education.
- 11.4 AMEND (African-American Loan Program)** Directs funds to institutions for the purpose of African American teacher education loan programs at Benedict College and SC State University and provides that no more than 10% may be used for administrative purposes.
WMC: AMEND proviso to change "\$149,485" allocation to SC State to "\$73.7%" and \$53,389 allocation to Benedict College to "\$26.3%." *Replacing specific dollar amounts with percentages of the line item funding will eliminate the need to amend the proviso any time the funding is reduced by the General Assembly or by a mid-year budget reduction.* Requested by Commission on Higher Education.
- 11.8 AMEND (Performance Improvement Pool Allocation)** Directs flow-through funds to the state's federal EPSCOR program and to programs at SC State University School of Business.
WMC: AMEND proviso to change \$1,642,536 allocation to EPSCoR to "80%" and \$410,635 allocation to S.C. State to 20%." *Replacing specific dollar amounts with percentages of the line item funding will eliminate the need to amend the proviso any time the funding is reduced by the General Assembly or by a mid-year budget reduction.* Requested by Commission on Higher Education.
- 11.11 DELETE (Grants and Scholarships)** Stipulates that no state, federal or other funds appropriated under the annual appropriations act may be used to provide any type of tuition assistance to illegal aliens and provides that CHE, Tuition Grants, Student Loan Corp. and the state's colleges ensure compliance with the proviso.
WMC: DELETE proviso. *The proviso is consistent with permanent law and provisions enacted with the passage of the state's Illegal Immigration Reform Act.* Requested by Commission on Higher Education.

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- 11.15 ADD (Higher Education Excellence Enhancement Program Additions) WMC:** ADD new proviso to direct that Converse College and Columbia College are eligible to receive funds under the Higher Education Excellence Enhancement Program until 6/30/14.
- 11.16 ADD (Parity Funding) WMC:** ADD new proviso to direct CHE to study parity funding for all state institutions of higher learning and to submit findings and recommendations to the General Assembly by January 3, 2014.

SECTION 20 - H45-UNIVERSITY OF SOUTH CAROLINA

- 20.4 ADD (Parity Funding) WMC:** ADD new proviso to direct the USC System, at the discretion and direction of the Board of Trustees, to develop and implement policies to achieve funding parity across its branch and regional campuses.

SECTION 23 - H51-MEDICAL UNIVERSITY OF SOUTH CAROLINA

- 23.2 ADD (Telemedicine) WMC:** ADD new proviso to direct the MUSC Hospital Authority to use the \$8,000,000 appropriated to MUSC for the Authority to continue to develop the Telemedicine network and to determine which hospitals are best suited for a Telemedicine partnership.
- 23.3 ADD (Rural Access Plan) WMC:** ADD new proviso to direct the MUSC Hospital Authority, in conjunction with DHHS, to study how to partner with rural hospitals to ensure that rural regions of the state maintain access to medical care. Direct that at a minimum facilities, in Hampton, Allendale, Orangeburg and Barnwell counties must be studied. Authorize DHHS to withhold a portion of the enhanced DSH payment if a hospital does not actively participate.

SECTION 25 - H59-ST BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

- 25.4 DELETE (Manufacturing Training Facility)** Requires the State Board for Tec and Comp Ed to use \$3,500,000 to complete the up-fit of a manufacturing training facility at Central Carolina Technical College to be used in conjunction with Ready SC worker training programs.
WMC: DELETE proviso. *Project will be completed during FY 12-13.* Requested by State Board for Technical and Comprehensive Education.
- 25.5 ADD (MSSC) WMC:** ADD new proviso to prohibit funds appropriated for the Manufacturing Skills Standards Council Initiative from being used for marketing or consulting.
- 25.6 ADD (System Wide Infrastructure and Workforce Development) WMC:** ADD new proviso to direct the State Board to use the funds appropriated for system wide infrastructure and workforce development to prioritize and fund projects to maximize workforce development.

SECTION 27 - H87-STATE LIBRARY

- 27.1 AMEND (Aid to Counties Libraries Allotment)** Direct that funds appropriated for "Aid to County Libraries is allotted on a per capita basis, using the 2010 Census, with a \$60,000 minimum amount to be received by each county."
WMC: AMEND proviso to change "\$60,000" to "\$75,000."

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SECTION 29 - H95-STATE MUSEUM COMMISSION

- 29.1 AMEND** (Duplicate Materials) Allows the commission to give away natural history materials that are not museum quality or that are duplicative for educational purposes.
WMC: AMEND proviso to specify that the commission may not sell natural history materials. *Clarify intent to conform to American Alliance of Museums standard of conduct for museums.*
- 29.2 AMEND** (Removal From Collections) Allows the commission to remove under certain circumstances objects from its museum collections and to retain such funds in a special revolving account to be used for obtaining collections for the State Museum.
WMC: AMEND proviso to delete reference to "dated January 20, 1993."
- 29.4 DELETE** (Traveling Exhibits Fees) Allows the Museum to sell exhibits, retain and carry forward funds.
WMC: DELETE proviso. *Amended proviso 29.5 to include the authorization in that provision.*
- 29.5 AMEND** (Retention of Revenue) Allows the Museum to charge for fees and services, retain and carry forward funds.
WMC: AMEND proviso to add exhibits and exhibit components from which revenue may be retained by the commission. *Adds revenue generated from deleted proviso 29.4.*
- 29.10 ADD** (Admissions Tax Exemption) **WMC:** ADD new proviso to exempt the State Museum from remitting Admissions Tax to DOR. Require an amount equal to the tax, 5% of total admissions revenue, be earmarked in the museum's budget to support general operations. Fiscal Impact: BEA indicates General Fund Revenue would be decreased \$54,472 for FY 13-14 with a corresponding increase in agency other fund revenue.

SECTION 33 - J02-DEPARTMENT OF HEALTH AND HUMAN SERVICES

- 33.1 DELETE** (Recoupment/Restricted Fund) Authorizes the department to recoup all refunds and identified program overpayments and to maintain prior year program refunds in a restricted fund to pay for liabilities and improvements related to enhancing future audits accountability. Limits the fund to 1% of current year's total appropriation and require amounts in excess of 1% be remitted to the general fund.
WMC: DELETE proviso. *See new proviso 33.32.* Fiscal Impact: BEA indicates deletion will have no impact on the General Fund.
- 33.7 DELETE** (Admin. Days/Swing Beds Reduction Prohibition) Prohibits the department from reducing funds appropriated for hospital administrative days and swing beds.
WMC: DELETE proviso. *Deletion allows the department administrative authority and flexibility to manage the Medicaid program.* Requested by Department of Health and Human Services.
- 33.8 DELETE** (Nursing Home Sanctions) Authorizes the department to establish a restricted fund to deposit nursing home sanctions fines. Allows the department to use the funds for costs related to the protection of the health and property of residents of nursing homes that participate in the Medicaid program.

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WMC: DELETE proviso. *Prescribed by law in Sections 44-6-400 through 44-6-540.* Requested by Department of Health and Human Services.

- 33.12 AMEND** (Medicaid Eligibility Transfer) Authorizes the department to determine the eligibility of applicants for the Medicaid Program; transfers DSS employees who perform this function full time to HHS; and requires DSS county offices to continue to provide office space and facility service for the eligibility determination function.

WMC: AMEND proviso to direct that eligibility is to be determined in accordance with the State Plan Under Title XIX of the Social Security Act Medical Assistance Program. Delete transfer of DSS employees. *Personnel has been transferred.* Requested by Department of Health and Human Services.

- 33.16 AMEND** (Long Term Care Facility Reimbursement Rates) Requires the department to submit the Medicaid State Plan amendment for long term care facility reimbursement rates to the Federal government before August 1st each year. Directs that this provision only applies in years that funds are allocated for rate increases.

WMC: AMEND proviso to require the department to direct staff to complete and submit the plan amendment to the DHHS director and for the director to review and submit the plan to the Federal Government by August 15th each year. Direct that all additional requests for plan information from CMS be promptly submitted by the department.

- 33.17 DELETE** (Upper Payment Limit for Non-state Owned Public Nursing Facilities) Directs the department to submit a state plan amendment to CMS by August 12th, 2010 to provide Medicaid supplemental payments to non-state owned public nursing facilities who qualify as Essential Public Safety Net providers.

WMC: DELETE proviso. *Delete to allow administrative flexibility.* Requested by Department of Health and Human Services.

- 33.19 DELETE** (Prior Authorization-Formulary Changes) Requires the department to coordinate and approve formulary changes for medications to treat certain disorders; to use a common prior authorization form in its managed care policy and procedures guide; and to provide a grievance procedure and arbitration between the doctors and managed care companies with the department serving as the arbitrator.

WMC: DELETE proviso. *Proviso is unnecessary because the agency has this in policy.* Requested by Department of Health and Human Services.

- 33.23 AMEND** (Medicaid Provider Fraud) Requires the department to expand and increase its Medicaid provider fraud efforts and to report on the results of its efforts to the General Assembly by April 1, 2013.

WMC: AMEND proviso to delete the requirement that the department report to the General Assembly and instead direct that results be published in the agency homepage and delete the requirement that funds recuperated or saved be reported and instead direct that fund recovered be reported.

- 33.25 DELETE** (Personal Emergency Response System) Authorizes the department to consider using two button Personal Emergency Response Systems (PERS) units.

WMC: DELETE proviso. *Proviso is unnecessary because it is permissive and it is something the department is already doing.* Requested by Department of Health and Human Services.

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- 33.26 AMEND (GAPS)** Requires the department to suspend GAPS requirements for the FY 12-13.
WMC: AMEND proviso to change the fiscal year reference to "the current state fiscal year."
- 33.28 DELETE (In-Home Health Care Systems for Medicaid Recipients)** Allows the department to pilot test a program using an in-home health care system, with the goal of reducing emergency room visits; and provides specifics that to be used for the program.
WMC: DELETE proviso. Requested by Department of Health and Human Services.
- 33.29 AMEND (Medicaid Reporting)** Directs the department to report quarterly on all cost-saving measures the they have implemented; designates what information shall be reported by county; and directs the reports be submitted to specific members of the General Assembly and be posted on the department's website.
WMC: AMEND proviso to delete reference to a specific Fiscal Year and the requirement that each quarterly report be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees, the President Pro Tempore of the Senate and Speaker of the House.
- 33.30 ADD (Grant Authority) WMC:** ADD new proviso to authorize the department to make grants to community-based not-for-profit organizations for local projects that further the objectives of department programs. Require the department develop policies and procedures and allow them to promulgate regulations associated with the grants. Authorize the department to require grant recipients to provide match funds. Requested by Department of Health and Human Services.
- 33.31 ADD (Community Health Center/FQHC) WMC:** ADD new proviso to direct that entities that receive funding under the Public Health Services Act, Health Center Program (Section 330) shall qualify to receive "Community Health Center/FQHC" funds appropriated in Part IA. Direct that the funds be disbursed: 30% divided among qualifying entities with the balance distributed 40% based on uninsured patients served and 30% based on the number of patients seen from counties with a population of less than 125,000.
- 33.32 ADD (Recoupment/Restricted Fund) WMC:** ADD new proviso to create the Medicaid Sustainability Fund and state that the General Assembly may make direct appropriations to the fund. Authorize the department to transfer all unexpended state appropriations into the fund at the end of the current fiscal year. Allow the department to transfer program settlements, recoupments and recoveries into the fund at any time. Require the fund to be used for the Medicaid Program and authorize unexpended funds and accrued interest to remain in the fund and be carried forward. Limit the amount of monies in the fund to 3% of the total current year department appropriations and require amounts in excess of 3% to be remitted to the General Fund. Require a report be submitted to the Chairmen of the House Ways and Means and Senate Finance Committees within 30 days of the close of each quarter on the fund balance; withdrawals from the fund and what they were used for; and fund deposits and the source of the funds. Fiscal Impact: BEA indicates no impact on the General Fund.
- 33.33 ADD (Non-Disabled, Childless Adults Waiver) WMC:** ADD new proviso to require the Director of the department to submit an application waiver within 30 days of receiving notification from the U.S. Department of Health and Human Services that they are accepting Medicaid eligibility waiver applications for non-disabled, childless adults whose income is up to 100% of the Federal Poverty Level.

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- 33.34 ADD** (Medicaid Accountability and Quality Improvement Initiative) **WMC:** ADD new proviso to direct the department to implement certain Medicaid accountability and quality improvement initiatives. (A) Health Outcomes Initiative - Upon CMS approval, to make up to a \$35,000,000 aggregate rate incentive available to participating hospitals effective 10/1/13, and based on certain conditions. (B) Disproportionate Share (DSH) Payment Accountability - Upon CMS approval, to require hospitals to submit claims-level data for individuals who receive uncompensated care and to obtain patient confirmation to determine whether they have access to affordable health insurance in order to increase accountability for DSH reimbursements and improve outcomes for uninsured. (C) Rural Hospital DSH Payment - Upon CMS approval, to direct that the state's Medicaid designated rural hospitals shall receive full coverage for uncompensated care as part of the DSH program. Direct that allocated funds not exceed \$20,000,000 total funds. Direct that if rural hospitals do not participate in the Healthy Outcomes Initiative reporting and quality guidelines they will be ineligible for the increased coverage. (D) Primary Care Safety Net - Require the department develop a methodology to reimburse safety net providers certain care and services to chronically ill individuals without access to affordable insurance. Define qualifying safety net providers; designate a minimum amount to be funded for specific initiatives; and establish eligibility requirements for qualifying providers. (E) Rural Provider Capacity - Direct the department to incentivize the development of rural physician coverage and capacity building through leveraging the Graduate Medical Education program; to develop a methodology to improve the State's GME and Supplemental Teaching Payments investment; and to develop a program to leverage the use of teaching hospitals to provide rural physician coverage, expand Telemedicine use, and support OB/GYN services in at least four counties without adequate OB/GYN resources. (F) Community Residential Care Optional State Supplement - Direct the department to establish policies and procedures to include establishing a facility rate per eligible beneficiary; establish eligibility criteria; and a methodology for increasing the personal needs allowance. Direct the department to establish Quality of Care Standards for licenses Community Residential Care Facilities. (G) Require the department publish quarterly reports on their website on their progress in meeting the goals established in this provision.

SECTION 34 - J04-DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

- 34.9 AMEND** (Rape Violence Prevention Contract) Requires \$403,956 of Rape Violence Prevention funds be used to support the state's rape crisis centers. Prohibits the department from reducing rape crisis center contracts below the current funding level.
WMC: AMEND proviso to change "\$403,956" to "\$1,103,956"to and delete reference to the funds being distributed based on the department's Rape Violence Prevention Program service standards and instead direct that they be distributed based on "Standards and Outcomes for Rape Crisis Centers" and update fiscal year reference to "2013-14."
- 34.11 AMEND** (Sickle Cell Programs) Provides for distribution of funds appropriated for Sickle Cell program services.
WMC: AMEND proviso to update fiscal year reference to "2013-14."
- 34.40 AMEND** (Abstinence Education Contract) Requires the department, upon receiving Title V, Section 501 [ABSTINENCE EDUCATION CONTRACT] federal appropriations, to continue to contract with the agencies that were under contract as of December 2012 at the same annualized level of funds for FY 2012-13.

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WMC: AMEND proviso to delete the current requirements and instead direct that Title V, Section 510 funds made available to the state may only be awarded to other entities through a competitive bidding process.

- 34.43** **ADD** (Laurens County) **WMC:** ADD new proviso to direct the department to transfer \$39,425 to Laurens County by August 1st to reimburse the county for expenses associated with reroofing a building the department subsequently vacated.
- 34.44** **ADD** (Cancer Early Detection/Screenings) **WMC:** ADD new proviso to direct the department to use \$2,000,000 of their appropriated or authorized funds as follows: \$1,000,000 for the Best Chance Network and \$1,000,000 for Colorectal Cancer Awareness/Prevention.
- 34.45** **ADD** (Obesity) **WMC:** ADD new proviso to direct that DHEC shall be the convener and coordinator of the fight against Obesity in South Carolina. Direct SDE, DHHS, DSS, DMH, MUSC, USC Arnold School of Public Health, PRT, Department of Commerce, DOT, and Commission for the Blind to cooperate with DHEC and its partners to facilitate an environment that decreases body mass index (BMI). Require school district provide DHEC with information on their progress toward meeting certain provisions of the Student Health and Fitness Act of 2005. Authorize DHEC to collect, compile and assess State and school districts progress in meeting these goals.

SECTION 35 - J12-DEPARTMENT OF MENTAL HEALTH

- 35.1** **AMEND** (~~Medicare Revenue~~ *Patient Fee Account*) Designates Medicare receipts to the department as patient fees to be used for the repayment of bonds. Requires the department to transfer \$290,963 to the General Fund to support the administrative costs of the collection of Medicare benefits. Allows the department to retain and expend up to \$3 million of all Medicare revenue earned from cost recovery efforts and any additional earnings must be remitted to the general fund.
WMC: AMEND proviso to delete previous language and instead authorize the department to retain and expend its Patient Fee Accounts funds. Direct that patient fees are considered funds collected for patient maintenance and medical care, from patients' Medicare benefits, and from veteran facilities. Authorize the department to spend these funds for departmental operations, capital improvements and debt service, and the cost of patients' Medicare Part B premiums. Direct the department to remit \$290,963 to the General Fund and to provide \$400,000 to the Continuum of Care; \$50,000 to the Alliance for the Mentally Ill, and \$250,000 to S.C. Share. *Merges components of former proviso 35.1 and 35.2. Agency states no substantive change.* Requested by Department of Mental Health.
- 35.2** **DELETE/MERGE** (Patient Fee Account) Authorizes the department to fund specific items from the Patient fee Account. Authorizes the department to expend all fees collected at the Campbell Nursing Home and other veterans' facilities for day-to-day operations. Requires external entities receiving funds to provide an itemized budget before the receipt of any funds and quarterly financial statements to the department.
WMC: DELETE proviso. *Portions merged into revised 35.1.* Requested by Department of Mental Health.

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- 35.7 DELETE** (Crisis Stabilization) Requires the department spend a minimum of \$2 million for crisis stabilization programs and defines the programs. Specifies the use of the funds expended by the department. Requires a quarterly report identifying the crisis stabilization program in each community mental health center catchment area, the number of persons served, and the expenditures for the reporting period be submitted.
WMC: DELETE proviso. *The threshold is no longer relevant because the department consistently spends more than \$2,000,000 for this purpose.* Requested by Department of Mental Health.
- 35.12 DELETE** (Medicaid Beneficiary Choice) Requires the department to allow a Medicaid beneficiary to receive medically necessary community based paraprofessional rehabilitative behavioral health services from any qualified Medicaid provider enrolled by the Department of Health and Human Services as of July 1, 2011, if the department provides state identified matching funds for such services.
WMC: DELETE proviso. *All funds related to these services have been transferred to the Department of Health and Human Services along with overall responsibility for the program.* Requested by Department of Mental Health.
- 35.13 DELETE** (Sexually Violent Predator Program) Directs the Departments of Mental Health and Corrections to prepare a report that evaluates the feasibility of transferring the Sexually Violent Predator Program to the Department of Corrections. Requires a status update on the report be submitted by January 8, 2013 with the final report submitted by May 1, 2013.
WMC: DELETE proviso. *Report is due May 1, 2013.* Requested by Department of Mental Health.
- 35.14 ADD** (Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) **WMC:** ADD new proviso to authorize the department to establish an interest bearing fund with the State Treasurer to deposit deferred maintenance funds and other one-time funds from any source. Authorize the department, after receiving any required approvals, to spend these funds for deferred maintenance, capital projects and ordinary repair and maintenance. Authorize the funds to be carried forward and used for the same purpose. Requested by Department of Mental Health.
- 35.15 ADD** (Psychiatric Day Program) **WMC:** ADD new proviso to direct the department to use \$250,000 to support general operating expenses for Gateway House that are associated with providing a psychiatric day program for persons with serious mental illness.

SECTION 36 - J16-DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS

- 36.12 AMEND** (Traumatic Brain Injury) Directs that Traumatic Brain Injury/Spinal Cord Injury Post-Acute Rehabilitation funds shall not be used for any other purpose and that if a general fund reduction is instituted, any cuts must be assessed proportionately and shall not exceed reductions to other agency services.
WMC: AMEND proviso to specify that if the agency receives a general fund reduction, the assessment to the post-acute rehabilitation funding cannot exceed reductions in proportion to the agency as a whole.

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SECTION 37 - J20-DEPARTMENT OF ALCOHOL & OTHER DRUG ABUSE SERVICES

- 37.6** **ADD** (Fire Safety and Suppression Equipment) **WMC:** ADD new proviso to direct that non-recurring funds appropriated for the McCord Alcohol and Drug Abuse Treatment Facility, operated by the Tri-County Commission on Alcohol and Drug Abuse are only for installing fire safety and suppression equipment.

SECTION 38 - L04-DEPARTMENT OF SOCIAL SERVICES

- 38.20** **AMEND** (*Abstinence Until Marriage* Teen Pregnancy Prevention *Funding*) Requires the department to award two contracts to 501(c)(3) entities to provide teen pregnancy prevention programs and services and provides guidelines for the awarding of the contracts.
WMC: AMEND proviso to delete reference to awarding to two 501(c)(3) entities and instead direct that one half of the funds allocated for Continuation of Teen Pregnancy Prevention be awarded to entities to provide Abstinence Until Marriage programs and services with the other half to be awarded according to proviso 38.25. Direct that a 5 member committee oversee the contract award process with the committee's first meeting on or before August 1, 2013. Delete the requirement that when implemented in a school setting, entities may not violate any portion of the S.C. Comprehensive Health Education Act or they must reimburse the state for all funds disbursed and instead direct that the entities must be compliant with the Act. *See proviso 38.25 for contracts awarded to non-profit 501(c)(3) entities which provide an abstinence first, age appropriate comprehensive approach to health and sexuality education programs.*
- 38.22** **AMEND** (Day Care Facilities Supervision Ratios) Maintains staff-child ratios in day care facilities at the June 24, 2008 levels.
WMC: AMEND proviso to change fiscal year reference to "the current fiscal year."
- 38.23** **AMEND** (Analysis of Referrals) Directs the DSS director to collaborate with the John de la Howe School superintendent to analyze the process for referring students to the school in order to maximize the services provided by the school. Directs that the results of the analysis, along with a 3-year history of all referral/placements the department has made by facility type and level of care be submitted to the Governor, and the Chairmen of the Senate Finance and House Ways and Means Committees by December 1, 2012.
WMC: DELETE proviso.
- 38.24** **ADD** (Foster Care Goals) **WMC:** ADD new proviso to direct that in order to comply with federal requirements, it is the goal of the state that during the fiscal year 2,617 is the maximum number of Title IV-E funded children who will remain in foster care more than 24 months. Direct DSS to develop appropriate plans for timely permanency and use of appropriate data benchmarks and targets to achieve this goal. *DSS states that specific goals need to be enacted otherwise Title IV-E funds could be placed in jeopardy.* Requested by Department of Social Services.
- 38.25** **ADD** (Comprehensive Teen Pregnancy Prevention Funding) **WMC:** ADD new proviso to require the department to award half of the funds allocated for Continuation of Teen Pregnancy Prevention to a non-profit 501(c)(3) entity to provide an abstinence first, age appropriate comprehensive approach to health and sexuality education. Require the Procurement Code be followed for awarding contracts. Authorize unexpended funds to be carried forward. Prohibit

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programs that entities implement in a school setting from violating any portion of the S.C. Comprehensive Health Education Act. Require them to reimburse the state for all funds disbursed if they violate the Act. *See proviso 38.20 for contracts awarded to entities that promote Abstinence Until Marriage programs.*

SECTION 44 - P16-DEPARTMENT OF AGRICULTURE

- 44.1** **AMEND** (Market Bulletin) Authorizes the department to charge \$10 for a yearly subscription to the Market Bulletin; to charge up to \$5 per classified ad printed in the bulletin; and to retain the generated revenue to defray the costs of the publication.
WMC: AMEND proviso to delete the specific amounts that may be charged. *Allowing the department to increase the fee would help offset increasing charges for printing and postage and help make the Bulletin self sufficient.* Fiscal Impact: \$10 has been charged since 2002. The department indicates that revenue received in FY 11-12 was \$184,480. Current year operating costs are estimated to be \$247,000. A \$5 increase per subscriber should generate approximately \$80,000 per fiscal year. No impact on the General Fund since these fees are retained by the department. Requested by Department of Agriculture.
- 44.9** **DELETE** (Pesticide Disposal) Directs the department to use up to \$100,000 to continue the pesticide disposal program.
WMC: DELETE proviso.
- 44.10** **ADD** (Farmers Market Purchase) **WMC:** ADD new proviso to require the Department of Agriculture to have written income verification prior to purchasing income-producing property at the State Farmers Market. Prohibit the department from entering into a contract to purchase property at the State Farmers Market until any existing lease agreement between the department and the seller has been renegotiated. Prohibit the department from spending any of the new Farmers Market funds until deed restrictions and legal issues are renegotiated and clarified by a new development agreement.

SECTION 45 - P20-CLEMSON UNIVERSITY - PSA

- 45.8** **AMEND** (CU-PSA: ~~Meat Inspection Program~~ *Livestock-Poultry Health Programs*) Directs Clemson PSA to maintain operations of the state Meat Inspection Program and to retain all revenues from USDA Food Safety Inspection Services for the Livestock-Poultry Health Program.
WMC: AMEND proviso to include "USDA Animal and Plant Health Inspection Services" revenue and recoveries and change "Meat Inspection Program" reference to "Livestock-Poultry Health Programs."
- 45.11** **ADD** (Broadcasting Wheat) **WMC:** ADD new proviso to direct Clemson PSA to use existing funds to begin a pilot study on the effectiveness of broadcasting the use of wheat as a cover crop.

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SECTION 49 - P28-DEPARTMENT OF PARKS, RECREATION AND TOURISM

- 49.4 DELETE** (Regional Tourism) Prohibits the department from reducing the amount funded to the 11 Regional Tourism groups in the event the department receives a general fund budget reduction.
WMC: DELETE proviso.
- 49.9 AMEND** (Destination Specific Tourism and Marketing Transfer) Provides for Motion Picture Incentive Wage Rebate set-aside funds carried forward from the prior fiscal year to be transferred to PRT for the Destination Specific Tourism Program and authorizes those funds to then be carried forward. Provides for Motion Picture Incentive Supplier Rebate set-aside funds carried forward from the prior fiscal year to be transferred to PRT for Marketing and authorizes PRT to carry forward those funds. Fiscal Impact: No impact on the General Fund.
WMC: AMEND proviso to update fiscal year references to "2013-14." Direct that the amount of funds used for the Destination Specific program not exceed \$12,000,000 and allow the department to use any unexpended wage rebate carry forward funds not used for "Destination Specific" for state Welcome Centers capital improvements, for deferred maintenance and capital improvements at state parks, and for Marketing/Advertising. Allow the department to use any unexpended supplier rebate carry forward funds for Marketing/Advertising, for state Welcome Centers capital improvements, and for deferred maintenance and capital projects at state parks.
- 49.13 ADD** (Additional Motion Picture Bonus-Rebate) **WMC:** ADD new proviso to authorize the Film Commission, in addition to the 15% rebate authorized by Section 12-62-50, to provide an additional bonus-rebate to a motion picture production company of up to 5% of the total aggregate South Carolina payroll for persons subject to SC income tax withholdings and up to 10% for SC residents; and in addition to the 15% rebate authorized by Section 12-62-60, authorize the Film Commission to provide an additional bonus-rebate of up to 15% of the expenditures made by the motion picture production company in the State.

SECTION 50 - P32-DEPARTMENT OF COMMERCE

- 50.9 AMEND** (Funding For I-73 & ~~I-74~~) Authorizes the Coordinating Council to make \$500,000 available for I-73 and \$500,000 available for I-74 routing, planning, and construction projects.
WMC: AMEND proviso to delete reference to \$500,000 for I-74.
- 50.11 DELETE** (Community Development Corporation Carry Forward) Allows Community Development Corporation Initiative committed and uncommitted funds from the prior fiscal year to be carried forward and used for the same purpose
WMC: DELETE proviso. *Proviso is not needed since these funds have been expended.* Requested by Department of Commerce.
- 50.14 DELETE** (Civil Air Patrol Transfer) Directs the department to transfer \$50,000 to the Civil Air Patrol, within the Adjutant General's office.
WMC: DELETE proviso. *Agency states that deletion will ensure more funds are available for recruiting jobs and investment to South Carolina rather than transferring funds to a program which does not contribute toward the agency's mission.* Requested by Department of Commerce.

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- 50.15 DELETE** (Regional Economic Development Organizations Carry Forward) Allows unexpended funds transferred to the department for Regional Economic Development Organizations to be carried forward and used for the same purposes.
WMC: DELETE proviso. *Agency states the proviso is not needed since no funds remain.* Requested by Department of Commerce.
- 50.16 DELETE** (Savannah Valley Development Division) Transfers all Savannah Valley Development Division assets and obligations to appropriate state and local authorities upon State B&C Board approval.
WMC: DELETE proviso. *Proviso is not needed since the transfer of all assets and obligations have occurred.* Requested by Department of Commerce.
- 50.17 AMEND** (Regional Economic Development Organizations) Directs the department to use the \$5,000,000 appropriated for Regional Economic Development Organizations to provide funds to the designated organizations and counties and provides a mechanism by which the funds should be distributed. Requires a 1:1 private fund match and requires the receiving organization to certify that the private funds match are new dollars specifically designated for this purpose. Directs the organizations provide an annual expenditure report and outcome measures to the Chairmen of the Senate Finance and House Ways and Means Committees and the Secretary of Commerce by November 1st. Directs unexpended or undistributed funds be transferred to the Rural Infrastructure Fund at the Department of Commerce.
WMC: AMEND proviso to update fiscal year reference to "2013-14" and add the "Beaufort and Sumter Economic (BASE) Alliance. Change the amount which must be disbursed equally to the "7" organizations from "\$4,475,000" to "\$4,700,000." Change the amount remaining which is to be provided to various counties from "\$525,000" to \$300,000" and delete Saluda, Lee, Sumter, and Beaufort Counties from that distribution.
- 50.20 ADD** (Military Base Task Force) **WMC:** ADD new proviso to house the South Carolina Military Base Task Force, reconstituted by Executive Order No. 2011-21, along with the Task Force Executive Coordinator under the auspices of the Department of Commerce. Direct the department to provide staff support and other resources through funding provided by the General Assembly to assist the task force to carry out the directives of the Executive Order. Direct that the task force act as an executive advisory committee to the General Assembly and the Governor on military matters that affect the state and direct it to coordinate an annual meeting between the members of the General Assembly that geographically represent military communities, the Governor, and military commanders to exchange pertinent information on upcoming challenges that military installations and their personnel will face. Authorize the task force, upon the Secretary of Commerce's approval to consult specialists to provide information, assistance, strategic plans development, and execution of strategies to maximize the state's defense-related business. Direct the task force to elect a chairman by majority vote of its membership. *Mirrors the requirements of Executive Order No. 2011-12, except houses the task force under the Department of Commerce, adds reporting to and consulting with the General Assembly, and elects a chairman from the membership. Does not change the make-up of the committee as established in the Executive Order.*
- 50.21 ADD** (CMRC: Business Incubation) **WMC:** ADD new proviso to direct that funds appropriated for business incubation be used to invest in technology-based economic development projects; direct the department to develop guidelines to administer the program;

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direct that investments must be accompanied by, at a minimum, an equal match of non-state funds; and allow up to \$300,000 to be used for program administrative costs.

- 50.22** **ADD** (Council on Competitiveness) **WMC:** ADD new proviso to direct the department to use \$300,000 of the funds appropriated for the S.C. Council on Competitiveness to provide funds to existing businesses for economic development activities. Require a 1:1 private funds match and require the Council to certify that the private funds have not been previously allocated or designated for economic development before they disburse the funds. Require the Council provide a report on expenditures and outcome measures by January 1, 2014 to the Chairmen of the Senate Finance and House Ways and Means Committees and the Secretary of Commerce.

SECTION 54 - P45 - RURAL INFRASTRUCTURE AUTHORITY

- 54.1** **ADD** (Rural Infrastructure Fund Carry Forward) **WMC:** ADD new proviso to allow Rural Infrastructure Fund monies to be retained, carried forward, and expended in the current fiscal year.

SECTION 59 - E20-OFFICE OF ATTORNEY GENERAL

- 59.7** **AMEND** (Savannah River Maritime Commission Funds) Authorizes the Attorney General to be reimbursed for litigation expenses incurred on behalf of the Savannah River Maritime Commission. Directs any remaining funds, after litigation has been concluded, to be deposited into the General Fund.
- 59.8** **ADD** (Gang Violence Prevention/Youth Mentor) **WMC:** ADD new proviso to allow the Attorney General to spend other funds to implement and maintain gang prevention and youth mentoring programs in conjunction with the Youth Mentor Act. *Allows the agency to fund gang violence prevention programs and youth mentoring projects.* Fiscal Impact: No impact on the General Fund. Agency intends to use up to \$85,000 of miscellaneous litigation other funds for this purpose. Requested by Office of Attorney General.

SECTION 60 - E21-PROSECUTION COORDINATION COMMISSION

- 60.3** **AMEND** (Judicial Circuits State Support) Requires Judicial Circuits (16) State Support funds to be apportioned among the circuits on a per capita basis based on the current official census. **WMC:** AMEND proviso to direct that the first \$4,692,961 be distributed on a per capita basis while the next \$720,000 be distributed on a pro-rata basis. *Distribution of additional funds requested on a pro-rata basis would benefit circuits that receive less money under the per-capita distribution because of smaller population.* Fiscal Impact: Additional \$720,000 state funds recommended. Requested by Prosecution Coordination Commission.
- 60.10** **ADD** (DUI Prosecution) **WMC:** ADD new proviso to require Driving Under the Influence (DUI) Prosecution funds be apportioned among the circuits on a pro-rata basis. Require the commission to retain non-privileged DUI prosecution information and data and provide such information, including the number and types of dispositions and the county where the disposition took place, to the General Assembly in an annual report within 60 days after the end of the fiscal year. *Mirrors CDV Prosecution proviso 60.7.* Fiscal Impact: Agency has

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requested \$1.6 million to fund this initiative. Requested by Prosecution Coordination Commission.

SECTION 62 - D10-STATE LAW ENFORCEMENT DIVISION

- 62.18 AMEND** (Criminal Record Search Fees) Authorizes SLED to charge and collect an \$8 fee from local governmental entities to perform a criminal record search for local park and recreation volunteers. Prohibits any organization that is charged the reduced fee from charging the individual on whom the search is conducted more than the \$8 or from charging them any additional fee not required by SLED. Requires that these criminal record searches must be for someone who is performing in an official capacity for the organization and prohibits the record searches from being resold.
WMC: AMEND proviso to also apply the \$8 fee for local park and recreation volunteers through PRT. Fiscal Impact: BEA states that prior to this provision PRT was charged \$25 for each criminal record search. Based on 289 searches conducted in FY 11-12 SLED received \$7,225 from PRT in FY 11-12. Assuming a similar number of searches would be conducted in FY 13-14, revenue generated for SLED would be reduced \$4,913.
- 62.19 ADD** (Compensatory Payment) **WMC:** ADD new proviso to authorize exempt SLED employees to be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the Chief, if the Governor declares a state of emergency. Requested by State Law Enforcement Division.
- 62.20 ADD** (Meth Lab Clean Up Carry Forward) **WMC:** ADD new proviso to authorized SLED to carry forward any unexpended "Meth Lab Clean Up" funds and expend such funds for the same purpose. Requested by State Law Enforcement Division.
- 62.21 ADD** (\$25 Criminal Record Search Fee) **WMC:** ADD new proviso to authorize SLED to charge and collect a \$25 fee to conduct a criminal record search pursuant to Chapter 73 [SOUTH CAROLINA LAW ENFORCEMENT DIVISION] Article 3 [CRIMINAL INFORMATION & COMMUNICATION] Subarticle 1 [COMPUTERIZED CRIMINAL HISTORY]. Require the first \$4,000,000 collected be deposited into the General Fund and allow SLED to collect, retain, expend, and carry forward any funds collected above that amount for agency operations. *SLED plans to offer online credit card payments for record search fees using SC.GOV and states they needs additional revenue to cover the migration cost.* Fiscal Impact: BEA states that Section 23-3-115 requires \$4,461,000 of the funds generated from record search fees to be remitted to the General Fund, consequently there would be reduction of \$461,000 in General Fund revenue. Requested by State Law Enforcement Division.

SECTION 63 - K05-DEPARTMENT OF PUBLIC SAFETY

- 63.7 DELETE** (Retention of DMV Cash Transfer) Authorizes DPS to expend and carry forward funds transmitted by the DMV per Proviso 90.20 of the 2009-10 Appropriation Act.
WMC: DELETE proviso. *Funding has been expended.* Requested by Department of Public Safety.

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SECTION 65 - N04-DEPARTMENT OF CORRECTIONS

- 65.27 ADD** (Wateree River Correctional Institutions) **WMC:** ADD new proviso to allow the department to use inmate labor for work associated with the Wateree River Correctional Institution Radium - Drinking Water Compliance Project. Fiscal Impact: Agency indicates use of inmate labor could save the department approximately \$500,000. Requested by Department of Corrections.

SECTION 67 - N12-DEPARTMENT OF JUVENILE JUSTICE

- 67.13 DELETE** (Emergency Authority to Transfer PIP Funds) Authorizes DJJ to use up to \$1.5 million of unobligated permanent improvement project funds for operating purposes in order to maintain constitutional conditions at its facilities.
WMC: DELETE proviso. *No longer needed because insufficient funds are in PIP account to execute.* Requested by Department of Juvenile Justice.
- 67.14 DELETE** (Emergency Release for Community Evaluation) Authorizes DJJ to place juveniles in their home or community while undergoing community evaluation unless the judge finds the child to be a flight or public safety risk.
WMC: DELETE proviso. *Codified in Section 63-19-1440(C).* Requested by Department of Juvenile Justice.
- 67.15 DELETE** (Earned Compliance Credit) Authorizes a 10-day reduction per month of probationary and parole terms if juvenile is compliant with conditions of supervision of probation or parole to allow officers to focus on higher risk juveniles under supervision.
WMC: DELETE proviso. *Codified in Section 63-19-1835.* Requested by Department of Juvenile Justice.

SECTION 79 - R23-BOARD OF FINANCIAL INSTITUTIONS

- 79.2 ADD** (National Mortgage Settlement Carry Forward) **WMC:** ADD new proviso to authorize the Consumer Finance Division to retain, expend, and carry forward State-Federal National Mortgage Settlement funds received for enforcement and regulation.

SECTION 80 - R28-DEPARTMENT OF CONSUMER AFFAIRS

- 80.5 AMEND** (Retention of Fees) Authorizes the department, for FY 11-12, to retain all fees collected pursuant to specific sections of the code pertaining to the Motor Club Services Act; Pawnbrokers, and the Physical Fitness Act and to use these funds to implement mandated program requirements.
WMC: AMEND proviso to update fiscal year reference to "2013-14."

SECTION 81 - R36-DEPARTMENT OF LABOR, LICENSING AND REGULATION

- 81.8 AMEND** (Immigration Bill Funding *Report*) Requires the department to use \$250,000 of Subfund 3135 carry forward funds for the department's Illegal Immigration responsibilities. Directs the department to compile an accountability report outlining Immigration Bill

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expenditures and to submit the report to specific Senate and House members, committees, and subcommittees on the first Tuesday of February 2012.

WMC: AMEND proviso to "2012" to "2014."

SECTION 82 - R40-DEPARTMENT OF MOTOR VEHICLES

- 82.6 DELETE** (Motor Carrier Advisory Committee) Directs DMV to establish a Motor Carrier Advisory Committee to solicit input from the trucking industry and other interested parties to assist in the development of policies and procedures.

WMC: DELETE proviso. *Agency indicates the advisory committee is governed by DPS and should more appropriately be included in their section.* Fiscal Impact: No impact. Requested by Department of Motor Vehicles.

SECTION 83 - R60-DEPARTMENT OF EMPLOYMENT AND WORKFORCE

- 83.5 AMEND** (Transparency of Funding Appropriation) Requires the department to place a report on their website by September 1st, that contains all aggregate amounts of taxes, fees, and payments they charged, collected, and paid in the prior fiscal year. . Requires the report also be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees by September 1st.

WMC: AMEND proviso to direct that the report required by this proviso be incorporated into the Trust Fund Report required by Section 41-33-45 [UNEMPLOYMENT COMPENSATION FUND; ANNUAL REPORTS; TREND CHARTS; COST ANALYSIS] and be posted online and submitted to the required chairmen by October 1st rather than September 1st.

- 83.7 DELETE** (Negotiation of Interest) Requires DEW to develop and implement a plan by October 1, 2012 to seek a waiver of interest on the FUA Loan debt so that the impact of the interest payments is mitigated on SC employers.

WMC: DELETE proviso. *Agency appealed for a waiver of interest in 2011 and 2012 with no success. Agency indicates that preparing the plan will require additional staff time and resources during times of significant decreases in federal funding. The agency wants to focus its time and efforts on initiatives that will positively impact the citizens and businesses of South Carolina.* Requested by Department of Employment and Workforce.

SECTION 84 - U12-DEPARTMENT OF TRANSPORTATION

- 84.9 DELETE** (Utilities Relocation) Establishes the Utilities Relocation Study Committee to review, study, and make recommendations on the need for improved coordination and funding for relocating water and sewer facilities located within public rights-of-way when the relocation is required due to road and bridge construction or improvement. Requires findings and recommendations be reported to the General Assembly by June 30, 2013, after which the study committee terminates.

WMC: DELETE proviso.

- 84.10 ADD** (Non-Federal Aid Highway Fund) **WMC:** ADD new proviso to direct DOT to use the following for the Non-Federal Aid Highway Fund: 1% of the proceeds from 13¢ of the gasoline user fee and an amount equivalent to 10% of the 1/4¢ per gallon assessed from the inspection and environmental impact fee charged on petroleum products.

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SECTION 87 - U30 - DIVISION OF AERONAUTICS

- 87.5 DELETE** (Airport Development) Directs that any line item appropriation for airports be disbursed for eligible airport development items as approved by the Aeronautics Commission.
WMC: DELETE proviso. *Codified in 55-5-80 and 55-5-280.* Requested by Division of Aeronautics.
- 87.6 DELETE** (Grant Funds Carry Forward) Authorizes unexpended Matching National Grant Funds to be carried forward and used for matching committed and/or unanticipated grant funds.
WMC: DELETE proviso. Codified in 55-5-280. Requested by Division of Aeronautics.
- 87.8 DELETE** (Grant Match Funds) Authorizes funds appropriated to the Division of Aeronautics for FAA grant matching to be used to match state and local aviation airports projects whether or not FAA funding has been received. Requires Aeronautics Commission approval prior to the funds being awarded.
WMC: DELETE proviso.
- 87.9 ADD** (Capital Improvement Projects) **WMC:** ADD new proviso to authorize the Division of Aeronautics to use the State Aviation Fund to pay for capital improvement projects associated with its hangar and offices at the Columbia Metropolitan Airport.

SECTION 88 - Y14-STATE PORTS AUTHORITY

- 88.1 AMEND** (Charleston Cooper River Bridge Project) Directs the State Ports Authority to pay the State Transportation Infrastructure Bank \$1,000,000 before June 30, 2012 to continue the Charleston Cooper River Bridge Project.
WMC: AMEND original proviso to change July 1, "2012" to "2013" and June 30, "2013" to "2014." *Meets the obligations of the State Ports Authority and the State Infrastructure Bank's financial agreement.* Fiscal Impact: No impact on the General Fund. The funds used to pay the Transportation Infrastructure Bank are operating funds of the Ports Authority, none of which are state appropriated funds. Generates \$1,000,000 for the State Transportation Infrastructure Bank. Per the Ports Authority, the commitment of the agency is to provide \$1,000,000 per year for 25 years, until 2027.
- 88.3 AMEND** (Harbor Deepening Reserve Fund) Creates the Harbor Deepening Reserve Fund within the State Ports Authority, with the fund retaining accrued interest. Requires the fund be used for activities associated with deepening the state's harbors; requires a comprehensive plan for using the fund be presented to JBRC for review and comment prior to expending any monies from the fund; and allows unexpended funds to be carried forward and used for the same purpose.
WMC: AMEND proviso to delete reference to creating the Harbor Deepening Reserve Fund and instead direct the State Ports Authority to "maintain" the fund.

SECTION 91 - A99-LEGISLATIVE DEPARTMENT

- 91.4 AMEND** (Subsistence/Travel Regulations) Directs that members of the legislature receive subsistence for each legislative day the body is in session. Authorizes standing committees and joint study committees to work during interim with advanced approval of Speaker of House and

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President Pro Tempore of Senate. Allows members of the General Assembly to receive subsistence expenses, per diem, and mileage reimbursement at the IRS rate as of June 30, 2008.
WMC: AMEND proviso to delete reference to "as of June 30, 2008."

- 91.13 AMEND (In-District Compensation)** Directs that legislators receive \$1,000 per month for in-district compensation.

WMC: AMEND proviso to delete reference to "effective January 1, 1995."

- 91.19 AMEND (Statewide Acts Availability)** Directs clerks of House and Senate to make all statewide Acts available to the public electronically.

WMC: AMEND proviso to delete reference to Section "2-7-80." *Refers to printing and distribution of acts; copies.*

- 91.22 AMEND (Suspend LAC Evaluation)** Suspends, for FY 2012-13, the requirement that the LAC conduct an audit of the Family Independence Act every two years and directs that any savings generated be used to conduct audits as requested by members of the General Assembly.

WMC: AMEND proviso to update fiscal year reference to "2013-14."

- 91.23 AMEND (DMV Audit Review)** Suspends, for FY 2012-13, the requirement that the LAC conduct an independent review of the DMV and direct that any savings generated be used to conduct audits as requested by members of the General Assembly.

WMC: AMEND proviso to update fiscal year reference to "2013-14."

- 91.24 AMEND (Electronic Correspondence)** Prohibits the House of Representatives, during FY 12-13, from spending funds to print or mail bills, summaries, committee agendas, etc. to committee members. Directs that relevant information on committee meetings be sent to members electronically.

WMC: AMEND proviso to update fiscal year reference to "2013-14."

- 91.25 DELETE (Teacher Salary Study Committee)** Creates the Joint Teacher Salary Study Committee to examine the current teacher salary schedule, its relationship to the EFA, the EIA, and to a district's ability to hire and retain quality teachers, and to examine potential changes to the salary schedule that may include a pay for performance model, step increases, frozen salary schedules, National Board Certification Incentive, or anything else related to teacher salaries. Requires a report and recommendations be submitted by December 1, 2012.

WMC: DELETE proviso.

- 91.26 DELETE (EOC Efficiency Review)** Directs the funds appropriated to the EOC for the School District Efficiency Review Pilot Program be used to review three school districts' central operations with a focus on non-instructional expenditures to identify ways to improve school district operating efficiencies and ways to reduce costs. Directs that the review be completed by June 30, 2013 and that the findings, along with the amount of estimated savings, how the savings could be achieved, and the districts' plan for implementing the recommendations be submitted to designated legislative committees and the Governor. Authorizes unexpended funds to be carried forward and used for the same purpose.

WMC: DELETE proviso. *SDE states that funds were not available to conduct the efficiency studies due to a decline in non-recurring revenue. Requested by Department of Education.*

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- 91.27 AMEND** (Committee Member Purchases) **WMC:** ADD new proviso to permit members of the House Ways and Means Committee to purchase new chairs for the committee room from their personal accounts.

SECTION 92 - D21-OFFICE OF THE GOVERNOR

- 92.6 AMEND** (OEPP - Victim/Witness Program Formula Distribution) Requires the first \$650,000 of any excess funds in the SC Victims' Compensation Fund be distributed to Judicial Circuits and used for Victim/Witness programs.
WMC: AMEND proviso to change "92.6" reference to "60.9." *Technical.*

SECTION 93 - D25-OFFICE OF INSPECTOR GENERAL

- 93.1 ADD** (Coordination with State Auditor) **WMC:** ADD new proviso to direct the Inspector General to submit an annual report to the Chairmen of the House Ways and Means and Senate Finance Committees the written referrals of fraud, waste, and abuse received from the State Auditor and the corresponding actions taken by the Inspector General.

SECTION 99 - E24-OFFICE OF ADJUTANT GENERAL

- 99.12 AMEND** (Citadel-S.C. National Guard Readiness Center) Directs the Adjutant General's Office, during FY 12-13, to repay to the General Fund \$300,000, plus interest, of the \$2,500,000 appropriated for the Citadel-S.C. National Guard Readiness Center in proviso 73.12 of the FY 07-08 Appropriation Act and states the intent that the same amount, plus interest be repaid annually until the \$1,250,000 balance has been repaid to the General Fund.
WMC: AMEND proviso to update fiscal year to "2013-14."
- 99.16 ADD** (Physical Assets Responsibility) **WMC:** ADD new proviso to make the Adjutant General's Office financially and administratively responsible for the following associated with 1 National Guard Road: buildings, grounds, deferred depreciation and maintenance reserves, improvement obligations, and all other operating costs. Direct that Section 1-11-67 [RENTAL CHARGES FOR OCCUPANCY OF STATE-CONTROLLED OFFICE BUILDINGS; APPORTIONMENT AMONG AGENCY FUNDING SOURCES] does not apply to this property and direct that the B&C Board is not responsible for deferred or future maintenance or repair of building or grounds. Fiscal Impact: No impact on the General Fund. Requested by Adjutant General.

SECTION 100 - E28-ELECTION COMMISSION

- 100.5 AMEND** (Budget Reduction Exemption) Authorizes non-recurring general and primary election expense funds to be exempt from mandated across the board reductions and to be excluded from the agency's base budget for purposes of calculating any across the board base reductions.
WMC: AMEND proviso to also exempt and exclude recurring funds appropriated for the same purpose. *During the 2012-13 budget process, recurring primary and general election funds were included in the agency's base budget.* Requested by Election Commission.
- 100.7 AMEND** (Training & Certification Program) Requires all County Boards of Voter Registration and County Election Commission to receive courses on their duties and

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responsibilities and allows the Election Commission to charge a fee for such courses. Authorizes the commission to retain up to \$35,000 in revenue to be used to help cover the costs of providing the training, and allows funds remaining in the account at the end of the fiscal year to be retained and carried forward to be used for the same purpose in the next fiscal year. Allows the commission to withhold members stipend if they don't complete the required training and certification programs.

WMC: AMEND proviso to delete the requirement that the commission retain the funds until the required training has been completed. *The commission does not currently have carry forward authority for the funds. Current commission policy for the aid to county stipend requires a member to be in compliance by the end of the applicable quarter in order to be eligible to receive the funds.* Requested by Election Commission.

- 100.8** **AMEND** (Penalty for Late Submission of Reimbursable Expenses) Authorizes the Election Commission to assess a 10% penalty for submissions of reimbursable election expenses more than 30 days after the election. Allows for a waiver of the penalty for good reason. Authorizes the commission to expend appropriated funds in the current fiscal year for expenses incurred in the prior fiscal year.

WMC: AMEND proviso to allow the commission to deduct a 10% penalty from the amount a county submits for election expenses reimbursement if the request is not submitted through the Voter Registration and Election Management System. Requested by Election Commission.

- 100.13** **ADD** (Polling Precincts) **WMC:** ADD new proviso to direct the Election Commission to quarterly create a list of polling places with the number of registered voters in each and to make the list available to county boards of registration and elections. Require county board of registration and election to submit a report to the Election Commission that lists polling precincts that have more than 2,500 registered electors as of January 1st and direct the commission to compile the information and submit it to the General Assembly by the 4th Tuesday of each odd-numbered year.

- 100.14** **ADD** (New Statewide Voting System) **WMC:** ADD new proviso to direct that funds appropriated for a new statewide voting system be placed into an designated account and be retained by the Election Commission until a new voting system with a verifiable paper trail is necessary and available for purchase. Authorize the funds to be carried forward and used for the same purpose. *Allow the SEC to retain recurring funds received over the next 5-6 years and place the funds into a designated account until the total funding needed for a new statewide voting system is received.* Fiscal Impact: Agency indicates total cost for a new voting system would be approximately \$30,000,000. Requested by Election Commission.

SECTION 101 - F03-BUDGET AND CONTROL BOARD

- 101.5** **AMEND** (Compensation - Reporting of Supplemental Salaries) Prohibits salary supplements unless approved by the agency head. Directs that any compensation or travel reimbursement from a public or private source be reported to the B&C Board by August 31 for the previous fiscal year. Directs the Office of Human Resources to establish procedures related to the reporting requirement.

WMC: AMEND proviso to change Division of Budget and Analyses and Office of Human Resources references to "Human Resources Division." *Technical.* Requested by Budget and Control Board.

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- 101.7 AMEND** (Vacant Positions) Authorizes the BCB to delete vacant positions more than 12 months old.
WMC: AMEND proviso to exempt the MUSC Hospital Authority.
- 101.16 AMEND** (Election File Merger) Directs the Office of Research and Statistics, in conjunction with the Election Commission to merge the voter registration file with the office's Geocoded Address List and various district boundaries in order to assist County Registration and Election Commissions with ensuring registered voters are assigned to proper election districts.
WMC: AMEND proviso to change "Office of Research and Statistics" references to "Research and Statistics Division." Direct that file merger is only required for districts that have elections scheduled. Allow the division to share the information collected with other state agencies. Define, for purposes of this provision, what is included in GIS data. Requested by Budget and Control Board.
- 101.17 AMEND** (Base Closure Fund Carry Forward Transfer) Authorizes up to a maximum of \$300,000 of Base Closure Fund appropriations to be carried forward and used for the South Carolina Military Base Task Force.
WMC: AMEND proviso to direct the balance of the funds previously appropriated to the board for the Base Closure Fund be carried forward and transferred to the Department of Commerce for the S.C. Military Base Task Force. Delete reference to purpose of the Task Force.
- 101.20 DELETE** (SEC Legal Expenses) Directs the Insurance Reserve Fund to reimburse the Ethics Commission for expenses associated with defense of two lawsuits which the Attorney General refused to defend.
WMC: DELETE proviso. *The lawsuits have been concluded and the proviso is no longer necessary.* Requested by Budget and Control Board.
- 101.22 AMEND** (Employee Compensation) Provides a plan to distribute employee pay increases for FY 12-13 in the amount of 3%.
WMC: AMEND proviso to change "three" percent to "zero" percent. Delete item 7 pertaining to timing of processing pay increases. *Conforms with funding recommendation.*
- 101.24 AMEND** (Sale of Surplus Real Property) Provides guidelines for the retention and use of revenue derived from the sale of surplus real properties.
WMC: AMEND proviso to authorize ETV to use the net proceeds from the sale of the Key Road property for renovation of the ETV Telecommunications Center "and other maintenance and operating expenses."
- 101.26 DELETE** (Rural Infrastructure) Directs the B&C Board to transfer all monies in the Office of Local Government grant program to the Rural Infrastructure Fund. Excludes the State Infrastructure Revolving Loan Fund and any federal monies and federal matching monies.
WMC: DELETE proviso. *The transfer is occurring in FY 12-13 so there is no future need for the proviso.* Requested by Budget and Control Board.

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- 101.27 AMEND** (~~Additional Tort Liability~~ Insurance Coverage for Aging Entity Authorized) Authorizes the Insurance Reserve Fund to provide insurance coverage for certain local aging entities. Directs that the IRF and the State shall not be liable for any coverage insufficiencies.
WMC: AMEND proviso to update fiscal year reference to "2013-14."
- 101.28 AMEND** (Statewide Appropriations Budget Module) Directs that funds for the Statewide Appropriations Budget Module be used to design and implement the statewide budgeting system to produce the state's annual operating budget through the Annual Appropriation Act and assigns project oversight and direction to the State Budget Division.
WMC: AMEND proviso to authorize unexpended funds to be carried forward for continued implementation efforts. Requested by Budget and Control Board.
- 101.29 ADD** (Consumer Protection and Cyber Security Improvements) **WMC:** ADD new proviso to direct that funds appropriated to the B&C Board for Consumer Protection and Statewide Cyber Security Improvements be used first to provide, at a minimum, one additional year of consumer protection to citizens who were enrolled in "ProtectMyID" as of March 31, 2013 and to use any remaining funds to implement state agency cyber security improvements as recommended in solutions for plans on cyber security improvements.

SECTION 102 - F27-BUDGET AND CONTROL BOARD, STATE AUDITOR'S OFFICE

- 102.3 ADD** (Coordination with Inspector General) **WMC:** ADD new proviso to direct the State Auditor to refer any instances of fraud, waste, or abuse that are identified through any state agency audit to the State Inspector General for examination and direct a report be submitted to the Chairmen of the House Ways and Means and Senate Finance Committees detailing the referrals.

SECTION 105 - F50-PUBLIC EMPLOYEE BENEFIT AUTHORITY

- 105.1 DELETE** (Lottery & Infrastructure Bank Health Insurance) Allows the Lottery Commissioners and Infrastructure Bank Board members to participate in the State Health Plan upon payment of full premium costs.
WMC: DELETE proviso.
- 105.4 AMEND** (Funding Abortions Prohibited) Prohibits any funds appropriated for employer contributions to the State Health Insurance Plan from being expended to reimburse the expenses of an abortion, except in certain specified cases. Prohibits the State Health Plan from offering coverage for abortion services, including ancillary services provided contemporaneously with abortion services. Requires the State Health Plan to determine the amount of total premiums paid for health coverage necessary to cover the risks associated with reimbursing plan participants for obtaining an abortion under approved circumstances. Requires the plan be reported to the Chairmen of the Senate Finance and Ways and Means Committees by November 15, 2012.
WMC: AMEND proviso to delete the "November 15, 2012" date and require the plan be reported annually.
- 105.5 AMEND** (TRICARE Supplement Policy) Directs the Employee Insurance program to offer group TRICARE Supplement policies in Plan Year 2013 to eligible subscribers through the

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flexible benefits program. Authorizes subscribers to be charged up to \$2 per subscriber per month for associated administrative costs.

WMC: AMEND proviso to delete reference to specific Plan Year.

- 105.6** **ADD** (PEBA: Tobacco User Differential Study) **WMC:** ADD new proviso direct PEBA to conduct a study to determine the benefits to the State Health Plan to differentiate between enrollees who are tobacco users and non-users by imposing a surcharge based on the category of tobacco product used and to make recommendations to the Chairmen of the Senate Finance and House Ways and Means Committees by October 1, 2013.
- 105.7** **ADD** (FY 2014 State Health Plan) **WMC:** ADD new proviso to direct that for the 2014 State Health Plan, employer premiums will increase 6.8%; subscriber premiums will not increase, and co-payments increases shall not exceed 20%. Authorize PEBA to adjust the plan, benefits, or contributions during Plan Year 2014 to ensure the plan remains fiscally stable.

SECTION 106 - R44-DEPARTMENT OF REVENUE

- 106.3** **AMEND** (Rural Infrastructure Fund Transfer) Authorizes DOR to deposit Rural Infrastructure Fund revenues in excess of \$12,000,000 to the Rural Infrastructure Bank Trust Fund under the B&C Board, Office of Local Government and to deposit revenue in excess of \$17,000,000 to the Rural Infrastructure Fund under the Department of Commerce, Coordinating Council. Requires all funds in the Rural Infrastructure Bank Trust Fund under the B&C Board, Office of Local Government be transferred during FY 11-12 to the S.C. Rural Infrastructure Authority, Rural Infrastructure Fund.
WMC: AMEND proviso to change "Budget and Control Board, Office of Local Government" reference to "Rural Infrastructure Authority" and delete language pertaining to the transfer of funds from the Office of Local Government to the Rural Infrastructure Fund. *The transfer of funds will occur in FY 2012-13. The purposes for the Rural Infrastructure Fund as defined in this proviso are also defined in its enabling legislation and this language is no longer needed.* Requested by Budget and Control Board.
- 106.8** **ADD** (Fraudulent Tax Return Program) **WMC:** ADD new proviso to authorize the department to establish and implement a Fraudulent Tax Return Detection Program for the purpose of preventing the payment of fraudulent tax refunds and to contract with information and technology entities to provide detection capabilities. Direct the department and to pay for the program from savings realized through implementation.

SECTION 107 - R52 - STATE ETHICS COMMISSION

- 107.1** **ADD** (Lobbying Fee Increase) **WMC:** ADD new proviso to authorize the Ethics Commission to increase the registration fees for lobbyists and lobbyists principals to \$200 and to use these funds to offset costs associated with administering and enforcing lobbyist and lobbying legislation. Authorize unexpended funds to be carried forward and used for the same purpose. Fiscal Impact: BEA states that based on 1,087 currently registered lobbyists, the proposed \$100 fee increase should generate approximately \$108,700 in other fund revenue for the agency.

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- 107.2 ADD (Ethics Commission Fees) WMC:** ADD new proviso to require any fee, fine, or penalty imposed by the commission to be deposited into the General Fund except for the \$100 increase for lobbyist and lobbyist's principal registration fee authorized in proviso 107.1.

SECTION 108 - S60-PROCUREMENT REVIEW PANEL

- 108.1 DELETE (Filing Fee)** Authorizes the Procurement Review Panel to charge a \$250 filing fee to the party requesting an administrative review under Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410(4) of the S.C. Code of Laws. Directs the agency to retain the funds generated by the filing fee and to use such fees for agency operations. Requires forfeiture of the filing fee when an appeal is withdrawn. Allows for waiver of the fee in case of hardship.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.

SECTION 109 - V04-DEBT SERVICE

- 109.1 AMEND (Excess Debt Service Funds Carry Forward)** Authorizes excess Debt Service funds to be carried forward from FY 11-12 and be spent for debt service purposes in FY 12-13.
WMC: AMEND proviso to update fiscal year references to "2012-13" and "2013-14."

SECTION 110 - X22-AID TO SUBDIVISIONS, STATE TREASURER

- 110.2 AMEND (Quarterly Distributions)** Provides for the quarterly distribution of Aid to Subdivisions Local Government Fund.
WMC: AMEND proviso to update fiscal year reference to "2013-14."
- 110.5 AMEND (LGF)** Suspends Sections 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] and 6-27-50 [RESTRICTIONS ON AMENDMENT OR REPEAL OF CHAPTER] for Fiscal Year 2012-13.
WMC: AMEND proviso to update fiscal year reference to "2013-14."
- 110.7 AMEND (Political Subdivision Flexibility)** Authorizes political subdivisions that receive Local Government Fund monies to reduce the amount of support they provide to any state mandated program or requirement up to the percentage their Local Government Fund appropriation has been reduced compared to the amount required to be funded by law, but exclude ALJs, Court of Appeals, Circuit and Family Courts, Magistrates, Masters in-Equity, Probate Courts, Public Defenders, Solicitors and the Supreme Court and their offices from the reductions.
WMC: AMEND proviso to update fiscal year reference to "2013-14."

SECTION 117 - X90-GENERAL PROVISIONS

- 117.2 AMEND (Appropriations From Funds)** Directs that funds appropriated from the General Fund, EIA Fund, Highways and Public Transportation Fund and other applicable funds are to meet the ordinary expenses of the State for FY 2012-13
WMC: AMEND proviso to update fiscal year reference to "2013-14."

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- 117.3 AMEND (Fiscal Year Definitions)** Defines current and prior fiscal year time frames.
WMC: AMEND proviso to update fiscal year references from "2012" to "2013;" "2013" to "2014;" and "2011" to "2012."
- 117.13 AMEND (SC Health & Human Services Data Warehouse)** Establishes the South Carolina Health and Human Services Data Warehouse within the B&C Board, Office of Research and Statistics to ensure that health and human services agencies operations may be enhanced by coordination and integration of client information. Defines client data; provides guidelines for operation of the data warehouse; and specifies agencies which are required to report client information.
WMC: AMEND proviso to change "Office of Research and Statistics" references to "Research and Statistics Division" and "Office" references to "Division." *Technical.* Requested by Budget and Control Board.
- 117.15 AMEND (Personal Service Reconciliation, FTEs)** Provides guidelines for the Budget and Control Board to monitor full-time equivalent (FTE) positions and directs that no agency may exceed the total FTEs authorized in the Appropriation Act except upon majority vote of the board. Directs that personal service funding must be at least 97% of the amount required to support the FTEs contained in the Governor's budget recommendations.
WMC: AMEND proviso to exempt the MUSC Hospital Authority from subitem 2(c) - deletion of unfunded or significantly underfunded FTEs and subitem 5 - elimination of unfunded FTEs.
- 117.16 AMEND (Allowance for Residences & Compensation Restrictions)** Authorizes specific positions to occupy agency-owned residences without charge and provides compensation guidelines.
WMC: AMEND proviso to change Fish Hatchery "Superintendents" to "Personnel" and delete reference to Lake Superintendent. *Clarifies term for Fish Hatchery residence allowance and Lake Superintendent positions were eliminated some years ago and there are no longer any residence structures for a superintendent at any state lake site.* Requested by Department of Natural Resources.
- 117.23 AMEND (State Owned Aircraft - Maintenance Logs)** Requires agencies with aircraft to maintain a log of all flights and to make the log available for public inspection and online. Provides guidelines for aircraft usage and flight logs. Prohibits aircraft from being leased to individuals for their personal use.
WMC: AMEND proviso to change description from "Maintenance" to "Flight" logs. Delete specification that the logs refer to aircraft operated by the "Division of Aeronautics" and instead specify any "state owned or operated" aircraft. Change the timeframe for certifying the nature of the flight from 48 to 24 hours after the completion of the flight. Delete the stipulation that official business does not include attending a press conference or bill signing. Delete the exemption for MUSC.
- 117.29 AMEND (School Technology Initiative)** Provides for the administration of K-12 technology initiative funds.
WMC: AMEND proviso to direct that the designated agencies are also responsible for determining a method to allocate K-12 technology funds. Require a "portion" of the funds be used to assist school districts to provide cost efficient and effective technology delivery; direct

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that the technology cost/benefit analyses include the required band width to deliver computerized based assessment statewide; and direct that funds should be used to collaborate with public-private sector entities that are specific to various geographic regions of the state. Require the School Technology Initiative to survey school districts to determine what their most pressing technology needs are and to assist them in locating cost effective methods for meeting their needs. Delete the authorization for funds to be used to establish pilot projects for new technologies.

- 117.35 DELETE** (Menu Option Telephone Answering Devices) Prohibits agencies using telephone answering device unless the caller can access a non-electronic attendant during business hours.
WMC: DELETE proviso.
- 117.38 AMEND** (Debt Collection Reports) Requires each agency to submit a report to the Chairmen of the Senate Finance and House Ways and Means Committees by the end of February that provides details on the amount of outstanding debt the agency had the previous calendar year and the methods used to collect the debt. Defines outstanding debt as the amount that remains due and owed to a state agency by a non-governmental entity for more than 60 days.
WMC: AMEND proviso to also have the report submitted to the Inspector General.
- 117.50 DELETE** (Constitutional Officer & Agency Head Voluntary Furlough) Allows constitutional officers and agency heads to voluntarily furlough for up to 36 days.
WMC: DELETE proviso.
- 117.54 AMEND** (Organizational Charts) Requires agencies to submit organization charts to the Office of Human Resources.
WMC: AMEND proviso to change "Office of Human Resources" references to "Human Resources Division." *Technical.*
- 117.55 AMEND** (Agencies Affected by Restructuring) Directs the B&C Board, when the General Assembly's restructures state agencies, to work with affected agencies to phase-in operations of the restructured organizations and directs that these agencies should be operating entirely under the revised structure by December 31st, unless otherwise directed by law. Directs the Comptroller General and State Treasurer to allow agencies to continue processing documents within their old account structure until accounting system changes can be made. Directs the Office of State Budget to prepare subsequent detail budgets to conform to financial information in the act and corresponding provisos to restructuring legislation.
WMC: AMEND proviso to change "Office of State Budget" reference to "State Budget Division."
- 117.75 AMEND** (Voluntary Furlough) Provides guidelines for agency heads to institute a voluntary employee furlough program of up to 90 days per fiscal year and for employee benefits during the furlough.
WMC: AMEND proviso to delete the stipulation that a voluntary furlough may only be implemented when less general funds are appropriated to an agency than they received the prior fiscal year or when the General Assembly or B&C Board implements a mid-year across the board budget reduction.

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- 117.78 AMEND** (Reduction in Force/Agency Head Furlough) Provides guidelines for an agency head to be furloughed when a reduction in force is implemented by the agency.
WMC: AMEND proviso to exempt agency heads from being required to take a mandatory furlough if RIFs are implemented due to "reorganization to accomplish organizational efficiencies."
- 117.79 AMEND** (Printed Report Requirements) Directs that for Fiscal Year 2012-13 certain state agencies and higher education institutions shall not be required to submit printed reports and shall only submit the reports electronically.
WMC: AMEND proviso to update fiscal year references to "2013-14."
- 117.80 AMEND** (IMD Operations) Directs that funds received by State child placing agencies for the Institution for Mental Diseases Transition Plan (IMD) be applied only for out of home placement in providers which operate DSS or DHEC licensed institutional, residential, or treatment programs. Requires an annual IMD transition funds expenditure report be provided to the Chairmen of the Senate Finance and House Ways and Means Committees and to the Governor. Directs that funds be allocated based on the DHHS allocation methodology.
WMC: AMEND proviso to require each agency that receives IMD funds to place them in an earmarked fund. Specify that the annual report is to be made by each state child placing agency by November 1st each year. Delete the requirement that funds be allocated based on Department of Health and Human Services allocation methodology and instead direct DHHS to review the number of out of home placements by type and by agency each year and make recommendations to the General Assembly.
- 117.85 DELETE** (Travel Reduction Assessment) Encourages agencies to ensure that front line employees who provide services directly to clients are minimally impacted by the assessment of any travel reduction.
WMC: DELETE proviso.
- 117.87 AMEND** (Broadband Spectrum Lease) Requires the General Assembly to approve the exercise of any Middle Band Segment Channel recapture provision contained in the Educational Broadband Service Spectrum Lease Agreements if there would be a decrease in payments received by the state. Requires broadband spectrum lease revenue be transferred monthly during FY 2012-13 to ETV. Directs that upon agreement of the lessee, ETV shall assume management and administration of the lease and receive the lease payments directly. Authorizes ETV to retain and carry forward unexpended funds.
WMC: AMEND proviso to delete the monthly transfer of funds from the B&C Board to ETV and direct that ETV assumes management and administration of the lease and receives lease payments directly. Authorize ETV, if the current lease holder defaults, to use contingent funds up until a new lease can be negotiated.
- 117.89 AMEND** (Deficit Monitoring) Provides procedures for the Office of State Budget regarding quarterly deficit monitoring.
WMC: AMEND proviso to change "Office of State Budget" reference to "State Budget Division." *Technical.*
- 117.97 AMEND** (Funds Transfer to ETV)) Requires certain funds appropriated to the B&C Board for Legislative & Public Affairs Coverage and to the Law Enforcement Training Council for

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training and emergency systems to be transferred to ETV during July of 2012 for them to continue to provide services as they were provided in the prior fiscal year.

WMC: AMEND proviso to add "Emergency Communications Backbone" to appropriated funds identified within the B&C Board and delete the same reference within the Law Enforcement Training Council. Update calendar year reference to "2013." Requested by Budget and Control Board and Educational Television Commission.

- 117.99 AMEND (Means Test)** Requires all agencies that provide Healthcare Services to identify standards and criteria in order to means test all programs they provide, if federal guidelines allow such a test. Directs an agency, once consistent criteria has been established, to implement their plan. Requires each agency to report criteria and fiscal data to the Chairmen of the Senate Finance and House Ways and Means Committees by January 1, 2012.

WMC: AMEND proviso to change "2012" to "2014."

- 117.101 AMEND (WIA Meeting Requirements)** Establishes Workforce Investment Board meeting notice and quorum requirements.

WMC: AMEND proviso to update fiscal year reference to "2013-14." Direct that no actions of any Workforce Investment Board may be considered unless a quorum is present.

- 117.102 AMEND (WIA Service Advertising)** Establishes Workforce Investment Act advertising guidelines.

WMC: AMEND proviso to update fiscal year reference to "2013-14." Change references to advertising their services to promoting outreach for their services.

- 117.103 AMEND (WIA Training Marketability Evaluation)** Requires local workforce investment boards to report on how funds were allocated based for training.

WMC: AMEND proviso to update fiscal year reference to "2013-14." Delete the requirement that local workforce investment board prepare an annual report and instead direct the department to submit all annual reports required by the U.S. Department of Labor in reference to the Workforce Investment act and Workforce Investment Boards.

- 117.106 AMEND (USC Greenville Medical School)** States the intent of the General Assembly to not appropriate general funds for the new medical school at USC Greenville during FY 2012-13 and limits the amount and type of funds that may be transferred from USC to the new medical school.

WMC: AMEND proviso to update fiscal year reference to "2013-14."

- 117.107 AMEND (Retirement Investment Commission)** Requires the Retirement System Investment Commission to submit a plan for salary bonuses for calendar year 2014 to the Senate Finance and Ways and Means Retirement Subcommittees by January 15 2013 and requires both subcommittee's approval of the plan prior to implementation.

WMC: AMEND proviso to change subcommittee names to Senate Finance "Health and Human Services" and Ways and Means "Legislative, Executive, and Local Government." Update calendar year references to "2014" and "2015." *Technical.*

- 117.108 AMEND (First Steps - BabyNet)** Requires the First Steps Board of Trustees to ensure compliance with Part C of the Individuals with Disabilities Act and to fully implement the LAC's BabyNet Program recommendations 2 through 23. Requires First Steps to develop a

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schedule by September 15, 2012, to implement each of the recommendations and directs that First Steps is responsible for such implementation. Requires certain quarterly and monthly reports be submitted and direct First Steps to collaborate with DDSN, DHHS, DMH, and DSS to develop a common reporting format.

WMC: AMEND proviso to delete the references to implementing recommendations "2 through 23" and instead direct that recommendations contained in the "2011" audit report be implemented. Delete requirement that a schedule be developed for recommendations. Direct First Steps to submit necessary statutory changes to appropriate Senate and House Education Committees and to submit budget recommendations to the Governor in their agency's budget request.

117.109 DELETE (Law Enforcement Special Salary Increase) Provides SLED, DPS, DNR, DPPP, and the Forestry Commission Class I law enforcement officers whose annual salary was \$50,000 or less prior to the base pay increase on 7/1/12 with an additional 2% salary increase.

WMC: DELETE proviso. *Increase was provided in FY 2012-13.*

117.111 AMEND (Prohibits Local Government Fund Public Funded Lobbyists) Prohibits all local governmental entities from using taxpayer funds received from the Local Government Fund to pay employees for lobbying activities undertaken on their behalf.

WMC: AMEND proviso to direct that if it is determined that this has occurred, the governmental entity that originally received the funds will have their allocation reduced by a like amount.

117.112 DELETE (School Transportation Decentralization Study Committee) Creates a committee to study decentralizing school bus transportation services and requires a report be submitted to the General Assembly and the Governor by January 1, 2013, after which time the committee is abolished.

WMC: DELETE proviso.

117.114 ADD (First Steps Reauthorization) **WMC:** ADD new proviso to reauthorize First Steps for Fiscal Year 2013-14.

117.115 ADD (Sexually Violent Predators Treatment RFP) **WMC:** ADD new proviso to require the Directors of the Departments of Mental Health and Corrections to cooperate with the B&C Board, Division of Procurement Services to develop and issue a RFP to seek proposals from qualified private providers to provide secure housing and treatment services to persons who have been civilly committed to DMH under the Sexually Violent Predators Act.

117.116 ADD (Transfer Procurement Review Panel to ALC) **WMC:** ADD new proviso to transfer for the current fiscal year and effective July 1, 2013, the duties, functions, responsibilities, personnel, funding and physical assets of the Procurement Review Panel to the Administrative Law Court. Fiscal Impact: No impact on the General Fund.

117.117 ADD (SC Military Museum) **WMC:** ADD new proviso to direct PRT to transfer \$179,000 to the Adjutant General for S.C. Military Museum operating costs.

117.118 ADD (Electronic Transmission of Agency Reports to General Assembly) **WMC:** ADD new proviso to direct that except for the Governor's Executive Budget and related documents and

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telephone directories, all reports that state governmental agencies are required to submit to the General Assembly shall be transmitted electronically to the Office of Legislative Printing, Information and Technology Systems (LPITS) and to the State Library as provided in Section 60-2-30. LPITS is directed to notify members of the General Assembly that the report is available. Prohibit agencies from submitting hard copies of a document to the General Assembly unless a members has so requested. Direct that the Speaker of the House and President Pro Tempore of the Senate may authorize hard copies of any document to be printed and distributed to the General Assembly. *Mirrors Section 2-1-230. Was previously a proviso in the appropriation act until codified in Act 119 of 2005.*

- 117.119 ADD (Magistrate Courts Jury Areas) WMC:** ADD new proviso to establish countywide jury areas for magistrate courts. Require DMV and the State Election Commission use their existing appropriations to develop and provide countywide jury lists in accordance with Section 14-7-130 [PREPARATION OF JURY LIST FROM ELECTRONIC FILE OF PERSONS HOLDING VALID SOUTH CAROLINA DRIVER'S LICENSE OR IDENTIFICATION CARD.] Direct that the lists be provided to the chief magistrate of each county without charge.
- 117.120 ADD (Prohibit Use of State Aircraft for Athletic Recruitment) WMC:** ADD new proviso to prohibit colleges and universities from using any aircraft operated by the Division of Aeronautics for athletic recruitment purposes.
- 117.121 ADD (Prohibit Sales Tax on Additional Guest Charges) WMC:** ADD new proviso to prohibit sales tax from being imposed on additional guest charges that are readily available to the general public and define what some additional guest charges include. Fiscal Impact: BEA indicates this proviso is expected to decrease sales and use tax revenue by an estimated \$960,714 in FY 13-14.
- 117.122 ADD (Recreational Activities) WMC:** ADD new proviso to allow two counties the receive Local Government Fund allocations to enter into a MOU to provide recreational activities and projects that benefit citizens of both counties.

SECTION 118 - X91-STATEWIDE REVENUE

- 118.1 AMEND (Year End Expenditures)** Directs year-end expenditure deadlines.
WMC: AMEND proviso to change fiscal year reference from "2013" to "2014" and "July 12, 2013" to "July 11, 2014."
- 118.3 DELETE (Tobacco Settlement)** Directs the State Treasurer to transfer \$8,481,912 from the unrestricted taxable proceeds portion of the principal of the Healthcare Tobacco Settlement Trust Fund to the Department of Health and Human Services to be spent for Medicaid. Authorizes the State Treasurer to transfer to the Attorney General, from funds available to the Tobacco Settlement Management Authority, amounts necessary for further enforcement of the Tobacco Escrow Fund Act.
WMC: DELETE proviso. *Conform to funding.*
- 118.8 AMEND (Health Care Maintenance of Effort Funding)** Directs that the source of funds in this provision is \$157,299,845 from the 50 cent cigarette surcharge collected in FY 11-12 and FY 12-13 and deposited in the SC Medicaid Reserve Fund. Directs the Department of Health and

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Human Services to use these funds for the Medicaid Program's maintenance of effort. Requires residual funds from the surcharge to remain in the fund and authorizes the director of the DHHS to use these funds to ensure access to care in rural and underserved areas of the state. Authorizes unexpended funds to be carried forward and used for the same purpose.

WMC: AMEND proviso to change "\$157,299,845: to "\$158,000,000" and delete the use of residual funds by the DHHS director.

- 118.9 AMEND** (Prohibits Public Funded Lobbyists) Requires certain agencies to transfer specific amounts of funds to the General Fund in order to eliminate taxpayer funded lobbying.

WMC: AMEND proviso to update fiscal year reference to "2013-14."

- 118.10 AMEND** (Admissions Tax) Directs that for FY 12-13, up to \$114,000 in admissions tax revenue collected from events held at a motorsports entertainment complex facility with at least 60,000 permanent seats must be rebated to the facility in the current fiscal year to keep a NASCAR race at the facility.

WMC: AMEND proviso to update fiscal year reference to "2013-14." Fiscal Impact: BEA states this provision would decrease General Fund admissions tax revenue by \$114,000 in FY 2013-14.

- 118.11 DELETE** (Contingency Reserve Fund Transfers) Transfers excess FY 11-12 general fund revenues above the amounts appropriated in proviso 118-14 (Nonrecurring Revenue) to the Contingency Reserve Fund.

WMC: DELETE proviso.

- 118.13 DELETE** (National Mortgage Settlement) Provides for transfer of National Mortgage Settlement funds credited to the Litigation Recovery Account as follows: The first \$4,636,000 credited to the Account during the prior fiscal year are to be transferred to the General Fund for credit in FY 11-12; the next \$10,000,000 in the Account in the current fiscal year are to be transferred to the Deal Closing Fund; and any funds remaining in the Account on July 1, 2012 are to be transferred to the General Fund for credit in FY 12-13.

WMC: DELETE proviso.

- 118.14 DELETE** (Non-recurring Revenue) Appropriates \$555,153,157 of non-recurring revenue to various agencies for Fiscal Year 2012-13, generated from specific sources.

WMC: DELETE proviso.

- 118.15 AMEND** (Tax Relief Reserve Fund) Creates the Tax Relief Reserve Fund; directs that accrued interest remain in the fund; and directs the State Treasurer, on December 31, 2012, to transfer from the General Fund any funds identified in this act designated for the Tax Relief Reserve Fund. Directs that the fund may only be used to provide tax relief to businesses and individuals as provided by law and authorizes these funds to be retained, carried forward, and used for the same purpose.

WMC: AMEND proviso to update year reference to "2013." *Conform to funding.*

- 118.16 ADD** (Tobacco Settlement) **WMC:** ADD new proviso to transfer Tobacco Master Settlement Agreement (MSA) funds. (A) From funds received during calendar year 2014, transfer the following for Diligent Enforcement: \$1,253,000 to the Attorney General's Office (also to be used for Arbitration Litigation); \$450,000 to SLED; and \$325,000 to DOR. Transfer

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\$36,202,090 to the Department of Education for EFA-IDA Contingency Reserve with any remaining balance transferred to DHHS for Medicaid. (B) From funds received during calendar year 2013, transfer sufficient funds to cover Tobacco Settlement Revenue Management Authority operating expenses, with any remaining balance transferred to DHHS for Medicaid. (C) From funds available after the discharge of the Series 2008 Tobacco Bonds and remaining uncommitted Tobacco Funds held by the State Treasurer prior to calendar year 2013, transfer \$4,287,779 to DSS for the Child Support Enforcement System; \$4,000,000 to MUSC Hospital Authority for the Telemedicine program; and \$2,000,000 to Department of Agriculture pursuant to Section 11-49-55 [STATE-GROWN CROPS; MARKETING, BRANDING, AND NATURAL DISASTER RELIEF ASSISTANCE], with any remaining balance transferred to DHHS for Medicaid. (D) Suspend the requirements of Section 11-11-170 [USE OF REVENUES PAYABLE PURSUANT TO MASTER SETTLEMENT AGREEMENT] for FY 13-14.

- 118.17 ADD (Non-Recurring Revenue) WMC:** ADD new proviso to appropriate \$159,845,460 of non-recurring revenue for FY 2013-14 generated from FY 2012-13 unobligated general fund revenue certified by the BEA. Appropriations are made to various agencies for specific purposes. Authorizes these funds to be carried forward and used for the same purposes. Direct that the \$60,000,000 appropriated in item 33(f) for Bridge Replacement and Rehabilitation be used as the match requirement for active federal aid eligible bridges currently programmed in the Statewide Transportation Improvement Program. Authorize funds not needed as match to be used by DOT to address closed and load restricted bridges. Direct that funds remaining in the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008 be used to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations and provide for the calculation of the funds to be distributed. Direct that these funds also be used to maintain access fees to the facility for FY 12-13 at the FY 09-10 level and also be used to pay Southern States Energy Board annual dues.