

**H3700 CONFERENCE COMMITTEE
SUMMARY OF PROVISO CHANGES
FOR FY 2011-12**

SECTION 1 - H63-DEPARTMENT OF EDUCATION

- 1.3** **AMEND FURTHER** (EFA Formula/Base Student Cost Inflation Factor) States General Assembly intent to fully implement the EFA including an inflation factor projected by the Division of Budget and Analyses to match the inflation wages of public school employees in the southeast; states the base student cost has been determined to be \$1,630; states that the per pupil count for FY 10-11 is projected to be 694,303 and projects the average per pupil funding. Directs that for FY 10-11 the SC Public Charter School District shall receive and distribute state funds to the charter school as determined by the current year's base student cost, as funded by the General Assembly, plus an additional \$700, multiplied by the weighted students enrolled in the charter school, subject to adjustment for student attendance and state budget allocations.
- WMC:** AMEND proviso to update the projections for FY 11-12 as follows: base student cost, \$1,617; total pupil count, 694,850; average per pupil funding, \$4,778 state, \$1,206 federal, and \$5,666 local for an average total funding level of \$11,651 excluding local bond issues. Delete the requirement that Public Charter Schools receive an additional \$700 multiplied by weighted students enrolled in the charter school, adjusted for student attendance. Delete all estimated school district projections. *See proviso 1.89 for additional charter school funding.*
- HOU:** AMEND FURTHER to change the projections as follows base student cost, \$1,788; total pupil count, 690,111; average per pupil funding, \$4,834 state, \$1,215 federal, and \$5,705 local for an average total funding level of \$11,754. Sponsor: Rep. Bingham.
- HOU2:** AMEND FURTHER to direct that the Public Charter School District receive "100%" of the current year's base student cost multiplied by the weighted pupils enrolled in the charter school, subject to student attendance adjustment. Sponsor: Rep. Cooper.
- SFC:** AMEND FURTHER to direct that the Public Charter School District receive "100%" of the current year's base student cost multiplied by the weighted students "(pupils)" enrolled in the charter school. Reinsert and update the estimated school district projections.
- SEN:** ADOPT proviso as amended.
- CONF:** ADOPT Senate version.

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for 100 percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be ~~\$1,630~~ \$1,788. In Fiscal Year ~~2010-11~~ 2011-12, the total pupil count is projected to be ~~694,303~~ 690,111. The average per pupil funding is projected to be ~~\$4,485~~ \$4,834 state, ~~\$1,633~~ \$1,215 federal, and ~~\$5,254~~ \$5,705 local. This is an average total funding level of ~~\$11,372~~ \$11,754 excluding revenues of local bond issues. For Fiscal Year ~~2010-11~~ 2011-12 the South Carolina Public Charter School District shall receive and distribute state EFA funds to the charter school as determined by 100% of the current year's base student cost, as funded by the General Assembly, ~~plus an additional \$700,~~ multiplied by the weighted students pupils enrolled in the charter school, which must be subject to adjustment for student attendance ~~and must not be reduced for state budget allocations.~~

In Fiscal Year ~~2010-11~~ 2011-12, the Abbeville School District total pupil count is projected to be ~~2,963~~ 2,971. The per pupil funding is projected to be ~~\$5,892~~ \$6,059 state, ~~\$1,878~~ \$1,354 federal, and ~~\$3,286~~ \$3,316 local. This is a total projected funding level of ~~\$11,057~~ \$10,729 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Aiken School District total pupil count is projected to be ~~23,756~~ 23,658. The per pupil funding is projected to be ~~\$4,237~~ \$4,499 state, ~~\$1,578~~ \$1,071 federal, and ~~\$3,177~~ \$3,713 local. This is a total projected funding level of ~~\$8,992~~ \$9,283 excluding revenues of local bond issues.

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In Fiscal Year ~~2010-11~~ 2011-12, the Allendale School District total pupil count is projected to be ~~4,590~~ 1,351. The per pupil funding is projected to be \$5,388 ~~\$8,564~~ state, ~~\$2,736~~ \$2,461 federal, and ~~\$3,452~~ \$5,261 local. This is a total projected funding level of ~~\$11,576~~ \$16,286 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~, 2011-12 the Anderson School District 1 total pupil count is projected to be ~~9,042~~ 8,933. The per pupil funding is projected to be ~~\$4,267~~ \$4,637 state, ~~\$922~~ \$763 federal, and ~~\$3,060~~ \$3,362 local. This is a total projected funding level of ~~\$8,249~~ \$8,762 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Anderson School District 2 total pupil count is projected to be ~~3,600~~ 3,625. The per pupil funding is projected to be ~~\$4,440~~ \$4,791 state, ~~\$1,432~~ \$1,168 federal, and ~~\$3,368~~ \$3,489 local. This is a total projected funding level of ~~\$9,240~~ \$9,448 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Anderson School District 3 total pupil count is projected to be ~~2,588~~ 2,479. The per pupil funding is projected to be ~~\$4,534~~ \$4,930 state, ~~\$1,578~~ \$1,290 federal, and ~~\$3,571~~ \$3,747 local. This is a total projected funding level of ~~\$9,683~~ \$9,967 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Anderson School District 4 total pupil count is projected to be ~~2,726~~ 2,734. The per pupil funding is projected to be ~~\$4,557~~ \$4,997 state, ~~\$1,326~~ \$1,186 federal, and ~~\$6,584~~ \$6,182 local. This is a total projected funding level of ~~\$12,467~~ \$12,366 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Anderson School District 5 total pupil count is projected to be ~~12,010~~ 12,150. The per pupil funding is projected to be ~~\$4,546~~ \$4,597 state, ~~\$1,635~~ \$1,413 federal, and ~~\$4,032~~ \$4,295 local. This is a total projected funding level of ~~\$10,213~~ \$10,305 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Bamberg School District 1 total pupil count is projected to be ~~1,387~~ 1,410. The per pupil funding is projected to be ~~\$5,491~~ \$6,040 state, ~~\$2,166~~ \$1,840 federal, and ~~\$3,299~~ \$3,420 local. This is a total projected funding level of ~~\$10,956~~ \$11,300 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Bamberg School District 2 total pupil count is projected to be ~~846~~ 795. The per pupil funding is projected to be ~~\$6,283~~ \$6,864 state, ~~\$2,477~~ \$2,085 federal, and ~~\$3,768~~ \$3,729 local. This is a total projected funding level of ~~\$12,529~~ \$12,678 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Barnwell School District 19 total pupil count is projected to be ~~829~~ 818. The per pupil funding is projected to be ~~\$5,252~~ \$5,843 state, ~~\$2,775~~ \$2,257 federal, and ~~\$3,212~~ \$4,680 local. This is a total projected funding level of ~~\$11,238~~ \$12,780 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Barnwell School District 29 total pupil count is projected to be ~~1,075~~ 953. The per pupil funding is projected to be ~~\$4,356~~ \$4,826 state, ~~\$1,453~~ \$1,281 federal, and ~~\$2,675~~ \$4,042 local. This is a total projected funding level of ~~\$8,484~~ \$10,149 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Barnwell School District 45 total pupil count is projected to be ~~2,261~~ 2,375. The per pupil funding is projected to be ~~\$5,398~~ \$5,551 state, ~~\$1,663~~ \$1,268 federal, and ~~\$3,030~~ \$3,434 local. This is a total projected funding level of ~~\$10,091~~ \$10,253 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Beaufort School District total pupil count is projected to be ~~19,776~~ 18,817. The per pupil funding is projected to be ~~\$3,518~~ \$3,621 state, ~~\$1,608~~ \$1,138 federal, and ~~\$10,018~~ \$11,656 local. This is a total projected funding level of ~~\$15,144~~ \$16,415 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Berkeley School District total pupil count is projected to be ~~28,797~~ 28,674. The per pupil funding is projected to be ~~\$4,177~~ \$4,554 state, ~~\$1,528~~

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\$1,092 federal, and ~~\$4,768~~ \$4,753 local. This is a total projected funding level of ~~\$10,473~~ \$10,399 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Calhoun School District total pupil count is projected to be ~~1,712~~ 1,649. The per pupil funding is projected to be ~~\$5,207~~ \$5,903 state, ~~\$2,479~~ \$1,646 federal, and ~~\$6,031~~ \$6,810 local. This is a total projected funding level of ~~\$13,717~~ \$14,359 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Charleston School District total pupil count is projected to be ~~41,754~~ 43,088. The per pupil funding is projected to be ~~\$3,539~~ \$3,326 state, ~~\$1,825~~ \$1,169 federal, and ~~\$8,330~~ \$9,283 local. This is a total projected funding level of ~~\$13,694~~ \$13,778 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Cherokee School District total pupil count is projected to be ~~8,654~~ 8,498. The per pupil funding is projected to be ~~\$4,584~~ \$4,878 state, ~~\$2,050~~ \$1,606 federal, and ~~\$4,723~~ \$4,844 local. This is a total projected funding level of ~~\$11,357~~ \$11,328 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Chester School District total pupil count is projected to be ~~5,204~~ 5,182. The per pupil funding is projected to be ~~\$4,954~~ \$5,273 state, ~~\$2,072~~ \$1,315 federal, and ~~\$4,522~~ \$4,051 local. This is a total projected funding level of ~~\$11,548~~ \$10,639 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Chesterfield School District total pupil count is projected to be ~~7,271~~ 7,372. The per pupil funding is projected to be ~~\$4,858~~ \$5,137 state, ~~\$1,854~~ \$1,316 federal, and ~~\$3,477~~ \$3,673 local. This is a total projected funding level of ~~\$10,189~~ \$10,126 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Clarendon School District 1 total pupil count is projected to be ~~835~~ 863. The per pupil funding is projected to be ~~\$5,741~~ \$5,699 state, ~~\$4,127~~ \$2,878 federal, and ~~\$5,947~~ \$5,862 local. This is a total projected funding level of ~~\$15,815~~ \$14,438 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Clarendon School District 2 total pupil count is projected to be ~~3,063~~ 2,911. The per pupil funding is projected to be ~~\$4,683~~ \$4,570 state, ~~\$2,714~~ \$1,829 federal, and ~~\$2,138~~ \$2,848 local. This is a total projected funding level of ~~\$9,535~~ \$9,247 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Clarendon School District 3 total pupil count is projected to be ~~1,207~~ 1,193. The per pupil funding is projected to be ~~\$4,767~~ \$5,369 state, ~~\$1,327~~ \$1,038 federal, and ~~\$2,984~~ \$2,894 local. This is a total projected funding level of ~~\$9,079~~ \$9,301 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Colleton School District total pupil count is projected to be ~~6,107~~ 5,733. The per pupil funding is projected to be ~~\$4,230~~ \$4,663 state, ~~\$2,511~~ \$2,070 federal, and ~~\$5,011~~ \$6,363 local. This is a total projected funding level of ~~\$11,752~~ \$13,096 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Darlington School District total pupil count is projected to be ~~10,461~~ 10,153. The per pupil funding is projected to be ~~\$4,560~~ \$5,240 state, ~~\$2,077~~ \$1,633 federal, and ~~\$4,729~~ \$4,995 local. This is a total projected funding level of ~~\$11,365~~ \$11,868 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Dillon School District 1 total pupil count is projected to be ~~835~~ 833. The per pupil funding is projected to be ~~\$4,555~~ \$5,333 state, ~~\$2,323~~ \$1,456 federal, and ~~\$1,730~~ \$1,813 local. This is a total projected funding level of ~~\$8,608~~ \$8,603 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Dillon School District 2 total pupil count is projected to be ~~3,330~~ 3,408. The per pupil funding is projected to be ~~\$4,447~~ \$4,856 state, ~~\$2,552~~ \$1,891 federal, and ~~\$1,593~~ \$1,580 local. This is a total projected funding level of ~~\$8,592~~ \$8,327 excluding revenues of local bond issues.

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In Fiscal Year ~~2010-11~~ 2011-12, the Dillon School District 3 total pupil count is projected to be ~~4,734~~ 1,527. The per pupil funding is projected to be ~~\$3,784~~ \$4,753 state, ~~\$1,537~~ \$1,537 federal, and ~~\$1,913~~ \$2,168 local. This is a total projected funding level of ~~\$7,234~~ \$8,459 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Dorchester School District 2 total pupil count is projected to be ~~23,163~~ 22,783. The per pupil funding is projected to be ~~\$4,281~~ \$4,942 state, ~~\$840~~ \$722 federal, and ~~\$3,133~~ \$2,967 local. This is a total projected funding level of ~~\$8,255~~ \$8,631 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Dorchester School District 4 total pupil count is projected to be ~~2,079~~ 2,057. The per pupil funding is projected to be ~~\$5,069~~ \$5,521 state, ~~\$2,557~~ \$2,157 federal, and ~~\$7,710~~ \$7,355 local. This is a total projected funding level of ~~\$15,336~~ \$15,033 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Edgefield School District total pupil count is projected to be ~~3,727~~ 3,921. The per pupil funding is projected to be ~~\$5,029~~ \$5,181 state, ~~\$1,632~~ \$1,302 federal, and ~~\$3,408~~ \$4,375 local. This is a total projected funding level of ~~\$10,069~~ \$10,858 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Fairfield School District total pupil count is projected to be ~~2,715~~ 2,852. The per pupil funding is projected to be ~~\$6,049~~ \$5,424 state, ~~\$2,644~~ \$1,768 federal, and ~~\$7,916~~ \$7,970 local. This is a total projected funding level of ~~\$16,609~~ \$15,162 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Florence School District 1 total pupil count is projected to be ~~15,598~~ 15,460. The per pupil funding is projected to be ~~\$4,441~~ \$5,002 state, ~~\$1,670~~ \$1,271 federal, and ~~\$3,854~~ \$3,734 local. This is a total projected funding level of ~~\$9,965~~ \$10,007 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Florence School District 2 total pupil count is projected to be ~~1,299~~ 1,121. The per pupil funding is projected to be ~~\$4,210~~ \$5,380 state, ~~\$1,501~~ \$1,284 federal, and ~~\$3,286~~ \$3,442 local. This is a total projected funding level of ~~\$8,998~~ \$10,106 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Florence School District 3 total pupil count is projected to be ~~3,335~~ 3,243. The per pupil funding is projected to be ~~\$5,064~~ \$5,932 state, ~~\$4,100~~ \$3,251 federal, and ~~\$2,349~~ \$2,390 local. This is a total projected funding level of ~~\$11,514~~ \$11,574 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Florence School District 4 total pupil count is projected to be ~~822~~ 738. The per pupil funding is projected to be ~~\$6,881~~ \$6,721 state, ~~\$3,205~~ \$2,589 federal, and ~~\$5,021~~ \$4,569 local. This is a total projected funding level of ~~\$15,107~~ \$13,879 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Florence School District 5 total pupil count is projected to be ~~1,405~~ 1,386. The per pupil funding is projected to be ~~\$4,777~~ \$5,264 state, ~~\$1,522~~ \$1,129 federal, and ~~\$4,263~~ \$4,020 local. This is a total projected funding level of ~~\$10,563~~ \$10,413 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Georgetown School District total pupil count is projected to be ~~9,345~~ 9,335. The per pupil funding is projected to be ~~\$4,202~~ \$3,735 state, ~~\$1,935~~ \$1,298 federal, and ~~\$6,614~~ \$7,241 local. This is a total projected funding level of ~~\$12,751~~ \$12,273 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Greenville School District total pupil count is projected to be ~~70,951~~ 70,978. The per pupil funding is projected to be ~~\$4,312~~ \$4,575 state, ~~\$1,355~~ \$1,114 federal, and ~~\$4,365~~ \$4,739 local. This is a total projected funding level of ~~\$10,032~~ \$10,429 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Greenwood School District 50 total pupil count is projected to be ~~8,435~~ 8,735. The per pupil funding is projected to be ~~\$4,431~~ \$4,922 state,

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~~\$1,671~~ \$1,073 federal, and ~~\$6,114~~ \$6,042 local. This is a total projected funding level of ~~\$12,216~~ \$12,036 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Greenwood School District 51 total pupil count is projected to be ~~1,069~~ 884. The per pupil funding is projected to be ~~\$4,607~~ \$6,262 state, ~~\$1,635~~ \$1,472 federal, and ~~\$3,675~~ \$3,866 local. This is a total projected funding level of ~~\$9,917~~ \$11,600 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Greenwood School District 52 total pupil count is projected to be ~~1,550~~ 1,540. The per pupil funding is projected to be ~~\$3,175~~ \$4,015 state, ~~\$1,056~~ \$605 federal, and ~~\$7,027~~ \$6,229 local. This is a total projected funding level of ~~\$11,258~~ \$10,849 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Hampton School District 1 total pupil count is projected to be ~~2,291~~ 2,392. The per pupil funding is projected to be ~~\$5,723~~ \$6,027 state, ~~\$2,292~~ \$1,576 federal, and ~~\$2,981~~ \$3,304 local. This is a total projected funding level of ~~\$10,995~~ \$10,907 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Hampton School District 2 total pupil count is projected to be ~~973~~ 935. The per pupil funding is projected to be ~~\$6,484~~ \$7,615 state, ~~\$3,320~~ \$2,706 federal, and ~~\$4,160~~ \$4,633 local. This is a total projected funding level of ~~\$13,965~~ \$14,954 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Horry School District total pupil count is projected to be ~~36,702~~ 37,987. The per pupil funding is projected to be ~~\$3,691~~ \$3,567 state, ~~\$1,555~~ \$1,191 federal, and ~~\$8,142~~ \$9,073 local. This is a total projected funding level of ~~\$13,388~~ \$13,831 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Jasper School District total pupil count is projected to be ~~3,164~~ 2,968. The per pupil funding is projected to be ~~\$4,742~~ \$5,224 state, ~~\$2,278~~ \$1,891 federal, and ~~\$4,891~~ \$5,114 local. This is a total projected funding level of ~~\$11,912~~ \$12,228 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Kershaw School District total pupil count is projected to be ~~9,956~~ 10,182. The per pupil funding is projected to be ~~\$4,766~~ \$4,325 state, ~~\$1,441~~ \$1,109 federal, and ~~\$4,438~~ \$5,562 local. This is a total projected funding level of ~~\$10,645~~ \$10,995 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Lancaster School District total pupil count is projected to be ~~11,220~~ 11,360. The per pupil funding is projected to be ~~\$4,394~~ \$4,742 state, ~~\$2,176~~ \$1,514 federal, and ~~\$3,937~~ \$4,067 local. This is a total projected funding level of ~~\$10,507~~ \$10,322 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Laurens School District 55 total pupil count is projected to be ~~5,700~~ 5,467. The per pupil funding is projected to be ~~\$4,369~~ \$4,949 state, ~~\$1,755~~ \$1,319 federal, and ~~\$3,037~~ \$3,204 local. This is a total projected funding level of ~~\$9,161~~ \$9,473 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Laurens School District 56 total pupil count is projected to be ~~2,830~~ 2,814. The per pupil funding is projected to be ~~\$5,150~~ \$5,600 state, ~~\$3,271~~ \$2,552 federal, and ~~\$3,343~~ \$4,618 local. This is a total projected funding level of ~~\$11,764~~ \$12,770 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Lee School District total pupil count is projected to be ~~2,304~~ 2,031. The per pupil funding is projected to be ~~\$7,386~~ \$8,924 state, ~~\$2,611~~ \$2,604 federal, and ~~\$3,289~~ \$3,838 local. This is a total projected funding level of ~~\$13,286~~ \$15,366 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Lexington School District 1 total pupil count is projected to be ~~23,348~~ 22,433. The per pupil funding is projected to be ~~\$4,786~~ \$5,747 state, ~~\$826~~ \$620 federal, and ~~\$5,441~~ \$5,454 local. This is a total projected funding level of ~~\$11,054~~ \$11,820 excluding revenues of local bond issues.

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In Fiscal Year ~~2010-11~~ 2011-12, the Lexington School District 2 total pupil count is projected to be ~~8,884~~ 8,441. The per pupil funding is projected to be ~~\$4,282~~ \$4,731 state, ~~\$1,508~~ \$1,149 federal, and ~~\$4,092~~ \$4,477 local. This is a total projected funding level of ~~\$9,882~~ \$10,357 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Lexington School District 3 total pupil count is projected to be ~~1,804~~ 1,936. The per pupil funding is projected to be ~~\$5,608~~ \$5,853 state, ~~\$2,049~~ \$1,255 federal, and ~~\$6,765~~ \$5,444 local. This is a total projected funding level of ~~\$14,422~~ \$12,552 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Lexington School District 4 total pupil count is projected to be ~~3,100~~ 3,218. The per pupil funding is projected to be ~~\$5,553~~ \$5,757 state, ~~\$2,555~~ \$1,680 federal, and ~~\$3,535~~ \$4,020 local. This is a total projected funding level of ~~\$11,643~~ \$11,458 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Lexington School District 5 total pupil count is projected to be ~~16,333~~ 16,348. The per pupil funding is projected to be ~~\$5,785~~ \$6,198 state, ~~\$914~~ \$728 federal, and ~~\$5,611~~ \$5,778 local. This is a total projected funding level of ~~\$12,310~~ \$12,703 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Marion School District 1 total pupil count is projected to be ~~2,615~~ 2,659. The per pupil funding is projected to be ~~\$4,771~~ \$4,881 state, ~~\$2,531~~ \$1,558 federal, and ~~\$2,473~~ \$2,650 local. This is a total projected funding level of ~~\$9,775~~ \$9,089 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Marion School District 2 total pupil count is projected to be ~~1,607~~ 1,764. The per pupil funding is projected to be ~~\$5,184~~ \$5,474 state, ~~\$3,774~~ \$2,269 federal, and ~~\$3,044~~ \$2,667 local. This is a total projected funding level of ~~\$12,002~~ \$10,410 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Marion School District 7 total pupil count is projected to be ~~562~~ 599. The per pupil funding is projected to be ~~\$9,241~~ \$7,598 state, ~~\$4,601~~ \$4,130 federal, and ~~\$2,789~~ \$2,920 local. This is a total projected funding level of ~~\$16,631~~ \$14,648 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Marlboro School District total pupil count is projected to be ~~4,275~~ 4,098. The per pupil funding is projected to be ~~\$5,422~~ \$5,445 state, ~~\$3,399~~ \$2,587 federal, and ~~\$2,742~~ \$3,850 local. This is a total projected funding level of ~~\$11,564~~ \$11,881 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the McCormick School District total pupil count is projected to be ~~782~~ 741. The per pupil funding is projected to be ~~\$7,504~~ \$8,698 state, ~~\$3,324~~ \$2,678 federal, and ~~\$8,710~~ \$8,935 local. This is a total projected funding level of ~~\$19,539~~ \$20,310 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Newberry School District total pupil count is projected to be ~~5,460~~ 5,560. The per pupil funding is projected to be ~~\$5,294~~ \$5,402 state, ~~\$2,288~~ \$1,658 federal, and ~~\$5,755~~ \$5,339 local. This is a total projected funding level of ~~\$13,338~~ \$12,399 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Oconee School District total pupil count is projected to be ~~10,490~~ 10,158. The per pupil funding is projected to be ~~\$4,016~~ \$4,281 state, ~~\$1,559~~ \$1,079 federal, and ~~\$6,519~~ \$7,019 local. This is a total projected funding level of ~~\$12,095~~ \$12,379 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Orangeburg School District 3 total pupil count is projected to be ~~2,789~~ 2,813. The per pupil funding is projected to be ~~\$4,922~~ \$5,229 state, ~~\$2,719~~ \$1,852 federal, and ~~\$6,513~~ \$6,036 local. This is a total projected funding level of ~~\$14,155~~ \$13,117 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Orangeburg School District 4 total pupil count is projected to be ~~3,778~~ 3,708. The per pupil funding is projected to be ~~\$4,871~~ \$5,294 state,

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\$1,909 \$1,431 federal, and \$4,836 \$4,515 local. This is a total projected funding level of ~~\$11,615~~ \$11,240 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Orangeburg School District 5 total pupil count is projected to be ~~6,214~~ 6,238. The per pupil funding is projected to be ~~\$4,954~~ \$5,426 state, ~~\$2,438~~ \$1,947 federal, and ~~\$5,636~~ \$5,480 local. This is a total projected funding level of ~~\$13,029~~ \$12,853 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Pickens School District total pupil count is projected to be ~~16,106~~ 15,778. The per pupil funding is projected to be ~~\$4,136~~ \$4,678 state, ~~\$1,228~~ \$917 federal, and ~~\$5,497~~ \$6,393 local. This is a total projected funding level of ~~\$10,861~~ \$11,987 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Richland School District 1 total pupil count is projected to be ~~23,453~~ 22,883. The per pupil funding is projected to be ~~\$4,043~~ \$4,343 state, ~~\$2,524~~ \$1,730 federal, and ~~\$9,980~~ \$11,113 local. This is a total projected funding level of ~~\$16,548~~ \$17,186 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Richland School District 2 total pupil count is projected to be ~~25,023~~ 26,013. The per pupil funding is projected to be ~~\$4,884~~ \$5,898 state, ~~\$967~~ \$658 federal, and ~~\$5,259~~ \$5,469 local. This is a total projected funding level of ~~\$11,109~~ \$12,025 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Saluda School District total pupil count is projected to be ~~2,105~~ 2,060. The per pupil funding is projected to be ~~\$4,810~~ \$4,963 state, ~~\$1,552~~ \$1,060 federal, and ~~\$3,252~~ \$2,925 local. This is a total projected funding level of ~~\$9,615~~ \$8,948 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Spartanburg School District 1 total pupil count is projected to be ~~4,801~~ 4,794. The per pupil funding is projected to be ~~\$5,684~~ \$6,191 state, ~~\$1,194~~ \$979 federal, and ~~\$3,884~~ \$4,515 local. This is a total projected funding level of ~~\$10,763~~ \$11,685 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Spartanburg School District 2 total pupil count is projected to be ~~9,512~~ 9,695. The per pupil funding is projected to be ~~\$4,958~~ \$5,276 state, ~~\$1,169~~ \$851 federal, and ~~\$3,264~~ \$3,392 local. This is a total projected funding level of ~~\$9,391~~ \$9,519 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Spartanburg School District 3 total pupil count is projected to be ~~2,808~~ 2,863. The per pupil funding is projected to be ~~\$4,654~~ \$5,019 state, ~~\$1,517~~ \$950 federal, and ~~\$5,114~~ \$4,987 local. This is a total projected funding level of ~~\$11,285~~ \$10,955 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Spartanburg School District 4 total pupil count is projected to be ~~2,912~~ 2,733. The per pupil funding is projected to be ~~\$4,295~~ \$4,991 state, ~~\$990~~ \$851 federal, and ~~\$2,848~~ \$2,743 local. This is a total projected funding level of ~~\$8,133~~ \$8,585 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Spartanburg School District 5 total pupil count is projected to be ~~7,530~~ 7,316. The per pupil funding is projected to be ~~\$4,467~~ \$5,304 state, ~~\$1,049~~ \$851 federal, and ~~\$5,720~~ \$5,832 local. This is a total projected funding level of ~~\$11,236~~ \$11,988 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Spartanburg School District 6 total pupil count is projected to be ~~10,032~~ 10,244. The per pupil funding is projected to be ~~\$4,582~~ \$4,772 state, ~~\$1,173~~ \$918 federal, and ~~\$4,388~~ \$4,558 local. This is a total projected funding level of ~~\$10,144~~ \$10,248 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Spartanburg School District 7 total pupil count is projected to be ~~6,729~~ 6,714. The per pupil funding is projected to be ~~\$5,523~~ \$6,002 state, ~~\$2,842~~ \$2,417 federal, and ~~\$6,425~~ \$6,144 local. This is a total projected funding level of ~~\$14,791~~ \$14,563 excluding revenues of local bond issues.

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In Fiscal Year ~~2010-11~~ 2011-12, the Sumter School District 2 total pupil count is projected to be ~~8,216~~ 7,933. The per pupil funding is projected to be \$~~4,378~~ \$4,984 state, \$~~2,007~~ \$1,414 federal, and \$~~3,317~~ \$3,740 local. This is a total projected funding level of \$~~9,702~~ \$10,138 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Sumter School District 17 total pupil count is projected to be ~~7,847~~ 8,274. The per pupil funding is projected to be \$~~4,636~~ \$4,745 state, \$~~2,246~~ \$1,395 federal, and \$~~3,102~~ \$3,247 local. This is a total projected funding level of \$~~9,984~~ \$9,388 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Union School District total pupil count is projected to be ~~4,234~~ 4,145. The per pupil funding is projected to be \$~~5,349~~ \$5,773 state, \$~~1,793~~ \$1,314 federal, and \$~~2,843~~ \$2,852 local. This is a total projected funding level of \$~~9,984~~ \$9,939 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the Williamsburg School District total pupil count is projected to be ~~4,800~~ 4,463. The per pupil funding is projected to be \$~~5,122~~ \$5,919 state, \$~~3,469~~ \$2,516 federal, and \$~~4,910~~ \$4,180 local. This is a total projected funding level of \$~~13,500~~ \$12,615 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the York School District 1 total pupil count is projected to be ~~5,021~~ 4,885. The per pupil funding is projected to be \$~~4,728~~ \$5,457 state, \$~~1,691~~ \$1,261 federal, and \$~~4,244~~ \$8,325 local. This is a total projected funding level of \$~~10,663~~ \$15,043 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the York School District 2 total pupil count is projected to be ~~6,520~~ 6,218. The per pupil funding is projected to be \$~~5,000~~ \$4,780 state, \$~~852~~ \$591 federal, and \$~~7,546~~ \$8,517 local. This is a total projected funding level of \$~~13,398~~ \$13,888 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the York School District 3 total pupil count is projected to be ~~17,569~~ 16,481. The per pupil funding is projected to be \$~~4,892~~ \$5,788 state, \$~~1,151~~ \$983 federal, and \$~~4,564~~ \$6,035 local. This is a total projected funding level of \$~~10,607~~ \$12,806 excluding revenues of local bond issues.

In Fiscal Year ~~2010-11~~ 2011-12, the York School District 4 total pupil count is projected to be ~~11,004~~ 10,589. The per pupil funding is projected to be \$~~4,652~~ \$5,580 state, \$~~552~~ \$458 federal, and \$~~5,398~~ \$5,686 local. This is a total projected funding level of \$~~10,602~~ \$11,724 excluding revenues of local bond issues.

- 1.18** **DELETE** (Assisting, Developing, and Evaluating Professional Teaching--ADEPT) Provides for payments of 10% to colleges and universities for ADEPT services with the remaining funds going to school districts, the School for the Deaf and the Blind, John de la Howe School, Governor's School for the Arts & Humanities, and the Department of Juvenile Justice on a per induction contract basis. Authorizes ADEPT funds to be carried forward and directs that they be used for ADEPT services only. Permits the colleges and universities to provide a tuition waiver for one three-hour course to teachers supervising students who are practice teaching.
WMC: DELETE proviso. *Funding and proviso moved to EIA Proviso 1A.47.*
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

1.18. (SDE: Assisting, Developing, and Evaluating Professional Teaching--ADEPT) Funds appropriated in Part IA, Section 1, XIII.A Aid to School Districts Aid to Subdivision APT/ADEPT, may be used for the implementation of the ADEPT system. Of the funds appropriated, ten percent is to be used to pay colleges and universities for ADEPT services. The remaining funds will be distributed to school districts, School for the Deaf and the Blind,

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~~John de la Howe School, Governor's School for Arts and Humanities and the Department of Juvenile Justice on a per induction contract teacher basis to offset the costs of implementing the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve as supervisors for full-time students completing education degree requirements. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.~~

- 1.19** **AMEND** (Summer Exit Exam Cost) Authorizes funds appropriated in Part IA, Section III to be used to offset the cost of administering the Exit Exam in the summer and to expend the funds for costs related to developing, printing, shipping, scoring, and reporting assessment results. Authorize local school districts to absorb local administrative costs.
WMC: AMEND proviso to change "III" to "XV." *To reflect correct budget program reference.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

1.19. (SDE: Summer Exit Exam Cost) Funds appropriated in Part IA, Section 1, ~~III~~ XV may be used to offset the costs of the summer administration of the Exit Examination. These funds may be expended to cover the costs related to developing, printing, shipping, scoring, and reporting the results of the assessments. Local school districts may absorb local costs related to administration.

- 1.23** **DELETE** (School Building Aid Allocation) Directs that School Building Aid funds be transferred to a special trust fund and be distributed to school districts in accordance with Section 59-21-350. Directs that the funds be allocated to eligible school districts on a per pupil basis and be based on the 135 day count of ADM for the 2nd preceding fiscal year.
SEN: DELETE proviso. *Ruled Out of Order.*
CONF: ADOPT Senate deletion.

1.23. (SDE: School Building Aid Allocation) ~~Funds appropriated for School Building Aid shall be transferred to a special trust fund established by the Comptroller General. Funds appropriated shall be distributed to the school districts of the State for use in accordance with Section 59-21-350 of the Code of Laws of 1976. Funds shall be allocated to eligible school districts on a per pupil basis. The allocation must be based on the 135-day count of average daily membership for the second preceding fiscal year.~~

- 1.25** **AMEND** (PSAT/PLAN Reimbursement) Directs that assessment appropriations be used to pay for administering PSAT or PLAN tests to 10th grade students to include the testing and report fees. Authorizes the department to carry forward prior year assessment funds to pay for state assessment activities not completed by the end of the fiscal year including scoring the spring statewide accountability assessment.
WMC: AMEND proviso to delete the requirement that assessment funds be used to pay for administering PSAT or PLAN tests to 10th grade students. Instead for the current fiscal year, suspend the PSAT/PLAN and direct savings generated from the suspension to the EFA. Fiscal Impact: OSB states that \$169,487 is appropriated in state general funds for PSAT and PLAN.

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This amendment would allow these funds to be allocated to the EFA. Requested by Department of Education. *Companion to EIA 1A.25.*

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

1.25. (SDE: ~~PSAT/PLAN Reimbursement Assessment~~) ~~Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee.~~ For the current fiscal year PSAT/PLAN shall be suspended and savings generated from suspension of PSAT/PLAN Reimbursement shall be allocated to the Education Finance Act. ~~SDE~~ The department is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment.

1.30 **AMEND** (Buses, Parts, and/or Fuel) Authorizes the department, for FY 10-11, to use other operating funds in the Bus Shops and Buses programs to purchase buses, fuel, parts or other school bus related items. Authorizes bus fuel, parts/supplies, maintenance, and bus purchase funds to be carried forward and used to support bus transportation services.

WMC: AMEND proviso to change “FY 2010-11” to “current fiscal year.” Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

1.30. (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program IX.B. - Bus Shops and funds appropriated in IX.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in ~~FY 2010-11~~ the current fiscal year to support bus transportation services.

1.40 **AMEND FURTHER** (School Districts and Special Schools Flexibility) Provides guidelines and requirements for school districts and special schools to have the ability to transfer and expend funds among general fund revenues, EIA funds, Lottery funds, and Children’s Education Endowment Fund for school facilities and fixed equipment assistance to ensure the delivery of academic and arts instruction. Prohibits school districts from transferring debt service or bonded indebtedness funds. Authorizes school districts and the department to purchase the most economical type of bus fuel.

WMC: AMEND proviso to change references to “Fiscal Year 2010-11” to “current fiscal year.” Direct that the purchase of textbooks beyond that required for replacement “may” rather than “must” be suspended. Delete the requirement that savings generated from suspension of the writing assessment and new textbooks adoptions be allocated to school districts based on the EFA formula and instead direct that they be allocated based on the number of weighted pupil units in each district. *Change in methodology for distributing funds generated from the savings from suspended programs ensures that all districts receive funds generated from the savings.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education. *Companion to EIA 1A.22.*

HOU: ADOPT proviso as amended.

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HOU2: AMEND FURTHER to specify that a school district may not transfer funds “allocated specifically for state level maintenance of effort requirements under IDEA” required for debt service or bonded indebtedness. Sponsor: Rep. Cooper.

SFC: AMEND FURTHER to reinsert the requirement that savings generated from the suspension of writing assessment and new textbook adoptions be allocated based on the “EFA formula” rather than the “number of weighted pupil units.”

SEN: ADOPT proviso as amended.

CONF: COMPROMISE to amend Senate version to adopt House directive that a school district may not transfer funds “allocated specifically for state level maintenance of effort requirements under IDEA” required for debt service or bonded indebtedness.

1.40. (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated specifically for state level maintenance of effort requirements under IDEA required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy percent of the school district's per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and non-instruction pupil services. No portion of the seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the current school year ending June 30, ~~2011~~. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

“In\$ite” means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to public charter schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the ~~2010-11~~ current fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be posted on the internet website maintained by the school district.

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For ~~Fiscal Year 2010-11~~ *the current fiscal year*, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list ~~must~~ *may* be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For ~~Fiscal Year 2010-11~~ *the current fiscal year*, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula.

School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made available for public viewing and downloading. The register must include for each expenditure:

- (i) the transaction amount;
- (ii) the name of the payee; and
- (iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.

The Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

- 1.45 DELETE** (National Board Certification Incentive) Provides guidelines for an annual \$7,500 salary supplement to be paid to public school classroom teachers or classroom teachers who work with classroom teachers, including teachers at the special school, who are certified by the State Board of Education and by the National Board for Professional Teaching Standards or who completed the application process prior to July 1, 2010. Directs that the supplement be paid for the length of the national certificate. Directs CERRA to develop guidelines and administer a loan program for teachers who are U.S. citizens or permanent resident aliens applying for National Board certification. Provides guidelines for loan forgiveness.
WMC: DELETE proviso. *Funded wholly in EIA. See EIA proviso 1A.13 (not amended).*

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HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~1.45. (SDE: National Board Certification Incentive) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July 1 in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA South Carolina) shall administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010, may receive a loan equal to the amount of the application fee. Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 shall have one half of the loan principal amount and interest forgiven when the required portfolio is submitted to the national board. Teachers who applied to the National Board for Professional Teaching standards for certification prior to July 1, 2010 who attain certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The department may retain up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA South Carolina) the funds necessary for the administration of the loan program for teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.~~

~~Provided, further, that in calculating the compensation for teacher specialists, the Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.~~

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~~Teachers who begin the application process after July 1, 2007 and prior to July 1, 2010 and who teach in schools which have an absolute rating of below average or at risk at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or at risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or at risk.~~

- 1.46** **DELETE** (National Board Certification Incentive Surplus) Directs that National Board Certification Incentive appropriation excess of all obligations, including salary supplements, related fringe, loan principal amount and interest forgiven, and the administration funds necessary for the Center of Educator Recruitment, Retention, and Advancement and the Department of Education be distributed to school districts and allocated based on the EFA Formula.
- WMC:** DELETE proviso. *No surplus of funds are expected.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.
- HOU:** ADOPT deletion of proviso.
- SFC:** ADOPT deletion of proviso.
- SEN:** ADOPT deletion of proviso.
- CONF:** SAME in both versions.

~~**1.46.** (SDE: National Board Certification Incentive Surplus) National Board Certification Incentive appropriation excess of all obligations to include the national board certification incentive salary supplement, related fringe, loan principal amount and interest forgiven, and the administration funds necessary for the Center for Educator Recruitment, Retention, and Advancement (CERRA South Carolina) and the Department of Education shall be distributed to school districts and allocated based on the Education Finance Act Formula.~~

- 1.47** **AMEND** (School District Furlough) Authorizes and provides guidelines for school districts to institute an employee furlough program, not to exceed 10 days, for district-level and school-level professional staff.
- SFC:** AMEND proviso to delete the restriction that school districts may only institute an employee furlough if a school district's state funds are less than those appropriated in the preceding fiscal year or if the General Assembly or B&C Board implements a mid-year across the board budget reduction. AMEND FURTHER to require each local school district to prominently post on their website the most recent version of their school district's policy manual and administrative rule manual for public viewing and downloading.
- SEN:** ADOPT proviso as amended.
- CONF:** ADOPT Senate version.

~~**1.47.** (SDE: School District Furlough) If state funds appropriated for a school district in this State are less than state funds appropriated for that school district in the preceding fiscal year, or if the General Assembly or the Budget and Control Board implements a midyear across the board budget reduction, school *School* districts may institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district~~

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to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The local school district board of trustees may implement a furlough of personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, instructional personnel may be furloughed for up to five non-instructional days if not prohibited by an applicable employment contract with the district and provided district administrators are furloughed for twice the number of days. District administrators may only be furloughed on non-instructional days and may not be furloughed for a period exceeding ten days. District administrators shall be defined by the Department of Education using the Professional Certified Staff (PCS) System. For individuals not coded in PCS, the determination shall be made based upon whether the individual performs the functions outlined in position codes identified by the department as administration. Educators who would have received a year's experience credit had a furlough not been implemented, shall not have their experience credit negatively impacted because of a furlough implementation.

During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs.

Each local school district must prominently post on the district's internet website and make available for public viewing and downloading the most recent version of the school district's policy manual and administrative rule manual.

This proviso shall not abrogate the terms of any contract between any school district and its employees.

- 1.58 DELETE** (Physical Education Teachers) Requires school district's allocations from Part IA, Section 1, Program III are to be used to increase the number of physical education teachers to the extent possible.
WMC: DELETE proviso.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~1.58. (SDE: Physical Education Teachers) A school district's allocation from the funds appropriated in Part IA, Section 1, Program III are to be used to increase the number of physical education teachers to the extent possible.~~

- 1.66 AMEND FURTHER** (Residential Treatment Facilities Student Enrollment and Funding) Directs that children who are South Carolina residents and are in licensed treatment facilities (RTFs) for children and adolescents as defined in Section 44-7-130 [STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT DEFINITIONS] shall be entitled to receive educational

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services from the school districts where the RTF is located (“facility school district”); that such facility school district shall be responsible for providing appropriate educational programs and services for these students, with and without disabilities; and provides guidelines and certain program and funding requirements. Directs that a task force be convened to research and make recommendations to the Superintendent of Education by December 1, 2010 on oversight of educational programs provided to RTF students.

WMC: AMEND proviso to also authorize the RTF to provide parents/guardians with the option to enroll their child in a virtual charter school authorized by the SC Public Charter School District. Direct that if the parent/guardian chooses to enroll their child in a virtual charter school the SC Public Charter School District shall assume the responsibility of the facility school district. Require the RTF and parent/guardian to identify a learning coach prior to enrolling the student in a virtual charter school. Require that the learning coach be identified in collaboration with the SC Public Charter School District and that they be responsible for monitoring and assisting the child’s learning experience. Encourage the facility school district, when appropriate, to use course offerings provided by the Department of Education through its South Carolina Virtual School Program. Delete the requirement that the state appropriate 100% of the base student cost to provide for the education of the students referred or placed by the State in an RTF. Direct that facility school districts are entitled to receive the base student cost multiplied by the EFA pupil weighting for “Homebound pupils of 2.10.” Direct that the reimbursement rate may not exceed \$45 per student per day. Authorize the department to withhold the equivalent amount of EFA funds and transfer those funds to the facility school district if a resident school district fails to distribute the entitled funding to the facility school district by the 135 day count. Direct that out-of-state students provided educational services by a facility school district are not eligible for funding through the EFA. Delete the task force provision. Fiscal Impact: OSB states that this amendment would have a \$501,771 recurring cost to the general fund. The estimate is derived by multiplying the number of RTFs in FY 10 (403) x increase weighting of 1.10 (2.10-1.00) x base student cost of \$1,617 x 70% state funds.

HOU: ADOPT proviso as amended.

SFC: AMEND FURTHER to delete portion pertaining to enrollment in a virtual charter school.

SEN: ADOPT proviso as amended.

CONF: ADOPT Senate version.

1.66. (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school age residing in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code, (“students”) shall be entitled to receive educational services from the school district in which the RTF is located (“facility school district”). The responsibility for providing appropriate educational programs and services for these students, both with and without disabilities, who are referred or placed by the State is vested in the facility school districts.

A facility school district must provide the necessary educational programs and services directly to the student at the RTF’s facility, provided that the RTF facility provides and maintains comparable adequate space for the educational programs and services consistent with all federal and state least restrictive environment requirements. Adequate space shall include appropriate electrical support and Internet accessibility. Unless the parent or legal guardian of the student seeks to continue the student’s enrollment in the resident school district under a medical homebound instruction program and the district approves, if appropriate, then, under these circumstances, the facility school district shall enroll the student and assume full legal and financial responsibility for the educational services including enrolling the student, approving the student's entry into a medical homebound instructional program, if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its

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educational responsibilities for the student directly. When appropriate, the facility school district is encouraged to utilize course offerings provided by the Department of Education through its South Carolina Virtual School Program.

Alternatively, a facility school district may choose to provide the necessary educational programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the student at the RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the educational services provided. If the facility school district determines the educational program being offered by the RTF does not meet the educational standards outlines in the contract, the facility district shall be justified in terminating the contract.

~~The State shall appropriate one hundred percent of the base student cost to provide for the education of the students referred or placed by the State in an RTF.~~ The facility school districts are entitled to receive the base student cost multiplied by the appropriate Education Finance Act pupil weighting for Homebound pupils of 2.10, as set forth in Section 59-20-40 of the 1976 Code and any eligible categorical and federal funds. These funds may be retained by the facility school districts for the purpose of providing the educational programs and services directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTF's for the educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by the facility school district for that student. However, the reimbursement rate may not exceed \$45 per student per day. Should the facility school district be unable to reach agreement with the resident school district regarding reasonable costs differences, the facility school district shall notify the Department of Education's Office of General Counsel. The Department of Education shall facilitate a resolution of the dispute between the facility school district and the resident school district. If the issue of reasonable cost differences should remain unresolved, the case shall be referred to the Administrative Law Court for a final decision. Should a resident school district fail to distribute the entitled funding to the facility school district by the 135 day count, the Department of Education is authorized to withhold the equivalent amount of EFA funds and transfer those funds to the facility school district.

If a child from out of state is placed in a RTF by an out-of-state school district or agency, the child's home state remains responsible for the educational services. The facility school district may choose to provide the educational program to the child and, upon choosing to do so, shall contract with the appropriate entity for payment of educational serviced provided to the child. Out-of-state students provided educational services by a facility school district shall not be eligible for funding through the Education Finance Act.

If a child is placed in a RTF by the child's parent or guardian, the facility school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident school district for services through medical homebound procedures. A facility school district is responsible for compliance with all child find requirements under Section 504 of the Rehabilitation Act of 1973 and IDEA.

All students enrolled in the facility school districts shall have access to the facility school districts' general education curriculum, which will be tied to the South Carolina academic standards in the core content areas. All students with disabilities who are eligible for special education and related services under the Individuals with IDEA, as amended, and the State Board of Education (SBE) regulations, as amended, shall receive special education and related services in the least restrictive environment by appropriately certified personnel. Students in an RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned through their educational efforts.

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With respect to students enrolled in the facility school districts, for accountability purposes, the assessment and accountability measures for students residing in RTFs shall be attributed to a specific school only if the child physically attends the school. The performance of students residing in a RTF who receive their educational program on site at the RTF must be reflected on a separate line on the facility school district's report card and must not be included in the overall performance ratings of the facility school district. The Department of Education shall examine the feasibility of issuing report cards for RTFs. For the 2010-11 school year, a facility school district shall not have the district's state accreditation rating negatively impacted by deficiencies related to the delivery of an educational program at a RTF.

RTFs shall notify the facility school district as soon as practical, and before admission to the RTF if practical, of a student's admission to the RTF. RTFs, the facility school districts and the Department of Education shall use their best efforts to secure and/or exchange information, including documents and records necessary to provide appropriate educational services and/or related services as necessary to assist the facility school district in determining the resident school district. The Department of Education, in collaboration with state placing agencies, RTFs, facility school districts, and resident school districts, shall implement a system to follow the release of students from a RTF and re-enrollment in public, private, or special schools to ensure these students, when appropriate, are not recorded as dropouts.

~~The Department of Education shall convene a task force to research and make recommendations to the State Superintendent of Education by December 1, 2010, regarding oversight of the educational programs provided to students residing in a RTF. Recommendations may include, but not be limited to, implementing a system of state oversight, state standards for an appropriate educational program for students residing in a RTF, and requirements for collaboration between the Department of Health and Environmental Control and the Department of Education regarding educational program requirements when new RTFs are licensed. The task force shall include, but not be limited to, representation of the following groups: state placing agencies, RTFs, facility school districts, resident school districts, Department of Health and Environmental Control, and other interested entities. The report shall be made available to the General Assembly no later than January 1, 2011.~~

- 1.68 REINSERT** (Prohibit Use of ARRA for Administration) Prohibits the department and school districts from using American Recovery and Reinvestment Act of 2009 funds for administrative salary increases, bonuses, retirement incentives, or severance packages. Requires the department provide a list of federal stimulus expenditures to the General Assembly.
WMC: DELETE proviso. *All ARRA funds have been appropriated.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.
HOU: ADOPT deletion of proviso.
SFC: REINSERT proviso.
SEN: ADOPT original proviso.
CONF: ADOPT Senate reinsertion of original proviso.

1.68. (SDE: Prohibit Use of ARRA for Administration) The department and school districts are prohibited from using funds received from the American Recovery and Reinvestment Act of 2009 for state department or school district administrative salary increases, bonuses, retirement incentives, or severance packages. The department shall provide to the General Assembly a list of federal stimulus expenditures.

- 1.69 AMEND** (Special Schools Flexibility) Authorizes special schools, for FY 2010-11, to transfer funds among funding categories, including capital funds.
WMC: AMEND proviso to change "Fiscal Year 2010-11" to "current fiscal year." Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

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HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

1.69. (SDE: Special Schools Flexibility) For ~~Fiscal Year 2010-11~~ the current fiscal year, the special schools are authorized to transfer funds among funding categories, including capital funds.

- 1.70** **AMEND** (High School Driver Education) Suspends, for FY 10-11, the requirement that high schools offer driver education, but allow schools to continue to offer the course if they so choose. Directs the department to survey school districts and collect information on the cost of the program, the number of participants, and recommendations regarding continuing the program. Directs the department to submit a report by January 1, 2011, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee outlining the findings of the survey and the recommended changes to the course. Directs the department to work with DMV in collecting and reporting driver education input.
WMC: AMEND proviso to change "Fiscal Year 2010-11" to "current fiscal year" and delete reference to the survey. *Survey has been issued.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

1.70. (SDE: High School Driver Education) For ~~Fiscal Year 2010-11~~ the current fiscal year, the requirement for high schools to provide a course in driver education is suspended however, high schools may continue to offer driver education courses if they choose to do so. ~~The Department of Education is directed to survey school districts and collect information concerning, but not limited to, the costs of delivering the driver education program, the number of students participating in the program, and recommendations regarding continuation of the program. The department shall submit a report outlining the survey findings and recommended changes to the public school driver education course to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 1, 2011. The Department of Education shall work with the Department of Motor Vehicles in collecting and reporting driver education input.~~

- 1.71** **DELETE** (Background Checks for Substitute Teachers) Requires all substitute teachers to undergo a SLED name based criminal records search and requires SLED to provide the records without charge to the district or the substitute teacher. Requires school districts to develop a written policy and requires the department to provide training and adopt a model policy.
WMC: DELETE proviso. *Codified in Act 168 of 2010.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

1.71. (SDE: Background Checks for Substitute Teachers) ~~Each individual hired by a local board of trustees to serve as a substitute teacher must undergo a name based South Carolina criminal records search conducted by the local school district using records maintained by the~~

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~~State Law Enforcement Division (SLED). SLED shall provide these records without charge to the school district or the substitute teacher. District school boards of trustees must adopt a written policy outlining this requirement as well as how the information received from the background check will impact hiring decisions. The policy must include, at a minimum, hiring recommendations relative to felony convictions and relevant “just cause” examples cited in Section 59-25-160 of the 1976 Code. SLED, working with the Department of Education, shall provide training to appropriate school district personnel regarding appropriate use of the information provided in background checks. The Department of Education shall adopt a model policy.~~

- 1.72** **AMEND** (Program Reports) Requires all programmatic reports required by the General Assembly be electronically submitted. Directs the department develop a template outlining a triennial reporting cycle for all reports required by the General Assembly except for the Accountability Report or other required annual budget preparation reports.
WMC: AMEND proviso to change “Fiscal Year 2010-11” to “current fiscal year” and delete the template requirement. Fiscal Impact: No impact on the General Fund. Requested by Department of Education.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

~~1.72. (SDE: Program Reports) For Fiscal Year 2010-11 *the current fiscal year*, all programmatic reports required by the General Assembly shall be submitted electronically. By December 1, 2010, the department shall develop a template outlining a triennial reporting cycle for all reports required by the General Assembly except for the Accountability Report or other reports required specifically for annual budget preparation.~~

- 1.73** **DELETE** (Consolidated Funds Allocation) Directs that in the current fiscal year, funds consolidated from the Middle School Initiative, Credits for High School Diploma, and Principal Salary Supplement programs will be allocated to school districts based solely on each district’s weighted pupil units.
WMC: DELETE proviso. *See similar EIA proviso 1A.48.*
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~1.73. (SDE: Consolidated Funds Allocation) In the current fiscal year, funds consolidated from the Middle School Initiative, Credits for High School Diploma, and Principal Salary Supplement programs will be allocated to school districts based solely on the number of weighted pupil units in each district.~~

- 1.74** **DELETE** (Index of Taxpaying Ability) Suspends, for the current fiscal year, the provisions of Section 59-20-20(3) [EDUCATION FINANCE ACT OF 1977; DEFINITIONS] for purposes calculating the Index of Taxpaying Ability. Directs that for the current fiscal year, the index as calculated by the Department of Revenue for 2009 shall apply.
SFC: DELETE proviso.
SEN: ADOPT deletion of proviso.
CONF: ADOPT Senate deletion.

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1.74. (SDE: Index of Taxpaying Ability) ~~For the current fiscal year, the provisions of Section 59-20-20(3) of the 1976 Code providing for the calculation of the Index of Taxpaying Ability are suspended. In lieu of the index as calculated pursuant to that provision, the index as calculated by the Department of Revenue for 2009 applies for the current fiscal year.~~

1.75 **DELETE** (AED Study) Authorizes the department to coordinate a study to determine if all public and private high school instructional and administrative staff should have training on the proper use of an automated external defibrillators. Directs the department, if the study is conducted, to report their findings to the Chairmen of the Senate Finance and House Ways and Means Committees by January 31, 2011.

WMC: DELETE proviso. *Study has been conducted.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**1.75.** (SDE: AED Study) The Department of Education may coordinate a study to determine if training on the proper use of an automated external defibrillator (AED) should be required of all public and private high school instructional and administrative staff. In the event the study is conducted, the department shall report the findings of the study to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January 31, 2011.~~

1.76 **AMEND** (Carry Forward Authorization) Authorizes the department to carry forward and expend any balance in their General Funds for school bus transportation.

WMC: AMEND proviso to change “Fiscal Year 2010-11” to “current fiscal year.” Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

~~**1.76.** (SDE: Carry Forward Authorization) For Fiscal Year 2010-11 *the current fiscal year*, the Department of Education is authorized to carry forward and expend any General Fund balances for school bus transportation.~~

1.78 **AMEND** (Effectiveness of Strategies for Teaching Reading) Directs the department to coordinate \$106,790 appropriated in Section XI.A.1 Other Entities to provide evidence of the effectiveness of strategies for teaching reading.

WMC: AMEND proviso to direct the funds to the EFA.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

~~**1.78.** (SDE: Effectiveness of Strategies for Teaching Reading) Funds appropriated in Section XIII.A. in the amount of \$34,911 shall be coordinated by the Department of Education to provide evidence of the effectiveness of strategies for the teaching of reading *allocated to the Education Finance Act*.~~

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1.79 DELETE (ITA Study Committee) Establishes an Index of Taxpaying Ability Study Committee from the funds appropriated to or authorized for the department. Directs the study committee to examine the index of taxpaying ability and its relationship to EFA resources available to individual school districts. Directs that the committee examine how the index is calculated and the impact of property tax measures on the calculation. Directs the committee also examine how funds should be distributed to school districts that receive less than 40% of state support as computed by Section 59-20-40(1) [EFA DETERMINATION OF ANNUAL ALLOCATIONS] and to consider whether the amount each district receives should be determined according to the number of weighted students, adjusted for student attendance. Requires a report and recommendations be issued by January 1, 2011.

WMC: DELETE proviso. *Report has been issued.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**1.79.** (SDE: Index of Taxpaying Ability Study Committee) From the funds appropriated or authorized for the Department of Education, there is created the Index of Taxpaying Ability Study Committee. The committee shall examine the index of taxpaying ability and its relationship to Education Finance Act resources available to the individual school districts in support of the education foundation program required by the State. The committee shall also examine the manner in which the index is calculated and the impact of property tax measures on the calculation.~~

~~The committee shall also examine how funds should be distributed to school districts that receive less than forty percent of state support as computed in Section 59-20-40(1) of the 1976 Code, taking into consideration whether each district's amount should be determined in accordance with the district's number of weighted students, subject to adjustment for student attendance.~~

~~The committee shall be composed of fourteen members, which shall be appointed as follows:~~

~~(1) four members appointed by the President Pro Tempore of the Senate, and four members appointed by the Speaker of the House of Representatives. Appointees must possess experience in business, school district finance, or economics, and must include representatives from the Department of Education, the Department of Revenue, and the Budget and Control Board Office of Research and Statistics as well as members of the business and education communities;~~

~~(2) one member of the Senate appointed by the Senate President Pro Tempore; one member of the Senate appointed by the Senate Majority Leader; and one member of the Senate appointed by the Senate Minority Leader; and~~

~~(3) three members of the House appointed by the Speaker of the House of Representatives, one of which must be a member of the minority caucus.~~

~~The members shall elect a chairman at the first meeting of the committee.~~

~~No later than January 1, 2011, the committee shall prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of House Education and Public Works Committee.~~

~~Members of the study committee shall serve without compensation for per diem, mileage, and subsistence.~~

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- 1.80** **DELETE** (Incentive for National Board Certification After 6/30/10) Provides guidelines for a \$5,000 salary supplement for public school classroom teachers and classroom teachers who work with classroom teachers, including teachers at the special schools, who are certified by the State Board and who complete the National Board Certification application process on or after 7/1/10. Limits the receipt of the supplement to one ten year period. Directs CERRA to administer a program for teachers who are U.S. citizens or permanent resident aliens applying for National Board certification on or after 7-1-10 and directs the department to transfer National Board Certification funds as necessary for administration of the program.. Direct that teachers who completed the application or renewal process before 7-1-10 shall receive a \$7,500 salary supplement beginning July 1 in the year after they achieve certification beginning with 2009 applicants.
- WMC:** DELETE proviso. *See EIA proviso 1A.43 (not amended).*
- HOU:** ADOPT deletion of proviso.
- SFC:** ADOPT deletion of proviso.
- SEN:** ADOPT deletion of proviso.
- CONF:** SAME in both versions.

~~1.80. (SDE: Incentive for National Board Certification After 6/30/10) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who complete the application process on or after July 1, 2010 shall be paid a \$5,000 salary supplement in the year of achieving certification. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed ten years of the national certificate. However, the \$5,000 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA South Carolina) shall administer whereby teachers who are United States citizens or permanent resident aliens apply to the National Board for Professional Teaching Standards for certification on or after July 1, 2010. Beginning July 1, 2010, up to nine hundred applications shall be processed annually. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA South Carolina) the funds necessary for the administration of teachers applying to the National Board for Professional Teaching Standards for certification.~~

~~Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified or certified for renewal by the National Board for Professional Teaching Standards or completed the application or renewal application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July 1 in the year following the year of achieving certification, beginning with 2009 applicants.~~

- 1.81** **DELETE** (Application of Reductions) Authorizes the department to proportionately apply 38% of their FY 10-11 agency base reduction among the other state entities and non-flow thru appropriations that are housed within their budget, with the remaining 62% being proportionately applied throughout the department's budget, while first exempting the EFA and EFA Employer Contributions. Limits the two Governor's School's base reduction to no more than 5% each.

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WMC: DELETE proviso. *Applied to reductions taken for FY 10-11.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~1.81. (SDE: Application of Reductions) The department is authorized to proportionately apply 38% of the Fiscal Year 2010-11 agency base reductions among the other state entities and non flow thru appropriations housed within the department's budget with the remaining 62% of the Fiscal Year 2010-11 agency base reduction first exempting the EFA and EFA Employer Contributions prior to being proportionately applied throughout the department's budget. The Governor's School for the Arts and the Humanities and the Governor's School for Science and Mathematics base reduction shall be limited to no more than 5%.~~

- 1.83** **AMEND NEW PROVISO** (Governor's Schools Residency Requirement) **WMC:** ADD new proviso to require a parent or guardian of a student attending either the Governor's School for Arts and Humanities or the Governor's School for Science and Mathematics to legally reside in South Carolina at the time the student applies to the school and while they attend the school. Prohibit either Governor's School from admitting students whose parent(s) or guardian(s) is not a legal resident of this state. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: AMEND new proviso to specify "of the funds appropriated."

SEN: ADOPT new proviso as amended.

CONF: ADOPT Senate version.

1.83. (SDE: Governor's Schools Residency Requirement) Of the funds appropriated, the Governor's School for the Arts and the Humanities and the Governor's School for Science and Mathematics are to ensure that a parent(s) or guardian(s) of a student attending either the Governor's School for the Arts and the Humanities or the Governor's School for Science and Mathematics must prove that they are a legal resident of the state of South Carolina at the time of application and must remain so throughout time of attendance. The Governor's School for the Arts and the Humanities and Governor's School for Science and Mathematics may not admit students whose parent(s) or guardian(s) are not legal residents of South Carolina.

- 1.84** **ADD** (Holocaust Funds) **WMC:** ADD new proviso to prohibit SC Council on Holocaust funds from being used for any other purpose or transferred to any other program. Direct that if the department is required to implement a budget reduction, SC Council on Holocaust funds may not be reduced. Fiscal Impact: No impact on the General Fund. \$54,264 budgeted for FY 11-12.

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

1.84. (SDE: Holocaust Funds) Funds appropriated to the Department of Education for the SC Council on Holocaust shall not be used for any other purpose nor transferred to any other program. In addition, in the event the department is required to implement a budget reduction, SC Council on Holocaust funds may not be reduced.

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- 1.85 DELETED NEW PROVISO** (High School League Participation) **WMC:** ADD new proviso to allow any South Carolina High School League decision that affects a student, team, or program in a SC public school to be appealed to the State Superintendent of Education or his designee; direct that the State Superintendent serves as the final appellate authority; and require the school to adhere to the Superintendent's decision. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

1.85. (SDE: High School League Participation) **DELETED**

- 1.86 DELETED NEW PROVISO** (Deregulation) **WMC:** ADD new proviso to direct that for FY 11-12, the exemptions that apply to charter schools provided in Section 59-40-50 [EXEMPTION; POWERS AND DUTIES; ADMISSION TO CHARTER SCHOOL] also apply to traditional public schools of local public school districts. Direct that a traditional public school may employ noncertified teachers in a ratio of up to 10% of its entire teacher staff and may not limit or deny admission or show preference in admission decisions to any group of individuals, and must meet the student attendance requirements as provided in Title 59.
HOU: AMEND new proviso to specify that teachers in core subject areas as defined by ESEA must be highly qualified, which requires state certification. Sponsors: Reps. Allison and Bingham.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

1.86. (SDE: Deregulation) **DELETED**

- 1.87 AMEND NEW PROVISO** (Transportation) **WMC:** ADD new proviso to direct that the Senate Finance and House Ways and Means Committees, the Governor's Office and the department to work together to explore privatizing all or part of the state school bus transportation system while ensuring all students are served and long term cost savings are achieved.
HOU: ADOPT new proviso.
SFC: AMEND new proviso to specify "from appropriated or authorized funds."
SEN: ADOPT new proviso as amended.
CONF: ADOPT Senate version.

1.87. (SDE: Transportation) In Fiscal Year 2011-12, and from appropriated or authorized funds, the Department of Education, the Senate Finance Committee, the House Ways and Means Committee, and the Governor's Office will work together to explore privatization of all or part of the state school bus transportation system while ensuring that all students are served and there are long term cost savings.

- 1.88 DELETED NEW PROVISO** (National Board Certification) **WMC:** ADD new proviso to required that teachers who grade National Board Certification Exams must be National Board Certified teachers.
HOU: ADOPT new proviso.
SFC: DELETE new proviso.

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SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

1.88. (SDE: National Board Certification) DELETED

1.89 AMEND NEW PROVISO FURTHER (South Carolina Public Charter School District Funding) **WMC:** ADD new proviso to direct that S.C. Public Charter School District funds must be allocated as follows: \$1,700 per pupil for virtual charter schools and \$3,250 per pupil for brick and mortar charter schools. Authorize unexpended funds to be carried forward and used for the same purpose. Fiscal Impact: OSB states that the department indicates this amendment would have a recurring impact of \$22.0 million on the General Fund. Methodology: subtract FY 11 SCPCSD EFA allocation of \$24.6 million from additional allocations required by this provision of \$10.7 million for brick and mortar schools and \$35.9 million for virtual schools of SCPCSD (\$46.6m - \$24.6m).

HOU: ADOPT new proviso.

HOU2: AMEND FURTHER to specify that the funds shall be received per “weighted” pupil. Sponsor: Rep. Cooper.

SFC: AMEND new proviso to specify that the funds shall be received per “weighted” pupil and limit the amount which must be carried forward to not more than 10% of the prior year appropriation.

SEN: ADOPT new proviso as amended.

CONF: ADOPT Senate version.

1.89. (SDE: South Carolina Public Charter School District Funding) The funds appropriated in Part IA, Section X - S.C. Public Charter School District must be allocated in the following manner: Pupils enrolled in virtual charter schools sponsored by the South Carolina Public Charter School District shall receive \$1,700 per weighted pupil and pupils enrolled in brick and mortar charter schools sponsored by the South Carolina Public Charter School District shall receive \$3,250 per weighted pupil. Any unexpended funds, not to exceed 10% of the prior year appropriation, must be carried forward from the prior fiscal year and expended for the same purpose.

1.90 AMEND NEW PROVISO (Governor’s School Capacity) **WMC:** ADD new proviso to direct the Governor’s Schools for Arts and Humanities and Science and Math to use their funds to bring their respective schools up to full capacity and to report electronically by December 1st to the Chairmen of the Senate Finance and House Ways and Means Committees on how the funds have been used and how many additional students have been served.

HOU: ADOPT new proviso.

SFC: AMEND new proviso to direct that funds must be used to bring the schools up to full capacity “to the extent possible.”

SEN: ADOPT new proviso as amended.

CONF: ADOPT Senate version.

1.90. (SDE: Governor’s Schools Capacity) For Fiscal Year 2011-12, funds appropriated to the Governor’s School for the Arts and Humanities and the Governor’s School for Science and Mathematics must be used to bring the schools up to full capacity, to the extent possible. Each school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 1st how the funds have been utilized and how many additional students have been served.

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- 1.91** **ADD** (Student Health and Fitness) **WMC:** ADD new proviso to direct that Student Health and Fitness funds be allocated to school districts to increase, to the extent possible, the number of physical education teachers and to provide licensed nurses for elementary public schools. Direct that 27% of the funds be allocated based on ADM of grades K-5 from the preceding year for phys ed teachers and the remaining funds be made available through a grant program for school nurses and be distributed on a per school basis. *Per Sections 59-10-10 - 59-10-60 [PHYSICAL EDUCATION STANDARDS]; proviso 1.60 of Act 291 of 2010 [PHYSICAL EDUCATION TEACHERS] and Section 59-10-210 [FUNDING FOR LICENSED NURSES FOR ELEMENTARY SCHOOLS].*

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

1.91. (SDE: Student Health and Fitness) Funds appropriated for Student Health and Fitness shall be allocated to school districts to increase the number of physical education teachers to the extent possible and to provide licensed nurses for elementary public schools. Twenty seven percent of the funds shall be allocated to the districts based on average daily membership of grades K-5 from the preceding year for physical education teachers. The remaining funds will be made available through a grant program for school nurses and shall be distributed to the school districts on a per school basis.

- 1.92** **AMEND NEW PROVISO** (One Year Suspension of Programs) **WMC:** ADD new proviso to temporarily suspend the High School That Work and SAT/ACT Improvement programs for Fiscal Year 2011-12. Direct that these funds must be allocated to districts based on the number of weighted pupil units.

HOU: AMEND new proviso to delete suspension of the High Schools That Work program. Sponsor: Rep. Gambrell.

SFC: ADOPT new proviso as amended.

SEN: ADOPT new proviso as amended.

CONF: SAME in both versions.

1.92. (SDE: One Year Suspension of Programs) The following program will be temporarily suspended for Fiscal Year 2011-12: SAT/ACT Improvement. Funds appropriated to this program must be allocated to districts based on the number of weighted pupil units.

- 1.93** **DELETE NEW PROVISO** (District Employee Representation) **WMC:** ADD new proviso to allow any school district employee who is paid on the state salary schedule to have representation of their choice present and able to participate in any meeting, hearing or appeal related to a formal grievance.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

1.93. (SDE: District Employee Representation) DELETED

- 1.94** **ADD** (EEDA Regional Education Centers) **HOU:** ADD new proviso to at least \$108,500 of EEDA funds be used for the Regional Education Centers. Sponsors: Reps. Allison and Forrester.

SFC: ADOPT new proviso.

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SEN: ADOPT new proviso.
CONF: SAME in both versions.

1.94. (SDE: EEDA Regional Education Centers) Funds appropriated from the EEDA for Regional Education Centers must not be less than \$108,500.

- 1.95** **DELETE NEW PROVISO** (Building Fund Flexibility) **HOU:** ADD new proviso to authorize school districts to flex School Building Aid Program funds for FY 11-12. Sponsor: Rep. Bingham.
SFC: ADOPT new proviso.
SEN: DELETE new proviso. *Ruled Out of Order.*
CONF: ADOPT Senate deletion.

1.95. (SDE: Building Fund Flexibility) DELETED

- 1.96** **DELETE NEW PROVISO** (EEDA Allocation) **HOU:** ADD new proviso to direct that EEDA funds be allocated to districts based on ADM unless they are otherwise allocated in this act and direct the department to fund the Regional Education Centers prior to allocating these funds. Sponsors: Reps. Bingham and Norman.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

1.96. (SDE: EEDA Allocation) DELETED

- 1.97** **AMEND NEW PROVISO** (Weighted Pupil Units Calculation) **SFC:** ADD new proviso to direct the Department of Education to calculate and publish the number of weighted pupil units per weighting category in each district based on the most recent 135 day ADM in each district and the weights as recommended in most recent EOC funding model and suggested modifications made during FY 10-11 and to make projections on how the revised weightings impact school districts for FY 11-12. Require the department use the Index and Taxpaying Ability and projected base student cost as adopted by the General Assembly when making its calculations. Direct the department to report its findings to the Chairmen of the Senate Finance and House Ways and Means Committees by November 1, 2011.
SEN: AMEND new proviso to require the EOC rather than SDE be responsible for the weighted pupil units calculations and reporting. Sponsor: Sen. Hayes.
CONF: ADOPT Senate version.

1.97. (SDE: Weighted Pupil Units Calculation) Of the funds appropriated to the Education Oversight Committee (EOC), the EOC shall calculate and publish the number of the weighted pupil units per weighting category in each district based upon the most recent 135-day average daily membership in each district and the weights as recommended in the most recent funding model developed by the Education Oversight Committee and suggested modifications made during Fiscal Year 2010-11 and make projections on how the revised weightings impact school districts for Fiscal Year 2011-12. In making its calculations, the EOC must use the Index of Taxpaying Ability and projected base student cost as adopted by the General Assembly for the current fiscal year. The EOC must report its findings electronically to the Chairman of the Senate Finance Committee and Chairman of the House Ways and Means Committee by November 1 2011.

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- 1.98** **ADD** (Education Foundation Supplement) **SFC:** ADD new proviso to direct that Education Foundation Supplement funds are to be distributed to public schools which would recognize a current year loss in State financial requirement of the foundation program by using an Index of Taxpaying Ability which imputes the assessed value of owner occupied property as compared to the prior fiscal year. Require these funds be distributed to school districts receiving a loss, in an amount equal to the loss. Direct that the supplement does not require local financial requirement.
SEN: ADOPT new proviso.
CONF: ADOPT Senate version.

1.98. (SDE: Education Foundation Supplement) Funds appropriated in the Education Foundation Supplement are to be distributed to public school districts which would in the current fiscal year recognize a loss in State financial requirement of the foundation program by utilizing an Index of Taxpaying Ability which imputes the assessed value of owner occupied property compared to the State financial requirement of same Index of Taxpaying Ability as utilized in the prior fiscal year. Funds in the Education Foundation Supplement must be distributed to the school districts receiving a loss, in an amount equal to the amount of the loss. This supplement shall not require a local financial requirement.

- 1.99** **ADD** (Impute Index Value) **SFC:** ADD new proviso to direct that for FY 2011-12, DOR in calculating the index of taxpaying ability, shall impute an index value for owner occupied residential property qualifying for the special 4% assessment ratio by adding the 2nd preceding taxable year total school district reimbursements for Tier 1, 2 and 3(A) and not include the supplement distribution. Direct DOR to not include sales ratio data in calculating the index. Direct that the methodology for calculating the remaining classes of property remain the same.
SEN: ADOPT new proviso.
CONF: ADOPT Senate version.

1.99. (SDE: Impute Index Value) For FY 2011-12 and for the purposes of calculating the index of taxpaying ability the Department of Revenue shall impute an index value for owner-occupied residential property qualifying for the special four percent assessment ratio by adding the second preceding taxable year total school district reimbursements for Tier 1, 2, and Tier 3(A) and not to include the supplement distribution. The Department of Revenue shall not include sales ratio data in its calculation of the index of taxpaying ability. The methodology for the calculations for the remaining classes of property shall remain as required pursuant to the EFA and other applicable provisions of law.

- 1.100** **DELETE NEW PROVISO** (Common Core Initiative) **SFC:** ADD new proviso to prohibit the department, the EOC, or the State Board of Education from expending funds in the current fiscal year to participate in, implement, or promote the Common Core State Standards Initiative until the department issues a report analyzing potential cost increases or cost savings for the initiative. Direct that the report be submitted to the House Ways and Means and Senate Finance Committees by January 6, 2012. Authorize the State Board of Education, the department, and the EOC to adopt the Common Core State Standards Initiative after the committees have accepted and approved the financial report.
SEN: ADOPT new proviso.
CONF: ADOPT House version. (*Deletes new proviso.*)

1.100. (SDE: Common Core Initiative) DELETED

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- 1.101** **ADD** (EFA State Share) **SEN:** ADD new proviso to provide a supplement to a school district that receives zero EFA state funding by an amount based on 70% of the least state EFA funded school district. Fiscal Impact: Beaufort School District currently receives \$0 while McCormick School District receives \$837,555. 70% equates to \$586,289. Sponsors: Sens. Davis and Leatherman.
CONF: ADOPT Senate version.

1.101. (SDE: EFA State Share) A school district that does not recognize a State share of the EFA financial requirement shall be supplemented with an amount equal to seventy percent of the school district with the least State financial requirement.

- 1.102** **ADD** (Health Education) **SEN:** ADD new proviso require each school district to ensure all comprehensive and reproductive health education and family life education conducted within the school district by employees or by a private entity use curriculum that complies with Title 59, Chapter 32 [COMPREHENSIVE HEALTH EDUCATION PROGRAM]. Allow any person to make a signed and notarized complaint in writing to the chairman of the school district's governing board if they believe the district is not in compliance. Require the chairman to immediately investigate any complaint received and to take corrective action if the complaint is found to be true. Direct that if corrective action is not taken the district must have its base student cost reduced by 1%. Sponsor: Sen. Grooms.
CONF: ADOPT Senate version.

1.102. (SDE: Health Education) Each school district is required to ensure that all comprehensive health education, reproductive health education, and family life education conducted within the district, whether by school district employees or a private entity, must utilize curriculum that complies with the provisions contained in Chapter 32, Title 59. Any person may complain in a signed, notarized writing to the chairman of the governing board of a school district that matter not in compliance with the requirements of Chapter 32, Title 59 is being taught in the district. Upon receiving a notarized complaint, the chairman of the governing board must ensure that the complaint is immediately investigated and, if the complaint is determined to be founded, that immediate action is taken to correct the violation. If corrective action is not taken, then the district must have its base student cost reduced by one percent.

SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA

- 1A.3** **AMEND** (Half Day Program for Four-Year-Olds) Directs that funds appropriated for half-day programs for 4-year-olds shall be distributed based on the prior year number of students in kindergarten eligible for free and reduce price lunch. Directs, however, that no district shall receive less than 90% the amount it received in the prior fiscal year.
WMC: AMEND proviso to delete the requirement that no district receive less than 90% the amount it received in the prior fiscal year. *Deletion will provide for allocations to be based solely on the prior year number of eligible students and the amount of funds appropriated for this purpose.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

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1A.3. (SDE-EIA: XI.B - Half Day Program for Four-Year-Olds) Funds appropriated in Part IA, Section 1, XI.B. for half-day programs for four-year-olds shall be distributed based on the prior year number of students in kindergarten eligible for free and reduce price lunch; ~~however, no district shall receive less than 90 percent of the amount it received in the prior fiscal year.~~

1A.6 **AMEND** (Teacher Salaries/SE Average) Projects the Southeastern average teacher salary to be \$48,725 for FY 10-11. States that the statewide minimum teacher salary schedule used in FY 08-09 will continue to be used in FY 10-11. Specifies what positions are to receive Teacher Salary Supplements.

WMC: AMEND proviso to change “\$48,725” to “\$49,007” and change “Fiscal Year “2010-11” to “2011-12” pertaining to using the same statewide minimum teacher salary schedule used in FY 08-09. Fiscal Impact: \$85,843,212 (\$49,007-\$47,642) x 1.2094 x 52,000 + EFA restoration.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

1A.6. (SDE-EIA: XI.C.2.-Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be ~~\$48,725~~ \$49,007. The statewide minimum teacher salary schedule used in Fiscal Year 2008-09 will continue to be used in Fiscal Year ~~2010-11~~ 2011-12. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

Funds appropriated in Part IA, Section 1, XI.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.

1A.10 **AMEND** (CHE/Teacher Recruitment) Provides for distribution of Teacher Recruitment Program funds and directs CHE to annually evaluate the effectiveness of the teacher recruitment projects and report its findings and budget recommendations to the House and Senate Education Committees, the State Board of Education and the EOC by Oct 1st.

SFC: AMEND proviso to direct that the current year administration reduction may be applied proportionately between CERRA and SC State, and shall not be applied to Teaching Fellows Scholarships.

SEN: ADOPT proviso as amended.

CONF: ADOPT Senate version.

1A.10. (SDE-EIA: XI.F.2-CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, XI.F.2. for the Teacher Recruitment Program, the S.C. Commission on Higher Education shall distribute a total of 92% to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which 78% must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers, and of which 22% must be used for other aspects of the state teacher recruitment program, including the Teacher Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers: and shall distribute 8% to S.C. State University to be

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used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. The current year administrative base reduction may be applied proportionately between CERRA and SC State University while none of the reduction may be applied to Teaching Fellows Scholarships. Working with districts with an absolute rating of At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October 1 to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The S.C. Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The S.C. State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October 1 annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

- 1A.16 AMEND** (Teacher Supplies) Provides guidelines for distributing teacher supply reimbursement of up to \$275 each school year to offset the expenses they have incurred for teaching supplies and materials.
WMC: AMEND proviso to change “FY 2010-11” to “Fiscal Year 2011-12.” Fiscal Impact: No impact on the General Fund. Requested by Department of Education.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

1A.16. (SDE-EIA: XI.C.2-Teacher Supplies) For ~~FY 2010-11~~ Fiscal Year 2011-12 a local school board, in a public school board meeting prior to the first contract day of the school year, by majority vote may decide to retain the school district’s allocation for Teacher Supply funds and instead of disbursing the funds to all certified public school teachers, certified special school classroom teachers, certified media specialists, and certified guidance counselors may utilize the school district’s allocation for the purposing of funding teacher salaries either to avoid or decrease the impact of a teacher furlough imposed by the school board or to avoid the elimination of a teaching position as determined by the school board. A school district may not utilize this provision to increase district or school level administrators or teacher salaries. A school board utilizing this provision must notify the certified public school teacher, certified special school classroom teachers, certified media specialists, and certified guidance counselors in written communication on or before the first contract day of the school year of the school board’s decision not to provide the teacher supply reimbursement along with the school board’s purpose in utilizing the reimbursement funds. All certified public school teachers, certified special school classroom teachers, certified media specialists, and certified guidance counselors who are employed by a school district or a charter school as of November thirtieth of the current fiscal year, based on the public decision of the school board may receive reimbursement of up to two hundred seventy-five dollars each school year to offset expenses incurred by them for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July fifteenth based on the last reconciled Professional Certified Staff (PCS) listing from the previous year. With remaining funds for this program, any deviation in the PCS and actual teacher count will be reconciled by December thirty-first or as soon as practicable

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thereafter. Based on the public decision of the school district these funds shall be disbursed in a manner separate and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current contract year. This reimbursement shall not be considered by the state as taxable income. Special schools include the Governor's School for Science and Math, the Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District. Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes the receipts may not be required before December thirty-first. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district they have received the allocation for purchase of teaching supplies and/or materials and that they have purchased or will purchase supplies and/or materials during the fiscal year for the amount of the allocation. Districts shall not have an audit exception related to non-retention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November twenty-fifth and December sixth that receipts must be submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement. School districts utilizing this provision to retain the teaching supplies funding for purposes other than reimbursement to the teacher must publicly display on the school district's website the number of jobs saved through the use of these funds and to electronically forward the report on jobs saved to the Department of Education no later than December 31 of the current fiscal year to be compiled in a report for electronic presentation to the General Assembly by January 15 of the current fiscal year.

- 1A.18 DELETE** (State of Emergency District) Authorizes funds to be used for retired educators serving as teacher or principal specialists, principal leaders, or curriculum specialists on site in state of emergency districts. Authorizes these retired educators to be hired as a principal specialist for up to 4 years in a state of emergency district.
SEN: DELETE proviso. *Ruled Out of Order.*
CONF: ADOPT Senate deletion.

~~**1A.18.** (SDE-EIA: XI-State of Emergency District) Funds may be used for retired educators serving as teacher specialists, principal specialists, principal leaders, or curriculum specialists on site in districts in which a state of emergency is declared. These educators may be hired as a principal specialist in a state of emergency district for up to four years.~~

- 1A.20 AMEND FURTHER** (Technical Assistance) Specifies allocation and expenditure of technical assistance funds to schools with an absolute rating of below average or unsatisfactory.
HOU: AMEND proviso to delete the directive that the school renewal plan outline "how technical assistance allocations will be utilized." Delete the directive that the department coordinate with and monitor services provided to schools by the School Improvement Council Assistance and the Writing Improvement Network and the requirement that these entities submit external evaluations to the EOC at least once every three years. Change the amount that must be used for technical assistance from "up to \$13,000,000" to "up to \$6,000,000."
Sponsor: Rep. Bingham.
HOU2: AMEND FURTHER to adopt portion of Senate version allowing \$750,000 of this amount to be used for after-school or summer enrichment programs focused on dropout prevention for at-risk students. Sponsor: Rep. Cooper.
SFC: AMEND FURTHER to reinsert "\$13,000,000." Direct that \$750,000 of this amount may be used for after-school or summer enrichment programs focused on dropout prevention for at-risk students.

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SEN: ADOPT proviso as amended.

CONF: ADOPT House version.

1A.20. (SDE-EIA: Technical Assistance) In order to best meet the needs of underperforming schools, funds appropriated for technical assistance to schools with an absolute rating of below average or at-risk on the most recent annual school report card must be allocated according to the severity of not meeting report card criteria.

Schools receiving an absolute rating of below average or at-risk must develop and submit to the Department of Education a school renewal plan outlining ~~how technical assistance allocations will be utilized and~~ goals for improvements ~~will be obtained~~. Each *Of the technical assistance funds allocated to below average or at-risk schools each* allocation must address specific strategies designed to increase student achievement and must include measures to evaluate success. The school renewal plan may include expenditures for recruitment incentives for faculty and staff, performance incentives for faculty and staff, assistance with curriculum and test score analysis, professional development activities based on curriculum and test score analysis that may include daily stipends if delivered on days outside of required contract days. School expenditures *of technical assistance* shall be monitored by the Department of Education.

With the funds appropriated to the Department of Education for technical assistance services, the department will assist schools with an absolute rating of below average or at-risk in designing and implementing technical assistance school renewal plans and in brokering for technical assistance personnel as needed and as stipulated in the plan. In addition, the department must monitor student academic achievement and the expenditure of technical assistance funds in schools receiving these funds and report their findings to the General Assembly and the Education Oversight Committee by January first of each fiscal year as the General Assembly may direct. If the Education Oversight Committee or the department requests information from schools or school districts regarding the expenditure of technical assistance funds pursuant to evaluations, the school or school district must provide the evaluation information necessary to determine effective use. If the school or school district does not provide the evaluation information necessary to determine effective use, the principal of the school or the district superintendent may be subject to receiving a public reprimand by the State Board of Education if it is determined that those individuals are responsible for the failure to provide the required information.

~~The department shall coordinate with and monitor the services provided by the School Improvement Council Assistance and the Writing Improvement Network to the schools. Based on criteria jointly determined by the department and the Education Oversight Committee, the School Improvement Council Assistance and the Writing Improvement Network must submit external evaluations to the Education Oversight Committee at least once every three years.~~

No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of below average or at-risk may be retained and expended by the department for implementation and delivery of technical assistance services. Using previous report card data, the department shall identify priority schools. Up to ~~\$13,000,000~~ *\$6,000,000* of the total funds appropriated for technical assistance shall be used by the department to work with those schools identified as priority schools. *Of this amount, \$750,000 may be used for after-school or summer enrichment programs focused on dropout prevention for at-risk students.*

The department will create a system of levels of technical assistance for schools that will receive technical assistance funds. The levels will be determined by the severity of not meeting report card criteria. The levels of technical assistance may include a per student allocation, placement of a principal mentor, replacement of the principal, and/or reconstitution of a school.

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Reconstitution means the redesign or reorganization of the school, which includes the declaration that all positions in the school are considered vacant. Certified staff currently employed in priority schools must undergo a formal evaluation in the spring following the school's identification as a priority school and must meet determined goals to be rehired and continue their employment at that school. Student achievement will be considered as a significant factor when determining whether to rehire existing staff. Educators who were employed at a school that is being reconstituted prior to the effective date of this proviso and to whom the employment and dismissal laws apply will not lose their rights in the reconstitution. If they are not rehired or are not assigned to another school in the school district they have the opportunity for a hearing. However, employment and dismissal laws shall not apply to educators who are employed in the district and assigned to the priority schools after the effective date of this proviso, in the event of a reconstitution of the school in which the educator is employed. Those rights are only suspended in the event of a reconstitution of the entire school staff. Additionally, the rights and requirements of the employment and dismissal laws do not apply to educators who are currently on an induction or annual contract, that subsequently are offered continuing contract status after the effective date of this proviso, and are employed at a school that is subject to reconstitution under this proviso.

The reconstitution of a school could take place if the school has been identified as a priority school that has failed to improve satisfactorily. The decision to reconstitute a school shall be made by the State Superintendent of Education in consultation with the principal and/or principal mentor, the school board of trustees, and the district superintendent. The decision to reconstitute a school shall be made by April 1, at which time notice shall be given to all employees of the school. The department, in consultation with the principal and district superintendent, shall develop a staffing plan, recruitment and performance bonuses, and a budget for each reconstituted school.

Upon approval of the school renewal plans by the department and the State Board of Education, a newly identified school or a currently identified school with an absolute rating of below average or at-risk on the report card will receive a base amount and a per pupil allocation based on the previous year's average daily membership as determined by the annual budget appropriation. No more than fifteen percent of funds not expended in the prior fiscal year may be carried forward and expended in the current fiscal year for strategies outlined in the school's renewal plan. Schools must use technical assistance funds to augment or increase, not to replace or supplant local or state revenues that would have been used if the technical assistance funds had not been available. Schools must use technical assistance funds only to supplement, and to the extent practical, increase the level of funds available from other revenue sources.

1A.22 AMEND FURTHER (School Districts and Special Schools Flexibility) Provides guidelines and requirements for school districts and special schools to have the ability to transfer and expend funds among general fund revenues, EIA funds, Lottery funds, and Children's Education Endowment Fund for school facilities and fixed equipment assistance to ensure the delivery of academic and arts instruction. Prohibits school districts from transferring debt service or bonded indebtedness funds. Authorizes school districts and the department to purchase the most economical type of bus fuel.

WMC: AMEND proviso to change references to "Fiscal Year 2010-11" to "current fiscal year." Delete the requirement that savings generated from suspension of the writing assessment and new textbooks adoptions be allocated to school districts based on the EFA formula and instead direct that they be allocated based on the number of weighted pupil units in each district. *Change in methodology for distributing funds generated from the savings from suspended programs ensures that all districts receive funds generated from the savings.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education. EIA Companion to 1.40.

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HOU: ADOPT proviso as amended.

HOU2: AMEND FURTHER to specify that a school district may not transfer funds “allocated specifically for state level maintenance of effort requirements under IDEA” required for debt service or bonded indebtedness. Sponsor: Rep. Cooper.

SFC: AMEND FURTHER to reinsert the requirement that savings generated from the suspension of writing assessment and new textbook adoptions be allocated based on the “EFA formula” rather than the “number of weighted pupil units.”

SEN: ADOPT proviso as amended.

CONF: COMPROMISE to amend Senate version to adopt House directive that a school district may not transfer funds “allocated specifically for state level maintenance of effort requirements under IDEA” required for debt service or bonded indebtedness.

1A.22. (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated specifically for state level maintenance of effort requirements under IDEA, required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy percent of the school district's per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and non-instruction pupil services. No portion of the seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the current school year ending June 30, ~~2011~~. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

“In\$ite” means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to public charter schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the ~~2010-11~~ current fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented

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publicly at a regularly called school board meeting, and the certification must be posted on the internet website maintained by the school district.

For ~~Fiscal Year 2010-11~~ *the current fiscal year*, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list ~~must~~ *may* be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For ~~Fiscal Year 2010-11~~ *the current fiscal year*, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula.

School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made available for public viewing and downloading. The register must include for each expenditure:

- (i) the transaction amount;
- (ii) the name of the payee; and
- (iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.

The Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

- 1A.25 AMEND** (PSAT/PLAN Reimbursement) Directs that assessment appropriations be used to pay for administering PSAT or PLAN tests to 10th grade students to include the testing and report fees. Authorizes the department to carry forward prior year assessment funds to pay for state assessment activities not completed by the end of the fiscal year including scoring the spring statewide accountability assessment.

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WMC: AMEND proviso to delete the requirement that assessment funds be used to pay for administering PSAT or PLAN tests to 10th grade students. Fiscal Impact: OSB states no impact on the General Fund. Requested by Department of Education. *Companion to 1.25.*

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

~~1A.25. (SDE-EIA: PSAT/PLAN Reimbursement Assessment) Funds appropriated for assessment shall be used to pay for the administration of the PSAT or PLAN test to tenth grade students to include the testing fee and report fee. SDE *The department* is authorized to carry forward into the current fiscal year, prior year state assessment funds for the purpose of paying for state assessment activities not completed by the end of the fiscal year including the scoring of the spring statewide accountability assessment.~~

1A.31 DELETE (One Year Suspension of EIA Programs) Temporarily suspends the Palmetto Gold and Silver program for FY 10-11 and allocates the funds appropriated to them to teacher salaries and fringe benefits; National Board Certification Incentive salary supplements; teacher supplies; Science PLUS; and Teaching Fellows Program administered by CERRA to hold the funding level to maintain fellowships for existing cohorts of participants in the program. Authorizes schools to still be recognized as Palmetto Gold and Silver recipients in 2010-11, but without compensation.

WMC: AMEND proviso to direct that the High Schools That Work and Arts Curricula Instruction programs also be temporarily suspended for FY 11-12 and that savings generated from the suspension be allocated to districts based on the number of weighted pupil units.

HOU: AMEND proviso to delete reference to "High Schools that Work." Sponsor: Rep. Gambrell. AMEND FURTHER to delete reference to "Arts Curricula Instruction." Sponsors: Reps. Bingham, Harrison, and Stavrinakis.

SFC: ADOPT proviso as amended.

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

~~1A.31. (SDE-EIA: One Year Suspension of EIA Programs) The following program funded with EIA revenues will be temporarily suspended for Fiscal Year 2010-11 and funds appropriated to this program allocated to teacher salaries and fringe benefits, National Board Certification Incentive salary supplements, teacher supplies, Science PLUS, and the Teaching Fellows Program administered by CERRA to hold the funding level to maintain fellowships for existing cohorts of participants in the Teacher Fellows Program: the Palmetto Gold and Silver program. Schools may still be recognized as Palmetto Gold and Silver recipients in Fiscal Year 2010-11 but will not receive financial compensation.~~

1A.35 AMEND (Students at Risk of School Failure) Directs how EIA funds appropriated for students at academic risk of school failure shall be allocated to school districts for FY 10-11. Requires that at least 85% of funds allocated for these students be spent on instruction and instructional support for students who generated the funds. Defines students at academic risk. Requires public charter schools, the Palmetto Unified School District, and DJJ to also receive a proportionate per pupil allocation based on the number of students at academic risk served. Directs that \$350,000 of the funds appropriated for students at academic risk of school failure, must be allocated to the Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand the training statewide through weekend college, non-traditional or alternative learning opportunities. Charges the Center with developing a sequence of

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knowledge and skills and program of study for add-on certification for teachers that specialize in teaching children of poverty.

WMC: AMEND proviso to change “Fiscal Year 2010-11” to “the current fiscal year” and delete the \$350,000 allocation to Francis Marion University. *See EIA proviso 1A.53.*

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

1A.35. (SDE-EIA: Students at Risk of School Failure) For ~~Fiscal Year 2010-11~~ the current fiscal year, EIA funds appropriated for students at academic risk of school failure, which include funds for Act 135 Academic Assistance, summer school, reduce class size, alternative schools, parent support and family literacy, must be allocated to school districts based two factors: (1) the poverty index of the district as documented on the most recent district report card, which measures student eligibility for the free or reduced price lunch program and Medicaid; and (2) the number of students not in poverty or eligible for Medicaid but who fail to meet state standards on state standards-based assessments in either reading or mathematics. At least eighty-five percent of the funds allocated for students classified as at academic risk must be spent on instruction and instructional support for these students who generated the funds. Instructional support may include family literacy and parenting programs to students at-risk for school failure and their families. Students at academic risk are defined as students who are at risk of not graduating from high school because they failed either the English language arts or mathematics portion of the High School Assessment Program on first attempt and who score not met on grades three through eight in reading and mathematics state assessments. Public charter schools, the Palmetto Unified School District, and the Department of Juvenile Justice must also receive a proportionate per pupil allocation based on the number of students at academic risk of school failure served.

~~Of the funds appropriated for students at academic risk of school failure, \$350,000 must be allocated to the Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand statewide training for individuals who teach children of poverty through weekend college, non-traditional or alternative learning opportunities. The Center also is charged with developing a sequence of knowledge and skills and program of study for add-on certification for teachers specializing in teaching children of poverty.~~

1A.38 **DELETE** (Statewide Student Information System) Authorizes the department, contingent on availability of FY 09-10 year end EIA cash balance, to use up to \$5,000,000 for costs related to the statewide student information system conversion, implementation, support, maintenance, and training activities. Allows the department to use any remaining balance for transportation purposes.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

1A.38. (SDE-EIA: Statewide Student Information System) ~~Contingent on the availability of a Fiscal Year 2009-10 end of year EIA cash balance the department is authorized in Fiscal Year 2010-11 to utilize up to \$5,000,000 for the costs related to the conversion, implementation, support, maintenance, and training activities for state, school district, and school users for the statewide student information system essential for sustaining accountability~~

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~~and transparency. The department may utilize any remaining balance for transportation purposes.~~

- 1A.41 AMEND** (Education Oversight Committee Transfer) Directs the EOC to transfer \$250,000 to Teacher Supplies and to transfer EOC 4-Year Old Evaluation funds to the Office of First Steps to be used only in the CDEPP program.
WMC: AMEND proviso to change the amount transferred to teacher supplies from "\$250,000" to "\$200,000" and delete the requirement that EOC 4-Year Old Evaluation funds be transferred to the Office of First Steps. Fiscal Impact: No impact on the General Fund. Requested by Education Oversight Committee. *Funded on the line.*
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

~~**1A.41.** (SDE-EIA: Education Oversight Committee Transfer) For Fiscal Year ~~2010-11~~ 2011-12 the Education Oversight Committee is directed to transfer ~~\$250,000~~ \$200,000 to Teacher Supplies. The Education Oversight Committee is further directed to transfer the funds for the EOC 4 Year Old Evaluation to the Office of First Steps only for use in the CDEPP program.~~

- 1A.42 DELETE** (Effectiveness of Strategies for Teaching Reading) Directs the department to coordinate \$106,790 appropriated in Section XI.A.1 Other Entities to provide evidence of the effectiveness of strategies for teaching reading.
WMC: DELETE proviso. *Evaluation will be complete by the end of the fiscal year.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**1A.42.** (SDE-EIA: Effectiveness of Strategies for Teaching Reading) Funds appropriated in Section XI.A.1. Other Entities in the amount of \$106,790 shall be coordinated by the Department of Education to provide evidence of the effectiveness of strategies for the teaching of reading.~~

- 1A.44 DELETE** (First Steps-CDEPP Program) Requires First Steps to only use the funds transferred from the EOC to serve students in the CDEPP program and to report to the Chairmen of the Senate Finance and Ways and Means Committees by January 10, 2011, the number of students served.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**1A.44.** (SDE-EIA: First Steps-CDEPP Program) For Fiscal Year ~~2010-11~~ the Office of First Steps is directed to utilize the funds transferred from the Education Oversight Committee only to serve students in the CDEPP program and shall report the number of students served to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2011.~~

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1A.45 AMEND (Child Development Education Pilot Program) Establishes the South Carolina Child Development Pilot Program (CDEPP); directs that the program be available on a voluntary basis for the 2010-11 school year; and directs that the program focus on developmental and learning support that children must have to be ready for school and to incorporate parenting education. Directs that pilot program first provide four-year old kindergarten services to at-risk children in the 8 trial districts and if any funds remain, to expand the program to the remaining plaintiff districts in the Abbeville County School District and then to eligible children in school districts with a poverty index of 90% or greater. Authorizes unexpended funds to be carried forward and remain in the program. Directs that the funded cost per child is \$4,218 increased annually by the rate of inflation.

WMC: AMEND proviso to change “2010-11” references to “current” year. Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

1A.45. (SDE-EIA: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the ~~2010-11~~ *current* school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) For the ~~2010-11~~ *current* school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of 90% or greater. Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children.

Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September first, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

(1) a school-year four-year-old kindergarten program delivered by an approved public provider; or

(2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child’s birth certificate, immunization documentation, and documentation of the student’s eligibility as evidenced by family income documentation showing an annual family

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income of 185% or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

If by October 1 of the school year at least 75% of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, CDEPP providers may then enroll pay-lunch children who score at or below the 25th national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are available.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

(1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;

(2) comply with all state and local health and safety laws and codes;

(3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;

(4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;

(5) comply with all program, reporting, and assessment criteria required of providers;

(6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;

(7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;

(8) be approved, registered, or licensed by the Department of Social Services; and

(9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

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(D) The Department of Education and the Office of First Steps to School Readiness shall:

- (1) develop the provider application form;
- (2) develop the child enrollment application form;
- (3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;
- (4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;
- (5) establish criteria for awarding new classroom equipping grants;
- (6) establish criteria for the parenting education program providers must offer;
- (7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;
- (8) develop a list of data collection needs to be used in implementation and evaluation of the program;
- (9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;
- (10) establish criteria for granting student retention waivers; and
- (11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

- (1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;
- (2) employ an education assistant with pre-service or in-service training in early childhood education;
- (3) maintain classrooms with at least ten four-year-old children, but no more than twenty four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of ten children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;
- (4) offer a full day, center-based program with 6.5 hours of instruction daily for one hundred eighty school days;
- (5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;
- (6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and
- (7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have

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at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children five years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of fifteen hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

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(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the ~~2010-11~~ *current* school year, the funded cost per child shall be \$4,218 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro-rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.

(L) Pursuant to this provision, the Department of Social Services shall:

- (1) maintain a list of all approved public and private providers; and
- (2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements of this provision.

(M) The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers.

1A.46 ADD (SC Reading Achievement Systemic Initiative) **WMC:** ADD new proviso to create a policy panel to guide the S.C. Reading Achievement Systemic Initiative funded from Department of Education and EOC appropriated or authorized funds. Direct that the panel be composed of 25 members appointed by the Governor, the Superintendent of Education, and Chairmen of specific Senate and House Committees, of the State Board of Education, and of the EOC. Direct the panel to focus on child physical health, language development and school learning policies, practices, and funding. Direct that the panel is to be staffed through a collaborative among the Department of Education, SC KidsCount, and EOC with those entities sharing the cost of panel expenses. Direct the panel to provide a report to the Senate Education

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Commission, the House Education and Public Works Committee, the State Board of Education, and the EOC by January 15, 2012. Fiscal Impact: No impact on the General Fund. Requested by Education Oversight Committee.

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

IA.46. (SDE-EIA: SC Reading Achievement Systemic Initiative) From the funds appropriated or authorized for the Department of Education and the Education Oversight Committee, there is created a policy panel to guide the South Carolina Reading Achievement Systemic Initiative. The panel will be composed of twenty-five members, which shall be appointed as follows:

The Governor shall appoint to the panel:

(1) one business leader;

(2) one parent;

(3) one representative of the Board of Trustees of the Office of First Steps to School

Readiness;

(4) one representative of the State Library Board;

(5) one pediatrician; and

(6) two representatives of community foundations or literacy organizations.

The State Superintendent of Education shall appoint to the panel:

(1) one business leader;

(2) one parent;

(3) one parent educator;

(4) one researcher in reading;

(5) two literacy coaches;

(6) two district early childhood or academic leaders;

(7) two principals, one representing elementary schools and one representing middle schools; and

(8) four teachers of students with needs for interventions to promote reading proficiency to include students with learning disabilities, student in poverty and students not mastering concepts.

The Chairman of the Senate Education Committee shall appoint one member of the Senate Education Committee to the panel.

The Chairman of the House Education and Public Works Committee shall appoint one member of the House Education and Public Works Committee to the panel.

The Chairman of the State Board of Education shall appoint one member of the State Board of Education to the panel.

The Chairman of the Education Oversight Committee shall appoint one member of the Education Oversight Committee to the panel.

The panel is directed to define the focus and priorities for state actions to improve the level of reading achievement among the state's young people including building upon the work of LiteracySC and the state literacy team organized to support the Striving Readers Comprehensive Literacy Grant. The panel should address factors contributing to or impeding progress including, but not limited to, the physical health, language development and quality of instruction provided in the state's schools. The panel should examine data, follow progress of the LiteracySC academies and pilots, recommend changes in practice and funding and provide for a longitudinal evaluation and establish a statewide policy for the teaching of reading, including particular attention to the lowest achieving students.

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The panel is to be staffed through a collaborative among the Department of Education, SC Kids Count and the Education Oversight Committee. Expenses of the panel are to be shared among the collaborating entities.

The panel shall report to the General Assembly through the House Committee on Education and Public Works and the Senate Education Committee and to the State Board of Education and the Education Oversight Committee by January 15, 2012.

- 1A.47** **ADD** (Assisting, Developing, and Evaluating Professional Teaching--ADEPT) **WMC:** ADD new proviso to direct that ADEPT funds may be used to implement the ADEPT system and that 10% is to be used to pay to colleges and universities for ADEPT services with the remaining funds distributed to school districts, the School for the Deaf and the Blind, John de la Howe School, Governor's School for the Arts & Humanities, and DJJ on a per induction contract basis to offset implementation costs. Permits the colleges and universities to provide a tuition waiver for one three-hour course to teachers supervising students who are practice teaching. Authorizes ADEPT funds to be carried forward and used for the same purposes. *Funding and proviso moved from proviso 1.18.*
HOU: ADOPT new proviso.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

1A.47. (SDE-EIA: Assisting, Developing, and Evaluating Professional Teaching--ADEPT) Funds appropriated in Part IA, Section 1, XI.A-APT/ADEPT, may be used for the implementation of the ADEPT system. Of the funds appropriated, ten percent is to be used to pay colleges and universities for ADEPT services. The remaining funds will be distributed to school districts, School for the Deaf and the Blind, John de la Howe School, Governor's School for Arts and Humanities and the Department of Juvenile Justice on a per induction contract teacher basis to offset the costs of implementing the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve as supervisors for full-time students completing education degree requirements. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

- 1A.48** **AMEND NEW PROVISO** (Aid to Districts) **WMC:** ADD new proviso to direct that Aid to Districts funds in program XI.A.1 be dispersed to school districts based on the number of weighted pupil units.
HOU: ADOPT new proviso.
SFC: AMEND new proviso to distribute the funds based on the EFA formula rather than on the number of weighted pupil units.
SEN: ADOPT new proviso as amended.
CONF: ADOPT House version.

1A.48. (SDE-EIA: Aid to Districts) Funds appropriated in Part IA, Section 1, XI.A.1 Aid to Districts shall be dispersed to school districts based on the number of weighted pupil units.

- 1A.49** **AMEND NEW PROVISO** (Carry Forward) **WMC:** ADD new proviso to direct that EIA funds carried forward from the prior fiscal year that are not otherwise appropriated or authorized must be distributed to school districts based on the number of weighted pupil units.
HOU: AMEND new proviso to delete the previous requirement for carry forward funds and instead direct that EIA funds carried forward from the prior fiscal year and from FY 11-12, not

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otherwise appropriated or authorized, must be carried forward and spent for school bus fuel costs and direct that any unexpended funds also be carried forward and used for the same purpose. Sponsor: Rep. Bingham.

SFC: ADOPT new proviso as amended.

SEN: ADOPT new proviso as amended.

CONF: SAME in both versions.

1A.49. (SDE-EIA: Carry Forward) EIA carry forward from the prior fiscal year and FY 2011-12 and not otherwise appropriated or authorized must be carried forward and expended for school bus fuel costs. Any unexpended funds must be carried forward and expended for the same purpose.

1A.50 AMEND NEW PROVISO (Disbursements/Writing Improvement Network) **WMC:** ADD new proviso to require, during FY 11-12, the Writing Improvement Network, School Improvement Council, and S.C. Geographic Alliance provide a report to the department that outlines the costs and benefits of their respective programs.

HOU: ADOPT new proviso.

SFC: AMEND new proviso to specify “from the funds appropriated to the department and allocated to the entities.”

SEN: ADOPT new proviso as amended.

CONF: ADOPT Senate version.

1A.50. (SDE-EIA: XI.F.2-Disbursements/Writing Improvement Network) During Fiscal Year 2011-12, from the funds appropriated to the department and allocated to the Writing Improvement Network, the School Improvement Council and the South Carolina Geographic Alliance, the entities must supply a report to the department outlining the costs and benefits of their respective programs.

1A.51 DELETE NEW PROVISO (Suspend Education Oversight Committee) **WMC:** ADD new proviso to suspend the EOC and devolve their duties, functions, and responsibilities to the Department of Education for FY 11-12 and direct that their assets be transferred to the department. Direct that \$200,000 of EOC Public Relations and Education Oversight Committee and EOC Family Involvement funds be used for “Month 13” payments for salaries, benefits, accumulated annual leave, equipment leases, communications charges and any remaining services invoiced to the committee. Authorize the department to use these funds to pay the agency’s share of COBRA for terminated employees. Require the department to provide not less than \$75,000 to the Middle Grades Project and \$100,000 to the Council on Economic Education. Require the department to transfer funds for the annual CDEPP evaluation to the Office of First Steps to serve students in the CDEPP program. Direct the remaining funds be used for Teacher Salaries. Authorize unexpended funds to be carried forward and be used for Teacher Salaries.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

1A.51. (SDE:EIA - Suspend Education Oversight Committee) DELETED

1A.52 ADD (Instructional Materials) **WMC:** ADD new proviso to authorize the department, prior to any authorized flexibility, to use up to \$3,000,000 of Instructional Materials funds to replace consumable instructional materials.

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HOU: ADOPT new proviso.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

1A.52. (SDE-EIA: Instructional Materials) The department is authorized to utilize up to \$3,000,000 from the funds appropriated in Part 1A, Section 1, .XIA.3 Instructional Materials for replacement of consumable instructional materials prior to any authorized flexibility.

- 1A.53** **ADD** (Centers of Excellence) **WMC:** ADD new proviso to direct that \$350,000 of Centers of Excellence funds must be allocated to the Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand the training statewide through weekend college, non-traditional or alternative learning opportunities. Charges the center with developing a sequence of knowledge and skills and program of study for add-on certification for teachers that specialize in teaching children of poverty. *Moved from EIA proviso 1A.35.*
HOU: ADOPT new proviso.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

1A.53. (SDE-EIA: Centers of Excellence) Of the funds appropriated for Centers of Excellence, \$350,000 must be allocated to the Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand statewide training for individuals who teach children of poverty through weekend college, non-traditional or alternative learning opportunities. The center also is charged with developing a sequence of knowledge and skills and program of study for add-on certification for teachers specializing in teaching children of poverty.

- 1A.54** **ADD** (IDEA Maintenance of Effort) **HOU:** ADD new proviso to require the department, prior to dispersing EIA Section XI.A.1 Aid to Districts funds according to proviso 1A.48, to disburse \$45,481,854 of those funds to school districts and special schools to support programs and services for students with disabilities to meet the estimated maintenance of effort for IDEA. Direct that the funds be distributed using the current fiscal year 135 day ADM. Direct that to the extent practicable, funding for children with disabilities be held harmless to budget cuts or reductions to the extent to meet federal maintenance of effort requirements under IDEA. Direct that if cuts to those funds are needed they must not be disproportionate. Require the department submit an estimate of the IDEA Moe requirement to the General Assembly and the Governor by December 1, 2011. Sponsor: Rep. Bingham.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

1A.54. (SDE-EIA - IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section XI.A.1 Aid to Districts according to proviso 1A.48 for Fiscal Year 2011-12, the department shall direct \$45,481,854 of the funds appropriated in Section XI.A.1 Aid To Districts to school districts and special schools for support of programs and services for students with disabilities, to meet the estimated maintenance of effort for IDEA. The department shall distribute these funds using the current fiscal year 135-day Average Daily Membership. For continued compliance with the federal maintenance of efforts requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held harmless to budget cuts or reductions to the extent those funds are required to meet federal

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maintenance of effort requirements under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts, the department must not reduce funding to support children with disabilities who qualify for services under the IDEA in a manner that is disproportionate to the level of overall reduction to state programs in general. By December 1, 2011, the department must submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor.

- 1A.55** **ADD** (Building Fund Flexibility) **SFC:** ADD new proviso to authorize school districts to flex School Building Aid Program funds for FY 11-12. *Companion to 1.95.*
SEN: ADOPT new proviso.
CONF: ADOPT Senate version.

1A.55. (SDE-EIA: Building Fund Flexibility) For Fiscal Year 2011-12, a school district may flex funds appropriated pursuant to the School Building Aid Program.

- 1A.56** **ADD** (Award Allocations) **HOU2:** ADD new proviso to direct that for FY 11-12, Palmetto Gold and Silver program allocations be directed to school districts and be allocated based on the number of weighted pupil units. Sponsor: Rep. Cooper. *Note: Proviso 1A.55 in HOU2 version.*
CONF: ADOPT House version.

1A.56. (SDE-EIA: Award Allocations) For Fiscal Year 2011-12, the funds allocated for the Palmetto Gold and Silver program will be directed to school districts and allocated based on the number of weighted pupil units.

SECTION 2 - H66-LOTTERY EXPENDITURE ACCOUNT

- 2.2** **DELETE** (SDE Lottery Carry Forward) Authorizes the Department of Education to carry forward unexpended lottery funds into the current fiscal year and expend these funds for expenditures incurred in the prior fiscal year or for the same purpose.
SEN: DELETE proviso. *Ruled Out of Order.*
CONF: ADOPT Senate deletion.

~~2.2. (LEA: SDE Lottery Carry Forward) The Department of Education is authorized to carry forward and expend any unexpended balances of lottery funds from the prior fiscal year into the current fiscal year for expenditures incurred in the prior fiscal year or to be expended for the same purpose.~~

- 2.3** **DELETE** (Higher Education Excellence Enhancement Program) Directs that Higher Education Excellence Enhancement Program funds be allocated equally among eligible institutions. Authorizes CHE to retain and carry forward unallocated prior year funds and directs those funds be allocated equally among eligible institutions in the current fiscal year.
SEN: DELETE proviso. *Ruled Out of Order.*
HOU2: DELETE proviso. Sponsor: Rep. Cooper.
CONF: SAME in both versions.

~~2.3. (LEA: Higher Education Excellence Enhancement Program) All funds appropriated for the Higher Education Excellence Enhancement Program shall be allocated equally among the eligible institutions as defined in Section 2-77-15. The Commission on Higher Education is authorized to retain and carry forward funds not allocated in the prior fiscal year and to allocate~~

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~~those funds in the current fiscal year equally among the eligible institutions as defined in Section 2-77-15.~~

2.5 DELETE (FY 10-11 Lottery Funding) Directs expenditure of lottery funds for Fiscal Year 2010-11.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~2.5. (LEA: FY 2010-11 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.~~

~~The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.~~

~~All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.~~

~~For Fiscal Year 2010-11 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:~~

- ~~(1) Commission on Higher Education Tuition Assistance
Two Year Institutions \$ 47,000,000;~~
- ~~(2) Commission on Higher Education LIFE Scholarships as
provided in Chapter 149, Title 59 \$ 87,370,916;~~
- ~~(3) Commission on Higher Education HOPE Scholarships as
provided in Section 59-150-370 \$ 7,823,474;~~
- ~~(4) Commission on Higher Education Palmetto Fellows
Scholarships as provided in Section 59-104-20 \$ 30,277,240;~~
- ~~(5) Commission on Higher Education Need Based Grants \$ 11,631,566;~~
- ~~(6) Tuitions Grants Commission Tuition Grants \$ 7,766,604;~~
- ~~(7) Commission on Higher Education National Guard Tuition
Repayment Program as Provided in Section 59-111-75 \$ 1,700,000;~~
- ~~(8) South Carolina State University \$ 2,500,000;~~
- ~~(9) Technology Public Four Year Universities, Two Year
Institutions, and State Technical Colleges \$ 4,154,702;~~
- ~~(10) Department of Education K-5 Reading, Math, Science &
Social Studies Program as provided in Section 59-1-525 \$ 41,891,798;~~
- ~~(11) Department of Education Grades 6-8 Reading, Math,
Science & Social Studies Program \$ 2,000,000;~~
- ~~(12) Commission on Higher Education Higher Education
Excellence Enhancement Program \$ 3,000,000; and~~
- ~~(13) School for the Deaf and the Blind Technology Replacement \$ 200,000.~~

~~Fiscal Year 2010-11 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and two year institutions as provided in Section 59-150-360.~~

~~Of the funds appropriated to South Carolina State University, \$250,000 may be used for the BRIDGE Program.~~

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~~The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.~~

~~The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full-time students.~~

~~Fiscal Year 2010-11 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2010-11 are fully funded.~~

~~If the lottery revenue received for Fiscal Year 2010-11 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro-rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.~~

~~The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.~~

~~For Fiscal Year 2010-11, \$8,400,000 certified from unclaimed prizes shall be appropriated as follows: \$5,722,729 to the Department of Education for K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525 and \$2,677,271 for Technology: Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges. The allocations of Section 59-150-230(I) of the 1976 Code are suspended for the current fiscal year.~~

~~Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$7,618,477 shall be directed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships. The next \$100,000 shall be directed to the Department of Alcohol and Other Drug Abuse Services for Prevention/Treatment of Gambling Disorders.~~

~~The next \$1,500,000 shall be directed to the Commission on Higher Education for the Partnership Among South Carolina Academic Libraries (PASCAL) Program. The next \$5,470,093 shall be directed for Technology: Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges. The next \$2,000,000 shall be directed to the State Library for Aid to County Libraries. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Higher Education Excellence Enhancement Program. The next \$4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Critical Needs Nursing. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships.~~

~~Notwithstanding the provisions of Section 59-150-355 of the 1976 Code or any other provision of law, the Budget and Control Board may distribute funds from the Education Lottery Account on a monthly basis during the final quarter of the fiscal year.~~

- 2.6 AMEND NEW PROVISO FURTHER (FY 11-12 Lottery Funding) WMC:** ADD new proviso to direct expenditure of lottery funds as certified by the BEA for FY 11-12. Direct that lottery funds must be used to supplement and not supplant existing education funds. Direct the B&C Board to prepare lottery expenditure account detail to reflect lottery appropriations. Direct that all lottery revenue, including interest earnings, be carried forward and used to support specified appropriations. Direct FY 11-12 lottery appropriations as follows: \$47,000,000 to CHE and State Board for Tec and Comp Ed for Tuition Assistance; \$106,554,616 to CHE for LIFE Scholarships; \$7,823,474 to CHE for HOPE Scholarships;

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\$30,277,240 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; \$4,154,702 for Technology for Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges; \$29,491,798 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; \$3,000,000 to CHE for Higher Education Excellence Enhancement Program; and \$200,000 to School for the Deaf and the Blind for Technology Replacement. Direct that FY 11-12 Tuition Assistance funds must be distributed to technical colleges & two-year institutions as provided in Section 59-150-360. Direct that \$250,000 of the funds appropriated to SC State be used 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. Authorize CHE to temporarily transfer funds between line items to ensure timely receipt of scholarships and tuition assistance. State the goal of the General Assembly 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 11-12. Direct that if lottery revenue for FY 11-12 is less than the amounts appropriated, these appropriations are reduced on a pro rata basis except for LIFE, HOPE, and Palmetto Fellows Scholarships. Authorize CHE to use up to \$260,000 of LIFE, HOPE, and Palmetto Fellow Scholarship funds to provide the necessary level of program support the award process. Authorize Higher Ed Tuition Grants to use up to \$70,000 of Tuition Grants funds to support the grant award process. Direct that \$12,400,000 of certified unclaimed prize money is appropriated as follows: \$5,722,729 to the Department of Education for K-5 Reading, Math, Science & Social Studies Program. Direct that allocations designated in Section 59-150-230(I) [UNCLAIMED PRIZES] are suspended for the current fiscal year. 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.

HOU: ADOPT new proviso.

SFC: AMEND new proviso to change the following excess unclaimed prizes distribution: Technology: Public Four-Year Universities, Two Year Institutions, and State Technical Colleges from “\$5,470,093” to \$2,792,822” and specify that the \$2,000,000. Delete the authorization for the B&C Board to distribute lottery funds on a monthly basis during the final quarter of the fiscal year. *Note: \$2,677,271 will be added to CHE’s budget for Technology: Public Four-Year Universities, Two Year Institutions, and State Technical Colleges.*

SEN: AMEND FURTHER add \$733,000 for State Library, Aid to County Libraries. Sponsor: Sen. Malloy. AMEND FURTHER to direct that rather than \$12,400,000 of the certified unclaimed prizes monies being directed to SDE for K-5 Reading, Math, and Social Studies, \$12,350,000 be directed to SDE to purchase new school buses and \$50,000 be directed to DAODAS for gambling related services. Sponsors: Sens. Malloy, McConnell, and Massey.

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CONF: COMPROMISE to amend Senate version to adopt the House version of excess unclaimed prizes distribution for Technology: Public Four-Year Universities, Two Year Institutions, and State Technical Colleges of \$5,470,093.

2.6. (LEA: FY 2011-12 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

For Fiscal Year 2011-12 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education and State Board for
Technical and Comprehensive Education -- Tuition Assistance..... \$ 47,000,000;
- (2) Commission on Higher Education--LIFE Scholarships as
provided in Chapter 149, Title 59..... \$ 106,554,616;
- (3) Commission on Higher Education--HOPE Scholarships as
provided in Section 59-150-370..... \$ 7,823,474;
- (4) Commission on Higher Education--Palmetto Fellows
Scholarships as provided in Section 59-104-20..... \$ 30,277,240;
- (5) Commission on Higher Education--Need-Based Grants \$ 11,631,566;
- (6) Tuitions Grants Commission--Tuition Grants \$ 7,766,604;
- (7) Commission on Higher Education--National Guard Tuition
Repayment Program as Provided in Section 59-111-75..... \$ 1,700,000;
- (8) South Carolina State University \$ 2,500,000;
- (9) Technology--Public Four-Year Universities, Two-Year
Institutions, and State Technical Colleges..... \$ 4,154,702;
- (10) Department of Education--K-5 Reading, Math, Science &
Social Studies Program as provided in Section 59-1-525 \$ 29,491,798;
- (11) Department of Education--Grades 6-8 Reading, Math,
Science & Social Studies Program \$ 2,000,000;
- (12) Commission on Higher Education--Higher Education
Excellence Enhancement Program..... \$ 3,000,000;
- (13) School for the Deaf and the Blind--Technology Replacement..... \$ 200,000; and
- (14) State Library--Aid to County Libraries..... \$ 733,000.

Fiscal Year 2011-12 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds appropriated .

Of the funds appropriated to South Carolina State University, \$250,000 may be used for the BRIDGE Program.

The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.

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The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.

Fiscal Year 2011-12 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2011-12 are fully funded.

If the lottery revenue received for Fiscal Year 2011-12 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.

The Higher Education Tuition Grants Commission is authorized to use up to \$70,000 of the funds appropriated in this provision for Tuition Grants to provide the necessary level of program support for the grants award process.

For Fiscal Year 2011-12, of the funds certified from unclaimed prizes, \$12,350,000 shall be appropriated to the Department of Education for the purchase of new school buses and \$50,000 shall be appropriated to the South Carolina Department of Alcohol and Other Drug Abuse Services for gambling related services.

Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$1,500,000 shall be directed to the Commission on Higher Education for the Partnership Among South Carolina Academic Libraries (PASCAL) Program. The next \$5,470,093 shall be directed for Technology: Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges. The next \$2,000,000 shall be directed to the State Library for Aid to County Libraries. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Higher Education Excellence Enhancement Program. The next \$4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Critical Needs Nursing Program. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships.

- 2.7** **ADD** (Election Day Sales. **SEN:** ADD new proviso to suspend Section 59-150-210(E) [SALE ON ELECTION DAY] for the current fiscal year. Sponsor: Sen. Malloy.
CONF: ADOPT Senate version.

2.7. (LEA: Election Day Sales) For the current fiscal year, Section 59-150-210(E) is suspended.

SECTION 3 - H71-WIL LOU GRAY OPPORTUNITY SCHOOL

- 3.9** **AMEND NEW PROVISO** (Capacity) **WMC:** ADD new proviso to direct the Wil Lou Gray Opportunity School to use their funds to bring the school up to full capacity and to report electronically by December 1st to the Chairmen of the Senate Finance and House Ways and Means Committees on how the funds have been used and how many additional students have been served.
HOU: ADOPT new proviso.

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SFC: AMEND new proviso to direct that funds must be used to bring the school up to full capacity “to the extent possible.”

SEN: ADOPT new proviso as amended.

CONF: ADOPT Senate version.

3.9. (WLG: Capacity) For Fiscal Year 2011-12, funds appropriated to Wil Lou Gray Opportunity School must be used to bring the school up to full capacity, to the extent possible, and the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 1st, on how the funds have been utilized and how many additional students have been served.

SECTION 4 - H75-SCHOOL FOR THE DEAF AND THE BLIND

4.11 AMEND (Sale of Property) Authorizes the school, after receiving B&C Board approval to sell property, to retain revenues associated with the sale of property titled to or used by the school. Directs that these funds be spent on capital improvements approved by JBRC and the B&C Board. Authorizes the school, for FY 10-11, to use revenue retained from the sale of donated property for educational and other operating purposes.

WMC: AMEND “Fiscal Year 2010-11” to “the current fiscal year.” Fiscal Impact: No impact on the General Fund. Requested by

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

4.11. (SDB: Sale of Property) After receiving approval from the Budget and Control Board for the sale of property, the school may retain revenues associated with the sale of property titled to or utilized by the school. These funds shall be expended on capital improvements approved by the Joint Bond Review Committee and the Budget and Control Board. For ~~Fiscal Year 2010-11~~ the current fiscal year, the school is authorized to use the retained revenue from the sale of donated property for educational and other operating purposes.

4.14 AMEND NEW PROVISO (Capacity) **WMC:** ADD new proviso to direct the School for the Deaf and the Blind to use their funds to bring the school up to full capacity and to report electronically by December 1st to the Chairmen of the Senate Finance and House Ways and Means Committees on how the funds have been used and how many additional students have been served.

HOU: ADOPT new proviso.

SFC: AMEND new proviso to direct that funds must be used to bring the schools up to full capacity “to the extent possible.”

SEN: ADOPT new proviso as amended.

CONF: ADOPT Senate version.

4.14. (SDB: Capacity) For Fiscal Year 2011-12, funds appropriated to the School for the Deaf and the Blind must be used to bring the school up to full capacity, to the extent possible, and the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 1st, on how the funds have been utilized and how many additional students have been served.

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SECTION 5 - L12-JOHN DE LA HOWE SCHOOL

- 5.4 AMEND NEW PROVISO (Capacity) WMC:** ADD new proviso to direct the John de la Howe School to use their funds to bring the school up to full capacity and to report electronically by December 1st to the Chairmen of the Senate Finance and House Ways and Means Committees on how the funds have been used and how many additional students have been served.
HOU: ADOPT new proviso.
SFC: AMEND new proviso to direct that funds must be used to bring the schools up to full capacity “to the extent possible.”
SEN: ADOPT new proviso as amended.
CONF: ADOPT Senate version.

5.4. (JDLHS: Capacity) For Fiscal Year 2011-12, funds appropriated to John de la Howe School must be used to bring the school up to full capacity, to the extent possible, and the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 1st, on how the funds have been utilized and how many additional students have been served.

SECTION 6 - H03-COMMISSION ON HIGHER EDUCATION

- 6.4 DELETE (Performance Funding Calculations Changes)** Prohibits the allocations made for the fiscal year following March 1st of any year from being adjusted by the commission due to any performance funding calculation or methodology changes.
SEN: DELETE proviso. *Ruled Out of Order.*
CONF: ADOPT Senate deletion.

~~6.4. (CHE: Performance Funding Calculations Changes) The allocations made for the immediate fiscal year following March 1 of any year may not be adjusted by the commission due to any change in performance funding calculations, or methodology.~~

- 6.6 RESTORE ORIGINAL PROVISO (African-American Loan Program)** Directs that \$149,485 of African-American Loan Program funds be distributed to SC State University and \$53,389 be distributed to Benedict College and directs that the funds be used for a loan program whose major focus is to attract African-American males to the teaching profession. Directs CHE to act as the monitoring and reporting agency for the African-American Loan Program and limit to 10% the amount of the funds that can be used for administrative purposes.
SEN: AMEND proviso to change the amount which may be used for administrative purposes from “10%” to “7%.” Sponsor: Sen. Massey.
CONF: ADOPT House version. *(Restores original proviso.)*

6.6. (CHE: African-American Loan Program) Of the funds appropriated to the Commission on Higher Education for the African-American Loan Program, \$149,485 shall be distributed to South Carolina State University and \$53,389 shall be distributed to Benedict College, and must be used for a loan program with the major focus of attracting African-American males to the teaching profession. The Commission of Higher Education shall act as the monitoring and reporting agency for the African-American Loan Program. Of the funds allocated according to this proviso, no more than 10% shall be used for administrative purposes.

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6.10 AMEND (Performance Improvement Pool Allocation) Directs that \$1,642,536 of Performance Funding appropriations must be allocated to CHE's EPSCoR program to improve the state's research capabilities; \$410,635 must be allocated to S.C. State University for Transportation Center matching funds; and \$410,635 must be allocated to support S.C. State University School of Business management education programs.

WMC: AMEND proviso to delete requirement that \$410,635 must be allocated to S.C. State University for Transportation Center matching funds. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

6.10. (CHE: Performance Improvement Pool Allocation) Of the funds appropriated to the Commission on Higher Education under Section XI. Special Items: Performance Funding, \$1,642,536 will be allocated to the EPSCoR program under the Commission on Higher Education to improve South Carolina's research capabilities, ~~\$410,635 will be allocated to South Carolina State University as matching funds for the Transportation Center,~~ and \$410,635 will be allocated to support the management education programs of the School of Business at South Carolina State University.

6.12 DELETE (Research Universities Matching Resources) Authorizes a research university, notwithstanding Sections 2-75-05(B)(4) and (6) and 2-75-50, to use Engineering, Nanotechnology, Biomedical Sciences, Energy Sciences, Environmental Sciences, Information and Management Sciences and other sciences and research funds that are approved by the Research Centers of Excellence Review Board and that are derived from private or federal government sources, excluding state funds, tuition, or fees, in order to meet the endowed professorships matching requirement. Directs that the only federal funds that may be used for this purpose are funds received after July 1, 2003.

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

6.12. (CHE: Research Universities Matching Resources) ~~Notwithstanding the provisions of Sections 2-75-05(B)(4) and (6) and 2-75-50 of the 1976 Code, to meet the endowed professorships matching requirement of those provisions, a research university may use funds specifically provided for use in the areas of Engineering, Nanotechnology, Biomedical Sciences, Energy Sciences, Environmental Sciences, Information and Management Sciences, and for other sciences and research that create well-paying jobs and enhanced economic opportunities for the people of South Carolina and that are approved by the Research Centers of Excellence Review Board that are derived from private or federal government sources, excluding state appropriations to the institution, tuition, or fees. The only federal dollars that may be used to meet the endowed professorships matching requirement are those federal dollars received after July 1, 2003.~~

6.18 DELETE (Education & General Funds - Institutions) Directs CHE to allocate the funds appropriated for "Education and General Funds for Institutions" to research universities, excluding Clemson and USC-Columbia, 4-year comprehensive teaching colleges and universities, 2-year branches of USC, and the state technical and comprehensive education system per the allocation method adopted by CHE for FY 07-08 such that 35% is distributed to institutions to begin addressing parity issues and the remaining funds distributed based on the institution's share as determined by CHE's FY 07-08 funding model.

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SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

~~6.18. (CHE: Education & General Funds - Institutions) Of the funds appropriated to the Commission on Higher Education for Education and General Funds for Institutions, the commission shall allocate the funds to research universities, excluding Clemson University and the University of South Carolina Columbia, four year comprehensive teaching colleges and universities, two year branches of the University of South Carolina, and the state technical and comprehensive education system per the allocation methodology adopted by the commission for FY 2007-08 such that 35% is distributed to the institutions to begin addressing parity issues with the remaining funding distributed based on the institution's share as determined by the commission's funding model for Fiscal Year 2007-08.~~

- 6.20** **DELETE** (Need-Based Grant Allocation Methodology) Requires need-based grant funds be allocated to public institutions using a methodology that considers state resident Pell Grant recipients so that each institution receives a sufficient amount to provide a similar level of support to the Pell recipient when compared to tuition and required fees. Prohibits an institution from receiving a smaller proportion than would be provided under the student enrollment methodology used in past years.

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

~~6.20. (CHE: Need-Based Grant Allocation Methodology) Need-based grant funds for public institutions must be allocated using a methodology that considers state resident Pell Grant recipients such that each public institution shall receive an amount sufficient to provide a similar level of support per state resident Pell recipient when compared to tuition and required fees. However, no public institution shall receive a smaller proportion of funding than would be provided under the student enrollment methodology used in past years.~~

- 6.23** **DELETE** (Religious Activities) Directs that for FY 10-11 state supported higher education institutions that receive Federal Stimulus Stabilization funds must continue to support, operate, and maintain existing religious programs, instruction, and facilities used for religious activities.

WMC: DELETE proviso. *Stimulus funds will not be available to be awarded in FY 11-12.*

Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~6.23. (CHE: Religious Activities) For Fiscal Year 2010-11, state supported higher education institutions receiving Federal Stimulus Stabilization funds must continue to support, operate and maintain existing religious programs, instruction, and facilities used for religious activities.~~

- 6.24** **AMEND** (Scholarships Funded From Unclaimed Capital Credits) Allows businesses identified in Section 27-18-30(C) [PROPERTY PRESUMED ABANDONED; DEMAND FOR PAYMENT NOT REQUIRED] who have used unclaimed capital credits to contribute to a scholarship program at a higher education institution for the last five consecutive years to continue to fund scholarships awarded prior to August 31, 2010. Directs that these funds are exempt from the provisions of Section 27-18-30(C) if the reporting requirements of Section 27-18-180 [REPORT OF UNCLAIMED PROPERTY; NOTICE TO APPARENT OWNER] are met.

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WMC: AMEND proviso to change August 31, “2010” to “2011.” Fiscal Impact: BEA states that since these unclaimed capital credits have not previously been deposited with the State Treasurer in the past five years, this provision is not expected to have an impact on General Fund Unclaimed Property revenue.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

6.24. (CHE: Scholarships Funded From Unclaimed Capital Credits) For the current fiscal year, businesses identified in Section 27-18-30(C) of the 1976 Code who have contributed to a scholarship program at an institution of higher education in South Carolina from unclaimed capital credits for the last five consecutive years may continue to fund the scholarships for those students who were awarded scholarships prior to August 31, ~~2010~~ 2011, and such funds are exempt from the provisions of Section 27-18-30(C) provided that the reporting requirements of Section 27-18-180 are met.

6.25 **DELETE** (In-State Tuition for Military Personnel and Dependents) Directs that members of the U.S. armed services who are stationed in South Carolina and their dependents are eligible for in-state tuition rates and provides guidelines for continued eligibility.

WMC: DELETE proviso. *Codified in Section 259-112-50 [MILITARY PERSONNEL AND THEIR DEPENDENTS]*. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**6.25.** (CHE: In-State Tuition for Military Personnel and Dependents) During the period of their assignment to South Carolina, members of the armed services of the United States stationed in South Carolina and their dependents are eligible for in state tuition rates. When these armed service personnel are ordered away from the State, their dependents are eligible for in state tuition rates as long as they remain continuously enrolled at the state institution in which they are enrolled at the time the assignment ends or transfer to an eligible institution during the term or semester, excluding summer terms, immediately following their enrollment at the previous institution. In the event of a transfer, the receiving institution shall verify the decision made by the student’s previous institution in order to certify the student’s eligibility for in state tuition rates. It is the responsibility of the transferring student to ensure that all documents required to verify both the previous and present residency decisions are provided to the institution. These persons and their dependents are eligible for in state rates after their discharge from the armed services even though they were not enrolled at a state institution at the time of their discharge, if they have evidenced an intent to establish domicile in South Carolina and if they have resided in South Carolina for a period of at least twelve months immediately preceding their discharge.~~

SECTION 15 - H45-UNIVERSITY OF SOUTH CAROLINA

15.4 **ADD** (Child Abuse Medical Response Program) **SFC:** ADD new proviso to establish the minimum level of funding for the Medical Response Program at \$576,160 and prohibit USC from reducing the funds by more than a proportional amount of any mid-year or base reductions. Fiscal Impact: No impact on the General Fund. Recurring funding of \$800,000 was transferred from DHHS to the USC School of Medicine in FY 09-10 for the operation of

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the program. The original funding amount has been reduced by 28% to account for base reductions assessed to USC.

SEN: ADOPT new proviso.

CONF: ADOPT Senate version.

15.4. (USC: Child Abuse Medical Response Program) Of the funds appropriated to the University of South Carolina School of Medicine, not less than \$576,160 shall be expended for the Child Abuse and Neglect Medical Response Program. In addition, when instructed by the Budget and Control Board or the General Assembly to reduce funds by a certain percentage, the university may not reduce the funds for the Child Abuse and Neglect Medical Response Program greater than such stipulated percentage.

SECTION 17 - H54-MEDICAL UNIVERSITY OF SOUTH CAROLINA

17.3 DELETE (MUSC: Preterm Birth Prevention) Directs MUSC, for FY 10-11, to implement a preterm prevention case management program using a disease management coordination network for the Medicaid fee for service population in the Low Country Perinatal Region. Directs that the purpose of the program is to reduce premature births, neonatal morbidity and mortality, and the attendant costs for neonatal intensive care. Requires the Department of Health and Human Services to provide administrative funding to MUSC for the cost of the program.

WMC: AMEND proviso to change Fiscal Year “2010-11” to “2011-12.” Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: DELETE proviso.

SEN: ADOPT deletion of proviso.

CONF: ADOPT Senate deletion.

~~17.3. (MUSC: Preterm Birth Prevention) For Fiscal Year 2010 11, the Medical University of South Carolina shall implement a preterm prevention case management program utilizing a disease management coordination network for the Medicaid fee for service population in the Low Country Perinatal Region. The purpose of the program is to reduce premature births, neonatal morbidity and mortality, and the attendant costs for neonatal intensive care. The Department of Health and Human Services shall provide administrative funding to the Medical University of South Carolina for the cost of this program.~~

SECTION 18 - H59-STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

18.1 AMEND (Training of New & Expanding Industry) States that it is the intent of the General Assembly that notwithstanding the amounts appropriated for the Center for Accelerated Technology Training, the State Board for Tec and Comp Ed shall expend funds necessary to provide direct training for new and expanding business or industry. Directs that if expenditures are above appropriations, the funds for the center shall be appropriately adjusted only if the B&C Board approves the adjustment.

SEN: AMEND proviso to direct that if “projected” expenditures are above the appropriations for the center, appropriations “may” be adjusted only if the B&C Board determines that the projected expenditures are directly related to an existing technology training program where demand exceeds program capacity or a new program is necessary to train new or expanding business or industry. Require B&C Board approval for the adjustment after which the B&C Board Executive Director must certify that the adjustment is directly related to these requirements; and require a copy of the certification be provided to certain members of the

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General Assembly. Require the State Board for Tec and Comp Ed to submit a statement to certain members of the General Assembly that itemizes how initial technology training appropriations were used, the specific purpose for the adjustment and the ultimate recipient of the adjusted amount. Limit the aggregate amount of all adjustments to \$10,000,000. Authorize the State Board for Tec and Comp Ed, if projected expenditures for the center exceed appropriations and authorized adjustments, to request a supplemental appropriation from the General Assembly. Sponsor: Sen. Malloy.
CONF: ADOPT Senate version.

18.1. (TEC: Training of New & Expanding Industry) (A) Notwithstanding the amounts appropriated in this section for the “Center for Accelerated Technology Training,” it is the intent of the General Assembly that the State Board for Technical and Comprehensive Education expend whatever the funds as are necessary to provide direct training for new and expanding business or industry.

(B) In the event projected expenditures are above the appropriation, the appropriation in this section for the “Center for Accelerated Technology Training” shall may be appropriately adjusted, if and only if, the Budget and Control Board approves the adjustment. determines that the projected expenditures are directly related to:

(1) an existing technology training program where the demand for the program exceeds the program's capacity and the additional funds are to be utilized to meet the demand;
or

(2) a new program is necessary to provide direct training for new or expanding business or industry.

(C) The adjustment may occur only upon approval by the Budget and Control Board. Upon the Budget Control Board's approval of the adjustment, the Executive Director of the Budget and Control Board must certify, in writing, that the adjustment is directly related to either subsection (B)(1) or (B)(2). The Executive Director must immediately provide a copy of the written certification, including the amount of the adjustment, to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

(D) Upon the Executive Director's written certification approving an adjustment, the State Board for Technical and Comprehensive Education must submit a statement to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee containing a detailed itemization of the manner in which funds initially appropriated for technology training were utilized, the specific purpose for the adjustment, and the ultimate recipient of the adjusted amount.

(E) The aggregate amount of all adjustments made pursuant to this section may not exceed ten million dollars.

(F) In the event that projected expenditures for the Center for Accelerated Technology Training exceed the amounts appropriated and the amount of any adjustments authorized, the State Board for Technical and Comprehensive Education may request a supplemental appropriation from the General Assembly.

18.4 REINSERT (Caterpillar Dealer Academy) authorize Florence-Darlington Technical College's area commission to waive the requirements of Chapter 112 of Title 59 [DETERMINATION OF RATES OF TUITION AND FEES] for student participants in the Caterpillar Dealer Academy operated by Florence-Darlington Technical College.

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT House version. *(Reinserts proviso.)*

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18.4. (TEC: Caterpillar Dealer Academy) The area commission for the Florence-Darlington Technical College may waive the requirements of Chapter 112, Title 59 for student participants in the Caterpillar Dealer Academy operated by Florence-Darlington Technical College.

SECTION 21 - J02-DEPARTMENT OF HEALTH AND HUMAN SERVICES

- 21.3** **AMEND** (Medical Assistance Audit Program Remittance) Requires the department to remit to the general fund an amount that represents 50% of the cost of the Medical Assistance Audit Program as established in the State Auditor's Office. Directs that the amount also include appropriated salary adjustments and fringe benefits that are allocable to the program. Directs that the remittance be made monthly and be based on invoices the State Auditor provides.
WMC: AMEND proviso to direct that the funds be remitted to the State Auditor's Office rather than to the general fund. Requested by Department of Health and Human Services.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

21.3. (DHHS: Medical Assistance Audit Program Remittance) The Department of Health and Human Services shall remit to the ~~general fund~~ *State Auditor's Office* an amount representing fifty percent (allowable Federal Financial Participation) of the cost of the Medical Assistance Audit Program as established in the State Auditor's Office of the Budget and Control Board Section 80B. Such amount shall also include appropriated salary adjustments and employer contributions allocable to the Medical Assistance Audit Program. Such remittance to the ~~general fund~~ *State Auditor's Office* shall be made monthly and based on invoices as provided by the State Auditor's Office of the Budget and Control Board.

- 21.9** **DELETE** (Community Residential Care Optional State Supplementation) Directs that if the federal government grants a cost of living increase to Social Security and Supplemental Social Security Income recipients, the increase to Personal Needs Allowance for residents of community residential facilities will be effective in January. Directs the department to increase the residential care payment by the amount of the cost of living increase less \$2 per recipient for a Personal Needs Allowance increase. Authorizes the department to maximize a portion of the OSS funds to implement the Integrated Personal Care program for eligible residents of community residential care facilities that receive OSS payments.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

21.9. (DHHS: Community Residential Care Optional State Supplementation) ~~The increase to Personal Needs Allowance for residents of community residential care facilities, if the federal government grants a cost of living increase to Social Security and Supplemental Security Income recipients, will be effective in January. The department will increase the residential care payment by the amount of the cost of living increase minus \$2.00 per recipient for an increase in the Personal Needs Allowance. This increase to the Personal Needs Allowance applies to all OSS recipients regardless of whether they receive Social Security and/or Supplemental Security Income. The maximum amount of payment a facility can charge~~

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~~will be increased by the same amount as the cost of living increase, less \$2.00. The department is authorized to maximize a portion of the OSS funds to implement the Integrated Personal Care program for eligible residents of community residential care facilities that receive OSS payments.~~

- 21.11 DELETE** (Chiropractic Services) Directs the department to use their appropriated funds to cover medically necessary chiropractic services for Medicaid eligible recipients.
SEN: DELETE proviso. Sponsor: Sens. Massey and Ryberg.
CONF: ADOPT Senate deletion.

~~**21.11.** (DHHS: Chiropractic Services) From the funds appropriated herein, the department is directed to provide coverage for medically necessary chiropractic services for Medicaid eligible recipients.~~

- 21.13 AMEND** (Provider Reimbursement Rate Report) Directs the department, in conjunction with the B&C Board Office of Research and Statistics to prepare a report that compares the Medicaid providers reimbursement rate to the Medicare Program and State Health Plan reimbursement rate; and to submit the report by January 31st each year to the Governor and the Chairmen of the Senate Finance and House Ways and Means Committees.
SEN: AMEND proviso to require the report be submitted to members of the General Assembly rather than to the Chairmen of the Senate Finance and House Ways and Means Committees. Sponsor: Sen. Massey.
CONF: ADOPT Senate version.

~~**21.13.** (DHHS: Provider Reimbursement Rate Report) The Department of Health and Human, in conjunction with the Office of Research and Statistics of the Budget and Control Board, shall prepare a report that compares the reimbursement rate of Medicaid providers to the reimbursement rate of the Medicare Program and the State Health Plan. This report shall be completed by January thirty-first, each year, and submitted to the Governor and the ~~Chairmen of the Senate Finance and House Ways and Means Committees~~ members of the General Assembly.~~

- 21.15 DELETE** (Prescription Reimbursement Payment Methodology) Directs that the prescription dispensing fee is at least \$4.05 per prescription filled and requires that prescription reimbursements must be the lowest of the federal upper limit of payment or South Carolina maximum allowable cost for the drug, if any, less 10% plus the current dispensing fee; the Wholesale Acquisition Cost plus 12.5%; or the provider's usual and customary charge to the general public for the product. Authorizes the department to adjust the dispensing fee to offset any negative change in the federal reimbursement methodology. Requires the department to submit a report on any changes in the federal methodology and the impact on the state prescription reimbursement payment by October 31, 2010.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**21.15.** (DHHS: Prescription Reimbursement Payment Methodology) The prescription dispensing fee for the current fiscal year is not less than \$4.05 per prescription filled. Prescription reimbursements must be the lowest of: the federal upper limit of payment or South~~

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~~Carolina maximum allowable cost (MAC) for the drug, if any, less 10% plus the current dispensing fee; the Wholesale Acquisition Cost (WAC) plus 12.5%, or the provider's usual and customary charge to the general public for the dispensed product. By October 31, 2010, the Department of Health and Human Services shall submit a state plan amendment to the Centers for Medicare and Medicaid Services (CMS) requesting approval for the reimbursement rate referenced above. The Department shall submit a copy of the CMS State Plan Amendment to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee.~~

~~During the CMS review process or if the CMS denies the aforementioned state plan amendment; prescription reimbursements must be the lowest of: the federal upper limit of payment or South Carolina maximum allowable cost (MAC) for the drug, if any, less 10% plus the current dispensing fee; the Average Wholesale Price (AWP) minus 10%, or the provider's usual and customary charge to the general public for the dispensed product.~~

~~The Department of Health and Human Services shall adjust the dispensing fee as necessary to offset any negative change in the federal reimbursement methodology from the prior fiscal year. The department shall submit a report by January thirty first, of the current fiscal year to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee summarizing any changes in the federal reimbursement methodology and the impact of the changes on the state prescription reimbursement payment.~~

- 21.16** **AMEND** (Franchise Fees Suspension) Suspends, effective July 1, 2002, the franchise fees imposed on nursing home beds by the General Assembly during the 2002 session.
SEN: AMEND proviso to delete reference to "July 1, 2002." Sponsor: Sen. Alexander.
CONF: ADOPT Senate version.

21.16. (DHHS: Franchise Fees Suspension) Franchise fees imposed on nursing home beds and enacted by the General Assembly during the 2002 session are suspended July 1, 2002.

- 21.17** **DELETE** (Medicaid Monthly Maintenance Needs Allowance) Direct the department to conform the State Medicaid Monthly Maintenance Needs Allowance to the most current maximum amounts authorized by the Federal Government, phased in 5 years. Authorize the department to use their appropriated general funds to implement this provision.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

21.17. (DHHS: Medicaid Monthly Maintenance Needs Allowance) ~~The Department of Health and Human Services, phased in ratably over five years, shall conform South Carolina's State Medicaid Monthly Maintenance Needs Allowance to the most current maximum amounts authorized by the Federal Government. The department may utilize, to the extent necessary, general funds appropriated to the agency in Part IA of this act to implement the provisions of this paragraph.~~

- 21.20** **DELETE** (Prior Authorization Exemptions) Requires the department to spend pharmaceutical services funds without prior authorization on medications prescribed to treat major depression, schizophrenia, bipolar disorder, HIV/acquired immune deficiency syndrome, or oncology related pharmaceuticals. Allows the department to implement operational procedures necessary to insure appropriate use and to prevent non-FDA approved use of the medications.

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WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~21.20. (DHHS: Prior Authorization Exemptions) The Department of Health and Human Services must expend funds appropriated for pharmaceutical services without prior authorization on medications prescribed to treat major depression, schizophrenia, or bipolar disorder as defined by the most recent edition of the Diagnostics and Statistical Manual of the American Psychiatric Association or following prescribing practice guidelines established by the American Psychiatric Association, or HIV/acquired immune deficiency syndrome, or oncology related pharmaceuticals. Operational procedures necessary to insure the appropriate use and prevent the non-FDA approved use of these medications will be allowed.~~

21.22 **DELETE** (Prevention Partnership Grants) Requires the department to use prevention grant funds to implement a Prevention Partnership Grants Program. Directs that \$1,000,000 of these funds be allocated to DHEC for HIV Prevention. Provides for the grant process and directs that the department function as a clearinghouse for all of the state's prevention and healthy lifestyle activities identified in agency activity inventories in order to prevent duplication. Directs the department develop an interagency state prevention and healthy living plan and present the plan to the Governor and Chairmen of the Senate Finance, House Ways and Means, Senate Medical Affairs, and House Medical, Military, Public and Municipal Affairs Committees annually by Sept. 30th.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~21.22. (DHHS: Prevention Partnership Grants) The Department of Health and Human Services must implement a Prevention Partnership Grants Program with funds appropriated herein for prevention grants. Of these funds \$1,000,000 shall be allocated to the Department of Health and Environmental Control for HIV Prevention. Grants must be awarded through a competitive process to government agencies, private foundations and businesses, and/or non-profit organizations that operate preventive health programs with documented outcomes. To prevent duplication, the department must also function as a clearinghouse for all of the state's prevention and healthy lifestyle activities identified in the activity inventories agencies submitted to the State Budget Office. Information provided to the department for the clearinghouse must include, at a minimum, details on expenditures, administrative costs, recipients, and outcomes. The department will use this clearinghouse to identify gaps and overlaps in the state's prevention and healthy lifestyle efforts, and then develop and present to the Governor and Chairmen of the Senate Finance, House Ways and Means, Senate Medical Affairs, and House Medical, Military, Public and Municipal Affairs Committees an interagency state prevention and healthy living plan, including guidelines for administration and distribution of prevention partnership grants, annually by September 30th. All state agencies, whether specifically identified in this section or not, must provide information upon the department's request.~~

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- 21.23** **DELETE** (Federally Qualified Health Centers-Pharmacies) Suspends federally qualified health centers from the provisions of Chapter 43 of Title 40 [PROFESSIONS AND OCCUPATIONS-PHARMACIST] that would require: (1) all facilities distributing or dispensing prescription drugs to be permitted by the Board of Pharmacy; (2) each pharmacy to have a pharmacist-in-charge; (3) a pharmacist-in-charge to be physically present; and (4) to limit a pharmacist to serve as a pharmacist-in-charge at only one pharmacy at a time. Directs that a federally qualified health center must be covered under Section 40-43-60(I) [COMPLIMENTARY DRUG SAMPLE] allowing licensed practitioners defined by Section 40-43-30(45) [DEFINITION OF PRACTITIONER] to dispense drugs or devices that are the property of the practitioner or corporation. Allows a federally qualified health center to transport medications in the same manner as allowed for free clinics and/or private physician practices.
- WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.
- HOU:** ADOPT deletion of proviso.
- SFC:** ADOPT deletion of proviso. *Proviso has been codified in Section 40-43-70.*
- SEN:** ADOPT deletion of proviso.
- CONF:** SAME in both versions.

21.23. (DHHS: Federally Qualified Health Centers-Pharmacies) ~~(A) Federally qualified health centers are suspended from provisions of Chapter 43, Title 40 of the 1976 Code that require:~~

- ~~(1) all facilities distributing or dispensing prescription drugs to be permitted by the Board of Pharmacy;~~
 - ~~(2) each pharmacy to have a pharmacist in charge;~~
 - ~~(3) a pharmacist to be physically present in the pharmacy or health center delivery site in order to serve as the pharmacist in charge;~~
 - ~~(4) a pharmacist to serve as a pharmacist in charge for only one pharmacy at a time.~~
- ~~(B) A federally qualified health center must be recognized as a covered entity under Section 40-43-60(I) of the 1976 Code allowing licensed practitioners, as defined by Section 40-43-30(45), to dispense drugs or devices that are the lawful property of the practitioner or the corporation.~~
- ~~(C) A federally qualified health center may transport medications in the same manner as allowed by laws for free clinics and/or private physician practices.~~

- 21.24** **DELETE** (High Management Group Home Psychiatric Residential Treatment Facility) Authorizes an existing facility currently licensed by DSS who is enrolled with the Medicaid agency as a High Management Group Home provider to elect to be enrolled with the Medicaid agency and licensed by DHEC as a Psychiatric Residential Treatment Facility if the facility meets specific criteria. Allows the facility to request and be granted a Certificate of Need exemption from DHEC for up to the number of beds existing as of 1/1/07 and requires the request be submitted to DHEC before 1/1/08. Directs that if the current High Management Group Home facility cannot meet licensing standards or obtain an exemption or waiver from DHEC it may move and rebuild within the adjacent 20 miles, up to the number of beds existing at the facility on 1/1/07 and obtain the same exemptions. Directs that facilities that seek to increase the existing number of beds beyond those held on 1/1/07 or relocate outside the 20 mile radius will be subject to all CON and licensing requirements. Directs that High Management Group Homes that do not elect to operate as a Psychiatric Treatment Facility may continue to receive non-Medicaid state and federal funds only, except as allowed under an authorized transition plan.
- WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.

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HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

21.24. (DHHS: High Management Group Homes/Psychiatric Residential Treatment Facility) ~~An existing facility currently licensed by the South Carolina Department of Social Services and enrolled with the Medicaid agency as a High Management Group Home provider may elect to be enrolled with the Medicaid agency as a Psychiatric Residential Treatment Facility and licensed by the Department of Health and Environmental Control as a Residential Treatment Facility provided the facility meets the following criteria:~~

~~(1) Department of Health and Environmental Control licensing standards outlined in Regulation 61-103 regarding Residential Treatment Facilities;~~

~~(2) State and federal laws, regulations, and policies regarding participation as a Psychiatric Residential Treatment Facility.~~

~~A High Management Group Home facility may request and be granted a Certificate of Need exemption from the Department of Health and Environmental Control for up to the number of beds existing as of January 1, 2007. Any such request must be submitted to DHEC prior to January 1, 2008. If the current High Management Group Home facility cannot meet licensing standards or obtain an exemption or waiver from licensing standards of the Department of Health and Environmental Control, the High Management Facility, licensed by the Department of Social Services and enrolled with the Medicaid agency as a High Management Group Home, may move and rebuild within the adjacent twenty miles up to the number of beds existing at the facility on January 1, 2007 and obtain the same exemptions. Facilities seeking to increase the existing number of beds beyond those held on January 1, 2007, or relocate outside of the 20 mile radius will be subject to all CON and licensing requirements.~~

~~High Management Group Homes not electing to operate as a Psychiatric Residential Treatment Facility may continue to receive non-Medicaid state and federal funds only, except as allowed under a transition plan authorized by the Medicaid agency.~~

21.25 **DELETE** (State Children's Health Insurance Program) Directs the department to establish a separate, stand-alone plan under the authority of the State Children's Health Insurance Program (SCHIP) to expand eligibility for children up to 200% of the prevailing federal poverty level. Directs that all other Medicaid eligibility criteria shall apply and that for these purposes a "child" is considered to be under 19 years of age. Directs that the plan operate as a combination program complementing existing Medicaid and Medicaid SCHIP expansion programs. Directs that program implementation is contingent on availability of Federal funding. Authorizes the department to limit the number of enrollees, close enrollment, or establish a waiting list as necessary in order to not exceed available state appropriations. Prohibits any cost sharing requirement. Directs the department to convert the stand-alone plan to the standard SCHIP Medicaid program using the same income limits if a cost savings can be demonstrated without a reduction of services.

WMC: DELETE proviso. *Department has merged both SCHIP plans into one plan.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.

HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

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~~21.25. (DHHS: State Children's Health Insurance Program) The Department of Health and Human Services shall establish a separate, stand-alone plan under the authority of the State Children's Health Insurance Program (SCHIP) for the purpose of expanding eligibility for children up to two hundred percent (200%) of the prevailing federal poverty level. All other Medicaid eligibility criteria shall apply. For these purposes, a child is considered to be an individual under the age of nineteen. This plan shall operate as a combination program complementing existing Medicaid and Medicaid SCHIP expansion programs. The program shall be modeled on private insurance and the benefits package must be substantially equal to the benefits provided by: (1) Federal Employee Health Benefits Program Standard Option; or, (2) a plan offered to state employees; or, (3) a plan offered by an HMO with the largest commercial enrollment in the state; or, (4) a plan approved by the Secretary of the Federal Department of Health & Human Services. The private benefit plan must include dental and visual benefits substantially equal to those benefits currently offered to existing beneficiaries under the Medicaid program. Implementation of this program is contingent upon the availability of Federal funding appropriated for this purpose. The department shall be authorized to limit the number of enrollees, close enrollment, or establish a waiting list as necessary so as not to exceed available state appropriations. No cost sharing provision shall be applied. The department is directed to convert the stand-alone plan to the standard SCHIP Medicaid program using the same income limits if the department demonstrates a cost savings without a reduction of the services offered.~~

21.28 REINSERT/AMEND (Nursing Services to High Risk/High Tech Children) Directs the department to establish a separate class and comp plan for Registered and Licensed Practical Nurses who provide services to Medically Fragile Children who are Ventilator dependent, Respirator dependent, Intubated, or Parenteral feeding dependent. Requires the plan recognize the skill level needed for caring for Medically Fragile Children. Directs the department to use funds that would have been spent on admitting these children to Hospital Pediatric Intensive Care Units due to the lack of in-home nursing services. Directs the department to provide a \$3 hourly rate adjustment to RNs and LPNs who provide specialized and technical care to children defined as High Risk/High Tech.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.

HOU: ADOPT deletion of proviso.

SFC: REINSERT proviso and amend to direct the department to "continue" a separate class and comp plan rather than to "establish" one. Maintain the deletion of the requirement that the department use funds that would have been spent on admitting these children to Hospital Pediatric Intensive Care Units due to the lack of in-home nursing services and the requirement that the department provide a \$3 hourly rate adjustment to RNs and LPNs who provide specialized and technical care to children defined as High Risk/High Tech.

SEN: ADOPT proviso as amended.

CONF: ADOPT Senate version.

21.28. (DHHS: Nursing Services to High Risk/High Tech Children) The Department of Health and Human Services shall ~~establish~~ *continue* a separate classification and compensation plan for Registered Nurses (RN) and Licensed Practical Nurses (LPN) who provide services to Medically Fragile Children, who are Ventilator dependent, Respirator dependent, Intubated, and Parenteral feeding or any combination of the above. The classification plan shall recognize the skill level that these nurses caring for these Medically Fragile Children must have over and above normal home-care or school-based nurses.

~~The department shall utilize funds that would have been spent for these children being admitted to Hospital Pediatric Intensive Care Units due to the lack of in-home nursing care~~

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~~services. The department shall provide an hourly rate adjustment of \$3.00 per hour to both the RN rate and LPN rate who provide specialized and technical medical care to those children who are defined as High Risk/High Tech.~~

- 21.31 DELETE** (Offset Budget Reduction) Authorizes the department to use excess SCHIP stand-alone funds carried forward from the prior year to offset budget reductions. Requires the department to enroll any child into the program if they qualify during FY 10-11.
SFC: DELETE proviso. *The stand-alone program has been merged with the regular SCHIP program and there are no excess funds. The proviso is obsolete.*
SEN: ADOPT deletion of proviso.
CONF: ADOPT Senate deletion.

~~**21.31.** (DHHS: Offset Budget Reduction) In the event of a base budget reduction assessed by the Budget and Control Board or the General Assembly, the Department of Health and Human Services is authorized to utilize Program II, A. 3. Z. Case Services/Public Assistance funds carried forward from the prior fiscal year into the current fiscal year as well funds appropriated for the same purpose in Fiscal Year 2010-11 that are in excess of program requirements in order to offset Fiscal Year 2010-11 base budget reductions. The department shall be required to enroll into the program any child who qualifies during Fiscal Year 2010-11.~~

- 21.34 DELETE** (MUSC Medicaid Services Reimbursement) Requires the department to reimburse MUSC 100% of costs on all Medicaid hospital services they render.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**21.34.** (DHHS: MUSC Medicaid Services Reimbursement) The Department of Health and Human Services must reimburse the Medical University of South Carolina for costs on all Medicaid hospital services rendered as specified in the Medicaid State Plan.~~

- 21.36 AMEND** (Carry Forward) Authorizes the department to carry forward prior year cash balances for any earmarked or restricted trust, agency, or special revenue account or subfund. Requires all revenue deposited into the Restricted Medicaid Expansion Fund be spent in the year it is received. Requires the department submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year to the President Pro Tempore of the Senate, Speaker of the House, and Chairmen of the Senate Finance and Ways and Means Committees, within 15 days after the Comptroller General closes books on the fiscal year.
WMC: AMEND proviso to delete the requirement that revenue deposited into the Restricted Medicaid Expansion Fund be spent in the year it is received. *Provide for use of funds received during the last fiscal month.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

21.36. (DHHS: Carry Forward) The Department of Health and Human Services is authorized to carry forward cash balances from the prior fiscal year into the current fiscal year

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for any earmarked or restricted trust and agency, or special revenue account or subfund. ~~All revenue deposited into the Restricted Medicaid Expansion Fund must be expended in the year the revenue is received.~~ The department shall submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year. The report shall, at a minimum, for each account or subfund include the following: the statutory authority that allows the funds to be carried forward, the maximum authorized amount that can be carried forward, the general purpose or need for the carry forward, the specific source(s) of funding or revenue that generated the carry forward, and a detailed description of any pending obligations against the carry forward. The report must be submitted to the President Pro Tempore of the Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and Chairman of the House Ways and Means Committee, within fifteen (15) days after the Comptroller General closes the fiscal year.

- 21.37 AMEND** (Medicaid Provider Fraud) Directs the department to expand and increase its efforts to identify, report, and combat Medicaid provider fraud and to report to the General Assembly before April 1, 2010 on results, funds recuperated or saved, and information pertaining to prosecutions, including plea agreements.
SEN: AMEND proviso to change “2010” to “2012.” Sponsor: Sen. Massey.
CONF: ADOPT Senate version.

21.37. (DHHS: Medicaid Provider Fraud) The department shall expand and increase its effort to identify, report, and combat Medicaid provider fraud. The department shall report to the General Assembly before April 1, ~~2010~~ 2012 on the results of these efforts, funds recuperated or saved, and information pertaining to prosecutions of such actions, including pleas agreements entered into.

- 21.38 DELETE** (ARRA County Matching Funds Adjustment) Authorizes the department to make quarterly reductions or refunds to county matching funds assessed for indigent medical care as necessary to comply with Section 5001(g)(2) [FMAP] of ARRA.
WMC: DELETE proviso. *ARRA funds are no longer available.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

21.38. (DHHS: ARRA County Matching Funds Adjustment) ~~From the county assessments for indigent medical care, the department is authorized to reduce and/or refund to the respective counties on a quarterly basis, such amounts as may be necessary to comply with Section 5001(g)(2) of the American Recovery and Reinvestment Act of 2009.~~

- 21.39 DELETE** (Smart Card USB Token Pilot Study) Authorizes a pilot study to be conducted if any Medicaid Health Care provider determines to test a smart card or USB token which meets HIPAA and UETA standards and contains encrypted portable health information, if all federal and state mandates are satisfied and no medical services are denied if the card does not function properly or if it is not provided in an exigent situation. Directs that the study must be at no cost to the State or the department. Requires the department cooperate with the provider to facilitate a pilot so long as all direct and reasonable indirect costs are paid for, if the department incurs such costs.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.

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HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~21.39. (DHHS: Smart Card/USB Token Pilot Study) At no cost to the State of South Carolina or the Department of Health and Human Services, if any provider for Health Care under Medicaid determines to test a smart card or USB token which meets HIPAA and UETA standards and contains encrypted portable health information, such a pilot study may be conducted so long as all federal and state mandates are satisfied and so long as no medical services are denied if the card does not function properly at the provider site of service or if the card is not provided in an exigent situation. The department must cooperate with the provider in facilitating such a pilot so long as all direct and reasonable indirect costs are paid for, if such costs are incurred by the department.~~

21.40 **AMEND** (Community Health Plans) Directs the department to oversee all community health plans approved to operate as a pilot program for the purpose of providing health care and requires oversight include review and approval of the community health plan's financial and business plan. Directs that only plans receiving approval from the department and the Chairmen of the Senate Finance and House Ways and Means Committees before January 1, 2009 be authorized to operate as an approved community health plan under this provision. Requires the department to submit a report by 1/1/10 to specific General Assembly Committees that includes legislative recommendations, an overview and listing of approved community health plans, and individual reports prepared by each approved community health plan providing an analysis of the financial status of the program, data on the enrollees and participating health care providers, a description of services utilized, and other information as requested by the department or committees.

WMC: AMEND proviso to delete the report submission requirement. *Report has been submitted.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.

HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

21.40. (DHHS: Community Health Plans) The Department of Health and Human Services shall oversee all community health plans approved to operate as a pilot program for the purpose of providing health care. Such oversight shall include the review and approval of the financial and business plan of the community health plan. Only those plans receiving approval from the department, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee prior to January 1, 2009 shall be authorized to operate as an approved community health plan pursuant to this provision. The department shall approve participation requirements of community health plans. An approved community health plan acting in accordance with these provisions shall not be considered as providing insurance or an unauthorized insurer. ~~The department shall submit a report no later than January 1, 2011, to the Chairmen of the Senate Finance Committee; House Ways and Means Committee; Senate Medical Affairs Committee; House Medical, Military, Public and Municipal Affairs Committee; Senate Banking and Insurance Committee; and House Labor, Commerce and Industry Committee. The report shall include legislative recommendations, an overview of approved community health plans, a listing of all approved community health plans, and individual reports to be prepared by each approved community health plan providing~~

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~~an analysis of the financial status of the program, data on the enrollees and participating health care providers, a description of enrollee services utilized, and other information as requested by the department or committees.~~

- 21.41 DELETE** (ARRA State Match Carry Forward) Authorizes the department to carry forward unobligated state match funds resulting from additional payment received from the increased FMAP provided by the ARRA of 2009.
WMC: DELETE proviso. *ARRA funds are no longer available.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**21.41.** (DHHS: ARRA State Match Carry Forward) The Department of Health and Human Services is authorized to carry forward from the prior fiscal year into the current fiscal year any unobligated state match funds resulting from additional payments received from the increased Federal Medical Assistance Percentage provided by the American Recovery and Reinvestment Act of 2009.~~

- 21.43 AMEND** (GAPS) Suspends, for FY 2010-11, the requirements of Sections 44-6-610-660 [GAP ASSISTANCE PHARMACY PROGRAM FOR SENIORS ACT].
WMC: AMEND proviso to change Fiscal Year “2010-211” to “2011-12.” Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

~~**21.43.** (DHHS: GAPS) The requirements of Title 44, Chapter 6-610 through Chapter 6-660 shall be suspended for Fiscal Year ~~2010-11~~ 2011-12.~~

- 21.45 DELETE** (Medicaid Pooling Initiative) Directs the department’s Medicaid Pharmacy and Therapeutics Committee to conduct a cost benefit analysis of the National Medicaid Pooling Initiative and the state’s participation in the initiative. Directs that the analysis include a review of all other Centers for Medicare and Medicaid Services approved multi-state Medicaid drug purchasing pools in order to compare the initiative to other available plans to identify the initiative that provides the maximum savings for the state. Directs that a report be provided to the Chairmen of the Senate Finance and House Ways and Means Committee by January 14, 2011.
WMC: DELETE proviso. *Report has been submitted.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**21.45.** (DHHS: Medicaid Pooling Initiative) The Department of Health and Human Services’ Medicaid Pharmacy and Therapeutics Committee shall conduct a cost benefit analysis of the National Medicaid Pooling Initiative (NMPI) and the state’s participation in the NMPI. The analysis shall include a review of all other multi-state Medicaid drug purchasing~~

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~~pools that have been approved by the Centers for Medicare and Medicaid Services to compare the NMPI to other available plans to identify the initiative that provides the greatest opportunity to achieve maximum savings for the state. The department shall provide a report on the results of the analysis to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January 14, 2011.~~

- 21.46 AMEND NEW PROVISO FURTHER** (In-Home Health Care Systems for Medicaid Recipients) **WMC:** ADD new proviso to direct the department, during FY 11-12, to pilot test an in-home health care system in up to five counties that had highest incidence of emergency room use during FY 09-10 by Medicaid recipients, including seniors and children covered by Medicaid or SCHIP. Direct that the program provide a state-of-the-art in-home health care system which provides around the clock access to medical assessment care and provides an emergency response function that gives a Medicaid recipient the ability to contact a national emergency response center. Direct that the purpose of the program is to reduce the number of emergency room visits in nonemergency cases and the amount of visits to other medical care facilities. Medicaid recipients selected by the department to participate in this program are required to participate as a condition of receiving these benefits. Direct that in developing the pilot-testing program, seniors over 65, pregnant women in their third trimester, and parents with infants under six months of age shall be given priority. Provide guidelines for required components of the in-home health care system. Require the pilot-testing program be conducted for a period of 3 fiscal years beginning with 2011-12 and, then be converted by the department into a statewide program within the funds made available for this purpose. Authorize the department to take actions as may be required, including making requests for Medicaid waivers when necessary to develop and administer the program. Authorize the department to contract with a third-party provider or vendor to furnish and operate the program. Fiscal Impact: OSB states that the department indicates implementation would result in total recurring costs of \$182,021,054. Total costs to the General Fund of \$54,533,508 and Federal Funds of \$127,487,546, considering a 29.96%/70.04% State-Federal matching rate. The department states it is unable to estimate any potential cost savings to other programs as a result of diverting recipients to in-home health Care. Requested by Department of Health and Human Services.
- HOU:** AMEND new proviso to limit the amount of funds to be used for the pilot test to \$3,000,000 in the aggregate. Direct that the pilot test must include a statistically valid sample of Medicaid patients within the counties as determined by the Department of Health and Human Services Director rather than listing the type of recipients to be included. Require an on call physician be a "South Carolina licensed" physician. Direct that the pilot testing program be for the "current fiscal year" rather than for "three fiscal years." Sponsor: Rep. Atwater.
- HOU2:** AMEND House version to "allow" rather than mandate that the department may use funds appropriated to pilot test an in-home health care system and delete the requirement that the testing involve a minimum of 5 counties. Sponsor: Rep. Herbkersman.
- SFC:** AMEND FURTHER to delete the pilot testing requirement involving a minimum of 5 counties and instead direct the department to conduct a feasibility study of using in-home health care monitoring systems and either provide the study to the General Assembly by December 1, 2011 or implement a one county pilot project to test the system. Limit the amount of funds the department may use for the pilot project to \$500,000 and require matching funds be received from the entity with whom the departments contracts before agency funds may be expended.
- SEN:** ADOPT new proviso as amended.
- CONF:** ADOPT House version.

21.46. (DHHS: In-Home Health Care Systems for Medicaid Recipients) The Department of Health and Human Services, during Fiscal Year 2011-12, within the funds appropriated,

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upon application by the department, may pilot test an in-home health care system. The pilot test must include a statistically valid sample of Medicaid patients within the counties as determined by the Director of the Department of Health and Human Services. This program shall provide a state-of-the-art in-home health care system which provides around the clock access to medical assessment care and additionally provides an emergency response function that gives a Medicaid recipient the ability to contact a local emergency response center.

The purpose of the program is to reduce the amount of emergency room visits in nonemergency cases and to reduce the amount of visits to other medical care facilities in order to save on the cost of providing this care and in order to provide better health care.

The in-home health care system option must consist of three main components:

- (1) the medical console and wireless transmitter;
- (2) the medical triage center; and
- (3) the emergency response call center.

The medical console and wireless transmitter must have the following capabilities:

(1) the medical console must be capable of communication between two separate call centers, one of which is a monitoring facility to provide certified medical triage care twenty-four hours a day and the other of which is a monitoring facility to provide emergency response services twenty-four hours a day.

(2) the wireless transmitter for the medical console must have two buttons, one for transmitting a signal to the console to contact the emergency response monitoring facility, and the second button also must send a wireless signal to the console to trigger contact with the medical triage center.

(3) the medical console must be able to send a report/event code to the emergency response call center after a medical triage center call has been placed.

(4) an emergency button on the medical console must include Braille for the sight impaired.

The medical triage center must have or be:

- (1) open twenty-four hours a day, three hundred sixty-five days a year;
- (2) a call center must be located in the United States;
- (3) Utilization Review Accreditation Commission (URAC) accredited;
- (4) on call availability of a South Carolina licensed physician, twenty-four hours, seven days a week for guidance or review of clinical calls as needed;
- (5) registered nurses with a minimum of ten years experience available to answer all calls;

(6) all calls digitally recorded and archived, and a triage report prepared and sent;

(7) daily monitoring of communications with the call center;

(8) fully HIPAA compliant;

(9) bilingual staff in English and Spanish;

(10) a mechanism that ensures that a caller will never receive a busy signal or voice mail when accessing the nurse advice line;

(11) clinical staff able to serve pediatric, adolescent, adult, and senior populations, as well as health care expertise in a variety of clinical areas such as emergency room, pediatrics, critical care, oncology, cardiology, pulmonary, geriatrics, obstetrics/gynecology and general medicine; and

(12) the infrastructure in place to allow the telephone network to digitally communicate with the medical console for incoming call connection, call disconnect, and client file access.

The emergency response call center must:

(1) be open twenty-four hours a day, three hundred sixty-five days a year;

(2) be located in South Carolina;

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(3) maintain a digital receiver capable of processing two-way voice audio using multiple formats.

Facilities, emergency response and the medical triage center, shall offer all recipients selected by the department unlimited use of services provided by the emergency monitoring and medical triage facilities at no additional cost burden to the State.

The pilot-testing program must be conducted for the current fiscal year. The department in developing and administering this program is authorized to take such actions as may be required, including making requests for Medicaid waivers when necessary.

The department, in implementing this program on a pilot-testing basis, also is authorized to contract with a third-party provider or vendor to furnish and operate the program or a physician's office that provides a similar patient service.

21.47 DELETE NEW PROVISO (Pediatric Long Term Care Hospital Reimbursement) **WMC:** ADD new to direct the department to develop and implement a reasonable and appropriate rate methodology for Medicaid services to reimburse a Pediatric Long Term Care Hospital designated under the 2010-2011 DHEC State Health Plan. Direct the department, in developing the rate, to consider rates and methodologies used by other state Medicaid programs. Direct the department to submit any necessary plan amendment to the Centers for Medicare and Medicaid Services (CMS) by August 31, 2011. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

21.47. (DHHS: Pediatric Long Term Care Hospital Reimbursement) DELETED

21.48 AMEND NEW PROVISO (Medicaid Reporting) **HOU:** ADD new proviso to direct the department, within 90 days of the end of each quarter in FY 11-12, to report each cost savings measures that have been implemented. Direct that the department report, by county, the number of enrolled and active providers by provider type, specialty, and sub-specialty, the number of recipients, by provider type, expenditures by provider type and specialty, and service level usage trends. Require the department continue to annually report HEDIS measures. Direct that each report be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees and be placed on the department's website. Sponsors: Reps. White and Cobb-Hunter.

SFC: ADOPT new proviso.

SEN: AMEND new proviso to direct that the cost savings measures implemented be reported within "15" days of the end of each "month" rather than "90" days of the end of each "quarter." Direct that the report also be submitted to the President Pro Tempore of the Senate and the Speaker of the House. Specify that the report be "prominently displayed" on the department's website. Sponsors: Sens. Massey and Sheheen.

CONF: COMPROMISE to amend House version to include the Senate language which adds the Senate President Pro Tempore and the Speaker of the House to those receiving the report and which requires the reports to be "prominently displayed" on the department's website.

21.48. (DHHS: Medicaid Reporting) Within 90 days of the end of each quarter in FY 2011-2012, the department shall report each cost-savings measure implemented. By county, the department shall report the number of enrolled and active providers by provider type, provider specialty and sub-specialty, the number of recipients, the number of recipients by provider type, the expenditures by provider type and specialty, and service level utilization

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trends. The department shall continue to annually report HEDIS measures, noting where measures improve or decline. Each report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the Ways and Means Committee, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives, and be prominently displayed on the department's website.

- 21.49 DELETE NEW PROVISO** (Non-Generic Prescriptions) **SFC:** ADD new proviso to allow Medicaid recipients being served by the Department of Mental Health or receiving treatment for HIV/AIDS to continue to receive non-generic medications that maintain the recipient's condition in a stable manner until the specific medication is no longer medically necessary. **SEN:** AMEND new proviso to direct that initial prescriptions for clients who receive drugs through DMH must be generic and if a client is currently receiving a non-generic drug through the department or is receiving a non-generic drug for treating HIV/AIDS through the Medicaid program, those drugs must be changed to generic, if available. Direct that if a physician determines the generic drug is not maintaining the client's condition in a stable manner a non-generic drug may be offered. Sponsor: Sen. Thomas. AMEND FURTHER to direct that if a non-generic drug is less expensive due to rebates it may be covered. Sponsor: Sen. Bryant. **CONF:** ADOPT House version. (*Deletes new proviso.*)

21.49. (DHHS: Non-Generic Prescriptions) DELETED

- 21.50 DELETE NEW PROVISO** (Notice of Proposed Medicaid Rate Reductions or Fee Increases) **SFC:** ADD new proviso to require the department, prior to implementing rate reductions or fee increases, to conduct a minimum 30 day comment period to receive written comments and require a maximum 15 day review period of any comments received. Prohibit the department from implementing a rate reduction or fee increase until a maximum of 45 days have elapsed from the date of notification. **SEN:** ADOPT new proviso. **CONF:** ADOPT House version. (*Deletes new proviso.*)

21.50. (DHHS: Notice of Proposed Rate Reductions or Fee Increases) DELETED

- 21.51 DELETE NEW PROVISO** (MCO Lobbying) **SEN:** ADD new proviso to prohibit any S.C. Medicaid Managed Care Organization (MCO) Program from using administrative costs received from the state for lobbying activities. Require the department to notify the MCO of this prohibition when they apply for a contract. Direct that violating this requirement is grounds for the contract to be terminated. Sponsors: Sen. McConnell and Massey. **CONF:** ADOPT House version. (*Deletes new proviso.*)

21.51. (DHHS: MCO Lobbying) DELETED

SECTION 22 - J04-DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

- 22.5 AMEND** (Cancer/Hemophilia) Prohibits \$686,216 appropriated for prevention, detection, and surveillance of cancer and cancer treatment services and \$1,493,245 appropriated for the hemophilia assistance program from being transferred to other programs within the agency. Provides the manner in which mandated budget reductions may be taken from this item. **WMC:** AMEND proviso to change "\$686,216" to \$545,449; and "\$1,493,245" to "\$1,186,928." *Conforms to amount of funding currently provided.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control. **HOU:** ADOPT proviso as amended.

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SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

22.5. (DHEC: Cancer/Hemophilia) Notwithstanding any other provisions of this act, the funds appropriated herein for prevention, detection and surveillance of cancer as well as providing for cancer treatment services, ~~\$686,216~~ \$545,449 and the hemophilia assistance program, ~~\$1,493,245~~ \$1,186,928 shall not be transferred to other programs within the agency and when instructed by the Budget and Control Board or the General Assembly to reduce funds within the department by a certain percentage, the department may not act unilaterally to reduce the funds for any cancer treatment program and hemophilia assistance program provided for herein greater than such stipulated percentage.

22.9 **AMEND** (Emergency Medical Services) Provides for the allocation of Emergency Medical Services funds to counties to improve and upgrade the EMS system throughout the state. Prohibits \$1,610,512 appropriated for Emergency Medical Services from being transferred to any other program. Authorizes unexpended funds to be carried forward. Provides the manner in which mandated budget reductions may be taken from this item.

WMC: AMEND proviso to change "\$1,610,512" to "\$1,234,288. *Conforms to amount of funding currently provided.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

22.9. (DHEC: Emergency Medical Services) Funds appropriated herein for Emergency Medical Services, shall be allocated for the purpose of improving and upgrading the EMS system throughout the state. The monies allocated to the Counties are for the purpose of improving or upgrading the local EMS system through the licensed ambulance services, the monies allocated to the EMS Regional Councils are for the administration of training programs and technical assistance to local EMS organizations and county systems. All additional funds are to be allocated as follows: to the counties at the ratio of 81% of the additional funds appropriated herein, to the EMS Regions at a ratio of 12% of the additional funds appropriated herein and to the state EMS Office at the ratio of 7% of the additional funds appropriated herein. The Department of Health and Environmental Control shall develop criteria and guidelines and administer the system to make allocations to each region and county within the state, based on demonstrated need and local match. Funds appropriated, ~~\$1,610,512~~ \$1,234,288, to Emergency Medical Services shall not be transferred to other programs within the department's budget. Unexpended funds appropriated to the program may be carried forward to succeeding fiscal years and expended for administrative and operational support and for temporary and contract employees to assist with duties related to improving and upgrading the EMS system throughout the state, including training of EMS personnel and administration of grants to local EMS providers. In addition, when instructed by the Budget and Control Board or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds appropriated for EMS Regional Councils or Aid to Counties greater than such stipulated percentage.

22.10 **AMEND** (Rape Violence Prevention Contract) Directs that \$513,481 of Rape Violence Prevention funds be used to support rape crisis centers programmatic efforts by distributing

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these funds based on DHEC Rape Violence Prevention Program service standards and each center's accomplishment of a pre-approved annual action plan.

WMC: AMEND proviso to change "\$513,481" to "\$403,956" *Conforms to amount of funding currently provided.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control. AMEND FURTHER to direct that for FY 11-12 the department may not reduce these contracts below the current level of funding.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

22.10. (DHEC: Rape Violence Prevention Contract) Of the amounts appropriated in Rape Violence Prevention, ~~\$513,481~~ \$403,956 shall be used to support programmatic efforts of the state's rape crisis centers with distribution of these funds based on the Department of Health and Environmental Control Rape Violence Prevention Program service standards and each center's accomplishment of a pre-approved annual action plan. For Fiscal Year 2011-12, the department shall not reduce these contracts below the current funding level.

22.12 **AMEND FURTHER** (Sickle Cell Programs) Directs that \$957,633 is appropriated for Sickle Cell program services and directs that 67% of the funds be divided equitably between existing Community Based Sickle Cell Programs in Spartanburg, Columbia, Orangeburg, and Charleston; and 33% of the funds be used for the Community Based Sickle Cell Program at DHEC. Directs that the funds be used for prevention and educational programs, testing, counseling and newborn screening. Provides the manner in which mandated budget reductions may be taken from this item. Prohibits these funds from being transferred for any other purpose.

WMC: AMEND proviso to change "\$957,633" to "\$761,233." *Conforms to amount of funding currently provided.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

HOU: ADOPT proviso as amended.

SFC: AMEND FURTHER to prohibit the department from reducing Sickle Cell program funds below the current funding level.

SEN: ADOPT proviso as amended.

CONF: ADOPT Senate version.

22.12. (DHEC: Sickle Cell Programs) ~~\$957,633~~ \$761,233 is appropriated for Sickle Cell program services and shall be apportioned as follows:

(1) 67% is to be divided equitably between the existing Community Based Sickle Cell Programs located in Spartanburg, Columbia, Orangeburg, and Charleston; and

(2) 33% is for the Community Based Sickle Cell Program at DHEC.

The funds shall be used for providing prevention programs, educational programs, testing, counseling and newborn screening. The balance of the total appropriation must be used for Sickle Cell Services operated by the Independent Living program of DHEC. The funds appropriated to the community based sickle cell centers shall be reduced to reflect any percent reduction assigned to the Department of Health and Environmental Control by the Budget and Control Board; provided, however, that the department may not act unilaterally to reduce the funds for the Sickle Cell program greater than such stipulated percentage. The department shall not be required to undertake any treatment, medical management or health care follow-up for any person with sickle cell disease identified through any neonatal testing program, beyond the level of services supported by funds now or subsequently appropriated for such services. No funds appropriated for ongoing or newly established sickle cell services may be diverted to

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other budget categories within the DHEC budget. *For Fiscal Year 2011-12, the department shall not reduce these funds below the current funding level.*

- 22.13** **AMEND** (Genetic Services) Directs that \$130,948 under the Independent Living program is to be used to provide appropriate genetic services to medically needy and underserved persons. Directs that the funds be divided equally among the three Regional Genetic Centers of South Carolina, composed of units from MUSC, USC School of Medicine, and the Greenwood Genetic Center.
- WMC:** AMEND proviso to change “\$130,948” to “\$104,086.” *Conforms to amount of funding currently provided.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.
- HOU:** ADOPT proviso as amended.
- SFC:** ADOPT proviso as amended.
- SEN:** ADOPT proviso as amended.
- CONF:** SAME in both versions.

22.13. (DHEC: Genetic Services) The sum of ~~\$130,948~~ \$104,086 appearing under the Independent Living program of this act shall be appropriated to and administered by the Department of Health and Environmental Control for the purpose of providing appropriate genetic services to medically needy and underserved persons. Such funds shall be used by the department to administer the program and to contract with appropriate providers of genetic services. Such services will include genetic screening, laboratory testing, counseling, and other services as may be deemed beneficial by the department, and these funds shall be divided equally among the three Regional Genetic Centers of South Carolina, composed of units from the Medical University of South Carolina, the University of South Carolina School of Medicine, and the Greenwood Genetic Center.

- 22.34** **AMEND FURTHER** (Beach Renourishment and Monitoring) Requires beach renourishment funds be spent in accordance with priorities established by the Office of Coastal and Resource Management (OCRM). Limits funds spent to support annual beach profile monitoring to \$100,000 annually. Directs beach renourishment project funds that are certified by the department as excess to a project to be allocated to other beach renourishment projects on a priority basis according to R.30-18.
- WMC:** AMEND proviso to allow beach renourishment funds to be spent for coastal access improvement; delete the specification that these funds be spent in accordance with priorities established by OCRM and instead direct that the funds be spent in accordance with “all required state and federal permits and certifications.” Fiscal Impact: No impact on the General Fund.
- HOU:** ADOPT proviso as amended.
- SFC:** AMEND FURTHER to suspend beach renourishment activities for the current fiscal year and delete the authorization for certified excess beach renourishment project funds to be allocated to other beach renourishment projects or for coastal access improvement.
- SEN:** ADOPT proviso as amended.
- CONF:** COMPROMISE to amend Senate version to include and blend House version of last sentence to allow certified excess beach renourishment funds to be spent for coastal access improvement.

22.34. (DHEC: Beach Renourishment and Monitoring *and Coastal Access Improvement*) *Beach renourishment activities are suspended for the current fiscal year.* Funds allocated for beach renourishment may be spent for coastal access improvement and shall be spent in accordance with ~~the priorities established by the department’s Office of Coastal and Resource~~

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~~Management all required state and federal permits and certifications.~~ If state funds are made available from any general revenue, capital, surplus or bond funding appropriated to the department for beach renourishment and maintenance, the department shall be able to expend not more than \$100,000 of these funds annually to support annual beach profile monitoring coast wide to enable the department to determine erosion rates and to identify priority areas needing renourishment and maintenance to mitigate erosion and storm damage potential. Appropriations for beach renourishment projects that are certified by the department as excess ~~to the final State share of project costs and the annual coast wide monitoring costs shall~~ *may* be allocated by the department to other beach renourishment projects on a priority basis in accordance with ~~R.30-18~~ *spent for coastal access improvement.*

- 22.35** **AMEND** (South Carolina State Trauma Care Fund) Directs that \$2,948,519 of State Trauma Care Fund monies be used to increase the reimbursement rates for trauma hospitals, for trauma specialists' professional fee, for increasing the capability of EMS trauma care providers from counties with a high rate of traumatic injury deaths to care for injury patients, and to support the trauma system. Provides the percentage methodology to be used to disburse the funds.
WMC: AMEND proviso to change "\$2,948,519" to "\$2,268,885." *Conforms to amount of funding currently provided.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

22.35. (DHEC: South Carolina State Trauma Care Fund) Of the funds appropriated to the South Carolina State Trauma Care Fund, ~~\$2,948,519~~ \$2,268,885 shall be utilized for increasing the reimbursement rates for trauma hospitals, for trauma specialists' professional fee, for increasing the capability of EMS trauma care providers from counties with a high rate of traumatic injury deaths to care for injury patients, and for support of the trauma system, based on a methodology as determined by the department with guidance and input from the Trauma Council as established in Section 44-61-530 of the South Carolina Code of Laws. The methodology to be developed will include a breakdown of disbursement of funds by percentage, with a proposed 76.5% disbursed to hospitals and trauma physician fees, 16% of the 21% must be disbursed to EMS providers for training EMTs, Advanced EMTs and paramedics by the four regional councils of this state and the remaining 5% must be disbursed to EMS providers in counties with high trauma mortality rates, and 2.5% allocated to the department for administration of the fund and support of the trauma system. The Department of Health and Environmental Control shall promulgate regulations as required in Section 44-61-540 of the 1976 Code for the administration and oversight of the Trauma Care Fund.

- 22.43** **DELETE NEW PROVISO** (Immunizations and Inspections) **WMC:** ADD new proviso to allow the department to use \$4,000,000 of smoking cessation funds for Immunizations and Water and Environmental Inspections./ Fiscal Impact: No impact on the General Fund.
HOU: AMEND new proviso to also allow the department to use the \$4,000,000 for Preventative Diseases. Sponsor: Rep. J.E. Smith.
SFC: DELETE new proviso.
SEN: ADOPT deletion of proviso.
CONF: ADOPT Senate deletion.

22.43. (DHEC: Immunizations and Inspections) **DELETED**

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- 22.44 DELETE NEW PROVISO** (South Carolina Institute of Medicine) **SFC:** ADD new proviso to direct the department to use not more than \$50,000 of Family Health funds for the development of the South Carolina Institute of Medicine. Require the Institute to secure matching private or non-state funds in order to receive the funding from the department. State that the purpose of the Institute is to provide research and analysis of statewide issues that adversely impact health and the efficient and effective delivery of health care and that the Institute will partner with and not duplicate the work of existing entities.
SEN: ADOPT new proviso.
CONF: ADOPT House version. (*Deletes new proviso.*)

22.44. (DHEC: South Carolina Institute of Medicine) DELETED

- 22.45 DELETE NEW PROVISO** (Donated Dental Services) **SFC:** ADD new proviso to direct the department to provide \$30,000 of Family Health Program funds to the Donated Dental Services Program. *Provides funds for administrative support for the program which provides dental services to the disabled, elderly, or medically-compromised individuals who are not eligible for Medicare or Medicaid.*
SEN: ADOPT new proviso.
CONF: ADOPT House version. (*Deletes new proviso.*)

22.45. (DHEC: Donated Dental Services) DELETED

- 22.46 ADD** (Fetal Pain Awareness) **SEN:** ADD new proviso to require the department to use at least \$100 to prepare printed materials on information that unborn children are able to feel pain at 20 weeks gestation and beyond and that a woman who seeks an abortion has to right to ask for and receive anesthesia to alleviate or eliminate pain to the fetus during the procedure. Require that the materials be easy to comprehend; be in a bold and legible typeface; be provided to each abortion provider in the state; and be placed in a conspicuous place in each exam room. Sponsors: Sens. Bryant, Bright, S. Martin, and Grooms.
CONF: ADOPT Senate version.

22.46. (DHEC: Fetal Pain Awareness) (A) *The department must utilize at least one hundred dollars to prepare printed materials concerning information that unborn children at twenty weeks gestation and beyond are fully capable of feeling pain and the right of a woman seeking an abortion to ask for and receive anesthesia to alleviate or eliminate pain to the fetus during an abortion procedure. The materials must be provided to each abortion provider in the State and must be placed in a conspicuous place in each examination room at the doctor's office. The materials must contain only the following information:*

"Fetal Pain Awareness

An unborn child who is twenty weeks old or more is fully capable of experiencing pain. Anesthesia provided to a woman for an abortion typically offers little pain prevention for the unborn child. If you choose to end your pregnancy, you have a right to have anesthesia or analgesic administered to alleviate the pain to your unborn child during the abortion."

(B) The materials must be easily comprehensible and must be printed in a typeface large and bold enough to be clearly legible.

- 22.47 DELETE NEW PROVISO** (Drug Control Prescription Monitoring Program) **HOU2:** ADD new proviso to direct that the S.C. Prescription Monitoring Act provision that requires that Prescription Monitoring Program (PMP) data may be released to a practitioner who certifies

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that the information is needed to provide medical treatment to a bona fide patient is waived to the extent that the practitioner may delegate limited authority to access the PMP data to someone under their supervision and control under specific circumstances and criteria. Sponsor: Rep. Cooper. *Note: Proviso 22.44 in HOU2 version.*
CONF: ADOPT Senate version. (*Deletes new proviso.*)

22.47. (DHEC: Drug Control-Prescription Monitoring Program) DELETED

- 22.48 ADD MOVED PROVISO (SCHIDS) HOU2:** ADD new proviso to direct the department to use funds appropriated for Chronic Disease Prevention to establish a S.C. Health Integrated Data Services (SCHIDS) program to distribute data about the prevalence, treatment, and cost of disease from the S.C. Health and Human Services Data Warehouse and particularly the Medicaid System. Direct that the purpose of the program is to educate communities around the state about improving health and wellness through lifestyle changes. Direct the B&C board Office of Research and Statistics to provide the SCHIDS program with the data it needs to fulfill its mission and direct state agencies and public universities that educate South Carolinians about improving health and wellness through public programs to communicate with the SCHIDS to improve collaboration and coordination and to possibly use SCHIDS to assist in evaluating program outcomes. Direct Medicaid staff to coordinate with SCHIDS program staff to target Prevention Partnership Grant awards to communities that show a prevalence of chronic disease and/or a lack of access to care. Sponsor: Rep. Cooper. *Note: Proviso 22.45 in HOU2 version. Moved from BCB proviso 80A.28.*
CONF: ADOPT House version.

22.48. (DHEC: SCHIDS) From funds appropriated for Chronic Disease Prevention, the department shall establish a South Carolina Health Integrated Data Services (SCHIDS) program to disseminate data about prevalence, treatment and cost of disease from the South Carolina Health and Human Services Data Warehouse and in particular the Medicaid System. The purpose of the program is to educate communities statewide about improving health and wellness through lifestyle changes.

The Budget and Control Board, Office of Research and Statistics shall provide data needed by the SCHIDS program to fulfill its mission, and all state agencies and public universities involved in educating South Carolinians through public programs for the purpose of improving health and wellness shall communicate with the program in order to improve collaboration and coordination and the possible use of SCHIDS to assist in the evaluation of program outcomes.

Medicaid staff shall coordinate with the SCHIDS program staff to target Prevention Partnership Grant awards to those communities demonstrating a prevalence of chronic disease and/or lack of access to care.

SECTION 23 - J12-DEPARTMENT OF MENTAL HEALTH

- 23.2 DELETE** (Paying Patient Account) Directs the department to transfer \$3.4 million to the General Fund from the surplus funds in the paying patient account.
SFC: DELETE proviso. Fiscal Impact: Reduction of \$3,400,000 to the General Fund.
SEN: ADOPT deletion of proviso.
CONF: ADOPT Senate deletion.

~~23.2. (DMH: Paying Patient Account) In addition to other payments provided in Part I of this act, the Department of Mental Health is hereby directed during the current fiscal year to remit to the General Fund of the State the amount of \$3,400,000 to be paid from the surplus funds in the paying patient account which has been previously designated for capital~~

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~~improvements and debt service. It is the intent of the General Assembly to assist the department to reduce and eventually eliminate this obligation to the general fund.~~

- 23.8** **AMEND** (Alzheimer’s Funding) Requires the department to use \$911,620 of Community Mental Health Centers funding to contract to provide Alzheimers respite care and diagnostic services to those who qualify as determined by the Alzheimer’s Disease and Related Disorders Association and to maximize federal matching dollars.
WMC: AMEND proviso to change “\$911,620” to “\$778,706.” *Conforms to amount of funding currently provided.* Fiscal Impact: No impact on the General Fund. Requested by Department of Mental Health.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

23.8. (DMH: Alzheimer’s Funding) Of the funds appropriated to the Department of Mental Health for Community Mental Health Centers, ~~\$911,620~~ \$778,706 must be used for contractual services to provide respite care and diagnostic services to those who qualify as determined by the Alzheimer’s Disease and Related Disorders Association. The department must maximize, to the extent feasible, federal matching dollars. On or before September thirtieth of each year, the Alzheimer’s Disease and Related Disorders Association must submit to the department, Governor, Senate Finance Committee, and House Ways and Means Committee an annual financial statement and outcomes measures attained for the fiscal year just ended. These funds may not be expended or transferred during the current fiscal year until the required reports have been received by the department, Governor, Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. In addition, when instructed by the Budget and Control Board or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds transferred to the Alzheimer’s Disease and Related Disorders Association greater than such stipulated percentage.

- 23.13** **REINSERT** (Veterans’ Nursing Home Death Investigations) Directs that SLED is not required to conduct an investigation into the death of an individual in a veterans’ nursing home under the authority of the Department of Mental Health if the coroner rules that death is from natural causes.
SEN: DELETE proviso. *Ruled Out of Order.*
CONF: ADOPT House version. *(Reinserts proviso.)*

23.13. (DMH: Veterans’ Nursing Home Death Investigations) In the event that a coroner rules that the death of an individual in a veterans’ nursing home under the authority of the Department of Mental Health results from natural causes, then the State Law Enforcement Division is not required to conduct an investigation regarding the individual’s death.

- 23.14** **DELETE** (Carry Forward Unobligated Funds) Authorizes the department to carry forward unobligated funds resulting from additional payment received from the increased FMAP provided by the ARRA of 2009 and to use the funds for inpatient hospital services.
WMC: DELETE proviso. *ARRA funds are no longer available.* Fiscal Impact: No impact on the General Fund. Requested by Department of Mental Health.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

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~~23.14. (DMH: Carry Forward Unobligated Funds) The Department of Mental Health is authorized to carry forward from the prior fiscal year into the current fiscal year, unobligated funds resulting from additional payments received from the increased Federal Medical Assistance Percentage provided by the American Recovery and Reinvestment Act of 2009 to be used for inpatient hospital services.~~

23.16 AMEND NEW PROVISO (Medicaid Beneficiary Choice) **WMC:** ADD new proviso to require the department to allow a Medicaid beneficiary to receive medically necessary community based 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. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: AMEND new proviso to specify “paraprofessional” rehabilitative behavioral health services.

SEN: ADOPT new proviso as amended.

CONF: ADOPT Senate version.

23.16. (DMH: Medicaid Beneficiary Choice) For Medicaid covered community based paraprofessional rehabilitative behavioral health services for which the Department of Mental Health provides state identified matching funds, the department must 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.

23.17 DELETE NEW PROVISO (Non-Generic Prescription) **HOU:** ADD new proviso to direct that if a Department of Mental Health client is receiving a non-generic prescription through the department, and the medication maintains the client’s condition in a stable manner, the department must continue to offer to prescribe the non-generic medicine until the client no longer requires the medication. Sponsor: Rep. Ott.

SFC: DELETE new proviso. *See new proviso 21.49.*

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

23.17. (DMH: Non-Generic Prescriptions) DELETED

SECTION 24 - J16-DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS

24.14 ADD (Traumatic Brain Injury) **HOU:** ADD new proviso to direct that Traumatic Brain Injury/Spinal Cord Injury Post-Acute Rehabilitation funds shall not be used for any other purpose and that in the event of a general fund reduction, any cuts must be assessed proportionately and shall not exceed reductions to other agency services. Sponsors: Reps. Ott and White.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

24.14. (DDSN: Traumatic Brain Injury) Funds appropriated by the agency for Traumatic Brain Injury/Spinal Cord Injury Post-Acute Rehabilitation shall be used for that purpose only. In the event the department receives a general fund reduction in the current fiscal year, any

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funding reductions to the post-acute rehabilitation funding must be in equal proportion to and shall not exceed reductions to other agency services.

- 24.15** **ADD** (FMAP Extension Carry Forward) **SFC:** ADD new proviso to authorize the department to carry forward FMAP funds received from the January - June 2011 federal extension. Authorize the department to use the funds to maintain current service levels, to support Traumatic Brain or Spinal Cord Injury Post-Acute Rehabilitation, and to implement system enhancements of the home and community based services assessment process and the monitoring and documentation process.
SEN: ADOPT new proviso.
CONF: ADOPT Senate version.

24.15. (DDSN: FMAP Extension Carry Forward) The department is authorized to carry forward the funds received as a result of the January through June 2011 federal extension of the increased FMAP. The department is authorized to use the funds to maintain current service levels, to support Traumatic Brain or Spinal Cord Injury Post-Acute Rehabilitation, system enhancements of the assessment process and the monitoring and documentation process for home and community based services in order to increase efficiency and reduce fraud and abuse.

SECTION 25 - J20-DEPARTMENT OF ALCOHOL & OTHER DRUG ABUSE SERVICES

- 25.3** **AMEND** (Eligibility for Treatment Services) Directs that any South Carolina resident, upon payment of all applicable fees, is eligible to take part in treatment programs offered by the department during FY 10-11.
WMC: AMEND proviso to change “2010-11” to “current” fiscal year. Fiscal Impact: No impact on the General Fund. Requested by Department of Alcohol and Other Drug Abuse Services.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

25.3. (DAODAS: Eligibility for Treatment Services) Upon the payment of all applicable fees, any resident of South Carolina is eligible to take part in the treatment programs offered by the Department of Alcohol and Other Drug Abuse Services during the ~~2010-11~~ current fiscal year.

SECTION 26 - L04-DEPARTMENT OF SOCIAL SERVICES

- 26.7** **AMEND** (Fee Schedule) Authorizes DSS to charge fees and accept donations, grants, and bequests for social services provided under their direct responsibility on the basis of a fee schedule approved by the B&C Board. Directs the department to use the fees to further develop and administer the program efforts. Establishes fee schedule for current fiscal year.
SEN: AMEND proviso to delete requirement that the B&C Board approve the fee schedule. Sponsor: Sen. Massey.
CONF: ADOPT Senate version.

26.7. (DSS: Fee Schedule) The Department of Social Services shall be allowed to charge fees and accept donations, grants, and bequests for social services provided under their direct responsibility on the basis of a fee schedule ~~approved by the Budget and Control Board.~~

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The fees collected shall be utilized by the Department of Social Services to further develop and administer these program efforts. The below fee schedule is established for the current fiscal year.

Day Care	
Family Child Care Homes (up to six children).....	\$ 15
Group Child Care Homes (7-12 children)	\$ 30
Registered Church Child Care (13+)	\$ 50
Licensed Child Care Centers (13-49)	\$ 50
Licensed Child Care Centers (50-99)	\$ 75
Licensed Child Care Centers (100-199)	\$ 100
Licensed Child Care Centers (200+)	\$ 125
Central Registry Checks	
Non-profit Entities	\$ 8
For-profit Agencies.....	\$ 25
State Agencies	\$ 8
Schools	\$ 8
Day Care.....	\$ 8
Other – Volunteer Organizations.....	\$ 8
Other Children’s Services	
Services Related to Adoption of Children from	
Other Countries.....	\$ 225
Court-ordered Home Studies in Non-DSS Custody Cases	\$ 850
Licensing Residential Group Homes Fee for an	
Initial License	\$ 250
For Renewal.....	\$ 75
Licensing Child Caring Institutions Fee for an	
Initial License	\$ 500
For Renewal.....	\$ 100
Licensing Child Placing Agencies Fee for an	
Initial License	\$ 500
For Renewal.....	\$ 60
For Each Private Foster Home Under the	
Supervision of a Child Placing Agency.....	\$ 15
Responsible Father Registry	
Registry Search.....	\$ 50

26.18 DELETE (Children’s Home Standard Licenses) Directs that standard licenses for children’s residential group homes, child caring institutions and child placing agencies are effective for 2 years from the date the license was issued or renewed unless it has been revoked or terminated. Direct that the fire inspections required for licensing or renewing children’s residential group homes and child caring institutions be conducted annually.

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

~~**26.18.** (DSS: Children’s Home Standard Licenses) Standard licenses for children’s residential group homes, child caring institutions and child placing agencies shall be effective for two years from the date of issuance or renewal unless revoked or otherwise terminated before the expiration date. Fire inspections required for licensing or renewal of children’s residential group homes and child caring institutions must be conducted annually.~~

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- 26.22** **AMEND** (Teen Pregnancy Prevention) Directs DSS to use the funds appropriated for the Continuation of Teen Pregnancy Prevention to award two contracts to separate private entities to provide teen pregnancy prevention programs and services; directs that the funds be divided equally between the contracts; and provides directives for the awarding of the contracts.
- SFC:** AMEND proviso to require the contracts be awarded on a competitive basis in accordance with the Procurement Code. Specify that the funds be paid over a twelve month period for services rendered. Allow unexpended funds to be carried forward to fulfill the contractual agreement. Delete the requirement that a 5 member committee oversee the contract award process.
- SEN:** AMEND proviso to specify that two contracts must be awarded to separate private “non-profit 501(c)(3)” entities. Direct that a program is “effectively implemented” if it has published positive behavioral outcomes by an independent nationally recognized private or government agency that demonstrates a year after the program, that participants initiated sex at least 30% less than comparable non-program students. Establish requirements for awarding the contract to entities who use specific programs or evaluation processes. Prohibit the S.C. Comprehensive Health Education Act from being violated by the entities who are awarded the contract and require that if the act is violated the entity must reimburse the state all funds disbursed. Sponsor: Sen. Grooms.
- CONF:** ADOPT Senate version.

26.22. (DSS: Teen Pregnancy Prevention) (A) From the monies appropriated for the Continuation of Teen Pregnancy Prevention, the department must award two contracts to separate private, non-profit 501(c)(3) entities to provide teen pregnancy prevention programs and services within the State.

(B) Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.

(C) The monies appropriated must be divided equally between the contracts and paid over a twelve month basis for services rendered. Unexpended funds shall be carried forward for the purpose of fulfilling the department's contractual agreement.

(D) Entities that have a proven and public history of having effectively implemented abstinence programs in this State may be given a preference during the contract evaluation and awarding process. For the purposes of this proviso, a program is "effectively implemented" if the program has published positive behavioral outcomes by an independent and nationally recognized private or government agency demonstrating that a year after the program, program participants initiated sex at a rate of at least thirty percent lower than comparable non-program students.

(E)(1) One contract must be awarded to an entity that utilizes an abstinence first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy throughout South Carolina.

(2)(a) One contract must be awarded to an entity that uses a National Abstinence Clearinghouse (NAC) approved curricula for a minimum of one year prior to their application. NAC is the agency the federal Department of Health and Human Services has chosen to provide a comprehensive, national list of approved abstinence-only education curricula that is consistent with the A through H legislative requirements defined in Title V, Section 510(b)(2). Any entity that is awarded one of the above contracts must agree to provide data to verify the program effectiveness.

(b) The contract awarded pursuant to this item must be awarded to entities that utilize a program or evaluation process approved by, and under the supervision of, a federally approved Institutional Review Board (IRB) and have been evaluated and approved for medical accuracy by the United States Health and Human Services' Office of Adolescent Health or the Office of Adolescent Pregnancy Prevention. Contracts may also be awarded to entities that do

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not meet these requirements on the date of the award but the entity must meet the requirements by the end of the fiscal year or the entity must forfeit the final quarterly payment.

(c) Prior to receiving funding the entities awarded the contracts pursuant to this item must verify that the program they implement meets the Cooperative Agreement with the Centers for Disease Control Division of Adolescent School Health (CDC DASH) approved SMARTool (Systematic Method for Assessing Risk-avoidance Tool) minimum standard for abstinence curriculum evaluation or the Cooperate Agreement with the Centers for Disease Control Division of Reproductive Health Tool to Assess the Characteristics of Effective Sex and STD/HIV Education Programs.

(F) The programs implemented by the entities awarded contracts pursuant to this proviso may not violate any portion of the South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed. A five-member committee shall oversee the contract award process. The committee's first meeting shall be on or before August 1, 2009. The five member committee shall be composed as follows: the President Pro Tempore of the Senate shall appoint two members of the committee, the Speaker of the House shall appoint two members of the committee and the Governor shall appoint one member of the committee. Members of the committee shall serve without compensation.

- 26.24** **AMEND** (Day Care Facilities Supervision Rates) Prohibits the department from implementing Regulations 114-504(B) and (C) [DAY CARE FACILITIES SUPERVISION STAFF:CHILD RATIOS FOR LICENSED CENTERS] during the Fiscal Year 2010-11.
WMC: AMEND proviso to change Fiscal Year "2010-11" to "2011-12." Fiscal Impact: No impact on the General Fund. Requested by Department of Social Services.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

26.24. (DSS: Day Care Facilities Supervision Ratios) For Fiscal Year ~~2010-11~~ 2011-12, staff-child ratios contained in Regulations 114-504(B), 114-504(C), 114-524(B), and 114-524(C) shall remain at the June 24, 2008 levels.

- 26.25** **DELETE** (Child Welfare Outsourcing Study) Directs the department to study the outsourcing of child welfare services including case management and report the findings to the Governor and Chairmen of the Senate Finance and House Ways and Means Committees by January 31, 2011.
WMC: DELETE proviso. *Report has been issued.* Fiscal Impact: No impact on the General Fund. Requested by Department of Social Services.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

26.25. (DSS: Child Welfare Outsourcing Study) ~~From funds appropriated to the department for child welfare, the department shall conduct a study with provider and stakeholder participation to determine the feasibility of child welfare outsourcing initiatives. The study should include, but is not limited to, a review of other states contract monitoring and quality assurance models for private providers, to include performance measures and outcomes; a description of all services which might be effectively outsourced to include case management;~~

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~~an analysis of state procurement requirements; an analysis of cost savings or potential costs avoided that may accrue to the state; and a review of provider and state system data measures which can monitor private provider accountability and compliance and assist in rate setting. The department shall provide a report of the findings to the Governor, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January 31, 2011.~~

- 26.26** **DELETE** (Child Care Center Provisional License Extension) Authorizes a licensed child care center that is not in full compliance the hot water requirement of Regulation 114-507 A.6(b) [PHYSICAL SITE, INDOOR SPACE AND CONDITIONS, WATER SUPPLY] to have their provisional license extended until June 30, 2011.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT deletion of proviso.
SFC: REINSERT proviso and amend to change item “A.6(b)” to “A.12(d)” and update “2011” to “2012.”
SEN: DELETE proviso. *Ruled Out of Order.*
CONF: SAME in both versions.

~~**26.26.** (DSS: Child Care Center Provisional License Extension) If a licensed child care center is not in full compliance with Regulation 114-507 item A.6(b) related to the provision of hot water, the center may have their provisional license extended until June 30, 2011.~~

- 26.27** **DELETE NEW PROVISO** (Day Care Vouchers) **WMC:** ADD new proviso to prohibit the department from using the ABC Child Care vouchers on Day Care providers that are not either licensed or registered and require all Child Care providers that receive these vouchers to be either licensed or registered by DSS following State approved Child Care Licensing regulations.
HOU: ADOPT new proviso.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

26.27. (DSS: Day Care Vouchers) DELETED

- 26.28** **DELETE NEW PROVISO** (Licensed Day Care Facilities Relicensing) **HOU:** ADD new proviso to extend a DSS operating license or approval for a child care center, church or religious center, group child care home or licensed family child care home for an additional year. Direct that no license, approval, or registration be issued for longer than three years. Require registered family homes continue to complete a yearly registration process. Direct that facilities are not eligible for the extension if there any DSS revocation proceedings in process. Sponsor: Rep. White.
SFC: AMEND new proviso to require the department to report quarterly to the Senate Finance and House Ways and Means Committees on the number of unannounced site inspections conducted during the current fiscal year as well as the number of facilities not eligible for the extension during that quarter.
SEN: DELETE new proviso. *Ruled Out of Order.*
CONF: ADOPT Senate deletion.

26.28. (DSS: Licensed Day Care Facilities Relicensing) DELETED

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- 26.29 DELETE NEW PROVISO** (Restoration of TANF Stipends) **SFC:** ADD new proviso to direct the department to apply any surplus funds resulting from federal revenue maximization efforts to restoring TANF stipends.
SEN: AMEND new proviso to direct that excess funds be applied to programs or for purposes in the best interests of the people the department serves, in the director's discretion. Sponsor: Sen. Massey.
CONF: ADOPT House version. (*Deletes new proviso.*)

26.29. (DSS: Restoration of TANF Stipends) DELETED

SECTION 28 - H79-DEPARTMENT OF ARCHIVES & HISTORY

- 28.3 ADD** (Disposal of Materials) **WMC:** ADD new proviso to authorize the department, upon prior commission approval, to sell certain record and non-record materials from its collections in the most advantageous manner and direct that the department shall not be required to sell such items at public auction. Fiscal Impact: No impact on the General Fund. The department states that not selling at public auction would save the amount paid as commissions to auction houses or sites.
HOU: ADOPT new proviso.
SFC: ADOPT new proviso.
SEN: DELETE new proviso. *Ruled Out of Order.*
CONF: ADOPT Senate deletion.

28.3. (AH: Disposal of Materials) DELETED

SECTION 29 - H87-STATE LIBRARY

- 29.1 AMEND** (Aid to Counties Libraries Allotment) Directs that the funds appropriated for Aid to County Libraries shall be allotted to each county on a per capita basis based on the official 2000 Census. Directs that no county shall be allocated less than \$60,000 under this provision. Directs that in order for to receive this aid, local library support must not be less than the amount spent for library operations from local sources in the 2nd preceding year.
SEN: AMEND proviso to change "2000" Census to "2010" Census." Sponsors: Sens. McConnell and Hayes.
CONF: ADOPT Senate version.

29.1. (LIB: Aid to Counties Libraries Allotment) The amount appropriated in this section for "Aid to County Libraries" shall be allotted to each county on a per capita basis according to the official United States Census for ~~2000~~ 2010, as aid to the County Library. No county shall be allocated less than \$60,000 under this provision. To receive this aid, local library support shall not be less than the amount actually expended for library operations from local sources in the second preceding year.

- 29.8 ADD** (Consortium Purchasing) **WMC:** ADD new proviso to authorize the State Library to accept funds for consortium purchasing between libraries (public, academic, special) that serve South Carolina residents. Direct that funds received for this purpose be placed in a designated account and be used only to pay for items related to specific consortium purchasing agreements. Authorize these funds to be retained, expended, and carried forward to be used for the same purpose.
HOU: ADOPT new proviso.
SFC: ADOPT new proviso.

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SEN: ADOPT new proviso.
CONF: SAME in both versions.

29.8. (LIB: Consortium Purchasing) The State Library shall be authorized to accept funds to be used for consortium purchasing between libraries (public, academic, special) that serve South Carolina residents. Funds received by the State Library for consortium purchasing agreements shall be placed in a designated account and shall only be used to pay for items related to specific consortium purchasing agreements. These funds may be retained, expended, and carried forward from the prior fiscal year into the current fiscal year and used for the same purpose.

SECTION 30 - H91-ARTS COMMISSION

30.4 **ADD** (Grants) **SEN:** ADD new proviso to require the Arts Commission to spend 70% of their appropriated state funds on grants to support the statewide improvement of learning and enrichment opportunities for children and communities through educational and cultural programs with proven research based strategies. Sponsors: Sens. S. Martin and Hayes.
CONF: ADOPT Senate version.

30.4. (ARTS: Grants) The Arts Commission must expend seventy percent of appropriated state funds on grants to support the statewide improvement of learning and enrichment opportunities for children and communities through educational and cultural programs with proven research based strategies.

30.5 **ADD** (Distribution to Subdivisions) **HOU2:** ADD new proviso to direct the Arts Commission to use appropriated and or authorized funds to distribute Distribution to Subdivision funds for specific purposes in the same manner they were distributed in the prior fiscal year. Sponsor: Rep. J.E. Smith, Harrison, and Stavrinakis. *Note: Proviso 30.4 in HOU2 version.*
CONF: ADOPT House version.

30.5. (ARTS: Distribution to Subdivisions) Of the funds appropriated and/or authorized to the Arts Commission for Distribution to Subdivisions, the following amounts shall be distributed in the same manner as the funds were distributed in the prior fiscal year: \$11,420 for Alloc Mun-Restricted; \$3,381 for Alloc Cnty-Restricted; \$78,376 for Alloc School Dist; \$12,336 for Alloc Other State Agencies; \$429,845 for Alloc-Private Sector; \$29,494 for Alloc - Private Sector; \$31,581 for Aid Mun-Restricted; \$15,485 for Aid Cnty-Restricted; \$358,344 for Aid School Districts; \$205,138 for Aid Other State Agencies; \$794,598 for Aid To Private Sector; and \$3,168 for Aid To Private Sector-Reportable.

SECTION 32 - L32-HOUSING FINANCE AND DEVELOPMENT AUTHORITY

32.4 **AMEND** (Allocation of Indirect Cost Recoveries) Directs the authority to deposit indirect cost recoveries for the authority's portion of the FY 2010-11 Statewide Central Services Cost Allocation Plan (SWCAP) into the general fund and to retain recoveries in excess of the amount deposited in the general fund.
WMC: AMEND proviso to change Fiscal Year "2010-11" to "2011-12." Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

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32.4. (HFDA: Allocation of Indirect Cost Recoveries) The authority shall deposit in the state general fund indirect cost recoveries for the authority's portion of the Fiscal Year ~~2010-11~~ 2011-12 Statewide Central Services Cost Allocation Plan (SWCAP). The authority shall retain recoveries in excess of the SWCAP amount to be deposited in the state general fund.

SECTION 33 - P12-FORESTRY COMMISSION

- 33.4** **ADD** (FC: Compensatory Payment) **WMC:** ADD new proviso to direct that if the Governor declares a State of Emergency, Forestry Commission exempt employees may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency director, and if funds are available. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

33.4. (FC: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the Forestry Commission may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency director, and providing funds are available.

SECTION 34 - P16-DEPARTMENT OF AGRICULTURE

- 34.3** **DELETE** (Commodity Boards Expenditures) Exempts expenditures made for the various Commodity Boards budgeted under Marketing Services: Commodity Boards from Procurement Act regulations.
SEN: DELETE proviso. *Ruled Out of Order.*
CONF: ADOPT Senate deletion.

~~34.3. (AGRI: Commodity Boards Expenditures) Expenditures made for the various Commodity Boards (as budgeted under other funds in Program IV.B. Marketing Services: Commodity Boards) are exempt from regulations under the Procurement Act of 1981.~~

SECTION 35 - P20-CLEMSON UNIVERSITY - PSA

- 35.9** **DELETE** (Noncommercial Pesticide Applicator Fee) Authorizes Clemson PSA to charge noncommercial pesticide applicators a \$50 annual licensing fee and to retain, expend, and carry forward these funds to maintains its programs.
SEN: DELETE proviso. *Ruled Out of Order.*
CONF: ADOPT Senate deletion.

~~35.9. (CU-PSA: Noncommercial Pesticide Applicator Fee) The Public Service Activities of Clemson University are hereby authorized to charge noncommercial pesticide applicators an annual licensing fee of \$50.00. Clemson University PSA may retain, expend, and carry forward these funds to maintain its programs.~~

- 35.12** **ADD** (Landplaster Inspection Fee) **WMC:** ADD new proviso to direct that for the purpose of regulating landplaster (gypsum) as it is applied to land for crop production, it shall be defined as a product consisting chiefly of calcium sulfate with two combined water (CaSO₄ 2H₂O) and is incapable of neutralizing soil acidity. Direct that it shall contain not less than seventy percent

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(70%) CaSO₄ 2H₂O. Direct that all registrants of landplaster who sell or distribute in this state that were previously required to pay Clemson-PSA an inspection fee of \$1.50 per ton shall now pay fifty cents for each ton sold. Authorize these funds to be retained, expended, and carried forward to maintain its programs. Fiscal Impact: BEA states that since Liming Material program fees do not apply to the state's General Fund there would be no impact on General Fund revenue. Reduction in the per ton fee would net an annual loss of revenue for Clemson of approximately \$65,000. Requested by Clemson University-PSA.

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

35.12. (CU-PSA: Landplaster Inspection Fee) For the purpose of regulating its use as applied to land for crop production, landplaster (gypsum), shall be defined as a product consisting chiefly of calcium sulfate with two combined water (CaSO₄ 2H₂O) and is incapable of neutralizing soil acidity. It shall contain not less than seventy percent (70%) CaSO₄ 2H₂O. All registrants of landplaster who sell or distribute in this state that previously were required to pay an inspection fee of \$1.50 per ton shall now pay to Clemson University Regulatory Services an inspection fee of fifty cents for each ton sold. Clemson University-PSA may retain, expend, and carry forward these funds from the prior fiscal year into the current fiscal year to maintain its programs.

SECTION 37 - P24 - DEPARTMENT OF NATURAL RESOURCES

37.8 DELETE (Interest - License Fees) Require interest earned on all hunting and fishing license fees collected by DNR to be credited to and expended by the department to protect, promote, propagate, and manage fish and wildlife and to enforce related laws.

WMC: DELETE proviso. *Codified in Sections 50-9-950(C) [INTEREST EARNED ON BALANCES IN THE FISH AND WILDLIFE PROTECTION FUND]; 50-9-955(C) [INTEREST EARNED ON BALANCES IN THE FISH AND WILDLIFE DEFERRED LICENSE FUND]; 50-9-960(D) [INTEREST EARNED ON BALANCES IN THE MARINE RESOURCES FUND]; 50-9-965(C) [INTEREST EARNED ON BALANCES IN THE MARINE RESOURCES DEFERRED LICENSE FUND]; and 50-9-970(F) [INTEREST EARNED ON REVENUES DEPOSITED TO THE COUNTY GAME AND FISH FUND].* Fiscal Impact: No impact on the General Fund. Per the department, investment earnings were \$503,624 in FY 09-10. Requested by Department of Natural Resources.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~37.8. (DNR: Interest - License Fees) Interest earned by the State Treasurer on all hunting and fishing license fees collected by the Department of Natural Resources must be credited to and expended by the department for the protection, promotion, propagation, and management of fish and wildlife, and the enforcement of related laws.~~

37.9 DELETE (Shrimp Baiting Enforcement) Require the department to allocate additional enforcement efforts during the 60 day shrimp baiting period to assist local law enforcement in monitoring and enforcing the baiting laws. Direct that expenditures for other than law enforcement should not exceed 30% of the annual amount collected from the sale of shrimp baiting permits.

WMC: DELETE proviso. *Codified in Section 50-9-920(C)(4) [SHRIMP BAITING LICENSE].* Fiscal Impact: No impact on the General Fund. Requested by Department of Natural Resources.

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HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

37.9. (DNR: Shrimp Baiting Enforcement) ~~The department shall allocate additional enforcement efforts during the sixty (60) day shrimp baiting period to assist existing law enforcement personnel in monitoring and enforcement of the shrimp baiting laws. Further, expenditures for other than law enforcement should not exceed thirty percent (30%) of the annual collections from the sale of shrimp baiting permits.~~

37.10 **DELETE** (Water Recreation Fund and County Game and Fish Fund) Direct the department to retain funds collected for the Water Recreation Fund and the portion of the county game and fish fund derived from licenses and fees and to use those funds for the stated purposes of the funds. Prohibit the department from using these funds to offset base budget reductions. Authorize the department, with the county delegation's recommendation, to use a county's Water Recreational Resource Funds to purchase boats, boat trailers, motors, and boating safety equipment used for law enforcement and rescue.

WMC: AMEND proviso to delete directive that Water Recreation Fund and the portion of county game and fish fund revenue be used for stated fund purposes and the prohibition of using the funds to offset budget reductions. *Codified a portion of the proviso in 50-9-970(D) [COUNTY GAME AND FISH FUND CREATED]; and 12-28-2730(H) [WATER RECREATIONAL RESOURCES FUND]. Prohibition from offsetting base budget reductions conflicts with the flexibility proviso 89.80 which provided \$892,653 in expenditure flexibility in FY 09-10. Per OSB, expenditures of water recreation funds were \$277,761 in FY 10-11 and total revenue for these funds was \$3.8m in FY 09-10.* Fiscal Impact: No impact on the General Fund. Requested by Department of Natural Resources.

HOU: ADOPT proviso as amended.
SFC: DELETE proviso.
SEN: ADOPT deletion of proviso.
CONF: ADOPT Senate deletion.

37.10. (DNR: Water Recreation Fund and County Game and Fish Fund) ~~Funds collected during the current fiscal year by the Department of Natural Resources for the Water Recreation Fund and for that portion of the county game and fish fund derived from licenses and fees must be retained by the department and used for the stated purposes of the respective funds, and may not be used by the department to offset base budget reductions for the current fiscal year. In addition to all other uses allowed by statute, the department may use the Water Recreational Resource Funds of a county for the purchase of boats, boat trailers, motors, and boating safety equipment used for law enforcement and rescue, with the recommendation of the county delegation.~~

37.12 **REINSERT NEW PROVISO** (Reedy River) **WMC:** ADD new proviso to direct DNR, by September 1, 2011, to transfer \$1,000,000 of the funds held in the State Mitigation Trust Fund to the County of Laurens for the Reedy River Restoration as agreed upon in the Colonial Pipeline Settlement. Fiscal Impact: No impact on the General Fund. Per the department, there is \$2.6m remaining in the settlement fund.

HOU: ADOPT new proviso.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT House version.

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37.12. (DNR: Reedy River) The Department of Natural Resources, by September 1, 2011, shall transfer \$1,000,000 of the funds currently being held in the State Mitigation Trust Fund to the County of Laurens for the Reedy River Restoration as agreed upon in the Colonial Pipeline Settlement.

SECTION 39 - P28 - DEPARTMENT OF PARKS, RECREATION AND TOURISM

39.2 DELETE (PARD Prior Year Expenditures) Authorizes PRT to spend restricted funds in the current fiscal year for Parks and Recreation Development Fund grant reimbursement payment expenses incurred in the prior fiscal year.

HOU2: DELETE proviso. Sponsor: Rep. Cooper.

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: SAME in both versions.

~~39.2. (PRT: PARD Prior Year Expenditures) The Department of Parks, Recreation and Tourism shall be authorized to expend restricted funds in the current fiscal year, for Parks and Recreation Development Fund (PARD) grant reimbursement payment expenditures incurred in the prior fiscal year.~~

39.5 DELETE (Product Development Funds) *Establishes the guidelines for administering funds allocated for the Product Development Program.* Authorizes PRT to use uncommitted Product Development funds for agency operating expenses.

SFC: DELETE proviso. *All funds from the non-recurring appropriation have been expended.*

Fiscal Impact: No impact on the General Fund. Requested by Department of Parks, Recreation, and Tourism.

SEN: ADOPT deletion of proviso.

CONF: ADOPT Senate deletion.

~~39.5. (PRT: Product Development Funds) All Product Development funds, whether carried forward or new appropriations, must be matched with a 2 to 1 private funds ratio. An organization receiving a state grant must certify that, as of the date of the application: (i) the private funds are new dollars as of the current fiscal year specifically designated for the purpose of matching state funds; (ii) the private funds have not been previously allocated or designated for product development; (iii) the organization has on hand or has an approved line of credit of not less than the amount of private funds needed to provide the required match. Grant recipients shall provide a quarterly report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the director of the Department of Parks, Recreation and Tourism on the expenditure of the grants funds and on the proposed outcome measures. The department is authorized to utilize uncommitted Product Development funds for general agency operational purposes.~~

39.6 AMEND (Regional Tourism) Directs that of the department's appropriated, authorized, or carried forward funds, they shall provide the same level of recurring and non-recurring funds disbursed to the 11 Regional Tourism groups as the groups received in FY 07-08.

WMC: AMEND proviso to direct PRT to provide \$275,000 for disbursement among the 11 Regional Tourism groups. Prohibit the department from reducing the amount appropriated for this purpose if a general fund reduction occurs in the current fiscal year.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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39.6. (PRT: Regional Tourism) Of the funds appropriated to, authorized for, and/or carried forward by the department, the department shall provide the same level of recurring and non-recurring funds disbursed to \$275,000 for disbursement among the eleven Regional Tourism groups as they received in Fiscal Year 2007-08. In the event the department receives a general fund reduction in the current fiscal year, the department is prohibited from reducing the amount funded to the eleven Regional Tourism groups.

- 39.11** **AMEND** (Destination Specific Tourism Transfer) Directs the Department of Revenue, for FY 2010-11, to transfer to PRT the Motion Picture Incentive Rebate set-aside funds carried forward from the prior fiscal year. Directs that these funds be used for the Destination Specific Tourism Program and authorizes the funds to be carried forward and used for the same purpose.
WMC: AMEND proviso to change Fiscal Year “2010-11” to “2011-12.” Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

39.11. (PRT: Destination Specific Tourism Transfer) From the funds set aside pursuant to the Motion Picture Incentive Wage Rebate, for Fiscal Year ~~2010-11~~ 2011-12 unexpended funds carried forward from the prior fiscal year shall be transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism and utilized for the Destination Specific Tourism Program. These funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purpose.

- 39.13** **REINSERT** (Additional Motion Picture Bonus-Rebate) Authorizes the Film Commission, in addition to the 15% rebate authorized by Section 12-62-50 [TAX REBATE FOR EMPLOYMENT OF PERSONS SUBJECT TO SOUTH CAROLINA INCOME TAX WITHHOLDINGS], 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 employed in connection with the production who are subject to SC income tax withholdings; and in addition to the 15% rebate authorized by Section 12-62-60 [DISTRIBUTION OF ADMISSIONS TAXES; REBATES TO MOTION PICTURE PRODUCTION COMPANIES; PROMOTION OF COLLABORATIVE EFFORTS BETWEEN INSTITUTIONS OF HIGHER LEARNING AND MOTION PICTURE RELATED ENTITIES], authorizes the Film Commission to provide an additional bonus-rebate to a motion picture production company of up to 15% of the expenditures made by the motion picture production company in the State.
SEN: DELETE proviso. *Ruled Out of Order.*
CONF: ADOPT House version. *(Reinserts proviso.*

39.13. (PRT: Additional Motion Picture Bonus-Rebate) In addition to the fifteen percent rebate authorized pursuant to Section 12-62-50, the South Carolina Film Commission may provide an additional Bonus-rebate to a motion picture production company of up to five percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. In addition to the fifteen percent rebate authorized pursuant to Section 12-62-60, the South Carolina Film Commission may provide an additional bonus-rebate to a motion picture production company of up to fifteen percent of the expenditures made by the motion picture production company in the State.

- 39.14** **ADD** (PARD) **HOU2:** ADD new proviso to authorize PRT to spend restricted funds for the Parks, Recreation, and Tourism Fund (PARD) in accordance with Section 51-23-20

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[ALLOCATION OF PROCEEDS OF PARKS AND RECREATION FUND], Regulations, and generally accepted accounting standards. Sponsor: Rep. Cooper.

CONF: ADOPT House version.

39.14. (PRT: PARD) The Department of Parks, Recreation, and Tourism shall be authorized to expend restricted funds for the Parks and Recreation Development Fund (PARD) in accordance with the Section 51-23-20 of the 1976 Code, Regulations, and generally accepted accounting standards.

SECTION 40 - P32 - DEPARTMENT OF COMMERCE

40.2 AMEND (Economic Dev. Coordinating Council - GIS Carry Forward) Authorizes the council, from funds set aside by Section 12-28-2910 [SOUTH CAROLINA COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT; ESTABLISHING PROJECT PRIORITIES; DISPOSITION OF PAYMENTS], to use up to \$60,000 to support actual operating expenses of the Geographic Information Systems Program to support business recruitment and retention, as approved by the council. Authorize unexpended funds to be carried forward and used for the same purpose.

WMC: AMEND proviso to authorize the council to use up to 10% of the funds for actual operating expense to support program administration costs and business recruitment and retention and maintain the use of up to \$60,000 for the GIS program. *Establishes a percentage of the fund which can be used for business recruitment and retention.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

40.2. (CMRC: Economic Dev. Coordinating Council - ~~GIS Carry Forward~~ *Set Aside Fund*) From the amount set aside in Section 12-28-2910, the council is authorized to use up to ten percent of such amount for actual operating expenses in support of administrative program costs and business recruitment and retention and up to \$60,000 to support the Geographic Information Systems (GIS) program ~~for actual operating expenses in support of business recruitment and retention~~, as approved by council. Any balance on June thirtieth of the prior fiscal year may be carried forward and expended for the same purposes in the current fiscal year.

40.10 AMEND FURTHER (Closing Fund) Direct \$7,000,000 is appropriated for the Closing fund for competitive recruitment purposes to be used as approved by the Coordinating Council for Economic Development and authorizes unexpended funds to be carried forward and used for the same purpose.

WMC: AMEND proviso to delete specific reference to \$7,000,000. *The amount the General Assembly funds could change from year to year.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.

HOU: ADOPT proviso as amended.

SFC: AMEND FURTHER to specify "\$5,000,000."

SEN: ADOPT proviso as amended.

CONF: ADOPT Senate version.

40.10. (CMRC: Closing Fund) In order to encourage and facilitate economic development, ~~the \$7,000,000~~ \$5,000,000 appropriated for the Closing Fund for competitive recruitment purposes shall be used as approved by the Coordinating Council for Economic

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Development. Any unexpended ~~balance on June thirtieth,~~ *at the end* of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purposes.

40.12 DELETE (Economic Development Organizations) Directs the department to use \$2,700,000 of the \$3,000,000 appropriated for Regional Economic Development Organizations in FY 07-08 to provide funds to designated organizations and counties and provides a mechanism by which the funds should be distributed. Requires a 1:1 private fund match and that the receiving organization must certify that the private funds match are new dollars specifically designated for this purpose. Directs organizations receiving the funds to 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 that any Regional Economic Development Organizations funds remaining in the department's accounts at the end of FY 09-10 shall be transferred to the General Fund.

WMC: DELETE proviso. *All funds have been expended.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso. *See new proviso 40.18.*

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**40.12.** (CMRC: Economic Development Organizations) The Department of Commerce shall utilize the balance of the \$2,700,000 of the \$3,000,000 appropriated in the Fiscal Year 2007-08 Appropriation Act for Regional Economic Development Organizations to provide funds to the following six economic development organizations that have not already drawn down the maximum of \$450,000:~~

- ~~(1) Central SC Economic Development Alliance;~~
- ~~(2) Charleston Regional Development Alliance;~~
- ~~(3) Economic Development Partnership;~~
- ~~(4) North Eastern Strategic Alliance (NESAs);~~
- ~~(5) Southern Carolina Alliance; and~~
- ~~(6) Upstate Alliance.~~

~~In addition, from the balance of the \$2,700,000 the Lowcountry Economic Alliance shall receive \$150,000.~~

~~For entities that have not already drawn down the maximum of \$450,000 as authorized in Act 117 of 2007, the remaining funds must be disbursed equally to each organization with a maximum amount of \$420,000. Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development.~~

~~The remaining \$300,000 shall be provided to Chester County, Lancaster County, Union County, and York County provided they meet the requirements established above.~~

~~Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the funds to the requesting organization.~~

~~Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.~~

~~Any funds remaining in the department's accounts for Regional Economic Development Organizations at the end of Fiscal Year 2009-10 shall be transferred to the General Fund.~~

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- 40.15 REINSERT** (Civil Air Patrol Transfer) Directs the department to transfer \$50,000 of the funds appropriated to or authorized for the department to the Adjutant General's Office for the Civil Air Patrol.
WMC: DELETE proviso. *Transfers resources to a program which does not contribute toward the department's mission.* Fiscal Impact: No impact on the General Fund. Deletion will provide that \$50,000 of council funds are available to use as incentives. Requested by Department of Commerce.
HOU: ADOPT deletion of proviso.
SFC: REINSERT proviso.
SEN: ADOPT original proviso.
CONF: ADOPT Senate version.

40.15. (CMRC: Civil Air Patrol Transfer) Of the funds appropriated to or authorized for the Department of Commerce, the department shall transfer \$50,000 to the Adjutant's General Office for the Civil Air Patrol.

- 40.17 ADD** (Savannah Valley Development Division) **SFC:** ADD new proviso to transfer all Savannah Valley Development Division assets and obligations to appropriate state and local authorities upon State B&C Board approval. *SVDD is running out of funds and has various assets and obligations for which it is responsible. A plan has been developed to transfer these assets and obligations to other state and local entities in such a way that the public entities benefit from the transfer, but do not acquire any unfunded liabilities.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.
SEN: ADOPT new proviso.
CONF: ADOPT Senate version.

40.17. (CMRC: Savannah Valley Development Division) The Department of Commerce is authorized to transfer any and all assets and obligations of its Savannah Valley Development Division, including, but not limited to, accounts, notes payable, contracts, licenses, leases, real property, rights of way, and easements, to appropriate state and local authorities upon the approval of the State Budget and Control Board.

- 40.18 ADD** (Regional Economic Development Organizations) **SFC:** ADD new proviso to direct 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. Require a 1:1 private fund match and require the receiving organization to certify that the private funds match are new dollars specifically designated for this purpose. Direct organizations receiving the funds to 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. *Replaces proviso 40.12.*
SEN: ADOPT new proviso.
CONF: ADOPT Senate version.

40.18. (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize the \$5,000,000 appropriated in Fiscal Year 2011-12 for Regional Economic Development Organizations to provide funds to the following seven economic development organizations:

- (1) Central SC Economic Development Alliance;
- (2) Charleston Regional Development Alliance;
- (3) Economic Development Partnership;

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- (4) North Eastern Strategic Alliance (NESAs);
- (5) Southern Carolina Alliance;
- (6) Upstate Alliance; and
- (7) Lowcountry Economic Alliance.

Of the \$5,000,000 appropriated for this purpose, \$4,700,000 must be disbursed equally to each organization. Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development.

The remaining \$300,000 shall be provided to Chester County, Lancaster County, Union County, and York County provided they meet the requirements established above.

Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the funds to the requesting organization.

Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.

Unexpended or undistributed funds shall be carried forward from the prior fiscal year into the current fiscal year and shall be used for the same purpose.

SECTION 43 - P40-S.C. CONSERVATION BANK

- 43.2 DELETE NEW PROVISO** (Reimbursement to Taxing Jurisdiction) **HOU:** ADD new proviso to direct that before the Conservation Bank Trust Fund or DNR may acquire or accept real property on behalf of the state to be placed or held in a public program or put to a recreational or wildlife use by the general public, DNR or the Conservation Bank Trust Fund must insure that the transaction agreement provides a means for the seller, donor, department, or trust fund to reimburse the affected county and property taxing jurisdictions for the ad valorem tax revenue lost as a result of removing the property from the property tax rolls. Sponsors: Reps. White and McLeod.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate version. (*Deletes new proviso.*)

43.2. (CB: Reimbursements to Taxing Jurisdictions) DELETED

SECTION 44 - B04-JUDICIAL DEPARTMENT

- 44.17 ADD** (Judges Salary Exemption) **SFC:** ADD new proviso to exempt judges' salaries and related employer contributions from mid-year across-the-board reductions.
SEN: ADOPT new proviso.
CONF: ADOPT Senate version.

44.17. (JUD: Judges Salary Exemption) For the current fiscal year, judges' salaries and related employer contributions in Part IA, Section 44, are exempt from mid-year across-the-board reductions.

SECTION 45 - E20 - ATTORNEY GENERAL'S OFFICE

- 45.5 AMEND FURTHER** (Water Litigation) Authorizes the Attorney General to expend current year Water Litigation funds to reimburse Water Litigation expenditures incurred in the prior

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fiscal year and direct that a record of the prior year expenses be made available to the Senate Finance and House Ways and Means Committees.

WMC: AMEND proviso to require the Attorney General to use the Water Litigation funds remaining as of July 1st as follows: 50% to be used for legal expenses incurred by the Attorney General on Federal litigation and litigation with other states and to transfer the remaining 50% to DNR by September 1st for law enforcement operations. Fiscal Impact: OSB states that per the Attorney General there would be no impact on the General Fund or on federal or other funds unless there are outstanding Water Litigation expenses after July 1st. Per the Attorney General's Office, the agency was authorized to spend \$6.2 million on water litigation case and there is a balance of \$2,266,395.

HOU: AMEND FURTHER to direct that 25% of the balance be transferred to the Commission on Indigent Defense for the Civil Appointment Fund and change the percentage directed to the Attorney General from "50%" to "25%." Sponsors: Reps. G.M. Smith and Pitts.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

45.5. (AG: Water Litigation) The Office of the Attorney General is authorized to expend Water Litigation funds in the current fiscal year to reimburse Water Litigation expenditures incurred in the prior fiscal year. A record of Water Litigation expenses from the prior fiscal year shall be made available to the Senate Finance Committee and the House Ways and Means Committee. During the current fiscal year the Attorney General must use the remaining Water Litigation funds only as follows: 25% of the balance on July 1st must be transferred to the Commission on Indigent Defense for the Civil Appointment Fund, 25% of the balance on July 1st must be used only for legal expenses incurred by the Attorney General regarding Federal litigation and litigation with other states, and 50% of the balance on July 1st must be transferred to the Department of Natural Resources by September 1st for law enforcement operations.

45.8 **ADD** (Securities Fee Revenue) **SFC:** ADD new proviso to direct that after \$20,500,000 of Securities Fee revenues have been deposited to the General Fund the Attorney General may retain \$300,000 to use for operations associated with the increase in licensed securities agents. Authorize the Attorney General to carry forward the revenue to use for the same purpose. Require any remaining Securities Fee revenues be remitted to the General Fund.

SEN: ADOPT new proviso.

CONF: ADOPT Senate version.

45.8. (AG: Securities Fee Revenue) After the provisions of Section 35-1-702(b) of the 1976 Code have been satisfied, and upon notification to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee that such provisions have been satisfied, the next \$20,500,000 of Securities Fee revenues collected during the current fiscal year by the Office of the Attorney General shall be remitted to the General Fund of the State. The Office of the Attorney General may retain the next \$300,000 collected and may utilize these funds for operations to include expert witness expenses, investigative costs, trial preparation, and other related expenses associated with the increase in licensed securities agents. These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose. Remaining Securities Fee revenues collected during the current fiscal year shall be remitted to the General Fund of the State.

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- 45.9 DELETE NEW PROVISO** (Criminal Insurance Activity Investigations) **SFC:** ADD new proviso to authorize the Attorney General to investigate claims and allegations related to insurance fraud. Require any fines collected be remitted to the General Fund.
SEN: DELETE new proviso.
CONF: SAME in both versions.

45.9. (AG: Criminal Insurance Activity Investigations) DELETED

SECTION 46 - E21 - PROSECUTION COORDINATION COMMISSION

- 46.3 AMEND** (Judicial Circuits State Support) Directs the manner in which Judicial Circuits State Support is distributed to the 16 Judicial Circuits; authorizes the commission to fund necessary administrative and personnel costs from these funds, not to exceed 5% of the appropriation; directs that the balance of funds be apportioned on a per capita basis and be based on the 2000 Census; and directs that payment shall be made as soon after the beginning of the each quarter as practical.
HOU: AMEND proviso to delete the authorization for these funds to be used for commission administrative and personnel costs. Sponsors: Reps. Pope, Pitts, and G.M. Smith.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

46.3. (PCC: Judicial Circuits State Support) The amount appropriated and authorized in this section for Judicial Circuits (16) State Support ~~may, upon approval of the commission, be used to fund necessary administrative and personnel costs of the commission and other expenditures approved by the commission, not to exceed 5% of the appropriation, and the balance thereafter remaining~~ shall be apportioned among the circuits on a per capita basis and based upon the official census of 2000. Payment shall be made as soon after the beginning of each quarter as practical.

- 46.7 REINSERT/AMEND** (Violent Crime, CDV, DUI Prosecution) Requires the commission to retain violent crime, CDV and DUI prosecution information and data and provide information to the General Assembly in an annual report within 60 days after the end of the fiscal year on charges prosecuted by assistant solicitors. Requires that the report include, unless privileged by law, information and statistics regarding location, number and type of violent crime, CDV, and DUI charges, number of cases prosecuted, and disposition of the cases.
WMC: DELETE proviso. *Dedicated funding has not been appropriated for prosecuting these crimes and expenditure of resources on data collection and retention on non-dedicated funded prosecutions should not be required.* Fiscal Impact: No impact on the General Fund. Requested by Prosecution Coordination Commission.
HOU: ADOPT deletion of proviso.
SFC: REINSERT proviso and AMEND to require the commission to report to the General Assembly within 60 days after the close of the fiscal year on criminal domestic violence and driving under the influence charges that were prosecuted by assistant solicitors funded from federal grants.
SEN: ADOPT proviso as amended.
CONF: ADOPT Senate version.

46.7. (PCC: Violent Crime, CDV, DUI Prosecution) The Prosecution Coordination Commission shall retain information and data on any federally funded grants whose purpose is for the prosecution of ~~violent crime,~~ criminal domestic violence, and/or driving under the

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influence ~~prosecutions~~ charges and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year ~~of detailing~~ those charges ~~prosecuted~~ handled by assistant solicitors who are funded by the grant(s). If not privileged information by law, the report shall at a minimum include information and statistics regarding the location, the number and type of violent crime, criminal domestic violence, driving under the influence charges, the number of cases prosecuted, and the disposition of the cases number of dispositions, types of dispositions, and county in which the dispositions took place.

- 46.8 DELETE NEW PROVISO** (Offset Against Appropriations) **WMC:** ADD new proviso to require every circuit solicitor to report by July 15th to the B&C Board, Office of State Budget (OSB) Director the gross amount of funds the solicitor received in the prior fiscal year from any civil action brought by the solicitor on behalf of the State pursuant to Section 15-3-570 [ACTIONS OTHER THAN FOR RECOVERY OF REAL PROPERTY-ACTIONS FOR PENALTY]. Define “funds received” as the gross amount of any settlement amount or judgment paid unreduced by attorney’s fees and costs. Require the OSB director, when this information is received, to proportionately reduce each Prosecution Coordination Commission separate appropriation, except for solicitor salaries, by the total amount reported as an offset of their budget appropriation. Require every solicitor to report to the Director of OSB the amount of funds received from any civil action brought by the solicitor on behalf of the State pursuant to Section 15-3-570, within 7 days of receiving the funds. Require the OSB director, when this information is received, to proportionately reduce each Prosecution Coordination Commission separate appropriation, except for solicitor salaries, by the total amount reported as an offset of their budget appropriation.
- HOU:** ADOPT new proviso.
HOU2: DELETE new proviso.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: SAME in both versions.

46.8. (PCC: Offset Against Appropriations) DELETED

- 46.9 REINSERT NEW PROVISO** (Central Office Staff) **HOU:** ADD new proviso to limit the central office to 4 state funded FTEs for the current fiscal year: an Executive Director, Administrative Assistance, Education Coordinator, and Coordinator for Pre-Trial Intervention. Direct that this does not apply to grant funded FTEs. Direct the Office of State Budget to assist the agency with implementing this provision, to include relocating central office staff into a state-owned office building as soon as practicable, and to identify savings achieved by this provision. Direct that any savings be transferred to Judicial Circuits State Support. Direct that this provision does not limit the powers and duties of the Commission on Prosecution Coordination. Sponsors: Reps. Pope and McCoy.
- SFC:** DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT House version.

46.9. (PCC: Central Office Staff) For the current fiscal year, the central office is limited to 4 State Funded FTE’s as follows: Executive Director, Administrative Assistant, Education Coordinator, and the Coordinator for Pre-Trial Intervention. This limitation does not apply to FTE’s funded with grant funds. The Office of State Budget shall assist the agency with the implementation of this proviso to include the re-location of central office staff in a state owned office building as soon as practicable. In addition the Office of State Budget shall identify the savings achieved by this proviso. Any savings achieved must be transferred to Judicial Circuits

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State Support. Nothing in this proviso shall be construed to limit the powers and duties of the Commission on Prosecution Coordination.

- 46.10 DELETE NEW PROVISO** (Special Items Distributed on Per Capita Basis) **HOU:** ADD new proviso to require all special items be distributed to the 16 Circuit Solicitors' offices on a per capita basis. Sponsors: Reps. Pope, Pitts, and G.M. Smith.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate version. (*Deletes new proviso.*)

46.10. (PCC: Special Items Distributed on Per Capita Basis) DELETED

SECTION 47 - E23 - COMMISSION ON INDIGENT DEFENSE

- 47.4 DELETE** (Post Conviction Relief Payments) Directs the court to order payment of all fees and costs in non capital Post Conviction Relief cases from funds appropriated to the Office on Indigent Defense for defense of indigents in such cases. Directs that the rate of compensation for appointed attorneys not exceed \$40 per hour for time spent out of court and \$60 per hour for time spent in court, or on the basis of a set (flat) fee. Directs that the payment method and amount of the set (flat) fee will be determined by the Commission on Indigent Defense. Directs that compensation and costs not exceed \$1,000 in any single case and be paid from funds appropriated to the Office of Indigent Defense for defense of indigents represented by court-appointed, private counsel in non-capital Post Conviction Relief cases.
WMC: DELETE proviso. *Proviso has been incorporated into 47.5 (Civil Court Appointments).* Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~47.4. (INDEF: Post Conviction Relief Payments) The court shall order payment of all fees and costs in non capital Post Conviction Relief cases from funds appropriated to the Office of Indigent Defense for non capital Post Conviction Relief cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Compensation and costs shall not exceed one thousand dollars in any single case and shall be paid from funds appropriated to the Office of Indigent Defense for the representation by court appointed, private counsel, in non capital Post Conviction Relief cases.~~

- 47.5 AMEND FURTHER** (Civil Court Appointments) Directs the expenditure of Civil Court Appointments funds to reimburse court appointed private attorneys for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post Conviction Relief. Prohibits Civil Court Appointments funds from being transferred or used for any other purpose. Directs that Civil Court Appointments funds also be used to reimburse private attorney's appointed by the Family Court to serve as guardians ad litem, where volunteer appointments cannot be made. Establishes a reimbursement rate and provides guidelines for reimbursement to exceed the limits.

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WMC: AMEND proviso to delete reference to attorney's serving as guardian ad litem where volunteer appointments cannot be made. Direct that a portion of "Civil Court Appointments" funds be used to pay for non capital Post Conviction Relief cases . Direct that the rate of compensation for appointed attorneys not exceed \$40 per hour for time spent out of court and \$60 per hour for time spent in court, or on the basis of a set (flat) fee. Direct that the payment method and amount of the set (flat) fee will be determined by the Commission on Indigent Defense. Direct that compensation and costs not exceed \$1,000 in any single case. Direct that if prior approval by written court order is not obtained for reimbursement in excess of the set hourly rate and limit no additional fees shall be paid. Direct that reimbursement in excess of the established amounts are authorized only if the court certifies in a written order that the reimbursement is necessary and such order must be prior to fees being incurred. Direct that if prior approval by written order is not obtained no additional expenses shall be paid. *Attorneys are no longer permitted to serve as guardians ad litem. Directives of proviso 47.4 are merged into this provision.* Fiscal Impact: OSB states that the agency indicates no negative impact on the General Fund. Requested by Commission on Indigent Defense.

HOU: ADOPT proviso as amended.

SFC: AMEND FURTHER to delete language that was included in the proviso twice pertaining to reimbursement in excess of the hourly rate and limit.

SEN: ADOPT proviso as amended.

CONF: ADOPT Senate version.

47.5.(INDEF: Civil Court Appointments) The funds appropriated under "Civil Court Appointments" shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post Conviction Relief (PCR) to reimburse court appointed private attorneys and for other expenditures as specified in this provision. Civil Court Appointments funds may not be transferred or used for any other purpose.

A portion of the funds appropriated under "Civil Court Appointments" shall be used for "Termination of Parental Rights" cases and "Abuse and Neglect" cases to reimburse private attorneys who are appointed by the Family Court ~~to serve as guardians ad litem, where volunteer appointments cannot be made and~~ to represent guardians ad litem, children, or parents under the provisions of S.C. Code Sections 20-7-110 et seq., 20-7-1570 et seq., 20-7-1695 (A)(2) et seq., 20-7-7205 et seq., and 20-7-8705 (4)(a) et seq.; for "Probate Court Commitment" cases to reimburse private attorneys who are appointed by the Probate Court to represent indigent persons; and for "~~Sexual~~ Sexually Violent Predator" cases to reimburse private attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty dollars per hour or reimbursement may also be made on the basis of a set (flat) fee. The method of payment and the amount of the set fee will be determined by the Commission on Indigent Defense. Reimbursement shall not exceed two thousand dollars for any case under which such private attorney is appointed.

A portion of the funds appropriated under "Civil Court Appointments" shall be used for non-capital Post Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Compensation and costs shall not exceed one thousand dollars in any single case.

Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide

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reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. *If prior approval by written order of the court is not obtained, no additional fees shall be paid under any circumstances.*

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall authorize the payment, from funds available to the Office of Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense. *If prior approval by written order of the court is not obtained, no additional expenses shall be paid under any circumstances.*

Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the Senate Finance Committee and the House Ways and Means Committee.

A portion of the funds appropriated under "Civil Court Appointments" may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil court appointments, to be reimbursed in accordance with applicable provisos and statutes.

- 47.8** **DELETE** (INDEF: Application Fee for Appointment of Counsel) "Directs that for the current fiscal year, the application fee for public defender services payable under Section 17-3-30(B) [APPLICATION FEE] is increased to \$40.
WMC: AMEND proviso to delete the reference to "increased to." *Fee is currently \$40.*
Fiscal Impact: No impact on the General Fund. Per agency, revenue generated last fiscal year was \$685,495. Requested by Commission on Indigent Defense.
HOU: ADOPT proviso as amended.
SFC: DELETE proviso. *Codified in Section 17-3-30.*
SEN: ADOPT deletion of proviso.
CONF: ADOPT Senate deletion.

~~**47.8.** (INDEF: Application Fee for Appointment of Counsel) For the current fiscal year, the application fee for public defender services payable under Section 17-3-30(B) is increased to forty (\$40) dollars.~~

- 47.10** **DELETE** (Accounting and Transfer of Assets) Requires each public defender corporation to provide to the Commission on Indigent Defense by September 1, 2008, an accounting of all funds received and expended by or on behalf of the corporation for each county served during FY 07-08. Requires the accounting to be certified as true and correct by an official representative of the defender corporation. Requires each corporation, by September 1, 2008, to assign and transfer or cause to be assigned and transferred all corporation funds and other assets to the Office of the Circuit Public Defender in the circuit in which the county is situated and directs that these funds and assets are to be used to provide indigent services within the county.
WMC: DELETE proviso. *All assets have been transferred.* Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.
HOU: ADOPT deletion of proviso.

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SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~47.10. (INDEF: Accounting and Transfer of Assets) Each public defender corporation shall provide to the Commission on Indigent Defense no later than September 1, 2008, an accounting of all funds received and expended by or on behalf of the corporation for each county served during Fiscal Year 2007-08. The accounting shall be certified by an official representative of the defender corporation as true and correct; and no later than September 1, 2008, each such corporation shall assign and transfer or cause to be assigned and transferred all funds and other assets of the corporation of every kind and nature to the Office of the Circuit Public Defender in the circuit in which the county is situate, to be used for the provision of indigent defense services within the county.~~

SECTION 48 - D10 - STATE LAW ENFORCEMENT DIVISION

48.8 DELETE (Detective/Security Fee) Authorizes SLED to charge and collect additional license and registration fees for private detective and private security businesses, including their employees, and companies which provide private security on their own premises. Directs that the revenue generated be transmitted to DPS to provide additional Capitol Complex area security.

SEN: DELETE proviso. *Ruled Out of Order. See new proviso 48.20.*
CONF: ADOPT Senate deletion.

~~48.8. (SLED: Detective/Security Fee) The State Law Enforcement Division is hereby authorized to charge and collect additional license and registration fees for private detective businesses, private security businesses, including employees of these businesses, and companies which provide private security on their own premises. The funds generated will be transmitted to the Department of Public Safety and used for the purpose of providing additional security in the Capitol Complex area.~~

48.12 AMEND (Private Detective Fees Criminal History Checks) Authorizes SLED to charge private and individual detective companies, private security companies, armed security guards, and proprietary security companies an additional \$25 fee to process state criminal history checks and \$50 for federal fingerprint based criminal history checks. Authorizes these funds to be collected, retained, expended and carried forward.

SEN: AMEND proviso to delete reference to the fee being “an additional” fee. Sponsor: Sen Massey.
CONF: ADOPT Senate version.

~~48.12. (SLED: Private Detective Fees Criminal History Checks) The State Law Enforcement Division is authorized to charge private detective companies, individual private detectives, private security companies, armed security guards, and proprietary security companies an additional a fee of twenty-five dollars to process state criminal history checks and fifty dollars for federal fingerprint based criminal history checks. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement Division.~~

48.18 ADD (Use of PIP Funds) **HOU:** ADD new proviso to authorize SLED to use approved permanent improvement funds for projects 9807 and 9845 toward construction of a storage and logistics facility. Sponsor: Rep. Pitts.
SFC: ADOPT new proviso.

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SEN: ADOPT new proviso.
CONF: SAME in both versions.

48.18. (SLED: Use of PIP Funds) The agency is authorized to use approved permanent improvement funds for projects 9807 and 9845 toward construction of a storage and logistics facility.

- 48.19** **ADD** (Meth Lab Study Committee) **SEN:** ADD new proviso to direct SLED to form a committee consisting of DHEC, emergency management personnel, local law enforcement, municipal and county officials and additional entities they deem necessary to study problems associated with cleaning illegal meth labs, disposing of their hazardous materials, and costs associated with the clean up. Require SLED submit recommendations to the General Assembly by January 30, 2012. Sponsor: Sen. Fair.
CONF: ADOPT Senate version.

48.19. (SLED: Meth Lab Study Committee) From the funds appropriated to or authorized for the State Law Enforcement Division, the division is directed to form a committee consisting of the Department of Health and Environmental Control, emergency management personnel, local law enforcement, municipal and county officials, and any additional entities they deem necessary to study the problems of cleaning illegal methamphetamine labs, disposing of hazardous materials from those labs, and the costs associated with such clean-ups. The State Law Enforcement Division shall make a written report with recommendations to the General Assembly no later than January 30, 2012.

- 48.20** **ADD** (Private Detective/Security Fee) **SEN:** ADD new proviso to direct that the license and registration fees SLED sets for private detective and security businesses, their employees, and companies which provide private security on their own premises must not exceed fees set by regulation as of January 1, 2011, unless the General Assembly approves otherwise. Direct SLED to transfer \$480,000 of these fees to DPS to provide Capitol Complex area security. Sponsors: Sens. Fair, Massey, and Knotts.
CONF: ADOPT Senate version.

48.20. (SLED: Private Detective/Security Fee) The license and registration fees set by the State Law Enforcement Division for private detective businesses, private security businesses, including employees of these businesses, and companies which provide private security on their own premises must not exceed those fees set by regulation as of January 1, 2011, unless otherwise approved by the General Assembly. From the funds collected from these fees, the State Law Enforcement Division must transfer \$480,000 to the Department of Public Safety which shall be used for the purpose of providing security in the Capitol Complex area.

SECTION 50 - N20-LAW ENFORCEMENT TRAINING COUNCIL

- 50.3** **DELETE** (CJA-Loan Approval) Authorizes the Criminal Justice Academy, subject to JBRC review and B&C Board approval, to borrow up to \$12,000,000 to construct and equip a new dormitory to house students at the Academy and for additional classroom and office space to meet increased demand. Authorizes the State Treasurer to negotiate the terms and conditions of the loan, revenue bond or other financing arrangement and direct that the indebtedness be repaid exclusively from either the \$5 surcharge authorized in Section 90 or other Criminal Justice Academy funds.

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WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. Per CJA 6 year loan is for \$9,345,000 for new village at 3.414%. Provides 208 bed dorm and 6 classrooms. Requested by Law Enforcement Training Council.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~50.3. (LETC: CJA-Loan Approval) Subject to the review of the Joint Bond Review Committee and approval of the Budget and Control Board, the Criminal Justice Academy is authorized to borrow an amount not to exceed \$12,000,000 to construct and equip a new dormitory to house students in training at the Academy and additional classroom and office space to meet the increased demand for mandated basic law enforcement training as well as advanced and specialized training. The State Treasurer is authorized to negotiate the terms and conditions of a loan, revenue bond, or other financing arrangement, the indebtedness for which must be repaid exclusively from either the five dollar surcharge authorized in Section 90 of this Act or other Criminal Justice Academy funds.~~

SECTION 51 - N04 - DEPARTMENT OF CORRECTIONS

51.19 DELETE (CORR: Dairy Processing Operation Expansion) Authorizes the department, subject to JBRC review and B&C Board approval to borrow up to \$6,000,000 to construct and equip a new Dairy Processing Operation at the Wateree River Farm Facility. Authorizes the State Treasurer to negotiate the terms and conditions of the loan, revenue bond or other financing arrangement and direct that the indebtedness be repaid exclusively from either net revenues of the new Dairy Processing Operation or other department funds.

WMC: DELETE proviso. *The loan was secured and the project has begun. Loan projected to be paid off in 6 years. Per agency in-house production of milk saves \$1 million a year.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~51.19. (CORR: Dairy Processing Operation Expansion) Subject to the review of the Joint Bond Review Committee and approval of the Budget and Control Board, the Department of Corrections is authorized to borrow an amount not to exceed \$6,000,000 for the purpose of constructing and equipping a new Dairy Processing Operation to be located at its Wateree River Farm facility. The State Treasurer is authorized to negotiate the terms and conditions of a loan, revenue bond, or other financing arrangement, the indebtedness for which must be repaid exclusively from either net revenues derived from operations of the new Dairy Processing Operation or other Department of Corrections funds.~~

51.24 AMEND (Public/Private Partnerships for Construction) Provides for construction of as many multi-purpose buildings at institutions as possible from funds appropriated in Act 407 of 2006. Requires matching funds for certain institutions prior to the start of construction.

SFC: AMEND proviso to delete requirement that the department may only use inmate labor and other agency resources to construct buildings after seeking competitive bids. Requested by Department of Corrections.

SEN: ADOPT proviso as amended.

CONF: ADOPT Senate version.

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51.24. (CORR: Public/Private Partnerships for Construction) Funds appropriated in Act 407 of 2006, Item 23, shall be used to construct as many multi-purpose buildings at Department of Corrections institutions as possible. For such facilities at Lieber, McCormick, Leath, or Allendale Correctional Institution, at least \$150,000 in matching funds and/or construction materials or services must be donated before construction of the facility may begin. At other Department of Corrections locations, the Director may require that donated funds and/or materials or services equal one-half of the cost of construction, including design and engineering costs. ~~The department may utilize inmate labor and other agency resources to construct the buildings only after seeking competitive bids to ensure the most cost effective method of construction.~~

51.28 **DELETE** (LAC Recommendations) Directs the department to report on the status of implementing the recommendations contained in the LAC's October 2009 Limited Scope Review of the Department of Corrections. Requires that the report be provided to the Senate Corrections and Penology and the House 3M Committees by January 4, 2011.

WMC: DELETE proviso. *Report has been submitted regarding agency expenditures, personnel procedures, litigation, and other operational topics.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**51.28.** (CORR: LAC Recommendations) The Department of Corrections is directed to provide a report on the status of implementation of the recommendations contained in the Legislative Audit Council's October 2009 Limited Scope Review of the Department of Corrections. The report must be provided by January 4, 2011, to the Senate Corrections and Penology Committee and the House of Representatives Medical, Military, Public and Municipal Affairs Committee.~~

51.29 **DELETE** (Legal Fees) Directs the department to submit a report to the Senate Finance and House Ways and Means Committees that details expenditure of all funds, including Insurance Reserve Fund expenditures or any prepaid legal account, that have been expended within the last four fiscal years for private lawyers to defend wrongful termination actions or other personnel matters brought against the department's employees or former employees. Requires the report include, at a minimum, a detailed accounting of expenditures, to include names of parties to the lawsuits, cause(s) of action, date of alleged wrongdoing, name of private lawyers engaged, amount paid to each private lawyer, status of pending lawsuits, and outcome of order or judgment. Direct that the report be submitted by October 1 of the current fiscal year.

WMC: DELETE proviso. *Report has been submitted on 4 years of claims.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**51.29.** (CORR: Legal Fees) For the current fiscal year, the Department of Corrections shall submit a report to the Senate Finance Committee and the House Ways and Means Committee detailing the expenditure of all funds, including expenditures from the Insurance Reserve Fund or any prepaid legal account, within the last four fiscal years for private lawyers to defend actions for wrongful termination or other personnel matters against the department's~~

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~~employees or former employees. At a minimum, the report must provide a detailed accounting of the expenditures to include the names of parties to the lawsuits, the cause(s) of action, the date of the alleged wrongdoing, name of private lawyers engaged, amount paid to each private lawyer, status of all pending lawsuits, and outcome of any order or judgment. The report must be submitted by October first of the current fiscal year.~~

- 51.30 AMEND NEW PROVISO** (Credited Jail Time; DNA Sample Collection) **WMC:** ADD new proviso to direct that inmates sentenced to the Department of Corrections for more than 90 days are not required to be transported to the department's Reception and Evaluation Center if their jail time credit is in excess of their sentence. Direct that cities and counties who house inmates who have jail time credit in excess of their sentence may, through written agreement with the department, transfer required commitment records to the department electronically or by other means. Require the department to establish reasonable documentation requirements to facilitate implementation of this cost saving measure. Require department employees assigned to the court to obtain DNA samples from offenders who are required to submit such samples. Direct that this provision does not exempt those inmates from the \$250 DNA fee as required by Section 23-3-670 [COST OF COLLECTION SUPPLIES FOR PROCESSING SAMPLES; PROCESSING FEES]. Direct that the fee be collected in the same manner as other fines and fees and that it be submitted to the State Treasurer for remittance to SLED. Fiscal Impact: Per agency, 311 inmates were admitted to R&E and released within 5 days.
- HOU:** ADOPT new proviso.
- SFC:** AMEND new proviso to specify that employees of the "Department of Probation, Parole, and Pardon Services" assigned to the court or "employees of the Department of Corrections, as applicable" shall obtain DNA samples.
- SEN:** ADOPT new proviso as amended.
- CONF:** ADOPT Senate version.

51.30. (CORR: Credited Jail Time; DNA Sample Collection) Inmates committed to the Department of Corrections for sentences greater than 90 days, but who have credit for jail time in excess of their sentence to incarceration are not required to be transported to the Reception and Evaluation Center of the Department of Corrections. Cities and counties housing inmates who have credit for jail time in excess of their sentence may, through written agreement with the Department of Corrections, transfer required commitment records to the department electronically or by other means. The Department of Corrections must establish reasonable documentation requirements to facilitate the implementation of this cost savings measure. Employees of the Department of Probation, Parole, and Pardon Services assigned to the court or employees of the Department of Corrections, as applicable, shall obtain DNA samples from the offenders who are required to submit DNA samples. This provision does not exempt the above referenced inmates from the \$250 DNA fee as required by Section 23-3-670 of the 1976 Code. The \$250 fee shall be collected in the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.

- 51.31 ADD** (Cell Phone Interdiction) **WMC:** ADD new proviso to authorize the director to add a surcharge to all inmate pay phone calls to offset the cost of cell phone interdiction equipment and operations. Direct that the surcharge will be added to the cost per call, be collected by chosen telephone vendor and be paid to the department of a monthly basis. Authorize the department to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell phone interdiction. Direct that once the equipment is paid in full, the surcharge amount will be reviewed and adjusted to cover the cost of ongoing interdiction operations. Authorize unexpended funds to be carried forward and used for the same purpose. *The equipment will help ensure the safety and security of inmates, employees*

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and the general public. Fiscal Impact: No impact on the General Fund. Per agency a 50¢ to 75¢ surcharge per call would raise about \$1.5 - \$1.75 million per year towards to total cost of \$5 million. Requested by Department of Corrections.

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

51.31. (CORR: Cell Phone Interdiction) The Director of the Department of Corrections is granted the right to add a surcharge to all inmate pay phone calls to offset the cost of equipment and operations of cell phone interdiction measures. The surcharge will be added to the cost per call, collected by chosen telephone vendor and paid to the department of a monthly basis. The department is authorized to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell phone interdiction. When the equipment has been paid in full, the surcharge amount will be reviewed and adjusted to cover the cost of ongoing operational expenses of the interdiction equipment. Any unexpended balance may be carried forward from the prior fiscal year into the current fiscal year and be used for the same purpose.

51.32 DELETE NEW PROVISO (Criminal Illegal Alien Rapid Repatriation) WMC: ADD new proviso to authorize the Director of the Department of Corrections to release a prisoner to the custody and control of the US Immigration and Customs Enforcement if: a) the department has received a deportation order from the US Citizenship and Immigration Services; b) the prisoner has served at least 1/3 of the total amount of incarceration imposed by the court; and c) the prisoner has not been convicted of an offense as provided in Sections 16-3-10 [MURDER]; 16-3-29 [ATTEMPTED MURDER]; 16-3-652 and 16-3-653 [CRIMINAL SEXUAL CONDUCT IN THE FIRST AND SECOND DEGREE]; 16-3-655 [CRIMINAL SEXUAL CONDUCT WITH MINORS, FIRST AND SECOND DEGREE]; 16-3-600(B) [ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE]; 16-3-910 [KIDNAPPING]; 16-11-330(A) [ARMED ROBBERY]; 16-11-330(B) [ATTEMPTED ARMED ROBBERY]; drug trafficking as defined in 44-53-370(e) or trafficking in methamphetamine or cocaine base as defined in 44-53-375(C); 16-11-311 [BURGLARY IN THE FIRST DEGREE]; 16-3-85(A)(1) [HOMICIDE BY CHILD ABUSE]; 16-25-65 [CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE]; 16-15-140 [LEWD ACT UPON A CHILD UNDER SIXTEEN]; 16-15-395 [SEXUAL EXPLOITATION OF A MINOR FIRST DEGREE]; 16-15-405 [SEXUAL EXPLOITATION OF A MINOR SECOND DEGREE]; 16-15-415 [PROMOTING PROSTITUTION OF A MINOR]; 16-15-425 [PARTICIPATING IN PROSTITUTION OF A MINOR]; 56-5-2945(A)(2) [FELONY DRIVING UNDER THE INFLUENCE OR FELONY DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION RESULTING IN DEATH]. Require the director to consider all sentences being served when calculating the total amount of incarceration, but prohibit suspended portions of any sentence from being considered. Direct that if a prisoner who is released pursuant to this provision returns to the US illegally, upon notice from any federal or state law enforcement that the prisoner is incarcerated, the director shall revoke their release and the prisoner must serve the remainder of their sentence and shall not be eligible for parole. Fiscal Impact: Per the Department of Justice, in FY 10 SCDC reported 574 alien inmates and the Federal award received was \$376,359 or \$655.68 per alien inmate. In FY 09 SCDC reported 462 alien inmates and the Federal award received was \$459,670 or \$994.96 per alien inmate.

HOU: ADOPT new proviso.

SFC: AMEND new proviso to correct reference to the department. *Technical.*

SEN: DELETE new proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

51.32. (CORR: Criminal Illegal Alien Rapid Repatriation) DELETED

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SECTION 53 - N12 - DEPARTMENT OF JUVENILE JUSTICE

53.3 **DELETE** (Educational Funds Audit) Requires DJJ, notwithstanding EFA provisions, to have its educational funds audited by the State Auditor on a schedule established by the State Auditor and directs that the audit be sufficient to satisfy the timetable for audits required in Reg 43175.

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

~~**53.3.** (DJJ: Educational Funds Audit) Notwithstanding the provisions of the Education Finance Act, the South Carolina Department of Juvenile Justice shall have its educational funds audited by the Office of the State Auditor pursuant to a schedule established by the State Auditor, and said audit shall be sufficient to satisfy the timetable for audits required in Regulation 43175.~~

53.6 **DELETE** (Juvenile Justice Parole Board Compensation) Authorizes DJJ to pay Juvenile Justice Parole Board members up to \$200 a day for services rendered in performance of their official duties. Limits the amount of agency funds that can be used for this purpose to \$48,000 a year and directs that this amount is subject to base budget reductions.

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

~~**53.6.** (DJJ: Juvenile Justice Parole Board Compensation) The department is authorized to pay the Juvenile Justice Parole Board member up to \$200 per day for services rendered to the agency in the performance of their official duties. The total amount of agency funds which can be utilized in this manner cannot exceed \$48,000 per year and is subject to base budget reductions.~~

53.15 **AMEND** (Emergency Authority to Transfer PIP Funds) Authorizes DJJ to transfer up to \$1,500,000 of its Permanent Improvement Project (PIP) funds, excluding Capital Improvement Bond funds, to its operating and personal service accounts, if those funds are unobligated or not committed for active permanent improvement projects. Authorizes DJJ to use these funds in FY 2010-11 as necessary order to maintain constitutional conditions in its institutional facilities and residential programs.

WMC: AMEND proviso to change Fiscal Year "2010-11" to "2011-12."

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

53.15. (DJJ: Emergency Authority to Transfer PIP Funds) The Department of Juvenile Justice is authorized to transfer to its operational and/or personnel accounts up to \$1,500,000 of Permanent Improvement Project (PIP) funds, excluding Capital Improvement Bond funds, that have been previously allocated to the department by the General Assembly/Joint Bond Review Committee and approved by the Budget and Control Board, if those funds are unobligated or not otherwise committed by the department for active permanent improvement projects. The department may utilize these funds in Fiscal Year ~~2010-11~~ 2011-12 as necessary in order to maintain constitutional conditions in its institutional facilities and residential programs.

53.17 **AMEND** (Earned Compliance Credit) Authorizes the department to grant up to a 10 day reduction of the probationary or parole term of probationers and parolees under their

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supervision for each month they are in compliance with the terms and conditions of their probation or parole order. Prohibits parolees under the Board of Juvenile Parole's jurisdiction from being eligible to receive this credit.

SFC: AMEND proviso to delete the prohibition pertaining to parolees under the Board of Juvenile Parole's jurisdiction. Requested by Department of Juvenile Justice.

SEN: ADOPT proviso as amended.

CONF: ADOPT Senate version.

53.17. (DJJ: Earned Compliance Credit) In order to avoid unconstitutional levels of overcrowding and other unconstitutional conditions from occurring in residential programs operated for the Department of Juvenile Justice, and in order to reduce caseloads of the Department's probation and parole officers so that these officers can better focus their attention and limited resources on those offenders who pose a greater threat to public safety, the Department is authorized to grant up to a ten day reduction of their probationary or parole term to probationers and parolees who are under its supervision for each month they are compliant with the terms and conditions of their probation or parole order. ~~Parolees under the jurisdiction of the Board of Juvenile Parole are not eligible to receive this credit.~~

SECTION 55 - L46-COMMISSION FOR MINORITY AFFAIRS

55.5 **DELETE NEW PROVISO** (Fatherhood and Families Pilot Program) **HOU:** ADD new proviso to direct the commission, if funds are available, to implement and support a Fatherhood and Families Pilot Program in Darlington County. Direct that the pilot program's goals will be to link absent fathers with their children in order to diminish the negative impact and effects of "father absence" and to strengthen families. Sponsor: Rep. Limehouse.

SFC: DELETE new proviso.

SEN: ADOPT deletion of proviso.

CONF: ADOPT Senate deletion.

55.5. (CMA: Fatherhood and Families Pilot Program) DELETED

SECTION 64 - R28-DEPARTMENT OF CONSUMER AFFAIRS

64.5 **AMEND** (Retention of Fees) Authorizes the department, for FY 10-11, to retain all fees collected pursuant to Sections 39-61-80 [MOTOR CLUB SERVICES ACT: CERTIFICATES OF AUTHORITY PERMANENT UNLESS SUSPENDED OR REVOKED; RENEWAL REQUIREMENTS], 39-61-120 [MOTOR CLUB SERVICES ACT: REGISTRATION OF CLUB REPRESENTATIVES; TERMINATION OF REPRESENTATIVE'S AUTHORITY; FEE], 40-39-120 [PAWNBROKERS: FEE FOR CERTIFICATE OF AUTHORITY; REVOCATION OF CERTIFICATE; RENEWAL], and 44-79-80 [PHYSICAL FITNESS SERVICES ACT: FINANCIAL RESPONSIBILITY REQUIREMENTS; CERTIFICATES OF AUTHORITY] and to use the retained funds to implement the requirements of the programs mandated by those sections.

WMC: AMEND proviso to change Fiscal Year "2010-11" to "2011-12." Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

64.5. (CA: Retention of Fees) For Fiscal Year ~~2010-11~~ 2011-12, the department may retain all fees collected pursuant to Sections 39-61-80, 39-61-120, 40-39-120, and 44-79-80 of

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the 1976 Code. The funds retained shall be utilized to implement the requirements of the programs mandated by those sections of the code.

SECTION 65 - R36-DEPARTMENT OF LABOR, LICENSING AND REGULATION

65.7 RESTORE ORIGINAL PROVISO (Flexibility) Authorizes the department to spend agency earmarked and restricted accounts to absorb general fund reductions to the OSHA and OSHA Voluntary Programs. Requires any increase in spending authorization for these purposes to receive prior Office of State Budget approval.

SEN: AMEND proviso to delete reference to “agency earmarked and restricted accounts” and instead authorize LLR to spend “funds not statutorily restricted for a specific use.” Sponsor: Sen. McConnell.

CONF: ADOPT House version. (*Restores original proviso.*)

65.7. (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the OSHA and OSHA Voluntary Programs, the Department of Labor, Licensing, and Regulation shall be authorized to spend agency earmarked and restricted accounts to maintain these critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Office of State Budget.

65.8 AMEND (Immigration Bill Funding) Requires the department to retain \$2,000,000 of the funds carried forward in Subfund 3135 to fund the department’s Illegal Immigration Reform Act responsibilities prior to transferring Subfund 3135 funds for any other purpose. Directs the department to compile an accountability report that outlines Immigration Bill funding expenditures and to submit the report on the first Tuesday of February 2011 to the President Pro Tempore of the Senate, Speaker of the House, and Chairmen of the Senate Finance and House Ways and Means Committees, and Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee and House Ways and Means Transportation and Regulatory Subcommittee.

WMC: AMEND proviso to change “\$2,000,000” to “\$1,414,814” and “2011” to “2012.”
Fiscal Impact: No impact on the General Fund. Reduces the amount of carry forward funds to be dedicated to the Illegal Immigration Reform Act to the amount the agency estimates is needed.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

65.8. (LLR: Immigration Bill Funding) Prior to any funds carried forward from the prior fiscal year in Subfund 3135 being transferred to fund any other purpose, ~~\$2,000,000~~ \$1,414,814 must be retained by the Department of Labor, Licensing, and Regulation to fund the department’s responsibilities under the South Carolina Illegal Immigration Reform Act. The department shall compile an accountability report outlining expenditures of the Immigration Bill funding to be issued to the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the Chairman of the House Ways and Means Transportation and Regulatory Subcommittee. Said report must be issued on the first Tuesday of February ~~2011~~ 2012.

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65.10 AMEND (South Carolina Emergency Response Task Force/State Urban Search and Rescue Program) Directs that for FY 11-12, after the requirements of proviso 65.8 and the OSHA program state match have been met, \$650,000 of the funds carried forward in Subfund 3135 must be used for the SC Emergency Response Task Force/State Urban Search and Rescue Program.

WMC: AMEND proviso to change "FY 2010-11" to "Fiscal Year 2011-12." Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

65.10. (LLR: South Carolina Emergency Response Task Force/State Urban Search and Rescue Program) After the requirements of proviso 65.8 of this act and the state match for the OSHA program have been met, \$650,000 of the funds carried forward in Subfund 3135 must be retained by the Department of Labor, Licensing, and Regulation to fund, maintain, and operate the South Carolina Emergency Response Task Force/State Urban Search and Rescue Program for ~~FY 2010-11~~ Fiscal Year 2011-12.

65.11 DELETE (Release of Information) Directs the department to provide information requested by a POL Board that operates under the purview of the department in a timely manner.

SFC: DELETE proviso. *Agency is required by Title 40 to provide information requested by POL boards.* Fiscal Impact: No impact on the General Fund. Requested by Department of Labor, Licensing and Regulation.

SEN: ADOPT deletion of proviso.

CONF: ADOPT Senate deletion.

65.11. (LLR: Release of Information) ~~If a Professional and Occupational Licensing Board operating under the purview of the department requests information, such information must be provided in a timely manner.~~

65.13 ADD (Board of Pharmacy) **SEN:** ADD new proviso to require the Board of Pharmacy to accept affidavits of practical experience from interns whose internships occurred in this State. Require the affidavit provide that the supervising pharmacist and site of experience is licensed and in good standing with the board and that the internship falls within criteria set by the board. Require a \$10 fee accompany the affidavit to cover administrative costs associated with compliance with this provision. Sponsor: Sen. Rankin.

CONF: ADOPT Senate version.

65.13. (LLR: Board of Pharmacy) The Board of Pharmacy must accept affidavits of practical experience from interns whose practical experience internships occurred in this State. The affidavit must provide that the supervising pharmacist and the site of experience is licensed and in good standing with the board and that the internship falls within the criteria for internships set by the board. The affidavit must be accompanied by a ten dollar fee to cover administrative costs associated with compliance with this proviso.

SECTION 66 - R40-DEPARTMENT OF MOTOR VEHICLES

66.6 DELETE (DMV Transaction Fee) Authorizes DMV to collect a transaction fee from commercial third parties who either transmit or retrieve data from the department. Directs that the fee not exceed \$5 per transaction and that the fee must be mutually agreed to by all parties.

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Authorizes the department to retain and place the fee in a special restricted interest bearing account to defray costs associated with maintaining and operating their information technology system.

SFC: DELETE proviso. *Codified in Section 56-19-265(B).*

SEN: ADOPT deletion of proviso.

CONF: ADOPT Senate deletion.

~~66.6. (DMV: DMV Transaction Fee) The Department of Motor Vehicles is authorized to collect a transaction fee from commercial third parties who either transmit or retrieve data from the DMV. The fee cannot exceed five dollars per transaction and must be mutually agreed to by all parties. These fees are to be retained by the division and placed in a special restricted interest bearing account to be used by the division to defray the costs associated with the maintenance and operation of the division's information and technology system.~~

66.7 DELETE (Motor Carrier Registration Fees) Requires administration of Title 58, Chapter 23 [MOTOR VEHICLE CARRIERS], Article 3 [INSURANCE AND REVOCATION CERTIFICATES] and Article 5 [ANNUAL APPLICATIONS AND LICENSE FEES] be funded from motor carrier registration fees and authorizes unexpended funds to be retained and carried forward.

SFC: DELETE proviso. *Codified in Section 56-3-662.*

SEN: ADOPT deletion of proviso.

CONF: ADOPT Senate deletion.

~~66.7. (DMV: Motor Carrier Registration Fees) Administration of Articles 3 and 5, Chapter 23, Title 58, shall be funded from the motor carrier registration fees collected by the department that previously were collected by the Public Service Commission. All unexpended funds from prior years collected under this proviso may be retained and carried forward by the department for the same purposes.~~

SECTION 68A - U12-DEPARTMENT OF TRANSPORTATION

68A.6 DELETE (Commissions Per Diem, Subsistence, Mileage) Authorizes Department of Transportation Commission members to receive per diem, subsistence and mileage for each official meeting as provided by law for members of boards, commissions, and committee.

WMC: DELETE proviso. *The commission is already authorized to receive these through provisos 89.21 and 89.22.* Fiscal Impact: No impact on the General Fund. Requested by Department of Transportation.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~68A.6. (DOT: Commissions Per Diem, Subsistence, Mileage) Members of the Department of Transportation Commission shall receive such per diem, subsistence and mileage for each official meeting as is provided by law for members of boards, commissions, and committees.~~

68A.7 DELETE (Contract Mass Transit System) Authorizes the Department to contract mass transit funds with any private operator of a mass transit system to provide service to the general public if a plan of service has been established and approved by the local general purpose government with jurisdiction, the department, the Transportation Commission, and the federal government.

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WMC: DELETE proviso. *There are federal regulations that govern when and in what manner states may contract with private operators using federal funding.* Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**68A.7.** (DOT: Contract Mass Transit System) The Department of Transportation is hereby authorized to directly contract mass transit funds with any private operator of a mass transit system to provide service to the general public; provided, that a plan of service has been established and approved by the local general purpose government which has jurisdiction for the area to be served, and approved by the department, the Transportation Commission and the federal government.~~

68A.8 DELETE (Coordinate Transportation Funding and Resources) Directs the Department of Transportation to continue to carry out and enhance public transportation coordination planning and demonstration process and to submit a progress report on or before January 15th each year. Allows the report to be combined with the DOT annual report required by Section 57-3-760 [ANNUAL REPORT] and the Mass Transit Division report required by Section 57-3-40 [OFFICE OF PUBLIC TRANSIT; POWERS AND DUTIES].

WMC: DELETE proviso. *Section 57-3-40 has been amended to incorporate these requirements. DOT reports the same information in their accountability report. Executive Order NO 2009-13 established the S.C. Interagency Transportation Coordination Council and also included these provisions while Act 206 of 2010 devolved all council duties and responsibilities upon the Office of Public Transit.* Fiscal Impact: No impact on the General Fund. Requested by Department of Transportation.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**68A.8.** (DOT: Coordinate Transportation Funding and Resources) The Department of Transportation shall continue to carry out and enhance the coordination planning and demonstration process for public transportation funding and resources established during the prior fiscal year. A progress report shall be submitted to the General Assembly on or before January fifteenth each year. The progress report required by this section may be combined with the Department of Transportation Annual Report required pursuant to Section 57-3-760 and the Mass Transit Division Report required by Section 57-3-40, Code of Laws, 1976, as amended. The intent of this proviso is to improve access and delivery of transportation services, especially in rural areas. In planning and developing mechanisms for increasing coordination of funding streams and resources at both the state and local levels, the Department of Transportation shall work with each agency that provides funding for transportation and assure input in the process from major local providers of transportation services to the public, including current providers of coordinated public service.~~

~~Any agency, local government or other entity, including nonprofit organizations, using state funds or state administered federal funds for the purpose of transporting private citizens on a regular basis, (1) must provide input and information as requested by the Department of Transportation in a timely manner and in a format specified by the Department of Transportation in order to update data on transportation resources for planning purposes and; (2) show evidence of progress toward the development of or participation in a coordination~~

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~~plan. The Department of Corrections, the Department of Education, school districts and institutions of higher education are exempt from the requirements of this section. No transportation funds may be provided to any entity not in compliance with the requirements of this section.~~

68A.10 DELETE (Financial Status Reports) Directs the Department of Transportation to provide quarterly reports on the financial status of highway projects to the corresponding Metropolitan Planning Organization or Regional Council of Governments.

WMC: DELETE proviso. *The information required to be provided is updated and provided on the agency's web page as part of the Statewide Transportation Improvement Program with the exception of expenditures and obligations. That information could be provided as requested.* Fiscal Impact: No impact on the General Fund. The agency would recognize a cost savings through reduction of paper and utilizing employee time more productively. Requested by Department of Transportation.

HOU: ADOPT deletion of proviso.

SFC: REINSERT proviso.

SEN: ADOPT original proviso.

CONF: ADOPT House deletion.

~~**68A.10.** (DOT: Financial Status Reports) The Department of Transportation must provide to each Metropolitan Planning Organization and Regional Council of Government, as appropriate, a quarterly financial status report of approved highway projects to include authorized project financial obligations and to date project expenditures and percent of completion.~~

68A.14 DELETE NEW PROVISIO (Statewide Rail Planning) **WMC:** ADD new proviso to direct the Office of Railroads within the Division of Intermodal and Freight Programs, pursuant to Act 206 of 2010 [DIVISION OF RAILROAD TRANSPORTATION], to further implement a state railroad corridor preservation and revitalization plan and a comprehensive state rail plan for passenger and freight railroads and infrastructure services in compliance with applicable federal laws, rules, and regulations. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

68A.14. (DOT: Statewide Rail Planning) DELETED

68A.15 DELETE NEW PROVISIO (Advertising) **WMC:** ADD new proviso to authorize the department to enter into agreements with private entities to advertise on its primary agency website, other project websites, properties associated with and owned by the department, the Shelter and Bench Program, the Incident Response Program, Rest Areas and the 511 Real-Time Traveler Information Program. Direct that agreements may be entered into for the purpose of generating revenue for the cost of acquiring, constructing, equipping, maintaining and operating highways, roads, streets and bridges. Require a report be compiled that provides an accounting of the revenue received and expended associated with this advertising initiative and direct that in-kind payment agreements be included in the report. Direct that the report be submitted annually by June 30th to the President Pro Tempore of the Senate, Speaker of the House of Representatives, Chairmen of the Senate Finance and House Ways and Means Committees, and Chairmen of the Senate Finance Natural Resources and House Ways and Means Transportation and Regulatory Subcommittees. Fiscal Impact: OSB states that DOT expenditures would

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increase based on the amount of actual revenue generated. DOT estimates this proposal would generate approximately \$3.8 million in revenue the first year and \$3.9 annually thereafter.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

68A.15. (DOT: Advertising) DELETED

68A.16 DELETE NEW PROVISO (Service Plazas) **WMC:** ADD new proviso to authorize the department to pursue developing and placing service plazas along eligible highways and interstates within the state. Direct that placement of the service plazas should focus on traveler needs, repurposing existing facilities, financial concessions with public/private initiatives, and green technology.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

68A.16. (DOT: Service Plazas) DELETED

68A.17 DELETE NEW PROVISO (I-74 EIP) **WMC:** ADD new proviso to direct the department to use the funds appropriated for the routing, planning, and studying of I 74 to conduct an Environmental Impact Study to extend SC Highway 31, the Carolina Bays Parkway, 4 miles to the North Carolina state line. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

68A.17. (DOT: I-74 EIP) DELETED

68A.18 DELETE NEW PROVISO (C-Funds) **WMC:** ADD new proviso to direct that if a county transportation committee uses their C-Funds to resurface or implement other pavement preservation of state roads, DOT has the option to match those funds at a minimum of 50%. Direct the department to promulgate regulations for this match program. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

68A.18. (DOT: C-Funds) DELETED

SECTION 69 - Y14 - STATE PORTS AUTHORITY

69.1 AMEND (Charleston Cooper River Bridge Project) Directs the State Ports Authority to pay the State Transportation Infrastructure Bank \$1,000,000 before 6/30/11 from other general fund or operating fund surplus and any funds appropriated to the authority in prior fiscal years that are unspent as of 7/1/10, to continue the Charleston Cooper River Bridge Project.

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WMC: AMEND proviso to change “2010” to “2011” and “2011” to “2012.” *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.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

69.1. (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating fund surplus available and any funds appropriated to the authority in prior fiscal years and left unexpended as of July 1, ~~2010~~ 2011, pay to the State Transportation Infrastructure Bank one million dollars before June 30, ~~2011~~ 2012, to continue the Charleston Cooper River Bridge Project.

69.2 **DELETE NEW PROVISO** (Georgetown Promotion) **WMC:** ADD new proviso to direct the State Ports Authority to continue to market the Port of Georgetown facility for promotion and development of renewable energy in the state. Direct other public entities in the state that are responsible for promoting economic development and renewable energy to continue to work with the State Ports Authority to raise awareness of the Port of Georgetown as a viable link in the energy infrastructure chain. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

69.2. (SPA: Georgetown Promotion) DELETED

69.3 **AMEND NEW PROVISO** (Georgetown Port Marketing) **WMC:** ADD new proviso to direct the State Ports Authority to increase the amount of funds expended for marketing the Port of Georgetown in FY 11-12 by 15% above the amount expended in FY 10-11. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: AMEND new proviso to delete the requirement that marketing expenditures increase by 15% and instead direct the Ports Authority to continue its cargo diversification strategy which enhances marketing Charleston and Georgetown terminal capabilities, highlighting cruise, breakbulk, bulk, and roll on/roll off.

SEN: ADOPT new proviso as amended.

CONF: ADOPT Senate version.

69.3. (SPA: Georgetown Port Marketing) The State Ports Authority will continue its cargo diversification strategy which enhances the marketing of all terminal capabilities in Charleston and Georgetown highlighting cruise, breakbulk, bulk, and roll on/roll-off.

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SECTION 70 - A99 - LEGISLATIVE DEPARTMENT

- 70.14 DELETE** (Dues) Requires funds appropriated for the Council of State Governments and the National Conference of State Legislatures are to be paid as dues to the respective organizations and shall not be transferred to any other program.
WMC: DELETE proviso. *No funding is provided within the House and Senate Budgets for these items. See proviso 80A.13.* Fiscal Impact: No impact on the General Fund.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**70.14.** (LEG: Dues) The funds provided herein for the Council of State Governments and the National Conference of State Legislatures are appropriated to be paid as dues to the respective organizations and these funds shall not be transferred to any other program.~~

- 70.20 DELETE** (Joint Legislative Committee on Aging Expenses) Directs that members of the Joint Legislative Committee on Aging receive mileage, per diem, and subsistence as provided by law for members of board, committees, and commissions. Direct that expenses for House and Senate members shall be paid by each respective body at the rate provided by law and that expenses for members appointed by the Governor shall be paid from funds appropriated to the Governor.
WMC: DELETE proviso.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**70.20.** (LEG: Joint Legislative Committee on Aging Expenses) Members of the Joint Legislative Committee on Aging shall receive mileage, per diem, and subsistence as provided by law for members of boards, committees, and commissions. Members of the committee who are Senators shall have their expenses paid by the Senate, and members of the House shall have their expenses paid by the House of Representatives at the rate provided by law. Committee members who are appointed by the Governor shall have their expenses paid from funds appropriated to the Governor.~~

- 70.21 DELETE** (Teacher Certificate/Recertification Staff Exemption) Directs that legislative employees may have \$100 made available to them to pay toward teacher recertification or may request and be granted an exemption from Section 2-1-120 [MEMBERS SHALL RETAIN TEACHING CERTIFICATES WHILE SERVING IN GENERAL ASSEMBLY]which shall be extended to include staff of the General Assembly.
WMC: DELETE proviso.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**70.21.** (LEG: Teacher Certificate/Recertification Staff Exemption) Legislative employees may have made available to them, \$100 to pay toward teacher recertification or may request and be granted an exemption from Section 2-1-120 which shall be extended to include staff of the General Assembly.~~

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- 70.24** **AMEND** (Joint Strategic Technology Committee) Creates a Joint Strategic Technology Committee and provides for membership of the committee. Directs that the purpose of the committee is to review the Statewide Strategic Information Technology Plan and make recommendations as needed to the Senate Finance and House Ways and Means Committees by January 29th and to also recommend priorities for state government enterprise information technology projects and resource requirements as it deems appropriate. Directs the committee to review state agency information technology spending to evaluate whether more effective services and cost savings can be achieved through streamlining, standardizing and consolidating state agency information technology. Requires state agencies to consult with hardware maintenance manager vendors under state contract to determine whether they may achieve cost savings by using these contracts for information technology. Requires the B&C Board to report these finding, by agency, to the joint committee by March 1, 2011. Directs the B&C Board Executive Director to appoint an Agency Directors Technology Advisory Committee and to determine the composition of the committee representing a cross section of state government agencies. Directs the advisory committee to provide input and advice on the Statewide Strategic Information Technology Plan and to assist and advise the Joint Strategic Technology Committee as requested.
- WMC:** AMEND proviso to delete the requirement that the findings be provided “no later than March 1, 2011.” Fiscal Impact: No impact on the General Fund.
- HOU:** ADOPT proviso as amended.
- SFC:** ADOPT proviso as amended.
- SEN:** ADOPT proviso as amended.
- CONF:** SAME in both versions.

70.24. (LEG: Joint Strategic Technology Committee) There is created a joint committee of the General Assembly to be known as the Joint Strategic Technology Committee consisting of eight members. The Chairman of the Senate Finance Committee shall appoint four members, at least two of whom must be appointed from the Senate Finance Committee. The Chairman of the House Ways and Means Committee shall appoint four members, at least two of whom must be appointed from the House Ways and Means Committee.

The Joint Strategic Technology Committee shall have the following purposes and responsibilities:

(1) The joint committee shall review the Statewide Strategic Information Technology Plan prepared by the Budget and Control Board and the Agency Directors Technology Advisory Committee and, as needed, make recommendations to the Senate Finance Committee and the House Ways and Means Committee regarding the plan by January 29, of the current fiscal year. The joint committee shall also recommend priorities for state government enterprise information technology projects and resource requirements as it determines appropriate;

(2) The joint committee shall review information technology spending by state agencies and evaluate whether greater efficiencies, more effective services and cost savings can be achieved through streamlining, standardizing and consolidating state agency information technology. State agencies must consult with hardware maintenance manager vendors under state contract to determine whether the agency may achieve cost savings by utilizing these contracts for information technology. A report by agency of these findings must be provided to the joint committee by the Budget and Control Board ~~no later than March 1, 2011.~~ The joint committee shall recommend to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, for referral to the appropriate standing committees, any statutory changes appropriate for the successful implementation of the Statewide Strategic Information Technology Plan and the efficient and effective management and use of information technology by state government.

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The Budget and Control Board and all state agencies shall cooperate with and provide assistance to the Joint Strategic Technology Committee as requested by the committee.

The Executive Director of the Budget and Control Board shall appoint an Agency Directors Technology Advisory Committee. The Executive Director shall determine the number and composition of this committee, which shall represent a cross-section of state government agencies. This committee shall provide input and advice regarding the Statewide Strategic Information Technology Plan being developed by the State through the Budget and Control Board. The committee shall also assist and advise the Joint Strategic Technology Committee at its request.

- 70.25** **AMEND** (Statewide Acts Availability) Directs Clerks of the House and Senate to make all statewide Acts available electronically.
SFC: AMEND proviso to allow the clerks to make all statewide Acts available electronically before sine die adjournment.
SEN: ADOPT proviso as amended.
CONF: ADOPT Senate version.

70.25. (LEG: Statewide Acts Availability) ~~After sine die adjournment, the~~ From the funds appropriated in Part IA, Section 70D of this Act, for the current fiscal year the clerks of the House of Representatives and the Senate are to make all statewide Acts available to the public electronically. The provisions of this section are in lieu of the House and Senate Clerks' duties related to the printing and mailing of ~~statewide~~ acts as set forth in ~~Section~~ Sections 2-7-80, 2-13-190, 2-13-210, and 11-25-640 through 11-25-680 of the 1976 Code.

- 70.28** **ADD** (Suspend LAC Evaluation) **WMC:** ADD new proviso to suspend the provisions of Section 43-5-1285 [SC FAMILY INDEPENDENCE ACT OF 1995 EVALUATION AND REPORTS] for FY 2011-12. Direct that any savings generated be used to conduct audits required by Section 2-15-60 [DUTIES OF COUNCIL]. *Suspension will enable the LAC to use the funds that would have been spent on this review to conduct audits requested by the General Assembly.* Fiscal Impact: No impact on the General Fund. Requested by Legislative Audit Council.
HOU: ADOPT new proviso.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

70.28. (LEG: Suspend LAC Evaluation) For Fiscal Year 2011-12, the provisions of Section 43-5-1285 of the 1976 Code are suspended. Any savings generated by the suspension of the evaluation of the South Carolina Family Independence Act of 1995 shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

- 70.29** **AMEND NEW PROVISO** (DMV Audit Review) **WMC:** ADD new proviso to direct that the LAC is not required to conduct an independent review of DMV and direct that any savings generated be used to conduct audits required by Section 2-15-60 [DUTIES OF COUNCIL]. *Not being required to conduct the DMV review will enable the LAC to use the funds to conduct audits requested by the General Assembly.* Fiscal Impact: No impact on the General Fund. Requested by Legislative Audit Council.
HOU: ADOPT new proviso.
SFC: AMEND new proviso to suspend the provisions of Section 56-1-5(F) rather than instruct the council that they are not required to conduct an independent review of DMV.
SEN: ADOPT new proviso as amended.
CONF: ADOPT Senate version.

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70.29. (LEG: DMV Audit Review) For Fiscal Year 2011-12, the provisions of Section 56-1-5(F) are suspended. Any savings generated by not conducting the review shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

- 70.30** **ADD** (Electronic Correspondence) **WMC:** ADD new proviso to prohibit the House of Representatives, during FY 11-12, from spending funds to print or mail bills, summaries, committee agendas, etc. to committee members. Direct that relevant information on committee meetings be sent to members electronically. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

70.30. (LEG: Electronic Correspondence) For Fiscal Year 2011-12, the House of Representatives may not expend any funds for the printing or mailing of bills, summaries, committee agendas, etc. to committee members. The House of Representatives shall send all relevant information concerning committee meetings to committee members via electronic means.

- 70.31** **DELETE NEW PROVISIO** (Exemptions Repeal Committee) **SEN:** ADD new proviso to create the joint Exemptions Repeal Committee composed of 8 members: the Chairmen of the Senate Finance and House Ways and Means Committees and 3 members from each committee appointed by the chairmen. Direct the B&C Board Office of Economic Research to divide all sales tax exemptions contained in Section 12-36-2120 [EXEMPTIONS FROM SALES TAX] into 5 groups by August 15, 2011. Direct that the exemptions be grouped to maximize diversity in terms of items and to have a similar revenue impact on the State. Direct that the grouping be reported to the Exemptions Repeal Committee, that the committee hold public hearings on the contents of the first group and accept testimony and written justification from any person who seeks to have all or part of the exemptions removed from the group. Authorize the committee, after the public evaluation, to recommend all or part of a group be excluded from repeal and to submit its recommendations to the General Assembly by January 1, 2012. Sponsor: Sen. Rose.
CONF: ADOPT House version. (*Deletes new proviso.*)

70.31. (LEG: Exemptions Repeal Committee) DELETED

SECTION 71 - C05-ADMINISTRATIVE LAW COURT

- 71.3** **DELETE** (Fee Increase) Prohibits the Administrative Law Court, for the current fiscal year, from charging or increasing filing fees beyond the amounts charged on January 1, 2009.
WMC: DELETE proviso. Fiscal Impact: Per OSB, no impact on the General Fund. Per agency, would increase revenue for agency operations by \$35,000 per year. Requested by Administrative Law Court.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~71.3. (ALJ: Fee Increase) For the current fiscal year, the Administrative Law Court may not charge or increase filing fees beyond the amounts charged on January 1, 2009.~~

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SECTION 72 - D21 - GOVERNOR'S OFFICE

72.2 DELETE (GOV: OEPP - Developmental Disabilities Program) Authorizes the SC Developmental Disabilities Program within OEPP to provide aid to sub-grantees for projects and services to benefit persons with developmental disabilities. States that the intent of this provision is to not duplicate other state agency programs but to fill gaps that exist in state service delivery related to this target population identified and addressed in the Developmental Disabilities State Plan.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~72.2. (GOV: OEPP - Developmental Disabilities Program) The South Carolina Developmental Disabilities Program of the Office of the Governor, Office of Executive Policy and Programs is authorized to provide aid to sub-grantees for projects and services to benefit persons with developmental disabilities. The intent of this provision is not to duplicate other state agency programs which are considered the legal and programmatic mandate of existing state agencies, but rather to fill gaps that exist in the state service delivery system related to his target population as identified and addressed in the Developmental Disabilities State Plan.~~

72.3 AMEND (OEPP - Development Disabilities Case Coordination System) Directs that of the appropriation for Allocations to Other State Agencies, \$112,559 less any pro rata base reduction adjustment, must be used for the SC Development Disabilities Case Coordination System.

WMC: AMEND proviso to delete the expenditure requirement and instead direct that \$50,000 of the funds appropriated to OEPP must be used as a state match for the Developmental Disabilities Council federal grant and direct that these funds be excluded from the agency's base budget when calculating any across-the-board agency base reduction. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

~~72.3. (GOV: OEPP - Development Disabilities Case Coordination System) -\$112,559, less any pro rata share adjustment of any mandated base budget reduction, of the sums appropriated under OEPP, Allocations to Other State Agencies must be for the South Carolina Development Disabilities Case Coordination System. Of the funds appropriated to the Governor's Office of Executive Policy and Programs, \$50,000 must be used as state match for the Developmental Disabilities Council federal grant. These funds shall be excluded from the Governor's Office of Executive Policy and Programs' base budget calculation of any across-the-board agency base reductions mandated by the Budget and Control Board or General Assembly.~~

72.12 DELETE (OEPP - Foster Care Reduction in Funds Separation) Directs that any reduction in funds appropriated for either the Division of Foster Care or "pass-through" funds for the S.C. Protection and Advocacy for the Handicapped shall be calculated based on the separate funds for the respective entities rather than be based on the combined budget of the two organizations.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.

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HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~72.12. (GOV: OEPP - Foster Care-Reduction in Funds Separation) In recognition of the fact that the funds appropriated for the Division of Foster Care contain both funds appropriated for use by the Division Review System and “pass through” funds designated for use by the South Carolina Protection and Advocacy for the Handicapped, any reduction in funds appropriated for either shall be calculated based upon the separate funds for the respective entities rather than based upon the combined budget of the two organizations.~~

72.14 DELETE (OEPP - Foster Care-Medicaid Eligible Children) States the intent of the General Assembly to ensure that placements of emotionally disturbed Medicaid eligible individuals under the age of 21 in residential therapeutic treatment are appropriate and that the level of care offered is in the least restrictive environment appropriate to meet the child’s treatment needs. Expands the statutory powers and functions of the Division of Foster Care to develop, implement, and manage a quality assurance review system under contract with the Department of Health and Human Services. Directs that this provision paragraph supersedes any previous statutory or regulatory mandate.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~72.14. (GOV: OEPP - Foster Care-Medicaid Eligible Children) It is the intent of the General Assembly to ensure that placements of emotionally disturbed Medicaid eligible individuals under the age of twenty one in residential therapeutic treatment are appropriate and that the level of care provided each child is offered in the least restrictive environment appropriate to meet the child’s treatment needs. The statutory powers and functions of the Division of Foster Care are expanded to develop, implement, and manage a quality assurance review system under contract with the Department of Health and Human Services. This paragraph supersedes any previous statutory or regulatory mandate.~~

72.15 DELETE (OEPP - Federal, Other Flow Through Funds) Authorizes the Governor’s Office to spend current year federal and earmarked funds for expenses incurred in the prior fiscal year in order to completed projects begun in the prior fiscal year.

SEN: DELETE proviso. Sponsor: Sen. Malloy.

CONF: ADOPT Senate deletion.

~~72.15. (GOV: OEPP - Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Governor’s Office is authorized to expend federal and earmarked funds in the current fiscal year for expenses incurred in the prior fiscal year.~~

72.20 AMEND FURTHER (OEPP - ~~Anderson~~ M.J. “Dolly” Cooper Veterans Cemetery Carry Forward) Authorizes Anderson County Veterans Cemetery funds to be carried forward and utilized for the same purpose.

WMC: AMEND proviso to delete reference to “Anderson County” and replace with “M.J. “Dolly” Cooper.” Direct that unexpended Veterans Affairs Program funds, including special items, shall be carried forward and used to operate the cemetery. *The Veterans Cemetery is*

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currently only appropriated personal service funding, not "other operating" funds. The carry forward may provide a small source of revenue for cemetery operations. Fiscal Impact: No impact on the General Fund. Requested by Governor's Office of Executive Policy and Programs.

HOU: ADOPT proviso as amended.

SFC: AMEND FURTHER to allow excess carry forward funds that are not needed to operate the cemetery to be used for other Veteran' Affairs Program expenses. Prohibit these carry forward funds from being transferred to any other Governor's Office programs.

SEN: ADOPT proviso as amended.

CONF: ADOPT Senate version.

72.20. (GOV: OEPP - ~~Anderson~~ M.J. "Dolly" Cooper Veterans Cemetery Carry Forward) The Governor's Office of Executive Policy and Programs, Veterans' Affairs Program may carry forward unexpended funds appropriated and/or authorized for the ~~Anderson County~~ M.J. "Dolly" Cooper Veterans Cemetery from the prior fiscal year and shall use such funds for the same purpose. In addition, any unexpended funds in the Veterans' Affairs Program, including Special Line Items, shall be carried forward from the prior fiscal year into the current fiscal year and used for operation of the M.J. "Dolly" Cooper Veterans Cemetery. Funds carried forward in excess of the amount needed for the operation of the Cemetery may be used for other expenses of the Veterans' Affairs Program. Funds carried forward may not be transferred to any other Governor's Office programs.

72.21 **AMEND FURTHER** (Mansion and Grounds Maintenance and Complex Facilities) Requires the Governor's Office to use at least \$241,569 of operating funds to reimburse the B&C Board, Division of General Services for expenses incurred associated with operation and maintenance of the Mansion Complex facilities and grounds. Directs that revenue collected from Mansion Complex facilities and grounds rental must be credited to and maintained in an account within the Governor's Office.

WMC: AMEND proviso to delete the requirement that the Governor's Office use at least \$241,569 to reimburse the B&C Board, Division of General Services. Fiscal Impact: No impact on the General Fund. Requested by Governor's Office.

HOU: ADOPT proviso as amended.

SFC: AMEND FURTHER to authorize the funds to be retained, expended and carried forward to support agency operations.

SEN: ADOPT proviso as amended.

CONF: ADOPT Senate version.

72.21. (GOV: M&G - Mansion and Grounds Maintenance and Complex Facilities) ~~The Governor's Office must use a minimum of \$241,569 of the operating funds appropriated in Part IA, Section 72C to reimburse the Budget and Control Board, Division of General Services, for expenses incurred by the division for the operation and maintenance of the facilities and grounds of the Mansion Complex.~~ Revenue collected from rental of Mansion Complex facilities and grounds must be ~~credited to and maintained in an account within the Governor's Office~~ retained and expended by the Governor's Office, Mansion and Grounds to support its operations. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

72.22 **REINSERT** (OEPP - Crime Victims Ombudsman) Requires the State Office of Victims Assistance to transfer \$48,000 to the Crime Victims Ombudsman's Office for administrative and operational support.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.

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HOU: ADOPT deletion of proviso.
SFC: REINSERT proviso.
SEN: ADOPT original proviso.
CONF: ADOPT Senate version.

72.22. (GOV: OEPP - Crime Victims Ombudsman) For the current fiscal year, the State Office of Victims Assistance shall transfer \$48,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.

- 72.23** **ADD** (OEPP - Veterans' Affairs Budget Reduction Exemption) **WMC:** ADD new proviso to exclude funds appropriated for the Veteran's Affairs Program from OEPP's base budget when calculating across the board agency base reductions mandated by the B&C Board or General Assembly. *Since Veteran's Affairs programs are not assessed a share of any across the board reduction, the funding should be excluded from the calculation.* Fiscal Impact: Veteran's Affairs general fund budget is \$696,762 for FY 10-11. This amount would be excluded from across the board cuts. Requested by Governor's Office of Executive Policy and Programs.
HOU: ADOPT new proviso.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

72.23. (GOV: OEPP - Veterans' Affairs Budget Reduction Exemption) Funds appropriated for the Veterans' Affairs Program shall be excluded from the Governor's Office of Executive Policy and Programs base budget in the calculation of any across-the-board agency base reductions mandated by the Budget and Control Board or General Assembly.

SECTION 75 - E12 - COMPTROLLER GENERAL'S OFFICE

- 75.3** **AMEND FURTHER** (Payroll Deduction Processing Fee) Requires a processing fee, not to exceed 20 cents, for payroll deductions for insurance plans, credit unions, deferred compensation plans and professional associations; directs that the fee shall not apply to charitable deductions; authorizes the Comptroller General to charge the SC Lottery Commission a reasonable processing fee not to exceed \$15,000 annually; allows the revenue generated from these fees and from child support deductions to be used to support the operations of the Comptroller General's Office; and allows unexpended funds to be carried forward and used for the same purposes.
WMC: AMEND proviso to delete the authorization to charge the Lottery Commission up to \$15,000 to process payroll. *The Lottery Commission now processes their own payroll.* Fiscal Impact: No impact on the General Fund. Other funds the CG receives will be reduced by \$15,000. Requested by Office of the Comptroller General.
HOU: ADOPT proviso as amended.
SFC: AMEND FURTHER to add "benefit providers" to the category for which the payroll deductions processing fee may be charged.
SEN: ADOPT proviso as amended.
CONF: ADOPT Senate version.

75.3. (CG: Payroll Deduction Processing Fee) There shall be a fee for processing payroll deductions, not to exceed 20 cents, for insurance plans, credit unions, deferred compensation plans, *benefit providers,* and professional associations per deduction per pay day. This fee shall not be applied to charitable deductions. ~~The Comptroller General is authorized to charge a reasonable fee to the South Carolina Lottery Commission for the purpose of payroll~~

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~~processing not to exceed \$15,000 annually.~~ The revenues generated from these fees and those provided for child support deductions in accordance with Section 20-7-1315(F)(3), S. C. Code of Laws, 1976, as amended, may be used to support the operations of the Office of Comptroller General and any unexpended balance may be carried forward from the prior fiscal year to the current fiscal year and utilized for the same purposes.

- 75.6 AMEND NEW PROVISO** (Federal 3% Withholding Mandate) **WMC:** ADD new proviso to direct that if the provision in the Tax Reconciliation Act of 2005 (Public Law 109-222) that requires withholding 3% of payments to vendors and other payees for remission to the IRS is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess state agencies for their pro rata share of the costs of implementing and operating the program to comply with the federal mandate. Limit the total assessment cost charged to agencies to \$235,000 during the first year of the program. Direct that the assessment methodology be based on each agency's volume of payments to which the 3% withholding mandate would have applied during the last completed fiscal year. Require an explanation of the assessment methodology and the amount of the assessment to be charged to each agency be provided to the Chairmen of the Senate Finance and House Ways and Means Committees at least 15 days before the assessments are issued. Direct that the agencies must pay the assessment within 30 days of issuance. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.
SFC: AMEND new proviso to authorize the funds to be retained and unexpended funds to be carried forward and used for the same purpose. Requested by Comptroller General's Office.
SEN: ADOPT new proviso as amended.
CONF: ADOPT Senate version.

75.6. (CG: Federal 3% Withholding Mandate) In the event the provision in the Tax Reconciliation Act of 2005 (Public Law 109-222) requiring the withholding of three per cent (3%) of payments to vendors and other payees for remission to the Internal Revenue Service is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess charges against state agencies for their pro rata share of the costs of the implementation and operation of the program to comply with this federal mandate. The total costs of the program assessed against agencies during the first fiscal year of the program shall not exceed \$235,000. The methodology for the pro rata assessment shall be based on each agency's volume of payments to which the three percent (3%) withholding mandate would have applied during the last completed fiscal year. These revenues may be retained and expended by the Comptroller General's Office to support implementation and operation of the program. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purpose. The Comptroller General's Office shall provide the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee with an explanation of the assessment methodology and the assessment to be charged to each agency at least fifteen (15) days before the issuance of the assessments. The assessment shall be paid by each agency to the Comptroller General's Office within thirty (30) days of the issuance of the assessment.

- 75.7 DELETE NEW PROVISO** (Federal Expanded 1099 Reporting Mandate) **WMC:** ADD new proviso to direct that if the provision in the Patient Protection and Affordable Care Act of 2010, as amended, requiring (1) the issuance of IRS Form 1099 for vendors that are corporations and (2) the IRS Form 1099 include payments for property is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess state agencies for their pro rata share of the costs of implementing and operating the program to comply with the federal mandate. Limit the total assessment cost charged to agencies to \$255,000 during the

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first year of the program. Direct that the assessment methodology be based on each agency's number of vendors to which the expanded Form 1099 reporting mandate would have applied during the last completed fiscal year. Require an explanation of the assessment methodology and the amount of the assessment to be charged to each agency be provided to the Chairmen of the Senate Finance and House Ways and Means Committees at least 15 days before the assessments are issued. Direct that the agencies must pay the assessment within 30 days of issuance. Requested by Office of Comptroller General. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: AMEND new proviso to authorize the funds to be retained and unexpended funds to be carried forward and used for the same purpose. Requested by Comptroller General's Office.

SEN: DELETE new proviso. Sponsors: Sens. Thomas and Fair.

CONF: ADOPT Senate deletion.

75.7. (CG: Federal Expanded 1099 Reporting Mandate) DELETED

75.8 ADD (Payroll System Maintenance for State Optional Retirement Program) **SFC:** ADD new proviso to authorize the Comptroller General to contract with the Retirement System to support the requirements of the State Optional Retirement Program (ORP) within the State's payroll and accounting systems. Authorize cost recovery for providing those services to not exceed \$100,000; allow those funds to be used to support the operations of the office; and authorize the funds to be carried forward and used for the same purposes. *To enable the agency to support ORP as needed.* Fiscal Impact: Maximum revenue generated for the office would be \$100,000. Requested by Comptroller General's Office.

SEN: ADOPT new proviso.

CONF: ADOPT Senate version.

75.8. (CG: Payroll System Maintenance for State Optional Retirement Program) *The Comptroller General is hereby authorized to contract on mutually agreeable terms with the South Carolina Retirement System to maintain the State's payroll and accounting systems to accommodate the requirements of the State Optional Retirement Program (ORP). The Office of the Comptroller General is authorized to seek cost recovery not to exceed \$100,000 from the SC Retirement System for those services. The cost recovery may be used to support the operations of the Office of the Comptroller General and any unexpended balance may be carried forward from the prior fiscal year into the current fiscal year and be used for the same purposes.*

SECTION 76 - E16 - STATE TREASURER'S OFFICE

76.7 DELETE (ScienceSouth) Directs the Office of the State Treasurer to transfer \$500,000 from Subfund 4019 Governor's Teaching School Loan Program to ScienceSouth for training public school teachers in science curriculum standards. Authorizes the transferred funds to be carried forward.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~76.7. (TREAS: ScienceSouth) The Office of State Treasurer is directed to transfer \$500,000 from Subfund 4019 Governor's Teaching School Loan Program to ScienceSouth for~~

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~~the training of public school teachers in science curriculum standards through grade specific, standards based instructional activities. Funds transferred to ScienceSouth may be carried forward.~~

- 76.14 REINSERT NEW PROVISO** (Audit Finding Follow-Up) **WMC:** ADD new proviso to direct and empower the State Treasurer to follow-up on audit findings issued by the LAC, the State Auditor, or any other independent audit that involves receipt and disbursement of state funds or in achieving cost savings; to conduct additional audits or take other actions to ensure state funds have been properly received and disbursed in accordance with legislative intent; and to contract for or conduct recovery audits to identify overpayments or erroneous payments to vendors. Authorize the State Treasurer to recover amounts due agencies or institutions by seeking refunds, withholding future payments or distributions, or by other actions deemed appropriate, including legal action on behalf of the State. Require entities disbursing or receiving state funds to cooperate with the State Treasurer in these activities. Direct the State Treasurer to deposit any funds collected by this provision in a separate account for appropriation by the General Assembly, unless otherwise provided for by law. Authorize the State Treasurer to retain and expend a portion of any funds received to pay for costs associated with managing and enforcing this provision. Direct the State Treasurer to annually report to the General Assembly on the management activities and cost recoveries. *Currently there are limited provisions for ensuring recovery of state funds in audit findings or cost savings. This proviso grants the State Treasurer the authority to follow-up and recover funds.* Fiscal Impact: The State Treasurer indicates this provision is expected to produce additional revenue or cost savings for the state.
- HOU:** ADOPT new of proviso.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT House version.

76.14. (TREAS: Audit Finding Follow-Up) The State Treasurer is directed and empowered to: a) follow-up on audit finding issued by the Legislative Audit Council, the Office of State Auditor, or any other independent audit involving the receipt or disbursement of state funds or achieving cost savings for the State or its agencies and institutions; b) conduct additional audits or take other actions to ensure proper receipt and disbursement of state funds in accordance with legislative intent; and c) contract for or conduct recovery audits designed to identify overpayments or erroneous payments to vendors. The State Treasurer may recover any amounts due the State agencies or institutions by seeking refunds, withholding future payments or distributions, or by whatever other actions the State Treasurer deems appropriate including appropriate legal action on behalf of the State. All entities disbursing or receiving state funds shall cooperate with the State Treasurer in these activities. The State Treasurer shall deposit any funds collected by this provision in a separate account to be appropriated by the General Assembly, unless otherwise provided for by law. The State Treasurer may retain and expend a portion of any funds received to pay for costs associated with the management and enforcement of this provision. The State Treasurer shall report annually to the General Assembly on its management activities and cost recoveries regarding this directive.

- 76.15 DELETE NEW PROVISO** (Zero-Based Budgeting) **SEN:** ADD new proviso to direct the State Treasurer to choose 3 budget areas of the General or Other funds budget and entertain proposals from any certified public accounting firm who may propose a zero-based budget analysis. Direct that the CPA firm must study the designated areas at the most fundamental level of experience and function and report possible savings, as well as any determinations of whether savings or efficiencies can be generated by any other method such as merger or

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eliminating positions to the Governor and the Senate Finance and House Ways and Means Committees. Direct that if the General Assembly adopts any of the recommendations within 2 years, the State Auditor shall determine the savings to the state generated by implementing the proposal and shall direct the State Treasurer to pay the CPA firm 10% of the savings realized. Sponsor: Sen. Thomas.

CONF: ADOPT House version. (*Deletes new proviso.*)

76.15. (TREAS: Zero-Based Budgeting) DELETED

SECTION 77 - E19 - RETIREMENT SYSTEM INVESTMENT COMMISSION

77.1 DELETE NEW PROVISO (Reporting Requirements) **SEN:** ADD new proviso to require the Retirement System Investment Commission to report quarterly to the General Assembly on the cost avoidance and savings realized by cost reduction initiatives that were implemented in the current fiscal year resulting from the additional expenditure authorization granted to the commission. Direct that the report include, but not be limited to, expenditures related to additional personnel hired, data processing, legal, and other professional services and the amount of cost reductions associated with the co-investment program, hedge fund platform transition, additional legal resources, and cash management program. Prohibit the increased authorization from being used to provide raises, but allow performance bonuses to be provided upon a majority vote of the State B&C Board. Sponsor: Sen. Setzler.

CONF: ADOPT House version. (*Deletes new proviso.*)

77.1. (RSIC: Reporting Requirements) DELETED

SECTION 78 - E24-ADJUTANT GENERAL'S OFFICE

78.12 AMEND FURTHER (Citadel-S.C. National Guard Readiness Center) Directs the Adjutant General's Office, during FY 10-11, to repay to the General Fund \$1,250,000 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. Directs that if the entire \$2.5 million has been repaid no further payment is required.

WMC: AMEND proviso to update Fiscal Year "2010-11" to "2011-12." Fiscal Impact: No impact on the General Fund if the entire \$2.5 million has been repaid, otherwise \$1.25 million is directed to be deposited into the General Fund.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: AMEND FURTHER to require the Adjutant General's Office to repay \$300,000 plus interest during FY 11-12 and state the intent that the same amount, plus interest be repaid annually until the \$1,250,000 balance has been repaid to the General Fund. Sponsor: Sen. Leatherman.

CONF: ADOPT Senate version.

78.12. (ADJ: Citadel-S.C. National Guard Readiness Center) The Adjutant General's Office, during Fiscal Year ~~2010-11~~ 2011-12, shall repay to the General Fund of the State ~~\$1,250,000~~ \$300,000, plus interest, of the \$2,500,000 appropriated by proviso 73.12 of the Fiscal Year 2007-08 Appropriation Act to the Adjutant General's Office for the Citadel-South Carolina National Guard Readiness Center ~~unless the entire \$2,500,000 loan has been repaid, in which case no further payment shall be required.~~ It is the intent of the General Assembly that \$300,000, plus interest, shall be repaid annually until the \$1,250,000 balance has been repaid to the General Fund.

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- 78.15** **ADD** (Funeral Caisson) **WMC:** ADD new proviso to prohibit Funeral Caisson funds from being reduced if a general fund budget reduction is mandated and to also prohibit these funds from being transferred or used for any other purpose. Fiscal Impact: No impact on the General Fund. Funds are currently appropriated in the amount of \$100,205.
HOU: ADOPT new proviso.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

78.15. (ADJ: Funeral Caisson) In the event of a mandated general fund budget reduction, the Adjutant General's Office is prohibited from reducing the funds appropriated for the Funeral Caisson. In addition, these funds shall not be transferred to any other program or be used for any other purpose by the Adjutant General's Office.

SECTION 79 - E28-ELECTION COMMISSION

- 79.1** **REINSERT** (County Registration Board and County Election Commission Compensation) Directs that \$1,500 for each County Registration Board Member & County Election Commissioner, not to exceed \$12,500 per county, be disbursed to the County Treasurer. Directs that any funds not used for compensation of these members be returned to the State Treasurer. Exempts these funds from mandated budget reductions and excludes these funds from the agency's base budget in calculating any across the board agency base reduction mandated by the B&C Board or the General Assembly.
WMC: DELETE proviso. *Funding was vetoed by the Governor for FY 10-11, thus no funds are appropriated for this purpose.* Fiscal Impact: No impact on the General Fund. Requested by Election Commission.
HOU: ADOPT deletion of proviso.
SFC: REINSERT proviso.
SEN: ADOPT original proviso.
CONF: ADOPT Senate version.

79.1. (ELECT: County Registration Board and County Election Commission Compensation) The amounts appropriated in this section for "County Registration Board Members and County Election Commissioners," shall be disbursed annually to the County Treasurer at the rate of \$1,500 for each member, not to exceed \$12,500 per county. The County Treasurer shall use these funds only for the compensation of County Registration Board Members and County Election Commissioners. Any funds not used for this purpose shall be returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Budget and Control Board or the General Assembly, the amount of funds appropriated for compensation of County Registration Board Members and County Election Commissioners shall be excluded from the agency's base budget.

- 79.6** **AMEND** (Primary and General Election Carry Forward) Authorize filing fees paid by candidates filing to run in statewide or special primary elections to be retained, expended, and carried forward to conduct primary elections. Authorize Primary and General Election Accounts funds to be carried forward and expended for the same purpose.
WMC: AMEND proviso to allow these funds to also be used to conduct the 2012 Presidential Preference Primary elections. Fiscal Impact: No impact on the General Fund. The agency indicates there remains approximately \$1.3 million in the General Election account and \$80,000 in the primary election account.

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HOU: ADOPT proviso as amended.
SFC: RESTORE original proviso.
SEN: ADOPT original proviso.
CONF: ADOPT House version.

79.6. (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections. Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, the aforementioned funds may also be utilized to conduct the 2012 Presidential Preference Primary elections.

- 79.11** **DELETE** (Maintenance of Effort) Requires a portion of “Maintenance of Effort,” funds be used to conduct a timely reconciliation of voter registration files maintained by the Election Commission.
WMC: DELETE proviso. *Funds have been depleted.* Fiscal Impact: No impact on the General Fund. Requested by Election Commission.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

79.11. (ELECT: Maintenance of Effort) ~~Of funds appropriated to the State Election Commission for the purposes of “Maintenance of Effort,” a portion must be used to conduct a timely reconciliation of voter registration files maintained by the State Election Commission.~~

- 79.12** **AMEND FURTHER** (Presidential Preference Primary and Ballot Security) Authorizes the Election Commission to carry forward and use funds originally appropriated for conducting the Presidential Preference Primary elections and for Ballot Security to conduct the 2010 Statewide Primaries/Runoff.
WMC: AMEND proviso to delete reference to carrying forward Presidential Preference Primary elections funds (*funds have been expended*) and update Statewide Primaries Runoff from “2010” to “2012.” Fiscal Impact: No impact on the General Fund. The agency indicates approximately \$284,000 Ballot Security funding is available to be carried forward. Requested by Election Commission. AMEND FURTHER to authorize the Ballot Security funds carried forward to also be used to conduct the 2012 Presidential Preference Primary elections.
HOU: ADOPT proviso as amended.
SFC: AMEND FURTHER to delete reference to 2012 Presidential Preference Primary elections. Authorize unexpended Ballot Security funds to be carried forward and used for the “same purpose” or to conduct the 2012 Statewide Primaries/Runoff.
SEN: ADOPT deletion of proviso.
CONF: ADOPT House version.

79.12. (ELECT: Presidential Preference Primary and Ballot Security) The State Election Commission is authorized to carry forward and use funds originally appropriated ~~for conducting the Presidential Preference Primary elections and~~ for Ballot Security to conduct the 2012 Presidential Preference Primary elections and the 2010 2012 Statewide Primaries/Runoff.

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- 79.14 DELETE NEW PROVISO** (Presidential Preference Primary Contract) **SFC:** ADD new proviso to authorize the Election Commission to contract with a certified political party's state committee to conduct the 2012 Presidential Preference Primaries if the party's candidate received at least 5% of the popular vote in the state's most recent election for President. Require the Election Commission to bill each political party for expenses associated with conducting the primary. Require the commission to conduct the primary in accordance with the provisions of Title 7 and direct that the registered elector may vote only in one presidential preference primary. Direct the commission and authorities responsible for conducting the elections in each county to provide for cost-effective measures in conducting these primaries including, but not limited to, combining polling places; and require the party's state committee to set the election date and filing requirements, including a certification fee. Require political parties to verify candidates qualifications before certifying them to the Election Commission and require that written certification contain a statement that each certified candidate meets, or will meet by the time of the election, the qualifications in the U.S. Constitution, statutory law, and party rules to participate in the presidential preference primary; prohibit certification of candidates who do not meet this criteria and prohibit their name from being place on the ballot. Authorize political parties to charge a certification fee to persons seeking to be candidates in the presidential preference primary. Require a filing fee for each certified candidate, not to exceed \$20,000, as determined by the Election Commission, to be transmitted by the respective political party to the Election Commission to be used to conduct the presidential preference primaries.
- SEN:** ADOPT new proviso.
CONF: ADOPT House version. (*Deletes new proviso.*)

79.14. (ELEC: Presidential Preference Primary Contract) DELETED

SECTION 80A - F03 - BUDGET AND CONTROL BOARD

- 80A.4 AMEND** (Wireless Communications Tower) Directs the B&C Board to coordinate tower and antenna operations within state government to maximize the use of wireless communications infrastructure and to support a statewide public safety communication system. Directs that all revenue from tower and antenna leases and contracts after July 1, 2001 must be remitted to a separate fund to create and support a statewide public safety communication system and authorize these funds to be carried forward and used for the same purpose. Authorizes agencies owning tower and antenna assets be allowed to recover expenses associated with implementing this provision. Directs the board to annually report by October 1st to the Chairmen of the Senate Finance and House Ways and Means Committees all revenues collected and disbursed.
- WMC:** AMEND proviso to direct that these funds be transferred to ETV which shall retain, expend, and carry for the funds for agency operations.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: RESTORE original proviso. Sponsor: Sen. Sheheen.
CONF: ADOPT House version.

80A.4. (BCB: Wireless Communications Tower) The Budget and Control Board is directed to coordinate tower and antenna operations within South Carolina state government. The Board shall (1) approve all leases regarding antenna placement on state owned towers and buildings, (2) coordinate all new tower construction on state owned property, (3) promote and market excess capacity on the State's wireless communications infrastructure, (4) generate revenue by leasing, licensing, or selling excess capacity on the State's wireless communications infrastructure, and (5) construct new communications assets on appropriate state owned

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property for the purpose of generating revenue pursuant to this proviso. All revenue from tower and antenna leases and contracts after July 1, 2001 must be remitted to a separate fund established by the Board ~~to create and support a statewide public safety communications system~~ and shall be transferred to the Educational Television Commission which shall retain and expend such funds for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year. ~~These funds shall be retained and carried forward and used for the same purpose.~~ Agencies owning tower and antenna assets will be allowed to recover expenses associated with implementing this proviso from this fund. The Board shall annually report to the Chairmen of the Senate Finance and House Ways and Means Committees by October first of each year all revenue collected and disbursed. This report shall also include a summary of each agency's overall revenues, whether retained by the agency or remitted to the separate fund.

80A.9 DELETE (Carry Forward - State Water Pollution Control Revolving Fund) Directs that if any loan fee funds accumulated by the B&C Board are not expended during the preceding fiscal year, they may be carried forward and expended for conducting the State Revolving Fund programs for wastewater or drinking water.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

80A.9. (BCB: Carry Forward - State Water Pollution Control Revolving Fund) ~~If any funds accumulated by the Budget and Control Board from loan fees are not expended during the preceding fiscal years, such funds may be carried forward and expended for the costs associated with conducting the State Revolving Fund programs for wastewater or drinking water.~~

80A.13 DELETE (Technology and Other Initiatives) Directs the board to use \$100,000 to support partnerships that further initiatives to align higher educational programs with technology intensive industry needs. Direct the board to pay the annual NCSL and CSG dues.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

80A.13. (BCB: Technology and Other Initiatives) ~~The Budget and Control Board shall use \$100,000 to support partnerships that further initiatives to align higher educational programs with the needs of technology intensive industries. Additionally, the board shall pay the annual dues for NCSL and CSG.~~

80A.20 AMEND (Election File Merge) Directs the Office of Research and Statistics (ORS), in conjunction with the S.C. Election Commission, to merge the voter registration file with the office's Geocoded Address List and the district boundaries of the Congress, S.C. Senate, S.C. House of Representatives, county councils, city councils, school districts, and commissions of public works to assist the County Registration and Election Commissions to ensure that registered voters are assigned to proper election districts. Directs that the merged systems will allow the Office of Research & Statistics to provide the respective county officials with a list of potential voters possibly assigned to the wrong election district.

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WMC: AMEND proviso to delete city councils, school districts and commissions of public works from the requirement to provide election information. Requires counties and municipalities to release GIS information to ORS upon a written request submitted to the county or municipality's chief administrative officer and direct that they be informed that failure to comply within 30 days of the request may result in the withholding of 10% of the county's or municipality's state aid. Authorize the ORS director to grant additional time for good cause and direct that release must be waived if the county or municipality does not possess GIS data. Direct the ORS director, after the required notice has been sent, to notify the State Treasurer of any county or municipality that has failed to comply with releasing their GIS data. Direct that notification shall result in withholding 10% of subsequent payments of state aid to the entity until the GIS data is provided. Authorize municipal and county data acquired by ORS under this provision to be used for other functions of the office. *Clarifies that ORS is only required to merge files and data for election districts that have official records. Ensures that local information is provided in a timely manner.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

80A.20. (BCB: Election File Merge) In order to assist the County Registration and Election Commissions to ensure that registered voters are assigned to proper election districts, the Office of Research and Statistics, in conjunction with the South Carolina Election Commission, shall merge the voter registration file with the office's Geocoded Address List and the district boundaries of the Congress, SC Senate, SC House of Representatives, county councils, ~~city councils, school districts and commissions of public works~~ and such other districts as the office possesses official district boundary records in electronic format. The merged systems will allow the Office of Research and Statistics to provide the respective county officials with a list of potential voters who are possibly assigned to the wrong election district. Counties and municipalities shall release GIS to the Office of Research and Statistics upon the Office's written request. Written request must be sent to the chief administrative officer of the county or municipality and advise the county or municipality that failure to comply within thirty days of request may result in the withholding of ten percent of the county's or municipality's state aid. The Director of the Office of Research and Statistics may grant additional time for good cause and must waive release if the county or municipality does not possess GIS data. For counties and municipalities that possess GIS data but do not release it, the Director of the Office of Research and Statistics shall notify the State Treasurer of the failure to comply with this provision after the required notice. Notification shall result in the withholding of ten percent of subsequent payments of state aid to the entity until the GIS data is provided. Municipal and county data acquired by the Office of Research and Statistics in the course of performing its responsibilities under this provision may be used for other functions of the office.

80A.22 DELETE (South Carolina 911 Advisory Committee) Re-establishes the CMRS Emergency Telephone Advisory Committee as the S.C. 911 Advisory Committee to advise the B&C Board on 911 matters and revises membership of Committee.

SFC: DELETE proviso. *Codified in Section 23-47-65.*

SEN: ADOPT deletion of proviso.

CONF: ADOPT Senate deletion.

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~~80A.22. (BCB: South Carolina 911 Advisory Committee) The CMRS Emergency Telephone Advisory Committee established pursuant to Section 23-47-65 of the 1976 Code and which terminated after August 1, 2004, is reestablished for the current fiscal year as it was established in Section 23-47-65. The powers of that committee are devolved on the reestablished committee and the committee shall advise the Budget and Control Board on 911 matters. However, this reestablished committee is renamed the South Carolina 911 Advisory Committee and the ex officio membership of the State Auditor is replaced by a Budget and Control Board Division Director appointed by the Governor, who shall serve ex officio. The Director of the Office of Research and Statistics shall serve in lieu of the Director of the Budget and Control Board, Division of State Information Technology. Also, the member who is an employee of a telephone service supplier must be an employee of a local exchange access facility service supplier licensed to do business in this State.~~

80A.23 REINSERT/AMEND (Base Closure Carry Forward) Authorizes Base Closure Fund appropriations to be carried forward and used for the same purpose.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SFC: REINSERT proviso and amend to authorize \$300,000 of Base Closure funds to be carried forward and used for Base Closure purposes.

SEN: ADOPT proviso as amended.

CONF: ADOPT Senate version.

80A.23. (BCB: Base Closure Carry Forward) ~~Funds~~ *Of the funds* appropriated to the Budget and Control Board for the Base Closure Fund, \$300,000 shall be carried forward into the current fiscal year and shall be used for the same purpose.

80A.28 DELETE/MOVE (SCHIDS) Creates the S.C. Health Integrated Data Services (SCHIDS) program within the B&C Board, Office of Research and Statistics to distribute data about the prevalence, treatment, and cost of disease from the S.C. Health and Human Services Data Warehouse and particularly the Medicaid System. Direct that the purpose of the program is to educate communities around the state about improving health and wellness through lifestyle changes. Direct state agencies and public universities that educate South Carolinians about improving health and wellness through public programs to communicate with the SCHIDS to improve collaboration and coordination and to possibly use SCHIDS to assist in evaluating program outcomes. Direct Medicaid staff to coordinate with SCHIDS program staff to target Prevention Partnership Grant awards to communities that show a prevalence of chronic disease and/or a lack of access to care.

HOU2: DELETE proviso. Sponsor: Rep. Cooper. *Note: Moved to DHEC proviso 22.48. (proviso22.45 in HOU2 version).*

CONF: ADOPT House deletion.

~~80A.28. (BCB: SCHIDS) There is created within the Budget and Control Board, Office of Research and Statistics, the South Carolina Health Integrated Data Services (SCHIDS) subprogram under the "Health and Demographic Statistics" program. The purpose of the subprogram is to disseminate data about prevalence, treatment and cost of disease from the South Carolina Health and Human Services Data Warehouse and in particular the Medicaid System in order to educate communities statewide about improving health and wellness through lifestyle changes.~~

~~All state agencies and public universities involved in educating South Carolinians through public programs to improve health and wellness shall communicate with the Office of Research~~

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~~and Statistics in order to improve collaboration and coordination and the possible use of SCHIDS to assist in the evaluation of program outcomes.~~

~~Medicaid staff shall coordinate with the SCHIDS program staff to target Prevention Partnership Grant awards to those communities demonstrating a prevalence of chronic disease and/or lack of access to care.~~

80A.31 DELETE (Insurance Contracts Bid Process) Authorizes the Insurance Reserve Fund (IRF) to use a competitive process for reinsurance coverage for property insurance written by the IRF. Directs that the process for this procurement be governed by rules established by the IRF and not by the Procurement Code. Requires bids be presented at a B&C Board meeting for review and that the board make their decision by the next board meeting.

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

~~**80A.31.** (BCB: Insurance Contracts Bid Process) The Insurance Reserve Fund may utilize a competitive process to obtain reinsurance coverage with respect to property insurance written by the Insurance Reserve Fund in the State of South Carolina. The competitive process under this proviso shall be governed exclusively by rules established by the Insurance Reserve Fund for this procurement and shall not be governed by the Consolidated Procurement Code. The Budget and Control Board can comply with the provision by utilizing a competitive process to obtain a broker to provide reinsurance coverage. Bids shall be presented at a meeting of the Budget and Control Board for review and the Board shall make their decision on those bids by their next board meeting.~~

80A.32 DELETE (Census Carry Forward) Authorizes unexpended Census Promotion and Participation funds to be carried forward and used for the same purposes.

WMC: DELETE proviso. *Funds have been expended.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**80A.32.** (BCB: Census Carry Forward) Any unexpended funds appropriated to the Budget and Control Board for Census Promotion and Participation may be carried forward from the prior fiscal year to the current fiscal year and used for the same purposes.~~

80A.35 DELETE (SCEIS Flexibility) Directs that in addition to the flexibility in proviso 89.80, the B&C Board Executive Director shall transfer and use funds from any other agency accounts to maintain critical development of infrastructure assets for statewide SCEIS implementation until the General Assembly appropriates further funding.

WMC: AMEND proviso to change reference from “89.80” to “89.140;” direct the board to transfer and use at least \$6,812,478; and prohibit the board from using their “Trust and Agency Funds” as defined by the Comptroller General’s Statewide Accounting System, Subfund 3482, Rural Infrastructure Bank Trust Fund, and Subfund 4846, Tobacco Settlement Local Government Fund for this purpose. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: AMEND FURTHER to delete the restriction from using “Trust and Agency Funds” and Subfunds 3482 and 4846.

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

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~~80A.35. (BCB: SCEIS Flexibility) In addition to the flexibility authorized in provision 89.80 (GP: Flexibility), the Executive Director of the Budget and Control Board is directed to transfer and utilize funds from any other accounts within the agency in an effort to maintain critical development of infrastructure assets of the statewide SCEIS implementation until further funding is appropriated by the General Assembly.~~

80A.37 DELETE (December Holidays) Directs that employees observe the Saturday, December 25, 2010 and Sunday, December 26, 2010 holidays on Monday, December 27, 2010 and Tuesday, December 28, 2010, respectively.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. *See new proviso 80A.40.*

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~80A.37. (BCB: December Holidays) For state employees, the Saturday, December 25, 2010 legal holiday shall be observed on Monday, December 27, 2010, and the Sunday, December 26, 2010 legal holiday shall be observed on Tuesday, December 28, 2010.~~

80A.38 DELETE (State Health Plan Obesity Treatment Pilot Program) Directs the board, when they establish the 2011 State Health Plan Benefits, to establish a one year pilot program, for 2011 only, to provide treatment and management of obesity and related conditions through various methods including, but not limited to, bariatric surgery as a treatment option. Provides guidelines for the program. Directs the pilot program is limited to 100 patients from different regions in the state. Requires the State Health Plan to annually report detailed information on the program's trends. Requires a patient to serve as his own control by comparing health care costs in the preceding two years to his health care costs following surgery. Directs that surgeries performed under this program be those determined most medically appropriate for participating patients.

WMC: DELETE proviso. *Program was a one-year pilot program.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~80A.38. (BCB: State Health Plan Obesity Treatment Pilot Program) (A) The Budget and Control Board, when establishing the State Health Plan of Benefits for Plan Year 2011, shall establish a one year pilot program designed to address the problem of the high rate of obesity in South Carolina by providing for the treatment and management of obesity and related conditions through various methods including, but not limited to, bariatric surgery as a treatment option. The State Health Plan through the Budget and Control Board must conduct this program as provided in this proviso. The program will operate only in Plan Year 2011.~~

~~(B)(1) The State Health Plan shall develop criteria for patient and facility eligibility for the program which shall include, but not be limited to, bariatric surgical guidelines and criteria of the American Association of Clinical Endocrinologists (AACE), The Obesity Society (TOS), and American Society for Metabolic & Bariatric Surgery (ASMBS) Guidelines for Clinical Practice for the Perioperative Nutritional, Metabolic, and Nonsurgical Support of the Bariatric Surgery Patient.~~

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~~(2) In addition to the considerations required in item (1) of this subsection, criteria for patient participation must include that a person may be eligible for bariatric surgery in the program if he is a State Health Plan participant covered as either a subscriber or spouse and is not eligible for Medicare and:~~

- ~~(a) (i) has a body mass index greater than forty; or~~
- ~~(ii) has a body mass index greater than thirty five and with a co-morbidity such as diabetes, hypertension, gastro-esophageal reflux disease, sleep apnea, or asthma;~~
- ~~(b) has participated in the State Health Plan for at least the immediately preceding two years;~~
- ~~(c) has documented with his primary practitioner at least two failed attempts at sustained weight loss using programmatic methods as approved by the Plan; and~~
- ~~(d) has presented a pre-operative psychological evaluation indicating the patient is a satisfactory candidate for surgery.~~

~~(3) In addition to the considerations required in item (1) of this subsection, a medical center or hospital may be eligible to deliver bariatric surgery in the program if it:~~

- ~~(a) is a nationally designated ASMBS Center of Excellence for Bariatric Surgery, an American College of Surgeons (ACS) Bariatric Surgery Center Network member, or a Blue Distinction Center for Bariatric Surgery;~~
- ~~(b) has all the critical post-surgical patient support in place including, but not limited to:~~

- ~~(i) a nutritionist or dietician for patient access;~~
- ~~(ii) individual and group support meetings;~~
- ~~(iii) development of personalized weight loss goals and management and support for lifelong life style changes; and~~
- ~~(iv) a physical activity component; and~~
- ~~(c) imposes an initial surgical fee that must include eighteen months follow-up care for the patient that includes, but is not limited to, clinical complications, all band adjustments, use of COE support staff, use of nutritionists, and access to group meetings.~~

~~(C) The program may approve not more than one hundred patients from different regions in the state for the program based on the guidelines developed by the State Health Plan.~~

~~(D)(1) The State Health Plan shall report annually to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee with detailed information on the program's trends including, but not limited to, pre-surgical medical and prescription costs, including those associated with obesity and its co-morbidities, and postsurgical medical and prescription costs, including those related to complications from the surgery. A patient must serve as his own control by comparing health care costs in the preceding two years to his health care costs following surgery.~~

~~(2) Surgeries performed under this program shall be that determined most medically appropriate for participating patients.~~

80A.40 ADD (December Holidays) **WMC:** ADD new proviso to direct that for 2011, employees observe the Saturday, December 24th legal holiday on Friday, December 23rd; and the Sunday, December 25th and Monday December 26th legal holidays on Monday, December 26th and Tuesday, December 27th, respectively. *Provides authority of observance of legal holidays on alternate days that are not expressly authorized by existing statute.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

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80A.40. (BCB: December Holidays) For state employees, the Saturday, December 24, 2011 legal holiday shall be observed on Friday, December 23, 2011; the Sunday December 25, 2011 legal holiday shall be observed on Monday, December 26, 2011, and the Monday, December 26, 2011 legal holiday shall be observed on Tuesday, December 27, 2011.

- 80A.41 DELETE NEW PROVISO** (Agency Deficit Prohibition) **SEN:** ADD new proviso to prohibit state agencies and institutions from expending more funds than are appropriated in this act and suspend all provisions permitting an agency deficit to be recognized. Sponsors: Sen. Sheheen, McConnell, Shoopman, Malloy, and Massey.
CONF: ADOPT House version. (*Deletes new proviso.*)

80A.41. (BCB: Agency Deficit Prohibition) DELETED

- 80A.42 ADD** (Rural Infrastructure) **SEN:** ADD new proviso to direct the B&C Board Office of Local Government, or its successor to transfer all monies under its control to the S.C. Rural Infrastructure Fund authorized by Act 171 of 2010. Direct that all monies and balances from appropriations, carry forwards, earmarked and restricted accounts, or any other accounts under its control, except the State Infrastructure Revolving Loan Fund and federal matching monies, are to be transferred. Allow the Rural Infrastructure Authority, by a majority vote of the board, to hire a director for the authority so long as one of the gubernatorial appointees and three of the legislative appointees votes in favor of the hiring. Sponsor: Sen. Coleman.
CONF: ADOPT Senate version.

80A.42. (BCB: Rural Infrastructure) The Budget and Control Board, Office of Local Government, or its successor, shall transfer all monies under its control to the South Carolina Rural Infrastructure Fund, authorized by Act 171 of 2010. For purposes of this paragraph, the Budget and Control Board, Office of Local Government, or its successor, shall transfer all monies and balances from any appropriation, carry forward funds, earmarked and restricted accounts, or any other account under its control, except for the State Infrastructure Revolving Loan Fund and any federal monies and federal matching monies. The Rural Infrastructure Authority, created pursuant to Act 171 of 2010, by a majority vote of the board may hire a director for the authority, so long as one of the gubernatorial appointees and three of the legislative appointees votes in favor of the hiring.

- 80A.43 DELETE NEW PROVISO** (Agency Deficit Prohibition) **SEN:** ADD new proviso to suspend all provisions that permit an agency deficit to be recognized. Sponsors: Sen. Sheheen, McConnell, Shoopman, Malloy, and Massey.
CONF: ADOPT House version. (*Deletes new proviso.*)

80A.43. (BCB: Agency Deficit Prohibition) DELETED

- 80A.44 ADD** (Additional Tort Liability Insurance Coverage Authorized) **HOU2:** ADD new proviso to authorize the B&C Board, Office of Insurance Services to offer tort liability insurance coverage during FY 11-12 to an aging entity and its employees that serve clients countywide which had previously obtained tort liability insurance coverage through the board. Sponsor: Rep. Cooper. *Note: Proviso 80A.41 in HOU2 version.*
CONF: ADOPT House version.

80A.44. (BCB: Additional Tort Liability Insurance Coverage Authorized) The State Budget and Control Board, through the Office of Insurance Services, for Fiscal Year 2011-12, is also authorized to offer tort liability insurance coverage to an aging entity and its employees

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servicing clients countywide which previously obtained its tort liability insurance coverage through the board.

SECTION 80C - F30-BUDGET AND CONTROL BOARD, EMPLOYEE BENEFITS

80C.1 DELETE (Deferred Compensation) Directs the State, to the extent funds are appropriated, to make contributions to deferred compensation plans on behalf of permanent full time state employees who were employed and earned less than \$20,000 a year as of July 1, 2000. Directs the board to determine the amount, terms and conditions of the contributions without those employees making contributions to the plan.

WMC: DELETE proviso. *Funding has not been provided by the General Assembly to enact this provision in recent years.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**80C.1.** (BCB/EB: Deferred Compensation) To the extent funds are appropriated, the State shall make contributions to deferred compensation plan accounts on behalf of permanent, full-time state employees who were employed and earned less than \$20,000 per year as of July 1, 2000, in an amount and under the terms and conditions prescribed for such contributions by the Budget and Control Board, without such employees making contributions to the deferred compensation plan.~~

80C.4 DELETE (County Council Member) Directs that a person who is eligible to participate in the state health and dental insurance plans as a council member of a participating county, who is also eligible to participate as the spouse of a covered employee or retiree may only participate in the insurance plans as either an employee or a spouse, but not as both.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**80C.4.** (BCB/EB: County Council Member) A person who is eligible to participate in the state health and dental insurance plans as a council member of a participating county and who is also eligible to participate as the spouse of a covered employee or retiree may choose to participate in the insurance plans as either an employee or a spouse, but not both.~~

SECTION 81 - R44-DEPARTMENT OF REVENUE

81.3 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. Direct that revenue in excess of \$17,000,000 be deposited in the Rural Infrastructure Fund under the Department of Commerce, Coordinating Council

HOU: AMEND proviso to direct that all monies in the B&C Board Office of Local Government Rural Infrastructure Bank Trust Fund must be transferred during FY 11-12 to the S.C. Rural Infrastructure Authority, Rural Infrastructure Fund established pursuant to Chapter 50 of Title 11 and administered by the B&C Board Office of Local Government. Direct that

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the funds are to be used to provide financial assistance for qualified rural infrastructure projects to include facilities and appurtenances to meet public health and environmental standards; to develop trade, commerce, and industry; to provide for potable water and wastewater services; and to provide for emergency preparedness infrastructure. Sponsors: Reps. Clyburn, Cobb-Hunter, Cooper, Ott, Lucas, and Harrell.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

81.3. (DOR: Rural Infrastructure Fund Transfer) Notwithstanding Section 12-10-85, the Department of Revenue is authorized to deposit revenues from the Rural Infrastructure Fund in excess of \$12 million dollars to the Rural Infrastructure Bank Trust Fund under the Budget and Control Board, Office of Local Government. Any revenues in excess of \$17 million shall be deposited in the Rural Infrastructure Fund under the Department of Commerce, Coordinating Council. All monies in the Rural Infrastructure Bank Trust Fund under the Budget and Control Board, Office of Local Government, including those deposited in the fund pursuant to the provisions of this paragraph, must be transferred during Fiscal Year 2011-2012 to the Rural Infrastructure Fund of the South Carolina Rural Infrastructure Authority established pursuant to Chapter 50 of Title 11 and administered by the Office of Local Government under the Budget and Control Board to be used for the purposes of the Rural Infrastructure Authority, which involve providing financial assistance for qualified rural infrastructure projects to include facilities and appurtenances to meet public health and environmental standards, to develop trade, commerce, and industry, to provide for potable water and wastewater services, and to provide for emergency preparedness infrastructure.

81.9 **DELETE** (Bingo Licenses) Suspends the provisions of Section 12-21-3940(D) [LICENSE TO CONDUCT BINGO; A LICENSE MUST NOT BE ISSUED FOR CONDUCTING A GAME OF BINGO AT AN ESTABLISHMENT HOLDING A LICENSE PURSUANT TO THE PROVISIONS OF SECTION 61-6-1820 [ALCOHOLIC BEVERAGE BIENNIAL LICENSE]] for the current fiscal year.

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

81.9. (DOR: Bingo Licenses) ~~The provisions of Section 12-21-3940(D) of the 1976 Code are suspended for the current fiscal year.~~

81.10 **DELETE NEW PROVISO** (Airline Property Tax Report) **WMC:** ADD new proviso to direct the Department of Revenue to submit a report to the Chairmen of the Senate Finance and House Ways and Means Committees by January 10, 2012, that provides the methodology used to determine the property tax collected on aircraft under Title 12, Chapter 37, Article 19 [ASSESSMENT OF PROPERTY TAXES: AIRCRAFT]. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

81.10. (DOR: Airline Property Tax Report) **DELETED**

SECTION 82 - R52 - STATE ETHICS COMMISSION

82.1 **DELETE** (Electronic Filing) Authorizes the Ethics Commission to require all statements and forms filed with the commission to be filed using the electronic filing system developed

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pursuant to Section 8-13-365. Requires all funds saved be used to offset the cost of administering and enforcing the Ethics Act. Authorizes unexpended funds to be carried forward.

WMC: DELETE proviso. *Codified in Section 8-13-365 [ELECTRONIC FILING SYSTEM FOR DISCLOSURES AND REPORTS; PUBLIC ACCESSIBILITY].* Fiscal Impact: No impact on the General Fund. Agency should realize a cost savings due to less postage and paper usage while other funds generated will be less due to the reduced sale of documents. Requested by Ethics Commission.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**82.1.** (ETHICS: Electronic Filing) The State Ethics Commission is authorized to require all statements and forms filed with the commission to be filed using the electronic filing system developed pursuant to Section 8-13-365 of the 1976 Code. All funds saved must be used to offset the costs of administering and enforcing the Ethics, Government Accountability, and Campaign Reform Act. The State Ethics Commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.~~

82.2 **DELETE NEW PROVISO** (Lobbying Fee Increase) **WMC:** ADD new proviso to authorize the Ethics Commission to increase the registration fees for lobbyists and lobbyists principals to \$200. Direct that 50% of the increased fee be remitted to the general fund and 50% be retained by the commission and used to offset costs associated with administering and enforcing Chapter 17 of Title 2 [LOBBYISTS AND LOBBYING] and Chapter 13 of Title 8 [ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM]. Authorize excess funds to be carried forward and used for the same purpose. Fiscal Impact: OSB indicates additional revenue of \$125,000 to \$150,000 would be generated annually. Requested by Ethics Commission.

HOU: ADOPT new proviso.

HOU2: DELETE new proviso. Sponsor: Rep, Cooper.

SFC: AMEND new proviso to direct that in addition to the currently authorized lobbyist and lobbyist's principal registration fees, the commission may charge each lobbyist and lobbyist's principal a \$100 administrative fee and authorize the commission to retain the increased revenue.

SEN: DELETE new proviso. *Ruled Out of Order*

CONF: SAME in both versions.

82.2. (ETHICS: Lobbying Fee Increase) DELETED

82.3 **REINSERT NEW PROVISO** (Confidentiality) **WMC:** ADD new proviso to preclude the State Ethics Commission staff from making any public comment which reflects a personal opinion about any matter which is before or which is pending action before the commission or the commission staff. Direct that this provision does not abridge the commission's responsibilities pursuant to the Freedom of Information Act, Section 30-4-10, et. seq. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT House version.

82.3. (ETHICS: Confidentiality) The State Ethics Commission staff shall be precluded from making any public comment which in any way reflects a personal opinion about any

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matter which is before or which is pending action before the commission or the commission staff. Nothing in this provision shall abridge the commission's responsibilities pursuant to the Freedom of Information Act, Section 30-4-10, et. seq. of the 1976 Code.

SECTION 83 - S60-PROCUREMENT REVIEW PANEL

- 83.1 REINSERT** (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.
HOU: ADOPT deletion of proviso.
SFC: REINSERT proviso.
SEN: ADOPT original proviso.
CONF: ADOPT Senate version.

83.1. (PRP: Filing Fee) Requests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410. The funds generated by the filing fee shall be retained by the panel and carried forward to be used for the operation of the panel. Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived.

SECTION 84 - V04-DEBT SERVICE

- 84.1 AMEND** (Excess Debt Service Funds Carry Forward) Authorizes excess Debt Service funds to be carried forward from FY 08-09 and be spent for debt service purposes in FY 09-10.
- WMC:** AMEND proviso to change fiscal year references from "2009-10" to "2010-11" and "2010-11" to "2011-12."
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

84.1. (DS: Excess Debt Service Funds Carry Forward) Excess Debt Service funds from Fiscal Year ~~2009-10~~ 2010-11 may be carried forward and expended for debt service purposes in Fiscal Year ~~2010-11~~ 2011-12.

SECTION 86 - X22 - AID TO SUBDIVISIONS, STATE TREASURER

- 86.2 AMEND** (Local Government Flexibility) Directs that for FY 10-11, counties may transfer funds among appropriated state revenues as needed to ensure delivery of services.
- WMC:** AMEND proviso to change Fiscal Year "2010-11" to "2011-12." Fiscal Impact: No impact on the General Fund.

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HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: AMEND proviso to specify that counties may transfer funds “not statutorily restricted for a specific use.” Sponsor: Sen. McConnell.

CONF: ADOPT Senate version.

86.2. (AS-TREAS: Local Government Flexibility) Fiscal Year ~~2010-11~~ 2011-12, counties of this State may transfer funds not statutorily restricted for a specific use among appropriated state revenues as needed to ensure the delivery of services.

86.3 **AMEND** (Quarterly Distributions) Directs that for FY 10-11, the quarterly distribution for Aid to Subdivisions-Local Government Fund entities be as follows: 1st quarter is to equal the amount of the last quarterly distribution for FY 09-10 and the next three quarters shall be reduced in equal amounts with the four distributions totaling the 10-11 appropriation from the Local Government Fund.

WMC: AMEND proviso to change fiscal year references from “2010-11” to “2011-12” and “2009-10” to “2010-11.” Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

86.3. (AS-TREAS: Quarterly Distributions) For Fiscal Year ~~2010-11~~ 2011-12, the amount of the four quarterly distributions from the Aid to Subdivisions-Local Government Fund shall be as follows: The amount of the first quarterly distribution for each entity shall equal the amount of the last quarterly distribution for Fiscal Year ~~2009-10~~ 2010-11 and thereafter the next three quarterly distributions shall be in reduced equal amounts, the four distributions together totaling the ~~2010-11~~ 2011-12 appropriation from the Local Government Fund.

86.5 **DELETE** (Property Tax Relief Reimbursement) Suspends the amount to be deducted from state individual and corporate income tax revenues and credited to the Property Tax Relief Fund to provide the reimbursement required by Section 12-37-251 [HOMESTEAD EXEMPTION; CALCULATION OF ROLLBACK MILLAGE; ADJUSTMENTS TO ASSESSED VALUE] to the extent that the amount to be deducted would exceed the amount deducted in the prior fiscal year.

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

86.5. (AS-TREAS: Property Tax Relief Reimbursement) ~~The amount to be deducted from state individual and corporate income tax revenues and credited to the Trust Fund for Tax Relief to fund the reimbursement required by Section 12-37-251, is suspended to the extent that the amount to be deducted would exceed the amount deducted in the prior fiscal year.~~

86.7 **REINSERT/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 the current fiscal year.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SFC: REINSERT proviso and AMEND to change “2010-11” to “2011-12.”

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SEN: ADOPT proviso as amended.

CONF: ADOPT Senate version.

86.7. (AS-TREAS: LGF) For Fiscal Year ~~2010-11~~ 2011-12, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976 Code are suspended.

86.8 **AMEND FURTHER** (Flexibility) Allows a political subdivision that receives funds from the Local Government Fund to reduce its support to any state mandated program or requirement, if there is no specific funding level or amount of support required by law, by up to the same percentage the actual amount appropriated to the Local Government Fund was reduced in the current fiscal year as compared to the last completed fiscal year.

WMC: AMEND proviso to change Fiscal Year “2010-11” to “2011-12.” Fiscal Impact: No impact on the General Fund.

HOU: AMEND FURTHER to delete the reference to “for which a specific level or amount of support or funding is not provided by law.” Allow support to be reduced by up to a percentage equal to amount the Local Government Fund appropriation is reduced as compared to “the amount required to be appropriated pursuant to Section 6-27-30” rather than as compared to the “last completed fiscal year.” Sponsor: Rep. Crosby.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

86.8. (AS-TREAS: Flexibility) For Fiscal Year ~~2010-11~~ 2011-12, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, ~~for which a specific level or amount of support or funding is not provided by law~~, by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the ~~last completed fiscal year~~ amount required to be appropriated pursuant to Section 6-27-30.

86.9 **DELETE NEW PROVISO** (Equivalent Millage and Local Government Fund Reduction)

WMC: ADD new proviso to direct that if a municipality’s boundaries extend into more than one county and those counties implement required countywide appraisal and equalization programs on different schedules, the municipality’s governing body shall set an equivalent millage to be used to compute municipal ad valorem property taxes. Direct that the equivalent millage be determined by a methodology established by the respective county auditors consistent with the methodology for calculating equivalent millage established by DOR for use in such situations. Direct that the purpose of this provision is to equalize the tax burdens within the municipality. Direct that if any municipality does not implement these provisions during the Fiscal Year 2011-12, it shall have its 2011-12 distribution from the Local Government Fund under the State Aid to Subdivisions Act reduced by an amount equal to what the State Treasurer, upon consultation with DOR, determines that taxpayers in the municipality collectively were overcharged in ad valorem property taxes by the municipality’s failure to implement these provisions during FY 2011-12. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of proviso.

CONF: ADOPT Senate deletion.

86.9. (AS-TREAS: *Equivalent Millage and Local Government Fund Reduction*)
DELETED

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86.10 AMEND NEW PROVISO (Speed Camera Citations Restriction) **WMC:** ADD new proviso to prohibit a political subdivision from collecting any fines, fees or costs resulting from issuing uniform traffic citations or any other form of traffic citation that is based or has relied on camera assisted evidence. Direct that any municipality which fails to comply with this provision during the FY 2011-12 shall have its FY 2011-12 distribution from the Local Government Fund under the State Aid to Subdivisions Act reduced by an amount equal to the amount of fines, fees or costs collected by the political subdivision through issuing camera assisted traffic citations.

HOU: ADOPT new proviso.

SFC: AMEND new proviso to require the governing body of a political subdivision with jurisdiction over a law enforcement agency that issues traffic citations by mail or any means other than an officer directly giving the citation to the offender to report to the State Treasurer by July 1 that the law enforcement agency issues citations in this manner. Require the political subdivision that has given the required notice, within 10 days of receiving a Local Government Fund distribution, to remit to the State Treasurer an amount equivalent to the distribution. Direct that the political subdivision is relieved from this remittance if the governing body certifies to the Treasurer that they have prohibited the law enforcement agency from issuing citations in this manner. Direct the State Treasurer, if it is found that a political subdivision has issued citations in this manner and has not given the required notice, to notify the subdivision that it must remit within 10 days an amount equal to two times the Local Government Fund distribution to the subdivision during the fiscal year. Require the State Treasurer to withhold future distributions from any source if the political subdivision is delinquent in remitting the payment.

SEN: ADOPT new proviso as amended.

CONF: ADOPT Senate version.

86.10. (AS-TREAS: Speed Camera Citations Restriction) The governing body of any political subdivision with jurisdiction over a law enforcement agency that issues uniform traffic citations for traffic violations by the United States mail, a parcel delivery service, electronic means, or by any means other than a law enforcement officer directly giving the uniform traffic citation to the offender incident to and contemporaneous with a traffic stop for the offense or within one hour as provided by Section 56-5-70(E) of the 1976 Code, must report to the State Treasurer by July 1, 2011 that the law enforcement agency issues uniform traffic citations in this manner. Upon receiving a distribution from the Local Government Aid to Subdivisions fund, a political subdivision that has given the required notice must remit an amount equivalent to the distribution to the State Treasurer within ten days. A political subdivision may be relieved of any further requirement to remit the amount required by this provision when the governing body certifies to the State Treasurer that the governing body has prohibited the applicable law enforcement agency from issuing any further uniform traffic citations in the manner implicated by this provision. If the State Treasurer determines that a political subdivision has issued uniform traffic citations in a manner implicated by this provision and has not given the notice required by this provision, the State Treasurer shall notify the political subdivision that it must remit an amount equal to two times the amount of Local Government Aid to Subdivision funds already received by the political subdivision during the current fiscal year. Upon receipt of this notice, the political subdivision shall remit the required amount within ten days. If a political subdivision is delinquent on any payment required by this provision, the State Treasurer shall utilize the authority granted by Section 11-9-75 of the 1976 Code to withhold any additional distributions from any source to the political subdivision.

86.11 DELETE NEW PROVISO (Agreed Upon Procedure) **HOU:** ADD new proviso to allow non-court cities with a budget that is less than \$300,000 to submit an Agreed Upon Procedure

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rather than a financial audit. Direct the Office of State Treasurer to develop the Agreed Upon Procedures criteria. Sponsor: Rep. Sellers.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

86.11. (AS-TREAS: Agreed Upon Procedure) DELETED

- 86.12 DELETE NEW PROVISO** (Transparency-Provision of Services to Political Subdivision) **SEN:** ADD new proviso to prohibit a political subdivision that receives aid from the Local Government Fund from appropriating money to any person who is not providing services to the subdivision without the requirement that the person provide, at the end of the fiscal year, a detailed description on how the money was used. Sponsor: Sen. S. Martin.
CONF: ADOPT House version. (*Deletes new proviso.*)

86.12. (AS-TREAS: Transparency-Provision of Services to Political Subdivision) DELETED

- 86.13 ADD** (Transparency-Political Subdivision Appropriation of Funds) **SEN:** ADD new proviso to direct that a political subdivision that receives aid from the Local Government Fund may not appropriate money to an entity unless the appropriation appears as a separate, distinct line in the subdivision's budget or in an amendment to their budget. Direct that the political subdivision may not donate funds to a non-profit, except in cases of emergency or unforeseen circumstances, unless the donated amounts appear as a separate, distinct line in the subdivision's budget or in an amendment to their budget that includes the name of the entity receiving the donation. Direct that the donation may be made in a case of emergency or unforeseen circumstance if the amount, purpose, and nature of the emergency or circumstance is announced in open session in a public meeting of the governing body and direct that the funds may not be delivered to the organization for 5 days after the intent to donate is announced. Prohibit a political subdivision that receives aid from the Local Government Fund from appropriating money to any entity without the requirement that the entity provide, at the end of the fiscal year, a detailed description on how the money was used. Sponsors: Sens. S. Martin, Hutto, Bryant, and Knotts.
CONF: ADOPT Senate version.

86.13. (AS-TREAS: Transparency-Political Subdivision Appropriation of Funds) (A) A political subdivision receiving aid from the Local Government Fund may not:

(1) appropriate money to any entity unless that appropriation appears as a separate and distinct line item in the political subdivision's budget or in an amendment to the political subdivision's budget; or

(2) except in cases of emergency or unforeseen circumstances, donate funds to a non-profit organization unless the amounts donated are appropriated on a separate and distinct line item in the political subdivision's budget or an amendment to the political subdivision's budget that includes the names of the entities to which the donations are being made. In the case of an emergency or unforeseen circumstances, a political subdivision may donate funds to a non-profit organization if the amount and purpose of the proposed donation and the nature of the emergency or unforeseen circumstances necessitating the donation are announced in open session at a public meeting held by the governing body of the political subdivision and the funds are not delivered to the organization for five days following the announced intent to make the donation.

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(B) A political subdivision receiving aid from the Local Government Fund may not appropriate money to any entity without the requirement that the entity provides at the end of the fiscal year a detailed description of the purposes for which the money was used.

- 86.14 DELETE NEW PROVISO** (Lawsuits) **SEN:** ADD new proviso to direct that if a political subdivision receives aid from the Local Government Fund and they file a lawsuit in federal court against the State, a state agency, department, institution, or other entity, a state officer, or another political subdivision, they must remit to the State Treasurer an amount equal to the distribution they receive from the Local Government Aid to Subdivisions within 10 days of receiving a distribution. Sponsor: Sen. Grooms.
CONF: ADOPT House version. (*Deletes new proviso.*)

86.14. (AS-TREAS: Lawsuits) DELETED

SECTION 89 - X90-GENERAL PROVISIONS

- 89.2 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 2010-11.

WMC: AMEND proviso to change fiscal year reference from “2010-11” to “2011-12.” Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

89.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year ~~2010-11~~ 2011-12, and for other purposes specifically designated.

- 89.3 AMEND** (Fiscal Year Definitions) Defines current and prior fiscal year time frames.

WMC: AMEND proviso to update fiscal year references from “2010” to “2011;” “2011” to “2012;” and “2009” to “2010.” Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

89.3. (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, “current fiscal year” means the fiscal year beginning July 1, ~~2010~~ 2011, and ending June 30, ~~2011~~ 2012, and “prior fiscal year” means the fiscal year beginning July 1, ~~2009~~ 2010, and ending June 30, ~~2010~~ 2011.

- 89.7 DELETE** (Federal Program Expenses, Lag Time) Authorizes DHEC, DMH, DDSN, DSS, DHHS, Division on Aging, Division of Foster Care, Department of Corrections, and DJJ, after July 1st, to expend current year state funds to cover prior fiscal year 4th quarter federal program expenses due to the time lag of federal reimbursement.

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

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~~89.7. (GP: Federal Program Expenses, Lag Time) After July first, of the current fiscal year, the Department of Health and Environmental Control, Department of Mental Health, Department of Disabilities and Special Needs, Department of Social Services, Department of Health and Human Services, Division on Aging, Division of Foster Care, Department of Corrections, and Department of Juvenile Justice may expend if necessary, state appropriated funds for the current fiscal year to cover fourth quarter federal programs expenses incurred in the prior fiscal year necessitated by the time lag of federal reimbursement.~~

- 89.17 AMEND** (Allowance for Residences & Compensation Restrictions) Authorizes specific positions to occupy agency-owned residences without charge.
SFC: AMEND proviso to delete the authorization for the Commissioner of the Department of Corrections and the Farm Director, Farm Managers, and Specialists employed at the Walden Correctional Institution, MacDougall Youth Correctional Center, and Givens Youth Correctional Center to be permitted to occupy department-owned residences without charge.
SEN: ADOPT proviso as amended.
CONF: ADOPT Senate version.

89.17. (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency maintaining its own payroll system. This shall not apply to the Governor's Mansion, nor for department-owned housing used for recruitment and training of Mental Health Professionals, nor to guards at any of the state's penal institutions and nurses and attendants at the Department of Mental Health, and the Department of Disabilities and Special Needs, and registered nurses providing clinical care at the MUSC Medical Center, nor to the Superintendent and staff of John de la Howe School, nor to the cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science and Mathematics who are required to stay on campus by the institution because of job requirements or program participation. The presidents of those state institutions of higher learning authorized to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions without charge.

Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount to be approved by the Budget and Control Board.

That the following may be permitted to occupy residences owned by the respective departments without charge: ~~the Commissioner of the Department of Corrections, the Director of the Department of Mental Health; the Farm Director, Farm Managers, and Specialists employed at the Wateree River Correctional Institution, Walden Correctional Institution, MacDougall Youth Correctional Center, and Givens Youth Correctional Center;~~ the S. C. State Commission of Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural Resources' Game Management Personnel, Fish Hatchery Superintendents, Lake Superintendent, and Fort Johnson Superintendent; the Department of Parks, Recreation and Tourism field personnel in the State Parks Division; Director of Wil Lou Gray Opportunity School; President of the School for the Deaf and the Blind; houseparents for the Commission for the Blind; S.C. Department of Health and Environmental Control personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander University; Residence Life Directors, temporary and

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transition employees, student interns, and emergency personnel at Winthrop University; Farm Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; Clemson University's Head Football Coach; the Department of Disabilities and Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus Agricultural Staff and Housing Area Coordinators; and University of South Carolina's Manager of Bell Camp Facility, Housing Maintenance Night Supervisors, Residence Life Directors, temporary and transition employees, and emergency medical personnel; TriCounty Technical College's Bridge to Clemson Resident and Area Directors. Except in the case of elected officials, the fair market rental value of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to the Agency Head Salary Commission, and the Division of Budget and Analyses by October first, of each fiscal year.

All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved by the Budget and Control Board, applicable to all personnel of the State Government whose compensation is not specifically fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is drawn. The Division of Budget and Analyses of the Budget and Control Board is authorized to approve temporary salary adjustments for classified and unclassified employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the plan may be excluded therefrom but their compensations as approved by the Division of Budget and Analyses shall, nevertheless, be subject to review by the Budget and Control Board. Salary appropriations for employees fixed in this act shall be in full for all services rendered, and no supplements from other sources shall be permitted or approved by the Budget and Control Board. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically fixed in this act and no salary shall be paid any agency head whose salary is not so fixed. Commuter mileage on non-exempt state vehicles shall be considered as income and reported by the Comptroller General in accordance with IRS regulations. As long as there is no impact on appropriated funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section, monetary awards, if any, shall not be considered a part of an employee's base salary, a salary supplement, or a perquisite of employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the South Carolina Division of Budget and Analyses.

In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging provided by the educational institution which is comparable to the qualified campus lodging provided to the employee, over the rent paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the close of the calendar year in which the taxable year begins, or, in the case of a rental period not greater than one year, at any time during the calendar year in which the period begins.

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- 89.25 AMEND FURTHER** (State Owned Aircraft - Maintenance Logs) Provides flight log and aircraft usage guidelines for agencies that have one or more aircraft.
- WMC:** AMEND proviso to change “Division of State Development” to “Department of Commerce” and change Section “8-13-410(1)” to “8-13-700(A).” *Reflect correct code cite.*
Fiscal Impact: No impact on the General Fund.
- HOU:** AMEND proviso to require that flight logs be posted on the website in real time.
Sponsor: Rep. Simrill.
- SFC:** AMEND FURTHER to delete the requirement that the flight log be posted in “real-time” and instead direct that the log be posted “within one working day of the completion of the trip.”
- SEN:** AMEND FURTHER to direct that official business also does not include attending a press conference, bill signing, or political function. Sponsors: Sen. McConnell, Knotts, Sheheen.
- CONF:** ADOPT Senate version.

89.25. (GP: State Owned Aircraft - Maintenance Logs) Each agency having in its custody one or more aircraft shall maintain a continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and shall also be posted online. Any and all aircraft owned or operated by agencies of the State Government shall be used only for official business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the Governor, Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and their invitees for official business only; no member of the General Assembly, no member of a state board, commission, or committee, and no state official shall use any aircraft of the Division of Aeronautics unless the member or official files within forty-eight hours after the time of departure of the flight with the Division of Aeronautics a sworn statement certifying and describing the official nature of his trip; and no member of the General Assembly, no member of a state board, commission or committee, and no state official shall be furnished air transportation by a state agency other than the Division of Aeronautics unless such agency prepares and maintains in its files a sworn statement from the highest ranking official of the agency certifying that the member’s or state official’s trip was in conjunction with the official business of the agency. Official business shall not include routine transportation to and from meetings of the General Assembly or committee meetings for which mileage is authorized. Official business also does not include attending a press conference, bill signing, or political function.

All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of SLED or the ~~Division of State Development~~ Department of Commerce whose confidentiality must, in the opinion of SLED or the ~~division~~ department, be protected shall be listed in writing on the flight log as “Confidential Passenger SLED or the ~~Division of State Development~~ Department of Commerce (strike one)” and the appropriate official of SLED or the ~~division~~ department shall certify to the agency operating the aircraft the necessity for such confidentiality. The Division of Aeronautics shall post its flight logs on its website within one working day of completion of trips.

Violation of the above provisions of this section is prima facie evidence of a violation of Section ~~8-13-410(1)~~ 8-13-700(A) of the 1976 Code and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as provided by law. The above provisions do not apply to aircraft of the Division of Aeronautics when used by the Medical University of South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported

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institution of higher education, nor to law enforcement officers when flying on state owned aircraft in pursuit of fugitives, missing persons, or felons or for investigation of gang, drug, or other violent crimes.

Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

- 89.31** **AMEND** (Travel Report) Requires the Comptroller General to issue an annual report on November 1st listing detailed information on state employee's prior year travel expenditures and distribute the reports to the Senate Finance and House Ways and Means Committees and to the Statehouse Press Room. Authorizes the Comptroller General to use up to \$500 to provide copies to the media and public upon request. Directs that registration fees be shown as a separate subtotal within the grand total for individual employees and the agency as a whole.
- WMC:** AMEND to delete specific reference to object codes 0507 and 0517 and instead specify "in-state and out-of-state" registration fees "(fees to attend conference, teleconferences, workshops, or seminars for training on a per person basis)." *The object codes contained within the proviso refer to the STARS system which is being phased out and replaced with SCEIS which does not use those object codes, nor do institutions of higher learning. Substitute language describes what the deleted object codes previously covered.* Fiscal Impact: No impact on the General Fund. Requested by Office of the Comptroller General.
- HOU:** ADOPT proviso as amended.
- SFC:** ADOPT proviso as amended.
- SEN:** ADOPT proviso as amended.
- CONF:** SAME in both versions.

89.31. (GP: Travel Report) Annually on November first, the Comptroller General shall issue a report on travel expenditures for the prior fiscal year which shall be distributed to the Senate Finance Committee, the House Ways and Means Committee, and the Statehouse Press Room. The Comptroller General may use up to \$500 of general fund appropriations for the purpose of providing copies to the media or the public upon request. The report must contain a listing for every agency receiving an appropriation in the annual General Appropriations Act. The listing must show at a minimum the top ten percent of employees for whom travel expenses and registration fees were paid within each agency, not to exceed twenty-five employees per agency. Agencies should include position titles for each of the top twenty-five travelers for each agency. Expenditures must include state, federal and other sources of funds. Expenditures for in-state and out-of-state registration fees (fees to attend conferences, teleconferences, workshops, or seminars for training on a per person basis) ~~with object codes 0507 and 0517~~ must be shown as a separate subtotal within the grand total for the individual employees and the agency as a whole. The list for each agency must be in rank order with the largest expenditure first and the name of the employee must be shown with each amount. Agencies should include a brief summary of the type of travel the agency incurs. The Comptroller General may provide additional information as deemed appropriate. The Comptroller General shall provide no exceptions to this report in that the information contained is not considered confidential or restricted for economic development purposes. However, further disclosure of detailed information shall be restricted as provided for by law.

- 89.38** **REINSERT** (Menu Option Telephone Answering Devices) Prohibit state agencies from expending funds for any type of menu option telephone answering device unless the system provides for access to an actual person. Direct that this requirement applies from 8:30 am until 5:00 pm Monday through Friday, excluding holidays.
- WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.
- HOU:** ADOPT deletion of proviso.

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SFC: REINSERT proviso.
SEN: ADOPT original proviso.
CONF: ADOPT Senate version.

89.38. (GP: Menu Option Telephone Answering Devices) From the funds appropriated to state agencies, state agencies and their departments shall not expend funds for any type of menu option telephone answering device, unless the menu option system provides the caller with access to a nonelectronic attendant or automatically transfers the caller to a nonelectronic attendant. This requirement applies during the hours of 8:30 AM until 5:00 PM, Monday through Friday, excluding holidays. This requirement does not apply to integrated voice response systems that are specifically designed to exclude human interaction. No additional personnel may be hired to implement the requirements of this provision.

- 89.46** **DELETE** (Accommodations Tax) Direct that for the current fiscal year, “tourist” as used in Section 6-4-10 [ALLOCATION TO GENERAL FUND; SPECIAL FUND FOR TOURISM; MANAGEMENT AND USE OF SPECIAL FUND] does not apply to museums, festivals, arts and cultural events or event’s sponsoring organization.
WMC: DELETE proviso.
HOU: ADOPT deletion of proviso.
SFC: REINSERT proviso.
SEN: DELETE proviso. *Ruled Out of Order*
CONF: SAME in both versions.

89.46. (GP: Accommodations Tax) ~~For the current fiscal year the word ‘tourist’, as used in Section 6 4 10, does not apply to museums or to festivals, arts and cultural events, or the sponsoring organization of these events.~~

- 89.51** **AMEND** (Sole Source Procurements) Requires the B&C Board to evaluate and determine that written determinations, explanations, and basis for sole source procurements, and emergency procurements are legitimate and valid reasons for awarding non-competitive contracts.
SEN AMEND proviso to direct the B&C Board to evaluate and determine “whether” reasons are legitimate and valid. Sponsor: Sen. McConnell.
CONF: ADOPT Senate version.

89.51. (GP: Sole Source Procurements) The Budget and Control Board shall evaluate and determine ~~that~~ whether the written determinations, explanations, and basis for sole source procurements, pursuant to S.C. Code Section 11-35-1560, and emergency procurements, pursuant to S.C. Code Section 11-35-1570, are legitimate and valid reasons for awarding non-competitive contracts.

- 89.54** **REINSERT ORIGINAL PROVISO** (Constitutional Officer & Agency Head Voluntary Furlough) Authorizes constitutional officers and agency heads to take up to 36 days furlough in the current fiscal year while retaining all responsibilities and authority. Directs that funds saved may be retained by that agency and spent at the discretion of the constitutional officer. Directs that the constitutional officer or agency head is entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries; that required employer and employee contributions, including but not limited to contributions to the Retirement System or the optional retirement program, are the employer’s responsibility if coverage would otherwise be interrupted, and that benefits only requiring employee contributions are the responsibility of the constitutional officer or agency head.

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WMC: AMEND proviso to change the number of voluntary furlough days a constitutional officer or agency head may take from 36 to 90. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: REINSERT original proviso.

SEN: ADOPT original proviso.

CONF: ADOPT Senate version.

89.54. (GP: Constitutional Officer & Agency Head Voluntary Furlough) All constitutional officers and agency heads may take up to thirty-six days furlough in the current fiscal year. The officials will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the constitutional officer or agency head. During this furlough, the constitutional officer or agency head shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the constitutional officer or agency head remains solely responsible for making those contributions.

89.59 **AMEND** (Agencies Affected by Restructuring) Directs that upon the General Assembly's restructuring of state agencies in separate legislation, the B&C Board is to work with affected agencies to phase-in operations of restructured organizations; directs that restructured organizations should be operating entirely under the revised structure by June 30th of the current fiscal year; directs the board to work with affected agencies to identify and facilitate transfers of portions of operations not already accomplished; directs the Comptroller General and the State Treasurer to allow agencies to continue processing documents within the account structure that existed June 30th of the prior fiscal year until changes can be made to the State's accounting system; directs agencies to transition to the new account structure by June 30th of the current fiscal year; and directs the Office of State Budget to prepare the subsequent detail budget to conform Part IA and corresponding provisos in this Act to any restructuring changes ratified in separate legislation.

WMC: AMEND proviso to delete reference to restructuring in "separate legislation" and change the time frame by which restructuring must be implemented from "June 30th" of the current fiscal year to "December 31st." Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

89.59. (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly ~~in separate legislation~~, the Budget and Control Board is directed to work with affected State agencies in order to phase-in operations of restructured organizations during the current fiscal year. Restructured organizations should be operating entirely under the revised structure no later than ~~June thirtieth~~ December 31st, of the current fiscal year, unless otherwise directed by law. The Board is further directed to work with the affected agencies in order to identify and facilitate the transfer of any portion of their operations, including transfer of funds during the current fiscal year, which is affected by the restructured organization adopted by the General Assembly, but which has not already been accomplished herein. Until sufficient changes can be made to the State's accounting system and the appointment of appropriate agency heads, the Comptroller General and the State Treasurer shall allow those agencies affected by restructuring to continue processing documents within the account

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structure existing on June 30, of the prior fiscal year. Restructured agencies shall make all the necessary accounting adjustments to complete the transition to the new account structure as soon as possible, but no later than ~~June thirtieth~~ December 31st, of the current fiscal year, unless otherwise directed by law. The Budget and Control Board Office of State Budget is directed to prepare the subsequent detail budget to conform Part IA and corresponding provisos in this act to any restructuring changes that are ratified ~~in separate legislation~~.

89.61 **AMEND FURTHER** (GP: Assessment Audit / Crime Victim Funds) Provides guidelines for the process the State Auditor is to follow regarding authorities that have not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds.

WMC: AMEND proviso to authorize the State Office of Victim Assistance to conduct an “audit” rather than just a “programmatic review” of any entity or non-profit organization that receives victim assistance funding based on referrals from the State Auditor or on specific complaints which they have received. Rather than require any entity or non-profit that receives funds from “victim assistance” being required to submit an expenditure budget for those funds to the State Office of Victim Assistance, any entity that receives funding as described in Sections 14-1-206(B)(D) [ADDITIONAL ASSESSMENT, GENERAL SESSIONS OR FAMILY COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], 14-1-207(B)(D) [ADDITIONAL ASSESSMENT, MAGISTRATE’S COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], 14-1-208(B)(D) [ADDITIONAL ASSESSMENT, MUNICIPAL COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], and 14-1-211(B) [SESSIONS COURT SURCHARGE; FUND RETENTION FOR CRIME VICTIM SERVICES; UNUSED FUNDS; REPORTS; AUDITS] must submit such a budget. Direct that failure to comply with this requirement will initiate a programmatic review and financial audit of the entity’s victim assistance expenditures and the entity’s name will be placed on the State Office of Victim Assistance website until they are in compliance. Require the entity pay the penalty in the amount of the unauthorized expenditure plus \$1,500 within 30 days of the notification that they are non-compliant. Direct the State Office of Victim Assistance to notify the State Treasurer’s Office if the penalty plus the \$1,500 is not paid within the 30 days. Direct the political subdivision to deduct the penalty amount from the entity’s subsequent fiscal year’s appropriation. Direct that funds withheld by the State Treasurer shall be deposited into the general fund.

HOU: ADOPT proviso as amended.

SFC: AMEND FURTHER to direct the Victim Services Coordinating Council to develop guidelines for expenditure of these funds to ensure that an expenditure which meets Title 15 of Article 15 parameters is an allowable expense. Direct that State Office of Victims Assistance rather than the Victim Services Coordinating Council determines whether funds have been spent on unauthorized items. Delete duplicative language. Requested by Victim Services Coordinating Council.

SEN: ADOPT proviso as amended.

CONF: ADOPT Senate version.

89.61. (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B)(D), 14-1-207(B)(D), 14-1-208(B)(D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Office of Victim Assistance. The State Office of Victim Assistance is authorized to conduct an audit which shall include both a programmatic reviews ~~on~~ review and financial audit of any entity or non-profit organization receiving victim assistance funding based on the referrals from the State Auditor or complaints of a specific nature received by the State Office of Victim Assistance to ensure that crime victim funds are

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expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed by the Victim Services Coordinating Council. The Victim Services Coordinating Council shall develop these guidelines to ensure any expenditure which meets the parameters of Title 16, Article 15 is an allowable expenditure. Any local entity or non-profit organization ~~who~~ that receives funding from ~~victim assistance~~ revenue generated from crime victim funds is required to submit their budget for the expenditure of these funds to the State Office of Victim Assistance within thirty days of the ~~budget being approved by the local~~ budget's approval by the governing entity body of the entity or non-profit organization. Failure to comply with this provision shall cause the State Office of Victim Assistance to initiate a programmatic review and a financial audit of the entity's or non-profit organization's expenditures of victim assistance funds. Additionally, the State Office of Victim Assistance will place the name of the non-compliant entity or non-profit organization on their website where it shall remain until such time as they are in compliance with the terms of this proviso. ~~In addition, any~~ Any entity or non-profit organization receiving victim assistance funding must cooperate and provide expenditure/program data requested by the State Office of Victim Assistance. If the State Office of Victim Assistance finds an error, the entity or non-profit organization has ninety days to rectify the error. An error constitutes an entity or non-profit organization spending victim assistance funding on unauthorized items as determined by the State Office of Victims Assistance. If the entity or non-profit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the State Office of Victim Assistance shall assess and collect a penalty ~~of~~ in the amount of the unauthorized expenditure plus \$1,500 against the entity or non-profit organization for improper expenditures ~~in a fiscal year.~~ This penalty plus \$1,500 must be paid within thirty days of the notification by the State Office of Victim Assistance to the entity or non-profit organization that they are in non-compliance with the provisions of this proviso. All penalties received by the State Office of Victim Assistance shall be credited to the General Fund of the State. If the penalty is not received by the State Office of Victim Assistance within ~~ninety~~ thirty days of the notification, the political subdivision will deduct the amount of the penalty from the entity or non-profit organization's subsequent fiscal year appropriation.

- 89.68** **DELETE** (Photo Identification Card) Directs the Department of Corrections and the Department of Probation, Parole and Pardon Services to work with DMV to develop and implement a plan to provide inmates who are being released with a valid photo ID card. Directs the Departments of Corrections and Probation, Parole and Pardon Services, to the extent funds are available from an individual inmate's account, to transfer \$5 to DMV to cover the cost of issuing the photo id card. Directs DMV to use existing resources and technology to produce the photo ID card.
WMC: DELETE proviso. *Codified in 24-13-2130(B) [MEMORANDUM OF UNDERSTANDING TO ESTABLISH ROLE OF EACH AGENCY].* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**89.68.** (GP: Photo Identification Card) The Department of Corrections and the Department of Probation, Parole and Pardon Services are directed to work with the Department of Motor Vehicles to develop and implement a plan for providing inmates who are being released from a correctional facility with a valid photo identification card. To the extent that funds are available from an individual inmate's account, the Department of Corrections or the Department of Probation, Parole and Pardon Services shall transfer five dollars to the~~

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~~Department of Motor Vehicles to cover the cost of issuing the photo identification card. The Department of Motor Vehicles shall use existing resources and technology to produce the photo identification card.~~

- 89.73** **AMEND** (LightRail) Authorizes and directs the three research universities, Clemson, MUSC, and USC-Columbia to plan, procure, administer, oversee, and manage all functions associated with the S.C. LightRail [HIGH SPEED INTERNET] and directs that they are exempt from the oversight and project management regulations of the B&C Board, Division of State Information Technology. Directs that S.C. LightRail is an academic network for the use of the state's 3 research universities for the exchange of information directly related to their mission and must not carry commercial or K-12 traffic originated in S.C. Directs that for FY 10-11 public or private organizations and entities may be provided access only through formal documented partnerships with one or more of the 3 research universities. Directs that a report be submitted on February 1, 2011 that identifies each entity with access to the network and any payment including without limitation in-kind payment, each organization and entity is making for network access.
- WMC:** AMEND proviso to change "Fiscal Year 2010-11" and "2011" to "the current fiscal year." Fiscal Impact: No impact on the General Fund.
- HOU:** ADOPT proviso as amended.
- SFC:** ADOPT proviso as amended.
- SEN:** ADOPT proviso as amended.
- CONF:** SAME in both versions.

89.73. (GP: LightRail) Pursuant to this provision the three research universities: Clemson University, the Medical University of South Carolina, and the University of South Carolina-Columbia, are authorized and directed to plan, procure, administer, oversee, and manage all functions associated with the South Carolina LightRail and are thereby exempt from the oversight and project management regulations of the Budget and Control Board, Division of State Information Technology. South Carolina LightRail is an academic network for the use of the state's three research universities for the exchange of information directly related to their mission and must not carry commercial or K-12 traffic originated in South Carolina. For ~~Fiscal Year 2010-11~~ the current fiscal year, public or private organizations and entities may be provided access only through formal documented partnerships with one or more of the three research universities. On February 1, ~~2011~~ of the current fiscal year, the entity managing the network must submit to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee a report specifically identifying each entity with access to the network and any payment, including without limitation in-kind payment, that each such organization and entity is making for access to the network.

- 89.80** **DELETE** (Flexibility) Authorizes agencies, in order to provide maximum flexibility to absorb general fund reductions mandated in this act as compared to Fiscal Year 2008-09 general fund appropriations, to spend agency earmarked and restricted "special revenue funds" to maintain critical program previously funded with general fund appropriations. Provides guidelines for utilizing this flexibility. Prohibits specific agencies from reducing or transferring funds from the certain programs or area.
- WMC:** DELETE proviso. *See new proviso 89.140.*
- HOU:** ADOPT deletion of proviso.
- SFC:** ADOPT deletion of proviso.
- SEN:** ADOPT deletion of proviso.
- CONF:** SAME in both versions.

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~~89.80. (GP: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to Fiscal Year 2008-09 general fund appropriations, agencies are authorized for FY 2010-11 to spend agency earmarked and restricted accounts designated as "special revenue funds" as defined in the Comptroller General's records, to maintain critical programs previously funded with general fund appropriations. Any spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board, Office of State Budget in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.~~

~~State institutions of higher learning whose budgets have been reduced from the Fiscal Year 2009-10 state funding level, shall have the authority to use other sources of available funds to support and maintain state funded programs affected by state reductions during Fiscal Year 2010-11 and may adjust appropriations from special items or programs contained in this act in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Institutions shall submit to the Office of State Budget, the Senate Finance Committee, and the House Ways and Means Committee the amount of base budget reductions associated with these programs.~~

~~Notwithstanding the flexibility authorized in this provision, the following agencies are prohibited from reducing or transferring funds from the following programs or areas:~~

~~(A) Department of Health and Human Services~~

~~(1) Teen Pregnancy/Abstinence Programs including, but not limited to
MAPPS~~

~~(2) PACE~~

~~(3) Federally Qualified Health Centers~~

~~(4) Provider Rates~~

~~The Department of Health and Human Services shall not decrease provider reimbursement rates from their current levels.~~

~~It is not the intent of this proviso to restrict the annual updating of cost based rates and those rates which are indexed to methodologies described in the Medicaid State Plan.~~

~~(B) Lieutenant Governor's Office~~

~~Home and Community Based Services (Meals on Wheels)~~

~~(C) Department of Commerce~~

~~Regional Economic Development Organizations as defined by proviso 40.12~~

~~(D) Department of Natural Resources~~

~~Law Enforcement Program/Enforcement Operations as contained in Program~~

~~H. F. 1~~

~~(E) Department of Parks, Recreation, and Tourism~~

~~(1) Program II. A. Special Item: Regional Promotions~~

~~(2) Program II. C. Special Item: Palmetto Pride~~

~~In addition the Department of Parks, Recreation and Tourism is prohibited from closing or reducing the FTE's in the State House Gift Shop, and the Santee Welcome Center.~~

~~Notwithstanding the prohibition on reducing or transferring funds from the programs or areas listed above, the Department of Natural Resources may reduce the specified programs or areas by an amount not to exceed the percentage associated with any mandated reduction.~~

89.82 AMEND (Governor's Security Detail) Directs SLED, DPS, and DNR to provide a security detail to the Governor in a manner agreed to by the affected entities. Directs that

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reimbursement to SLED, DPS and DNR to offset the cost of providing the Governor's security detail be in an amount agreed to by the entities from the funds appropriated to the Governor's Office for this purpose.

SEN: AMEND proviso to direct that law enforcement officers assigned to the Governor's security detail only perform security-related services and prohibit them from performing unrelated services. Sponsor: Sen. Knotts.

CONF: ADOPT Senate version.

89.82. (GP: Governor's Security Detail) The State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources shall provide a security detail to the Governor in a manner agreed to by the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor. Reimbursement to the State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources to offset the cost of the security detail for the Governor shall be made in an amount agreed to by the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor from funds appropriated to the Office of Governor for this purpose. Law enforcement officers assigned to security detail for the Governor shall only perform services related to security and shall not provide any unrelated service during the assignment.

89.84 **AMEND FURTHER** (Reduction in Force/Agency Head Furlough) Requires agency heads to take five furlough days if their agency implements a reduction in force. Directs that the agency head retains all responsibilities and authority during the furlough.

HOU2: ADOPT Senate changes and AMEND FURTHER to direct that an agency head shall not have to take this mandatory furlough based solely on RIFs resulting from federal budget cuts. Sponsor: Rep. Cooper.

SFC: AMEND proviso to direct that for purposes of this provision the definition of an agency head includes the president of a technical college as defined in Section 59-103-5 [DEFINITIONS]. Direct that the State Board for Technical and Comprehensive Education agency head shall not be required to take this mandatory five day furlough if a technical college implements a reduction in force plan.

SEN: ADOPT proviso as amended.

CONF: ADOPT House version.

89.84. (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or institution of higher learning, the agency head shall be required to take five days furlough in the current fiscal year. If more than one reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required for the initial plan. The agency head will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the agency head remains solely responsible for making those contributions.

Placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act. In the event the reduction for the state agency or institution of higher learning is due solely to the General Assembly transferring or deleting a program, this provision does not apply. Agencies may allocate the agency head's reduction in pay over the balance of the fiscal year for payroll

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purposes regardless of the pay period within which the furlough occurs. The Budget and Control Board, Office of Human Resources shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Office of Human Resources of the Budget and Control Board.

For purposes of this provision, agency head includes the president of a technical college as defined by Section 59-103-5 of the 1976 Code.

The agency head of the State Board for Technical and Comprehensive Education shall not be required to take this mandatory furlough based solely on the implementation of a reduction in force plan by a technical college.

An agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented as a result of federal budget cuts.

89.85 DELETE (Implementation of Access to Justice Post-Conviction DNA Testing Act) States that the provisions of the “Access to Justice Post Conviction DNA Testing Act” are not required to be implemented until general funds are appropriated or federal or other funds are received to begin implementation.

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

~~**89.85.** (GP: Implementation of Access to Justice Post-Conviction DNA Testing Act) The provisions of the “Access to Justice Post Conviction DNA Testing Act” (Act 413 of 2008) are not required to be implemented until such time as general funds are appropriated or federal or other funds are received to begin implementation of the act.~~

89.88 DELETE (Transparency) Requires state agencies to publish on their homepage a listing of all programs funded during the current fiscal year with American Recovery and Reinvestment Act of 2009 funds. Directs that the listing include program name, location, starting date, and funding level and that the listing be updated quarterly.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**89.88.** (GP: Transparency) State agencies must publish on their homepage a listing of all programs funded during the current fiscal year with funds from the American Recovery and Reinvestment Act of 2009 to include program name, location, starting date, and funding level. This listing must be updated quarterly to allow the public to easily identify how these funds are being used.~~

89.89 DELETE (ARRA Oversight) Directs the State Treasurer and the Comptroller General to organize and co-chair a committee for monitoring funds associated with the ARRA of 2009 and provides guidelines for the functions of the committee.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**89.89.** (GP: ARRA Oversight) In order to provide transparency and accountability, and to maintain the separation of duties as provided by our Constitution, the State Treasurer and~~

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~~Comptroller General shall organize and co chair a committee for monitoring funds associated with the American Recovery and Reinvestment Act of 2009. This committee shall collect information from state agencies and institutions regarding funds received from the American Recovery and Reinvestment Act of 2009. Information collected shall include, but not be limited to, the name of state agency or institution, the program designation, the purpose for which the funds were received and expended, and the amount of funds received and expended. The information shall also include data and documentation on job creation resulting from receipt of the federal stimulus funds and any other data or explanation as required by the American Recovery and Reinvestment Act of 2009. The co chairs may also require local government entities to provide any information deemed relevant to provide disclosure of the American Recovery and Reinvestment Act of 2009 funds to the public, including audit reports.~~

~~To provide funding for the central oversight costs for transparency and accountability of ARRA funding, the committee is directed to assess state agencies, except the Department of Transportation, as allowed by HR1 of 2009, an amount of funds equal to their pro rata share of ARRA funds received, adequate to fund the activities related to carrying out these functions. The total assessment shall not exceed the central administrative budget submitted to the federal government for these activities. The funds shall be transferred by the agencies assessed into an account established by the State Treasurer. Agencies are authorized and directed to transfer the invoiced amounts from appropriated or authorized funds. The Budget and Control Board, Office of State Budget shall assist agencies in identifying funding sources and making the necessary transfers. Funds are to be transferred by no later than October 1, 2010. At the end of the ARRA reporting period, any funds not expended for central administrative costs shall be remitted to the contributing agencies on a pro rata basis.~~

- 89.90** **AMEND** (Printed Report Requirements) Directs that for Fiscal Year 2010-11 certain state agencies and higher education institutions shall not be required to submit printed reports and shall only submit the reports electronically.
HOU: AMEND proviso to change fiscal year references from “2010-11” to “2011-12.”
Sponsor: Rep. J.R. Smith.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

89.90. (GP: Printed Report Requirements) (A) For Fiscal Year ~~2010-11~~ 2011-12, state supported institutions of higher learning shall not be required to submit printed reports mandated by Sections 2-47-40, 2-47-50, and 59-103-110 of the 1976 Code, and shall instead only submit the documents electronically.

Submission of the plans or reports required by Sections 2-47-55, 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall be waived for the current fiscal year, except institutions of higher learning must continue to report under 2-47-55 year one of the Comprehensive Permanent Improvement Plan, student pass rates on professional examinations, and data elements otherwise required for the Commission on Higher Education Management Information System. The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.

(B) For Fiscal Year ~~2010-11~~ 2011-12, the Department of Agriculture shall not be required to submit printed reports mandated by Section 46-49-10 of the 1976 Code. The department shall provide these reports electronically and shall use any monetary savings for K5-12 agriculture education programs.

(C) For Fiscal Year ~~2010-11~~ 2011-12, the Department of Health and Human Services shall not be required to provide printed copies of the Medicaid Annual Report required pursuant to

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Section 44-6-80 of the 1976 Code and the Provider Reimbursement Rate Report required pursuant to proviso 21.13, and shall instead only submit the documents electronically.

(D) For Fiscal Year ~~2010-11~~ 2011-12, the Department of Transportation shall not be required to submit printed reports or publications mandated by Sections 1-11-58, 2-47-55, and 58-17-1450 of the 1976 Code.

The Department of Transportation may combine their Annual Report and Mass Transit Report into their Annual Accountability Report.

- 89.93 REINSERT** (Transfer Division of Aeronautics) Transfers the Division of Aeronautics and its duties, functions, responsibilities, personnel, equipment, supplies, appropriated , authorized, and carry forward funds and all other assets and resources from the Department of Commerce to the Budget and Control Board effective July 1, 2009.
WMC: DELETE proviso. *Deletion of the proviso will cause the Division of Aeronautics to revert back to the Department of Commerce.* Fiscal Impact: No impact on the General Fund.
HOU: ADOPT deletion of proviso.
SFC: REINSERT proviso.
SEN: ADOPT original proviso.
CONF: ADOPT Senate version.

89.93. (GP: Transfer Division of Aeronautics) Effective July 1, 2009, or as soon as practicable, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated and authorized funds, carry forward funds and all other assets and resources of the Division of Aeronautics in the Department of Commerce are transferred to the Budget and Control Board.

- 89.96 DELETE** (Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) Exempts handguns and shot guns from state and local sales tax for sales occurring from 12:01 am, Friday, November 26, 2010, through midnight Saturday, November 27, 2010.
HOU: AMEND proviso to change “Friday, November 26, 2010” to “the Friday after Thanksgiving” and change “Saturday, November 27, 2010” to “the Saturday after Thanksgiving for the current fiscal year.” Sponsors: Reps. White and Pitts.
SFC: DELETE proviso.
SEN: ADOPT deletion of proviso.
CONF: ADOPT Senate deletion.

89.96. (GP: Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) ~~The gross proceeds of sales or sales price of handguns as defined pursuant to Section 16-23-10(1) of the 1976 Code, rifles, and shot guns is exempt from the taxes imposed pursuant to Chapter 36, Title 12 of the 1976 Code and Chapter 10, Title 4 of the 1976 Code for sales occurring from 12:01 a.m., Friday, November 26, 2010, through twelve midnight, Saturday, November 27, 2010.~~

- 89.100 DELETE** (Winthrop University Owens Hall) Directs that procurements that relate to the reconstruction and/or restoration of Winthrop University properties that were damaged by the Owens Hall fire of March 6, 2010, and related fire suppression efforts, shall be allowed and determined to meet all requirements of sole source and emergency procurement provisions through use of original contractors and vendors as necessary in order to expedite the return of damaged properties to intended uses by August 15,2010, or as reasonably close to that date possible. Directs that all documentation related to this project shall be subject to routine audit measures and compliance.
WMC: DELETE proviso. *All related reconstruction/restoration will be completed during FY 10-11.*

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HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~89.100. (GP: Winthrop University Owens Hall) All procurements related to reconstruction/restoration of Winthrop University properties damaged by the Owens Hall fire of March 6, 2010, and related fire suppression efforts, shall be deemed allowed and determined to meet all requirements of sole source and emergency procurement provisions of SC Code of Regulations 19 445 2105 and 19 445 2110, through use of original contractors and vendors as necessary to insure compatibility of equipment, accessories and replacement parts as a paramount consideration in order to expedite the return of damaged properties to intended uses by August 15, 2010, (or as reasonable close thereto as possible), the welfare, continued educational progress, and best interests of Winthrop University students and the State of South Carolina requiring it. Further, by adoption of this proviso, all Permanent Improvement Project documentation related to this work shall be deemed submitted and approved, with the original documentation for the Owens Hall Project incorporated by reference, the welfare, continued educational progress, and best interests of Winthrop University students and the State of South Carolina requiring it. All documentation related to reconstruction/restoration conducted under this proviso shall be subject to routine audit measures and compliance.~~

- 89.102 DELETE** (SCEIS-DHEC) Directs that the SCEIS program and DHEC complete implementation of the Financial and Procurement components of SCEIS for DHEC no later than August 2, 2010. Directs DHEC to spend funds as required to ensure the implementation is completed as scheduled. Directs the SCEIS program to use available resources to assist and support DHEC's implementation. Directs the SCEIS Team to report to the SCEIS Executive Oversight Committee monthly on its activities under this provision.
WMC: DELETE proviso. *Completed.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~89.102. (GP: SCEIS DHEC) It is the intent of the General Assembly that all agencies achieve the maximum benefit of accounting, management and transparency through the implementation of the South Carolina Enterprise Information System (SCEIS). To accomplish this goal at the Department of Health and Environmental Control for the SCEIS Financial and Procurement components of SCEIS, the SCEIS Program and the Department of Health and Environment Control are directed to complete the implementation of those components not later than August 2, 2010. The Department of Health and Environmental Control shall expend funds as required to ensure the implementation is completed as scheduled. The SCEIS Program shall use resources available to assist and support the Department of Health and Environmental Control implementation. The SCEIS Team shall make monthly reports to the SCEIS Executive Oversight Committee concerning its activities under this provision.~~

- 89.103 AMEND** (SCEIS-DOT) Directs that to ensure the goal of all agencies achieving implementation of the SCEIS program by June 30, 2011, certain processes will be implemented at the Department of Transportation to assist the agency with SCEIS implementation.
WMC: AMEND proviso to change "June 30, 2011" to "September 30, 2011" pertaining to the goal date for implementation. Delete the requirement that an implementation plan be

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developed by September 1, 2010. *Plan has been developed. DOT requires extra time to be fully implemented.* Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

89.103. (GP: SCEIS-DOT) It is the intent of the General Assembly that all agencies achieve the maximum benefit of accounting, management and transparency through the implementation of the South Carolina Enterprise Information System (SCEIS). In order to ensure this goal is completed by not later than ~~June 30~~ September 30, 2011 at the Department of Transportation, the following process shall be implemented. The SCEIS Program and the Department of Transportation shall form a DOT SCEIS Implementation Team dedicated to the successful implementation of SCEIS within the Department of Transportation. This team is directed to identify and implement high level interfaces to allow the Department of Transportation to remain operational as the Statewide Accounting and Reporting System, Human Resources and Payroll systems are retired prior to the full implementation of SCEIS within the Department of Transportation. ~~The DOT SCEIS Implementation Team is further directed to develop an implementation plan to identify the components to be fully implemented at the Department of Transportation and to develop the proposed scope, schedule and projected cost of these components not later than September 1, 2010.~~ The SCEIS Executive Oversight Committee is directed to establish a SCEIS/Department of Transportation Implementation subcommittee consisting of a senior manager designated by the Comptroller General, a senior manager designated by the Executive Director of the Budget and Control Board, and a senior manager designated by the Secretary of the Department of Transportation, and shall include staff as designated by the Department of Transportation and staff as designated by the SCEIS Program. In addition, the Department of Transportation shall include a senior management representative of the federal highway administration as an advisor to this subcommittee and as a member of the DOT SCEIS Implementation Team. The Department of Transportation may expend funds as determined under the implementation plan as necessary to maximize the long term return in the areas of finance, procurement, human resources and payroll, budgeting, federal aid billing, project management and other areas where modernization benefits the agency. The SCEIS Program shall use resources available to assist and support the Department of Transportation implementation.

89.104 AMEND FURTHER (Broadband Spectrum Lease) Requires the General Assembly to approve any exercise of the Educational Broadband Service Spectrum Lease Agreements Middle Band Segment Channel recapture provisions if exercising those provisions would decrease the amount deposited into the General Fund.

WMC: AMEND proviso to delete reference to deposit into the General Fund and instead direct that for FY 11-12, the revenue received from the broadband spectrum lease be transferred from the B&C Board to ETV for agency operations & authorize the funds be carried forward.

HOU: ADOPT proviso as amended.

HOU2: AMEND House version to direct that the revenue be transferred on a monthly schedule according to the lease agreement.

SFC: AMEND FURTHER to direct that the revenue be transferred on a monthly schedule according to the lease agreement.

SEN: RESTORE original proviso. Sponsor: Sen. Sheheen.

CONF: ADOPT House version.

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89.104. (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the recapture provisions would result in a decrease in payments received by the State ~~for deposit into the State General Fund.~~ For Fiscal Year 2011-12, revenue received from the broadband spectrum lease shall be transferred from the Budget and Control Board to the Educational Television Commission on a monthly schedule, according to the current broadband lease agreement, which shall retain and expend such funds for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year.

- 89.105 DELETE** (SCEIS Set-Aside Accounts) Directs the Comptroller General to transfer all agency funds that remain in a SCEIS set-aside account to the B&C Board for the South Carolina Enterprise Information System (SCEIS) during FY 2010-11. Directs that the B&C Board, SCEIS program must assume responsibility for repayment of these transferred funds.
WMC: DELETE proviso. *Applied to a one-time transfer of funds to occur in FY 2010-11.*
Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**89.105.** (GP: SCEIS Set-Aside Accounts) The Comptroller General is directed to transfer all agency funds remaining in a SCEIS set aside account to the Budget and Control Board for the South Carolina Enterprise Information System (SCEIS) during Fiscal Year 2010-11. The Budget and Control Board, SCEIS program must assume responsibility for repayment of the funds transferred under this provision.~~

- 89.108 AMEND** (Commuting Costs) Requires state government employees who use a permanently assigned agency or state-owned vehicle to commute from their permanently assigned work location to and from home, to either reimburse their agency for the cost of fuel or the Comptroller General must report the personal use of the vehicle to the IRS. Requires these permanently assigned vehicles to be clearly marked as a state or agency vehicle through the use of state-government license plates and either state or agency seal decals unless the vehicle is primarily used in undercover operations. Excludes vehicles used for special travel assignment purposes, vehicles used by active certified law enforcement officers authorized to carry firearms, execute warrants, and make arrests, Constitutional Officers, agency heads and DOT employees on call for emergency maintenance.
WMC: AMEND proviso to require the employee to reimburse the agency “for commuting use” in accordance with IRS regulations and “based on guidance from the Office of Comptroller General which must use the Cents per mile Rule, unless exempted from such reimbursement by applicable IRS regulations. Delete agency head exemption. *Conform to IRS rules.* Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

89.108. (GP: Commuting Costs) State government employees who use a permanently assigned agency or state owned vehicle to commute from their permanently assigned work location to and from the employee’s home must ~~either~~ reimburse the agency in which they are

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employed for the cost of fuel or the personal use of the vehicle must be considered income and as such reported by the Comptroller General for commuting use in accordance with IRS regulations based on guidance from the Office of Comptroller General which must use the Cents per mile Rule, unless they are exempted from such reimbursement by applicable IRS regulations. These permanently assigned vehicles must be clearly marked as a state or agency vehicle through the use of permanent state-government license plates and either state or agency seal decals unless the vehicle is used primarily in undercover operations. This requirement does not apply to a vehicle used by an employee for the purpose of a special travel assignment, for active certified law enforcement officers authorized to carry firearms, execute warrants, and make arrests, for Constitutional Officers, ~~for agency heads~~, or for Department of Transportation employees on call for emergency maintenance.

- 89.109 DELETE** (Video Conferencing) Directs the Department of Corrections, in consultation with Court Administration, to determine if using video conferencing technology would be cost effective for certain court proceedings. Directs the department to report their findings to the House Ways and Means and 3M Committees and the Senate Finance and Corrections and Penology Committees by December 1, 2010. Requires the report include an analysis of which court proceedings would be most appropriate for video conferencing, court locations that would be most cost effective, a general description and estimated cost of the equipment needed, and the estimated savings that may be realized.

WMC: DELETE proviso. *Report has been submitted.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**89.109.** (GP: Video Conferencing) The Department of Corrections, in consultation with Court Administration, shall determine if the use of video conferencing technology would be cost effective for certain court proceedings. The Department shall report their findings to the Ways and Means Committee and the Medical, Military, Public and Municipal Affairs Committee of the House of Representatives and the Finance Committee and Corrections and Penology Committee of the Senate by December 1, 2010. The report shall include an analysis of which court proceedings would be most appropriate for video conferencing, the court locations that would be most cost effective, a general description and estimated cost of the equipment needed, and the estimated savings that may be realized by the use of video conferencing.~~

- 89.110 REINSERT** (Bank Account Transparency and Accountability) Requires each agency, except higher education institutions, to report their composite reservoir bank accounts to the Governor, State Treasurer, Comptroller General, and Chairmen of the Senate Finance and House Ways and Means Committees by October 1 of each year. Directs that the required information includes, among other things, the name of each payee, the transaction amount and description of goods or services purchased. Directs that upon request, an exemption from the reporting requirement may be granted by the five-member Budget and Control Board after a closed meeting, if release of the required information would be detrimental to the state or agency.

SFC: DELETE proviso. *Because most of these accounts are used to pay for items on behalf of health agency clients or in conjunction with law enforcement activity, the information is confidential or its release could jeopardize criminal investigations and informants. Consequently, the information qualifies for an exemption rendering the proviso largely ineffective. In order to provide for oversight of these accounts, the State Auditor has agreed to*

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include them in agreed upon procedures audits, where confidential information can be reviewed by auditors and tested against objective criteria for its propriety. Requested by Budget and Control Board.

SEN: ADOPT deletion of proviso.

CONF: ADOPT House version. (*Reinserts original proviso.*)

89.110. (GP: Bank Account Transparency and Accountability) Each state agency, except state institutions of higher learning, which has composite reservoir bank accounts or any other accounts containing public funds which are not included in the Comptroller General's Statewide Accounting and Reporting System or the South Carolina Enterprise Information System shall prepare a report for each account disclosing every transaction of the account in the prior fiscal year. The report shall be submitted to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the State Treasurer, and the Comptroller General by October first of each fiscal year. The report shall include the name(s) and title(s) of each person authorized to sign checks or make withdrawals from each account, the name and title of each person responsible for reconciling each account, the year-end balance of funds in each account, and data related to both deposits and expenditures of each account. The report shall include, but not be limited to, the date, amount, and source of each deposit transaction and the date, name of the payee, the transaction amount, and a description of the goods or services purchased for each expenditure transaction. In order to promote accountability and transparency, a link to the report shall be posted on the Comptroller General's website as well as the agency's homepage.

If an agency determines that the release of the information required in this provision would be detrimental to the state or the agency, the agency may petition the Budget and Control Board to grant the agency an exemption from the reporting requirements for the detrimental portion. The meeting to determine whether an exemption should be granted shall be closed. However, the exemption may only be granted upon a majority vote of the Budget and Control Board in a public meeting.

89.111 DELETE (DOC & PPP Consolidation Study) Creates a study committee to develop a plan to consolidate Department of Corrections and Department of Probation, Parole, and Pardon Services functions and directs that the plan include an estimate of cost savings realized from consolidation of the agencies. Provides for the composition of the study committee. Directs that appropriate Senate and House committees provide staffing and coordination. Directs that members serve without mileage, per diem, and subsistence. Authorizes the study committee to meet as often as necessary, but requires it to convene no later than sixty days after the effective date of this act. Requires a plan be submitted to the Chairmen of the Senate Finance, House Ways and Means, Senate Corrections and Penology, and House 3M Committees by December 31, 2010 and directs that after plan submission, the study committee shall be dissolved.

WMC: DELETE proviso. *S385 has been introduced.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

89.111. (GP: DOC & PPP Consolidation Study) ~~There is created a study committee to study and develop a plan to consolidate the functions of the Department of Corrections and the Department of Probation, Parole and Pardon Services. The plan must include an estimate of cost savings that may be realized from the consolidation of both agencies.~~

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~~The study committee shall be composed of the Governor, or his designee; the President Pro Tempore of the Senate, or his designee; the Speaker of the House of Representatives, or his designee; the Chairman of the Senate Corrections and Penology Committee, or his designee; the Chairman of the House of Representatives Medical, Military and Municipal Affairs Committee, or his designee; the Director of the Department of Corrections, or his designee; and the Director of the Department of Probation, Parole and Pardon Services, or his designee. The members of the study committee shall elect a chairman.~~

~~The study committee shall accept committee staffing and coordination from the appropriate committees of the Senate and House of Representatives. The members of the study committee shall serve without mileage, per diem, and subsistence. The study committee shall meet as often as is necessary, and shall convene no later than sixty days after the effective date of this act.~~

~~The study committee shall submit its plan to the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Ways and Means Committee, the Chairman of the Senate Corrections and Penology Committee, and the Chairman of the House of Representatives Medical, Military, Public and Municipal Affairs Committee no later than December 31, 2010, at which point the study committee shall dissolve.~~

- 89.112 AMEND FURTHER** (State Agency Restructuring Study Committee) Creates a State Agency Restructuring Study Committee co-chaired by the Chairmen of the Senate Finance and Ways and Means Committees and composed of 10 additional members of the General Assembly. Directs the committee to review and recommended ways to further streamline government to realize maximum effectiveness and efficiency. Directs that committee's scope is not limited but at a minimum it shall review Education; Health and Social Services; Natural Resources and Environmental Services; Cultural; Regulatory; and Transportation. Directs that the review, including a cost savings estimate, be submitted to the Chairmen of the Senate Finance and Ways and Means Committees by December 10, 2010.

WMC: AMEND proviso to delete the December 10, 2010 reporting date.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: AMEND FURTHER to direct the study committee to continue to review and recommend methods to streamline state government operations. Sponsor: Sen. Shoopman.

CONF: ADOPT Senate version.

89.112. (GP: State Agency Restructuring Study Committee) ~~There is created a~~ *The State Agency Restructuring Study Committee created in Act 291 of 2010 shall continue to review and recommend methods to streamline state government operations.* The committee shall be co-chaired by the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. Its membership shall consist of an additional ten members of the General Assembly appointed as follows: two members appointed by the President Pro Tempore of the Senate; one member of the Senate Finance Committee appointed by the Chairman of the Senate Finance Committee; one member appointed by the Senate Majority Leader; one member appointed by the Senate Minority Leader; two members appointed by the Speaker of the House of Representatives; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; one member appointed by the House Majority Leader; and one member appointed by the House Minority Leader.

The committee shall review and recommended ways to further streamline government to realize maximum effectiveness and efficiency. The committee shall not be limited in scope, but at a minimum it shall review (1) Education; (2) Health and Social Services; (3) Natural Resources and Environmental Services; (4) Cultural; (5) Regulatory; and (6) Transportation. This review, including an estimate of cost savings must be submitted to the Chairman of the

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Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee by December 10, 2010.

- 89.115 DELETE** (Beach Renourishment Suspension) Suspends, for FY 10-11, Chapter 40 of Title 48 [BEACH RESTORATION AND IMPROVEMENT TRUST ACT] and directs that the suspension be lifted if a natural disaster affects the state's coastline.
SEN: DELETE proviso. *Ruled Out of Order.*
CONF: ADOPT Senate deletion.

~~89.115. (GP: Beach Renourishment Suspension) For Fiscal Year 2010-11, Chapter 40, Title 48 of the 1976 Code is suspended. In the event of a natural disaster that affects the coastline of South Carolina, this suspension shall be lifted.~~

- 89.117 DELETE** (General Fund Transfer to Conservation Bank) Directs DOR to transfer \$1,500,000 to the S.C. Conservation Bank from the increased general fund revenue resulting from the motion picture wage rebate of 15% as required by Section 12-62-50 [TAX REBATE FOR EMPLOYMENT OF PERSONS SUBJECT TO SOUTH CAROLINA INCOME TAX WITHHOLDINGS] rather than 20% as authorized in prior appropriation acts.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~89.117. (GP: General Fund Transfer to Conservation Bank) The Department of Revenue is directed to transfer to the South Carolina Conservation Bank, \$1,500,000 of the increased general fund revenue resulting from the motion picture wage rebate of fifteen percent as required by Section 12-62-50 of the 1976 Code, rather than twenty percent as authorized in prior appropriation acts.~~

- 89.118 REINSERT** (Civil Conspiracy Defense Costs) Directs that for the current fiscal year, for any claim that has not reached a judgment, if a current or former state or local government employee is personally sued for civil conspiracy based in part on a personnel or employment action or decision regarding an employee, the court must, prior to trial, make a final determination on whether the action or decision was made by the government employee within the scope of their official duty. Directs that if the court finds that the employee was acting outside the scope of their official duties, the government shall not spend any more funds to pay or defend the claim. Directs that if the court finds the employee was acting within the scope of their official duties, they are immune from suit, liability, and damages with respect to the civil conspiracy claim. Directs that the government may only spend funds to defend the claim if it is determined that the employee was acting within the scope of their official duties. Directs that nothing in this proviso prevents an insurance provider from defending and paying any claims that the provider has contractually agreed to defend and pay.
SEN: DELETE proviso. Sponsor: Sen. Malloy.
CONF: ADOPT House version. (*Reinserts proviso.*)

89.118. (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a state or local government employee or former state or local government employee ("government employee") is personally sued for civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to trial, make a final determination whether the action or decision giving rise to the

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suit was made by the government employee within the scope of their official duty. If the court finds that the government employee was acting outside the scope of the employee's official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the government employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages with respect to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that the employee was acting within the scope of their official duties. Nothing in this proviso prevents an insurance provider from defending and paying, respectively, any claims that the provider has contractually agreed to defend and pay.

- 89.119 DELETE** (Sunday Work Law Exemption) Exempts, for the current fiscal year, telephone call center operations from the restrictions imposed on Sunday work by Chapter 1, Title 53 and directs that an employee of that type of business that operates on Sunday has the option of refusing to work in accordance with Section 53-1-100. Directs that if that employee is dismissed or demoted because of their conscientious objection to working on Sunday they have the remedies provided pursuant to Section 53-1-150(C).

SEN: DELETE proviso. *Ruled Out of Order.*

CONF: ADOPT Senate deletion.

~~**89.119.** (GP: Sunday Work Law Exemption) For the current fiscal year, in addition to all other business operations exempt from the application of the Sunday work restrictions imposed pursuant to Chapter 1, Title 53 of the 1976 Code, telephone call center operations are exempt from the restrictions imposed on Sunday work pursuant to that chapter. An employee of a business which operates on Sunday pursuant to this provision has the option of refusing to work in accordance with Section 53-1-100 of the 1976 Code and that employee, if dismissed or demoted because of conscientious objection to Sunday work, has the remedies provided pursuant to Section 53-1-150(C) of the 1976 Code.~~

- 89.120 AMEND FURTHER** (Recovery Audits) Directs the B&C Board to contract with one or more consultants to conduct recovery audits of payments made by state agencies included in this act to vendors. Requires the audits be designed to detect and recover overpayments and erroneous payments to vendors and to recommend improved state agency accounting operations. Requires a state agency to pay, from recovered monies received, the recovery audit consultant responsible for obtaining a reimbursement from a vendor based on the following scale: 10% of up to the first \$1,000,000 recovered; 5% of \$1,000,001 to \$5,000,000 recovered; 2.5% of the amount recovered above \$5,000,001 with a maximum consultant payment of \$2,500,000. Directs the recovered funds, less recovery cost, to be remitted to a special fund subject to General Assembly appropriation. Authorizes agencies to recover costs that are documented to be directly related to implementation of this provision. Provides guidelines for which recovery audit should be conducted. Direct that the B&C Board provide copies of final recovery audit reports to the Governor, Chairmen of the Senate Finance and House Ways and Means Committees; and the state auditor's office and require the board issue a report to the General Assembly by January 1st each year, that summarizes all reports received under this provision during the prior fiscal year.

WMC: AMEND proviso to delete the fee scale and instead direct that the consultant be paid a negotiated fee not to exceed 20% of the recovered monies received by a state agency. Requested by Budget and Control Board.

HOU: ADOPT proviso as amended.

SFC: AMEND FURTHER to specify that recovery audits apply only to payments made more than 180 days prior to the date the audit is initiated. Delete the requirement that the B&C Board require recovery audits be performed for state agencies whose yearly expenditures

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exceeds \$100,000,000. Delete the authorization for the B&C Board to exempt agencies from recovery audits. Delete the requirement that recovered funds be remitted to a special account for appropriation by the General Assembly and authorization for agencies to recover costs directly related to implementation.

SEN: ADOPT proviso as amended.

CONF: ADOPT Senate version.

89.120. (GP: Recovery Audits) The Budget and Control Board shall contract with one or more consultants to conduct recovery audits of payments made by state agencies ~~included in this act~~ to vendors. The audits must be designed to detect and recover overpayments and erroneous payments to the vendors and to recommend improved ~~state agency accounting operations~~ financial and operational practices and procedures. A state agency shall pay, from recovered monies received, the recovery audit consultant responsible for obtaining for the agency a reimbursement from a vendor ~~based on the following scale: 10% of up to the first \$1,000,000 recovered; 5% of \$1,000,001 to \$5,000,000 recovered; 2.5% of the amount recovered above \$5,000,001 with a maximum consultant payment of \$2,500,000~~ a negotiated fee not to exceed 20% of the funds recovered by that vendor.

Funds recovered, less the cost of recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation of this provision.

Recovery audits apply only to a ~~payment~~ payments made ~~after a one hundred eighty day period from the date the payment was made~~ more than one hundred eighty days prior to the date the audit is initiated.

All information provided under a contract must be treated as confidential by the vendor. A violation of this provision shall result in the forfeiture by the vendor of all ~~recovery payments~~ compensation under the contract and to the same sanctions and penalties that would apply to that disclosure.

~~The Budget and Control Board shall require that recovery audits be performed in regard to state agencies which have total expenditures during a fiscal year in an amount that exceeds one hundred million dollars. Each state executive agency subject to this provision shall provide the recovery audit consultant with all information necessary for the audit. The Budget and Control Board may exempt from the mandatory recovery audit process a state agency that has a low proportion of its expenditures made to vendors, or sufficient internal procedures in place to prevent overpayments. The Budget and Control Board or a state agency in its discretion may require similar recovery audits of a state agency with expenditures of less than one hundred million dollars during a fiscal year.~~

~~Funds recovered, less the cost of audit and agency recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation.~~

A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit conducted under this chapter. Payments to the recovery audit consultant from the federal share of recovered funds shall be solely from the federal portion as allowed by the federal agency.

The Budget and Control Board shall provide copies, including electronic form copies, of final reports received from a consultant under contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means Committee; and the state auditor's office. Not later than January first of each year, the board shall issue a report to the General Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.

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- 89.121 REINSERT/AMEND NEW PROVISO (Funds Transfer to ETV) WMC:** ADD new proviso to direct the following agencies to use the specified funds appropriated in the current fiscal year to contract with ETV to continue the services as provided in the prior fiscal year: funds for K-12 Teacher Training in the Department of Education; funds for Legislative & Public Affairs coverage in the B&C Board, and funds for State & Local Training of Law Enforcement in the Law Enforcement Training Council.
- HOU:** ADOPT new proviso.
- HOU2:** AMEND new proviso to identify additional areas and/or functions for which funds are appropriated associated with the services ETV provides. Direct that these funds be “transferred to” ETV rather than be “used to contract with” ETV and that the transfers take place during July 2011. Sponsor: Rep. Cooper.
- SFC:** AMEND new proviso to identify additional areas and/or functions for which funds are appropriated associated with the services ETV provides. Direct that these funds be “transferred to” ETV rather than be “used to contract with” ETV and that the transfers take place during July 2011. *To cover the services ETV actually provides.* Requested by Educational Television Commission.
- SEN:** DELETE new proviso. Sponsor: Sen. Sheheen.
- CONF:** ADOPT House version.

89.121. (GP: Funds Transfer to ETV) In the current fiscal year funds appropriated in Part IA to the Department of Education in Section 1, XIII for K-12 including, but not limited to, Teacher Training, creation, delivery and aggregation of educational content and services over broadband and middle band distribution channels, support of appropriate local district technology and related media training, to the Budget and Control Board in Section 80A for Legislative & Public Affairs Coverage, and to the Law Enforcement Training Council in Section 50 for State & Local Training of Law Enforcement, City and County municipal training services and Emergency Communications and Backbone for the State and other related emergency systems must be transferred to the Educational Television Commission (ETV) during July, 2011 for the continuation of services as provided in the prior fiscal year.

- 89.122 AMEND NEW PROVISO (First Steps Transfer) WMC:** ADD new proviso to direct that all State funds for BabyNet directly appropriated to the following agencies be transferred to the S.C. First Steps to School Readiness which shall administer the funds as the program’s designated lead agency: DDSN, DHEC, and School for the Deaf and the Blind. Direct that all filled positions at DHEC associated with the BabyNet program also be transferred to First Steps. Authorize these funds to be contracted to partner agencies as appropriate and necessary for cost effective delivery of early intervention services.
- HOU:** ADOPT new proviso.
- SFC:** AMEND new proviso to delete reference to DDSN and authorize the transfer of all medical and educational records from DHEC, the former lead agency, to First Steps.
- SEN:** ADOPT new proviso as amended.
- CONF:** ADOPT Senate version.

89.122. (GP: First Steps Transfer) In accordance with federal requirements establishing a single line of authority over the Individuals with Disabilities Education Act, Part C, all State funds directly appropriated for BabyNet under the Department of Health and Environmental Control, and the School for the Deaf and the Blind, as well as all filled positions under the Department of Health and Environmental Control for the BabyNet program, during the current fiscal year shall be transferred to, and administered by, the South Carolina First Steps to School Readiness as the program’s designated lead agency. These funds may then be

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contracted to partner agencies as appropriate and necessary to ensure the cost-effective delivery of early intervention services.

All original medical and educational records created by the former lead agency, the Department of Health and Environmental Control, for documenting services to clients currently enrolled in BabyNet and who are continuing to receive services shall be transferred to First Steps, as designated lead agency and records custodian. All state and federal laws applicable to these records shall remain in effect, and First Steps shall make these records available to the Department of Health and Environmental Control for audit and other purposes as necessary.

- 89.123 DELETE NEW PROVISO** (USC Medical School Greenville Study Committee) **WMC:** ADD new proviso to create a study committee to assess the fiscal sustainability of the new medical school at USC in Greenville. Direct that the committee be composed of 3 members of the Senate and 3 members of the House appointed as follows: one each by the President Pro Tempore of the Senate and Speaker of the House of Representatives, and one each by the Chairmen of the Senate Finance, Senate Education, House Ways and Means, and House Education and Public Works Committees. Direct the committee to review, but not be limited to, the current higher education mission and goals as established in Section 59-103-15 [HIGHER EDUCATION MISSION AND GOALS]. Direct the committee to take institutional missions and academic programs and planning; funding and institutional cost; buildings and facilities; and organization and plan implementation into consideration. Direct that a report be provided to the General Assembly by September 1, 2011.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

89.123. (GP: USC Medical School Greenville Study Committee) DELETED

- 89.124 DELETE NEW PROVISO** (Transfer Arts Commission to PRT) **WMC:** ADD new proviso to transfer, for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Arts Commission to PRT.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

89.124. (GP: Transfer Arts Commission to PRT) DELETED

- 89.125 DELETE NEW PROVISO** (Transfer State Museum Commission to PRT) **WMC:** ADD new proviso to transfer, for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the State Museum Commission to PRT.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT Senate deletion.

89.125. (GP: Transfer State Museum Commission to PRT) DELETED

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- 89.126 AMEND NEW PROVISO** (Opt Out of Federal Patient Protection and Affordable Care Act)
WMC: ADD new proviso to direct that if federal law permits, the state opts out of specific provisions of the federal Patient Protection and Affordable Care Act (PL 111-148).
HOU: ADOPT new proviso.
SFC: AMEND new proviso to delete reference to “Section 1561” and “subtitle C of Title II.” Requested by Department of Health and Human Services.
SEN: ADOPT new proviso as amended.
CONF: ADOPT Senate version.

89.126. (GP: Opt Out of Federal Patient Protection and Affordable Care Act) If federal law permits, the State of South Carolina opts out of the following provisions in the federal Patient Protection and Affordable Care Act (Public Law 111-148):

(1) Subtitles A through C of Title I (and the amendments made by such subtitles), except for Sections 1253 and 1254;

(2) Parts I, II, III, and V of subtitle D of Title I (and the amendments made by such parts);

(3) Part I of subtitle E of Title I (and the amendments made by such part);

(4) Subtitle F of Title I (and the amendments made by such subtitle);

(5) Sections 2001 through 2006 (and the amendments made by such sections); and

(6) Sections 10101 through 10107 (and the amendments made by such sections).

- 89.127 DELETE NEW PROVISO** (Transfer DMH Veterans Services to Lt Gov Ofc on Aging)
WMC: ADD new proviso to transfer for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Veteran’s Services Program that consists of the Stone Pavilion, the Campbell Veterans Home and the Veterans’ Victory House from the Department of Mental Health to the Lieutenant Governor’s Office on Aging. Require the transferred funds to be administered separately from other programs within the office and that the funds be used exclusively for the Veteran’s Services Program. Direct that the Stone Pavilion shall remain under DMH’s purview until the Office on Aging issues a RFP and awards a contract to oversee the Stone Pavilion. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

89.127. (GP: Transfer DMH Veterans Services to Lt. Gov Ofc on Aging) **DELETED**

- 89.128 AMEND NEW PROVISO** (Means Test) **WMC:** ADD new proviso to require all agencies that provide Healthcare Services to identify standards and criteria to means test all waivers and programs they provide, if federal guidelines allow such a test. Direct an agency, once consistent criteria has been established, to implement their plan. Require 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.
HOU: ADOPT new proviso.
SFC: AMEND new proviso to delete the requirement that “waivers” be means tested.
SEN: ADOPT new proviso as amended.
CONF: ADOPT Senate deletion.

89.128. (GP: Means Test) All agencies providing Healthcare Services are directed to identify standards and criteria for means testing on all programs provided, where allowed by

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Federal guidelines. Once a consistent criteria has been established within an agency, they shall implement their respective plans. Each agency shall report all criteria and fiscal data to the Chairman of the Senate Finance Committee and to the Chairman of the House Ways and Means Committee no later than January 1, 2012.

- 89.129 DELETE NEW PROVISO** (Transfer DAODAS to DMH) **WMC:** ADD new proviso to transfer, for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Department of Alcohol and Other Drug Abuse Services to the Department of Mental Health.
HOU: ADOPT new proviso.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

89.129. (GP: Transfer DAODAS to DMH) DELETED

- 89.130 DELETE NEW PROVISO** (Transfer Probation, Parole and Pardon to Dept of Corrections) **WMC:** ADD new proviso to transfer, for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Department of Probation, Parole, and Pardon Services to the Department of Corrections. Fiscal Impact: OSB states no impact on the General Fund. The transfer should eventually result in greater efficiencies as of result of economies of scale, primarily within the area of agency administration. However, the workforce needs would need to be reevaluated before reducing staff through either attrition or a reduction in force.
HOU: ADOPT new proviso.
SFC: DELETE new proviso. *See new proviso 89.158.*
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

89.130. (GP: Transfer Dept. of Probation, Parole, and Pardon Services to Dept. of Corrections) DELETED

- 89.131 DELETE NEW PROVISO** (Speeding or Traffic Control Devices) **WMC:** ADD new proviso to require a law enforcement officer be present at the time evidence is obtained when a citation for violating traffic laws is issued that uses speeding or traffic control devices. Require a copy of the written ticket be handed directly to the offender by the law enforcement officer issuing the ticket on the day the citation is issued. Require municipalities and counties to submit a letter to the Office of State Treasurer by July 31st that certifies under oath that they are in compliance with this provision. Direct that if any entity fails to submit the letter by July 31st, the entity's chief administrative officer shall be notified in writing that the entity has 30 days to comply with the requirements of this provision. Direct the State Treasurer, after the 30 days has expired, to withhold all Aid to Subdivisions Act payments scheduled for the municipality or county. Fiscal Impact: OSB states that DPS indicated no negative impact on the General Fund and the State Treasurer's Office indicated a possible minimal impact to the agency which should be absorbed. OSB has surveyed members of the FIST Network for the local government impact and the responses will be forwarded upon receipt.
HOU: ADOPT new proviso.
SFC: DELETE new proviso.

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SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

89.131. (GP: Speeding or Traffic Control Devices) DELETED

- 89.132 DELETED NEW PROVISO** (Transfer Consumer Affairs to Secretary of State) **WMC:** ADD new proviso to transfer for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding and physical assets of the Department of Consumer Affairs to the Office of the Secretary of State. Fiscal Impact: No impact on the General Fund.
HOU: DELETE new proviso. Sponsor: Rep. Toole
SFC: NOT included for consideration.
SEN: NOT included for consideration.
CONF: SAME in both versions.

89.132. (GP: Transfer Consumer Affairs to Secretary of State) DELETED

- 89.133 DELETED NEW PROVISO** (Transfer OSMBA to Secretary of State) **WMC:** ADD new proviso to transfer, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Office of Small and Minority Business Assistance located within the Governor's Office - OEPP to the Secretary of State's Office. Fiscal Impact: No impact on the General Fund.
HOU: DELETE new proviso. Sponsor: Rep. Merrill.
SFC: NOT included for consideration.
SEN: NOT included for consideration.
CONF: SAME in both versions.

89.133. (GP: Transfer OSMBA to Secretary of State) DELETED

- 89.134 DELETED NEW PROVISO** (Transfer Foster Care to DSS) **WMC:** ADD new proviso to transfer, for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Foster Care Review Board located within the Governor's Office - OEPP to DSS. Fiscal Impact: No impact on the General Fund.
HOU: DELETE new proviso. Sponsors: Reps. D.C. Moss and Daning.
SFC: NOT included for consideration.
SEN: NOT included for consideration.
CONF: SAME in both versions.

89.134. (GP: Transfer Foster Care to DSS) DELETED

- 89.135 DELETED NEW PROVISO** (Transfer COC to DMH) **WMC:** ADD new proviso to transfer, for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Continuum of Care located within the Governor's Office - OEPP to DMH. Fiscal Impact: No impact on the General Fund.
HOU: DELETE new proviso. Sponsors: Reps. Harrison, Brannon, Hiott, and D.C. Moss.
SFC: NOT included for consideration.
SEN: NOT included for consideration.
CONF: SAME in both versions.

89.135. (GP: Transfer COC to DMH) DELETED

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- 89.136 DELETE NEW PROVISO** (Transfer GAL to DSS) **WMC:** ADD new proviso to transfer for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Guardian ad Litem Program located within the Governor's Office - OEPP to DSS. Require the transferred funds to be administered separately from other programs within DSS and that the funds be used exclusively for the Guardian ad Litem Program. Fiscal Impact: No impact on the General Fund.
HOU: DELETE new proviso. Sponsors: Reps. Daning and D.C. Moss.
SFC: NOT included for consideration.
SEN: NOT included for consideration.
CONF: SAME in both versions.

89.136. (GP: Transfer GAL to DSS) DELETED

- 89.137 AMEND NEW PROVISO** (Guardian ad Litem Study Committee) **WMC:** ADD new proviso to establish a Guardian ad Litem Study Committee to bring accountability and transparency to the guardian ad litem system. Direct the committee to determine the efficacy of administration of the volunteer Guardian ad Litem Program within DSS and to analyze the program's ability to advocate in a transparent and independent manner for abused and neglected children within the DSS structure. Direct the committee to also determine ways to monitor performance and establish accountability of guardians appointed in private actions before the family court where custody or visitation of a minor child is an issue, including certification and oversight. Provide for composition of the study committee and direct that members shall serve without compensation. Direct that a status report be provided on the committee's findings and recommendations by January 10, 2012 to the Chairmen of the Senate Finance and House Ways and Means Committees. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.
SFC: AMEND new proviso to direct the committee to study the "effectiveness" of the administration of the program and its ability to advocate in a transparent and independent manner as currently structured and delete reference to "within DSS."
SEN: ADOPT new proviso as amended.
CONF: ADOPT Senate version.

89.137. (GP: Guardian ad Litem Study Committee) For the current fiscal year, effective July 1, 2011, in order to bring accountability and transparency to the guardian ad litem process, a Guardian ad Litem Study Committee shall be established to determine:

1) the effectiveness of administration of the volunteer Guardian ad Litem Program. The study shall analyze the Guardian ad Litem Program's ability to advocate in a transparent and independent manner for abused and neglected children.

2) ways in which to monitor performance and establish accountability of guardians ad litem appointed in private actions before the family court in which custody or visitation of a minor child is an issue, including certification and oversight.

The Guardian ad Litem Study Committee shall be composed of the following members: Director of Social Services, or her designee; Director of the Guardian ad Litem Program, or her designee; a member of the Joint Legislative Committee on Children appointed by the Chairman of the committee; Director of the SC Bar, or his designee; one volunteer guardian ad litem in good standing with the SC Guardian ad Litem Program, to be appointed by the Governor; and one private guardian ad litem in good standing with the family court, to be appointed by the Governor. Members appointed by the Governor must not be employees of the State of South Carolina. Members shall serve at the pleasure of the appointing authority. The Director of the Department of Social Services and the Director of the Guardian ad Litem

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Program shall serve as co-chairs. Members of the study committee shall serve without compensation.

The study committee shall provide a report on the status of their findings and recommendations to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2012.

- 89.138 DELETE NEW PROVISO** (Transfer Procurement Review Panel to ALC) **WMC:** ADD new proviso to transfer for the current fiscal year and effective July 1, 2011, 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.
HOU: ADOPT new proviso.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

89.138. (GP: Transfer Procurement Review Panel to ALC) DELETED

- 89.139 DELETE NEW PROVISO** (Transfer Division of Aeronautics to DOT) **WMC:** ADD new proviso to transfer, for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated, authorized, and carry forward funds, and all other assets and resources of the Division of Aeronautics to DOT. Direct that the division operate under the purview of the Aeronautics Commission, be administered separately from other programs within DOT, and require division funds be expended exclusively for the Division of Aeronautics. Require DOT provide administrative support to the Division of Aeronautics upon request. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

89.139. (GP: Transfer Division of Aeronautics) DELETED

- 89.140 ADD** (FY 2011-12 Flexibility) **WMC:** ADD new proviso to authorize agencies, in order to provide maximum flexibility to absorb general fund reductions mandated in this act as compared to Fiscal Year 2008-09 general fund appropriations, to spend agency earmarked and restricted "special revenue funds" to maintain critical program previously funded with general fund appropriations. Require this spending authorization receive prior Office of State Budget approval and be reported to the Governor and the Senate Finance and the House Ways and Means Committees. Direct that this provision is notwithstanding any other provision of law that restricts the use of earned revenue. Authorize transfers to exceed 20% of the program budget upon Office of State Budget approval, in consultation with the Chairmen of the Senate Finance and House Ways and Means Committees. Authorize institutions of higher learning, whose state funding has been reduced below the FY 10-11 level, to use other funds to support and maintain state funded programs affected by a reduction in FY 11-12 state funds and authorize institutions to adjust special items or programs funding. Require institutions submit the amount of base reductions associated with these programs to the Office of State Budget and to the Senate Finance and House Ways and Means Committees. Prohibit DNR and PRT from reducing or transferring funds from the specified programs or areas: DNR - Law Enforcement Program/Enforcement Operations as contained in Program II. F. 1 and PRT - Program II. A. Special Item: Regional Promotions. Also prohibit PRT from closing or reducing the FTE's in the State House Gift Shop and the Santee Welcome Center. Authorize, notwithstanding this

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prohibition, that DNR may reduce the specified programs or areas by an amount not to exceed the percentage associated with any mandated reduction. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

89.140. (GP: FY 2011-12 Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to Fiscal Year 2008-09 general fund appropriations, agencies are authorized for FY 2011-12 to spend agency earmarked and restricted accounts designated as "special revenue funds" as defined in the Comptroller General's records, to maintain critical programs previously funded with general fund appropriations. Any spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board, Office of State Budget in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

State institutions of higher learning whose budgets have been reduced from the Fiscal Year 2010-11 state funding level, shall have the authority to use other sources of available funds to support and maintain state funded programs affected by state reductions during Fiscal Year 2011-12 and may adjust appropriations from special items or programs contained in this act in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Institutions shall submit to the Office of State Budget, the Senate Finance Committee, and the House Ways and Means Committee the amount of base budget reductions associated with these programs.

Notwithstanding the flexibility authorized in this provision, the following agencies are prohibited from reducing or transferring funds from the following programs or areas:

(A) Department of Natural Resources

Law Enforcement Program/Enforcement Operations as contained in Program II. F. 1

(B) Department of Parks, Recreation, and Tourism

Program II. A. Special Item: Regional Promotions

In addition the Department of Parks, Recreation and Tourism is prohibited from closing or reducing the FTE's in the State House Gift Shop and the Santee Welcome Center.

Notwithstanding the prohibition on reducing or transferring funds from the programs or areas listed above, the Department of Natural Resources may reduce the specified programs or areas by an amount not to exceed the percentage associated with any mandated reduction.

89.141 REINSERT NEW PROVISO (Agency Reduction Management) **WMC:** ADD new proviso to encourage state agencies, if they are assessed a base reduction, to try to realize savings through: 1) payroll management, including, but not limited to, furloughs, reductions in employee compensation, and hiring freezes; 2) eliminate administrative overhead that doesn't directly impact the agency's mission; and as a final option 3) reduce program funding.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: ADOPT House version.

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89.141. (GP: Agency Reduction Management) The General Assembly encourages state agencies, in the event agencies are assessed a base reduction, to endeavor to realize savings through: 1) payroll management, including, but not limited to, furloughs, reductions in employee compensation, and instituting a hiring freeze; 2) eliminate administrative overhead cost that does not directly impact the agency's mission; and as a final option 3) reductions to programmatic funding.

- 89.142** **ADD** (Remittance to Children's Trust Fund) **HOU:** ADD new proviso to direct the Department of Education to transfer \$100,000 to the Children's Trust Fund in FY 11-12. Sponsors: Reps. Bingham and Ott.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

89.142. (GP: Remittance to Children's Trust Fund) For Fiscal Year 2011-12 the Department of Education is directed to transfer \$100,000 to the Children's Trust Fund.

- 89.143** **AMEND NEW PROVISO** (Foster Care Review Board Study Committee) **HOU:** ADD new proviso to establish a Foster Care Review Board Study Committee to bring accountability and transparency to the foster care process. Direct the committee to determine the efficacy of administering the Foster Care Review Board Program within DSS and to analyze the program's ability to advocate in a transparent and independent manner for foster care children within the DSS structure. Direct the committee to also determine ways to monitor performance and establish accountability of foster care review volunteers, including certification and oversight. Provide for composition of the study committee and direct that members shall serve without compensation. Direct that a status report be provided on the committee's findings and recommendations by January 10, 2012 to the Chairmen of the Senate Finance and House Ways and Means Committees. Sponsors: Reps. Cobb-Hunter, Merrill, and Barfield.
SFC: AMEND new proviso to direct the committee to study the "effectiveness" of the administration of the program and its ability to advocate in a transparent and independent manner as currently structured and delete reference to "within DSS." Direct that the Directors of DSS and the Foster Care Review Board Program serve as co-chairs.
SEN: ADOPT new proviso as amended.
CONF: ADOPT Senate version.

89.143. (GP: Foster Care Review Board Study Committee) For the current fiscal year, effective July 1, 2011, in order to bring accountability and transparency to the foster care process, a Foster Care Review Board Study Committee shall be established to determine:

1) the effectiveness of administration of the Foster Care Review Board Program. The study shall analyze the Foster Care Review Board Program's ability to advocate in a transparent and independent manner for foster care children.

2) ways in which to monitor performance and establish accountability of foster care review volunteers, including certification and oversight.

The Foster Care Study Committee shall be composed of the following members: Director of Social Services, or her designee; Director of the Foster Care Review Board Program, or her designee; a member of the Joint Legislative Committee on Children appointed by the Chairman of the committee; Director of the SC Bar, or his designee; and one volunteer foster care review board member in good standing with the Foster Care Review Board, to be appointed by the Governor. Members appointed by the Governor must not be employees of the State of South Carolina. Members shall serve at the pleasure of the appointing authority. The Director of the

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Department of Social Services and the Director of the Foster Care Review Board Program shall serve as co-chairs. Members of the study committee shall serve without compensation.

The study committee shall provide a report on the status of their findings and recommendations to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2012.

- 89.144 DELETE NEW PROVISO** (Inspector General) **HOU:** ADD new proviso to require the Governor's Inspector General to submit a quarterly report to the House Ways and Means and Senate Finance Committees that provides a listing of each reported case/complaint of fraud, waste, or abuse and direct that the report include the affected agency name, date of the reported case, a unique case number for each case, and an estimated dollar amount related to the complaint. Require the report be updated as complaints are resolved and include the case number, actual amount of savings or recouped funds identified. Require identified fraud or abuse with civil or criminal implications be turned over to the appropriate authorities for action. Require the Inspector General to be fully self-sufficient and funded from identified savings after June 30, 2012. Direct that if this does not occur the position shall be terminated and the duties transferred to the State Auditor. Direct that effective July 1, 2011, the position of Inspector General shall fall under the purview of the Agency Head Salary Commission. Sponsors: Reps. Cobb-Hunter, Ott, and J.H. Neal.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

89.144. (GP: Inspector General) DELETED

- 89.145 AMEND NEW PROVISO** (Gold and Silver Investments) **HOU:** ADD new proviso to direct the State Treasurer to consider investing funds on behalf of the state in gold and silver. Sponsor: Rep. Neilson.
SFC: AMEND new proviso to direct the State Treasurer to report to the General Assembly on the advisability of investing in gold and silver.
SEN: ADOPT new proviso.
CONF: ADOPT Senate version.

89.145. (GP: Gold and Silver Investments) The State Treasurer shall provide a report to the General Assembly on the advisability of investing in gold and silver.

- 89.146 ADD** (Tobacco Settlement Trust Fund Distribution) **HOU:** ADD new proviso to direct the State Treasurer to transfer \$1,000,000 from the Tobacco Settlement Trust Fund to the Department of Agriculture for marketing and branding as required by Section 11-49-55 [STATE-GROWN CROPS; MARKETING, BRANDING, AND NATURAL DISASTER RELIEF ASSISTANCE] in \$250,000 increments, as funds are accrued. Sponsors: Reps. Edge and Ott.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

89.146. (GP: Tobacco Settlement Trust Fund Distribution) For Fiscal Year 2011-12, that portion of the Tobacco Settlement Trust Fund that the State Treasurer is directed to transfer to the Department of Agriculture for marketing and branding of agricultural products or produce pursuant to the provisions of Section 11-49-55 must be transferred to the Department of Agriculture as the funds are accrued in \$250,000 increments up to one million dollars.

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- 89.147 AMEND NEW PROVISO** (Child Care Licensing and Inspections) **HOU:** ADD new proviso to transfer the statutory and regulatory functions of licensing and inspecting child care centers, including the imposition of fees authorized by law and regulation, from DHEC to DSS. Authorize DSS to retain the revenue generated from these fees to defray child care licensing and inspection expenses. Sponsor: Rep. Erickson.
SFC: AMEND new proviso to delete the transfer of responsibilities and instead direct the DHEC and DSS directors to collaborate and develop a plan to consolidate regulatory and licensing functions for child care centers and to submit the plan by December 1, 2011 to specific committees of the General Assembly.
SEN: ADOPT new proviso as amended.
CONF: ADOPT Senate version.

89.147. (GP: Child Care Licensing and Inspections) For the current fiscal year, the directors of the Department of Health and Environmental Control and the Department of Social Services shall collaborate and develop a plan for consolidation of the regulatory and licensing functions for child care centers. The directors shall submit the plan no later than December 1, 2011, to the following committees: Senate General, Senate Medical Affairs, and House Medical, Military, Public and Municipal Affairs.

- 89.148 DELETE NEW PROVISO** (Nursing Home Permit Laws) **HOU:** ADD new proviso to direct DHEC to suspend enforcement of certain provisions of the Medicaid Nursing Home Permit Law as required by Sections 44-7-80 [MEDICAID NURSING HOME PERMITS-DEFINITIONS], 44-7-82 [PERMIT REQUIREMENT], 44-7-84 [DETERMINATION AND ALLOCATION OF MEDICAID NURSING HOME PATIENT DAYS; APPLICATION FOR PERMIT; RULES AND REGULATIONS], 44-7-88 [INVOLUNTARY DISCHARGE OR TRANSFER OF MEDICAID NURSING HOME PATIENTS PROHIBITED; REQUEST FOR WAIVER OF PERMIT REQUIREMENTS], and 44-7-90 [VIOLATIONS OF SECTIONS 44-7-80 THROUGH 44-7-90; PENALTIES]. Prohibit DHEC from penalizing or fining a facility that has provided fewer Medicaid patient days than allowable. Prohibit DHEC from transferring or adding additional days to any facility during FY 11-12. Direct DHEC to proportionately decrease the authorized Medicaid days for each nursing home if DHHS decreases the number of days available to DHEC and if additional days are authorized, to restore them in the same manner. Suspend Section 44-7-88 for FY 11-12. Allow nursing homes to discharge a resident due to payment source and Medicaid permit requirements. Sponsor: Rep. White.
SFC: DELETE new proviso. *A Joint Resolution will be filed that combines amendments to provisos 89.148 and 89.156 to be considered in conjunction with H.3700, FY 2011-12 Appropriation Bill.*
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

89.148. (GP: Nursing Home Permit Laws) DELETED

- 89.149 DELETE NEW PROVISO** (SCBOS Cost Reporting Requirement) **HOU:** ADD new proviso to require the SC Business One Stop program to report cost per participant data and cost per outcome data quarterly to the General Assembly in order to select the best training providers. Sponsor: Rep. Cobb-Hunter.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

89.149. (GP: SCBOS Cost Reporting Requirement) DELETED

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- 89.150 ADD** (WIA Meeting Requirements) **HOU:** ADD new proviso to require a Workforce Investment Board meeting to be subject to all FOIA notice requirements and prohibit a meeting from taking place without a quorum of board members present. Direct that any decision made in violation of this requirement shall be void. Sponsor: Rep. Cobb-Hunter.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

89.150. (GP: WIA Meeting Requirements) For Fiscal Year 2011-12, a Workforce Investment Board meeting must be subject to all notice requirements of the Freedom of Information Act and may not take place unless a quorum of the board membership is present. Any decision made in violation of these requirements is void.

- 89.151 DELETE NEW PROVISO** (SCBOS Procurement Requirement) **HOU:** ADD new proviso to require the SC Business One Stop program to comply with the Consolidated Procurement Code's request for proposal requirement when purchasing goods or services. Sponsor: Rep. Cobb-Hunter.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

89.151. (GP: SCBOS Procurement Requirement) DELETED

- 89.152 REINSERT NEW PROVISO** (WIA Service Advertising) **HOU:** ADD new proviso to authorize the Workforce Investment Act to advertise its services by billboard, bus, placard, newspapers, or radio in all workforce investment areas rather than in selected areas. Direct that this advertising may not be limited to e-mail, online, or other internet based advertising, publicity or promotions. Sponsor: Rep. Cobb-Hunter.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: ADOPT House version.

89.152. (GP: WIA Service Advertising) For Fiscal Year 2011-12, the Workforce Investment Act may advertise its services via billboard, bus placard, newspapers, or radio in all workforce investment areas rather than in selected workforce investment areas. This advertising may not be limited to e-mail, online, or other internet-based advertising, publicity, or other promotions.

- 89.153 DELETE NEW PROVISO** (WIA Investment Board Training Fund Allocation Study Committee) **HOU:** ADD new proviso to create a committee to study and review the parameters on allocating training funds set by the State Workforce Investment Board and on eligibility criteria and minimum levels of performance for training providers established by the Governor in accordance with federal law. Direct the committee to evaluate and make non-binding recommendations on enhancing or improving the overall performance of Workforce Investment Act worker training. Provide for composition of the study committee; direct that staffing be provided by the appropriate Senate and House committees and that members serve without compensation. Require a quorum be present to meet and that the study committee comply with FOIA requirements. Direct that a report be submitted to the General Assembly and the Governor by July 1, 2012, after which the committee shall be dissolved. Sponsor: Reps. Cobb-Hunter.
SFC: DELETE new proviso.

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SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

89.153. (GP: WIA Investment Board Training Fund Allocation Study Committee)
DELETED

- 89.154 ADD** (WIA Training Marketability Evaluation) **HOU:** ADD new proviso to require local workforce investment boards to demonstrate that training funds are used to provide marketable work skills by providing a report on how the funds were allocated based on training that was funded in order to determine what percentage of funds are used for non-vocational, academic programs and high growth or high demand industries and occupations. Sponsor: Rep. Cobb-Hunter.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

89.154. (GP: WIA Training Marketability Evaluation) For Fiscal Year 2011-12, local workforce investment boards shall demonstrate that funds expended for training are used to provide marketable work skills by reporting how its funds were allocated based on skills for which training was funded to determine what percentage of funds are used to fund non-vocational, academic programs and high-growth or high-demand industries and occupations.

- 89.155 DELETE NEW PROVISO** (Admissions Tax) **HOU:** ADD new proviso to include admissions to a motorsports entertainment complex facility with at least 60,000 permanent seats and to the Family Circle Cup Tennis Tournament from the exemptions to the Admissions License Tax imposed by Section 12-21-2420 [ADMISSIONS TAX: IMPOSITION OF TAX; RATE; EXEMPTIONS; PAYMENT, COLLECTION, AND REMITTANCE; DISPOSITION OF REVENUES]. Sponsors: Reps. Lucas, Merrill, Neilson, and Williams. Fiscal Impact: BEA estimates a \$256,380 reduction in General Fund revenue.
HOU2: DELETE new proviso. Sponsor: Rep. Cooper.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: SAME in both versions.

89.155. (GP: Admissions Tax) **DELETED**

- 89.156 DELETE NEW PROVISO** (Staffing Standards for Nursing Home) **HOU:** ADD new proviso to direct the following nursing home staffing standards be enforced: nursing homes shall provide sufficient non-licensed nursing staff for a minimum of 1.63 hours of direct care per resident per day; nursing homes shall have one licensed nurse per shift for each staff work area. Direct that all other staffing & non-staffing standards established in Standards for Licensing Nursing Homes 24A S.C. Code Ann. Regs 61-17 shall be enforced. Sponsor: Rep. Cooper.
SFC: DELETE new proviso. *A Joint Resolution will be filed that combines amendments to provisos 89.148 and 89.156 to be considered in conjunction with H.3700, FY 2011-12 Appropriation Bill.*
SEN: ADOPT deletion of new proviso.
CONF: ADOPT Senate deletion.

89.156. (GP: Staffing Standards for Nursing Home) **DELETED**

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89.157 ADD (Victims Assistance Transfer) **SFC:** ADD new proviso to require the Department of Corrections to transfer \$20,500 monthly to DPS for distribution through the State Victim Assistance Program.

SEN: ADOPT new proviso.

CONF: ADOPT Senate version.

89.157. (GP: Victims Assistance Transfer) The Department of Corrections shall transfer \$20,500 each month to the Department of Public Safety for distribution through the State Victims Assistance Program.

89.158 AMEND NEW PROVISO (DOC & PPP Potential Consolidation Plan) **SFC:** ADD new proviso to allow the Directors of the Department of Corrections and the Department of Probation, Parole, and Pardon Services to collaborate and develop a plan to consolidate functions. Allow the departments, if the directors identify functions that would enable the departments to operate more efficiently and effectively during the current fiscal year, to implement such actions upon approval of the Governor and notification to Chairmen of the Senate Finance, House Ways and Means, Senate Corrections and Penology, and House Judiciary Committees and direct that the notification include an estimate of cost savings and anticipated efficiencies.

SEN: AMEND new proviso to delete the authorization for the departments to immediately implement consolidation of functions. Sponsor: Sen. Malloy.

CONF: ADOPT Senate version.

89.158. (GP: DOC & PPP Potential Consolidation Plan) From the funds appropriated to the Department of Corrections and the Department of Probation, Parole and Pardon Services, the directors of the departments may collaborate and develop a plan to consolidate the functions of the departments.

89.159 DELETE NEW PROVISO (Reporting Compensation From Non-Profit Organization) **SFC:** ADD new proviso to require a member of the General Assembly to report to the Senate Legislative Ethics Committee, the House Legislative Ethics Committee, and the State Ethics Commission if they receive compensation from a non-profit organization that receives state funds. Direct that the report include their name, terms of employment and compensation.

SEN: ADOPT new proviso.

CONF: ADOPT House version. (*Deletes new proviso.*)

89.159. (GP: Reporting Compensation From Non-Profit Organization) DELETED

89.160 DELETE NEW PROVISO (Long Term Care Task Force) **SFC:** ADD new proviso to create the Task Force on Long Term Care Accessibility. Direct that the purpose of the Task Force is to assess the needs of the state's Long Term Care System and the impact of long term care on the Medicaid program. Direct that the Task Force submit their recommendations to the General Assembly by June 30, 2012.

SEN: DELETE new proviso. *Ruled Out of Order.*

CONF: SAME in both versions.

89.160. (GP: Long Term Care Task Force) DELETED

89.161 DELETE NEW PROVISO (State Medicaid Match) **HOU2:** ADD new proviso to direct that state agencies shall transfer unneeded match resulting from Medicaid rate reductions to the

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Department of Health & Human Services. Sponsor: Rep. Cooper. *Note: Proviso 89.159 in HOU2 version.*

SFC: ADD new proviso to direct that state agencies that have not been assessed a base reduction, shall transfer unneeded match resulting from Medicaid rate reductions to the Department of Health & Human Services. Requested by Department of Health and Human Services.

SEN: ADOPT new proviso.

CONF: DELETE proviso. *(Neither version adopted.)*

89.161. (GP: State Medicaid Match) DELETED

89.162 DELETE NEW PROVISO (Privatization Approval) **SEN:** ADD new proviso to prohibit a state agency, department, board, or commission from expending or contracting to expend more than \$500,000 to privatize a service or staffing position the entity performed or staffed in the prior fiscal year unless the majority of the B&C Board has approved the expenditure and prohibit an entity from also expending or contracting more than \$1,000,000 for the same purpose without the approval of the General Assembly by joint resolution. Sponsors: Sen. Hutto, Reese, Scott, and McConnell. AMEND new proviso to direct that these restrictions do not apply to any public institution of higher learning, the State Ports Authority, or the Public Service Authority. Sponsor: Sen. Hutto.

CONF: ADOPT House version. *(Deletes new proviso.)*

89.162. (GP: Privatization Approval) DELETED

89.163 ADD (USC Greenville Medical School) **SEN:** ADD new proviso to state the intent of the General Assembly that no general funds be appropriated for the new medical school at USC in Greenville during FY 11-12. Prohibit USC from transferring any state funds from any state earmarked or restricted funds to the medical school except for grants, contributions, contractual payments, and tuition and required fees for students attending the new medical school that are specifically designated for the new medical school. Sponsor: Sen. McConnell.

CONF: ADOPT Senate version.

89.163. (GP: USC Greenville Medical School) It is the intent of the General Assembly that during Fiscal Year 2011-12, no general funds shall be appropriated for the new medical school at the University of South Carolina in Greenville. In addition, no state funds may be transferred from state earmarked or restricted funds held by the University of South Carolina to the medical school except for grants, contributions, contractual payments, and tuition and required fees for students attending the new medical school at the University of South Carolina in Greenville that are specifically designated for the medical school at the University of South Carolina in Greenville.

89.164 ADD (State Symbols) **SEN:** ADD new proviso to prohibit state funds from being used during the current fiscal year to promote, record, or memorialize any new official state symbols, emblems, or designations not codified by July 1, 2011. Sponsor: Sen. Peeler.

CONF: ADOPT Senate version.

89.164. (GP: State Symbols) For the current fiscal year, no state funds shall be used to promote, record, or memorialize any new official state symbols, emblems, or designations not yet codified by July 1, 2011.

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- 89.165 ADD** (Retirement Investment Commission) **SEN:** ADD new proviso to require the Retirement System Investment Commission to submit a plan for salary bonuses to the Senate Finance Retirement Subcommittee by January 15th and require subcommittee approval of the plan prior to implementation. Sponsors: Sen. Setzler, Ryberg, and Alexander.
CONF: ADOPT Senate version.

89.165. (GP: Retirement Investment Commission) Of the funds appropriated, the Retirement System Investment Commission shall submit a report to the Senate Finance Retirement Subcommittee by January 15th that sets forth a plan regarding salary bonuses. The plan must be approved by the subcommittee before implementation.

- 89.166 DELETE NEW PROVISO** (Higher Education Excellence Enhancement Program) **HOU2:** ADD new proviso to direct that Higher Education Excellence Enhancement Program funds be allocated equally among eligible institutions in accordance with statute. Authorize CHE to retain, carry forward, and expend these prior year funds for the same purpose. Sponsor: Rep. Cooper. *Note: Proviso 89.157 in HOU2 version.*
CONF: ADOPT Senate version. (*Deletes new proviso.*)

89.166. (GP: Higher Education Excellence Enhancement Program) DELETED

- 89.167 DELETE NEW PROVISO** (Lobbying Surcharge) **HOU2:** ADD new proviso to authorize the Ethics Commission to charge each lobbyists and lobbyist's principal a \$100 surcharge in addition to the registration fee currently authorized by law. Direct that 50% of the surcharge be remitted to the general fund and 50% be retained by the commission and be used to offset costs associated with administering and enforcing Chapter 17 of Title 2 [LOBBYISTS AND LOBBYING] and Chapter 13 of Title 8 [ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM]. Authorize excess funds to be carried forward and used for the same purpose. Sponsor: Rep. Cooper. *Note: Proviso 89.158 in HOU2 version.*
CONF: ADOPT Senate version. (*Deletes new proviso.*)

89.167. (GP: Lobbying Surcharge) DELETED

- 89.168 DELETE NEW PROVISO** (Caterpillar Dealer Academy Tuition) **HOU2:** ADD new proviso to direct that all students who attend the Caterpillar Dealer Academy pay the same tuition rate. Sponsor: Rep. Cooper. *Note: Proviso 89.160 in HOU2 version.*
CONF: ADOPT Senate version. (*Deletes new proviso.*)

89.168. (GP: Caterpillar Dealer Academy Tuition) DELETED

- 89.169 DELETE NEW PROVISO** (Noncommercial Pesticide Applicator Surcharge) **HOU2:** ADD new proviso to authorize Clemson PSA to charge an annual \$50 licensing surcharge to all noncommercial pesticide applicators and retain, expend, and carry forward these funds to maintains its programs. Sponsor: Rep. Cooper. *Note: Proviso 89.161 in HOU2 version.*
CONF: ADOPT Senate version. (*Deletes new proviso.*)

89.169. (GP: Noncommercial Pesticide Applicator Surcharge) DELETED

SECTION 90 - X91-STATEWIDE REVENUE

- 90.1 AMEND** (Year End Expenditures) Directs year-end expenditure deadlines.

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WMC: AMEND proviso to change fiscal year reference from “2011” to “2012” and “July 15, 2011” to “July 13, 2012.” Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

90.1. (SR: Year End Expenditures) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary expenses of the State Government shall lapse on July 31, ~~2011~~ 2012. State agencies are required to submit all current fiscal year input documents to the Office of Comptroller General by July ~~15, 2011~~ 13, 2012. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the Budget and Control Board and Joint Bond Review Committee, toward the accomplishment of the purposes for which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the Budget and Control Board, toward the accomplishment of the purposes for which the appropriations were provided.

90.3 **AMEND** (Tobacco Settlement) Directs the State Treasurer, upon approval of the Tobacco Settlement Revenue Management Authority and parties to the trust agreement, to transfer \$10,000,000 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, which will protect payments to the State under the Master Settlement Agreement. Authorizes and directs the State Treasurer to transfer up to \$1,200,000 to the General Fund from funds available to the Tobacco Settlement Revenue Management Authority to reimburse amounts previously appropriated for Tobacco Arbitration Settlement pursuant to Proviso 73.14(B) item 99 of Act 397 of 2006. Directs that any remaining balance from the appropriation be remitted to the General Fund, but limits the combined transfer and reimbursement to not more than \$1,200,000.

WMC: AMEND proviso to delete requirement to reimburse the General Fund up to \$1,200,000 from amounts previously appropriated for Tobacco Arbitration Settlement. *Transfer and reimbursement have been completed.* Fiscal Impact: No impact on the General Fund. One-time transfer. Requested by State Treasurer’s Office.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

90.3. (SR: Tobacco Settlement) Contingent upon the approval of the Tobacco Settlement Revenue Management Authority and parties to the trust agreement, the State Treasurer shall transfer an amount equal to \$10,000,000 from the unrestricted taxable proceeds portion of the principal of the Healthcare Tobacco Settlement Trust Fund established pursuant to Section 11-11-170(B)(1) of the 1976 Code to the Department of Health and Human Services to be expended as follows: \$10,000,000 for Medicaid. The State Treasurer is authorized and directed to transfer to the Office of the Attorney General from funds available to the Tobacco Settlement Management Authority such amounts as shall be necessary for the enforcement of

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Chapter 47 of Title 11, The Tobacco Escrow Fund Act, which will protect the payments to the State under the Master Settlement Agreement. ~~The State Treasurer is further authorized and directed to transfer to the General Fund from funds available to the Tobacco Settlement Revenue Management Authority up to \$1,200,000 to reimburse amounts previously appropriated for Tobacco Arbitration Settlement pursuant to Proviso 73.14(B) item 99 of Act 397 of 2006. Any remaining balance from the appropriation shall be remitted to the General Fund, but the combined transfer and reimbursement shall not total more than \$1,200,000.~~

90.6 REINSERT (LGF) Suspends Section 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] for the current fiscal year.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SFC: REINSERT original proviso.

SEN: ADOPT original proviso.

CONF: ADOPT Senate version.

90.6. (SR: LGF) For the current fiscal year, Section 6-27-30 of the 1976 Code is suspended.

90.8 DELETE (Repayment of Deficit) Directs the State Treasurer to transfer, specific sources of revenue for the repayment of the FY 08-09 general operating fund deficit prior to the close of books for FY 09-10 and directs expenditure of any remaining funds from identified sources to be transferred to the General Reserve Fund.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

90.8. (SR: Repayment of Deficit) ~~The State Treasurer is directed to transfer, prior to the close of the books for Fiscal Year 2009-10, the sources of revenue identified in this provision for the repayment of the Fiscal Year 2008-09 general fund operating deficit. The transfers are to be made in the following priority order as funds are available:~~

~~(1) Excess Fiscal Year 2009-10 general fund revenue above the statewide adjusted agency appropriations;~~

~~(2) \$2,500,000 from P16 — Department of Agriculture, Subfund 3079, Renewable Energy Infrastructure Development Fund;~~

~~(3) \$9,431,724 from F03 — Budget and Control Board, Subfund 3146; and~~

~~(4) \$7,341,716 from F03 — Budget and Control Board, Fiscal Year 2009-10 Educational Broadband Spectrum Lease receipts.~~

~~Upon the complete repayment of the Fiscal Year 2008-09 general fund operating deficit any remaining funds from sources (2) through (4) are to be transferred in Fiscal Year 2010-11 to the General Reserve Fund.~~

~~From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, there shall remain \$4,300,000 in the account to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations in order to preserve the economic viability of the facility. The amount distributed to offset any operating shortfalls shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls may also be used to maintain access fees to the facility for Fiscal Year 2010-11 at the Fiscal Year 2009-10 level.~~

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~~The Budget and Control Board may authorize the expenditure of funds, not to exceed \$700,000, from the escrow account for any actions taken by the Attorney General's Office and expenses associated with such actions relating to the Nuclear Waste Policy Act of 1982. The Attorney General's Office is authorized to retain, expend, and carry forward these funds for the Yucca Mountain suit on the behalf of the State of South Carolina. The Attorney General's Office is authorized to use a portion of these funds to reimburse the office for any Yucca Mountain expenses incurred in the prior fiscal year. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.~~

- 90.9 DELETE** (Nonrecurring Revenue – Increased Enforcement Collections) Directs the Department of Revenue to continue increased enforcement collections efforts as established in FY 09-10. Authorizes the department to collect revenues from any source within its jurisdiction, including, but not limited to, corporate, individual or sales tax collections, but directs the department to especially focus on enforced collections and outstanding liabilities. Directs that these funds are to be deposited into a fund separate and distinct from the general fund within the State Treasurer's Office, except direct that motor fuel funds collected as a result of the enforced collection efforts be distributed in the same manner as other motor fuel tax revenues are currently distributed. Directs the department to develop internal mechanisms to insure the integrity of customary and usual enforced collections. Directs the department, when it determines quarterly customary and usual enforced collections have been exceeded, to deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision. Directs the State Treasurer, for FY 10-11, to disburse specific amounts to identified agencies.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**90.9.** (SR: Nonrecurring Revenue – Increased Enforcement Collections) For Fiscal Year 2010-11, the Department of Revenue shall continue its efforts pertaining to increased enforcement collections as established in Fiscal Year 2009-10.~~

~~The department may collect revenues from any source within its jurisdiction, which may include but is not limited to corporate, individual or sales tax collections but especially shall focus on enforced collections and outstanding liabilities.~~

~~These funds shall be deposited in a fund separate and distinct from the general fund as established within the Office of the State Treasurer, except that any motor fuel funds collected as a result of the enforced collection efforts shall be distributed in the same manner as other motor fuel tax revenues are currently distributed.~~

~~The Department of Revenue shall develop internal mechanisms to insure the integrity of customary and usual enforced collections. When the department determines that the quarterly customary and usual enforced collections have been exceeded, the department shall deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision.~~

~~For the fiscal year beginning July 1, 2010 and ending June 30, 2011, the State Treasurer shall disburse \$3,625,000 to E28 Election Commission for the 2010 General Election, \$250,000 to D05 Governor's Office of Executive Control of State for transition costs, and \$100,000 to E04 Office of Lieutenant Governor for transition costs, and shall then disburse quarterly the following funds on a pro rata basis:~~

~~(1) Part IA State General Fund.....\$ 11,257,832;~~

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(2) F03 Budget and Control Board	
SCEIS.....	\$ 2,179,716;
(3) H03 Commission on Higher Education	
SREB Dues	\$ 413,929;
(4) H59 State Board for Technical and Comprehensive Education CATT Program	\$ 7,000,000;
(5) P32 Department of Commerce	
Deal Closing Fund	\$ 5,000,000;
(6) A01 The Senate	
Reapportionment	\$ 1,000,000;
(7) P28 Department of Parks, Recreation and Tourism	
Operating Expenses.....	\$ 1,000,000;
(8) H63 Department of Education	
Career and Technology Education (CATE) Textbooks and Resource Materials	\$ 662,000;
(9) H63 Department of Education	
Transportation	\$ 900,000;
(10) H63 Department of Education	
School Bus Fuel	\$ 11,000,000
(11) H63 Department of Education	
Governor's School for the Arts and the Humanities	\$ 500,000;
(12) H63 Department of Education	
Governor's School for Math and Science	\$ 500,000;
(13) E21 Prosecution Coordination Commission	
Operating Expenses.....	\$ 1,000,000;
(14) E23 Commission on Indigent Defense	
Operating Expenses.....	\$ 1,000,000;
(15) X44 Aid to Subdivisions Department of Revenue	
Homestead Exemption Shortfall	\$ 35,480,071;
(16) L12 John de la Howe School	
Operating Expenses.....	\$ 308,765;
(17) L71 Wil Lou Gray Opportunity School	
Operating Expenses.....	\$ 308,764;
(18) N04 Department of Corrections	
Operating Expenses.....	\$ 8,571,992;
(19) N08 Department of Probation, Parole and Pardon Services Sentencing Reform Act	\$ 510,000;
(20) N08 Department of Probation, Parole and Pardon	
Services Ignition Interlock Implementation	\$ 67,000;
(21) N12 Department of Juvenile Justice	
Operating Expenses.....	\$ 2,000,000; and
(22) B04 Judicial Department	
Operating Expenses.....	\$ 2,900,000.

Once sufficient revenue has been collected to fully fund the above items, the first \$8,000,000 of excess revenue shall be transferred to the Department of Motor Vehicles to reimburse the department for the funds transferred to other agencies by proviso 90.10 of this act. The next \$1,000,000 of excess revenue shall be transferred to the Forestry Commission for expenses associated with firefighting activities. The next \$1,000,000 shall be transferred to the National Guard. Any excess increased tax enforcement collections revenue above the amounts identified in this provision shall be transferred to the General Fund of the State.

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~~To insure that customary and usual enforced collections are unaffected by this provision, the Office of the State Treasurer may not disburse funds from this account until the following schedule of General Fund enforced collections are deposited by the Department of Revenue by the end of each quarter in the fiscal year. If quarterly General Fund enforced collections do not reach the required levels, distributions from this account are suspended for that quarter. The required deposits of quarterly General Fund enforced collections by the end of each quarter are:~~

July to September 2010	\$ 90,000,000
October to December 2010	\$180,000,000
January to March 2011	\$270,000,000
April to June 2011	\$360,000,000

~~The Department of Revenue shall report on a quarterly basis to the finance committees of the General Assembly and to the Board of Economic Advisors on the amount of customary and usual enforced collections and the excess collections from the enhanced collection activities. The Department of Revenue shall provide data to the finance committees of the General Assembly and the Board of Economic Advisors on prior years enforced collections to assist in monitoring revenue collection seasonal flows that impact the funding of state government programs.~~

~~By this provision these funds are deemed to have been received and are available for appropriation.~~

- 90.10 DELETE** (Non-Recurring Revenue Transfers) Directs DMV, if the funds transferred from the department by proviso 90.20 of the FY 09-10 appropriation act have been repaid per proviso 90.21 of the same act, to transfer \$7,000,000 from those funds to Clemson for the Drive Train Test Facility. Directs DOT to transfer \$10,000,000 from Subfund 4862, Non-Federal Aid Highway Funds to the General Fund of the State. Suspends, for FY 10-11, the license plate replacement interval until the funds transferred to other agencies within this provision are repaid to the department or until the Plate Replacement Fee Fund has enough of a balance to reinstitute license plate replacement. Directs that restrictions concerning specific use of these funds are lifted for the fiscal year.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**90.10.** (SR: Non-Recurring Revenue Transfers) If the funds transferred from the Department of Motor Vehicles by proviso 90.20 of Act 23 of 2009 have been repaid pursuant to proviso 90.21 of Act 23 of 2009, the Department of Motor Vehicles shall transfer, from these funds, \$7,000,000 to H12—Clemson University for the Drive Train Test Facility.~~

~~The Department of Transportation shall transfer \$10,000,000 from Subfund 4862, Non-Federal Aid Highway Funds to the General Fund of the State.~~

~~For Fiscal Year 2010-11, the license plate replacement interval is suspended until the funds transferred to other agencies within this provision are repaid to the department pursuant to proviso 90.9 of this act or by any other source of funds, or until such time as the Plate Replacement Fee Fund has a sufficient balance to reinstitute license plate replacement.~~

~~Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year.~~

- 90.11 DELETE** (Health Care Maintenance of Effort Funding) Directs that the source of funds in this provision is \$121,348,857 from the Health Care Annualization and Maintenance of Effort

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Fund and directs the State Treasurer to disburse specific appropriations by September 1, 2010 for the purposes stated.

WMC: DELETE proviso. *Non-recurring proviso was for FY 2010-11.* Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

90.11. (SR: Health Care Maintenance of Effort Funding) ~~(A) The source of funds appropriated in this provision is \$121,348,857 from the Health Care Annualization and Maintenance of Effort Fund. By this provision these funds are deemed to have been received and are available for appropriation.~~

~~(B) The State Treasurer shall disburse the following appropriations by September 1, 2010, for the purposes stated:~~

~~(1) Part IA State General Fund.....\$ 71,685,517;~~

~~(2) L04 Department of Social Services
Child Support Enforcement Penalties and
Development.....\$ 18,677,849;~~

~~The below funds shall be disbursed for the purpose of agency operating expenses:~~

~~(3) J12 Department of Mental Health.....\$ 9,500,000;~~

~~(4) J16 Department of Disabilities and Special Needs\$ 21,385,491;~~

~~The Department of Disabilities and Special Needs shall utilize \$1,250,000 of the above \$21,385,491 for Early Intervention for three to five year olds.~~

~~(5) L24 Commission for the Blind.....\$ 100,000.~~

~~If the balance of the Fund exceeds the total amount appropriated in this provision, the excess funds shall be appropriated to the Department of Health and Human Services for Medicaid Maintenance of Effort. If the balance of the Fund is less than the total amount appropriated in this provision, the appropriation to the Department of Health and Human Services shall be reduced by a corresponding amount.~~

~~(C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.~~

90.12 **DELETE** (Zero Based Budgeting Study) Directs the State Treasurer's Office to study and make recommendations on suggested procedures and implementation dates regarding implementing a zero-based budgeting process for every state agency, department, instrumentality, entity, or institution. Directs that the study include a determination and establishment of functional areas for state government within which agencies shall operate and to establish suggested performance standards, objectives, and measuring criteria for each agency within its functional area. Directs that higher education institutions are to be included in the study. States that the goal and intent of the study is for better and more efficient analysis and use of authorized and appropriated state funds. Directs that the State Treasurer's Office is responsible for the study and that recommendations will be submitted to the General Assembly at the beginning of the 2011 session, and that quarterly progress reports must be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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~~90.12. (SR: Zero Based Budgeting Study) The Office of State Treasurer shall study and make recommendations including suggested procedures and implementation dates regarding the implementation of a zero based budgeting process for every state agency, department, instrumentality, entity, or institution. Included in this study shall be a determination and establishment of functional areas for state government within which state agencies, departments, and institutions shall operate, and the establishment of suggested performance standards, objectives, and measuring criteria for each agency within its functional area. Institutions of higher education shall also be included in this study. The goal and intent of this study is for better and more efficient analysis and utilization of authorized and appropriated state funds for the benefit of the citizens of this State. The Office of State Treasurer is responsible for this study and recommendations which shall be submitted to the General Assembly at the beginning of its 2011 session. Prior to completion of this study and these recommendations, progress reports must be submitted at the end of each quarter to the chairmen of House Ways and Means and Senate Finance.~~

- 90.13** ~~DELETE~~ (Pfizer Settlement) Directs the Attorney General to transfer to the Department of Health and Human Services for Medicaid Maintenance of Effort, all funds received from the state's settlement agreement with Pfizer Incorporated.
WMC: DELETE proviso.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~90.13. (SR: Pfizer Settlement) The Attorney General is directed to transfer all funds received as a result of the state's settlement agreement with Pfizer Incorporated to the Department of Health and Human Services for Medicaid Maintenance of Effort.~~

- 90.14** ~~DELETE~~ (Health and Human Services Funding) Directs that the source of funds in this proviso is \$234,886,144 of HHS general fund appropriations, carry forward funds, earmarked and restricted special revenue funds, and unobligated state match funds resulting from the extension of the increased FMAP. Directs all agencies, unless specifically exempted by another provision, to transfer unobligated state match funds resulting from receipt of the increased FMAP from July 1, 2010 to December 31, 2010 to HHS. Directs HHS to transfer \$49,107,658 to the General Fund by December 31, 2010 and to disburse the funds to specific agencies. Directs HHS to retain unobligated state match resulting from the increased FMAP in excess of the funds appropriated and to use these funds for the Medicaid Maintenance of Effort.
WMC: DELETE proviso. *Non-recurring proviso was for FY 2010-11.* Fiscal Impact: No impact on the General Fund.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~90.14. (SR: Health and Human Services Funding) The source of funds appropriated in this provision is \$234,886,144 of Department of Health and Human Services general fund appropriations, carry forward funds, earmarked and restricted special revenue fund accounts, and unobligated state match funds resulting from the extension of the increased Federal Medical Assistance Percentage. All agencies, unless specifically exempt by another provision contained in this act, shall transfer unobligated state match funds resulting from the receipt of~~

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~~the increased Federal Medical Assistance Percentage from July 1, 2010 to December 31, 2010 to the Department of Health and Human Services.~~

~~Of these funds the Department of Health and Human Services shall transfer \$49,107,658 to the General Fund of the state no later than December 31, 2010.~~

~~Of these funds the department is directed to disburse the following appropriations for the purposes stated:~~

- ~~1. Department of Health and Human Services
Medicaid Maintenance of Effort\$ 162,778,486;~~
- ~~2. Department of Disabilities and Special Needs
Agency Operating Expenses.....\$ 19,000,000; and~~
- ~~3. Department of Social Services
Therapeutic Foster Care\$ 4,000,000.~~

~~Any unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage in excess of the funds appropriated above shall be retained by the Department of Health and Human Services for Medicaid Maintenance of Effort.~~

- 90.15** **ADD** (Increased Enforced Collection Carry Forward) **WMC:** ADD new proviso to authorize funds appropriated pursuant to Proviso 90.16 in Part IB of Act 291 of 2010 to be carried forward and used for the same purposes. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

90.15. (SR: Increased Enforced Collections Carry Forward) Unexpended funds appropriated pursuant to Proviso 90.16 in Part IB of Act 291 of 2010 may be carried forward from the prior fiscal year into the current fiscal year and shall be expended for the same purposes.

- 90.16** **AMEND NEW PROVISO FURTHER** (Health Care Maintenance of Effort Funding)
WMC: ADD new proviso to direct that the source of funds in this provision is \$157,299,845 from the 50 cent cigarette surcharge collected in FY 10-11 and FY 11-12 and deposited in the SC Medicaid Reserve Fund. Direct the Department of Health and Human Services to use these funds for the Medicaid Program’s maintenance of effort. Require residual funds from the surcharge to remain in the fund and authorize the director of the HHS to use the funds to ensure access to care. Authorize unexpended funds appropriated by this provision to be carried forward and used for the same purpose.
HOU: ADOPT new proviso.
SFC: AMEND new proviso to require the department, within 90 days after the fiscal year begins, to develop methods and criteria to determine how access issues will be identified, assessed, and addressed. Require the Chairmen of the Senate Finance and House Ways and Means Committees to be notified 30 days before the funds may be used.
SEN: AMEND FURTHER to specify that the funds are to be used to ensure access to care “in rural and underserved areas of the state.” Require the department to provide an assessment of access to care as part of the reporting requirements required by proviso 21.48 (Medicaid Reporting). Prohibit the director from accessing residual funds before January 31, 2012; require a proposal be submitted to the General Assembly by January 1, 2012 on how the funds would be used; and allow the director to access the residual funds as proposed, if the General Assembly does not take action on the proposal by January 31st. Sponsors: Sens. Alexander, Sheheen, and Setzler.
CONF: ADOPT Senate version.

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90.16. (SR: Health Care Maintenance of Effort Funding) The source of funds appropriated in this provision is \$157,299,845 from the revenue collected during Fiscal Year 2010-11 and Fiscal Year 2011-12 from the 50 cent cigarette surcharge and deposited into the SC Medicaid Reserve Fund and shall be utilized by the Department of Health and Human Services for the Medicaid Program's maintenance of effort. By this provision these funds are deemed to have been received and are available for appropriation.

The residual funds from the cigarette surcharge shall remain in the S.C. Medicaid Reserve Fund and may be used by the director of the Department of Health and Human Services to ensure access to care in rural and underserved areas of the state. Within 90 days of the start of the fiscal year, the department shall develop methods and criteria for determining how access issues will be identified, assessed and addressed. Any use of these funds shall require 30 days prior notice to the Chairmen of the Senate Finance and House Ways and Means Committees. The department shall provide an assessment of access to care as part of the reporting requirements stipulated in Proviso 21.48, (DHHS: Medicaid Reporting). The director is not authorized to access any of the residual funds prior to January 31, 2012. The director must submit a proposal for any use of the funds to the General Assembly by January 1, 2012. If no action is taken on the proposal by the General Assembly by January 31, 2012, the director may access the residual funds as presented in the proposal.

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

90.17 ADD (ARRA) WMC: ADD new proviso to state that pursuant to the State Stabilization Fund Program established by Title IV of ARRA of 2009, \$501,948 of federal funds are authorized for appropriation and transferred to the School for the Deaf and the Blind and direct the Office of State Budget to increase the agency's federal fund authorization. Direct that these funds must be used in a manner consistent with the State Fiscal Stabilization Fund established by ARRA.

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

90.17. (SR: ARRA Funds) Pursuant to the State Fiscal Stabilization Fund Program established by Title IV of the American Recovery and Reinvestment Act of 2009 (ARRA), \$501,948 of federal funds are authorized for appropriation pursuant to this provision. \$501,948 shall be transferred to the School for the Deaf and the Blind to supplement appropriations made for the expenses of state government in the annual general appropriation act for Fiscal Year 2011-12 and the Office of State Budget is directed to increase agency federal fund authorization for funds from the State Budget Stabilization Fund allocated herein.

For purposes of the expenditures authorized by this provision, the funds must be used in a manner consistent with the provisions of the State Fiscal Stabilization Fund established by the American Recovery and Reinvestment Act of 2009 and the provisions of this act.

90.18 AMEND NEW PROVISO FURTHER (Nonrecurring Revenue) WMC: ADD new proviso to direct that the source of revenue in this provision is \$150,804,144 of non-recurring revenue transferred to the State Treasurer's Office as follows: \$71,000,600 from FY 09-10 Contingency Reserve Fund; \$68,803,544 from FY 10-11 BEA certified unobligated general fund revenue; \$1,000,000 from F03, B&C Board, Subfund 4154, Ordinary Sinking Fund; \$3,000,000 from F03, B&C Board, Subfund 3197, Motor Pool; and \$7,000,000 from R40, DMV earmarked or restricted accounts designated as "special revenue funds." Direct that these funds be available for use in FY 11-12 after the close of the state's books on FY 10-11 and that

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the transfers occur no later than 30 days after the close of the books. Direct that restrictions concerning use of these funds are lifted for FY 11-12. Direct the State Treasurer to disburse the following appropriations by 9-30-11: \$97,174,107 to SDE for EFA Base Student Cost; \$3,000,000 to SDE for Transportation; \$591,019 to CHE for SREB Dues; \$1,000,000 to State Bd. for Tec and Comp Ed for the CATT Program; \$45,553,657 to DHHS for Medicaid Maintenance of Effort; \$250,000 to Clemson University-PSA for Agency Operations; \$750,000 to S.C. Conservation Bank; and \$2,485,361 to B&C Board for SCEIS - Statewide Implementation. Authorize unexpended funds to be carried forward and used for the same purpose. Direct that excess FY 10-11 general fund revenue be transferred to the S.C. Medicaid Reserve Fund. Authorize DMV to suspend the license plate replacement interval until the funds transferred from the department are repaid or until the Plate Replacement Fee Fund has a sufficient balance to reinstitute license plate replacement. 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. Direct that funds distributed to offset any shortfall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the PSC, and the access fees paid by the Atlantic Compact generators. Direct that these funds also be used to maintain access fees to the facility for FY 11-12 at the FY 09-10 level and also be used to pay Southern States Energy Board annual dues.

HOU: ADOPT new proviso.

HOU2: AMEND House version to change "\$148,169,490" to "\$255,804,144;" change revenue item (2) from "\$66,168,890" to "\$173,803,544;" change appropriation item (B)(1) SDE EFA Base Student Cost from "\$97,174,107" to "\$56,174,107;" and insert new appropriation item (B)(5) for Dept. of Employment and Workforce, \$146,000,000 for Unemployment Insurance Trust Fund. Delete the directive that excess FY 10-11 revenue be transferred to the SC Medicaid Reserve Fund and instead direct that the first \$1.5 million be transferred to the Commission on Indigent Defense for the Civil Appointment Fund and the next \$1m be transferred to SLED for cleaning up meth labs. Direct that the above funds appropriated to DEW may only be used to make payments on outstanding loans from the Unemployment Insurance Trust Fund. Direct DEW to recalculate premium rates as soon as practicable after this act takes effect and to make the recalculated rates retroactive to January 1, 2011. Direct that cost savings to employers in rate class 2-20 due to general fund appropriations must be allocated proportionately to each employer's responsibility to pay back the federal unemployment loan. Require employers to be notified of premium changes and to credit and adjust employer accounts as appropriate. Direct DEW to contact the Federal Government by August 1, 2011 to maximize efforts to buy the loan down to the greatest extent possible. Sponsor: Rep. Cooper.

SFC: AMEND new proviso to change the amount of revenue from "\$150,804,144" to "\$148,169,490." Change the amount of unobligated general fund revenue certified by the BEA from "\$68,803,544" to "\$66,168,890." Direct that the \$7 million from DMV shall only be transferred to the State Treasurer if the funds transferred from DMV by Proviso 90.10 of Act 291 of 2010 have been repaid pursuant to Proviso 90.9 of Act 291 of 2010. Change Medicaid Maintenance of Effort from "\$45,553,657" to "\$45,792,598." Add "\$611,766" for DPS Illegal Immigration. Provide a contingency directive for the appropriations in this provision to be reduced pro-rata if the identified amount of FY 10-11 unobligated general fund revenue is not realized and if the \$7 million is not transferred from DMV.

SEN: AMEND FURTHER to transfer the first \$100 million of excess FY 10-11 general fund revenue above the amounts appropriated in this provision to the Department of Employment and Workforce (DEW) for payments on Unemployment Insurance Trust Fund outstanding loans. Sponsors: Sens. Leatherman, Ryberg, Bright, Campsen, Cleary, Alexander, Campbell, Davis, Rose, and Elliott.

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AMEND FURTHER to direct that if the FY 10-11 unobligated general fund revenues as certified by the BEA does not total at least \$66,168,890, the Medicaid Maintenance of Effort funds appropriated in this provision must be reduced to cover the difference and if that amount is not sufficient the remaining appropriations in this provision must be reduced pro rata. Sponsor: Sen. Massey.

AMEND FURTHER to direct that the next \$100,000 be transferred to DHEC for Donate Life SC to maintain the organ donor registry. Sponsor: Sen. Fair.

AMEND FURTHER to direct that the first \$1.5 million of excess FY 10-11 general fund revenue above the amounts appropriated in this provision be transferred to the Commission on Indigent Defense for the Civil Appointment Fund and the next \$100 million be transferred to DEW. Sponsor: Sen. Massey.

AMEND FURTHER to direct that after the \$100,000 to DHEC, the next \$1 million be transferred to SLED for cleaning up meth labs. Sponsor: Sen. Fair.

CONF: COMPROMISE to amend House version to blend in Senate directive that the \$7 million from DMV shall only be transferred to the State Treasurer if the funds transferred from DMV by Proviso 90.10 of Act 291 of 2010 have been repaid pursuant to Proviso 90.9 of Act 291 of 2010. Amend to provide the following items be funded: Department of Education: \$56,174,107 for EFA Base Student Cost and \$3,000,000 for Transportation; CHE: \$591,019 for SREB Dues; State Bd. for Tec. and Comp. Education: \$1,000,000 for CATT Program; DHHS: \$45,577,252; for Medicaid Maintenance of Effort; Dept. of Employment and Workforce: \$146,000 for Unemployment Insurance Trust Fund; Clemson-PSA: \$250,000 for Agency Operations; DPS: \$611,766 for Illegal Immigration; Commission on Indigent Defense: \$1,500,000 for Civil Appointment Fund; DHEC: \$100,000 for Donate Life; and SLED: \$1,000,000 for Methamphetamine Lab Clean-Up. Include Senate directive that if the FY 10-11 unobligated general fund revenues as certified by the BEA does not total at least \$173,803,544, the Medicaid Maintenance of Effort funds appropriated in this provision must be reduced to cover the difference and if that amount is not sufficient the remaining appropriations in this provision must be reduced pro rata. Include Senate contingency directive for the appropriations in this provision to be reduced pro-rata if the \$7 million is not transferred from DMV.

90.18. (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in this provision is \$255,804,144 of non-recurring revenue generated from the following sources, transferred to the State Treasurer. This revenue is deemed to have occurred and is available for use in Fiscal Year 2011-12 after September 1, 2011, following the Comptroller General's close of the state's books on Fiscal Year 2010-11.

(1) \$71,000,600 from Fiscal Year 2009-10 Contingency Reserve Fund;

(2) \$173,803,544 from Fiscal Year 2010-11 unobligated general fund revenue as certified by the Board of Economic Advisors;

(3) \$1,000,000 from F03, Budget and Control Board, Subfund 4154, Ordinary Sinking Fund;

(4) \$3,000,000 from F03, Budget and Control Board, Subfund 3197, Motor Pool; and

(5) \$7,000,000 from R40, Department of Motor Vehicles from any earmarked or restricted account designated as "special revenue funds" as defined by the Comptroller General's records if the funds transferred from the Department of Motor Vehicles by Proviso 90.10 of Act 291 of 2010 have been repaid pursuant to Proviso 90.9 of Act 291 of 2010.

Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers shall occur no later than thirty days after the close of the books on Fiscal Year 2010-11 and shall be available for use in Fiscal year 2011-12.

(B) The State Treasurer shall disburse the following appropriations by September 30, 2011, for the purposes stated:

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<u>(1) H63-Department of Education</u>	
<u>(a) EFA Base Student Cost.....</u>	<u>\$ 56,174,107;</u>
<u>(b) Transportation.....</u>	<u>\$ 3,000,000;</u>
<u>(2) H03-Commission on Higher Education</u>	
<u>SREB Dues.....</u>	<u>\$ 591,019;</u>
<u>(3) H59-State Board for Technical and Comprehensive Education</u>	
<u>CATT Program</u>	<u>\$ 1,000,000;</u>
<u>(4) J02-Department of Health and Human Services</u>	
<u>Medicaid Maintenance of Effort</u>	<u>\$ 45,577,252;</u>
<u>(5) R60-Department of Employment and Workforce</u>	
<u>Unemployment Insurance Trust Fund</u>	<u>\$ 146,000,000</u>
<u>(6) P20-Clemson University-PSA</u>	
<u>Agency Operations.....</u>	<u>\$ 250,000;</u>
<u>(7) K05-Department of Public Safety</u>	
<u>Illegal Immigration.....</u>	<u>\$ 611,766</u>
<u>(8) E23-Commission on Indigent Defense</u>	
<u>Civil Appointment Fund.....</u>	<u>\$ 1,500,000;</u>
<u>(9) J04-Department of Health and Environmental Control</u>	
<u>Donate Life</u>	<u>\$ 100,000; and</u>
<u>(10) D10-State Law Enforcement Division</u>	
<u>Methamphetamine Lab Clean-Up.....</u>	<u>\$ 1,000,000;</u>

The funds appropriated above to the Department of Employment and Workforce may only be used by the department to make payments on outstanding loans from the Unemployment Insurance Trust Fund. As soon as practicable after the effective date of this act, the Department of Employment and Workforce is directed to recalculate premium rates. The recalculated premium rates shall be retroactive to January 1, 2011. Any cost savings to employers in rate class 2-20 due to general fund appropriations in any particular year must be allocated proportionately to each employer with respect to each respective employer's responsibility in paying back the federal unemployment loan that particular year and must be administered by the department. Employers must be notified of changes in the premiums due and employer accounts must be credited and adjusted as appropriate. The Department of Employment and Workforce is directed to contact the Federal Government by August 1, 2011, to maximize efforts to buy the loan down to the greatest extent possible.

In the event that the Fiscal Year 2010-11 unobligated general fund revenue as certified by the Board of Economic Advisors does not total at least \$173,803,544, then the appropriations in subsection (B)(4) of this provision for Medicaid Maintenance of Effort shall be reduced to cover the amounts not realized. If the reduction in the Medicaid Maintenance of Effort appropriation is not sufficient to cover the amounts not realized, then the remaining appropriations in this provision shall be reduced on a pro-rata basis by an amount sufficient to cover the amounts not realized. In the event that \$7,000,000 is not transferred from the Department of Motor Vehicles, then the remaining appropriations in this provision shall be reduced on a pro-rata basis.

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

(C) For Fiscal Year 2011-12, the license plate replacement interval is suspended until the funds transferred from the department within this provision are repaid to the department or until such time as the Plate Replacement Fee Fund has a sufficient balance to reinstitute license plate replacement.

(D) From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, the remaining funds shall be used to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations in order to preserve the economic viability of the facility.

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The amount distributed to offset any operating shortfalls shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls shall also be used to maintain access fees to the facility for Fiscal Year 2011-12 at the Fiscal Year 2009-10 level. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.

- 90.19** **ADD** (Excess EIA Revenue) **HOU:** ADD new proviso to direct that excess FY 10-11 EIA revenues above FY 10-11 appropriations are authorized for appropriation in Part IA, Section 1 [DEPARTMENT OF EDUCATION] of this act. Sponsors: Reps. Cooper and Bingham
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

90.19. (SR: Excess EIA Revenue) Fiscal Year 2010-11 excess EIA revenues above the Fiscal Year 2010-11 appropriations are authorized for appropriation in Part IA, Section 1, of this act.

- 90.20** **AMEND NEW PROVISO FURTHER** (Prohibit Public Funded Lobbyists) **HOU:** ADD new proviso to direct the Office of State Budget to permanently reduce \$1,007,585 from the specified agency’s allocations/authorizations in order to eliminate taxpayer funded lobbying: \$22,000 from Administrative Law Court; \$16,881 from The Citadel; \$45,480 from Clemson University; \$20,230 from Coastal Carolina University; \$70,833 from College of Charleston; \$37,708 from DHEC; \$124,654 from State Board for Tec & Comp Education; \$10,001 from Florence-Darlington Technical College; \$31,783 from Greenville Technical College; \$1,183 from Horry-Georgetown Technical College; \$55,545 from Tri-County Technical College; \$94,000 from Francis Marion University; \$59,164 from Judicial Department; \$118,949 from MUSC; \$17,157 from DNR; \$134,405 from State Ports Authority; \$19,290 from Prosecution Coordination Commission; \$34,654 from Public Service Commission; \$20,000 from S.C. State University; \$53,368 from USC; \$11,000 from USC-Upstate; and \$9,300 from Winthrop University. Sponsors: Reps. Cooper and Bingham.
HOU2: ADOPT Senate version and AMEND FURTHER to prohibit state agencies and institutions from using “general fund appropriations” to hire private or contract lobbyists. Sponsor: Rep. Cooper.
SFC: AMEND new proviso to direct the listed agencies to transfer a specific amount of funds to the General fund. Prohibit state agencies and institutions from using general funds to pay employees to lobby on their behalf. Direct the State Ethics Commission to require agencies and institutions who report lobbying activities to certify that the lobbying is not being paid for with general funds and prohibit state agencies and institutions from hiring private or contract lobbyists.
SEN: ADOPT new proviso as amended.
CONF: ADOPT House version.

90.20. (SR: Prohibits Public Funded Lobbyists) In order to eliminate taxpayer funded lobbying, the following state agencies and institutions, for Fiscal Year 2011-12, shall transfer the amounts indicated to the General Fund:

<u>Administrative Law Court</u>	<u>\$</u>	<u>22,000</u>
<u>The Citadel</u>	<u>\$</u>	<u>16,881</u>
<u>Clemson University.....</u>	<u>\$</u>	<u>45,546</u>
<u>Coastal Carolina University.....</u>	<u>\$</u>	<u>20,230</u>
<u>College of Charleston.....</u>	<u>\$</u>	<u>34,000</u>

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FOR FY 2011-12**

<i>Department of Health & Environmental Control</i>	\$ 26,553
<i>State Board for Technical & Comprehensive Education</i>	\$ 22,431
<i>Florence-Darlington Technical College</i>	\$ 10,001
<i>Greenville Technical College</i>	\$ 31,783
<i>Horry-Georgetown Technical College</i>	\$ 1,183
<i>Tri-County Technical College</i>	\$ 55,545
<i>Francis Marion University</i>	\$ 23,500
<i>Judicial Department</i>	\$ 59,164
<i>Medical University of South Carolina</i>	\$ 80,380
<i>Department of Natural Resources</i>	\$ 17,157
<i>Prosecution Coordination Commission</i>	\$ 19,290
<i>South Carolina State University</i>	\$ 20,000
<i>University Of South Carolina</i>	\$ 53,368
<i>University of South Carolina-Upstate</i>	\$ 11,000
<i>Winthrop University</i>	\$ 9,300
<i>Lander University</i>	\$ 25,000
<i>Total</i>	\$ 604,312

All state agencies and institutions are prohibited from using general fund appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the lobbying activities were not funded by general fund appropriations.

All state agencies and institutions are prohibited from entering into contracts using general fund appropriations to provide lobbying services to the agency or institution.

90.21 AMEND NEW PROVISO FURTHER (Nonrecurring Revenue - Increased Enforcement Collections) **HOU2:** ADD new proviso to direct the Department of Revenue to continue increased enforcement collections efforts as established in FY 2009-10. Authorize the department to collect revenues from foreign collections within its jurisdiction including, but not limited to, corporate, individual or sales tax collections, but directs the department to especially focus on enforced collections and outstanding liabilities owed the state. Direct the department to use enforced collections funds they previously received to fund foreign auditors to conduct foreign audits of multi-national and international corporations. Add the following Senate directives: direct DOR, when applying the State’s revenue statutes, to make their interpretation based solely on the plain meaning of the statute’s text and legislative intent that gave rise to the enactment of the statutes; .prohibit terms used in tax statutes from being given broader meaning beyond the meaning of the statute; require DOR report to the Chairmen of the Senate Finance and House Ways and Means Committees at least twice during the fiscal year on any ambiguity discovered in the meaning of a revenue statute; require the first report be submitted by November 1st and the second report be submitted by May 1st; direct that funds collected be deposited into a fund separate and distinct from the general fund within the State Treasurer’s Office, except direct that motor fuel funds collected as a result of the enforced collection efforts be distributed in the same manner as other motor fuel tax revenues are currently distributed; direct the department, when it determines quarterly customary and usual enforced collections have been exceeded, to deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision; and direct the State Treasurer, for FY 11-12, to disburse funds. Add requirement that the funds accumulated in the fund, prior to the close of the books on FY 11-12, be transferred to the General Reserve Fund, up to the amount needed to meet the constitutional five percent requirement. Provide a schedule of required quarterly General Fund enforced collections that must be made prior to collections being deposited into and distributions being made from the separate fund. Require DOR report quarterly to the

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finance committees and to the BEA on funds collected pursuant to this provision. Authorize funds appropriated by this provision to be carried forward and expended for the same purpose. Sponsor: Rep. Cooper.

SFC: ADD new proviso to direct the Department of Revenue to continue increased enforcement collections efforts as established in FY 2009-10. Authorize the department to collect revenues from any source within its jurisdiction, including, but not limited to, corporate, individual or sales tax collections, but direct the department to especially focus on enforced collections and outstanding liabilities. Direct that funds received for this purpose be used to hire additional foreign auditors to conduct foreign audits of multi-national and international corporations and to hire office auditors to complete tape matches of completed and agreed upon federal audits. Direct that funds collected be deposited into a fund separate and distinct from the general fund within the State Treasurer's Office, except direct that motor fuel funds collected as a result of the enforced collection efforts be distributed in the same manner as other motor fuel tax revenues are currently distributed. Direct the department, when it determines quarterly customary and usual enforced collections have been exceeded, to deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision. Direct the State Treasurer, for FY 11-12, to disburse specific amounts to identified agencies.

SEN: AMEND new proviso to direct the Department of Revenue, when applying the State's revenue statutes, to make their interpretation based solely on the plain meaning of the statute's text and legislative intent that gave rise to the enactment of the statutes. Prohibit terms used in tax statutes from being given broader meaning beyond the meaning of the statute. Require the DOR to report to the Chairmen of the Senate Finance and House Ways and Means Committees at least twice during the fiscal year on any ambiguity discovered in the meaning of a revenue statute. Require the first report be submitted by November 1st and the second report be submitted by May 1st. Sponsors: Sens. McConnell, S. Martin, and Massey. AMEND FURTHER to change item (4) from "E12-Comptroller General Supplemental Appropriation \$260,000" to "K05-Department of Public Safety Highway Patrol \$260,000." Sponsor: Sen. Sheheen.

CONF: COMPROMISE to amend House version to include the Senate directive that of the first \$48,080,667 collected 58.4% shall be disbursed to DHHS for Medicaid Maintenance of Effort and 41.6% shall be disbursed to SDE for the Education Foundation Supplement. Direct that after those disbursements the following shall be disbursed quarterly on a pro rata basis: \$253,000 to the Election Commission for the 2012 Primary Election; \$5,000,000 to DPS for Highway Patrol Overtime; and \$500,000 to the Dept. of Agriculture for Agri-Business Economic Development.

90.21. (SR: Nonrecurring Revenue – Increased Enforcement Collections) For Fiscal Year 2011-12, the Department of Revenue shall continue its efforts pertaining to increased enforcement collections as established in Fiscal Year 2009-10.

The department may collect revenues from foreign collections within its jurisdiction, which may include but is not limited to corporate, individual or sales tax collections but especially shall focus on enforced collections and outstanding liabilities.

Funding previously received by the department for enforced collections shall be used to fund foreign auditors to conduct foreign audits of multi-national and international corporations. Personnel may include revenue officers and criminal investigators. These employees will focus on collecting outstanding liabilities owed to this state.

During the current fiscal year, in applying the revenue statutes of this State, the department's interpretation of those statutes must be based solely on the plain meaning of the statute's text and the legislative intent giving rise to the enactment of the statutes. Terms contained in the tax statutes of this State may not be given broader meaning beyond the meaning of the statute. At least twice during the fiscal year, the department shall submit a

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report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding any discovered ambiguity in the meaning of a revenue statute. The first report must be submitted no later than November first and the second report must be submitted no later than May first of the fiscal year.

The funds collected under this provision shall be deposited in a fund separate and distinct from the general fund as established within the Office of the State Treasurer, except that any motor fuel funds collected as a result of the enforced collection efforts shall be distributed in the same manner as other motor fuel tax revenues are currently distributed.

When the department determines that quarterly enforced collections have exceeded the schedule provided in this provision, the department shall deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision.

For the fiscal year beginning July 1, 2011 and ending June 30, 2012, of the first \$48,080,667 in enforced collections resulting from increased enforcement, the State Treasurer shall disburse 58.4% to the Department of Health and Human Services for Medicaid Maintenance of Effort and 41.6% to the Department of Education for the Education Foundation Supplement so that the resulting amount of remittances are:

J02-Department of Health and Human Services-Medicaid
Maintenance of Effort..... \$ 28,080,667; and
H63-Department of Education - Education Foundation
Supplement \$ 20,000,000.

For the fiscal year beginning July 1, 2011 and ending June 30, 2012, the State Treasurer shall disburse quarterly the following funds on a pro rata basis:

- (1) E28-Election Commission
2012 Primary Election..... \$ 253,000;
- (2) K05-Department of Public Safety
Highway Patrol Overtime..... \$ 5,000,000; and
- (3) P16-Department of Agriculture
Agri-Business Economic Development..... \$ 500,000.

Prior to the close of the books on Fiscal Year 2011-12, the funds accumulated in the aforementioned separate and distinct fund shall be transferred to the General Reserve Fund, up to the amount necessary to meet the constitutional five percent requirement.

To insure that customary and usual enforced collections are unaffected by this provision, the Office of the State Treasurer may not disburse funds from this account until the following schedule of General Fund enforced collections are deposited by the Department of Revenue by the end of each quarter in the fiscal year. If quarterly General Fund enforced collections do not reach the required levels, distributions from this account are suspended for that quarter. The required deposits of quarterly General Fund enforced collections by the end of each quarter are:

<u>July to September 2011</u>	<u>\$11,250,000</u>
<u>October to December 2011</u>	<u>\$22,500,000</u>
<u>January to March 2012</u>	<u>\$33,750,000</u>
<u>April to June 2012</u>	<u>\$45,000,000</u>

The Department of Revenue shall report on a quarterly basis to the finance committees of the General Assembly and to the Board of Economic Advisors on the amount of customary and usual enforced collections and the excess collections from the enhanced collection activities. The Department of Revenue shall provide assistance to the Board of Economic Advisors to assist in monitoring revenue collection seasonal flows that impact the funding of state government programs.

By this provision these funds are deemed to have been received and are available for appropriation.

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Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purpose.

- 90.22** **ADD** (Excess FY 11-12 Revenue - SC Conservation Bank) **SEN:** ADD new proviso to direct that the first \$2,000,000 of any unobligated FY 11-12 surplus revenues above the amount certified by the BEA be transferred to the S.C. Conservation Bank prior to the close of the books on FY 11-12. Authorize these funds to be carried forward and expended for the same purpose. Sponsor: Sen. Sheheen.
CONF: ADOPT Senate version.

90.22. (SR: Excess FY 11-12 Revenue - SC Conservation Bank) Prior to the close of the books for Fiscal Year 2011-12, to the extent that unobligated Fiscal Year 2011-12 surplus revenues above the amount certified by the Board of Economic Advisors are available, the State Treasurer is directed to transfer the first \$2,000,000 to the South Carolina Conservation Bank. The South Carolina Conservation Bank may retain and carry forward unexpended funds to succeeding fiscal years and expend these funds for the same purpose.

- 90.23** **ADD** (Admissions Tax) **HOU:** ADD Senate new proviso and AMEND to direct that the funds be “retained by” the motorsports entertainment complex facility rather than be “rebated to.” Sponsor: Rep. Cooper. *Note: Proviso 90.22 in HOU2 version.*
SEN: ADD new proviso to direct that up to \$114,000 in admissions tax revenue collected annually from 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. Sponsors: Sens. Malloy, S. Martin, and McGill.
CONF: ADOPT Senate version.

90.23. (SR: Admissions Tax) For Fiscal Year 2011-2012, up to one hundred fourteen thousand dollars in admissions tax revenue collected annually from all events held at a motorsports entertainment complex facility with at least sixty thousand permanent seats must be rebated to the motorsports entertainment complex facility in the current fiscal year to keep a NASCAR race at the motorsports entertainment complex facility.

- 90.24** **DELETE NEW PROVISIO** (Additional Appropriations) **SEN:** ADD new proviso to appropriate, in addition to appropriations in Part IA and in Section 90 of this act, \$105,000,000 of recurring revenue to the Department of Education for EFA aid to school districts. Direct that the funds be allocated among school districts in the same manner as the Part IA EFA appropriation is allocated and direct the Office of State Budget to adjust the agency’s chart of accounts. Sponsor: Sen. Leatherman.
CONF: ADOPT House version. (*Deletes new proviso.*)

90.24. (SR: Additional Appropriations) **DELETED**

- 90.25** **ADD** (Contingency Reserve Fund Transfers) **SEN:** ADD new proviso to transfer excess FY 10-11 general fund revenues above the amounts appropriated in proviso 90.18 (Nonrecurring Revenue) to the Contingency Reserve Fund. Sponsor: Sen. Cromer.
CONF: ADOPT Senate version.

90.25. (SR: Contingency Reserve Fund Transfers) Any excess Fiscal Year 2010-11 general fund revenue above the amounts appropriated in Proviso 90.18 shall be transferred to the Contingency Reserve Fund.

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- 90.26** **ADD** (Agency Deficit Notice) **SEN:** ADD new proviso to direct the Comptroller General or the Office of State Budget provide each member of the General Assembly with written notification when it reports to the B&C Board on any agency, department, or institution that is spending authorized appropriations at a rate that predicts or projects a general fund deficit and to make monthly progress reports on the entity's plan to reduce or eliminate the deficit. Sponsor: Sen. Massey.
CONF: ADOPT Senate version.

90.26. (SR: Agency Deficit Notice) The Comptroller General or the Office of State Budget shall (1) provide written notice to each member of the General Assembly when it makes a report to the Budget and Control Board concerning an agency, department, or institution that is expending authorized appropriations at a rate which predicts or projects a general fund deficit for the agency, department, or institution, and (2) make monthly progress reports concerning an agency's, department's, or institution's plan to reduce or eliminate the deficit.

- 90.27** **DELETE NEW PROVISO** (Additional Contingent Appropriations) **SEN:** ADD new proviso to direct that up to \$53 million of any excess FY 11-12 general fund revenue collected above the amount necessary to fund appropriations in this act shall be appropriated to the Office of State Treasurer to reduce the Tuition Prepayment Program deficit and to appropriate the remainder of any excess revenue to the B&C Board, Employee Benefits for state employee benefits unfunded mandates. Sponsor: Sen. Ryberg.
CONF: ADOPT House version. (*Deletes new proviso.*)

90.27. (SR: Additional Contingent Appropriations) DELETED

EFFECTIVE

SEN: AMEND effective provision to delete reference to the act taking effect "immediately upon its approval by the Governor" and instead direct that the act takes effect "July 1, 2011."
Sponsor: Sen. Leatherman.
CONF: ADOPT Senate version.

All acts or parts of acts inconsistent with any of the provisions of Parts IA or IB of this act are suspended for Fiscal Year 2011-2012.

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

Except as otherwise specifically provided, this act takes effect ~~immediately upon its approval by the Governor~~ July 1 2011.