

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

SECTION 1 - DEPARTMENT OF EDUCATION (H63)

- 1.1.** (Appropriation Transfer Prohibition) Directs that the funds for school districts and special projects/programs cannot be transferred to other line items. Upon mutual agreement the department may deduct, retain and transfer to operating revenue a school district's transportation allocation as a reimbursement for unauthorized mileage.
- 1.2.** (DHEC - Comprehensive Health Assessment) Requires school districts to seek reimbursement for health and social services provided in the Medicaid program. Reimbursements may not be used to supplant existing funds.
- 1.3.** (EFA Formula/Base Student Cost Inflation Factor) States General Assembly intent to fund the Education Finance Act including an inflation factor projected by the Division of Budget and Analyses and to match the inflation wages of public school employees in the southeast; establishes the base student cost at \$1,630 for the current fiscal year and the average total per pupil funding for FY 2010-11 is projected to be \$11,372. Provides the FY 2010-11 estimated per pupil funding statewide and for each of the 85 school districts and provides an additional unreduced \$700 per weighted student enrolled in the SCPCSD.
- 1.4.** (EFA - Formula) States that the EFA formula must follow the provisions outlined in Act 163 of 1977 and that the amount appropriated shall be the maximum paid to the aggregate of all recipients.
- 1.5.** (Employer Contributions/Allocations) Specifies how the state funds for employer contributions must be spent and that state funds appropriated for employer contributions may not be used for any portion of federally funded employee's salaries.
- 1.6.** (Employer Contributions/Obligations) Gives the Department of Education the authority to adjust school district allocations to cover unpaid school district retiree insurance.
- 1.7.** (Governor's School for Science & Math) Authorizes carry forward.
- 1.8.** (Educational Responsibility/Foster Care) Sets responsibilities and guidelines for placement of students in foster care, group home, orphanage, or state operated health care facility.
- 1.9.** (Disabled/Preschool Children) Method of allocation for 3 and 4 year old preschool disabled children. States that 5 year old disabled students are funded under EFA.
- 1.10.** (Instruction in Juvenile Detention Centers) Sets the educational responsibilities and adequate teaching staff of the local school district for housed students of a local juvenile detention center.
- 1.11.** (Revenue Authorization) Allows the department to collect and retain fees for certain fees and services.
- 1.12.** (School District Bank Accounts) Authority by which a school district may maintain their own bank account as necessary to conduct school district business.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 1.13.** (School Lunch Program Aid) Specifies the method of allocation, prior year participating number of schools divided by appropriation, and allowable use of school lunch program funds which restricts funds from being utilized to supplement school lunch supervisor salaries.
- 1.14.** (Teachers/Temporary Certificates) Allows the use of teacher salary funds for teachers holding temporary certificates as requested by a school board and not to be continued more than twice.
- 1.15.** (Travel/Outside of Continental U.S.) Restricts the use of general funds and EIA funds for travel outside of the continental U.S, except for the International Baccalaureate program.
- 1.16.** (Year End Closeout) Authorizes federal and earmarked funds that may be used in the current fiscal year for prior year expenditures and allows SDE to use appropriated Textbooks funds for 4th quarter textbook shipments in the prior year.
- 1.17.** (Transportation Collaboration) Permits the Department of Education school bus shops to provide maintenance and services to public agency vehicles on a cost reimbursable-plus basis. Waives state motor fuel taxes when fuel is purchased from SDE for school buses operated by school districts, other governmental agencies, and head start agencies when transporting students to school or school related activities.
- 1.18.** (Assisting, Developing, and Evaluating Professional Teaching -- ADEPT) Authorizes the use of APT/ADEPT funds to be used for the implementation of the ADEPT system, sets aside 10% for colleges and universities with remaining funds allocated based on a per induction contract teacher basis.
- 1.19.** (Summer Exit Exam Cost) Allows the use of General Funds for Curriculum & Assessment appropriations (other operating) for the cost related to the summer high school exit examination.
- 1.20.** (Defined Program Personnel Requirements) Restricts the use of EFA or EIA allocations for hiring of corporations, partnership or other entity for positions requiring teacher or administrator certification.
- 1.21.** (School Bus Insurance) Requires the Department of Education to maintain comp and collision insurance or self-insure state-owned school buses.
- 1.22.** (Teacher Data Collection) Authorizes the use of SDE non-program funds for SDE and CHE to share in a collaborative system of data collection about the teaching profession in SC to include teacher supply and demand, out of field teaching, classes and subjects taught, students taught, and the percent teacher education graduates from SC.
- 1.23.** (School Building Aid Allocation) States the method of allocation for School Building Aid funding to be allocated to school districts on a per pupil basis from the second preceding year's 135 day student count.
- 1.24.** (School Building Aid) Allocates \$500,000 of School Building funds appropriated for multi-district vocational schools.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 1.25.** (PSAT/PLAN Reimbursement) Allows assessment funds to be used for reimbursement of PSAT and PLAN testing and reporting fees and authorizes assessment funds to be carried over to pay for scoring of the spring PACT assessment.
- 1.26.** (Basic Skills Exam) Allows for the re-take in whole or part of the Basic Skills Examination. Allows an exemption of the exam with certain SAT/ACT scores.
- 1.27.** (School Bus Driver CDL) Requires local school districts to request a criminal record history from SLED before the initial employment of a school bus driver or school bus aide and allows the department and the school districts to be considered a charitable organization for fee purposes.
- 1.28.** (SAT Preparation) Directs the department to use SAT Preparation funds to review weaknesses of students on actual PSAT administrations and to provide assistance.
- 1.29.** (School Bus Purchase) Procurement of school buses must meet established specifications and when feasible specifications from Georgia and NC may be used.
- 1.30.** (Bus, Parts, and/or Fuel) Allows the use of other operating funds for school bus parts, fuel and other bus related items. Provides carry forward authority for all funds appropriated for school bus transportation services to be utilized for the same purpose in the subsequent fiscal year.
- 1.31.** (Mitford Transportation Costs) The department shall provide for the transportation of students from Mitford area in Fairfield County to Great Falls area of Chester County.
- 1.32.** (Refurbishing Science Kits) Allows instructional materials funding to be used for the refurbishing, replacement or combined cost of science kits.
- 1.33.** (Status Offenders/John de la Howe) Designates how funding appropriated to John de la Howe is to be spent on the expansion of residential programs for court ordered status offenders..
- 1.34.** (Governor's School Leave Policy) Authorizes the Governor's Schools to promulgate regulations governing annual and sick leave policy respective to the individual school calendars.
- 1.35.** (Sale of School District Property) Provides for the sale or lease of school district property.
- 1.36.** (School Facilities Management System) Designates funding that can be used to access the School Facilities Management System database.
- 1.37.** (School Board Meetings) Directs that school districts with websites must post notices/agendas of school board meetings 24 hours in advance and must also post minutes of the meetings within 10 days of the next regularly scheduled board meeting.
- 1.38.** (Alternative Certification/Displaced Employees) Directs the Department to give priority in the PACE program to recruiting qualified State employees impacted by RIF actions of agencies and directs the Student Loan Corporation to give priority in the Career-Changer Loan program to qualified State employees. Directs the Department to provide information

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

to the Office of Human Resources and the personnel offices of State agencies instituting RIFs to advertise and inform employees of the PACE Program.

- 1.39.** (Proviso Allocations) Allow the Department to reduce any allocation designated by proviso in Section 1 by the BEA revenue reduction percentage amount, while restricting the reduction of teacher salary allocations.
- 1.40.** (School Districts and Special Schools Flexibility) Grants maximum transferability and expenditure of appropriated State funds for operations of school districts, suspends professional staffing ratios, 70% instruction expenditure requirement, quarterly certification from the school board, suspends certain assessments, suspends textbook adoption purchases and the purchase of bio-fuel. Requires school districts to post and update public transaction registers and credit card statements.
- 1.41.** (Medical Examination and Security Reimbursement) Directs the Department to use Other Operating Expense funds authorized in Section 1, VII.C. to reimburse employees that are required to operate a state vehicle transporting hazardous materials for the cost of required medical exams and Hazmat endorsement.
- 1.42.** (Budget Reduction) Requires local districts to give priority to preserving classroom teachers and operations when compensating for any funding reduction and to apply reductions to administrative and non-classroom expenses before affecting classroom expenses.
- 1.43.** (Governor's School for the Arts and Humanities Carry Forward) Provides GSAH carry forward authority to be used at the discretion of the GSAH board of trustees.
- 1.44.** (Governor's Schools' Fees) Authorizes the Governor's schools to charge, collect, expend and carry forward student fees as governed by the respective Board of Directors..
- 1.45.** (National Board Certification Incentive) States the parameters for the National Board Certification Program including providing the salary supplement, load forgiveness, collection for non-achievement, administration fees, and waiver of loan repayment for non-achievers teaching in below and at-risk schools.
- 1.46.** (National Board Certification Incentive Surplus) Directs the Department to distribute any National Board Certification appropriation excess of all obligations to school districts using the EFA method of allocation.
- 1.47.** (School District Furlough) Establishes the guidelines for district level and school level professional staff furloughs.
- 1.48.** (Base Student Cost Funding) Redirects reduced or eliminated specific funding to the Base Student Cost.
- 1.49.** (School Lunch/Attendance Supervisors) Provides a method of allocation for counties where an entity other than the school district administers programs with each school district within the county transferring a pro-rata share as derived by their EFA allocation.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 1.50.** (SDE-Replacement Facilities) Allows SDE to retain the funds from the sale of existing school bus facilities property and use the funds to relocate the facility.
- 1.51.** (SCGSAH Certified Teacher Designation) Authorizes GSAH, the Charleston School of the Arts, and the Greenville Fine Arts Center to employ non-certified classroom teachers in literary, visual and performing arts subject areas.
- 1.52.** (No Discrimination Requirement) Prohibits the use of state funding for schools with discrimination practices.
- 1.53.** (High School Reading Initiative) Expands the SC Reading Initiative to the high school level to improve the reading ability of high school students reading below grade level for ninth and tenth grade students.
- 1.54.** (Medicaid Cash Match Accounting) Grants SDE the authority to transfer budget lines and object codes to identify, reconcile, reimburse and remit funds required for the DHHS Medicaid cash match.
- 1.55.** (Student Report Card-GPA) Requires a high school student's cumulative GPA to be recorded on the student's report card.
- 1.56.** (Governor's School Reporting) Requires reporting of the use of non-recurring funding appropriated to the Governor's School for Science & Mathematics and the Governor's School for the Arts and Humanities.
- 1.57.** (Lost & Damaged Textbook Fees) Establishes a 12/1 deadline and funding penalty for the school district payment of lost and damaged textbooks to SDE.
- 1.58.** (Physical Education Teachers) Requires school districts to utilize appropriated funds to increase the number of physical education teachers to the extent possible.
- 1.59.** (Education and Economic Development Act Carry Forward) Authorizes SDE, school districts and special schools carry forward authority of prior year EEDA funds.
- 1.60.** (High Schools That Work Carry Forward) Authorizes SDE, school districts and special schools carry forward authority of prior year HSTW funds.
- 1.61.** (Career Cluster Industry Partnerships) Establishes the guidelines for SDE to administer the career cluster grants to be exclusively for career and technology education. Grants may not be used for supplanting, 3-year carry forward authority provided future use is identified.
- 1.62..** (Education Finance Act Reserve Fund) Establishes the EFA Reserve to assist in funding the base student cost when WPU estimates are lower than the actual 135-day count. Unexpended funds stay with the reserve, separate appropriations allowed and carry forward authority granted.
- 1.63.** (GSAH Human Resources Annual Report) Requires GSAH to provide an annual report of the school's human resource statistics for vacant and filled positions, advertising, applicant

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

and selection process specifics to include recruiting activities. A comprehensive enrollment report is also required.

- 1.64.** (Prohibit Advertising on School Buses) SDE and local school districts are prohibited from selling advertising space or placing advertisements on or in a school bus.
- 1.65.** (Charter School Funding Schedule) Provides for school district sponsored charter schools to receive funds from the school district no later than 30 days after the release of funds from SDE which must be no later than 15 days after receiving a 5th day student count from the charter school. Funding adjustments will continue after the 45 day student count.
- 1.66.** (Residential Treatment Facilities Student Enrollment and Funding) Establishes the guidelines for educational, financial and accountability of students between responsible licensed residential treatment facilities, school districts, parents, and SDE. The RTF if providing educational services must meet all federal and state requirements. Distinguishes between parental choice in medical homebound instruction and the financial responsibility between the resident school district and the facility school district. Provides grounds for terminating agreements between the RTF and facility school district. SDE's role in financial disputes and guidelines for providing educational and financial responsibilities for out of state placements, in state parental placements and RTF accountability ratings and reporting. Establishes a task force for researching and reporting recommendations on educational programs for students in RTFs.
- 1.67.** (Transparency) Requires SDE to publish a link on their homepage, with monthly updates, that lists all programs funded in the current fiscal year with Federal Stimulus Funds.
- 1.68.** (Prohibit Use of ARRA for Administration) Prohibits SDE and school districts from using federal ARRA funds for administrative salary increases, bonuses, retirement incentives, or severance packages. Requires SDE to provide a General Assembly report of all federal stimulus expenditures.
- 1.69.** (Special Schools Flexibility) Allows special schools to utilize capital funds for operational expenses.
- 1.70.** (High School Driver Education) Suspends 59-39-310 requiring school district to establish driver training programs in high schools.
- 1.71.** (Background Checks for Substitute Teachers) Requires individuals serving as a substitute teacher to undergo a SLED criminal records search without a cost to the individual or school district, school district to adopt written policy with model policy adopted by SDE, and training on appropriate use of information.
- 1.72.** (Program Reports) Requires SDE to submit all General Assembly required programmatic reports electronically with SDE developing a triennial reporting cycle for future fiscal years by 12/1/2010.
- 1.73.** (Consolidated Funds Allocation) Establishes the method of allocation for funds consolidated from Middle School Initiative, Credits for High School Diploma and Principal Salary Supplement to be based on an individual school district's WPU's.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 1.74.** (Index of Taxpaying Ability) Suspends 50-20-20(3) and replaces with the final DOR calculated index used for 2009.
- 1.75.** (AED Study) Allows SDE to coordinate a study and report by 1/31/2011 on determining if training on the proper use of an automated external defibrillator should be required in all high schools. Both the study and report are permissive.
- 1.76.** (Carry Forward Authorization) Authorizes SDE to carry forward prior year General funds surplus funds and utilize for school bus transportation.
- 1.77.** (Administrative Costs Report Posting) Requires school districts to reports on their websites the expenditures for administrative costs.
- 1.78.** (Effectiveness of Strategies for Teaching Reading) Directs SDE to coordinate funds on the effectiveness of strategies for the teaching of reading.
- 1.79.** (Index of Taxpaying Ability Study Committee) Establishes the 14 member Index of Taxpaying Ability Study Committee to be coordinated by SDE for the purpose of examining the Index and its relationship to EFA resources, the calculation and the impact to property taxes, and distribution to school districts receiving less than 40% State support with report and recommendation by 1/1/2011.
- 1.80.** (Incentive for National Board Certification After 6/30/10) States the parameters for individuals applying after 6/30/10 into the National Board Certification Program including providing the salary supplement, the administration of applications, and administration fees.
- 1.81.** (Application of Reductions) Directs SDE on the application of the agency base reduction.
- 1.82.** (Teaching Requirement for Certified School Employees) If practicable, requires all certified employees of a school district to teacher at least 2 classes per week within their employment school district.

SECTION 1A - DEPARTMENT OF EDUCATION - EIA (H63)

- 1A.1.** (Prohibition on Appropriation Transfers) Restricts school district allocations from being reduced, transferred and requires they be spent as intended in the appropriation. Authorizes SDE to transfer from line items with projected year-end surplus to those line items with projected year-end deficits.
- 1A.2.** (Services for Students with Disabilities) Directs that funds appropriated for Services for Students with Disabilities shall only be used for educational services for trainable mentally handicapped pupils and profoundly mentally handicapped pupils.
- 1A.3.** (Half Day Program for Four-Year-Olds) Establishes the distribution formula for funds to districts offering programs for four-year-old children in the half day program based on the prior year kindergarten students eligible for free and reduced lunch. Directs that no district shall receive less than 90% of the amount it received in the prior fiscal year.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 1A.4.** (African-American History) Authorizes African-American curricula development funds to be carried forward and used for the same purpose.
- 1A.5.** (Teacher Evaluations, Implementation/Education Oversight) Directs the Department of Education to annually oversee the evaluation for teachers under the ADEPT model for School for the Deaf and Blind, John de la Howe and DJJ.
- 1A.6.** (Teacher Salaries/SE Average) Provides for the BEA projection of the Southeastern average teacher salary. Maintains the statewide minimum teacher salary at the FY 2008-09 schedule. Specifies what positions are to receive Teacher Salary Supplements.
- 1A.7.** (Teacher Salaries/State Agencies) Establishes funding to adjust teacher pay based on the local school district where the agency is located for instructional personnel employed by a state agency not containing a school district. The salary adjustment will be distributed by the Budget and Control Board.
- 1A.8.** (Work Based Learning) Designates that \$75,000 of Tech Prep/EEDA funds be used for staff development for career education activities and that \$500,000 for career counseling specialists in the Regional Education Centers. Directs that the department provide an annual report, to the Senate Finance and Ways and Means Committees on career counseling specialists' accomplishments. Allow these funds to be carried forward for the same purpose.
- 1A.9.** (Evaluation/EIA Programs) Designates funding for the annual assessment of EIA education reforms, the Middle Grades Project, and the collaborative research projects of the S.C. Educational Policy Center with SDE and EOC.
- 1A.10.** (CHE/Teacher Recruitment) Provides for the distribution of teacher recruitment funds for the Teaching Fellows Program, other state teacher recruitment programs such as Teacher Cades Program and the recruitment of minority teachers. Requires the annual reporting on the success of the recruitment and retention efforts in At-Risk and Below Average schools.
- 1A.11.** (Disbursement/Other Entities) Directs a quarterly disbursement by the Department of Revenue directly to other state agencies referenced in the appropriations act with four exceptions listed that receive their full appropriations at the start of the fiscal year. Grants conforming funding authority to the Comptroller General.
- 1A.12.** (Arts in Education) Directs that Arts Curricula funds be used to support arts education curriculum in visual and performing arts and to distribute these funds under a competitive grants program, however 33% shall be made available for funding professional development arts institutes. Authorizes carry forward.
- 1A.13.** (National Board Certification Incentive) States the parameters for the National Board Certification Program including providing the salary supplement, load forgiveness, collection for non-achievement, administration fees, and waiver of loan repayment for non-achievers teaching in below and at-risk schools.
- 1A.14.** (Defined Program Personnel Requirements) Restricts the use of EFA or EIA allocations for the hiring of corporations, partnership or other entity for positions requiring certification.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 1A.15.** (Autism Parent-School Partnership Program) Appropriates \$350,000 of Services for Students with Disabilities funds for the SC Autism Society.
- 1A.16.** (Teacher Supplies) Provides for FY 2010-11 a local school board to publicly decide to retain the school district's allocation for Teacher Supply funds, notifying the respective recipients in written communication of the decision to utilize the funds for another purpose and reporting to the General Assembly how many jobs were saved through the alternate use. If not retaining for an alternate purpose, authorizes all certified public school or special school classroom teachers, media specialists and guidance counselors employed by a school district or charter school as of November 30 of the current fiscal year, to receive a reimbursement of up to \$275 to offset the expenses they have incurred for teaching supplies and materials. Directs that funds be disbursed by the department to school districts by July 15 based on the last reconciled Professional Certified Staff (PCS) listing from the previous year and to reconcile any difference between the PCS and actual teacher count by December 31 or as soon as practical. Requires school districts to disburse the funds on the first day teachers are required to be in attendance by contract at school. Directs that if the school district requires receipts for tax purposes they can't be required before December 31; if a district doesn't require receipts they may have the teachers retain the receipts and certify that they have purchased or will purchase up to \$275 worth of teaching supplies and/or materials. Directs that a district that requires receipts must notify any teacher who has not submitted their receipts between November 25 and December 6 that receipts must be submitted to the district.
- 1A.17.** (Teacher of the Year Awards) Designates eligibility and levels of Teacher of the Year awards.
- 1A.18.** (State of Emergency District) Allows retired educators to work as teacher or principal specialists, principal leader or curriculum specialist in districts in which a state of emergency is declared. Retired educators may be hired in a state of emergency district as a principal specialist for four years.
- 1A.19.** (EOC) Authorizes the EOC to collect and retain fees provided by certain services and activities and provides carry forward for this revenue. Permits EOC to utilize funding for programs promoting the teaching of economic education in SC.
- 1A.20.** (Technical Assistance) Sets the guidelines for the distribution of technical assistance funds to below average or at-risk schools as reflected on the most recent annual report card and according to the severity of not meeting satisfactory results. Schools must develop and submit to SDE a school renewal plan on the utilization of allocations along with the expected results for improvements in student achievement along with measures for evaluation. SDE will assist schools in designing and implementing renewal plans as needed. The General Assembly is to receive a report compiled by SDE with the expenditure of funds and the evaluation results on effective use. SDE may utilize no more than 5% of the total appropriation for implementation and delivery of services. SDE may utilize up to \$13 million for priority schools which may include the reconstitution of the identified school as determined by the State Superintendent. Newly identified schools eligible for technical assistance funding will receive a base amount along with a per pupil amount. No more than 15% of a school's allocation may be carried forward into the subsequent year to be used for the same strategies outlined in the renewal plan.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 1A.21.** (Proviso Allocations) Allows the department to reduce any allocation designated by proviso in Section 1A by the BEA revenue reduction percentage amount, while restricting the reduction of teacher salary allocations.
- 1A.22.** (School Districts and Special Schools Flexibility) Grants maximum transferability and expenditure of appropriated State funds for operations of school districts, suspends professional staffing ratios, 70% instruction expenditure requirement, quarterly certification from the school board, suspends certain assessments, suspends textbook adoption purchases and the purchase of bio-fuel. Requires school districts to post and update public transaction registers and credit card statements.
- 1A.23.** (Teacher Salary Supplement) Directs SDE to carry forward unobligated teacher salary supplement and employer contribution funds to be used for the same purpose in the subsequent year.
- 1A.24.** (High Schools That Work Programs) Sets the annual reporting requirements on the program's progress and effectiveness in providing a better prepared workforce and student success in post secondary education and authorizes carry forward of funds.
- 1A.25.** (PSAT/PLAN Reimbursement) Allows assessment funds to be used for reimbursement of PSAT and PLAN testing and reporting fees and authorizes assessment funds to be carried over to pay for scoring of the spring PACT assessment.
- 1A.26.** (Early Childhood Review) Authorizes SDE to utilize \$300,000 of Early Childhood funds to provide monitoring and oversight and to track 4K students through the fifth grade to include examining components that contribute to student academic success.
- 1A.27.** (Card Information) Requires the percent of "Instruction" expenditures to be reported on the individual school district's annual report card.
- 1A.28.** (Core Curriculum Materials) Directs that in the overall criteria of the evaluation of instructional materials a weighting of 10% shall be used towards the development of higher order thinking and critical thinking.
- 1A.29.** (Teacher Technology Proficiency) Requires the department to approve district technology plans to ensure the incorporation of teacher technology competency standards requiring the demonstration of proficiency in each teacher's professional development plan. Evidence of compliance is a prerequisite for expenditure of district technology funds.
- 1A.30.** (Accountability Program Implementation) Authorizes the EOC to carry forward unexpended EAA funds into the current year to be used for administration purposes.
- 1A.31.** (One Year Suspension of EIA Programs) Suspends Palmetto Gold and Silver program for the current fiscal year and directs the appropriated funding as needed for teacher salaries and fringe, NBC, teacher supplies, Science PLUS and Teaching Fellows. The suspension of the program does not restrict schools from being recognized for their student achievement.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 1A.32.** (4K Targeting) Requires EIA 4year old kindergarten funds to be utilized for services for 4 year old children qualifying for free or reduced-price lunch or Medicaid. Documented developmental delays as reflected through state approved screening assessments or medically documented disabilities should be considered for enrollment. Districts shall prioritize students based on family incomes with those with lowest family incomes given highest priority.
- 1A.33.** (Reading) Requires that recipients of Reading funding must ensure the resources are used to improve student achievement in reading focusing on the importance of early reading and writing skills with skills acquired by the end of grade 3. 50% of the funds must be directed toward reading proficiency, 40% of the funds must be directed toward classroom instruction and intervention for struggling readers and writers in grades 4 through 8, 10% of the funds must be directed toward accelerating deepening and refining literacy skills. 50% of the school district allocation must be based on WPU's and 50% must be allocated to SDE to provide school districts with research-based strategies and professional development which must be provided in the most cost effective method.
- 1A.34.** (Artistically and Academically High-Achieving Students) Directs that school district allocations must be based on (1) number of students served in G&T programs, (2) number of students taking Advanced Placement or IB exams, (3) number of charter school students state-identified artistically and academically high-achieving in core curriculum classes with accelerated curriculum included on CHE's list of transferable courses. 85% student instructional support expenditure requirement. \$500,000 may be retained by SDE for teacher endorsement activities. 12% must be set-aside for serving artistically gifted and talented students in grades 3 through 12. Local school boards may decide to charge a fee to offset the cost of exams taken by students as long as ability to pay is considered and fees must be waived for students eligible for free lunch and a pro-rated fee must be applied for students eligible for reduced lunch.
- 1A.35.** (Students at Risk of School Failure) Directs that school district allocations must be based on (1) the poverty index of the school district and (2) number of students not in poverty failing to meet state standards on state standards-based assessments in reading or math. 85% student instructional support expenditure requirement. Directs \$350,000 to Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand statewide training for individuals teaching children of poverty. The development of the program is to be studied for the consideration for an add-on certification for teacher's preparation programs.
- 1A.36.** (Professional Development) Directs that school district allocations must be based on WPU's and expended on certified instructional personnel teaching in grades K through 12 across all content areas. SDE may retain up to 25% for administration and for providing professional development services. SDE is required to provide on the agency website professional development standards and training through telecommunication methods.
- 1A.37.** (Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Directs \$2,455,000 of assessment appropriations for eligibility determination assessments and for the costs of AP and IB exams.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 1A.38.** (Statewide Student Information System) Allows SDE, if available, to utilize \$5 million of the prior year ending EIA cash balance for the statewide student information system with any remaining EIA cash balance used for transportation purposes.
- 1A.39.** (Adult Education) Requires that 30% of the funding for school district allocations must be used to serve age 17 to 21 year old adult education students pursuing high school diploma or equivalency with the remaining funds allocated to school districts on a formula based on certain criteria. Aggregate levels of state funding must meet federal MOE requirements.
- 1A.40.** (Clemson Agriculture Education Teachers) Directs that appropriated funds must be transferred to Clemson University PSA to fund summer employment of agricultural teachers and to cover state-mandated salary increased for agricultural teachers.
- 1A.41.** (Education Oversight Committee Transfer) Directs the EOC to transfer \$250,00 of their appropriation for teaching supply purposes in addition to the EIA 4 year old Evaluation appropriation to First Steps for use in the CDEPP program.
- 1A.42.** (Effectiveness of Strategies for Teaching Reading) Directs SDE to coordinate EIA Other Entities funding for purposes to provide evidence of effective strategies for teaching reading.
- 1A.43.** (Incentive for National Board Certification After 6/30/10) States the parameters for individuals applying after 6/30/10 into the National Board Certification Program including providing the salary supplement, the administration of applications, and administration fees.
- 1A.44.** (First Steps-CDEPP Program) Requires First Steps to utilize the EOC transfer of funds only to serve students in CDEPP and by 1/10/11 to report the number of students served by the receipt of the EOC funds.
- 1A.45.** (Child Development Education Pilot Program) Creates CDEPP, a voluntary program created to focus on the developmental and learning support to be ready for school for four year olds in the trial and plaintiff school districts with expansion contingent on remaining funds and in priority order to any trial or plaintiff school district that did not participate in the prior year and in the case of a plaintiff district with proportionally the largest population of underserved at-risk four year olds. Carry forward authority is provided for unexpended funds although they must remain with the program. SDE is the administrator of the public portion of CDEPP on behalf of public school district and the Office of First Steps is the administrator of the private portion of CDEPP on behalf of private providers. Parental choice in the public/private provider selection and student eligibility is determined by the student's family income as documented at 185% or less of federal poverty guidelines and/or Medicaid eligibility. School year is no less than 180 days and the instructional school day is 6.5 hours. No tuition may be charged for instruction. The provider guidelines for participation, administrator requirements, class size, student to teacher ratios, instructional personnel credentials, and transportation funding. The current per student funding is \$4,218, private providers are reimbursed \$550 per child for transportation, public providers are funded \$185 per child for transportation, instructional material and equipment grants are funded up to \$1000 per child not to exceed \$10,000 per class with a refund requirement for failure to participate for a 3 year period. DSS is directed to maintain a current and updated public and private provider listing along with

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

any information SDE or OFS deems necessary. OFS must collect and maintain all data on state funded private provider program.

SECTION 2 - LOTTERY EXPENDITURE ACCOUNT (H66)

- 2.1. (Audit) Directs each state agency that receives lottery funds to develop and implement procedures to monitor lottery expenditures to ensure that lottery funds are expended in accordance with applicable state laws, rules, and regulations. Directs the State Auditor to ensure that these state agencies have effective monitoring procedures in place.
- 2.2. (SDE Lottery Carry Forward) Authorizes the Department of Education to carry forward and expend unexpended lottery funds for expenditures incurred in the prior fiscal year or to expend the funds for the same purpose.
- 2.3. (Higher Education Excellence Enhancement Program) Directs that Higher Education Excellence Enhancement Program appropriations be allocated equally among eligible institutions and authorizes CHE to retain and carry forward funds not allocated in the prior fiscal year for allocation equally among the eligible institutions.
- 2.4. (Technology Lottery Funds) Directs that \$125,000 of lottery technology funds designated for two-year institutions be transferred to the portion designated for four-year institutions for each USC 2-year institution that has moved to a 4-year status since 2000.
- 2.5. (FY 2010-11 Lottery Funding) Directs expenditure of lottery funds for Fiscal Year 2010-11.

SECTION 3 - WIL LOU GRAY OPPORTUNITY SCHOOL (H71)

- 3.1. (Truants) Directs the School to provide services to truant students ages 15 and over and to cooperate with DJJ, family courts, and school districts to encourage the removal of truant students who can be served by the School.
- 3.2. (GED Test) Allows students who are 16 years of age and unable to remain enrolled due to employment or enrollment in post secondary education be eligible to take the GED test. Requires the student to be pretested using the GED practice test and requires a minimum score of 2200.
- 3.3. (Deferred Salaries Carry Forward) Authorizes the carry forward of funds earned but not yet paid to non-twelve month employees. Allows non-twelve month employees to have earnings deferred and spread evenly over the course of 24 pay periods.
- 3.4. (Improved Forestry Practices) Allows the School to maintain and develop the school forest and to use the resulting revenues for the maintenance and improvement of the forest and school.
- 3.5. (Educational Program Initiatives) Authorizes the School to utilize funds received from the Department of Education for vocational equipment on educational program initiatives.
- 3.6. (Lease Revenue) Allows the School to retain revenue earned from leasing school property and authorizes the revenue to be retained for school operations and maintenance of property.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 3.7.** (USDA Federal Grants) Authorizes the School to retain and expend all revenues generated from USDA federal grants in order to cover actual expenses in cafeteria/food service operations to provide a more stable funding stream for cafeteria operations.
- 3.8.** (By-Products Revenue Carry Forward) Authorizes the School to sell goods that are by-products of the school's programs, to charge user fees and to retain and carry forward the revenue to cover school operations.

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

- 4.1.** (Student Activity Fee) Allows the School to collect and retain a fee not to exceed \$40. The amount of the fee assessed to parents is to be based on the income of the family. The fees must be expended for student activities.
- 4.2.** (Weighted Student Cost) Provides that the School shall receive Education Finance Act funding for each student enrolled in the School.
- 4.3.** (Admissions) Establishes admissions policies for the School and to provide that students may be admitted through direct application by parents or on referral from the local school district.
- 4.4.** (Adult Vocational Program Fees) Authorizes the School to charge for tuition, room and board and other fees to students accepted into the Adult Vocational Program. Fees are to be determined by the School Board of Commissioners and shall be retained by the School. The revenue retained must be expended for the operation of the Adult Vocational Program.
- 4.5.** (Mobility Instructor Service Fee) Authorizes the School to charge a fee for mobility instructor services provided to various school districts the revenue shall be retained and expended by the school to cover expenses in the Blind school.
- 4.6.** (Cafeteria Revenues) Authorizes the School to charge fees for food services and retain the revenues to be used to offset the cost of cafeteria operations.
- 4.7.** (School Buses) Allows buses operated by the School to travel at the posted speed limit as the School's buses travel throughout the state and include weekend bus routes.
- 4.8.** (USDA Federal Grants) Authorizes all revenues generated from USDA federal grants to be retained and expended by the School in accordance with Federal regulations for the purpose of covering actual expenses in the cafeteria/food service operations of the school.
- 4.9.** (By-Products Revenue Carry Forward) Authorizes the School to sell goods that are by-products of the school's programs and operations, charge user fees and fees for services provided by the School (i.e. interpreting services, sale of wood-working items, sign language, Braille materials, etc). Revenues may be retained expended for the purpose of covering expenses of the schools programs and operations.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 4.10.** (Deferred Salaries Carry Forward) Authorizes the carry forward of funds earned but not yet paid to non-twelve month employees. Allows non-twelve month employees to have earnings deferred and spread evenly over the course of 24 pay periods.
- 4.11.** (Sale of Property) Allows the School to retain revenues associated with the sale of property titled to or utilized by the school. Funds shall be expended on capital improvements. For Fiscal Year 2010-11, revenue retained from the sale of donated property may be used for educational and other operating purposes.
- 4.12.** (USC-Upstate Visual Impairment Master of Education Program) Requires \$50,000 to be used to fund the Master of Education in Visual Impairment program at USC Upstate.
- 4.13.** (School Bus Purchase) Authorizes the School to receive funds, subject to availability, from amounts appropriated to the Department of Education for bus purchases. Funds shall not exceed \$250,000.

SECTION 5 - JOHN DE LA HOWE SCHOOL (L12)

- 5.1.** (Status Offender Carry Forward) Allows unexpended status offender funds distributed to the School from the Department of Education to be carried forward and used for the same purpose.
- 5.2.** (Campus Private Residence Leases) Authorizes the School to lease to employees the residences on the School's campus. Funds generated may be retained and expended for operating expenses and maintenance of residences.
- 5.3.** (Deferred Salaries Carried Forward) Authorizes the carry forward of funds earned but not yet paid to non-twelve month employees. Allows non-twelve month employees to have earnings deferred and spread evenly over the course of 24 pay periods.

SECTION 6 - COMMISSION ON HIGHER EDUCATION (H03)

- 6.1.** (Contract for Services Program Fees) Provides for South Carolina's participation in the Southern Regional Education (SREB) program and services and to ensure that appropriated funds are available for and dedicated to that purpose.
- 6.2.** (Out-of-State School of the Arts) Provides direction for the expenditure of funds for the SREB program that enables South Carolina high school students to participate in the North Carolina School of the Arts by providing financial aid to high school students attending the NC School of the Arts.
- 6.3.** (Access & Equity Programs) Designates the amount of the appropriation for Access and Equity that is to be provided to public Historically Black Colleges and Universities and that the balance be distributed among the state's other public institutions in support of their Access and Equity programs.
- 6.4.** (Performance Funding Calculations Changes) Establishes the date by which there must be no changes to the allocation methodology established used by the Commission in determination of any allocations of institutional operating funding.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 6.5.** (Allowable Tuition and Fees) Requires that CHE's MRR Formula include no state subsidy for out-of-state students.
- 6.6.** (African-American Loan Program) Directs funds to institutions for the purpose of African American teacher education loan programs at Benedict College and South Carolina State University and provides that no more than 10% may be used for administrative purposes.
- 6.7.** (GEAR-UP) Acknowledges a federal grant program (GEAR-UP) and provides for the use of state funds as a required match for that program. The GEAR UP program is designed for a cohort of students beginning not later than the seventh grade to provide college-preparation services to an entire grade of students at certain middle schools in low-income areas.
- 6.8.** (EPSCoR Committee Representation) Ensures that four-year teaching institutions will receive representation and funding in the federal Experimental Program to Stimulate Cooperative Research (EPSCoR) program which is designed to increase scientific research at SC public institutions.
- 6.9.** (SREB Funds Exempt From Budget Cut) Prohibits the Commission on Higher Education from cutting funds appropriated for Southern Regional Education Board (SREB) Professional Scholarship Programs and Fees, Dues and Assessments in the event of across the board cuts and permits funds to be carried forward into the next fiscal year and expended for the same purpose by the Commission on Higher Education.
- 6.10.** (Performance Improvement Pool Allocation) Directs flow-through funds to the state's federal EPSCoR program and to programs at SC State University (Transportation Center and Business School).
- 6.11.** (Troop-to-Teachers) Allows that members of the Armed Forces either active-duty, retired, or separated who are admitted to and enrolled in the South Carolina Troop-to-Teachers Alternative Route to Certification program are entitled to pay in-state rates at participating state institutions for requisite program work.
- 6.12.** (Research Universities Matching Resources) Denotes acceptable sources of funds to be used as match for the Endowed Chairs program to include private funds and federal funds.
- 6.13.** (SREB Veterinary Students) Requires the Commission on Higher Education to fund the Southern Regional Educational Board dues at an appropriate amount to include five additional veterinary medicine students.
- 6.14.** (EPSCoR Transfer Authority) Provides discretion to the State Manager of the South Carolina EPSCoR Program, to transfer the South Carolina EPSCoR Program from the South Carolina Research Authority to the Commission on Higher Education and further provides that regardless of whether the State Coordinator chooses for the program to be transferred, no funds appropriated to or authorized for the South Carolina EPSCoR Program may be retained by the South Carolina Research Authority or the Commission on Higher Education without the consent of the South Carolina EPSCoR Program.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 6.15.** (Excellence Enhancement Program Additions) Enables Converse College and Columbia College shall be eligible to receive funds under the Higher Education Excellence Enhancement Program.
- 6.16.** (Need-Based Grants for Foster Youth) Affects the direction of available need based funds to provide up to \$100,000 of the appropriated need-based funds to provide for increased grants for foster youth.
- 6.17.** (Grants and Scholarships) Stipulates that no state, federal or other funds appropriated under the annual appropriations act may be used to provide any type of tuition assistance to illegal aliens and provides that CHE, Tuition Grants, Student Loan Corp. and the state's colleges shall ensure compliance with the proviso.
- 6.18.** (Education & General Funds - Institutions) Provides that of the funds appropriated to the Commission on Higher Education for Education and General Funds for Institutions for "parity", 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.
- 6.19.** (Critical Needs Nursing Initiative) Requires "Critical Needs Nursing Initiative" funds appropriated for nursing faculty salary enhancements and new faculty hires to be transferred from CHE's budget to each individual university budget so as to allow schools to permanently adjust faculty salaries as intended.
- 6.20.** (Need-Based Grant Allocation Methodology) Requires that the distribution of new Need-Based grant funds be based on the "front end" with regard to the need of the students as measured by the number of Pell Recipients so that a certain level of tuition and fees is covered at each school (in an equal manner based on the percentage).
- 6.21.** (Tuition Age) Waives the age limitation (26) for those children of certain war veterans who may be admitted to any state-supported college, university, or post high school technical education institution free of tuition for eligible children that successfully appeal the Division of Veterans Affairs on the grounds of a serious extenuating health condition.
- 6.22.** (Mandatory Furlough) Allows colleges and universities to implement mandatory furloughs agency wide, by department, or by program and further provides that furloughs may be implemented by pay range or pay rate. The proviso also allows the institutions to exempt certain employees from the furlough and requires the agency head to be included if the furlough when implemented agency wide. And it specifies that voluntary furlough days taken by an employee must count towards any mandatory furlough days. The proviso allows the furlough days to be taken at one time but the deductions from payroll be spread out over multiple pay periods during the fiscal year for employees who are nonexempt under the Fair Labor Standards Act. Finally, the proviso requires the higher education institutions to report information about the furloughs to OHR.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 6.23.** (Religious Activities) Requires state colleges that receive federal stimulus funds to not discontinue support to religious programs, instruction and facilities dedicated to religious activities.
- 6.24.** (Scholarships Funded From Unclaimed Capital Credits) Permits certain unclaimed capital credits stay in the community for use as local scholarships rather than being remitted to a statewide pot. The proviso does not alleviate any responsibility coops may have under law to pay rightful claims.
- 6.25.** (In-State Tuition for Military Personnel and Dependents) Pertains to military personnel and their dependents to ensure such students are able to continue at in state rates in the event of a transfer to another public institution within one academic term immediately following their break in enrollment upon transfer.
- 6.26.** (LIFE and Palmetto Fellows Enhancement Stipends) Ensures a verifiable protocol in place to ensure that students receiving the enhance stipends for LIFE and Palmetto Fellows allowable for certain science and math majors are fulfilling the requirements of the major thereby demonstrating intent to graduate in the major.

SECTION 9 - CLEMSON UNIVERSITY - EDUCATIONAL & GENERAL (H12)

- 9.1.** (Travel Advances and Subsistence Expenses) Provides Clemson the ability to advance travel and subsistence expense monies to its employees for the financing of ordinary and necessary travel required in conducting the business of the institution and allows 30 days after the trip is completed for reimbursement.

SECTION 14 - SOUTH CAROLINA STATE UNIVERSITY (H24)

- 14.1.** (BRIDGE Program) Establishes the BRIDGE program at SC State University and stipulates funds appropriated to the university for BRIDGE are to be used to recruit minority high school students along the I-95 corridor into the teaching profession by offering them, while still in high school, access to counseling, mentoring, on campus summer enrichment programs, and opportunities for dual enrollment credits at South Carolina State University.

SECTION 15 - UNIVERSITY OF SOUTH CAROLINA (H45)

- 15.1.** (Palmetto Poison Center) Stipulates that of the funds appropriated to the University of South Carolina, the university shall expend at least \$150,000 on the Palmetto Poison Center.
- 15.2.** (Indirect Cost Recovery Waiver for Summer Food Service Program) Grants the University of South Carolina a partial waiver of the remittance of indirect cost recoveries for the Summer Food Service Program supported by the Federal Department of Agriculture through the Department of Social Services and stipulates that waiver may not exceed the amount of direct administrative cost for the program.
- 15.3.** (School Improvement Council) Stipulates that of the funds appropriated to the University of South Carolina Columbia Campus, \$100,000 shall be used for the School Improvement Council.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

SECTION 17 - MEDICAL UNIVERSITY OF SOUTH CAROLINA (H54)

- 17.1.** (Palmetto Initiative for Excellence) Stipulates that of the funds appropriated to MUSC for the SC Healthcare Recruitment and Retention Center for the Palmetto Initiative for Excellence shall be used as match funds to promote diversity within the administrative health services workforce in South Carolina via post-graduate fellowships, undergraduate internships, and mentoring programs.
- 17.2.** (Rural Dentist Program) Establishes the Rural Dentist Program at MUSC and in coordination with DHEC's Public Health Dentistry Program, is established at the Medical University of South Carolina. Provides that the program is to be administered by AHEC and administrative costs shall not exceed 4% of the appropriated funds. Further provides that MUSC is the fiscal agent and has carry forward authority. Further creates a board to manage and allocate these funds to insure the location of licensed dentists in rural areas of South Carolina and on the faculty of the College of Dental Medicine at MUSC and stipulates board members and that they serve without compensation.
- 17.3.** (Preterm Birth Prevention) Provides that MUSC 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 for the purpose of reducing 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 - STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION (H59)

- 18.1.** (Training of New & Expanding Industry) Provides that the Budget and Control Board can adjust the appropriation for the "Center for Accelerated Technology Training" (ReadySC) administered by the State Tech Board in the event expenditures are above appropriations to ensure necessary funds are available for new and/or expanding industry.
- 18.2.** (Training of New & Expanding Industry Carry Forward) Provides that "Center for Accelerated Technology Training" (ReadySC) funds may be carried forward into subsequent fiscal years provided they are expended for the same purposes (training of employees for new and expanding industry).
- 18.3.** (Training of New & Expanding Industry - Payments of Prior Year Expenditures) Permits the State Board for Technical and Comprehensive Education to reimburse business and industry for prior year training costs associated with "Center for Accelerated Technology Training" (ReadySC) that was billed to the agency after fiscal year closing with the concurrence of the Comptroller General.
- 18.4.** (Caterpillar Dealer Academy) Allows the area commission for the Florence-Darlington Technical College to provide reciprocal in-state tuition for student participants in the Caterpillar Dealer Academy operated by Florence-Darlington Technical College.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

SECTION 19 - EDUCATIONAL TELEVISION COMMISSION (H67)

- 19.1.** (Grants/Contributions Carry Forward) Authorizes carry forward and requires expenditures to be restricted to original designation.
- 19.2.** (Digital Satellite) Creates a Video Resources Oversight Council to facilitate the achievement of a digital satellite video transmission system to support public and higher education, enhance the statewide delivery of health care services, improve public service and assist state agencies with statewide personnel training.

SECTION 20 - DEPARTMENT OF VOCATIONAL REHABILITATION (H73)

- 20.1.** (Production Contracts Revenue) Authorizes the department to retain all production contracts revenue earned by the handicapped trainees of the Evaluation and Training Facilities, to use the funds in the facilities for Client Wages and other production costs, and may use any excess funds for operating expenses and/or permanent improvements.
- 20.2.** (Reallotment Funds) Authorizes the reallotment of other funds received in excess of original projections in following State fiscal years.
- 20.3.** (Basic Support Program Reconciliation) Directs the department, at the close of each federal fiscal year, to reconcile the combination of state and federal funds available for the cost of operation of the Basic Support program. Over participation of state funds after the maximum allowable percentage of federal funds participation will be transferred to the General Fund within 120 days and the remission will be reviewed by the State Auditor. Federal/State percentages budgeted and appropriated are not considered authorization to retain federal funds.
- 20.4.** (User/Service Fees) Allows the department to charge fees for services to parties not eligible for the department's services to offset costs of providing activities so as to not affect the level of service for regular clients.
- 20.5.** (Meal Ticket Revenue) Allows the sale of meal tickets to offset food and cafeteria program expenses.
- 20.6.** (Basic Services Program - Educational Scholarships) Caps tuition cost at state supported institutions at the 1998 tuition rate for individuals receiving and eligible for services under a SC vocational Rehabilitation approved plan.

SECTION 21 - DEPARTMENT OF HEALTH AND HUMAN SERVICES (J02)

- 21.1.** (Recoupment/Restricted Fund) Authorizes the Department to retain the state portion of prior year provider refunds instead of the refunds lapsing to the General Fund. Funds in the account are used to pay for liabilities resulting from audits or to improve accountability for audit purposes.
- 21.2.** (Long Term Care Facility Reimbursement Rate) Requires the B&C Bd Office of Research & Statistics to develop an inflation factor to be used in the calculation of reimbursement rates for nursing homes. Authorizes the Department when calculating nursing facility rates

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

each year, to use an inflation factor which can range from 0% up to the maximum inflation factor as calculated by the B&C Bd.

- 21.3.** (Medical Assistance Audit Program Remittance) Requires the Department to provide Federal matching funds equal to fifty percent of the cost of the Medicaid auditors of the State Auditor's Office, and prescribes the method for doing so.
- 21.4.** (Third Party Liability Collection) Authorizes the Department to fund administrative costs of collection efforts for the Third Party Liability and Drug Rebate programs from the collections generated by those programs.
- 21.5.** (Medicaid State Plan) Authorizes the Department to bill other agencies for the state share of services provided through Medicaid in order to comply with federal requirements for intergovernmental transfers.
- 21.6.** (Medically Indigent Assistance Fund) Provides that all audit exceptions related to the receipt and expenditure of disproportionate share funds are the liability of the hospital receiving the funds.
- 21.7.** (Admin. Days/Swing Beds Reduction Prohibition) Prohibits the Department from reducing funds appropriated for hospital administrative days and swing beds.
- 21.8.** (Nursing Home Sanctions) Authorizes the Department to establish a restricted fund to deposit fines collected as a result of nursing home sanctions. The Department may use these funds for costs related to the protection of the health and property of residents of nursing homes that participate in the Medicaid program.
- 21.9.** (Community Residential Care Optional State Supplementation) Stipulates when increases to the Personal Needs Allowance and residential care payments will be effective and determines how much the increases will be.
- 21.10.** (Registration Fees) Authorizes the Department to receive and expend registration fees for educational, training, and certification programs.
- 21.11.** (Chiropractic Services) Requires the Department to provide Medicaid coverage for medically necessary chiropractic services.
- 21.12.** (Fraud and Abuse Collections) Allows the Department to utilize the state share of recoupments collected from fraud and abuse efforts to offset the administrative costs of those efforts.
- 21.13.** (Provider Reimbursement Rate Report) Requires the Department in conjunction with the Office of Research and Statistics of the B&C Board to prepare a report comparing the reimbursement rate of Medicaid providers to the reimbursement rate of the Medicare Program and the State Health Plan.
- 21.14.** (Medicaid Eligibility Transfer) Authorizes the Department to determine the eligibility of applicants for the Medicaid Program and requires the Department of Social Services' county offices to provide office space and facility service for the eligibility determination function.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 21.15.** (Prescription Reimbursement Payment Methodology) Stipulates the amount paid to Medicaid pharmacists per filled prescription shall remain at \$4.05 and specifies the calculation method to be used for the prescription reimbursement rate.
- 21.16.** (Franchise Fees Suspension) Suspends nursing home franchise fees enacted by the General Assembly during the 2002 session.
- 21.17.** (Medicaid Monthly Maintenance Needs Allowance) Requires the department to phase-in conformity of the state's Medicaid monthly maintenance needs allowance with the maximum amount allowed by the federal government.
- 21.18.** (Medicaid Cost Savings Suggestion Award Program) Authorizes the department to provide awards to employees of Medicaid providers who make cost savings suggestions that are adopted by the Department resulting in savings of state or federal dollars. This program is to be funded from revenue from third party liability collections.
- 21.19.** (Program Integrity Efforts) Instructs the department to expand its program integrity efforts by utilizing resources both within and external to the agency.
- 21.20.** (Prior Authorization Exemptions) Requires the department to exempt medications prescribed to treat certain mental health conditions, HIV/AIDS, or oncology related pharmaceuticals from prior authorization requirements.
- 21.21.** (Post Payment Review) Requires the department to perform post payment reviews as permitted under Medicaid regulations to ensure compliance with the Hyde Amendment provisions as it relates to the performance of medically necessary services under the Medicaid program.
- 21.22.** (Prevention Partnership Grants) If funds are appropriated, requires the department to implement a Prevention Partnership Grants Program and specifies the grant process.
- 21.23.** (Federally Qualified Health Centers-Pharmacies) Suspends certain pharmacy dispensing provisions for federally qualified health centers.
- 21.24.** (High Management Group Homes/Psychiatric Residential Treatment Facility) Authorized a facility currently licensed as a high management group home to elect to be enrolled as a Psychiatric Residential Treatment Facility if the facility meets specific criteria.
- 21.25.** (State Children's Health Insurance Program) Directs the department to establish a separate stand-alone plan to expand eligibility for children up to 200% of poverty and once established is further directed to convert the stand-alone program to the standard SCHIP program if the department demonstrates a cost savings without a reduction of the services offered.
- 21.26.** (Long Term Care Facility Reimbursement Rates) Requires the department to submit the Medicaid State Plan amendment for long term care facility reimbursement rates to the Federal government before August 1st each year. This provision only applies in years that funds are allocated for rate increases.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 21.27.** (Upper Payment Limit for Non-State Owned Public Nursing Facilities) Directs the department to submit a state plan amendment to CMS by August 12th to provide Medicaid supplemental payments to non-state owned public nursing facilities who qualify as Essential Public Safety Net providers.
- 21.28.** (Nursing Services to High Risk/High Tech Children) Directs the department to establish a separate class and compensation plan for Registered and Licensed Practical Nurses who provide services to Medically Fragile Children. The plan will provide a \$3 hourly rate adjustment to RNs and LPNs who provide specialized and technical care to children defined as High Risk/High Tech. The agency is directed to use existing funds that would have otherwise been used for admitting children to intensive care units.
- 21.29.** (Pediatric Literacy Program) Directs the department to coordinate upon request with any pediatric, non-profit early literacy program to identify program participants who are enrolled as Medicaid providers and to work with the program to determine potential geographic areas for expansion.
- 21.30.** (Prior Authorization-Formulary Changes) Requires the department to utilize a common prior authorization form in its managed care policy and procedures guide and to provide a grievance procedure and arbitration between the doctors and managed care companies with the department serving as the arbitrator.
- 21.31.** (Offset Budget Reduction) Allows the department to use unexpended funds carried forward and excess funds appropriated in the current year for the SCHIP program to offset mid-year reductions assessed by the B&C Board.
- 21.32.** (Modular Ramps) Authorizes the department to lease modular ramps in the event the department can foresee demonstrated cost-savings to the department.
- 21.33.** (Medicaid Cost and Quality Effectiveness) Directs the department to establish a procedure to assess the various forms of managed care to measure cost effectiveness and quality. The cost effectiveness measures must include a comparison of managed care vs. fee-for-service and requires annual healthcare report cards for each managed care plan participating in the Medicaid program.
- 21.34.** (MUSC Medicaid Services Reimbursement) Requires the department to reimburse MUSC 100% of costs for hospital services rendered to Medicaid patients.
- 21.35.** (SCHIP Enrollment and Recertification) Requires the department to enroll and recertify eligible children in the State Children's Health Insurance Program using available state agency program data housed in the Office of Research and Statistics, including the DSS Food Stamp program and the Department of Education's Free and Reduced Meal eligibility data.
- 21.36.** (Carry Forward) Authorizes the department to carry forward cash balances for earmarked or restricted trust and agency, or special revenue account or subfund. Requires all revenue deposited into the Restricted Medicaid Expansion Fund to be expended in the year the revenue is received. Requires the department to report on the balances carried forward.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 21.37.** (Medicaid Provider Fraud) Requires the department to expand and increase its effort to identify, report, and combat Medicaid provider fraud and to report on the results of these efforts.
- 21.38.** (ARRA County Matching Funds Adjustment) Authorizes the Department to make quarterly reductions to county matching funds assessed for indigent medical care as a result of the increased FMAP rate provided for in the ARRA.
- 21.39.** (Smart Card/USB Token Pilot Study) Authorizes a pilot study to be conducted at no cost to the State or the Department if any health care provider under Medicaid determines to test a smart card or USB token which meets HIPAA and UETA standards and contains encrypted portable health information. The department must cooperate with the provider in facilitating such a pilot as long as all direct and reasonable indirect costs incurred by the Department are paid by the provider.
- 21.40.** (Community Health Plans) Requires the Department to 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.
- 21.41.** (ARRA State Match Carry Forward) Authorizes the Department to carry forward any unobligated state match funds resulting from additional payments received from the increased Federal Medical Assistance Percentage provided by the ARRA.
- 21.42.** (Personal Emergency Response System) Authorizes the Department to consider using Personal Emergency Response Systems (PERS) units with a two button system that is UL or ETL certified.
- 21.43.** (GAPS) Suspends the GAP Assistance Pharmacy Program for Seniors for the current fiscal year.
- 21.44.** (Disproportionate Share - DMH) Directs the Department to transfer funds to the Department of Mental Health as a result of any shortfall in disproportionate share funding due to rule changes from the Center for Medicare and Medicaid Services.
- 21.45.** (Medicaid Pooling Initiative) Requires the Department's Pharmacy & Therapeutics Committee to conduct a cost-benefit analysis of multi-state Medicaid drug purchasing pools and provide a report on the results of the analysis by January 14, 2011.

SECTION 22 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (J04)

- 22.1.** (County Health Departments Funding) Provides that each county shall receive \$25,000 from the funds appropriated for "Access to Care". Funds will be distributed by the commissioner, with the approval of the Board of the Department and specifies the use of the funds.
- 22.2.** (County Health Units) Requires the Department to allocate federal funds to county health department budgets for the operation of the county health department. State funds appropriated for "Access to Care", except for salary increases, shall be allocated on a basis so that no county will receive less than the amount received in the prior fiscal year.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 22.3.** (Camp Burnt Gin) Requires private donations or contributions for the operation of Camp Burnt Gin to be deposited in a restricted account. Funds may be carried forward and must be made available as needed to fund the operation of the camp.
- 22.4.** (Children's Rehabilitative Services) Requires Children's Rehabilitative Services to utilize any available financial resources including insurance benefits and/or governmental assistance programs, to which the child may otherwise be entitled in providing or arranging for medical care and related services to eligible physically handicapped children.
- 22.5.** (Cancer/Hemophilia) Specifies the amounts appropriated for prevention, detection and surveillance of cancer as well as providing for cancer treatment services, and the hemophilia assistance program, shall not be transferred to other programs within the agency and the funds cannot be reduced by more than a pro-rata share of any mid-year reductions or base reductions assessed to the Department.
- 22.6.** (Speech & Hearing) Requires the Department to utilize funds appropriated as may be necessary to continue the Speech and Hearing programs.
- 22.7.** (Local Health Departments) Appropriates funds for the contribution requirements for salary, fringe benefits and travel reimbursement to local health departments. Each county shall provide all other operating expenses of the local health department in an amount at least equal to that appropriated for operations for each county in Fiscal Year 1981.
- 22.8.** (Insurance Refunds) Authorizes the Department to budget and expend monies resulting from insurance refunds for prior year operations for case services in family health.
- 22.9.** (Emergency Medical Services) Specifies purpose of funds appropriated for Emergency Medical Services and the allocation of funds to counties, EMS Regional Councils and the state EMS office. Prohibits funds appropriated for Emergency Medical Services from being transferred to other programs within the Department's budget. Provides carry forward authority for unexpended funds and specifies the use of the funds.
- 22.10.** (Rape Violence Prevention Contract) Specifies \$513,481 of the funds appropriated in Rape Violence Prevention shall be used to support programmatic efforts of the state's rape crisis centers. Specifies the distribution method of the funds.
- 22.11.** (Sickle Cell Blood Sample Analysis) Specifies funding of \$16,000 in Independent Living for the Sickle Cell Program for Blood Sample Analysis. The funds shall be used by the department to analyze blood samples submitted by the four existing regional programs.
- 22.12.** (Sickle Cell Programs) Specifies funding of \$957,633 for sickle cell education programs, preventions programs, and counseling services provided by the four existing community based sickle cell foundations and for funding the sickle cell medical services provided by the Independent Living Program at DHEC.
- 22.13.** (Genetic Services) Specifies that \$130,948 of funds appropriated for the Independent Living program shall be for providing appropriate genetic services to medically needy and underserved persons. Defines the services to be included and requires the funds to be divided equally among the three Regional Genetic Centers of South Carolina.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 22.14.** (Revenue Carry Forward Authorization) Authorizes the Department to collect, expend, and carry forward revenues from the sale of goods and other products, and beach renourishment appropriations,
- 22.15.** (Medicaid Nursing Home Bed Days) Establishes the maximum number of Medicaid patient days for which the Department is authorized to issue permits.
- 22.16.** (Health Licensing Fee) Authorizes the department to retain funds resulting from an increase in the Health Licensing Fee Schedule to fund increased responsibilities of the health licensing programs. Establishes a late fee for failure to submit a license renewal application or fee to the department by the license expiration date. Authorizes the Department to take enforcement action for failure to submit renewal applications and/or fees and provides a process for waiving assessed late fees.
- 22.17.** (Infectious Waste Contingency Fund) Authorizes the Department to use a maximum of \$75,000 from the Infectious Waste Contingency Fund per year for personnel and operating expenses to implement the Infectious Waste Act.
- 22.18.** (Nursing Home Medicaid Bed Day Permit) Authorizes the transfer of the Medicaid patient day permit to a nursing home receiving a patient from a facility that has violations of state or federal law or Medicaid certification requirements that necessitate the transfer. Requires the receiving facility to apply to retain the Medicaid patient day permit within sixty days of receipt of the patient.
- 22.19.** (Mineral Sets Revenue) Authorizes the department to charge a reasonable fee for mineral sets and to retain the funds in a revolving account with a maximum carry forward of \$2,000. Funds must be expended for mineral set supplies and related mining and reclamation educational products.
- 22.20.** (Spoil Easement Areas Revenue) Authorizes the Department to retain and expend funds received from the sale of and/or third party use of spoil easement areas. Funds retained are used for the purpose of meeting the state's responsibility for providing adequate spoil easement areas for the Atlantic Intracoastal Waterway in South Carolina.
- 22.21.** (Per Visit Rate) Authorizes the Department to compensate non-permanent, part-time employees with a fixed per-visit rate. These employees are required to provide direct patient care in a home environment. Individuals employed in this category may exceed twelve months, but are not eligible for State benefits except for the option of contributing to the State Retirement System.
- 22.22.** (Allocation Patient Days) Authorizes the Department to allocate additional Medicaid patient days authorized above the previous fiscal year's level and provides that additional days are to be allocated in the specified priority order.
- 22.23.** (Allocation of Indirect Cost and Recoveries) Authorizes the Department to include all funding sources that support agency administration in the determination of the allowable indirect cost rate percentage and to authorize the agency to retain and expend the portion of the approved indirect cost rate derived from sources other than state appropriations.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 22.24.** (Permitted Site Fund) Authorizes the Department to expend funds as necessary from the permitted site fund, for legal services related to environmental response, regulatory, and enforcement matters, including administrative proceedings and actions in state and all federal courts.
- 22.25.** (Health Disparities Study-State Health Plan for Elimination of Health Disparities) Requires the Department to provide leadership in the implementation of the State Health Improvement Plan for the elimination of health disparities with specific goals similar to the national Healthy People 2010 goals and targeting health disparities among our state's minority population.
- 22.26.** (Head Lice) Authorizes the Department to expend \$200,000 in other fund accounts in order to fund the head lice program statewide.
- 22.27.** (Shift Increased Funds) Authorizes the Director to shift increased appropriated funds in this act to offset shortfalls in other critical program areas.
- 22.28.** (Health Licensing Monetary Penalties) Authorizes the Department to retain the first \$50,000 of civil monetary penalties collected each fiscal year from penalties assessed by the Division of Health Licensing. The funds retained shall be utilized solely to carry out and enforce the provisions of regulations applicable to that Division.
- 22.29.** (Health Facility Monetary Penalties) Authorizes the Department to retain the first \$100,000 of civil monetary penalties collected each fiscal year from penalties assessed by the Bureau of Health Facilities and Services Development. The funds retained shall be utilized solely to carry out and enforce the provisions of regulations applicable to that Bureau.
- 22.30.** (Radiological Health Monetary Penalties) Authorizes the Department to retain the first \$30,000 of civil monetary penalties collected each fiscal year from penalties assessed by the Bureau of Radiological Health. The funds retained shall be utilized solely to carry out and enforce the provisions of regulations applicable to that Bureau.
- 22.31.** (Prohibit Use of Funds) Prohibits the Department from using any state appropriated funds to terminate a pregnancy or induce a miscarriage by chemical means.
- 22.32.** (Meals in Emergency Operations) Authorizes the cost of meals may be provided to state employees who are not permitted to leave their stations and are required to work during actual emergencies or emergency simulation exercises.
- 22.33.** (Compensatory Payment) Authorizes the Department to pay employees for working overtime during a declared state of emergency instead of receiving compensatory time as long as funds are available.
- 22.34.** (Beach Renourishment and Monitoring) Requires funds allocated for beach renourishment to be spent in accordance with the priorities established by the Department's Office of Coastal and Resource Management. Allows a portion of the funds to be expended to support beach profile monitoring coast wide to determine erosion rates and to identify priority areas needing renourishment and maintenance to mitigate erosion and storm damage potential.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 22.35.** (South Carolina State Trauma Care Fund) Requires \$2,948,519 of the funds appropriated for the State Trauma Care Fund to be utilized for increasing the reimbursement rates for trauma hospitals, trauma specialists' professional fee, 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. Requires the distribution methodology to include a breakdown of the disbursement of funds by a specified percentage. The Department must promulgate regulations for the administration and oversight of the Trauma Care Fund.
- 22.36.** (Pandemic Influenza) Requires the Department to assess SC's ability to cope with a major influenza outbreak or pandemic influenza and maintain an emergency plan and stockpile of medicines and supplies to improve the state's readiness condition and to report annually. Authorizes the department, in conjunction with DHHS, to establish a fund for the purpose of developing an emergency supply, stockpile, and distribution system of appropriate antiviral, antibiotic, and vaccine medicines and medical supplies. Authorizes the Department to access earmarked funds as necessary to purchase an emergency supply.
- 22.37.** (Hemophilia Recombinant Factors) Requires the Department to provide patients with Hemophilia the choice of recombinant factors when prescribed by a physician regardless of the patient's past Hemophilia treatment methods.
- 22.38.** (Pharmacist Services) Suspends the requirement that Department facilities distributing or dispensing prescription drugs be permitted by the Board of Pharmacy and that each pharmacy have a pharmacist-in-charge. Provides that Department pharmacists may serve as the pharmacist-in-charge without being physically present in the pharmacy and the Department is authorized to designate one pharmacist-in-charge to serve more than one facility. Stipulates which prescription drugs/products/vaccines can be distributed.
- 22.39.** (Coastal Zone Appellate Panel) Suspends the Coastal Zone Appellate Panel for the current fiscal year.
- 22.40.** (Rural Hospital Grants) Stipulates allocation and use of any appropriated Rural Hospital Grant funds to public hospitals in very rural or rural areas whose largest town is less than 25,000 and whose licensed bed capacity does not exceed 200 beds.
- 22.41.** (Camp Burnt Gin) Prohibits any funds appropriated or received from any other source for Camp Burnt Gin from being reduced in the event the Department is required to take a budget reduction.
- 22.42.** (Metabolic Screening) Allows the Department to suspend any activity related to blood sample storage of samples collected from neonatal testing if there are insufficient state funds to support the storage requirements. If the activity is suspended, the samples may be destroyed in a scientifically appropriate manner after testing and the Department must notify providers of the suspension within 30 days of its effective date.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

SECTION 23 - DEPARTMENT OF MENTAL HEALTH (J12)

- 23.1.** (Medicare Revenue) Designates Medicare receipts to the Department as patient fees to be used for the repayment of bonds. Requires the Department to transfer \$290,963 to the General Fund to support the administrative costs of the collection of Medicare benefits. Allows the Department to retain and expend up to \$3 million of all Medicare revenue earned from cost recovery efforts and any additional earnings must be remitted to the general fund.
- 23.2.** (Paying Patient Account) Requires the Department to transfer \$3.4 million to the General Fund from surplus funds in the paying patient account. States the intent of the General Assembly to reduce and eventually eliminate this obligation to the General Fund.
- 23.3.** (Patient Fee Account) Authorizes the Department to fund specific items from the Patient fee Account. Also authorizes the Department to expend all fees collected at the Campbell Nursing Home and other veterans' facilities for day-to-day operations. Requires the external entities receiving funds to provide an itemized budget before the receipt of any funds and quarterly financial statements to the Department.
- 23.4.** (Institution Generated Funds) Authorizes the Department to retain and expend institution generated funds that have been included in the Appropriation Act.
- 23.5.** (Transfer of Patients to DDSN) Authorizes the Department to transfer to DDSN state appropriations necessary to cover the state match related to expenditures resulting from the transfer of patients from DMH to the DDSN. The Department is authorized to utilize up to \$500,000 from the Patient Fee Account to help defray the cost of transferred patients.
- 23.6.** (Practice Plan) Authorizes employees of the Department affiliated with the USC School of Medicine, who hold faculty appointments in the School, to participate in the School's Practice Plan provided that participation not take place during regular working hours. Funds generated by such participants shall be handled in accordance with University policies governing Practice Plan funds.
- 23.7.** (Huntington's Disease) Requires the Department to designate \$150,000 for administrative and personnel costs for Huntington's Disease clinical services within the Department.
- 23.8.** (Alzheimer's Funding) Requires \$911,620 of the funds appropriated to the Department for Community Mental Health Centers 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 is required to maximize federal matching dollars. The Association must submit an annual financial statement and outcome measures attained for the fiscal year just ended.
- 23.9.** (Crisis Stabilization) Requires the Department to expend a minimum of \$2 million for crisis stabilization programs and defines the programs. Specifies the use of the funds expended by the department. The department must submit a quarterly report identifying the crisis stabilization program in each community mental health center catchment area, the number of persons served, and the expenditures for the reporting period.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 23.10.** (McCormick Satellite Clinic) Reallocated the \$750,000 appropriated by proviso 73.17 of Act 397 of 2006 for the Williams Building Cooperative Ministries Homeless Shelter Renovation & Operation. \$250,000 was allocated for a satellite community mental health clinic in McCormick County and \$500,000 was transferred to the City of Columbia to benefit other homeless programs. The City is required to report annually on the expenditure of the funds until all funds are expended.
- 23.11.** (Crisis Intervention Training) Requires the Department to utilize \$85,500 of appropriated funds for the National Alliance on Mental Illness (NAMI) SC for Crisis Intervention Training (CIT).
- 23.12.** (Uncompensated Patient Medical Care) Establishes an Uncompensated Patient Care Fund to be used by the Department for medical costs incurred for patients that must be transferred to a private hospital for services.
- 23.13.** (Veterans' Nursing Home Death Investigations) Provides that if a coroner rules the death of an individual in a veterans' nursing home under the authority of the Department results from natural causes, the State Law Enforcement Division is not required to conduct an investigation regarding the individual's death.
- 23.14.** (Carry Forward Unobligated Funds) Authorizes the Department to carry forward unobligated funds resulting from additional payments received from the increased FMAP.
- 23.15.** (Meals in Emergency Operations) Authorizes the cost of meals may be provided to state employees who are not permitted to leave their stations and are required to work during actual emergencies or emergency simulation exercises.

SECTION 24 - DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS (J16)

- 24.1.** (Work Activity Programs) Authorizes the Department to retain and carry forward earnings generated from production contracts for use in permanent improvements and operating expenses of the Work Activity Programs.
- 24.2.** (Sale of Excess Real Property) Authorizes the Department to retain revenue from the sale of excess real property to purchase land and construct community residences to serve people with mental retardation.
- 24.3.** (Prenatal Diagnosis) Allows the Department to use up to \$126,000 of excess debt service funds to fund efforts related to expanded prenatal diagnosis of mental retardation and related disabilities by the Greenwood Genetic Center.
- 24.4.** (Medicaid Funded Contract Settlements) Authorizes the Department to carry forward and retain settlements under Medicaid-funded contracts.
- 24.5.** (Medicare Reimbursements) Authorizes the Department to budget Medicare reimbursements to offset the expenses for Medicare eligible services rendered.
- 24.6.** (Departmental Generated Revenue) Authorizes the Department to expend departmental generated revenues that are authorized in the Appropriation Act.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 24.7.** (Transfer of Capital/Property) Allows the Department to transfer capital to include property and buildings to local DSN providers with Budget and Control Board approval.
- 24.8.** (Unlicensed Medication Providers) Authorizes the Department to license or certify select unlicensed persons in community-based programs to provide select medications. Limits the medications allowed to be administered to oral and topical medications, regularly scheduled insulin, and prescribed anaphylactic treatments. Requires the Department to establish curriculum and standards for training and oversight.
- 24.9.** (Pervasive Developmental Disorder) Establishes the Pervasive Developmental Disorder Program to treat children who have been diagnosed by eight years of age with a pervasive developmental disorder. The program is to be operated as a Medicaid waiver program and caps reimbursement for each child at \$50,000/year for a maximum of 3 years. The department is required to report semi-annually on the developmental progress of the children and the fiscal status of the project.
- 24.10.** (Modular Ramps) Authorizes the department to lease modular ramps if determined the ramps would generate a cost-savings to the department.
- 24.11.** (Summer Camps) Prohibits the department from removing any summer camps under the Department's purview due to budget reductions.
- 24.12.** (Child Daycare Centers) Requires the department to provide reimbursement for services provided to eligible children by daycare centers under contract prior to December 31, 2008. Also requires the reimbursement to be at least 80% of the amount reimbursed in the previous fiscal year.
- 24.13.** (Debt Service Account) Allows the department to utilize uncommitted funds in the agency's debt service account for operations and services not funded in the Appropriation Act.

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

- 25.1.** (Training & Conference Revenue) Authorizes the agency to charge participants who attend training events and to use this revenue to fund education and professional development initiatives.
- 25.2.** (Gambling Addiction Services) Authorizes DAODAS through the local provider network to direct efforts in treating individuals with gambling addictions through the dissemination of information, education and referral services.
- 25.3.** (Eligibility for Treatment Services) Provides that any South Carolina resident, upon payment of all applicable fees, is eligible to take part in treatment programs offered by the department.

SECTION 26 - DEPARTMENT OF SOCIAL SERVICES (L04)

- 26.1.** (Fee Retention) Authorizes the Department to recoup all refunds and overpayments. Up to \$800,000 of funds collected under the Child Support Enforcement Program which are state funds shall be credited to the General Fund. All state funds above \$800,000 shall be

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

retained by the Department and used for self-sufficiency and family preservation and support initiatives.

- 26.2.** (Recovered State Funds) Stipulates the use of state funds recovered under the Title IV-D program, federally required fees collected from non-TANF clients, and incentives paid from federal funds to the Child Support Enforcement Program.
- 26.3.** (Foster Children Burial) Requires that the expenditure of funds allocated for burials of foster children not exceed \$1,500 per burial.
- 26.4.** (Battered Spouse Funds) Stipulates funds appropriated for the Battered Spouse program must be allocated through contractual agreements with providers and that appropriations may also be used for public awareness. Funds may not be expended for any other purpose.
- 26.5.** (Court Examiner Service Exemption) Provides exemption for department employees who are funded in part or in full from federal funds from serving as court examiners in order to prevent the loss of federal funds.
- 26.6.** (TANF Advance Funds) Authorizes the Department during each fiscal year to advance general fund appropriations for Temporary Assistance to Needy Families assistance payments to the federal TANF account for the purpose of allowing a sufficient cash flow. The advance must be refunded no later than April of the same fiscal year.
- 26.7.** (Fee Schedule) Authorizes DSS to charge fees, accept donations, and bequests for social services provided under DSS' direct responsibility. The fees collected shall be used by the Department to further develop and administer agency programs. The fee schedule includes fees for day care facilities, central registry checks, foreign adoptions, residential group homes, child placing institutions, foster homes, and the Responsible Father Registry.
- 26.8.** (Food Stamp Fraud) Authorizes the Department to retain the state portion of funds recouped from fraudulent claims in the TANF and Food Stamp programs. Requires a portion of the funds to be distributed to local county offices for emergency and program operations.
- 26.9.** (TANF - Immunizations Certificates) Requires all TANF applicants to provide proof of age appropriate immunizations for children. If the required immunizations have not been administered, the Department shall refer applicants to appropriate county health departments to obtain the immunizations.
- 26.10.** (Fees for Court Witness in Child Welfare Services) Requires funds appropriated for the payment of court testimony to only be paid in accordance with DSS policy which shall include limits on awards and procedures for payment. Establishes maximum hourly rates for psychologists, social workers, nurses, ministerial counseling, family and marriage counselors for counseling and expert witness fees. The hourly rate includes travel time. Also establishes the maximum hourly rate for physicians for expert witness fees including travel time.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 26.11.** (County Directors' Pay) Authorizes the department to allocate funds provided for employee pay increases in the Appropriation Act to county directors and regional directors without uniformity. Increase shall be administered in accordance with guidelines established by the B&C Bd Executive Compensation System and other nonacademic unclassified employees. Employee subject to this provision and ineligible for any other compensation increases provided in the Appropriation Act.
- 26.12.** (Use of Funds Authorization) Authorizes the department's investigative units to receive and expend funds awarded to these units as a result of a donation, contribution, prize, grant, and/or court order. Funds shall be retained on behalf of the investigative units and expended to fulfill any specified purposes and conditions. If not specified, funds shall be expended as directed by the Department. Requires the accounts not be used to supplant operating funds and the agency is required to report by January 30 of each year on the amount of funds received and how expended.
- 26.13.** (Prevent Welfare Reform Duplication of Services) States legislative intent that the Department does not duplicate services available at the Department of Employment and Workforce and other state agencies. Directs state agencies to cooperate with DSS as it implements the Family Independence Act of 1995 and requires the department to report to the Governor if funds are used to hire persons or procure services for employment training purposes to ensure duplication of services does not occur.
- 26.14.** (Use of Funds Authorization) Unless specifically directed by the General Assembly, when DSS is directed to provide funds to a not-for-profit organization, that organization must use the funds to serve persons who are eligible for services in one or more DSS programs.
- 26.15.** (Grant Authority) Authorizes the department to make grants to community-based not-for-profit organizations for local projects that further the objectives of DSS programs. Requires the department to develop policies and procedures to assure compliance with state and federal requirements associated with the grant funds and to assure fairness and accountability in the award and administration of the grants. Requires a match from all grant recipients.
- 26.16.** (Family Foster Care Payments) Establishes the amount of monthly foster care payments for children under the department's sponsorship. Payments are based on the age of the child and that payments are for basic needs of the child and defines 'basic needs'. Provides for identification and reimbursement of items or services, including medical, in excess of those defined as basic needs.
- 26.17.** (Penalty Assessment) Authorizes the department to impose monetary penalties against a person, facility, or other entity for violation of statutes or regulations pertaining to programs, other than foster home licensing, that the department regulates. Requires the penalties collected to be credited to the General Fund. Requires the department to promulgate regulations for each program in which penalties may be imposed.
- 26.18.** (Children's Home Standard Licenses) Stipulates that 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. Requires fire inspections to be conducted annually.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 26.19.** (Child Support Enforcement Automated System Carry Forward) Authorizes the department to retain and carry forward unexpended funds appropriated for the Child Support Enforcement automated system and related penalties.
- 26.20.** (Child Support Enforcement System) Requires the department to report annually by August 31st on the status of the Child Support Enforcement System. Requires the report to include actions being undertaken to become compliant with federal requirements and the cost required; total funds spent to-date on the system; the amount of fines assessed; expenditures required to satisfy actions taken by the state judicial system or other entities that may have altered the amount required for meeting minimum federal guidelines.
- 26.21.** (Child Care Voucher) Requires that state funds appropriated to the department and expended for child care vouchers must be used to enroll eligible recipients within provider settings exceeding the state's minimum child care licensing standards. The department may waive this requirement on a case by case basis.
- 26.22.** (Teen Pregnancy Prevention) Directs the distribution of funds appropriated for the Continuation of Teen Pregnancy Prevention by requiring the award of 2 contracts to separate entities providing prevention programs within the state. One contract is to be awarded to an abstinence-only entity and one contract is to be awarded to an abstinence-based entity. Also establishes a 5 member committee to oversee the contract award process.
- 26.23.** (Meals in Emergency Operations) Authorizes the cost of meals may be provided to state employees who are not permitted to leave their stations and are required to work during actual emergencies, emergency simulation exercises, and when the Governor declares a state of emergency.
- 26.24.** (Day Care Facilities Supervision Ratios) Suspends final implementation of regulations related to staff-child ratios.
- 26.25.** (Child Welfare Outsourcing Study) Requires the department to conduct a study of child welfare outsourcing initiatives. The department is required to complete the report by January 31, 2011.
- 26.26.** (Child Care Center Provisional License Extension) Authorizes the extension of a provisional license through June 30, 2011 for a child care center that is not in full compliance with the provision of hot water required by Regulation 114-507 item A 6(b).

SECTION 27 - COMMISSION FOR THE BLIND (L24)

- 27.1.** (Matching Federal Funds) Provides the amount appropriated for Rehabilitative Services is conditioned upon matching by federal funds to the maximum amount available under the Federal Vocational Rehabilitation Program.
- 27.2.** (Braille Production and Telecommunications Revenue) Authorizes the Commission to retain revenues derived from the production of Braille and provision of services by clients of the Adult Adjustment and Training Center. Retained revenue is to be used in the facility for production costs.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

SECTION 28 - ARCHIVES AND HISTORY (H79)

- 28.1.** (Use of Proceeds) Allows the department to charge fees to offset the cost of certain services.
- 28.2.** (National Historic Preservation Program) Provides for Department of Interior funds to be deposited in a special account to be used for a Historic Preservation Grant program.

SECTION 29 - SC STATE LIBRARY (H87)

- 29.1.** (Aid to Counties Libraries Allotment) State appropriated aid to county libraries is allotted on a per capita basis, using the 2000 Census, with a \$60,000 minimum amount to be received by each county.
- 29.2.** (Information Service Fees) Allows the State Library to charge and retain a fee for costs associated with information delivery.
- 29.3.** (Continuing Education Fees) Allows the State Library to charge and retain a fee for costs associated with continuing education.
- 29.4.** (Books and Materials Disposal) Authorizes the Library to sell or dispose of books and other library materials that are no longer deemed of value. Funds received from the sell of these books or materials must be retained and used for purchasing new books and materials. Funds may be carried forward and utilized for the same purpose.
- 29.5.** (SCLENDs) Allows the Library to accept money for a consortium providing access to more library materials. The consortium allows libraries to share resources and expertise. Funds collected must be in a separate account and utilized solely for consortium purposes. Funds may be carried forward and utilized for the same purpose.
- 29.6.** (Donations) Allows the Library to accept donations for the purpose of administration, operation and program costs.
- 29.7.** (Sale of Promotional Items) Allows the Library to sell promotional items for the purpose of generating funds and provides carry forward authority.

SECTION 30 - ARTS COMMISSION (H91)

- 30.1.** (Professional Artists Contract) Requires the commission to hire all professional artists as contract employees unless contract arrangement is not feasible in which case the position classification may be unclassified in accordance with 8-11-35.
- 30.2.** (Special Revolving Account) Allows certain income to be retained by the commission and used solely for the purpose of supporting programs within the Arts Commission and sets review procedures.
- 30.3.** (Partial Indirect Cost Waiver) Allows the commission to apply a 15% indirect cost rate for continuing and new federal and Basic State grants.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

SECTION 31 - STATE MUSEUM (H95)

- 31.1.** (Duplicate Materials) Allows the commission to give natural history materials for educational purposes.
- 31.2.** (Removal From Collections) Allows the commission to remove under certain circumstances objects from its museum collections and to retain such funds in a special revolving account to be used for obtaining collections for the State Museum.
- 31.3.** (Museum Store) Allows the Museum to administer a store within the Museum, retain and carry forward profits and use the profits for store expenditures.
- 31.4.** (Traveling Exhibits Fees) Allows the Museum to sell exhibits, retain and carry forward funds.
- 31.5.** (Retention of Revenue) Allows the Museum to charge for fees and services, retain and carry forward funds.
- 31.6.** (Across-the-Board Cut Exemption) Exempts the Museum's rent from the base in applying Budget and Control Board across the board reductions.
- 31.7.** (School Tour Fee Prohibition) Prohibits admission fees from groups of SC school students.
- 31.8.** (Dining Area Rent) Requires the Museum be provided, at no charge, dining room space for school-aged children.
- 31.9.** (Remittance to General Services) Directs the Museum to remit not less than \$1.8 million, subject to BCB across the board reductions, to the BCB for lease expenses of the Columbia Mills Building.

SECTION 32 - HOUSING FINANCE AND DEVELOPMENT AUTHORITY (L32)

- 32.1.** (Federal Rental Assistance Administrative Fee Carry Forward) Allows the Authority to carry forward administrative fees remaining to continue to pay for the administrative costs of the Rental Assistance programs and to fund other program related initiatives as allowed under the applicable programs.
- 32.2.** (Program Expenses Carry Forward) Allows the Authority to carry forward income from the mortgage bond program that has been transferred from the trustee accounts to pay for operating and program expenses of the Authority.
- 32.3.** (Advisory Committee Mileage Reimbursement) Authorizes the nine members of the South Carolina Housing Trust Fund Advisory Committee to be eligible for mileage reimbursement at the rate allowed for state employees.
- 32.4.** (Allocation of Indirect Cost Recoveries) Directs the Authority to deposit indirect cost recoveries for the Authority's portion of the Statewide Cost Allocation Plan (SWCAP) into the general fund and to retain recoveries in excess of the amount deposited in the general fund.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

SECTION 33 - FORESTRY COMMISSION (P12)

- 33.1.** (Grant Carry Forward Funds) Authorizes the S.C. Forestry Commission to use unexpended federal grant funds in the current year to pay for expenditures incurred in the prior year.
- 33.2.** (Retention of Emergency Expenditure Refunds) Authorizes the South Carolina Forestry Commission to retain all funds received as reimbursement of expenditures from other state or federal agencies when personnel and equipment are mobilized due to an emergency.
- 33.3.** (Commissioned Officers' Physicals) Allows the department to pay the cost of physicals that are required for commissioned law enforcement personnel.

SECTION 34 - DEPARTMENT OF AGRICULTURE (P16)

- 34.1.** (Market Bulletin) Authorizes the department to charge \$10 for a yearly subscription to the Market Bulletin; to charge up to \$5 per classified ad printed in the bulletin; and to retain the generated revenue to defray the costs of the publication.
- 34.2.** (Fruit/Vegetable Inspectors Subsistence) Authorizes up to a \$30 daily subsistence allowance to be paid to temporary fruits and vegetables inspectors instead of paying meals and lodging expense reimbursements.
- 34.3.** (Commodity Boards Expenditure) Exempts expenditures for various Commodity Boards from Procurement Code regulations.
- 34.4.** (Warehouse Receipts Guaranty Funds) Allows the department to spend \$50,000 from the Warehouse Receipts Guaranty Fund, to administer the program.
- 34.5.** (Weights & Measures Registration) Requires service persons required to be registered with the Department of Agriculture under the Weights and Measures Law to pay a \$25 registration fee which shall be used to offset the cost of administering the program.
- 34.6.** (Sale of Property Revenue) Authorizes the department to may retain revenues associated with the sale of the property titled to or used by the department, except for the State Farmers Market property, and requires these funds be expended on capital improvements approved by JBRC and B&C Board. Requires the department continue to occupy any property until replacement capital improvements are completed.
- 34.7.** (Farmers Market Revenue) Requires revenues from the sale of the State Farmers Market be deposited into a separate restricted special account under B&C Board authority; requires interest remain in the account; and directs that these funds may only be used to relocate the State Farmers Market after JBRC and State B&C Board approval.
- 34.8.** (Export Certification) Allows the department to charge up to \$250 for each export certification of agricultural products and to retain the revenue to offset expenses incurred in performing certifications.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 34.9.** (Feed Label Registration) Authorizes the department to charge and retain an annual \$15 registration fee for feed labels for manufacturers and to used the revenue to fund the Feed Inspection Program.

SECTION 35 - CLEMSON PSA (P20)

- 35.1.** (Phytosanitary Certificates) Allows Regulatory and Public Service Programs, Department of Plant Industry to retain fees collected for providing inspections, documentation, certification as to freedom from plant pests, and services to various businesses, farmers and individuals shipping agricultural commodities interstate and globally.
- 35.2.** (Witness Fee) Allows PSA units to recoup expenses when employees are subpoenaed as expert witnesses, principally in the Regulatory units.
- 35.3.** (Nursery/Nursery Dealer Registration Fee) Allows Regulatory and Public Service Programs, Department of Plant Industry to retain the fees/revenue collected from the registration of plant nurseries in the state.
- 35.4.** (Retention of Fees) Requires all fees collected from regulatory programs as agrichemical, plant industry and crop protection be retained by Clemson PSA programs.
- 35.5.** (Pesticide Registration) Directs all revenues collected from pesticide registration fees to be retained to support of the SC Pesticide Control Act.
- 35.6.** (Sandhills Revenue) Requires the funds retained from the sale of Sandhills Research and Education Center property be used to construct the new Sandhills facilities and provides endowments approved by the Clemson Board of Trustees and the B&C Board.
- 35.7.** (Fertilizer Inspection Fee) Authorizes a \$1.50 per ton fee on commercial fertilizer sold, which shall be used to maintain its programs.
- 35.8.** (Lime Inspection Fee) Authorizes a \$.50 per ton fee on agricultural liming materials sold, which shall be used to maintain its programs.
- 35.9.** (Noncommercial Pesticide Applicator Fee) Authorizes Clemson PSA to charge an annual \$50 licensing fee for noncommercial pesticide applicators.
- 35.10.** (Meat Inspection Program) Directs Clemson PSA to maintain operations of the state Meat Inspection Program. All revenues from USDA Food Safety Inspection Services shall be retained for the Livestock-Poultry Health Program.
- 35.11.** (Boll Weevil Eradication) Directs Clemson PSA to maintain operations of the Boll Weevil Eradication Program. And directs these funds be excluded in the total funding calculation when the Budget and Control mandates an across-the-board agency reduction.

SECTION 37 - DEPARTMENT OF NATURAL RESOURCES (P24)

- 37.1.** (Publications Revenue) Allows the department to retain revenues generated from the sale of "South Carolina Wildlife" magazine and its by-products in order to become self-sustaining.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 37.2.** (Casual Sales Tax Collections) Allows the department to collect casual sales tax on the sale of boats/motors. The funds are then remitted to the Department of Revenue.
- 37.3.** (Proportionate Funding) Allocates a proportionate share of funds to each of the 46 Soil and Water Conservation Districts.
- 37.4.** (Carry Forward - Contract for Goods & Services) Allows the Geology program to carry forward revenue generated through contracts with other entities. Allows contracts to cross fiscal years and unexpended funds from these contracts to be carried forward to fulfill existing commitments.
- 37.5.** (Revenue Carry Forward) Allows the department to carry forward revenues generated from the sale of goods and services associated with aerial photography, climatology, and geological services.
- 37.6.** (Clothing Allowance) Allows the department to provide a clothing allowance to Law Enforcement officers on special assignment.
- 37.7.** (Commissioned Officers' Physicals) Allows the department to pay the cost of physicals that are required for commissioned law enforcement personnel.
- 37.8.** (Interest - License Plates) Ensures that the department retains the interest from the revenue generated from the sale of hunting and fishing licenses.
- 37.9.** (Shrimp Baiting Enforcement) Directs that during the 60-day shrimp baiting season, law enforcement efforts will be increased and no more than 30% of the revenue generated from the sale of shrimp baiting permits will be spent on non-law enforcement activities.
- 37.10.** (Water Recreation Fund and County Game and Fish Fund) States that the monies in the Water Rec Fund and the County Game and Fish Fund cannot be used to offset the department's budget reductions. Also, allows Water Rec Fund monies to be used to purchase boats, motors and other equipment used for law enforcement purposes.
- 37.11.** (Intellectual Property) Directs the department to develop a comprehensive written policy providing for the treatment on intellectual property in the area of shrimp disease and culture i.e. developing a cure for shrimp viruses. Also, provides for the distribution of any revenues that may accrue.

SECTION 38 - SEA GRANT CONSORTIUM (P26)

- 38.1.** (Publications Revenue) Authorizes funds generated from the sale of pamphlets, books, and other promotional materials, which were produced using non-state funds, to be deposited in a special account established by the Consortium and used to purchase like materials for distribution to the public.

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

- 39.1.** (Tourism and Promotion) Requires the funds allocated to the Regional Promotions program be allocated equally between the eleven Regional Tourism groups, except the

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

Grandstrand Tourism Regions funds be distributed between the Myrtle Beach Chamber of Commerce (\$50,000) and the Georgetown Chamber of Commerce (\$105,000) and Williamsburg Chamber of Commerce (\$20,000).

- 39.2.** (PARD Prior Year Expenditures) Allows PRT to expend restricted funds in the current fiscal year for grant reimbursement payment expenditures incurred in the prior fiscal year.
- 39.3.** (Destination Specific Tourism Marketing) Allows for a minimum grant of \$250,000 for a 2-to-1 match (private-state) to be used for specific destination marketing.
- 39.4.** (Advertising Funds Carry Forward) Allows carry forward authority for unexpended funds on the tourism sales and marketing section, to be used in the current fiscal year for the same purposes.
- 39.5.** (Product Development Funds) Directs a 2-1 private funds match for receipt of product development funds.
- 39.6.** (Regional Tourism) Directs PRT to provide the same amount of funding to the 11 regional tourism groups, as was provided in FY 07-08.
- 39.7.** (Film Marketing) Directs the funds appropriated for the SC Film Commission to only be used for film industry recruitment, film-crew development, building ally support, marketing and auditing expenses associated with the Motion Picture Incentive Act.
- 39.8.** (Motion Picture Administration Application Fee) Allows PRT to charge an application fee (approved by the director) for cost-benefit analysis, auditing and other statutory obligations, related to the Motion Picture Incentive Program.
- 39.9.** (Gift Shops) Gives PRT the discretion to close the Statehouse Gift Shop on the weekends.
- 39.10.** (PARD Interest) Mandates the interest generated from PARD program to not be used on anything other than PARD authorized uses.
- 39.11.** (Destination Specific Tourism Transfer) Allows for carry forward authority on unexpended funds in the Motion Picture Incentive Program, to be used for Destination Specific Tourism grants.
- 39.12.** (Funds Exempt from Budget Cuts) Directs pass through funds to PRT to be exempt from any across-the-board budget cuts mandated by either the General Assembly or Budget and Control Board.
- 39.13.** (Additional Motion Picture Bonus-Rebate) Authorizes the SC Film Commission to provide an additional 5 percent bonus-rebate of the total aggregate South Carolina payroll (this is in addition to the 15 percent rebate also allowed).

SECTION 40 - DEPARTMENT OF COMMERCE (P32)

- 40.1.** (Development - Publications Revenue) Allows the department to collect revenue from the sale of publications to be retained to offset the cost of production of these publications.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 40.2.** (Economic Dev. Coordinating Council - GIS Carry Forward) Authorizes the department to use up to \$60,000 to support the Geographic Information Systems program.
- 40.3.** (Coordinating Council Funds) Sets up criteria and establishes processes for the Set Aside Grant program and directs the department to submit an annual report on the grant program. Restricts the use of these funds.
- 40.4.** (Export Trade Show Funds) Allows the department to collect fees from South Carolina companies for participation in trade missions in order for these fees to offset the cost of the mission and authorizes the funds to be carried forward.
- 40.5.** (Special Events Advisory Committee) Directs the department to establish an advisory committee for the Special Events Fund and establishes a reporting requirement.
- 40.6.** (Development-Rental Revenue) Allows the department to receive revenue for renting non-state owned property and for that revenue to offset the costs of the department's leased office space.
- 40.7.** (Development-Ad Sales Revenue) Allows the department to receive revenue for ad sales in department authorized publications and use this revenue to offset the cost of printing and production.
- 40.8.** (Foreign Offices) Allows the Secretary of Commerce to appoint the staff in the department's foreign offices on a contractual basis.
- 40.9.** (Funding for I-73 & I-74) Authorizes the Coordinating Council to give \$500,000 each to the I-73 and I-74 planning projects.
- 40.10.** (Closing Fund) Directs the \$7 million appropriated for the facilitation of economic development, to be used only as approved by the Coordinating Council for Economic Development.
- 40.11.** (Community Development Corporation Carry Forward) Allows carry forward authority for Community Development Corporations' committed and uncommitted funds from the prior fiscal year.
- 40.12.** (Economic Development Organizations) Provides for the specific direction of distribution of funds for local economic development organizations.
- 40.13.** (Coordinating Council - Application Fee Deposits) Directs all application fees received by the Coordinating Council to be deposited within five business days.
- 40.14.** (Recycling Advisory Council Reporting) Directs the Recycling Market Development Advisory Council to submit an annual report on recycling activities to the governor and members of the General Assembly by March 15.
- 40.15.** (Civil Air Patrol Transfer) Directs the department to transfer \$50,000 to the Civil Air Patrol, within the Adjutant General's office.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 40.16.** (Regional Economic Development Organizations Carry Forward) Allows carry forward authority for unexpended funds to the regional economic development organizations, to be used for the same purposes.

SECTION 43 - CONSERVATION LAND BANK (P40)

- 43.1.** (Conservation Bank Trust Fund) Ensures the South Carolina Conservation Bank receives all revenues designated for it under Sections 12-24-95 and 12-24-97 of the 1976 Code.

SECTION 44 - JUDICIAL DEPARTMENT (B04)

- 44.1.** (Prohibit County Salary Supplements) Prohibits county salary supplements for Judicial Department personnel.
- 44.2.** (County Offices For Judges) Mandates that each county provide an office (including utilities and telephone) for each circuit and family judge residing in the county; directs that the same be provided to Supreme Court Justices and Court of Appeals Judges upon request.
- 44.3.** (Commitments to Treatment Facilities) Directs that funding related to commitments, admissions, and discharges to mental health facilities or alcohol and drug abuse facilities be expended for compensation of court appointed private examiners, guardians ad litem, and patients' attorneys and other related costs. Directs that the examiners, guardians, and attorneys be paid at rates determined by the Association of Probate Judges, State Court Administrator and DMH with the approval of the Attorney General with any changes in the rate schedule to be reported to SFC and WMC prior to implementation.
- 44.4.** (Judicial Commitment) Prohibits funds appropriated for Judicial Commitment from compensating state agencies or state employees who are appointed as examiners, guardians ad litem, or attorneys.
- 44.5.** (Judicial Expense Allowance) Provides \$500 monthly expense allowance to full time judges.
- 44.6.** (Special Judge Compensation) Prohibits a special judge being paid for more than two weeks in a fiscal year except in the case of an ongoing trial.
- 44.7.** (Advance Sheet Revenues Deposit) Authorizes the Judicial Department to retain advance sheet revenues in excess of the FY 2001-02 General Fund remittance and expend the funds for the production and distribution of advance sheets.
- 44.8.** (BPI/Merit) Directs that judicial employees receive the same percentage base pay and average merit increases as classified state employees.
- 44.9.** (Supreme Court Bar Admissions) Directs that bar admissions revenue in excess of the amount required to be remitted to the General Fund be deposited in a special account; authorizes the Judicial Department to retain, expend, and carry forward the funds.
- 44.10.** (Travel Reimbursement) Directs that Judicial Department employees traveling on state business be reimbursed at the same rate as other state employees.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 44.11.** (Interpreters) Directs that funds appropriated for interpreters be used to cover costs of interpreters in certain judicial proceedings (criminal proceedings, deaf, non-English speaking) in accordance with guidelines established by the Chief Justice. Directs that interpreters for deaf persons be obtained through the School for the Deaf & Blind unless the Chief Justice finds those services to be inadequate.
- 44.12.** (Reimbursement Receipt Deposit) Authorizes the Judicial Department to retain revenue collected for printing and distributing court rules.
- 44.13.** (Surplus Property Disposal) Authorizes the Judicial Department to donate surplus technology equipment to counties for use in court-related activities.
- 44.14.** (Judicial Carry Forward) Authorizes Judicial Department to carry forward unexpended funds from the prior fiscal year.
- 44.15.** (Case Management Services) Authorizes the Judicial Department to charge and retain a fee for technology support services provided to users of the State case management system to support and maintain the case management system.
- 44.16.** (Magistrates' Training) Directs the Judicial Department to provide annual domestic violence training to magistrates.

SECTION 45 - OFFICE OF ATTORNEY GENERAL (E20)

- 45.1.** (Prior Year Expenditures) Authorizes the Attorney General to pay prior year expenditures with unexpended federal funds.
- 45.2.** (Other Funds Carry Forward) Authorizes the Attorney General to carry forward any unexpended other funds to be used for operating purposes.
- 45.3.** (Reimbursement for Expenditures) Authorizes the Attorney General to retain any reimbursement for expenses incurred in the prior year.
- 45.4.** (Donation Carry Forward) Authorizes the Attorney General to retain donations and to expend and carry forward such donations in accordance with the agreement with the donor.
- 45.5.** (Water Litigation) Authorizes the Attorney General to expend current year water litigation funds for expenses incurred in the prior year; directs that a report of the expenses be made to SFC and WMC.
- 45.6.** (Auction Rate Securities Settlement/Water Rights) Authorizes the Attorney General to retain and expend funds from the "Auction Rate Securities Settlement" to pay expenses associated with the South Carolina vs. North Carolina water lawsuit and authorizes the AG to use a portion of the funds to pay prior year expenses. Directs that any funds remaining after satisfaction of the lawsuit be remitted to the General Fund. Effective earlier of July 1, 2010, or when settlement revenue exceeds \$2.2 million.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 45.7.** (Litigation Recovery Account) Directs that any funds received as a result of a recovery or award in litigation managed by the Attorney General which otherwise would have been credited to the General Fund, be deposited to a special "Litigation Recovery Account" and expended as provided by law.

SECTION 46 - PROSECUTION COORDINATION COMMISSION (E21)

- 46.1.** (Solicitor Salary) Directs the salary of each full-time circuit solicitor to be the same as each full-time circuit court judge.
- 46.2.** (Solicitor Expense Allowance) Directs a \$500 per month expense allowance for each full time circuit solicitor.
- 46.3.** (Judicial Circuits State Support) Allows up to 5% of funds appropriated for Judicial Circuits State Support to be used for administrative, personnel, and other costs of the commission; directs that the remaining funds be apportioned quarterly to the circuits on a per capita basis.
- 46.4.** (Solicitor Carry Forward) Authorizes circuit solicitors to carry forward any unexpended funds to be used for operating expenses of the solicitor's office.
- 46.5.** (Solicitor's Office - County Funding Level) Directs that the amount appropriated for solicitors' offices is in addition to any amounts presently being provided by the County for these services and may not be used to supplant funding already allocated for such services without any additional charges.
- 46.6.** (Solicitors Victim/Witness Assistance Programs) Directs that appropriations for the Victim/Witness Assistance Programs be apportioned quarterly among the circuits on a per capita basis.
- 46.7.** (Violent Crime, CDV, DUI Prosecution) Directs the Prosecution Coordination Commission to retain data on violent crime, criminal domestic violence, and DUI prosecutions and report such information to the legislature within 60 days after the close of the fiscal year.

SECTION 47 - COMMISSION ON INDIGENT DEFENSE (E23)

- 47.1.** (Defense of Indigents Formula) Directs that "Defense of Indigents" appropriations be apportioned among the counties on a per capita basis, and directs that counties receive no less than they received on July 1, 2005. Directs that counties must contribute no less than they contributed in the previous year. Directs that \$3 million be set aside for the Death Penalty Trial Fund for use of defense in capital cases and salaries and operating expenses of the Death Penalty Trial Division and \$2.5 million be set aside to pay private counsel appointed in non-capital cases (Conflict Fund). On a monthly basis, court assessment and application fee revenue must be distributed as follows: 50% to Death Penalty Trial Fund, 15% to the Conflict Fund, and any remaining funds apportioned to the county public defender offices pursuant to Section 17-3-330.
- 47.2.** (State Employee Compensation Prohibited) Prohibits funds appropriated for Defense of Indigents from being used to compensate state agencies or state employees who are appointed as examiners, guardians ad litem, or attorneys.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 47.3.** (Appellate Conflict Fund) Authorizes payment to attorneys representing indigent defendants on appellate review when the Office of Appellate Defense has a conflict. For non-capital appeals, the rate is \$40 per hour for out-of-court work and \$60 per hour for in-court work, with a maximum of \$3,500 per case; for capital cases, the rate is \$50 per hour for out-of-court work and \$75 for in-court work, with a maximum of \$10,000 per appeal. At the end of the fiscal year, unobligated funds may be used to pay outstanding vouchers in the Death Penalty Trial Fund or Conflict Fund if the funds have become exhausted during the year.
- 47.4.** (Post Conviction Relief Payments) Directs the court to order payment of all costs in non-capital Post-Conviction Relief cases from funds appropriated for such purpose at the rate of \$40 per hour for out-of-court work and \$60 per hour for in-court work or on a set fee as determined by the Commission on Indigent Defense, not to exceed \$1,000 per case.
- 47.5.** (Civil Court Appointments) Directs that "Civil Court Appointments" appropriations must be used to reimburse private attorneys for civil appointments including termination of parental rights, abuse and neglect, post conviction, relief, and others; directs that funds be used for civil court appointments only. Allows a portion of the funds to be used to reimburse private attorneys appointed guardians ad litem where volunteer appointments cannot be made. Authorizes reimbursement of private counsel at a reasonable fee based on \$50 per hour or flat fee as determined by the agency not to exceed \$2,000 for any case; provides for exceptions in certain circumstances. Allows payment from funds appropriated to the agency for investigative, expert, or other services upon authorization by court. Directs that vouchers be reviewed and paid by the agency. Authorizes a portion of "Civil Court Appointments" funds to be used to retain attorneys on a contractual basis.
- 47.6.** (Volunteer Guardian Ad Litem Appointments and Attorney Representation) Authorizes Commission on Indigent Defense and State Office of Guardian ad litem to work together to use Civil Appointment funds to contract with attorneys for GAL based on rate of \$100 per completed hearing. Requires report to SFC and W&M on use of Civil Appointment Funds for GAL.
- 47.7.** (Carry Forward) Authorizes carry forward of unencumbered Appellate Conflict and Civil Funds.
- 47.8.** (Application Fee for Appointment of Counsel) Authorizes application fee for public defender services of \$40.
- 47.9.** (Public Defender Fee) Authorizes fee of \$500 for offenders who were represented by a public defender and placed on probation; directs revenue to go to Conflict Fund and Defense of Indigents Per Capita Fund. Provides that failure to pay is not sufficient basis to revoke to incarceration.
- 47.10.** (Accounting and Transfer of Assets) Directs each public defender corporation to report to CID an accounting of all of its funds during FY 2008.
- 47.11.** (Defense of Indigents Civil Action Application Fee) Directs that person requesting appointment of counsel must submit an affidavit of their assets before counsel may be appointed; authorizes court to order person to pay the assets or a portion of them to

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

agency. Authorizes a \$40 application fee and allows for waiver if person is unable to pay; revenue to be remitted to the agency and used for indigent defense services only. In juvenile cases, the parents or legal guardians are responsible for the fee. Directs that appointment of counsel creates a claim against the assets for costs of representation and directs that such claims be filed with the Clerk of Court and are subject to reduction by order of the court.

- 47.12.** (Exemption for Pass Through Funding) Exempts pass-through funding from across-the-board reductions.
- 47.13.** (Reporting Requirement) Directs circuit public defenders to provide data to Commission on Indigent Defense as required; authorizes agency to withhold payments to those who are not in compliance with the requirement.

SECTION 48 - STATE LAW ENFORCEMENT DIVISION (D10)

- 48.1.** (Special Account Carry Forward) Directs that funds awarded to SLED by court order or donations be deposited in special account, carried forward, and used for specified purposes. Requires annual report on expenditures by October 1 to SFC & WMC.
- 48.2.** (Computer/Communications Center Carry Forward) Allows funds generated by computer/communications center to be carried forward and used for the same purpose.
- 48.3.** (Agents Operations Carry Forward) Allows "Agent Operations" funding to be carried forward and used for the same purpose.
- 48.4.** (Match for Federal Grants Carry Forward) Authorizes state funds required for matching federal funds to be carried forward and used for the same purpose.
- 48.5.** (Clothing Allowance) Authorizes SLED to provide a \$600 annual clothing allowance for agents and criminalists.
- 48.6.** (Witness Fee) Authorizes SLED to charge a witness fee of \$130 per hour up to \$1,000 per day for each employee testifying in civil matters not involving the State.
- 48.7.** (Commissioned Officers' Physicals) Authorizes SLED to pay the cost of physical examinations required prior to receiving law enforcement commission.
- 48.8.** (Detective/Security Fee) Authorizes SLED to collect license and registration fees for private detective and security businesses with the revenue going to DPS for providing for security for Capitol Complex.
- 48.9.** (Meals in Emergency Operations) Authorizes SLED to provides meals to employees who cannot leave assigned duty stations during emergencies.
- 48.10.** (Hazardous Materials Security Detail) Authorizes SLED to be reimbursed for security services provided to entities authorized to transport sensitive or hazardous materials within the state.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 48.11.** (Sex Offender Registry Fee) Authorizes sheriffs to collect \$150 annually from each sex offender required to be registered by law with the revenue divided as follows: \$100 retained by sheriff and \$50 remitted to SLED to support the Statewide Sex Offender Registry. Fee may be waived if declared to be indigent by sheriff.
- 48.12.** (Private Detective Fees Criminal History Checks) Authorizes SLED to collect, expend, and carry forward revenue received by charging private detective and security companies a \$25 fee to process state criminal history checks and a \$50 fee for federal fingerprint criminal history checks.
- 48.13.** (CWP Instructors Certification) Authorizes SLED to collect, expend, and carry forward a \$100 fee for the issuance of each Concealable Weapons Permit Instructor certificate, and \$100 for a 3-year renewal certificate.
- 48.14.** (Expungement Requests) Authorizes SLED to collect, expend, and carry forward a \$25 fee for each request to expunge criminal records to offset the cost of processing the requests. Fee is not required of persons found not guilty or where charges are dismissed or nolle prossed.
- 48.15.** (Retention of Funds Reimbursed by State or Federal Agencies) Authorizes SLED to collect, expend, and carry forward funds received from state or federal agencies as reimbursement for expenses in prior or current year.
- 48.16.** (Monies Associated with Illegal Gaming Devices) Authorizes SLED to carry forward funds associated with seized illegal gaming devices once orders of destruction and award of the funds have been received from court.
- 48.17.** (Alcohol Laws) Directs SLED to convene a working group to develop recommendations for improving the enforcement of state laws relating to alcohol beverages. Defines membership of group and directs SLED to publish the recommendations of the working group by November 1 on its homepage.

SECTION 49 - DEPARTMENT OF PUBLIC SAFETY (K05)

- 49.1.** (Special Events Traffic Control) Prohibits the Department of Public Safety from charging a fee to recover the costs associated with special events traffic control.
- 49.2.** (Retention of Private Detective Fees) Authorizes the Department of Public Safety to receive private detective fees collected by SLED to be used by Bureau of Protective Services in providing security for state agencies and the Capitol Complex.
- 49.3.** (Motor Carrier Advisory Committee) Directs DPS & DMV to establish a Motor Carrier Advisory Committee to receive input from the trucking industry regarding regulation. Directs that members of the Advisory Committee serve without compensation.
- 49.4.** (Sale of Real Property) Authorizes the DPS, DOT, and DMV to receive and expend funds received from the sale of property in Greenville (after BCB approval) and prohibits the sale of the property if any one of these agencies is occupying the property. Directs DPS to use funds for Highway Patrol operations and DOT & DMV to use funds for operating purposes.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 49.5.** (CMV Driver Rest Areas) Establishes a working group of DOT, DPS, STP, and the Trucking Association to review and evaluate where critical rest areas may be made available for commercial motor vehicles.
- 49.6.** (SC Law Enforcement Officers Hall of Fame Scholarships) Authorizes DPS to accept and carry forward donations to provide scholarships to the children of law enforcement officers killed in the line of duty.
- 49.7.** (Retention of DMV Cash Transfer) Authorizes DPS to expend and carry forward funds transmitted by the DMV per Proviso 90.20 of the 2009-10 Appropriation Act.

SECTION 50 - LAW ENFORCEMENT TRAINING COUNCIL (N20)

- 50.1.** (Federal, Other Flow Through Funds) Authorizes CJA to carry forward federal and other funds reimbursements for expenses incurred in prior year.
- 50.2.** (Retention of Emergency Expenditure Refunds) Authorizes CJA to receive, expend, and carry forward funds received from state and federal agencies as reimbursement incurred during an emergency.
- 50.3.** (Loan Approval) Authorizes CJA to borrow up to \$12 million to construct a new dorm, classrooms, and office space. Authorizes the State Treasurer to negotiate the terms and conditions of the loan to be paid from the \$5 surcharge (Proviso 90.5) or other CJA funds.

SECTION 51 - DEPARTMENT OF CORRECTIONS (N04)

- 51.1.** (Clothes/Transportation Upon Discharge) Directs the Department of Corrections to provide inmates discharge clothing when they are released and to provide transportation to their home or county of arrest as appropriate.
- 51.2.** (Canteen Operations) Authorizes the Department of Corrections to retain and utilize all funds derived from the sale of canteen items for the continuation of the canteen operation and the welfare of the inmate population. Prohibits canteen operation from being subsidized by state appropriations.
- 51.3.** (Contract for Services) Authorizes the Department of Corrections to use non-traditional (i.e., design-build, buy back-lease) approaches to obtain new correctional facilities provided they demonstrate cost-effectiveness and long-term savings in operational costs.
- 51.4.** (E.H. Cooper Trust Fund) Authorizes the Department of Corrections to retain unclaimed funds in inmate Cooper Trust Fund accounts on projects benefiting the welfare of inmates in the custody of the department.
- 51.5.** (Instructional Salaries) Directs salary increases for the Department of Corrections' instructional personnel within the Palmetto Unified School District equivalent to those provided to instructional personnel in other state's school districts.
- 51.6.** (Funding Through State Criminal Assistance Program) Authorizes the Department of Corrections to retain any State Criminal Alien Assistance Program reimbursements.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 51.7.** (Remedial Education Funding) Directs that inmates with less than an 8th grade educational level are required to enroll and participate in academic education programs. Directs the SCDC to prioritize programs to assure such services are provided.
- 51.8.** (Tire Retreading Program Restriction) Restricts the sale of retread tires to state governmental entities only.
- 51.9.** (Social Security Administration Funding) Authorizes the Department of Corrections to retain revenues received from the Social Security Administration generated from providing information regarding incarcerated individuals.
- 51.10.** (Medical Expenses) Authorizes the Department of Corrections to charge a co-payment for medical treatment, consultation, or prescribed medications. Prohibits a co-payment for psychological or mental health services.
- 51.11.** (Prison Industry Funds) Authorizes the Department of Corrections to utilize Prison Industry funds for projects or services benefiting the general welfare of the inmate population.
- 51.12.** (Reimbursement for Expenditures) Authorizes the Department of Corrections to retain reimbursements for prior year expenditures.
- 51.13.** (Sale of Real Property) Authorizes the Department of Corrections to retain funds generated from the sale of real property to offset renovation and maintenance needs.
- 51.14.** (Major Renovations and Repairs) Authorizes the Department of Corrections to use remaining 1997 Bond Act funds for major renovations and repairs or the construction of new beds.
- 51.15.** (Funds From Vehicle Cleaning) Authorizes the Department of Corrections to retain funds collected for cleaning and waxing private vehicles or other adult work activity center activities and use the funds for the general inmate population.
- 51.16.** (Release of Inmates) Authorizes the Department of Corrections to release inmates on the first day of the month they are to be released, regardless of their specific release date.
- 51.17.** (Western Union Funding) Authorizes the Department of Corrections to retain and expend fees for processing electronic transfers to the Cooper Trust Fund to benefit the general inmate population.
- 51.18.** (Monitoring Fees) Authorizes the Department of Corrections to charge inmates participating in community programs a fee to cover the cost of electronic or telephonic monitoring, not to exceed the actual cost of the monitoring.
- 51.19.** (Dairy Processing Operation Expansion) Authorizes the Department of Corrections to borrow up to \$6,000,000 to construct and equip a new dairy processing operation at the Wateree River farm facility to provide for the additional dairy needs of the growing inmate population at the Department of Corrections and the Department of Juvenile Justice. Savings generated will be utilized to repay the loan, fund the agricultural operation, and provide funds to supplement state appropriated funds for the prison system.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 51.20.** (Inmate Insurance Policies) Authorizes SCDC to identify inmates who have medical insurance coverage, obtain that information from each inmate, and file claims against any private insurance policies to recover any medical costs incurred by SCDC on behalf of the inmate.
- 51.21.** (Work Release Transportation Fee) Authorizes the Department of Corrections to charge transportation fee of \$4 per day to participants in the work release program. The Department is authorized to retain fees collected to offset the cost of transporting work release participants and the replacement of work release vehicles.
- 51.22.** (Special Assignment Pay Level 2 & 3 Facilities) Directs that funds appropriated for special assignment pay are to address turnover by providing pay differential for certain correctional officers, nursing staff, and food service staff at Level II and III facilities.
- 51.23.** (Quota Elimination) Directs that Department of Corrections must accept newly sentenced inmates upon notification by county. Allows Department to limit times for acceptance for inmates being transported by counties. Authorizes Department to establish alternate admissions schedule upon mutual agreement with local detention center. Directs counties to provide sentencing orders and other documents at time of transfer. Authorizes Department to create a "jail" within Kirkland Correctional Institute if inadequate beds available. Restricts use of funds appropriated for "Quota Elimination" for this purpose and to operate certain housing units.
- 51.24.** (Public/Private Partnerships for Construction) Directs that certain funds appropriated in 2006 be used to construct multi-purpose buildings. Directs that for facilities at Lieber, McCormick, Leath, or Allendale, \$150,000 in matching funds must be donated before construction may begin; at other locations, director may require half cost of construction be donated. Authorizes Department to use inmate labor and other agency resources to construct facilities after seeking competitive bids.
- 51.25.** (Inmate Barbering Program) Directs that inmate barbers are exempt from state licensing requirements.
- 51.26.** (Executed Inmate Autopsy) Suspends autopsy requirements for inmates executed by Department.
- 51.27.** (Recoupment of Expenses Associated with Inmate Cremation) Authorizes Department of Corrections to recoup cremation expenses from deceased inmate's savings account.
- 51.28.** (LAC Recommendations) Directs the Department of Corrections to report on the status of recommendations contained in the 2009 LAC report by January 4, 2011.
- 51.29.** (Legal Fees) Directs the Department of Corrections to report to SFC & WMC on expenditure of funds paid to private attorneys to defend wrongful termination or other personnel matters against agency's employees or former employees by October 1.

SECTION 52 - DEPARTMENT OF PROBATION, PAROLE & PARDON SERVICES (N08)

- 52.1.** (Sale of Equipment) Allows the Department to retain the proceeds from the sale of equipment in excess of \$575 to be used to purchase like equipment.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 52.2.** (Interstate Compact Application Fee) Authorizes the Department to charge an application fee of up to \$100 to offenders applying for transfer under the Interstate Compact Act.
- 52.3.** (GED Learn and Earn Program) Establishes the GED Learn and Earn Program for the purpose of providing GED and GED Prep education to offenders. Authorizes the Department to charge and be reimbursed for the cost of the program by the offenders enrolled in the program.
- 52.4.** (Sex Offender Monitoring Carry Forward) Authorizes DPPPS to carry forward funds appropriated for Sex Offender Monitoring Fund.
- 52.5.** (Offender Drug Testing Fee) Authorizes DPPPS to charge, retain, expend, and carry forward a fee of up to \$50 for drug testing; fee may be waived for indigent offenders.
- 52.6.** (Public Service Employment Set-Up Fee) Authorizes DPPPS to charge a \$25 fee for offenders ordered to public service employment; directs agency to report to SFC & WMC on number of offenders assessed the fee and funds collected.

SECTION 53 - DEPARTMENT OF JUVENILE JUSTICE (N12)

- 53.1.** (Meal Ticket Revenue) Authorizes the agency to retain funds generated by the sale of meal tickets to offset the cost of DJJ's cafeterias and food service programs.
- 53.2.** (Interstate Compact Revenue) Authorizes DJJ to retain revenue associated with the Interstate Compact Program to pay the expenses associated the program.
- 53.3.** (Educational Funds Audit) Authorizes the Office of the State Auditor to perform the annual audit of the educational funds provided to DJJ and satisfies the requirements of State Department of Education Regulation #43-175 to have an annual independent audit.
- 53.4.** (Children's Projects Revenue) Allows DJJ to use and carry forward funds generated from projects undertaken by children under the supervision of the agency.
- 53.5.** (Instructional Salaries) Directs that DJJ certified instructional personnel receive percentage increase in their annual salary equal to the percentage allocated to the instructional personnel throughout the State.
- 53.6.** (Juvenile Justice Parole Board Compensation) Authorizes DJJ to pay Juvenile Parole Board members up to \$200 per day for services rendered in the performance of their official duties. The total amount of funds that DJJ can transfer for this use cannot exceed \$48,000 per year.
- 53.7.** (Reimbursements for Expenditures) Authorizes DJJ to use any reimbursements of expenses incurred the previous fiscal year for general operating purposes in a subsequent fiscal year.
- 53.8.** (Juvenile Arbitration/Community Advocacy Program) Authorizes DJJ to retain and expend funds authorized for the Juvenile Arbitration Program and provide these juvenile arbitration services in the sixteen judicial circuits and fund necessary administrative and personnel

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

costs for the programs. Directs DJJ to contract with Solicitors to administer this program and disperse up to \$60,000 per judicial circuit based on services rendered. Directs DJJ to use \$250,000 appropriated for the Community Advocacy Program in the first Judicial Circuit to fund necessary administrative and personnel costs and monitor and provide support to this program. Authorizes unexpended funds to be retained and carried forward from the prior fiscal year to be used for the same purposes.

- 53.9.** (Sale of Real Property) Allows DJJ to retain revenues generated from the sale of department-owned real property and expend these funds on capital improvements.
- 53.10.** (Sale of Timber) Authorizes DJJ to sell mature trees and other timber suitable for commercial purposes, after consultation with and approval by the State Forester, and allows funds to be retained by DJJ and expended on family support services, after setting aside a reasonable amount for reforestation of the land from which the timber is sold.
- 53.11.** (Drug Free Workplace) Authorizes DJJ to conduct pre-employment drug testing and random employee drug testing and expend funds in order to do so.
- 53.12.** (Definition of Juveniles) Allows DJJ to place juveniles in marine and wilderness programs or other community residence programs operated by non-governmental entities.
- 53.13.** (Adult Education - GED) Authorizes juveniles who, while committed to DJJ, have been enrolled in, but not yet completed, a GED program to enroll in either their local school district's regular education program or adult education program upon release. Directs that if the juvenile enrolls in an adult education program, his eligibility for taking the GED remains the same as if he was still committed to DJJ. Ensures that a committed juvenile's eligibility for taking the GED is not changed by being released from DJJ and contributes to better continuity of the educational process.
- 53.14.** (Local District Effort) Directs the home school district of a child that is committed or confined to a DJJ facility to transfer to DJJ a pro rata share of the district's local portion of the base student cost per school day for that child for the school days the child is committed or confined. Authorizes DJJ to use funds from other programmatic areas to maintain an appropriate level of service for that child if adequate funding is not received.
- 53.15.** (Emergency Authority to Transfer PIP Funds) Authorizes DJJ to use up to \$1.5 million of unobligated permanent improvement project funds for operating purposes in order to maintain constitutional conditions at its facilities.
- 53.16.** (Emergency Release for Community Evaluation) Authorizes DJJ to place juveniles in their home or community while undergoing community evaluation unless the judge finds the child to be a flight or public safety risk.
- 53.17.** (Earned Compliance Credit) Authorizes 10-day reduction per month of probationary and parole terms if juvenile is compliant with conditions of supervision of probation or parole to allow officers to focus on higher risk juveniles under supervision.
- 53.18.** (Early Release Authorization) Authorizes release of juveniles from residential placements when bed space is no longer available excluding certain offenses.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

SECTION 54 - HUMAN AFFAIRS COMMISSION (L36)

- 54.1.** (Sale of Publication) Authorizes the Commission to retain, carry forward and expend revenue derived from the sale of "The Blueprint". Revenue retained shall be expended for the general operations of the Commission.
- 54.2.** (Human Affairs Forum Carry Forward) Authorizes the Commission to retain and carry forward all revenue from donations and registration fees received for attendance at Human Affairs Forums. Revenue retained shall be expended for the general operations of the Commission.
- 54.3.** (Training Revenue) Authorizes the Commission to retain and carry forward all revenue from fees received for training and technical assistance provided by the Commission to entities other than state agencies. Revenue retained shall be expended for the general operations of the Commission.
- 54.4.** (Revenue from Copying Fees) Authorizes the Commission to retain and carry forward all revenue derived from providing requested copies of commission files, final opinions, orders, and determinations. Revenue retained shall be expended for the general operations of the Commission.

SECTION 55 -COMMISSION FOR MINORITY AFFAIRS (L46)

- 55.1.** (Private Contributions and Sponsorship) Authorizes the Commission to retain, expend and carry forward all revenue derived from private sources for agency research, forums, training, and institutes.
- 55.2.** (Carry Forward Registration Fees) Authorizes the Commission to retain and carry forward all revenue derived from registration fees received from training and institutes. Revenue retained shall be expended for conducting future training and institutes.
- 55.3.** (Carry Forward Grant Awards) Authorizes the Commission to retain and carry forward all revenue pooled from public and private sources for the purpose of awarding grants to address problems in the minority community.
- 55.4.** (Carry Forward Bingo Revenues) Authorizes the Commission to carry forward bingo revenue received in the prior fiscal year and expend the revenue in the current fiscal year.

SECTION 57 - OFFICE OF REGULATORY STAFF (R06)

- 57.1.** (Transportation Fee Refund) Authorizes Office of Regulatory Staff refund fees which were erroneously collected.
- 57.2.** (Assessment Certification) Directs the Office of Regulatory Staff (ORS) to certify to DOR the amounts to be assessed against regulated utilities and transportation companies in order to cover ORS appropriations.
- 57.3.** (Assessment Adjustments) Allows ORS, if it determines a person or entity was over assessed, to refund the over assessment using funds in the current fiscal year,

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

unexpended funds from the prior fiscal year, or by crediting the over assessment to the next fiscal year.

SECTION 58 - WORKERS COMPENSATION COMMISSION (R08)

- 58.1.** (Medical Services Provider Manual Revenue) Allows the commission to retain the revenue from the sale of Medical Services Provider Manual to fund the printing and distribution of future editions of the fee schedule.
- 58.2.** (Educational Seminar Revenue) Allows the commission to retain all revenue from conducting educational seminars to fund the printing of materials for future educational seminars
- 58.3.** (Retention of Filing Fees) Allows the Commission to charge and retain a filing fee of \$25.00 for all requests for a hearing, settlement or motion.

SECTION 59 - STATE ACCIDENT FUND (R12)

- 59.1.** (Educational Seminar Revenue) Authorizes the State Accident Fund to set and collect fees for education seminars and to retain the funds for seminar related expenses.

SECTION 62 - DEPARTMENT OF INSURANCE (R20)

- 62.1.** (Examiners Travel/Subsistence Reimbursement) Allows the department to reimburse examiners who audit insurance companies and related organizations for travel in accordance with NAIC rates.
- 62.2.** (Reimbursement Carry Forward) Allows the department to offset the cost of providing various information requested by outside parties such as copies of documents, lists of insurance entities, etc.
- 62.3.** (Fees for Licenses) Allows the department to charge a \$25 producer license fee, a \$25 biennial producer license renewal fee and a \$250 penalty fee for late appointment renewals.

SECTION 63 - BOARD OF FINANCIAL INSTITUTIONS (R23)

- 63.1.** (Supervisory Fees) Allows the Board of Financial Institutions to collect fees to cover the expenditures of the agency.

SECTION 64 - DEPARTMENT OF CONSUMER AFFAIRS (R28)

- 64.1.** (Consumer Protection Code Violations Revenue) Authorizes the agency to retain and use funds paid to the department in settlement of cases involving violations of the SC Consumer Protection Code.
- 64.2.** (Student Athlete/Agents Registration) Authorizes the agency to retain and use registration fees collected from the regulation of athlete agents.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 64.3.** (Expert Witness/Assistance Carry Forward) Authorizes the agency to carry forward funds encumbered at June 30 to pay for contractual obligations carried forward in the agency's expert witness/assistance program.
- 64.4.** (Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) Authorizes the agency to levy a \$120 filing fee for Credit Grantor Notifications.
- 64.5.** (Retention of Fees) Allows the department to charge and retain fees and utilize the fees for the specific mandated programs.

SECTION 65 - DEPARTMENT OF LABOR, LICENSING AND REGULATION (R36)

- 65.1.** (Fire Marshal - Authorization to Charge Fees for Training) Allows the Fire Academy to charge participants a fee to cover the cost of education, training programs, and operations and to apply this revenue to the cost of operations. Authorizes unexpended balance to be carried forward and used for the same purposes.
- 65.2.** (Real Estate - Special Account) States that revenue in the Real Estate Appraisal Registry account shall not be subject to fiscal year limitations and shall carry forward each fiscal year for the designated purpose.
- 65.3.** (POLA - 10 %, Other Funds) Remits an amount equal to 10% of Professional and Occupational Licensing expenditures and all Contractor's Licensing revenue remaining at year-end to the general fund.
- 65.4.** (Fire Marshal Fallen Firefighters Memorial) Authorizes the collection of donations for the erection and maintenance of the Fallen Firefighters Memorial at the State Fire Academy.
- 65.5.** (Firefighter Mobilization Project) Directs the agency to spend \$165,000 of the funds from the fire insurance premium tax to fund firefighter mobilization.
- 65.6.** (Match For Federal Funds) Allows State appropriations that are required to provide match for federal grant programs in the prior fiscal year to be carried forward into the current fiscal year and expended for the same purpose as originally appropriated.
- 65.7.** (Flexibility) Allows the agency to spend earmarked and restricted accounts to maintain proper funding levels to the OSHA programs, which were previously funded with general fund appropriations.
- 65.8.** (Immigration Bill Funding) Directs \$2 million to be transferred for the responsibilities related to the South Carolina Illegal Immigration Reform Act.
- 65.9.** (Authorized Reimbursement) States the director of LLR is unable to provide reimbursements to members of a board for meetings held at alternative locations, unless meeting space is deemed unavailable.
- 65.10.** (South Carolina Emergency Response Task Force/State Urban Search and Rescue Program) Directs \$650,000 of carry forward funds to be transferred to fund the SC Emergency Response Task Force/State Urban & Rescue Program for FY 11-12.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 65.11.** (Release of Information) Directs the timely release of information, if requested by a professional and occupational licensing board.
- 65.12.** (Illegal Immigration Hotline Assistance) Requires the department to maintain a 24-hour toll free number and website to provide for receipt of allegation reports and records collection.

SECTION 66 - DEPARTMENT OF MOTOR VEHICLES (R40)

- 66.1.** (Miscellaneous Revenue) Authorizes DMV to collect, expend and carry forward revenues from various products and services.
- 66.2.** (Federal, Other Flow Through Funds) Allows DMV to use federal and earmarked funds in current fiscal year for expenditures incurred in prior fiscal year in order to complete projects begun in a prior fiscal year.
- 66.3.** (Publish County DMV Local Telephone Number) Directs DMV to publish the telephone number of the local field office in each county.
- 66.4.** (Cost Recovery Fee/Sale of Photos or Digitized Images) Authorizes DMV to collect fees to recover costs of producing, purchasing, handling and mailing information and/or documents not to exceed rates charged on February 1, 2001. Prohibits the sale of photographs taken for driver's licenses or personal identification cards.
- 66.5.** (DPPA Compliance Audit) Authorizes DMV to collect fees from entities, other than state agencies, that purchase information from DMV to defray the costs associated with auditing and enforcing laws pertaining to the use of personal information.
- 66.6.** (DMV Transaction Fee) Authorizes DMV to collect a fee, not to exceed \$5 per transaction, from commercial third parties who either send or receive data from DMV. Fee must be mutually agreed upon by both parties and used by DMV for maintenance and operation of its information technology system. Allows DMV to contract with third parties to provide delivery of products and services.
- 66.7.** (Motor Carrier Registration Fees) Authorizes DMV's Motor Carrier Services Division to collect, expend and carry forward revenues from various programs within its authority to fund a significant portion of Division's operations.
- 66.8.** (Motor Carrier Advisory Committee) Directs DMV's Motor Carrier Services Division to establish an advisory committee to solicit input from trucking industry and other interested parties to assist in the development of policies and procedures.
- 66.9.** (Underutilized Offices) Authorizes DMV to develop and implement a plan to reduce hours of operation in underutilized field offices.

SECTION 67 - DEPARTMENT OF EMPLOYMENT AND WORKFORCE (R60)

- 67.1.** (SCOICC User Fee Carry Forward) Authorizes unexpended SCOICC Program funds to be carried forward.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 67.2.** (Consortium Contracts: Training-Development Sessions and Media Services) Allows Labor Market Information; Media Services; and other Program Contracts within the agency to carry-forward unexpended earmarked funds.
- 67.3.** (SCOIS Federal Funds) Directs the department to transfer to the General Fund \$306,833, if the department receives federal funds for the SC Occupational Information System program.
- 67.4.** (Federal and Earmarked Prior Year Payments) Allows the department to pay federal/earmarked prior year obligations with current year funds.
- 67.5.** (WIA Prior Year Payments) Allows the department to pay prior-year Workforce Investment Act obligations with current year funds.

SECTION 68A - DEPARTMENT OF TRANSPORTATION (U12)

- 68A.1.** (Expenditure Authority Limitation) Authorizes DOT to bring forward and expend cash balances in the State Highway Fund from year to year.
- 68A.2.** (Special Fund Authorization) Authorizes DOT to establish additional special funds in addition to the state highway fund or the federal aid highway fund.
- 68A.3.** (Secure Bonds & Insurance) Authorizes DOT to purchase bonds and insurance.
- 68A.4.** (Benefits) Authorizes payment to DOT employees from the State Highway Fund of the same pay raises, benefits and bonuses as are paid to other State employees.
- 68A.5.** (Document Fees) Authorizes DOT to charge for copies of documents requested by the public.
- 68A.6.** (Commissions Per Diem, Subsistence, Mileage) Directs the same per diem, subsistence and mileage that is provided for the commissioners or members of other State boards and commissions to the DOT Commission.
- 68A.7.** (Contract Mass Transit System) Authorizes DOT to enter into contracts with private mass transit operators to provide service to the general public.
- 68A.8.** (Coordinate Transportation Funding and Resources) Directs DOT to promote coordination of transportation funding and resources among state transportation providers and to investigate opportunities for state agency transportation providers to enter into coordinated efforts to improve access and delivery of transportation services, especially in rural areas.
- 68A.9.** (Payroll Deduction for Uniform Rental) Authorizes DOT to contract for uniform rental on behalf of employees and payroll deduct the amount necessary to cover the rental of the uniforms.
- 68A.10.** (Financial Status Reports) Directs DOT to provide each MPO and COG a quarterly financial status report of approved highway projects.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 68A.11.** (Meals in Emergency Operations) Authorizes DOT to provide meals to emergency workers in emergency response situations such as hurricanes, tornadoes and other disasters.
- 68A.12.** (Rest Area Water Rates) Directs water and sewer service providers to offer DOT a rate no higher than the in-district customer rate for services provided to highway rest areas.
- 68A.13.** (Shop Road Farmers Market Bypass Carry Forward) Authorizes DOT to carry forward unexpended Shop Road Farmers Market Bypass funds to be used for widening and expansion of Leesburg Road.

SECTION 68D - DIVISION OF AERONAUTICS (U30)

- 68D.1.** (Reimbursement for Services Carry Forward) Authorizes the Division of Aeronautics to retain and expend reimbursements resulting from charges to other governmental agencies for service and supplies and to use the funds for operating purposes; authorizes up to a \$300,000 reserve be carried forward for replacement of time limit aircraft components.
- 68D.2.** (Office Space Rental) Authorizes revenue received from rental of Division of Aeronautics office space to be retained and expended to cover building operation costs.
- 68D.3.** (Funding Sequence) Directs that all General Aviation Airports will receive funding prior to the four air carrier airports as these qualify for special funding under the DOT/FAA appropriations based on enplanements. Allows waiver to provide matching state funds for critical FAA safety or capacity projects at air carrier airports.
- 68D.4.** (Hangar/Parking Facilities) Directs the Division of Aeronautics to provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Directs that funds be retained for hangar and parking facility maintenance. Directs that the Hangar Fee Schedule not exceed local average market rates. Directs that personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.
- 68D.5.** (Airport Development) Directs that any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the Aeronautics Commission.
- 68D.6.** (Grant Funds Carry Forward) Authorizes any unexpended Matching National Grant Funds to be carried forward from the prior fiscal year into the current fiscal year and be used for matching committed and/or unanticipated grant funds.
- 68D.7.** (Carry Forward Sale of Aircraft Proceeds) Authorizes the Aeronautics Division to carry forward proceeds from the sale of aircraft to be used for replacement aircraft, for required FAA upgrades to existing aircraft, and for other Division purposes.
- 68D.8.** (Aviation Grants) Directs Aviation Grants funds to be credited to the State Aviation Fund and be used to allow maximization of grant funds available through the FAA for capital improvement projects, for general aviation airports maintenance projects, and for aviation education related programs. Directs that sponsors of publicly owned airports are eligible to receive grants; but requires the airport to have a current development plan the meets

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

National Plan of Integrated Airports Systems planning requirements. Directs the BCB Executive Director to promulgate regulations establishing the grants program. Directs that enabling airport sponsors to meet basic FAA safety guidelines for obstruction clearance must be a major factor in establishing priority guidelines and authorizes the BCB Executive Director to have the discretion to establish a program to grant Aviation Fund monies for this purpose at the rate of 80% from the fund to 20% from the local airport sponsor, or any ratio with a smaller contribution from the fund. Requires that an expenditure report be submitted to the SFC and WMC. Authorizes unexpended funds to be carried forward and spent for like purposes.

- 68D.9.** (Grant Match Funds) Authorize funds appropriated to the Division of Aeronautics for FAA grant matching to be used to match state and local aviation airports projects whether or not FAA funding has been received. Requires Aeronautics Commission approval prior to the funds being awarded.
- 68D.10.** (Transfer of MUSC Aircraft) Transfers the title and ownership of MUSC's Beechcraft King Air 90C model to the Aeronautics Commission for official use by the state. States the intent of the General Assembly that the Aeronautics Commission provide funding to MUSC to cover the value of the aircraft when funds are available.

SECTION 69 - STATE PORTS AUTHORITY (Y14)

- 69.1.** (Charleston Cooper River Bridge Project) Directs the transfer of \$1,000,000 in other general fund/operating funds surplus to the State Transportation Infrastructure Bank to continue this specific project.

SECTION 70 - LEGISLATIVE DEPARTMENT (A99)

- 70.1.** (Legislative Employee Designations) Defines permanent and temporary full-time and part-time positions.
- 70.2.** (Legislative Employee BPI/Merit) Allows the Speaker of House and President Pro-Tem of Senate to determine compensation of House and Senate employees. Exempts the House from the requirement to pay permanent or permanent part time employees in the same manner as such pay is given to classified state employees.
- 70.3.** (Interim Expenses Allowance) Authorizes Chairmen of standing House and Senate committees to receive \$650 during the interim to offset expenses incurred while serving as chairmen.
- 70.4.** (Subsistence/Travel Regulations) Directs that members of the legislature receive subsistence for each legislative day the body is in session. Authorizes standing committees and joint study committees to work during interim with advanced approval of Speaker of House and President Pro Tempore of Senate. Allows members of the General Assembly to receive subsistence expenses, per diem, and mileage reimbursement at the IRS rate as of June 30, 2008.
- 70.5.** (Senate Voucher Approval) Directs that payroll and disbursement vouchers and interdepartmental transfers of the Senate require only the approval of the Clerk.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 70.6.** (Supplies Approval) Restricts the authority of supply purchases for the respective legislative bodies to the Clerks of the House and Senate.
- 70.7.** (House Pages) Authorizes the House to hire up to 144 pages.
- 70.8.** (Leg. Council Employment/Salary Adjustments) Authorizes Legislative Council to adjust salaries of agency personnel.
- 70.9.** (Senate Research Personnel Compensation) Directs that Senate research staff be paid at direction of Senate Clerk.
- 70.10.** (Contract for Services) Authorizes Senate committees to contract with state agencies and other entities for necessary services.
- 70.11.** (Jt. Leg. Committee Operational Authorization) Directs that only joint legislative committees for which funding is provided are authorized to continue operations in the current year under laws or regulations of the prior year.
- 70.12.** (Legislative Carry Forward) Allows legislative entities to carry forward unexpended funds.
- 70.13.** (Senate Expenditures/O&M Committee) Directs that funds for the operations of the Senate must be paid from funds available in approved accounts in such a matter as determined by the Operations and Management Committee. Directs that each senator may use \$250 of postage and telephone funding to purchase flags.
- 70.14.** (Dues) Directs that funds appropriated for Council of State Governments and National Conference of State Legislatures are to pay dues of the organizations and may not be used for any other program.
- 70.15.** (In-District Compensation) Directs that legislators receive \$1,000 per month for in-district compensation.
- 70.16.** (Additional House Support Personnel) Allows House of Representatives to hire legislative aides for members who are not committee chairmen. Allows members who do not spend their entire allotment to use the remaining funds to purchase office equipment if approval is first obtained from the O&M Committee.
- 70.17.** (House Postage) Authorizes Speaker to approve no more than \$600 per member per year for postage.
- 70.18.** (Legislative Dual Employment) Directs legislative committees with employees who hold dual positions of state employment to provide a list of those employees to the legislature.
- 70.19.** (Leg. Council Combined Position) Authorizes the Director of Legislative Council to combine two or more stenographic or administrative positions into one position with approval of the council.
- 70.20.** (Joint Legislative Committee on Aging Expenses) Authorizes mileage, per diem, and subsistence for members of the Joint Committee on Aging. Directs expenses for

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

legislative members be paid for by their respective legislative bodies and members appointed by the Governor be paid from funds appropriated to the Governor.

- 70.21.** (Teacher Certificate/Recertification Staff Exemption) Authorizes legislative employees to be given \$100 toward teacher recertification or to be granted exemption from recertification requirements.
- 70.22.** (Code of Law Reimbursement) Authorizes Legislative Council to charge public entities except General Assembly for codes of law and supplements.
- 70.23.** (Bonded Indebtedness Oversight Study) Directs SFC to study processes for bonded indebtedness oversight. Authorizes chairman of SFC to hire consultants as necessary to provide information on bonded indebtedness.
- 70.24.** (Joint Strategic Technology Committee) Establishes Joint Strategic Technology Committee to review technology plan and related spending and make recommendations related to the plan and priorities for enterprise information technology projects and resource requirements to SFC and WMC. Directs Executive Director of BCB to appoint an Agency Directors Technology Advisory Committee to provide input regarding the Statewide Strategic Information Technology Plan developed by the State. Directs the Agency Directors Advisory Committee to assist and advise the Joint Strategic Technology Committee upon request.
- 70.25.** (Statewide Acts Availability) Directs clerks of House and Senate to make all statewide Acts available electronically.
- 70.26.** (LAC Matching Federal Funds) Authorizes the Legislative Audit Council to use state funds to match federal funds available for audits and to charge agencies for federal funds if available as reimbursement for costs of audits.
- 70.27.** (Other Funds Oversight Committee) Establishes Other Funds Oversight Committee to review and make recommendations regarding receipt, appropriation, expenditure and reporting of other funds. Directs Committee to review and make recommendation on each agency request for increase in interim budget authorization resulting from other funds collections.

SECTION 71 - ADMINISTRATIVE LAW COURT (C05)

- 71.1.** (Copying Costs Revenue Deposit) Authorizes ALC to retain and expend revenue charged for copies and publications of documents (such as the Rules of Procedure) to offset the costs for supplies associated with the printing or publication of documents.
- 71.2.** (ALC: County Office Space for Judges) Requires a county to provide office space (if available) for an administrative law judge, if the judge's residence is not within 50 miles of the official headquarters of the agency.
- 71.3.** (Fee Increase) Prohibits ALC from increasing filing fees.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

SECTION 72 - OFFICE OF GOVERNOR (D21)

- 72.1.** (OEPP - Grant Funds Carry Forward) Authorizes the agency to carry forward any unexpended balance for Implementing Federal Programs into the current fiscal year. Funds carried forward shall be used for grant matching funds.
- 72.2.** (OEPP - Developmental Disabilities Program) Authorizes the Developmental Disabilities Program 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 but to fill gaps that exist in the state service delivery system.
- 72.3.** (OEPP - Development Disabilities Case Coordination System) Provides that \$112,559 of the funds appropriated for Allocations to Other State Agencies, less any pro rata share adjustment of any mandated base budget reduction, must be for the SC Development Disabilities Case Coordination System.
- 72.4.** (OEPP - CCRS Evaluations & Placements) Requires the amount appropriated for Children's Case Resolution System for Private Placement of Handicapped School-Age Children be used for expenses incurred in the evaluation of children in order to facilitate placement and specifies the amount to be paid for placements. Directs the CCRS to determine the balance of funding necessary to provide the child with services. Funding must be apportioned among the appropriate public agencies on the basis of the reasons for the private placement.
- 72.5.** (OEPP - CCRS Significant Fiscal Impact) Defines "significant fiscal impact" in the current fiscal year as the greater of (1) funds appropriated by the General Assembly for the current fiscal year on cases referred to, decided or placed through the Children's Case Resolution System or (2) that agency's assigned shares in the current fiscal year of five cases decided by the Children's Case Resolution System.
- 72.6.** (Governor's Office Budget) Authorizes Executive Control of State and Mansion and Grounds to be treated as a single budget section for transfer and budget reconciliation purposes..
- 72.7.** (OEPP - Victim Advocate Policy Committee) Continues the policy committee for the purpose of monitoring the implementation of the guidelines developed by it, making such revisions as appear appropriate, assisting and advising the director in development and revision of forms, information and criteria used to evaluate compliance with the guidelines by victim advocate programs in solicitor's offices.
- 72.8.** (OEPP - Victim Assistance Programs) States legislative intent that the funds appropriated for victim assistance programs in solicitors' offices shall be in addition to any amounts being provided by the county for these services and may not be used to supplant funding. Reductions by a county in funding for victim assistance programs in solicitors' offices shall result in a corresponding decrease of state funds provided to the solicitors' office for victim assistance services. Requires each solicitor's office by October 1st to submit a report on the use of the funds received during the prior fiscal year.
- 72.9.** (OEPP - Establish Victim/Witness Program) Requires the funds appropriated for the Victim/Witness Program to be equally divided among the judicial circuits, less any

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

adjustments made for budget reductions. The funds for each circuit must be distributed to the solicitor's office of that circuit and only used by the solicitor for the purpose of establishing a Victim/Witness Program in the circuit.

- 72.10.** (OEPP - Victim/Witness Program Formula Distribution) Requires the first \$650,000 of any excess funds in the SC Victims' Compensation Fund be used for Victim/Witness programs.
- 72.11.** (OEPP - Physical Abuse Examinations) Authorizes up to \$60,000 of funds appropriated for Victims' Rights to be expended for physical abuse examinations.
- 72.12.** (OEPP - Foster Care-Reduction in Funds Separation) Requires any reduction in funds appropriated for either the Division Review System or as "pass through" funds to be calculated based on the funds for each entity rather than based upon the combined budget.
- 72.13.** (OEPP - Foster Care-Private Foster Care Reviews) Authorizes the Division to restructure its programs, including suspending reviews of children privately placed in private foster care and/or changing the location of reviews of children in public foster care, to maintain continuous operations within existing resources as dictated by recent budget reductions.
- 72.14.** (OEPP - Foster Care-Medicaid Eligible Children) States legislative intent to ensure 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. Directs the Division to develop and manage a quality assurance review system under contract with the Department of Health and Human Services.
- 72.15.** (OEPP - Federal, Other Flow Through Funds) Authorizes OEPP to expend federal and earmarked funds in the current fiscal year for expenditures related to the completion of projects begun in the prior fiscal year.
- 72.16.** (Mansion and Grounds Budget) Prohibits agency from exceeding 10% of its quarterly allocation.
- 72.17.** (OEPP - Guardian Ad Litem Program) Requires the Guardian ad Litem (GAL) Program to be administered separately from other programs within the Division of Children's Services. Also provides funding for the GAL through the reduced rate of interest paid by the Department of Revenue on eligible refunds. Revenue resulting from the interest rate reduction must be used exclusively for the operations of the GAL program and specifies carry forward authority.
- 72.18.** (OEPP - Continuum of Care Carry Forward) Authorizes the Continuum to carry forward funds for the continuation of services.
- 72.19.** (OEPP - Procuring Services) Requires the Office of Victims' Assistance to follow state procurement procedures when hiring outside entities in order to maximize services for victims. Requires contracting entities to submit an annual report by August 1 detailing expenditures from the prior fiscal year. Authorizes OEPP to transfer funds from the Victims' Compensation Fund and to use general funds appropriated for Victims'

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

Assistance to pay for any contracts or services procured and specifies the amount to be used/transferred.

- 72.20.** (OEPP - Anderson Veteran's Cemetery Carry Forward) Authorizes OEPP to carry forward unexpended funds appropriated and/or authorized for the Anderson County Veteran's Cemetery and the funds must be used for the same purpose.
- 72.21.** (M&G - Mansion and Grounds Maintenance and Complex Facilities) Directs Governor's Office to reimburse BCB at least \$241,569 for expenses incurred for the operation and maintenance of the Mansion Complex. Authorizes revenue from rental of facilities to be retained in account within Governor's Office.
- 72.22.** (OEPP - Crime Victims Ombudsman) Requires the State Office of Victims Assistance to transfer \$48,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.

SECTION 73 - OFFICE OF LIEUTENANT GOVERNOR (E04)

- 73.1.** (State Matching Funds Carry Forward) Provides carry forward authority for the Lieutenant Governor's Office so that state matching funds will be available throughout the federal grant period.
- 73.2.** (State Match Funding Formula) Directs the allocation of state matching funds by the Office on Aging for the distribution of the Older Americans Act funds and provides for the balance of funds to be distributed to the planning and service areas.
- 73.3.** (Registration Fees) Authorizes the Office of Aging to receive and expend registration fees for educational, training and certification programs.
- 73.4.** (Loan Forgiveness Carry Forward) Provides carry forward authority for unexpended funds appropriated for the Geriatric Physician Loan Program.
- 73.5.** (Council Meeting Requirements) Suspends the meeting requirements for the Long Term Care Council.
- 73.6.** (Home and Community Based Services Carry Forward) Provides carry forward authority for unexpended funds appropriated for Home and Community Based Services.
- 73.7.** (Geriatric Loan Forgiveness Program Payment) Authorizes for the Geriatric Loan Forgiveness Program, a single lump sum payment to the lending institution of up to \$35,000 or the loan balance whichever is less.

SECTION 74 - SECRETARY OF STATE'S OFFICE (E08)

- 74.1.** (UCC Filing Fees) Authorizes Secretary of State to retain up to \$120,000 of filing fees for UCC administration.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

SECTION 75 - OFFICE OF COMPTROLLER GENERAL (E12)

- 75.1.** (Signature Authorization) Authorizes the Comptroller General to designate signature authority to certain employees for the approval of warrants for payment to the State Treasurer.
- 75.2.** (GAAP Implementation & Refinement) Requires the State to prepare financial statements in accordance with Generally Accepted Accounting Principles (GAAP); directs the Comptroller General, the State Accounting Officer, as the official with authority to issue accounting policy directives to State agencies as needed to prepare financial statements in accordance with GAAP.
- 75.3.** (Payroll Deduction Processing Fee) Authorizes the CG to charge a fee of not more than 20 cents for processing certain payroll deductions and to retain and expend the revenue to support the operations of the CG's Office. Charitable deductions are exempt from the charge. Authorizes any unexpended funds to be carried forward and used for the same purpose.
- 75.4.** (Unemployment Compensation Fund Administration) Authorizes the CG to be paid 2% or \$200,000, whichever is less, of the Unemployment Compensation Fund annually to administer the fund and allows any unexpended funds to be carried forward and used for the same purpose.
- 75.5.** (Purchasing Card Rebate Program) Authorizes the Comptroller General to retain \$100,000 of the purchasing card rebate and \$200,000 of agency incentive rebates to support the CG's operations and allows unexpended funds to be carried forward and used for the same purpose.

SECTION 76 - OFFICE OF STATE TREASURER (E16)

- 76.1.** (Nat'l. Forest Fund - Local Govt. Compliance) Directs local governments that receive distributions of National Forest Fund to report compliance with the use of such funds annually to the State Treasurer.
- 76.2.** (STARS Approval) Directs that decisions related to the Statewide Accounting and Reporting System which involve the Treasurer's operations require the approval of the State Treasurer.
- 76.3.** (Investments) Allows the Treasurer's Office to pool state funds for investment purposes.
- 76.4.** (Management Fees) Authorizes the State Treasurer to charge and retain management fees for certain services not to exceed to cost of providing the services.
- 76.5.** (Investment Management Fees) Allows the State Treasurer's Office to charge a fee to recoup operating and management expenses associated with the investment management of various state funds not to exceed the actual cost of providing the services.
- 76.6.** (Debt Management Cost Allocation) Authorizes the State Treasurer to charge a fee for the issuance of bonds or the administration and management of debt service not to exceed

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

the actual cost of providing the services; authorizes Treasurer to retain and expend the funds for providing such services.

- 76.7.** (ScienceSouth) Directs the State Treasurer to transfer \$500,000 of Governor's Teaching School Loan Program funds to Science South to train public school teachers in science curriculum standards.
- 76.8.** (Withheld Accommodations Tax Revenues) Directs that accommodations tax revenues withheld for noncompliance of authorized expenditures prior to July 1, 2006, must be returned to the entity in the same amount and manner they were withheld. Directs that before revenues withheld after July 1, 2006, are reallocated the Tourism Expenditure Review Committee must certify to the State Treasurer that the appeal period has expired or that the Administrative Law Judge Division has upheld or overturned the committee's action. Requires withheld noncompliant expenditures and penalties to be annually reallocated after August 1st and be proportionately based on the most recent completed fiscal year's total statewide accommodations tax revenue collections according to the State Treasurer's records. Directs that each annual reallocation to non-offending counties and municipalities must be calculated separately, then combined if necessary and directs that if a calculated reallocation is less than one dollar, it must be transferred to the General Fund.
- 76.9.** (Tuition Prepayment Program) Prohibits the S.C. Tuition Prepayment Program from accepting any new enrollment for FY 07-08. Directs that average tuition cannot be increased more than 7% per year above the 06-07 level. Requires colleges and universities to grant the designated beneficiary a waiver of the difference between the amount the actual tuition exceeds the average tuition calculated in this provision and prohibits the difference from being passed along to any student.
- 76.10.** (Penalties for Non-Reporting) Directs that if a municipality does not submit audited financial statements within 13 months of the end of their fiscal year, the State Treasurer must withhold their state payments until the statement is received. Requires the State Treasurer to follow the requirements of proviso 89.61 if they receive an audit report that contains a significant finding related to court fine reports or remittances and an amount due is specified; otherwise directs that 25% of state payments be withheld until the estimated deficiency has been satisfied. Directs the State Treasurer to withhold 25% of their state funding if a county or municipality is more than 90 days delinquent in remitting monthly court fines until all monthly reports are current. Directs that after 90 days funds held by the State Treasurer's Office be made available to the State Auditor to conduct an audit of the entity to determine the amount due, if any, to the State Treasurer's Office.
- 76.11.** (Signature Authorization) Authorizes State Treasurer to designate employees to sign payments to meet expenses of the state.
- 76.12.** (Prepaid Debit Card Implementation) Authorizes the State Treasurer to develop and implement an electronic payroll payment plan that uses prepaid debit cards or other products to replace paper checks using a competitive process and to include representatives of the State Employee's Association and an agency Human Resources Officer on the evaluation panel. Requires the proposal grant employees the same option to deposit or cash the proceeds as currently provided for payroll checks without imposing

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

additional costs to the employee. Directs that consideration be given to other benefits provided to the employee including the number of free services.

- 76.13.** (Economic Development Unclaimed Capital Credits) Authorizes cooperative associations who certify they have returned unclaimed capital credits to their permanent capital for economic development for the last 5 consecutive years, to allocate 100% of their unclaimed capital credits to their permanent capital for economic development in the initial report year pursuant to a settlement agreement with the State Treasurer's Office and to allocate 80% the following two report years. Directs that after 3 report years 100% of unclaimed capital credits must be reported and remitted in accordance with the Uniform Unclaimed Property Act. Exempts funds allocated to permanent capital for economic development if reporting requirements are met and the cooperative reimburses the state for claims in excess of the amount remitted.

SECTION 78 - ADJUTANT GENERAL (E24)

- 78.1.** (Unit Maintenance Funds) Directs that unit maintenance funds be distributed to various National Guard units at the direction of the Adjutant General.
- 78.2.** (Revenue Collections) Authorizes certain revenues collected by National Guard units to be retained and expended in its budgeted operations.
- 78.3.** (Rental Fee for Election Purposes) Establishes authority to use armories for election purposes and sets the maximum fee equal to the cost of providing custodial services, utilities, and maintenance.
- 78.4.** (Parking Lot Revenues) Authorizes the Adjutant General to control and contractually lease the headquarters' building parking facilities, during events at USC's William-Brice Stadium, to a state chartered and federally recognized 501(c)(4) tax exempt agency employee's association which may then sub-lease individual parking spaces. Requires the agency to receive at least 33% of the gross profits from the contractual agreement; to retain the funds; but prohibits them from being used for employee perquisites.
- 78.5.** (Armory Rental Program) Establishes a statewide armory rental program to state agencies and non-Guard organizations at a uniform cost. Authorizes the agency to retain and expend these funds for armory maintenance and operations.
- 78.6.** (Meals in Emergency Operations Centers) Authorizes the cost of meals to be provided to state employees during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.
- 78.7.** (Educational Seminar Revenue) Authorizes revenue earned from educational seminars to be retained and used for the printing of materials and other related expenses to conduct the seminars.
- 78.8.** (Retention of Lease Property Revenue) Authorizes the agency to lease the property formerly referred to as the Combined Support Maintenance Shop and retain revenue collected. Allows funds generated by this program to be retained and expended for maintenance, renovation and construction of armory properties covered under the Federal

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

Installation Stationing Plan (FISP) as authorized by the Adjutant General or Deputy Adjutant General for state operations.

- 78.9.** (Billeting and Dining Facility Operations) Authorizes Billeting and Dining Facility Operations revenue to be retained and expended in their budgeted operations or to support SCMD operations.
- 78.10.** (EMD Compensatory Payment) Authorizes exempt Emergency Management Division employees to be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the director, if the Governor declares a state of emergency.
- 78.11.** (Civil Air Patrol) Directs Civil Air Patrol funds be spent to discharge the state's obligations as outlined in the SARDA Plan, the S.C. Operational Radiological Emergency Response Plan, and to assist county and local authorities and other state agencies as permitted by regulation.
- 78.12.** (Citadel - National Guard Readiness Center) Directs the Adjutant General to transfer \$1,250,000 to the General Fund, for the repayment of the Citadel-SCNG Readiness Center.
- 78.13.** (Parking Lot Revenues-Columbia Armory, Buildings and Grounds) Allows the Adjutant General to control the contractual lease of the Columbia Armory and its building and grounds during events at the University of South Carolina's Williams-Brice Stadium.
- 78.14.** (Emergency Commodities) Allows the Emergency Management Division to rotate and replace water and MREs, housed at the state's logistics center, through commodities to neighboring states, counties municipalities or state agencies.

SECTION 79 - ELECTION COMMISSION (E28)

- 79.1.** (County Registration Board and County Election Commission Compensation) Authorizes compensation for each county registration board/election commission member at the rate of \$1,500 annually and limits each county to \$12,500 per year for purposes of commission member supplement. Exempts funds appropriated for this purpose from budget reductions.
- 79.2.** (Elections Managers & Clerks Per Diem) Authorizes per diem of \$60 per day for poll managers not to exceed two days per election and for clerks not to exceed three days per election. For statewide elections, allows commission to adjust per diem to the extent the appropriation is sufficient to cover the cost. Allows for up to three additional managers to be appointed to assist county registration boards in the absentee/fail safe process at a rate of \$60 per day for no more than a total of fifteen days.
- 79.3.** (Board of State Canvassers Compensation) Authorizes \$100 per day additional compensation when the Board of State Canvassers is required to hold hearings not to exceed a total of 15 days.
- 79.4.** (Sale of Lists Revenue Carry Forward) Authorizes Election Commission to retain and carry forward revenue from sale of lists up to \$400,000 to cover expenses involved with the program.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 79.5.** (Budget Reduction Exemption) Exempts nonrecurring funds appropriated general and primary election expenses from mandated across the board reductions.
- 79.6.** (Primary and General Election Carry Forward) Authorizes the Election Commission to carry forward to the next fiscal year filing fee revenue and balances in the Primary and General Election Accounts to use for the same purpose.
- 79.7.** (Training & Certification Program) Allows the Election Commission to charge a fee for courses offered in the training and certification program to include courses on the duties and responsibilities of county registration boards and election commissions. Authorizes the Commission to retain up to \$35,000 in revenue to be used to help cover the costs of providing the training, and allows funds remaining in the account at the end of the fiscal year to be retained and carried forward to be used for the same purpose in the next fiscal year.
- 79.8.** (Penalty for Late Submission of Reimbursable Expenses) Authorizes the Election Commission to assess a 10% penalty for submissions of reimbursable election expenses more than 30 days after the election. Allows for a waiver of the penalty for good reason. Authorizes Commission to expend appropriated funds in the current fiscal year for expenses incurred in the prior fiscal year.
- 79.9.** (Help America Vote Act) Authorizes the Election Commission to use funds appropriated for primary and general elections to match the Help America Vote Act program to the greatest extent possible and ensure compliance with Uniformed and Overseas Citizens Absentee Voting Act.
- 79.10.** (HAVA Carry Forward) Authorizes the Election Commission to carry forward unexpended Help America Vote Act funds into the current fiscal year and to use these funds for the same purpose.
- 79.11.** (Maintenance of Effort) Directs the Election Commission to use a portion of appropriated Maintenance of Effort” funds to reconcile voter registration files.
- 79.12.** (Presidential Preference Primary and Ballot Security) Authorizes the Election Commission to carry forward and use funds appropriated for the Presidential Preference Primary elections and for Ballot Security to conduct the 2010 Statewide Primaries/Runoff.
- 79.13.** (HAVA Match Funds) Directs that funds appropriated from the General Fund for matching federal Help America Vote Act funds must be placed in a restricted account so that interest accrues to that account.

SECTION 80A - BUDGET AND CONTROL BOARD (F03)

- 80A.1.** (Southern Maritime Collection) Authorizes the Budget and Control Board, on behalf of the Hunley Commission, to make payments on the loan used to purchase the Southern Maritime Collection and gives the Commission custody of the collection.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 80A.2.** (Procurement of Art Objects) Requires all governmental entities except the State Museum, Budget and Control Board, and Hunley Commission to obtain prior approval of the Arts Commission for purchases of art objects over \$1,000.
- 80A.3.** (State House Operation & Maintenance Account) Directs that funds appropriated for State House maintenance and operations be retained in a separate account.
- 80A.4.** (Wireless Communications Tower) Directs the Budget and Control Board to coordinate tower and antenna operations, approve all leases regarding antenna placement on state-owned property, coordinate new tower construction, market excess capacity, generate revenue by leasing or selling excess capacity, and construct new facilities related to communications. Authorizes Board to retain and carry forward revenue to support statewide public safety communications system. Directs Board to report to SFC and WMC annually on revenue collections and disbursements.
- 80A.5.** (Compensation - Reporting of Supplemental Salaries) Prohibits salary supplements unless approved by agency head. Directs that any compensation or travel reimbursement from a public or private source be reported to the BCB by August 31 for the previous fiscal year. Directs the Office of Human Resources to establish procedures related to the reporting requirement.
- 80A.6.** (Compensation Increase - Appropriated Funds Ratio) Directs that compensation increases be paid proportionately from funding sources.
- 80A.7.** (Vacant Positions) Authorizes the BCB to delete vacant positions more than 12 months old.
- 80A.8.** (Carry Forward - Local Government Assistance) Authorizes carry forward of certain Office of Local Government funds and authorizes \$400,000 of such funds be used for operating expenses.
- 80A.9.** (Carry Forward - State Water Pollution Control Revolving Fund) Authorizes carry forward of state revolving loan funds.
- 80A.10.** (State Water Pollution Control Revolving Fund) Authorizes funds remaining after fully matching State Water Pollution Control and State Drinking Water Revolving Loan Fund programs may be deposited in the State Infrastructure Loan Fund.
- 80A.11.** (Carry Forward Calculation) Exempts local government grant and loan funds from calculation of the BCB's carry forward.
- 80A.12.** (Local Provider Health Insurance) Authorizes DDSN's local health care providers to receive funding increases appropriated for state agencies to cover the employer's share of the cost of providing health and dental insurance to their employees.
- 80A.13.** (Technology and Other Initiatives) Directs the BCB to use \$100,000 for partnerships that further technology-related higher education initiatives and pay the annual dues for the National Conference of State Legislatures and the Council of State Governments.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 80A.14.** (Geodetic Mapping Program) Directs that funds appropriated for the re-establishment of the SC-NC Boundary and county boundary determination are used for these projects.
- 80A.15.** (Lottery & Infrastructure Bank Health Insurance) Allows the Lottery Commissioners and Infrastructure Bank Board members to participate in the State Health Plan upon payment of full premium costs.
- 80A.16.** (Adoption Assistance Program) Establishes the Employee Adoption Assistance Program to provide participants in the State Health Plan with grants for direct costs associated with adoption. Directs the program be funded from the State Health Plan appropriation not to exceed \$700,000 annually. Directs that maximum grants be \$10,000 for adoption of a special needs child and \$5,000 for all other adoptions; directs that amount be reduced proportionally if the qualified applicants total more than \$700,000.
- 80A.17.** (Military Service) Allows employees to use up to 45 days of annual leave and 90 days sick leave for serving on active military duty during an emergency or conflict declared by the President.
- 80A.18.** (Antenna and Tower Placement) Directs that antenna and tower leases on a higher education institution's property must conform to the institution's master plan.
- 80A.19.** (Lawsuit Funding) Directs that litigation costs associated with the Abbeville school funding and prisoner mental health care cases be paid by the Insurance Reserve Fund.
- 80A.20.** (Election File Merge) Directs the BCB's Office of Research & Statistics in conjunction with the Election Commission to merge voter registration files with redistricting files.
- 80A.21.** (BCB: Deductible Waiver Prohibition) Prohibits a state sponsored health care entity from waiving the deductible or co-insurance for employees enrolled in the State Health Plan Savings Plan.
- 80A.22.** (South Carolina 911 Advisory Committee) Re-establishes the CMRS Emergency Telephone Advisory Committee as the S. C. 911 Advisory Committee to advise BCB on 911 matters; revises membership of Committee.
- 80A.23.** (Base Closure Carry Forward) Authorizes carry forward of Base Closure Funds to be used for same purpose.
- 80A.24.** (SC/NC Boundary Dispute) Directs BCB to submit report to SFC and WMC regarding progress of SC/NC boundary dispute within 60 days of close of fiscal year.
- 80A.25.** (SC Boundary Commission) Establishes SC Boundary Commission to work with NC Boundary Commission to resolve undocumented boundaries.
- 80A.26.** (SEC Legal Expenses) Directs the Insurance Reserve Fund to reimburse Ethics Commission for expenses associated with defense of two lawsuits which the Attorney General refused to defend.
- 80A.27.** (First Responder Interoperability) Directs the BCB's Division of State Information Technology (DSIT) to coordinate first responder interoperability for the statewide 800 MHz

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

system. Directs appropriated funds be used cost-proportionally for state agency and public safety first responders that participate in the system. Directs DSIT in consultation with law enforcement and the Emergency Management Division to set baseline number of radios used by each participant, and directs that allocation be reduced in a proportional amount if the participant reduces the number of radios in use. Provides for grants to participants, including private county and city 800 MHz systems, to purchase equipment upon satisfaction of match requirements based on available funds. Authorizes any remaining funds to be used to enhance system or carried forward and used for the same purpose. Exempts first responder interoperability funds from across-the-board budget reductions. Directs DSIT to report to SFC and WMC by October 1 on status of integration of the statewide radio system.

- 80A.28.** (SCHIDS) Establishes the SC Health Integrated Data Services (SCHIDS) subprogram under the "Health and Demographic Statistics" program of the B&C Board. Specifies the purpose of the subprogram and requires collaboration with state agencies and public universities. Requires Medicaid staff to coordinate with the SCHIDS program staff.
- 80A.29.** (Employee Compensation) Directs that funds appropriated for employee pay increases be allocated based on a 0% increase for classified and unclassified employees, agency heads, local health care and councils on aging providers, school bus drivers, judicial officers, and county auditors and treasurers. Directs allocations associates with the increases for retirement employer contributions be based on the rate of the retirement system in which employees participate. Authorizes use of funding for statewide employer contributions for other statewide purposes and allows carry forward of those funds.
- 80A.30.** (Public Procurement Unit) Allows a private, nonprofit corporation that provides only free medical care to be allowed to participate as a local public procurement unit in the Minnesota Multi State Contracting Alliance for Pharmacy (MMCAP) cooperative purchase. Directs that participation of nonprofit corporations in the program is contingent upon approval of the Minnesota Multi-State Contracting Alliance for Pharmacy.
- 80A.31.** (Insurance Contracts Bid Process) Authorizes Insurance Reserve Fund to use a competitive process as established by the IRF to obtain reinsurance coverage on property insurance. Directs BCB to review and make decision on bids.
- 80A.32.** (Census Carry Forward) Authorizes Census Promotion and Participation funds to be carried forward and used for the same purposes.
- 80A.33.** (Sale of Surplus Real Property) Directs that 50% of net proceeds from sale of surplus real property be retained by BCB and used for deferred maintenance on state-owned buildings and the remaining 50% be returned to the agency that owns the property and used for non-recurring purposes. Exempts higher education institutions, Public Service Authority, Ports Authority, MUSC Hospital Authority, Myrtle Beach Air Force Redevelopment Authority, Department of Transportation, Columbia State Farmers Market, Department of Agriculture's Columbia Metrology Lab, Charleston Naval Complex Redevelopment Authority, Public Railways, Forestry Commission, Midlands and Trident Technical Colleges Enterprise Campus Authorities, Commissioner's residence at the Department of Corrections, ETV's Key Road property, and Department of Natural Resources property originally purchased with federal or revenue from hunting and fishing licenses. Allows funds to be carried forward and used for same purpose.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 80A.34.** (Community Safety Anti-Gang Grants and Matching Grants) Allows Attorney General to make recommendations for Community Safety Anti-Gang Grants and matching grants programs.
- 80A.35.** (SCEIS Flexibility) Authorizes BCB to use funds from agency accounts to continue development of assets for SCEIS implementation.
- 80A.36.** (Health Plan Tobacco User Differential) Authorizes the Board to differentiate between tobacco users and nonusers regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee rates based upon tobacco use. Directs that the surcharge for tobacco use may not exceed \$40 per month per subscriber or \$60 per month per subscriber and dependant(s).
- 80A.37.** (December Holidays) Directs that the Christmas holidays be observed on December 27 and 28, 2010.
- 80A.38.** (State Health Plan Obesity Treatment Pilot Program) Requires the Board to establish a one year pilot program to address the problem of the high rate of obesity in SC 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. Directs that the program will operate only in Plan Year 2011.
- 80A.39.** (Compensation - Agency Head Salary) Prohibits a governing board or appointing authority from offering a salary above the minimum range established by the Agency Head Salary Commission and prohibits payment of a salary above that recommended by the Commission. Directs that funding for salaries of agency head or technical college president come from agency resources. Directs BCB to contract for study of compensation every 4 years with the cost of the study to be paid by participating agencies. Directs BCB to provide support staff to Commission. Authorizes governing board or appointing authority to provide salary increases up to the maximum of salary range as recommended by the Commission. Prohibits agency head or technical college president from being paid less than the minimum or more than the maximum of the pay range.

SECTION 80C - BUDGET AND CONTROL BOARD, EMPLOYEE BENEFITS (F30)

- 80C.1.** (Deferred Compensation) Authorizes the state, to the extent funds are appropriated, to 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, without such employees making contributions to the deferred compensation plan.
- 80C.2.** (Funding Abortions Prohibited) Prohibits any funds appropriated for employer contributions to the State Health Insurance Plan to be expended to reimburse the expenses of an abortion, except in certain specified cases. The State Health Plan may not offer coverage for abortion services, including ancillary services provided contemporaneously with abortion services.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 80C.3.** (Exempt National Guard Pension Fund) Excludes National Guard Pension Fund appropriations when calculating across-the-board cuts mandated by the B&C Board or General Assembly.
- 80C.4.** (County Council Member) Authorizes a county council member eligible to participate in the state health and dental plans who is also eligible to participate as a spouse of a covered employee or retiree to choose to participate as either an employee or spouse.

SECTION 81 - DEPARTMENT OF REVENUE (R44)

- 81.1.** (Subpoenaed Employee Expense Reimbursement) Directs reimbursement to the State for Department of Revenue employees who are subpoenaed to testify in litigation that does not involve DOR.
- 81.2.** (Court Order Funds Carry Forward) Directs that funds awarded to DOR by court order be retained, carried forward, and used for purposes as specified in the order or at the director's discretion if not specified.
- 81.3.** (Rural Infrastructure Fund Transfer) Authorizes DOR to deposit Rural Infrastructure Fund revenue in excess of \$12,000,000 to the Rural Infrastructure Bank Trust Fund under the BCB, Office of Local Government. Directs that revenues in excess of \$17,000,000 be deposited in the Rural Infrastructure Fund under the Department of Commerce, Coordinating Council.
- 81.4.** (SCBOS Funds) Authorizes DOR to use 50% of collection assistance fees imposed on overdue tax debt for administration of revenue laws. Allows unexpended funds to be carried forward and shared equally by DOR and SC Business One Stop program.
- 81.5.** (Across the Board Cut Exemption) Exempts DOR from across-the-board budget reductions.
- 81.6.** (Candidate Tax Return Programs) Directs DOR to develop a program to process inquiries from a political candidate or gubernatorial appointee concerning whether they have filed required state income tax returns during the past 10 years, paid all income taxes due during that time period, and satisfied all judgments, liens, or other penalties for failure to pay income taxes when due. Directs that DOR may only respond to an inquiry made by the candidate or appointee concerning that candidate's or appointee's own income tax returns. Requires DOR to post the results of all inquiries on its website unless a candidate or appointee requests otherwise. Directs that information be organized in the following manner: (1) candidate's name as it will appear on the ballot or the appointee's name as it appears on income tax returns; (2) identify the years required and not required to file income tax returns; (3) state whether income tax returns were filed in each year they were required to be filed; (4) state whether income taxes due were paid for each year income tax returns were required to be filed; and (5) state whether a judgment, lien, or other penalty was levied for failure to pay income taxes when due, the year of the levy, and whether that judgment, lien, or other penalty has been satisfied. Prohibits DOR from posting a complete income tax return when fulfilling its obligations under this proviso. Directs that participation in this program is voluntary and that a candidate's or appointee's inquiry constitutes a waiver of confidentiality concerning the information posted.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 81.7.** (Admissions Tax Exemption) Exempts admissions tax for university athletic booster club fees when the booster club is exempt from federal income tax.
- 81.8.** (Penalty Relief) Directs DOR to waive interest and penalties for state estimated quarterly income tax payments for qualifying individuals who comply with Section 1212 of federal P.L. 111-5 [small business tax benefits and the american recovery and reinvestment act of 2009]. Direct that an individual is qualified if they meet the adjusted gross income requirement and the 50% of gross income from a small business requirement contained in Section 1212 for South Carolina or federal purposes.
- 81.9.** (Bingo Licenses) Suspends the section of Code of Laws which prohibits the issuance of a bingo license to an establishment with a biennial alcohol license.

SECTION 82 - STATE ETHICS COMMISSION (R52)

- 82.1.** (Electronic Filing) Authorizes the Ethics Commission to require statements and forms be filed electronically, and requires all savings to be used to offset the cost of administering and enforcing the Ethics Act. Authorizes unexpended funds to be carried forward.

SECTION 83 - PROCUREMENT REVIEW PANEL (S60)

- 83.1.** (Filing Fee) Authorizes the Procurement Review Panel to charge a \$250 filing fee for requests for administrative review of procurement code awards and to offset hearing costs.

SECTION 84 - DEBT SERVICE (V04)

- 84.1.** (Excess Debt Service Funds Carry Forward) Authorizes excess FY 09-10 Debt Service funds to be carried forward and expended for debt service purposes in FY 10-11.

SECTION 86 - AID TO SUBDIVISIONS, STATE TREASURER (X22)

- 86.1.** (Veterans' Affairs-Aid to Counties) Directs that each county receive 100% of the amount allocated to "Aid to County Veteran Offices" for the prior fiscal year plus an amount equal to the state employee's base pay increase, less budget reduction adjustments. Directs that the allocation be distributed on a quarterly basis to the County Treasurer who will distribute these funds for the benefit and use of the County Veterans' Affairs Offices.
- 86.2.** (Local Government Flexibility) Authorizes counties to transfer funds among state appropriated revenues to ensure delivery of services.
- 86.3.** (Quarterly Distributions) Directs that the 1st quarter's distribution for Aid to Subdivisions-Local Government Fund be equal the last quarterly distribution for the previous year and the remaining 3 quarterly distributions be reduced in equal amounts with the four distributions totaling the current appropriation from the Local Government Fund.
- 86.4.** (Salary Supplements) Directs that salary supplements for county Clerks of Court, Probate Judges, Coroners, Sheriffs, and Register of Deeds be distributed to each county treasurer quarterly and directs that the amounts for County Auditors and County Treasurers be equally distributed to each county auditor and treasurer as a salary supplement in addition

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

to any amounts provided by the county. States the intent of the General Assembly that county appropriations for these salaries not be reduced as a result of this appropriation. Exempts these funds from any across the board cut. Authorizes a county governing body to reduce expenditures in the operation of these offices without any required corresponding reduction in the county's state aid to subdivisions distribution and directs that any reduction in the officials' budgets must be made in consultation with the affected official.

- 86.5.** (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.
- 86.6.** (Legislative Delegations) Requires a county government to fund its legislative delegation budget as approved by the delegation for FY 02-03. Directs that if the county council does not meet that funding level, the shortfall must be deducted from the responsible county's Aid to Subdivisions allocation and forwarded to that county's legislative delegation and requires that the responsible county's remaining Aid to Subdivision's allotment must be reduced by 25% of the shortfall amount and forwarded to the legislative delegation for its administrative costs.
- 86.7.** (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.
- 86.8.** (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.

SECTION 89 - GENERAL PROVISIONS (X90)

- 89.1.** (Revenues, Deposits Credited to General Fund) Provides for remittance of general state revenues to the State Treasurer for credit to the General Fund of the State. Directs that general fund appropriations to support the public school system must be greater than or equal to revenues derived from General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable Television Fees as forecasted in the BEA's general fund revenue estimate. Directs what agencies and areas are to receive appropriations for support of the public school system.
- 89.2.** (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.
- 89.3.** (Fiscal Year Definitions) Defines current and prior fiscal year time frames.
- 89.4.** (Descriptive Proviso Titles) Directs that proviso titles are for identification purposes only and not considered part of the official text.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 89.5.** (Judicial & Involuntary Commitment, Defense of Indigents) Directs that state agencies are to assist with implementing state law for involuntary commitments, judicial commitments, defense of indigents, and death penalty upon request of the court. Directs state agencies to provide the Judicial Department a list of employees who can serve as court examiners. Prohibits additional compensation for state employees who provide such assistance. Provides that employees of MUSC and interns or residents who are not full-time employees are not considered state employees.
- 89.6.** (Case Service Billing Payments Prior Year) Authorizes agencies to pay case service billings received in the current fiscal year for services incurred in the prior fiscal year. States this authorization does not apply to billings on hand processed through a timely agency approval process.
- 89.7.** (Federal Program Expenses, Lag Time) Authorizes DHEC, DMH, DDSN, DSS, DHHS, Division on Aging, Division of Foster Care, DOC, and DJJ to use current fiscal year appropriations to cover fourth quarter federal program expenses incurred in the prior fiscal year.
- 89.8.** (Fee Increases) Prohibits state agencies from increasing existing fees without statutory authority or set by regulation. Exempts health care facilities; schools, colleges, and universities; educational, recreational, and training programs; Board of Financial Institutions; sale of goods produced by agencies; room and board provided on state property; court fees and fines; Ports Authority; and Public Service Authority from prohibition. Directs that agencies are not prohibited from increasing fees for services provided to other state agencies.
- 89.9.** (State Institutions - Revenues & Income) Provides that revenue and income generated by universities are accounted for and reimbursed to the universities under a specific method, to ensure fees are in line with cost to provide services, to allow funds for capital projects authorized via a process described therein and to allow universities to retain certain auxiliary fees at the institution level rather than requiring submission to the State Treasurer for later reimbursement.
- 89.10.** (Transfers of Appropriations) Authorizes agencies to transfer up to 20% of program budget within the agency with notification to BCB and Comptroller General. Authorizes BCB to establish level of transfers between personal service and other operating accounts.
- 89.11.** (Federal Funds - DHEC, DSS, DHHS - Disallowances) Authorizes DHEC, DSS and DHHS to expend appropriations to cover prior fiscal years program operations where adjustments are necessary under federal regulations or audit exceptions. Require all federal disallowances or notices of disallowances be submitted to the State Auditor and the Senate Finance and House Ways and Means Committees within five days of receiving such actions.
- 89.12.** (Fixed Student Fees) Allows colleges and universities to set fees for auxiliary enterprises and establishes that auxiliary operations such as athletics, housing, food service, etc. be self supporting.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 89.13.** (Tech Educ. Colleges Student Activity Fees) Provides that funds at technical education colleges derived wholly from the activities of student organizations and from the operations of canteens and bookstores may be retained by the college and expended only in accord with policies established by the respective college's area commission and approved by the State Board for Technical and Comprehensive Education.
- 89.14.** (SC Health & Human Services Data Warehouse) Establishes the South Carolina Health and Human Services Data Warehouse with the B&C Board, Office of Research and Statistics to ensure that health and human services agencies operations may be enhanced by coordination and integration of client information. Defines client data; provides guidelines for operation of the data warehouse; and specifies agencies which are required to report client information.
- 89.15.** (Discrimination Policy) Directs that state policy is to recruit, hire, train, and promote employees without discrimination. Requires agencies to submit employment data to Human Affairs Commission annually and Human Affairs to report to the General Assembly on Affirmative Action Plans. Directs Human Affairs to notify BCB of any agency not in compliance with goals and directs BCB not to process requests for additional funding until agency makes effort to comply with its Affirmative Action Plan. Directs that proviso does not apply to agencies that are exempted from Human Affairs' reporting requirements.
- 89.16.** (Personal Service Reconciliation, FTEs) Directs the Budget and Control Board to monitor full-time equivalent (FTE) positions and directs that no agency may exceed the total FTEs authorized in the Appropriation Act except upon majority vote of BCB. Directs that all authorized FTEs be established by August 1, and allows agencies to change source of funds on FTEs so long as they do not exceed the authorized number of state or total FTEs. Directs BCB to reconcile established FTEs with personal service funds by September 30, and directs BCB to delete unfunded positions by January 15 unless exempted. Directs that personal service funding must be at least 97% of the amount required to support the FTEs contained in the Governor's budget recommendations.
- 89.17.** (Allowance for Residences & Compensation Restrictions) Authorizes specific positions to occupy agency-owned residences without charge. Directs that salaries be accordance with a uniform class and compensation plan with certain exceptions and directs that commuter mileage on state vehicles be considered income and reported by the CG in accordance with IRS regulations. Authorizes agencies to expend non-appropriated funds for employee award programs.
- 89.18.** (Universities & Colleges - Allowance for Presidents) Ensures that University Presidents must use normal voucher/reimbursement procedures for personal expense reimbursement incurred performing their duties for transparency and accounting purposes rather than providing them a fixed amount regardless of purchases made.
- 89.19.** (Replacement of Personal Property) Allows certain agencies to replace an employee's personal property--up to \$250 per item, per incident--that is damaged by an agency client.
- 89.20.** (Business Expense Reimbursement) Allows agency heads or deputy directors to receive reimbursement for business expenses provided receipts and justification are submitted. Directs BCB to promulgate regulations related to this provision.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 89.21.** (Per Diem) Directs that the per diem allowance be \$35 per day and prohibits any full-time state employee from drawing per diem for serving on boards or commissions.
- 89.22.** (Travel - Subsistence Expenses & Mileage) Provides travel and subsistence guidelines. Limits meal reimbursement to \$25 per day for in-state travel and \$32 per day for out-of-state travel. Directs that employees be reimbursed for actual expenses when traveling outside the United States. Allows actual reimbursement for constitutional officers. Directs the BCB to promulgate regulations governing travel and subsistence payments. Prohibits state funds from being used to purchase first class airline tickets.
- 89.23.** (Organizations Receiving State Appropriations Report) Directs organizations receiving funds in the Appropriation Act to provide budget and financial statements by November 1. Prohibits expenditure of funds until financial reports are filed and prohibits disbursement of funds to organizations that discriminate against persons by race or national origin. Directs State Auditor to review activities of organizations upon request of the BCB.
- 89.24.** (Information Technology - Report of Requested Increases) Directs BCB to compile all information technology increase requests and provide report to Governor, SFC, and WMC.
- 89.25.** (State Owned Aircraft - Maintenance Logs) Requires agencies with aircraft to maintain a log of all flights and to make log available for public inspection and online. Provides guidelines for aircraft usage and flight logs. Prohibits aircraft being leased to individuals for their personal use.
- 89.26.** (Carry Forward) Authorizes agencies to carry forward up to 10% of their original general fund appropriation, less any appropriation reductions for the current fiscal year. Prohibits agencies from withholding services in order to carry forward general funds. Directs that this provision is suspended if necessary to avoid a fiscal year-end general fund deficit and directs that the amount of general fund deficit must be determined after all appropriations from the CRF have been allowed and before any General Reserve transfers. Directs that the amount carried forward by separate general fund carry forward authority for an agency must be excluded from their base for purposes of calculating the 10% carry forward. Directs that funds carried forward by this provision are not part of an agency's base of appropriations in succeeding years.
- 89.27.** (Regulatory Audit) Directs agencies to identify laws, regulations, and provisos which are no longer needed and submit findings to standing committees by January 31.
- 89.28.** (GP: TEFRA-Tax Equity and Fiscal Responsibility Act) States the intent of the General Assembly that the State Medicaid Plan be amended to provide benefits for disabled children as allowed by the Tax Equity and Fiscal Responsibility Act (TEFRA) option. Directs state agencies, including but not limited to, DSS-Continuum of Care, DHEC, DMH, DDSN, and DHHS to collectively review and identify state appropriations within their budgets that can be used as state match to serve these children. Directs that these agencies must not spend less in the current fiscal year than they spent in the prior fiscal year for this purpose.
- 89.29.** (Frequent Flyer Premiums) Directs state employees to select airlines based on cost and time criteria rather than frequent flyer premiums; directs agencies to ensure that

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

employees who earn frequent flyer premiums while traveling on state business use the premiums to reduce future business travel costs.

- 89.30.** (Prison Industries) Requires state agencies to consider contracting for services or purchasing goods from the Prison Industries Program of the Department of Corrections.
- 89.31.** (Travel Report) Requires the Comptroller General to issue an annual report on November 1 listing detailed information on state employee's prior year travel expenditures and distribute the reports to the SFC, WMC, and Statehouse Press Room. Authorizes the Comptroller General to use up to \$500 to provide copies to the media and public upon request.
- 89.32.** (School Technology Initiative) Provides for the administration of K-12 technology initiative funds.
- 89.33.** (State Operated Day Care Facilities Fees) Directs that agencies that operate day care facilities must charge fees comparable to those charged by private day care facilities. Prohibits enrollment to be restricted to children of faculty or staff.
- 89.34.** (Base Budget Analysis) Requires agency accountability reports be available by September 15. Directs that guidelines require agencies to identify key program areas and expenditures and be linked to financial and performance measures. Directs BCB to develop training process for agency leaders. Directs universities and technical schools to report in accordance with Section 59-101-350.
- 89.35.** (Collection on Dishonored Payments) Authorizes agencies to collect a service charge to cover costs associated with dishonored checks or payments due to insufficient funds. Allows agencies to retain, expend, and carry forward revenue for this purpose.
- 89.36.** (State DNA Database) Requires funds collected by the Departments of Corrections; Probation, Parole and Pardon Services; and Juvenile Justice to process DNA samples be remitted to SLED to offset State DNA Database expenses. Authorizes SLED to retain, expend, and carry forward these funds.
- 89.37.** (Innovative Transportation) Authorizes the Transportation Infrastructure Bank and Railroad Commission to make grants for developing innovative transportation technology.
- 89.38.** (Menu Option Telephone Answering Devices) Prohibits agencies using telephone answering device unless the caller can access a non-electronic attendant during business hours.
- 89.39.** (Voluntary Separation Incentive Program) Authorizes agencies to implement a voluntary separation incentive program in consultation with the BCB's Office of Human Resources and upon demonstration of recurring cost savings or permanent downsizing. Directs that such program be funded within existing appropriations. Directs BCB to report to SFC and WMC on results of such programs.
- 89.40.** (Alternative Commitment to Truancy) Directs that school districts receiving funds from the Department of Education for an alternative school must identify alternatives to commitment

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

for students whose truancy is nearing referral to court and present the alternatives to the court.

- 89.41.** (Debt Collection Reports) Requires each agency to submit a report to the SFC and WMC by the end of February that provides details on the amount of outstanding debt the agency had the previous calendar year and the methods used to collect the debt. Defines outstanding debt the amount that remains due and owed to a state agency by a non-governmental entity for more than 60 days.
- 89.42.** (State Funded Libraries - Web Filters) Requires a library that receives state funds, directly, indirectly, by grant, or otherwise, to equip computers that are available to the public and/or students with a web-filter to eliminate or reduce access to sites that display pornographic pictures or text. However requires up to 10%, and at least one computer, to be unfiltered. Directs that libraries not in compliance shall have their state funds reduced by 50% and those funds will be distributed among libraries that are in compliance.
- 89.43.** (Tobacco Settlement Funds Carry Forward) Authorizes state agencies to retain and carry forward unexpended Tobacco Settlement Agreement funds and to expend such funds for the same purpose.
- 89.44.** (Use Tax Exemption) Exempts tangible personal property purchased for use in private primary and secondary schools, including kindergartens and early childhood education programs, from sales and use tax if they are exempt from income taxes pursuant to IRS Section 501(c)(3).
- 89.45.** (Personal Property Tax Relief Fund) Reduces the amount credited to the Personal Property Tax Relief Fund from \$20 million to zero. Directs that if a county imposes the Personal Property Tax Exemption Sales Tax and a sales tax rate of 2% of gross proceeds of sale is insufficient to offset the property tax not collected, sufficient amounts must be credited to the Trust Fund for Tax Relief to provide the reimbursement to offset such a shortfall.
- 89.46.** (Accommodations Tax) Provides definition of "tourist" for collection of accommodations taxes.
- 89.47.** (COG Annual Report) Directs each Council of Government to submit report to SFC and WMC outlining how the prior fiscal year's state funds were expended.
- 89.48.** (Governor's Office, Veterans Affairs) Requires the Director of the Division of Veterans Affairs to appoint an additional claims representative, approved by the Governor, who in addition to assisting all ex-servicemen, shall also specialize in the specific needs and diseases associated with veterans of the Vietnam era. Authorizes the claims representative, at the director of the director, to represent the Division on the South Carolina Agent Orange Advisory Council and on the Hepatitis C Coalition and to assist the division in carrying out its duties in connection with the Agent Orange Information and Assistance program
- 89.49.** (South Carolina Recycling Initiative) Requires state agencies to purchase recycled steel unless the item cannot be acquired competitively at a reasonable price.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 89.50.** (Life and Palmetto Fellows Scholarships Waiver Exemption) Exempts the LIFE and Palmetto Fellows scholarship programs from any statute or budget provision which would prohibit state funds beyond that which are appropriated and as such ensures that these programs are fully funded so as to allow the awards to be fulfilled for all eligible students.
- 89.51.** (Sole Source Procurements) Directs BCB to evaluate sole source and emergency procurements to determine whether such procurements are legitimate and valid reasons for awarding non-competitive contracts.
- 89.52.** (DMV Data) Directs the Department of Motor Vehicles to provide the Department of Transportation access, without charge and in compliance with state and federal privacy protection statutes, to collision data, collision reports, registration information used for toll enforcement, and driver records of employees or prospective employees.
- 89.53.** (Parking Fees) Prohibits agencies from increasing parking fees for state employees; exempts colleges and universities from provision.
- 89.54.** (Constitutional Officer & Agency Head Voluntary Furlough) Authorizes constitutional officers and agency heads to take up to 36 days furlough while retaining all responsibilities and authority. Directs that funds saved may be retained by the agency. Direct that the employee 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 are the employer's responsibility if coverage would otherwise be interrupted and that benefits only requiring employee contributions are the responsibility of the employee.
- 89.55.** (Tobacco Funds) Authorizes the Tobacco Settlement Revenue Management Authority to pursue funds that may be available from refunding, purchasing, or securing bonds from the current tobacco bond structure. Direct that funds realized be sent to the Department of Health and Human Services for Medicaid match.
- 89.56.** (GP: Facility Rental Fee) Authorizes the Governor's Schools for the Arts and Humanities and for Science and Mathematics, Wil Lou Gray Opportunity School, and John de la Howe School to charge, collect, expend and carry forward facility and equipment rental fees and registration fees.
- 89.57.** (Insurance Claims) Authorizes an agency to use any insurance reimbursement to offset expenses related to the claim and to retain, expend and carry forward these funds.
- 89.58.** (Organizational Charts) Requires state agencies to furnish a current organizational chart to the Office of Human Resources by September 1 and notification of any change to the organizational structure which impacts an employee's grievance rights within 30 days of such change. Directs that the organizational chart be in a form prescribed by the Office of Human Resources and that it show all authorized positions, class title, class code, class slot, and filled or vacant positions and identify employees exempt from the State Employee Grievance Procedures Act.
- 89.59.** (Agencies Affected by Restructuring) Directs that upon restructuring of state agencies in separate legislation, the BCB must work with agencies to phase-in operations of restructured organizations; directs that restructured organizations should be operating

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

entirely under the revised structure by June 30. Directs the BCB to work with affected agencies to identify and facilitate transfers. Directs the Comptroller General and State Treasurer to allow agencies to continue processing documents within the account structure existing on June 30 until changes can be made to the accounting system. Directs the Office of State Budget to prepare subsequent detail budgets to conform to financial information in the act and corresponding provisos to restructuring legislation.

- 89.60.** (Agency Administrative Support Collaboration) Directs agencies to actively pursue cost savings efforts by collaborating with other agencies concerning administrative support functions.
- 89.61.** (Assessment Audit / Crime Victim Funds) Directs the State Auditor to notify the State Office of Victim Assistance (SOVA) if he finds that any authority has not properly allocated revenue generated from court fines and assessments to the crime victim funds or has not properly expended crime victim funds. Authorizes SOVA to conduct programmatic reviews on any entity that receives victim assistance funding to ensure that such funds are spent in accordance with law. Requires local entities that receive these funds to submit their budgets to SOVA within 30 days of the local governing entity approving their budget and requires the entity to cooperate and provide expenditure/program data requested by SOVA. Directs that if SOVA finds an error, the entity has 90 days to rectify it; if not rectified within that timeframe, directs SOVA to notify the State Treasurer, who shall withhold 25% of the entity's aid to subdivisions until the error has been rectified. Authorizes SOVA to assess and collect a penalty of up to \$5,000 against the entity for improper expenditures in a fiscal year which shall be credited to the General Fund. Directs that if SOVA does not receive the penalty within 90 days, the political subdivision will deduct that amount from the entity or non-profit organization's subsequent fiscal year appropriation.
- 89.62.** (H.L. Hunley Museum Location) States that the General Assembly approves the City of North Charleston as the permanent site of the H.L. Hunley Museum contingent upon negotiation and execution of necessary contracts between the State and the City. Directs the Hunley Commission to expend its funds to negotiate and execute contracts on behalf of the State.
- 89.63.** (Secure Juvenile Confinement) Directs the Attorney General to review the interpretation of DPS and DOC current policies on secure juvenile confinement that may jeopardize federal grant funds. Prohibits the departments from changing current policies pertaining to this matter until the Attorney General considers their interpretation of the federal Juvenile Justice and Delinquency Prevention Act in regard to the secure holding of juveniles for more than 6 hours in adult detention facilities that also serve as 48-hour juvenile holdover facilities. Directs the Attorney General to determine if the departments' interpretation is fair and equitable and how local governments and DJJ would be impacted, to include any financial considerations.
- 89.64.** (ISCEDC Funding Transfer) Directs DMH, DDSN, and DJJ to transfer a total of \$1,199,456 by September 30th to DSS to support the Interagency System for Caring for Emotionally Disturbed Children as follows: DMH - \$595,000, DDSN - \$379,456, and DJJ - \$225,000.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 89.65.** (Employee Bonuses) Authorizes state agencies and institutions to provide selected employees lump sum bonuses, not to exceed \$3,000 per year, based on objective guidelines established by the B&C Board. Directs that these bonuses are not part of the employee's base salary and are not earnable compensation for retirement system purposes. Directs that employees earning \$100,000 or more are not eligible for this bonus.
- 89.66.** (FEMA Flexibility) Allows any state share of funds which are used for a federally declared disaster to be carried forward and used for the same purpose by the Emergency Management Division in the event of additional federally declared disasters. Also directs that if funds are unavailable, the Budget and Control Board can borrow from any internal account or accounts necessary to maximize federal matching funds through EMD. If funds are borrowed, they must be paid back by the General Assembly as soon as practicable.
- 89.67.** (Respiratory Syncytial Virus Prescription Sales and Use Tax Exemption) Directs that January 1, 1999 is the effective date for the exemption from sales and use tax of prescription medicines used to prevent respiratory syncytial virus. Prohibits refunds of sales and use taxes from being claimed as a result of this provision.
- 89.68.** (Photo Identification Card) Directs DOC and DPPPS to work with DMV to develop and implement a plan to provide inmates being released from a correctional facility with a valid photo identification card. Directs DOC and DPPPS, to the extent an inmate has available funds in their 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 provide the card.
- 89.69.** (Year-End Financial Statements - Penalties) Require agencies and other reporting entities who are required to submit annual audited financial statements for inclusion in the State's CAFR to comply with the submission dates stipulated in the State Auditor's Office audit contract. Directs that if the State Auditor's Office did not contract the audit, the prior year's financial statement is due by October 15. Requires agencies not in compliance to appear before the Comptroller General and provide an explanation for the delay.
- 89.70.** (Purchase Card Incentive Rebates) Directs that in addition to the Purchase Card Rebate deposited in the general fund, agencies may retain and use any incentive rebate premium they receive from the Purchase Card Program to support agency operations.
- 89.71.** (Sex Offender Monitoring and Supervision) Directs DPPPS and DJJ to use funds appropriated for Sex Offender Monitoring for their GPS monitoring programs. Directs that if funds are limited, monitoring "Jessie's Law" offenders takes precedence over all other GPS programs. Prohibits these funds from being used for any other purpose or transferred to any other program and authorizes unexpended Sex Offender Monitoring funds to be carried forward and used for the same purpose. Directs the departments to report annually to the General Assembly by January 15th, on specific aspects of the Sex Offender Monitoring programs.
- 89.72.** (Viscosupplementation Therapies Sales and Use Tax Exemption) Suspends, for the current fiscal year only, sales and use taxes on viscosupplementation therapies. Prohibits refunds or forgiveness of tax from being claimed as a result of this provision.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 89.73.** (LightRail) Establishes the LightRail project (an academic network for the use of the state's three research universities for the exchange of information directly related to their mission) at Clemson University, MUSC, and USC-Columbia and exempts the project from the oversight and project management regulations of the B&C, Division of State Information Technology. Stipulates that LightRail must not carry commercial or K-12 traffic originated in South Carolina and allows public or private organizations and entities to have access through formal documented partnerships with one or more of the three research universities. Requires an annual report to the General Assembly each year.
- 89.74.** (CID & PCC Agency Head Salaries) Directs that all hiring salaries and salary increases for the agency heads of the Commission on Indigent Defense and Prosecution Coordination Commission are subject to all provisions related to agency heads covered by the Agency Head Salary Commission.
- 89.75.** (Prosecutors and Defenders Public Service Incentive Program) Provides for a Prosecutors and Defenders Public Service Incentive Program for attorneys employed by the Office of Attorney General, Prosecution Coordination Commission, and Commission on Indigent Defense
- 89.76.** (Attorney Dues) Authorizes state agencies and offices to pay the costs of S.C. Bar Association mandatory dues for attorneys they employ.
- 89.77.** (Healthcare Employee Recruitment and Retention) Provides guidelines for DOC, DDSN, DHEC, DHHS, DJJ, DMH, and Voc Rehab to spend state, federal, and other sources of revenue to provide lump sum bonuses to aid in recruiting and retaining healthcare workers in critical needs healthcare jobs based on objective guidelines established by the B&C Board. Provides guidelines for paid educational leave for employees, for repaying outstanding student loans, and for tuition reimbursement.
- 89.78.** (Governor's Budget Certification) Requires the Governor's Executive Budget be certified by the Director of the State Budget Division of the B&C Board, or his designee, in the same manner as the House Ways and Means and Senate Finance Committee versions of the budget bill are certified.
- 89.79.** (Sexually Violent Predator Program) Directs that after DMH obtains project approvals, the Department of Corrections may use inmate labor to construct additional treatment space and staff offices for the Edisto Unit at the Broad River Correctional Institution, which houses the DMH's Sexually Violent Predator Treatment Program. Authorizes the Department of Corrections, for this purpose, to exceed the \$350,000 limit on projects for which it may use inmate labor.
- 89.80.** (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.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 89.81.** (Voluntary Furlough) Provides guidelines for agency heads to institute a voluntary employee furlough program of up to 90 days per fiscal year. Provides guidelines for employee benefits during the furlough.
- 89.82.** (Governor's Security Detail) Requires SLED, DPS, and DNR to provide a security detail to the Governor in a manner agreed to by SLED, DPS, and DNR. Directs reimbursement to offset the cost of the security detail be made in an amount agreed to by all parties from funds appropriated to the Office of Governor for this purpose.
- 89.83.** (Reduction in Force Antidiscrimination) Directs that if a reduction in force is implemented by a state agency or institution, they must comply with Title VII of the Civil Rights Act of 1964 or any other applicable federal or state antidiscrimination laws.
- 89.84.** (Reduction in Force/Agency Head Furlough) Requires an agency head to take five days furlough if their state agency or institution implements a reduction in force (RIF) in the current fiscal year. Directs that the agency head retains all responsibilities and authority during the furlough. Authorizes savings from the furlough to be retained by the agency and expended at the discretion of the agency head. Provides guidelines for employee benefits during the furlough. Directs that placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act. Requires state agencies to report furlough information to the B&C Board Office of Human Resources.
- 89.85.** (Implementation of Access to Justice Post-Conviction DNA Testing Act) Directs that the "Access to Justice Post-Conviction DNA Testing Act" (Act 413 of 2008) are not required to be implemented until general funds are appropriated or federal or other funds are received to begin implementation of the act.
- 89.86.** (Mandatory State Agency Furlough Program) Provides guidelines for implementing employee furlough programs of not more than ten working days in a fiscal year.
- 89.87.** (Conservation Bank Funding/LLR) Directs the transfer of \$207,050 from LLR Carry Forward Funds to the Conservation Bank, to be used for personal services and other operating expenses.
- 89.88.** (Transparency) Requires state agencies to publish on their homepage a listing of all programs funded during the current fiscal year with ARRA funds; to include program name, location, starting date, and funding level; and to update the listing quarterly.
- 89.89.** (ARRA Oversight) Directs the State Treasurer and Comptroller General to organize and co-chair a committee to monitor funds associated with the American Recovery and Reinvestment Act of 2009 in order to provide transparency and accountability. Direct the committee to collect information from state agencies and institutions regarding the ARRA funds received and authorize the collection of information from local governmental entities. Authorizes a methodology to assess state agencies an amount to fund the activities related to carrying out these functions.
- 89.90.** (Printed Report Requirements) Authorizes specific reports to be submitted electronically rather than by printed copy. Authorizes DOT to combine their Annual Report and Mass Transit Report into their Annual Accountability Report.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 89.91.** (IMD Operations) Directs that funds received by State child placing agencies for the Institution for Mental Diseases Transition Plan (IMD) be applied only for out of home placement in providers which operate DSS or DHEC licensed institutional, residential, or treatment programs. Requires an annual IMD transition funds expenditure report be provided to the Chairmen of the Senate Finance and House Ways and Means Committees and to the Governor. Directs that funds be allocated based on the DHHS allocation methodology.
- 89.92.** (Fines and Fees Report) Requires each state agency to publish on its website by September 1, a report of all aggregate amounts of fines and fees charged and collected by that state agency in the prior fiscal year and specifies the information to be included in the reporting. Requires the report also be delivered to the Chairmen of the Senate Finance and House Ways and Means Committees by September 1.
- 89.93.** (Transfer Division of Aeronautics) Transfers the Division of Aeronautics from the Department of Commerce to the B&C Board effective July 1, 2009.
- 89.94.** (Mandatory Furlough) Directs that when implementing a mandatory employee furlough program agency heads should give consideration to furloughs for contract employees, post-TERI employees, and TERI employees before other employees. Provides guidelines for employee benefits.
- 89.95.** (Reduction In Force) Directs that when implementing a reduction in force agency heads should give consideration to reductions of contract employees, post-TERI employees, and TERI employees before other employees. Provides guidelines for employee benefits.
- 89.96.** (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.
- 89.97.** (Cost Savings When Filling Vacancies Created by Retirements) States that it is the intent of the General Assembly that when classified FTEs become vacant because of employee retirements, the state agency should realize personnel costs savings of at least 25% in the aggregate when managing the vacant positions. Requires an agency, prior to filling a position which has become vacant due to a retirement, to review and determine the appropriate salary and whether the position needs to be filled or whether filling the position could be delayed.
- 89.98.** (Travel Reduction Assessment) Encourages agencies, when assessing travel reductions, to ensure that front line employees who provide direct services to clients are minimally impacted by the reduction.
- 89.99.** (Retirement Systems) Provides guidelines for certain charter school employees to participate in the S.C. Retirement System.
- 89.100.** (Winthrop University Owens Hall) Provides for procurements related to reconstruction/restoration of Winthrop University properties damaged by the Owens Hall fire of March 6, 2010.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 89.101.** (Information Technology for Health Care) Directs DHHS to use funds appropriated and awarded to them for the Health Information Technology for Economic and Clinical Health Act of 2009 to advance the use of health information technology and health information exchange to improve quality and efficiency of health care and to decrease the costs of health care. Provides guidelines for the release of patient records and medical information.
- 89.102.** (SCEIS DHEC) Directs that to ensure the goal of all agencies achieving implementation of the SCEIS program, certain processes will be implemented at DHEC by August 2, 2010.
- 89.103.** (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.
- 89.104.** (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.
- 89.105.** (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 and directs the SCEIS program within the board to assume responsibility for repayment of these transferred funds.
- 89.106.** (Reduction in Compensation) Prohibits a state agency or political subdivision from decreasing an employee's compensation, including dismissal, suspension, or demotion solely because the employee gave sworn testimony to a Senate or House of Representatives standing committee or subcommittee, or study committee regarding alleged wrongdoing. Directs that this prohibition applies regardless of when the alleged wrongdoing occurred.
- 89.107.** (Deficit Monitoring) Provides procedures for the Office of State Budget regarding quarterly deficit monitoring.
- 89.108.** (Commuting Costs) Provides guidelines for fuel reimbursement or reporting of personal use for IRS purposes of permanently assigned vehicles by state employees. Require these vehicles to be clearly marked as a state or agency vehicle unless the vehicle is used primarily in undercover operations. Excludes vehicles used 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 DOT employees on call for emergency maintenance.
- 89.109.** (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 and requires findings be reported to certain committees of the General Assembly by December 1, 2010.
- 89.110.** (Bank Account Transparency and Accountability) Requires each state agency, except higher education institutions, which have composite reservoir bank accounts or other accounts that contain public funds which are not included in the Comptroller General's

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

Statewide Accounting and Reporting System or the South Carolina Enterprise Information System to prepare a report on each account disclosing every transaction in the prior fiscal year and specifies what information is to be included. Directs that the report be submitted to the Governor, State Treasurer, Comptroller General, and Chairmen of the Senate Finance and House Ways and Means Committees by October 1 each year. Provides for an exemption to be granted, upon majority vote of the B&C Board, to the reporting requirement if the release of the information would be detrimental to the state or the agency.

- 89.111.** (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. Requires the 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.
- 89.112** (State Agency Restructuring Study Committee) Creates a State Agency Restructuring Study Committee to review and recommend ways to further streamline government to realize maximum effectiveness and efficiency. Directs the committee to review, at a minimum, 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.
- 89.113.** (Websites) Directs all state agencies, departments, and institutions to provide a link on their website to the website of any agency that posts their monthly state procurement card statement or monthly report that contains all or substantially all the same information contained in the monthly state procurement card statements. Prohibits state procurement card numbers from being posted. Requires information which federal or state law or regulation expressly prohibits from being publicly disclosed be redacted from any posting required by this provision.
- 89.114.** (Regulations) For the current fiscal year, if a state agency proposes a regulation that levies or increases a fee, fine, or that otherwise generates revenues, the title to the Joint Resolution which proposes the regulation must indicate that a fee, fine, or revenue source is being proposed.
- 89.115.** (Beach Renourishment Suspension) Suspend 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.
- 89.116.** (Joint Children's Committee) Directs the Department of Revenue, for the current fiscal year, to reduce the rate of interest paid on eligible refunds by 1 percentage point. Directs that of the revenue resulting from the reduction, \$250,000 be transferred to the Senate for the Jt. Citizens and Legislative Committee on Children to provide for the report, research, and other operating expenses as directed in Section 63-1-50; and the remaining revenue be transferred to DJJ for mentoring or alternatives to incarceration programs. Authorizes unexpended funds to be retained and carried forward and used for the same purposes. Directs that this reduction rate is in addition to the reduction authorized in Proviso 72.17.

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

- 89.117.** (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 rather than 20% as authorized in prior appropriation acts.
- 89.118.** (Civil Conspiracy Defense Costs) Directs the court, prior to trial, to make a final determination on whether the action or decision giving rise to a current or former state or local government employee being personally sued for civil conspiracy based in part upon a personnel or employment action or decision regarding an employee was made by the employee within the scope of their official duty. Directs that if the court finds the employee was acting outside the scope of their official duties, the government shall not subsequently expend any 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 expend funds to defend the claim if the court determines the employee was acting within the scope of their official duties. States that nothing prevents an insurance provider from defending and paying any claims that the provider has contractually agreed to defend and pay.
- 89.119.** (Sunday Work Law Exemption) Directs that telephone call center operations are exempt 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).
- 89.120.** (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. Establishes a scale for payment to the recovery audit consultant. Directs that recovered funds, less recovery cost, be remitted to a special fund subject to General Assembly appropriation. Authorizes agencies to recover costs documented to be directly related to implementation of this provision. Provides guidelines for which recovery audit should be conducted. Directs 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 requires the board issue a report to the General Assembly by January 1 each year, summarizing all audit recovery reports received during the prior fiscal year.

SECTION 90 - STATEWIDE REVENUE (X91)

- 90.1.** (Year End Expenditures) Directs year-end expenditure deadlines.
- 90.2** (Titling of Real Property) States the intent of the General Assembly to establish a comprehensive central property and office facility management process to plan for the needs of state government agencies and to achieve maximum efficiency and economy in the use of state owned or state leased real properties. Directs the B&C Board to identify all state owned properties. Directs that the title of any property held or acquired by a state agency or department shall be titled in the name of the state under the control of the B&C Board except for: properties subject to reverter clauses or other restraints on the property;

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

where the board determines it is in the best interest of the state to not receive title; and DOT properties, highways and roadways. Specifies to which entities and agencies this provision does not apply. Directs that this provision supersedes any conflicting provisions concerning title and acquisition and disposition of state owned real property whether in permanent law, temporary law, or by provision elsewhere in this act.

- 90.3.** (Tobacco Settlement) Provides for the transfer of \$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 funds to the Attorney General for Tobacco Escrow Fund Act enforcement. Authorizes and directs the State Treasurer to transfer up to \$1,200,000 of Tobacco Settlement Revenue Management Authority funds to the General Fund to reimburse amounts previously appropriated for Tobacco Arbitration Settlement. Directs 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.
- 90.4.** (Contingency Reserve Fund) Creates the Contingency Reserve Fund and directs that all general fund revenues accumulated in a fiscal year in excess of general appropriations and supplemental appropriations must be credited to this fund and provides guidelines for disposition of the revenue.
- 90.5.** (Criminal Justice Academy Funding) Directs that an additional \$5 surcharge is levied on all fines, forfeitures, escheatments or other monetary penalties imposed in general sessions, magistrates', or municipal court for misdemeanor traffic offenses or for nontraffic violations and directs that the surcharge be used to fund training at the Criminal Justice Academy. Prohibits the surcharge from being waived, reduced or suspended. Provides for the manner in which the funds are to be remitted to the State Treasurer and transferred to the Criminal Justice Academy.
- 90.6.** (LGF) Suspends Section 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] for the current fiscal year.
- 90.7.** (E-Verify) Requires a state entity to certify that it is a participant in the E-verify federal work authorization program before it accepts or uses federal stimulus package monies. Directs that failure to do so violates the provisions of Act 280 of 2008.
- 90.8.** (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. Requires a \$4,300,000 remain in the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008 and provides directives for the use of the funds. Provides for the management of funds received from the Yucca Mountain lawsuit
- 90.9.** (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

SUMMARY OF FISCAL YEAR 2011-12 BASE PROVISOS

fund within the State Treasurer's Office, except directs 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.

- 90.10.** (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.
- 90.11.** (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 Fund and directs the State Treasurer to disburse specific appropriations by September 1, 2010 for the purposes stated. Authorizes unexpended funds to be carried forward and expended for the same purpose.
- 90.12.** (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; to submit the recommendation to the General Assembly at the beginning of the 2011 session, and to submit quarterly progress reports to the Chairmen of the Senate Finance and House Ways and Means Committees.
- 90.13.** (Pfizer Settlement) Directs the Attorney General to transfer to DHHS for Medicaid Maintenance of Effort, all funds received from the state's settlement agreement with Pfizer Incorporated.
- 90.14.** (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 agencies, unless specifically exempted by another provision, to transfer unobligated state match funds resulting from receipt of the increased FMAP from 7/1/10 to 12/31/10 to DHHS. Directs DHHS to transfer \$49,107,658 to the General Fund by 12/31/10 and to disburse funds to specific agencies. Directs DHHS 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.