

**H3700 CONFERENCE COMMITTEE
SUMMARY OF PROVISO CHANGES FOR FY 2011-12
SAME IN BOTH VERSIONS**

SECTION 1 - H63-DEPARTMENT OF EDUCATION

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

~~1.18. (SDE: Assisting, Developing, and Evaluating Professional Teaching--ADEPT) Funds appropriated in Part IA, Section 1, XIII.A Aid to School Districts Aid to Subdivision APT/ADEPT, may be used for the implementation of the ADEPT system. Of the funds appropriated, ten percent is to be used to pay colleges and universities for ADEPT services. The remaining funds will be distributed to school districts, School for the Deaf and the Blind, John de la Howe School, Governor's School for Arts and Humanities and the Department of Juvenile Justice on a per induction contract teacher basis to offset the costs of implementing the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three hour course at that institution for those public school teachers who serve as supervisors for full time students completing education degree requirements. Of the funds appropriated in the prior fiscal year, unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.~~

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

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

- 1.25 AMEND** (PSAT/PLAN Reimbursement) Directs that assessment appropriations be used to pay for administering PSAT or PLAN tests to 10th grade students to include the testing and

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report fees. Authorizes the department to carry forward prior year assessment funds to pay for state assessment activities not completed by the end of the fiscal year including scoring the spring statewide accountability assessment.

WMC: AMEND proviso to delete the requirement that assessment funds be used to pay for administering PSAT or PLAN tests to 10th grade students. Instead for the current fiscal year, suspend the PSAT/PLAN and direct savings generated from the suspension to the EFA. Fiscal Impact: OSB states that \$169,487 is appropriated in state general funds for PSAT and PLAN. This amendment would allow these funds to be allocated to the EFA. Requested by Department of Education. *Companion to EIA 1A.25.*

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

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

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

1.45 **DELETE** (National Board Certification Incentive) Provides guidelines for an annual \$7,500 salary supplement to be paid to public school classroom teachers or classroom teachers who work with classroom teachers, including teachers at the special school, who are certified by the State Board of Education and by the National Board for Professional Teaching Standards or who completed the application process prior to July 1, 2010. Directs that the supplement be paid for the length of the national certificate. Directs CERRA to develop guidelines and administer a loan program for teachers who are U.S. citizens or permanent resident aliens applying for National Board certification. Provides guidelines for loan forgiveness.

WMC: DELETE proviso. *Funded wholly in EIA. See EIA proviso 1A.13 (not amended).*

HOU: ADOPT deletion of proviso.

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SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

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

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

- 1.46** **DELETE** (National Board Certification Incentive Surplus) Directs that National Board Certification Incentive appropriation excess of all obligations, including salary supplements, related fringe, loan principal amount and interest forgiven, and the administration funds necessary for the Center of Educator Recruitment, Retention, and Advancement and the Department of Education be distributed to school districts and allocated based on the EFA Formula.

WMC: DELETE proviso. *No surplus of funds are expected.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

- 1.58** **DELETE** (Physical Education Teachers) Requires school district's allocations from Part IA, Section 1, Program III are to be used to increase the number of physical education teachers to the extent possible.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

- 1.69** **AMEND** (Special Schools Flexibility) Authorizes special schools, for FY 2010-11, to transfer funds among funding categories, including capital funds.

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

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SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

1.70 **AMEND** (High School Driver Education) Suspends, for FY 10-11, the requirement that high schools offer driver education, but allow schools to continue to offer the course if they so choose. Directs the department to survey school districts and collect information on the cost of the program, the number of participants, and recommendations regarding continuing the program. Directs the department to submit a report by January 1, 2011, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee outlining the findings of the survey and the recommended changes to the course. Directs the department to work with DMV in collecting and reporting driver education input.

WMC: AMEND proviso to change "Fiscal Year 2010-11" to "current fiscal year" and delete reference to the survey. *Survey has been issued.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

1.71 **DELETE** (Background Checks for Substitute Teachers) Requires all substitute teachers to undergo a SLED name based criminal records search and requires SLED to provide the records without charge to the district or the substitute teacher. Requires school districts to develop a written policy and requires the department to provide training and adopt a model policy.

WMC: DELETE proviso. *Codified in Act 168 of 2010.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

1.71. (SDE: Background Checks for Substitute Teachers) ~~Each individual hired by a local board of trustees to serve as a substitute teacher must undergo a name based South Carolina criminal records search conducted by the local school district using records maintained by the State Law Enforcement Division (SLED). SLED shall provide these records without charge to~~

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~~the school district or the substitute teacher. District school boards of trustees must adopt a written policy outlining this requirement as well as how the information received from the background check will impact hiring decisions. The policy must include, at a minimum, hiring recommendations relative to felony convictions and relevant “just cause” examples cited in Section 59-25-160 of the 1976 Code. SLED, working with the Department of Education, shall provide training to appropriate school district personnel regarding appropriate use of the information provided in background checks. The Department of Education shall adopt a model policy.~~

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

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

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

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

- 1.75** **DELETE** (AED Study) Authorizes the department to coordinate a study to determine if all public and private high school instructional and administrative staff should have training on the proper use of an automated external defibrillators. Directs the department, if the study is conducted, to report their findings to the Chairmen of the Senate Finance and House Ways and Means Committees by January 31, 2011.
WMC: DELETE proviso. *Study has been conducted.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.
HOU: ADOPT deletion of proviso.

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SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

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

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

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

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

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

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

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HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

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

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

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

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

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

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

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

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

1.80 DELETE (Incentive for National Board Certification After 6/30/10) Provides guidelines for a \$5,000 salary supplement for public school classroom teachers and classroom teachers who work with classroom teachers, including teachers at the special schools, who are certified by the State Board and who complete the National Board Certification application process on or after 7/1/10. Limits the receipt of the supplement to one ten year period. Directs CERRA to administer a program for teachers who are U.S. citizens or permanent resident aliens applying for National Board certification on or after 7-1-10 and directs the department to transfer National Board Certification funds as necessary for administration of the program.. Direct that teachers who completed the application or renewal process before 7-1-10 shall receive a \$7,500 salary supplement beginning July 1 in the year after they achieve certification beginning with 2009 applicants.

WMC: DELETE proviso. *See EIA proviso 1A.43 (not amended).*

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

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

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

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

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

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

~~1.81. (SDE: Application of Reductions) The department is authorized to proportionately apply 38% of the Fiscal Year 2010 11 agency base reductions among the other state entities and non flow thru appropriations housed within the department's budget with the remaining 62% of the Fiscal Year 2010 11 agency base reduction first exempting the EFA and EFA~~

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~~Employer Contributions prior to being proportionately applied throughout the department's budget. The Governor's School for the Arts and the Humanities and the Governor's School for Science and Mathematics base reduction shall be limited to no more than 5%.~~

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

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

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

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

- 1.92** **AMEND NEW PROVISO** (One Year Suspension of Programs) **WMC:** ADD new proviso to temporarily suspend the High School That Work and SAT/ACT Improvement programs for Fiscal Year 2011-12. Direct that these funds must be allocated to districts based on the number of weighted pupil units.
HOU: AMEND new proviso to delete suspension of the High Schools That Work program. Sponsor: Rep. Gambrell.
SFC: ADOPT new proviso as amended.
SEN: ADOPT new proviso as amended.
CONF: SAME in both versions.

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

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

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

SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA

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

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

- 1A.6** **AMEND** (Teacher Salaries/SE Average) Projects the Southeastern average teacher salary to be \$48,725 for FY 10-11. States that the statewide minimum teacher salary schedule used in FY 08-09 will continue to be used in FY 10-11. Specifies what positions are to receive Teacher Salary Supplements.
WMC: AMEND proviso to change "\$48,725" to "\$49,007" and change "Fiscal Year "2010-11" to "2011-12" pertaining to using the same statewide minimum teacher salary schedule used in FY 08-09. Fiscal Impact: \$85,843,212 (\$49,007-\$47,642) x 1.2094 x 52,000 + EFA restoration.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

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

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

1A.16 AMEND (Teacher Supplies) Provides guidelines for distributing teacher supply reimbursement of up to \$275 each school year to offset the expenses they have incurred for teaching supplies and materials.

WMC: AMEND proviso to change "FY 2010-11" to "Fiscal Year 2011-12." Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

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

- 1A.25 AMEND** (PSAT/PLAN Reimbursement) Directs that assessment appropriations be used to pay for administering PSAT or PLAN tests to 10th grade students to include the testing and report fees. Authorizes the department to carry forward prior year assessment funds to pay for state assessment activities not completed by the end of the fiscal year including scoring the spring statewide accountability assessment.
- WMC:** AMEND proviso to delete the requirement that assessment funds be used to pay for administering PSAT or PLAN tests to 10th grade students. Fiscal Impact: OSB states no impact on the General Fund. Requested by Department of Education. *Companion to 1.25.*
- HOU:** ADOPT proviso as amended.
- SFC:** ADOPT proviso as amended.
- SEN:** ADOPT proviso as amended.
- CONF:** SAME in both versions.

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

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

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

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

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

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

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

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

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

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

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

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

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

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

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~~the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2011.~~

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

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

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

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

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

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

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

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

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The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of 185% or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

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

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

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

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

Providers shall:

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

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

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

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

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

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

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

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

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

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with

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the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

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

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

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

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

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

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(7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children five years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

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

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

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

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;

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(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the pilot program.

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

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility;

(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the pilot program.

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

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

(1) maintain a list of all approved public and private providers; and

(2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements of this provision.

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

1A.46 ADD (SC Reading Achievement Systemic Initiative) WMC: ADD new proviso to create a policy panel to guide the S.C. Reading Achievement Systemic Initiative funded from

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Department of Education and EOC appropriated or authorized funds. Direct that the panel be composed of 25 members appointed by the Governor, the Superintendent of Education, and Chairmen of specific Senate and House Committees, of the State Board of Education, and of the EOC. Direct the panel to focus on child physical health, language development and school learning policies, practices, and funding. Direct that the panel is to be staffed through a collaborative among the Department of Education, SC KidsCount, and EOC with those entities sharing the cost of panel expenses. Direct the panel to provide a report to the Senate Education Commission, the House Education and Public Works Committee, the State Board of Education, and the EOC by January 15, 2012. Fiscal Impact: No impact on the General Fund. Requested by Education Oversight Committee.

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

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

The Governor shall appoint to the panel:

(1) one business leader;

(2) one parent;

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

Readiness;

(4) one representative of the State Library Board;

(5) one pediatrician; and

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

The State Superintendent of Education shall appoint to the panel:

(1) one business leader;

(2) one parent;

(3) one parent educator;

(4) one researcher in reading;

(5) two literacy coaches;

(6) two district early childhood or academic leaders;

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

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

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

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

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

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

The panel is directed to define the focus and priorities for state actions to improve the level of reading achievement among the state's young people including building upon the work of

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

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

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

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

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

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

1A.49 AMEND NEW PROVISO (Carry Forward) **WMC:** ADD new proviso to direct that EIA funds carried forward from the prior fiscal year that are not otherwise appropriated or authorized must be distributed to school districts based on the number of weighted pupil units.

HOU: AMEND new proviso to delete the previous requirement for carry forward funds and instead direct that EIA funds carried forward from the prior fiscal year and from FY 11-12, not otherwise appropriated or authorized, must be carried forward and spent for school bus fuel costs and direct that any unexpended funds also be carried forward and used for the same purpose. Sponsor: Rep. Bingham.

SFC: ADOPT new proviso as amended.

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SEN: ADOPT new proviso as amended.

CONF: SAME in both versions.

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

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

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

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

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

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

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

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

SFC: ADOPT new proviso.

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

1A.54. (SDE-EIA - IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section XI.A.1 Aid to Districts according to proviso 1A.48 for Fiscal Year 2011-12, the department shall direct \$45,481,854 of the funds appropriated in Section XI.A.1 Aid To Districts to school districts and special schools for support of programs and services for students with disabilities, to meet the estimated maintenance of effort for IDEA. The department shall distribute these funds using the current fiscal year 135-day Average Daily Membership. For continued compliance with the federal maintenance of efforts requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of effort requirements under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts, the department must not reduce funding to support children with disabilities who qualify for services under the IDEA in a manner that is disproportionate to the level of overall reduction to state programs in general. By December 1, 2011, the department must submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor.

SECTION 2 - H66-LOTTERY EXPENDITURE ACCOUNT

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

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

2.5 DELETE (FY 10-11 Lottery Funding) Directs expenditure of lottery funds for Fiscal Year 2010-11.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

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SECTION 6 - H03-COMMISSION ON HIGHER EDUCATION

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

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

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

WMC: DELETE proviso. *Stimulus funds will not be available to be awarded in FY 11-12.* Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

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

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

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

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

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

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

SECTION 21 - J02-DEPARTMENT OF HEALTH AND HUMAN SERVICES

21.3 **AMEND** (Medical Assistance Audit Program Remittance) Requires the department to remit to the general fund an amount that represents 50% of the cost of the Medical Assistance Audit Program as established in the State Auditor's Office. Directs that the amount also include appropriated salary adjustments and fringe benefits that are allocable to the program. Directs that the remittance be made monthly and be based on invoices the State Auditor provides.

WMC: AMEND proviso to direct that the funds be remitted to the State Auditor's Office rather than to the general fund. Requested by Department of Health and Human Services.

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HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

21.9 DELETE (Community Residential Care Optional State Supplementation) Directs that if the federal government grants a cost of living increase to Social Security and Supplemental Social Security Income recipients, the increase to Personal Needs Allowance for residents of community residential facilities will be effective in January. Directs the department to increase the residential care payment by the amount of the cost of living increase less \$2 per recipient for a Personal Needs Allowance increase. Authorizes the department to maximize a portion of the OSS funds to implement the Integrated Personal Care program for eligible residents of community residential care facilities that receive OSS payments.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

21.15 DELETE (Prescription Reimbursement Payment Methodology) Directs that the prescription dispensing fee is at least \$4.05 per prescription filled and requires that prescription reimbursements must be the lowest of the federal upper limit of payment or South Carolina maximum allowable cost for the drug, if any, less 10% plus the current dispensing fee; the Wholesale Acquisition Cost plus 12.5%; or the provider's usual and customary charge to the general public for the product. Authorizes the department to adjust the dispensing fee to offset any negative change in the federal reimbursement methodology. Requires the department to

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submit a report on any changes in the federal methodology and the impact on the state prescription reimbursement payment by October 31, 2010.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~21.15. (DHHS: Prescription Reimbursement Payment Methodology) The prescription dispensing fee for the current fiscal year is not less than \$4.05 per prescription filled. Prescription reimbursements must be the lowest of: the federal upper limit of payment or South Carolina maximum allowable cost (MAC) for the drug, if any, less 10% plus the current dispensing fee; the Wholesale Acquisition Cost (WAC) plus 12.5%, or the provider's usual and customary charge to the general public for the dispensed product. By October 31, 2010, the Department of Health and Human Services shall submit a state plan amendment to the Centers for Medicare and Medicaid Services (CMS) requesting approval for the reimbursement rate referenced above. The Department shall submit a copy of the CMS State Plan Amendment to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee.~~

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

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

21.17 DELETE (Medicaid Monthly Maintenance Needs Allowance) Direct the department to conform the State Medicaid Monthly Maintenance Needs Allowance to the most current maximum amounts authorized by the Federal Government, phased in 5 years. Authorize the department to use their appropriated general funds to implement this provision.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

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- 21.20 DELETE** (Prior Authorization Exemptions) Requires the department to spend pharmaceutical services funds without prior authorization on medications prescribed to treat major depression, schizophrenia, bipolar disorder, HIV/acquired immune deficiency syndrome, or oncology related pharmaceuticals. Allows the department to implement operational procedures necessary to insure appropriate use and to prevent non-FDA approved use of the medications.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

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

- 21.22 DELETE** (Prevention Partnership Grants) Requires the department to use prevention grant funds to implement a Prevention Partnership Grants Program. Directs that \$1,000,000 of these funds be allocated to DHEC for HIV Prevention. Provides for the grant process and directs that the department function as a clearinghouse for all of the state's prevention and healthy lifestyle activities identified in agency activity inventories in order to prevent duplication. Directs the department develop an interagency state prevention and healthy living plan and present the plan to the Governor and Chairmen of the Senate Finance, House Ways and Means, Senate Medical Affairs, and House Medical, Military, Public and Municipal Affairs Committees annually by Sept. 30th.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~21.22. (DHHS: Prevention Partnership Grants) The Department of Health and Human Services must implement a Prevention Partnership Grants Program with funds appropriated herein for prevention grants. Of these funds \$1,000,000 shall be allocated to the Department of Health and Environmental Control for HIV Prevention. Grants must be awarded through a competitive process to government agencies, private foundations and businesses, and/or non-profit organizations that operate preventive health programs with documented outcomes. To prevent duplication, the department must also function as a clearinghouse for all of the state's prevention and healthy lifestyle activities identified in the activity inventories agencies submitted to the State Budget Office. Information provided to the department for the clearinghouse must include, at a minimum, details on expenditures, administrative costs, recipients, and outcomes. The department will use this clearinghouse to identify gaps and overlaps in the state's prevention and healthy lifestyle efforts, and then develop and present to the Governor and Chairmen of the Senate Finance, House Ways and Means, Senate Medical~~

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~~Affairs, and House Medical, Military, Public and Municipal Affairs Committees an interagency state prevention and healthy living plan, including guidelines for administration and distribution of prevention partnership grants, annually by September 30th. All state agencies, whether specifically identified in this section or not, must provide information upon the department's request.~~

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

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

- ~~(1) all facilities distributing or dispensing prescription drugs to be permitted by the Board of Pharmacy;~~
- ~~(2) each pharmacy to have a pharmacist in charge;~~
- ~~(3) a pharmacist to be physically present in the pharmacy or health center delivery site in order to serve as the pharmacist in charge;~~
- ~~(4) a pharmacist to serve as a pharmacist in charge for only one pharmacy at a time.~~

~~(B) A federally qualified health center must be recognized as a covered entity under Section 40-43-60(I) of the 1976 Code allowing licensed practitioners, as defined by Section 40-43-30(45), to dispense drugs or devices that are the lawful property of the practitioner or the corporation.~~

~~(C) A federally qualified health center may transport medications in the same manner as allowed by laws for free clinics and/or private physician practices.~~

- 21.24 DELETE** (High Management Group Home Psychiatric Residential Treatment Facility) Authorizes an existing facility currently licensed by DSS who is enrolled with the Medicaid agency as a High Management Group Home provider to elect to be enrolled with the Medicaid agency and licensed by DHEC as a Psychiatric Residential Treatment Facility if the facility meets specific criteria. Allows the facility to request and be granted a Certificate of Need exemption from DHEC for up to the number of beds existing as of 1/1/07 and requires the request be submitted to DHEC before 1/1/08. Directs that if the current High Management Group Home facility cannot meet licensing standards or obtain an exemption or waiver from DHEC it may move and rebuild within the adjacent 20 miles, up to the number of beds existing at the facility on 1/1/07 and obtain the same exemptions. Directs that facilities that seek to

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increase the existing number of beds beyond those held on 1/1/07 or relocate outside the 20 mile radius will be subject to all CON and licensing requirements. Directs that High Management Group Homes that do not elect to operate as a Psychiatric Treatment Facility may continue to receive non-Medicaid state and federal funds only, except as allowed under an authorized transition plan.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

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

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

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

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

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

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

21.34 **DELETE** (MUSC Medicaid Services Reimbursement) Requires the department to reimburse MUSC 100% of costs on all Medicaid hospital services they render.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

21.36 **AMEND** (Carry Forward) Authorizes the department to carry forward prior year cash balances for any earmarked or restricted trust, agency, or special revenue account or subfund. Requires all revenue deposited into the Restricted Medicaid Expansion Fund be spent in the year it is received. Requires the department submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year to the President Pro Tempore of the Senate, Speaker of the House, and Chairmen of the Senate Finance and Ways and Means Committees, within 15 days after the Comptroller General closes books on the fiscal year.

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WMC: AMEND proviso to delete the requirement that revenue deposited into the Restricted Medicaid Expansion Fund be spent in the year it is received. *Provide for use of funds received during the last fiscal month.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

21.38 **DELETE** (ARRA County Matching Funds Adjustment) Authorizes the department to make quarterly reductions or refunds to county matching funds assessed for indigent medical care as necessary to comply with Section 5001(g)(2) [FMAP] of ARRA.

WMC: DELETE proviso. *ARRA funds are no longer available.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

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

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

HOU: ADOPT deletion of proviso.

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

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

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

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

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

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

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

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

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

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

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

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

SECTION 22 - J04-DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

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

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

- 22.9** **AMEND** (Emergency Medical Services) Provides for the allocation of Emergency Medical Services funds to counties to improve and upgrade the EMS system throughout the state. Prohibits \$1,610,512 appropriated for Emergency Medical Services from being transferred to any other program. Authorizes unexpended funds to be carried forward. Provides the manner in which mandated budget reductions may be taken from this item.
WMC: AMEND proviso to change “\$1,610,512” to “\$1,234,288. *Conforms to amount of funding currently provided.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

22.9. (DHEC: Emergency Medical Services) Funds appropriated herein for Emergency Medical Services, shall be allocated for the purpose of improving and upgrading the EMS system throughout the state. The monies allocated to the Counties are for the purpose of improving or upgrading the local EMS system through the licensed ambulance services, the monies allocated to the EMS Regional Councils are for the administration of training programs and technical assistance to local EMS organizations and county systems. All additional funds

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

- 22.10** **AMEND** (Rape Violence Prevention Contract) Directs that \$513,481 of Rape Violence Prevention funds be used to support rape crisis centers programmatic efforts by distributing these funds based on DHEC Rape Violence Prevention Program service standards and each center's accomplishment of a pre-approved annual action plan.

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

- 22.13** **AMEND** (Genetic Services) Directs that \$130,948 under the Independent Living program is to be used to provide appropriate genetic services to medically needy and underserved persons. Directs that the funds be divided equally among the three Regional Genetic Centers of South Carolina, composed of units from MUSC, USC School of Medicine, and the Greenwood Genetic Center.

WMC: AMEND proviso to change "\$130,948" to "\$104,086." *Conforms to amount of funding currently provided.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

22.35 **AMEND** (South Carolina State Trauma Care Fund) Directs that \$2,948,519 of State Trauma Care Fund monies be used to increase the reimbursement rates for trauma hospitals, for trauma specialists' professional fee, for increasing the capability of EMS trauma care providers from counties with a high rate of traumatic injury deaths to care for injury patients, and to support the trauma system. Provides the percentage methodology to be used to disburse the funds.

WMC: AMEND proviso to change "\$2,948,519" to "\$2,268,885." *Conforms to amount of funding currently provided.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

SECTION 23 - J12-DEPARTMENT OF MENTAL HEALTH

23.8 **AMEND** (Alzheimer's Funding) Requires the department to use \$911,620 of Community Mental Health Centers funding to contract to provide Alzheimers respite care and diagnostic services to those who qualify as determined by the Alzheimer's Disease and Related Disorders Association and to maximize federal matching dollars.

WMC: AMEND proviso to change "\$911,620" to "\$778,706." *Conforms to amount of funding currently provided.* Fiscal Impact: No impact on the General Fund. Requested by Department of Mental Health.

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HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

23.14 DELETE (Carry Forward Unobligated Funds) Authorizes the department to carry forward unobligated funds resulting from additional payment received from the increased FMAP provided by the ARRA of 2009 and to use the funds for inpatient hospital services.

WMC: DELETE proviso. *ARRA funds are no longer available.* Fiscal Impact: No impact on the General Fund. Requested by Department of Mental Health.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

SECTION 24 - J16-DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS

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

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

24.14. (DDSN: Traumatic Brain Injury) Funds appropriated by the agency for Traumatic Brain Injury/Spinal Cord Injury Post-Acute Rehabilitation shall be used for that purpose only.

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In the event the department receives a general fund reduction in the current fiscal year, any funding reductions to the post-acute rehabilitation funding must be in equal proportion to and shall not exceed reductions to other agency services.

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

25.3 **AMEND** (Eligibility for Treatment Services) Directs that any South Carolina resident, upon payment of all applicable fees, is eligible to take part in treatment programs offered by the department during FY 10-11.

WMC: AMEND proviso to change “2010-11” to “current” fiscal year. Fiscal Impact: No impact on the General Fund. Requested by Department of Alcohol and Other Drug Abuse Services.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

SECTION 26 - L04-DEPARTMENT OF SOCIAL SERVICES

26.24 **AMEND** (Day Care Facilities Supervision Rates) Prohibits the department from implementing Regulations 114-504(B) and (C) [DAY CARE FACILITIES SUPERVISION STAFF:CHILD RATIOS FOR LICENSED CENTERS] during the Fiscal Year 2010-11.

WMC: AMEND proviso to change Fiscal Year “2010-11” to “2011-12.” Fiscal Impact: No impact on the General Fund. Requested by Department of Social Services.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

26.25 **DELETE** (Child Welfare Outsourcing Study) Directs the department to study the outsourcing of child welfare services including case management and report the findings to the Governor and Chairmen of the Senate Finance and House Ways and Means Committees by January 31, 2011.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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~~26.25. (DSS: Child Welfare Outsourcing Study) From funds appropriated to the department for child welfare, the department shall conduct a study with provider and stakeholder participation to determine the feasibility of child welfare outsourcing initiatives. The study should include, but is not limited to, a review of other states contract monitoring and quality assurance models for private providers, to include performance measures and outcomes; a description of all services which might be effectively outsourced to include case management; an analysis of state procurement requirements; an analysis of cost savings or potential costs avoided that may accrue to the state; and a review of provider and state system data measures which can monitor private provider accountability and compliance and assist in rate setting. The department shall provide a report of the findings to the Governor, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January 31, 2011.~~

26.26 **DELETE** (Child Care Center Provisional License Extension) Authorizes a licensed child care center that is not in full compliance the hot water requirement of Regulation 114-507 A.6(b) [PHYSICAL SITE, INDOOR SPACE AND CONDITIONS, WATER SUPPLY] to have their provisional license extended until June 30, 2011.

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

HOU: ADOPT deletion of proviso.

SFC: REINSERT proviso and amend to change item "A.6(b)" to "A.12(d)" and update "2011" to "2012."

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

CONF: SAME in both versions.

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

SECTION 29 - H87-STATE LIBRARY

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

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

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

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SECTION 32 - L32-HOUSING FINANCE AND DEVELOPMENT AUTHORITY

32.4 AMEND (Allocation of Indirect Cost Recoveries) Directs the authority to deposit indirect cost recoveries for the authority's portion of the FY 2010-11 Statewide Central Services Cost Allocation Plan (SWCAP) into the general fund and to retain recoveries in excess of the amount deposited in the general fund.

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

SECTION 33 - P12-FORESTRY COMMISSION

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

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

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

SECTION 35 - P20-CLEMSON UNIVERSITY - PSA

35.12 ADD (Landplaster Inspection Fee) **WMC:** ADD new proviso to direct that for the purpose of regulating landplaster (gypsum) as it is applied to land for crop production, it shall be defined as a product consisting chiefly of calcium sulfate with two combined water (CaSO₄ 2H₂O) and is incapable of neutralizing soil acidity. Direct that it shall contain not less than seventy percent (70%) CaSO₄ 2H₂O. Direct that all registrants of landplaster who sell or distribute in this state that were previously required to pay Clemson-PSA an inspection fee of \$1.50 per ton shall now pay fifty cents for each ton sold. Authorize these funds to be retained, expended, and carried forward to maintain its programs. Fiscal Impact: BEA states that since Liming Material program fees do not apply to the state's General Fund there would be no impact on General Fund revenue. Reduction in the per ton fee would net an annual loss of revenue for Clemson of approximately \$65,000. Requested by Clemson University-PSA.

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

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

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

SECTION 37 - P24 - DEPARTMENT OF NATURAL RESOURCES

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

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

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

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~37.9. (DNR: Shrimp Baiting Enforcement) The department shall allocate additional enforcement efforts during the sixty (60) day shrimp baiting period to assist existing law~~

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~~enforcement personnel in monitoring and enforcement of the shrimp baiting laws. Further, expenditures for other than law enforcement should not exceed thirty percent (30%) of the annual collections from the sale of shrimp baiting permits.~~

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

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

HOU2: DELETE proviso. Sponsor: Rep. Cooper.

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

CONF: SAME in both versions.

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

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

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

39.11 AMEND (Destination Specific Tourism Transfer) Directs the Department of Revenue, for FY 2010-11, to transfer to PRT the Motion Picture Incentive Rebate set-aside funds carried forward from the prior fiscal year. Directs that these funds be used for the Destination Specific Tourism Program and authorizes the funds to be carried forward and used for the same purpose.

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

~~39.11. (PRT: Destination Specific Tourism Transfer) From the funds set aside pursuant to the Motion Picture Incentive Wage Rebate, for Fiscal Year ~~2010-11~~ 2011-12 unexpended funds~~

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carried forward from the prior fiscal year shall be transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism and utilized for the Destination Specific Tourism Program. These funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purpose.

SECTION 40 - P32 - DEPARTMENT OF COMMERCE

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

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

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

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

HOU: ADOPT deletion of proviso.

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

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

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

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

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

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

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

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

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

SECTION 45 - E20 - ATTORNEY GENERAL'S OFFICE

45.5 AMEND FURTHER (Water Litigation) Authorizes the Attorney General to expend current year Water Litigation funds to reimburse Water Litigation expenditures incurred in the prior fiscal year and direct that a record of the prior year expenses be made available to the Senate Finance and House Ways and Means Committees.

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

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

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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

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

45.9. (AG: Criminal Insurance Activity Investigations) DELETED

SECTION 46 - E21 - PROSECUTION COORDINATION COMMISSION

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

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

- 46.8 DELETE NEW PROVISO** (Offset Against Appropriations) **WMC:** ADD new proviso to require every circuit solicitor to report by July 15th to the B&C Board, Office of State Budget (OSB) Director the gross amount of funds the solicitor received in the prior fiscal year from any civil action brought by the solicitor on behalf of the State pursuant to Section 15-3-570 [ACTIONS OTHER THAN FOR RECOVERY OF REAL PROPERTY-ACTIONS FOR PENALTY]. Define "funds received" as the gross amount of any settlement amount or judgment paid unreduced by attorney's fees and costs. Require the OSB director, when this information is received, to

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proportionately reduce each Prosecution Coordination Commission separate appropriation, except for solicitor salaries, by the total amount reported as an offset of their budget appropriation. Require every solicitor to report to the Director of OSB the amount of funds received from any civil action brought by the solicitor on behalf of the State pursuant to Section 15-3-570, within 7 days of receiving the funds. Require the OSB director, when this information is received, to proportionately reduce each Prosecution Coordination Commission separate appropriation, except for solicitor salaries, by the total amount reported as an offset of their budget appropriation.

HOU: ADOPT new proviso.

HOU2: DELETE new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

CONF: SAME in both versions.

46.8. (PCC: Offset Against Appropriations) DELETED

SECTION 47 - E23 - COMMISSION ON INDIGENT DEFENSE

47.4 DELETE (Post Conviction Relief Payments) Directs the court to order payment of all fees and costs in non capital Post Conviction Relief cases from funds appropriated to the Office on Indigent Defense for defense of indigents in such cases. Directs that the rate of compensation for appointed attorneys not exceed \$40 per hour for time spent out of court and \$60 per hour for time spent in court, or on the basis of a set (flat) fee. Directs that the payment method and amount of the set (flat) fee will be determined by the Commission on Indigent Defense. Directs that compensation and costs not exceed \$1,000 in any single case and be paid from funds appropriated to the Office of Indigent Defense for defense of indigents represented by court-appointed, private counsel in non-capital Post Conviction Relief cases.

WMC: DELETE proviso. *Proviso has been incorporated into 47.5 (Civil Court Appointments).* Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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

47.10 DELETE (Accounting and Transfer of Assets) Requires each public defender corporation to provide to the Commission on Indigent Defense by September 1, 2008, an accounting of all funds received and expended by or on behalf of the corporation for each county served during FY 07-08. Requires the accounting to be certified as true and correct by an official

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representative of the defender corporation. Requires each corporation, by September 1, 2008, to assign and transfer or cause to be assigned and transferred all corporation funds and other assets to the Office of the Circuit Public Defender in the circuit in which the county is situated and directs that these funds and assets are to be used to provide indigent services within the county.

WMC: DELETE proviso. *All assets have been transferred.* Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~47.10. (INDEF: Accounting and Transfer of Assets) Each public defender corporation shall provide to the Commission on Indigent Defense no later than September 1, 2008, an accounting of all funds received and expended by or on behalf of the corporation for each county served during Fiscal Year 2007 08. The accounting shall be certified by an official representative of the defender corporation as true and correct; and no later than September 1, 2008, each such corporation shall assign and transfer or cause to be assigned and transferred all funds and other assets of the corporation of every kind and nature to the Office of the Circuit Public Defender in the circuit in which the county is situate, to be used for the provision of indigent defense services within the county.~~

SECTION 48 - D10 - STATE LAW ENFORCEMENT DIVISION

48.17 **DELETE** (Alcohol Laws) Directs SLED to convene a working group of state and local law enforcement officials to develop recommendations for improving enforcement of state statutes that relate to the sale, purchase and possession of alcoholic beverages. Provides for composition of the working group. Allows the working group to seek input from the SC Hospitality Association, the SC Association of Convenience Stores and other entities as deemed necessary. Requires SLED, by November 1st, to publish on its homepage the group's recommendations to strengthen and improve: (1) enforcement of the laws; (2) cooperation between state and local agencies regarding the laws; (3) statewide support of SLED in enforcing the laws; (4) and use of alcohol related fees collected by SLED.

WMC: DELETE proviso. *Report completed and posted on SLED's website with recommendations.* Requested by State Law Enforcement Division.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~48.17. (SLED: Alcohol Laws) The department shall convene a working group of state and local law enforcement officials to develop recommendations for improving the enforcement of state statutes relating to the selling, purchasing, and possession of alcohol beverages. The working group shall be comprised of the Director of the State Law Enforcement Division or his designee, the Director of the Department of Public Safety, or his designee, two sheriffs, one from a county with a large population and one from a county with a small population, or their designee, appointed by the South Carolina Sheriff's Association, and two police chiefs, one from a city or municipality with a large population and one from a city or municipality with a small population, appointed by the Municipal Association of South~~

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~~Carolina. The working group may seek input from the South Carolina Hospitality Association, the South Carolina Association of Convenience Stores and other entities as deemed necessary. By November first, SLED must publish on its homepage the recommendations of the working group for strengthening and improving: (1) the enforcement of these laws, (2) the cooperation between state and local agencies regarding these laws, (3) the statewide support of SLED in enforcing these laws, and (4) the use of alcohol related fees collected by SLED.~~

- 48.18** **ADD** (Use of PIP Funds) **HOU:** ADD new proviso to authorize SLED to use approved permanent improvement funds for projects 9807 and 9845 toward construction of a storage and logistics facility. Sponsor: Rep. Pitts.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

48.18. (SLED: Use of PIP Funds) The agency is authorized to use approved permanent improvement funds for projects 9807 and 9845 toward construction of a storage and logistics facility.

SECTION 50 - N20-LAW ENFORCEMENT TRAINING COUNCIL

- 50.3** **DELETE** (CJA-Loan Approval) Authorizes the Criminal Justice Academy, subject to JBRC review and B&C Board approval, to borrow up to \$12,000,000 to construct and equip a new dormitory to house students at the Academy and for additional classroom and office space to meet increased demand. Authorizes the State Treasurer to negotiate the terms and conditions of the loan, revenue bond or other financing arrangement and direct that the indebtedness be repaid exclusively from either the \$5 surcharge authorized in Section 90 or other Criminal Justice Academy funds.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. Per CJA 6 year loan is for \$9,345,000 for new village at 3.414%. Provides 208 bed dorm and 6 classrooms. Requested by Law Enforcement Training Council.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**50.3.** (LETC: CJA-Loan Approval) Subject to the review of the Joint Bond Review Committee and approval of the Budget and Control Board, the Criminal Justice Academy is authorized to borrow an amount not to exceed \$12,000,000 to construct and equip a new dormitory to house students in training at the Academy and additional classroom and office space to meet the increased demand for mandated basic law enforcement training as well as advanced and specialized training. The State Treasurer is authorized to negotiate the terms and conditions of a loan, revenue bond, or other financing arrangement, the indebtedness for which must be repaid exclusively from either the five dollar surcharge authorized in Section 90 of this Act or other Criminal Justice Academy funds.~~

SECTION 51 - N04 - DEPARTMENT OF CORRECTIONS

- 51.19** **DELETE** (CORR: Dairy Processing Operation Expansion) Authorizes the department, subject to JBRC review and B&C Board approval to borrow up to \$6,000,000 to construct and

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equip a new Dairy Processing Operation at the Wateree River Farm Facility. Authorizes the State Treasurer to negotiate the terms and conditions of the loan, revenue bond or other financing arrangement and direct that the indebtedness be repaid exclusively from either net revenues of the new Dairy Processing Operation or other department funds.

WMC: DELETE proviso. *The loan was secured and the project has begun. Loan projected to be paid off in 6 years. Per agency in-house production of milk saves \$1 million a year.*

Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~51.19. (CORR: Dairy Processing Operation Expansion) Subject to the review of the Joint Bond Review Committee and approval of the Budget and Control Board, the Department of Corrections is authorized to borrow an amount not to exceed \$6,000,000 for the purpose of constructing and equipping a new Dairy Processing Operation to be located at its Wateree River Farm facility. The State Treasurer is authorized to negotiate the terms and conditions of a loan, revenue bond, or other financing arrangement, the indebtedness for which must be repaid exclusively from either net revenues derived from operations of the new Dairy Processing Operation or other Department of Corrections funds.~~

51.28 DELETE (LAC Recommendations) Directs the department to report on the status of implementing the recommendations contained in the LAC's October 2009 Limited Scope Review of the Department of Corrections. Requires that the report be provided to the Senate Corrections and Penology and the House 3M Committees by January 4, 2011.

WMC: DELETE proviso. *Report has been submitted regarding agency expenditures, personnel procedures, litigation, and other operational topics.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~51.28. (CORR: LAC Recommendations) The Department of Corrections is directed to provide a report on the status of implementation of the recommendations contained in the Legislative Audit Council's October 2009 Limited Scope Review of the Department of Corrections. The report must be provided by January 4, 2011, to the Senate Corrections and Penology Committee and the House of Representatives Medical, Military, Public and Municipal Affairs Committee.~~

51.29 DELETE (Legal Fees) Directs the department to submit a report to the Senate Finance and House Ways and Means Committees that details expenditure of all funds, including Insurance Reserve Fund expenditures or any prepaid legal account, that have been expended within the last four fiscal years for private lawyers to defend wrongful termination actions or other personnel matters brought against the department's employees or former employees. Requires the report include, at a minimum, a detailed accounting of expenditures, to include names of parties to the lawsuits, cause(s) of action, date of alleged wrongdoing, name of private lawyers engaged, amount paid to each private lawyer, status of pending lawsuits, and outcome of order or judgment. Direct that the report be submitted by October 1 of the current fiscal year.

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WMC: DELETE proviso. *Report has been submitted on 4 years of claims.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**51.29.** (CORR: Legal Fees) For the current fiscal year, the Department of Corrections shall submit a report to the Senate Finance Committee and the House Ways and Means Committee detailing the expenditure of all funds, including expenditures from the Insurance Reserve Fund or any prepaid legal account, within the last four fiscal years for private lawyers to defend actions for wrongful termination or other personnel matters against the department's employees or former employees. At a minimum, the report must provide a detailed accounting of the expenditures to include the names of parties to the lawsuits, the cause(s) of action, the date of the alleged wrongdoing, name of private lawyers engaged, amount paid to each private lawyer, status of all pending lawsuits, and outcome of any order or judgment. The report must be submitted by October first of the current fiscal year.~~

51.31 **ADD** (Cell Phone Interdiction) **WMC:** ADD new proviso to authorize the director to add a surcharge to all inmate pay phone calls to offset the cost of cell phone interdiction equipment and operations. Direct that the surcharge will be added to the cost per call, be collected by chosen telephone vendor and be paid to the department of a monthly basis. Authorize the department to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell phone interdiction. Direct that once the equipment is paid in full, the surcharge amount will be reviewed and adjusted to cover the cost of ongoing interdiction operations. Authorize unexpended funds to be carried forward and used for the same purpose. *The equipment will help ensure the safety and security of inmates, employees and the general public.* Fiscal Impact: No impact on the General Fund. Per agency a 50¢ to 75¢ surcharge per call would raise about \$1.5 - \$1.75 million per year towards to total cost of \$5 million. Requested by Department of Corrections.

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

51.31. (CORR: Cell Phone Interdiction) *The Director of the Department of Corrections is granted the right to add a surcharge to all inmate pay phone calls to offset the cost of equipment and operations of cell phone interdiction measures. The surcharge will be added to the cost per call, collected by chosen telephone vendor and paid to the department of a monthly basis. The department is authorized to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell phone interdiction. When the equipment has been paid in full, the surcharge amount will be reviewed and adjusted to cover the cost of ongoing operational expenses of the interdiction equipment. Any unexpended balance may be carried forward from the prior fiscal year into the current fiscal year and be used for the same purpose.*

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SECTION 53 - N12 - DEPARTMENT OF JUVENILE JUSTICE

53.15 **AMEND** (Emergency Authority to Transfer PIP Funds) Authorizes DJJ to transfer up to \$1,500,000 of its Permanent Improvement Project (PIP) funds, excluding Capital Improvement Bond funds, to its operating and personal service accounts, if those funds are unobligated or not committed for active permanent improvement projects. Authorizes DJJ to use these funds in FY 2010-11 as necessary order to maintain constitutional conditions in its institutional facilities and residential programs.

WMC: AMEND proviso to change Fiscal Year “2010-11” to “2011-12.”

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

53.15. (DJJ: Emergency Authority to Transfer PIP Funds) The Department of Juvenile Justice is authorized to transfer to its operational and/or personnel accounts up to \$1,500,000 of Permanent Improvement Project (PIP) funds, excluding Capital Improvement Bond funds, that have been previously allocated to the department by the General Assembly/Joint Bond Review Committee and approved by the Budget and Control Board, if those funds are unobligated or not otherwise committed by the department for active permanent improvement projects. The department may utilize these funds in Fiscal Year ~~2010-11~~ 2011-12 as necessary in order to maintain constitutional conditions in its institutional facilities and residential programs.

SECTION 64 - R28-DEPARTMENT OF CONSUMER AFFAIRS

64.5 **AMEND** (Retention of Fees) Authorizes the department, for FY 10-11, to retain all fees collected pursuant to Sections 39-61-80 [MOTOR CLUB SERVICES ACT: CERTIFICATES OF AUTHORITY PERMANENT UNLESS SUSPENDED OR REVOKED; RENEWAL REQUIREMENTS], 39-61-120 [MOTOR CLUB SERVICES ACT: REGISTRATION OF CLUB REPRESENTATIVES; TERMINATION OF REPRESENTATIVE'S AUTHORITY; FEE], 40-39-120 [PAWNBROKERS: FEE FOR CERTIFICATE OF AUTHORITY; REVOCATION OF CERTIFICATE; RENEWAL], and 44-79-80 [PHYSICAL FITNESS SERVICES ACT: FINANCIAL RESPONSIBILITY REQUIREMENTS; CERTIFICATES OF AUTHORITY] and to use the retained funds to implement the requirements of the programs mandated by those sections.

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

64.5. (CA: Retention of Fees) For Fiscal Year ~~2010-11~~ 2011-12, the department may retain all fees collected pursuant to Sections 39-61-80, 39-61-120, 40-39-120, and 44-79-80 of the 1976 Code. The funds retained shall be utilized to implement the requirements of the programs mandated by those sections of the code.

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

65.8 **AMEND** (Immigration Bill Funding) Requires the department to retain \$2,000,000 of the funds carried forward in Subfund 3135 to fund the department’s Illegal Immigration Reform

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Act responsibilities prior to transferring Subfund 3135 funds for any other purpose. Directs the department to compile an accountability report that outlines Immigration Bill funding expenditures and to submit the report on the first Tuesday of February 2011 to the President Pro Tempore of the Senate, Speaker of the House, and Chairmen of the Senate Finance and House Ways and Means Committees, and Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee and House Ways and Means Transportation and Regulatory Subcommittee.

WMC: AMEND proviso to change “\$2,000,000” to “\$1,414,814” and “2011” to “2012.”
Fiscal Impact: No impact on the General Fund. Reduces the amount of carry forward funds to be dedicated to the Illegal Immigration Reform Act to the amount the agency estimates is needed.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

65.8. (LLR: Immigration Bill Funding) Prior to any funds carried forward from the prior fiscal year in Subfund 3135 being transferred to fund any other purpose, ~~\$2,000,000~~ \$1,414,814 must be retained by the Department of Labor, Licensing, and Regulation to fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. The department shall compile an accountability report outlining expenditures of the Immigration Bill funding to be issued to the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the Chairman of the House Ways and Means Transportation and Regulatory Subcommittee. Said report must be issued on the first Tuesday of February ~~2011~~ 2012.

65.10 **AMEND** (South Carolina Emergency Response Task Force/State Urban Search and Rescue Program) Directs that for FY 11-12, after the requirements of proviso 65.8 and the OSHA program state match have been met, \$650,000 of the funds carried forward in Subfund 3135 must be used for the SC Emergency Response Task Force/State Urban Search and Rescue Program.

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

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

65.10. (LLR: South Carolina Emergency Response Task Force/State Urban Search and Rescue Program) After the requirements of proviso 65.8 of this act and the state match for the OSHA program have been met, \$650,000 of the funds carried forward in Subfund 3135 must be retained by the Department of Labor, Licensing, and Regulation to fund, maintain, and operate the South Carolina Emergency Response Task Force/State Urban Search and Rescue Program for ~~FY 2010-11~~ Fiscal Year 2011-12.

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SECTION 68A - U12-DEPARTMENT OF TRANSPORTATION

68A.6 DELETE (Commissions Per Diem, Subsistence, Mileage) Authorizes Department of Transportation Commission members to receive per diem, subsistence and mileage for each official meeting as provided by law for members of boards, commissions, and committee.

WMC: DELETE proviso. *The commission is already authorized to receive these through provisos 89.21 and 89.22.* Fiscal Impact: No impact on the General Fund. Requested by Department of Transportation.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**68A.6.** (DOT: Commissions Per Diem, Subsistence, Mileage) Members of the Department of Transportation Commission shall receive such per diem, subsistence and mileage for each official meeting as is provided by law for members of boards, commissions, and committees.~~

68A.7 DELETE (Contract Mass Transit System) Authorizes the Department to contract mass transit funds with any private operator of a mass transit system to provide service to the general public if a plan of service has been established and approved by the local general purpose government with jurisdiction, the department, the Transportation Commission, and the federal government.

WMC: DELETE proviso. *There are federal regulations that govern when and in what manner states may contract with private operators using federal funding.* Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**68A.7.** (DOT: Contract Mass Transit System) The Department of Transportation is hereby authorized to directly contract mass transit funds with any private operator of a mass transit system to provide service to the general public; provided, that a plan of service has been established and approved by the local general purpose government which has jurisdiction for the area to be served, and approved by the department, the Transportation Commission and the federal government.~~

68A.8 DELETE (Coordinate Transportation Funding and Resources) Directs the Department of Transportation to continue to carry out and enhance public transportation coordination planning and demonstration process and to submit a progress report on or before January 15th each year. Allows the report to be combined with the DOT annual report required by Section 57-3-760 [ANNUAL REPORT] and the Mass Transit Division report required by Section 57-3-40 [OFFICE OF PUBLIC TRANSIT; POWERS AND DUTIES].

WMC: DELETE proviso. *Section 57-3-40 has been amended to incorporate these requirements. DOT reports the same information in their accountability report. Executive Order NO 2009-13 established the S.C. Interagency Transportation Coordination Council and also included these provisions while Act 206 of 2010 devolved all council duties and responsibilities upon the Office of Public Transit.* Fiscal Impact: No impact on the General Fund. Requested by Department of Transportation.

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

~~**68A.8.** (DOT: Coordinate Transportation Funding and Resources) The Department of Transportation shall continue to carry out and enhance the coordination planning and demonstration process for public transportation funding and resources established during the prior fiscal year. A progress report shall be submitted to the General Assembly on or before January fifteenth each year. The progress report required by this section may be combined with the Department of Transportation Annual Report required pursuant to Section 57 3 760 and the Mass Transit Division Report required by Section 57 3 40, Code of Laws, 1976, as amended. The intent of this proviso is to improve access and delivery of transportation services, especially in rural areas. In planning and developing mechanisms for increasing coordination of funding streams and resources at both the state and local levels, the Department of Transportation shall work with each agency that provides funding for transportation and assure input in the process from major local providers of transportation services to the public, including current providers of coordinated public service.~~

~~Any agency, local government or other entity, including nonprofit organizations, using state funds or state administered federal funds for the purpose of transporting private citizens on a regular basis, (1) must provide input and information as requested by the Department of Transportation in a timely manner and in a format specified by the Department of Transportation in order to update data on transportation resources for planning purposes and; (2) show evidence of progress toward the development of or participation in a coordination plan. The Department of Corrections, the Department of Education, school districts and institutions of higher education are exempt from the requirements of this section. No transportation funds may be provided to any entity not in compliance with the requirements of this section.~~

SECTION 69 - Y14 - STATE PORTS AUTHORITY

69.1 **AMEND** (Charleston Cooper River Bridge Project) Directs the State Ports Authority to pay the State Transportation Infrastructure Bank \$1,000,000 before 6/30/11 from other general fund or operating fund surplus and any funds appropriated to the authority in prior fiscal years that are unspent as of 7/1/10, to continue the Charleston Cooper River Bridge Project.

WMC: AMEND proviso to change “2010” to “2011” and “2011” to “2012.” *Meets the obligations of the State Ports Authority and the State Infrastructure Bank’s financial agreement.* Fiscal Impact: No impact on the General Fund. The funds used to pay the Transportation Infrastructure Bank are operating funds of the Ports Authority, none of which are state appropriated funds. Generates \$1,000,000 for the State Transportation Infrastructure Bank. Per the Ports Authority, the commitment of the agency is to provide \$1,000,000 per year for 25 years, until 2027.

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

69.1. (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating fund surplus available and any funds appropriated to the

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authority in prior fiscal years and left unexpended as of July 1, ~~2010~~ 2011, pay to the State Transportation Infrastructure Bank one million dollars before June 30, ~~2011~~ 2012, to continue the Charleston Cooper River Bridge Project.

SECTION 70 - A99 - LEGISLATIVE DEPARTMENT

70.14 DELETE (Dues) Requires funds appropriated for the Council of State Governments and the National Conference of State Legislatures are to be paid as dues to the respective organizations and shall not be transferred to any other program.

WMC: DELETE proviso. *No funding is provided within the House and Senate Budgets for these items. See proviso 80A.13.* Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~70.14. (LEG: Dues) The funds provided herein for the Council of State Governments and the National Conference of State Legislatures are appropriated to be paid as dues to the respective organizations and these funds shall not be transferred to any other program.~~

70.20 DELETE (Joint Legislative Committee on Aging Expenses) Directs that members of the Joint Legislative Committee on Aging receive mileage, per diem, and subsistence as provided by law for members of board, committees, and commissions. Direct that expenses for House and Senate members shall be paid by each respective body at the rate provided by law and that expenses for members appointed by the Governor shall be paid from funds appropriated to the Governor.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~70.20. (LEG: Joint Legislative Committee on Aging Expenses) Members of the Joint Legislative Committee on Aging shall receive mileage, per diem, and subsistence as provided by law for members of boards, committees, and commissions. Members of the committee who are Senators shall have their expenses paid by the Senate, and members of the House shall have their expenses paid by the House of Representatives at the rate provided by law. Committee members who are appointed by the Governor shall have their expenses paid from funds appropriated to the Governor.~~

70.21 DELETE (Teacher Certificate/Recertification Staff Exemption) Directs that legislative employees may have \$100 made available to them to pay toward teacher recertification or may request and be granted an exemption from Section 2-1-120 [MEMBERS SHALL RETAIN TEACHING CERTIFICATES WHILE SERVING IN GENERAL ASSEMBLY]which shall be extended to include staff of the General Assembly.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

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SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**70.21.** (LEG: Teacher Certificate/Recertification Staff Exemption) Legislative employees may have made available to them, \$100 to pay toward teacher recertification or may request and be granted an exemption from Section 2-1-120 which shall be extended to include staff of the General Assembly.~~

70.24 **AMEND** (Joint Strategic Technology Committee) Creates a Joint Strategic Technology Committee and provides for membership of the committee. Directs that the purpose of the committee is to review the Statewide Strategic Information Technology Plan and make recommendations as needed to the Senate Finance and House Ways and Means Committees by January 29th and to also recommend priorities for state government enterprise information technology projects and resource requirements as it deems appropriate. Directs the committee to review state agency information technology spending to evaluate whether more effective services and cost savings can be achieved through streamlining, standardizing and consolidating state agency information technology. Requires state agencies to consult with hardware maintenance manager vendors under state contract to determine whether they may achieve cost savings by using these contracts for information technology. Requires the B&C Board to report these finding, by agency, to the joint committee by March 1, 2011. Directs the B&C Board Executive Director to appoint an Agency Directors Technology Advisory Committee and to determine the composition of the committee representing a cross section of state government agencies. Directs the advisory committee to provide input and advice on the Statewide Strategic Information Technology Plan and to assist and advise the Joint Strategic Technology Committee as requested.

WMC: AMEND proviso to delete the requirement that the findings be provided “no later than March 1, 2011.” Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

70.24. (LEG: Joint Strategic Technology Committee) There is created a joint committee of the General Assembly to be known as the Joint Strategic Technology Committee consisting of eight members. The Chairman of the Senate Finance Committee shall appoint four members, at least two of whom must be appointed from the Senate Finance Committee. The Chairman of the House Ways and Means Committee shall appoint four members, at least two of whom must be appointed from the House Ways and Means Committee.

The Joint Strategic Technology Committee shall have the following purposes and responsibilities:

(1) The joint committee shall review the Statewide Strategic Information Technology Plan prepared by the Budget and Control Board and the Agency Directors Technology Advisory Committee and, as needed, make recommendations to the Senate Finance Committee and the House Ways and Means Committee regarding the plan by January 29, of the current fiscal year. The joint committee shall also recommend priorities for state government enterprise information technology projects and resource requirements as it determines appropriate;

(2) The joint committee shall review information technology spending by state agencies and evaluate whether greater efficiencies, more effective services and cost savings can be achieved through streamlining, standardizing and consolidating state agency information

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technology. State agencies must consult with hardware maintenance manager vendors under state contract to determine whether the agency may achieve cost savings by utilizing these contracts for information technology. A report by agency of these findings must be provided to the joint committee by the Budget and Control Board ~~no later than March 1, 2011~~. The joint committee shall recommend to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, for referral to the appropriate standing committees, any statutory changes appropriate for the successful implementation of the Statewide Strategic Information Technology Plan and the efficient and effective management and use of information technology by state government.

The Budget and Control Board and all state agencies shall cooperate with and provide assistance to the Joint Strategic Technology Committee as requested by the committee.

The Executive Director of the Budget and Control Board shall appoint an Agency Directors Technology Advisory Committee. The Executive Director shall determine the number and composition of this committee, which shall represent a cross-section of state government agencies. This committee shall provide input and advice regarding the Statewide Strategic Information Technology Plan being developed by the State through the Budget and Control Board. The committee shall also assist and advise the Joint Strategic Technology Committee at its request.

- 70.28** **ADD** (Suspend LAC Evaluation) **WMC:** ADD new proviso to suspend the provisions of Section 43-5-1285 [SC FAMILY INDEPENDENCE ACT OF 1995 EVALUATION AND REPORTS] for FY 2011-12. Direct that any savings generated be used to conduct audits required by Section 2-15-60 [DUTIES OF COUNCIL]. *Suspension will enable the LAC to use the funds that would have been spent on this review to conduct audits requested by the General Assembly.* Fiscal Impact: No impact on the General Fund. Requested by Legislative Audit Council.

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

70.28. (LEG: Suspend LAC Evaluation) For Fiscal Year 2011-12, the provisions of Section 43-5-1285 of the 1976 Code are suspended. Any savings generated by the suspension of the evaluation of the South Carolina Family Independence Act of 1995 shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

- 70.30** **ADD** (Electronic Correspondence) **WMC:** ADD new proviso to prohibit the House of Representatives, during FY 11-12, from spending funds to print or mail bills, summaries, committee agendas, etc. to committee members. Direct that relevant information on committee meetings be sent to members electronically. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

70.30. (LEG: Electronic Correspondence) For Fiscal Year 2011-12, the House of Representatives may not expend any funds for the printing or mailing of bills, summaries, committee agendas, etc. to committee members. The House of Representatives shall send all relevant information concerning committee meetings to committee members via electronic means.

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SECTION 71 - C05-ADMINISTRATIVE LAW COURT

- 71.3 DELETE** (Fee Increase) Prohibits the Administrative Law Court, for the current fiscal year, from charging or increasing filing fees beyond the amounts charged on January 1, 2009.
WMC: DELETE proviso. Fiscal Impact: Per OSB, no impact on the General Fund. Per agency, would increase revenue for agency operations by \$35,000 per year. Requested by Administrative Law Court.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~71.3. (ALJ: Fee Increase) For the current fiscal year, the Administrative Law Court may not charge or increase filing fees beyond the amounts charged on January 1, 2009.~~

SECTION 72 - D21 - GOVERNOR'S OFFICE

- 72.2 DELETE** (GOV: OEPP - Developmental Disabilities Program) Authorizes the SC Developmental Disabilities Program within OEPP to provide aid to sub-grantees for projects and services to benefit persons with developmental disabilities. States that the intent of this provision is to not duplicate other state agency programs but to fill gaps that exist in state service delivery related to this target population identified and addressed in the Developmental Disabilities State Plan.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~72.2. (GOV: OEPP - Developmental Disabilities Program) The South Carolina Developmental Disabilities Program of the Office of the Governor, Office of Executive Policy and Programs is authorized to provide aid to sub-grantees for projects and services to benefit persons with developmental disabilities. The intent of this provision is not to duplicate other state agency programs which are considered the legal and programmatic mandate of existing state agencies, but rather to fill gaps that exist in the state service delivery system related to his target population as identified and addressed in the Developmental Disabilities State Plan.~~

- 72.3 AMEND** (OEPP - Development Disabilities Case Coordination System) Directs that of the appropriation for Allocations to Other State Agencies, \$112,559 less any pro rata base reduction adjustment, must be used for the SC Development Disabilities Case Coordination System.
WMC: AMEND proviso to delete the expenditure requirement and instead direct that \$50,000 of the funds appropriated to OEPP must be used as a state match for the Developmental Disabilities Council federal grant and direct that these funds be excluded from the agency's base budget when calculating any across-the-board agency base reduction. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.

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SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

~~72.3. (GOV: OEPP - Development Disabilities Case Coordination System) \$112,559, less any pro-rata share adjustment of any mandated base budget reduction, of the sums appropriated under OEPP, Allocations to Other State Agencies must be for the South Carolina Development Disabilities Case Coordination System. Of the funds appropriated to the Governor's Office of Executive Policy and Programs, \$50,000 must be used as state match for the Developmental Disabilities Council federal grant. These funds shall be excluded from the Governor's Office of Executive Policy and Programs' base budget calculation of any across-the-board agency base reductions mandated by the Budget and Control Board or General Assembly.~~

72.12 DELETE (OEPP - Foster Care Reduction in Funds Separation) Directs that any reduction in funds appropriated for either the Division of Foster Care or "pass-through" funds for the S.C. Protection and Advocacy for the Handicapped shall be calculated based on the separate funds for the respective entities rather than be based on the combined budget of the two organizations.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~72.12. (GOV: OEPP - Foster Care-Reduction in Funds Separation) In recognition of the fact that the funds appropriated for the Division of Foster Care contain both funds appropriated for use by the Division Review System and "pass through" funds designated for use by the South Carolina Protection and Advocacy for the Handicapped, any reduction in funds appropriated for either shall be calculated based upon the separate funds for the respective entities rather than based upon the combined budget of the two organizations.~~

72.14 DELETE (OEPP - Foster Care-Medicaid Eligible Children) States the intent of the General Assembly to ensure that placements of emotionally disturbed Medicaid eligible individuals under the age of 21 in residential therapeutic treatment are appropriate and that the level of care offered is in the least restrictive environment appropriate to meet the child's treatment needs. Expands the statutory powers and functions of the Division of Foster Care to develop, implement, and manage a quality assurance review system under contract with the Department of Health and Human Services. Directs that this provision paragraph supersedes any previous statutory or regulatory mandate.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~72.14. (GOV: OEPP - Foster Care-Medicaid Eligible Children) It is the intent of the General Assembly to ensure that placements of emotionally disturbed Medicaid eligible individuals under the age of twenty one in residential therapeutic treatment are appropriate and that the level of care provided each child is offered in the least restrictive environment appropriate to meet the child's treatment needs. The statutory powers and functions of the Division of Foster Care are expanded to develop, implement, and manage a quality assurance~~

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~~review system under contract with the Department of Health and Human Services. This paragraph supersedes any previous statutory or regulatory mandate.~~

- 72.23** **ADD** (OEPP - Veterans' Affairs Budget Reduction Exemption) **WMC:** ADD new proviso to exclude funds appropriated for the Veteran's Affairs Program from OEPP's base budget when calculating across the board agency base reductions mandated by the B&C Board or General Assembly. *Since Veteran's Affairs programs are not assessed a share of any across the board reduction, the funding should be excluded from the calculation.* Fiscal Impact: Veteran's Affairs general fund budget is \$696,762 for FY 10-11. This amount would be excluded from across the board cuts. Requested by Governor's Office of Executive Policy and Programs.
HOU: ADOPT new proviso.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

72.23. (GOV: OEPP - Veterans' Affairs Budget Reduction Exemption) Funds appropriated for the Veterans' Affairs Program shall be excluded from the Governor's Office of Executive Policy and Programs base budget in the calculation of any across-the-board agency base reductions mandated by the Budget and Control Board or General Assembly.

SECTION 76 - E16 - STATE TREASURER'S OFFICE

- 76.7** **DELETE** (ScienceSouth) Directs the Office of the State Treasurer to transfer \$500,000 from Subfund 4019 Governor's Teaching School Loan Program to ScienceSouth for training public school teachers in science curriculum standards. Authorizes the transferred funds to be carried forward.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~*76.7. (TREAS: ScienceSouth) The Office of State Treasurer is directed to transfer \$500,000 from Subfund 4019 Governor's Teaching School Loan Program to ScienceSouth for the training of public school teachers in science curriculum standards through grade specific, standards based instructional activities. Funds transferred to ScienceSouth may be carried forward.*~~

SECTION 78 - E24-ADJUTANT GENERAL'S OFFICE

- 78.15** **ADD** (Funeral Caisson) **WMC:** ADD new proviso to prohibit Funeral Caisson funds from being reduced if a general fund budget reduction is mandated and to also prohibit these funds from being transferred or used for any other purpose. Fiscal Impact: No impact on the General Fund. Funds are currently appropriated in the amount of \$100,205.
HOU: ADOPT new proviso.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

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78.15. (ADJ: Funeral Caisson) In the event of a mandated general fund budget reduction, the Adjutant General's Office is prohibited from reducing the funds appropriated for the Funeral Caisson. In addition, these funds shall not be transferred to any other program or be used for any other purpose by the Adjutant General's Office.

SECTION 79 - E28-ELECTION COMMISSION

79.11 DELETE (Maintenance of Effort) Requires a portion of "Maintenance of Effort," funds be used to conduct a timely reconciliation of voter registration files maintained by the Election Commission.

WMC: DELETE proviso. *Funds have been depleted.* Fiscal Impact: No impact on the General Fund. Requested by Election Commission.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~79.11. (ELECT: Maintenance of Effort) Of funds appropriated to the State Election Commission for the purposes of "Maintenance of Effort," a portion must be used to conduct a timely reconciliation of voter registration files maintained by the State Election Commission.~~

SECTION 80A - F03 - BUDGET AND CONTROL BOARD

80A.9 DELETE (Carry Forward - State Water Pollution Control Revolving Fund) Directs that if any loan fee funds accumulated by the B&C Board are not expended during the preceding fiscal year, they may be carried forward and expended for conducting the State Revolving Fund programs for wastewater or drinking water.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~80A.9. (BCB: Carry Forward - State Water Pollution Control Revolving Fund) If any funds accumulated by the Budget and Control Board from loan fees are not expended during the preceding fiscal years, such funds may be carried forward and expended for the costs associated with conducting the State Revolving Fund programs for wastewater or drinking water.~~

80A.13 DELETE (Technology and Other Initiatives) Directs the board to use \$100,000 to support partnerships that further initiatives to align higher educational programs with technology intensive industry needs. Direct the board to pay the annual NCSL and CSG dues.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

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80A.13. (BCB: Technology and Other Initiatives) ~~The Budget and Control Board shall use \$100,000 to support partnerships that further initiatives to align higher educational programs with the needs of technology intensive industries. Additionally, the board shall pay the annual dues for NCSL and CSG.~~

80A.20 **AMEND** (Election File Merge) Directs the Office of Research and Statistics (ORS), in conjunction with the S.C. Election Commission, to merge the voter registration file with the office's Geocoded Address List and the district boundaries of the Congress, S.C. Senate, S.C. House of Representatives, county councils, city councils, school districts, and commissions of public works to assist the County Registration and Election Commissions to ensure that registered voters are assigned to proper election districts. Directs that the merged systems will allow the Office of Research & Statistics to provide the respective county officials with a list of potential voters possibly assigned to the wrong election district.

WMC: AMEND proviso to delete city councils, school districts and commissions of public works from the requirement to provide election information. Requires counties and municipalities to release GIS information to ORS upon a written request submitted to the county or municipality's chief administrative officer and direct that they be informed that failure to comply within 30 days of the request may result in the withholding of 10% of the county's or municipality's state aid. Authorize the ORS director to grant additional time for good cause and direct that release must be waived if the county or municipality does not possess GIS data. Direct the ORS director, after the required notice has been sent, to notify the State Treasurer of any county or municipality that has failed to comply with releasing their GIS data. Direct that notification shall result in withholding 10% of subsequent payments of state aid to the entity until the GIS data is provided. Authorize municipal and county data acquired by ORS under this provision to be used for other functions of the office. *Clarifies that ORS is only required to merge files and data for election districts that have official records. Ensures that local information is provided in a timely manner.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

80A.20. (BCB: Election File Merge) In order to assist the County Registration and Election Commissions to ensure that registered voters are assigned to proper election districts, the Office of Research and Statistics, in conjunction with the South Carolina Election Commission, shall merge the voter registration file with the office's Geocoded Address List and the district boundaries of the Congress, SC Senate, SC House of Representatives, county councils, ~~city councils, school districts and commissions of public works~~ and such other districts as the office possesses official district boundary records in electronic format. The merged systems will allow the Office of Research and Statistics to provide the respective county officials with a list of potential voters who are possibly assigned to the wrong election district. Counties and municipalities shall release GIS to the Office of Research and Statistics upon the Office's written request. Written request must be sent to the chief administrative officer of the county or municipality and advise the county or municipality that failure to comply within thirty days of request may result in the withholding of ten percent of the county's or municipality's state aid. The Director of the Office of Research and Statistics may grant additional time for good cause and must waive release if the county or municipality does not possess GIS data. For counties and municipalities that possess GIS data but do not release it, the Director of the Office of Research and Statistics shall notify the State Treasurer of the

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failure to comply with this provision after the required notice. Notification shall result in the withholding of ten percent of subsequent payments of state aid to the entity until the GIS data is provided. Municipal and county data acquired by the Office of Research and Statistics in the course of performing its responsibilities under this provision may be used for other functions of the office.

- 80A.32 DELETE** (Census Carry Forward) Authorizes unexpended Census Promotion and Participation funds to be carried forward and used for the same purposes.
WMC: DELETE proviso. *Funds have been expended.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**80A.32.** (BCB: Census Carry Forward) Any unexpended funds appropriated to the Budget and Control Board for Census Promotion and Participation may be carried forward from the prior fiscal year to the current fiscal year and used for the same purposes.~~

- 80A.37 DELETE** (December Holidays) Directs that employees observe the Saturday, December 25, 2010 and Sunday, December 26, 2010 holidays on Monday, December 27, 2010 and Tuesday, December 28, 2010, respectively.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. *See new proviso 80A.40.*
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**80A.37.** (BCB: December Holidays) For state employees, the Saturday, December 25, 2010 legal holiday shall be observed on Monday, December 27, 2010, and the Sunday, December 26, 2010 legal holiday shall be observed on Tuesday, December 28, 2010.~~

- 80A.38 DELETE** (State Health Plan Obesity Treatment Pilot Program) Directs the board, when they establish the 2011 State Health Plan Benefits, to establish a one year pilot program, for 2011 only, to provide treatment and management of obesity and related conditions through various methods including, but not limited to, bariatric surgery as a treatment option. Provides guidelines for the program. Directs the pilot program is limited to 100 patients from different regions in the state. Requires the State Health Plan to annually report detailed information on the program's trends. Requires a patient to serve as his own control by comparing health care costs in the preceding two years to his health care costs following surgery. Directs that surgeries performed under this program be those determined most medically appropriate for participating patients.
WMC: DELETE proviso. *Program was a one-year pilot program.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.

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80A.38. (BCB: State Health Plan Obesity Treatment Pilot Program) ~~(A) The Budget and Control Board, when establishing the State Health Plan of Benefits for Plan Year 2011, shall establish a one-year pilot program designed to address the problem of the high rate of obesity in South Carolina by providing for the treatment and management of obesity and related conditions through various methods including, but not limited to, bariatric surgery as a treatment option. The State Health Plan through the Budget and Control Board must conduct this program as provided in this proviso. The program will operate only in Plan Year 2011.~~

~~(B)(1) The State Health Plan shall develop criteria for patient and facility eligibility for the program which shall include, but not be limited to, bariatric surgical guidelines and criteria of the American Association of Clinical Endocrinologists (AACE), The Obesity Society (TOS), and American Society for Metabolic & Bariatric Surgery (ASMBS) Guidelines for Clinical Practice for the Perioperative Nutritional, Metabolic, and Nonsurgical Support of the Bariatric Surgery Patient.~~

~~(2) In addition to the considerations required in item (1) of this subsection, criteria for patient participation must include that a person may be eligible for bariatric surgery in the program if he is a State Health Plan participant covered as either a subscriber or spouse and is not eligible for Medicare and:~~

~~(a) (i) has a body mass index greater than forty; or~~

~~(ii) has a body mass index greater than thirty five and with a co-morbidity such as diabetes, hypertension, gastro esophageal reflux disease, sleep apnea, or asthma;~~

~~(b) has participated in the State Health Plan for at least the immediately preceding two years;~~

~~(c) has documented with his primary practitioner at least two failed attempts at sustained weight loss using programmatic methods as approved by the Plan; and~~

~~(d) has presented a pre-operative psychological evaluation indicating the patient is a satisfactory candidate for surgery.~~

~~(3) In addition to the considerations required in item (1) of this subsection, a medical center or hospital may be eligible to deliver bariatric surgery in the program if it:~~

~~(a) is a nationally designated ASMBS Center of Excellence for Bariatric Surgery, an American College of Surgeons (ACS) Bariatric Surgery Center Network member, or a Blue Distinction Center for Bariatric Surgery;~~

~~(b) has all the critical post-surgical patient support in place including, but not limited to:~~

~~(i) a nutritionist or dietician for patient access;~~

~~(ii) individual and group support meetings;~~

~~(iii) development of personalized weight loss goals and management and support for lifelong life style changes; and~~

~~(iv) a physical activity component; and~~

~~(c) imposes an initial surgical fee that must include eighteen months follow-up care for the patient that includes, but is not limited to, clinical complications, all band adjustments, use of COE support staff, use of nutritionists, and access to group meetings.~~

~~(C) The program may approve not more than one hundred patients from different regions in the state for the program based on the guidelines developed by the State Health Plan.~~

~~(D)(1) The State Health Plan shall report annually to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee with detailed information on the program's trends including, but not limited to, pre-surgical medical and prescription costs, including those associated with obesity and its co-morbidities, and postsurgical medical and prescription costs, including those related to complications from the surgery. A patient must serve as his own control by comparing health care costs in the preceding two years to his health care costs following surgery.~~

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~~(2) Surgeries performed under this program shall be that determined most medically appropriate for participating patients.~~

- 80A.40 ADD** (December Holidays) **WMC:** ADD new proviso to direct that for 2011, employees observe the Saturday, December 24th legal holiday on Friday, December 23rd; and the Sunday, December 25th and Monday December 26th legal holidays on Monday, December 26th and Tuesday, December 27th, respectively. *Provides authority of observance of legal holidays on alternate days that are not expressly authorized by existing statute.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.
HOU: ADOPT new proviso.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

80A.40. (BCB: December Holidays) For state employees, the Saturday, December 24, 2011 legal holiday shall be observed on Friday, December 23, 2011; the Sunday December 25, 2011 legal holiday shall be observed on Monday, December 26, 2011, and the Monday, December 26, 2011 legal holiday shall be observed on Tuesday, December 27, 2011.

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

- 80C.1 DELETE** (Deferred Compensation) Directs the State, to the extent funds are appropriated, to make contributions to deferred compensation plans on behalf of permanent full time state employees who were employed and earned less than \$20,000 a year as of July 1, 2000. Directs the board to determine the amount, terms and conditions of the contributions without those employees making contributions to the plan.
WMC: DELETE proviso. *Funding has not been provided by the General Assembly to enact this provision in recent years.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**80C.1.** (BCB/EB: Deferred Compensation) To the extent funds are appropriated, the State shall make contributions to deferred compensation plan accounts on behalf of permanent, full time state employees who were employed and earned less than \$20,000 per year as of July 1, 2000, in an amount and under the terms and conditions prescribed for such contributions by the Budget and Control Board, without such employees making contributions to the deferred compensation plan.~~

- 80C.4 DELETE** (County Council Member) Directs that a person who is eligible to participate in the state health and dental insurance plans as a council member of a participating county, who is also eligible to participate as the spouse of a covered employee or retiree may only participate in the insurance plans as either an employee or a spouse, but not as both.
WMC: DELETE proviso.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.

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

80C.4. (BCB/EB: County Council Member) ~~A person who is eligible to participate in the state health and dental insurance plans as a council member of a participating county and who is also eligible to participate as the spouse of a covered employee or retiree may choose to participate in the insurance plans as either an employee or a spouse, but not both.~~

SECTION 81 - R44-DEPARTMENT OF REVENUE

81.3 **AMEND** (Rural Infrastructure Fund Transfer) Authorizes DOR to deposit Rural Infrastructure Fund revenues in excess of \$12,000,000 to the Rural Infrastructure Bank Trust Fund under the B&C Board, Office of Local Government. Direct that revenue in excess of \$17,000,000 be deposited in the Rural Infrastructure Fund under the Department of Commerce, Coordinating Council

HOU: AMEND proviso to direct that all monies in the B&C Board Office of Local Government Rural Infrastructure Bank Trust Fund must be transferred during FY 11-12 to the S.C. Rural Infrastructure Authority, Rural Infrastructure Fund established pursuant to Chapter 50 of Title 11 and administered by the B&C Board Office of Local Government. Direct that the funds are to be used to provide financial assistance for qualified rural infrastructure projects to include facilities and appurtenances to meet public health and environmental standards; to develop trade, commerce, and industry; to provide for potable water and wastewater services; and to provide for emergency preparedness infrastructure. Sponsors: Reps. Clyburn, Cobb-Hunter, Cooper, Ott, Lucas, and Harrell.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

81.3. (DOR: Rural Infrastructure Fund Transfer) Notwithstanding Section 12-10-85, the Department of Revenue is authorized to deposit revenues from the Rural Infrastructure Fund in excess of \$12 million dollars to the Rural Infrastructure Bank Trust Fund under the Budget and Control Board, Office of Local Government. Any revenues in excess of \$17 million shall be deposited in the Rural Infrastructure Fund under the Department of Commerce, Coordinating Council. All monies in the Rural Infrastructure Bank Trust Fund under the Budget and Control Board, Office of Local Government, including those deposited in the fund pursuant to the provisions of this paragraph, must be transferred during Fiscal Year 2011-2012 to the Rural Infrastructure Fund of the South Carolina Rural Infrastructure Authority established pursuant to Chapter 50 of Title 11 and administered by the Office of Local Government under the Budget and Control Board to be used for the purposes of the Rural Infrastructure Authority, which involve providing financial assistance for qualified rural infrastructure projects to include facilities and appurtenances to meet public health and environmental standards, to develop trade, commerce, and industry, to provide for potable water and wastewater services, and to provide for emergency preparedness infrastructure.

SECTION 82 - R52 - STATE ETHICS COMMISSION

82.1 **DELETE** (Electronic Filing) Authorizes the Ethics Commission to require all statements and forms filed with the commission to be filed using the electronic filing system developed pursuant to Section 8-13-365. Requires all funds saved be used to offset the cost of

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administering and enforcing the Ethics Act. Authorizes unexpended funds to be carried forward.

WMC: DELETE proviso. *Codified in Section 8-13-365 [ELECTRONIC FILING SYSTEM FOR DISCLOSURES AND REPORTS; PUBLIC ACCESSIBILITY].* Fiscal Impact: No impact on the General Fund. Agency should realize a cost savings due to less postage and paper usage while other funds generated will be less due to the reduced sale of documents. Requested by Ethics Commission.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**82.1.** (ETHICS: Electronic Filing) The State Ethics Commission is authorized to require all statements and forms filed with the commission to be filed using the electronic filing system developed pursuant to Section 8-13-365 of the 1976 Code. All funds saved must be used to offset the costs of administering and enforcing the Ethics, Government Accountability, and Campaign Reform Act. The State Ethics Commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.~~

82.2 **DELETE NEW PROVISO** (Lobbying Fee Increase) **WMC:** ADD new proviso to authorize the Ethics Commission to increase the registration fees for lobbyists and lobbyists principals to \$200. Direct that 50% of the increased fee be remitted to the general fund and 50% be retained by the commission and used to offset costs associated with administering and enforcing Chapter 17 of Title 2 [LOBBYISTS AND LOBBYING] and Chapter 13 of Title 8 [ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM]. Authorize excess funds to be carried forward and used for the same purpose. Fiscal Impact: OSB indicates additional revenue of \$125,000 to \$150,000 would be generated annually. Requested by Ethics Commission.

HOU: ADOPT new proviso.

HOU2: DELETE new proviso. Sponsor: Rep, Cooper.

SFC: AMEND new proviso to direct that in addition to the currently authorized lobbyist and lobbyist's principal registration fees, the commission may charge each lobbyist and lobbyist's principal a \$100 administrative fee and authorize the commission to retain the increased revenue.

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

CONF: SAME in both versions.

~~**82.2.** (ETHICS: Lobbying Fee Increase) **DELETED**~~

SECTION 84 - V04-DEBT SERVICE

84.1 **AMEND** (Excess Debt Service Funds Carry Forward) Authorizes excess Debt Service funds to be carried forward from FY 08-09 and be spent for debt service purposes in FY 09-10.

WMC: AMEND proviso to change fiscal year references from "2009-10" to "2010-11" and "2010-11" to "2011-12."

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

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84.1. (DS: Excess Debt Service Funds Carry Forward) Excess Debt Service funds from Fiscal Year ~~2009-10~~ 2010-11 may be carried forward and expended for debt service purposes in Fiscal Year ~~2010-11~~ 2011-12.

SECTION 86 - X22 - AID TO SUBDIVISIONS, STATE TREASURER

86.3 **AMEND** (Quarterly Distributions) Directs that for FY 10-11, the quarterly distribution for Aid to Subdivisions-Local Government Fund entities be as follows: 1st quarter is to equal the amount of the last quarterly distribution for FY 09-10 and the next three quarters shall be reduced in equal amounts with the four distributions totaling the 10-11 appropriation from the Local Government Fund.

WMC: AMEND proviso to change fiscal year references from “2010-11” to “2011-12” and “2009-10” to “2010-11.” Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

86.3. (AS-TREAS: Quarterly Distributions) For Fiscal Year ~~2010-11~~ 2011-12, the amount of the four quarterly distributions from the Aid to Subdivisions-Local Government Fund shall be as follows: The amount of the first quarterly distribution for each entity shall equal the amount of the last quarterly distribution for Fiscal Year ~~2009-10~~ 2010-11 and thereafter the next three quarterly distributions shall be in reduced equal amounts, the four distributions together totaling the ~~2010-11~~ 2011-12 appropriation from the Local Government Fund.

86.8 **AMEND FURTHER** (Flexibility) Allows a political subdivision that receives funds from the Local Government Fund to reduce its support to any state mandated program or requirement, if there is no specific funding level or amount of support required by law, by up to the same percentage the actual amount appropriated to the Local Government Fund was reduced in the current fiscal year as compared to the last completed fiscal year.

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

HOU: AMEND FURTHER to delete the reference to “for which a specific level or amount of support or funding is not provided by law.” Allow support to be reduced by up to a percentage equal to amount the Local Government Fund appropriation is reduced as compared to “the amount required to be appropriated pursuant to Section 6-27-30” rather than as compared to the “last completed fiscal year.” Sponsor: Rep. Crosby.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

86.8. (AS-TREAS: Flexibility) For Fiscal Year ~~2010-11~~ 2011-12, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, ~~for which a specific level or amount of support or funding is not provided by law~~, by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the ~~last completed fiscal year~~ amount required to be appropriated pursuant to Section 6-27-30.

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SECTION 89 - X90-GENERAL PROVISIONS

- 89.2** **AMEND** (Appropriations From Funds) Directs that funds appropriated from the General Fund, EIA Fund, Highways and Public Transportation Fund and other applicable funds are to meet the ordinary expenses of the State for FY 2010-11.
WMC: AMEND proviso to change fiscal year reference from “2010-11” to “2011-12.” Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

89.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year ~~2010-11~~ 2011-12, and for other purposes specifically designated.

- 89.3** **AMEND** (Fiscal Year Definitions) Defines current and prior fiscal year time frames.
WMC: AMEND proviso to update fiscal year references from “2010” to “2011;” “2011” to “2012;” and “2009” to “2010.” Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

89.3. (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, “current fiscal year” means the fiscal year beginning July 1, ~~2010~~ 2011, and ending June 30, ~~2011~~ 2012, and “prior fiscal year” means the fiscal year beginning July 1, ~~2009~~ 2010, and ending June 30, ~~2010~~ 2011.

- 89.31** **AMEND** (Travel Report) Requires the Comptroller General to issue an annual report on November 1st listing detailed information on state employee’s prior year travel expenditures and distribute the reports to the Senate Finance and House Ways and Means Committees and to the Statehouse Press Room. Authorizes the Comptroller General to use up to \$500 to provide copies to the media and public upon request. Directs that registration fees be shown as a separate subtotal within the grand total for individual employees and the agency as a whole.
WMC: AMEND to delete specific reference to object codes 0507 and 0517 and instead specify “in-state and out-of-state” registration fees “(fees to attend conference, teleconferences, workshops, or seminars for training on a per person basis).” *The object codes contained within the proviso refer to the STARS system which is being phased out and replaced with SCEIS which does not use those object codes, nor do institutions of higher learning. Substitute language describes what the deleted object codes previously covered.* Fiscal Impact: No impact on the General Fund. Requested by Office of the Comptroller General.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

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89.31. (GP: Travel Report) Annually on November first, the Comptroller General shall issue a report on travel expenditures for the prior fiscal year which shall be distributed to the Senate Finance Committee, the House Ways and Means Committee, and the Statehouse Press Room. The Comptroller General may use up to \$500 of general fund appropriations for the purpose of providing copies to the media or the public upon request. The report must contain a listing for every agency receiving an appropriation in the annual General Appropriations Act. The listing must show at a minimum the top ten percent of employees for whom travel expenses and registration fees were paid within each agency, not to exceed twenty-five employees per agency. Agencies should include position titles for each of the top twenty-five travelers for each agency. Expenditures must include state, federal and other sources of funds. Expenditures for in-state and out-of-state registration fees (fees to attend conferences, teleconferences, workshops, or seminars for training on a per person basis) ~~with object codes 0507 and 0517~~ must be shown as a separate subtotal within the grand total for the individual employees and the agency as a whole. The list for each agency must be in rank order with the largest expenditure first and the name of the employee must be shown with each amount. Agencies should include a brief summary of the type of travel the agency incurs. The Comptroller General may provide additional information as deemed appropriate. The Comptroller General shall provide no exceptions to this report in that the information contained is not considered confidential or restricted for economic development purposes. However, further disclosure of detailed information shall be restricted as provided for by law.

- 89.46** **DELETE** (Accommodations Tax) Direct that for the current fiscal year, “tourist” as used in Section 6-4-10 [ALLOCATION TO GENERAL FUND; SPECIAL FUND FOR TOURISM; MANAGEMENT AND USE OF SPECIAL FUND] does not apply to museums, festivals, arts and cultural events or event’s sponsoring organization.
WMC: DELETE proviso.
HOU: ADOPT deletion of proviso.
SFC: REINSERT proviso.
SEN: DELETE proviso. *Ruled Out of Order*
CONF: SAME in both versions.

89.46. (GP: Accommodations Tax) ~~For the current fiscal year the word ‘tourist’, as used in Section 6 4 10, does not apply to museums or to festivals, arts and cultural events, or the sponsoring organization of these events.~~

- 89.59** **AMEND** (Agencies Affected by Restructuring) Directs that upon the General Assembly’s restructuring of state agencies in separate legislation, the B&C Board is to work with affected agencies to phase-in operations of restructured organizations; directs that restructured organizations should be operating entirely under the revised structure by June 30th of the current fiscal year; directs the board to work with affected agencies to identify and facilitate transfers of portions of operations not already accomplished; directs the Comptroller General and the State Treasurer to allow agencies to continue processing documents within the account structure that existed June 30th of the prior fiscal year until changes can be made to the State’s accounting system; directs agencies to transition to the new account structure by June 30th of the current fiscal year; and directs the Office of State Budget to prepare the subsequent detail budget to conform Part IA and corresponding provisos in this Act to any restructuring changes ratified in separate legislation.
WMC: AMEND proviso to delete reference to restructuring in “separate legislation” and change the time frame by which restructuring must be implemented from “June 30th” of the current fiscal year to “December 31st.” Fiscal Impact: No impact on the General Fund.

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HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

89.59. (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly ~~in separate legislation~~, the Budget and Control Board is directed to work with affected State agencies in order to phase-in operations of restructured organizations during the current fiscal year. Restructured organizations should be operating entirely under the revised structure no later than ~~June thirtieth~~ December 31st, of the current fiscal year, unless otherwise directed by law. The Board is further directed to work with the affected agencies in order to identify and facilitate the transfer of any portion of their operations, including transfer of funds during the current fiscal year, which is affected by the restructured organization adopted by the General Assembly, but which has not already been accomplished herein. Until sufficient changes can be made to the State's accounting system and the appointment of appropriate agency heads, the Comptroller General and the State Treasurer shall allow those agencies affected by restructuring to continue processing documents within the account structure existing on June 30, of the prior fiscal year. Restructured agencies shall make all the necessary accounting adjustments to complete the transition to the new account structure as soon as possible, but no later than ~~June thirtieth~~ December 31st, of the current fiscal year, unless otherwise directed by law. The Budget and Control Board Office of State Budget is directed to prepare the subsequent detail budget to conform Part IA and corresponding provisos in this act to any restructuring changes that are ratified ~~in separate legislation~~.

89.68 **DELETE** (Photo Identification Card) Directs the Department of Corrections and the Department of Probation, Parole and Pardon Services to work with DMV to develop and implement a plan to provide inmates who are being released with a valid photo ID card. Directs the Departments of Corrections and Probation, Parole and Pardon Services, to the extent funds are available from an individual inmate's account, to transfer \$5 to DMV to cover the cost of issuing the photo id card. Directs DMV to use existing resources and technology to produce the photo ID card.

WMC: DELETE proviso. *Codified in 24-13-2130(B) [MEMORANDUM OF UNDERSTANDING TO ESTABLISH ROLE OF EACH AGENCY]*. Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

89.68. (GP: Photo Identification Card) ~~The Department of Corrections and the Department of Probation, Parole and Pardon Services are directed to work with the Department of Motor Vehicles to develop and implement a plan for providing inmates who are being released from a correctional facility with a valid photo identification card. To the extent that funds are available from an individual inmate's account, the Department of Corrections or the Department of Probation, Parole and Pardon Services shall transfer five dollars to the Department of Motor Vehicles to cover the cost of issuing the photo identification card. The Department of Motor Vehicles shall use existing resources and technology to produce the photo identification card.~~

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- 89.73** **AMEND** (LightRail) Authorizes and directs the three research universities, Clemson, MUSC, and USC-Columbia to plan, procure, administer, oversee, and manage all functions associated with the S.C. LightRail [HIGH SPEED INTERNET] and directs that they are exempt from the oversight and project management regulations of the B&C Board, Division of State Information Technology. Directs that S.C. LightRail is an academic network for the use of the state's 3 research universities for the exchange of information directly related to their mission and must not carry commercial or K-12 traffic originated in S.C. Directs that for FY 10-11 public or private organizations and entities may be provided access only through formal documented partnerships with one or more of the 3 research universities. Directs that a report be submitted on February 1, 2011 that identifies each entity with access to the network and any payment including without limitation in-kind payment, each organization and entity is making for network access.
- WMC:** AMEND proviso to change "Fiscal Year 2010-11" and "2011" to "the current fiscal year." Fiscal Impact: No impact on the General Fund.
- HOU:** ADOPT proviso as amended.
- SFC:** ADOPT proviso as amended.
- SEN:** ADOPT proviso as amended.
- CONF:** SAME in both versions.

89.73. (GP: LightRail) Pursuant to this provision the three research universities: Clemson University, the Medical University of South Carolina, and the University of South Carolina-Columbia, are authorized and directed to plan, procure, administer, oversee, and manage all functions associated with the South Carolina LightRail and are thereby exempt from the oversight and project management regulations of the Budget and Control Board, Division of State Information Technology. South Carolina LightRail is an academic network for the use of the state's three research universities for the exchange of information directly related to their mission and must not carry commercial or K-12 traffic originated in South Carolina. For ~~Fiscal Year 2010-11~~ the current fiscal year, public or private organizations and entities may be provided access only through formal documented partnerships with one or more of the three research universities. On February 1, ~~2011~~ of the current fiscal year, the entity managing the network must submit to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee a report specifically identifying each entity with access to the network and any payment, including without limitation in-kind payment, that each such organization and entity is making for access to the network.

- 89.80** **DELETE** (Flexibility) Authorizes agencies, in order to provide maximum flexibility to absorb general fund reductions mandated in this act as compared to Fiscal Year 2008-09 general fund appropriations, to spend agency earmarked and restricted "special revenue funds" to maintain critical program previously funded with general fund appropriations. Provides guidelines for utilizing this flexibility. Prohibits specific agencies from reducing or transferring funds from the certain programs or area.
- WMC:** DELETE proviso. *See new proviso 89.140.*
- HOU:** ADOPT deletion of proviso.
- SFC:** ADOPT deletion of proviso.
- SEN:** ADOPT deletion of proviso.
- CONF:** SAME in both versions.

89.80. (GP: Flexibility) ~~In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to Fiscal Year 2008-09 general fund appropriations, agencies are authorized for FY 2010-11 to spend agency earmarked and~~

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~~restricted accounts designated as “special revenue funds” as defined in the Comptroller General’s records, to maintain critical programs previously funded with general fund appropriations. Any spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board, Office of State Budget in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.~~

~~State institutions of higher learning whose budgets have been reduced from the Fiscal Year 2009-10 state funding level, shall have the authority to use other sources of available funds to support and maintain state funded programs affected by state reductions during Fiscal Year 2010-11 and may adjust appropriations from special items or programs contained in this act in an amount greater or less than the percentage of the reduction assessed to the institution’s base budget. Institutions shall submit to the Office of State Budget, the Senate Finance Committee, and the House Ways and Means Committee the amount of base budget reductions associated with these programs.~~

~~Notwithstanding the flexibility authorized in this provision, the following agencies are prohibited from reducing or transferring funds from the following programs or areas:~~

~~(A) Department of Health and Human Services~~

~~(1) Teen Pregnancy/Abstinence Programs including, but not limited to
MAPPS~~

~~(2) PACE~~

~~(3) Federally Qualified Health Centers~~

~~(4) Provider Rates~~

~~The Department of Health and Human Services shall not decrease provider reimbursement rates from their current levels.~~

~~It is not the intent of this proviso to restrict the annual updating of cost based rates and those rates which are indexed to methodologies described in the Medicaid State Plan.~~

~~(B) Lieutenant Governor’s Office~~

~~Home and Community Based Services (Meals on Wheels)~~

~~(C) Department of Commerce~~

~~Regional Economic Development Organizations as defined by proviso 40.12~~

~~(D) Department of Natural Resources~~

~~Law Enforcement Program/Enforcement Operations as contained in Program
H. F. 1~~

~~(E) Department of Parks, Recreation, and Tourism~~

~~(1) Program H. A. Special Item: Regional Promotions~~

~~(2) Program H. C. Special Item: Palmetto Pride~~

~~In addition the Department of Parks, Recreation and Tourism is prohibited from closing or reducing the FTE’s in the State House Gift Shop, and the Santee Welcome Center.~~

~~Notwithstanding the prohibition on reducing or transferring funds from the programs or areas listed above, the Department of Natural Resources may reduce the specified programs or areas by an amount not to exceed the percentage associated with any mandated reduction.~~

89.88 DELETE (Transparency) Requires state agencies to publish on their homepage a listing of all programs funded during the current fiscal year with American Recovery and Reinvestment Act of 2009 funds. Directs that the listing include program name, location, starting date, and funding level and that the listing be updated quarterly.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~89.88. (GP: Transparency) State agencies must publish on their homepage a listing of all programs funded during the current fiscal year with funds from the American Recovery and Reinvestment Act of 2009 to include program name, location, starting date, and funding level. This listing must be updated quarterly to allow the public to easily identify how these funds are being used.~~

89.89 **DELETE** (ARRA Oversight) Directs the State Treasurer and the Comptroller General to organize and co-chair a committee for monitoring funds associated with the ARRA of 2009 and provides guidelines for the functions of the committee.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~89.89. (GP: ARRA Oversight) In order to provide transparency and accountability, and to maintain the separation of duties as provided by our Constitution, the State Treasurer and Comptroller General shall organize and co chair a committee for monitoring funds associated with the American Recovery and Reinvestment Act of 2009. This committee shall collect information from state agencies and institutions regarding funds received from the American Recovery and Reinvestment Act of 2009. Information collected shall include, but not be limited to, the name of state agency or institution, the program designation, the purpose for which the funds were received and expended, and the amount of funds received and expended. The information shall also include data and documentation on job creation resulting from receipt of the federal stimulus funds and any other data or explanation as required by the American Recovery and Reinvestment Act of 2009. The co chairs may also require local government entities to provide any information deemed relevant to provide disclosure of the American Recovery and Reinvestment Act of 2009 funds to the public, including audit reports.~~

~~To provide funding for the central oversight costs for transparency and accountability of ARRA funding, the committee is directed to assess state agencies, except the Department of Transportation, as allowed by HR1 of 2009, an amount of funds equal to their pro rata share of ARRA funds received, adequate to fund the activities related to carrying out these functions. The total assessment shall not exceed the central administrative budget submitted to the federal government for these activities. The funds shall be transferred by the agencies assessed into an account established by the State Treasurer. Agencies are authorized and directed to transfer the invoiced amounts from appropriated or authorized funds. The Budget and Control Board, Office of State Budget shall assist agencies in identifying funding sources and making the necessary transfers. Funds are to be transferred by no later than October 1, 2010. At the end of the ARRA reporting period, any funds not expended for central administrative costs shall be remitted to the contributing agencies on a pro rata basis.~~

89.90 **AMEND** (Printed Report Requirements) Directs that for Fiscal Year 2010-11 certain state agencies and higher education institutions shall not be required to submit printed reports and shall only submit the reports electronically.

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HOU: AMEND proviso to change fiscal year references from “2010-11” to “2011-12.”
Sponsor: Rep. J.R. Smith.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

89.90. (GP: Printed Report Requirements) (A) For Fiscal Year ~~2010-11~~ 2011-12, state supported institutions of higher learning shall not be required to submit printed reports mandated by Sections 2-47-40, 2-47-50, and 59-103-110 of the 1976 Code, and shall instead only submit the documents electronically.

Submission of the plans or reports required by Sections 2-47-55, 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall be waived for the current fiscal year, except institutions of higher learning must continue to report under 2-47-55 year one of the Comprehensive Permanent Improvement Plan, student pass rates on professional examinations, and data elements otherwise required for the Commission on Higher Education Management Information System. The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.

(B) For Fiscal Year ~~2010-11~~ 2011-12, the Department of Agriculture shall not be required to submit printed reports mandated by Section 46-49-10 of the 1976 Code. The department shall provide these reports electronically and shall use any monetary savings for K5-12 agriculture education programs.

(C) For Fiscal Year ~~2010-11~~ 2011-12, the Department of Health and Human Services shall not be required to provide printed copies of the Medicaid Annual Report required pursuant to Section 44-6-80 of the 1976 Code and the Provider Reimbursement Rate Report required pursuant to proviso 21.13, and shall instead only submit the documents electronically.

(D) For Fiscal Year ~~2010-11~~ 2011-12, the Department of Transportation shall not be required to submit printed reports or publications mandated by Sections 1-11-58, 2-47-55, and 58-17-1450 of the 1976 Code.

The Department of Transportation may combine their Annual Report and Mass Transit Report into their Annual Accountability Report.

89.100 DELETE (Winthrop University Owens Hall) Directs that procurements that relate to the reconstruction and/or restoration of Winthrop University properties that were damaged by the Owens Hall fire of March 6, 2010, and related fire suppression efforts, shall be allowed and determined to meet all requirements of sole source and emergency procurement provisions through use of original contractors and vendors as necessary in order to expedite the return of damaged properties to intended uses by August 15, 2010, or as reasonably close to that date possible. Directs that all documentation related to this project shall be subject to routine audit measures and compliance.

WMC: DELETE proviso. *All related reconstruction/restoration will be completed during FY 10-11.*

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

89.100. (GP: Winthrop University Owens Hall) ~~All procurements related to reconstruction/restoration of Winthrop University properties damaged by the Owens Hall fire of March 6, 2010, and related fire suppression efforts, shall be deemed allowed and determined to meet all requirements of sole source and emergency procurement provisions of SC Code of~~

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~~Regulations 19 445 2105 and 19 445 2110, through use of original contractors and vendors as necessary to insure compatibility of equipment, accessories and replacement parts as a paramount consideration in order to expedite the return of damaged properties to intended uses by August 15, 2010, (or as reasonable close thereto as possible), the welfare, continued educational progress, and best interests of Winthrop University students and the State of South Carolina requiring it. Further, by adoption of this proviso, all Permanent Improvement Project documentation related to this work shall be deemed submitted and approved, with the original documentation for the Owens Hall Project incorporated by reference, the welfare, continued educational progress, and best interests of Winthrop University students and the State of South Carolina requiring it. All documentation related to reconstruction/restoration conducted under this proviso shall be subject to routine audit measures and compliance.~~

- 89.102 DELETE** (SCEIS-DHEC) Directs that the SCEIS program and DHEC complete implementation of the Financial and Procurement components of SCEIS for DHEC no later than August 2, 2010. Directs DHEC to spend funds as required to ensure the implementation is completed as scheduled. Directs the SCEIS program to use available resources to assist and support DHEC's implementation. Directs the SCEIS Team to report to the SCEIS Executive Oversight Committee monthly on its activities under this provision.
WMC: DELETE proviso. *Completed.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.
HOU: ADOPT deletion of proviso.
SFC: ADOPT deletion of proviso.
SEN: ADOPT deletion of proviso.
CONF: SAME in both versions.

~~**89.102.** (GP: SCEIS DHEC) It is the intent of the General Assembly that all agencies achieve the maximum benefit of accounting, management and transparency through the implementation of the South Carolina Enterprise Information System (SCEIS). To accomplish this goal at the Department of Health and Environmental Control for the SCEIS Financial and Procurement components of SCEIS, the SCEIS Program and the Department of Health and Environment Control are directed to complete the implementation of those components not later than August 2, 2010. The Department of Health and Environmental Control shall expend funds as required to ensure the implementation is completed as scheduled. The SCEIS Program shall use resources available to assist and support the Department of Health and Environmental Control implementation. The SCEIS Team shall make monthly reports to the SCEIS Executive Oversight Committee concerning its activities under this provision.~~

- 89.103 AMEND** (SCEIS-DOT) Directs that to ensure the goal of all agencies achieving implementation of the SCEIS program by June 30, 2011, certain processes will be implemented at the Department of Transportation to assist the agency with SCEIS implementation.
WMC: AMEND proviso to change "June 30, 2011" to "September 30, 2011" pertaining to the goal date for implementation. Delete the requirement that an implementation plan be developed by September 1, 2010. *Plan has been developed. DOT requires extra time to be fully implemented.* Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

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89.103. (GP: SCEIS-DOT) It is the intent of the General Assembly that all agencies achieve the maximum benefit of accounting, management and transparency through the implementation of the South Carolina Enterprise Information System (SCEIS). In order to ensure this goal is completed by not later than ~~June 30~~ September 30, 2011 at the Department of Transportation, the following process shall be implemented. The SCEIS Program and the Department of Transportation shall form a DOT SCEIS Implementation Team dedicated to the successful implementation of SCEIS within the Department of Transportation. This team is directed to identify and implement high level interfaces to allow the Department of Transportation to remain operational as the Statewide Accounting and Reporting System, Human Resources and Payroll systems are retired prior to the full implementation of SCEIS within the Department of Transportation. ~~The DOT SCEIS Implementation Team is further directed to develop an implementation plan to identify the components to be fully implemented at the Department of Transportation and to develop the proposed scope, schedule and projected cost of these components not later than September 1, 2010.~~ The SCEIS Executive Oversight Committee is directed to establish a SCEIS/Department of Transportation Implementation subcommittee consisting of a senior manager designated by the Comptroller General, a senior manager designated by the Executive Director of the Budget and Control Board, and a senior manager designated by the Secretary of the Department of Transportation, and shall include staff as designated by the Department of Transportation and staff as designated by the SCEIS Program. In addition, the Department of Transportation shall include a senior management representative of the federal highway administration as an advisor to this subcommittee and as a member of the DOT SCEIS Implementation Team. The Department of Transportation may expend funds as determined under the implementation plan as necessary to maximize the long term return in the areas of finance, procurement, human resources and payroll, budgeting, federal aid billing, project management and other areas where modernization benefits the agency. The SCEIS Program shall use resources available to assist and support the Department of Transportation implementation.

89.105 DELETE (SCEIS Set-Aside Accounts) Directs the Comptroller General to transfer all agency funds that remain in a SCEIS set-aside account to the B&C Board for the South Carolina Enterprise Information System (SCEIS) during FY 2010-11. Directs that the B&C Board, SCEIS program must assume responsibility for repayment of these transferred funds.

WMC: DELETE proviso. *Applied to a one-time transfer of funds to occur in FY 2010-11.*
Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

89.105. (GP: SCEIS Set-Aside Accounts) ~~The Comptroller General is directed to transfer all agency funds remaining in a SCEIS set aside account to the Budget and Control Board for the South Carolina Enterprise Information System (SCEIS) during Fiscal Year 2010-11. The Budget and Control Board, SCEIS program must assume responsibility for repayment of the funds transferred under this provision.~~

89.108 AMEND (Commuting Costs) Requires state government employees who use a permanently assigned agency or state-owned vehicle to commute from their permanently assigned work location to and from home, to either reimburse their agency for the cost of fuel or the Comptroller General must report the personal use of the vehicle to the IRS. Requires these permanently assigned vehicles to be clearly marked as a state or agency vehicle through the use

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of state-government license plates and either state or agency seal decals unless the vehicle is primarily used in undercover operations. Excludes vehicles used for special travel assignment purposes, vehicles used by active certified law enforcement officers authorized to carry firearms, execute warrants, and make arrests, Constitutional Officers, agency heads and DOT employees on call for emergency maintenance.

WMC: AMEND proviso to require the employee to reimburse the agency “for commuting use” in accordance with IRS regulations and “based on guidance from the Office of Comptroller General which must use the Cents per mile Rule, unless exempted from such reimbursement by applicable IRS regulations. Delete agency head exemption. *Conform to IRS rules.* Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

89.108. (GP: Commuting Costs) State government employees who use a permanently assigned agency or state owned vehicle to commute from their permanently assigned work location to and from the employee’s home must ~~either~~ reimburse the agency in which they are employed ~~for the cost of fuel or the personal use of the vehicle must be considered income and as such reported by the Comptroller General~~ for commuting use in accordance with IRS regulations based on guidance from the Office of Comptroller General which must use the Cents per mile Rule, unless they are exempted from such reimbursement by applicable IRS regulations. These permanently assigned vehicles must be clearly marked as a state or agency vehicle through the use of permanent state-government license plates and either state or agency seal decals unless the vehicle is used primarily in undercover operations. This requirement does not apply to a vehicle used by an employee for the purpose of a special travel assignment, for active certified law enforcement officers authorized to carry firearms, execute warrants, and make arrests, for Constitutional Officers, ~~for agency heads~~, or for Department of Transportation employees on call for emergency maintenance.

89.109 DELETE (Video Conferencing) Directs the Department of Corrections, in consultation with Court Administration, to determine if using video conferencing technology would be cost effective for certain court proceedings. Directs the department to report their findings to the House Ways and Means and 3M Committees and the Senate Finance and Corrections and Penology Committees by December 1, 2010. Requires the report include an analysis of which court proceedings would be most appropriate for video conferencing, court locations that would be most cost effective, a general description and estimated cost of the equipment needed, and the estimated savings that may be realized.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

89.109. (GP: Video Conferencing) ~~The Department of Corrections, in consultation with Court Administration, shall determine if the use of video conferencing technology would be cost effective for certain court proceedings. The Department shall report their findings to the Ways and Means Committee and the Medical, Military, Public and Municipal Affairs Committee of the House of Representatives and the Finance Committee and Corrections and~~

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~~Penology Committee of the Senate by December 1, 2010. The report shall include an analysis of which court proceedings would be most appropriate for video conferencing, the court locations that would be most cost effective, a general description and estimated cost of the equipment needed, and the estimated savings that may be realized by the use of video conferencing.~~

- 89.111 DELETE** (DOC & PPP Consolidation Study) Creates a study committee to develop a plan to consolidate Department of Corrections and Department of Probation, Parole, and Pardon Services functions and directs that the plan include an estimate of cost savings realized from consolidation of the agencies. Provides for the composition of the study committee. Directs that appropriate Senate and House committees provide staffing and coordination. Directs that members serve without mileage, per diem, and subsistence. Authorizes the study committee to meet as often as necessary, but requires it to convene no later than sixty days after the effective date of this act. Requires a plan be submitted to the Chairmen of the Senate Finance, House Ways and Means, Senate Corrections and Penology, and House 3M Committees by December 31, 2010 and directs that after plan submission, the study committee shall be dissolved.
- WMC:** DELETE proviso. *S385 has been introduced.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.
- HOU:** ADOPT deletion of proviso.
- SFC:** ADOPT deletion of proviso.
- SEN:** ADOPT deletion of proviso.
- CONF:** SAME in both versions.

~~**89.111.** (GP: DOC & PPP Consolidation Study) There is created a study committee to study and develop a plan to consolidate the functions of the Department of Corrections and the Department of Probation, Parole and Pardon Services. The plan must include an estimate of cost savings that may be realized from the consolidation of both agencies.~~

~~The study committee shall be composed of the Governor, or his designee; the President Pro Tempore of the Senate, or his designee; the Speaker of the House of Representatives, or his designee; the Chairman of the Senate Corrections and Penology Committee, or his designee; the Chairman of the House of Representatives Medical, Military and Municipal Affairs Committee, or his designee; the Director of the Department of Corrections, or his designee; and the Director of the Department of Probation, Parole and Pardon Services, or his designee. The members of the study committee shall elect a chairman.~~

~~The study committee shall accept committee staffing and coordination from the appropriate committees of the Senate and House of Representatives. The members of the study committee shall serve without mileage, per diem, and subsistence. The study committee shall meet as often as is necessary, and shall convene no later than sixty days after the effective date of this act.~~

~~The study committee shall submit its plan to the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Ways and Means Committee, the Chairman of the Senate Corrections and Penology Committee, and the Chairman of the House of Representatives Medical, Military, Public and Municipal Affairs Committee no later than December 31, 2010, at which point the study committee shall dissolve.~~

- 89.117 DELETE** (General Fund Transfer to Conservation Bank) Directs DOR to transfer \$1,500,000 to the S.C. Conservation Bank from the increased general fund revenue resulting from the motion picture wage rebate of 15% as required by Section 12-62-50 [TAX REBATE FOR EMPLOYMENT OF PERSONS SUBJECT TO SOUTH CAROLINA INCOME TAX WITHHOLDINGS] rather than 20% as authorized in prior appropriation acts.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~89.117. (GP: General Fund Transfer to Conservation Bank) The Department of Revenue is directed to transfer to the South Carolina Conservation Bank, \$1,500,000 of the increased general fund revenue resulting from the motion picture wage rebate of fifteen percent as required by Section 12-62-50 of the 1976 Code, rather than twenty percent as authorized in prior appropriation acts.~~

89.132 DELETE NEW PROVISO (Transfer Consumer Affairs to Secretary of State) **WMC:** ADD new proviso to transfer for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding and physical assets of the Department of Consumer Affairs to the Office of the Secretary of State. Fiscal Impact: No impact on the General Fund.

HOU: DELETE new proviso. Sponsor: Rep. Toole

SFC: NOT CONSIDERED..

SEN: NOT CONSIDERED.

CONF: SAME in both versions.

89.132. (GP: Transfer Consumer Affairs to Secretary of State) DELETED

89.133 DELETE NEW PROVISO (Transfer OSMBA to Secretary of State) **WMC:** ADD new proviso to transfer, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Office of Small and Minority Business Assistance located within the Governor's Office - OEPP to the Secretary of State's Office. Fiscal Impact: No impact on the General Fund.

HOU: DELETE new proviso. Sponsor: Rep. Merrill.

SFC: NOT CONSIDERED..

SEN: NOT CONSIDERED.

CONF: SAME in both versions.

89.133. (GP: Transfer OSMBA to Secretary of State) DELETED

89.134 DELETE NEW PROVISO (Transfer Foster Care to DSS) **WMC:** ADD new proviso to transfer, for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Foster Care Review Board located within the Governor's Office - OEPP to DSS. Fiscal Impact: No impact on the General Fund.

HOU: DELETE new proviso. Sponsors: Reps. D.C. Moss and Daning.

SFC: NOT CONSIDERED..

SEN: NOT CONSIDERED.

CONF: SAME in both versions.

89.134. (GP: Transfer Foster Care to DSS) DELETED

89.135 DELETE NEW PROVISO (Transfer COC to DMH) **WMC:** ADD new proviso to transfer, for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities,

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personnel, funding, and physical assets of the Continuum of Care located within the Governor's Office - OEPP to DMH. Fiscal Impact: No impact on the General Fund.

HOU: DELETE new proviso. Sponsors: Reps. Harrison, Brannon, Hiott, and D.C. Moss.

SFC: NOT CONSIDERED..

SEN: NOT CONSIDERED.

CONF: SAME in both versions.

89.135. (GP: Transfer COC to DMH) DELETED

89.136 DELETE NEW PROVISO (Transfer GAL to DSS) **WMC:** ADD new proviso to transfer for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Guardian ad Litem Program located within the Governor's Office - OEPP to DSS. Require the transferred funds to be administered separately from other programs within DSS and that the funds be used exclusively for the Guardian ad Litem Program. Fiscal Impact: No impact on the General Fund.

HOU: DELETE new proviso. Sponsors: Reps. Daning and D.C. Moss.

SFC: NOT CONSIDERED..

SEN: NOT CONSIDERED.

CONF: SAME in both versions.

89.136. (GP: Transfer GAL to DSS) DELETED

89.140 ADD (FY 2011-12 Flexibility) **WMC:** ADD new proviso to authorize agencies, in order to provide maximum flexibility to absorb general fund reductions mandated in this act as compared to Fiscal Year 2008-09 general fund appropriations, to spend agency earmarked and restricted "special revenue funds" to maintain critical program previously funded with general fund appropriations. Require this spending authorization receive prior Office of State Budget approval and be reported to the Governor and the Senate Finance and the House Ways and Means Committees. Direct that this provision is notwithstanding any other provision of law that restricts the use of earned revenue. Authorize transfers to exceed 20% of the program budget upon Office of State Budget approval, in consultation with the Chairmen of the Senate Finance and House Ways and Means Committees. Authorize institutions of higher learning, whose state funding has been reduced below the FY 10-11 level, to use other funds to support and maintain state funded programs affected by a reduction in FY 11-12 state funds and authorize institutions to adjust special items or programs funding. Require institutions submit the amount of base reductions associated with these programs to the Office of State Budget and to the Senate Finance and House Ways and Means Committees. Prohibit DNR and PRT from reducing or transferring funds from the specified programs or areas: DNR - Law Enforcement Program/Enforcement Operations as contained in Program II. F. 1 and PRT - Program II. A. Special Item: Regional Promotions. Also prohibit PRT from closing or reducing the FTE's in the State House Gift Shop and the Santee Welcome Center. Authorize, notwithstanding this prohibition, that DNR may reduce the specified programs or areas by an amount not to exceed the percentage associated with any mandated reduction. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

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89.140. (GP: FY 2011-12 Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to Fiscal Year 2008-09 general fund appropriations, agencies are authorized for FY 2011-12 to spend agency earmarked and restricted accounts designated as "special revenue funds" as defined in the Comptroller General's records, to maintain critical programs previously funded with general fund appropriations. Any spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board, Office of State Budget in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

State institutions of higher learning whose budgets have been reduced from the Fiscal Year 2010-11 state funding level, shall have the authority to use other sources of available funds to support and maintain state funded programs affected by state reductions during Fiscal Year 2011-12 and may adjust appropriations from special items or programs contained in this act in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Institutions shall submit to the Office of State Budget, the Senate Finance Committee, and the House Ways and Means Committee the amount of base budget reductions associated with these programs.

Notwithstanding the flexibility authorized in this provision, the following agencies are prohibited from reducing or transferring funds from the following programs or areas:

(A) Department of Natural Resources

Law Enforcement Program/Enforcement Operations as contained in Program II. F. 1

(B) Department of Parks, Recreation, and Tourism

Program II. A. Special Item: Regional Promotions

In addition the Department of Parks, Recreation and Tourism is prohibited from closing or reducing the FTE's in the State House Gift Shop and the Santee Welcome Center.

Notwithstanding the prohibition on reducing or transferring funds from the programs or areas listed above, the Department of Natural Resources may reduce the specified programs or areas by an amount not to exceed the percentage associated with any mandated reduction.

- 89.142 ADD** (Remittance to Children's Trust Fund) **HOU:** ADD new proviso to direct the Department of Education to transfer \$100,000 to the Children's Trust Fund in FY 11-12. Sponsors: Reps. Bingham and Ott.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

89.142. (GP: Remittance to Children's Trust Fund) For Fiscal Year 2011-12 the Department of Education is directed to transfer \$100,000 to the Children's Trust Fund.

- 89.146 ADD** (Tobacco Settlement Trust Fund Distribution) **HOU:** ADD new proviso to direct the State Treasurer to transfer \$1,000,000 from the Tobacco Settlement Trust Fund to the Department of Agriculture for marketing and branding as required by Section 11-49-55 [STATE-GROWN CROPS; MARKETING, BRANDING, AND NATURAL DISASTER RELIEF ASSISTANCE] in \$250,000 increments, as funds are accrued. Sponsors: Reps. Edge and Ott.
SFC: ADOPT new proviso.

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

89.146. (GP: Tobacco Settlement Trust Fund Distribution) For Fiscal Year 2011-12, that portion of the Tobacco Settlement Trust Fund that the State Treasurer is directed to transfer to the Department of Agriculture for marketing and branding of agricultural products or produce pursuant to the provisions of Section 11-49-55 must be transferred to the Department of Agriculture as the funds are accrued in \$250,000 increments up to one million dollars.

- 89.154** **ADD** (WIA Training Marketability Evaluation) **HOU:** ADD new proviso to require local workforce investment boards to demonstrate that training funds are used to provide marketable work skills by providing a report on how the funds were allocated based on training that was funded in order to determine what percentage of funds are used for non-vocational, academic programs and high growth or high demand industries and occupations. Sponsor: Rep. Cobb-Hunter.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

89.154. (GP: WIA Training Marketability Evaluation) For Fiscal Year 2011-12, local workforce investment boards shall demonstrate that funds expended for training are used to provide marketable work skills by reporting how its funds were allocated based on skills for which training was funded to determine what percentage of funds are used to fund non-vocational, academic programs and high-growth or high-demand industries and occupations.

- 89.155** **DELETE NEW PROVISO** (Admissions Tax) **HOU:** ADD new proviso to include admissions to a motorsports entertainment complex facility with at least 60,000 permanent seats and to the Family Circle Cup Tennis Tournament from the exemptions to the Admissions License Tax imposed by Section 12-21-2420 [ADMISSIONS TAX: IMPOSITION OF TAX; RATE; EXEMPTIONS; PAYMENT, COLLECTION, AND REMITTANCE; DISPOSITION OF REVENUES]. Sponsors: Reps. Lucas, Merrill, Neilson, and Williams. Fiscal Impact: BEA estimates a \$256,380 reduction in General Fund revenue.
HOU2: DELETE new proviso. Sponsor: Rep. Cooper.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.
CONF: SAME in both versions.

89.155. (GP: Admissions Tax) **DELETED**

- 89.160** **DELETE NEW PROVISO** (Long Term Care Task Force) **SFC:** ADD new proviso to create the Task Force on Long Term Care Accessibility. Direct that the purpose of the Task Force is to assess the needs of the state's Long Term Care System and the impact of long term care on the Medicaid program. Direct that the Task Force submit their recommendations to the General Assembly by June 30, 2012.
SEN: DELETE new proviso. *Ruled Out of Order.*
CONF: SAME in both versions.

89.160. (GP: Long Term Care Task Force) **DELETED**

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- 89.161** **ADD** (State Medicaid Match) **HOU2:** ADD new proviso to direct that state agencies that have not been assessed a base reduction, shall transfer unneeded match resulting from Medicaid rate reductions to the Department of Health & Human Services.. Sponsor: Rep. Cooper. *Note: Proviso 89.159 in HOU2 version.*
SFC: ADD new proviso to direct that state agencies that have not been assessed a base reduction, shall transfer unneeded match resulting from Medicaid rate reductions to the Department of Health & Human Services. Requested by Department of Health and Human Services.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

89.161. (GP: State Medicaid Match) Any agency appropriated state funds identified for Medicaid match that is not assessed a base reduction in this Act and receives a reduction in Medicaid rates for Fiscal Year 2011-12, shall transfer the resulting unneeded match to the Department of Health and Human Services within 90 days of the effect of the rate reduction for the sole purpose of reducing reimbursement reductions which may be implemented in the private provider program.

SECTION 90 - X91-STATEWIDE REVENUE

- 90.1** **AMEND** (Year End Expenditures) Directs year-end expenditure deadlines.
WMC: AMEND proviso to change fiscal year reference from “2011” to “2012” and “July 15, 2011” to “July 13, 2012.” Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.
SFC: ADOPT proviso as amended.
SEN: ADOPT proviso as amended.
CONF: SAME in both versions.

90.1. (SR: Year End Expenditures) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary expenses of the State Government shall lapse on July 31, ~~2011~~ 2012. State agencies are required to submit all current fiscal year input documents to the Office of Comptroller General by July ~~15, 2011~~ 13, 2012. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the Budget and Control Board and Joint Bond Review Committee, toward the accomplishment of the purposes for which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the Budget and Control Board, toward the accomplishment of the purposes for which the appropriations were provided.

- 90.3** **AMEND** (Tobacco Settlement) Directs the State Treasurer, upon approval of the Tobacco Settlement Revenue Management Authority and parties to the trust agreement, to transfer \$10,000,000 from the unrestricted taxable proceeds portion of the principal of the Healthcare Tobacco Settlement Trust Fund to the Department of Health and Human Services to be spent for Medicaid. Authorizes the State Treasurer to transfer to the Attorney General, from funds available to the Tobacco Settlement Management Authority, amounts necessary for further enforcement of the Tobacco Escrow Fund Act, which will protect payments to the State under

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the Master Settlement Agreement. Authorizes and directs the State Treasurer to transfer up to \$1,200,000 to the General Fund from funds available to the Tobacco Settlement Revenue Management Authority to reimburse amounts previously appropriated for Tobacco Arbitration Settlement pursuant to Proviso 73.14(B) item 99 of Act 397 of 2006. Directs that any remaining balance from the appropriation be remitted to the General Fund, but limits the combined transfer and reimbursement to not more than \$1,200,000.

WMC: AMEND proviso to delete requirement to reimburse the General Fund up to \$1,200,000 from amounts previously appropriated for Tobacco Arbitration Settlement. *Transfer and reimbursement have been completed.* Fiscal Impact: No impact on the General Fund. One-time transfer. Requested by State Treasurer's Office.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

CONF: SAME in both versions.

90.3. (SR: Tobacco Settlement) Contingent upon the approval of the Tobacco Settlement Revenue Management Authority and parties to the trust agreement, the State Treasurer shall transfer an amount equal to \$10,000,000 from the unrestricted taxable proceeds portion of the principal of the Healthcare Tobacco Settlement Trust Fund established pursuant to Section 11-11-170(B)(1) of the 1976 Code to the Department of Health and Human Services to be expended as follows: \$10,000,000 for Medicaid. The State Treasurer is authorized and directed to transfer to the Office of the Attorney General from funds available to the Tobacco Settlement Management Authority such amounts as shall be necessary for the enforcement of Chapter 47 of Title 11, The Tobacco Escrow Fund Act, which will protect the payments to the State under the Master Settlement Agreement. ~~The State Treasurer is further authorized and directed to transfer to the General Fund from funds available to the Tobacco Settlement Revenue Management Authority up to \$1,200,000 to reimburse amounts previously appropriated for Tobacco Arbitration Settlement pursuant to Proviso 73.14(B) item 99 of Act 397 of 2006. Any remaining balance from the appropriation shall be remitted to the General Fund, but the combined transfer and reimbursement shall not total more than \$1,200,000.~~

90.8 **DELETE** (Repayment of Deficit) Directs the State Treasurer to transfer, specific sources of revenue for the repayment of the FY 08-09 general operating fund deficit prior to the close of books for FY 09-10 and directs expenditure of any remaining funds from identified sources to be transferred to the General Reserve Fund.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

90.8. (SR: Repayment of Deficit) ~~The State Treasurer is directed to transfer, prior to the close of the books for Fiscal Year 2009-10, the sources of revenue identified in this provision for the repayment of the Fiscal Year 2008-09 general fund operating deficit. The transfers are to be made in the following priority order as funds are available:~~

~~(1) Excess Fiscal Year 2009-10 general fund revenue above the statewide adjusted agency appropriations;~~

~~(2) \$2,500,000 from P16 — Department of Agriculture, Subfund 3079, Renewable Energy Infrastructure Development Fund;~~

~~(3) \$9,431,724 from F03 — Budget and Control Board, Subfund 3146; and~~

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~~(4) \$7,341,716 from F03 — Budget and Control Board, Fiscal Year 2009-10 Educational Broadband Spectrum Lease receipts.~~

~~Upon the complete repayment of the Fiscal Year 2008-09 general fund operating deficit any remaining funds from sources (2) through (4) are to be transferred in Fiscal Year 2010-11 to the General Reserve Fund.~~

~~From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, there shall remain \$4,300,000 in the account to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations in order to preserve the economic viability of the facility. The amount distributed to offset any operating shortfalls shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls may also be used to maintain access fees to the facility for Fiscal Year 2010-11 at the Fiscal Year 2009-10 level. The Budget and Control Board may authorize the expenditure of funds, not to exceed \$700,000, from the escrow account for any actions taken by the Attorney General's Office and expenses associated with such actions relating to the Nuclear Waste Policy Act of 1982. The Attorney General's Office is authorized to retain, expend, and carry forward these funds for the Yucca Mountain suit on the behalf of the State of South Carolina. The Attorney General's Office is authorized to use a portion of these funds to reimburse the office for any Yucca Mountain expenses incurred in the prior fiscal year. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.~~

90.9 DELETE (Nonrecurring Revenue – Increased Enforcement Collections) Directs the Department of Revenue to continue increased enforcement collections efforts as established in FY 09-10. Authorizes the department to collect revenues from any source within its jurisdiction, including, but not limited to, corporate, individual or sales tax collections, but directs the department to especially focus on enforced collections and outstanding liabilities. Directs that these funds are to be deposited into a fund separate and distinct from the general fund within the State Treasurer's Office, except direct that motor fuel funds collected as a result of the enforced collection efforts be distributed in the same manner as other motor fuel tax revenues are currently distributed. Directs the department to develop internal mechanisms to insure the integrity of customary and usual enforced collections. Directs the department, when it determines quarterly customary and usual enforced collections have been exceeded, to deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision. Directs the State Treasurer, for FY 10-11, to disburse specific amounts to identified agencies.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**90.9.** (SR: Nonrecurring Revenue – Increased Enforcement Collections) For Fiscal Year 2010-11, the Department of Revenue shall continue its efforts pertaining to increased enforcement collections as established in Fiscal Year 2009-10.~~

~~The department may collect revenues from any source within its jurisdiction, which may include but is not limited to corporate, individual or sales tax collections but especially shall focus on enforced collections and outstanding liabilities.~~

~~These funds shall be deposited in a fund separate and distinct from the general fund as established within the Office of the State Treasurer, except that any motor fuel funds collected~~

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as a result of the enforced collection efforts shall be distributed in the same manner as other motor fuel tax revenues are currently distributed.

The Department of Revenue shall develop internal mechanisms to insure the integrity of customary and usual enforced collections. When the department determines that the quarterly customary and usual enforced collections have been exceeded, the department shall deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision.

For the fiscal year beginning July 1, 2010 and ending June 30, 2011, the State Treasurer shall disburse \$3,625,000 to E28 Election Commission for the 2010 General Election, \$250,000 to D05 Governor's Office of Executive Control of State for transition costs, and \$100,000 to E04 Office of Lieutenant Governor for transition costs, and shall then disburse quarterly the following funds on a pro rata basis:

(1) Part IA State General Fund.....	\$ 11,257,832;
(2) F03 Budget and Control Board SCEIS.....	\$ 2,179,716;
(3) H03 Commission on Higher Education SREB Dues	\$ 413,929;
(4) H59 State Board for Technical and Comprehensive Education CATT Program	\$ 7,000,000;
(5) P32 Department of Commerce Deal Closing Fund	\$ 5,000,000;
(6) A01 The Senate Reapportionment.....	\$ 1,000,000;
(7) P28 Department of Parks, Recreation and Tourism Operating Expenses.....	\$ 1,000,000;
(8) H63 Department of Education Career and Technology Education (CATE) Textbooks and Resource Materials	\$ 662,000;
(9) H63 Department of Education Transportation	\$ 900,000;
(10) H63 Department of Education School Bus Fuel	\$ 11,000,000
(11) H63 Department of Education Governor's School for the Arts and the Humanities	\$ 500,000;
(12) H63 Department of Education Governor's School for Math and Science	\$ 500,000;
(13) E21 Prosecution Coordination Commission Operating Expenses.....	\$ 1,000,000;
(14) E23 Commission on Indigent Defense Operating Expenses.....	\$ 1,000,000;
(15) X44 Aid to Subdivisions Department of Revenue Homestead Exemption Shortfall	\$ 35,480,071;
(16) L12 John de la Howe School Operating Expenses.....	\$ 308,765;
(17) L71 Wil Lou Gray Opportunity School Operating Expenses.....	\$ 308,764;
(18) N04 Department of Corrections Operating Expenses.....	\$ 8,571,992;
(19) N08 Department of Probation, Parole and Pardon Services Sentencing Reform Act	\$ 510,000;

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- ~~(20) N08 Department of Probation, Parole and Pardon
Services Ignition Interlock Implementation.....\$ 67,000;~~
- ~~(21) N12 Department of Juvenile Justice
Operating Expenses.....\$ 2,000,000; and~~
- ~~(22) B04 Judicial Department
Operating Expenses.....\$ 2,900,000.~~

~~Once sufficient revenue has been collected to fully fund the above items, the first \$8,000,000 of excess revenue shall be transferred to the Department of Motor Vehicles to reimburse the department for the funds transferred to other agencies by proviso 90.10 of this act. The next \$1,000,000 of excess revenue shall be transferred to the Forestry Commission for expenses associated with firefighting activities. The next \$1,000,000 shall be transferred to the National Guard. Any excess increased tax enforcement collections revenue above the amounts identified in this provision shall be transferred to the General Fund of the State.~~

~~To insure that customary and usual enforced collections are unaffected by this provision, the Office of the State Treasurer may not disburse funds from this account until the following schedule of General Fund enforced collections are deposited by the Department of Revenue by the end of each quarter in the fiscal year. If quarterly General Fund enforced collections do not reach the required levels, distributions from this account are suspended for that quarter. The required deposits of quarterly General Fund enforced collections by the end of each quarter are:~~

July to September 2010	\$ 90,000,000
October to December 2010	\$180,000,000
January to March 2011	\$270,000,000
April to June 2011	\$360,000,000

~~The Department of Revenue shall report on a quarterly basis to the finance committees of the General Assembly and to the Board of Economic Advisors on the amount of customary and usual enforced collections and the excess collections from the enhanced collection activities. The Department of Revenue shall provide data to the finance committees of the General Assembly and the Board of Economic Advisors on prior years enforced collections to assist in monitoring revenue collection seasonal flows that impact the funding of state government programs.~~

~~By this provision these funds are deemed to have been received and are available for appropriation.~~

90.10 DELETE (Non-Recurring Revenue Transfers) Directs DMV, if the funds transferred from the department by proviso 90.20 of the FY 09-10 appropriation act have been repaid per proviso 90.21 of the same act, to transfer \$7,000,000 from those funds to Clemson for the Drive Train Test Facility. Directs DOT to transfer \$10,000,000 from Subfund 4862, Non-Federal Aid Highway Funds to the General Fund of the State. Suspends, for FY 10-11, the license plate replacement interval until the funds transferred to other agencies within this provision are repaid to the department or until the Plate Replacement Fee Fund has enough of a balance to reinstitute license plate replacement. Directs that restrictions concerning specific use of these funds are lifted for the fiscal year.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**90.10.** (SR: Non-Recurring Revenue Transfers) If the funds transferred from the Department of Motor Vehicles by proviso 90.20 of Act 23 of 2009 have been repaid pursuant to~~

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~~proviso 90.21 of Act 23 of 2009, the Department of Motor Vehicles shall transfer, from these funds, \$7,000,000 to H12—Clemson University for the Drive Train Test Facility.~~

~~The Department of Transportation shall transfer \$10,000,000 from Subfund 4862, Non-Federal Aid Highway Funds to the General Fund of the State.~~

~~For Fiscal Year 2010-11, the license plate replacement interval is suspended until the funds transferred to other agencies within this provision are repaid to the department pursuant to proviso 90.9 of this act or by any other source of funds, or until such time as the Plate Replacement Fee Fund has a sufficient balance to reinstitute license plate replacement.~~

~~Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year.~~

90.11 DELETE (Health Care Maintenance of Effort Funding) Directs that the source of funds in this provision is \$121,348,857 from the Health Care Annualization and Maintenance of Effort Fund and directs the State Treasurer to disburse specific appropriations by September 1, 2010 for the purposes stated.

WMC: DELETE proviso. *Non-recurring proviso was for FY 2010-11.* Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**90.11.** (SR: Health Care Maintenance of Effort Funding) (A) The source of funds appropriated in this provision is \$121,348,857 from the Health Care Annualization and Maintenance of Effort Fund. By this provision these funds are deemed to have been received and are available for appropriation.~~

~~(B) The State Treasurer shall disburse the following appropriations by September 1, 2010, for the purposes stated:~~

~~(1) Part IA State General Fund.....\$ 71,685,517;~~

~~(2) L04 Department of Social Services
Child Support Enforcement Penalties and
Development.....\$ 18,677,849;~~

~~The below funds shall be disbursed for the purpose of agency operating expenses.~~

~~(3) J12 Department of Mental Health.....\$ 9,500,000;~~

~~(4) J16 Department of Disabilities and Special Needs\$ 21,385,491;~~

~~The Department of Disabilities and Special Needs shall utilize \$1,250,000 of the above \$21,385,491 for Early Intervention for three to five year olds.~~

~~(5) L24 Commission for the Blind.....\$ 100,000.~~

~~If the balance of the Fund exceeds the total amount appropriated in this provision, the excess funds shall be appropriated to the Department of Health and Human Services for Medicaid Maintenance of Effort. If the balance of the Fund is less than the total amount appropriated in this provision, the appropriation to the Department of Health and Human Services shall be reduced by a corresponding amount.~~

~~(C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.~~

90.12 DELETE (Zero Based Budgeting Study) Directs the State Treasurer’s Office to study and make recommendations on suggested procedures and implementation dates regarding implementing a zero-based budgeting process for every state agency, department, instrumentality, entity, or institution. Directs that the study include a determination and

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establishment of functional areas for state government within which agencies shall operate and to establish suggested performance standards, objectives, and measuring criteria for each agency within its functional area. Directs that higher education institutions are to be included in the study. States that the goal and intent of the study is for better and more efficient analysis and use of authorized and appropriated state funds. Directs that the State Treasurer's Office is responsible for the study and that recommendations will be submitted to the General Assembly at the beginning of the 2011 session, and that quarterly progress reports must be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees.

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

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~90.12. (SR: Zero Based Budgeting Study) The Office of State Treasurer shall study and make recommendations including suggested procedures and implementation dates regarding the implementation of a zero based budgeting process for every state agency, department, instrumentality, entity, or institution. Included in this study shall be a determination and establishment of functional areas for state government within which state agencies, departments, and institutions shall operate, and the establishment of suggested performance standards, objectives, and measuring criteria for each agency within its functional area. Institutions of higher education shall also be included in this study. The goal and intent of this study is for better and more efficient analysis and utilization of authorized and appropriated state funds for the benefit of the citizens of this State. The Office of State Treasurer is responsible for this study and recommendations which shall be submitted to the General Assembly at the beginning of its 2011 session. Prior to completion of this study and these recommendations, progress reports must be submitted at the end of each quarter to the chairmen of House Ways and Means and Senate Finance.~~

90.13 **DELETE** (Pfizer Settlement) Directs the Attorney General to transfer to the Department of Health and Human Services for Medicaid Maintenance of Effort, all funds received from the state's settlement agreement with Pfizer Incorporated.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~90.13. (SR: Pfizer Settlement) The Attorney General is directed to transfer all funds received as a result of the state's settlement agreement with Pfizer Incorporated to the Department of Health and Human Services for Medicaid Maintenance of Effort.~~

90.14 **DELETE** (Health and Human Services Funding) Directs that the source of funds in this proviso is \$234,886,144 of HHS general fund appropriations, carry forward funds, earmarked and restricted special revenue funds, and unobligated state match funds resulting from the extension of the increased FMAP. Directs all agencies, unless specifically exempted by another provision, to transfer unobligated state match funds resulting from receipt of the increased FMAP from July 1, 2010 to December 31, 2010 to HHS. Directs HHS to transfer \$49,107,658 to the General Fund by December 31, 2010 and to disburse the funds to specific

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agencies. Directs HHS to retain unobligated state match resulting from the increased FMAP in excess of the funds appropriated and to use these funds for the Medicaid Maintenance of Effort. **WMC:** DELETE proviso. *Non-recurring proviso was for FY 2010-11.* Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

CONF: SAME in both versions.

~~**90.14.** (SR: Health and Human Services Funding) The source of funds appropriated in this provision is \$234,886,144 of Department of Health and Human Services general fund appropriations, carry forward funds, earmarked and restricted special revenue fund accounts, and unobligated state match funds resulting from the extension of the increased Federal Medical Assistance Percentage. All agencies, unless specifically exempt by another provision contained in this act, shall transfer unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage from July 1, 2010 to December 31, 2010 to the Department of Health and Human Services.~~

~~Of these funds the Department of Health and Human Services shall transfer \$49,107,658 to the General Fund of the state no later than December 31, 2010.~~

~~Of these funds the department is directed to disburse the following appropriations for the purposes stated:~~

- ~~1. Department of Health and Human Services
Medicaid Maintenance of Effort\$ 162,778,486;~~
- ~~2. Department of Disabilities and Special Needs
Agency Operating Expenses.....\$ 19,000,000; and~~
- ~~3. Department of Social Services
Therapeutic Foster Care\$ 4,000,000.~~

~~Any unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage in excess of the funds appropriated above shall be retained by the Department of Health and Human Services for Medicaid Maintenance of Effort.~~

90.15 **ADD** (Increased Enforced Collection Carry Forward) **WMC:** ADD new proviso to authorize funds appropriated pursuant to Proviso 90.16 in Part IB of Act 291 of 2010 to be carried forward and used for the same purposes. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

CONF: SAME in both versions.

***90.15.** (SR: Increased Enforced Collections Carry Forward) Unexpended funds appropriated pursuant to Proviso 90.16 in Part IB of Act 291 of 2010 may be carried forward from the prior fiscal year into the current fiscal year and shall be expended for the same purposes.*

90.17 **ADD** (ARRA) **WMC:** ADD new proviso to state that pursuant to the State Stabilization Fund Program established by Title IV of ARRA of 2009, \$501,948 of federal funds are authorized for appropriation and transferred to the School for the Deaf and the Blind and direct the Office of State Budget to increase the agency's federal fund authorization. Direct that these funds must be used in a manner consistent with the State Fiscal Stabilization Fund established by ARRA.

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

90.17. (SR: ARRA Funds) Pursuant to the State Fiscal Stabilization Fund Program established by Title IV of the American Recovery and Reinvestment Act of 2009 (ARRA), \$501,948 of federal funds are authorized for appropriation pursuant to this provision. \$501,948 shall be transferred to the School for the Deaf and the Blind to supplement appropriations made for the expenses of state government in the annual general appropriation act for Fiscal Year 2011-12 and the Office of State Budget is directed to increase agency federal fund authorization for funds from the State Budget Stabilization Fund allocated herein.

For purposes of the expenditures authorized by this provision, the funds must be used in a manner consistent with the provisions of the State Fiscal Stabilization Fund established by the American Recovery and Reinvestment Act of 2009 and the provisions of this act.

90.19 **ADD** (Excess EIA Revenue) **HOU:** ADD new proviso to direct that excess FY 10-11 EIA revenues above FY 10-11 appropriations are authorized for appropriation in Part IA, Section 1 [DEPARTMENT OF EDUCATION] of this act. Sponsors: Reps. Cooper and Bingham
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.
CONF: SAME in both versions.

90.19. (SR: Excess EIA Revenue) Fiscal Year 2010-11 excess EIA revenues above the Fiscal Year 2010-11 appropriations are authorized for appropriation in Part IA, Section 1, of this act.

FY 11-12 conf same in both versions
6/7/2011 10:39 AM