

**SENATE FINANCE COMMITTEE  
HIGHER EDUCATION SUBCOMMITTEE  
PROVISO RECOMMENDATIONS FOR FY 2011-12  
TO THE PROVISO REVIEW SUBCOMMITTEE**

**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.

**SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**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.

**SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**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.

**HOU:** ADOPT proviso as amended.

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**SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**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.

**SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**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 17 - H54-MEDICAL UNIVERSITY OF SOUTH CAROLINA**

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

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

**HOU:** ADOPT proviso as amended.

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**SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**17.3.** (MUSC: Preterm Birth Prevention) For Fiscal Year ~~2010-11~~ 2011-12, the Medical University of South Carolina shall implement a preterm prevention case management program utilizing a disease management coordination network for the Medicaid fee for service population in the Low Country Perinatal Region. The purpose of the program is to reduce premature births, neonatal morbidity and mortality, and the attendant costs for neonatal intensive care. The Department of Health and Human Services shall provide administrative funding to the Medical University of South Carolina for the cost of this program.

**SECTION 89 - X90-GENERAL PROVISIONS**

**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.

**SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**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.

**89.100**     **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

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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.

**SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~**89.100.** (GP: Winthrop University Owens Hall) All procurements related to reconstruction/restoration of Winthrop University properties damaged by the Owens Hall fire of March 6, 2010, and related fire suppression efforts, shall be deemed allowed and determined to meet all requirements of sole source and emergency procurement provisions of SC Code of Regulations 19-445-2105 and 19-445-2110, through use of original contractors and vendors as necessary to insure compatibility of equipment, accessories and replacement parts as a paramount consideration in order to expedite the return of damaged properties to intended uses by August 15, 2010, (or as reasonable close thereto as possible), the welfare, continued educational progress, and best interests of Winthrop University students and the State of South Carolina requiring it. Further, by adoption of this proviso, all Permanent Improvement Project documentation related to this work shall be deemed submitted and approved, with the original documentation for the Owens Hall Project incorporated by reference, the welfare, continued educational progress, and best interests of Winthrop University students and the State of South Carolina requiring it. All documentation related to reconstruction/restoration conducted under this proviso shall be subject to routine audit measures and compliance.~~

**89.123 DELETE NEW PROVISO** (USC Medical School Greenville Study Committee) **WMC:** ADD new proviso to create a study committee to assess the fiscal sustainability of the new medical school at USC in Greenville. Direct that the committee be composed of 3 members of the Senate and 3 members of the House appointed as follows: one each by the President Pro Tempore of the Senate and Speaker of the House of Representatives, and one each by the Chairmen of the Senate Finance, Senate Education, House Ways and Means, and House Education and Public Works Committees. Direct the committee to review, but not be limited to, the current higher education mission and goals as established in Section 59-103-15 [HIGHER EDUCATION MISSION AND GOALS]. Direct the committee to take institutional missions and academic programs and planning; funding and institutional cost; buildings and facilities; and organization and plan implementation into consideration. Direct that a report be provided to the General Assembly by September 1, 2011.

**HOU:** ADOPT new proviso.

**SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~**89.123.** (GP: USC Medical School Greenville Study Committee) *There is created a study committee to assess the fiscal sustainability of the new medical school at the University of South Carolina in Greenville. The committee shall be comprised of three Senate members and three House of Representative members. Of the Senate appointees, one shall be appointed by*~~

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~~*the President Pro Tempore of the Senate, one shall be appointed by the Chairman of the Senate Finance Committee, and one member shall be appointed by the Chairman of the Senate Education Committee. Of the House appointees, one member shall be appointed by the Speaker of the House of Representatives, one shall be appointed by the Chairman of the Ways and Means Committee, and one shall be appointed by the Chairman of the Education and Public Works Committee. The committee shall review, but is not limited to, the current higher education mission and goals as set forth in Section 59-103-15 of the 1976 Code, taking into consideration: 1) institutional missions and academic programs and planning; 2) funding and institutional cost; 3) buildings and facilities; and 4) organization and plan implementation. A report shall be provided to the General Assembly by September 1, 2011.*~~

**ADDITIONAL PROVISO AMENDMENT OFFERED**

**HIGHER EDUCATION SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** AMEND proviso as shown

**89.84.** (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or institution *of higher learning*, the agency head shall be required to take five days furlough in the current fiscal year. If more than one reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required for the initial plan. The agency head will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the agency head remains solely responsible for making those contributions.

Placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act. In the event the reduction for the state agency or institution *of higher learning* is due solely to the General Assembly transferring or deleting a program, this provision does not apply. Agencies may allocate the agency head's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The Budget and Control Board, Office of Human Resources shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Office of Human Resources of the Budget and Control Board.

*For purposes of this provision, agency head includes the president of a technical college as defined by Section 59-103-5 of the 1976 Code.*

*The agency head of the State Board for Technical and Comprehensive Education shall not be required to take this mandatory furlough based solely on the implementation of a reduction in force plan by a technical college.*