

SUMMARY OF  
PROVISO CHANGES  
FOR FY 2011-12  
AS RECOMMENDED BY  
SENATE FINANCE  
COMMITTEE

**SUMMARY OF PROVISO CHANGES FOR FY 2011-12  
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**SECTION 1 - H63-DEPARTMENT OF EDUCATION**

- 1.3**     **AMEND FURTHER** (EFA Formula/Base Student Cost Inflation Factor) States General Assembly intent to fully implement the EFA including an inflation factor projected by the Division of Budget and Analyses to match the inflation wages of public school employees in the southeast; states the base student cost has been determined to be \$1,630; states that the per pupil count for FY 10-11 is projected to be 694,303 and projects the average per pupil funding. Directs that for FY 10-11 the SC Public Charter School District shall receive and distribute state funds to the charter school as determined by the current year's base student cost, as funded by the General Assembly, plus an additional \$700, multiplied by the weighted students enrolled in the charter school, subject to adjustment for student attendance and state budget allocations.  
**WMC:** AMEND proviso to update the projections for FY 11-12 as follows: base student cost, \$1,617; total pupil count, 694,850; average per pupil funding, \$4,778 state, \$1,206 federal, and \$5,666 local for an average total funding level of \$11,651 excluding local bond issues. Delete the requirement that Public Charter Schools receive an additional \$700 multiplied by weighted students enrolled in the charter school, adjusted for student attendance. Delete all estimated school district projections. *See proviso 1.89 for additional charter school funding.*  
**HOU:** AMEND FURTHER to change the projections as follows base student cost, \$1,788; total pupil count, 690,111; average per pupil funding, \$4,834 state, \$1,215 federal, and \$5,705 local for an average total funding level of \$11,754. Sponsor: Rep. Bingham.  
**SFC:** AMEND FURTHER to direct that the Public Charter School District receive "100%" of the current year's base student cost multiplied by the weighted students "(pupils)" enrolled in the charter school. Reinsert and update the estimated school district projections.
- 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.
- 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.
- 1.25**     **AMEND** (PSAT/PLAN Reimbursement) Directs that assessment appropriations be used to pay for administering PSAT or PLAN tests to 10<sup>th</sup> grade students to include the testing and report fees. Authorizes the department to carry forward prior year assessment funds to pay for state assessment activities not completed by the end of the fiscal year including scoring the spring statewide accountability assessment.

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**WMC:** AMEND proviso to delete the requirement that assessment funds be used to pay for administering PSAT or PLAN tests to 10<sup>th</sup> 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.

- 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.

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

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

**HOU:** ADOPT proviso as amended.

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

- 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.

**SFC:** ADOPT deletion of proviso.

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- 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.
- 1.47 AMEND** (School District Furlough) Authorizes and provides guidelines for school districts to institute an employee furlough program, not to exceed 10 days, for district-level and school-level professional staff.  
**SFC:** AMEND proviso to delete the restriction that school districts may only institute an employee furlough if a school district's state funds are less than those appropriated in the preceding fiscal year or if the General Assembly or B&C Board implements a mid-year across the board budget reduction. AMEND FURTHER to require each local school district to prominently post on their website the most recent version of their school district's policy manual and administrative rule manual for public viewing and downloading.
- 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.
- 1.66 AMEND FURTHER** (Residential Treatment Facilities Student Enrollment and Funding) Directs that children who are South Carolina residents and are in licensed treatment facilities (RTFs) for children and adolescents as defined in Section 44-7-130 [STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT DEFINITIONS] shall be entitled to receive educational services from the school districts where the RTF is located ("facility school district"); that such facility school district shall be responsible for providing appropriate educational programs and services for these students, with and without disabilities; and provides guidelines and certain program and funding requirements. Directs that a task force be convened to research and make recommendations to the Superintendent of Education by December 1, 2010 on oversight of educational programs provided to RTF students.  
**WMC:** AMEND proviso to also authorize the RTF to provide parents/guardians with the option to enroll their child in a virtual charter school authorized by the SC Public Charter School District. Direct that if the parent/guardian chooses to enroll their child in a virtual charter school the SC Public Charter School District shall assume the responsibility of the facility school district. Require the RTF and parent/guardian to identify a learning coach prior to enrolling the student in a virtual charter school. Require that the learning coach be identified in collaboration with the SC Public Charter School District and that they be responsible for monitoring and assisting the child's learning experience. Encourage the facility school district, when appropriate, to use course offerings provided by the Department of Education through its South Carolina Virtual School Program. Delete the requirement that the state appropriate 100% of the base student cost to provide for the education of the students referred or placed by the State in an RTF. Direct that facility school districts are entitled to receive the base student cost multiplied by the EFA pupil weighting for "Homebound pupils of 2.10." Direct that the

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reimbursement rate may not exceed \$45 per student per day. Authorize the department to withhold the equivalent amount of EFA funds and transfer those funds to the facility school district if a resident school district fails to distribute the entitled funding to the facility school district by the 135 day count. Direct that out-of-state students provided educational services by a facility school district are not eligible for funding through the EFA. Delete the task force provision. Fiscal Impact: OSB states that this amendment would have a \$501,771 recurring cost to the general fund. The estimate is derived by multiplying the number of RTFs in FY 10 (403) x increase weighting of 1.10 (2.10-1.00) x base student cost of \$1,617 x 70% state funds.

**HOU:** ADOPT proviso as amended.

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

- 1.68 REINSERT** (Prohibit Use of ARRA for Administration) Prohibits the department and school districts from using American Recovery and Reinvestment Act of 2009 funds for administrative salary increases, bonuses, retirement incentives, or severance packages. Requires the department provide a list of federal stimulus expenditures to the General Assembly.

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

**HOU:** ADOPT deletion of proviso.

**SFC:** REINSERT proviso.

- 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.

- 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.

- 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.

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- 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.
- 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.
- 1.74**     **DELETE** (Index of Taxpaying Ability) Suspends, for the current fiscal year, the provisions of Section 59-20-20(3) [EDUCATION FINANCE ACT OF 1977; DEFINITIONS] for purposes calculating the Index of Taxpaying Ability. Directs that for the current fiscal year, the index as calculated by the Department of Revenue for 2009 shall apply.  
**SFC:** DELETE proviso.
- 1.75**     **DELETE** (AED Study) Authorizes the department to coordinate a study to determine if all public and private high school instructional and administrative staff should have training on the proper use of an automated external defibrillators. Directs the department, if the study is conducted, to report their findings to the Chairmen of the Senate Finance and House Ways and Means Committees by January 31, 2011.  
**WMC:** DELETE proviso. *Study has been conducted.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.
- 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.
- 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.
- 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

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available to individual school districts. Directs that the committee examine how the index is calculated and the impact of property tax measures on the calculation. Directs the committee also examine how funds should be distributed to school districts that receive less than 40% of state support as computed by Section 59-20-40(1) [EFA DETERMINATION OF ANNUAL ALLOCATIONS] and to consider whether the amount each district receives should be determined according to the number of weighted students, adjusted for student attendance. Requires a report and recommendations be issued by January 1, 2011.

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

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

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

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

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

- 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.

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

**HOU:** ADOPT new proviso.

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

- 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

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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.

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

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

- 1.86 DELETE NEW PROVISIO** (Deregulation) **WMC:** ADD new proviso to direct that for FY 11-12, the exemptions that apply to charter schools provided in Section 59-40-50 [EXEMPTION; POWERS AND DUTIES; ADMISSION TO CHARTER SCHOOL] also apply to traditional public schools of local public school districts. Direct that a traditional public school may employ noncertified teachers in a ratio of up to 10% of its entire teacher staff and may not limit or deny admission or show preference in admission decisions to any group of individuals, and must meet the student attendance requirements as provided in Title 59.

**HOU:** AMEND new proviso to specify that teachers in core subject areas as defined by ESEA must be highly qualified, which requires state certification. Sponsors: Reps. Allison and Bingham.

**SFC:** DELETE new proviso.

- 1.87 AMEND NEW PROVISIO** (Transportation) **WMC:** ADD new proviso to direct that the Senate Finance and House Ways and Means Committees, the Governor's Office and the department to work together to explore privatizing all or part of the state school bus transportation system while ensuring all students are served and long term cost savings are achieved.

**HOU:** ADOPT new proviso.

**SFC:** AMEND new proviso to specify "from appropriated or authorized funds."

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

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

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

**HOU:** ADOPT new proviso.



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

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

**HOU:** ADOPT new proviso.

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

- 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.

- 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.

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

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

- 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. Allision and Forrester.

**SFC:** ADOPT new proviso.

- 1.95**     **ADD** (Building Fund Flexibility) **HOU:** ADD new proviso to authorize school districts to flex School Building Aid Program funds for FY 11-12. Sponsor: Rep. Bingham.

**SFC:** ADOPT new proviso.

- 1.96**     **DELETE NEW PROVISO** (EEDA Allocation) **HOU:** ADD new proviso to direct that EEDA funds be allocated to districts based on ADM unless they are otherwise allocated in this

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act and direct the department to fund the Regional Education Centers prior to allocating these funds. Sponsors: Reps. Bingham and Norman.

**SFC:** DELETE new proviso.

- 1.97**     **ADD** (Weighted Pupil Units Calculation) **SFC:** ADD new proviso to direct the Department of Education to calculate and publish the number of weighted pupil units per weighting category in each district based on the most recent 135 day ADM in each district and the weights as recommended in most recent EOC funding model and suggested modifications made during FY 10-11 and to make projections on how the revised weightings impact school districts for FY 11-12. Require the department use the Index and Taxpaying Ability and projected base student cost as adopted by the General Assembly when making its calculations. Direct the department report its findings to the Chairmen of the Senate Finance and House Ways and Means Committees by November 1, 2011.
- 1.98**     **ADD** (Education Foundation Supplement) **SFC:** ADD new proviso to direct that Education Foundation Supplement funds are to be distributed to public schools which would recognize a current year loss in State financial requirement of the foundation program by using an Index of Taxpaying Ability which imputes the assessed value of owner occupied property as compared to the prior fiscal year. Require these funds be distributed to school districts receiving a loss, in an amount equal to the loss. Direct that the supplement does not require local financial requirement.
- 1.99**     **ADD** (Impute Index Value) **SFC:** ADD new proviso to direct that for FY 2011-12, DOR in calculating the index of taxpaying ability, shall impute an index value for owner occupied residential property qualifying for the special 4% assessment ratio by adding the 2<sup>nd</sup> preceding taxable year total school district reimbursements for Tier 1, 2 and 3(A) and not include the supplement distribution. Direct DOR to not include sales ratio data in calculating the index. Direct that the methodology for calculating the remaining classes of property remain the same.
- 1.100**    **ADD** (Common Core Initiative) **SFC:** ADD new proviso to prohibit the department, the EOC, or the State Board of Education from expending funds in the current fiscal year to participate in, implement, or promote the Common Core State Standards Initiative until the department issues a report analyzing potential cost increases or cost savings for the initiative. Direct that the report be submitted to the House Ways and Means and Senate Finance Committees by January 6, 2012. Authorize the State Board of Education, the department, and the EOC to adopt the Common Core State Standards Initiative after the committees have accepted and approved the financial report.

**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.

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- 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.
- 1A.10**    **AMEND** (CHE/Teacher Recruitment) Provides for distribution of Teacher Recruitment Program funds and directs CHE to annually evaluate the effectiveness of the teacher recruitment projects and report its findings and budget recommendations to the House and Senate Education Committees, the State Board of Education and the EOC by Oct 1<sup>st</sup>.  
**SFC:** AMEND proviso to direct that the current year administration reduction may be applied proportionately between CERRA and SC State, and shall not be applied to Teaching Fellows Scholarships.
- 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.
- 1A.20**    **AMEND FURTHER** (Technical Assistance) Specifies allocation and expenditure of technical assistance funds to schools with an absolute rating of below average or unsatisfactory.  
**HOU:** AMEND proviso to delete the directive that the school renewal plan outline “how technical assistance allocations will be utilized.” Delete the directive that the department coordinate with and monitor services provided to schools by the School Improvement Council Assistance and the Writing Improvement Network and the requirement that these entities submit external evaluations to the EOC at least once every three years. Change the amount that must be used for technical assistance from “up to \$13,000,000” to “up to \$6,000,000.” Sponsor: Rep. Bingham.  
**SFC:** AMEND FURTHER to reinsert “\$13,000,000.” Direct that \$750,000 of this amount may be used for after-school or summer enrichment programs focused on dropout prevention for at-risk students.
- 1A.22**    **AMEND FURTHER** (School Districts and Special Schools Flexibility) Provides guidelines and requirements for school districts and special schools to have the ability to transfer and expend funds among general fund revenues, EIA funds, Lottery funds, and Children’s Education Endowment Fund for school facilities and fixed equipment assistance to ensure the delivery of academic and arts instruction. Prohibits school districts from transferring debt service or bonded indebtedness funds. Authorizes school districts and the department to purchase the most economical type of bus fuel.  
**WMC:** AMEND proviso to change references to “Fiscal Year 2010-11” to “current fiscal year.” Delete the requirement that savings generated from suspension of the writing assessment and new textbooks adoptions be allocated to school districts based on the EFA formula and

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instead direct that they be allocated based on the number of weighted pupil units in each district. *Change in methodology for distributing funds generated from the savings from suspended programs ensures that all districts receive funds generated from the savings.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education. *EIA Companion to 1.40.*

**HOU:** ADOPT proviso as amended.

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

- 1A.25**     **AMEND** (PSAT/PLAN Reimbursement) Directs that assessment appropriations be used to pay for administering PSAT or PLAN tests to 10<sup>th</sup> 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 10<sup>th</sup> 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.

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

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

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

**SFC:** ADOPT proviso as amended.

- 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 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.*

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**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

- 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.
- 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.
- 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.
- 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.
- 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.

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**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

- 1A.46**    **ADD** (SC Reading Achievement Systemic Initiative) **WMC:** ADD new proviso to create a policy panel to guide the S.C. Reading Achievement Systemic Initiative funded from Department of Education and EOC appropriated or authorized funds. Direct that the panel be composed of 25 members appointed by the Governor, the Superintendent of Education, and Chairmen of specific Senate and House Committees, of the State Board of Education, and of the EOC. Direct the panel to focus on child physical health, language development and school learning policies, practices, and funding. Direct that the panel is to be staffed through a collaborative among the Department of Education, SC KidsCount, and EOC with those entities sharing the cost of panel expenses. Direct the panel to provide a report to the Senate Education 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.
- 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.
- 1A.48**    **AMEND NEW PROVISO** (Aid to Districts) **WMC:** ADD new proviso to direct that Aid to Districts funds in program XI.A.1 be dispersed to school districts based on the number of weighted pupil units.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to distribute the funds based on the EFA formula rather than on the number of weighted pupil units.
- 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.
- 1A.50**    **AMEND NEW PROVISO** (Disbursements/Writing Improvement Network) **WMC:** ADD new proviso to require, during FY 11-12, the Writing Improvement Network, School Improvement Council, and S.C. Geographic Alliance provide a report to the department that outlines the costs and benefits of their respective programs.

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**HOU:** ADOPT new proviso.

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

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

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

- 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.

- 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.

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

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

**SECTION 2 - H66-LOTTERY EXPENDITURE ACCOUNT**

- 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.

- 2.6**        **AMEND NEW PROVISIO** (FY 11-12 Lottery Funding) **WMC:** ADD new proviso to direct expenditure of lottery funds as certified by the BEA for FY 11-12. Direct that lottery funds must be used to supplement and not supplant existing education funds. Direct the B&C Board to prepare lottery expenditure account detail to reflect lottery appropriations. Direct that all lottery revenue, including interest earnings, be carried forward and used to support specified appropriations. Direct FY 11-12 lottery appropriations as follows: \$47,000,000 to CHE and State Board for Tec and Comp Ed for Tuition Assistance; \$106,554,616 to CHE for LIFE Scholarships; \$7,823,474 to CHE for HOPE Scholarships; \$30,277,240 to CHE for Palmetto Fellows Scholarships; \$11,631,566 to CHE for Need-Based Grants; \$7,766,604 to Tuition Grants Commission for Tuition Grants; \$1,700,000 to CHE for the National Guard Tuition Repayment Program; \$2,500,000 to SC State University; \$4,154,702 for Technology for Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges; \$29,491,798 to Dept. of Education for K-5 Reading, Math, Science & Social Studies programs; \$2,000,000 to Dept. of Education for Grades 6-8 Reading, Math, Science, & Social Studies programs; \$3,000,000 to CHE for Higher Education Excellence Enhancement Program; and \$200,000 to School for the Deaf and the Blind for Technology Replacement. Direct that FY 11-12 Tuition Assistance funds must be distributed to technical colleges & two-year institutions as provided in Section 59-150-360. Direct that \$250,000 of the funds appropriated to SC State be used for the BRIDGE program. Suspend, for the current fiscal year, the provisions of Section 2-75-30 regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment. Authorize CHE to temporarily transfer funds between line items to ensure timely receipt of scholarships and tuition assistance. State the goal of the General Assembly to fund the Tuition Assistance program at a level to support at least \$996 per student per term for full-time students. Direct that net lottery proceeds and investment earnings in excess of certified net lottery proceeds and investment earnings are appropriated and must be used to ensure that LIFE, Palmetto Fellows, and HOPE scholarships are fully funded for FY 11-12. Direct that if lottery revenue for FY 11-12 is less than the amounts appropriated, these appropriations are reduced on a pro rata basis except for LIFE, HOPE, and Palmetto Fellows Scholarships. Authorize CHE to use up to \$260,000 of LIFE, HOPE, and Palmetto Fellow Scholarship funds to provide the necessary level of program support the award process. Authorize Higher Ed Tuition Grants to use up to \$70,000 of Tuition Grants funds to support the grant award process. Direct that \$12,400,000 of certified unclaimed prize money is appropriated as follows: \$5,722,729 to the Department of Education for K-5 Reading, Math, Science & Social Studies Program. Direct that allocations designated in Section 59-150-230(I) [UNCLAIMED PRIZES] are suspended for the current fiscal year. Direct that of any unclaimed prize funds in excess of the amount certified by the BEA the first \$1,500,000 be directed to CHE for the Partnership Among South Carolina Academic Libraries (PASCAL) Program; the next \$5,470,093 be



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directed for Technology for Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges; the next \$2,000,000 be directed to the State Library for Aid to County Libraries; the next \$1,000,000 be directed to CHE for the Higher Education Excellence Enhancement Program; the next \$4,000,000 be directed to the State Bd for Tec and Comp Ed for the Allied Health Initiative; and the next \$1,000,000 be directed to CHE for the Critical Needs Nursing Program. Direct that additional revenue in excess of the amount certified by the BEA for unclaimed prizes be distributed to CHE for LIFE, HOPE, and Palmetto Fellows Scholarship. Authorize the B&C Board to distribute lottery funds on a monthly basis during the final quarter of the fiscal year.

**HOU:** ADOPT new proviso.

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

**SECTION 3 - H71-WIL LOU GRAY OPPORTUNITY SCHOOL**

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

**HOU:** ADOPT new proviso.

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

**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.

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

**HOU:** ADOPT new proviso.

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

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**SECTION 5 - L12-JOHN DE LA HOWE SCHOOL**

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

**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.
- 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.
- 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.  
**SFC:** ADOPT proviso as amended.
- 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.

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**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SECTION 15 - H45-UNIVERSITY OF SOUTH CAROLINA**

- 15.4**     **ADD** (Child Abuse Medical Response Program) **SFC:** ADD new proviso to establish the minimum level of funding for the Medical Response Program at \$576,160 and prohibit USC from reducing the funds by more than a proportional amount of any mid-year or base reductions. Fiscal Impact: No impact on the General Fund. Recurring funding of \$800,000 was transferred from DHHS to the USC School of Medicine in FY 09-10 for the operation of the program. The original funding amount has been reduced by 28% to account for base reductions assessed to USC.

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

- 17.3**     **DELETE** (MUSC: Preterm Birth Prevention) Directs MUSC, for FY 10-11, to implement a preterm prevention case management program using a disease management coordination network for the Medicaid fee for service population in the Low Country Perinatal Region. Directs that the purpose of the program is to reduce premature births, neonatal morbidity and mortality, and the attendant costs for neonatal intensive care. Requires the Department of Health and Human Services to provide administrative funding to MUSC for the cost of the program.  
**WMC:** AMEND proviso to change Fiscal Year "2010-11" to "2011-12." Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** DELETE proviso.

**SECTION 21 - J02-DEPARTMENT OF HEALTH AND HUMAN SERVICES**

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

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**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

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

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- 21.23 DELETE** (Federally Qualified Health Centers-Pharmacies) Suspends federally qualified health centers from the provisions of Chapter 43 of Title 40 [PROFESSIONS AND OCCUPATIONS-PHARMACIST] that would require: (1) all facilities distributing or dispensing prescription drugs to be permitted by the Board of Pharmacy; (2) each pharmacy to have a pharmacist-in-charge; (3) a pharmacist-in-charge to be physically present; and (4) to limit a pharmacist to serve as a pharmacist-in-charge at only one pharmacy at a time. Directs that a federally qualified health center must be covered under Section 40-43-60(I) [COMPLIMENTARY DRUG SAMPLE] allowing licensed practitioners defined by Section 40-43-30(45) [DEFINITION OF PRACTITIONER] to dispense drugs or devices that are the property of the practitioner or corporation. Allows a federally qualified health center to transport medications in the same manner as allowed for free clinics and/or private physician practices.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso. *Proviso has been codified in Section 40-43-70.*
- 21.24 DELETE** (High Management Group Home Psychiatric Residential Treatment Facility) Authorizes an existing facility currently licensed by DSS who is enrolled with the Medicaid agency as a High Management Group Home provider to elect to be enrolled with the Medicaid agency and licensed by DHEC as a Psychiatric Residential Treatment Facility if the facility meets specific criteria. Allows the facility to request and be granted a Certificate of Need exemption from DHEC for up to the number of beds existing as of 1/1/07 and requires the request be submitted to DHEC before 1/1/08. Directs that if the current High Management Group Home facility cannot meet licensing standards or obtain an exemption or waiver from DHEC it may move and rebuild within the adjacent 20 miles, up to the number of beds existing at the facility on 1/1/07 and obtain the same exemptions. Directs that facilities that seek to increase the existing number of beds beyond those held on 1/1/07 or relocate outside the 20 mile radius will be subject to all CON and licensing requirements. Directs that High Management Group Homes that do not elect to operate as a Psychiatric Treatment Facility may continue to receive non-Medicaid state and federal funds only, except as allowed under an authorized transition plan.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.
- 21.25 DELETE** (State Children's Health Insurance Program) Directs the department to establish a separate, stand-alone plan under the authority of the State Children's Health Insurance Program (SCHIP) to expand eligibility for children up to 200% of the prevailing federal poverty level. Directs that all other Medicaid eligibility criteria shall apply and that for these purposes a "child" is considered to be under 19 years of age. Directs that the plan operate as a combination program complementing existing Medicaid and Medicaid SCHIP expansion programs. Directs that program implementation is contingent on availability of Federal funding. Authorizes the department to limit the number of enrollees, close enrollment, or establish a waiting list as necessary in order to not exceed available state appropriations. Prohibits any cost sharing requirement. Directs the department to convert the stand-alone plan to the standard SCHIP Medicaid program using the same income limits if a cost savings can be demonstrated without a reduction of services.  
**WMC:** DELETE proviso. *Department has merged both SCHIP plans into one plan.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.

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**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

- 21.28 REINSERT/AMEND** (Nursing Services to High Risk/High Tech Children) Directs the department to establish a separate class and comp plan for Registered and Licensed Practical Nurses who provide services to Medically Fragile Children who are Ventilator dependent, Respirator dependent, Intubated, or Parenteral feeding dependent. Requires the plan recognize the skill level needed for caring for Medically Fragile Children. Directs the department to use funds that would have been spent on admitting these children to Hospital Pediatric Intensive Care Units due to the lack of in-home nursing services. Directs the department to provide a \$3 hourly rate adjustment to RNs and LPNs who provide specialized and technical care to children defined as High Risk/High Tech.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** REINSERT proviso and amend to direct the department to “continue” a separate class and comp plan rather than to “establish” one. Maintain the deletion of the requirement that the department use funds that would have been spent on admitting these children to Hospital Pediatric Intensive Care Units due to the lack of in-home nursing services and the requirement that the department provide a \$3 hourly rate adjustment to RNs and LPNs who provide specialized and technical care to children defined as High Risk/High Tech.
- 21.31 DELETE** (Offset Budget Reduction) Authorizes the department to use excess SCHIP stand-alone funds carried forward from the prior year to offset budget reductions. Requires the department to enroll any child into the program if they qualify during FY 10-11.  
**SFC:** DELETE proviso. *The stand-alone program has been merged with the regular SCHIP program and there are no excess funds. The proviso is obsolete.*
- 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.
- 21.36 AMEND** (Carry Forward) Authorizes the department to carry forward prior year cash balances for any earmarked or restricted trust, agency, or special revenue account or subfund. Requires all revenue deposited into the Restricted Medicaid Expansion Fund be spent in the year it is received. Requires the department submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year to the President Pro Tempore of the Senate, Speaker of the House, and Chairmen of the Senate Finance and Ways and Means Committees, within 15 days after the Comptroller General closes books on the fiscal year.  
**WMC:** AMEND proviso to delete the requirement that revenue deposited into the Restricted Medicaid Expansion Fund be spent in the year it is received. *Provide for use of funds received during the last fiscal month.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.

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- 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.
- 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.  
**SFC:** ADOPT deletion of proviso.
- 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 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.
- 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.
- 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.

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**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

- 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.

- 21.46 AMEND NEW PROVISO FURTHER** (In-Home Health Care Systems for Medicaid Recipients) **WMC:** ADD new proviso to direct the department, during FY 11-12, to pilot test an in-home health care system in up to five counties that had highest incidence of emergency room use during FY 09-10 by Medicaid recipients, including seniors and children covered by Medicaid or SCHIP. Direct that the program provide a state-of-the-art in-home health care system which provides around the clock access to medical assessment care and provides an emergency response function that gives a Medicaid recipient the ability to contact a national emergency response center. Direct that the purpose of the program is to reduce the number of emergency room visits in nonemergency cases and the amount of visits to other medical care facilities. Medicaid recipients selected by the department to participate in this program are required to participate as a condition of receiving these benefits. Direct that in developing the pilot-testing program, seniors over 65, pregnant women in their third trimester, and parents with infants under six months of age shall be given priority. Provide guidelines for required components of the in-home health care system. Require the pilot-testing program be conducted for a period of 3 fiscal years beginning with 2011-12 and, then be converted by the department into a statewide program within the funds made available for this purpose. Authorize the department to take actions as may be required, including making requests for Medicaid waivers when necessary to develop and administer the program. Authorize the department to contract with a third-party provider or vendor to furnish and operate the program. Fiscal Impact: OSB states that the department indicates implementation would result in total recurring costs of \$182,021,054. Total costs to the General Fund of \$54,533,508 and Federal Funds of \$127,487,546, considering a 29.96%/70.04% State-Federal matching rate. The department states it is unable to estimate any potential cost savings to other programs as a result of diverting recipients to in-home health Care. Requested by Department of Health and Human Services.

**HOU:** AMEND new proviso to limit the amount of funds to be used for the pilot test to \$3,000,000 in the aggregate. Direct that the pilot test must include a statistically valid sample of Medicaid patients within the counties as determined by the Department of Health and Human Services Director rather than listing the type of recipients to be included. Require an on call physician be a "South Carolina licensed" physician. Direct that the pilot testing program be for the "current fiscal year" rather than for "three fiscal years." Sponsor: Rep. Atwater.

**SFC:** AMEND FURTHER to delete the pilot testing requirement involving a minimum of 5 counties and instead direct the department to conduct a feasibility study of using in-home health care monitoring systems and either provide the study to the General Assembly by December 1, 2011 or implement a one county pilot project to test the system. Limit the amount of funds the



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department may use for the pilot project to \$500,000 and require matching funds be received from the entity with whom the departments contracts before agency funds may be expended.

- 21.47 DELETE NEW PROVISO** (Pediatric Long Term Care Hospital Reimbursement) **WMC:** ADD new to direct the department to develop and implement a reasonable and appropriate rate methodology for Medicaid services to reimburse a Pediatric Long Term Care Hospital designated under the 2010-2011 DHEC State Health Plan. Direct the department, in developing the rate, to consider rates and methodologies used by other state Medicaid programs. Direct the department to submit any necessary plan amendment to the Centers for Medicare and Medicaid Services (CMS) by August 31, 2011. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.
- 21.48 ADD** (Medicaid Reporting) **HOU:** ADD new proviso to direct the department, within 90 days of the end of each quarter in FY 11-12, to report each cost savings measures that have been implemented. Direct that the department report, by county, the number of enrolled and active providers by provider type, specialty, and sub-specialty, the number of recipients, by provider type, expenditures by provider type and specialty, and service level usage trends. Require the department continue to annually report HEDIS measures. Direct that each report be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees and be placed on the department's website. Sponsors: Reps. White and Cobb-Hunter.  
**SFC:** ADOPT new proviso.
- 21.49 ADD** (Non-Generic Prescriptions) **SFC:**ADD new proviso to allow Medicaid recipients being served by the Department of Mental Health or receiving treatment for HIV/AIDS to continue to receive non-generic medications that maintain the recipient's condition in a stable manner until the specific medication is no longer medically necessary.
- 21.50 ADD** (Notice of Proposed Medicaid Rate Reductions or Fee Increases) **SFC:** ADD new proviso to require the department, prior to implementing rate reductions or fee increases, to conduct a minimum 30 day comment period to receive written comments and require a maximum 15 day review period of any comments received. Prohibit the department from implementing a rate reduction or fee increase until a maximum of 45 days have elapsed from the date of notification.

**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.
- 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

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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.

- 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.

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

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

**HOU:** ADOPT proviso as amended.

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

- 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.

- 22.34**     **AMEND FURTHER** (Beach Renourishment and Monitoring) Requires beach renourishment funds be spent in accordance with priorities established by the Office of Coastal and Resource Management (OCRM). Limits funds spent to support annual beach profile monitoring to \$100,000 annually. Directs beach renourishment project funds that are certified by the department as excess to a project to be allocated to other beach renourishment projects on a priority basis according to R.30-18.

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**WMC:** AMEND proviso to allow beach renourishment funds to be spent for coastal access improvement; delete the specification that these funds be spent in accordance with priorities established by OCRM And instead direct that the funds be spent in accordance with “all required state and federal permits and certifications.” Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to suspend beach renourishment activities for the current fiscal year and delete the authorization for certified excess beach renourishment project funds to be allocated to other beach renourishment projects or for coastal access improvement.

- 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.

- 22.43**     **DELETE NEW PROVISIO** (Immunizations and Inspections) **WMC:** ADD new proviso to allow the department to use \$4,000,000 of smoking cessation funds for Immunizations and Water and Environmental Inspections./ Fiscal Impact: No impact on the General Fund.

**HOU:** AMEND new proviso to also allow the department to use the \$4,000,000 for Preventative Diseases. Sponsor: Rep. J.E. Smith.

**SFC:** DELETE new proviso.

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

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

**SECTION 23 - J12-DEPARTMENT OF MENTAL HEALTH**

- 23.2**     **DELETE** (Paying Patient Account) Directs the department to transfer \$3.4 million to the General Fund from the surplus funds in the paying patient account.

**SFC:** DELETE proviso. Fiscal Impact: Reduction of \$3,400,000 to the General Fund.

- 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

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services to those who qualify as determined by the Alzheimer's Disease and Related Disorders Association and to maximize federal matching dollars.

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

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

- 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.

- 23.16 AMEND NEW PROVISO** (Medicaid Beneficiary Choice) **WMC:** ADD new proviso to require the department to allow a Medicaid beneficiary to receive medically necessary community based rehabilitative behavioral health services from any qualified Medicaid provider enrolled by the Department of Health and Human Services as of July 1, 2011, if the department provides state identified matching funds for such services. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** AMEND new proviso to specify "paraprofessional" rehabilitative behavioral health services.

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

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

**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.

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

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**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.

**SECTION 26 - L04-DEPARTMENT OF SOCIAL SERVICES**

- 26.22 AMEND** (Teen Pregnancy Prevention) Directs DSS to use the funds appropriated for the Continuation of Teen Pregnancy Prevention to award two contracts to separate private entities to provide teen pregnancy prevention programs and services; directs that the funds be divided equally between the contracts; and provides directives for the awarding of the contracts.  
**SFC:** AMEND proviso to require the contracts be awarded on a competitive basis in accordance with the Procurement Code. Specify that the funds be paid over a twelve month period for services rendered. Allow unexpended funds to be carried forward to fulfill the contractual agreement. Delete the requirement that a 5 member committee oversee the contract award process.
- 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.
- 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.
- 26.26 REINSERT/AMEND** (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.”
- 26.27 DELETE NEW PROVISO** (Day Care Vouchers) **WMC:** ADD new proviso to prohibit the department from using the ABC Child Care vouchers on Day Care providers that are not either

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licensed or registered and require all Child Care providers that receive these vouchers to be either licensed or registered by DSS following State approved Child Care Licensing regulations.

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

- 26.28 AMEND NEW PROVISIO** (Licensed Day Care Facilities Relicensing) **HOU:** ADD new proviso to extend a DSS operating license or approval for a child care center, church or religious center, group child care home or licensed family child care home for an additional year. Direct that no license, approval, or registration be issued for longer than three years. Require registered family homes continue to complete a yearly registration process. Direct that facilities are not eligible for the extension if there any DSS revocation proceedings in process. Sponsor: Rep. White.

**SFC:** AMEND new proviso to require the department to report quarterly to the Senate Finance and House Ways and Means Committees on the number of unannounced site inspections conducted during the current fiscal year as well as the number of facilities not eligible for the extension during that quarter.

- 26.29 ADD** (Restoration of TANF Stipends) **SFC:** ADD new proviso to direct the department to apply any surplus funds resulting from federal revenue maximization efforts to restoring TANF stipends.

**SECTION 28 - H79-DEPARTMENT OF ARCHIVES & HISTORY**

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

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**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.

**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.

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**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.

**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.

**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 ( $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$ ) and is incapable of neutralizing soil acidity. Direct that it shall contain not less than seventy percent (70%)  $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$ . 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 as amended.

**SFC:** ADOPT new proviso.

**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.

**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.

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**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.

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

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

**HOU:** ADOPT proviso as amended.

**SFC:** DELETE proviso.

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

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

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

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

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

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

- 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.



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- 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.

**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.
- 40.10 AMEND FURTHER** (Closing Fund) Direct \$7,000,000 is appropriated for the Closing fund for competitive recruitment purposes to be used as approved by the Coordinating Council for Economic Development and authorizes unexpended funds to be carried forward and used for the same purpose.  
**WMC:** AMEND proviso to delete specific reference to \$7,000,000. *The amount the General Assembly funds could change from year to year.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.  
**HOU:** ADOPT proviso as amended.  
**SFC:** AMEND FURTHER to specify “\$5,000,000.”
- 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 1<sup>st</sup>. 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.*

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- 40.15 REINSERT** (Civil Air Patrol Transfer) Directs the department to transfer \$50,000 of the funds appropriated to or authorized for the department to the Adjutant General's Office for the Civil Air Patrol.  
**WMC:** DELETE proviso. *Transfers resources to a program which does not contribute toward the department's mission.* Fiscal Impact: No impact on the General Fund. Deletion will provide that \$50,000 of council funds are available to use as incentives. Requested by Department of Commerce.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** REINSERT proviso.
- 40.17 ADD** (Savannah Valley Development Division) **SFC:** ADD new proviso to transfer all Savannah Valley Development Division assets and obligations to appropriate state and local authorities upon State B&C Board approval. *SVDD is running out of funds and has various assets and obligations for which it is responsible. A plan has been developed to transfer these assets and obligations to other state and local entities in such a way that the public entities benefit from the transfer, but do not acquire any unfunded liabilities.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.
- 40.18 ADD** (Regional Economic Development Organizations) **SFC:** ADD new proviso to direct the department to use the \$5,000,000 appropriated for Regional Economic Development Organizations to provide funds to the designated organizations and counties and provides a mechanism by which the funds should be distributed. Require a 1:1 private fund match and require the receiving organization to certify that the private funds match are new dollars specifically designated for this purpose. Direct organizations receiving the funds to provide an annual expenditure report and outcome measures to the Chairmen of the Senate Finance and House Ways and Means Committees and the Secretary of Commerce by November 1<sup>st</sup>. *Replaces proviso 40.12.*

**SECTION 43 - P40-S.C. CONSERVATION BANK**

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

**SECTION 44 - B04-JUDICIAL DEPARTMENT**

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

**SECTION 45 - E20 - ATTORNEY GENERAL'S OFFICE**

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

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

**WMC:** AMEND proviso to require the Attorney General to use the Water Litigation funds remaining as of July 1<sup>st</sup> 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 1<sup>st</sup> 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.

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

**45.9**     **ADD** (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.

**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.

**46.7**     **REINSERT/AMEND** (Violent Crime, CDV, DUI Prosecution) Requires the commission to retain violent crime, CDV and DUI prosecution information and data and provide information to the General Assembly in an annual report within 60 days after the end of the fiscal year on charges prosecuted by assistant solicitors. Requires that the report include, unless privileged by law, information and statistics regarding location, number and type of violent crime, CDV, and DUI charges, number of cases prosecuted, and disposition of the cases.

**WMC:** DELETE proviso. *Dedicated funding has not been appropriated for prosecuting these crimes and expenditure of resources on data collection and retention on non-dedicated funded prosecutions should not be required.* Fiscal Impact: No impact on the General Fund. Requested by Prosecution Coordination Commission.

**HOU:** ADOPT deletion of proviso.

**SFC:** REINSERT proviso and AMEND to require the commission to report to the General Assembly within 60 days after the close of the fiscal year on criminal domestic violence and

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driving under the influence charges that were prosecuted by assistant solicitors funded from federal grants.

- 46.8 DELETE NEW PROVISO** (Offset Against Appropriations) **WMC:** ADD new proviso to require every circuit solicitor to report by July 15<sup>th</sup> to the B&C Board, Office of State Budget (OSB) Director the gross amount of funds the solicitor received in the prior fiscal year from any civil action brought by the solicitor on behalf of the State pursuant to Section 15-3-570 [ACTIONS OTHER THAN FOR RECOVERY OF REAL PROPERTY-ACTIONS FOR PENALTY]. Define “funds received” as the gross amount of any settlement amount or judgment paid unreduced by attorney’s fees and costs. Require the OSB director, when this information is received, to proportionately reduce each Prosecution Coordination Commission separate appropriation, except for solicitor salaries, by the total amount reported as an offset of their budget appropriation. Require every solicitor to report to the Director of OSB the amount of funds received from any civil action brought by the solicitor on behalf of the State pursuant to Section 15-3-570, within 7 days of receiving the funds. Require the OSB director, when this information is received, to proportionately reduce each Prosecution Coordination Commission separate appropriation, except for solicitor salaries, by the total amount reported as an offset of their budget appropriation.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.
- 46.9 DELETE NEW PROVISO** (Central Office Staff) **HOU:** ADD new proviso to limit the central office to 4 state funded FTEs for the current fiscal year: an Executive Director, Administrative Assistance, Education Coordinator, and Coordinator for Pre-Trial Intervention. Direct that this does not apply to grant funded FTEs. Direct the Office of State Budget to assist the agency with implementing this provision, to include relocating central office staff into a state-owned office building as soon as practicable, and to identify savings achieved by this provision. Direct that any savings be transferred to Judicial Circuits State Support. Direct that this provision does not limit the powers and duties of the Commission on Prosecution Coordination. Sponsors: Reps. Pope and McCoy.  
**SFC:** DELETE new proviso.
- 46.10 DELETE NEW PROVISO** (Special Items Distributed on Per Capita Basis) **HOU:** ADD new proviso to require all special items be distributed to the 16 Circuit Solicitors’ offices on a per capita basis. Sponsors: Reps. Pope, Pitts, and G.M. Smith.  
**SFC:** DELETE new proviso.

**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.

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**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

- 47.5**     **AMEND FURTHER** (Civil Court Appointments) Directs the expenditure of Civil Court Appointments funds to reimburse court appointed private attorneys for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post Conviction Relief. Prohibits Civil Court Appointments funds from being transferred or used for any other purpose. Directs that Civil Court Appointments funds also be used to reimburse private attorney's appointed by the Family Court to serve as guardians ad litem, where volunteer appointments cannot be made. Establishes a reimbursement rate and provides guidelines for reimbursement to exceed the limits.
- WMC:** AMEND proviso to delete reference to attorney's serving as guardian ad litem where volunteer appointments cannot be made. Direct that a portion of "Civil Court Appointments" funds be used to pay for non capital Post Conviction Relief cases . Direct that the rate of compensation for appointed attorneys not exceed \$40 per hour for time spent out of court and \$60 per hour for time spent in court, or on the basis of a set (flat) fee. Direct that the payment method and amount of the set (flat) fee will be determined by the Commission on Indigent Defense. Direct that compensation and costs not exceed \$1,000 in any single case. Direct that if prior approval by written court order is not obtained for reimbursement in excess of the set hourly rate and limit no additional fees shall be paid. Direct that reimbursement in excess of the established amounts are authorized only if the court certifies in a written order that the reimbursement is necessary and such order must be prior to fees being incurred. Direct that if prior approval by written order is not obtained no additional expenses shall be paid. *Attorneys are no longer permitted to serve as guardians ad litem. Directives of proviso 47.4 are merged into this provision.* Fiscal Impact: OSB states that the agency indicates no negative impact on the General Fund. Requested by Commission on Indigent Defense.
- HOU:** ADOPT proviso as amended.
- SFC:** AMEND FURTHER to delete language that was included in the proviso twice pertaining to reimbursement in excess of the hourly rate and limit.
- 47.8**     **DELETE** (INDEF: Application Fee for Appointment of Counsel) "Directs that for the current fiscal year, the application fee for public defender services payable under Section 17-3-30(B) [APPLICATION FEE] is increased to \$40.
- WMC:** AMEND proviso to delete the reference to "increased to." *Fee is currently \$40.* Fiscal Impact: No impact on the General Fund. Per agency, revenue generated last fiscal year was \$685,495. Requested by Commission on Indigent Defense.
- HOU:** ADOPT proviso as amended.
- SFC:** DELETE proviso. *Codified in Section 17-3-30.*
- 47.10**    **DELETE** (Accounting and Transfer of Assets) Requires each public defender corporation to provide to the Commission on Indigent Defense by September 1, 2008, an accounting of all funds received and expended by or on behalf of the corporation for each county served during FY 07-08. Requires the accounting to be certified as true and correct by an official representative of the defender corporation. Requires each corporation, by September 1, 2008, to assign and transfer or cause to be assigned and transferred all corporation funds and other assets to the Office of the Circuit Public Defender in the circuit in which the county is situated and directs that these funds and assets are to be used to provide indigent services within the county.
- WMC:** DELETE proviso. *All assets have been transferred.* Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.

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**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**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 1<sup>st</sup>, 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.

- 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.

**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.

**SECTION 51 - N04 - DEPARTMENT OF CORRECTIONS**

- 51.19 DELETE** (CORR: Dairy Processing Operation Expansion) Authorizes the department, subject to JBRC review and B&C Board approval to borrow up to \$6,000,000 to construct and equip a new Dairy Processing Operation at the Wateree River Farm Facility. Authorizes the State Treasurer to negotiate the terms and conditions of the loan, revenue bond or other financing arrangement and direct that the indebtedness be repaid exclusively from either net revenues of the new Dairy Processing Operation or other department funds.

**WMC:** DELETE proviso. *The loan was secured and the project has begun. Loan projected to be paid off in 6 years. Per agency in-house production of milk saves \$1 million a year.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

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**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

- 51.24 AMEND** (Public/Private Partnerships for Construction) Provides for construction of as many multi-purpose buildings at institutions as possible from funds appropriated in Act 407 of 2006. Requires matching funds for certain institutions prior to the start of construction.  
**SFC:** AMEND proviso to delete requirement that the department may only use inmate labor and other agency resources to construct buildings after seeking competitive bids. Requested by Department of Corrections.
- 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.
- 51.29 DELETE** (Legal Fees) Directs the department to submit a report to the Senate Finance and House Ways and Means Committees that details expenditure of all funds, including Insurance Reserve Fund expenditures or any prepaid legal account, that have been expended within the last four fiscal years for private lawyers to defend wrongful termination actions or other personnel matters brought against the department's employees or former employees. Requires the report include, at a minimum, a detailed accounting of expenditures, to include names of parties to the lawsuits, cause(s) of action, date of alleged wrongdoing, name of private lawyers engaged, amount paid to each private lawyer, status of pending lawsuits, and outcome of order or judgment. Direct that the report be submitted by October 1 of the current fiscal year.  
**WMC:** DELETE proviso. *Report has been submitted on 4 years of claims.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.
- 51.30 AMEND NEW PROVISIO** (Credited Jail Time; DNA Sample Collection) **WMC:** ADD new proviso to direct that inmates sentenced to the Department of Corrections for more than 90 days are not required to be transported to the department's Reception and Evaluation Center if their jail time credit is in excess of their sentence. Direct that cities and counties who house inmates who have jail time credit in excess of their sentence may, through written agreement with the department, transfer required commitment records to the department electronically or by other means. Require the department to establish reasonable documentation requirements to facilitate implementation of this cost saving measure. Require department employees assigned to the court to obtain DNA samples from offenders who are required to submit such samples. Direct that this provision does not exempt those inmates from the \$250 DNA fee as required by Section 23-3-670 [COST OF COLLECTION SUPPLIES FOR PROCESSING SAMPLES; PROCESSING FEES]. Direct that the fee be collected in the same manner as other fines and fees and that it be submitted to the State Treasurer for remittance to SLED. Fiscal Impact: Per agency, 311 inmates were admitted to R&E and released within 5 days.  
**HOU:** ADOPT new proviso.

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**SFC:** AMEND new proviso to specify that employees of the “Department of Probation, Parole, and Pardon Services” assigned to the court or “employees of the Department of Corrections, as applicable” shall obtain DNA samples.

- 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 on 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 total cost of \$5 million. Requested by Department of Corrections.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

- 51.32**     **AMEND NEW PROVISO** (Criminal Illegal Alien Rapid Repatriation) **WMC:** ADD new proviso to authorize the Director of the Department of Corrections to release a prisoner to the custody and control of the US Immigration and Customs Enforcement if: a) the department has received a deportation order from the US Citizenship and Immigration Services; b) the prisoner has served at least 1/3 of the total amount of incarceration imposed by the court; and c) the prisoner has not been convicted of an offense as provided in Sections 16-3-10 [MURDER]; 16-3-29 [ATTEMPTED MURDER]; 16-3-652 and 16-3-653 [CRIMINAL SEXUAL CONDUCT IN THE FIRST AND SECOND DEGREE]; 16-3-655 [CRIMINAL SEXUAL CONDUCT WITH MINORS, FIRST AND SECOND DEGREE]; 16-3-600(B) [ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE]; 16-3-910 [KIDNAPPING]; 16-11-330(A) [ARMED ROBBERY]; 16-11-330(B) [ATTEMPTED ARMED ROBBERY]; drug trafficking as defined in 44-53-370(e) or trafficking in methamphetamine or cocaine base as defined in 44-53-375(C); 16-11-311 [BURGLARY IN THE FIRST DEGREE]; 16-3-85(A)(1) [HOMICIDE BY CHILD ABUSE]; 16-25-65 [CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE]; 16-15-140 [LEWD ACT UPON A CHILD UNDER SIXTEEN]; 16-15-395 [SEXUAL EXPLOITATION OF A MINOR FIRST DEGREE]; 16-15-405 [SEXUAL EXPLOITATION OF A MINOR SECOND DEGREE]; 16-15-415 [PROMOTING PROSTITUTION OF A MINOR]; 16-15-425 [PARTICIPATING IN PROSTITUTION OF A MINOR]; 56-5-2945(A)(2) [FELONY DRIVING UNDER THE INFLUENCE OR FELONY DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION RESULTING IN DEATH]. Require the director to consider all sentences being served when calculating the total amount of incarceration, but prohibit suspended portions of any sentence from being considered. Direct that if a prisoner who is released pursuant to this provision returns to the US illegally, upon notice from any federal or state law enforcement that the prisoner is incarcerated, the director shall revoke their release and the prisoner must serve the remainder of their sentence and shall not be eligible for parole. Fiscal Impact: Per the Department of Justice, in FY 10 SCDC reported 574 alien inmates and the Federal award received was \$376,359 or \$655.68 per alien inmate. In FY 09 SCDC reported 462 alien inmates and the Federal award received was \$459,670 or \$994.96 per alien inmate.

**HOU:** ADOPT new proviso.

**SFC:** AMEND new proviso to correct reference to the department. *Technical.*



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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.

- 53.17 AMEND** (Earned Compliance Credit) Authorizes the department to grant up to a 10 day reduction of the probationary or parole term of probationers and parolees under their supervision for each month they are in compliance with the terms and conditions of their probation or parole order. Prohibits parolees under the Board of Juvenile Parole’s jurisdiction from being eligible to receive this credit.

**SFC:** AMEND proviso to delete the prohibition pertaining to parolees under the Board of Juvenile Parole’s jurisdiction. Requested by Department of Juvenile Justice.

**SECTION 55 - L46-COMMISSION FOR MINORITY AFFAIRS**

- 55.5 DELETE NEW PROVISIO** (Fatherhood and Families Pilot Program) **HOU:** ADD new proviso to direct the commission, if funds are available, to implement and support a Fatherhood and Families Pilot Program in Darlington County. Direct that the pilot program’s goals will be to link absent fathers with their children in order to diminish the negative impact and effects of “father absence” and to strengthen families. Sponsor: Rep. Limehouse.

**SFC:** DELETE new proviso.

**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.

**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 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

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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.

- 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.

- 65.11**     **DELETE** (Release of Information) Directs the department to provide information requested by a POL Board that operates under the purview of the department in a timely manner.

**SFC:** DELETE proviso. *Agency is required by Title 40 to provide information requested by POL boards.* Fiscal Impact: No impact on the General Fund. Requested by Department of Labor, Licensing and Regulation.

**SECTION 66 - R40-DEPARTMENT OF MOTOR VEHICLES**

- 66.6**     **DELETE** (DMV Transaction Fee) Authorizes DMV to collect a transaction fee from commercial third parties who either transmit or retrieve data from the department. Directs that the fee not exceed \$5 per transaction and that the fee must be mutually agreed to by all parties. Authorizes the department to retain and place the fee in a special restricted interest bearing account to defray costs associated with maintaining and operating their information technology system.

**SFC:** DELETE proviso. *Codified in Section 56-19-265(B).*

- 66.7**     **DELETE** (Motor Carrier Registration Fees) Requires administration of Title 58, Chapter 23 [MOTOR VEHICLE CARRIERS], Article 3 [INSURANCE AND REVOCATION CERTIFICATES] and Article 5 [ANNUAL APPLICATIONS AND LICENSE FEES] be funded from motor carrier registration fees and authorizes unexpended funds to be retained and carried forward.

**SFC:** DELETE proviso. *Codified in Section 56-3-662.*

**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.

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**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.

**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.

**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 15<sup>th</sup> each year. Allows the report to be combined with the DOT annual report required by Section 57-3-760 [ANNUAL REPORT] and the Mass Transit Division report required by Section 57-3-40 [OFFICE OF PUBLIC TRANSIT; POWERS AND DUTIES].

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

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**68A.10 REINSERT** (Financial Status Reports) Directs the Department of Transportation to provide quarterly reports on the financial status of highway projects to the corresponding Metropolitan Planning Organization or Regional Council of Governments.

**WMC:** DELETE proviso. *The information required to be provided is updated and provided on the agency's web page as part of the Statewide Transportation Improvement Program with the exception of expenditures and obligations. That information could be provided as requested.* Fiscal Impact: No impact on the General Fund. The agency would recognize a cost savings through reduction of paper and utilizing employee time more productively. Requested by Department of Transportation.

**HOU:** ADOPT deletion of proviso.

**SFC:** REINSERT proviso.

**68A.14 DELETE NEW PROVISIO** (Statewide Rail Planning) **WMC:** ADD new proviso to direct the Office of Railroads within the Division of Intermodal and Freight Programs, pursuant to Act 206 of 2010 [DIVISION OF RAILROAD TRANSPORTATION], to further implement a state railroad corridor preservation and revitalization plan and a comprehensive state rail plan for passenger and freight railroads and infrastructure services in compliance with applicable federal laws, rules, and regulations. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

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- 68A.15 DELETE NEW PROVISIO** (Advertising) **WMC:** ADD new proviso to authorize the department to enter into agreements with private entities to advertise on its primary agency website, other project websites, properties associated with and owned by the department, the Shelter and Bench Program, the Incident Response Program, Rest Areas and the 511 Real-Time Traveler Information Program. Direct that agreements may be entered into for the purpose of generating revenue for the cost of acquiring, constructing, equipping, maintaining and operating highways, roads, streets and bridges. Require a report be compiled that provides an accounting of the revenue received and expended associated with this advertising initiative and direct that in-kind payment agreements be included in the report. Direct that the report be submitted annually by June 30<sup>th</sup> to the President Pro Tempore of the Senate, Speaker of the House of Representatives, Chairmen of the Senate Finance and House Ways and Means Committees, and Chairmen of the Senate Finance Natural Resources and House Ways and Means Transportation and Regulatory Subcommittees. Fiscal Impact: OSB states that DOT expenditures would increase based on the amount of actual revenue generated. DOT estimates this proposal would generate approximately \$3.8 million in revenue the first year and \$3.9 annually thereafter.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.
- 68A.16 DELETE NEW PROVISIO** (Service Plazas) **WMC:** ADD new proviso to authorize the department to pursue developing and placing service plazas along eligible highways and interstates within the state. Direct that placement of the service plazas should focus on traveler needs, repurposing existing facilities, financial concessions with public/private initiatives, and green technology.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.
- 68A.17 DELETE NEW PROVISIO** (I-74 EIP) **WMC:** ADD new proviso to direct the department to use the funds appropriated for the routing, planning, and studying of I 74 to conduct an Environmental Impact Study to extend SC Highway 31, the Carolina Bays Parkway, 4 miles to the North Carolina state line. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.
- 68A.18 DELETE NEW PROVISIO** (C-Funds) **WMC:** ADD new proviso to direct that if a county transportation committee uses their C-Funds to resurface or implement other pavement preservation of state roads, DOT has the option to match those funds at a minimum of 50%. Direct the department to promulgate regulations for this match program. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.

**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

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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.

- 69.2 DELETE NEW PROVISO** (Georgetown Promotion) **WMC:** ADD new proviso to direct the State Ports Authority to continue to market the Port of Georgetown facility for promotion and development of renewable energy in the state. Direct other public entities in the state that are responsible for promoting economic development and renewable energy to continue to work with the State Ports Authority to raise awareness of the Port of Georgetown as a viable link in the energy infrastructure chain. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

- 69.3 AMEND NEW PROVISO** (Georgetown Port Marketing) **WMC:** ADD new proviso to direct the State Ports Authority to increase the amount of funds expended for marketing the Port of Georgetown in FY 11-12 by 15% above the amount expended in FY 10-11. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** AMEND new proviso to delete the requirement that marketing expenditures increase by 15% and instead direct the Ports Authority to continue its cargo diversification strategy which enhances marketing Charleston and Georgetown terminal capabilities, highlighting cruise, breakbulk, bulk, and roll on/roll off.

**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.

- 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.

- 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.

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**WMC:** DELETE proviso.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

- 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.
- 70.25 AMEND** (Statewide Acts Availability) Directs Clerks of the House and Senate to make all statewide Acts available electronically.  
**SFC:** AMEND proviso to allow the clerks to make all statewide Acts available electronically before sine die adjournment.
- 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.
- 70.29 AMEND NEW PROVISIO** (DMV Audit Review) **WMC:** ADD new proviso to direct that the LAC is not required to conduct an independent review of DMV and direct that any savings generated be used to conduct audits required by Section 2-15-60 [DUTIES OF COUNCIL]. *Not being required to conduct the DMV review will enable the LAC to use the funds to conduct audits requested by the General Assembly.* Fiscal Impact: No impact on the General Fund. Requested by Legislative Audit Council.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to suspend the provisions of Section 56-1-5(F) rather than instruct the council that they are not required to conduct an independent review of DMV.

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- 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.

**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.

**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.
- 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.
- 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.
- 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

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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.

- 72.20**     **AMEND FURTHER** (OEPP - ~~Anderson~~ M.J. "Dolly" Cooper Veterans Cemetery Carry Forward) Authorizes Anderson County Veterans Cemetery funds to be carried forward and utilized for the same purpose.

**WMC:** AMEND proviso to delete reference to "Anderson County" and replace with "M.J. "Dolly" Cooper." Direct that unexpended Veterans Affairs Program funds, including special items, shall be carried forward and used to operate the cemetery. *The Veterans Cemetery is currently only appropriated personal service funding, not "other operating" funds. The carry forward may provide a small source of revenue for cemetery operations.* Fiscal Impact: No impact on the General Fund. Requested by Governor's Office of Executive Policy and Programs.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to allow excess carry forward funds that are not needed to operate the cemetery to be used for other Veteran' Affairs Program expenses. Prohibit these carry forward funds from being transferred to any other Governor's Office programs.

- 72.21**     **AMEND FURTHER** (Mansion and Grounds Maintenance and Complex Facilities) Requires the Governor's Office to use at least \$241,569 of operating funds to reimburse the B&C Board, Division of General Services for expenses incurred associated with operation and maintenance of the Mansion Complex facilities and grounds. Directs that revenue collected from Mansion Complex facilities and grounds rental must be credited to and maintained in an account within the Governor's Office.

**WMC:** AMEND proviso to delete the requirement that the Governor's Office use at least \$241,569 to reimburse the B&C Board, Division of General Services. Fiscal Impact: No impact on the General Fund. Requested by Governor's Office.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to authorize the funds to be retained, expended and carried forward to support agency operations.

- 72.22**     **REINSERT** (OEPP - Crime Victims Ombudsman) Requires the State Office of Victims Assistance to transfer \$48,000 to the Crime Victims Ombudsman's Office for administrative and operational support.

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

**HOU:** ADOPT deletion of proviso.

**SFC:** REINSERT proviso.

- 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



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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.

**SECTION 75 - E12 - COMPTROLLER GENERAL'S OFFICE**

- 75.3 AMEND FURTHER** (Payroll Deduction Processing Fee) Requires a processing fee, not to exceed 20 cents, for payroll deductions for insurance plans, credit unions, deferred compensation plans and professional associations; directs that the fee shall not apply to charitable deductions; authorizes the Comptroller General to charge the SC Lottery Commission a reasonable processing fee not to exceed \$15,000 annually; allows the revenue generated from these fees and from child support deductions to be used to support the operations of the Comptroller General's Office; and allows unexpended funds to be carried forward and used for the same purposes.

**WMC:** AMEND proviso to delete the authorization to charge the Lottery Commission up to \$15,000 to process payroll. *The Lottery Commission now processes their own payroll.* Fiscal Impact: No impact on the General Fund. Other funds the CG receives will be reduced by \$15,000. Requested by Office of the Comptroller General.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to add "benefit providers" to the category for which the payroll deductions processing fee may be charged.

- 75.6 AMEND NEW PROVISIO** (Federal 3% Withholding Mandate) **WMC:** ADD new proviso to direct that if the provision in the Tax Reconciliation Act of 2005 (Public Law 109-222) that requires withholding 3% of payments to vendors and other payees for remission to the IRS is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess state agencies for their pro rata share of the costs of implementing and operating the program to comply with the federal mandate. Limit the total assessment cost charged to agencies to \$235,000 during the first year of the program. Direct that the assessment methodology be based on each agency's volume of payments to which the 3% withholding mandate would have applied during the last completed fiscal year. Require an explanation of the assessment methodology and the amount of the assessment to be charged to each agency be provided to the Chairmen of the Senate Finance and House Ways and Means Committees at least 15 days before the assessments are issued. Direct that the agencies must pay the assessment within 30 days of issuance. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** AMEND new proviso to authorize the funds to be retained and unexpended funds to be carried forward and used for the same purpose. Requested by Comptroller General's Office.

- 75.7 AMEND NEW PROVISIO** (Federal Expanded 1099 Reporting Mandate) **WMC:** ADD new proviso to direct that if the provision in the Patient Protection and Affordable Care Act of 2010, as amended, requiring (1) the issuance of IRS Form 1099 for vendors that are corporations and (2) the IRS Form 1099 include payments for property is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess state agencies for their pro rata share of the costs of implementing and operating the program to comply with the federal mandate. Limit the total assessment cost charged to agencies to \$255,000 during the first year of the program. Direct that the assessment methodology be based on each agency's number of vendors to which the expanded Form 1099 reporting mandate would have applied during the last completed fiscal year. Require an explanation of the assessment methodology and the amount of the assessment to be charged to each agency be provided to the Chairmen of

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the Senate Finance and House Ways and Means Committees at least 15 days before the assessments are issued. Direct that the agencies must pay the assessment within 30 days of issuance. Requested by Office of Comptroller General. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** AMEND new proviso to authorize the funds to be retained and unexpended funds to be carried forward and used for the same purpose. Requested by Comptroller General's Office.

- 75.8**     **ADD** (Payroll System Maintenance for State Optional Retirement Program) **SFC:** ADD new proviso to authorize the Comptroller General to contract with the Retirement System to support the requirements of the State Optional Retirement Program (ORP) within the State's payroll and accounting systems. Authorize cost recovery for providing those services to not exceed \$100,000; allow those funds to be used to support the operations of the office; and authorize the funds to be carried forward and used for the same purposes. *To enable the agency to support ORP as needed.* Fiscal Impact: Maximum revenue generated for the office would be \$100,000. Requested by Comptroller General's Office.

**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.

- 76.14**     **DELETE NEW PROVISIO** (Audit Finding Follow-Up) **WMC:** ADD new proviso to direct and empower the State Treasurer to follow-up on audit findings issued by the LAC, the State Auditor, or any other independent audit that involves receipt and disbursement of state funds or in achieving cost savings; to conduct additional audits or take other actions to ensure state funds have been properly received and disbursed in accordance with legislative intent; and to contract for or conduct recovery audits to identify overpayments or erroneous payments to vendors. Authorize the State Treasurer to recover amounts due agencies or institutions by seeking refunds, withholding future payments or distributions, or by other actions deemed appropriate, including legal action on behalf of the State. Require entities disbursing or receiving state funds to cooperate with the State Treasurer in these activities. Direct the State Treasurer to deposit any funds collected by this provision in a separate account for appropriation by the General Assembly, unless otherwise provided for by law. Authorize the State Treasurer to retain and expend a portion of any funds received to pay for costs associated with managing and enforcing this provision. Direct the State Treasurer to annually report to the General Assembly on the management activities and cost recoveries. *Currently there are limited provisions for ensuring recovery of state funds in audit findings or cost savings. This proviso grants the State Treasurer the authority to follow-up and recover funds.* Fiscal Impact: The State Treasurer indicates this provision is expected to produce additional revenue or cost savings for the state. Requested by Office of State Treasurer.

**HOU:** ADOPT new of proviso.

**SFC:** DELETE new proviso.

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**SECTION 78 - E24-ADJUTANT GENERAL'S OFFICE**

- 78.12 AMEND** (Citadel-S.C. National Guard Readiness Center) Directs the Adjutant General's Office, during FY 10-11, to repay to the General Fund \$1,250,000 of the \$2,500,000 appropriated for the Citadel-S.C. National Guard Readiness Center in proviso 73.12 of the FY 07-08 Appropriation Act. Directs that if the entire \$2.5 million has been repaid no further payment is required.  
**WMC:** AMEND proviso to update Fiscal Year "2010-11" to "2011-12." Fiscal Impact: No impact on the General Fund if the entire \$2.5 million has been repaid, otherwise \$1.25 million is directed to be deposited into the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.
- 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.

**SECTION 79 - E28-ELECTION COMMISSION**

- 79.1 REINSERT** (County Registration Board and County Election Commission Compensation) Directs that \$1,500 for each County Registration Board Member & County Election Commissioner, not to exceed \$12,500 per county, be disbursed to the County Treasurer. Directs that any funds not used for compensation of these members be returned to the State Treasurer. Exempts these funds from mandated budget reductions and excludes these funds from the agency's base budget in calculating any across the board agency base reduction mandated by the B&C Board or the General Assembly.  
**WMC:** DELETE proviso. *Funding was vetoed by the Governor for FY 10-11, thus no funds are appropriated for this purpose.* Fiscal Impact: No impact on the General Fund. Requested by Election Commission.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** REINSERT proviso.
- 79.6 RESTORE ORIGINAL PROVISO** (Primary and General Election Carry Forward) Authorize filing fees paid by candidates filing to run in statewide or special primary elections to be retained, expended, and carried forward to conduct primary elections. Authorize Primary and General Election Accounts funds to be carried forward and expended for the same purpose.  
**WMC:** AMEND proviso to allow these funds to also be used to conduct the 2012 Presidential Preference Primary elections. Fiscal Impact: No impact on the General Fund. The agency indicates there remains approximately \$1.3 million in the General Election account and \$80,000 in the primary election account.  
**HOU:** ADOPT proviso as amended.  
**SFC:** RESTORE original proviso.
- 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.

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**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

- 79.12**    **AMEND FURTHER** (~~Presidential Preference Primary and~~ Ballot Security Carry Forward)  
Authorizes the Election Commission to carry forward and use funds originally appropriated for conducting the Presidential Preference Primary elections and for Ballot Security to conduct the 2010 Statewide Primaries/Runoff.  
**WMC:** AMEND proviso to delete reference to carrying forward Presidential Preference Primary elections funds (*funds have been expended*) and update Statewide Primaries Runoff from “2010” to “2012.” Fiscal Impact: No impact on the General Fund. The agency indicates approximately \$284,000 Ballot Security funding is available to be carried forward. Requested by Election Commission. AMEND FURTHER to authorize the Ballot Security funds carried forward to also be used to conduct the 2012 Presidential Preference Primary elections.  
**HOU:** ADOPT proviso as amended.  
**SFC:** AMEND FURTHER to delete reference to 2012 Presidential Preference Primary elections. Authorize unexpended Ballot Security funds to be carried forward and used for the “same purpose” or to conduct the 2012 Statewide Primaries/Runoff.
- 79.14**    **ADD** (Presidential Preference Primary Contract) **SFC:** ADD new proviso to authorize the Election Commission to contract with a certified political party’s state committee to conduct the 2012 Presidential Preference Primaries if the party’s candidate received at least 5% of the popular vote in the state’s most recent election for President. Require the Election Commission to bill each political party for expenses associated with conducting the primary. Require the commission to conduct the primary in accordance with the provisions of Title 7 and direct that the registered elector may vote only in one presidential preference primary. Direct the commission and authorities responsible for conducting the elections in each county to provide for cost-effective measures in conducting these primaries including, but not limited to, combining polling places; and require the party’s state committee to set the election date and filing requirements, including a certification fee. Require political parties to verify candidates qualifications before certifying them to the Election Commission and require that written certification contain a statement that each certified candidate meets, or will meet by the time of the election, the qualifications in the U.S. Constitution, statutory law, and party rules to participate in the presidential preference primary; prohibit certification of candidates who do not meet this criteria and prohibit their name from being place on the ballot. Authorize political parties to charge a certification fee to persons seeking to be candidates in the presidential preference primary. Require a filing fee for each certified candidate, not to exceed \$20,000, as determined by the Election Commission, to be transmitted by the respective political party to the Election Commission to be used to conduct the presidential preference primaries.

**SECTION 80A - F03 - BUDGET AND CONTROL BOARD**

- 80A.4**    **AMEND** (Wireless Communications Tower) Directs the B&C Board to coordinate tower and antenna operations within state government to maximize the use of wireless communications infrastructure and to support a statewide public safety communication system. Directs that all revenue from tower and antenna leases and contracts after July 1, 2001 must be remitted to a separate fund to create and support a statewide public safety communication system and authorize these funds to be carried forward and used for the same purpose. Authorizes agencies owning tower and antenna assets be allowed to recover expenses associated with implementing this provision. Directs the board to annually report by October 1<sup>st</sup> to the Chairmen of the Senate Finance and House Ways and Means Committees all revenues collected and disbursed.

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**WMC:** AMEND proviso to direct that these funds be transferred to ETV which shall retain, expend, and carry for the funds for agency operations.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

- 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.

- 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.

- 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.

- 80A.22 DELETE** (South Carolina 911 Advisory Committee) Re-establishes the CMRS Emergency Telephone Advisory Committee as the S.C. 911 Advisory Committee to advise the B&C Board on 911 matters and revises membership of Committee.

**SFC:** DELETE proviso. *Codified in Section 23-47-65.*

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- 80A.23 REINSERT/AMEND** (Base Closure Carry Forward) Authorizes Base Closure Fund appropriations to be carried forward and used for the same purpose.  
**WMC:** DELETE proviso.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** REINSERT proviso and amend to authorize \$300,000 of Base Closure funds to be carried forward and used for Base Closure purposes.
- 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.
- 80A.35 AMEND FURTHER** (SCEIS Flexibility) Directs that in addition to the flexibility in proviso 89.80, the B&C Board Executive Director shall transfer and use funds from any other agency accounts to maintain critical development of infrastructure assets for statewide SCEIS implementation until the General Assembly appropriates further funding.  
**WMC:** AMEND proviso to change reference from “89.80” to “89.140;” direct the board to transfer and use at least \$6,812,478; and prohibit the board from using their “Trust and Agency Funds” as defined by the Comptroller General’s Statewide Accounting System, Subfund 3482, Rural Infrastructure Bank Trust Fund, and Subfund 4846, Tobacco Settlement Local Government Fund for this purpose. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** AMEND FURTHER to delete the restriction from using “Trust and Agency Funds” and Subfunds 3482 and 4846.
- 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.
- 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.

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- 80A.40 ADD** (December Holidays) **WMC:** ADD new proviso to direct that for 2011, employees observe the Saturday, December 24<sup>th</sup> legal holiday on Friday, December 23<sup>rd</sup>; and the Sunday, December 25<sup>th</sup> and Monday December 26<sup>th</sup> legal holidays on Monday, December 26<sup>th</sup> and Tuesday, December 27<sup>th</sup>, 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.

**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.
- 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.

**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.
- 81.10 DELETE NEW PROVISO** (Airline Property Tax Report) **WMC:** ADD new proviso to direct the Department of Revenue to submit a report to the Chairmen of the Senate Finance and House Ways and Means Committees by January 10, 2012, that provides the methodology used

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to determine the property tax collected on aircraft under Title 12, Chapter 37, Article 19 [ASSESSMENT OF PROPERTY TAXES: AIRCRAFT]. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

**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 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.

- 82.2 AMEND 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.

**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.

- 82.3 DELETE NEW PROVISO** (Confidentiality) **WMC:** ADD new proviso to preclude the State Ethics Commission staff from making any public comment which reflects a personal opinion about any matter which is before or which is pending action before the commission or the commission staff. Direct that this provision does not abridge the commission's responsibilities pursuant to the Freedom of Information Act, Section 30-4-10, et. seq. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

**SECTION 83 - S60-PROCUREMENT REVIEW PANEL**

- 83.1 REINSERT** (Filing Fee) Authorizes the Procurement Review Panel to charge a \$250 filing fee to the party requesting an administrative review under Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410(4) of the S.C. Code of Laws. Directs the agency to retain the funds generated by the filing fee and to use such fees for agency operations. Requires forfeiture of the filing fee when an appeal is withdrawn. Allows for waiver of the fee in case of hardship.

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



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**HOU:** ADOPT deletion of proviso.  
**SFC:** REINSERT proviso.

**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.

**SECTION 86 - X22 - AID TO SUBDIVISIONS, STATE TREASURER**

- 86.2**     **AMEND** (Local Government Flexibility) Directs that for FY 10-11, counties may transfer funds among appropriated state revenues as needed to ensure delivery of services.  
**WMC:** AMEND proviso to change Fiscal Year “2010-11” to “2011-12.” Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.
- 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: 1<sup>st</sup> 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.
- 86.7**     **REINSERT/AMEND** (LGF) Suspends Sections 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] and 6-27-50 [RESTRICTIONS ON AMENDMENT OR REPEAL OF CHAPTER] for the current fiscal year.  
**WMC:** DELETE proviso.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** REINSERT proviso and AMEND to change “2010-11” to “2011-12.”
- 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.

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- 86.9 DELETE NEW PROVISIO** (Equivalent Millage and Local Government Fund Reduction) **WMC:** ADD new proviso to direct that if a municipality's boundaries extend into more than one county and those counties implement required countywide appraisal and equalization programs on different schedules, the municipality's governing body shall set an equivalent millage to be used to compute municipal ad valorem property taxes. Direct that the equivalent millage be determined by a methodology established by the respective county auditors consistent with the methodology for calculating equivalent millage established by DOR for use in such situations. Direct that the purpose of this provision is to equalize the tax burdens within the municipality. Direct that if any municipality does not implement these provisions during the Fiscal Year 2011-12, it shall have its 2011-12 distribution from the Local Government Fund under the State Aid to Subdivisions Act reduced by an amount equal to what the State Treasurer, upon consultation with DOR, determines that taxpayers in the municipality collectively were overcharged in ad valorem property taxes by the municipality's failure to implement these provisions during FY 2011-12. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.
- 86.10 AMEND NEW PROVISIO** (Speed Camera Citations Restriction) **WMC:** ADD new proviso to prohibit a political subdivision from collecting any fines, fees or costs resulting from issuing uniform traffic citations or any other form of traffic citation that is based or has relied on camera assisted evidence. Direct that any municipality which fails to comply with this provision during the FY 2011-12 shall have its FY 2011-12 distribution from the Local Government Fund under the State Aid to Subdivisions Act reduced by an amount equal to the amount of fines, fees or costs collected by the political subdivision through issuing camera assisted traffic citations.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to require the governing body of a political subdivision with jurisdiction over a law enforcement agency that issues traffic citations by mail or any means other than an officer directly giving the citation to the offender to report to the State Treasurer by July 1 that the law enforcement agency issues citations in this manner. Require the political subdivision that has given the required notice, within 10 days of receiving a Local Government Fund distribution, to remit to the State Treasurer an amount equivalent to the distribution. Direct that the political subdivision is relieved from this remittance if the governing body certifies to the Treasurer that they have prohibited the law enforcement agency from issuing citations in this manner. Direct the State Treasurer, if it is found that a political subdivision has issued citations in this manner and has not given the required notice, to notify the subdivision that it must remit within 10 days an amount equal to two times the Local Government Fund distribution to the subdivision during the fiscal year. Require the State Treasurer to withhold future distributions from any source if the political subdivision is delinquent in remitting the payment.
- 86.11 DELETE NEW PROVISIO** (Agreed Upon Procedure) **HOU:** ADD new proviso to allow non-court cities with a budget that is less than \$300,000 to submit an Agreed Upon Procedure rather than a financial audit. Direct the Office of State Treasurer to develop the Agreed Upon Procedures criteria. Sponsor: Rep. Sellers.  
**SFC:** DELETE new proviso.

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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.
- 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.
- 89.17**    **AMEND** (Allowance for Residences & Compensation Restrictions) Authorizes specific positions to occupy agency-owned residences without charge.  
**SFC:** AMEND proviso to delete the authorization for the Commissioner of the Department of Corrections and the Farm Director, Farm Managers, and Specialists employed at the Walden Correctional Institution, MacDougall Youth Correctional Center, and Givens Youth Correctional Center to be permitted to occupy department-owned residences without charge.
- 89.25**    **AMEND FURTHER** (State Owned Aircraft - Maintenance Logs) Provides flight log and aircraft usage guidelines for agencies that have one or more aircraft.  
**WMC:** AMEND proviso to change “Division of State Development” to “Department of Commerce” and change Section “8-13-410(1)” to “8-13-700(A).” *Reflect correct code cite.* Fiscal Impact: No impact on the General Fund.  
**HOU:** AMEND proviso to require that flight logs be posted on the website in real time. Sponsor: Rep. Simrill.  
**SFC:** AMEND FURTHER to delete the requirement that the flight log be posted in “real-time” and instead direct that the log be posted “within one working day of the completion of the trip.”
- 89.31**    **AMEND** (Travel Report) Requires the Comptroller General to issue an annual report on November 1<sup>st</sup> 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.
- 89.38**    **REINSERT** (Menu Option Telephone Answering Devices) Prohibit state agencies from expending funds for any type of menu option telephone answering device unless the system

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provides for access to an actual person. Direct that this requirement applies from 8:30 am until 5:00 pm Monday through Friday, excluding holidays.

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

**HOU:** ADOPT deletion of proviso.

**SFC:** REINSERT proviso.

- 89.46 REINSERT (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.

- 89.54 REINSERT ORIGINAL PROVISO (Constitutional Officer & Agency Head Voluntary Furlough)** Authorizes constitutional officers and agency heads to take up to 36 days furlough in the current fiscal year while retaining all responsibilities and authority. Directs that funds saved may be retained by that agency and spent at the discretion of the constitutional officer. Directs that the constitutional officer or agency head is entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries; that required employer and employee contributions, including but not limited to contributions to the Retirement System or the optional retirement program, are the employer’s responsibility if coverage would otherwise be interrupted, and that benefits only requiring employee contributions are the responsibility of the constitutional officer or agency head.

**WMC:** AMEND proviso to change the number of voluntary furlough days a constitutional officer or agency head may take from 36 to 90. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** REINSERT original proviso.

- 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 30<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup>” of the current fiscal year to “December 31<sup>st</sup>.” Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

- 89.61 AMEND FURTHER (GP: Assessment Audit / Crime Victim Funds)** Provides guidelines for the process the State Auditor is to follow regarding authorities that have not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds.

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**WMC:** AMEND proviso to authorize the State Office of Victim Assistance to conduct an “audit” rather than just a “programmatic review” of any entity or non-profit organization that receives victim assistance funding based on referrals from the State Auditor or on specific complaints which they have received. Rather than require any entity or non-profit that receives funds from “victim assistance” being required to submit an expenditure budget for those funds to the State Office of Victim Assistance, any entity that receives funding as described in Sections 14-1-206(B)(D) [ADDITIONAL ASSESSMENT, GENERAL SESSIONS OR FAMILY COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], 14-1-207(B)(D) [ADDITIONAL ASSESSMENT, MAGISTRATE'S COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], 14-1-208(B)(D) [ADDITIONAL ASSESSMENT, MUNICIPAL COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], and 14-1-211(B) [SESSIONS COURT SURCHARGE; FUND RETENTION FOR CRIME VICTIM SERVICES; UNUSED FUNDS; REPORTS; AUDITS] must submit such a budget. Direct that failure to comply with this requirement will initiate a programmatic review and financial audit of the entity’s victim assistance expenditures and the entity’s name will be placed on the State Office of Victim Assistance website until they are in compliance. Require the entity pay the penalty in the amount of the unauthorized expenditure plus \$1,500 within 30 days of the notification that they are non-compliant. Direct the State Office of Victim Assistance to notify the State Treasurer’s Office if the penalty plus the \$1,500 is not paid within the 30 days. Direct the political subdivision to deduct the penalty amount from the entity’s subsequent fiscal year’s appropriation. Direct that funds withheld by the State Treasurer shall be deposited into the general fund.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to direct the Victim Services Coordinating Council to develop guidelines for expenditure of these funds to ensure that an expenditure which meets Title 15 of Article 15 parameters is an allowable expense. Direct that State Office of Victims Assistance rather than the Victim Services Coordinating Council determines whether funds have been spent on unauthorized items. Delete duplicative language. Requested by Victim Services Coordinating Council.

- 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.

- 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

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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.

- 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.

- 89.84 AMEND** (Reduction in Force/Agency Head Furlough) Requires agency heads to take five furlough days if their agency implements a reduction in force. Directs that the agency head retains all responsibilities and authority during the furlough.

**SFC:** AMEND proviso to direct that for purposes of this provision the definition of an agency head includes the president of a technical college as defined in Section 59-103-5 [DEFINITIONS]. Direct that the State Board for Technical and Comprehensive Education agency head shall not be required to take this mandatory five day furlough if a technical college implements a reduction in force plan.

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

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

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

- 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.

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

**HOU:** AMEND proviso to change fiscal year references from “2010-11” to “2011-12.” Sponsor: Rep. J.R. Smith.

**SFC:** ADOPT proviso as amended.

- 89.93 REINSERT** (Transfer Division of Aeronautics) Transfers the Division of Aeronautics and its duties, functions, responsibilities, personnel, equipment, supplies, appropriated , authorized,

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and carry forward funds and all other assets and resources from the Department of Commerce to the Budget and Control Board effective July 1, 2009.

**WMC:** DELETE proviso. *Deletion of the proviso will cause the Division of Aeronautics to revert back to the Department of Commerce.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** REINSERT proviso.

- 89.96 DELETE** (Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) Exempts handguns and shot guns from state and local sales tax for sales occurring from 12:01 am, Friday, November 26, 2010, through midnight Saturday, November 27, 2010.

**HOU:** AMEND proviso to change "Friday, November 26, 2010" to "the Friday after Thanksgiving" and change "Saturday, November 27, 2010" to "the Saturday after Thanksgiving for the current fiscal year." Sponsors: Reps. White and Pitts.

**SFC:** DELETE proviso.

- 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.

- 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.

- 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.

- 89.104 AMEND FURTHER** (Broadband Spectrum Lease) Requires the General Assembly to approve any exercise of the Educational Broadband Service Spectrum Lease Agreements

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Middle Band Segment Channel recapture provisions if exercising those provisions would decrease the amount deposited into the General Fund.

**WMC:** AMEND proviso to delete reference to deposit into the General Fund and instead direct that for FY 11-12, the revenue received from the broadband spectrum lease be transferred from the B&C Board to ETV for agency operations & authorize the funds be carried forward.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to direct that the revenue be transferred on a monthly schedule according to the lease agreement.

- 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.

- 89.108 AMEND** (Commuting Costs) Requires state government employees who use a permanently assigned agency or state-owned vehicle to commute from their permanently assigned work location to and from home, to either reimburse their agency for the cost of fuel or the Comptroller General must report the personal use of the vehicle to the IRS. Requires these permanently assigned vehicles to be clearly marked as a state or agency vehicle through the use of state-government license plates and either state or agency seal decals unless the vehicle is primarily used in undercover operations. Excludes vehicles used for special travel assignment purposes, vehicles used by active certified law enforcement officers authorized to carry firearms, execute warrants, and make arrests, Constitutional Officers, agency heads and DOT employees on call for emergency maintenance.

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

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

- 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.

- 89.110 DELETE** (Bank Account Transparency and Accountability) Requires each agency, except higher education institutions, to report their composite reservoir bank accounts to the Governor,



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State Treasurer, Comptroller General, and Chairmen of the Senate Finance and House Ways and Means Committees by October 1 of each year. Directs that the required information includes, among other things, the name of each payee, the transaction amount and description of goods or services purchased. Directs that upon request, an exemption from the reporting requirement may be granted by the five-member Budget and Control Board after a closed meeting, if release of the required information would be detrimental to the state or agency.

**SFC:** DELETE proviso. *Because most of these accounts are used to pay for items on behalf of health agency clients or in conjunction with law enforcement activity, the information is confidential or its release could jeopardize criminal investigations and informants. Consequently, the information qualifies for an exemption rendering the proviso largely ineffective. In order to provide for oversight of these accounts, the State Auditor has agreed to include them in agreed upon procedures audits, where confidential information can be reviewed by auditors and tested against objective criteria for its propriety.* Requested by Budget and Control Board.

- 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.

- 89.112 AMEND** (State Agency Restructuring Study Committee) Creates a State Agency Restructuring Study Committee co-chaired by the Chairmen of the Senate Finance and Ways and Means Committees and composed of 10 additional members of the General Assembly. Directs the committee to review and recommended ways to further streamline government to realize maximum effectiveness and efficiency. Directs that committee's scope is not limited but at a minimum it shall review Education; Health and Social Services; Natural Resources and Environmental Services; Cultural; Regulatory; and Transportation. Directs that the review, including a cost savings estimate, be submitted to the Chairmen of the Senate Finance and Ways and Means Committees by December 10, 2010.

**WMC:** AMEND proviso to delete the December 10, 2010 reporting date.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

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

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

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

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- 89.120 AMEND FURTHER (Recovery Audits)** Directs the B&C Board to contract with one or more consultants to conduct recovery audits of payments made by state agencies included in this act to vendors. Requires the audits be designed to detect and recover overpayments and erroneous payments to vendors and to recommend improved state agency accounting operations. Requires a state agency to pay, from recovered monies received, the recovery audit consultant responsible for obtaining a reimbursement from a vendor based on the following scale: 10% of up to the first \$1,000,000 recovered; 5% of \$1,000,001 to \$5,000,000 recovered; 2.5% of the amount recovered above \$5,000,001 with a maximum consultant payment of \$2,500,000. Directs the recovered funds, less recovery cost, to be remitted to a special fund subject to General Assembly appropriation. Authorizes agencies to recover costs that are documented to be directly related to implementation of this provision. Provides guidelines for which recovery audit should be conducted. Direct that the B&C Board provide copies of final recovery audit reports to the Governor, Chairmen of the Senate Finance and House Ways and Means Committees; and the state auditor's office and require the board issue a report to the General Assembly by January 1<sup>st</sup> each year, that summarizes all reports received under this provision during the prior fiscal year.  
**WMC:** AMEND proviso to delete the fee scale and instead direct that the consultant be paid a negotiated fee not to exceed 20% of the recovered monies received by a state agency. Requested by Budget and Control Board.  
**HOU:** ADOPT proviso as amended.  
**SFC:** AMEND FURTHER to specify that recovery audits apply only to payments made more than 180 days prior to the date the audit is initiated. Delete the requirement that the B&C Board require recovery audits be performed for state agencies whose yearly expenditures exceeds \$100,000,000. Delete the authorization for the B&C Board to exempt agencies from recovery audits. Delete the requirement that recovered funds be remitted to a special account for appropriation by the General Assembly and authorization for agencies to recover costs directly related to implementation.
- 89.121 AMEND NEW PROVISO (Funds Transfer to ETV)** **WMC:** ADD new proviso to direct the following agencies to use the specified funds appropriated in the current fiscal year to contract with ETV to continue the services as provided in the prior fiscal year: funds for K-12 Teacher Training in the Department of Education; funds for Legislative & Public Affairs coverage in the B&C Board, and funds for State & Local Training of Law Enforcement in the Law Enforcement Training Council.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to identify additional areas and/or functions for which funds are appropriated associated with the services ETV provides. Direct that these funds be "transferred to" ETV rather than be "used to contract with" ETV and that the transfers take place during July 2011. *To cover the services ETV actually provides.* Requested by Educational Television Commission.
- 89.122 AMEND NEW PROVISO (First Steps Transfer)** **WMC:** ADD new proviso to direct that all State funds for BabyNet directly appropriated to the following agencies be transferred to the S.C. First Steps to School Readiness which shall administer the funds as the program's designated lead agency: DDSN, DHEC, and School for the Deaf and the Blind. Direct that all filled positions at DHEC associated with the BabyNet program also be transferred to First Steps. Authorize these funds to be contracted to partner agencies as appropriate and necessary for cost effective delivery of early intervention services.  
**HOU:** ADOPT new proviso.

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**SFC:** AMEND new proviso to delete reference to DDSN and authorize the transfer of all medical and educational records from DHEC, the former lead agency, to First Steps.

- 89.123 DELETE NEW PROVISO** (USC Medical School Greenville Study Committee) **WMC:** ADD new proviso to create a study committee to assess the fiscal sustainability of the new medical school at USC in Greenville. Direct that the committee be composed of 3 members of the Senate and 3 members of the House appointed as follows: one each by the President Pro Tempore of the Senate and Speaker of the House of Representatives, and one each by the Chairmen of the Senate Finance, Senate Education, House Ways and Means, and House Education and Public Works Committees. Direct the committee to review, but not be limited to, the current higher education mission and goals as established in Section 59-103-15 [HIGHER EDUCATION MISSION AND GOALS]. Direct the committee to take institutional missions and academic programs and planning; funding and institutional cost; buildings and facilities; and organization and plan implementation into consideration. Direct that a report be provided to the General Assembly by September 1, 2011.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.
- 89.124 DELETE NEW PROVISO** (Transfer Arts Commission to PRT) **WMC:** ADD new proviso to transfer, for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Arts Commission to PRT.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.
- 89.125 DELETE NEW PROVISO** (Transfer State Museum Commission to PRT) **WMC:** ADD new proviso to transfer, for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the State Museum Commission to PRT.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.
- 89.126 AMEND NEW PROVISO** (Opt Out of Federal Patient Protection and Affordable Care Act) **WMC:** ADD new proviso to direct that if federal law permits, the state opts out of specific provisions of the federal Patient Protection and Affordable Care Act (PL 111-148).  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to delete reference to "Section 1561" and "subtitle C of Title II." Requested by Department of Health and Human Services.
- 89.127 DELETE NEW PROVISO** (Transfer DMH Veterans Services to Lt Gov Ofc on Aging) **WMC:** ADD new proviso to transfer for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Veteran's Services Program that consists of the Stone Pavilion, the Campbell Veterans Home and the Veterans' Victory House from the Department of Mental Health to the Lieutenant Governor's Office on Aging. Require the transferred funds to be administered separately from other programs within the office and that the funds be used exclusively for the Veteran's Services Program. Direct that the Stone Pavilion shall remain under DMH's purview until the Office on Aging issues a RFP and awards a contract to oversee the Stone Pavilion. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.

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- 89.128 AMEND NEW PROVISO (Means Test) WMC:** ADD new proviso to require all agencies that provide Healthcare Services to identify standards and criteria to means test all waivers and programs they provide, if federal guidelines allow such a test. Direct an agency, once consistent criteria has been established, to implement their plan. Require each agency to report criteria and fiscal data to the Chairmen of the Senate Finance and House Ways and Means Committees by January 1, 2012.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to delete the requirement that “waivers” be means tested.
- 89.129 DELETE NEW PROVISO (Transfer DAODAS to DMH) WMC:** ADD new proviso to transfer, for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Department of Alcohol and Other Drug Abuse Services to the Department of Mental Health.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.
- 89.130 DELETE NEW PROVISO (Transfer Probation, Parole and Pardon to Dept of Corrections) WMC:** ADD new proviso to transfer, for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Department of Probation, Parole, and Pardon Services to the Department of Corrections. Fiscal Impact: OSB states no impact on the General Fund. The transfer should eventually result in greater efficiencies as of result of economies of scale, primarily within the area of agency administration. However, the workforce needs would need to be reevaluated before reducing staff through either attrition or a reduction in force.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso. *See new proviso 89.158.*
- 89.131 DELETE NEW PROVISO (Speeding or Traffic Control Devices) WMC:** ADD new proviso to require a law enforcement officer be present at the time evidence is obtained when a citation for violating traffic laws is issued that uses speeding or traffic control devices. Require a copy of the written ticket be handed directly to the offender by the law enforcement officer issuing the ticket on the day the citation is issued. Require municipalities and counties to submit a letter to the Office of State Treasurer by July 31<sup>st</sup> that certifies under oath that they are in compliance with this provision. Direct that if any entity fails to submit the letter by July 31<sup>st</sup>, the entity’s chief administrative officer shall be notified in writing that the entity has 30 days to comply with the requirements of this provision. Direct the State Treasurer, after the 30 days has expired, to withhold all Aid to Subdivisions Act payments scheduled for the municipality or county. Fiscal Impact: OSB states that DPS indicated no negative impact on the General Fund and the State Treasurer’s Office indicated a possible minimal impact to the agency which should be absorbed. OSB has surveyed members of the FIST Network for the local government impact and the responses will be forwarded upon receipt.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.
- 89.137 AMEND NEW PROVISO (Guardian ad Litem Study Committee) WMC:** ADD new proviso to establish a Guardian ad Litem Study Committee to bring accountability and transparency to the guardian ad litem system. Direct the committee to determine the efficacy of administration of the volunteer Guardian ad Litem Program within DSS and to analyze the program’s ability to advocate in a transparent and independent manner for abused and neglected children within the DSS structure. Direct the committee to also determine ways to monitor performance and establish accountability of guardians appointed in private actions

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before the family court where custody or visitation of a minor child is an issue, including certification and oversight. Provide for composition of the study committee and direct that members shall serve without compensation. Direct that a status report be provided on the committee's findings and recommendations by January 10, 2012 to the Chairmen of the Senate Finance and House Ways and Means Committees. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** AMEND new proviso to direct the committee to study the "effectiveness" of the administration of the program and its ability to advocate in a transparent and independent manner as currently structured and delete reference to "within DSS."

- 89.138 DELETE NEW PROVISIO** (Transfer Procurement Review Panel to ALC) **WMC:** ADD new proviso to transfer for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, funding and physical assets of the Procurement Review Panel to the Administrative Law Court. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

- 89.139 DELETE NEW PROVISIO** (Transfer Division of Aeronautics to DOT) **WMC:** ADD new proviso to transfer, for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated, authorized, and carry forward funds, and all other assets and resources of the Division of Aeronautics to DOT. Direct that the division operate under the purview of the Aeronautics Commission, be administered separately from other programs within DOT, and require division funds be expended exclusively for the Division of Aeronautics. Require DOT provide administrative support to the Division of Aeronautics upon request. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

- 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.

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**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

- 89.141 DELETE NEW PROVISIO** (Agency Reduction Management) **WMC:** ADD new proviso to encourage state agencies, if they are assessed a base reduction, to try to realize savings through: 1) payroll management, including, but not limited to, furloughs, reductions in employee compensation, and hiring freezes; 2) eliminate administrative overhead that doesn't directly impact the agency's mission; and as a final option 3) reduce program funding.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.
- 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.
- 89.143 AMEND NEW PROVISIO** (Foster Care Review Board Study Committee) **HOU:** ADD new proviso to establish a Foster Care Review Board Study Committee to bring accountability and transparency to the foster care process. Direct the committee to determine the efficacy of administering the Foster Care Review Board Program within DSS and to analyze the program's ability to advocate in a transparent and independent manner for foster care children within the DSS structure. Direct the committee to also determine ways to monitor performance and establish accountability of foster care review volunteers, including certification and oversight. Provide for composition of the study committee and direct that members shall serve without compensation. Direct that a status report be provided on the committee's findings and recommendations by January 10, 2012 to the Chairmen of the Senate Finance and House Ways and Means Committees. Sponsors: Reps. Cobb-Hunter, Merrill, and Barfield.  
**SFC:** AMEND new proviso to direct the committee to study the "effectiveness" of the administration of the program and its ability to advocate in a transparent and independent manner as currently structured and delete reference to "within DSS." Direct that the Directors of DSS and the Foster Care Review Board Program serve as co-chairs.
- 89.144 DELETE NEW PROVISIO** (Inspector General) **HOU:** ADD new proviso to require the Governor's Inspector General to submit a quarterly report to the House Ways and Means and Senate Finance Committees that provides a listing of each reported case/complaint of fraud, waste, or abuse and direct that the report include the affected agency name, date of the reported case, a unique case number for each case, and an estimated dollar amount related to the complaint. Require the report be updated as complaints are resolved and include the case number, actual amount of savings or recouped funds identified. Require identified fraud or abuse with civil or criminal implications be turned over to the appropriate authorities for action. Require the Inspector General to be fully self-sufficient and funded from identified savings after June 30, 2012. Direct that if this does not occur the position shall be terminated and the duties transferred to the State Auditor. Direct that effective July 1, 2011, the position of Inspector General shall fall under the purview of the Agency Head Salary Commission. Sponsors: Reps. Cobb-Hunter, Ott, and J.H. Neal.  
**SFC:** DELETE new proviso.
- 89.145 AMEND NEW PROVISIO** (Gold and Silver Investments) **HOU:** ADD new proviso to direct the State Treasurer to consider investing funds on behalf of the state in gold and silver. Sponsor: Rep. Neilson.

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**SFC:** AMEND new proviso to direct the State Treasurer to report to the General Assembly on the advisability of investing in gold and silver.

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

- 89.147 AMEND NEW PROVISO** (Child Care Licensing and Inspections) **HOU:** ADD new proviso to transfer the statutory and regulatory functions of licensing and inspecting child care centers, including the imposition of fees authorized by law and regulation, from DHEC to DSS. Authorize DSS to retain the revenue generated from these fees to defray child care licensing and inspection expenses. Sponsor: Rep. Erickson.  
**SFC:** AMEND new proviso to delete the transfer of responsibilities and instead direct the DHEC and DSS directors to collaborate and develop a plan to consolidate regulatory and licensing functions for child care centers and to submit the plan by December 1, 2011 to specific committees of the General Assembly.

- 89.148 DELETE NEW PROVISO** (Nursing Home Permit Laws) **HOU:** ADD new proviso to direct DHEC to suspend enforcement of certain provisions of the Medicaid Nursing Home Permit Law as required by Sections 44-7-80 [MEDICAID NURSING HOME PERMITS-DEFINITIONS], 44-7-82 [PERMIT REQUIREMENT], 44-7-84 [DETERMINATION AND ALLOCATION OF MEDICAID NURSING HOME PATIENT DAYS; APPLICATION FOR PERMIT; RULES AND REGULATIONS], 44-7-88 [INVOLUNTARY DISCHARGE OR TRANSFER OF MEDICAID NURSING HOME PATIENTS PROHIBITED; REQUEST FOR WAIVER OF PERMIT REQUIREMENTS], and 44-7-90 [VIOLATIONS OF SECTIONS 44-7-80 THROUGH 44-7-90; PENALTIES]. Prohibit DHEC from penalizing or fining a facility that has provided fewer Medicaid patient days than allowable. Prohibit DHEC from transferring or adding additional days to any facility during FY 11-12. Direct DHEC to proportionately decrease the authorized Medicaid days for each nursing home if DHHS decreases the number of days available to DHEC and if additional days are authorized, to restore them in the same manner. Suspend Section 44-7-88 for FY 11-12. Allow nursing homes to discharge a resident due to payment source and Medicaid permit requirements. Sponsor: Rep. White.  
**SFC:** DELETE new proviso. *A Joint Resolution will be filed that combines amendments to provisos 89.148 and 89.156 to be considered in conjunction with H.3700, FY 2011-12 Appropriation Bill.*

- 89.149 DELETE NEW PROVISO** (SCBOS Cost Reporting Requirement) **HOU:** ADD new proviso to require the SC Business One Stop program to report cost per participant data and cost per outcome data quarterly to the General Assembly in order to select the best training providers. Sponsor: Rep. Cobb-Hunter.  
**SFC:** DELETE new proviso.

- 89.150 ADD** (WIA Meeting Requirements) **HOU:** ADD new proviso to require a Workforce Investment Board meeting to be subject to all FOIA notice requirements and prohibit a meeting from taking place without a quorum of board members present. Direct that any decision made in violation of this requirement shall be void. Sponsor: Rep. Cobb-Hunter.  
**SFC:** ADOPT new proviso.

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- 89.151 DELETE NEW PROVISO** (SCBOS Procurement Requirement) **HOU:** ADD new proviso to require the SC Business One Stop program to comply with the Consolidated Procurement Code's request for proposal requirement when purchasing goods or services. Sponsor: Rep. Cobb-Hunter.  
**SFC:** DELETE new proviso.
- 89.152 DELETE NEW PROVISO** (WIA Service Advertising) **HOU:** ADD new proviso to authorize the Workforce Investment Act to advertise its services by billboard, bus, placard, newspapers, or radio in all workforce investment areas rather than in selected areas. Direct that this advertising may not be limited to e-mail, online, or other internet based advertising, publicity or promotions. Sponsor: Rep. Cobb-Hunter.  
**SFC:** DELETE new proviso.
- 89.153 DELETE NEW PROVISO** (WIA Investment Board Training Fund Allocation Study Committee) **HOU:** ADD new proviso to create a committee to study and review the parameters on allocating training funds set by the State Workforce Investment Board and on eligibility criteria and minimum levels of performance for training providers established by the Governor in accordance with federal law. Direct the committee to evaluate and make non-binding recommendations on enhancing or improving the overall performance of Workforce Investment Act worker training. Provide for composition of the study committee; direct that staffing be provided by the appropriate Senate and House committees and that members serve without compensation. Require a quorum be present to meet and that the study committee comply with FOIA requirements. Direct that a report be submitted to the General Assembly and the Governor by July 1, 2012, after which the committee shall be dissolved. Sponsor: Reps. Cobb-Hunter.  
**SFC:** DELETE new proviso.
- 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.
- 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.  
**SFC:** DELETE new proviso.
- 89.156 DELETE NEW PROVISO** (Staffing Standards for Nursing Home) **HOU:** ADD new proviso to direct the following nursing home staffing standards be enforced: nursing homes shall provide sufficient non-licensed nursing staff for a minimum of 1.63 hours of direct care per resident per day; nursing homes shall have one licensed nurse per shift for each staff work area. Direct that all other staffing & non-staffing standards established in Standards for Licensing Nursing Homes 24A S.C. Code Ann. Regs 61-17 shall be enforced. Sponsor: Rep. Cooper.



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**SFC:** DELETE new proviso. *A Joint Resolution will be filed that combines amendments to provisos 89.148 and 89.156 to be considered in conjunction with H.3700, FY 2011-12 Appropriation Bill.*

- 89.157**    **ADD** (Victims Assistance Transfer) **SFC:** ADD new proviso to require the Department of Corrections to transfer \$20,500 monthly to DPS for distribution through the State Victim Assistance Program.
- 89.158**    **ADD** (DOC & PPP Potential Consolidation Plan) **SFC:** ADD new proviso to allow the Directors of the Department of Corrections and the Department of Probation, Parole, and Pardon Services to collaborate and develop a plan to consolidate functions. Allow the departments, if the directors identify functions that would enable the departments to operate more efficiently and effectively during the current fiscal year, to implement such actions upon approval of the Governor and notification to Chairmen of the Senate Finance, House Ways and Means, Senate Corrections and Penology, and House Judiciary Committees and direct that the notification include an estimate of cost savings and anticipated efficiencies.
- 89.159**    **ADD** (Reporting Compensation From Non-Profit Organization) **SFC:** ADD new proviso to require a member of the General Assembly to report to the Senate Legislative Ethics Committee, the House Legislative Ethics Committee, and the State Ethics Commission if they receive compensation from a non-profit organization that receives state funds. Direct that the report include their name, terms of employment and compensation.
- 89.160**    **ADD** (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.
- 89.161**    **ADD** (State Medicaid Match) **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.

**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.
- 90.3**        **AMEND** (Tobacco Settlement) Directs the State Treasurer, upon approval of the Tobacco Settlement Revenue Management Authority and parties to the trust agreement, to transfer \$10,000,000 from the unrestricted taxable proceeds portion of the principal of the Healthcare Tobacco Settlement Trust Fund to the Department of Health and Human Services to be spent for Medicaid. Authorizes the State Treasurer to transfer to the Attorney General, from funds available to the Tobacco Settlement Management Authority, amounts necessary for further enforcement of the Tobacco Escrow Fund Act, which will protect payments to the State under the Master Settlement Agreement. Authorizes and directs the State Treasurer to transfer up to \$1,200,000 to the General Fund from funds available to the Tobacco Settlement Revenue Management Authority to reimburse amounts previously appropriated for Tobacco Arbitration

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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.

- 90.6 REINSERT** (LGF) Suspends Section 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] for the current fiscal year.

**WMC:** DELETE proviso.

**HOU:** ADOPT deletion of proviso.

**SFC:** REINSERT proviso.

- 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.

- 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.

- 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.

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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.

- 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.

- 90.12 DELETE** (Zero Based Budgeting Study) Directs the State Treasurer's Office to study and make recommendations on suggested procedures and implementation dates regarding implementing a zero-based budgeting process for every state agency, department, instrumentality, entity, or institution. Directs that the study include a determination and establishment of functional areas for state government within which agencies shall operate and to establish suggested performance standards, objectives, and measuring criteria for each agency within its functional area. Directs that higher education institutions are to be included in the study. States that the goal and intent of the study is for better and more efficient analysis and use of authorized and appropriated state funds. Directs that the State Treasurer's Office is responsible for the study and that recommendations will be submitted to the General Assembly at the beginning of the 2011 session, and that quarterly progress reports must be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees.

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

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

- 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.

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

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

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

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- 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.
- 90.16**     **AMEND NEW PROVISO** (Health Care Maintenance of Effort Funding) **WMC:** ADD new proviso to direct that the source of funds in this provision is \$157,299,845 from the 50 cent cigarette surcharge collected in FY 10-11 and FY 11-12 and deposited in the SC Medicaid Reserve Fund. Direct the Department of Health and Human Services to use these funds for the Medicaid Program's maintenance of effort. Require residual funds from the surcharge to remain in the fund and authorize the director of the HHS to use the funds to ensure access to care. Authorize unexpended funds appropriated by this provision to be carried forward and used for the same purpose.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to require the department, within 90 days after the fiscal year begins, to develop methods and criteria to determine how access issues will be identified, assessed, and addressed. Require the Chairmen of the Senate Finance and House Ways and Means Committees to be notified 30 days before the funds may be used.
- 90.17**     **ADD** (ARRA) **WMC:** ADD new proviso to state that pursuant to the State Stabilization Fund Program established by Title IV of ARRA of 2009, \$501,948 of federal funds are authorized for appropriation and transferred to the School for the Deaf and the Blind and direct the Office of State Budget to increase the agency's federal fund authorization. Direct that these funds must be used in a manner consistent with the State Fiscal Stabilization Fund established by ARRA.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.
- 90.18**     **AMEND NEW PROVISO** (Nonrecurring Revenue) **WMC:** ADD new proviso to direct that the source of revenue in this provision is \$150,804,144 of non-recurring revenue transferred to the State Treasurer's Office as follows: \$71,000,600 from FY 09-10 Contingency Reserve Fund; \$68,803,544 from FY 10-11 BEA certified unobligated general fund revenue; \$1,000,000 from F03, B&C Board, Subfund 4154, Ordinary Sinking Fund; \$3,000,000 from F03, B&C Board, Subfund 3197, Motor Pool; and \$7,000,000 from R40, DMV earmarked or restricted accounts designated as "special revenue funds." Direct that these funds be available for use in FY 11-12 after the close of the state's books on FY 10-11 and that the transfers occur no later than 30 days after the close of the books. Direct that restrictions concerning use of these funds are lifted for FY 11-12. Direct the State Treasurer to disburse the following appropriations by 9-30-11: \$97,174,107 to SDE for EFA Base Student Cost; \$3,000,000 to SDE for Transportation; \$591,019 to CHE for SREB Dues; \$1,000,000 to State Bd. for Tec and Comp Ed for the CATT Program; \$45,553,657 to DHHS for Medicaid Maintenance of Effort; \$250,000 to Clemson University-PSA for Agency Operations; \$750,000 to S.C. Conservation Bank; and \$2,485,361 to B&C Board for SCEIS - Statewide Implementation. Authorize unexpended funds to be carried forward and used for the same purpose. Direct that excess FY 10-11 general fund revenue be transferred to the S.C. Medicaid Reserve Fund. Authorize DMV to suspend the license plate replacement interval until the funds transferred from the department are repaid or until the Plate Replacement Fee Fund has a sufficient balance to reinstitute license plate replacement. Direct that funds remaining in the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008 be used to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations. Direct that funds distributed to offset any

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shortfall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the PSC, and the access fees paid by the Atlantic Compact generators. Direct that these funds also be used to maintain access fees to the facility for FY 11-12 at the FY 09-10 level and also be used to pay Southern States Energy Board annual dues.

**HOU:** ADOPT new proviso.

**SFC:** AMEND new proviso to change the amount of revenue from “\$150,804,144” to “\$148,169,490.” Change the amount of unobligated general fund revenue certified by the BEA from “\$68,803,544” to “\$66,168,890.” Direct that the \$7 million from DMV shall only be transferred to the State Treasurer if the funds transferred from DMV by Proviso 90.10 of Act 291 of 2010 have been repaid pursuant to Proviso 90.9 of Act 291 of 2010. Change Medicaid Maintenance of Effort from “\$45,553,657” to “\$45,792,598” Add “\$611,766” for DPS Illegal Immigration. Provide a contingency directive for the appropriations in this provision to be reduced pro-rata if the identified amount of FY 10-11 unobligated general fund revenue is not realized and if the \$7 million is not transferred from DMV.

**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.

**90.20**     **AMEND NEW PROVISIO** (Prohibit Public Funded Lobbyists) **HOU:** ADD new proviso to direct the Office of State Budget to permanently reduce \$1,007,585 from the specified agency's allocations/authorizations in order to eliminate taxpayer funded lobbying: \$22,000 from Administrative Law Court; \$16,881 from The Citadel; \$45,480 from Clemson University; \$20,230 from Coastal Carolina University; \$70,833 from College of Charleston; \$37,708 from DHEC; \$124,654 from State Board for Tec & Comp Education; \$10,001 from Florence-Darlington Technical College; \$31,783 from Greenville Technical College; \$1,183 from Horry-Georgetown Technical College; \$55,545 from Tri-County Technical College; \$94,000 from Francis Marion University; \$59,164 from Judicial Department; \$118,949 from MUSC; \$17,157 from DNR; \$134,405 from State Ports Authority; \$19,290 from Prosecution Coordination Commission; \$34,654 from Public Service Commission; \$20,000 from S.C. State University; \$53,368 from USC; \$11,000 from USC-Upstate; and \$9,300 from Winthrop University. Sponsors: Reps. Cooper and Bingham.  
**SFC:** AMEND new proviso to direct the listed agencies to transfer a specific amount of funds to the General fund. Prohibit state agencies and institutions from using general funds to pay employees to lobby on their behalf. Direct the State Ethics Commission to require agencies and institutions who report lobbying activities to certify that the lobbying is not being paid for with general funds and prohibit state agencies and institutions from hiring private or contract lobbyists.

**90.21**     **ADD** (Nonrecurring Revenue - Increased Enforcement Collections) Directs the Department of Revenue to continue increased enforcement collections efforts as established in FY 2009-10. 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. Direct that funds received for this purpose be used to hire additional foreign auditors to conduct foreign audits of multi-national and international corporations and to hire office auditors to complete tape matches of completed and agreed upon federal audits. Directs that funds collected be deposited into a fund separate and distinct from the general fund within the State Treasurer's Office, except direct that motor fuel funds collected as a result of the enforced collection efforts be distributed in the same manner as other motor fuel tax revenues are currently distributed. Direct the department,

**SUMMARY OF PROVISIO CHANGES FOR FY 2011-12  
AS RECOMMENDED BY  
THE SENATE FINANCE COMMITTEE**

when it determines quarterly customary and usual enforced collections have been exceeded, to deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision. Direct the State Treasurer, for FY 11-12, to disburse specific amounts to identified agencies.