

**H4813 CONFERENCE COMMITTEE
SUMMARY OF PROVISO CHANGES FOR FY 2012-13
DIFFERENCES FOR DISCUSSION**

SECTION 1 - H63-DEPARTMENT OF EDUCATION

1.3 AMEND FURTHER (EFA Formula/Base Student Cost Inflation Factor) States the General Assembly's intent to fully implement the EFA including an inflation factor to match the inflation wages of public school employees in the southeast; states that for FY 11-12, the base student cost has been determined to be \$1,788; that the per pupil count is projected to be 690,111 and projects the average per pupil funding. Provides for the distribution of funds to the SC Public Charter School District.

WMC: AMEND proviso to update the projections for FY 12-13 as follows: base student cost, \$2,012; total pupil count, 693,431, average per pupil funding, \$4,981 state, \$1,278 federal, and \$5,511 local for an average total funding level of \$11,770 excluding local bond issues. Delete all estimated school district projections.

HOU: ADOPT proviso as amended.

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for one hundred percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be ~~\$1,788~~ \$2,012. In Fiscal Year ~~2011-12~~ 2012-13, the total pupil count is projected to be ~~690,111~~ 693,431. The average per pupil funding is projected to be ~~\$4,834~~ \$4,981 state, ~~\$1,215~~ \$1,278 federal, and ~~\$5,705~~ \$5,511 local. This is an average total funding level of ~~\$11,754~~ \$11,770 excluding revenues of local bond issues. For Fiscal Year ~~2011-12~~ 2012-13 the South Carolina Public Charter School District shall receive and distribute state EFA funds to the charter school as determined by one hundred percent of the current year's base student cost, as funded by the General Assembly multiplied by the weighted students pupils enrolled in the charter school, which must be subject to adjustment for student attendance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~In Fiscal Year 2011-12, the Berkeley School District total pupil count is projected to be 28,674. The per pupil funding is projected to be \$4,554 state, \$1,092 federal, and \$4,753 local. This is a total projected funding level of \$10,399 excluding revenues of local bond issues.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~In Fiscal Year 2011-12, the Greenwood School District 50 total pupil count is projected to be 8,735. The per pupil funding is projected to be \$4,922 state, \$1,073 federal, and \$6,042~~

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~~local. This is a total projected funding level of \$12,036 excluding revenues of local bond issues.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~In Fiscal Year 2011-12, the Orangeburg School District 4 total pupil count is projected to be 3,708. The per pupil funding is projected to be \$5,294 state, \$1,431 federal, and \$4,515 local. This is a total projected funding level of \$11,240 excluding revenues of local bond issues.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SFC: AMEND FURTHER to update each district's total pupil count and per pupil funding projections.

SEN: AMEND FURTHER to state that the individual school district information contained in this provision are projections for the current fiscal year and actual revenues will vary from the

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projections. Require the B&C Board, Office of Research and Statistics to post the school district projections in a prominent place on their website and as soon as the exact pupil count and average daily membership for each school district and per pupil state, federal, and local revenues, excluding local bond issues are determined, to also post those numbers. Require the department and the EOC provide links to this information on their websites. Sponsor: Senator Matthews.

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for one hundred percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be ~~\$1,788~~ \$2,012. In Fiscal Year ~~2011-12~~ 2012-13, the total pupil count is projected to be ~~690,114~~ 693,431. The average per pupil funding is projected to be ~~\$4,834~~ \$4,981 state, ~~\$1,215~~ \$1,278 federal, and ~~\$5,705~~ \$5,511 local. This is an average total funding level of ~~\$11,754~~ \$11,770 excluding revenues of local bond issues. For Fiscal Year ~~2011-12~~ 2012-13 the South Carolina Public Charter School District shall receive and distribute state EFA funds to the charter school as determined by one hundred percent of the current year's base student cost, as funded by the General Assembly multiplied by the weighted students pupils enrolled in the charter school, which must be subject to adjustment for student attendance.

The numbers listed in the following paragraphs for each individual school district regarding pupil count and funding are merely projections for the current fiscal year. Actual revenues will vary from the projections. The Budget and Control Board, Office of Research and Statistics, must post in a prominent place on their website for each school district these projections, including the per pupil state, federal and local revenues, excluding revenues of local bond issues, for the current fiscal year. Also, as soon as practicable, upon determining the exact numbers regarding pupil count and funding, the Budget and Control Board, Office of Research and Statistics, shall also post on their website the 135 -day average daily membership for each school district and per pupil state, federal and local revenues, excluding revenues of local bond issues, based on the most recent audited financial statement as reported annually pursuant to Section 59-17-100. The Department of Education and the Education Oversight Committee shall provide in a prominent place on their internet websites a link to the information posted by the Budget and Control Board, Office of Research and Statistics, including the projected numbers and the exact numbers.

In Fiscal Year ~~2011-12~~ 2012-13, the Abbeville School District total pupil count is projected to be ~~2,974~~ 3,041. The per pupil funding is projected to be ~~\$6,059~~ \$6,002 state, ~~\$1,354~~ \$1,421 federal, and ~~\$3,316~~ \$2,975 local. This is a total projected funding level of ~~\$10,729~~ \$10,398 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Aiken School District total pupil count is projected to be ~~23,658~~ 23,826. The per pupil funding is projected to be ~~\$4,499~~ \$4,499 state, ~~\$1,074~~ \$1,239 federal, and ~~\$3,713~~ \$3,391 local. This is a total projected funding level of ~~\$9,283~~ \$9,128 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Allendale School District total pupil count is projected to be ~~4,354~~ 4,445. The per pupil funding is projected to be ~~\$8,564~~ \$7,474 state, ~~\$2,464~~ \$2,160 federal, and ~~\$5,264~~ \$4,587 local. This is a total projected funding level of ~~\$16,286~~ \$14,222 excluding revenues of local bond issues.

In Fiscal Year, ~~2011-12~~ 2012-13 the Anderson School District 1 total pupil count is projected to be ~~8,933~~ 9,008. The per pupil funding is projected to be ~~\$4,637~~ \$4,794 state, ~~\$763~~ \$854 federal, and ~~\$3,362~~ \$3,321 local. This is a total projected funding level of ~~\$8,762~~ \$8,969 excluding revenues of local bond issues.

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In Fiscal Year ~~2011-12~~ 2012-13, the Anderson School District 2 total pupil count is projected to be ~~3,625~~ 3,658. The per pupil funding is projected to be ~~\$4,794~~ \$4,975 state, ~~\$1,168~~ \$1,248 federal, and ~~\$3,489~~ \$3,267 local. This is a total projected funding level of ~~\$9,448~~ \$9,490 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Anderson School District 3 total pupil count is projected to be ~~2,479~~ 2,540. The per pupil funding is projected to be ~~\$4,930~~ \$5,007 state, ~~\$1,290~~ \$1,304 federal, and ~~\$3,747~~ \$3,124 local. This is a total projected funding level of ~~\$9,967~~ \$9,436 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Anderson School District 4 total pupil count is projected to be ~~2,734~~ 2,774. The per pupil funding is projected to be ~~\$4,997~~ \$5,164 state, ~~\$1,186~~ \$1,399 federal, and ~~\$6,182~~ \$6,090 local. This is a total projected funding level of ~~\$12,366~~ \$12,653 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Anderson School District 5 total pupil count is projected to be ~~12,150~~ 12,098. The per pupil funding is projected to be ~~\$4,597~~ \$4,652 state, ~~\$1,413~~ \$1,196 federal, and ~~\$4,295~~ \$4,238 local. This is a total projected funding level of ~~\$10,305~~ \$10,086 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Bamberg School District 1 total pupil count is projected to be ~~1,410~~ 1,425. The per pupil funding is projected to be ~~\$6,040~~ \$6,064 state, ~~\$1,840~~ \$1,485 federal, and ~~\$3,420~~ \$3,576 local. This is a total projected funding level of ~~\$11,300~~ \$11,124 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Bamberg School District 2 total pupil count is projected to be ~~795~~ 764. The per pupil funding is projected to be ~~\$6,864~~ \$7,443 state, ~~\$2,085~~ \$2,551 federal, and ~~\$3,729~~ \$3,528 local. This is a total projected funding level of ~~\$12,678~~ \$13,522 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Barnwell School District 19 total pupil count is projected to be ~~818~~ 811. The per pupil funding is projected to be ~~\$5,843~~ \$4,927 state, ~~\$2,257~~ \$3,416 federal, and ~~\$4,680~~ \$3,728 local. This is a total projected funding level of ~~\$12,780~~ \$12,070 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Barnwell School District 29 total pupil count is projected to be ~~953~~ 972. The per pupil funding is projected to be ~~\$4,826~~ \$5,272 state, ~~\$1,281~~ \$1,805 federal, and ~~\$4,042~~ \$3,364 local. This is a total projected funding level of ~~\$10,149~~ \$10,441 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Barnwell School District 45 total pupil count is projected to be ~~2,375~~ 2,384. The per pupil funding is projected to be ~~\$5,551~~ \$5,097 state, ~~\$1,268~~ \$1,224 federal, and ~~\$3,434~~ \$3,248 local. This is a total projected funding level of ~~\$10,253~~ \$9,569 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Beaufort School District total pupil count is projected to be ~~18,817~~ 19,028. The per pupil funding is projected to be ~~\$3,621~~ \$4,294 state, ~~\$1,138~~ \$1,276 federal, and ~~\$11,656~~ 10,395 local. This is a total projected funding level of ~~\$16,415~~ 15,965 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Berkeley School District total pupil count is projected to be ~~28,674~~ 28,455. The per pupil funding is projected to be ~~\$4,554~~ \$4,936 state, ~~\$1,092~~ \$1,138 federal, and ~~\$4,753~~ \$4,966 local. This is a total projected funding level of ~~\$10,399~~ \$11,039 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Calhoun School District total pupil count is projected to be ~~1,649~~ 1,654. The per pupil funding is projected to be ~~\$5,903~~ \$5,901 state, ~~\$1,646~~ \$1,668 federal, and ~~\$6,810~~ \$5,694 local. This is a total projected funding level of ~~\$14,359~~ \$13,262 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Charleston School District total pupil count is projected to be ~~43,088~~ 42,134. The per pupil funding is projected to be ~~\$3,326~~ \$3,522 state,

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~~\$1,169~~ \$1,410 federal, and ~~\$9,283~~ \$8,982 local. This is a total projected funding level of ~~\$13,778~~ \$13,914 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Cherokee School District total pupil count is projected to be ~~8,498~~ 8,738. The per pupil funding is projected to be ~~\$4,878~~ \$4,959 state, ~~\$1,606~~ \$1,422 federal, and ~~\$4,844~~ \$4,159 local. This is a total projected funding level of ~~\$11,328~~ \$10,540 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Chester School District total pupil count is projected to be ~~5,182~~ 5,355. The per pupil funding is projected to be ~~\$5,273~~ \$5,001 state, ~~\$1,315~~ \$1,395 federal, and ~~\$4,051~~ \$3,639 local. This is a total projected funding level of ~~\$10,639~~ \$10,035 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Chesterfield School District total pupil count is projected to be ~~7,372~~ 7,504. The per pupil funding is projected to be ~~\$5,137~~ \$5,027 state, ~~\$1,316~~ \$1,516 federal, and ~~\$3,673~~ \$3,691 local. This is a total projected funding level of ~~\$10,126~~ \$10,234 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Clarendon School District 1 total pupil count is projected to be ~~863~~ 867. The per pupil funding is projected to be ~~\$5,699~~ \$4,919 state, ~~\$2,878~~ \$3,407 federal, and ~~\$5,862~~ \$6,479 local. This is a total projected funding level of ~~\$14,438~~ \$14,806 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Clarendon School District 2 total pupil count is projected to be ~~2,911~~ 2,970. The per pupil funding is projected to be ~~\$4,570~~ \$4,565 state, ~~\$1,829~~ \$1,942 federal, and ~~\$2,848~~ \$2,817 local. This is a total projected funding level of ~~\$9,247~~ \$9,324 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Clarendon School District 3 total pupil count is projected to be ~~1,193~~ 1,199. The per pupil funding is projected to be ~~\$5,369~~ \$5,252 state, ~~\$1,038~~ \$1,282 federal, and ~~\$2,894~~ \$2,667 local. This is a total projected funding level of ~~\$9,301~~ \$9,201 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Colleton School District total pupil count is projected to be ~~5,733~~ 5,923. The per pupil funding is projected to be ~~\$4,663~~ \$4,492 state, ~~\$2,070~~ \$2,019 federal, and ~~\$6,363~~ \$5,464 local. This is a total projected funding level of ~~\$13,096~~ \$11,974 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Darlington School District total pupil count is projected to be ~~10,153~~ 10,466. The per pupil funding is projected to be ~~\$5,240~~ \$4,684 state, ~~\$1,633~~ \$1,697 federal, and ~~\$4,995~~ \$4,791 local. This is a total projected funding level of ~~\$11,868~~ \$11,172 excluding revenues of local bond issues.

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

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

In Fiscal Year ~~2011-12~~ 2012-13, the Dillon School District 3 total pupil count is projected to be ~~1,527~~ 1,575. The per pupil funding is projected to be ~~\$4,753~~ \$5,003 state, ~~\$1,537~~ \$2,158 federal, and ~~\$2,168~~ \$1,719 local. This is a total projected funding level of ~~\$8,459~~ \$8,880 excluding revenues of local bond issues.

In Fiscal Year 2012-13, the Dillon School District 4 total pupil count is projected to be 4,216. The per pupil funding is projected to be \$4,553 state, \$2,450 federal, and \$1,603 local. This is a total projected funding level of \$8,607 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Dorchester School District 2 total pupil count is projected to be ~~22,783~~ 22,448. The per pupil funding is projected to be ~~\$4,942~~ \$5,180 state, ~~\$722~~

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\$825 federal, and ~~\$2,967~~ \$3,377 local. This is a total projected funding level of ~~\$8,631~~ \$9,382 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Dorchester School District 4 total pupil count is projected to be ~~2,057~~ 2,098. The per pupil funding is projected to be ~~\$5,521~~ \$5,360 state, ~~\$2,157~~ \$2,188 federal, and ~~\$7,355~~ \$7,474 local. This is a total projected funding level of ~~\$15,033~~ \$15,023 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Edgefield School District total pupil count is projected to be ~~3,921~~ 3,828. The per pupil funding is projected to be ~~\$5,181~~ \$5,491 state, ~~\$1,302~~ \$1,554 federal, and ~~\$4,375~~ \$4,335 local. This is a total projected funding level of ~~\$10,858~~ \$11,380 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Fairfield School District total pupil count is projected to be ~~2,852~~ 2,899. The per pupil funding is projected to be ~~\$5,424~~ \$5,228 state, ~~\$1,768~~ \$1,708 federal, and ~~\$7,970~~ \$7,930 local. This is a total projected funding level of ~~\$15,162~~ \$14,866 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Florence School District 1 total pupil count is projected to be ~~15,460~~ 15,402. The per pupil funding is projected to be ~~\$5,002~~ \$5,494 state, ~~\$1,271~~ \$1,570 federal, and ~~\$3,734~~ \$4,409 local. This is a total projected funding level of ~~\$10,007~~ \$11,473 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Florence School District 2 total pupil count is projected to be ~~1,121~~ 1,178. The per pupil funding is projected to be ~~\$5,380~~ \$5,475 state, ~~\$1,284~~ \$1,156 federal, and ~~\$3,442~~ \$3,199 local. This is a total projected funding level of ~~\$10,106~~ \$9,830 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Florence School District 3 total pupil count is projected to be ~~3,243~~ 3,420. The per pupil funding is projected to be ~~\$5,932~~ \$5,447 state, ~~\$3,251~~ \$2,961 federal, and ~~\$2,390~~ \$2,097 local. This is a total projected funding level of ~~\$11,574~~ \$10,505 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Florence School District 4 total pupil count is projected to be ~~738~~ 758. The per pupil funding is projected to be ~~\$6,721~~ \$5,086 state, ~~\$2,589~~ \$2,387 federal, and ~~\$4,569~~ \$4,379 local. This is a total projected funding level of ~~\$13,879~~ \$11,853 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Florence School District 5 total pupil count is projected to be ~~1,386~~ 1,430. The per pupil funding is projected to be ~~\$5,264~~ \$5,303 state, ~~\$1,129~~ \$1,142 federal, and ~~\$4,020~~ \$4,092 local. This is a total projected funding level of ~~\$10,413~~ \$10,537 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Georgetown School District total pupil count is projected to be ~~9,335~~ 9,498. The per pupil funding is projected to be ~~\$3,735~~ \$3,783 state, ~~\$1,298~~ \$1,373 federal, and ~~\$7,241~~ \$7,001 local. This is a total projected funding level of ~~\$12,273~~ \$12,156 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Greenville School District total pupil count is projected to be ~~70,978~~ 70,527. The per pupil funding is projected to be ~~\$4,575~~ \$4,592 state, ~~\$1,114~~ \$1,019 federal, and ~~\$4,739~~ \$4,292 local. This is a total projected funding level of ~~\$10,429~~ \$9,903 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Greenwood School District 50 total pupil count is projected to be ~~8,735~~ 8,807. The per pupil funding is projected to be ~~\$4,922~~ \$5,016 state, ~~\$1,073~~ \$1,179 federal, and ~~\$6,042~~ \$4,692 local. This is a total projected funding level of ~~\$12,036~~ \$10,887 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Greenwood School District 51 total pupil count is projected to be ~~884~~ 994. The per pupil funding is projected to be ~~\$6,262~~ \$5,870 state, ~~\$1,472~~ \$1,409 federal, and ~~\$3,866~~ \$3,243 local. This is a total projected funding level of ~~\$11,600~~ \$10,523 excluding revenues of local bond issues.

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In Fiscal Year ~~2011-12~~ 2012-13, the Greenwood School District 52 total pupil count is projected to be ~~1,540~~ 1,567. The per pupil funding is projected to be ~~\$4,015~~ \$5,771 state, ~~\$605~~ \$555 federal, and ~~\$6,229~~ \$6,604 local. This is a total projected funding level of ~~\$10,849~~ \$12,930 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Hampton School District 1 total pupil count is projected to be ~~2,392~~ 2,457. The per pupil funding is projected to be ~~\$6,027~~ \$6,107 state, ~~\$1,576~~ \$1,792 federal, and ~~\$3,304~~ \$2,628 local. This is a total projected funding level of ~~\$10,907~~ \$10,527 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Hampton School District 2 total pupil count is projected to be ~~935~~ 1,004. The per pupil funding is projected to be ~~\$7,615~~ \$6,951 state, ~~\$2,706~~ \$2,951 federal, and ~~\$4,633~~ \$4,671 local. This is a total projected funding level of ~~\$14,954~~ \$14,572 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Horry School District total pupil count is projected to be ~~37,987~~ 37,295. The per pupil funding is projected to be ~~\$3,567~~ \$3,523 state, ~~\$1,191~~ \$1,267 federal, and ~~\$9,073~~ \$10,008 local. This is a total projected funding level of ~~\$13,831~~ \$14,798 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Jasper School District total pupil count is projected to be ~~2,968~~ 3,084. The per pupil funding is projected to be ~~\$5,224~~ \$5,100 state, ~~\$1,891~~ \$1,668 federal, and ~~\$5,114~~ \$5,888 local. This is a total projected funding level of ~~\$12,228~~ \$12,656 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Kershaw School District total pupil count is projected to be ~~10,182~~ 10,223. The per pupil funding is projected to be ~~\$4,325~~ \$5,269 state, ~~\$1,109~~ \$1,016 federal, and ~~\$5,562~~ \$4,547 local. This is a total projected funding level of ~~\$10,995~~ \$10,832 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Lancaster School District total pupil count is projected to be ~~11,360~~ 11,471. The per pupil funding is projected to be ~~\$4,742~~ \$4,822 state, ~~\$1,514~~ \$1,686 federal, and ~~\$4,067~~ \$3,757 local. This is a total projected funding level of ~~\$10,322~~ \$10,265 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Laurens School District 55 total pupil count is projected to be ~~5,467~~ 5,557. The per pupil funding is projected to be ~~\$4,949~~ \$5,214 state, ~~\$1,319~~ \$1,650 federal, and ~~\$3,204~~ \$2,888 local. This is a total projected funding level of ~~\$9,473~~ \$9,752 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Laurens School District 56 total pupil count is projected to be ~~2,814~~ 2,943. The per pupil funding is projected to be ~~\$5,600~~ \$5,459 state, ~~\$2,552~~ \$2,620 federal, and ~~\$4,618~~ \$3,868 local. This is a total projected funding level of ~~\$12,770~~ \$11,947 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Lee School District total pupil count is projected to be ~~2,031~~ 2,243. The per pupil funding is projected to be ~~\$8,924~~ \$7,775 state, ~~\$2,604~~ \$2,159 federal, and ~~\$3,838~~ \$3,184 local. This is a total projected funding level of ~~\$15,366~~ \$13,119 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Lexington School District 1 total pupil count is projected to be ~~22,433~~ 22,284. The per pupil funding is projected to be ~~\$5,747~~ \$6,246 state, ~~\$620~~ \$704 federal, and ~~\$5,454~~ \$4,765 local. This is a total projected funding level of ~~\$11,820~~ \$11,716 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Lexington School District 2 total pupil count is projected to be ~~8,441~~ 8,604. The per pupil funding is projected to be ~~\$4,731~~ \$4,741 state, ~~\$1,149~~ \$1,306 federal, and ~~\$4,477~~ \$4,332 local. This is a total projected funding level of ~~\$10,357~~ \$10,379 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Lexington School District 3 total pupil count is projected to be ~~1,936~~ 1,922. The per pupil funding is projected to be ~~\$5,853~~ \$5,988 state,

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~~\$1,255~~ \$1,216 federal, and ~~\$5,444~~ \$5,312 local. This is a total projected funding level of ~~\$12,552~~ \$12,515 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Lexington School District 4 total pupil count is projected to be ~~3,218~~ 3,188. The per pupil funding is projected to be ~~\$5,757~~ \$5,692 state, ~~\$1,680~~ \$1,715 federal, and ~~\$4,020~~ \$3,701 local. This is a total projected funding level of ~~\$11,458~~ \$11,108 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Lexington School District 5 total pupil count is projected to be ~~16,348~~ 16,502. The per pupil funding is projected to be ~~\$6,198~~ \$6,842 state, ~~\$728~~ \$730 federal, and ~~\$5,778~~ \$5,677 local. This is a total projected funding level of ~~\$12,703~~ \$13,249 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Marion School District 1 total pupil count is projected to be ~~2,659~~ 2,712. The per pupil funding is projected to be ~~\$4,881~~ \$4,830 state, ~~\$1,558~~ \$1,728 federal, and ~~\$2,650~~ \$2,369 local. This is a total projected funding level of ~~\$9,089~~ \$8,927 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Marion School District 2 total pupil count is projected to be ~~1,764~~ 1,760. The per pupil funding is projected to be ~~\$5,474~~ \$4,930 state, ~~\$2,269~~ \$2,356 federal, and ~~\$2,667~~ \$2,178 local. This is a total projected funding level of ~~\$10,410~~ \$9,464 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Marion School District 7 total pupil count is projected to be ~~599~~ 641. The per pupil funding is projected to be ~~\$7,598~~ \$6,819 state, ~~\$4,130~~ \$4,021 federal, and ~~\$2,920~~ \$2,608 local. This is a total projected funding level of ~~\$14,648~~ \$13,448 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Marlboro School District total pupil count is projected to be ~~4,098~~ 4,246. The per pupil funding is projected to be ~~\$5,445~~ \$5,247 state, ~~\$2,587~~ \$2,251 federal, and ~~\$3,850~~ \$2,890 local. This is a total projected funding level of ~~\$11,881~~ \$10,389 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the McCormick School District total pupil count is projected to be ~~741~~ 802. The per pupil funding is projected to be ~~\$8,698~~ \$8,447 state, ~~\$2,678~~ \$1,985 federal, and ~~\$8,935~~ \$6,772 local. This is a total projected funding level of ~~\$20,310~~ \$17,204 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Newberry School District total pupil count is projected to be ~~5,560~~ 5,643. The per pupil funding is projected to be ~~\$5,402~~ \$5,589 state, ~~\$1,658~~ \$1,537 federal, and ~~\$5,339~~ \$5,473 local. This is a total projected funding level of ~~\$12,399~~ \$12,599 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Oconee School District total pupil count is projected to be ~~10,158~~ 10,357. The per pupil funding is projected to be ~~\$4,281~~ \$4,512 state, ~~\$1,079~~ \$1,124 federal, and ~~\$7,019~~ \$7,281 local. This is a total projected funding level of ~~\$12,379~~ \$12,917 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Orangeburg School District 3 total pupil count is projected to be ~~2,813~~ 2,889. The per pupil funding is projected to be ~~\$5,229~~ \$5,016 state, ~~\$1,852~~ \$2,126 federal, and ~~\$6,036~~ \$5,850 local. This is a total projected funding level of ~~\$13,117~~ \$12,993 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Orangeburg School District 4 total pupil count is projected to be ~~3,708~~ 3,804. The per pupil funding is projected to be ~~\$5,294~~ \$4,823 state, ~~\$1,431~~ \$1,470 federal, and ~~\$4,515~~ \$4,141 local. This is a total projected funding level of ~~\$11,240~~ \$10,434 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Orangeburg School District 5 total pupil count is projected to be ~~6,238~~ 6,345. The per pupil funding is projected to be ~~\$5,426~~ \$5,430 state, ~~\$1,947~~ \$2,319 federal, and ~~\$5,480~~ \$5,479 local. This is a total projected funding level of ~~\$12,853~~ \$13,228 excluding revenues of local bond issues.

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In Fiscal Year ~~2011-12~~ 2012-13, the Pickens School District total pupil count is projected to be ~~15,778~~ 16,023. The per pupil funding is projected to be ~~\$4,678~~ \$4,749 state, ~~\$917~~ \$1,164 federal, and ~~\$6,393~~ \$5,819 local. This is a total projected funding level of ~~\$11,987~~ \$11,733 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Richland School District 1 total pupil count is projected to be ~~22,883~~ 23,130. The per pupil funding is projected to be ~~\$4,343~~ \$4,256 state, ~~\$1,730~~ \$1,501 federal, and ~~\$11,113~~ \$11,335 local. This is a total projected funding level of ~~\$17,186~~ \$17,091 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Richland School District 2 total pupil count is projected to be ~~26,013~~ 25,558. The per pupil funding is projected to be ~~\$5,898~~ \$6,324 state, ~~\$658~~ \$812 federal, and ~~\$5,469~~ \$6,698 local. This is a total projected funding level of ~~\$12,025~~ \$13,834 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Saluda School District total pupil count is projected to be ~~2,060~~ 2,075. The per pupil funding is projected to be ~~\$4,963~~ \$4,889 state, ~~\$1,060~~ \$1,555 federal, and ~~\$2,925~~ \$2,795 local. This is a total projected funding level of ~~\$8,948~~ \$9,239 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Spartanburg School District 1 total pupil count is projected to be ~~4,794~~ 4,889. The per pupil funding is projected to be ~~\$6,191~~ \$6,518 state, ~~\$979~~ \$1,135 federal, and ~~\$4,515~~ \$4,159 local. This is a total projected funding level of ~~\$11,685~~ \$11,813 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Spartanburg School District 2 total pupil count is projected to be 9,695. The per pupil funding is projected to be ~~\$5,276~~ \$5,636 state, ~~\$851~~ \$887 federal, and ~~\$3,392~~ \$3,326 local. This is a total projected funding level of ~~\$9,519~~ \$9,850 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Spartanburg School District 3 total pupil count is projected to be ~~2,863~~ 2,902. The per pupil funding is projected to be ~~\$5,019~~ \$5,124 state, ~~\$950~~ \$919 federal, and ~~\$4,987~~ \$4,637 local. This is a total projected funding level of ~~\$10,955~~ \$10,680 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Spartanburg School District 4 total pupil count is projected to be ~~2,733~~ 2,804. The per pupil funding is projected to be ~~\$4,991~~ \$4,960 state, ~~\$851~~ \$925 federal, and ~~\$2,743~~ \$2,750 local. This is a total projected funding level of ~~\$8,585~~ \$8,635 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Spartanburg School District 5 total pupil count is projected to be ~~7,316~~ 7,383. The per pupil funding is projected to be ~~\$5,304~~ \$6,553 state, ~~\$851~~ \$798 federal, and ~~\$5,832~~ \$5,603 local. This is a total projected funding level of ~~\$11,988~~ \$12,954 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Spartanburg School District 6 total pupil count is projected to be ~~10,244~~ 10,235. The per pupil funding is projected to be ~~\$4,772~~ \$4,869 state, ~~\$918~~ \$1,019 federal, and ~~\$4,558~~ \$4,568 local. This is a total projected funding level of ~~\$10,248~~ \$10,455 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Spartanburg School District 7 total pupil count is projected to be ~~6,714~~ 6,926. The per pupil funding is projected to be ~~\$6,002~~ \$5,571 state, ~~\$2,417~~ \$1,836 federal, and ~~\$6,144~~ \$5,353 local. This is a total projected funding level of ~~\$14,563~~ \$12,760 excluding revenues of local bond issues.

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

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

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In Fiscal Year 2012-13, the Sumter School District total pupil count is projected to be 16,397. The per pupil funding is projected to be \$4,843 state, \$1,770 federal, and \$3,185 local. This is a total projected funding level of \$9,797 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Union School District total pupil count is projected to be ~~4,145~~ 4,274. The per pupil funding is projected to be ~~\$5,773~~ \$5,643 state, ~~\$1,314~~ \$1,125 federal, and ~~\$2,852~~ \$2,272 local. This is a total projected funding level of ~~\$9,939~~ \$9,040 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the Williamsburg School District total pupil count is projected to be ~~4,463~~ 4,796. The per pupil funding is projected to be ~~\$5,919~~ \$6,579 state, ~~\$2,516~~ \$2,131 federal, and ~~\$4,180~~ \$3,876 local. This is a total projected funding level of ~~\$12,615~~ \$12,586 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the York School District 1 total pupil count is projected to be ~~4,885~~ 5,009. The per pupil funding is projected to be ~~\$5,457~~ \$5,436 state, ~~\$1,261~~ \$1,394 federal, and ~~\$8,325~~ \$4,881 local. This is a total projected funding level of ~~\$15,043~~ \$11,711 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the York School District 2 total pupil count is projected to be ~~6,218~~ 6,336. The per pupil funding is projected to be ~~\$4,780~~ \$5,231 state, ~~\$591~~ \$679 federal, and ~~\$8,517~~ \$8,847 local. This is a total projected funding level of ~~\$13,888~~ \$14,758 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the York School District 3 total pupil count is projected to be ~~16,481~~ 16,985. The per pupil funding is projected to be ~~\$5,788~~ \$5,663 state, ~~\$983~~ \$983 federal, and ~~\$6,035~~ \$4,440 local. This is a total projected funding level of ~~\$12,806~~ \$11,085 excluding revenues of local bond issues.

In Fiscal Year ~~2011-12~~ 2012-13, the York School District 4 total pupil count is projected to be ~~10,589~~ 10,351. The per pupil funding is projected to be ~~\$5,580~~ \$6,262 state, ~~\$458~~ \$486 federal, and ~~\$5,686~~ \$6,249 local. This is a total projected funding level of ~~\$11,724~~ \$12,997 excluding revenues of local bond issues.

- 1.19 REINSERT / AMEND** (Defined Program Personnel Requirements) Establishes public school district guidelines for filling administrative positions which require State Board of Education certification.

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

HOU: ADOPT deletion of proviso.

~~1.19. (SDE: Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and/or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.~~

SFC: REINSERT proviso and AMEND to allow administrative positions to be filled by a person receiving a W-2 from the hiring school district or for a charter school to hire a person employed by an entity under contract with the school district. Direct that if a charter school fills the position with a person who does not receive a W-2 from the hiring school district that

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individual's total compensation shall not exceed the salary of the highest paid person in a similar position at a school district that is the same or lesser size as the charter school. Direct that if total compensation exceeds that amount the school's EFA and/or EIA allocations shall be reduced by the amount the compensation was exceeded. Delete the penalty assessed if a corporation, partnership, or other entity is hired to fill administrative positions. Delete the exemptions for temporary instructional positions. *Companion to EIA proviso 1A.14.*

SEN: ADOPT proviso as amended.

1.19. (SDE: Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may ~~only~~ be filled either by individuals *an individual* receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district, or in the case of a charter school authorized under title 59, Chapter 49, an individual employed by an entity under contract with the school district may fill such a position. However, if such a position in a charter school is filled by an individual that does not receive a W-2 from the hiring school district, the total compensation for the individual shall not exceed the total compensation of the highest paid individual in a similar position at a school district of the same or lesser size of the charter school in the state of South Carolina. If such total compensation does exceed that amount, the school's EFA and/or EIA allocation shall be reduced by the amount which such compensation exceeds that amount specified in the previous sentence. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. ~~Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.~~

1.24 **DELETE / RULED OUT OF ORDER** (Basic Skill Exam) Allows the Basic skills Examination to re-taken in whole or om-part. Allows an exemption of the exam with certain SAT/ACT scores.

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

1.24. (SDE: Basic Skill Exam) ~~Any person seeking candidacy in an undergraduate teacher education program is required to take and pass the teacher candidate basic skill examination pursuant to Sections 59-26-20 and 59-26-40. Any person who fails to achieve a passing score on all sections shall be allowed to retake the test or a portion thereof. All sections of the teacher candidate basic skill examination must be passed before any person is formally admitted into any undergraduate teacher preparation program in South Carolina. However, any person having attained 1650 or better on the SAT or a comparable ACT score shall be exempt from this requirement.~~

1.27 **RESTORE ORIGINAL PROVISO** (School Bus Purchase) Requires certain specifications be met when purchasing school buses.

WMC: AMEND proviso to delete the authorization to use Georgia or North Carolina's school bus specification and instead authorize "any state's education agency or local education agency's" school bus specifications to be used. *This could reduce the time required to complete a school bus procurement cycle.* Fiscal Impact: No impact on the General Fund, however the department indicates there could be potential savings associated with procurement contracts. Requested by Department of Education.

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HOU: ADOPT proviso as amended.

1.27. (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of ~~Georgia or North Carolina~~ any state's education agency or local education agency in the procurement of school buses.

SFC: RESTORE original proviso.

SEN: ADOPT original proviso.

1.27. (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus specifications of Georgia or North Carolina in the procurement of school buses.

1.33 **DELETE / RULED OUT OF ORDER** (Sale of School District Property) Provides for the sale or lease of school district property.

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

~~**1.33.** (SDE: Sale of School District Property) Notwithstanding Section 59-19-250 of the 1976 Code, during the current fiscal year, school trustees of a school district which do not currently have the authority to do so, may sell or lease school property, real or personal, in their school district whenever they deem it expedient to do so and apply the proceeds of the sale or lease to the school fund of the district.~~

1.38 **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.

WMC: AMEND proviso to specify that "funds allocated specifically for state level maintenance of effort requirement for federal programs" may not be transferred and prohibit programs that serve students with exceptional needs from being suspended. Change from "70%" to "75%" the percentage of the school district's per pupil expenditures that must be used within specific InSite categories in order for school districts to have the ability to use the flexibility provisions. Encourage school districts to restructure administrative staffing in order to reduce expenditures. Delete the requirement that writing assessments in grades 3, 4, 6, and 7 be suspended and delete the option to suspend textbook purchases. Direct that savings generated from suspending assessments must be allocated based on "weighted pupil units" rather than on the EFA formula. Direct that the school district transaction register must not include information on individual employees that earn less than \$50,000 annually. Delete the directive that the Comptroller General distribute a methodology and resources for compliance with the transaction register requirement.

HOU: ADOPT proviso as amended. *Companion to EIA proviso 1A.21*

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

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

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

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

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

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

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

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

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

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

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

The register must not include an entry for salary, wages, or other compensation paid to individual employees *earning less than \$50,000 annually*. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

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

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

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

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

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

SFC: AMEND FURTHER to delete the directive that the school district transaction register must not include information on individual employees that earn less than \$50,000 annually.

SEN: AMEND FURTHER to change from "seventy" to "seventy-five" the percent that may be used for business services, debt service, capital outlay, program management, and leadership services as defined by In\$ite. Sponsor: Sen. Hayes.

1.38. (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated specifically for state level maintenance of effort requirements under IDEA, *funds allocated specifically for state level maintenance of effort requirement for federal program*, required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional

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staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs *and programs serving students with exceptional needs*.

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

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

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

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

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

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

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

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

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

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

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

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

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

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

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

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

1.43 RESTORE ORIGINAL PROVISO (School District Furlough) Authorizes and provides guidelines for school districts to institute an employee furlough program

WMC: AMEND proviso to specify that school districts may initiate the furlough if there is a midyear reduction in state funding to school districts. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

1.43. (SDE: School District Furlough) *Should there be a midyear reduction in state funding to the districts,* ~~School~~ *school* districts may institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The local school district board of trustees may implement a furlough of personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, instructional personnel may be furloughed for up to five non-instructional days if not prohibited by an applicable employment contract with the district and provided district administrators are furloughed for twice the number of days. District administrators may only be furloughed on non-instructional days and may not be furloughed for a period exceeding ten days. District

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administrators shall be defined by the Department of Education using the Professional Certified Staff (PCS) System. For individuals not coded in PCS, the determination shall be made based upon whether the individual performs the functions outlined in position codes identified by the department as administration. Educators who would have received a year's experience credit had a furlough not been implemented, shall not have their experience credit negatively impacted because of a furlough implementation.

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

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

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

SFC: RESTORE original proviso.

SEN: ADOPT original proviso.

1.43. (SDE: School District Furlough) School districts may institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

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

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

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

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

1.60 RESTORE ORIGINAL PROVISO (Charter School Funding Schedule) Establishes a funding schedule for the distribution of funds to public charter schools.

WMC: AMEND proviso to change the timeframe by which funds must be released to districts after enrollment is verified from "fifteen" to "ten" days and the time frame by which districts must provide the funds to eligible charter schools from "thirty" to "ten" days after they receive the funds from the department. *Increases the timeliness of payments to public charter schools.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

HOU: ADOPT proviso as amended.

1.60. (SDE: Charter School Funding Schedule) Of the funds appropriated, districts with charter schools will receive funds after verification of student attendance on the fifth day of school at the beginning of each school year for those charter schools with approved incremental growth and due to expansion as provided in their charter application for new charter schools opening in the current fiscal year. The Department of Education will release funds to districts on behalf of their charter schools no later than ~~fifteen~~ *ten* days after receipt of verified enrollment. Districts must provide this funding to eligible charters no later than ~~thirty~~ *ten* days after receipt from the Department of Education. Funding will be adjusted at the forty-five-day school count as is currently the case with the Education Finance Act.

SFC: RESTORE original proviso. *Reinserts original 15 and 30 day timeframe to conform to H.3241.*

SEN: ADOPT original proviso.

1.60. (SDE: Charter School Funding Schedule) Of the funds appropriated, districts with charter schools will receive funds after verification of student attendance on the fifth day of school at the beginning of each school year for those charter schools with approved incremental growth and due to expansion as provided in their charter application for new charter schools opening in the current fiscal year. The Department of Education will release funds to districts on behalf of their charter schools no later than fifteen days after receipt of verified enrollment. Districts must provide this funding to eligible charters no later than thirty days after receipt from the Department of Education. Funding will be adjusted at the forty-five-day school count as is currently the case with the Education Finance Act.

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1.68 AMEND FURTHER (Administrative Costs Report Posting) Requires school districts to report and post their administrative costs on their website.

WMC: AMEND proviso to specify that the administrative costs to be reported are those as defined by In\$ight in the prior fiscal year. Require districts to provide an electronic copy of the report to the Department of Education in conjunction with the financial audit reports they are required to submit to the department. Authorize the department to withhold a school district's EFA funds if the district is determined to be non-compliant. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

1.68. (SDE: Administrative Costs Report Posting) School districts must report the amount of funds spent on administrative costs, *as defined by In\$ight in the prior fiscal year* and post the report on the districts website. *School districts shall provide an electronic copy of this report to the Department of Education in conjunction with the financial audit report required by Section 59-17-100, of the 1976 Code. The department is authorized to withhold EFA funds from a school district determined to be non-compliant with these requirements.*

SFC: AMEND FURTHER to direct that if a district does not fully meet these requirements, the department must notify the district in writing that they have 60 days to comply with the reporting requirement otherwise the department may reduce the district's base student cost by 1% until the requirement is met, after which the funds will be returned to the district.

SEN: ADOPT proviso as amended.

1.68. (SDE: Administrative Costs Report Posting) School districts must report the amount of funds spent on administrative costs, *as defined by In\$ight in the prior fiscal year* and post the report on the districts website. *School districts shall provide an electronic copy of this report to the Department of Education in conjunction with the financial audit report required by Section 59-17-100, of the 1976 Code. If a district fails to meet these requirements they must be notified in writing by the department that the district has 60 days to comply with the reporting requirement. If the district does not report within 60 days, the department is authorized to reduce the district's base student cost by one percent until such time as the requirement is met. Once in compliance, any funds withheld will be returned to the district.*

1.80 REINSERT (Education Foundation Supplement) Directs 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 using certain criteria.

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

HOU: ADOPT deletion of proviso.

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

SFC: REINSERT original proviso.

SEN: ADOPT original proviso.

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

- 1.87** **DELETE NEW PROVISO** (District Salary Increases) **HOU:** ADD new proviso to direct all school districts, to the extent possible, to provide salary increases of up to 2% to school level staff and administration that are not paid on the statewide teacher salary schedule, and provide the local school board the discretion to provide increases for district level administration. Allow the school district to apply to the State Board of Education for a waiver from providing salary increases if the district believes it cannot provide the increases without incurring a deficit. Require the state board report to the Chairmen of the Senate Finance and House Ways and Means Committees on the districts which requested a waiver and on the waivers that were granted. Sponsors: Reps. Bingham, Ott, Allison, Anthony, and Cobb-Hunter.

1.87. (SDE: District Salary Increases) For Fiscal Year 2012-13 all school districts of the state, to the extent possible, are directed to provide salary increases to school level staff and administration, not paid on the statewide teacher salary schedule, of up to two percent. Increases to district level administration may be done at the discretion of the local school board.

If a school district believes it will be unable to provide all or a portion of the two percent teacher salary increases in Fiscal Year 2012-2013 without incurring a deficit, it may apply to the State Board of Education for a waiver from the requirements of this section relating to these increases for all or that portion of the increases it is unable to provide.

Upon approval of the waiver requirement by the state board, the district is exempt from providing those increases for Fiscal Year 2012-2013. The state board shall report to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee by September 1, 2012, regarding those districts which requested a waiver and the waivers that were granted to particular districts.

SFC: DELETE new proviso

SEN: ADOPT deletion of new proviso.

1.87. (SDE: District Salary Increases) DELETED

- 1.88** **DELETE NEW PROVISO** (Teacher Salary Increases) **HOU:** ADD new proviso to allow a local school district board of trustees to determine that all district teachers may be paid based on the step there were paid in the prior fiscal year, without their experience credit suffering a negative impact. Require the board of trustees' decision to be voted on in a public meeting. Teacher salaries may either be increased by 2% or the step may be provided, unless a waiver is granted. Direct the department to increase the 2008-09 teacher salary schedule by 2%. Allow the school district to apply to the State Board of Education for a waiver from providing salary increases if the district believes it cannot provide the increases without incurring a deficit. Require the state board report to the Chairmen of the Senate Finance and House Ways and

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Means Committees on the districts which requested a waiver and on the waivers that were granted. Sponsors: Reps. Bingham, Ott, Allison, Anthony, and Cobb-Hunter.

HOU2: DELETE new proviso. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

1.88. (SDE: Teacher Salary Increases) DELETED

SFC: AMEND new proviso to delete previous version and instead direct that teacher salaries must be increased by at least 2% and that each school district will receive funds for this purpose based on their proportionate share of the EFA. Require this provision be applied uniformly for all teachers within the school district.

SEN: AMEND FURTHER to direct that school districts will receive these funds in the same manner as Teacher Salaries Supplement funds are distributed. Sponsor: Sen. Hayes.

1.88. (SDE: Teacher Salary Support - State Share) Teacher salaries from the previous year must be increased by at least two percent utilizing funds appropriated for Fiscal Year 2012-13, including funds for Teacher Salary Support - State Share. Each school district shall receive funds in the same manner as Teacher Salaries Supplement funds are distributed. Application of this provision must be applied uniformly for all teachers within the school district.

- 1.89 DELETE NEW PROVISO (School Meals) HOU:** ADD new proviso to prohibit state funds from being used to purchase food that has been treated with ammonia hydroxide for use in school meals . Sponsor: Rep. Limehouse.

1.89. (SDE: School Meals) No state funds may be used to purchase food for school meals that has been treated with ammonia hydroxide.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

1.89. (SDE: School Meals) DELETED

- 1.90 ADD (Felton Lab Allocation) SFC:** ADD new proviso to require that the Felton Laboratory at SC State receive 70% of the EFA funds it would have received under the EFA and under aid to school districts fringe benefits as if it were a special school district. Direct the department to calculate the funds Felton Lab is entitled to receive each year.
SEN: ADOPT new proviso.

1.90. (SDE: Felton Lab Allocation) Of the funds distributed pursuant to the Education Finance Act, the Felton-Laboratory School at South Carolina State University shall receive each year, seventy percent of the funds it would have received for that year under the Education Finance Act and under aid to school districts-fringe benefits, as if it were a special school district. The calculation of the amount of funds which the Felton-Laboratory School is entitled to receive each year shall be made by the Department of Education.

- 1.91 ADD (EFA-IDEA Contingency Reserve) HOU2:** ADD new proviso to authorize the department to draw up to \$36,202,909 from the Health, Education and Infrastructure Reserve Account to supplement the loss of federal IDEA funds expected on October 1, 2012. after the the U.S.D.E. initiates a reduction in funds, and only for the amount reduced. Direct the funds

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drawn down be distributed the same way federal IDEA funds are distributed. Require the department notify the Governor and the Chairmen of the Senate Finance and House Ways and Means Committees if the U.S.D.E. reduces IDEA funds. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith. Note: Proviso is 1.90 in House2 version.

1.91. (SDE: EFA-IDEA Contingency Reserve) Notwithstanding any other provision of law, the Department of Education may draw up to \$36,202,909 from the Health, Education, and Infrastructure Reserve Account in the Office of the State Treasurer to supplement a loss of federal funding from the Individuals with Disabilities Education Act (IDEA) expected on October 1, 2012. No funds shall be expended until the U.S. Department of Education initiates a reduction in funds, and only in an amount equal to the amount of federal funds withheld. These funds shall be distributed using the same methodology as federal IDEA funds. The Department of Education shall notify within one business day the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee any actions taken by the U.S. Department of Education to reduce IDEA funds.

SFC: ADD new proviso to direct up to \$36,202,909 of EFA-IDEA Contingency Reserve funds be used to supplement a loss of federal funding from the Individuals with Disabilities Education Act (IDEA) expected on October 1, 2012. Prohibit these funds from being spent until the US Department of Education initiates a reduction in funds and only allow the department to spend an amount equal to the amount withheld. Provide for notification to the Governor and the Chairmen of the Senate Finance and Ways and Means Committees if the federal IDEA funds are reduced. If any of these funds are not needed to offset a loss in federal IDEA funds, they shall be distributed to school districts and special schools based on the EFA formula which would result in a maximum BSC increase of approximately \$58 or a total maximum BSC of \$2,070.

SEN: ADOPT new proviso.

1.91. (SDE: EFA-IDEA Contingency Reserve) Of the funds appropriated to the department for EFA-IDEA Contingency Reserve, up to \$36,202,909 shall be directed to supplement a loss of federal funding from the Individuals with Disabilities Education Act (IDEA) expected on October 1, 2012. No funds shall be expended until the U.S. Department of Education initiates a reduction in funds, and only in an amount equal to the amount of federal funds withheld. These funds shall be distributed using the same methodology as federal IDEA funds. The Department of Education shall notify within one business day the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee any actions taken by the U.S. Department of Education to reduce IDEA funds. In the event that any amount appropriated for the EFA-IDEA Contingency Reserve is not needed to offset the loss of federal IDEA funds in the current fiscal year, these monies shall be distributed to school districts and special schools based on the EFA formula. This would result in a maximum base student cost increase of approximately \$58 or a total maximum base student cost of \$2,070.

1.92 **ADD** (Lee County Bus Shop) **SEN:** ADD new proviso to require the department fund the Lee County and Kershaw County School District Bus Shops at the same level of funding as they were provided in the prior fiscal year. Sponsor: Sen. Malloy.

1.92. (SDE: Lee County Bus Shop) From the funds appropriated in program XB, Bus Shops, in the current fiscal year, the department must fund the Lee County School District Bus

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Shop and the Kershaw County School District Bus Shop at the same level as they were funded in the previous fiscal year.

- 1.93** **ADD** (School Enrollment Policy) **HOU2:** ADD new proviso to require school districts with an open enrollment policy that had previously accepted students to an academic magnet school to continue to accept these students and their siblings for enrollment at the magnet school under the same terms and conditions the students were previously permitted to attend the school under. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith. Note: Proviso is 1.91 in House2 version.

1.93. (SDE: School Enrollment Policy) For Fiscal Year 2012-13, any school district with an open enrollment policy for all schools or certain schools which had previously accepted certain students residing outside of the district to an academic magnet school in the district must continue to accept these students and their siblings for enrollment at the academic magnet school under the same terms and conditions these students were previously permitted to attend the school.

- 1.94** **ADD** (School District Fees) **HOU2:** ADD new proviso to prohibit school districts from charging parents or guardians tuition or fees for a child to enroll in or attend a public school or a program if the child is otherwise eligible during the regular school year. Prohibit school districts who operate a 4K program that is open to all students from charging parents or guardians tuition. Authorize the districts to continue to charge matriculation and incidental fees as allowed by code. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith. Note: Proviso is 1.92 in House2 version.

1.94. (SDE: School District Fees) School districts may not charge parents or guardians tuition or fees solely for the purpose of enrolling in or attending a public school or public school program for which the child is otherwise eligible occurring during the course of the regular school year. School districts choosing to operate a 4K program open to all students may not charge the parents or guardians tuition for attendance in such a program. Districts may continue to charge matriculation and incidental fees per Section 59-19-90(8) of the 1976 Code.

SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA

- 1A.13** **DELETE / RULED OUT OF ORDER** (National Board Certification Incentive) Provides guidelines for the National Board Certification Incentive for public school classroom teachers. **WMC:** AMEND proviso to suspend the program for new applicants for FY 12-13 and require the department submit a report on the long term costs of the program to the Senate Finance and House Ways and Means Committees by November 1, 2012. Fiscal Impact: No impact on the General Fund or the EIA. Requested by Department of Education. **HOU:** AMEND FURTHER to change “XI” to “XII” and “XIII.A.” to “XII.C.2.” *Technical.* Fiscal Impact: No impact on the General Fund. Sponsor: Rep. Bingham.

1A.13. (SDE-EIA: ~~XI~~ XII.C.2-National Board Certification Incentive) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010

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shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010, may receive a loan equal to the amount of the application fee. Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 shall have one-half of the loan principal amount and interest forgiven when the required portfolio is submitted to the national board. Teachers who applied to the National Board for Professional Teaching standards for certification prior to July 1, 2010 who attain certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The department may retain up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, ~~XIII.A.~~ XII.C.2 for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program for teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

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

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

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New applications for the program are suspended for Fiscal Year 2012-13. The Department of Education shall submit a report on the long-term costs of the program to the Senate Finance Committee and the House Ways and Means Committee by November 1, 2012.

SFC: AMEND FURTHER to delete the requirement that the program be suspended for new applicants for FY 12-13 and that a report be submitted on the long term costs of the program.

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

1A.13. (SDE-EIA: ~~XI~~ XII.C.2-National Board Certification Incentive) ~~Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA South Carolina) shall administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010, may receive a loan equal to the amount of the application fee. Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 shall have one half of the loan principal amount and interest forgiven when the required portfolio is submitted to the national board. Teachers who applied to the National Board for Professional Teaching standards for certification prior to July 1, 2010 who attain certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The department may retain up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. XII.C.2 for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA South Carolina) the funds necessary for the administration of the loan program for teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.~~

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

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

1A.14 DELETE / RULED OUT OF ORDER (Defined Program Personnel Requirements)

Establishes public school district guidelines for filling administrative positions which require State Board of Education certification.

HOU2: AMEND proviso to allow administrative positions to be filled by a person receiving a W-2 from the hiring school district or for a charter school to hire a person employed by an entity under contract with the school district. Direct that if a charter school fills the position with a person who does not receive a W-2 from the hiring school district that individual's total compensation shall not exceed the salary of the highest paid person in a similar position at a school district that is the same or lesser size as the charter school. Direct that if total compensation exceeds that amount the school's EFA and/or EIA allocations shall be reduced by the amount the compensation was exceeded. Delete the penalty assessed if a corporation, partnership, or other entity is hired to fill administrative positions. Delete the exemptions for temporary instructional positions. *Companion to general education proviso 1.19.* Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

1A.14. (SDE: XI-Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may ~~only~~ be filled either by individuals *an individual* receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district, or in the case of a charter school authorized under title 59, Chapter 49, an individual employed by an entity under contract with the school district may fill such a position. However, if such a position in a charter school is filled by an individual that does not receive a W-2 from the hiring school district, the total compensation for the individual shall not exceed the total compensation of the highest paid individual in a similar position at a school district of the same or lesser size of the charter school in the state of South Carolina. If such total compensation does exceed that amount, the school's EFA and/or EIA allocation shall be reduced by the amount which such compensation exceeds that amount specified in the previous sentence. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. ~~Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.~~

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SFC: AMEND proviso to allow administrative positions to be filled by a person receiving a W-2 from the hiring school district or for a charter school to hire a person employed by an entity under contract with the school district. Direct that if a charter school fills the position with a person who does not receive a W-2 from the hiring school district that individual's total compensation shall not exceed the salary of the highest paid person in a similar position at a school district that is the same or lesser size as the charter school. Direct that if total compensation exceeds that amount the school's EFA and/or EIA allocations shall be reduced by the amount the compensation was exceeded. Delete the penalty assessed if a corporation, partnership, or other entity is hired to fill administrative positions. Delete the exemptions for temporary instructional positions. *Companion to general education proviso 1.19.*

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

~~1A.14. (SDE-EIA: XII-Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.~~

1A.15 DELETE (Autism Parent-School Partnership Program) Requires \$350,000 of funds appropriated for Services for Students with Disabilities be provided to the S.C. Autism society for the Parent-School Partnership Program.

HOU2: DELETE proviso. *See Proviso 1A.48.* Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

~~1A.15. (SDE-EIA: XI.A.1-Autism Parent-School Partnership Program) From funds appropriated for Services For Students with Disabilities, \$350,000 shall be provided to the South Carolina Autism Society for the Parent School Partnership Program.~~

1A.17 RESTORE ORIGINAL PROVISO (Teacher of the Year Awards) Provides for Teacher of the Year Awards in the amount of \$1,000 for each district Teacher of the Year; \$25,000 for the State Teacher of the Year; and \$10,000 each for four Honor Roll Teachers of the Year.

WMC: AMEND proviso to exempt these awards from South Carolina income taxes. Fiscal Impact: BEA states that based on 87 school districts that would qualify, this proviso would reduce General Fund revenue by \$8,526 for FY 2012-13. Requested by Department of Education.

HOU: ADOPT proviso as amended.

1A.17. (SDE-EIA: XI.C.2-Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district Teacher of the Year shall receive an award of \$1,000. In addition, the State Teacher of the Year shall receive an award of \$25,000, and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. To be eligible, districts must participate in the State Teacher of the Year Program sponsored by the State Department of Education. *These awards shall not be subject to South Carolina income taxes.*

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SFC: RESTORE original proviso.

SEN: ADOPT original proviso.

1A.17. (SDE-EIA: XI.C.2-Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district Teacher of the Year shall receive an award of \$1,000. In addition, the State Teacher of the Year shall receive an award of \$25,000, and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. To be eligible, districts must participate in the State Teacher of the Year Program sponsored by the State Department of Education.

1A.21 **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.

WMC: AMEND proviso to specify that "funds allocated specifically for state level maintenance of effort requirement for federal programs" may not be transferred and prohibit programs that serve students with exceptional needs from being suspended. Change from "70%" to "75%" the percentage of the school district's per pupil expenditures that must be used within specific InSite categories in order for school districts to have the ability to use the flexibility provisions. Encourage school districts to restructure administrative staffing in order to reduce expenditures. Delete the requirement that writing assessments in grades 3, 4, 6, and 7 be suspended and delete the option to suspend textbook purchases. Direct that savings generated from suspending assessments must be allocated based on "weighted pupil units" rather than on the EFA formula. Direct that the school district transaction register must not include information on individual employees that earn less than \$50,000 annually. Delete the directive that the Comptroller General distribute a methodology and resources for compliance with the transaction register requirement.

HOU: ADOPT proviso as amended. *Companion to general education proviso 1.38.*

1A.21. (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance of effort requirement for federal program, required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs and programs serving students with exceptional needs.

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

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

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

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

Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

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

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

For the current fiscal year, savings generated from the suspension of the ~~writing assessments and the suspension of new textbooks adoptions~~ enumerated above must be allocated to school districts based on the ~~Education Finance Act formula~~ weighted pupil units.

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

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

The register must not include an entry for salary, wages, or other compensation paid to individual employees earning less than \$50,000 annually. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

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

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

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

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

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

SFC: AMEND FURTHER to delete the directive that the school district transaction register must not include information on individual employees that earn less than \$50,000 annually.

SEN: AMEND FURTHER to change from “seventy” to “seventy-five” the percent that may be used for business services, debt service, capital outlay, program management, and leadership services as defined by In\$ite. Sponsor: Sen. Hayes.

1A.21. (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance of effort requirement for federal program, required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs and programs serving students with exceptional needs.

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

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

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

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

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Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

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

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

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

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

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

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

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

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

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

~~The Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any~~

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~~documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.~~

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

1A.31 RESTORE ORIGINAL PROVISO (Reading) Provides directives for the use of reading literacy funds.

HOU: AMEND proviso to delete the requirement that 50% of the funds be allocated to the department to provide districts with research based strategies and professional development. Allow the department to continue to use funds for literacy contracts and all remaining funds will be allocated to school districts based on weighted pupil units. Delete the requirement that the department evaluate and review the first year implementation activities and establish measures to monitor student achievement. Sponsors: Reps. Bingham, Ott, Allison, Anthony, and Cobb-Hunter.

1A.31. (SDE-EIA: Reading) Of the funds appropriated for reading/literacy, the Department of Education, schools, and districts shall ensure that resources are utilized to improve student achievement in reading/literacy. To focus on the importance of early reading and writing skills and to ensure that all students acquire reading/literacy skills by the end of grade three, fifty percent of the appropriation shall be directed toward acquisition of reading proficiency to include, but not be limited to, strategies in phonemic awareness, phonics, fluency, vocabulary, and comprehension. Forty percent of the appropriation shall be directed toward classroom instruction and intervention to focus on struggling readers and writers in grades four through eight. Ten percent of the appropriation should be directed toward acceleration to provide additional opportunities for deepening and refinement of literacy skills.

~~Fifty percent of the *The* funds shall be allocated to school districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the one hundred thirty-five day count of the prior school year. Fifty percent of the funds shall be allocated to the Department of Education to provide districts with research based strategies and professional development and to work directly with schools and districts to assist with implementation of research based strategies. When providing professional development the department and school districts must use the most cost effective method and when able utilize ETV to provide such services throughout the state. *The department may continue to utilize funds for literacy contracts.* The department shall provide for an evaluation to review first year implementation activities and to establish measurements for monitoring impact on student achievement.~~

SFC: ADOPT proviso as amended.

SEN: RESTORE original proviso. Sponsor: Sen. Hayes.

1A.31. (SDE-EIA: Reading) Of the funds appropriated for reading/literacy, the Department of Education, schools, and districts shall ensure that resources are utilized to improve student achievement in reading/literacy. To focus on the importance of early reading and writing skills and to ensure that all students acquire reading/literacy skills by the end of grade three, fifty percent of the appropriation shall be directed toward acquisition of reading proficiency to include, but not be limited to, strategies in phonemic awareness, phonics, fluency, vocabulary, and comprehension. Forty percent of the appropriation shall be directed toward classroom instruction and intervention to focus on struggling readers and writers in grades four through eight. Ten percent of the appropriation should be directed toward acceleration to provide additional opportunities for deepening and refinement of literacy skills.

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Fifty percent of the funds shall be allocated to school districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the one hundred thirty-five day count of the prior school year. Fifty percent of the funds shall be allocated to the Department of Education to provide districts with research-based strategies and professional development and to work directly with schools and districts to assist with implementation of research-based strategies.—When providing professional development the department and school districts must use the most cost effective method and when able utilize ETV to provide such services throughout the state. The department shall provide for an evaluation to review first year implementation activities and to establish measurements for monitoring impact on student achievement.

1A.32 RESTORE ORIGINAL PROVISO (Artistically and Academically High-Achieving Students) Provides for the allocation to districts of EIA funds appropriated for high achieving students.

HOU: AMEND proviso to delete the authorization for the department to retain up to \$500,000 of these funds for teacher endorsement activities. Sponsors: Reps. Bingham, Ott, Allison, Anthony, and Cobb-Hunter.

1A.32. (SDE-EIA: Artistically and Academically High-Achieving Students) EIA funds appropriated for high achieving students must be allocated to districts based on three factors: (1) the number of students served in academic gifted and talented programs based on the prior year's one hundred thirty-five day count of average daily membership adjusted for the current year's forty-five day count and the number of students identified as artistically gifted and talented; (2) the number of students taking Advanced Placement or International Baccalaureate (IB) exams in the prior year; and (3) a per pupil allocation for charter schools serving state-identified artistically and academically high-achieving students in core academic classes with an accelerated curriculum that has been verified by the Department of Education to meet the requirements of State Board of Education Regulation 43-220 and if they are serving state-identified artistically and academically high-achieving students in core academic courses which are included on the prior year's Commission on Higher Education's list of transferable courses. The Department of Education shall report to the Senate Education Committee and the House Education and Public Works Committee regarding the allocation and distribution of the funds by June first. At least eighty-five percent of the funds appropriated for each student classified herein must be spent for instruction and instructional support for students who generated the funds. ~~Up to \$500,000 of the funds may be retained by the Department of Education for teacher endorsement activities.~~ Twelve percent of the funds shall be set-aside for serving artistically gifted and talented students in grades three through twelve.

The board of trustees of a school district electing to charge a fee to the parent or legal guardian of a student taking the Advanced Placement or International Baccalaureate exam is required to develop a policy for such a fee which accounts for the student's ability to pay and at an amount not to exceed the actual test cost. A test fee may not be charged to students eligible for free lunch and must be pro rata for students eligible for reduced price lunch if the parent or legal guardian requests.

Endorsement criteria established by the State Board of Education for teachers assigned to teach gifted and talented and advanced placement classes shall be suspended for the current school year.

SFC: ADOPT proviso as amended.

SEN: RESTORE original proviso. Sponsor: Sen. Hayes.

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1A.32. (SDE-EIA: Artistically and Academically High-Achieving Students) EIA funds appropriated for high achieving students must be allocated to districts based on three factors: (1) the number of students served in academic gifted and talented programs based on the prior year's one hundred thirty-five day count of average daily membership adjusted for the current year's forty-five day count and the number of students identified as artistically gifted and talented; (2) the number of students taking Advanced Placement or International Baccalaureate (IB) exams in the prior year; and (3) a per pupil allocation for charter schools serving state-identified artistically and academically high-achieving students in core academic classes with an accelerated curriculum that has been verified by the Department of Education to meet the requirements of State Board of Education Regulation 43-220 and if they are serving state-identified artistically and academically high-achieving students in core academic courses which are included on the prior year's Commission on Higher Education's list of transferable courses. The Department of Education shall report to the Senate Education Committee and the House Education and Public Works Committee regarding the allocation and distribution of the funds by June first. At least eighty-five percent of the funds appropriated for each student classified herein must be spent for instruction and instructional support for students who generated the funds. Up to \$500,000 of the funds may be retained by the Department of Education for teacher endorsement activities. Twelve percent of the funds shall be set-aside for serving artistically gifted and talented students in grades three through twelve.

The board of trustees of a school district electing to charge a fee to the parent or legal guardian of a student taking the Advanced Placement or International Baccalaureate exam is required to develop a policy for such a fee which accounts for the student's ability to pay and at an amount not to exceed the actual test cost. A test fee may not be charged to students eligible for free lunch and must be pro rata for students eligible for reduced price lunch if the parent or legal guardian requests.

Endorsement criteria established by the State Board of Education for teachers assigned to teach gifted and talented and advanced placement classes shall be suspended for the current school year.

1A.34 RESTORE ORIGINAL PROVISO (Professional Development) Provides for the allocation of professional development funds to school districts.

HOU: AMEND proviso to reduce the amount of funds the department may retain for administration and for providing professional development services from 25% to 10%. Sponsors: Reps. Bingham, Ott, Allison, Anthony, and Cobb-Hunter.

1A.34. (SDE-EIA: Professional Development) EIA funds appropriated for professional development must be allocated to districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the one hundred thirty-five day count of the prior school year. The funds must be expended on professional development for certificated instructional and instructional leadership personnel in grades kindergarten through twelve across all content areas, including teaching in and through the arts. No more than ~~twenty-five~~ *ten* percent of the funds appropriated for professional development may be retained by the Department of Education for the administration and provision of professional development services. The Department of Education must provide professional development on assessing student mastery of the content standards through classroom, formative and end-of-year assessments. The Department of Education also must post on the agency's website the South Carolina Professional Development Standards and provide training through telecommunication methods to school leadership on the professional development standards.

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SFC: ADOPT proviso as amended.

SEN: RESTORE original proviso. Sponsor: Sen. Hayes.

1A.34. (SDE-EIA: Professional Development) EIA funds appropriated for professional development must be allocated to districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the one hundred thirty-five day count of the prior school year. The funds must be expended on professional development for certificated instructional and instructional leadership personnel in grades kindergarten through twelve across all content areas, including teaching in and through the arts. No more than twenty-five percent of the funds appropriated for professional development may be retained by the Department of Education for the administration and provision of professional development services. The Department of Education must provide professional development on assessing student mastery of the content standards through classroom, formative and end-of-year assessments. The Department of Education also must post on the agency's website the South Carolina Professional Development Standards and provide training through telecommunication methods to school leadership on the professional development standards.

1A.39 **AMEND FURTHER** (Incentive for National Board Certification After 6/30/10) Provides for the National Board Certification Incentive for teachers certified by the National Board or who completed the application process on or after July 1, 2010.

WMC: AMEND proviso to delete requirement that "beginning July 1, 2010" up to 900 applicants will be processed annually and instead direct that number shall be processed "Should the program not be suspended." Delete authorization for a \$7,500 salary supplement to be paid, beginning with 2009 applicants for those public school classroom teachers who were certified or completed the application process prior to July 1, 2010. Suspend the program for new applicants for FY 12-13 and require the department submit a report on the long term costs of the program to the Senate Finance and House Ways and Means Committees by November 1, 2012. Fiscal Impact: No impact on the General Fund or the EIA. Requested by Department of Education.

HOU: AMEND proviso to change "XIII.A." to "XII.C.2." *Technical.* Fiscal Impact: No impact on the General Fund. Sponsor: Rep. Bingham.

1A.39. (SDE-EIA: Incentive for National Board Certification After 6/30/10) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who complete the application process on or after July 1, 2010 shall be paid a \$5,000 salary supplement in the year of achieving certification. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed ten years of the national certificate. However, the \$5,000 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer whereby teachers who are United States citizens or permanent resident aliens apply to the National Board for Professional Teaching Standards for certification on or after July 1, 2010. ~~Beginning July 1, 2010, *Should the program not be suspended,*~~ up to nine hundred applications shall be processed annually. Of the funds appropriated in Part IA, Section 1, ~~XIII.A.~~ XII.C.2. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention,

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and Advancement (CERRA-South Carolina) the funds necessary for the administration of teachers applying to the National Board for Professional Teaching Standards for certification.

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

New applications for the program are suspended for Fiscal Year 2012-13. The Department of Education shall submit a report on the long-term costs of the program to the Senate Finance Committee and the House Ways and Means Committee by November 1, 2012.

SFC: AMEND FURTHER to delete the requirement that the program be suspended for new applicants for FY 12-13 and that a report be submitted on the long term costs of the program.

SEN: ADOPT proviso as amended.

1A.39. (SDE-EIA: Incentive for National Board Certification After 6/30/10) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who complete the application process on or after July 1, 2010 shall be paid a \$5,000 salary supplement in the year of achieving certification. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed ten years of the national certificate. However, the \$5,000 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer whereby teachers who are United States citizens or permanent resident aliens apply to the National Board for Professional Teaching Standards for certification on or after July 1, 2010. ~~Beginning July 1, 2010, *Should the program not be suspended,*~~ up to nine hundred applications shall be processed annually. Of the funds appropriated in Part IA, Section 1, ~~XIII.A. XII.C.2.~~ for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of teachers applying to the National Board for Professional Teaching Standards for certification.

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

1A.40 RESTORE ORIGINAL PROVISO (Child Development Education Pilot Program) Creates the South Carolina Child Development Education Pilot Program.

HOU: AMEND proviso to delete most references to First Steps to School Readiness. *See Section 1B for new First Steps agency and proviso 1B.1 for duplicate proviso in that section outlining First Steps responsibilities.* Sponsor: Rep. Binham.

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1A.40. (SDE-EIA: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the current school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

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

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

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

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

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

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

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

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

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

If by October first of the school year at least seventy-five percent of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of Education and the

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Office of First Steps, CDEPP providers may then enroll pay-lunch children who score at or below the twenty-fifth national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are available.

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

Providers shall:

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

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

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

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

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

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

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

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

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

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

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

(1) develop the provider application form;

(2) develop the child enrollment application form;

(3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;

(4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;

(5) establish criteria for awarding new classroom equipping grants;

(6) establish criteria for the parenting education program providers must offer;

(7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;

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(8) develop a list of data collection needs to be used in implementation and evaluation of the program;

(9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;

(10) establish criteria for granting student retention waivers; and

(11) establish criteria for granting classroom size requirements waivers.

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

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

(1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education ~~or the Office of First Steps to School Readiness~~;

(2) employ an education assistant with pre-service or in-service training in early childhood education;

(3) maintain classrooms with at least ten four-year-old children, but no more than twenty four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of ten children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers ~~or by the Office of First Steps to School Readiness for private providers~~ on a case-by-case basis;

(4) offer a full day, center-based program with 6.5 hours of instruction daily for one hundred eighty school days;

(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;

(6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and

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

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

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing

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instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of fifteen hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

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

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

~~(1) serve as the fiscal agent;~~

~~(2) verify student enrollment eligibility;~~

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

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

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

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

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

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

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

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

~~(1) serve as the fiscal agent;~~

~~(2) verify student enrollment eligibility;~~

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

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

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

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

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

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

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

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

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

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

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

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

SFC: RESTORE original proviso.

SEN: ADOPT original proviso.

1A.40. (SDE-EIA: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the current school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

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

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

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

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

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

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

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

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

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

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

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

Providers shall:

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

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

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

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

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

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

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

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

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

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

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

(1) develop the provider application form;

(2) develop the child enrollment application form;

(3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;

(4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;

(5) establish criteria for awarding new classroom equipping grants;

(6) establish criteria for the parenting education program providers must offer;

(7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;

(8) develop a list of data collection needs to be used in implementation and evaluation of the program;

(9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;

(10) establish criteria for granting student retention waivers; and

(11) establish criteria for granting classroom size requirements waivers.

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

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

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(1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;

(2) employ an education assistant with pre-service or in-service training in early childhood education;

(3) maintain classrooms with at least ten four-year-old children, but no more than twenty four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of ten children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;

(4) offer a full day, center-based program with 6.5 hours of instruction daily for one hundred eighty school days;

(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;

(6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and

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

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

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

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount

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appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

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

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

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

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

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the current school year, the funded cost per child shall be \$4,218 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling between one and six eligible children shall be eligible to

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receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.

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

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

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

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

1A.44 AMEND FURTHER (Carry Forward) Requires EIA funds carried forward from the prior fiscal year and from FY 11-12 that are not otherwise appropriated or authorized, be carried forward and spent for school bus fuel costs.

WMC: AMEND proviso to change Fiscal Year “2011-12” to “2012-13.” Fiscal Impact: No impact on the General Fund. Requested by Department of Education.

HOU: ADOPT proviso as amended.

1A.44. (SDE-EIA: Carry Forward) EIA carry forward from the prior fiscal year and Fiscal Year ~~2011-12~~ 2012-13 and not otherwise appropriated or authorized must be carried forward and expended for school bus fuel costs. Any unexpended funds must be carried forward and expended for the same purpose.

SFC: ADOPT proviso as amended.

SEN: AMEND FURTHER to require that EIA funds carried forward from the prior fiscal year and FY 12-13 that are not otherwise dedicated, be used to provide \$200,000 to each school designated as a Palmetto Priority School in the prior year which did not receive EIA technical assistance funds. Direct that the funds are to be used to improve teacher recruitment and retention, to reduce the dropout rate, to improve reading literacy, or to train teachers to teach children of poverty. Direct that if there are not enough funds to provide \$200,000 to each school, the funds must be reduced on a pro-rata basis. Direct any remaining balance be directed to school bus fuel costs. Sponsor: Sen. Hutto.

SEN: ADOPT proviso as amended.

1A.44. (SDE-EIA: Carry Forward) EIA carry forward from the prior fiscal year and Fiscal Year ~~2011-12~~ 2012-13 and not otherwise appropriated or authorized must be carried forward and expended to provide \$200,000 to each school that was designated by the department as a Palmetto Priority School in the prior year but did not receive an allocation of EIA technical assistance funds in the prior fiscal year to improve teacher recruitment and retention, to reduce the district's dropout rate, to improve student achievement in reading/literacy, or to train teachers in how to teach children of poverty as stipulated in the school's renewal plan. If funds are not sufficient to provide \$200,000 to each qualifying district, the \$200,000 shall be reduced on a pro-rata basis. Any balance remaining must be expended for school bus fuel costs. Any unexpended funds must be carried forward and expended for the same purpose.

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1A.48 **AMEND FURTHER** (IDEA Maintenance of Effort) Directs that \$45,481,854 of Aid to Districts funds be used to meet the estimated maintenance of effort for IDEA. Requires the department submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor by December, 2011

WMC: AMEND proviso to change Fiscal Year from “2011-12” to “2012-13.” Change “\$45,481,854” to “up to \$30,494,337.” Direct that funds provided for IDEA’s maintenance of effort may not be transferred for any other purpose and are not subject to flexibility. Fiscal Impact: No impact on the General Fund.

HOU: AMEND FURTHER to change “XI” to “XII.” *Technical.* Fiscal Impact: No impact on the General Fund. Sponsor: Rep. Bingham.

HOU2: AMEND FURTHER to direct the department to transfer \$350,000 to the S.C. Autism Society for the Autism Parent-School Partnership Program. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

1A.48. (SDE-EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section ~~XI~~ XII.A.1 Aid to Districts according to Proviso 1A.43 for Fiscal Year ~~2011-12~~ 2012-13, the department shall direct \$45,481,854 up to \$30,494,337 of the funds appropriated in Section ~~XI~~ XII.A.1 Aid To Districts to school districts and special schools for supplemental support of programs and services for students with disabilities, to meet the estimated maintenance of effort for IDEA. Funds provided for the maintenance of effort for IDEA may not be transferred to any other purpose and therefore are not subject to flexibility. The department shall distribute these funds using the current fiscal year one hundred thirty-five day Average Daily Membership. For continued compliance with the federal maintenance of efforts requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of effort requirements under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts, the department must not reduce funding to support children with disabilities who qualify for services under the IDEA in a manner that is disproportionate to the level of overall reduction to state programs in general. By December 1, ~~2011~~ 2012, the department must submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor. The department is directed to transfer \$350,000 to the South Carolina Autism Society for the Autism Parent-School Partnership Program.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

1A.48. (SDE-EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section ~~XI~~ XII.A.1 Aid to Districts according to Proviso 1A.43 for Fiscal Year ~~2011-12~~ 2012-13, the department shall direct \$45,481,854 up to \$30,494,337 of the funds appropriated in Section ~~XI~~ XII.A.1 Aid To Districts to school districts and special schools for supplemental support of programs and services for students with disabilities, to meet the estimated maintenance of effort for IDEA. Funds provided for the maintenance of effort for IDEA may not be transferred to any other purpose and therefore are not subject to flexibility. The department shall distribute these funds using the current fiscal year one hundred thirty-five day Average Daily Membership. For continued compliance with the federal maintenance of efforts requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of effort requirements under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts, the

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department must not reduce funding to support children with disabilities who qualify for services under the IDEA in a manner that is disproportionate to the level of overall reduction to state programs in general. By December 1, ~~2011~~ 2012, the department must submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor.

- 1A.49 DELETE / RULED OUT OF ORDER** (Building Fund Flexibility) Authorize school districts to flex School Building Aid Program funds in FY 2011-12.
WMC: AMEND proviso to change Fiscal Year :2011-12” to “2012-13.” Fiscal Impact: No impact on the General Fund or EIA. Requested by Department of Education.
HOU: ADOPT proviso as amended.

1A.49. (SDE-EIA: Building Fund Flexibility) For Fiscal Year ~~2011-12~~ 2012-13, a school district may flex funds appropriated pursuant to the School Building Aid Program.

SFC: ADOPT proviso as amended.
SEN: DELETE proviso. *Ruled Out of Order.*

~~**1A.49.** (SDE-EIA: Building Fund Flexibility) For Fiscal Year 2011-12, a school district may flex funds appropriated pursuant to the School Building Aid Program.~~

- 1A.53 DELETE NEW PROVISO** (Workforce Preparation and Development) **WMC:** ADD new proviso to require the department to allocate \$200,000 of EEDA Workforce Preparation and Development funds for the South Carolina Skills USA to increase awareness of career and technology opportunities for high school students and to coach students in workforce preparation and development. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.

1A.53. (SDE-EIA: Workforce Preparation and Development) Of the funds appropriated for the Education and Economic Development Act - Workforce Preparation and Development, the Department of Education shall allocate \$200,000 for the South Carolina Skills USA for high school students to increase awareness of career and technology opportunities, to provide opportunities to demonstrate and exhibit industry standard skills, to provide challenges for students to display skills needed to succeed in workplace situations and to coach students in workforce preparation and development.

SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.

1A.53. (SDE-EIA: Workforce Preparation and Development) DELETED

- 1A.56 AMEND NEW PROVISO FURTHER** (Teacher Salaries/SE Average) **WMC:** ADD new proviso to state that the projected Southeastern average teacher salary for FY 2012-13 is \$49,319. Require that the FY 2008-09 statewide minimum salary schedule continue to be used in FY 2012-13. State that the General Assembly continues to desire to raise the South Carolina average teacher salary through incremental increases over the next few years so that teacher salaries become equivalent to the national average. Require school districts to use the additional funds they will receive to provide at least a 2% pay increase to instructional staff, regardless of years of experience, by either placing staff on the salary schedule according to their years of experiences and credentials or by an increase above the current year’s salary.

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Require funds appropriated for Teacher salaries to be used to provide salary increases to eligible teachers.

HOU: ADOPT new proviso.

HOU2: AMEND new proviso to clarify that the department is directed to increase the 2008-2009 statewide salary schedule by 2% and that local school districts must provide all certified teachers paid on the teacher salary schedule a 2% salary increase using the prior fiscal year's district salary schedule as its base. Require local school districts to provide all eligible certified teachers with one step increase. Provide for a waiver from this requirement under certain conditions and require the State Board of Education report to the Chairmen of the Senate Finance and House Ways and Means Committee on any requests for waivers along with the action taken. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

IA.56. (SDE-EIA: XI.C.2.-Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the average teachers' salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be \$49,319. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary.

For fiscal year 2012-13, the Department of Education is directed to increase the 2008-2009 statewide salary schedule by two percent. A local school district board of trustees must provide all certified teachers paid on the teacher salary schedule a two percent salary increase. Districts are to provide this increase using the district salary schedule utilized the prior fiscal year as its base. School districts shall utilize the additional funds made available from the Teacher Salary Support - State Share appropriation to provide the required two percent increase. Each school district shall receive funds under the Teacher Salary Support - State Share line item in the same manner as Teacher Salaries Supplement funds are distributed.

Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible certified teachers. If a school district believes it will be unable to provide the required additional step without incurring a deficit, it may apply to the State Board of Education for a waiver from this requirement. Upon approval of the waiver requirement by the Board, the district shall be exempt from providing this step increase for Fiscal Year 2012-2013. Certified teachers employed in districts that are granted a waiver shall not have their experience credit negatively impacted as a result of the district being granted a waiver. A local school district shall continue to pay teachers for changes in their education level. A school district shall not be granted a waiver from providing a step if the incurred deficit is a result of granting salary increases to employees beyond those paid on the teacher salary schedule. The State Board of Education shall report to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee by September 1, 2012, regarding those districts which requested a waiver and the subsequent action taken by the Board.

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

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For purposes of this provision teachers shall be defined by the Department of Education using the Professional Certified Staff (PCS) System.

SFC: AMEND new proviso to direct that the funds to be used to provide at least a 2% pay increase for teachers are the additional funds in FY 2012-13, including Teacher Salary Support-State Share. Direct that school districts shall receive the Teacher Salary Support-State Share funds based on their proportionate share of EFA funds. Delete the option for increasing pay by either placing staff on the salary schedule according to their current years experience and credentials or by an increase above the current year's salary.

SEN: AMEND FURTHER to direct local school districts to give certified teachers receive one step increase. Allow for a waiver under certain circumstances, but prohibit a waiver from being granted if a school's potential deficit is a result of the district giving raises to staff other than certified teachers. Direct the department to increase the FY 08-09 statewide minimum teacher salary schedule by 2%; direct that this increase is in addition to any other legislative directive regarding teacher salaries; and direct that these funds will be provided to districts in the same manner as Teacher Salaries Supplement funds. Prohibit the granting of a waiver for the 2% salary adjustment. Sponsors: Sens. Hayes, Setzler, and Matthews.

IA.56. (SDE-EIA: XII.C.2.-Teacher Salaries/SE Average) For Fiscal year 2012-13, a local school district board of trustees must increase the salary compensation for all certified teachers employed by the district by no less than one year of experience credit. Application of this provision must be applied uniformly for all teachers within the school district. For purposes of this provision teachers are defined by the Department of Education using the Professional Certified Staff (PCS) System. A local school district board of trustees shall continue to pay teachers for changes in their education level. Steps are limited to eligible certified teachers. If a school district believes it will be unable to provide one additional step on the teacher salary schedule without incurring a deficit, it may apply to the State Board of Education for a waiver from the requirements of this step increase. No waivers may be granted if the school district shows a deficit as a result of granting salary increases to anyone other than certified teachers. Upon approval of the waiver requirement by the state board, the district is exempt from providing this step increase for Fiscal Year 2012-2013. The state board shall report to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee by September 1, 2012, regarding those districts which requested a waiver and the waivers that were granted to particular districts. Application of this step provision must be applied uniformly for all eligible certified teachers within the school district.

The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be \$49,319. The Department of Education is directed to increase by two percent the salaries of teachers as reflected on the 2008-2009 statewide minimum teacher salary schedule which shall continue to be used for Fiscal Year 2012-2013 as adjusted. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary. With the additional funds made available, in Fiscal Year 2012-13, including Teacher Salary Support - State Share, school districts shall give at least a two percent increase in instructional staff salaries regardless of years of experience. This requirement is additive to other legislative directives regarding increases in teacher salaries. Each school district shall receive funds under the Teacher Salary Support - State Share line item in the same manner as Teacher Salaries Supplement funds are distributed.

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

Waivers may not be granted relative to the two percent salary adjustment provided herein.

- 1A.57 DELETE NEW PROVISO** (PowerSchool Dropout Recovery Data) **WMC:** ADD new proviso to require the department use PowerSchool and data collection funds to start collecting data from schools and school districts on the number of student who had dropped out and then reenrolled in a public school or in adult education to pursue their high school diploma. Direct the EOC, working with the department, to determine how to calculate a dropout recovery rate and require the rate be reported on the annual school and district report cards. Require the department report the dropout recovery rate to the Senate Education and House Education and Public Works Committees. Fiscal Impact: No impact on the EIA or General Fund.
HOU: ADOPT new proviso.

1A.57. (SDE-EIA: PowerSchool Dropout Recovery Data) With the funds appropriated to the Department of Education for PowerSchool and data collection, the department will begin in the current fiscal year to collect data from schools and school districts on the number of students who had previously dropped out of school and who reenrolled in a public school or adult education to pursue a high school diploma. The Education Oversight Committee working with the Department of Education will determine how to calculate a dropout recovery rate that will be reflected on the annual school and district report cards. The Department of Education shall report to the Senate Education Committee and the House Education and Public Works Committee on the implementation of a dropout recovery rate.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

1A.57. (SDE-EIA: PowerSchool Dropout Recovery Data) DELETED

- 1A.58 DELETE NEW PROVISO** (Dropout Recovery Pilot Program) **WMC:** ADD new proviso to require the department to allocate \$500,000 of Students at Risk of School Failure funds for the Dropout Recovery Pilot Program. Direct that the funds are to be used to identify and recruit academically qualified students, ages 17-21, who had dropped out of public school or who were in a private school or were homeschooled, but did not graduate. Require that guidelines and benchmarks be established in the initial year of the pilot program. Direct that in addition to state EFA funds, school districts that participate may earn up to \$2,000 per student participating in the program. Require up to 10% of the funds be used to monitor and evaluate the effectiveness of the program and direct the Technical College System and the department to provide a program status report to the Senate Finance, Senate Education, House Ways and Means, and House Education and Public Works Committees by February 1st. Authorize unexpended funds to be carried forward and used to expand the number of students served. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.
HOU2: DELETE new proviso. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

1A.58. (SDE-EIA: Dropout Recovery Pilot Program) DELETED

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SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

1A.58. (SDE-EIA: Dropout Recovery Pilot Program) Of the funds appropriated for Students at Risk of School Failure, \$500,000 shall be allocated for the Dropout Recovery Pilot Program (DRPP). The funds will be used to identify and recruit academically qualified students who are between the ages of 17 and 21 who have previously dropped out of public schools or who were previously in a private school or homeschooled and had not graduated. In the initial year of the pilot, the South Carolina Technical College System and the Department of Education in collaboration with participating school districts will establish the guidelines for the program and benchmarks for success. Eligibility is open to consortia of public school districts and technical colleges. In addition to state EFA funds, school districts participating in the pilot program may earn up to \$2,000 per student participating in the program, which may include up to \$1,000 for meeting benchmarks and \$1,000 for earning a diploma or demonstrating college success. Benchmark payments shall be established in the guidelines but may include the following: the student earning required course credits to advance to the next grade level or the student earning college credit applicable to a high school diploma and a postsecondary certificate, diploma, or associate degree. Up to ten percent of the funds shall be used to monitor and evaluate the effectiveness of the program with the South Carolina Technical College System and the Department of Education reporting to the Senate Finance Committee, the Senate Education Committee, the House Ways and Means Committee and the House Education and Public Works Committee by February 1 of the fiscal year on the status of the program. Unexpended funds may be carried from one fiscal year to the next and used to expand the number of students served.

- 1A.59 AMEND NEW PROVISO** (Assisting, Developing and Evaluating Professional Teaching - ADEPT) **HOU:** ADD new proviso to allow the department, school districts, DJJ, and special schools to continue implementing the ADEPT program. Allow higher education's governing boards to provide for a tuition waiver for one 3 hour course for public school teachers who serve as supervisors for full-time students completing education degree requirements. Sponsors: Reps. Bingham, Ott, Allison, Anthony, and Cobb-Hunter.

1A.59. (SDE-EIA: Assisting, Developing and Evaluating Professional Teaching -ADEPT) With funds appropriated in the current fiscal year, the Department of Education, school districts, the Department of Juvenile Justice and special schools of the state may continue implementation of the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve as supervisors for full-time students completing education degree requirements.

SFC: AMEND new proviso to authorize unexpended funds to be carried forward.

SEN: ADOPT new proviso.

1A.59. (SDE-EIA: Assisting, Developing and Evaluating Professional Teaching -ADEPT) With funds appropriated in the current fiscal year, the Department of Education, school districts, the Department of Juvenile Justice and special schools of the state may continue implementation of the ADEPT program. Governing boards of public institutions of higher education may provide by policy or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve as supervisors for full-time students completing education degree requirements. Unexpended funds appropriated

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for this purpose may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purposes.

- 1A.64** **ADD** (EOC Innovation Initiative) **SFC:** ADD new proviso to direct the EOC to explore innovative ways to change how public education is assessed and delivered in order to reduce dropouts and to increase student academic achievement. Direct the EOC to collaborate with a broad-based group of stakeholders to design an education incubator and test the model in schools during the subsequent fiscal year. Require the EOC report annually to the General Assembly on implementation and results, including the impact on student achievement and costs savings or resource reallocations.
SEN: ADOPT new proviso.

1A.64. (SDE-EIA: EOC Innovation Initiative) Of the funds appropriated to the Education Oversight Committee (EOC), the EOC will explore innovative ways to transform the assessment and delivery of public education in South Carolina to reduce dropouts and to increase student academic achievement. In the current fiscal year, the EOC, in collaboration with a broad-based group of stakeholders including, but not limited to, educators, higher education institutions, policy makers, parents, and business leaders will design an education incubator. The incubator will: (1) focus on increasing the number of students leaving high school prepared for college, careers and citizenship; (2) test new assessments and metrics for accountability; (3) provide powerful feedback mechanisms and quick correction cycles for instruction; (4) include advancements in technology; and (5) provide for scaling practices. The EOC will test the incubator model with schools in the subsequent fiscal year. Annually, the EOC will report to the General Assembly on the implementation and results of the education incubator, including the impact on student achievement and any cost-savings or resource reallocations.

- 1A.65** **ADD** (National Board Certification Incentive) **SEN:** ADD new proviso to provide guidelines for the National Board Certification Incentive for public school classroom teachers. *Proviso 1A.13 was ruled out of order due to the last paragraph dealing with loan forgiveness for teachers who begin the application process after July 1, 2007 and prior to July 1, 2010. This provision adds the original proviso back in minus that portion.* Sponsors: Sens. Setzler and Hayes.

1A.65. (SDE-EIA: XII.C.2-National Board Certification Incentive) Public school classroom teachers to include teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who applied to the National Board for Professional Teaching Standards for

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certification prior to July 1, 2010, may receive a loan equal to the amount of the application fee. Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 shall have one-half of the loan principal amount and interest forgiven when the required portfolio is submitted to the national board. Teachers who applied to the National Board for Professional Teaching standards for certification prior to July 1, 2010 who attain certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The department may retain up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1, XII.C.2 for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program for teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010. In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

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

- 1A.66** **ADD (Flexibility) HOU2:** ADD new proviso to authorize school districts to flex School Building Aid Program funds. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith. Note: Proviso 1A.64 in House2 version.

1A.66. (SDE-EIA: Flexibility) Funds received by districts from the School Building Aid Program may be flexed in the current fiscal year.

SECTION 1B - H62-FIRST STEPS TO SCHOOL READINESS

- 1B.1** **DELETE NEW PROVISO** (Child Development Education Pilot Program) **HOU:** ADD new proviso to create the South Carolina Child Development Education Pilot Program and provides for the responsibilities associated with First Steps to School Readiness. *Companion to Department of Education EIA proviso 1A.40.* Sponsor: Rep. Bingham.

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

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

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

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

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

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

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

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

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

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

If by October first of the school year at least seventy-five percent of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, CDEPP providers may then enroll pay-lunch children who score at or

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below the twenty-fifth national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are available.

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

Providers shall:

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

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

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

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

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

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

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

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

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

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

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

(1) develop the provider application form;

(2) develop the child enrollment application form;

(3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;

(4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;

(5) establish criteria for awarding new classroom equipping grants;

(6) establish criteria for the parenting education program providers must offer;

(7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;

(8) develop a list of data collection needs to be used in implementation and evaluation of the program;

(9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;

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(10) establish criteria for granting student retention waivers; and

(11) establish criteria for granting classroom size requirements waivers.

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

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

(1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Office of First Steps to School Readiness;

(2) employ an education assistant with pre-service or in-service training in early childhood education;

(3) maintain classrooms with at least ten four-year-old children, but no more than twenty four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of ten children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the Office of First Steps to School Readiness for private providers on a case-by-case basis;

(4) offer a full day, center-based program with 6.5 hours of instruction daily for one hundred eighty school days;

(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;

(6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and

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

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

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of fifteen hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills,

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including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

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

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

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility;

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

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

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

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

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

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

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

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

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

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

(M) First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded

SFC: DELETE new proviso.

SEN: ADOPT deletion of proviso.

1B.1. (FS: Child Development Education Pilot Program) DELETED

SECTION 2 - H66-LOTTERY EXPENDITURE ACCOUNT

2.5 AMEND NEW PROVISO FURTHER (FY 2012-13 Lottery Funding) **WMC:** ADD new proviso to direct expenditure of lottery funds as certified by the BEA for FY 12-13. as follows: \$52,933,000 to CHE and State Board for Tec and Comp Ed for Tuition Assistance; \$107,054,616 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; \$26,291,798 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; and \$200,000 to School for the Deaf and the Blind for Technology Replacement. Authorize SC State to use \$250,000 of their funds 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. State that the goal is 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 12-13. Provide for lottery appropriations to be reduced on a pro rata basis, excluding LIFE, HOPE, and Palmetto Fellows Scholarships, if lottery revenue is less than the amounts appropriated. Authorize CHE to use up to \$260,000 of LIFE, HOPE, and Palmetto Fellow Scholarship funds and Higher Ed Tuition Grants to use up to \$70,000 of Tuition Grants funds to support the award process. Direct that \$12,400,000 of certified unclaimed prize money is appropriated as follows: \$6,200,000 to Department of Education for new school buses; \$3,200,000 to Department of Education for K-5 Reading, Math, Science & Social Studies Program; and \$3,000,000 to CHE for Higher Education Excellence Enhancement Program. Direct that of any unclaimed prize funds in excess of the amount certified by the BEA the first \$1,500,000 be directed to CHE for the Partnership Among South Carolina Academic Libraries (PASCAL) Program; the next \$5,470,093 be directed for Technology for Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges; the next \$2,000,000 be directed to the State Library for Aid to County Libraries; the next \$1,000,000 be directed to CHE for the Higher Education Excellence Enhancement Program; the next \$4,000,000 be directed to the State Bd for Tec and Comp Ed for the Allied Health Initiative; and the next \$1,000,000 be directed to CHE for the Critical Needs Nursing Program. Direct that additional revenue in excess of the amount certified by the BEA for unclaimed prizes be

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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: AMEND new proviso to change the amount of certified unclaimed prize funds directed to the Department of Education from “\$6,200,000” to “\$5,950,000” and direct \$250,000 to the School for the Deaf and the Blind to purchase new school buses. Sponsor: Rep. Bingham. AMEND FURTHER to direct that the first \$50,000 of unclaimed prizes funds in excess of the BEA estimate is appropriated to DAODAS for gambling related services. Sponsors: Reps. Ott and Bedingfield.

AMEND FURTHER to direct that of the unclaimed prizes funds in excess of the BEA estimate, after the Critical Needs Nursing Program is funded, up to \$5,000,000 is distributed for Full Time Equivalent Student Funding as follows: the next 38%, up to \$1,914,561, is directed to USC - Beaufort; the next 23%, up to \$1,135,093, is directed to USC - Upstate; the next 18%, up to \$886,826, is directed to Coastal Carolina; the next 11%, up to \$553,567, is directed to Lander University; and the next 10%, up to \$509,953, is directed to USC - Aiken. Sponsor: Rep. Herbkersman.

HOU2: AMEND FURTHER to change LIFE Scholarships from “\$107,054,616” to “\$121,101,760;” change HOPE Scholarships from “\$7,823,484” to “\$8,023, 474;” and change Palmetto Fellows Scholarships from “\$30,277,240” to “\$34,032,213.” Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

2.5. (LEA: FY 2012-13 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

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

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

For Fiscal Year 2012-13 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education and State Board for
Technical and Comprehensive Education--Tuition
Assistance \$ 52,933,000;
- (2) Commission on Higher Education--LIFE Scholarships
as provided in Chapter 149, Title 59 \$ 121,101,760;
- (3) Commission on Higher Education--HOPE Scholarships
as provided in Section 59-150-370 \$ 8,023,474;
- (4) Commission on Higher Education--Palmetto Fellows
Scholarships as provided in Section 59-104-20..... \$ 34,032,213;
- (5) Commission on Higher Education--Need-Based Grants \$ 11,631,566;
- (6) Tuitions Grants Commission--Tuition Grants..... \$ 7,766,604;
- (7) Commission on Higher Education--National Guard Tuition
Repayment Program as provided in Section 59-111-75 \$ 1,700,000;
- (8) South Carolina State University..... \$ 2,500,000;
- (9) Technology--Public Four-Year Universities, Two-Year
Institutions, and State Technical Colleges \$ 4,154,702;
- (10) Department of Education--K-5 Reading, Math, Science &

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- Social Studies Program as provided in Section 59-1-525..... \$ 26,291,798;
(11) Department of Education--Grades 6-8 Reading, Math,
Science & Social Studies Program \$ 2,000,000; and
(12) School for the Deaf and the Blind--Technology Replacement \$ 200,000.

Fiscal Year 2012-13 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds appropriated.

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

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

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

Fiscal Year 2012-13 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2012-13 are fully funded.

If the lottery revenue received for Fiscal Year 2012-13 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

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

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

For Fiscal Year 2012-13, of the funds certified from unclaimed prizes, \$5,950,000 shall be appropriated to the Department of Education for the purchase of new school buses; \$250,000 shall be appropriated to the South Carolina School for the Deaf and blind for the purchase of new school buses; \$3,200,000 shall be appropriated to the Department of Education for K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525; and \$3,000,000 shall be appropriated to the Commission on Higher Education for the Higher Education Excellence Enhancement Program.

Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$50,000 shall be appropriated to the South Carolina Department of Alcohol and Other Drug Abuse Services for gambling related services. The next \$1,500,000 shall be directed to the Commission on Higher Education for the Partnership Among South Carolina Academic Libraries (PASCAL) Program. The next \$5,470,093 shall be directed for Technology: Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges. The next \$2,000,000 shall be directed to the State Library for Aid to County Libraries. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Higher Education Excellence Enhancement Program. The next \$4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next \$1,000,000 shall be directed to the Commission on Higher Education for

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the Critical Needs Nursing Program. The next thirty-eight percent, up to \$1,914,561, shall be directed to USC - Beaufort for Full Time Equivalent Student Funding. The next twenty-three percent, up to \$1,135,093, shall be directed to USC - Upstate for Full Time Equivalent Student Funding. The next eighteen percent, up to \$886,826, shall be directed to Coastal Carolina for Full Time Equivalent Student Funding. The next eleven percent, up to \$553,567, shall be directed to Lander University for Full Time Equivalent Student Funding. The next ten percent, up to \$509,953, shall be directed to USC - Aiken for Full Time Equivalent Student Funding. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships.

SFC: AMEND FURTHER to change the following appropriations from certified net lottery proceeds and investment earnings: item (1) Tuition Assistance "\$52,933,000" to "\$49,100,000;" change item (3) HOPE Scholarships "\$7,823,474" to "\$7,579,856;" change item (4) Palmetto Fellows Scholarships "\$30,277,240" to "\$30,777,240;" change item (9) Technology "\$4,154,702" to "\$7,683,437;" add items (13) CHE-Higher Education Excellence Enhancement Program \$50,000; (14) CHE-Public 4-Year Universities and 2-Year Institutions Deferred Maintenance \$13,285,315; and (15) St. Board for Tec & Comp Ed-Technical Colleges Deferred Maintenance \$4,714,685. From certified unclaimed prizes add DAODAS \$50,000 for gambling addiction services and change CHE-Higher Education Excellence Enhancement Program from "\$3,000,000" to "\$2,950,000." From unclaimed prizes in excess of the BEA estimate, delete DAODAS \$50,000 for gambling related services; change the amount directed for Technology from "\$5,470,093" to "\$2,000,000;" and delete the percentage requirements directed to various universities for Full-time Equivalent Student Funding. Appropriate for FY 2012-13, on a pro-rata basis, net lottery proceeds and investment earnings that are realized above the amount certified by the BEA for FY 2011-12 as follows: \$1,480,000 to CHE for deferred maintenance for public 4-year universities and 2-year institutions; \$520,000 to Tec and Comp Ed for deferred maintenance for technical colleges; \$4,000,000 to CHE for Need-Based Grants; \$1,500,000 to Tuition Grants Commission for Tuition Grants; \$2,500,000 for Technology at public 4-year universities, 2-year institutions, and state technical colleges; \$6,267,000 to Department of Education for new school buses; and \$733,000 to the State Library for Aid to County Libraries. Direct that all lottery funds received by CHE for deferred maintenance be distributed on a pro-rata basis to each state supported university and institution and direct that the distribution methodology be based on each institution's proportion of general fund dollars they received in the FY 2011-12 appropriation act as compared to the total general fund appropriation in that act for all public 4-year universities and 2-year institutions.

SEN: ADOPT new proviso as amended.

2.5. (LEA: FY 2012-13 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

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

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

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For Fiscal Year 2012-13 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education and State Board
for Technical and Comprehensive Education--
Tuition Assistance \$ 49,100,000;
- (2) Commission on Higher Education--LIFE Scholarships as
provided in Chapter 149, Title 59..... \$ 107,054,616;
- (3) Commission on Higher Education--HOPE Scholarships
as provided in Section 59-150-370 \$ 7,579,856;
- (4) Commission on Higher Education--Palmetto Fellows
Scholarships as provided in Section 59-104-20 \$ 30,777,240;
- (5) Commission on Higher Education--Need-Based Grants \$ 11,631,566;
- (6) Tuitions Grants Commission--Tuition Grants \$ 7,766,604;
- (7) Commission on Higher Education--National Guard Tuition
Repayment Program as provided in Section 59-111-75 \$ 1,700,000;
- (8) South Carolina State University..... \$ 2,500,000;
- (9) Technology--Public Four-Year Universities, Two-Year
Institutions, and State Technical Colleges \$ 7,683,437;
- (10) Department of Education--K-5 Reading, Math, Science &
Social Studies Program as provided in Section 59-1-525..... \$ 26,291,798;
- (11) Department of Education--Grades 6-8 Reading, Math,
Science & Social Studies Program \$ 2,000,000;
- (12) School for the Deaf and the Blind--Technology Replacement \$ 200,000;
- (13) Commission on Higher Education--Higher Education
Excellence Enhancement Program \$ 50,000;
- (14) Commission on Higher Education--Public Four-Year
Universities & Two-Year Institutions Deferred Maintenance \$ 13,285,315; and
- (15) State Board for Technical and Comprehensive Education--
Technical Colleges Deferred Maintenance..... \$ 4,714,685.

Fiscal Year 2012-13 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds appropriated.

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

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

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

Fiscal Year 2012-13 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2012-13 are fully funded.

If the lottery revenue received for Fiscal Year 2012-13 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have

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their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

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

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

For Fiscal Year 2012-13, of the funds certified from unclaimed prizes, \$5,950,000 shall be appropriated to the Department of Education for the purchase of new school buses; \$250,000 shall be appropriated to the South Carolina School for the Deaf and blind for the purchase of new school buses; \$3,200,000 shall be appropriated to the Department of Education for K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525; \$50,000 shall be appropriated to the Department of Alcohol and Other Drug Abuse Services for gambling addiction services; and \$2,950,000 shall be appropriated to the Commission on Higher Education for the Higher Education Excellence Enhancement Program.

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

For Fiscal Year 2012-13, net lottery proceeds and investment earnings realized above the amount certified by the Board of Economic Advisors for Fiscal Year 2011-12 are appropriated as follows on a pro-rata basis:

- (1) Commission on Higher Education--Institutions of Public Four-Year Universities and Two-Year Institutions of Higher Learning Deferred Maintenance.....\$ 1,480,000;
- (2) State Board for Technical and Comprehensive Education Technical Colleges Deferred Maintenance\$ 520,000;
- (3) Commission on Higher Education--Need-Based Grants\$ 4,000,000;
- (4) Tuitions Grants Commission--Tuition Grants\$ 1,500,000;
- (5) Technology--Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges.....\$ 2,500,000;
- (6) Department of Education--New School Buses.....\$ 6,267,000; and
- (7) State Library--Aid to County Libraries.....\$ 733,000.

All funds received in this provision by the Commission on Higher Education for deferred maintenance at public four-year universities and two-year institutions of higher learning shall be distributed on a pro rata basis to each state supported university and institution. The distribution methodology to be used by the commission shall be based on each institution's proportion of general fund appropriation in Part IA of Act 73 of 2011 as compared to the total general fund appropriation in that Act for all public four-year universities and two-year institutions of higher learning.

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

- 4.15** **ADD** (Educational Program Initiatives) **SFC:** ADD new proviso to authorize the School to use funds received from SDE for vocational equipment on vocational program initiatives. The School's vocational program is the Applied Academics Center. The proviso will provide access to federal Perkins grant funds distributed by SDE for vocational programs. *Funds are distributed by SDE to LEAs so the School has not been previously eligible. Wil Lou Gray has the same provision.*

SEN: ADOPT new proviso.

4.15. (SDB: Educational Program Initiatives) The School for the Deaf and Blind is authorized to utilize funds received from the Department of Education for vocational equipment on educational program initiatives.

- 4.16** **ADD** (School Leave Policy) **SFC:** ADD new proviso to authorize the School to set administrative policy governing annual and sick leave in conjunction with the School's academic calendar. *The Governor's Schools have the same provision.*

SEN: ADOPT new proviso.

4.16. (SDB: School Leave Policy) The School for the Deaf and Blind is authorized to promulgate administrative policy governing annual and sick leave relative to faculty and staff with the approval of the School's board of directors. This policy shall address the school calendar in order to comply with the instructional needs of students attending the school.

SECTION 5 - L12-JOHN DE LA HOWE SCHOOL

- 5.4** **AMEND FURTHER** (Capacity) Directs that FY 11-12 funds be used to bring the school up to full capacity, to the extent possible and to report by December 1st on how the funds have been used and how many additional students have been served.

WMC: AMEND proviso to change Fiscal Year "2011-12" to "2012-13" and direct that the funds also be used to complete deferred maintenance on the residential cottages. Prohibit the school from using funds to hire new employees until the cottage's deferred maintenance has been completed and the number of students has increased. Require the school's board to approve any increase in the number of staff and for the Chairmen of the House Ways and Means and Senate Finance Committees to be notified 30 days before new staff is hired. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

5.4. (JDLHS: Capacity) For Fiscal Year ~~2011-12~~ 2012-13, funds appropriated to John de la Howe School must be used to complete deferred maintenance on the residential cottages and to bring the school up to full capacity, to the extent possible, and. The school must not utilize the funds to hire new employees until the school has completed deferred maintenance on a cottage and requires the new employee due to the increase in students. Any increases in staff must be approved by John de la Howe's board and reported to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee thirty days prior to the hire. Further, the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December first, on how the funds have been utilized and how many additional students have been served.

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SFC: AMEND FURTHER to reinsert the requirement that the school be brought up to full capacity “to the extent possible;” specify that the new employees shall not be hired until required by “a projected” increase in students; and remove the requirement that the John de la Howe Board must approve increases in the number of staff.

SEN: ADOPT proviso as amended.

5.4. (JDLHS: Capacity) For Fiscal Year ~~2011-12~~ 2012-13, funds appropriated to John de la Howe School must be used to complete deferred maintenance on the residential cottages and to bring the school up to full capacity, to the extent possible, ~~and~~. The school must not utilize the funds to hire new employees until the school has completed deferred maintenance on a cottage and requires the new employee due to a projected increase in students. Any increases in staff must be reported to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee thirty days prior to the hire. ~~Further,~~ the school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December first, on how the funds have been utilized and how many additional students have been served.

SECTION 6 - H03-COMMISSION ON HIGHER EDUCATION

6.13 **DELETE / RULED OUT OF ORDER** (Excellence Enhancement Program Additions) Directs that Converse College and Columbia College are eligible to receive funds under the Higher Education Excellence Enhancement Program.

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

~~**6.13.** (CHE: Excellence Enhancement Program Additions) Converse College and Columbia College shall be eligible to receive funds under the Higher Education Excellence Enhancement Program.~~

6.18 **DELETE / RULED OUT OF ORDER** (Mandatory Furlough) Provides guidelines for colleges and universities to implement mandatory furloughs. Requires higher education institutions to report furlough information to OHR.

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

~~**6.18.** (CHE: Mandatory Furlough) In a fiscal year in which the general funds appropriated for an institution of higher learning are less than the general funds appropriated for that institution in the prior fiscal year, or whenever the General Assembly or the Budget and Control Board implements a midyear across the board budget reduction, agency heads for institutions of higher learning and the State Board for Technical and Comprehensive Education through policy and procedure for the Technical College System may institute employee furlough programs of not more than twenty working days in the fiscal year in which the deficit is projected to occur. The furlough must be inclusive of all employees in an agency or within a designated department or program regardless of source of funds, place of work, or tenure status, and must include employees in classified positions and unclassified positions as well as agency heads. A furlough program may also be implemented by pay band for classified employees and by pay rate for unclassified employees. Law enforcement, employees who provide direct patient or client care, and front line employees who deliver direct customer services may be exempted from a mandatory furlough. If the furlough includes the entire agency, the furlough must include the agency head. Scheduling of furlough days, or portions of days, shall be at the~~

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~~discretion of the agency or individual institution. In the event that an agency implements both a voluntary furlough program and a mandatory furlough program during the fiscal year, furlough days taken voluntarily will count toward furlough days required by the mandatory furlough. During this furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, including but not limited to contributions to the South Carolina Retirement System or the optional retirement program, institutions will be responsible for making both employer and employee contributions during the time of the furlough if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Act. In the event an institution's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply. The implementation of a furlough program authorized by this provision shall be on an institution by institution basis. Agencies may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs if that employee is non-exempt under the provisions of the federal Fair Labor Standards Act. State agencies shall report information regarding furloughs to the Office of Human Resources of the Budget and Control Board as requested.~~

- 6.20 DELETE NEW PROVISO (SmartState) WMC:** ADD new proviso to prohibit CHE from spending any funds to market the SmartState Program. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

6.20. (CHE: SmartState) The Commission on Higher Education is prohibited from expending any source of funds on the marketing of the SmartState Program.

SFC: DELETE new proviso.

SEN: ADOPT deletion of proviso.

6.20. (CHE: SmartState) DELETED

- 6.21 ADD (SmartState Draw Down) SFC:** ADD new proviso to authorize CHE to drawn down previously appropriated lottery funds for a SmartState "South Carolina Center of Economic Excellence" that have been held in trust awaiting matching funds, after they receive the dollar-for-dollar non-state match and upon State Budget Division approval. Direct that the required documentation along with proof that the required match is on hand be submitted to the State Budget Division for approval. Direct the State Budget Division to notify the Other Funds Oversight Committee of such approval. Direct that the requirements of proviso 70.24 (Other Funds Oversight Committee) do not apply under these circumstances.

SEN: ADOPT new proviso.

6.21. (CHE: SmartState Draw Down) The Commission on Higher Education, upon receipt of the dollar-for-dollar non-state match for a SmartState "South Carolina Center of Economic Excellence" required pursuant to Section 2-75-50 of the 1976 Code, and after State Budget Division approval, shall be authorized to draw down previously appropriated lottery funds that had been held in trust until matching funds were on hand. The commission shall submit required documentation to the State Budget Division for approval of such draw downs, including proof that the required match is on hand, and the State Budget Division shall notify

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the Other Funds Oversight Committee of an authorization approved for this purpose. The requirements of proviso 70.24 contained in this act shall not apply to circumstances described by this proviso.

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

18.5 **ADD** (Manufacturing Training Facility) **HOU2:** ADD new proviso to require the State Board for Tec and Comp Ed to use \$3,500,000 to complete the up-fit of a manufacturing training facility at Central Carolina Technical College to be used in conjunction with Ready SC worker training programs. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

18.5 (TEC: Manufacturing Training Facility) Of the funds appropriated to the State Board for Technical and Comprehensive Education, \$3,500,000 must be utilized to complete the up-fit of a manufacturing training facility at Central Carolina Technical College. The facility shall be used in conjunction with worker training programs offered by the ReadySC program.

SECTION 21 - J02-DEPARTMENT OF HEALTH AND HUMAN SERVICES

21.31 **DELETE** (In-Home Health Care Systems for Medicaid Recipients) Allows the department to pilot test a program using an in-home health care system, with the goal of reducing emergency room visits; and provides specifics that to be used for the program.
WMC: AMEND proviso to change Fiscal Year “2011-12” to “2012-13.” *Technical.* Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.

21.31. (DHHS: In-Home Health Care Systems for Medicaid Recipients) The Department of Health and Human Services, during Fiscal Year ~~2011-12~~ *2012-13*, within the funds appropriated, upon application by the department, may pilot test an in-home health care system. The pilot test must include a statistically valid sample of Medicaid patients within the counties as determined by the Director of the Department of Health and Human Services. This program shall provide a state-of-the-art in-home health care system which provides around the clock access to medical assessment care and additionally provides an emergency response function that gives a Medicaid recipient the ability to contact a local emergency response center.

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

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

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

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

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

(2) the wireless transmitter for the medical console must have two buttons, one for transmitting a signal to the console to contact the emergency response monitoring facility, and

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the second button also must send a wireless signal to the console to trigger contact with the medical triage center.

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

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

The medical triage center must have or be:

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

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

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

(8) fully HIPAA compliant;

(9) bilingual staff in English and Spanish;

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

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

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

The emergency response call center must:

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

(2) be located in South Carolina;

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

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

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

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

SFC: DELETE proviso. Requested by Department of Health and Human Services.

SEN: ADOPT deletion of proviso.

21.31. (DHHS: In-Home Health Care Systems for Medicaid Recipients) ~~The Department of Health and Human Services, during Fiscal Year 2011-12, within the funds appropriated, upon application by the department, may pilot test an in home health care system. The pilot test must include a statistically valid sample of Medicaid patients within the counties as determined by the Director of the Department of Health and Human Services. This program shall provide a state-of-the-art in-home health care system which provides around-the-clock~~

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~~access to medical assessment care and additionally provides an emergency response function that gives a Medicaid recipient the ability to contact a local emergency response center.~~

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

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

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

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

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

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

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

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

~~The medical triage center must have or be:~~

- ~~(1) open twenty-four hours a day, three hundred sixty-five days a year;~~
- ~~(2) a call center must be located in the United States;~~
- ~~(3) Utilization Review Accreditation Commission (URAC) accredited;~~
- ~~(4) on-call availability of a South Carolina licensed physician, twenty-four hours, seven days a week for guidance or review of clinical calls as needed;~~
- ~~(5) registered nurses with a minimum of ten years experience available to answer all calls;~~
- ~~(6) all calls digitally recorded and archived, and a triage report prepared and sent;~~
- ~~(7) daily monitoring of communications with the call center;~~
- ~~(8) fully HIPAA compliant;~~
- ~~(9) bilingual staff in English and Spanish;~~
- ~~(10) a mechanism that ensures that a caller will never receive a busy signal or voice mail when accessing the nurse advice line;~~
- ~~(11) clinical staff able to serve pediatric, adolescent, adult, and senior populations, as well as health care expertise in a variety of clinical areas such as emergency room, pediatrics, critical care, oncology, cardiology, pulmonary, geriatrics, obstetrics/gynecology and general medicine; and~~

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

~~The emergency response call center must:~~

- ~~(1) be open twenty-four hours a day, three hundred sixty-five days a year;~~
- ~~(2) be located in South Carolina;~~
- ~~(3) maintain a digital receiver capable of processing two-way voice audio using multiple formats.~~

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

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

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

SECTION 22 - J04-DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

- 22.10 AMEND** (Rape Violence Prevention Contract) Requires \$403,956 of Rape Violence Prevention funds be used to support the state's rape crisis centers. Prohibit the department from reducing rape crisis center contracts below the current funding level.
SFC: AMEND proviso to change Fiscal Year "2011-12" to "2012-13."
SEN: ADOPT proviso as amended.

22.10. (DHEC: Rape Violence Prevention Contract) Of the amounts appropriated in Rape Violence Prevention, \$403,956 shall be used to support programmatic efforts of the state's rape crisis centers with distribution of these funds based on the Department of Health and Environmental Control Rape Violence Prevention Program service standards and each center's accomplishment of a pre-approved annual action plan. For Fiscal Year ~~2011-12~~ 2012-13, the department shall not reduce these contracts below the current funding level.

- 22.12 AMEND** (Sickle Cell Programs) Provides for the distribution of \$761,233 of Sickle Cell program services funds. Prohibit the department from reducing Sickle Cell program funds below the current funding level.
SFC: AMEND proviso to change Fiscal Year "2011-12" to "2012-13."
SEN: ADOPT proviso as amended.

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

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

(2) thirty-three percent is for the Community Based Sickle Cell Program at DHEC.

The funds shall be used for providing prevention programs, educational programs, testing, counseling and newborn screening. The balance of the total appropriation must be used for Sickle Cell Services operated by the Independent Living program of DHEC. The funds appropriated to the community based sickle cell centers shall be reduced to reflect any percent reduction assigned to the Department of Health and Environmental Control by the Budget and Control Board; provided, however, that the department may not act unilaterally to reduce the funds for the Sickle Cell program greater than such stipulated percentage. The department shall not be required to undertake any treatment, medical management or health care follow-up for any person with sickle cell disease identified through any neonatal testing program, beyond the level of services supported by funds now or subsequently appropriated for such services. No funds appropriated for ongoing or newly established sickle cell services may be diverted to other budget categories within the DHEC budget. For Fiscal Year ~~2011-12~~ 2012-13, the department shall not reduce these funds below the current funding level.

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22.26 REINSERT (Head Lice) Authorizes the department to spend \$200,000 of revenue to fund the head lice program statewide.

WMC: DELETE proviso. *The agency is mandated to respond to any significant public health outbreak based on need and the direct threat to the public.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

HOU: ADOPT deletion of proviso.

~~22.26. (DHEC: Head Lice) The Department of Health and Environmental Control is authorized to expend \$200,000 in other fund accounts in order to fund the head lice program statewide.~~

SFC: REINSERT original proviso.

SEN: ADOPT original proviso.

22.26. (DHEC: Head Lice) The Department of Health and Environmental Control is authorized to expend \$200,000 in other fund accounts in order to fund the head lice program statewide.

22.47 AMEND NEW PROVISO (Best Chance Network & Colorectal Cancer Awareness/Prevention) **WMC:** ADD new proviso to direct the department to use \$2,000,000 of smoking cessation funds as follows: \$1,000,000 for Best Chance Network and \$1,000,000 for Colorectal Cancer Awareness Prevention. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

HOU2: AMEND new proviso to suspend Section 11-11-230(A) for FY 2012-13. Create a Smoking Prevention and Cessation Trust Fund and direct DHEC to use \$1,000,000 for the Best Chance Network and \$1,000,000 for Colorectal Cancer Awareness Prevention from the \$5,000,000 transferred to them from that fund. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

22.47. (DHEC: Best Chance Network & Colorectal Cancer Awareness/Prevention) Section 11-11-230(A) of the 1976 Code is suspended for Fiscal Year 2012-13. There is created in the State Treasury the Smoking Prevention and Cessation Trust Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of the fiscal year shall be carried forward in the fund from the prior fiscal year into the current fiscal year. Of the five million dollars transferred from the Smoking Prevention and Cessation Trust Fund to the Department of Health and Environmental Control the Department, \$1,000,000 shall be used for the Best Chance Network and \$1,000,000 shall be used for Colorectal Cancer Awareness/Prevention.

SFC: DELETE new proviso. *Rule 24 - amends Section 11-11-230(A). Funding provided on the line.*

SEN: ADOPT deletion of new proviso.

22.47. (DHEC: Best Chance Network & Colorectal Cancer Awareness/Prevention)
DELETED

22.48 ADD (Flexibility Capital Needs) **SFC:** ADD new proviso to provide DHEC flexibility to use \$1,300,000 of earmarked funds that are not otherwise directed by proviso or statute for a

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specific purpose to establish a grant program for health department capital needs. Require funds used for this purpose be reported to the Senate Finance and Ways and Means Committee.
SEN: ADOPT new proviso.

22.48. (DHEC: Flexibility for Capital Needs) In order to provide maximum flexibility in funding critical health department capital needs, the department may transfer \$1,300,000 from earmarked accounts, not otherwise directed by proviso or statute for a specific purpose, to be distributed to health departments through a grant process administered by the Commissioner with the approval of the Board. Any use of funds for this purpose must be reported to the Senate Finance Committee and the House Ways and Means Committee.

22.49 **ADD** (Immunizations) **SFC:** ADD new proviso to authorize the department to use immunization funds to hire temporaries during immunization periods of high demand at local health departments.
SEN: ADOPT new proviso.

22.49. (DHEC: Immunizations) The department is authorized to utilize the funds appropriated for immunizations to hire temporary personnel to address periods of high demand for immunizations at local health departments.

SECTION 23 - J12-DEPARTMENT OF MENTAL HEALTH

23.12 **DELETE** (Veterans' Nursing Home Death Investigations) Directs that SLED is not required to conduct an investigation into the death of an individual in a veterans' nursing home that is under DMH's authority if a coroner rules the death is from natural causes.
SFC: DELETE proviso. *Codified in H.3750, Act 128 on March 13, 2012.*
SEN: ADOPT deletion of proviso.

~~23.12. (DMH: Veterans' Nursing Home Death Investigations) In the event that a coroner rules that the death of an individual in a veterans' nursing home under the authority of the Department of Mental Health results from natural causes, then the State Law Enforcement Division is not required to conduct an investigation regarding the individual's death.~~

23.15 **AMEND NEW PROVISO** (Sexually Violent Predator Program) **WMC:** ADD new proviso to direct the Departments of Mental Health and Corrections to prepare a report that evaluates the feasibility of transferring the Sexually Violent Predator Program to the Department of Corrections. Require the report include population and cost projections for the next 5 years and make recommendations on opportunities to further expand the role of the private sector in operating this program. Require the report be submitted by December 31, 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.

23.15. (DMH: Sexually Violent Predator Program) The Department of Mental Health and the Department of Corrections shall prepare a report evaluating the feasibility and desirability of transferring the Sexually Violent Predator Program to the Department of Corrections. This report must include population and cost projections for the next five years, and must also explore and make recommendations regarding opportunities to further expand the private sector's role in operating this program. This report shall be provided to the Chairman of the

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Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 31, 2012.

SFC: AMEND new proviso to require a status update on the report be submitted by January 8, 2013 with the final report submitted by May 1, 2013. *Allow DMH and Corrections additional time to complete a thorough review of the program.* Requested by Department of Mental Health and Department of Corrections.

SEN: ADOPT new proviso as amended.

23.15. (DMH: Sexually Violent Predator Program) The Department of Mental Health and the Department of Corrections shall prepare a report evaluating the feasibility and desirability of transferring the Sexually Violent Predator Program to the Department of Corrections. This report must include population and cost projections for the next five years, and must also explore and make recommendations regarding opportunities to further expand the private sector's role in operating this program. An update on the status of this report shall be provided to the Chairman of the Senate Finance Committee, the Chairman of the Senate Medical Affairs Committee, the Chairman of the Senate Corrections and Penology Committee, the Chairman of the House Ways and Means Committee, the Chairman of the House Judiciary Committee, and the Chairman of the Medical, Military, Public, and Municipal Affairs Committee by January 8, 2013 and the final report shall be provided by May 1, 2013.

SECTION 24 - J16-DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS

24.12 AMEND (Child Daycare Centers) Requires the department to provide reimbursement for services provided to eligible children by daycare centers under contract prior to December 31, 2008. Requires the reimbursement to be at least 80% of the amount reimbursed in the previous fiscal year.

HOU2: AMEND proviso to require the department transfer \$100,000 to the Anderson County Disabilities Board by September 15th to provide these services. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

24.12. (DDSN: Child Daycare Centers) Of the funds appropriated to the department, the department shall provide reimbursement for services provided to department eligible children at daycare centers previously under contract prior to December 31, 2008. The reimbursement shall not be less than eighty percent of the amount reimbursed in the previous fiscal year. By September 15, the department must transfer \$100,000 to the Anderson County Disabilities Board for the provision of these services.

24.16 ADD (Greenwood Genetic Center) **SFC:** ADD new proviso to authorize DDSN to transfer up to \$500,000 of unencumbered funds from the PDD Autism Waiver to the Greenwood Genetic Center for autism research.

SEN: ADOPT new proviso.

24.16. (DDSN: Greenwood Genetic Center Autism Research) The department is authorized to transfer up to \$500,000 of unencumbered funds from the PDD autism waiver to the Greenwood Genetic Center for autism research.

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SECTION 26 - L04-DEPARTMENT OF SOCIAL SERVICES

26.21 RESTORE ORIGINAL PROVISO (Teen Pregnancy Prevention) Requires the department to award two contracts to 501(c)(3) entities to provide teen pregnancy prevention programs and services and provides guidelines for the awarding of the contracts.

WMC: AMEND proviso to delete the requirement the entities that have a proven and public history of effectively implementing abstinence program in the state must be given preference. Specify that the Office of Adolescent Health is the agency the federal government has chosen to provide a comprehensive, national list of effective program models and the entities awarded a contract document that they have a proven history of implementing one of those models and delete previous contract awarding requirements. Require that a 5 member committee oversee the contract awarding process and that their first meeting be on or before August 1st each year. Direct that the President Pro-Tempore and the Speaker of the House each appoint 2 members; that the Governor appoints one member; and that the members of the committee serve without compensation. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

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

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

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

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

~~(E) (D)(1) One contract must be awarded to an entity that utilizes an abstinence first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy throughout South Carolina. *The Office of Adolescent Health is the agency the federal Department of Health and Human Services has chosen to provide a comprehensive, national list of effective program models. Entities awarded one of the above contracts must document a proven history of implementing one of the comprehensive program models from this list.*~~

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

~~(b) The contract awarded pursuant to this item must be awarded to entities that utilize a program or evaluation process approved by, and under the supervision of, a federally~~

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~~approved Institutional Review Board (IRB) and have been evaluated and approved for medical accuracy by the United States Health and Human Services' Office of Adolescent Health or the Office of Adolescent Pregnancy Prevention. Contracts may also be awarded to entities that do not meet these requirements on the date of the award but the entity must meet the requirements by the end of the fiscal year or the entity must forfeit the final quarterly payment.~~

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

~~(E)~~ (E) The programs implemented by the entities awarded contracts pursuant to this proviso may not violate any portion of the South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.

(F) A five-member committee shall oversee the contract award process. The committee's first meeting shall be on or before August 1st of each year. The five member committee shall be composed as follows: the President Pro-Tempore of the Senate shall appoint two members of the committee, the Speaker of the House shall appoint two members of the committee and the Governor shall appoint one member of the committee. Members of the committee shall serve without compensation.

SFC: RESTORE original proviso.

SEN: ADOPT original proviso.

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

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

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

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

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

(2)(a) One contract must be awarded to an entity that uses a National Abstinence Clearinghouse (NAC) approved curricula for a minimum of one year prior to their application. NAC is the agency the federal Department of Health and Human Services has chosen to provide a comprehensive, national list of approved abstinence-only education curricula that is

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consistent with the A through H legislative requirements defined in Title V, Section 510(b)(2). Any entity that is awarded one of the above contracts must agree to provide data to verify the program effectiveness.

(b) The contract awarded pursuant to this item must be awarded to entities that utilize a program or evaluation process approved by, and under the supervision of, a federally approved Institutional Review Board (IRB) and have been evaluated and approved for medical accuracy by the United States Health and Human Services' Office of Adolescent Health or the Office of Adolescent Pregnancy Prevention. Contracts may also be awarded to entities that do not meet these requirements on the date of the award but the entity must meet the requirements by the end of the fiscal year or the entity must forfeit the final quarterly payment.

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

(F) The programs implemented by the entities awarded contracts pursuant to this proviso may not violate any portion of the South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.

26.24 DELETE NEW PROVISO (Women in Unity) **HOU:** ADD new proviso to direct the department to provide \$100,000 to the Women in Unity organization. Sponsor: Rep. Clyburn.

26.24. (DSS: Women in Unity) Of the funds appropriated to or authorized for the department, \$100,000 shall be provided to the Women In Unity organization.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

26.24. (DSS: Women in Unity) DELETED

26.25 DELETE NEW PROVISO (Tri-City Outreach) **HOU:** ADD new proviso to direct the department to provide \$40,000 to Tri-City Outreach. Sponsor: Rep. Jefferson.

26.25. (DSS: Tri-City Outreach) Of the funds appropriated to or authorized for the department, \$40,000 shall be provided to Tri-City Outreach.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

26.25. (DSS: Tri-City Outreach) DELETED

26.26 DELETE NEW PROVISO (Callen-Lacey Center for Children) **HOU:** ADD new proviso to direct the department to provide \$35,000 to the Callen-Lacey /Center for Children. Require the center to report to the Senate Finance and House Ways and Means Committees by December 1st each year on how these funds were spent in the prior fiscal year. Sponsor: Rep. Daning.

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26.26. (DSS: Callen-Lacey Center for Children) of the funds appropriated to or authorized for the department, \$35,000 shall be provided to the Callen-Lacey Center. The Callen-Lacey Center for Children must submit a report to the Senate Finance Committee and the House Ways and Means Committee by December first each year describing how these funds were expended in the prior fiscal year.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

26.26. (DSS: Callen-Lacey Center for Children) **DELETED**

26.27 **ADD** (Analysis of Referrals) **SFC:** ADD new proviso to direct the DSS director to collaborate with the John de la Howe School superintendent to analyze the process for referring students to the school in order to maximize the services provided by the school. Direct that the results of the analysis, along with a 3-year history of all referral/placements the department has made by facility type and level of care be submitted to the Governor, and the Chairmen of the Senate Finance and House Ways and Means Committees by December 1, 2012.

SEN: ADOPT new proviso.

26.27. (DSS: Analysis of Referrals) The Director of the department, in collaboration with the Superintendent of the John de la Howe School, shall conduct an analysis of the process for referrals to the School in order to maximize the potential for the provision of services by the School. The department shall prepare a report on the referral process and the report shall also include a three year history of all referrals/placements made by the department by facility type and level of care. The report shall be submitted to the Governor, Chairman of the Senate Finance Committee and the Chairman of the House Ways & Means Committee no later than December 1, 2012.

SECTION 31 - H95-STATE MUSEUM COMMISSION

31.10 **ADD** (State Museum Admissions Tax) **SEN:** ADD new proviso to direct that up to \$50,000 of admissions tax revenue collected by the State Museum must be rebated to the museum and used for museum operations. Sponsor: Sen. Hayes.

31.10. (MUSM: State Museum Admissions Tax) For Fiscal Year 2012-13, up to fifty thousand dollars in admissions tax revenue collected annually from the State Museum must be rebated to the State Museum. The amount rebated shall be used for the purpose of museum operations.

SECTION 34 - P16-DEPARTMENT OF AGRICULTURE

34.9 **DELETE NEW PROVISO** (Pesticide Disposal) **HOU:** ADD new proviso to require the department to use up to \$100,000 to continue the pesticide disposal program. Sponsor: Rep. Atwater.

34.9. (AGRI: Pesticide Disposal) Of the funds appropriated to or authorized for the Department, up to \$100,000 shall be used to continue the pesticide disposal program.

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SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

34.9. (AGRI: Pesticide Disposal) DELETED

SECTION 37 - P24 - DEPARTMENT OF NATURAL RESOURCES

37.10 ADD (Lake Paul Wallace Authority) **SEN:** ADD new proviso to create the Lake Paul a. Wallace Authority to manage, maintain, and operate the Lake Paul A. Wallace. Direct that the Authority is dissolved on June 30, 2013. Allow authority members to receive per diem and mileage. Sponsor: Sen. Malloy.

37.10. (DNR: Lake Paul Wallace Authority) (A) From the funds appropriated to the department and the Lake Wallace Special Purpose District, there is created the Lake Paul A. Wallace Authority.

(1) The function of the authority is to:

(a) to manage, maintain, and operate the Lake Paul A. Wallace;

(b) ensure that the primary purpose of the lake is for public fishing and recreation in compliance with the federal law under which the lake was established; and

(c) provide that the wildlife habitat remain a protected area as long as this function does not contravene with the provisions contained in subitem (a) of this subsection.

(2) The Authority has the power granted to it in item (1) and subsections (E) and (F) for the current fiscal year.

(3) The Authority is dissolved on June 30 of the current fiscal year.

(B) (1) The authority shall be composed of seven members appointed by the Marlboro County Legislative Delegation, as follows:

(a) two members nominated by the city council of Bennettsville;

(b) two members nominated by the county council of Marlboro County; and

(c) three members at-large who reside near or have a demonstrable history of recreational use of Lake Paul A. Wallace.

(2) The members shall serve for the current fiscal year.

(3) One of the at-large members must be designated by the Marlboro County Legislative Delegation to serve as the chairman of the authority.

(4) A vacancy must be filled in the same manner as the appointment for the vacant position is made, and the successor appointed to fill the vacancy shall hold office for the remainder of the fiscal year.

(5) The Director of the Department of Natural Resources, or his designee, shall serve ex officio as a non-voting member.

(C) The members of the authority may receive such per diem and mileage as is provided by law for members of boards, commissions, and committees.

(D) The authority shall convene upon the call of the chairman and organize by electing a vice-chairman, a secretary, and a treasurer.

(E) The authority has the following powers to:

(1) maintain a principal office, which shall be located in Bennettsville;

(2) make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the authority;

(3) hire staff; and

(4) do all other acts and things necessary or convenient to carry out any function or power committed or granted to the authority.

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(F) The authority is empowered to receive and spend any funding available through (1) the department, (2) the municipal, county, state, or federal government, or (3) any other source in order to finance the management, maintenance, and operation of the lake that is in compliance with federal and state law.

(G) As used in this paragraph:

(1) 'Authority' means the Lake Paul A. Wallace Authority, created to receive, manage, maintain, and operate the property known as Lake Paul A. Wallace located in Marlboro County;

(2) 'Department' means the Department of Natural Resources; and

(3) 'Lake' means Lake Paul A. Wallace.

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

39.1 AMEND (Tourism and Promotion) Provides for the distribution of Regional Promotions funds to the 11 Regional Tourism groups.

SFC: AMEND proviso to direct that \$50,000 of the Grandstrand Tourism Region's funds be distributed to the "North Myrtle Beach Chamber of Commerce" rather than the "Myrtle Beach Chamber of Commerce." Fiscal Impact: No impact on the General Fund.

SEN: ADOPT proviso as amended.

39.1. (PRT: Tourism and Promotion) The funds appropriated in this Act for Regional Promotions shall be distributed equally to the eleven Regional Tourism groups, except that the Grandstrand Tourism Region's funds shall be divided, with \$50,000 distributed to the North Myrtle Beach Chamber of Commerce, \$105,000 distributed to the Georgetown Chamber of Commerce, and \$20,000 distributed to the Williamsburg Chamber of Commerce for tourism related activities. The North Myrtle Beach Chamber of Commerce and the Georgetown Chamber of Commerce shall submit a report to the Senate Finance Committee and the House Ways and Means Committee by December first each year describing how these funds were expended in the prior fiscal year.

39.2 RESTORE ORIGINAL PROVISO (Destination Specific Tourism Marketing) Provides guidelines for the awarding of Destination Specific Tourism Program grants.

WMC: AMEND proviso to delete the stipulation that organizations receiving these grants must use them to "stimulate destination travel by persons" outside the state to destinations within the state and instead direct that the grants be used to "target international and/or domestic travelers" outside the state to destinations within the state. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

39.2. (PRT: Destination Specific Tourism Marketing) The minimum grant awarded by the Destination Specific Tourism Program shall be \$250,000. Each state dollar must be matched with two dollars of private funds. An organization receiving a state grant must certify that, as of the date of the application: (i) the private funds are new dollars specifically designated for the purpose of matching state funds; (ii) the private funds have not been previously allocated or designated for tourism-related destination marketing; (iii) the organization has on hand or has an approved line of credit of not less than the amount of private funds needed to provide the required match. Organizations applying for a grant must include in the grant application, information on how the organization proposes to measure the success of the marketing and public relations program, including the estimated return on investment to the

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state. Promotional programs proposed by an applicant must be based on research-based outcomes. Grants must be made only to organizations that have a proven record of success in creating and sustaining new and repeat visitation to its area and must have sufficient resources to create, plan, implement, and measure the marketing and promotional efforts undertaken as a part of the program. The department must award a grant only to one qualified destination marketing organization within their tourism region where the organization's private funds are raised. An organization receiving a grant must use the public and private funds only for the purpose of destination specific marketing and public relations designed to ~~stimulate destination travel by persons~~ target international and/or domestic travelers outside the state to destinations within the state. All grants that qualify under the program must be funded if funds are available. Funding of all qualified grants will be on a first come first served basis with such basis retained throughout the term of this proviso. No organization shall receive in the first quarter more than fifty percent of the state dollars allocated to the program. If by the end of the third quarter matching funds are still available with no other organizations meeting the criteria for funding, the funds will be distributed to the organization or organizations that have and can meet all of the requirements of this proviso. Grant recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the director of the Department of Parks, Recreation and Tourism on the expenditure of the grants funds and on the proposed outcome measures.

SFC: RESTORE original proviso.

SEN: ADOPT original proviso.

39.2. (PRT: Destination Specific Tourism Marketing) The minimum grant awarded by the Destination Specific Tourism Program shall be \$250,000. Each state dollar must be matched with two dollars of private funds. An organization receiving a state grant must certify that, as of the date of the application: (i) the private funds are new dollars specifically designated for the purpose of matching state funds; (ii) the private funds have not been previously allocated or designated for tourism-related destination marketing; (iii) the organization has on hand or has an approved line of credit of not less than the amount of private funds needed to provide the required match. Organizations applying for a grant must include in the grant application, information on how the organization proposes to measure the success of the marketing and public relations program, including the estimated return on investment to the state. Promotional programs proposed by an applicant must be based on research-based outcomes. Grants must be made only to organizations that have a proven record of success in creating and sustaining new and repeat visitation to its area and must have sufficient resources to create, plan, implement, and measure the marketing and promotional efforts undertaken as a part of the program. The department must award a grant only to one qualified destination marketing organization within their tourism region where the organization's private funds are raised. An organization receiving a grant must use the public and private funds only for the purpose of destination specific marketing and public relations designed to stimulate destination travel by persons outside the state to destinations within the state. All grants that qualify under the program must be funded if funds are available. Funding of all qualified grants will be on a first come first served basis with such basis retained throughout the term of this proviso. No organization shall receive in the first quarter more than fifty percent of the state dollars allocated to the program. If by the end of the third quarter matching funds are still available with no other organizations meeting the criteria for funding, the funds will be distributed to the organization or organizations that have and can meet all of the requirements of this proviso. Grant recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the director of the

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Department of Parks, Recreation and Tourism on the expenditure of the grants funds and on the proposed outcome measures.

- 39.4 AMEND FURTHER** (Regional Tourism) Requires the department to disburse \$275,000 of their appropriated or authorized funds among the eleven Regional Tourism groups and prohibits the department from reducing the amount funded to those groups.
WMC: AMEND proviso to delete the requirement that \$275,000 of department funds be disbursed to the eleven Regional Tourism Groups. Fiscal Impact: No impact on the General Fund. The funds will remain in the agency for other agency functions.
HOU: ADOPT proviso as amended.

~~39.4. (PRT: Regional Tourism) Of the funds appropriated to, authorized for, and/or carried forward by the department, the department shall provide \$275,000 for disbursement among the eleven Regional Tourism groups. In the event the department receives a general fund reduction in the current fiscal year, the department is prohibited from reducing the amount funded to the eleven Regional Tourism groups.~~

SFC: AMEND FURTHER to specify that the department is prohibited from reducing the amount funded “and distributed” to the 11 Regional Tourism groups “as directed by Proviso 39.1 in this act.”

SEN: ADOPT proviso as amended.

~~39.4. (PRT: Regional Tourism) Of the funds appropriated to, authorized for, and/or carried forward by the department, the department shall provide \$275,000 for disbursement among the eleven Regional Tourism groups. In the event the department receives a general fund reduction in the current fiscal year, the department is prohibited from reducing the amount funded and distributed to the eleven Regional Tourism groups as directed by proviso 39.1 in this act.~~

- 39.11 DELETE / RULED OUT OF ORDER** (Additional Motion Picture Bonus-Rebate) Authorizes the Film Commission, in addition to the 15% rebate authorized by Section 12-62-50, to provide an additional bonus-rebate to a motion picture production company of up to 5% of the total aggregate South Carolina payroll for persons subject to SC income tax withholdings; and in addition to the 15% rebate authorized by Section 12-62-60, authorizes the Film Commission to provide an additional bonus-rebate to a motion picture production company of up to 15% of the expenditures made by the motion picture production company in the State.
SEN: DELETE proviso. *Ruled Out of Order.*

~~39.11. (PRT: Additional Motion Picture Bonus-Rebate) In addition to the fifteen percent rebate authorized pursuant to Section 12-62-50, the South Carolina Film Commission may provide an additional Bonus rebate to a motion picture production company of up to five percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. In addition to the fifteen percent rebate authorized pursuant to Section 12-62-60, the South Carolina Film Commission may provide an additional bonus rebate to a motion picture production company of up to fifteen percent of the expenditures made by the motion picture production company in the State.~~

- 39.13 DELETE NEW PROVISIO** (Admission Fees and Charges) **HOU:** ADD new proviso to authorize the department to impose reasonable fees and charges for admission into and or use

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of park and recreational facilities and require the revenue generated be used for park and recreational uses. Sponsor: Rep. Merrill.

39.13. (PRT: Admission Fees and Charges) The department may impose reasonable fees and charges for admission to and/or use of park and recreational facilities and the revenues from such fees and charges must be used for park and recreational uses.

SFC: DELETE new proviso.

SEN: ADOPT deletion of proviso.

39.13. (PRT: Admission Fees and Charges) DELETED

SECTION 40 - P32 - DEPARTMENT OF COMMERCE

40.17 AMEND (Regional Economic Development Organizations) Directs 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. Requires a 1:1 private fund match and requires the receiving organization to certify that the private funds match are new dollars specifically designated for this purpose. Directs organizations receiving the funds to provide an annual expenditure report and outcome measures to the Chairmen of the Senate Finance and House Ways and Means Committees and the Secretary of Commerce by November 1st.

HOU2: AMEND proviso to change Fiscal Year “2011-12” to “2012-13;” delete the Lowcountry Economic Alliance; change the amount equally disbursed to each organization from “\$4,700,000” to “\$4,475,000;” delete Union County; and add Saluda, Lee, Sumter, and Beaufort Counties. Delete the requirement that unexpended funds be carried forward and used for the same purpose and instead direct unexpended or undistributed funds be transferred to the Rural Infrastructure Fund at the Department of Commerce. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

40.17. (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize the \$5,000,000 appropriated in Fiscal Year ~~2011-12~~ 2012-13 for Regional Economic Development Organizations to provide funds to the following ~~seven~~ six economic development organizations:

- (1) Central SC Economic Development Alliance;
- (2) Charleston Regional Development Alliance;
- (3) Economic Development Partnership;
- (4) North Eastern Strategic Alliance (NESA);
- (5) Southern Carolina Alliance; and
- (6) Upstate Alliance; ~~and~~
- ~~(7) Lowcountry Economic Alliance.~~

Of the \$5,000,000 appropriated for this purpose, ~~\$4,700,000~~ \$4,475,000 must be disbursed equally to each organization. Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development.

The remaining ~~\$300,000~~ \$525,000 shall be provided to Chester County, Lancaster County, ~~Union County,~~ Saluda County, Lee County, Sumter County, Beaufort County, and York County provided they meet the requirements established above.

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

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

~~Unexpended or undistributed funds shall be carried forward from the prior fiscal year into the current fiscal year and shall be used for the same purpose.~~ Any unexpended or undistributed funds appropriated in prior fiscal years for Regional Economic Development Organizations shall be transferred to the Rural Infrastructure Fund at the Department of Commerce.

SFC: AMEND proviso to change “Fiscal Year 2011-12” to “the current fiscal year.”

SEN: ADOPT proviso as amended.

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

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

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

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

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

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

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

40.18 **AMEND NEW PROVISO** (Research Funds) **WMC:** ADD new proviso to direct the department, upon Secretary of Commerce and Coordinating Council for Economic Development approval, to use funds appropriated for “Research” to fund partnerships between the department, higher education institutions, and S.C. based industry that have significant investment in the state. Require the partnerships create well paying jobs and enhance economic opportunities in the Distribution and Logistics Sciences area, or any other science, technology, research, development, or industry. Authorize unexpended funds be carried forward and used for the same purpose of to fund economic development projects. Fiscal Impact: \$8,000,000 non-recurring funds appropriated.

HOU: ADOPT new proviso.

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40.18. (CMRC: Research Funds) Funds appropriated to the Department of Commerce as a special item or nonrecurring appropriation for Research shall be used to fund, upon approval of the Secretary of Commerce and the Coordinating Council for Economic Development, partnerships between the Department of Commerce, higher education institutions, either collectively or individually, and South Carolina-based industry with significant investment in the state. These partnerships shall be in Distribution and Logistics Sciences, or any other science, technology, research, development, or industry that creates well-paying jobs and enhanced economic opportunities for the State as determined by the Secretary of Commerce. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and may be used for the same purpose or to fund economic development projects.

SFC: AMEND new proviso to include “recurring appropriations” in the available funding stream; delete “higher education institutions” from the partnership and replace with “senior research universities;” and include “the efficient management of technology transfer needs of any member of the partnership without limitation.” Direct the Secretary of Commerce and the Coordinating Council to work in conjunction with industry and senior research universities to identify potential subject matter for partnerships and to seek and consider Smart State Review Board advice in requesting partnerships and in approving funds. Require the Smart State Review Board expedite their advice on these matters.

SEN: ADOPT new proviso as amended.

40.18. (CMRC: Research Funds) Funds appropriated to the Department of Commerce as a special item, recurring appropriation, or nonrecurring appropriation for Research shall be used to fund, upon approval of the Secretary of Commerce and the Coordinating Council for Economic Development, partnerships between the Department of Commerce, the senior research universities, either collectively or individually, and South Carolina-based industry with significant investment in the state. These partnerships shall be in Distribution and Logistics Sciences, or any other science, technology, research, development, or industry (including without limitation the efficient management of the technology transfer needs of any member of the partnership) that creates well-paying jobs and enhanced economic opportunities for the State as determined by the Secretary of Commerce. The Secretary of Commerce and the Coordinating Council for Economic Development must work in conjunction with industry and the senior research universities to identify the potential subject matter of these partnerships and must seek and consider the advice of the Smart State Review Board with regard to requesting proposals for such partnerships and in approving the expenditure of funds for these partnerships. The Smart State Review Board must provide such advice on an expedited basis. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and may be used for the same purpose or to fund economic development projects.

40.19 **ADD** (MFG Extension Partnership) **HOU2:** ADD new proviso to prohibit funds designated for the SC Manufacturing Extension Partnership program from being used to pay employees or individuals for lobbying services. Require the department prepare an annual report on the Partnership’s prior fiscal year expenditures and submit the report to the Chairmen of the Senate Finance and House Ways and means Committees by November 1st. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

40.19. (CMRC: SC Mfg Extension Partnership) No funds appropriated to the department that are designated for the SC Manufacturing Extension Partnership may be utilized to compensate employees or individuals who engage in lobbying services on behalf of the

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department or the partnership. In addition, the department shall prepare an annual report on the SC Manufacturing Extension Partnership's expenditures for the prior fiscal year and shall submit the report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by November first.

SECTION 44 - B04-JUDICIAL DEPARTMENT

44.18 **ADD** (At-Large Judges) **HOU2:** ADD new proviso to require all new judges authorized and funded in this act to be elected at large. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

44.18. (JUD: At-Large Judges) All new judges authorized and funded per this act shall be elected at large.

SECTION 45 - E20 - ATTORNEY GENERAL'S OFFICE

45.5 **AMEND FURTHER** (Water Litigation) Authorizes the expenditure of Water Litigation funds and requires expenditure records to be available for review.

WMC: AMEND proviso to delete authorization to reimburse prior fiscal year Water Litigation expenditures; delete the requirement that a record of Water Litigation expenses be made available; and delete transfer of remaining Water Litigation funds to specified agencies. *Funds have been distributed.* Fiscal Impact: No impact on the General Fund. The Attorney General's Office state that no funds remained in the account as of 7/11. Of the \$2,195,516, 50% or \$1,097,758 was transferred to DNR; 25% or \$548,879 was transferred to the Commission on Indigent Defense; and 25% or \$548,879 was retained by the agency and placed in an account for legal expenses associated with Federal litigation and litigation with other states. Requested by Attorney General's Office.

HOU: ADOPT proviso as amended.

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

SFC: AMEND FURTHER to authorize Water Litigation funds to be carried forward.

SEN: AMEND FURTHER to delete existing authorization and instead direct unexpended Water Litigation funds be transferred to the Tax Relief Reserve Fund. Sponsor: Sen. Sheheen.

~~**45.5.** (AG: Water Litigation) The Office of the Attorney General is authorized to expend Water Litigation funds in the current fiscal year to reimburse Water Litigation expenditures incurred in the prior fiscal year. A record of Water Litigation expenses from the prior fiscal year shall be made available to the Senate Finance Committee and the House Ways and Means~~

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~~Committee. During the current fiscal year the Attorney General must use the remaining Water Litigation funds only as follows: twenty five percent of the balance on July first must be transferred to the Commission on Indigent Defense for the Civil Appointment Fund, twenty five percent of the balance on July first must be used only for legal expenses incurred by the Attorney General regarding Federal litigation and litigation with other states, and fifty percent of the balance on July first must be transferred to the Department of Natural Resources by September first for law enforcement operations. Unexpended Water Litigation funds must be transferred to the Tax Relief Reserve Fund.~~

45.7 **AMEND** (Litigation Recovery Account) Requires funds received from any recovery or award from litigation managed by the Attorney General that would have been credited to the General Fund to be deposited into the Litigation Recovery Account for expenditure as prescribed by law.

HOU2: AMEND proviso to require any funds remaining in Litigation Recovery Account on July 1, 2012 to be transferred to the General Fund. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

45.7. (AG: Litigation Recovery Account) During the current fiscal year, when there is a recovery or an award in any litigation managed by the Attorney General, any funds received that would have otherwise been credited to the General Fund shall be deposited to the credit of a special account created in the State Treasurer's Office entitled "Litigation Recovery Account". The funds deposited in this account must be expended only as prescribed by law. Any funds remaining in the Litigation Recovery Account on July 1, 2012 must be transferred to the General Fund for credit in Fiscal Year 2012-13.

SFC: DELETE proviso.

SEN: ADOPT deletion of proviso.

~~**45.7.** (AG: Litigation Recovery Account) During the current fiscal year, when there is a recovery or an award in any litigation managed by the Attorney General, any funds received that would have otherwise been credited to the General Fund shall be deposited to the credit of a special account created in the State Treasurer's Office entitled "Litigation Recovery Account". The funds deposited in this account must be expended only as prescribed by law.~~

SECTION 46 - E21 - PROSECUTION COORDINATION COMMISSION

46.5 **AMEND** (Solicitor's Office - County Funding Level) States the intent of the General Assembly that the funds appropriated for solicitors' offices are in addition to any amount the county currently provides for their services and may not be used to supplant that funding.

SFC: AMEND proviso to require Solicitors to notify the Chairmen of the Senate Finance and House Ways and Means Committees of any reduction in the amount of local support a county provides to solicitors' offices that is below the amount that was provided in the prior fiscal year.

SEN: ADOPT proviso as amended.

46.5. (PCC: Solicitor's Office - County Funding Level) It is the intent of the General Assembly that the amounts appropriated for solicitors' offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services without any additional charges. If the

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county reduces the amount of support provided to solicitors' offices below the level provided in the prior fiscal year, the Solicitor shall notify the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the amount of such reduced support.

SECTION 47 - E23 - COMMISSION ON INDIGENT DEFENSE

47.3 AMEND FURTHER (Appellate Conflict Fund) Provides guidelines for use of Appellate Conflict Fund.

WMC: AMEND proviso to change "Office of Indigent Defense" references to "Commission on Indigent Defense." *Technical.* Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.

HOU: ADOPT proviso as amended.

47.3. (INDEF: Appellate Conflict Fund) The purpose of this fund is to provide money to pay attorneys for representing indigent defendants on appellate review when the Office of Appellate Defense is unable to do so. Funds designated for appellate use in conflict cases shall be administered by the ~~Office of~~ Commission on Indigent Defense. The Office of Appellate Defense must first determine that it is unable to provide representation. Fees shall be \$40 per hour for out of court work and \$60 for in court work, with a maximum of \$3,500 per case for non-capital appeals. Fees shall be \$50 per hour for out of court work and \$75 per hour for in court work in capital appeals with a maximum of \$10,000 per capital appeal. The appropriate appellate court shall review and approve vouchers for payment for appellate conflict cases. The Office of Appellate Defense shall continue to provide printing and other support functions currently provided from their resources. On June thirtieth of each year, the ~~Office of~~ Commission on Indigent Defense shall review all outstanding obligations in this fund. Any unspent and unobligated money shall be used to pay outstanding vouchers in the Death Penalty Trial Fund or the Conflict Fund, provided the designated fund has become exhausted during the year.

SFC: AMEND FURTHER to change reference to "this fund" to "the Appellate Conflict Fund." *Technical.*

SEN: ADOPT proviso as amended.

47.3. (INDEF: Appellate Conflict Fund) The purpose of ~~this fund~~ the Appellate Conflict Fund is to provide money to pay attorneys for representing indigent defendants on appellate review when the Office of Appellate Defense is unable to do so. Funds designated for appellate use in conflict cases shall be administered by the ~~Office of~~ Commission on Indigent Defense. The Office of Appellate Defense must first determine that it is unable to provide representation. Fees shall be \$40 per hour for out of court work and \$60 for in court work, with a maximum of \$3,500 per case for non-capital appeals. Fees shall be \$50 per hour for out of court work and \$75 per hour for in court work in capital appeals with a maximum of \$10,000 per capital appeal. The appropriate appellate court shall review and approve vouchers for payment for appellate conflict cases. The Office of Appellate Defense shall continue to provide printing and other support functions currently provided from their resources. On June thirtieth of each year, the ~~Office of~~ Commission on Indigent Defense shall review all outstanding obligations in this fund. Any unspent and unobligated money shall be used to pay outstanding vouchers in the Death Penalty Trial Fund or the Conflict Fund, provided the designated fund has become exhausted during the year.

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- 47.4 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. Establishes a reimbursement rate and provides guidelines for reimbursement to exceed the limits.
- WMC:** AMEND proviso to change “Civil Court Appointments” references to “SC Appellate Court Rule 608 Appointments” and include guidelines for the expenditure of funds for Criminal Conflict appointments as follows: attorney compensation rates shall not exceed \$40 per hour for out-of-court time and \$60 per hour for in-court time, or on the basis of a set (flat) fee determined by the commission. Limit attorney fees to \$3,500 in any single felony case or \$1,000 in any single misdemeanor case. *Conform to SC Appellate Court Rule 608 pertaining to appointment of lawyers for indigents.* Requested by Commission on Indigent Defense.
- HOU:** ADOPT proviso as amended.

47.4. (INDEF: ~~Civil Court~~ SC Appellate Court Rule 608 Appointments) The funds appropriated under “~~Civil Court~~ SC Appellate Court Rule 608 Appointments” shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post Conviction Relief (PCR) and Criminal Conflict appointments to reimburse court appointed private attorneys and for other expenditures as specified in this provision. ~~Civil Court~~ SC Appellate Court Rule 608 Appointments funds may not be transferred or used for any other purpose.

A portion of the funds appropriated under “~~Civil Court~~ SC Appellate Court Rule 608 Appointments” shall be used for “Termination of Parental Rights” cases and “Abuse and Neglect” cases to reimburse private attorneys who are appointed by the Family Court to represent guardians ad litem, children, or parents under the provisions of S.C. Code Sections 20-7-110 et seq., 20-7-1570 et seq., 20-7-1695 (A)(2) et seq., 20-7-7205 et seq., and 20-7-8705 (4)(a) et seq.; for “Probate Court Commitment” cases to reimburse private attorneys who are appointed by the Probate Court to represent indigent persons; and for “Sexually Violent Predator” cases to reimburse private attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty dollars per hour or reimbursement may also be made on the basis of a set (flat) fee. The method of payment and the amount of the set fee will be determined by the Commission on Indigent Defense. ~~Reimbursement~~ Attorney fees shall not exceed two thousand dollars for any case under which such private attorney is appointed.

A portion of the funds appropriated under “~~Civil Court~~ SC Appellate Court Rule 608 Appointments” shall be used for non-capital Post Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. ~~Compensation and costs~~ Attorney fees shall not exceed one thousand dollars in any single case.

A portion of the funds appropriated under SC Appellate Court Rule 608 Appointments” shall be used for non capital criminal cases pursuant to Section 17-3-50 (Conflict Fund). Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed three thousand five hundred dollars in any single felony case or one thousand dollars in any single misdemeanor case.

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Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional fees shall be paid under any circumstances.

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall authorize the payment, from funds available to the ~~Office of~~ Commission on Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of the court is not obtained, no additional expenses shall be paid under any circumstances.

Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the Senate Finance Committee and the House Ways and Means Committee.

A portion of the funds appropriated under "~~Civil Court~~ SC Appellate Court rule 608 Appointments" may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil and criminal court appointments, to be reimbursed in accordance with applicable provisos and statutes.

SFC: AMEND FURTHER to delete guidelines for expenditure of funds for Criminal Conflict appointments. *See new proviso 47.11.*

SEN: ADOPT proviso as amended.

47.4. (INDEF: ~~Civil Court~~ SC Appellate Court Rule 608 Appointments) The funds appropriated under "~~Civil Court~~ SC Appellate Court Rule 608 Appointments" shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post Conviction Relief (PCR) to reimburse court appointed private attorneys and for other expenditures as specified in this provision. ~~Civil Court~~ SC Appellate Court Rule 608 Appointments funds may not be transferred or used for any other purpose.

A portion of the funds appropriated under "~~Civil Court~~ SC Appellate Court Rule 608 Appointments" shall be used for "Termination of Parental Rights" cases and "Abuse and Neglect" cases to reimburse private attorneys who are appointed by the Family Court to represent guardians ad litem, children, or parents under the provisions of S.C. Code Sections 20-7-110 et seq., 20-7-1570 et seq., 20-7-1695 (A)(2) et seq., 20-7-7205 et seq., and 20-7-8705 (4)(a) et seq.; for "Probate Court Commitment" cases to reimburse private attorneys who are appointed by the Probate Court to represent indigent persons; and for "Sexually Violent Predator" cases to reimburse private attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty dollars per hour or reimbursement may also be made on the basis of a set (flat) fee. The method of payment and the amount of the set fee will be determined by the

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Commission on Indigent Defense. Reimbursement shall not exceed two thousand dollars for any case under which such private attorney is appointed.

A portion of the funds appropriated under “~~Civil Court~~ SC Appellate Court Rule 608 Appointments” shall be used for non-capital Post Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Compensation and costs shall not exceed one thousand dollars in any single case.

Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional fees shall be paid under any circumstances.

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant’s attorney to obtain such services on behalf of the defendant and shall authorize the payment, from funds available to the ~~Office of~~ Commission on Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of the court is not obtained, no additional expenses shall be paid under any circumstances.

Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the Senate Finance Committee and the House Ways and Means Committee.

A portion of the funds appropriated under “~~Civil Court~~ SC Appellate Court rule 608 Appointments” may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil court appointments, to be reimbursed in accordance with applicable provisos and statutes.

47.7 **AMEND FURTHER** (Public Defender Fee) Provides guidelines for the assessment and use of a \$500 fee charged to every person placed on probation on or after July 1, 2003, who was represented by a public defender or appointed counsel.

WMC: AMEND proviso to change “Office of” to “Commission on” Indigent Defense. Delete the requirement that the revenue be divided between the Conflict Fund and the Defense of Indigents Per Capita Fund. Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.

HOU: ADOPT proviso as amended.

47.7. (INDEF: Public Defender Fee) Every person placed on probation on or after July 1, 2003, who was represented by a public defender or appointed counsel, shall be assessed a fee of five hundred dollars. The revenue generated from this fee must be collected by the clerk of court and sent on a monthly basis to the ~~Office of~~ Commission on Indigent Defense ~~to be divided between the Conflict Fund and the Defense of Indigents/Per Capita Fund administered~~

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by that office+. However, if a defendant fails to pay this fee, this failure alone is not sufficient basis for incarceration for a probation violation. This assessment shall be collected and paid over before any other fees.

SFC: AMEND FURTHER to reinsert the requirement that the revenue be divided between the Conflict Fund and the Defense of Indigents Per Capita Fund.

SEN: ADOPT proviso as amended.

47.7. (INDEF: Public Defender Fee) Every person placed on probation on or after July 1, 2003, who was represented by a public defender or appointed counsel, shall be assessed a fee of five hundred dollars. The revenue generated from this fee must be collected by the clerk of court and sent on a monthly basis to the ~~Office of~~ Commission on Indigent Defense to be divided between the Conflict Fund and the Defense of Indigents/Per Capita Fund administered by that office. However, if a defendant fails to pay this fee, this failure alone is not sufficient basis for incarceration for a probation violation. This assessment shall be collected and paid over before any other fees.

47.11 **ADD** (SC Appellate Court Rule 608 Criminal Court Appointments) **SFC:** ADD new proviso to allow SC Appellate Court Rule 608 Appointments funds to be used for non-capital criminal cases. Establish guidelines for the expenditure of funds for Criminal Conflict appointments as follows: attorney compensation rates shall not exceed \$40 per hour for out-of-court time and \$60 per hour for in-court time, or on the basis of a set (flat) fee determined by the commission. Limit attorney fees to \$3,500 in any single felony case or \$1,000 in any single misdemeanor case. *Conform to SC Appellate Court Rule 608 pertaining to appointment of lawyers for indigents.* Requested by Commission on Indigent Defense.
SEN: ADOPT new proviso.

47.11. (INDEF: SC Appellate Court Rule 608 Criminal Court Appointments) A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" may be used for non-capital criminal cases pursuant to Section 17-3-50 (Conflict Fund) of the 1976 Code. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed three thousand five hundred dollars in any single felony case or one thousand dollars in any single misdemeanor case.

Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rate or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional fees shall be paid under any circumstances.

Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide

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adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of the court is not obtained, no additional expenses shall be paid under any circumstances.

Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the Senate Finance Committee and the House Ways and Means Committee.

A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil and criminal court appointments, to be reimbursed in accordance with applicable provisos and statutes.

SECTION 48 - D10 - STATE LAW ENFORCEMENT DIVISION

- 48.19 AMEND NEW PROVISO** (Criminal Record Search Fees) **WMC:** ADD new proviso to authorize SLED to charge and collect a \$8 fee from local governmental entities to perform a criminal record search for local park and recreation volunteers.
HOU: ADOPT new proviso.

48.19. (SLED: Criminal Record Search Fees) The State Law Enforcement Division is authorized to charge and collect a fee of eight dollars for a criminal record search for local park and recreation volunteers through a commission, municipality, or county

SFC: AMEND new proviso to prohibit any organization that is charged the reduced fee from charging the volunteer, mentor, member, or employee more than the \$8 or from charging them any additional fee not required by SLED. Require all these criminal record searches be conducted for a volunteer, mentor, member, or employee performing in an official capacity for the organization and prohibit the record searches from being resold.

SEN: ADOPT new proviso as amended.

48.19. (SLED: Criminal Record Search Fees) The State Law Enforcement Division is authorized to charge and collect a fee of eight dollars for a criminal record search for local park and recreation volunteers through a commission, municipality, or county. Any organization that is authorized to receive the reduced fee must not charge the volunteer, mentor, member, or employee more than the eight dollars or any additional fee that is not required by the State Law Enforcement Division. All criminal record searches conducted under this provision must be for a volunteer, mentor, member or employee performing in an official capacity of the organization and must not be resold.

SECTION 49 - K05-DEPARTMENT OF PUBLIC SAFETY

- 49.8 ADD** (Illegal Immigration and Overtime Carry Forward) **SFC:** ADD new proviso to direct that Illegal Immigration Program appropriations and funds appropriated in the FY 2011-12 Appropriation Act for Highway Patrol Overtime from the Non-Recurring Increased Enforcement Collections proviso be carried forward and used for the same purposes.
SEN: ADOPT new proviso.

49.8. (DPS: Illegal Immigration and Overtime Carry Forward) Of the funds appropriated to the department for the Illegal Immigration Program in Part IA and the funds

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appropriated by Act 73 of 2011, Part IB, Section 90, proviso 90.21, item (2) K05-Department of Public Safety Highway Patrol Overtime, such funds shall be carried forward from the prior fiscal year into the current fiscal year and shall be used for the same purposes.

SECTION 51 - N04 - DEPARTMENT OF CORRECTIONS

51.16 RESTORE ORIGINAL PROVISO (Release of Inmates) Provides guidelines for when inmates who must serve six months or more, may be released.

WMC: AMEND proviso to allow the department, in releasing prisoners who have served at least 85% of their term of imprisonment in accordance with subsection (A) of Section 24-13-150 [EARLY RELEASE, DISCHARGE, AND COMMUNITY SUPERVISION; LIMITATIONS], to use the same timeframe guidelines as outlined in this provision. *Releasing inmates on a single day at the beginning of the month rather on the actual date sentence is served reduces operating expenses.* Fiscal Impact: Minor reduction of state funds expenses. Requested by Department of Corrections.

HOU: ADOPT proviso as amended.

51.16. (CORR: Release of Inmates) The Director of the Department of Corrections and other persons having charge of prisoners who are required to serve a period of six months or more, may release all such prisoners, including prisoners to whom Section 24-13-150, subsection (A) of the 1976 Code applies, on the first day of the month in which their sentences expire, and if the first day of the month falls on a Saturday, Sunday, or a legal holiday, such prisoners may be released on the last weekday prior to the first of the month which is not a holiday, ~~Saturday or Sunday~~.

SFC: RESTORE original proviso.

SEN: ADOPT original proviso.

51.16. (CORR: Release of Inmates) The Director of the Department of Corrections and other persons having charge of prisoners who are required to serve a period of six months or more, may release such prisoners on the first day of the month in which their sentences expire, and if the first day of the month falls on a Saturday, Sunday, or a legal holiday, such prisoners may be released on the last weekday prior to the first of the month which is not a holiday, Saturday or Sunday.

SECTION 53 - N12-DEPARTMENT OF JUVENILE JUSTICE

53.13 AMEND (Emergency Authority to Transfer PIP Funds) Authorizes DJJ to use up to \$1.5 million of unobligated permanent improvement project funds for operating purposes in order to maintain constitutional conditions at its facilities.

HOU2: AMEND proviso to change Fiscal Year “2011-12” to “2012-13.” Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

53.13. (DJJ: Emergency Authority to Transfer PIP Funds) The Department of Juvenile Justice is authorized to transfer to its operational and/or personnel accounts up to \$1,500,000 of Permanent Improvement Project (PIP) funds, excluding Capital Improvement Bond funds, that have been previously allocated to the department by the General Assembly/Joint Bond Review Committee and approved by the Budget and Control Board, if those funds are unobligated or

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not otherwise committed by the department for active permanent improvement projects. The department may utilize these funds in Fiscal Year ~~2011-12~~ 2012-13 as necessary in order to maintain constitutional conditions in its institutional facilities and residential programs.

SFC: DELETE proviso.

SEN: ADOPT deletion of proviso.

~~53.13. (DJJ: Emergency Authority to Transfer PIP Funds) The Department of Juvenile Justice is authorized to transfer to its operational and/or personnel accounts up to \$1,500,000 of Permanent Improvement Project (PIP) funds, excluding Capital Improvement Bond funds, that have been previously allocated to the department by the General Assembly/Joint Bond Review Committee and approved by the Budget and Control Board, if those funds are unobligated or not otherwise committed by the department for active permanent improvement projects. The department may utilize these funds in Fiscal Year 2011-12 as necessary in order to maintain constitutional conditions in its institutional facilities and residential programs.~~

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

65.12 AMEND NEW PROVISO (Office of State Fire Marshal - Clothing) **WMC:** ADD new proviso to authorize LLR to purchase and issue clothing to State Fire Marshal staff. *Allows agency to provide uniforms to Deputy State Fire Marshal and other staff for identification in the field and to enhance professionalism at Fire Service events.* Fiscal Impact: No impact on the General Fund. The agency indicated they would expend approximately \$30,000 of other funds for this purpose. Requested by Department of Labor, Licensing, and Regulation.

HOU: ADOPT new proviso.

65.12. (LLR: Office of State Fire Marshal - Clothing) The Department of Labor, Licensing, and Regulation is authorized to purchase and issue clothing to the staff of the Office of the State Fire Marshal.

SFC: AMEND new proviso to specify that clothing may be issued to non-administrative staff that are field personnel working in a regulatory aspect and/or certified to be a resident state fire marshal.

SEN: ADOPT new proviso as amended.

65.12. (LLR: Office of State Fire Marshal - Clothing) The Department of Labor, Licensing, and Regulation is authorized to purchase and issue clothing to the non-administrative staff of the Office of the State Fire Marshal that are field personnel working in a regulatory aspect and/or certified to be a resident state fire marshal.

65.13 ADD (Perpetual Care Cemetery Board) **SFC:** ADD new proviso to direct that while there are no regulations approved by the General Assembly to govern the transfer of a perpetual care cemetery to an exempt entity, once the S.C. Perpetual Care Cemetery Board has been notified that a transfer has occurred under the authority of Title 40 Chapter 8, the board's jurisdiction over the cemetery shall cease.

SEN: ADOPT new proviso.

65.13. (LLR: Perpetual Care Cemetery Board) For and during the period for which the South Carolina Perpetual Care Cemetery Board is without regulations approved by the

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General Assembly to govern the transfer of a perpetual care cemetery to an exempt entity, upon notification to the board that such a transfer has occurred under the authority of Chapter 8 of Title 40, such transfer shall cause the jurisdiction of the South Carolina Perpetual Care Cemetery board to cease.

SECTION 66 - R40-DEPARTMENT OF MOTOR VEHICLES

66.7 AMEND FURTHER (Underutilized Offices) Authorizes the department to reduce operating hours in DMV field office that are underutilized.

WMC: AMEND proviso to also allow the department to close or relocate underutilized field offices. Fiscal Impact: No impact on the General Fund. State Budget Division indicates that initial estimates reveal potential cost avoidance through reduction of operating hours or termination of leases, utilities and cleaning services when executed over a 5 to 10 year period. Requested by Department of Motor Vehicles.

HOU: ADOPT proviso as amended.

66.7. (DMV: Underutilized Offices) The Director of the Department of Motor Vehicles is authorized to develop and implement a plan to close, relocate, or reduce the hours of operation in underutilized DMV field offices.

SFC: AMEND FURTHER to delete the authorization for DMV to close or relocate underutilized field offices. Require DMV, prior to implementing a plan to reduce hours, to notify the county legislative delegation. Require the director to review field offices with high traffic volume to determine whether their operating hours should be expanded.

SEN: ADOPT proviso as amended.

66.7. (DMV: Underutilized Offices) The Director of the Department of Motor Vehicles is authorized to develop and implement a plan to reduce the hours of operation in underutilized DMV field offices; however the legislative delegation of the county in which the affected field office is located must be notified prior to implementation of the plan. In addition, the director shall review field offices which have a high volume of traffic to determine whether it would be beneficial to expand the hours of operation.

SECTION 67 - R60-DEPARTMENT OF EMPLOYMENT AND WORKFORCE

67.7 AMEND NEW PROVISO (SUTA Contingency Assessment Funds) **HOU:** ADD new proviso to require additional revenue collected through taxable wage base contingency assessments be spent (1) to enforce eligibility requirements by means of eligibility reviews, random verification of job contacts, and wage cross matches; (2) to ensure seated meetings are held with claimants; and (3) to require that SC Works Online System is used each week for one of the claimants job search contacts. Require the department notify claimants in advance that eligibility review and random verification of job contacts will be used for verification purposes. Sponsors: Reps. J.R. Smith, Sandifer, White, and Bingham.

HOU2: AMEND new proviso to require 30% of the funds paid by employers be spent for the specified purposes. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

67.7. (DEW: SUTA Contingency Assessment Funds) Thirty percent of the funds appropriated through the contingency assessment funds collected on taxable wages paid by

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employers shall be spent on enforcement of Section 41-35-110(3) and Section 41-35-120(5) of the 1976 Code, via Eligibility Reviews, Random Verification of Job Contacts and Wage Cross Matches during those weeks covered by the South Carolina State Unemployment Tax Authority (SUTA), and to ensure seated meetings with Unemployment Insurance claimants and requiring that one of the four job search contacts required per week be conducted through SC Works Online System (SCWOS), so that it can be electronically verified. The agency must also inform claimants in advance that Eligibility Reviews and Random Verification of Job Contacts will be used by the Department to verify compliance with laws administered by the agency.

SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

67.7. (DEW: SUTA Contingency Assessment Funds) Of the funds appropriated through the contingency assessment funds collected on taxable wages paid by employers, any increased revenue resulting from the taxable wage base increase, shall be spent on enforcement of Section 41-35-110(3) and Section 41-35-120(5) of the 1976 Code, via Eligibility Reviews, Random Verification of Job Contacts and Wage Cross Matches during those weeks covered by the South Carolina State Unemployment Tax Authority (SUTA), and to ensure seated meetings with Unemployment Insurance claimants and requiring that one of the four job search contacts required per week be conducted through SC Works Online System (SCWOS), so that it can be electronically verified. The agency must also inform claimants in advance that Eligibility Reviews and Random Verification of Job Contacts will be used by the Department to verify compliance with laws administered by the agency.

- 67.8** **ADD** (Negotiation of Interest) **SEN:** ADD new proviso to require DEW to develop and implement a plan by October 1st to seek a waiver of interest on the FUA Loan debt so that the impact of the interest payments is mitigated on SC employers. Sponsor: Sen. Bryant.

67.8. (DEW: Negotiation of Interest) By October 1, 2012, the Department of Employment and Workforce must develop and implement a plan to seek a waiver of interest on the state's FUA loan debt in order to mitigate the impact of the interest payments on South Carolina employers.

- 67.9** **ADD** (Benefit Amount) **SEN:** ADD new proviso to suspend Section 41-31-20(A) which pertains to prior claims or rights against an individual's most recent employer for purposes of rate assignments. Direct that benefits paid to an eligible individual shall be charged proportionally against the accounts of the four most recent employers. Sponsors: Sens. Elliott and Rankin.

67.9. (DEW: Benefit Amount) Section 41-31-20(A) of the 1976 Code is suspended. In the current fiscal year, the department shall maintain a separate account for each employer and shall accurately record the data used to determine an employer's experience for the purpose of rate assignments. Nothing in Chapters 27 through 41 of this title shall be construed to grant any employer or individual in his service prior claims or rights to the amounts paid by him into the fund either on his behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged proportionally, in the amounts provided in Chapters 27 through 41 of this title, against the accounts of his four most recent employers. No employer shall be deemed as one of the individual's four most recent employers for the purpose of this section unless the eligible person to whom benefits are paid earned wages in the employ of the employer equal to at least eight times the weekly benefit amount of the eligible claimant.

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SECTION 68A - U12-DEPARTMENT OF TRANSPORTATION

68A.10 ADD (Utilities Relocation) SEN: ADD new proviso to establish the Utilities Relocation Study Committee whose purpose is to review, study, and make recommendations on the need for improved coordination and funding for relocating water and sewer facilities located within public rights-of-way when the relocation is required due to road and bridge construction or improvement. Direct that members serve without compensation and may not receive mileage or per diem. Require findings and recommendations be reported to the General Assembly by June 30, 2013, after which the study committee terminates. Sponsor: Sen. Sheheen. AMEND to include public utilities facilities. Sponsor: Sen. Coleman.

68A.10. (DOT: Utilities Relocation) (A) From the funds appropriated to the Department of Transportation, there is established the Utilities Relocation Study Committee to review, study, and make recommendations concerning the need for improved coordination and funding of the relocation of water and sewer facilities, and the facilities of public utilities as defined in Title 58 of the 1976 Code, located within the public rights-of-way when such relocation is required due to the construction or improvement of roads and bridges in the state.

(B) The Utilities Relocation Study Committee is to:

(1) identify and categorize a statewide estimate of the historical, current and anticipated costs associated with the relocation of water and sewer and public utilities inside and outside the rights-of-way owned by state agencies, counties, municipalities, or local water or sewer districts resulting from highway projects;

(2) determine as accurately as possible the percentage of the statewide cost estimate attributable to South Carolina Department of Transportation projects, State Transportation Infrastructure Bank projects, local-option sales tax projects involving state roads, local road projects, and County Transportation Committee projects;

(3) identify potential sources of sustainable funds that may be used by state agencies, counties, municipalities, local water or sewer districts, or public utilities for utility relocation costs including, but not limited to, existing state and federal loan and grant programs, appropriations from the state general fund, contributions from public utilities, and other sustainable sources;

(4) identify any legal obstacles that impact the ability of state agencies, counties, municipalities, or local water or sewer districts to fund the relocation of utilities;

(5) investigate the creation of a utilities relocation trust fund to assist in relocation costs either through loans, grants, matching funds, or other means, and recommend the appropriate entity to house and administer the trust fund, the terms and conditions under which funding might be provided, and the general criteria used for evaluating funding applications;

(6) identify ways to improve coordination and reduce impacts through the use of communication, technology and improved management techniques; and

(7) recommend changes to public policy, regulations, or statutes that would improve funding or reduce costs associated with utility relocations resulting from road and bridge projects.

(C) The Utilities Relocation Study Committee must be composed of fifteen members. Notwithstanding the provisions of Section 8-13-770, the committee is composed of:

(1) one member appointed by the President Pro Tempore of the Senate;

(2) one member appointed by the Speaker of the House of Representatives;

(3) one member appointed by the Majority Leader of the Senate;

(4) one member appointed by the Majority Leader of the House of Representatives;

(5) one member appointed by the Minority Leader of the Senate;

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(6) one member appointed by the Minority Leader of the House of Representatives;
(7) one member appointed by the Governor;
(8) the Secretary of Transportation, or his designee;
(9) the Chairman of the South Carolina Department of Transportation Commission,
or his designee;

(10) one member representing the South Carolina Rural Water Association;
(11) one member representing the Water Utility Council of South Carolina;
(12) one member representing the South Carolina Water Quality Association;
(13) one member representing the Municipal Association of South Carolina;
(14) one member representing the South Carolina Association of Counties; and
(15) one member representing the South Carolina Association of Special Purpose

Districts.

(D) The members of the study committee shall serve without compensation and may not receive mileage or per diem.

(E) The Utilities Relocation Study Committee shall make a report of its findings and recommendations to the General Assembly no later than June 30, 2013, at which time the study committee terminates.

SECTION 69 - Y14 - STATE PORTS AUTHORITY

69.3 AMEND NEW PROVISO (Harbor Deepening Reserve Fund) **WMC:** ADD new proviso to create the Harbor Deepening Reserve Fund within the State Ports Authority, with the fund retaining accrued interest. Require the fund be used for activities associated with deepening the state's harbors; expenditures to have prior General Assembly approval; and unexpended funds to be carried forward and used for the same purpose. Fiscal Impact: \$180,000,000 non-recurring funds appropriated.

HOU: ADOPT new proviso.

HOU2: AMEND new proviso to specify that the harbor Deepening Reserve Fund is funded by the harbor Deepening Reserve Account and the Health, Education, and Infrastructure Reserve Account. Require the State Ports Authority present a comprehensive plan for the use of the fund for harbor deepening to the Joint Bond Review Committee for review and comment prior to expending any monies from the fund. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

69.3. (SPA: Harbor Deepening Reserve Fund) There is created at the State Ports Authority the Harbor Deepening Reserve Fund. The Harbor Deepening Reserve Fund is funded by the Harbor Deepening Reserve Account within the State Ports Authority and the Health, Education, and Infrastructure Reserve Account within the Office of State Treasurer. Both accounts shall be separate and distinct from the General Fund and interest accrued by the account must remain in the account. The fund must be used exclusively by the South Carolina Ports Authority for the activities associated with deepening the state's harbors. Prior to expending any amount from the fund, the State Ports Authority must present a comprehensive plan for the use of the fund for harbor deepening to the Joint Bond Review Committee for review and comment. Funds in the Harbor Deepening Reserve account shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same purpose.

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SFC: AMEND new proviso to require the State Ports Authority present a comprehensive plan for the use of the fund for harbor deepening to the Joint Bond Review Committee for review and comment prior to expending any monies from the fund

SEN: ADOPT new proviso as amended.

69.3. (SPA: Harbor Deepening Reserve Fund) There is created within the State Ports Authority the Harbor Deepening Reserve Fund. This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund must be used exclusively by the South Carolina Ports Authority for the activities associated with deepening the state's harbors. Prior to expending any amount from the fund, the State Ports Authority must present a comprehensive plan for the use of the fund for harbor deepening to the Joint Bond Review Committee for review and comment. These funds shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same purpose.

- 69.4** **ADD** (Joint Project Office Funding Approval) **SFC:** ADD new proviso to prohibit the State Ports Authority from providing funds to the Joint Project Office unless at least a majority of the South Carolina Delegation members of the Joint Project Office vote in favor of the action.
SEN: ADOPT new proviso.

69.4. (SPA: Joint Project Office Funding Approval) The State Ports Authority may not utilize any source of funds at its disposal in order to expend, allocate, or approve any monies to be provided to the Joint Project Office unless at least a majority of the members of the South Carolina Delegation on the Joint Project Office vote in favor of the action requiring such expenditure, appropriation, allocation, or approval.

- 69.5** **ADD** (Dredge Disposal Material) **SFC:** ADD new proviso to prohibit the State Ports Authority from providing any funds for the Joint Project Office to use for projects related to the placement of or facilitating the placement of dredge disposal material unless (1) the Savannah River Maritime Commission finds that the expenditure is necessary to facilitate a high priority project for the State and that the dredge material is derived from a permitted projected approved by the commission and (2) a majority of the Joint Project Office's S.C. Delegation members approve the expenditure.
SEN: ADOPT new proviso.

69.5. (SPA: Dredge Disposal Material) The State Ports Authority may not utilize any source of funds at its disposal in order to expend, allocate, or approve any monies to be provided to the Joint Project Office for any project related to the placement of dredge disposal material or any project related to facilitating the placement of dredge disposal material unless (1) the Savannah River Maritime Commission first finds that the expenditure is necessary to facilitate a high priority project for the State and that the dredge material is derived from a project that is being undertaken within the parameters of any permit issued by the commission and (2) at least a majority of the members of the South Carolina Delegation on the Joint Project Office vote in favor of the action requiring the expenditure.

SECTION 70 - A99 - LEGISLATIVE DEPARTMENT

- 70.7** **RESTORE ORIGINAL PROVISO** (House Pages) Authorizes up to 144 Pages to be appointed for service to the House.

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WMC: AMEND proviso to direct the House Pages are not eligible to receive unemployment benefits. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

HOU2: RESTORE original proviso. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

70.7. (LEG: House Pages) Up to one hundred forty-four Pages may be appointed pursuant to House policies and procedures and they shall be available for any necessary service to the House of Representatives.

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

70.7. (LEG: House Pages) Up to one hundred forty-four Pages may be appointed pursuant to House policies and procedures and they shall be available for any necessary service to the House of Representatives. House Pages shall not be eligible to receive unemployment benefits.

70.15 **AMEND FURTHER** (Additional House Support Personnel) Provides guidelines for the use of Legislative Constituent Services funds by members of the House.

WMC: AMEND proviso to direct the Legislative aides are not eligible to receive unemployment benefits. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

HOU2: AMEND further to delete current provisions and instead direct that \$287,500 appropriated to the House be dedicated to the administration and operation of the Legislative Aide program in accordance with House O&M policies and procedures. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

70.15. (LEG: Additional House Support Personnel) ~~The funds provided for Legislative/Constituent Services are appropriated for the purpose of providing additional support personnel to assist House members who are not already being furnished with direct legislative assistance in the conduct of their legislative responsibilities. This amount shall be used for staffing requirements where necessary for part time personnel. The additional personnel may be used only in compliance with Section 8-13-1346(A) of the South Carolina Code of Laws. At a member's request, the House Operations and Management Committee may use any unexpended portion of a member's allotment to purchase equipment for a member's office. The amount herein appropriated for additional support personnel shall be allocated to eligible members as follows: For fiscal years beginning in even years, an eligible member is allowed an allocation of \$500 beginning July 1, as approved by the Speaker of the House. An additional \$2,000 allotment, as approved by the Speaker of the House, is allowed when the eligible member's election to the upcoming General Assembly is certified or at the time the member is unopposed for the general election, whichever occurs first. A member elected to a full term in the House of Representatives, who did not serve in the General Assembly preceding the election, is allowed an allocation of \$2,000, as approved by the Speaker of the House, from the time the member's election is certified until the end of the then current fiscal year. For fiscal years beginning in odd years, eligible members are allowed an allocation of \$2,500, as approved by the Speaker of the House. Whenever a member is elected to fill an unexpired term, the allotment must be prorated on a monthly basis. The amounts provided above as allotments for members are provided for an aide's compensation, exclusive of employer~~

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~~contributions. Each member may choose to expend his allocation for an individual legislative aide or may choose to combine his allocation with allocations of other House members for a legislative aide to assist each of the members contributing to the expense of that aide. From the funds appropriated to the House of Representatives in Part IA, \$287,500 shall be dedicated for the administration and operation of the Legislative Aide program pursuant to the policies and procedures as determined by the House Operations and Management Committee.~~

SFC: ADOPT proviso as amended.

SEN: ADOPT proviso as amended.

70.15. (LEG: Additional House Support Personnel) The funds provided for Legislative/Constituent Services are appropriated for the purpose of providing additional support personnel to assist House members who are not already being furnished with direct legislative assistance in the conduct of their legislative responsibilities. This amount shall be used for staffing requirements where necessary for part time personnel. The additional personnel may be used only in compliance with Section 8-13-1346(A) of the South Carolina Code of Laws. At a member's request, the House Operations and Management Committee may use any unexpended portion of a member's allotment to purchase equipment for a member's office. The amount herein appropriated for additional support personnel shall be allocated to eligible members as follows: For fiscal years beginning in even years, an eligible member is allowed an allocation of \$500 beginning July 1, as approved by the Speaker of the House. An additional \$2,000 allotment, as approved by the Speaker of the House, is allowed when the eligible member's election to the upcoming General Assembly is certified or at the time the member is unopposed for the general election, whichever occurs first. A member elected to a full term in the House of Representatives, who did not serve in the General Assembly preceding the election, is allowed an allocation of \$2,000, as approved by the Speaker of the House, from the time the member's election is certified until the end of the then current fiscal year. For fiscal years beginning in odd years, eligible members are allowed an allocation of \$2,500, as approved by the Speaker of the House. Whenever a member is elected to fill an unexpired term, the allotment must be prorated on a monthly basis. The amounts provided above as allotments for members are provided for an aide's compensation, exclusive of employer contributions. Each member may choose to expend his allocation for an individual legislative aide or may choose to combine his allocation with allocations of other House members for a legislative aide to assist each of the members contributing to the expense of that aide. Legislative aides shall not be eligible to receive unemployment benefits.

70.21 **DELETE** (Joint Strategic Technology Committee) Creates and provides directives for an eight member Joint Strategic Technology Committee.

WMC: AMEND proviso to add two members of the general public, with the Chairmen of the Senate Finance and House Ways and Means Committees each appointing one member. Require these members possess substantial experience in management and use of information technology in a large enterprise. Prohibit these members or their family from having or being associated with a business with an economic interest in IT procurement with the state. Direct the B&C Board and the Agency Directors Technology Advisory Committee to prepare a Statewide Strategic Information Technology Plan. Direct the joint committee to recommend appropriate statutory changes to successfully implement the statewide plan to the Senate President Pro Tempore and the Speaker of the House. Provide timeframes for the statewide plan to be reviewed and recommendations submitted; and for agencies to submit information technology budget plans for the next fiscal year including, what information is to be included in their plan. Direct the B&C Board to compile information technology budget information into a

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report for the joint committee's review and recommendations to the Senate Finance and House Ways and Means Committees. Direct the B&C Board to recommend IT projects to the joint committee for periodic oversight. Require the following be reported to the joint committee by January 31st each year: SCEIS project progress by the SCEIS Executive Oversight Committee and Broadband lease progress by the B&C Board and ETV. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

70.21. (LEG: Joint Strategic Technology Committee) (A) There is created a joint committee of the General Assembly to be known as the Joint Strategic Technology Committee consisting of eight members. The committee shall consist of the following: (1) four members appointed by the Chairman of the Senate Finance Committee shall appoint four members, at least two of whom must be appointed from the Senate Finance Committee, (2) four members appointed by the Chairman of the House Ways and Means Committee shall appoint four members, at least two of whom must be appointed from the House Ways and Means Committee, (3) one member appointed from the general public by the Chairman of the Senate Finance Committee, and (4) one member appointed from the general public by the Chairman of the House Ways and Means Committee. Members appointed from the general public must possess substantial experience in the management and use of information technology in a large private enterprise. No member may have an economic interest in an information technology procurement with the state, and no member of the committee may have a family member or association with a business that has an economic interest in a technology procurement with the state. Should such an interest arise after appointment, the member is disqualified from further service on the committee and must give immediate written notice to the committee and the authority making his appointment.

(B) The Budget and Control Board, in consultation with the Agency Directors Technology Advisory Committee, shall prepare a Statewide Strategic Information Technology Plan to provide strategic direction for information technology management in state government. State agencies are directed to cooperate with the Budget and Control Board and Agency Directors Technology Advisory Committee in preparation of the statewide plan.

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

~~(1) (C) The joint committee shall review the Statewide Strategic Information Technology Plan prepared by the Budget and Control Board and the Agency Directors Technology Advisory Committee and, as needed, make recommendations to the Senate Finance Committee and the House Ways and Means Committee regarding the plan by January twenty ninth, of the current fiscal year. The joint committee shall also recommend priorities for state government enterprise information technology projects and resource requirements as it determines appropriate. The joint committee shall recommend to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, for referral to the appropriate standing committees, any statutory changes appropriate for the successful implementation of the Statewide Strategic Information Technology Plan and the efficient and effective management and use of information technology by state government.~~

~~(2) The joint committee shall review information technology spending by state agencies and evaluate whether greater efficiencies, more effective services and cost savings can be achieved through streamlining, standardizing and consolidating state agency information technology. State agencies must consult with hardware maintenance manager vendors under state contract to determine whether the agency may achieve cost savings by utilizing these contracts for information technology. A report by agency of these findings must be provided to the joint committee by the Budget and Control Board. The joint committee shall recommend to~~

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~~the President Pro Tempore of the Senate and the Speaker of the House of Representatives, for referral to the appropriate standing committees, any statutory changes appropriate for the successful implementation of the Statewide Strategic Information Technology Plan and the efficient and effective management and use of information technology by state government.~~

(D) The Statewide Strategic Information Technology Plan must be reviewed by the Budget and Control Board and Agency Directors Technology Advisory Committee by not later than November 15 each year and amended as needed, with amendments submitted to the joint committee for review by the fifteenth day of the immediately following January.

(E) By not later than September 15th of each year, state agencies must provide the Budget and Control Board their budget plans for information technology for the coming fiscal year. These plans must include all fixed, recurring information technology costs as well as new information technology expenditures for hardware upgrades/replacements, software purchases and new information technology projects regardless of funding sources. The budget information must also include FTE counts and salary information.

(F) The Budget and Control Board is directed to compile the information technology budget information into a report for the joint committee's review and recommendations to the Senate Finance Committee and the House Ways and Means Committee. The report must confirm requested funding and spending authorization are aligned with the Statewide Strategic Information Technology Plan and be designed to provide information to support House and Senate appropriations committees in analyzing funding requests, including but not limited to a validation of the cost to implement and operate major information technology systems. At the request of the joint committee, the Budget and Control Board may assist in the development of a consistent set of guidelines for submission of budget requests, which may include a business case, risk assessment and project plan to accompany funding requests for information technology projects that meet specific fiscal thresholds.

(G) The Budget and Control Board is also directed to recommend information technology projects to the joint committee for its periodic oversight according to project milestones, deliverables and key expenditures.

(H) The (1) SCEIS Executive Oversight Committee and (2) Budget and Control Board and ETV must report to the joint committee on the progress of the SCEIS project and Broadband lease, respectively, by not later than January 31 of each year.

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

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

SFC: ADOPT proviso as amended.

SEN: DELETE proviso. Sponsor: Sen. Massey.

~~**70.21.** (LEG: Joint Strategic Technology Committee) There is created a joint committee of the General Assembly to be known as the Joint Strategic Technology Committee consisting of eight members. The Chairman of the Senate Finance Committee shall appoint four members, at least two of whom must be appointed from the Senate Finance Committee. The Chairman of the House Ways and Means Committee shall appoint four members, at least two of whom must be appointed from the House Ways and Means Committee.~~

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

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

~~(2) The joint committee shall review information technology spending by state agencies and evaluate whether greater efficiencies, more effective services and cost savings can be achieved through streamlining, standardizing and consolidating state agency information technology. State agencies must consult with hardware maintenance manager vendors under state contract to determine whether the agency may achieve cost savings by utilizing these contracts for information technology. A report by agency of these findings must be provided to the joint committee by the Budget and Control Board. The joint committee shall recommend to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, for referral to the appropriate standing committees, any statutory changes appropriate for the successful implementation of the Statewide Strategic Information Technology Plan and the efficient and effective management and use of information technology by state government.~~

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

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

- 70.25** **AMEND** (Suspend LAC Evaluation) Suspends, for FY 2011-12, the requirement that the LAC conduct an audit of the Family Independence Act every two years and directs that any savings generated be used to conduct audits as requested by members of the General Assembly.
SFC: AMEND proviso to change Fiscal Year "2011-12" to "2012-13." Requested by Legislative Audit Council.
SEN: ADOPT proviso as amended.

70.25. (LEG: Suspend LAC Evaluation) For Fiscal Year ~~2011-12~~ 2012-13, the provisions of Section 43-5-1285 of the 1976 Code are suspended. Any savings generated by the suspension of the evaluation of the South Carolina Family Independence Act of 1995 shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

- 70.26** **AMEND** (DMV Audit Review) Suspends, for FY 2011-12, the requirement that the LAC must conduct an independent review of the DMV and direct that any savings generated be used to conduct audits as requested by members of the General Assembly.
SFC: AMEND proviso to change Fiscal Year "2011-12" to "2012-13." Requested by Legislative Audit Council.
SEN: ADOPT proviso as amended.

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70.26. (LEG: DMV Audit Review) For Fiscal Year ~~2011-12~~ 2012-13, the provisions of Section 56-1-5(F) are suspended. Any savings generated by not conducting the review shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

70.27 **AMEND** (Electronic Correspondence) Prohibits the House of Representatives, during FY 11-12, from spending funds to print or mail bills, summaries, committee agendas, etc. to committee members. Directs that relevant information on committee meetings be sent to members electronically.

SFC: AMEND proviso to change Fiscal Year “2011-12” to “2012-13.”

SEN: ADOPT proviso as amended.

70.27. (LEG: Electronic Correspondence) For Fiscal Year ~~2011-12~~ 2012-13, the House of Representatives may not expend any funds for the printing or mailing of bills, summaries, committee agendas, etc. to committee members. The House of Representatives shall send all relevant information concerning committee meetings to committee members via electronic means.

70.28 **DELETE NEW PROVISO** (Rule 42) **WMC:** ADD new proviso to direct that nothing prohibits any provision of this act from temporarily or permanently adding, amending, or repealing any portion of a permanent law. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

70.28. (LEG: Rule 42) In order to facilitate the effective and efficient delivery of services by state agencies and institutions, nothing shall prohibit a provision of this act from temporarily or permanently adding, amending, or repealing any portion of the general permanent laws of South Carolina.

SFC: DELETE new proviso.

SEN: ADOPT deletion of proviso.

70.28. (LEG: Rule 42) DELETED

70.29 **AMEND NEW PROVISO** (Teacher Salary Study Committee) **HOU:** ADD new proviso to create the Joint Teacher Salary Study Committee composed of 8 members to examine the current teacher salary schedule, its relationship to the EFA, the EIA, and to a district’s ability to hire and retain quality teachers, and to examine potential changes to the salary schedule that may include a pay for performance model. Require a report and recommendations be submitted by December 1, 2012, to the Chairmen of the Senate Finance, House Ways and Means, Senate Education, and House Education and Public Works Committees. Direct that the House Ways and Means and Senate Finance Committees will provide staff and that members serve without compensation. Sponsors: Reps. Bingham, Ott, Allison, Anthony, and Cobb-Hunter.

70.29. (LEG: Teacher Salary Study Committee) There is created the Joint Teacher Salary Study Committee. The committee shall examine the current teacher salary schedule; its relationship to the Education Finance Act, the Education Improvement Act and its relationship to a district's ability to hire and retain quality teachers. The committee will examine potential changes to the salary schedule that may include a pay for performance model.

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

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The committee shall consist of eight members as follows: one member of the Senate appointed by the Chairman of the Senate Finance Committee; one member of the Senate appointed by the Chairman of the Senate Education Committee; one member of the House of Representatives appointed by the Chairman of the House Ways and Means Committee; one member of the House of Representatives appointed by the Chairman of the House Education and Public Works Committee; two members to be appointed by the Speaker Pro Tempore of the Senate and two members to be appointed by the Speaker of the House. The members shall elect a chairman at the first meeting of the committee.

No later than December 1, 2012, the committee shall prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of House Education and Public Works Committee.

Staff will be provided by the House Ways and Means Committee and Senate Finance Committee. Members of the study committee shall serve without compensation for per diem, mileage, and subsistence.

SFC: AMEND new proviso to also direct the committee to examine step increases, frozen salary schedules, National Board Certification Incentive, or anything else related to teacher salaries. Specify that the committee is only made of legislators. Change reference to "Speaker" Pro Tempore of the Senate to "President" of the Senate. Specify that National Board Certification Incentive is included in the study.

SEN: ADOPT new proviso as amended.

70.29. (LEG: Teacher Salary Study Committee) There is created the Joint Teacher Salary Study Committee. The committee shall examine the current teacher salary schedule; its relationship to the Education Finance Act, the Education Improvement Act and its relationship to a district's ability to hire and retain quality teachers. The committee will examine potential changes to the salary schedule that may include a pay for performance model, step increases, frozen salary schedules, National Board Certification Incentive, or anything else related to teacher salaries.

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

The committee shall consist of eight members as follows: one member of the Senate appointed by the Chairman of the Senate Finance Committee; one member of the Senate appointed by the Chairman of the Senate Education Committee; one member of the House of Representatives appointed by the Chairman of the House Ways and Means Committee; one member of the House of Representatives appointed by the Chairman of the House Education and Public Works Committee; two members of the Senate to be appointed by the President Pro Tempore of the Senate and two members of the House of Representatives to be appointed by the Speaker of the House. The members shall elect a chairman at the first meeting of the committee.

No later than December 1, 2012, the committee shall prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of House Education and Public Works Committee.

Staff will be provided by the House Ways and Means Committee and Senate Finance Committee. Members of the study committee shall serve without compensation for per diem, mileage, and subsistence.

70.30 **ADD** (Senate Pages) **SFC:** ADD new proviso to direct that Senate Pages are not eligible to receive unemployment benefits.

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SEN: ADOPT new proviso.

70.30. (LEG: Senate Pages) Senate Pages shall not be eligible to receive unemployment benefits.

70.31 **ADD** (Economic Development Research) **SEN:** ADD new proviso to create the Economic Development Research Committee to review, examine, and make recommendations on steps that should be taken to improve the State's economy and to restore a substantially greater sense of financial security to citizens. Prohibit committee members from receiving subsistence, mileage, or per diem. Require a report be submitted to the General Assembly and the Governor before June 30, 2013 after which the committee is abolished. Sponsor: Sen. Scott.

70.31. (LEG: Economic Development Research) (A) From the funds appropriated to the Senate and the House of Representatives, there is created the Economic Development Research Committee. This committee shall review, examine, and make recommendations regarding steps that should be taken to improve the economy of this State and to restore a substantially greater sense of financial security to the citizens of this State.

(B) The twenty-seven member committee is composed of:

(1) two members appointed by the Lieutenant Governor, one of which must be a majority party member of the Senate and one of which must be a minority party member of the Senate;

(2) one member appointed by the Speaker of the House of Representatives;

(3) the Secretary of Commerce, or his designee;

(4) the Director of the Department of Parks, Recreation and Tourism, or his designee;

(5) a county economic development director from each Congressional district chosen by the economic development person or his designee from the office of the member of Congress representing each district;

(6) the Dean of the Moore School of Business at the University of South Carolina, the Dean of the Francis Marion University School of Business, the Dean of the South Carolina State University School of Business, the Dean of the College of Charleston School of Business and Economics, the Dean of the Clemson University College of Business, the Dean of the Winthrop University College of Business Administration, and the Dean of the Voorhees College of Business Administration;

(7) the Chairman of the Board of Economic Advisors;

(8) the Secretary of Agriculture, or his designee;

(9) the Director of the Department of Employment and Workforce;

(10) the Chairman of the State Ports Authority, or his designee;

(11) the Director of the Office of Small and Minority Business Assistance;

(12) the President of the South Carolina Chamber of Commerce, or his designee;

(13) the President of the South Carolina Manufacturers' Alliance, or his designee.

(14) the South Carolina Technical College System Vice President for Economic and Workforce Competitiveness; and

(15) the President of the South Carolina Economic Developers' Association, or his designee.

(C) The Lieutenant Governor shall serve as the chairperson of the committee.

(D) A vacancy occurring on the committee must be filled in the same manner as the original appointment.

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(E) The staffing for the committee must be provided by the appropriate committees of the Senate and House of Representatives that oversee legislation affecting economic development and finance in this State.

(F) Members of the committee shall not receive subsistence, mileage, or per diem.

(G) The committee shall submit its report to the General Assembly and Governor before June 30, 2013, at which time the Economic Development Research Committee is abolished.

- 70.32** **ADD** (EOC Efficiency Review) **SEN:** ADD new proviso to direct the funds appropriated to the EOC for the School District Efficiency Review Pilot Program be used to review three school districts' central operations with a focus on non-instructional expenditures to identify ways to improve school district operating efficiencies and ways to reduce costs. Direct that the review be completed by June 30, 2013 and that the findings, along with the amount of estimated savings, how the savings could be achieved, and the districts' plan for implementing the recommendations be submitted to designated legislative committees and the Governor. Authorize unexpended funds to be carried forward and used for the same purpose. Sponsor: Sen. Sheheen.

70.32. (LEG: EOC Efficiency Review) Funds appropriated to the Education Oversight Committee for the School District Efficiency Review Pilot Program shall be used to review certain school districts' central operations with a focus on non-instructional expenditures so as to identify opportunities to improve operational efficiencies and reduce costs for the district. The Education Oversight Committee shall make the school districts aware of the pilot program, and accept applications to participate in the program. In the current fiscal year, the Education Oversight Committee shall select at least three applicant school districts to participate. The Education Oversight Committee may contract with an independent entity to perform the review. The review shall include, but not be limited to, examinations of (i) overhead, (ii) human resources, (iii) procurement, (iv) facilities use and management, (v) financial management, (vi) transportation, (vii) technology planning, and (viii) energy management. The review shall not address the effectiveness of the educational services being delivered by the district. The review shall be completed no later than June 30, 2013. Upon completion, the Education Oversight Committee shall submit a report to the Chairman of the Senate Finance Committee, Chairman of the Senate Education Committee, Chairman of the House Ways and Means Committee, Chairman of the House Education and Public Works Committee, and the Governor detailing the findings of the review including the estimated savings that could be achieved, the manner in which the savings could be achieved, and the districts' plan for implementation of the recommendations. Unexpended funds appropriated for this purpose may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purpose.

SECTION 71 - C05-ADMINISTRATIVE LAW COURT

- 71.3** **ADD** (ALJ Travel) **SFC:** ADD new proviso to provide that an Administrative Law Judge is entitled to a subsistence allowance of \$35 per day plus the mileage allowance provided for other state employees while they are holding court or are on other official business outside their county of residence, but within 50 miles of their residence. Provide that if they are 50 or more miles outside their county of residence they will be paid the subsistence allowance as provided for members of the General Assembly plus the mileage allowance provided for other state employees. Limit the amount of allowance provided to each ALJ to \$8,000 per fiscal year. *Mirrors authority in 89.21(G) but caps the amount at \$8,000 a fiscal year.* Requested by Administrative Law Court.

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SEN: ADOPT new proviso.

71.3. (ALC: ALJ Travel) While holding court or on other official business outside the county in which he resides, within fifty miles of his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. While holding court or on other official business at a location fifty miles or more from his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State. However, notwithstanding any other provision of law, the allowance as provided shall not exceed \$8,000 per judge in a fiscal year.

SECTION 72 - D21 - GOVERNOR'S OFFICE

72.20 AMEND NEW PROVISO (~~Prohibit Use of Funds Report~~) **HOU:** ADD new proviso to prohibit OEPP from using any source of funds to pay salaries or operating expenses of any ECOS employee and prohibit any source of funds from being transferred from OEPP to ECOS or Mansion and Grounds. Sponsor: Rep. H.B. Brown.

72.20. (GOV: Prohibit Use of Funds) The Governor's Office of Executive Policy and Programs is prohibited from using any source of funds to fund the salaries or operating expenses of any Governor's Office of Executive Control of State employee. In addition, the Governor's Office of Executive Policy and Programs is prohibited from transferring any source of funds to the Governor's Office of Executive Control of State or to Mansion and Grounds.

SFC: AMEND new proviso to delete the prohibition and instead direct the Governor's Office to provide a quarterly report to the Senate Finance and House Ways and Means Committees on transactions that have taken place between ECOS, OEPP and Mansion and Grounds to ensure transparency and accountability. Require the report include any transfer of funds, payment or reimbursements for services rendered, the amount, the reason, and the source of funds used.

SEN: ADOPT new proviso as amended.

72.20. (GOV: Use of Funds Report) In order to ensure transparency and accountability, the Governor's Office of Executive Control of State shall report quarterly to the Senate Finance Committee and House Ways and Means Committee on financial transactions that have taken place between Executive Control of State, Office of Executive Policy and Programs, and Mansion and Grounds. These transactions shall include, but are not limited to, any transfer of funds or payments or reimbursements for services rendered. For each transfer, payment, or reimbursement the report must specify the amount, the reason for, or circumstance that necessitated the transaction, and the source of funds used. In the event federal or other funds were utilized, the source from which the revenue was generated must also be included. The report must be submitted as soon after the end of each quarter as practicable.

72.21 DELETE NEW PROVISO (Lobbying Prohibition) **HOU:** ADD new proviso to prohibit the Governor's Office from using general funds to pay employees who engage in lobbying activities on their behalf. Sponsor: Rep. H.B. Brown.

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72.21. (GOV: Lobbying Prohibition) The Governor's Office is prohibited from using General Fund appropriations to compensate employees who engage in lobbying activities on behalf of the Governor's Office.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

72.21. (GOV: Lobbying Prohibition) DELETED

SECTION 76 - E16 - STATE TREASURER'S OFFICE

76.12 DELETE NEW PROVISO (Audit Finding Follow-Up) **WMC:** ADD new proviso to direct and empower the State Treasurer to: (1) follow up on audit findings issued by the State Auditor's Office, and/or by an independent audit; (2) conduct additional audits to ensure proper receipt and disbursement of state funds in accordance with legislative intent; and (3) contract for or conduct recovery audits to identify overpayments or payments made to vendors in error. Direct the LAC to notify the State Treasurer's Office of any cost savings recommendations. Authorize the State Treasurer to recover amounts due by seeking refunds, withholding future payments or distributions, or by whatever other actions deemed appropriate. Direct that such action may include legal action as the Attorney General may approve, including the Attorney General participating in the litigation, or hiring attorneys subject to the prior approval of the Attorney General. Require entities to cooperate with the State Treasurer in these activities. Direct the State Treasurer to deposit 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. *The proviso is in accordance with the State Treasurer's Office mission to manage the State's financial assets in ways that maximize value and promote the best interests of the State's citizens.* Fiscal Impact: Funding returned to the General Fund will be contingent upon the amount of funds recovered. Requested by State Treasurer's Office.

HOU: ADOPT new proviso.

76.12. (TREAS: Audit Finding Follow-Up) The State Treasurer is directed and empowered to: (a) follow up on audit findings issued by the Office of State Auditor, or any other independent audit involving the receipt or disbursement of state funds or achieving cost savings for the State or its agencies and institutions; (b) conduct additional audits or take other actions to ensure proper receipt and disbursement of state funds in accordance with legislative intent; and (c) contract for or conduct recovery audits designed to identify overpayments or erroneous payments to vendors. The Legislative Audit Council shall notify the State Treasurer's Office of any recommendations involving cost savings. The State Treasurer may recover any amounts due the State agencies or institutions by seeking refunds, withholding future payments or distributions, or by whatever other actions the State Treasurer deems appropriate. Such may include appropriate legal action on behalf of the State as the Attorney General may approve, and including the participation of the Attorney General in the litigation or the hiring of any attorneys being subject to the prior approval of the Attorney General. All entities disbursing or receiving state funds shall cooperate with the State Treasurer in these activities. The State Treasurer shall deposit any funds collected by this provision in a separate account to be appropriated by the General Assembly, unless otherwise provided for by law. The State

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Treasurer may retain and expend a portion of any funds received to pay for costs associated with the management and enforcement of this provision. The State Treasurer shall report annually to the General Assembly on its management activities and cost recoveries regarding this directive.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

76.12. (TREAS: Audit Finding Follow-Up) DELETED

- 76.13 DELETE NEW PROVISO** (Tuition Prepayment Commitments) **HOU:** ADD new proviso to require commitments made to S.C. Tuition Prepayment Program enrollees be honored in their entirety. Sponsor: Rep. Funderburk.

76.13. (Treas: Tuition Prepayment Commitments) The commitments made to enrollees of the South Carolina Tuition Prepayment Program must be honored in their entirety.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

76.13. (TREAS: Tuition Prepayment Commitments) DELETED

- 76.14 ADD** (Unclaimed Property) **SEN:** ADD new proviso to direct that the State Treasurer may only hire a third party, private sector auditor, or auditing firms on an hourly basis to fulfill the Treasurer's duties associated with the S.C. Uniform Unclaimed Property Act. Authorize the Treasurer to retain \$200,000 from the Unclaimed Property Program to hire internal compliance auditors to enforce the Unclaimed Property Act. Sponsors: Sens. Campbell and Coleman. **AMEND** proviso to allow the Treasurer to join other state(s) in multi-state contingent fee auditors' exams for companies whose parent company is not headquartered or incorporated in S.C. if it is believed the companies being audited are holding unclaimed property funds that belong to SC citizens. Sponsor: Sen. Malloy.

76.14. (TREAS: Unclaimed Property) The State Treasurer may not expend funds to retain a third party, private sector auditor, or auditing firms to fulfill his duties pursuant to the South Carolina Uniform Unclaimed Property Act on a contingency basis or any basis other than an hourly basis, with the exception that the State Treasurer may join other state(s) in multi-state contingent fee auditors' examinations, not to include companies whose parent company is headquartered or incorporated in South Carolina, when there is a reason to believe that those companies being audited are holding funds belonging to South Carolina citizens. The Office of State Treasurer shall retain \$200,000 from the Unclaimed Property Program for the sole purpose of employing internal compliance auditors to enforce the Unclaimed Property Act.

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 11-12, to repay to the General Fund \$300,000, plus interest, 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 and state the intent that the same amount, plus interest be repaid annually until the \$1,250,000 balance has been repaid to the General Fund.

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SFC: AMEND proviso to change Fiscal Year “2011-12” to “2012-13.”

SEN: ADOPT proviso as amended.

78.12. (ADJ: Citadel-S.C. National Guard Readiness Center) The Adjutant General’s Office, during Fiscal Year ~~2011-12~~ 2012-13, shall repay to the General Fund of the State \$300,000, plus interest, of the \$2,500,000 appropriated by Proviso 73.12 of the Fiscal Year 2007-08 Appropriation Act to the Adjutant General’s Office for the Citadel-South Carolina National Guard Readiness Center. It is the intent of the General Assembly that \$300,000, plus interest, shall be repaid annually until the \$1,250,000 balance has been repaid to the General Fund.

78.16 DELETE NEW PROVISO (Physical Assets Responsibility) **WMC:** ADD new proviso to make the Adjutant General’s Office financially and administratively responsible for the building, and grounds; for maintaining deferred depreciation and maintenance reserves; assuming improvement obligations and other operating costs such as building maintenance, systems and equipment; custodial services, horticultural and grounds maintenance; insurance; and utilities for the property located at 1 National Guard Road in Columbia. Direct that Section 1-11-67 [RENTAL CHARGES FOR OCCUPANCY OF STATE-CONTROLLED OFFICE BUILDINGS; APPORTIONMENT AMONG AGENCY FUNDING SOURCES] does not apply to this property and direct that the B&C Board is not responsible for deferred or future maintenance or repair of building or grounds. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

78.16. (ADJ: Physical Assets Responsibility) The Adjutant General shall be financially and administratively responsible for the building and grounds located at 1 National Guard Road in Columbia, to include maintaining necessary reserves for deferred and future depreciation and maintenance, and assuming improvement obligations and other costs of operation, including but not limited to, building maintenance, systems and equipment maintenance, custodial services, horticulture and grounds maintenance, insurance and utilities. Section 1-11-67 of the 1976 Code shall not apply and the Budget and Control Board shall have no responsibility for any deferred or future maintenance and repair of the building and grounds.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

78.16. (ADJ: Physical Assets Responsibility) DELETED

SECTION 79 - E28-ELECTION COMMISSION

79.6 AMEND FURTHER (Primary and General Election Carry Forward) Authorizes filing fees paid by candidates filing for statewide or special primary elections to be retained, expended, and carried forward to conduct primary elections. Authorizes Primary and General Election Accounts funds to be carried forward and expended for the same purpose. Authorizes these funds to also be used to conduct the 2012 Presidential Preference Primary.

WMC: AMEND proviso to delete specific reference to the “2012” Presidential Preference Primary. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

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79.6. (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections. Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, the aforementioned funds may also be utilized to conduct the ~~2012~~ Presidential Preference Primary elections.

SFC: AMEND FURTHER to delete the authorization to also use the funds to conduct the Presidential Preference Primary.

SEN: ADOPT proviso as amended.

79.6. (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections. Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. ~~In addition, the aforementioned funds may also be utilized to conduct the 2012 Presidential Preference Primary elections.~~

79.13 **ADD** (Primary Election Expenses Reimbursement) **SFC:** ADD new proviso to allow the Election Commission to reimburse county registration boards and election commissions for expenses associated with statewide, secondary (runoff), and special primaries only when the primaries are held on the dates specified by statute. *Prohibits the commission from incurring additional costs for primaries scheduled by counties to accommodate offices that were not included on the ballot in the regularly scheduled June primaries due to the county not completing their reapportionment and rescheduling the primary.* Requested by Election Commission.

SEN: ADOPT new proviso.

79.13. (ELECT: Primary Election Expenses Reimbursement) Funds appropriated for statewide primaries, secondary (runoff) primaries, and special primaries per Sections 7-13-15, 7-13-50, and 7-13-190 of the 1976 Code, may be reimbursed to county registration boards/election commissions only when the primaries are held on the dates specified per the statute.

79.14 **ADD** (Use of Election Funds) **SFC:** ADD new proviso to prohibit the Election Commission from using for any other purpose, the funds appropriated for conducting elections unless such purpose is specifically authorized in this act.

SEN: ADOPT new proviso.

79.14. (ELECT: Use of Election Funds) Notwithstanding any other flexibility authorized in this act, funds appropriated to the Election Commission for the purpose of conducting elections shall not be used for any other purpose unless specifically authorized in this act.

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SECTION 80A - F03 - BUDGET AND CONTROL BOARD

80A.17 REINSERT (Lawsuit Funding) Requires the Insurance Reserve Fund pay the State's cost of defending the Abbeville school funding litigation and the prisoner mental health care litigation.

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

HOU: ADOPT deletion of proviso.

HOU2: REINSERT original proviso. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

80A.17.(BCB: Lawsuit Funding) The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the State, which are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the provider of these services the amount certified.

SFC: ADOPT deletion of proviso.

SEN: ADOPT deletion of proviso.

~~**80A.17. (BCB: Lawsuit Funding)** The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the State, which are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the provider of these services the amount certified.~~

80A.25 AMEND FURTHER (Employee Compensation) Provides a plan to distribute employee pay increases for FY 11-12 in the amount of 0%.

WMC: AMEND proviso to provide for a two percent pay increase for FY 12-13 as follows: for classified and non-judge judicial employees--increase compensation 2%; for unclassified and non-judge judicial unclassified employees or unclassified executive compensation employees--authorize agencies to allot the funds for compensation increases without uniformity and direct that the funds provided are based on an average 2% increase; for agency heads not covered by the Agency Head Salary Commission, the Chief Justice, other judicial officers, county auditors and county treasurers--directs that they receive an annualized base pay increase of 2%; for local health care providers--increase compensation 2%; for Area Agencies on Aging funded by the Lt. Governor's Office on Aging--increase compensation 2%; for local councils on aging or local providers of services funded by the Lt. Gov's Office on Aging through Area Agencies on Aging--prohibit pay increases; and for school bus driver salary and fringe--increase funding to school districts 2%. Directs the B&C Board to allocate associated compensation increases for retirement employer contributions based on the rate of the retirement system in which the individual participates. Authorize the B&C Board Executive Director to use excess employer contributions appropriations, as determined by the Director of the Office of State Budget, for other statewide purposes. Allow such action to be considered a permanent transfer into the receiving agency's base budget at the discretion of the B&C Board Executive Director. Authorizes unexpended Section 80C, Employee Benefits funds to be carried forward.

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HOU: ADOPT proviso as amended.

80A.25. (BCB: Employee Compensation) The amounts appropriated to the Budget and Control Board for Employee Pay Increases must be allocated by the Board to the various state agencies to provide for employee pay increases in accordance with the following plan:

1. With respect to classified and non-judge judicial classified employees, effective on the first pay date that occurs on or after July first of the current fiscal year, the compensation of all classified employees shall be increased by ~~zero~~ two percent.

2. With respect to unclassified and non-judge judicial unclassified employees or unclassified executive compensation system employees not elsewhere covered in this act, effective on the first pay date that occurs on or after July first of the current fiscal year each agency is authorized to allot the total funds for compensation increases among individual employees without uniformity. The funds provided for compensation increases for any employees subject to the provisions of this paragraph are based on an average ~~zero~~ two percent increase. All of the salaries are subject to the provisions of Section 89.17 of Part IB of this act and Office of Human Resources approval must be obtained before any employees subject to the provisions of this paragraph may be granted an annual pay increase in excess of the guidelines established by the Budget and Control Board. Any employee subject to the provisions of this paragraph shall not be eligible for compensation increases provided in paragraphs 1, 3, 4, 5, or 6.

3. Effective on the first pay date that occurs on or after July first of the current fiscal year, agency heads not covered by the Agency Head Salary Commission, shall receive an annualized base pay increase of ~~zero~~ two percent.

4. With respect to local health care providers compensation increases shall be ~~zero~~ two percent effective on the first pay date that occurs on or after July first of the current fiscal year. With respect to Area Agencies on Aging funded by the Lieutenant Governor's Office on Aging, compensation shall be increased by ~~zero~~ two percent effective on the first pay date that occurs on or after July first of the current fiscal year. With respect to local councils on aging or local providers of services funded by the Lieutenant Governor's Office on Aging through Area Agencies on Aging, no pay increases will be allowed. School Bus Driver salary and fringe funding to school districts shall be increased by ~~zero~~ two percent.

5. Effective on the first pay date that occurs on or after July first of the current fiscal year, the Chief Justice and other judicial officers shall receive an annualized base pay increase of ~~zero~~ two percent.

6. Effective on the first pay date that occurs on or after July first of the current fiscal year, county auditors and county treasurers shall receive an annualized base pay increase of ~~zero~~ two percent.

The Budget and Control Board shall allocate associated compensation increases for retirement employer contributions based on the retirement rate of the retirement system in which individual employees participate.

The Executive Director of the Budget and Control Board is authorized to use excess appropriations for the current fiscal year, as determined by the Director of the Office of State Budget, designated for statewide employer contributions for other statewide purposes. At the discretion of the Executive Director of the Budget and Control Board, such action may be considered a permanent transfer into the receiving agency's base budget.

Funds appropriated in Part IA, F30, Section 80C, Budget and Control Board, Employee Benefits may be carried forward from the prior fiscal year into the current fiscal year.

SFC: AMEND FURTHER to change the pay plan from "2%" to "3%" for all categories of employees covered in the proviso. Delete the authorization for the salary increase for

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unclassified positions to be allotted without uniformity. Change reference to proviso “89.17” to “89.16.” Authorize the B&C Board, the Comptroller General, and state agencies whose payroll is not processed by the CG to implement the pay increases retroactively to the first pay date on or after July 1st if the Appropriations Act is ratified after June 7th.

SEN: ADOPT proviso as amended.

80A.25. (BCB: Employee Compensation) The amounts appropriated to the Budget and Control Board for Employee Pay Increases must be allocated by the Board to the various state agencies to provide for employee pay increases in accordance with the following plan:

1. With respect to classified and non-judge judicial classified employees, effective on the first pay date that occurs on or after July first of the current fiscal year, the compensation of all classified employees shall be increased by ~~zero~~ three percent.

2. With respect to unclassified and non-judge judicial unclassified employees or unclassified executive compensation system employees not elsewhere covered in this act, effective on the first pay date that occurs on or after July first of the current fiscal year ~~each agency is authorized to allot the total funds for compensation increases among individual employees without uniformity~~ the compensation of all unclassified employees shall be increased by three percent. ~~The funds provided for compensation increases for any employees subject to the provisions of this paragraph are based on an average zero percent increase. All of the salaries are subject to the provisions of Section 89.17 of Part IB of this act and Office of Human Resources approval must be obtained before any employees subject to the provisions of this paragraph may be granted an annual pay increase in excess of the guidelines established by the Budget and Control Board.~~ Any employee subject to the provisions of this paragraph shall not be eligible for compensation increases provided in paragraphs 1, 3, 4, 5, or 6.

3. Effective on the first pay date that occurs on or after July first of the current fiscal year, agency heads not covered by the Agency Head Salary Commission, shall receive an annualized base pay increase of ~~zero~~ three percent.

4. With respect to local health care providers compensation increases shall be ~~zero~~ three percent effective on the first pay date that occurs on or after July first of the current fiscal year. With respect to Area Agencies on Aging funded by the Lieutenant Governor’s Office on Aging, compensation shall be increased by ~~zero~~ three percent effective on the first pay date that occurs on or after July first of the current fiscal year. With respect to local councils on aging or local providers of services funded by the Lieutenant Governor’s Office on Aging through Area Agencies on Aging, no pay increases will be allowed. School Bus Driver salary and fringe funding to school districts shall be increased by ~~zero~~ three percent.

5. Effective on the first pay date that occurs on or after July first of the current fiscal year, the Chief Justice and other judicial officers shall receive an annualized base pay increase of ~~zero~~ three percent.

6. Effective on the first pay date that occurs on or after July first of the current fiscal year, county auditors and county treasurers shall receive an annualized base pay increase of ~~zero~~ three percent.

7. The Budget and Control, the Office of Comptroller General, and state agencies whose payroll is not processed by the Office of Comptroller General are authorized to implement employee pay increases described in this provision retroactively to the first pay date that occurs on or after July first of the current fiscal year, if the Appropriations Act is ratified by the General Assembly after June 7, 2012.

The Budget and Control Board shall allocate associated compensation increases for retirement employer contributions based on the retirement rate of the retirement system in which individual employees participate.

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The Executive Director of the Budget and Control Board is authorized to use excess appropriations for the current fiscal year, as determined by the Director of the Office of State Budget, designated for statewide employer contributions for other statewide purposes. At the discretion of the Executive Director of the Budget and Control Board, such action may be considered a permanent transfer into the receiving agency's base budget.

Funds appropriated in Part IA, F30, Section 80C, Budget and Control Board, Employee Benefits may be carried forward from the prior fiscal year into the current fiscal year.

80A.27 AMEND FURTHER (Sale of Surplus Real Property) Provides guidelines for the retention and use of revenue derived from the sale of surplus real properties.

WMC: AMEND proviso to authorize the Department of Mental Health to retain the net proceeds from the sale of 165.79± acres of property on the Bull Street Campus as approved by the B&C Board on June 14, 2011. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

80A.27. (BCB: Sale of Surplus Real Property) Up to fifty percent of the proceeds, net of selling expenses, from the sale of surplus real properties shall be retained by the Budget and Control Board and used for the deferred maintenance of state-owned buildings. The remaining fifty percent of the net proceeds shall be returned to the agency that the property is owned by, under the control of, or assigned to and shall be used by that agency for non-recurring purposes. This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers Market; the Department of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident Technical College Enterprise Campus Authority; the Commissioners residence at the Department of Corrections and the Educational Television Commission's Key Road property.

The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road, and such proceeds shall only be used for the renovation of the ETV Telecommunications Center. If it is determined that sufficient net proceeds are not to be derived from the sale of its property on Key Road to cover the cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder shall, prior to said sale, be submitted to the Budget and Control Board for approval as being in compliance with the requirements of this subsection.

The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of Corrections.

The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting operations and replacement of firefighting equipment.

The Department of Mental Health shall be authorized to retain the net proceeds it receives for sale of the property sold in accordance with, and identified in Exhibit A of, the Sale and Purchase Agreement dated December 16, 2010 between the Department of Mental Health and Hughes Development Corporation for the sale of 165.79± acres on the Bull Street Campus, as approved by the Budget and Control Board on June 14, 2011.

The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally purchased with a federal grant or with restricted revenue

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from hunting and fishing license sales for the improvement, consolidation, and/or establishment of regional offices and related facilities.

The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of Natural Resources, and the Forestry Commission shall annually submit a report, within sixty days after the close of the fiscal year, to the Senate Finance Committee and the House Ways and Means Committee on the status of the sale of the identified property and a detailed accounting on the expenditure of funds resulting from such sale.

This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

SFC: AMEND FURTHER to require the Department of Mental Health to submit a report on the status of the sale of the identified property and an accounting of the expenditure of funds resulting from the sale.

SEN: ADOPT proviso as amended.

80A.27. (BCB: Sale of Surplus Real Property) Up to fifty percent of the proceeds, net of selling expenses, from the sale of surplus real properties shall be retained by the Budget and Control Board and used for the deferred maintenance of state-owned buildings. The remaining fifty percent of the net proceeds shall be returned to the agency that the property is owned by, under the control of, or assigned to and shall be used by that agency for non-recurring purposes. This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers Market; the Department of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident Technical College Enterprise Campus Authority; the Commissioners residence at the Department of Corrections and the Educational Television Commission's Key Road property.

The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road, and such proceeds shall only be used for the renovation of the ETV Telecommunications Center. If it is determined that sufficient net proceeds are not to be derived from the sale of its property on Key Road to cover the cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder shall, prior to said sale, be submitted to the Budget and Control Board for approval as being in compliance with the requirements of this subsection.

The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of Corrections.

The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting operations and replacement of firefighting equipment.

The Department of Mental Health shall be authorized to retain the net proceeds it receives for sale of the property sold in accordance with, and identified in Exhibit A of the Sale and Purchase Agreement dated December 16, 2010 between the Department of Mental Health and Hughes Development Corporation for the sale of 165.79± acres on the Bull Street Campus, as approved by the Budget and Control Board on June 14, 2011.

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The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation, and/or establishment of regional offices and related facilities.

The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of Natural Resources, *the Department of Mental Health* and the Forestry Commission shall annually submit a report, within sixty days after the close of the fiscal year, to the Senate Finance Committee and the House Ways and Means Committee on the status of the sale of the identified property and a detailed accounting on the expenditure of funds resulting from such sale.

This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

80A.28 REINSERT (Community Safety Anti-Gang Grants and Matching Grants) Authorizes the Attorney General to make recommendations for Community Safety Anti-Gang Grants.

WMC: DELETE proviso. *This authorization has been codified in Section 16-8-340; however no funding has been appropriated for this purpose.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

~~**80A.28.** (BCB: Community Safety Anti-Gang Grants and Matching Grants) The Attorney General may make recommendations for Community Safety Anti-Gang Grants and matching grants programs on behalf of the programs relevant to the provisions of Act 82 of 2007.~~

SFC: REINSERT original proviso. *Not all portions of the proviso have been codified.*

SEN: ADOPT original proviso.

80A.28. (BCB: Community Safety Anti-Gang Grants and Matching Grants) The Attorney General may make recommendations for Community Safety Anti-Gang Grants and matching grants programs on behalf of the programs relevant to the provisions of Act 82 of 2007.

80A.32 AMEND FURTHER (Rural Infrastructure) Requires all B &C Board, Office of Local Government monies be transferred to the S.C. Rural Infrastructure Fund, except for the State Infrastructure Revolving Loan Fund. Authorizes the Rural Infrastructure Authority to hire a director by majority vote of the board if one of the gubernatorial and three of the legislative appointees vote in favor of the hiring.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. NOTE: The proviso was actually amended by the committee to authorize unexpended and undisbursed funds to be carried forward and used by the Authority for its purposes and the requirement that hiring of a director requires one gubernatorial and three legislative appointees approval was deleted. A scrivener's error deleted the entire proviso. An amendment will be offered on the floor to reflect the official action taken by the committee.

HOU: REINSERT/AMEND proviso to authorize unexpended funds to be carried forward and used by the Rural Infrastructure Authority. Delete the requirement that hiring of a director

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requires one of the gubernatorial appointees and three of the legislative appointees approval. Sponsors: Reps. Merrill, Cobb-Hunter, Barfield, and Clyburn.

80A.32. (BCB: Rural Infrastructure) The Budget and Control Board, Office of Local Government, or its successor, shall transfer all monies under its control to the South Carolina Rural Infrastructure Fund, authorized by Act 171 of 2010. For purposes of this paragraph, the Budget and Control Board, Office of Local Government, or its successor, shall transfer all monies and balances from any appropriation, carry forward funds, earmarked and restricted accounts, or any other account under its control, except for the State Infrastructure Revolving Loan Fund and any federal monies and federal matching monies. Any unexpended and undisbursed portion of these funds may be carried forward and used by the Rural Infrastructure Authority fo its purposes. The Rural Infrastructure Authority, created pursuant to Act 171 of 2010, by a majority vote of the board may hire a director for the authority, ~~so long as one of the gubernatorial appointees and three of the legislative appointees votes in favor of the hiring.~~

SFC: AMEND FURTHER to reinsert the requirement that hiring of a director requires one of the gubernatorial appointees and three of the legislative appointees' approval. *Conform to H.4664 which was signed into law by the Governor on 4/23/12.*

SEN: ADOPT proviso as amended.

80A.32. (BCB: Rural Infrastructure) The Budget and Control Board, Office of Local Government, or its successor, shall transfer all monies under its control to the South Carolina Rural Infrastructure Fund, authorized by Act 171 of 2010. For purposes of this paragraph, the Budget and Control Board, Office of Local Government, or its successor, shall transfer all monies and balances from any appropriation, carry forward funds, earmarked and restricted accounts, or any other account under its control, except for the State Infrastructure Revolving Loan Fund and any federal monies and federal matching monies. Any unexpended and undisbursed portion of these funds may be carried forward and used by the Rural Infrastructure Authority for its purposes. The Rural Infrastructure Authority, created pursuant to Act 171 of 2010, by a majority vote of the board may hire a director for the authority, so long as one of the gubernatorial appointees and three of the legislative appointees votes in favor of the hiring.

80A.33 **AMEND FURTHER** (Additional Tort Liability Insurance Coverage Authorized) Authorizes the Insurance Reserve Fund to provide tort liability insurance coverage for certain local aging entities that are non-governmental until June 30, 2012.

WMC: AMEND proviso to change Fiscal Year "2011-12" to "2012-13." Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

80A.33. (BCB: Additional Tort Liability Insurance Coverage Authorized) The State Budget and Control Board, through the Office of Insurance Services, for Fiscal Year ~~2011-12~~ 2012-13, is also authorized to offer tort liability insurance coverage to an aging entity and its employees serving clients countywide which previously obtained its tort liability insurance coverage through the board.

SFC: AMEND FURTHER to specify that the B&C Board is authorized to offer "insurance" rather than "tort liability" insurance coverage through the "Insurance Reserve Fund" for certain

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aging entities. Direct that the IRF and the State shall not be liable for any coverage provided for this purpose that is insufficient.

SEN: ADOPT proviso as amended.

80A.33. (BCB: Additional Tort Liability Insurance Coverage Authorized) The State Budget and Control Board, through the ~~Office of Insurance Services~~ *Insurance Reserve Fund*, for Fiscal Year ~~2011-12~~ *2012-13*, is also authorized to offer ~~tort liability~~ insurance coverage to an aging entity and its employees serving clients countywide which previously obtained its tort liability insurance coverage through the board. *The Insurance Reserve Fund and the State of South Carolina shall not be liable to any person or entity, including an insured, for any insufficiencies of coverage provided hereunder.*

80A.35 ADD (Agency Operating Deficit) **SEN:** ADD new proviso to suspend Subsection (B) of Section 1-11-495 that allows the B&C Board to recognize agency deficits. Sponsor: Sen. Massey.

SEN: ADOPT new proviso.

80A.35. (BCB: Agency Operating Deficit) Subsection (B) of Section 1-11-495 of the 1976 Code, relating to recognition of agency deficits, is suspended for the current fiscal year.

SECTION 80B - F27 - BUDGET AND CONTROL BOARD, STATE AUDITOR'S OFFICE

80B.1 DELETE NEW PROVISO / RULED OUT OF ORDER (Audit Timeframes) **WMC:** ADD new proviso to authorize the State Auditor to examine state agencies less often than annually, but not less than every three years and direct the State Auditor to develop and maintain an audit schedule to ensure compliance. Fiscal Impact: No impact on the General Fund. Requested by State Auditor's Office.

HOU: ADOPT new proviso.

80B.1. (BCB/AUD: Audit Timeframes) The State Auditor may examine less often than annually agencies, departments, commissions and divisions provided that every such agency, department, commission or division shall be examined no less often than every third year. The State Auditor will develop and maintain a schedule to ensure compliance with this provision.

SFC: ADOPT new proviso.

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

80B.1. (BCB/AUD: Audit Timeframes) DELETED

80B.2 AMEND NEW PROVISO (Annual Audit of Federal Programs) **WMC:** ADD new proviso to require each state agency subject to federal audit requirements to pay the State Auditor for their share of the expense of contracting with a CPA firm to conduct the federal portion of the audit as determined by a schedule developed by the State Auditor. Fiscal Impact: No impact on the General Fund. The audit will be paid from an agency's federal funds. Requested by State Auditor's Office.

HOU: ADOPT new proviso.

80B.2. (BCB/AUD: Annual Audit of Federal Programs) Each state agency receiving federal funds subject to the audit requirements of the Single Audit Act Amendments of 1996 and

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OMB Circular A-133, Audits of States, Local Governments and Nonprofit Organizations shall remit to the State Auditor an amount representing an equitable portion of the expense of contracting with a nationally recognized CPA firm to conduct a portion of the audit of the State's federal financial assistance. Each state agency's equitable portion of the expense will be determined by a schedule developed by the State Auditor. Such remittance will be based upon invoices provided by the State Auditor. The audit shall be re-bid every five years.

SFC: AMEND new proviso to authorize the State Auditor to retain, expend, and carry forward these funds.

SEN: ADOPT new proviso as amended.

80B.2. (BCB/AUD: Annual Audit of Federal Programs) Each state agency receiving federal funds subject to the audit requirements of the Single Audit Act Amendments of 1996 and OMB Circular A-133, Audits of States, Local Governments and Nonprofit Organizations shall remit to the State Auditor an amount representing an equitable portion of the expense of contracting with a nationally recognized CPA firm to conduct a portion of the audit of the State's federal financial assistance. Each state agency's equitable portion of the expense will be determined by a schedule developed by the State Auditor. Such remittance will be based upon invoices provided by the State Auditor. The audit shall be re-bid every five years. The State Auditor shall retain and expend the funds received and shall carry forward any unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

80B.3 **ADD** (Medical Assistance Audit Carry Forward) **SFC:** ADD new proviso to authorize the State Auditor's Office to retain, expend, and carry forward the funds they receive from the Department of Health and Human Services for the Medical Assistance Audit Program authorized by proviso 21.3 [MEDICAL ASSISTANCE AUDIT PROGRAM REMITTANCE].

SEN: ADOPT new proviso.

80B.3. (BCB/AUD: Medical Assistance Audit Carry Forward) The State Auditor's Office shall retain and expend the funds received from the Department of Health and Human Services for the Medical Assistance Audit Program pursuant to proviso 21.3 of this act and shall carry forward any unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

SECTION 80C - F30 - EMPLOYEE BENEFITS

80C.1 **AMEND** (Funding Abortions Prohibited) Prohibits any funds appropriated for employer contributions to the State Health Insurance Plan from being expended to reimburse the expenses of an abortion, except in certain specified cases. Prohibit the State Health Plan from offering coverage for abortion services, including ancillary services provided contemporaneously with abortion services.

SEN: AMEND proviso to require the State Health Plan to determine the amount of total premiums paid for health coverage necessary to cover the risks associated with reimbursing plan participants for obtaining an abortion under approved circumstances. Require the determination to be based on actuarial data and empirical study in the same manner and method used for adjustments for other risks in similar circumstances. Require the plan be reported to the Chairmen of the Senate Finance and Ways and Means Committees by November 15, 2012. Sponsor: Sen. Bright.

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80C.1. (BCB/EB: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the mother's medical condition is one which, on the basis of the physician's good faith judgment, so complicates the pregnancy as to necessitate an immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided contemporaneously with abortion services. The State Health Plan must determine the amount of the total premium paid for health coverage necessary to cover the risks associated with reimbursing participants in the plan for obtaining an abortion in the circumstances covered by this provision. The determination must be based on actuarial data and empirical study in the same manner and by the same method that other risks are adjusted for in similar circumstances. The plan must report this determination to the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee by November 15, 2012.

80C.3 **ADD** (TRICARE Supplement Policy) **SFC:** ADD new proviso to direct the Employee Insurance program to offer group TRICARE Supplement policies in Plan Year 2013 to eligible subscribers through the flexible benefits program to allow those subscribers to pay premiums for such policies on a pre-tax basis. Authorize TRICARE Supplement subscribers to be charged up to \$2 per subscriber per month for associated administrative costs.
SEN: ADOPT new proviso.

80C.3. (BCB/EB: TRICARE Supplement Policy) The Employee Insurance Program shall offer in Plan Year 2013 a group TRICARE Supplement policy or policies to its TRICARE-eligible subscribers through its flexible benefits program to provide that subscribers may pay premiums for such policies on a pre-tax basis, in accordance with federal law and regulations. The Employee Insurance Program may charge TRICARE Supplement subscribers an amount not to exceed \$2 per subscriber per month for any associated administrative costs.

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 and to deposit revenue in excess of \$17,000,000 to the Rural Infrastructure Fund under the Department of Commerce, Coordinating Council. Require all funds in the Rural Infrastructure Bank Trust Fund under the B&C Board, Office of Local Government be transferred during FY 11-12 to the S.C. Rural Infrastructure Authority, Rural Infrastructure Fund to be administered by the B&C Board Office of Local Government. Provides the purposes for which these funds shall be used.
SFC: AMEND proviso to delete the directive that the funds in the S.C. Rural Infrastructure Authority be administered by the B&C Board, Office of Local Government. Requested by Budget and Control Board.
SEN: ADOPT proviso as amended.

81.3. (DOR: Rural Infrastructure Fund Transfer) Notwithstanding Section 12-10-85, the Department of Revenue is authorized to deposit revenues from the Rural Infrastructure Fund in excess of \$12 million dollars to the Rural Infrastructure Bank Trust Fund under the Budget and Control Board, Office of Local Government. Any revenues in excess of \$17 million shall be deposited in the Rural Infrastructure Fund under the Department of Commerce, Coordinating

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Council. All monies in the Rural Infrastructure Bank Trust Fund under the Budget and Control Board, Office of Local Government, including those deposited in the fund pursuant to the provisions of this paragraph, must be transferred during Fiscal Year 2011-12 to the Rural Infrastructure Fund of the South Carolina Rural Infrastructure Authority established pursuant to Chapter 50 of Title 11 ~~and administered by the Office of Local Government under the Budget and Control Board~~ to be used for the purposes of the Rural Infrastructure Authority, which involve providing financial assistance for qualified rural infrastructure projects to include facilities and appurtenances to meet public health and environmental standards, to develop trade, commerce, and industry, to provide for potable water and wastewater services, and to provide for emergency preparedness infrastructure.

SECTION 86 - X22 - AID TO SUBDIVISIONS, STATE TREASURER

86.1 **AMEND** (Veterans' Affairs-Aid to Counties) Directs that each county receive 100% of the amount allocated to "Aid to County Veteran Offices" for the prior fiscal year plus an amount equal to the state employee's base pay increase, less budget reduction adjustments. Directs that the allocation be distributed quarterly to the County Treasurer for distribution to County Veterans' Affairs Offices.

SEN: AMEND proviso to require these allocations be kept in an account separate from the county's general fund. Require the County Treasurer disburse the allocations upon written request from the county veterans affairs officer. Sponsor: Sen. Coleman.

86.1. (AS-TREAS: Veterans' Affairs-Aid to Counties) In the allocation of the appropriation in Part IA, Section 86, as adjusted for "Aid to County Veteran Offices," each county shall receive an effective annual amount equal to one hundred percent of the amount allocated to it for the prior fiscal year plus an amount equivalent to base pay increases for state employees, less any adjustments made for budget reductions. This allocation shall be distributed on a quarterly basis to the County Treasurer who will handle and distribute these monies for the sole benefit and use of the County Veterans' Affairs Offices. *These allocations must be kept in an account which is separate and distinct from the general fund of the county. The County Treasurer shall disburse the allocations to the County Veterans' Affairs Office upon written request from the county veterans' affairs officer.*

86.3 **AMEND FURTHER** (Quarterly Distributions) Provides for the quarterly distribution of Aid to Subdivisions Local Government Fund.

WMC: AMEND proviso to change Fiscal Year "2011-12" to "2012-13" and Fiscal Year "2010-11" to "2011-12." *Technical.* Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

86.3. (AS-TREAS: Quarterly Distributions) For Fiscal Year ~~2011-12~~ 2012-13, the amount of the four quarterly distributions from the Aid to Subdivisions-Local Government Fund shall be as follows: The amount of the first quarterly distribution for each entity shall equal the amount of the last quarterly distribution for Fiscal Year ~~2010-11~~ 2011-12 and thereafter the next three quarterly distributions shall be in reduced equal amounts, the four distributions together totaling the ~~2011-12~~ 2012-13 appropriation from the Local Government Fund.

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SFC: ADOPT proviso as amended.

SEN: AMEND FURTHER to delete the current distribution method and instead direct that one quarter of the Part IA Aid to Subdivisions-Local Government Fund be distributed as soon after the beginning of each quarter as practical. Sponsor: Sen. Fair.

86.3. (AS-TREAS: Quarterly Distributions) For Fiscal Year ~~2011-12~~ 2012-13, ~~the amount of the four quarterly distributions from the Aid to Subdivisions-Local Government Fund shall be as follows: The amount of the first quarterly distribution for each entity shall equal the amount of the last quarterly distribution for Fiscal Year 2010-11 and thereafter the next three quarterly distributions shall be in reduced equal amounts; one quarter of the amount appropriated in Part IA for Aid to Subdivisions-Local Government Fund shall be distributed as soon after the beginning of each quarter as practical with the four distributions together totaling the ~~2011-12~~ 2012-13 Part IA appropriation ~~from~~ for the Local Government Fund.~~

86.7 REINSERT / AMEND (Flexibility) Authorizes a political subdivision that receives aid from the Local Government Fund to reduce support to any state mandated program or requirement up to the percentage their appropriation from the Local Government Fund has been reduced compared to the amount required to be funded by law.

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

HOU: ADOPT deletion of proviso. *See proviso 86.9.*

86.7. (AS-TREAS: Flexibility) ~~For Fiscal Year 2011-12, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to be appropriated pursuant to Section 6-27-30.~~

SFC: REINSERT / AMEND original proviso to change Fiscal Year “2011-12” to “2012-13.”

SEN: ADOPT proviso as amended.

86.7. (AS-TREAS: Flexibility) For Fiscal Year ~~2011-12~~ 2012-13, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to be appropriated pursuant to Section 6-27-30.

86.9 DELETE NEW PROVISO (Political Subdivision Flexibility) **WMC:** ADD new proviso to authorize political subdivisions that receive Local Government Fund monies to reduce the amount of support they provide to any state mandated program or requirement up to the percentage their Local Government Fund appropriation has been reduced compared to the amount required to be funded by law, but exclude ALJs, Court of Appeals, Circuit and Family Courts, Magistrates, Masters in-Equity, Probate Courts, Public Defenders, Solicitors and the Supreme Court and their offices from the reductions. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

86.9. (AS-TREAS: Political Subdivision Flexibility) For Fiscal Year 2012-13, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the amount

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required to be appropriated pursuant to Section 6-27-30. Excluded from said reductions are Administrative Law Judges and their offices, Court of Appeals and their offices, Circuit and Family Courts and their offices, Magistrates and their offices, Masters-in-Equity and their offices, Probate Courts and their offices, Public Defenders and their offices, Solicitors and their offices, and the Supreme Court and their offices.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

86.9. (AS-TREAS: Political Subdivision Flexibility) DELETED

SECTION 89 - X90-GENERAL PROVISIONS

89.16 AMEND FURTHER (Allowance for Residences & Compensation Restrictions) Authorizes specific positions to occupy agency-owned residences without charge and provides compensation guidelines.

WMC: AMEND proviso delete references to the Department of Mental Health employees. *The department no longer provides housing for employees.* Requested by Department of Mental Health. AMEND FURTHER to add the employees of the “Governor’s School for Arts and Humanities” who are required to stay on campus in the exemptions pertaining to compensation restrictions. Delete “Clemson University’s Head Football Coach” from the employees who may be permitted to occupy residences owned by the respective departments without charge. Delete the requirement that commuter mileage on non-exempt state vehicles be considered as income and reported according to the IRS regulations. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

HOU2: AMEND further to authorize any state institution of higher learning to provide complimentary membership privileges to wellness center employees. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

89.16. (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency maintaining its own payroll system. This shall not apply to the Governor’s Mansion, ~~nor for department owned housing used for recruitment and training of Mental Health Professionals,~~ nor to guards at any of the state’s penal institutions and nurses and attendants at ~~the Department of Mental Health,~~ and the Department of Disabilities and Special Needs, and registered nurses providing clinical care at the MUSC Medical Center, nor to the Superintendent and staff of John de la Howe School, nor to the cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor’s School for Science and Mathematics and the Governor’s School for Arts and Humanities who are required to stay on campus by the institution because of job requirements or program participation. Any state institution of higher learning may provide complimentary membership privileges to employees who work at their wellness centers. The presidents of those state institutions of

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higher learning authorized to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions without charge.

Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount to be approved by the Budget and Control Board.

That the following may be permitted to occupy residences owned by the respective departments without charge: ~~the Director of the Department of Mental Health;~~ the Farm Director, Farm Managers, and Specialists employed at the Wateree River Correctional Institution; the South Carolina State Commission of Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural Resources' Game Management Personnel, Fish Hatchery Superintendents, Lake Superintendent, and Fort Johnson Superintendent; the Department of Parks, Recreation and Tourism field personnel in the State Parks Division; Director of Wil Lou Gray Opportunity School; President of the School for the Deaf and the Blind; houseparents for the Commission for the Blind; South Carolina Department of Health and Environmental Control personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander University; Residence Life Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop University; Farm Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; ~~Clemson University's Head Football Coach;~~ the Department of Disabilities and Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus Agricultural Staff and Housing Area Coordinators; and University of South Carolina's Manager of Bell Camp Facility, Housing Maintenance Night Supervisors, Residence Life Directors, temporary and transition employees, and emergency medical personnel; TriCounty Technical College's Bridge to Clemson Resident and Area Directors. Except in the case of elected officials, the fair market rental value of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to the Agency Head Salary Commission, and the Division of Budget and Analyses by October first, of each fiscal year.

All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved by the Budget and Control Board, applicable to all personnel of the State Government whose compensation is not specifically fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is drawn. The Division of Budget and Analyses of the Budget and Control Board is authorized to approve temporary salary adjustments for classified and unclassified employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the plan may be excluded therefrom but their compensations as approved by the Division of Budget and Analyses shall, nevertheless, be subject to review by the Budget and Control Board. Salary appropriations for employees fixed in this act shall be in full for all services rendered, and no supplements from other sources shall be permitted or approved by the Budget and Control Board. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically fixed in this act and no salary shall be paid any agency head whose salary is not so fixed. ~~Commuter mileage on non-exempt state vehicles shall be considered as income and reported by the Comptroller General in accordance with IRS regulations.~~ As long as there is no impact on appropriated funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section, monetary awards,

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if any, shall not be considered a part of an employee's base salary, a salary supplement, or a perquisite of employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the South Carolina Division of Budget and Analyses.

In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging provided by the educational institution which is comparable to the qualified campus lodging provided to the employee, over the rent paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the close of the calendar year in which the taxable year begins, or, in the case of a rental period not greater than one year, at any time during the calendar year in which the period begins.

SFC: AMEND FURTHER to delete the authorization for USC's Manager of Bell Camp Facility, Housing Maintenance Night Supervisors, Residence Life Directors, temporary and transition employees, and emergency medical personnel to occupy residences owned by USC without charge. Requested by University of South Carolina.

SEN: ADOPT proviso as amended.

89.16. (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency maintaining its own payroll system. This shall not apply to the Governor's Mansion, ~~nor for department owned housing used for recruitment and training of Mental Health Professionals,~~ nor to guards at any of the state's penal institutions and nurses and attendants at ~~the Department of Mental Health,~~ and the Department of Disabilities and Special Needs, and registered nurses providing clinical care at the MUSC Medical Center, nor to the Superintendent and staff of John de la Howe School, nor to the cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science and Mathematics *and the Governor's School for Arts and Humanities* who are required to stay on campus by the institution because of job requirements or program participation. The presidents of those state institutions of higher learning authorized to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions without charge.

Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount to be approved by the Budget and Control Board.

That the following may be permitted to occupy residences owned by the respective departments without charge: ~~the Director of the Department of Mental Health;~~ the Farm Director, Farm Managers, and Specialists employed at the Wateree River Correctional Institution; the South Carolina State Commission of Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural Resources' Game Management Personnel, Fish Hatchery Superintendents, Lake Superintendent, and Fort Johnson

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Superintendent; the Department of Parks, Recreation and Tourism field personnel in the State Parks Division; Director of Wil Lou Gray Opportunity School; President of the School for the Deaf and the Blind; houseparents for the Commission for the Blind; South Carolina Department of Health and Environmental Control personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander University; Residence Life Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop University; Farm Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; ~~Clemson University's Head Football Coach~~; the Department of Disabilities and Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus Agricultural Staff and Housing Area Coordinators; and ~~University of South Carolina's Manager of Bell Camp Facility, Housing Maintenance Night Supervisors, Residence Life Directors, temporary and transition employees, and emergency medical personnel~~; TriCounty Technical College's Bridge to Clemson Resident and Area Directors. Except in the case of elected officials, the fair market rental value of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to the Agency Head Salary Commission, and the Division of Budget and Analyses by October first, of each fiscal year.

All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved by the Budget and Control Board, applicable to all personnel of the State Government whose compensation is not specifically fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is drawn. The Division of Budget and Analyses of the Budget and Control Board is authorized to approve temporary salary adjustments for classified and unclassified employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the plan may be excluded therefrom but their compensations as approved by the Division of Budget and Analyses shall, nevertheless, be subject to review by the Budget and Control Board. Salary appropriations for employees fixed in this act shall be in full for all services rendered, and no supplements from other sources shall be permitted or approved by the Budget and Control Board. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically fixed in this act and no salary shall be paid any agency head whose salary is not so fixed. ~~Commuter mileage on non-exempt state vehicles shall be considered as income and reported by the Comptroller General in accordance with IRS regulations.~~ As long as there is no impact on appropriated funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section, monetary awards, if any, shall not be considered a part of an employee's base salary, a salary supplement, or a perquisite of employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the South Carolina Division of Budget and Analyses.

In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging provided by the educational

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institution which is comparable to the qualified campus lodging provided to the employee, over the rent paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the close of the calendar year in which the taxable year begins, or, in the case of a rental period not greater than one year, at any time during the calendar year in which the period begins.

89.21 RESTORE ORIGINAL PROVISO (Travel - Subsistence Expenses & Mileage) Provides travel and subsistence guidelines.

WMC: AMEND proviso, item (J), pertaining to the standard business mileage rate used in calculating mileage reimbursement for personal automobiles to delete the reference to “lesser of 50.5 cents per mile.” *Use the rate established by the IRS.* Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

89.21. (GP: Travel - Subsistence Expenses & Mileage) Travel and subsistence expenses, whether paid from state appropriated, federal, local or other funds, shall be allowed in accordance with the following provisions:

(A) Unless otherwise provided in paragraphs B through H of this section, all employees of the State of South Carolina or any agency thereof including employees and members of the governing bodies of each technical college while traveling on the business of the State shall, upon presentation of a paid receipt, be allowed reimbursement for actual expenses incurred for lodging, not to exceed the current maximum lodging rates, excluding taxes, established by the U.S. General Services Administration. The lodging reimbursement for employees of a school district must also conform to these rates when that employee's travel reimbursement is paid by state funds that are transferred to the school district. Agencies may contract with lodging facilities to pay on behalf of an employee. Failure to maintain proper control of direct payments for lodging may result in the revocation of the agency's authority by the Comptroller General or the State Auditor. The employee shall also be reimbursed for the actual expenses incurred in the obtaining of meals except that such costs shall not exceed \$25 per day within the State of South Carolina. For travel outside of South Carolina the maximum daily reimbursement for meals shall not exceed \$32. Agencies may contract with food or dining facilities to pay for meals on behalf of employees in accordance with rules and regulations established by the Budget and Control Board. It shall be the responsibility of the agency head to monitor the charges for lodging which might be claimed by his employees in order to determine that such charges are following maximum lodging rates as established by the U.S. General Services Administration. Any exceptions must have the written approval of the agency head, taking into consideration location, purpose of travel or other extenuating circumstances. The provisions of this item shall not apply to Section 42-3-40 of the 1976 Code, and when pertaining to institutions of higher learning, for travel paid with funds other than General Funds.

(B) That employees of the State, when traveling outside the United States, Canada, and Puerto Rico upon promotional business for the State of South Carolina shall be entitled to actual expenses for both food and lodging.

(C) The Governor, Lieutenant Governor, Secretary of State, Comptroller General, Attorney General, State Treasurer, Adjutant General, Superintendent of Education and the Commissioner of Agriculture shall be reimbursed actual expenses for subsistence.

(D) Non-legislative members of committees appointed pursuant to Acts and Resolutions of the General Assembly whose membership consists solely of members of the General Assembly or members of the General Assembly and other personnel who are not employees of the State of South Carolina shall be allowed subsistence expenses of \$35 per day

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while traveling on official business, unless otherwise designated by law. Members of such committees may opt to receive actual expenses incurred for lodging and actual expenses incurred in the obtaining of meals in lieu of the allowable subsistence expense.

(E) Members of the state boards, commissions, or committees whose duties are not full-time and who are paid on a per diem basis, shall be allowed reimbursement for actual expenses incurred at the rates provided in paragraph A and I of this section while away from their places of residence on official business of the State. One person accompanying a handicapped member of a state board, commission, or committee on official business of the State shall be allowed the same reimbursement for actual expenses incurred at the rates provided in paragraph A through I of this section.

(F) No subsistence reimbursement shall be allowed to a Justice of the Supreme Court or Judge of the Court of Appeals while traveling in the county of his official residence. When traveling on official business of said court within fifty miles outside the county of his official residence, a Supreme Court Justice and a Judge of the Court of Appeals shall be allowed subsistence expenses in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. When traveling on official business of said court fifty or more miles outside the county of his official residence, each Justice and Judge of the Court of Appeals shall be allowed subsistence expenses in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State. The Chief Justice, or such other person as the Chief Justice designates, while attending the Conference of Chief Justices and one member of the Supreme Court while attending the National Convention of Appellate Court Judges, and three Circuit Judges while attending the National Convention of State Trial Judges shall be allowed actual subsistence and travel expenses.

Upon approval of the Chief Justice, Supreme Court Justices, Judges of the Court of Appeals, Circuit Judges, and Family Court Judges shall be reimbursed for actual expenses incurred for all other official business requiring out-of-state expenses at the rate provided in paragraph A of this section.

(G) No subsistence reimbursements are allowed to a Circuit Judge, a Family Court Judge, or an Administrative Law Judge while holding court within the county in which he resides. While holding court or on other official business outside the county, within fifty miles of his residence, a Circuit Court Judge, Family Court Judge, or an Administrative Law Judge is entitled to a subsistence allowance in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. While holding court or on other official business at a location fifty miles or more from his residence, a Circuit Court, Family Court or Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State.

(H) Any retired Justice, Circuit Court Judge or Family Court Judge or Master-in-Equity appointed by the Supreme Court to serve as a Special Circuit Judge, Family Court Judge, Appeals Court Judge, or Acting Associate Justice shall serve without pay but shall receive the same allowance for subsistence, expenses, and mileage as provided in Part I for Circuit Court Judges.

(I) No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by which he is employed except as provided in paragraph E, of this section. When an employee is assigned to work a particular territory or district, and such territory or district and his official headquarters are in different localities or sections of the State, expenses may be allowed for the necessary travel to his official headquarters. The members of the Workers' Compensation Commission may be reimbursed at the regular mileage rate of one round trip each week from their respective homes to Columbia. No subsistence

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reimbursement shall be allowed to a member of the Workers' Compensation Commission while traveling in the county of his official residence. When traveling on official business of the commission outside the county of his official residence, a member of the Workers' Compensation Commission shall be allowed subsistence expenses in the amount of \$35 per day. When traveling on official business of the commission fifty or more miles outside the county of his official residence, each member shall be allowed a subsistence allowance in the amount as provided in this act for members of the General Assembly. When out-of-state, members of the Workers' Compensation Commission and the members of the Appellate Panel of the Department of Employment and Workforce may claim the established amount of per diem, as stated in the General Appropriation Act, or actual expenses as deemed reasonable by the Comptroller General. The members of the Appellate Panel of the Department of Employment and Workforce may be reimbursed at the regular mileage rate when the member is on official business fifty miles or more outside of Columbia. The members of the Appellate Panel of the Department of Employment and Workforce shall be allowed subsistence allowance in the amount as provided in this act for members of the General Assembly when the member is on official business fifty miles or more outside of Columbia.

(J) When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge to equal the standard business mileage rate as established by the Internal Revenue Service will be allowed for the use of such automobile and the employee shall bear the expense of supplies and upkeep thereof. ~~However, the~~ The standard business mileage rate used in this calculation shall be the ~~lesser of 50.5 cents per mile or the~~ current rate established by the Internal Revenue Service. Whenever state provided motor pool vehicles are reasonably available and their use is practical and an employee of the State shall request for his own benefit to use his or her personal vehicle in traveling on necessary official business, a charge of four cents per mile less than the standard business mileage rate as established by the Internal Revenue Service will be allocated for the use of such vehicle and the employee shall bear the expense of supplies and upkeep thereof. ~~However, the~~ The standard business mileage rate used in this calculation shall be the ~~lesser of 50.5 cents per mile or the~~ current rate established by the Internal Revenue Service. When such travel is by a state-owned automobile, the State shall bear the expense of supplies and upkeep thereof but no mileage will be allowed. Agencies and employees are directed to use state fueling facilities to the maximum extent possible, when such use is cost beneficial to the State. When using commercial fueling facilities, operators of State-owned vehicles are directed to use self-service pumps. In traveling on the business of the State, employees are required to use the most economical mode of transportation, due consideration being given to urgency, schedules and like factors.

Mileage between an employee's home and his/her place of employment is not subject to reimbursement. However, when an employee leaves on a business trip directly from his/her home, and does not go by the employee's headquarters, the employee shall be eligible for reimbursement for actual mileage beginning at his/her residence.

(K) That a state agency may advance travel and subsistence expense monies to employees of that agency for the financing of ordinary and necessary travel required in the conducting of the business of the agency. The Budget and Control Board is directed to develop and publish rules and regulations pertaining to the advancing of travel expenses and no state agency shall make such advances except under the rules and regulations as published. All advances for travel and subsistence monies shall be repaid to the agency within thirty days after the end of the trip or by July fifteenth, whichever comes first.

(L) That the state institutions of higher learning are authorized to reimburse reasonable relocation expenses for new employees when such reimbursements are considered by the agency head to be essential to successful recruitment of professionally competent staff members.

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(M) The Budget and Control Board is authorized to promulgate and publish rules and regulations governing travel and subsistence payments.

(N) No state funds may be used to purchase first class airline tickets.

SFC: RESTORE original proviso.

SEN: ADOPT original proviso.

89.21. (GP: Travel - Subsistence Expenses & Mileage) Travel and subsistence expenses, whether paid from state appropriated, federal, local or other funds, shall be allowed in accordance with the following provisions:

(A) Unless otherwise provided in paragraphs B through H of this section, all employees of the State of South Carolina or any agency thereof including employees and members of the governing bodies of each technical college while traveling on the business of the State shall, upon presentation of a paid receipt, be allowed reimbursement for actual expenses incurred for lodging, not to exceed the current maximum lodging rates, excluding taxes, established by the U.S. General Services Administration. The lodging reimbursement for employees of a school district must also conform to these rates when that employee's travel reimbursement is paid by state funds that are transferred to the school district. Agencies may contract with lodging facilities to pay on behalf of an employee. Failure to maintain proper control of direct payments for lodging may result in the revocation of the agency's authority by the Comptroller General or the State Auditor. The employee shall also be reimbursed for the actual expenses incurred in the obtaining of meals except that such costs shall not exceed \$25 per day within the State of South Carolina. For travel outside of South Carolina the maximum daily reimbursement for meals shall not exceed \$32. Agencies may contract with food or dining facilities to pay for meals on behalf of employees in accordance with rules and regulations established by the Budget and Control Board. It shall be the responsibility of the agency head to monitor the charges for lodging which might be claimed by his employees in order to determine that such charges are following maximum lodging rates as established by the U.S. General Services Administration. Any exceptions must have the written approval of the agency head, taking into consideration location, purpose of travel or other extenuating circumstances. The provisions of this item shall not apply to Section 42-3-40 of the 1976 Code, and when pertaining to institutions of higher learning, for travel paid with funds other than General Funds.

(B) That employees of the State, when traveling outside the United States, Canada, and Puerto Rico upon promotional business for the State of South Carolina shall be entitled to actual expenses for both food and lodging.

(C) The Governor, Lieutenant Governor, Secretary of State, Comptroller General, Attorney General, State Treasurer, Adjutant General, Superintendent of Education and the Commissioner of Agriculture shall be reimbursed actual expenses for subsistence.

(D) Non-legislative members of committees appointed pursuant to Acts and Resolutions of the General Assembly whose membership consists solely of members of the General Assembly or members of the General Assembly and other personnel who are not employees of the State of South Carolina shall be allowed subsistence expenses of \$35 per day while traveling on official business, unless otherwise designated by law. Members of such committees may opt to receive actual expenses incurred for lodging and actual expenses incurred in the obtaining of meals in lieu of the allowable subsistence expense.

(E) Members of the state boards, commissions, or committees whose duties are not full-time and who are paid on a per diem basis, shall be allowed reimbursement for actual expenses incurred at the rates provided in paragraph A and I of this section while away from their places of residence on official business of the State. One person accompanying a

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handicapped member of a state board, commission, or committee on official business of the State shall be allowed the same reimbursement for actual expenses incurred at the rates provided in paragraph A through I of this section.

(F) No subsistence reimbursement shall be allowed to a Justice of the Supreme Court or Judge of the Court of Appeals while traveling in the county of his official residence. When traveling on official business of said court within fifty miles outside the county of his official residence, a Supreme Court Justice and a Judge of the Court of Appeals shall be allowed subsistence expenses in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. When traveling on official business of said court fifty or more miles outside the county of his official residence, each Justice and Judge of the Court of Appeals shall be allowed subsistence expenses in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State. The Chief Justice, or such other person as the Chief Justice designates, while attending the Conference of Chief Justices and one member of the Supreme Court while attending the National Convention of Appellate Court Judges, and three Circuit Judges while attending the National Convention of State Trial Judges shall be allowed actual subsistence and travel expenses.

Upon approval of the Chief Justice, Supreme Court Justices, Judges of the Court of Appeals, Circuit Judges, and Family Court Judges shall be reimbursed for actual expenses incurred for all other official business requiring out-of-state expenses at the rate provided in paragraph A of this section.

(G) No subsistence reimbursements are allowed to a Circuit Judge, a Family Court Judge, or an Administrative Law Judge while holding court within the county in which he resides. While holding court or on other official business outside the county, within fifty miles of his residence, a Circuit Court Judge, Family Court Judge, or an Administrative Law Judge is entitled to a subsistence allowance in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. While holding court or on other official business at a location fifty miles or more from his residence, a Circuit Court, Family Court or Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State.

(H) Any retired Justice, Circuit Court Judge or Family Court Judge or Master-in-Equity appointed by the Supreme Court to serve as a Special Circuit Judge, Family Court Judge, Appeals Court Judge, or Acting Associate Justice shall serve without pay but shall receive the same allowance for subsistence, expenses, and mileage as provided in Part I for Circuit Court Judges.

(I) No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by which he is employed except as provided in paragraph E, of this section. When an employee is assigned to work a particular territory or district, and such territory or district and his official headquarters are in different localities or sections of the State, expenses may be allowed for the necessary travel to his official headquarters. The members of the Workers' Compensation Commission may be reimbursed at the regular mileage rate of one round trip each week from their respective homes to Columbia. No subsistence reimbursement shall be allowed to a member of the Workers' Compensation Commission while traveling in the county of his official residence. When traveling on official business of the commission outside the county of his official residence, a member of the Workers' Compensation Commission shall be allowed subsistence expenses in the amount of \$35 per day. When traveling on official business of the commission fifty or more miles outside the county of his official residence, each member shall be allowed a subsistence allowance in the amount as provided in this act for members of the General Assembly. When out-of-state,

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members of the Workers' Compensation Commission and the members of the Appellate Panel of the Department of Employment and Workforce may claim the established amount of per diem, as stated in the General Appropriation Act, or actual expenses as deemed reasonable by the Comptroller General. The members of the Appellate Panel of the Department of Employment and Workforce may be reimbursed at the regular mileage rate when the member is on official business fifty miles or more outside of Columbia. The members of the Appellate Panel of the Department of Employment and Workforce shall be allowed subsistence allowance in the amount as provided in this act for members of the General Assembly when the member is on official business fifty miles or more outside of Columbia.

(J) When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge to equal the standard business mileage rate as established by the Internal Revenue Service will be allowed for the use of such automobile and the employee shall bear the expense of supplies and upkeep thereof. However, the standard business mileage rate used in this calculation shall be the lesser of 50.5 cents per mile or the current rate established by the Internal Revenue Service. Whenever state provided motor pool vehicles are reasonably available and their use is practical and an employee of the State shall request for his own benefit to use his or her personal vehicle in traveling on necessary official business, a charge of four cents per mile less than the standard business mileage rate as established by the Internal Revenue Service will be allocated for the use of such vehicle and the employee shall bear the expense of supplies and upkeep thereof. However, the standard business mileage rate used in this calculation shall be the lesser of 50.5 cents per mile or the current rate established by the Internal Revenue Service. When such travel is by a state-owned automobile, the State shall bear the expense of supplies and upkeep thereof but no mileage will be allowed. Agencies and employees are directed to use state fueling facilities to the maximum extent possible, when such use is cost beneficial to the State. When using commercial fueling facilities, operators of State-owned vehicles are directed to use self-service pumps. In traveling on the business of the State, employees are required to use the most economical mode of transportation, due consideration being given to urgency, schedules and like factors.

Mileage between an employee's home and his/her place of employment is not subject to reimbursement. However, when an employee leaves on a business trip directly from his/her home, and does not go by the employee's headquarters, the employee shall be eligible for reimbursement for actual mileage beginning at his/her residence.

(K) That a state agency may advance travel and subsistence expense monies to employees of that agency for the financing of ordinary and necessary travel required in the conducting of the business of the agency. The Budget and Control Board is directed to develop and publish rules and regulations pertaining to the advancing of travel expenses and no state agency shall make such advances except under the rules and regulations as published. All advances for travel and subsistence monies shall be repaid to the agency within thirty days after the end of the trip or by July fifteenth, whichever comes first.

(L) That the state institutions of higher learning are authorized to reimburse reasonable relocation expenses for new employees when such reimbursements are considered by the agency head to be essential to successful recruitment of professionally competent staff members.

(M) The Budget and Control Board is authorized to promulgate and publish rules and regulations governing travel and subsistence payments.

(N) No state funds may be used to purchase first class airline tickets.

89.22 REINSERT (Organizations Receiving State Appropriations Report) Requires organizations that receive contributions in this act to provide the following information to the agency from which they received the funds: (1) how the state funds will be spent, (2) a copy of the adopted

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budget for the current year, and (3) a copy of the organization's most recent operating financial statement and prohibits the funds from being spent by the organization until this information is received. Prohibits funds from being disbursed to organizations that practice discrimination. Authorizes the State Auditor to review and audit each of these organizations.

WMC: DELETE proviso. No impact on the General fund.

HOU: ADOPT deletion of proviso.

~~89.22. (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting of how the state funds will be spent, a copy of the adopted budget for the current year, and also a copy of the organization's most recent operating financial statement. The funds appropriated in this act for contributions shall not be expended until the required financial statements are filed with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes which practice discrimination against persons by virtue of race, creed, color or national origin. The State Auditor shall review and audit, if necessary, the financial structure and activities of each organization receiving contributions in this act and make a report to the General Assembly of such review and/or audit, when requested to do so by the Budget and Control Board.~~

SFC: REINSERT original proviso.

SEN: ADOPT original proviso.

89.22. (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting of how the state funds will be spent, a copy of the adopted budget for the current year, and also a copy of the organization's most recent operating financial statement. The funds appropriated in this act for contributions shall not be expended until the required financial statements are filed with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes which practice discrimination against persons by virtue of race, creed, color or national origin. The State Auditor shall review and audit, if necessary, the financial structure and activities of each organization receiving contributions in this act and make a report to the General Assembly of such review and/or audit, when requested to do so by the Budget and Control Board.

89.26 REINSERT (Regulatory Audit) Requires each agency to conduct a jurisdictional audit to identify laws, regulations, and provisos which are outdated and to draft repeals for submission to the appropriate standing committee by January 31st.

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

HOU: ADOPT deletion of proviso.

~~89.26. (GP: Regulatory Audit) Each agency shall conduct a jurisdictional audit for the purpose of identifying laws, regulations and provisos which are not being used or no longer need to be regulated. After identifying these laws, repeals are to be drafted for submission to the appropriate standing committee of the General Assembly by January thirty first.~~

SFC: REINSERT original proviso.

SEN: ADOPT original proviso.

89.26. (GP: Regulatory Audit) Each agency shall conduct a jurisdictional audit for the purpose of identifying laws, regulations and provisos which are not being used or no longer

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need to be regulated. After identifying these laws, repeals are to be drafted for submission to the appropriate standing committee of the General Assembly by January thirty-first.

89.38 AMEND FURTHER (Voluntary Separation Incentive Program) Authorizes and provides guidelines for agencies to implement a voluntary separation incentive program for employees. Requires agencies to report their prior year's results of the use of the program to the B&C Board and requires the B&C Board report the results to the Senate Finance and House Ways and Means Committees.

WMC: AMEND proviso to direct that the board shall submit the results "upon request" of the committees. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

89.38. (GP: Voluntary Separation Incentive Program) State agencies may implement, in consultation with the Office of Human Resources of the Budget and Control Board, a program to realign resources to include provisions for a separation incentive payment for employees which may include the employer portion of health and dental benefits not to exceed one year. Employees participating in such program shall not be eligible to participate in the Teacher and Employee Retention Incentive (TERI) program. Employees participating in such program shall be considered to have voluntarily quit their employment without good cause and be subject to the provisions of Section 41-35-120(1) of the South Carolina Employment Security Law. Any program developed under this provision will involve voluntary participation from employees and will be funded within existing appropriations. The program must be approved by the agency head and the Director of the Division of Budget and Analyses based on ability to demonstrate recurring cost savings for realignment and/or permanent downsizing. State agencies shall report the prior year's results to the Budget and Control Board by August fifteenth, of the current fiscal year. The Budget and Control Board, upon request, shall report to the Senate Finance Committee and the House Ways and Means Committee on these results.

SFC: AMEND FURTHER to change "Office of Human Resources" to "Human Resources Division" and "Division of Budget and Analyses" to "Human Resources Division."

SEN: ADOPT proviso as amended.

89.38. (GP: Voluntary Separation Incentive Program) State agencies may implement, in consultation with the ~~Office of Human Resources~~ Division of the Budget and Control Board, a program to realign resources to include provisions for a separation incentive payment for employees which may include the employer portion of health and dental benefits not to exceed one year. Employees participating in such program shall not be eligible to participate in the Teacher and Employee Retention Incentive (TERI) program. Employees participating in such program shall be considered to have voluntarily quit their employment without good cause and be subject to the provisions of Section 41-35-120(1) of the South Carolina Employment Security Law. Any program developed under this provision will involve voluntary participation from employees and will be funded within existing appropriations. The program must be approved by the agency head and the Director of the ~~Division of Budget and Analyses~~ Human Resources Division based on ability to demonstrate recurring cost savings for realignment and/or permanent downsizing. State agencies shall report the prior year's results to the Budget and Control Board by August fifteenth, of the current fiscal year. The Budget and Control Board, upon request, shall report to the Senate Finance Committee and the House Ways and Means Committee on these results.

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89.58 REINSERT (Agency Administrative Support Collaboration) Directs state agencies to continue to actively pursue cost savings measures through collaboration and combining administrative support functions with other agencies where feasible.

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

HOU: ADOPT deletion of proviso.

~~**89.58.** (GP: Agency Administrative Support Collaboration) It is the intent of the General Assembly that state agencies continue to actively pursue cost savings measures through collaborative efforts and where feasible may combine administrative support functions with other agencies in order to maximize efficiency and effectiveness.~~

SFC: REINSERT original proviso.

SEN: ADOPT original proviso.

89.58. (GP: Agency Administrative Support Collaboration) It is the intent of the General Assembly that state agencies continue to actively pursue cost savings measures through collaborative efforts and where feasible may combine administrative support functions with other agencies in order to maximize efficiency and effectiveness.

89.74 RESTORE ORIGINAL PROVISO (Healthcare Employee Recruitment and Retention) Provides guidelines for the Departments of Corrections, Disabilities and Special Needs, Health and Environmental Control, Health and Human Services, Juvenile Justice, Mental Health, and Vocational Rehabilitation to provide lump sum bonuses to recruit and retain healthcare workers in critical needs jobs; to offer paid educational leave to employees enrolled in healthcare degree programs related to the agency's mission; and to make agreements to repay newly employed Psychiatrists and Nurses' outstanding student loans.

WMC: AMEND proviso to delete the stipulation that employees may receive a bonus of up to \$5,000; required bonus amounts to be approved by the State Human Resources Director and clarify that the bonus may not exceed \$10,000 per year. Delete the "newly employed in these positions" pertaining to agreements with Psychiatrists and Nurses. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

89.74. (GP: Healthcare Employee Recruitment and Retention) The Department of Corrections, Department of Disabilities and Special Needs, Department of Health and Environmental Control, Department of Health and Human Services, Department of Juvenile Justice, Department of Mental Health, and Department of Vocational Rehabilitation are allowed to spend state, federal, and other sources of revenue to provide lump sum bonuses to aid in recruiting and retaining healthcare workers in critical needs healthcare jobs based on objective guidelines established by the Budget and Control Board. ~~Employees may receive up to \$5,000, not to exceed an accumulation of more than \$10,000 in bonuses per year.~~ The employee bonus amount shall be approved by the State Human Resources Director and shall not exceed \$10,000 per year. Payment of these bonuses is not a part of the employee's base salary and is not earnable compensation for purposes of employee and employer contributions to respective retirement systems.

These agencies may also provide paid educational leave for any employees in an FTE position to attend class while enrolled in healthcare degree programs that are related to the agency's mission. All such leave is at the agency head's discretion.

These agencies may enter into an agreement with Psychiatrists and Nurses ~~newly employed in those positions~~ to repay them for their outstanding student loans associated with completion

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of a healthcare degree. The employee must be employed in a critical needs area, which would be identified at the agency head's discretion. Critical needs areas could include rural areas, areas with high turnover, or where the agency has experienced recruiting difficulties. Agencies may pay these employees up to twenty percent or \$7,500, whichever is less, of their outstanding student loan each year over a five-year period. Payments will be made directly to the employee at the end of each year of employment. The agency will be responsible for verifying the principle balance of the employee's student loan prior to issuing payments.

Employees of these agencies working on a practicum or required clinical experience towards completion of a healthcare degree may be allowed to complete these requirements at their state agency or another state agency at the discretion of the agency head. This field placement at another state agency may be considered work time for participating employees.

These agencies are also authorized to allow tuition reimbursement from a maximum of ten credit hours per semester; allow probationary employees to participate in tuition programs; and provide tuition pre-payment instead of tuition reimbursement for employees willing to pursue a degree in a healthcare program. An agency may pay up to fifty percent of an employee's tuition through tuition pre-payment. The remaining tuition could be reimbursed to the employee after successful completion of the class.

SFC: RESTORE original proviso.

SEN: ADOPT original proviso.

89.74. (GP: Healthcare Employee Recruitment and Retention) The Department of Corrections, Department of Disabilities and Special Needs, Department of Health and Environmental Control, Department of Health and Human Services, Department of Juvenile Justice, Department of Mental Health, and Department of Vocational Rehabilitation are allowed to spend state, federal, and other sources of revenue to provide lump sum bonuses to aid in recruiting and retaining healthcare workers in critical needs healthcare jobs based on objective guidelines established by the Budget and Control Board. Employees may receive up to \$5,000, not to exceed an accumulation of more than \$10,000 in bonuses per year. Payment of these bonuses is not a part of the employee's base salary and is not earnable compensation for purposes of employee and employer contributions to respective retirement systems.

These agencies may also provide paid educational leave for any employees in an FTE position to attend class while enrolled in healthcare degree programs that are related to the agency's mission. All such leave is at the agency head's discretion.

These agencies may enter into an agreement with Psychiatrists and Nurses newly employed in those positions to repay them for their outstanding student loans associated with completion of a healthcare degree. The employee must be employed in a critical needs area, which would be identified at the agency head's discretion. Critical needs areas could include rural areas, areas with high turnover, or where the agency has experienced recruiting difficulties. Agencies may pay these employees up to twenty percent or \$7,500, whichever is less, of their outstanding student loan each year over a five-year period. Payments will be made directly to the employee at the end of each year of employment. The agency will be responsible for verifying the principle balance of the employee's student loan prior to issuing payments.

Employees of these agencies working on a practicum or required clinical experience towards completion of a healthcare degree may be allowed to complete these requirements at their state agency or another state agency at the discretion of the agency head. This field placement at another state agency may be considered work time for participating employees.

These agencies are also authorized to allow tuition reimbursement from a maximum of ten credit hours per semester; allow probationary employees to participate in tuition programs; and provide tuition pre-payment instead of tuition reimbursement for employees willing to pursue a

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degree in a healthcare program. An agency may pay up to fifty percent of an employee's tuition through tuition pre-payment. The remaining tuition could be reimbursed to the employee after successful completion of the class.

- 89.80 AMEND FURTHER** (Reduction in Force/Agency Head Furlough) Provides guidelines for an agency head to be furloughed when a reduction in force is implemented by the agency.
HOU: AMEND proviso to direct that an agency head is not required to take a mandatory furlough if the reduction in force is solely to reorganize to accomplish organizational efficiencies. Sponsor: Rep. Merrill.

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

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

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

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

An agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented as a result of federal budget cuts. *In addition, an agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented to reorganize to accomplish organizational efficiencies.*

SFC: AMEND FURTHER to change "Office of Human Resources" to "Human Resources Division." Delete directive that an agency head is not required to take a mandatory furlough if the reduction in force is solely to reorganize to accomplish organizational efficiencies.

SEN: ADOPT proviso as amended.

89.80. (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or institution of higher learning, the agency head shall be required to take five days furlough in the current fiscal year. If more than one reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required

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for the initial plan. The agency head will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the agency head remains solely responsible for making those contributions.

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

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

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

An agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented as a result of federal budget cuts.

89.86 **DELETE / RULED OUT OF ORDER** (Transfer Division of Aeronautics) Transfers the Division of Aeronautics from the Department of Commerce to the B&C Board effective July 1, 2009.

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

~~**89.86.** (GP: Transfer Division of Aeronautics) Effective July 1, 2009, or as soon as practicable, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated and authorized funds, carry forward funds and all other assets and resources of the Division of Aeronautics in the Department of Commerce are transferred to the Budget and Control Board.~~

89.94 **AMEND FURTHER** (Broadband Spectrum Lease) Requires the General Assembly to approve the exercise of any Middle Band Segment Channel recapture provision contained in the Educational Broadband Service Spectrum Lease Agreements if there would be a decrease in payments received by the state. Requires broadband spectrum lease revenue be transferred monthly to ETV for agency operations and authorize ETV to retain and carry forward unexpended funds.

WMC: AMEND proviso to change Fiscal Year "2011-12" to "2012-13." Direct that upon agreement of the lessee, ETV shall assume management and administration of the lease and shall receive the lease payments directly.

HOU: ADOPT proviso as amended.

89.94. (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the recapture

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provisions would result in a decrease in payments received by the State. For Fiscal Year ~~2011-12~~ 2012-13, revenue received from the broadband spectrum lease shall be transferred from the Budget and Control Board to the Educational Television Commission on a monthly schedule, according to the current broadband lease agreement, ~~which shall retain and expend such funds for agency operations.~~ Upon agreement of the lessee, the Educational Television Commission shall assume management and administration of the lease and receive lease payments directly. The Educational Television Commission shall retain and expend funds received pursuant to the lease for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year.

SFC: ADOPT proviso as amended.

SEN: AMEND FURTHER to direct that the General Assembly must approve Broadband Lease Agreement that would decrease payments received by the State “for deposit into the State General Fund.” Delete the directive that the lease revenue be transferred from the B&C Board to ETV monthly. Delete the directive that ETV assume management and administration of the lease and receive lease payments directly. Sponsors: Sens. Sheheen and Knotts.

SEN: ADOPT proviso as amended.

89.94. (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the recapture provisions would result in a decrease in payments received by the State for deposit into the State General Fund. ~~For Fiscal Year 2011-12, revenue received from the broadband spectrum lease shall be transferred from the Budget and Control Board to the Educational Television Commission on a monthly schedule, according to the current broadband lease agreement, which shall retain and expend such funds for agency operations.~~ The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year.

89.96 **AMEND** (Deficit Monitoring) Provides procedures for the Office of State Budget regarding quarterly deficit monitoring.

SEN: AMEND proviso to require the Office of State Budget to conduct a quarterly deficit monitoring review of each agency. Delete references to the B&C Board recognizing agency deficits. Require an agency plan to minimize or eliminate a projected deficit to include limitation on travel and conference attendance. Delete the B&C Board’s authority to require pay increases and equipment and vehicles purchases be approved by the Office of State Budget when a deficit is recognized. Sponsor: Sen. Massey.

89.96. (GP: Deficit Monitoring) The Office of State Budget must conduct a quarterly deficit monitoring review of each agency. If at the end of each quarterly deficit monitoring review by the Office of State Budget, it is determined by either the Office of State Budget or an agency that the likelihood of a deficit for the current fiscal year exists, the agency shall submit to the Office of State Budget within fourteen days, a plan to minimize or eliminate the projected deficit. ~~After submission of the plan, if it is determined that the deficit cannot be eliminated by the agency on its own, the agency is required to officially notify the Budget and Control Board within thirty days of such determination that the agency is requesting that a deficit be recognized. Once a deficit has been recognized by the Budget and Control Board, The plan submitted by the agency shall limit include limitations on~~ travel and conference attendance to the minimum required to perform the core mission of the agency. ~~In addition, the board when recognizing a deficit may direct that any pay increases and purchases of equipment and vehicles shall be approved by the Office of State Budget.~~

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89.103 DELETE (Civil Conspiracy Defense Costs) Requires the court to make a final determination prior to trial on whether a government employee who is being personally sued for civil conspiracy was acting within the scope of their official duty. Directs that if the court finds the employee was acting outside such scope, no government funds shall be spent to pay or defend the claim. Directs that the employee is immune from suit, liability, and damages with respect to the civil conspiracy claim if the court finds they acted within the scope of their official duty and allows for governmental funds to be spent to defend the claim. States that nothing prevents an insurance provider from defending and paying any claims that the provider has contractually agreed to defend and pay.

SEN: DELETE proviso. Sponsor: Sen. Malloy.

~~**89.103.** (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a state or local government employee or former state or local government employee (“government employee”) is personally sued for civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee within the scope of their official duty. If the court finds that the government employee was acting outside the scope of the employee’s official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the government employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages with respect to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that the employee was acting within the scope of their official duties. Nothing in this proviso prevents an insurance provider from defending and paying, respectively, any claims that the provider has contractually agreed to defend and pay.~~

89.123 REINSERT (State Symbols) Prohibits state funds from being used to promote, record, or memorialize new official state symbols, emblems, or designations not codified by July 1, 2011.

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

HOU: ADOPT deletion of proviso.

~~**89.123.** (GP: State Symbols) For the current fiscal year, no state funds shall be used to promote, record, or memorialize any new official state symbols, emblems, or designations not yet codified by July 1, 2011.~~

SFC: REINSERT original proviso.

SEN: ADOPT original proviso.

89.123. (GP: State Symbols) For the current fiscal year, no state funds shall be used to promote, record, or memorialize any new official state symbols, emblems, or designations not yet codified by July 1, 2011.

89.124 AMEND FURTHER (Retirement Investment Commission) Requires the Retirement System Investment Commission to submit a salary bonuses plan to the Senate Finance Retirement Subcommittee by January 15 and requires the plan to be approved by the subcommittee before bonuses are implemented.

WMC: DELETE proviso. Requested by Retirement System Investment Commission. Fiscal Impact: No impact on the General Fund.

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HOU: REINSERT/AMEND proviso to include “authorized” funds and require the report also be submitted to the Ways and Means Retirement Subcommittee. Sponsors: Reps. Norman and Merrill.

89.124. (GP: Retirement Investment Commission) Of the funds appropriated *and or authorized*, the Retirement ~~System~~ Investment Commission shall submit a report to the Senate Finance Retirement Subcommittee *and the Ways and Means Retirement Subcommittee* by January 15th that sets forth a plan regarding salary bonuses. The plan must be approved by ~~the subcommittee~~ *both subcommittees* before implementation.

SFC: AMEND FURTHER to specify that the plan is to be for bonuses for calendar year 2014.

SEN: ADOPT proviso as amended.

89.124. (GP: Retirement Investment Commission) Of the funds appropriated *and or authorized*, the Retirement ~~System~~ Investment Commission shall submit a report to the Senate Finance Retirement Subcommittee *and the Ways and Means Retirement Subcommittee* by January 15th 15, 2013 that sets forth a plan regarding salary bonuses *for calendar year 2014*. The plan must be approved by ~~the subcommittee~~ *both subcommittees* before implementation.

89.125 **AMEND NEW PROVISO** (First Steps - BabyNet) **WMC:** ADD new proviso to require the First Steps Board of Trustees to ensure compliance with Part C of the Individuals with Disabilities Act and to fully implement the LAC’s BabyNet Program recommendations 2 through 23. Require the First Steps agency to develop a schedule by September 15, 2012, to implement each of the recommendations and direct that the First Steps agency is responsible for such implementation. Require certain quarterly and monthly reports be submitted and direct First Steps to collaborate with DDSN, DHHS, DMH, and DSS to develop a common reporting format. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.

89.125. (GP: First Steps - BabyNet) *In addition to the statutory duties assigned to South Carolina First Steps to School Readiness Board of Trustees; the board shall ensure the state’s compliance with the Individuals with Disabilities Act, Part C and the agency’s full implementation of recommendations 2 through 23 as contained in the audit report of the LAC regarding the BabyNet Program. The First Steps agency shall develop a schedule for each of the recommendations by September 15, 2012 for the implementation of recommendations. The First Steps agency shall be responsible for the implementation of the recommendations. Quarterly, the First Steps agency shall post on its’ website a report on the timelines of the agency’s progress in implementing the recommendations of the LAC. The Board of Trustees will be kept informed monthly of all activities related to this requirement and those progress reports must be recorded in the minutes for each meeting of the Board of Trustees. When the agency has implemented all of the recommendations enumerated above, a final report shall be submitted to the Board of Trustees for its’ adoption. Upon approval by the Board of Trustees, the final report shall be published on the agency’s homepage. First Steps to School Readiness, the School for the Deaf and Blind, the Department of Disabilities and Special Needs, the Department of Health and Human Services, the Department of Mental Health and the Department of Social Services shall each provide a quarterly report to the Chairman of the House Ways and Means Committee and the Chairman of Senate Finance outlining all programs provided by the agency for BabyNet; all federal funds received and expended on BabyNet and all state funds expended on BabyNet. Each agency shall report on its share of the state’s ongoing maintenance of effort as defined by the US Department of Education under*

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IDEA Part C. First Steps to School Readiness shall develop, in collaboration with the Department of Disabilities and Special Needs, the Department of Health and Human Services, the Department of Mental Health, and the Department of Social Services, a common reporting format for use by all agencies no later than September 1, 2012. Both the report submitted by First Steps and the reports submitted by the state agency partners may be used by the General Assembly in its' consideration of the LAC recommendation that "The General Assembly should appropriate all BabyNet funding directly to First Steps to increase accountability for the lead agency with regard to partner agencies and providers."

SFC: AMEND new proviso to delete references to First Steps as an "agency."

SEN: ADOPT new proviso as amended.

89.125. (GP: First Steps - BabyNet) In addition to the statutory duties assigned to South Carolina First Steps to School Readiness Board of Trustees; the board shall ensure the state's compliance with the Individuals with Disabilities Act, Part C and the First Steps' full implementation of recommendations 2 through 23 as contained in the audit report of the LAC regarding the BabyNet Program. First Steps shall develop a schedule for each of the recommendations by September 15, 2012 for the implementation of recommendations. First Steps shall be responsible for the implementation of the recommendations. Quarterly, First Steps shall post on its' website a report on the timelines of its progress in implementing the recommendations of the LAC. The Board of Trustees will be kept informed monthly of all activities related to this requirement and those progress reports must be recorded in the minutes for each meeting of the Board of Trustees. When First Steps has implemented all of the recommendations enumerated above, a final report shall be submitted to the Board of Trustees for its' adoption. Upon approval by the Board of Trustees, the final report shall be published on First Steps' homepage. First Steps to School Readiness, the School for the Deaf and Blind, the Department of Disabilities and Special Needs, the Department of Health and Human Services, the Department of Mental Health and the Department of Social Services shall each provide a quarterly report to the Chairman of the House Ways and Means Committee and the Chairman of Senate Finance outlining all programs provided by them for BabyNet; all federal funds received and expended on BabyNet and all state funds expended on BabyNet. Each entity and agency shall report on its share of the state's ongoing maintenance of effort as defined by the US Department of Education under IDEA Part C. First Steps to School Readiness shall develop, in collaboration with the Department of Disabilities and Special Needs, the Department of Health and Human Services, the Department of Mental Health, and the Department of Social Services, a common reporting format to be used no later than September 1, 2012. Both the report submitted by First Steps and the reports submitted by the state agency partners may be used by the General Assembly in its' consideration of the LAC recommendation that "The General Assembly should appropriate all BabyNet funding directly to First Steps to increase accountability for the lead agency with regard to partner agencies and providers."

89.126 DELETE NEW PROVISO (Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) **WMC:** ADD new proviso to exempt handguns and shot guns from state and local sales tax for sales occurring from 12:01 am, the Friday after Thanksgiving through midnight the Saturday after Thanksgiving. Fiscal Impact: BEA indicates this provision will yield a \$423,600 reduction in sales tax revenue as follows: \$282,400 General Fund; \$70,600 EIA funds; and \$70,600 Homestead Exemption Fund.

HOU: ADOPT new proviso.

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89.126. (GP: Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) The gross proceeds or sales price of handguns as defined pursuant to Section 16-23-10(1) of the 1976 Code, rifles, and shot guns is exempt from the taxes imposed pursuant to Chapter 36, Title 12 of the 1976 Code and Chapter 10, Title 4 of the 1976 Code for sales occurring from 12:01 a.m., the Friday after Thanksgiving through twelve midnight, the Saturday after Thanksgiving for the current fiscal year.

SFC: DELETE new proviso. Rule 24.

SEN: ADOPT deletion of new proviso.

89.126. (GP: Second Amendment Weekend - Sales Tax Exemption for Certain Firearms)
DELETED

- 89.127 AMEND NEW PROVISO FURTHER** (Law Enforcement Special Salary Increase) **WMC:** ADD new proviso to provide DPS, DNR, and DPPP Class I law enforcement officers with an additional salary increase that is over and above the base pay increase provided for state employees and direct that the increase be distributed on or after July 1, 2012. Fiscal Impact: \$2,289,323 general fund appropriation to provide an additional 3% pay increase to Class I law enforcement officers at these three agencies.
HOU: ADOPT new proviso.

89.127. (GP: Law Enforcement Special Salary Increase) All funds appropriated to the Department of Public Safety, the Department of Natural Resources, and the Department of Probation, Parole, and Pardon Services for law enforcement salary increases above the amount appropriated for base pay increases for state employees must be distributed on or after July 1, 2012. The specified increase is for Class 1 Law Enforcement Officers.

SFC: AMEND new proviso to add SLED; specify that the increase applies to Class I Law Enforcement Officers whose salary was \$50,000 or less prior to the base pay increase authorized in proviso 80A.25.

SEN: AMEND FURTHER to add the Forestry Commission. Sponsor: Sen. Sheheen.

89.127. (GP: Law Enforcement Special Salary Increase) All funds appropriated to the State Law Enforcement Division, the Department of Public Safety, the Department of Natural Resources, the Department of Probation, Parole, and Pardon Services, and the Forestry Commission for law enforcement salary increases above the amount appropriated for base pay increases for state employees must be distributed on or after July 1, 2012. The specified funds are to be used to increase by two percent, the compensation of Class 1 Law Enforcement Officers whose annual salary was \$50,000 or less prior to the base pay increase authorized in proviso 80A.25 of this act.

- 89.129 AMEND NEW PROVISO** (Prohibit Local Government Fund Public Funded Lobbyists) **WMC:** ADD new proviso to prohibit all local governmental entities from using taxpayer funds to pay employees for lobbying activities undertaken on their behalf. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.

89.129. (GP: Prohibits Local Government Public Funded Lobbyists) In order to eliminate taxpayer funded lobbying, all local governmental entities including, but not limited to, counties,

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municipalities, and associations are prohibited from using taxpayer funds to compensate employees for lobbying activities engaged in on behalf of such governmental entity.

SFC: AMEND new proviso to prohibit local governmental entities from using funds received from the Local Government Fund to pay employees to lobby on their behalf.

SEN: ADOPT new proviso as amended.

89.129. (GP: Prohibits Local Government Fund Public Funded Lobbyists) All local governmental entities including, but not limited to, counties, municipalities, and associations are prohibited from using taxpayer funds received from the Local Government Fund to compensate employees for lobbying activities engaged in on behalf of such governmental entity.

- 89.130 AMEND NEW PROVISO** (Open Market for Bus Contract Vendors) **HOU:** ADD new proviso to require districts to seek the best price for parts when conducting bus repairs, regardless of the original equipment manufacturer. Allow school bus parts vendors who have state contracts to visit the Department of Education bus shops. Sponsors: Reps. Harrison and J.E. Smith.

89.130. (GP: Open Market for Bus Contract Vendors) When conducting bus repairs, districts shall seek the best price available for repair parts regardless of the original equipment manufacturer. School bus parts vendors who hold state contracts shall have access to visit the South Carolina Department of Education bus shops.

SFC: AMEND new proviso to specify that the Department of Education bus shops must also seek the best price available.

SEN: ADOPT new proviso as amended.

89.130. (GP: Open Market for Bus Contract Vendors) When conducting bus repairs, the Department of Education bus shops and districts shall seek the best price available for repair parts regardless of the original equipment manufacturer. School bus parts vendors who hold state contracts shall have access to visit the South Carolina Department of Education bus shops.

- 89.131 DELETE NEW PROVISO** (Savannah River Litigation) **HOU:** ADD new proviso to authorize the Attorney General to use up to \$3,000,000 of available Litigation Recovery Account funds for the Savannah River litigation. Authorize these funds to be retained, expended, and carried forward and when the Savannah River litigation is satisfied, to deposit any remaining funds back into the Litigation Recovery Account. Sponsors: Reps. Pitts, Limehouse, Merrill, White, Harrell, and Vick.

89.131. (GP: Savannah River Litigation) Of the funds available in the Litigation Recovery Account, up to \$3,000,000 shall be used by the Office of the Attorney General for Savannah River litigation. The Office of the Attorney General is authorized to retain, expend, and carry forward these funds and upon satisfaction of the Savannah River litigation any remaining funds shall be deposited back into the Litigation Recovery Account.

SFC: DELETE proviso.

SEN: ADOPT deletion of new proviso.

89.131. (GP: Savannah River Litigation) DELETED

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- 89.132** **ADD** (Institute of Medicine) **SFC:** ADD new proviso to authorize MUSC and USC to provide staffing and administrative support to the Institute of Medicine.
SEN: ADOPT new proviso.

89.132. (GP: Institute of Medicine) From funds appropriated, the Medical University of South Carolina and the University of South Carolina are authorized to provide necessary staffing and administrative support to the South Carolina Institute of Medicine and Public Health.

- 89.134** **ADD** (Joint Transportation Corridor Study Committee) **SFC:** ADD new proviso to create a Joint Transportation Corridor Study Committee composed of members of the General Assembly and the private sector to study the state's primary transportation corridors. Direct that the study include, but not be limited to, need for capacity expansion, removal of bottlenecks, traffic flow, safety improvements, interstate-only prioritization list, and adequacy of current and anticipated federal funding. Direct DOT to provide staffing and resources as required and for the appointing agencies and entities to cover committee expenses. Require a report be submitted to the Governor, Senate, House, Joint Transportation Review Committee, and DOT by December 31, 2012 that contains findings and recommended plans of action. Encourage the Governor address these findings and plans in the 2013 State of the State Address and/or in the Executive Budget.
SEN: ADOPT new proviso.

89.134. (GP: Joint Transportation Corridor Study Committee) There is created the Joint Transportation Corridor Study Committee which shall be composed of the following: two members appointed by the Governor; one member of the Senate appointed by the President Pro-Tempore of the Senate; one member of the Senate Finance Committee appointed by the Chairman of the Finance Committee; one member of the Senate Transportation Committee appointed by the Chairman of the Senate Transportation Committee; one member of the Senate Labor, Commerce and Industry Committee appointed by the Chairman of the Senate Labor, Commerce and Industry Committee; one member of the Senate appointed by the Senate Majority Leader; one member of the Senate appointed by the Senate Minority Leader; one member of the House of Representatives appointed by the Speaker of the House; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; one member of the House Education and Public Works Committee appointed by the Chairman of the House Education and Public Works Committee, one member of the House Labor, Commerce and Industry Committee appointed by the Chairman of the House Labor, Commerce and Industry Committee; one member of the House of Representatives appointed by the House Majority Leader; and one member of the House of Representatives appointed by the House Minority Leader. The Joint Study Committee shall form a Government and Freight Industry Advisory Subcommittee composed of one representative from each of the following: the South Carolina Trucking Association; the South Carolina Manufacturers Alliance; the South Carolina Chamber of Commerce; the Palmetto Agribusiness Council; the State Ports Authority; the Department of Commerce; and the Department of Transportation.

The committee shall study transportation corridors which are the state's primary commercial, commuter and tourist arteries, with respect to traffic congestion, safety and efficiency of existing South Carolina interstates and with respect to the state's major metropolitan areas and which connect the vital port terminals at Charleston to upstate industries. The study shall include, but is not limited to, the need for capacity expansion, removal of bottlenecks, traffic flow, safety improvements, interstate-only prioritization list, and adequacy of current and anticipated federal funding. The Department of Transportation shall

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provide staffing and other resources as required. Expenses of the committee shall be borne by the appointing agencies and entities.

The committee shall submit a report containing their findings and any recommended plans of action by December 31, 2012, to the Governor, the Senate, the House of Representatives, the Joint Transportation Review Committee, and the Department of Transportation Commission.

The Governor is encouraged to address the findings and any plans of action in the 2013 State of the State Address and/or in the Executive Budget submitted to the General Assembly.

- 89.135 ADD** (Suspend State Accommodations Tax Requirements for Counties) **SFC:** ADD new proviso to suspend Section 4-10-470 for FY 2012-13. *Directs that Education Capital Improvements Sales and Use Tax may only be imposed in counties that have collected at least \$7 million in state accommodations taxes in the most recent fiscal year for which full collection figures are available.*
SEN: ADOPT new proviso.

89.135. (GP: Suspend State Accommodations Tax Requirement for Counties) For Fiscal Year 2012-13, Section 4-10-470 of the 1976 Code shall be suspended.

- 89.136 DELETE NEW PROVISO** (Five-Year Investment Plans) **SFC:** ADD new proviso to direct the State Treasurer to prepare a 5-year investment plan on how he plans to invest the funds he is statutorily required to invest and require the plan to contain certain components. Direct that the plan be submitted to the Senate Finance and Ways and Means Committees by November 1, 2012.
SEN: DELETE new proviso. Sponsor: Sen. Thomas.

89.136. (GP: Five-Year Investment Plans) DELETED

- 89.137 AMEND NEW PROVISO** (School Transportation Decentralization Study Committee) **SFC:** ADD new proviso to create an 11 member committee to study decentralizing school bus transportation services. Allow members to receive mileage, subsistence and per diem paid from each committee member's appointing authority. Direct Senate, House and Governor's Office staff provide assistance to the committee as needed. Direct a report be submitted to the General Assembly and the Governor by January 1, 2013, after which time the committee is abolished.
SEN: AMEND new proviso to require one of the members appointed by the President Pro Tempore of the Senate and one of the members appointed by the Speaker of the House must be a member of the Senate and House minority party. Sponsor: Sen. Setzler.

89.137. (GP: School Transportation Decentralization Study Committee) There is hereby created a committee to study the decentralization of the provision of school transportation services in this State either by the public sector, private sector, or combination of both. The study shall include, but is not limited to, the most cost-effective, efficient, and safe way to provide school transportation services to students in grades K-12 utilizing to the best extent possible, available state and local resources and funding. The committee shall consist of eleven members as follows: four members appointed by the President Pro Tempore of the Senate, one of whom must be a school finance officer and one of whom must be a minority-party member of the Senate, four members appointed by the Speaker of the House of Representatives, one of whom must be a school finance officer and one of whom must be a minority-party member of the House, and three members appointed by the Governor. Vacancies on the committee shall be filled in the manner of original appointment. The

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members, at their first meeting, shall elect a chairman, vice-chairman, and such other officers as they deem necessary. The committee shall meet upon the call of the chairman or a majority of its members.

Members of the committee shall receive such mileage, subsistence, and per diem in the performance of their duties as is provided by law to members of state boards, commissions, and committees to be paid from the approved accounts of the member's appointing authority. The staff of the Senate, the House of Representatives, and the Governor's Office shall supply such assistance as may be needed by the committee in the performance of its duties. The committee shall submit its report to each house of the General Assembly and to the Governor no later than January 1, 2013, at which time the committee shall be abolished.

- 89.138 ADD** (Expenditure Reports Required) **SEN:** ADD new proviso to require all nongovernmental entities, agencies, or organizations, including for or not-for-profits, that received more than \$100 in county or municipal grants the previous calendar year, to submit an expenditure report by October 1, 2012 to the jurisdiction which awarded the funds. Define "grants" for purposes of this provision and direct what must be included in the expenditure report. Require the report to be displayed on the jurisdiction's website unless all or portions are redacted or exempted. Require the use of existing resources to report expenditures. Require the Comptroller General's Office to be available to county and municipal governments to provide technical assistance when requested. Sponsor: Sen. Elliott.

89.138. (GP: Expenditure Reports Required) (A) By no later than October 1, 2012, a nongovernmental entity, agency, or organization, whether for or not-for-profit, that received more than one hundred dollars in county or municipal grants in the previous calendar year, must submit an expenditure report to the jurisdiction awarding the funds. For purposes of this paragraph, 'grants' are those monies derived either from county or municipal tax revenue or appropriated to the jurisdiction by the General Assembly that are awarded, gifted, designated, or contributed by a jurisdiction to an entity, agency, or organization, whether by formula or at the jurisdiction's discretion for any purpose, including revenues distributed from local option tourism development fees. 'Grants' do not include payments for direct services or goods.

(B) The expenditure report must include:

(1) the amount of funds received,

(2) the amount of funds expended,

(3) the purposes for which the funds were expended, and

(4) any other information required by the jurisdiction so as to promote transparency and public confidence in how the grantee entities, agencies, and organizations expend the funds.

(C) Unless all or portions of the report may be redacted or exempted pursuant to subsection (D), a county and municipality receiving expenditure reports required by this paragraph shall prominently display the reports on the jurisdiction's Internet website. The reports must be downloadable and maintained for one year. If a jurisdiction does not maintain an Internet website, the register must be maintained on the Internet website of the Comptroller General. Also, a jurisdiction shall display the name and amount of funds awarded to any entity, agency, or organization that has failed to timely submit an expenditure report.

(D) Any information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting required by this paragraph. A county or municipality may also exempt disclosure of any expenditure or reimbursement that the jurisdiction determines is reasonable and necessary to exclude. If a jurisdiction excludes an expenditure or reimbursement, the jurisdiction must, in general terms, state the reasons for the

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exclusion. The statement shall be displayed in the same manner and location as the expenditure report.

(E) To avoid additional expense for county and municipal governments in the implementation of this paragraph, the expenditure reporting must be effected using existing resources with no additional expense to the jurisdiction. The Office of the Comptroller General must be available to county and municipal governments, upon their formal request, to provide technical assistance in meeting the requirements of this paragraph. The Office of the Comptroller General shall not intercede on behalf of jurisdictions unless a formal request is made.

- 89.139 ADD** (Other Injured South Carolinians Fund) **SEN:** ADD new proviso to create the Other Injured South Carolinians Fund to compensate victims who were injured in the state due to negligence on behalf of the State or an agent of the State, for medical costs not covered by insurance which exceed the victim's share of the maximum amount an individual can recover from a governmental entity pursuant to the Tort Claims Act. Direct the Chairmen of the Senate Finance and House Ways and Means Committees to jointly appoint a fund administrator who shall serve without compensation. Provide operating guidelines for the fund. Allow up to \$50,000 from the fund to be used to defray the costs of managing the fund and to reimburse the State Office of Victim Assistance for providing support. Sponsor: Sen. Sheheen.

89.139. (GP: Other Injured South Carolinians Fund) (A) There is created the Other Injured South Carolinians Fund, that must be separate and distinct from the general fund. The purpose of the fund is to compensate victims injured anywhere in this State due to negligence on behalf of the State, or an agent of the State, for medical costs not covered by insurance or other means which exceed the individual victim's share of the maximum amount recoverable from a governmental entity for a single occurrence pursuant to Section 15-78-120 of the Tort Claims Act.

(B) The Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee shall jointly appoint an administrator for the fund. The administrator shall serve without compensation and until all claims to the fund have been processed. The administrator shall establish a sixty day period to receive claims to the fund. For two weeks prior to the opening of the claims period, the administrator must publish a notice in a newspaper of general circulation in the State the procedure by which claims may be submitted. The State Office of Victim Assistance shall provide administrative and logistical assistance to the administrator. The administrator may use up to \$50,000 from the fund to defray the costs associated with managing the fund and to reimburse the State Office of Victim Assistance for any costs associated with providing support.

(C) At the close of the claims period, the administrator shall pay to each claimant the actual amount of their verifiable medical expenses if the aggregate amount of claims to the fund does not exceed the amount available in the fund. If the aggregate amount of claims exceeds the amount in the fund, the administrator shall pay each claimant a percentage of the fund equal to the percentage of the uncompensated medical expenses incurred by the claimant in relation to the total amount of uncompensated medical expenses incurred by all claimants to the fund. Funds may only be used to pay victims directly for uncompensated medical expenses and must not be used to pay subrogation claims or attorneys fees.

- 89.140 ADD** (Facilities Accommodation) **HOU2:** ADD new proviso to require the Department of Corrections (SCDC) to designate space to house the Department and Board of Probation, Parole and Pardon Services (PPP) units that are currently renting facilities in Richland County. Require PPP to vacate the leased property and relocate into the space the Department of

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Corrections has identified as soon as practicable, but not later than December 31, 2012. Require SCDC to provide relocation services to PPP at no cost, except for relocating computer and telephone systems. Prohibit rent from being charged for the space, but allow SCDC to require reimbursement of utilities and computer services. Require PPP to use any funds realized by cost savings or cost avoidance associated with this provision for the Sentencing Reform Program or the Young Offender Supervision Program. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith. Note: Proviso 89.132 in House2 version.

89.140. (GP: Facilities Accommodation) The Department of Corrections is directed to designate space to accommodate units of the Department of Probation, Parole and Pardon Services (department) and the Board of Probation, Parole, and Pardon Services (board) which are currently located in leased facilities in the Richland County area. The department and the board shall vacate such leased property and relocate into the designated location owned by the Department of Corrections as soon as practicable, but not later than December 31, 2012.

The Department of Corrections shall provide relocation services at no cost to the department and the board, with the exception of the relocation of computer and telephone systems.

The Department of Corrections is prohibited from charging rent for the facilities; however, they may require reimbursement for utilities and computer services.

Any cost savings or cost avoidance realized from this provision shall be utilized by the Department of Probation, Parole and Pardon Services for the Sentencing Reform Program or for the Young Offender Supervision Program.

89.141 **ADD** (Implementation of Access to Justice Post-Conviction DNA Testing Act) **HOU2:** ADD new proviso to direct that implementing the requirements of Act 413 of 2008 (Access to Justice Post-Conviction DNA Testing Act) are not required until funds are appropriated or received for that purpose. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith. Note: Proviso 89.133 in House2 version.

89.141. (GP: Implementation of Access to Justice Post-Conviction DNA Testing Act) The provisions of the "Access to Justice Post-Conviction DNA Testing Act" (Act 413 of 2008) are not required to be implemented until such time as general funds are appropriated or federal or other funds are received to begin implementation of the act.

89.142 **ADD** (School Construction Development Impact Fee Assessment Prohibition) **HOU2:** ADD new proviso to prohibit governmental entities from assessing S.C. Development Impact Fees on the new construction of elementary, middle, or secondary schools and direct that if this prohibition is violated, the entity's Aid to Subdivisions Allocation shall be reduced by the amount of the impact fee. Sponsors: Reps. Merrill and White. Note: Proviso 89.134 in House2 version.

89.142. (GP: School Construction Development Impact Fee Assessment Prohibition) Governmental entities are prohibited from assessing South Carolina Development Impact Fees on the construction of new elementary, middle, or secondary schools. If a governmental entity violates this prohibition it shall have its Aid to Subdivisions Allocation reduced by the amount of the impact fee.

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SECTION 90 - X91-STATEWIDE REVENUE

90.13 AMEND FURTHER (Prohibits Public Funded Lobbyists) Requires certain agencies to transfer specific amounts of funds to the General Fund in order to eliminate taxpayer funded lobbying.

WMC: AMEND proviso to change Fiscal Year “2011-12” to “2012-13.” Fiscal Impact: Increases non-recurring General Fund revenue by \$604,312

HOU: AMEND FURTHER to delete the requirement that the Prosecution Coordination Commission transfer \$19,290 to the General Fund. Sponsor: Rep. Pitts.

90.13. (SR: Prohibits Public Funded Lobbyists) In order to eliminate taxpayer funded lobbying, the following state agencies and institutions, for Fiscal Year ~~2011-12~~ 2012-13, shall transfer the amounts indicated to the General Fund:

Administrative Law Court	\$ 22,000
The Citadel.....	\$ 16,881
Clemson University	\$ 45,546
Coastal Carolina University.....	\$ 20,230
College of Charleston	\$ 34,000
Department of Health & Environmental Control.....	\$ 26,553
State Board for Technical & Comprehensive Education	\$ 22,431
Florence-Darlington Technical College.....	\$ 10,001
Greenville Technical College	\$ 31,783
Horry-Georgetown Technical College.....	\$ 1,183
Tri-County Technical College	\$ 55,545
Francis Marion University	\$ 23,500
Judicial Department	\$ 59,164
Medical University of South Carolina	\$ 80,380
Department of Natural Resources.....	\$ 17,157
Prosecution Coordination Commission	\$ 19,290
South Carolina State University.....	\$ 20,000
University Of South Carolina	\$ 53,368
University of South Carolina-Upstate.....	\$ 11,000
Winthrop University	\$ 9,300
Lander University	<u>\$ 25,000</u>
Total.....	\$604,312 <u>\$585,022.</u>

All state agencies and institutions are prohibited from using general fund appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the lobbying activities were not funded by general fund appropriations.

All state agencies and institutions are prohibited from entering into contracts using general fund appropriations to provide lobbying services to the agency or institution.

SFC: AMEND FURTHER to delete the requirement that funds be transferred to the General Fund.

SEN: ADOPT proviso as amended.

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90.13. (SR: Prohibits Public Funded Lobbyists) ~~In order to eliminate taxpayer funded lobbying, the following state agencies and institutions, for Fiscal Year 2011-12, shall transfer the amounts indicated to the General Fund:~~

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University of South Carolina Upstate	\$ 11,000
Winthrop University	\$ 9,300
Lander University	\$ 25,000
Total	\$604,312.

All state agencies and institutions are prohibited from using general fund appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the lobbying activities were not funded by general fund appropriations.

All state agencies and institutions are prohibited from entering into contracts using general fund appropriations to provide lobbying services to the agency or institution.

90.19 **DELETE NEW PROVISO** (National Mortgage Settlement) **WMC:** ADD new proviso to direct the Attorney General to transfer to the Department of Commerce's Deal Closing Fund the portion of the National Mortgage Settlement that would otherwise have been credited to the General Fund.

HOU: ADOPT new proviso.

HOU2: DELETE new proviso. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

90.19. (SR: National Mortgage Settlement) DELETED

SFC: AMEND new proviso to direct that if any National Mortgage Settlement funds are credited to the Litigation Recovery Account before or during the current fiscal year, the first \$10 million in the account must be transferred to the Department of Commerce for the Deal Closing Fund and any funds remaining in the Litigation Recovery Account on July 1, 2012 must be transferred to the General Fund.

SEN: AMEND FURTHER to transfer to the General Fund for credit in FY 11-12, the first \$4,636,000 of National Mortgage Settlement funds credited to the Litigation Recovery Account

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during the prior fiscal year. Direct that the next \$10,000,000 be transferred to the Deal Closing Fund in the current fiscal year and any funds remaining in the Litigation Recovery Account on July 1, 2012 be transferred to the General Fund for credit in FY 2012-13. Sponsor: Sen. Leatherman.

90.19. (SR: National Mortgage Settlement) Of the funds derived from the National Mortgage Settlement and credited to the Litigation Recovery Account during the prior fiscal year, the first \$4,636,000 must be transferred to the General Fund for credit in Fiscal Year 2011-12, the next ten million dollars in that account in the current fiscal year must be transferred to the Department of Commerce's Deal Closing Fund, and any remaining amount in the Litigation Recovery Account on July 1, 2012, must be transferred to the General Fund for credit in Fiscal Year 2012-13.

- 90.20 AMEND NEW PROVISO FURTHER** (Non-recurring Revenue) **WMC:** ADD new proviso to appropriate \$377,784,450 of non-recurring revenue for FY 2011-12 generated from FY 2010-11 Contingency Reserve Fund (\$122,333,689) and FY 2011-12 unobligated general fund revenue certified by the BEA (\$255,450,761). Appropriations are made to various agencies for specific purposes and fully funds the General Reserve Fund at 5%. Authorizes these funds to be carried forward and used for the same purposes. 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 and provide for the calculation of the funds to be distributed. Direct that these funds also be used to maintain access fees to the facility for FY 12-13 at the FY 09-10 level and also be used to pay Southern States Energy Board annual dues.
- HOU:** AMEND new proviso to change the \$30,000,000 appropriation in item (33) from "U20-County Transportation Funds C Funds" to "R60-Department of Employment and Workforce SUTA Tax Relief." Sponsors: Rep. J.R. Smith and Henderson.
- HOU2:** AMEND FURTHER to change the amount of revenue appropriated from "\$377,784,450" to "\$545,506,793;" change the amount of FY 11-12 BEA certified unobligated general fund revenue from "\$255,450,761" to "\$392,450,761;" and direct \$30,722,343 of FY 12-13 general fund revenue into the proviso. Change the funding for the Harbor Deepening Reserve Fund from "\$180,000,000" to "\$300,000,000" and direct that the Fund is funded by \$180,000,000 from the Harbor Deepening Reserve Account to be used according to proviso 69.3 with the balance coming from the Health, Education, and Infrastructure Reserve Account. Designate fund to agencies for specific purposes. Add the following additional provisions: Item (31.1) (SUTA Tax Relief) to direct that the \$30,000,000 appropriated to DEW for SUTA Tax Relief may only be used to make payments on outstanding loans from the Unemployment Insurance Trust Fund. Direct DEW to recalculate premium rates and to make the recalculated rates retroactive to January 1, 2011. Direct that cost savings to employers in rate class 2-20 due to general fund appropriations must be allocated proportionately to each employer's responsibility to pay back the federal unemployment loan. Require employers to be notified of premium changes and to credit and adjust employer accounts as appropriate. Direct DEW to contact the Federal Government by August 1, 2012 to maximize efforts to buy the loan down to the greatest extent possible; and Item 36.1 (Charles Lea Center Match) to require a 1:1 private match for the Charles Lea Center \$1. Add Subsection D to create the Health, Education, and Infrastructure Reserve Account which shall retain accrued interest. Direct that if the Harbor Deepening Trust Fund hasn't drawn down from this account by March 31, 2013 the funds shall be distributed as follows: 24%, not to exceed \$20,111,302 to OPEB, 40%, not to exceed \$33,518,836 to a Bridge Replacement/Repair Program at DOT, and the remainder to the Health

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and Human Services Reserve Account. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

90.20. (SR: Non-recurring Revenue) (A) The source of revenue appropriated in this provision is \$545,506,793 of non-recurring revenue generated from the following sources and transferred to the State Treasurer. This revenue is deemed to have occurred and is available for use in Fiscal Year 2012-13 after September 1, 2012, following the Comptroller General's close of the state's books on Fiscal Year 2011-12.

(1) \$122,333,689 from Fiscal Year 2010-11 Contingency Reserve Fund;

(2) \$392,450,761 from Fiscal Year 2011-12 unobligated general fund revenue as certified by the Board of Economic Advisors; and

(3) \$30,722,343 from Fiscal Year 2012-13 general fund revenue.

Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers shall occur no later than thirty days after the close of the books on Fiscal Year 2011-12 and shall be available for use in Fiscal year 2012-13.

(B) The State Treasurer shall disburse the following appropriations by September 30, 2012, for the purposes stated:

(1) General Reserve Fund

Full 5% Funding \$ 98,175,036;

(2) Y14-State Ports Authority

Harbor Deepening Reserve Fund \$ 300,000,000;

(2.1) (Harbor Deepening Reserve Fund) The Harbor Deepening Reserve Fund is funded by the Harbor Deepening Reserve account which is appropriated \$180,000,000 to be used in accordance with Proviso 69.3; with the balance coming from the Health, Education, and Infrastructure Reserve Account (HEIRA).

(3) P32-Department of Commerce

(a) Deal Closing Fund..... \$ 7,000,000;

(b) Research Funds..... \$ 3,542,592;

(4) K05-Department of Public Safety

(a) Emergency Communications Equipment \$ 3,250,000;

(b) Vehicles \$ 1;

(5) D10-State Law Enforcement Division

(a) Personal Service and Operating \$ 1,701,000;

(b) Forensic Equipment \$ 1,134,994;

(c) Law Enforcement Operating..... \$ 150,000

(d) CJIS/IT Equipment..... \$ 4,777,000;

(e) Vehicles \$ 840,000;

(f) Computer Equipment \$ 138,500;

(6) P12-Forestry Commission

Firefighting Equipment \$ 3,500,000;

(7) F03-Budget and Control Board

(a) South Carolina Enterprise Information System-
Statewide Program SCEIS Program

Sustainment..... \$ 2,458,843;

(b) Rural Infrastructure Fund..... \$ 3,000,000;

(8) H63-Department of Education

Governor's School for the Arts and Humanities

Administration Building Construction \$ 1,250,000;

(9) H71-Wil Lou Gray Opportunity School

Window Replacement \$ 750,000;

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<u>(10) H75-School for the Deaf and Blind</u>	
<u>Robertson Hall Construction</u>	<u>\$ 1,477,550;</u>
<u>(11) L12-John de la Howe School</u>	
<u>(a) Deferred Maintenance on Seven Cottages.....</u>	<u>\$ 400,000;</u>
<u>(b) Information Technology Upgrade.....</u>	<u>\$ 200,014;</u>
<u>(12) N04-Department of Corrections</u>	
<u>(a) Statewide Infirmary Consolidation</u>	<u>\$ 300,000;</u>
<u>(b) Weapons Replacement</u>	<u>\$ 40,000;</u>
<u>(c) Farm Irrigation - Wateree</u>	<u>\$ 100,000;</u>
<u>(d) Web Based Case Management System for</u> <u>Victim Services.....</u>	<u>\$ 500,000;</u>
<u>(e) SC SAVIN Court Notification.....</u>	<u>\$ 500,000;</u>
<u>(f) Training Academy - Upgrade Training Material.....</u>	<u>\$ 100,000;</u>
<u>(g) Law Library/Information Technology Upgrade.....</u>	<u>\$ 100,000;</u>
<u>(h) Allendale CI Pre-Treatment Wastewater</u> <u>Plant Closing</u>	<u>\$ 350,000;</u>
<u>(i) Wateree Radium Drinking Water.....</u>	<u>\$ 6,000,000;</u>
<u>(j) Statewide Roof Replacement.....</u>	<u>\$ 2,500,000;</u>
<u>(k) Statewide Major Projects.....</u>	<u>\$ 2,500,000;</u>
<u>(13) E23-Commission on Indigent Defense</u>	
<u>Information Technology Upgrade.....</u>	<u>\$ 101,000;</u>
<u>(14) E20-Attorney General</u>	
<u>Information Technology Upgrade.....</u>	<u>\$ 500,000;</u>
<u>(15) C05-Administrative Law Court</u>	
<u>Staff Attorney/Hearing Officer/Business</u> <u>Associate Equipment.....</u>	<u>\$ 6,900;</u>
<u>(16) P20-Clemson University-PSA</u>	
<u>Advanced Plant Technology Lab.....</u>	<u>\$ 2,000,000;</u>
<u>(17) P21-South Carolina State University-PSA</u>	
<u>Independent Financial Audit.....</u>	<u>\$ 80,142;</u>
<u>(18) H27-University of South Carolina-Columbia Campus</u>	
<u>Palmetto Poison Center</u>	<u>\$ 71,862;</u>
<u>USC Law School</u>	<u>\$ 6,500,000;</u>
<u>(19) J02-Department of Health and Human Services</u>	
<u>(a) Medicaid Management Information System.....</u>	<u>\$ 3,918,676;</u>
<u>(b) In-Home Health Care Systems.....</u>	<u>\$ 500,000;</u>
<u>(20) J04-Department of Health and Environmental Control</u>	
<u>(a) AIDS Drug Assistance Program (ADAP)</u> <u>and Prevention.....</u>	<u>\$ 1,000,000;</u>
<u>(b) SC Coalition against Domestic Violence and</u> <u>Sexual Assault.....</u>	<u>\$ 453,680;</u>
<u>(c) Kidney Disease Early Evaluation and Risk</u> <u>Assessment Education.....</u>	<u>\$ 100,000;</u>
<u>(d) Hemophilia - SC Bleeding Disorders Premium</u> <u>Assist Program.....</u>	<u>\$ 100,000;</u>
<u>(21) J20-Department of Alcohol and Other Drug</u> <u>Abuse Services</u>	
<u>McCord Center Safety Improvement Project.....</u>	<u>\$ 473,200;</u>
<u>(22) R44-Department of Revenue</u>	
<u>Implementation of SCITS</u>	<u>\$ 4,374,496;</u>

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<u>(23) P28-Department of Parks, Recreation, and Tourism</u>	
<u>Kings Mountain Bridge Replacement</u>	<u>\$ 250,000;</u>
<u>(24) E28-Election Commission.....</u>	<u>\$ 1,500,000;</u>
<u>(25) E24-Adjutant General's Office</u>	
<u>(a) State Guard.....</u>	<u>\$ 59,000;</u>
<u>(b) Armory Maintenance.....</u>	<u>\$ 500,000;</u>
<u>(26) E08-Secretary of State</u>	
<u>Information Technology Upgrade.....</u>	<u>\$ 250,000;</u>
<u>(27) A20-Legislative Audit Council</u>	
<u>(a) Information Technology Upgrade.....</u>	<u>\$ 45,000;</u>
<u>(b) Peer Review Audit.....</u>	<u>\$ 15,000;</u>
<u>(28) R52-State Ethics Commission</u>	
<u>(a) Electronic Filing System.....</u>	<u>\$ 25,800;</u>
<u>(b) Information Technology Upgrade.....</u>	<u>\$ 15,000;</u>
<u>(29) P24-Department of Natural Resources</u>	
<u>(a) Drill Rig for Geological Survey and Strengthened Services</u>	<u>\$ 200,000;</u>
<u>(b) Replacement of IT Equipment and Maintenance</u>	<u>\$ 1,260,505;</u>
<u>(c) Water Resources Other Operating.....</u>	<u>\$ 1,000,000;</u>
<u>(30) Department of Social Services</u>	
<u>Child Support Enforcement System.....</u>	<u>\$ 2,500,000;</u>
<u>(31) R60-Department of Employment and Workforce</u>	
<u>SUTA Tax Relief.....</u>	<u>\$ 30,000,000;</u>
<u>(31.1) (SUTA Tax Relief) The funds appropriated above to the Department of Employment and Workforce for SUTA Tax Relief may only be used by the department to make payments on outstanding loans from the Unemployment Insurance Trust Fund. As soon as practicable after the effective date of this act, the Department of Employment and Workforce is directed to recalculate premium rates. The recalculated premium rates shall be retroactive to January 1, 2011. Any cost savings to employers in rate class 2-20 due to general fund appropriations in any particular year must be allocated proportionately to each employer with respect to each respective employer's responsibility in paying back the federal unemployment loan that particular year and must be administered by the department. Employers must be notified of changes in the premiums due and employer accounts must be credited and adjusted as appropriate. The Department of Employment and Workforce is directed to contact the Federal Government by August 1, 2012, to maximize efforts to buy the loan down to the greatest extent possible.</u>	
<u>(32) X22-Aid to Subdivisions - State Treasurer</u>	
<u>Local Government Fund</u>	<u>\$ 10,000,000;</u>
<u>(33) H03-Commission on Higher Education</u>	
<u>University Center of Greenville Technology Upgrade.....</u>	<u>\$100,000;</u>
<u>(34) H59-State Board for Technical and Comprehensive Education</u>	
<u>(a) Central Carolina Technical College - Training Facility Purchase and Upfit.....</u>	<u>\$ 1,250,000;</u>
<u>(b) Tri-County Technical College - Pedestrian Safety Improvements</u>	<u>\$ 500,000;</u>
<u>(35) H12-Clemson University</u>	
<u>(a) Grid Simulator Project.....</u>	<u>\$ 3,000,000;</u>
<u>(b) Greenwood Genetics Lab.....</u>	<u>\$ 2,000,000;</u>

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(36) J16-Department of Disabilities and Special Needs

Charles Lea Center - 1 to 1 Match..... \$ 1;

(36.1) (Charles Lea Center Match) Each state dollar of the above appropriation for the Charles Lea Center must be matched with one dollar of private funds.

(37) H91-Arts Commission

Grants \$ 1;

(38) P24-Department of Natural Resources

Savannah River Basin Study Phase II..... \$ 150,000;

(39) U12-Department of Transportation

Salt Sheds and Maintenance Facility..... \$ 3,300,000;

(40) H73-Vocational Rehabilitation

Rehabilitation Program State Match Funds \$ 1,000,000; and

(41) U20-County Transportation Funds

C-Funds \$ 19,671,000.

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

(C) From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, the remaining funds shall be used to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations in order to preserve the economic viability of the facility. The amount distributed to offset any operating shortfalls shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls shall also be used to maintain access fees to the facility for Fiscal Year 2012-13 at the Fiscal Year 2009-10 level. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.

(D) There is created within the Office of State Treasurer the Health, Education, and Infrastructure Reserve Account (HEIRA) which shall be separate and distinct from the General Fund and interest accrued by the account must remain in the account. In the event the Harbor Deepening Trust Fund has not drawn down funds from this account by March 31, 2013, then the funds shall be distributed in the following manner: 24%, not to exceed \$20,111,302 to Other Post-Employment Benefits (OPEB), 40%, not to exceed \$33,518,836 to a Bridge Replacement/Repair Program at the Department of Transportation, and the remainder to the Health and Human Services Reserve Account.

SFC: AMEND FURTHER to change the total funds appropriated from “\$377,784,450” to “\$514,784,450;” change FY 2011-12 unobligated general fund certified by the BEA from “\$255,450,761” to “\$392,450,761.” Direct that the appropriations are in priority order and amend appropriations. Add the following provisions: Item 8.1 (Homeowners Foreclosure Assistance) to provide for the distribution of \$5,000,000 to provide assistance to individuals regarding foreclosure; Item 15.1 (Spartanburg Amusement Train Disaster Relief Fund) to provide for distribution of \$2,000,000 to compensate victims of the amusement train derailment in Cleveland Park in Spartanburg County; Item 30.1 (Destination Specific Match) to require a 2:1 private match for the Destination Specific \$4,000,000; Item 33.1 (Town of Holly Hill Infrastructure Match) to require a 1:1 non-state funds match for the Town of Holly Hill Infrastructure \$450,000; Item 39.1 (Andrews Public Safety Building Match) to require a 1:1 non-state funds match for the Andrews Public Safety Building \$100,000; Item 51.1 (Charles Lea Center Match) to require a 1:1 private match for the Charles Lea Center \$500,000; Item 55.1 (Marion County Habitat for Humanity Pilot Project Match) to require a 1:1 private match for the Marion County Habitat for Humanity Pilot Project \$250,000; and Item 61.1 (Interactive

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Digital Technology Pilot Project) to require a 1:1 private match for the Interactive Digital Technology Pilot Project \$2,000,000.

SEN: AMEND FURTHER to change the amount of revenue designated in this provision from “\$514,784,450” to “\$519,420,450” and change the amount of funds derived from FY 11-12 unobligated general fund revenue as certified by the BEA from “\$392,450,761” to “\$397,086,761.” Appropriate an additional \$4,636,000 to agencies for designated purposes. Add the following provisions: Item 69.1 (School District Efficiency Review Pilot Program) to direct the \$300,000 appropriated for the School District Efficiency Review Pilot Program be used to implement the requirements of proviso 70.32 (EOC Efficiency Review). Sponsor: Sen. Leatherman. AMEND FURTHER to transfer to the Other Injured South Carolinians Fund the first \$2,000,000 of any FY 11-12 unobligated general fund revenues realized that are above the amount certified by the BEA. Sponsor: Sen. Sheheen. AMEND FURTHER to appropriate \$2,000,000 to DNR from any FY 11-12 unobligated general fund revenues realized that are above the amount certified by the BEA and direct that the funds are for the State River Basin Study Project-Water Resource Planning to collect water data for scientific information on water resources in the state’s 8 major river basins. Sponsors: Sens. Grooms and Anderson.

90.20. (SR: Non-recurring Revenue) (A) The source of revenue appropriated in this provision is \$519,420,450 of non-recurring revenue generated from the following sources and transferred to the State Treasurer. This revenue is deemed to have occurred and is available for use in Fiscal Year 2012-13 after September 1, 2012, following the Comptroller General’s close of the state’s books on Fiscal Year 2011-12.

- (1) \$122,333,689 from Fiscal Year 2010-11 Contingency Reserve Fund; and
- (2) \$397,086,761 from Fiscal Year 2011-12 unobligated general fund revenue as certified

by the Board of Economic Advisors.

Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers shall occur no later than thirty days after the close of the books on Fiscal Year 2011-12 and shall be available for use in Fiscal year 2012-13.

(B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded in the order in which it appears to the extent that revenues are available.

The State Treasurer shall disburse the following appropriations by September 30, 2012, for the purposes stated:

- (1) General Reserve Fund
 - Full 5% Funding \$ 98,175,036;
- (2) Y14-State Ports Authority
 - Harbor Deepening Reserve Fund \$ 180,000,000;
- (3) H59-State Board for Technical and Comprehensive Education
 - CATT Program/ReadySC \$ 11,250,000;
- (4) P32-Department of Commerce
 - Research Funds \$ 3,542,592;
- (5) R60-Department of Employment and Workforce
 - SUTA Tax Relief \$ 3,009,350;
- (6) H63-Department of Education
 - (a) EFA Hold Harmless (Education Foundation Supplement) \$ 19,985,951;
 - (b)EFA-IDEA Contingency Reserve \$ 36,202,909;
- (7) L04-Department of Social Services
 - Child Support Enforcement System \$ 3,500,000;

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(8) L32-Housing Finance and Development Authority
Homeowners Foreclosure Assistance \$ 5,000,000;

(8.1) (Homeowners Foreclosure Assistance) Of the funds appropriated above for Homeowners Foreclosure Assistance, forty percent shall be used to fund the South Carolina Legal Services for the purpose of representing individuals in foreclosure or who need loss mitigation assistance and to provide counseling to assist individuals in avoiding foreclosure. Sixty percent shall be used for the Multifamily Bond Program. Fifteen percent of the net proceeds from the Multifamily Bond Program development projects shall be used to provide funding to the three local housing trust funds; Lowcountry Housing Trust, Community Works of Carolina, and the Midlands Housing Trust Fund, during the Qualified Project Period as defined by the Multifamily Bond Program.

(9) A20-Legislative Audit Council
(a) Information Technology Upgrade (Servers, Computers, Software) \$ 45,000;
(b) Peer Review Audit - Government Auditing Standards \$ 15,000;

(10) B04-Judicial Department
Supreme Court Building Renovation..... \$ 3,200,000;

(11) C05-Administrative Law Court
Staff Attorney/Hearing Officer/Business Associate Equipment \$ 6,900;

(12) P32-Department of Commerce
Deal Closing Fund..... \$ 2,000,000;

(13) F30-Budget and Control Board, Employee Benefits
Other Post Employment Benefits (OPEB)..... \$ 20,000,000;

(14) F03-Budget and Control Board
South Carolina Enterprise Information System- Statewide Program SCEIS Program Sustainment..... \$ 2,458,843;

(15) F03-Budget and Control Board
Spartanburg Amusement Train Disaster Relief Fund..... \$ 2,000,000;

(15.1) (Spartanburg Amusement Train Disaster Relief Fund) (A) From the \$2,000,000 appropriated above for the Spartanburg Amusement Train Disaster Relief Fund, there is created in the State Treasury the Spartanburg County Amusement Train Disaster Relief Fund. The purpose of the fund is to compensate victims of the amusement train derailment in Cleveland Park in Spartanburg County on March 19, 2011, for medical costs not covered by insurance or other means which exceed the individual victim's share of the maximum amount recoverable from a governmental entity for a single occurrence pursuant to Section 15-78-120 of the Tort Claims Act.

(B) The Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee shall jointly appoint an administrator for the fund. The administrator shall serve without compensation and until all claims to the fund have been processed. The administrator shall establish a sixty day period to receive claims to the fund. For two weeks prior to the opening of the claims period, the administrator must publish a notice in a newspaper of general circulation in Spartanburg County the procedure by which claims may be submitted. The State Office of Victim Assistance shall provide administrative and logistical assistance to the administrator. The administrator may use up to \$50,000 from the fund to defray the costs associated with managing the fund and to reimburse the State Office of Victim Assistance for any costs associated with providing support.

(C) At the close of the claims period, the administrator shall pay to each claimant the actual amount of their verifiable medical expenses if the aggregate amount of claims to the fund does not exceed the amount available in the fund. If the aggregate amount of claims

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exceeds the amount in the fund, the administrator shall pay each claimant a percentage of the fund equal to the percentage of the uncompensated medical expenses incurred by the claimant in relation to the total amount of uncompensated medical expenses incurred by all claimants to the fund. Funds may only be used to pay victims directly for uncompensated medical expenses and must not be used to pay subrogation claims or attorneys fees.

<u>(16) H59-State Board for Technical and Comprehensive Education</u>	
<u>Spartanburg Community College Cherokee</u>	
Campus Capital Improvements	\$ 3,500,000;
<u>(17) D10-State Law Enforcement Division</u>	
(a) Personal Service and Operating	\$ 1,701,000;
(b) Forensic Equipment	\$ 1,134,994;
(c) Law Enforcement Operating	\$ 150,000;
(d) CJIS/IT Equipment	\$ 4,777,000;
(e) Vehicles \$.....	840,000;
(f) Computer Equipment	\$ 138,500;
(g) Lieutenant Governor's Security Detail Equipment.....	\$ 151,200;
<u>(18) K05-Department of Public Safety</u>	
(a) Emergency Communications Equipment	\$ 3,250,000;
(b) Bureau of Protective Services Officers Equipment.....	\$ 44,700;
(c) Capitol Complex Garage Security Equipment.....	\$ 75,000;
(d) Vehicles \$.....	2,000,000;
<u>(19) H63-Department of Education</u>	
<u>Governor's School for the Arts and Humanities</u>	
Administration Building Construction	\$ 1,250,000;
<u>(20) L12-John de la Howe School</u>	
(a) Deferred Maintenance on Seven Cottages.....	\$ 400,000;
(b) Information Technology Upgrade.....	\$ 200,014;
<u>(21) H71-Wil Lou Gray Opportunity School</u>	
Window Replacement	\$ 750,000;
<u>(22) H75-School for the Deaf and Blind</u>	
Robertson Hall Construction	\$ 1,477,550;
<u>(23) J02-Department of Health and Human Services</u>	
Medicaid Management Information System.....	\$ 3,918,676;
<u>(24) N04-Department of Corrections</u>	
(a) Wateree Radium Drinking Water Compliance	\$ 6,000,000;
(b) Statewide Roof Replacement	\$ 2,500,000;
(c) Statewide Major Maintenance Projects.....	\$ 2,500,000;
(d) Victim Services Web Based Case Management System	\$ 500,000;
(e) SC SAVIN Court Notification System.....	\$ 500,000;
(f) Allendale CI Pre-Treatment Wastewater Plant Closing	\$ 350,000;
(g) Statewide Infirmary Consolidation	\$ 300,000;
(h) Farm Irrigation - Wateree	\$ 100,000;
(i) Training Academy - Weapons Replacement.....	\$ 40,000;
<u>(25) P24-Department of Natural Resources</u>	
(a) Replacement of IT Equipment and Maintenance	\$ 1,260,505;
(b) Water Resources Other Operating.....	\$ 1,000,000;
<u>(26) E08-Secretary of State</u>	
Information Technology Upgrade.....	\$ 500,000;

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<u>(27) E20-Attorney General</u>	
(a) Information Technology Upgrade.....	\$ 500,000;
(b) Operating Expenses	\$ 500,000;
<u>(28) E23-Commission on Indigent Defense</u>	
Information Technology Upgrade.....	\$ 101,000;
<u>(29) P12-Forestry Commission</u>	
Firefighting Equipment	\$ 3,500,000;
<u>(30) P28-Department of Parks, Recreation, and Tourism</u>	
Destination Specific - 2 for 1 Match	\$ 4,000,000;
<u>(30.1) (Destination Specific Match) Each state dollar of the above appropriation for Destination Specific must be matched with two dollars of private funds.</u>	
<u>(31) R40-Department of Motor Vehicles</u>	
Programming & Training/Implementation of S.1031	\$ 88,550;
<u>(32) J04-Department of Health and Environmental Control</u>	
(a) AIDS Drug Assistance Program (ADAP)	\$ 200,000;
(b) HIV Prevention Faith Based Initiatives	\$ 500,000;
(c) SC Coalition Against Domestic Violence and Sexual Assault	\$ 453,680;
(d) Kidney Disease Early Evaluation and Risk Assessment Education.....	\$ 100,000;
(e) Hemophilia - SC Bleeding Disorders Premium Assistance Program.....	\$ 100,000;
(f) S.C. Office of Rural Health - Benefit Bank	\$ 500,000;
(g) James R. Clark Memorial Sickle Cell Foundation.....	\$ 100,000;
<u>(33) F03-Budget and Control Board</u>	
(a) Town of Holly Hill Infrastructure - 1 to 1 Match.....	\$ 450,000;
(b) Transportation Corridor Study	\$ 450,000;
<u>(33.1) (Town of Holly Hill Infrastructure Match) Each state dollar of the above appropriation for the Town of Holly Hill Infrastructure must be matched with one dollar of non-state funds.</u>	
<u>(34) H63-Department of Education</u>	
(a) Palmetto Priority Schools	\$ 500,000;
(b) SC School Improvement Council	\$ 35,000;
<u>(35) H79-Department of Archives and History</u>	
(a) City of Charleston African American Historic Sites Preservation	\$ 200,000;
(b) City of Hilton Head - Mitchelville Capital Land Purchase	\$ 200,000;
<u>(36) H87-State Library</u>	
Lamar Library Expansion.....	\$ 75,000;
<u>(37) H95-State Museum</u>	
North Myrtle Beach Historical Museum.....	\$ 300,000;
<u>(38) E21-Prosecution Coordination Commission</u>	
Center for Fathers and Families.....	\$ 200,000;
<u>(39) K05-Department of Public Safety</u>	
Andrews Public Safety Building - 1 to 1 Match.....	\$ 100,000;
<u>(39.1) (Andrews Public Safety Building Match) Each state dollar of the above appropriation for the Andrews Public Safety Building must be matched with one dollar of non-state funds.</u>	

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<u>(40) R52-State Ethics Commission</u>	
<u>Information Technology Upgrade.....</u>	<u>\$ 25,000;</u>
<u>(41) U12-Department of Transportation</u>	
<u>SMART Ride - Camden.....</u>	<u>\$ 60,000;</u>
<u>(42) X22-Local Government Fund-State Treasurer</u>	
<u>Local Government Fund.....</u>	<u>\$ 40,000,000;</u>
<u>(43) H03-Commission on Higher Education</u>	
<u>(a) University Center of Greenville Technology Upgrade</u>	<u>\$ 100,000;</u>
<u>(b) SC Manufacturers Extension Partnership.....</u>	<u>\$ 200,000;</u>
<u>(c) Clinton Junior College - Facility and</u>	
<u>Program Enhancements.....</u>	<u>\$ 200,000;</u>
<u>(d) Voorhees College - Student Recruitment and</u>	
<u>Retention Initiative.....</u>	<u>\$ 300,000;</u>
<u>(44) P20-Clemson University-PSA</u>	
<u>(a) Advanced Plant Technology Lab.....</u>	<u>\$ 4,000,000;</u>
<u>(b) Operating.....</u>	<u>\$ 100,000;</u>
<u>(45) H06-Higher Education Tuition Grants Commission</u>	
<u>State Student Legislature.....</u>	<u>\$ 25,000;</u>
<u>(46) H27-University of South Carolina-Columbia Campus</u>	
<u>(a) Palmetto Poison Center.....</u>	<u>\$ 71,862;</u>
<u>(b) Child Abuse Medical Response Program.....</u>	<u>\$ 250,000;</u>
<u>(47) H37-University of South Carolina-Lancaster Campus</u>	
<u>Deferred Maintenance.....</u>	<u>\$ 400,000;</u>
<u>(48) H59-State Board for Technical and Comprehensive Education</u>	
<u>(a) Central Carolina Technical College - Training</u>	
<u>Facility Purchase and Upfit.....</u>	<u>\$ 1,250,000;</u>
<u>(b) Central Carolina Technical College -</u>	
<u>Building Renovation.....</u>	<u>\$ 400,000;</u>
<u>(c) Aiken Technical College - Center for Energy</u>	
<u>and Advanced Manufacturing Facility</u>	
<u>and Equipment.....</u>	<u>\$ 2,445,000;</u>
<u>(d) Technical College of the Low Country -</u>	
<u>Veterans Recruitment and Training Program.....</u>	<u>\$ 200,000;</u>
<u>(e) Tri-County Technical College - Pedestrian</u>	
<u>Safety Improvements.....</u>	<u>\$ 300,000;</u>
<u>(f) SC Skills USA.....</u>	<u>\$ 200,000;</u>
<u>(49) D17-Governor's Office of Executive Policy and Programs</u>	
<u>Kingstree Veterans' Affairs Community Center.....</u>	<u>\$ 75,000;</u>
<u>(50) E24-Adjutant General's Office</u>	
<u>(a) State Guard.....</u>	<u>\$ 59,000;</u>
<u>(b) Armory Maintenance.....</u>	<u>\$ 1,000,000;</u>
<u>(c) SC Wing Civil Air Patrol Roof Replacement.....</u>	<u>\$ 80,000;</u>
<u>(51) J16-Department of Disabilities and Special Needs</u>	
<u>Charles Lea Center - 1 to 1 Match.....</u>	<u>\$ 500,000;</u>
<u>(51.1) (Charles Lea Center Match) Each state dollar of the above appropriation for the</u>	
<u>Charles Lea Center must be matched with one dollar of private funds.</u>	
<u>(52) J02-Department of Health and Human Services</u>	
<u>SC Healthcare Information and Referral Network.....</u>	<u>\$ 50,000;</u>
<u>(53) J20-Department of Alcohol and Other Drug Abuse Services</u>	
<u>(a) McCord Center Safety Improvement Project.....</u>	<u>\$ 100,000;</u>

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	<u>(b) Circle Park Behavioral Health Services.....</u>	<u>\$ 100,000;</u>
<u>(54) L04-Department of Social Services</u>		
	<u>(a) United Center for Community Care.....</u>	<u>\$ 75,000;</u>
	<u>(b) Community Outreach Center Incorporated After School Program.....</u>	<u>\$ 25,000;</u>
	<u>(c) Fatherhood and Families Engagement.....</u>	<u>\$ 50,000;</u>
<u>(55) L32-Housing Finance and Development Authority</u>		
	<u>Marion County Habitat for Humanity</u>	
	<u>Pilot Project - 1 to 1 Match.....</u>	<u>\$ 250,000;</u>
<u>(55.1) (Marion County Habitat for Humanity Pilot Project Match) Each state dollar of the above appropriation for the Marion County Habitat for Humanity Pilot Project must be matched with one dollar of private funds.</u>		
<u>(56) P32-Department of Commerce</u>		
	<u>Williamsburg County Industrial Recruitment</u>	
	<u>Meeting Center.....</u>	<u>\$ 50,000;</u>
<u>(57) P16-Department of Agriculture</u>		
	<u>(a) Marketing and Branding.....</u>	<u>\$ 500,000;</u>
	<u>(b) State Farmer's Market Infrastructure.....</u>	<u>\$ 400,000;</u>
	<u>(c) Market Operations.....</u>	<u>\$ 600,000;</u>
<u>(58) P21-South Carolina State University-PSA</u>		
	<u>LAC Audit.....</u>	<u>\$ 80,142;</u>
<u>(59) P24-Department of Natural Resources</u>		
	<u>(a) Drill Rig for Geological Survey and Strengthened Services.....</u>	<u>\$ 200,000;</u>
	<u>(b) Savannah River Basin Study Phase II.....</u>	<u>\$ 100,000;</u>
	<u>(c) Catawba/Wateree River Basin Supply Study</u>	<u>\$ 250,000;</u>
	<u>(d)Darlington County Watershed Project.....</u>	<u>\$ 600,000;</u>
	<u>(e) Lake Wallace Special Purpose District.....</u>	<u>\$ 150,000;</u>
<u>(60) P28-Department of Parks, Recreation, and Tourism</u>		
	<u>(a) Kings Mountain Bridge Replacement</u>	<u>\$ 250,000;</u>
	<u>(b) Southeastern Wildlife Exposition Regional Marketing and Advertising</u>	<u>\$ 200,000;</u>
	<u>(c) Irmo Veterans Park.....</u>	<u>\$ 30,000;</u>
	<u>(d) Patriot Park Environmental Pavilion</u>	<u>\$ 100,000;</u>
<u>(61) H15-University of Charleston</u>		
	<u>Interactive Digital Technology Pilot</u>	
	<u>Project - 1 to 1 Match</u>	<u>\$ 2,000,000;</u>
<u>(61.1) (Interactive Digital Technology Pilot Project Match) Each state dollar of the above appropriation for the Interactive Digital Technology Pilot Project must be matched with one dollar of private funds.</u>		
<u>(62) F03-Budget and Control Board</u>		
	<u>Rural Infrastructure Fund.....</u>	<u>\$ 10,000,000;</u>
<u>(63) R44-Department of Revenue</u>		
	<u>Implementation of SCITS</u>	<u>\$ 4,374,496.</u>
<u>(64) H38-USC-Salkehatchie Campus</u>		
	<u>Deferred Maintenance</u>	<u>\$ 200,000;</u>
<u>(65) H91-Arts Commission</u>		
	<u>Grants.....</u>	<u>\$ 500,000;</u>
<u>(66) P36-Patriots Point Development Authority</u>		
	<u>National Flight Academy</u>	<u>\$ 393,000;</u>

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(67) H59-State Board for Technical and Comprehensive Education

Horry-Georgetown Tech Speir Allied Health \$ 200,000;

(68) H17-Coastal Carolina University

Scientific Equipment for Research Vessel..... \$ 198,000; and

(69) A85-Education Oversight Committee

School district Efficiency Review Pilot Program..... \$ 300,000.

(69.1) (School District Efficiency Review Pilot Program) The funds appropriated above for the School District Efficiency Review Pilot Program shall be utilized to implement the requirements of proviso 70.32 contained in this act.

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

(C) From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, the remaining funds shall be used to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations in order to preserve the economic viability of the facility. The amount distributed to offset any operating shortfalls shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls shall also be used to maintain access fees to the facility for Fiscal Year 2012-13 at the Fiscal Year 2009-10 level. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.

(D) Of any excess funds collected above the amount identified in subsection (A)(2), the first \$2,000,000 shall be transferred to the Other Injured South Carolinians Fund.

(E) Of any excess funds collected above the amount identified in subsection (A)(2), there is appropriated \$2,000,000 to the Department of Natural Resources for the State River Basin Study Project-Water Resource Planning. The funds must be used for water data collection to provide scientific information on water resources in the state's eight major river basins.

90.21 ADD (Tax Relief Reserve Fund) SEN: ADD new proviso to create the Tax Relief Reserve Fund; direct that accrued interest remain in the fund; and direct the State Treasurer, on December 31, 2012, to transfer from the General Fund any funds indentified in this act designated for the Tax Relief Reserve Fund. Direct that the fund may only be used to provide tax relief to businesses and individuals as provided by law. Authorize these funds to be retained, carried forward, and used for the same purpose. Sponsor: Sen. Sheheen.

90.21. (SR: Tax Relief Reserve Fund) There is created the Tax Relief Reserve Fund, which shall be separate and distinct from the General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on December 31, 2012, the State Treasurer shall transfer funds identified in this act from the General Fund to the Tax Relief Reserve Fund. These funds may only be used to provide tax relief to businesses and individuals as provided by law. Funds within the Tax Relief Reserve Fund shall be retained and carried forward to be used for the same purpose.

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PART II

PERMANENT PROVISIONS

SEC 1 **ADD** (Code Of Laws) **HOU2:** ADD new Part II, Section 1 to direct that Part II provisions shall become a part of the permanent laws of South Carolina. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

SECTION 1

The Code Commissioner is directed to include all permanent general laws in this Part in the next edition of the Code of Laws of South Carolina, 1976, and all supplements to the Code.

SEC 2 **ADD** (Small Business Tax Relief) **HOU2:** ADD new Part II, Section 2 to reduce the tax rate imposed pursuant to Section 12-6-545(B)(2) on active trade or business income received by the owner of a pass-through business from 5% to 3% after the taxable year beginning after 2011. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

SECTION 2

TO AMEND SECTION 12-6-545, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCOME TAX RATES FOR PASS-THROUGH TRADE AND BUSINESS INCOME, SO AS TO REDUCE THE TAX RATE FROM FIVE PERCENT TO THREE PERCENT.

A. Section 12-6-545(B)(2) of the 1976 Code, as added by Act 41 OF 2005, is amended read:

“(2) The rate of the income tax imposed pursuant to this subsection is:

Taxable Year Beginning in	Rate of Tax
2006	6.5 percent
2007	6 percent
2008	5.5 percent
after 2008 <u>through 2011</u>	5 percent
<u>after 2011</u>	<u>3 percent</u> ”

B. This section takes effect upon approval by the governor and applies for taxable years beginning after 2011.

SEC 3 **ADD** (Aeronautics Transfer) **HOU2:** ADD new Part II, Section 3 to transfer the Division of Aeronautics from under the Department of Commerce to the B&C Board. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

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SECTION 3

TO AMEND SECTION 1-30-25, AS AMENDED, OF THE 1976 CODE, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT AND THE COMPONENTS OF THESE DEPARTMENTS, SO AS TO CONFORM THE PROVISIONS OF THIS SECTION OF THE TRANSFER OF THE DIVISION OF AERONAUTICS FROM THE SOUTH CAROLINA DEPARTMENT OF COMMERCE TO THE STATE BUDGET AND CONTROL BOARD; TO AMEND TITLE 55 BY ADDING CHAPTER 2 SO AS TO TRANSFER THE DIVISION OF AERONAUTICS FROM THE SOUTH CAROLINA DEPARTMENT OF COMMERCE TO THE STATE BUDGET AND CONTROL BOARD; TO PROVIDE THAT THIS PLACEMENT OF THE DIVISION OF AERONAUTICS AS A SEPARATE DIVISION OF THE STATE BUDGET AND CONTROL IS FOR ADMINISTRATIVE AND SUPPORT SERVICES ONLY AND THE DUTIES AND FUNCTIONS OF THE DIVISION OF AERONAUTICS AND ITS EXECUTIVE DIRECTOR ARE GOVERNED SOLELY BY THE AERONAUTICS COMMISSION; TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE AERONAUTICS COMMISSION, THE QUALIFICATIONS FOR COMMISSION MEMBERSHIP, THEIR TERMS OF OFFICE, DUTIES, AND FUNCTIONS; TO PROVIDE THE METHOD OF APPOINTMENT OF THE EXECUTIVE DIRECTOR OF THE DIVISION OF AERONAUTICS, AND THE ORGANIZATION AND OBJECTIVES OF THE DIVISION OF AERONAUTICS; AND TO AMEND SECTIONS 55-1-1, 55-1-5, 55-5-190, 55-8-10, 55-8-170, 55-11-10, 55-11-230, AND 55-15-10, ALL AS AMENDED, RELATING TO, AMONG OTHER THINGS, THE DIVISION OF AERONAUTICS, SO AS TO MAKE CONFORMING AMENDMENTS, AND TO REPEAL ARTICLES 6 AND 7, CHAPTER 1, TITLE 13 OF THE 1976 CODE, ALL RELATING TO THE DIVISION OF AERONAUTICS.

A. Section 1-30-25 of the 1976 Code, as last amended by Act 359 of 2008, is further amended to read:

“Section 1-30-25. The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are transferred to and incorporated in and must be administered as part of the Department of Commerce to be initially divided into divisions for ~~Aeronautics~~, the Advisory Coordinating Council for Economic Development, State Development, Public Railways, and Savannah Valley Development:

(A) ~~South Carolina Aeronautics Commission, formerly provided for at Section 55-5-10, et seq.~~ Reserved;

(B) Coordinating Council for Economic Development, formerly provided for at Section 41-45-30, et seq.;

(C) Savannah Valley Authority, formerly provided for at Section 13-9-10, et seq.;

(D) Existing divisions or components of the Department of Commerce formerly a part of the State Development Board excluding the South Carolina Film Commission; and

(E) South Carolina Public Railways Commission, formerly provided for at Section 58-19-10, et seq.”

B. 1. Title 55 of the 1976 Code is amended by adding:

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“CHAPTER 2

Aeronautics Commission

Section 55-2-10. As used in this chapter:

- (1) ‘Board’ means the State Budget and Control Board.
- (2) ‘Executive director’ means the Executive Director for the Division of Aeronautics.
- (3) ‘Division’ means the Division of Aeronautics.
- (4) ‘Commission’ means the Aeronautics Commission.

Section 55-2-20. The Aeronautics Division is created within the State Budget and Control Board and there may be no purchase or sale of any aeronautics assets without the approval of the commission. The board shall be the agency in which the division is located and the board shall provide the division with those administrative and support services required in the operations of a state agency, but otherwise, the division is solely governed by the Aeronautics Commission through its executive director as provided in this chapter.

Section 55-2-30. The congressional districts of this State are constituted and created commission districts of the State, designated by numbers corresponding to the number of the respective congressional districts. The commission shall be composed of one member from each district elected by the delegations of the congressional district and one member appointed by the Governor, upon the advice and consent of the Senate, from the State at large. The elections or appointments shall take into account race and gender so as to represent, to the greatest extent possible, all segments of the population of the State and shall comply with the provisions of Chapter 13, Title 8. However, consideration of these factors in making an appointment or in an election does not create a cause of action or basis for an employee grievance for a person appointed or elected or for a person who fails to be appointed or elected.

Section 55-2-40. (A) A county that is divided among two or more commission districts, for purposes of electing a commission member, is considered to be in the district which contains the largest number of residents from that county.

(B) A county within a commission district may not have a resident commission member for more than one consecutive term and in no event may any two persons from the same county serve as a commission member simultaneously.

Section 55-2-50. Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. A majority present, either in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. A person may not be elected commissioner who fails to receive a majority vote of the members of the delegation.

The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt rules they consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation shall immediately transmit the name of the person elected to the Secretary of State who shall issue to the person after he has taken the usual oath of office, a certificate of election as commissioner. The Governor then shall issue a commission to the person, and pending the issuance of the commission, the certificate of election is sufficient warrant to the person to perform all of the duties and functions of his

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office as commissioner. Each commissioner shall serve until his successor is elected and qualified.

Section 55-2-60. (A) Beginning February 15, 2005, commissioners must be elected by the legislative delegation of each congressional district. For the purposes of electing a commission member, a legislator shall vote only in the congressional district in which he resides. All commission members must serve for a term of office of four years that expires on February fifteenth of the appropriate year. Commissioners shall continue to serve until their successors are elected and qualify, provided that a commissioner may only serve until their successors are elected and qualify, and provided that a commissioner may only serve in a hold-over capacity for a period not to exceed six months. Any vacancy occurring in the office of commissioner must be filled by election in the manner provided in this article for the unexpired term only. A person is not eligible to serve as a commission member who is not a resident of that district at the time of his appointment, except that the at-large commission member may be appointed from any county in the State regardless of whether another commissioner is serving from that county. Failure by a commission member to maintain residency in the district for which he is elected shall result in the forfeiture of his office. The at-large commission member, upon confirmation by the Senate, shall serve as chairman of the commission.

(B) The terms of the initial members of the commission appointed from congressional district are as follows:

(1) commission members appointed to represent congressional district one and two, two years;

(2) commission members appointed to represent congressional district three and four, three years;

(3) commission members appointed to represent congressional district five, six, and seven, four years.

(C) The at-large commissioner shall serve at the pleasure of the Governor.

Section 55-2-70. Each voting commission member, within thirty days after his election or appointment, and before entering upon the discharge of the duties of his office, shall take, subscribe, and file with the Secretary of State the oath of office prescribed by the Constitution of the State.

Section 55-2-80. (A) The commission may adopt an official seal for use on official documents of the division.

(B) The commission shall adopt its own rules and procedures and may select additional officers to serve terms designated by the commission.

(C) Commissioners must be reimbursed for official expenses as provided by law for members of state boards and commissions as established in the annual general appropriations act.

Section 55-2-90. Notwithstanding any other provision of law, the executive director must be appointed in accordance with the following procedures:

(A) (1) The commission shall nominate no more than one qualified candidate for the Governor to consider for appointment as executive director. In order to be nominated, a candidate must meet the minimum requirements as provided in Section 13-1-1090.

(2) If the Governor rejects a person nominated by the commission for the position of executive director, the commission must nominate another candidate for the Governor to consider until such time as the Governor makes an appointment.

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(3) In the case of a vacancy in the position of executive director for any reason, the name of a nominee for the executive director's successor must be submitted by the commission to the Governor.

(4) The appointment must comply with the provisions contained in Chapter 13, Title 8.

(B) The executive director shall serve at the pleasure of the commission and be appointed as provided in this section.

Section 55-2-100. Individuals serving on the commission must meet the following minimum qualifications to be qualified:

(1) the commission chairman must have experience in the fields of business, general aviation, and airport management;

(2) all other members of the commission must have a proven record of public and community service, and experience in the fields of business and aviation. Additionally, each member must meet at least two of the following criteria:

- (a) general aviation experience;
- (b) airport or fixed based operator (FBO) management experience;
- (c) aviation service provider experience;
- (d) previous service as a state or regional airport commissioner;
- (e) legal experience; or
- (f) active involvement in a recognized aviation association.

Section 55-2-110. The organization and objectives of the division are stated in Chapters 1 through 9, Title 55."

2. Section 55-1-1 of the 1976 Code, as last amended by Act 361 of 1994, is further amended to read:

"Section 55-1-1. There is created a Division of Aeronautics within the ~~Department of Commerce~~ State Budget and Control Board which shall must be governed by the ~~Secretary of Commerce~~ Aeronautics Commission, through an executive director appointed as provided pursuant to Section 55-2-90 as provided in Chapter 1 of Title 13.

3. Section 55-1-5 of the 1976 Code, as last amended by Act 11 of 2005, is further amended to read:

"Section 55-1-5. For the purposes of Chapters 1 through 9, of Title 55, the following words and terms are defined as follows:

(1) ~~'Division', unless otherwise indicated, means the Division of Aeronautics of the Department of Commerce.~~

(2) ~~'Secretary 'Commission', unless otherwise indicated, means the executive and administrative head of the Department of Commerce or his designee~~ Aeronautics Commission established pursuant to Chapter 2 of this title.

(3) ~~(2) Notwithstanding any other provision of law, 'executive director' means the person or persons appointed by the Governor in accordance with Section 13-1-1080 55-2-90 and serving at the pleasure of the Aeronautics Commission to supervise and carry out the functions and duties of the Division of Aeronautics as provided for by law.~~

(3) 'Division', unless otherwise indicated, means the Division of Aeronautics of the State Budget and Control Board."

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4. Section 55-5-190 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 55-5-190. The division, its members and employees and every county and municipal officer charged with the enforcement of state and municipal laws shall enforce and assist in the enforcement of this chapter. The division may also in the name of the State enforce the provisions of this chapter by injunction in the circuit courts of this State. Other departments and political subdivisions of the State may also cooperate with the Division of Aeronautics of the ~~Department of Commerce~~ board in the development of aeronautics and aeronautic facilities within the State.”

5. Section 55-8-10(a) of the 1976 Code, as last amended by Act 361 of 1994, is further amended to read:

“(a) ‘Agency’ means the Division of Aeronautics of the ~~Department of Commerce~~ State Budget and Control Board.”

6. Section 55-8-170 of the 1976 Code, as last amended by Act 361 of 1994, is further amended to read:

“Section 55-8-170. (a) The operation of an aircraft on the land or waters of or in the air over this State shall be deemed an appointment by the owner or operator of the ~~Secretary of Commerce~~ Executive Director of the Aeronautics Commission to be his true and lawful attorney upon whom may be served all legal process in any action or proceeding against him, arising from the ownership, maintenance, use or operation of such aircraft and resulting in damage or loss to person or property, and the use or operations shall be signification of his agreement that any such process against him which is so served shall be of the same legal force and validity as though served upon him personally, provided such person is a nonresident of this State or at the time a cause of action arises is a resident of this State but subsequently becomes a nonresident of this State.

(b) Service of process shall be made by serving the original and a copy of the complaint together with a fee of two dollars upon the ~~Secretary of Commerce of the South Carolina Department of Commerce~~ Executive Director of the Aeronautics Division and by mailing of a copy of such process and of the complaint by the plaintiff or his attorney to the defendant at his last known address, within five days thereafter by registered mail. In lieu of such mailing to defendant in a foreign state, plaintiff may cause a copy of the complaint and process to be served personally in the foreign state upon such defendant by any adult person not a party to the suit by actually delivering it to the defendant or by offering to make such delivery in case defendant refuses to accept delivery.

(c) Proof of service of process upon the ~~Secretary of Commerce~~ Executive Director of the Division of Aeronautics of the State Budget and Control Board or proof of mailing or personal delivery to the defendant shall be made by the affidavit of the party doing the act, which shall be filed in the office of the clerk of court in which the suit is filed. Process shall be deemed to be completed upon the filing of such affidavit and of the original registry receipt issued by the post office upon the mailing of such registered letter, if service is obtained by mail.”

7. Section 55-11-10(5) of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

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“(5) Designate the Division of Aeronautics of the ~~Department of Commerce~~ State Budget and Control Board as its agent, to accept, receive, receipt for and disburse federal or state funds or other funds, public or private, made available for the purposes of this section, as may be required or authorized by law;”

8. Items (B)(4) and (B)(9)(n) of Section 55-11-230 of the 1976 Code, as last amended by Act 265 of 1996, are further amended to read:

“(4) By January 31, 1996, the Airport Environs Planning Commission shall develop a uniform land use plan and uniform building performance standards for the airport environs area, submit them for review and comment to the governing body of each political subdivision represented on the Airport Environs Planning Commission, as well as the ~~South Carolina Department of Commerce~~ Division of Aeronautics of the State Budget and Control Board and the Federal Aviation Administration, conduct public hearings pursuant to Article 3, Chapter 29, Title 6, on the proposed uniform plan and standards. After receiving comments and conducting hearings, the Airport Environs Planning Commission shall adopt a land use plan and building performance standards to be effective throughout the airport environs area and enforced fully and without amendment by each political subdivision represented on the Airport Environs Planning Commission. The Airport Environs Planning Commission, by majority of all voting members, may extend the January 31, 1996, deadline for a reasonable period of time not to exceed beyond March 31, 1996, for the completion of these tasks. Each political subdivision shall enforce the uniform plan and standards as an ‘overlay zone’, identifying areas subject to regulation which are supplementary to the existing regulations of that political subdivision, or as new or superseding provisions to that political subdivision’s ordinances. If there is a conflict between the provisions adopted by the Airport Environs Planning Commission under this section or regulations of a political subdivision applicable to the airport environs area, then the provisions adopted by the Airport Environs Planning Commission under this section shall govern. If a uniform land use plan or uniform building performance standards are not developed by the Airport Environs Planning Commission in the manner provided in this section, any of the entities represented on the Airport Environs Planning Commission may file an action for relief, including mandamus or injunctive relief, in the circuit court for Greenville or Spartanburg County, to require adoption of the plan or standards, or both, as directed by this section. Such an action must be brought within sixty days of the deadline as set forth above.”

“(n) the uses in the airport environs area and the sub-area based on future projected uses of the airport which are not compatible and should not be permitted, which are basically incompatible and should be discouraged, and which are generally compatible with some limitations or restrictions. Such determination shall take into account the public safety and public welfare findings set forth in Section 1 hereof. Such determinations are to conform to and be consistent with noise and overflight zone-compatible land use recommendations of federal and state authorities, including specifically policies established by the United States Air Force pursuant to DODINST 4165.57 Air Installation Compatible Use Zone (AICUZ), the uses recommended in the 1993 Greenville-Spartanburg Development Plan adopted by the county planning commissions, and the ~~South Carolina Department of Commerce, Aviation Division~~ Aeronautics Division of the State Budget and Control Board.”

9. Section 55-15-10(f) of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

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“(f) The term ‘public authority’ means the Division of Aeronautics of the ~~Department of Commerce~~ State Budget and Control Board, a municipality, a county or other political subdivision of this State, separately or jointly, authorized to acquire land, air rights, safety markers, and lights as provided in Chapter 9, of Title 55.”

10. Articles 6 and 7, Chapter 1, Title 13 of the 1976 Code are repealed.

11. (A) Where the provisions of this part transfer the Division of Aeronautics from the Department of Commerce to the State Budget and Control Board, the employees, authorized appropriations, and assets and liabilities of the transferred division are also transferred to and become part of the Division of Aeronautics of the State Budget and Control Board. All classified or unclassified personnel employed by this Aeronautics Division on the effective date of this act, either by contract or by employment at will, become employees of the State Budget and Control Board with the same compensation, classification, and grade level, as applicable.

(B) Regulations promulgated by the Division of Aeronautics as formerly existed under the Department of Commerce, or other agencies are continued and are considered to be promulgated by the Aeronautics Commission.

(C)(1) The Code Commissioner is directed to change or correct all references to the State Budget and Control Board of the Aeronautics Division of the Department of Commerce in the 1976 Code to reflect the transfer of them to the State Budget and Control Board. References to the names of these offices in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references.

(2) On or before January 1, 2013, the Code Commissioner also shall prepare and deliver a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives concerning appropriate and conforming changes to the 1976 Code of Laws reflecting the provisions of this SECTION.

(D) Members of the Aeronautics Commission serving on the effective date of this act are deemed to have been appointed pursuant to Chapter 2, Title 55 of the 1976 Code as added by this act.

C. This section takes effect July 1, 2012.

SEC 4 ADD (Motion Picture Rebates) HOU2: ADD new Part II, Section 4 to increase the maximum rebate related to the amount of South Carolina income tax a movie production company is required to withhold on persons the company hires in this state from 15% to 20% of payroll and to increase the maximum rebate of admissions tax collected related to production costs from 15% to 30%. Sponsors: Reps. White, Bingham, Herbkersman, Limehouse, Merrill, M.A. Pitts, Simrill, G.M. Smith and J.R. Smith.

SECTION 4

TO AMEND SECTIONS 12-62-50 AND 12-62-60, BOTH AS AMENDED, OF THE 1976 CODE, RELATING TO REBATES OF A PORTION OF A THE SOUTH CAROLINA PAYROLL OF A MOVIE PRODUCTION COMPANY REQUIRED TO WITHHOLD SOUTH CAROLINA INDIVIDUAL INCOME TAX ON PERSONS IT EMPLOYS IN THIS STATE AND A PORTION OF THE PRODUCTION EXPENSES MADE BY A MOTION PICTURE COMPANY IN THIS STATE, BOTH IN CONNECTION WITH FILM PRODUCTION IN THIS STATE QUALIFYING FOR THESE REBATES, SO AS RESPECTIVELY TO INCREASE THE MAXIMUM REBATES FROM FIFTEEN

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**PERCENT TO TWENTY PERCENT OF PAYROLL AND THE MAXIMUM REBATE
FROM FIFTEEN TO THIRTY PERCENT OF PRODUCTION COSTS.**

A. Section 12-62-50(A)(1) of the 1976 Code, as last amended by Act 359 of 2008, is further amended to read:

“(1) The South Carolina Film Commission may rebate to a motion picture production company a portion of the South Carolina payroll of the employment of persons subject to South Carolina income tax withholdings in connection with production of a motion picture. The rebate may not exceed ~~fifteen~~ twenty percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production when total production costs in South Carolina equal or exceed one million dollars during the taxable year. The rebates in total may not annually exceed ten million dollars and shall come from the state’s general fund. For purposes of this section, ‘total aggregate payroll’ does not include the salary of an employee whose salary is equal to or greater than one million dollars for each motion picture.”

B. Section 12-62-60(A)(1) of the 1976 Code, as last amended by Act 56 of 2005, is further amended to read:

“(1) An amount equal to twenty-six percent of the general fund portion of admissions tax collected by the State of South Carolina for the previous fiscal year must be funded annually by September first to the department for the exclusive use of the South Carolina Film Commission. The department may rebate to a motion picture production company up to ~~fifteen~~ thirty percent of the expenditures made by the motion picture production company in the State if the motion picture production company has a minimum in-state expenditure of one million dollars. The distribution of rebates may not exceed the amount annually funded to the department for the South Carolina Film Commission from the admissions tax collected by the State.”

C. This section takes effect July 1, 2012.

SEC 5 **ADD** (Second Amendment Weekend) **HOU2:** ADD new part II, Section 5 to exempt handguns, rifles, and shot guns from state and local sales tax for sales occurring from 12:01 am, the Friday after Thanksgiving through midnight the Saturday after Thanksgiving. Sponsor: Rep. Pitts.

SECTION 5

**TO ENACT THE “SECOND AMENDMENT RECOGNITION ACT” BY AMENDING
SECTION 12-36-2120, AS AMENDED, OF THE 1976 CODE, RELATING TO
EXEMPTIONS FROM THE SALES TAX, SO AS TO EXEMPT THE SALES OF
HANDGUNS, RIFLES, AND SHOTGUNS DURING A SPECIFIED FORTY-EIGHT
HOUR WEEKEND PERIOD.**

A. 1. This section may be cited as the “Second Amendment Recognition Act”.

2. Section 12-36-2120 of the 1976 Code is amended by adding a new item at the end appropriately numbered to read:

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“() sales of handguns as defined pursuant to Section 16-23-10(1), rifles, and shotguns during the forty-eight hours of the Second Amendment Weekend. For purposes of this item, the ‘Second Amendment Weekend’ begins at 12:01 a.m. on the Friday after Thanksgiving and ends at twelve midnight the following Saturday.”

B. This section takes effect July 1, 2012.

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