

**SENATE FINANCE COMMITTEE
HEALTH AND HUMAN SERVICES SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2012-13**

SECTION 3 - H71-WIL LOU GRAY OPPORTUNITY SCHOOL

- 3.9** **AMEND** (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.” *Technical.* Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

3.9. (WLG: Capacity) For Fiscal Year ~~2011-12~~ 2012-13, funds appropriated to Wil Lou Gray Opportunity School must be used to bring the school up to full capacity, to the extent possible, and 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 4 - H75-SCHOOL FOR THE DEAF AND THE BLIND

- 4.13** **CONFORM TO FUNDING / DELETE** (School Bus Purchase) Directs that subject to availability of funding, the school shall receive up to \$250,000 for two new schools buses equipped per their specifications.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: CONFORM TO FUNDING RECOMMENDATION.

4.13. (SDB: School Bus Purchase) ~~The School for the Deaf and the Blind shall receive, from the amounts appropriated for School Transportation School Bus Purchases and subject to the availability of these funds, funds for two new school buses equipped according to the School for the Deaf and the Blind’s specifications. Funds used for this purpose shall not exceed \$250,000.~~

- 4.14** **AMEND** (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.” *Technical.* Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

4.14. (SDB: Capacity) For Fiscal Year ~~2011-12~~ 2012-13, funds appropriated to the School for the Deaf and the Blind must be used to bring the school up to full capacity, to the extent possible, and 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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- 4.epi** **ADD** (Educational Program Initiatives) **SUBCOMMITTEE RECOMMENDATION:** 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.*

4.epi. (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.slp** **ADD** (School Leave Policy) **SUBCOMMITTEE RECOMMENDATION:** 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.*

4.slp. (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.

SUBCOMMITTEE RECOMMENDATION: 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.

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 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

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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 21 - J02-DEPARTMENT OF HEALTH AND HUMAN SERVICES

- 21.14 DELETE** (Medicaid Cost Savings Suggestion Award Program) Authorizes the department to establish a cost savings award program for employees of Medicaid providers who offer money saving ideas that are adopted. Directs that department employees are not eligible. Limits the amount of funds used for this program to \$20,000 annually.

WMC: DELETE proviso. *No cost savings ideas have been adopted as a result of this proviso.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**21.14.** (DHHS: Medicaid Cost Savings Suggestion Award Program) The department is authorized to provide cash or honorary awards to employees of Medicaid providers whose suggestion is adopted by the committee administering the Medicaid Cost Savings Suggestion Award Program that will result in savings of state or federal dollars. Employees of the department are not eligible for cash awards. The department is authorized to fund this program from revenue from third party liability collections. The maximum amount of funds that may be used annually for the program is \$20,000.~~

- 21.20 DELETE** (Pediatric Literacy Program) Requires the department to assist any non-profit pediatric literacy program, upon request, to expand its operations.

WMC: DELETE proviso. *The agency complied with this provisions several years ago, and has not been approached by any such non-profits since.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**21.20.** (DHHS: Pediatric Literacy Program) The department shall coordinate with any pediatric, non profit early literacy program, upon request of such program, to identify program participants who are also enrolled as Medicaid providers and, to the extent possible based on data available to the department, work with the program to determine potential geographic areas for program expansion.~~

- 21.22 DELETE** (Modular Ramps) Authorizes the department to lease modular ramps if they would be cost effective.

WMC: DELETE proviso. *Permissive proviso not necessary; agency can pursue any cost-effective strategies such as ramp leases without the proviso.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

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21.22. (DHHS: Modular Ramps) ~~The Department of Health and Human Services is authorized to lease modular ramps in the event the department can foresee demonstrated cost savings to the department.~~

- 21.23** **AMEND** (Medicaid Cost and Quality Effectiveness) Requires the department to compare coordinated care models and fee-for-service for quality and cost-effectiveness; prescribes the process for such comparison; and requires the report and plan report cards be made public.
WMC: AMEND proviso to delete the requirement that the reports be posted on the department's website "no later than ninety days after the end of each fiscal year" and instead direct that they be posted "by December 31 for the prior state fiscal year." *Allow time to collect data to present a report on the entire prior fiscal year. As written, there is not enough time to collect necessary medical claims data to present a report on the previous fiscal year.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Human Services.
HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

21.23. (DHHS: Medicaid Cost and Quality Effectiveness) The Department of Health and Human Services shall establish a procedure to assess the various forms of managed care (Health Maintenance Organizations and Medical Home Networks, and any other forms authorized by the department) to measure cost effectiveness and quality. These measures must be compiled on an annual basis. The Healthcare Effectiveness Data and Information Set (HEDIS) shall be utilized for quality measurement and must be performed by an independent third party according to HEDIS guidelines. Cost effectiveness shall be determined in an actuarially sound manner and data must be aggregated in a manner to be determined by a third party in order to adequately compare cost effectiveness of the different managed care programs versus Medicaid fee-for-service. The methodology must use appropriate case-mix and actuarial adjustments that allow cost comparison of managed care organizations, medical home networks, and fee-for-service. The department shall issue annual healthcare report cards for each participating Medicaid managed care plan and Medical Home Network operating in South Carolina and the Medicaid fee-for-service program. The report card measures shall be developed by the department and the report card shall be formatted in a clear, concise manner in order to be easily understood by Medicaid beneficiaries. The results of the cost effectiveness calculations, quality measures and the report cards shall be made public on the department's website ~~no later than ninety days after the end of each~~ by December 31 for the prior state fiscal year.

- 21.26** **AMEND** (Medicaid Provider Fraud) Requires the department to expand and increase its Medicaid provider fraud efforts and to report on the results of its efforts to the General Assembly by April 1, 2012.
WMC: AMEND proviso to change "2012" to "2013." *Technical.* Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

21.26. (DHHS: Medicaid Provider Fraud) The department shall expand and increase its effort to identify, report, and combat Medicaid provider fraud. The department shall report to the General Assembly before April 1, ~~2012~~ 2013 on the results of these efforts, funds

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recuperated or saved, and information pertaining to prosecutions of such actions, including pleas agreements entered into.

- 21.29** **AMEND** (GAPS) Requires the department to suspend GAPS requirements for the FY 11-12.
WMC: AMEND proviso to change Fiscal Year “2011-12” to “2012-13.” *GAPS is the GAP Assistance Pharmacy Program for Seniors, and is no longer a funded line item in DHHS budget.* Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

21.29. (DHHS: GAPS) The requirements of Title 44, Chapter 6-610 through Chapter 6-660 shall be suspended for Fiscal Year ~~2011-12~~ 2012-13.

- 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.

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

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 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.~~

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~~(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.~~

21.32 AMEND (Medicaid Reporting) Directs the department to report quarterly all cost-saving measures the they have implemented.

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.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

21.32. (DHHS: Medicaid Reporting) Within ninety days of the end of each quarter in Fiscal Year ~~2011-12~~ 2012-13, the department shall report each cost-savings measure implemented. By county, the department shall report the number of enrolled and active providers by provider type, provider specialty and sub-specialty, the number of recipients, the number of recipients by provider type, the expenditures by provider type and specialty, and

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service level utilization trends. The department shall continue to annually report HEDIS measures, noting where measures improve or decline. Each report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the Ways and Means Committee, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives, and be prominently displayed on the department's website.

SECTION 22 - J04-DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

- 22.6 DELETE** (Speech & Hearing) Require the department to their appropriated funds as necessary to continue Speech and Hearing programs.
WMC: DELETE proviso. *Funds for these programs are a special line item rendering the proviso unnecessary.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.
HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso. *Funds identified in 1A Newborn Hearing Screenings \$421,750.*

22.6. (DHEC: Speech & Hearing) ~~The Department of Health and Environmental Control shall utilize so much of the funds appropriated in this section as may be necessary to continue the Speech and Hearing programs.~~

- 22.9 AMEND** (Emergency Medical Services) Provides for the allocation of Emergency Medical Services funds.
WMC: AMEND proviso to delete specific reference to appropriation of "\$1,234,288." *During the budget process these funds will be placed on a special line item rendering a specified amount necessary.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.
HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended. *Funds will be identified as a special item in Part 1A.*

22.9. (DHEC: Emergency Medical Services) Funds appropriated herein for Emergency Medical Services, shall be allocated for the purpose of improving and upgrading the EMS system throughout the state. The monies allocated to the Counties are for the purpose of improving or upgrading the local EMS system through the licensed ambulance services, the monies allocated to the EMS Regional Councils are for the administration of training programs and technical assistance to local EMS organizations and county systems. All additional funds are to be allocated as follows: to the counties at the ratio of eighty-one percent of the additional funds appropriated herein, to the EMS Regions at a ratio of twelve percent of the additional funds appropriated herein and to the state EMS Office at the ratio of seven percent of the additional funds appropriated herein. The Department of Health and Environmental Control shall develop criteria and guidelines and administer the system to make allocations to each region and county within the state, based on demonstrated need and local match. Funds appropriated, ~~\$1,234,288~~, to Emergency Medical Services shall not be transferred to other programs within the department's budget. Unexpended funds appropriated to the program may be carried forward to succeeding fiscal years and expended for administrative and operational support and for temporary and contract employees to assist with duties related to improving and

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upgrading the EMS system throughout the state, including training of EMS personnel and administration of grants to local EMS providers. In addition, when instructed by the Budget and Control Board or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds appropriated for EMS Regional Councils or Aid to Counties greater than such stipulated percentage.

- 22.25 DELETE** (Health Disparities Study-State Health Plan for Elimination of Health Disparities) Directs the department to provide leadership in implementing the State Health Improvement Plan for eliminating health disparities.

WMC: DELETE proviso. *A report and plan have been developed.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~22.25. (DHEC: Health Disparities Study-State Health Plan for Elimination of Health Disparities) The Department of Health and Environmental Control will provide leadership in the implementation of the State Health Improvement Plan for the elimination of health disparities with specific goals similar to the national Healthy People 2010 goals and targeting health disparities among our state's minority population. The Plan will address the areas of diabetes, heart disease, stroke, cancer, HIV/AIDS, infant mortality and childhood/adult immunizations. Working with public and private health care institutions, state agencies and providers, DHEC will provide leadership in the coordination of services, elimination of duplication and coordination of federal and state funding.~~

- 22.26 DELETE** (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.

SUBCOMMITTEE RECOMMENDATION: 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.~~

- 22.37 DELETE** (Hemophilia Recombinant Factors) Requires the department, when a physician prescribes recombinant factors for Hemophilia patients, to provide the patient with a choice of recombinant factors regardless of their past Hemophilia treatment.

WMC: DELETE proviso. *Actions specified by the proviso have been implemented and the agency would support the treatment specified by the physician.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~22.37. (DHEC: Hemophilia Recombinant Factors) The Department of Health and Environmental Control shall provide patients with Hemophilia the choice of recombinant~~

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~~factors when prescribed by a physician regardless of the patient's past Hemophilia treatment methods.~~

- 22.45** **ADD** (Abstinence Education Contract) **WMC:** ADD new proviso to require the department, upon receiving Title V, Section 501 [ABSTINENCE EDUCATION CONTRACT] federal appropriations, to continue to contract with the agencies that were under contract as of December 2012 at the same annualized level of funds for FY 2012-13. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

22.45. (DHEC: Abstinence Education Contract) Upon appropriation of funds from the Federal government the agencies under contract with the State of South Carolina as of December 2012 and funded with federal and matching funds under the provisions of Title V, Section 510, must continue to be under contract at the same annualized funding level, for the same purposes for the current fiscal year of 2012-13.

- 22.46** **ADD** (Vital Records) **WMC:** ADD new proviso to require the department to continue to provide vital records services in each of the 46 counties that were providing those services on January 1, 2012, and allow the department to determine each locations operational schedule based on staffing resources. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

22.46. (DHEC: Vital Records) For the current fiscal year, with funding appropriated to the department through state appropriations or fees collected for services, the department shall provide vital records services in each of the 46 county health departments throughout the state that were providing those services on January 1, 2012. The department may determine operational schedules for each location based on staffing resources in each area.

- 22.47** **CONFORM TO FUNDING / ADD** (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.

SUBCOMMITTEE RECOMMENDATION: CONFORM TO FUNDING RECOMMENDATION.

22.47. (DHEC: Best Chance Network & Colorectal Cancer Awareness/Prevention) Of the funds authorized to the department for smoking cessation, \$1,000,000 shall be used for the Best Chance Network and \$1,000,000 shall be used for Colorectal Cancer Awareness/Prevention.

- 22.fcn** **ADD** (Flexibility Capital Needs) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to provide DHEC flexibility to use earmarked funds to establish a grant program for health department capital needs.

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22.fcn. (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 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.

SECTION 23 - J12-DEPARTMENT OF MENTAL HEALTH

23.4 DELETE (Transfer of Patients to DDSN) Authorizes the department to transfer state funds to DDSN to cover the state match related to patients transferred from the department to DDSN. Authorize the department to use up to \$500,000 of the Patient Fee Account to help defray the cost of the transferees.

WMC: DELETE proviso. *The proviso is no longer in use.* Fiscal Impact: No impact on the General Fund. Requested by Department of Mental Health.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~23.4. (DMH: Transfer of Patients to DDSN) DMH is authorized to transfer to the Department of Disabilities and Special Needs, state appropriations to cover the state match related to expenditures initiated as a result of the transfer of appropriate patients from DMH to the Department of Disabilities and Special Needs. In addition to other payments as authorized in this act, DMH is also authorized to utilize up to \$500,000 from the Patient Fee Account to help defray costs of these transferees.~~

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.

SUBCOMMITTEE RECOMMENDATION: 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.

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~~ An update on the status of this report shall be provided to the Chairman of the Senate Finance Committee and the Chairman of the

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House Ways and Means Committee by ~~December 31, 2012~~ January 8, 2013 and the final report shall be provided by May 1, 2013.

SECTION 24 - J16-DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS

- 24.5 DELETE** (Medicare Reimbursements) Authorize the department to continue to budget Medicare reimbursements to cover program operating expenses.
WMC: DELETE proviso. *The department no longer bills Medicare, therefore the proviso is no longer relevant.* Fiscal Impact: No impact on the General Fund. Requested by Department of Disabilities and Special Needs.
HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~24.5. (DDSN: Medicare Reimbursements) The department may continue to budget Medicare reimbursements to cover operating expenses of the program providing such services.~~

- 24.11 DELETE** (DDSN: Summer Camps) Prohibits the department from closing summer camps due to budget reductions.
WMC: DELETE proviso. *The department does not operate or fund summer camps.* Fiscal Impact: No impact on the General Fund.
HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~24.11. (DDSN: Summer Camps) The Department of Disabilities and Special Needs cannot remove any summer camps under their purview due to reductions in their budget.~~

- 24.15 DELETE** (FMAP Extension Carry Forward) Authorizes the department to carry forward increased FMAP funds and provides guidelines for the expenditure of such funds.
WMC: DELETE proviso. *The funds no longer exist.* Fiscal Impact: No impact on the General Fund. Requested by Department of Disabilities and Special Needs.
HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~24.15. (DDSN: FMAP Extension Carry Forward) The department is authorized to carry forward the funds received as a result of the January through June 2011 federal extension of the increased FMAP. The department is authorized to use the funds to maintain current service levels, to support Traumatic Brain or Spinal Cord Injury Post Acute Rehabilitation, system enhancements of the assessment process and the monitoring and documentation process for home and community based services in order to increase efficiency and reduce fraud and abuse.~~

- 24.ggc ADD** (Greenwood Genetic Center) **SUBCOMMITTEE RECOMMENDATION:** 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.

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24.ggc. (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.

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

- 25.4 ADD (Medicaid Match Transfer) WMC:** ADD new proviso to require the department to transfer \$1,915,902 at the beginning of the fiscal year to the Department of Health and Human Services to meet federal Medicaid Match requirements for delivering alcohol and other drug abuse services to the Medicaid population. *The transfer will allow DHHS to maximize federal Medicaid match funds.* Fiscal Impact: No impact on the General Fund. Requested by Department of Alcohol and Other Drug Abuse Services.
HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

25.4. (DAODAS: Medicaid Match Transfer) At the beginning of the fiscal year, the Department of Alcohol and Other Drug Abuse Services will transfer \$1,915,902 to the Department of Health and Human Services to meet federal Medicaid Match participation requirements for the delivery of alcohol and other drug abuse services to the Medicaid beneficiary population.

- 25.5 ADD (Health Information Technology) HOU:** ADD new proviso to direct DAODAS to work with DHHS and each county's designated alcohol and drug abuse authorities to seek funding to help purchase the appropriate Certification Commission for Health Information Technology (CCHIT) behavioral health Electronic Health Records (EHR) system for the authorities. Direct that the new system must streamline the 301 system and have CCHIT certified programming that will be able to operate successfully with other state agencies such as DHHS and with federally qualified health centers. Require DAODAS and DHHS to work together to determine if there is additional funding available through Medicare, the Medicaid EHR Incentive Program or other grant programs to help offset the costs associated with implementing the new system. Sponsors: Reps. Hiott and G.M. Smith.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

25.5. (DAODAS: Health Information Technology) The Department of Alcohol and Other Drug Abuse Services shall work with Department of Health and Human Services and each county's designated alcohol and drug abuse authorities to pursue funding to aid in purchasing the appropriate Certification Commission for Health Information Technology (CCHIT) behavioral health Electronic Health Records (EHR) system for the authorities. The new system shall streamline the 301 system and shall contain CCHIT certified programming that will have the capability of interoperability with other state agencies such as the Department of Health and Human Services and Federally Qualified Health Centers. The Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services shall work together to determine if additional funding may be available to assist in offsetting the costs associated with the new system implementation through the Medicare and Medicaid EHR Incentive Program or any other grant programs.

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SECTION 26 - L04-DEPARTMENT OF SOCIAL SERVICES

- 26.13 DELETE** (Prevent Welfare Reform Duplication of Services) States the General Assembly's intent that DSS does not duplicate services provided by the Department of Employment and Workforce and other state agencies. Directs agencies to cooperate with DSS in implementing the Family Independence Act of 1995.
WMC: DELETE proviso. *Proviso was implemented in the mid 1990s. The departments have an effective working relationship in this policy area, rendering the proviso obsolete.* Fiscal Impact: No impact on the General Fund. Requested by Department of Social Services.
HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

26.13. (DSS: Prevent Welfare Reform Duplication of Services) ~~The intent of the General Assembly is that the Department of Social Services not duplicate services available at the Department of Employment and Workforce and other state agencies. All state agencies are directed to cooperate with DSS as it implements the Family Independence Act of 1995. Monies appropriated for the purpose of implementing the Family Independence Act of 1995, and used to hire persons or procure services for employment training purposes, shall be reported to the Governor to ensure duplication of services does not occur.~~

- 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.

SUBCOMMITTEE RECOMMENDATION: RESTORE 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

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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 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) ~~(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.~~

- 26.23 AMEND** (Day Care Facilities Supervision Ratios) Maintains staff-child ratios in day care facilities at the June 24, 2008 levels.
WMC: AMEND proviso to change Fiscal Year “2011-13” to “2012-13.” Fiscal Impact: No impact on the General Fund.

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HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

26.23. (DSS: Day Care Facilities Supervision Ratios) For Fiscal Year ~~2011-12~~ 2012-13, staff-child ratios contained in Regulations 114-504(B), 114-504(C), 114-524(B), and 114-524(C) shall remain at the June 24, 2008 levels.

26.24 **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.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*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.*~~

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.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*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.*~~

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.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*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.*~~

26.aor **ADD** (Analysis of Referrals) **SUBCOMMITTEE RECOMMENDATION:** 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.

26.aor. (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

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Finance Committee and the Chairman of the House Ways & Means Committee no later than December 1, 2012.

SECTION 27 - L24-COMMISSION FOR THE BLIND

27.2 DELETE (Braille Production and Telecommunications Revenue) Authorizes Adult Adjustment and Training Center revenues to be retained by the commission and used for the production costs of the facility.

WMC: DELETE proviso. *No longer needed since Code of Federal Regulations, Title 34, Part 361.63 defines this revenue as Program Income.* Fiscal Impact: No impact on the General Fund. Requested by Commission for the Blind.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~27.2.(BLIND: Braille Production and Telecommunications Revenue) Revenues derived from the production of Braille and provision of services by clients of the Adult Adjustment and Training Center may be retained by the commission and used in the facility for production costs.~~

SECTION 32 - L32-HOUSING FINANCE AND DEVELOPMENT AUTHORITY

32.4 AMEND (Allocation of Indirect Cost Recoveries) Directs the authority to deposit indirect cost recoveries for their portion of the FY 11-12 Statewide Central Services Cost Allocation Plan into the general fund and to retain recoveries in excess of that amount.

WMC: AMEND proviso to delete "Fiscal year 2011-12." Fiscal Impact: No impact on the General Fund. Requested by Housing Finance and Development Authority.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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

SECTION 54 - L36-HUMAN AFFAIRS COMMISSION

54.1 DELETE (Sale of Publication) Authorizes the commission to retain, carry forward and expend "The Blueprint" revenue.

WMC: DELETE proviso. *The Blueprint is no longer produced for sale.* Fiscal Impact: No impact on the General Fund. Requested by Human Affairs Commission.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~54.1. (HAC: Sale of Publication) All revenue derived from the sale of "The Blueprint" shall be retained, carried forward, and expended for the purpose of general operations of the Human Affairs Commission.~~

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SECTION 55 - L46-COMMISSION FOR MINORITY AFFAIRS

- 55.5** **ADD** (Retention of Photocopy Fees) **WMC:** ADD new proviso to authorize the commission to retain and carry forward revenue from photocopy fees and other fees related to FOI requests from the general public. *Requests for copies of Native American petitions, minutes, conferences, etc are routinely received and the commission anticipates the requests to become more frequent, resulting in increased printing costs to the agency.* Fiscal Impact: Revenue received from these fees is currently deposited into the General Fund. State Budget Division indicates the agency has derived less than \$100 a year from these fees. Requested by Commission on Minority Affairs.
HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

55.5. (CMA: Retention of Photocopy Fees) Revenue derived from photocopy fees and other fees related to Freedom of Information Act requests from the general public may be retained and carried forward by the Commission.

SECTION 72 - D21 - GOVERNOR'S OFFICE

- 72.6** **DELETE** (Victim Advocate Policy Committee) Continues the Victim Advocate Policy Committee in order to monitor implementation of guidelines developed by the committee.
WMC: DELETE proviso. *The committee has apparently not met since 1995 when it set the guidelines for distribution of the funds to the solicitor's offices and there does not currently appear to be a reason for the committee.* Fiscal Impact: No impact on the General Fund. Requested by Governor's Office of Executive Policy and Programs.
HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~72.6. (GOV: OEPP - Victim Advocate Policy Committee) The policy committee appointed pursuant to Section 79.3 of the 1988-89 General Appropriations Act is hereby continued for the purpose of monitoring the implementation of the guidelines developed by it, making such revisions as appear appropriate, assisting and advising the director in development and revision of forms, information and criteria used to evaluate compliance with the guidelines by victim advocate programs in solicitor's offices.~~

~~The information gathered from these programs shall be aggregated by the director into the annual report of the agency which is submitted to the Governor, Speaker of the House of Representatives, and the President of the Senate.~~

- 72.7** **DELETE / MOVE** (Victim Assistance Programs) Directs that funds appropriated for solicitor's victim assistance programs are in addition to funds currently provided by the county and are not to be used to supplant county funds. Directs that if a county reduces their funding, state funds provided to the solicitor's office in that county for victim assistance services will be reduced by a corresponding amount. Requires each solicitor's office prepare an annual report by October 1st describing how these funds were used in the preceding fiscal year.
WMC: DELETE proviso and move it to Prosecution Coordination Commission's section, proviso 46.10. Fiscal Impact: No impact on the General Fund. Requested by Governor's Office of Executive Policy and Programs.

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HOU: ADOPT deletion of moved proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso. (*Move to Prosecution Coordination Commission's section proviso 46.10.*)

~~72.7. (GOV: OEPP - Victim Assistance Programs) It is the intent of the General Assembly that the amounts appropriated in this section for victim assistance programs in 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. Any reduction by any county in funding for victim assistance programs in solicitors' offices shall result in a corresponding decrease of state funds provided to the solicitors' office in that county for victim assistance services. Each solicitor's office shall submit an annual financial and programmatic report which describes the use of these funds. The report shall be submitted to the Governor, the Attorney General, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on October 1, for the preceding fiscal year.~~

72.8 DELETE / MOVE (Establish Victim/Witness Program) Establishes a Victim Witness program in the solicitor's office of each circuit; directs that funds be divided equally among the circuits; and provides guidelines for the services to be provided

WMC: DELETE proviso and move it to Prosecution Coordination Commission's section, proviso 46.11. Fiscal Impact: No impact on the General Fund. Requested by Governor's Office of Executive Policy and Programs.

HOU: ADOPT deletion of moved proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso. (*Move to Prosecution Coordination Commission's section proviso 46.11.*)

~~72.8. (GOV: OEPP - Establish Victim/Witness Program) The funds appropriated in this section for Victim/Witness Program must be equally divided among the judicial circuits, less any adjustments made for budget reductions. The funds for each circuit must be distributed to the solicitor's office of that circuit and only used by the solicitor for the purpose of establishing a Victim/Witness Program in the circuit which shall provide, but not be limited to, the following services:~~

~~(1) Make available to victims/witnesses information concerning their cases from filing in general sessions court through disposition.~~

~~(2) Keep the victim/witness informed of his rights and support his right to protection from intimidation.~~

~~(3) Inform victims/witnesses of and make appropriate referrals to available services such as medical, social, counseling, and victims' compensation services.~~

~~(4) Assist in the preparation of victims/witnesses for court.~~

~~(5) Provide assistance and support to the families or survivors of victims where appropriate.~~

~~(6) Provide any other necessary support services to victims/witnesses such as contact with employers or creditors.~~

~~(7) Promote public awareness of the program and services available for crime victims.~~

~~The funds may not be used for other victim related services until the above functions are provided in an adequate manner.~~

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- 72.10 AMEND** (OEPP - Physical Abuse Examinations) Authorizes up to \$60,000 of Victims' Rights funds to be used for physical abuse exams.
WMC: AMEND proviso to change "\$60,000" to "\$120,000." Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended. Requested by SOVA.

72.10. (GOV: OEPP - Physical Abuse Examinations) Of the funds appropriated in this section for Victims' Rights, up to ~~\$60,000~~ \$120,000 may be expended for physical abuse examinations.

- 72.18 AMEND** (OEPP - Crime Victims Ombudsman) Directs the State Office of Victim's Assistance to transfer \$48,000 to the Crime Victims Ombudsman's Office for administrative and operations support.
WMC: AMEND proviso to change "\$48,000" to "\$71,000." Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended. Requested by SOVA.

72.18. (GOV: OEPP - Crime Victims Ombudsman) For the current fiscal year, the State Office of Victims Assistance shall transfer ~~\$48,000~~ \$71,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.

- 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.

SUBCOMMITTEE RECOMMENDATION: 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.

~~72.20. (GOV: ~~Prohibit~~ Use of Funds Report) 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. 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~~

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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.

SECTION 80A - F03 - BUDGET AND CONTROL BOARD

80A.19 DELETE (Deductible Waiver Prohibition) Prohibits a state-sponsored health care entity from waiving the deductible or co-insurance payment for employees using its services, if they are enrolled in the State Health Plan's Health Savings Plan.

WMC: DELETE proviso. *The State-funded health care provider has discontinued waiving deductibles and co-insurance for State Health Plan Savings Plan enrollees.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.19. (BCB: Deductible Waiver Prohibition) ~~In order to prevent non-compliance with federal laws pertaining to health care savings accounts, a state sponsored health care entity may not waive the deductible or co-insurance for any employee enrolled in the State Health Plan Savings Plan. This provision is comprehensive and supersedes any conflicting provisions whether in permanent law, temporary law or by provision elsewhere in this act.~~

SECTION 80C - F30 - EMPLOYEE BENEFITS

80C.1 ADOPT ORIGINAL PROVISO (Funding Abortions Prohibited) Prohibits any funds appropriated for employer contributions to the State Health Insurance Plan to be expended to reimburse the expenses of an abortion, except in certain specified cases. Prohibits the State Health Plan from offering coverage for abortion services, including ancillary services.

SUBCOMMITTEE RECOMMENDATION: ADOPT original proviso.

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.

80C.tsp ADD (TRICARE Supplement Policy) **SUBCOMMITTEE RECOMMENDATION:** 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.

80C.tsp. (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-

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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 89 - X90-GENERAL PROVISIONS

- 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.

SUBCOMMITTEE RECOMMENDATION: RESTORE 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.** ~~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 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.

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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.

- 89.99 DELETE** (State Agency Restructuring Study Committee) Directs the State Agency Restructuring Study Committee to continue to review and recommend ways to streamline the operation of state government.

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

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

89.99. (GP: State Agency Restructuring Study Committee) ~~The State Agency Restructuring Study Committee created in Act 291 of 2010 shall continue to review and recommend methods to streamline state government operations. The committee shall be co-chaired by the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. Its membership shall consist of an additional ten members of the General Assembly appointed as follows: two members appointed by the President Pro Tempore of the Senate; one member of the Senate Finance Committee appointed by the Chairman of the Senate Finance Committee; one member appointed by the Senate Majority Leader; one member appointed by the Senate Minority Leader; two members appointed by the Speaker of the House of Representatives; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; one member appointed by the House Majority Leader; and one member appointed by the House Minority Leader.~~

~~The committee shall review and recommended ways to further streamline government to realize maximum effectiveness and efficiency. The committee shall not be limited in scope, but at a minimum it shall review (1) Education; (2) Health and Social Services; (3) Natural Resources and Environmental Services; (4) Cultural; (5) Regulatory; and (6) Transportation. This review, including an estimate of cost savings must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee.~~

- 89.109 DELETE** (Guardian ad Litem Study Committee) Establishes a Guardian ad Litem Study Committee to review the effectiveness and accountability of the guardian ad litem process and report on their findings by January 10, 2012.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. *Study has been completed.* Requested by Governor's Office of Executive Policy and Programs.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

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89.109. (GP: Guardian ad Litem Study Committee) ~~For the current fiscal year, effective July 1, 2011, in order to bring accountability and transparency to the guardian ad litem process, a Guardian ad Litem Study Committee shall be established to determine:~~

~~(1) the effectiveness of administration of the volunteer Guardian ad Litem Program. The study shall analyze the Guardian ad Litem Program's ability to advocate in a transparent and independent manner for abused and neglected children.~~

~~(2) ways in which to monitor performance and establish accountability of guardians ad litem appointed in private actions before the family court in which custody or visitation of a minor child is an issue, including certification and oversight.~~

~~The Guardian ad Litem Study Committee shall be composed of the following members: Director of Social Services, or her designee; Director of the Guardian ad Litem Program, or her designee; a member of the Joint Legislative Committee on Children appointed by the Chairman of the committee; Director of the SC Bar, or his designee; one volunteer guardian ad litem in good standing with the SC Guardian ad Litem Program, to be appointed by the Governor; and one private guardian ad litem in good standing with the family court, to be appointed by the Governor. Members appointed by the Governor must not be employees of the State of South Carolina. Members shall serve at the pleasure of the appointing authority. The Director of the Department of Social Services and the Director of the Guardian ad Litem Program shall serve as co chairs. Members of the study committee shall serve without compensation.~~

~~The study committee shall provide a report on the status of their findings and recommendations to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2012.~~

89.113 DELETE (Foster Care Review Board Study Committee) Establishes a Foster Care Review Board Study Committee to review the effectiveness and accountability of the foster care review program and report on their findings by January 10, 2012.

WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. *Study has been completed.* Requested by Governor's Office of Executive Policy and Programs.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

89.113. (GP: Foster Care Review Board Study Committee) ~~For the current fiscal year, effective July 1, 2011, in order to bring accountability and transparency to the foster care process, a Foster Care Review Board Study Committee shall be established to determine:~~

~~(1) the effectiveness of administration of the Foster Care Review Board Program. The study shall analyze the Foster Care Review Board Program's ability to advocate in a transparent and independent manner for foster care children.~~

~~(2) ways in which to monitor performance and establish accountability of foster care review volunteers, including certification and oversight.~~

~~The Foster Care Study Committee shall be composed of the following members: Director of Social Services, or her designee; Director of the Foster Care Review Board Program, or her designee; a member of the Joint Legislative Committee on Children appointed by the Chairman of the committee; Director of the SC Bar, or his designee; and one volunteer foster care review board member in good standing with the Foster Care Review Board, to be appointed by the Governor. Members appointed by the Governor must not be employees of the State of South Carolina. Members shall serve at the pleasure of the appointing authority. The Director of the Department of Social Services and the Director of the Foster Care Review Board Program shall serve as co chairs. Members of the study committee shall serve without compensation.~~

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~~The study committee shall provide a report on the status of their findings and recommendations to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2012.~~

- 89.116 DELETE** (Child Care Licensing and Inspections) Requires the DHEC and DSS directors to collaborate and develop a plan to consolidate child care center regulatory and licensing functions and to submit the plan by December 1, 2011.
WMC: DELETE proviso. *Report has been submitted to the General Assembly.* Fiscal Impact: No impact on the General Fund.
HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**89.116.** (GP: Child Care Licensing and Inspections) For the current fiscal year, the directors of the Department of Health and Environmental Control and the Department of Social Services shall collaborate and develop a plan for consolidation of the regulatory and licensing functions for child care centers. The directors shall submit the plan no later than December 1, 2011, to the following committees: Senate General, Senate Medical Affairs, and House Medical, Military, Public and Municipal Affairs.~~

- 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.

SUBCOMMITTEE RECOMMENDATION: 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.

~~**89.129.** (GP: Prohibit Local Government Fund Public Funded Lobbyists) *In order to eliminate taxpayer funded lobbying, all 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.iom ADD** (Institute of Medicine) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize MUSC and USC to provide staffing and administrative support to the Institute of Medicine.

~~**89.iom.** (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.*~~

SECTION 90 - X91-STATEWIDE REVENUE

- 90.3 CONFORM TO FUNDING / AMEND** (Tobacco Settlement) Directs the State Treasurer to transfer \$10,000,000 from the unrestricted taxable proceeds portion of the principal of the Healthcare Tobacco Settlement Trust Fund to the Department of Health and Human Services to

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be spent for Medicaid. Authorizes the State Treasurer to transfer to the Attorney General, from funds available to the Tobacco Settlement Management Authority, amounts necessary for further enforcement of the Tobacco Escrow Fund Act.

WMC: AMEND proviso to change “\$10,000,000” to “\$8,481,912.” Fiscal Impact: No impact on the General Fund. Provides \$8,481,912 of non-recurring funds for Medicaid.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: CONFORM TO FUNDING RECOMMENDATION.

90.3. (SR: Tobacco Settlement) Contingent upon the approval of the Tobacco Settlement Revenue Management Authority and parties to the trust agreement, the State Treasurer shall transfer an amount equal to ~~\$10,000,000~~ \$8,481,912 from the unrestricted taxable proceeds portion of the principal of the Healthcare Tobacco Settlement Trust Fund established pursuant to Section 11-11-170(B)(1) of the 1976 Code to the Department of Health and Human Services to be expended ~~as follows: \$10,000,000~~ for Medicaid. The State Treasurer is authorized and directed to transfer to the Office of the Attorney General from funds available to the Tobacco Settlement Management Authority such amounts as shall be necessary for the enforcement of Chapter 47 of Title 11, The Tobacco Escrow Fund Act, which will protect the payments to the State under the Master Settlement Agreement.

90.9 **AMEND** (Health Care Maintenance of Effort Funding) Directs that the source of funds in this provision is \$157,299,845 from the 50 cent cigarette surcharge collected in FY 10-11 and FY 11-12 and deposited in the SC Medicaid Reserve Fund. Directs the Department of Health and Human Services to use these funds for the Medicaid Program’s maintenance of effort. Require residual funds from the surcharge to remain in the fund and authorize the director of the HHS to use these funds to ensure access to care in rural and underserved areas of the state. Authorize unexpended funds appropriated by this provision to be carried forward and used for the same purpose.

WMC: AMEND proviso to change Fiscal Year “2010-11” to “2011-12;” to change “2011-13” to “2012-13;” and to change “2012” to “2013.”

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

90.9. (SR: Health Care Maintenance of Effort Funding) The source of funds appropriated in this provision is \$157,299,845 from the revenue collected during Fiscal Year ~~2010-11~~ 2011-12 and Fiscal Year ~~2011-12~~ 2012-13 from the 50 cent cigarette surcharge and deposited into the South Carolina Medicaid Reserve Fund and shall be utilized by the Department of Health and Human Services for the Medicaid Program’s maintenance of effort. By this provision these funds are deemed to have been received and are available for appropriation.

The residual funds from the cigarette surcharge shall remain in the South Carolina Medicaid Reserve Fund and may be used by the director of the Department of Health and Human Services to ensure access to care in rural and underserved areas of the state. Within ninety days of the start of the fiscal year, the department shall develop methods and criteria for determining how access issues will be identified, assessed and addressed. Any use of these funds shall require thirty days prior notice to the Chairmen of the Senate Finance and House Ways and Means Committees. The department shall provide an assessment of access to care as part of the reporting requirements stipulated in Proviso 21.32, (DHHS: Medicaid Reporting). The director is not authorized to access any of the residual funds prior to January 31, ~~2012~~

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2013. The director must submit a proposal for any use of the funds to the General Assembly by January 1, ~~2012~~ 2013. If no action is taken on the proposal by the General Assembly by January 31, ~~2012~~ 2013, the director may access the residual funds as presented in the proposal.

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

- 90.10 DELETE** (ARRA Funds) Authorizes \$501,948 of federal ARRA funds for appropriation in FY 11-12; transfers the funds to the School for the Deaf and the Blind; and directs the Office of State Budget to increase the agency's federal fund authorization.

WMC: DELETE proviso. *Funds have been transferred.* Fiscal Impact: No impact on the General Fund.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~90.10. (SR: ARRA Funds) Pursuant to the State Fiscal Stabilization Fund Program established by Title IV of the American Recovery and Reinvestment Act of 2009 (ARRA), \$501,948 of federal funds are authorized for appropriation pursuant to this provision. \$501,948 shall be transferred to the School for the Deaf and the Blind to supplement appropriations made for the expenses of state government in the annual general appropriation act for Fiscal Year 2011-12 and the Office of State Budget is directed to increase agency federal fund authorization for funds from the State Budget Stabilization Fund allocated herein.~~

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

- 90.11 DELETE** (Non-recurring Revenue) Appropriates \$255,804, 144 of non-recurring revenue to various agencies for Fiscal Year 2011-12, generated from specific sources.

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

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~90.11. (SR: Non-recurring Revenue) (A) The source of revenue appropriated in this provision is \$255,804,144 of non-recurring revenue generated from the following sources; transferred to the State Treasurer. This revenue is deemed to have occurred and is available for use in Fiscal Year 2011-12 after September 1, 2011, following the Comptroller General's close of the state's books on Fiscal Year 2010-11.~~

~~(1) \$71,000,600 from Fiscal Year 2009-10 Contingency Reserve Fund;~~

~~(2) \$173,803,544 from Fiscal Year 2010-11 unobligated general fund revenue as certified by the Board of Economic Advisors;~~

~~(3) \$1,000,000 from F03, Budget and Control Board, Subfund 4154, Ordinary Sinking Fund;~~

~~(4) \$3,000,000 from F03, Budget and Control Board, Subfund 3197, Motor Pool; and~~

~~(5) \$7,000,000 from R40, Department of Motor Vehicles from any earmarked or restricted account designated as "special revenue funds" as defined by the Comptroller General's records if the funds transferred from the Department of Motor Vehicles by Proviso 90.10 of Act 291 of 2010 have been repaid pursuant to Proviso 90.9 of Act 291 of 2010.~~

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~~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 2010-11 and shall be available for use in Fiscal year 2011-12.~~

~~(B) The State Treasurer shall disburse the following appropriations by September 30, 2011, for the purposes stated:~~

- ~~(1) H63 Department of Education
 - ~~(a) EFA Base Student Cost.....\$ 56,174,107;~~
 - ~~(b) Transportation.....\$ 3,000,000;~~~~
- ~~(2) H03 Commission on Higher Education
 - ~~SREB Dues.....\$ 591,019;~~~~
- ~~(3) H59 State Board for Technical and Comprehensive Education
 - ~~CATT Program.....\$ 1,000,000;~~~~
- ~~(4) J02 Department of Health and Human Services
 - ~~Medicaid Maintenance of Effort.....\$ 45,577,252;~~~~
- ~~(5) R60 Department of Employment and Workforce
 - ~~Unemployment Insurance Trust Fund.....\$ 146,000,000;~~~~
- ~~(6) P20 Clemson University PSA
 - ~~Agency Operations.....\$ 250,000;~~~~
- ~~(7) K05 Department of Public Safety
 - ~~Illegal Immigration.....\$ 611,766;~~~~
- ~~(8) E23 Commission on Indigent Defense
 - ~~Civil Appointment Fund.....\$ 1,500,000;~~~~
- ~~(9) J04 Department of Health and Environmental Control
 - ~~Donate Life.....\$ 100,000; and~~~~
- ~~(10) D10 State Law Enforcement Division
 - ~~Methamphetamine Lab Clean Up.....\$ 1,000,000;~~~~

~~The funds appropriated above to the Department of Employment and Workforce 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, 2011, to maximize efforts to buy the loan down to the greatest extent possible.~~

~~In the event that the Fiscal Year 2010-11 unobligated general fund revenue as certified by the Board of Economic Advisors does not total at least \$173,803,544, then the appropriations in subsection (B)(4) of this provision for Medicaid Maintenance of Effort shall be reduced to cover the amounts not realized. If the reduction in the Medicaid Maintenance of Effort appropriation is not sufficient to cover the amounts not realized, then the remaining appropriations in this provision shall be reduced on a pro-rata basis by an amount sufficient to cover the amounts not realized. In the event that \$7,000,000 is not transferred from the Department of Motor Vehicles, then the remaining appropriations in this provision shall be reduced on a pro-rata basis.~~

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

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~~(C) For Fiscal Year 2011-12, the license plate replacement interval is suspended until the funds transferred from the department within this provision are repaid to the department or until such time as the Plate Replacement Fee Fund has a sufficient balance to reinstitute license plate replacement.~~

~~(D) 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 2011-12 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.~~

90.17 CONFORM TO FUNDING / AMEND FURTHER (Contingency Reserve Fund Transfers) Transfers excess FY 10-11 general fund revenues above the amounts appropriated in proviso 90.11 (Nonrecurring Revenue) to the Contingency Reserve Fund.

WMC: AMEND proviso to change Fiscal Year “2010-11” to “2012-13.”

HOU: AMEND FURTHER to change proviso “90.11” to “90.20.” Sponsor: Rep. Merrill.

SUBCOMMITTEE RECOMMENDATION: CONFORM TO FUNDING RECOMMENDATION.

90.17. (SR: Contingency Reserve Fund Transfers) Any excess Fiscal Year ~~2010-11~~ 2011-12 general fund revenue above the amounts appropriated in Proviso ~~90.11~~ 90.20 shall be transferred to the Contingency Reserve Fund.

90.20 CONFORM TO FUNDING / AMEND NEW PROVISO (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.

SUBCOMMITTEE RECOMMENDATION: CONFORM TO FUNDING RECOMMENDATION.

90.20. (SR: Non-recurring Revenue) (A) The source of revenue appropriated in this provision is \$377,784,450 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.

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- (1) \$122,333,689 from Fiscal Year 2010-11 Contingency Reserve Fund; and
(2) \$255,450,761 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 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) P32-Department of Commerce
(a) Deal Closing Fund..... \$ 2,000,000;
(b) Research Funds..... \$ 3,542,592;
- (3) K05-Department of Public Safety
Emergency Communications Equipment..... \$ 3,250,000;
- (4) 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;
- (5) P12-Forestry Commission
Firefighting Equipment..... \$ 3,500,000;
- (6) F03-Budget and Control Board
South Carolina Enterprise Information System-
Statewide Program SCEIS Program Sustainment..... \$ 2,458,843;
- (7) H63-Department of Education
Governor's School for the Arts and Humanities
Administration Building Construction..... \$ 1,250,000;
- (8) H71-Wil Lou Gray Opportunity School
Window Replacement..... \$ 750,000;
- (9) H75-School for the Deaf and Blind
Robertson Hall Construction..... \$ 1,477,550;
- (10) L12-John de la Howe School
(a) Deferred Maintenance on Seven Cottages..... \$ 400,000;
(b) Information Technology Upgrade \$ 200,014;
- (11) N04-Department of Corrections
(a) Statewide Infirmery Consolidation..... \$ 300,000;
(b) Weapons Replacement..... \$ 40,000;
(c) Farm Irrigation - Wateree..... \$ 100,000;
(d) Web Based Case Management System for
Victim Services..... \$ 500,000;
(e) SC SAVIN Court Notification \$ 500,000;
(f) Training Academy - Upgrade Training Material \$ 100,000;
(g) Information Technology Upgrade \$ 100,000;
(h) Allendale CI Pre-Treatment Wastewater
Plant Closing \$ 350,000;
(i) Wateree Radium Drinking Water \$ 6,000,000;
(j) Statewide Roof Replacement..... \$ 2,500,000;

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(k)	<u>Statewide Major Projects.....</u>	\$ 2,500,000;
(12)	<u>E21-Prosecution Coordination Commission</u>	
	<u>CDV Prosecution.....</u>	\$ 1,500,000;
(13)	<u>E23-Commission on Indigent Defense</u>	
	<u>(a) Information Technology Upgrade</u>	\$ 101,000;
	<u>(b) CDV Court Cost.....</u>	\$ 899,000;
(14)	<u>E20-Attorney General</u>	
	<u>(a) Savannah River Maritime Commission</u>	
	<u>Legal Expenses</u>	\$ 250,000;
	<u>(b) Information Technology Upgrade</u>	\$ 500,000;
(15)	<u>C05-Administrative Law Court</u>	
	<u>Staff Attorney/Hearing Officer/Business</u>	
	<u>Associate Equipment.....</u>	\$ 6,900;
(16)	<u>/B04-Judicial Department</u>	
	<u>(a) Equipment for Judges and Staff.....</u>	\$ 99,660;
	<u>(b) Technology upgrade/Centralized Court</u>	
	<u>Statistics & CMS.....</u>	\$ 2,500,000;
(17)	<u>P20-Clemson University-PSA</u>	
	<u>Advanced Plant Technology Lab</u>	\$ 2,000,000;
(18)	<u>P21-South Carolina State University-PSA</u>	
	<u>LAC Audit</u>	\$ 80,142;
(19)	<u>H27-University of South Carolina-Columbia Campus</u>	
	<u>Palmetto Poison Center</u>	\$ 71,862;
(20)	<u>J02-Department of Health and Human Services</u>	
	<u>Medicaid Management Information System</u>	\$ 3,918,676;
(21)	<u>J04-Department of Health and Environmental Control</u>	
	<u>(a) AIDS Drug Assistance Program (ADAP).....</u>	\$ 1,000,000;
	<u>(b) Immunizations.....</u>	\$ 1,000,000;
	<u>(c) SC Coalition against Domestic Violence</u>	
	<u>and Sexual Assault.....</u>	\$ 453,680;
	<u>(d) Kidney Disease Early Evaluation and Risk</u>	
	<u>Assessment Education.....</u>	\$ 100,000;
	<u>(e) Hemophilia - SC Bleeding Disorders Premium</u>	
	<u>Assist Program.....</u>	\$ 100,000;
(22)	<u>J20-Department of Alcohol and Other Drug Abuse</u>	
	<u>Services</u>	
	<u>McCord Center Safety Improvement Project.....</u>	\$ 473,200;
(23)	<u>P16-Department of Agriculture</u>	
	<u>(a) Market Operations.....</u>	\$ 600,000;
	<u>(b) Farmer's Market Equipment</u>	\$ 400,000;
(24)	<u>R44-Department of Revenue</u>	
	<u>Implementation of SCITS.....</u>	\$ 4,374,496;
(25)	<u>P28-Department of Parks, Recreation, and Tourism</u>	
	<u>Kings Mountain Bridge Replacement.....</u>	\$ 250,000;
(26)	<u>E28-Election Commission.....</u>	\$ 1,500,000;
(27)	<u>E24-Adjutant General's Office</u>	
	<u>(a) State Guard.....</u>	\$ 59,000;
	<u>(b) Armory Maintenance</u>	\$ 500,000;
(28)	<u>E08-Secretary of State</u>	
	<u>Information Technology Upgrade.....</u>	\$ 250,000;

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<u>(29) A20-Legislative Audit Council</u>	
(a) <u>Information Technology Upgrade</u>	<u>\$ 45,000;</u>
(b) <u>Peer Review Audit.....</u>	<u>\$ 15,000;</u>
<u>(30) R52-State Ethics Commission</u>	
(a) <u>Electronic Filing System.....</u>	<u>\$ 25,800;</u>
(b) <u>Information Technology Upgrade</u>	<u>\$ 15,000.</u>
<u>(31) P24-Department of Natural Resources</u>	
(a) <u>Drill Rig for Geological Survey and</u> <u>Strengthened Services.....</u>	<u>\$ 200,000;</u>
(b) <u>Replacement of IT Equipment and Maintenance</u>	<u>\$ 1,260,505;</u>
(c) <u>Water Resources Other Operating</u>	<u>\$ 1,000,000;</u>
<u>(32) Department of Social Services</u>	
<u>Child Support Enforcement System.....</u>	<u>\$ 3,500,000;</u>
<u>(33) R60-Department of Employment and Workforce</u>	
<u>SUTA Tax Relief.....</u>	<u>\$ 30,000,000; and</u>
<u>(34) Y14-State Ports Authority</u>	
<u>Harbor Deepening Reserve Fund</u>	<u>\$ 180,000,000.</u>

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.