

**S.211, PROVISO CODIFICATION BILL
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SECTION 1 - DEPARTMENT OF EDUCATION (H63)

- 1.2. (DHEC - Comprehensive Health Assessment) Requires school districts to seek reimbursement for health and social services provided in the Medicaid program. Reimbursements may not be used to supplant existing funds.
- 1.6. (Employer Contributions/Obligations) Gives the Department of Education the authority to adjust school district allocations to cover unpaid school district retiree insurance.
- 1.10. (Instruction in Juvenile Detention Centers) Sets the educational responsibilities and adequate teaching staff of the local school district for housed students of a local juvenile detention center.
- 1.12. (School District Bank Accounts) Authority by which a school district may maintain their own bank account as necessary to conduct school district business.
- 1.14. (Teachers/Temporary Certificates) Allows the use of teacher salary funds for teachers holding temporary certificates as requested by a school board and not to be continued more than twice.
- 1.34. (Budget Reduction) Requires local districts to give priority to preserving classroom teachers and operations when compensating for any funding reduction and to apply reductions to administrative and non-classroom expenses before affecting classroom expenses.
- 1.41. (No Discrimination Requirement) Prohibits the use of state funding for schools with discrimination practices.
- 1.43. (Medicaid Cash Match Accounting) Grants SDE the authority to transfer budget lines and object codes to identify, reconcile, reimburse and remit funds required for the DHHS Medicaid cash match.

SECTION 5 - WIL LOU GRAY OPPORTUNITY SCHOOL (H71)

- 5.1. (Truants) Directs the School to provide services to truant students ages 15 and over and to cooperate with DJJ, family courts, and school districts to encourage the removal of truant students who can be served by the School.
- 5.2. (GED Test) Allows students who are 16 years of age and unable to remain enrolled due to employment or enrollment in post secondary education be eligible to take the GED test. Requires the student to be pretested using the GED practice test and requires a minimum score of 2200.
- 5.3. (Deferred Salaries Carry Forward) Authorizes the carry forward of funds earned but not yet paid to non-twelve month employees. Allows non-twelve month employees to have earnings deferred and spread evenly over the course of 24 pay periods.
- 5.4. (Improved Forestry Practices) Allows the School to maintain and develop the school forest and to use the resulting revenues for the maintenance and improvement of the forest and school.

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- 5.5. (Educational Program Initiatives) Authorizes the School to utilize funds received from the Department of Education for vocational equipment on educational program initiatives.
- 5.6. (Lease Revenue) Allows the School to retain revenue earned from leasing school property and authorizes the revenue to be retained for school operations and maintenance of property.
- 5.7. (USDA Federal Grants) Authorizes the School to retain and expend all revenues generated from USDA federal grants in order to cover actual expenses in cafeteria/food service operations to provide a more stable funding stream for cafeteria operations.
- 5.8. (By-Products Revenue Carry Forward) Authorizes the School to sell goods that are by-products of the school's programs, to charge user fees and to retain and carry forward the revenue to cover school operations.

SECTION 6 -SCHOOL FOR THE DEAF AND THE BLIND (H75)

- 6.1. (Student Activity Fee) Allows the School to collect and retain a fee not to exceed \$40. The amount of the fee assessed to parents is to be based on the income of the family. The fees must be expended for student activities.
- 6.2. (Weighted Student Cost) Provides that the School shall receive Education Finance Act funding for each student enrolled in the School.
- 6.3. (Admissions) Establishes admissions policies for the School and to provide that students may be admitted through direct application by parents or on referral from the local school district.
- 6.4. (Adult Vocational Program Fees) Authorizes the School to charge for tuition, room and board and other fees to students accepted into the Adult Vocational Program. Fees are to be determined by the School Board of Commissioners and shall be retained by the School. The revenue retained must be expended for the operation of the Adult Vocational Program.
- 6.5. (Mobility Instructor Service Fee) Authorizes the School to charge a fee for mobility instructor services provided to various school districts the revenue shall be retained and expended by the school to cover expenses in the Blind school.
- 6.6. (Cafeteria Revenues) Authorizes the School to charge fees for food services and retain the revenues to be used to offset the cost of cafeteria operations.
- 6.7. (School Buses) Allows buses operated by the School to travel at the posted speed limit as the School's buses travel throughout the state and include weekend bus routes.
- 6.8. (USDA Federal Grants) Authorizes all revenues generated from USDA federal grants to be retained and expended by the School in accordance with Federal regulations for the purpose of covering actual expenses in the cafeteria/food service operations of the school.
- 6.9. (By-Products Revenue Carry Forward) Authorizes the School to sell goods that are by-products of the school's programs and operations, charge user fees and fees for services provided by the School (i.e. interpreting services, sale of wood-working items, sign

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language, Braille materials, etc). Revenues may be retained expended for the purpose of covering expenses of the schools programs and operations.

- 6.10.** (Deferred Salaries Carry Forward) Authorizes the carry forward of funds earned but not yet paid to non-twelve month employees. Allows non-twelve month employees to have earnings deferred and spread evenly over the course of 24 pay periods.

SECTION 7 - JOHN DE LA HOWE SCHOOL (L12)

- 7.1.** (Status Offender Carry Forward) Allows unexpended status offender funds distributed to the School from the Department of Education to be carried forward and used for the same purpose.
- 7.2.** (Campus Private Residence Leases) Authorizes the School to lease to employees the residences on the School's campus. Funds generated may be retained and expended for operating expenses and maintenance of residences.
- 7.3.** (Deferred Salaries Carried Forward) Authorizes the carry forward of funds earned but not yet paid to non-twelve month employees. Allows non-twelve month employees to have earnings deferred and spread evenly over the course of 24 pay periods.

SECTION 11 - COMMISSION ON HIGHER EDUCATION (H03)

- 11.9.** (Troop-to-Teachers) Allows that members of the Armed Forces either active-duty, retired, or separated who are admitted to and enrolled in the South Carolina Troop-to-Teachers Alternative Route to Certification program are entitled to pay in-state rates at participating state institutions for requisite program work.
- 11.10.** (Need-Based Grants for Foster Youth) Affects the direction of available need based funds to provide up to \$100,000 of the appropriated need-based funds to provide for increased grants for foster youth.
- 11.12.** (Tuition Age) Waives the age limitation (26) for those children of certain war veterans who may be admitted to any state-supported college, university, or post high school technical education institution free of tuition for eligible children that successfully appeal the Division of Veterans Affairs on the grounds of a serious extenuating health condition.
- 11.13.** (LIFE and Palmetto Fellows Enhancement Stipends) Ensures a verifiable protocol in place to ensure that students receiving the enhance stipends for LIFE and Palmetto Fellows allowable for certain science and math majors are fulfilling the requirements of the major thereby demonstrating intent to graduate in the major.

SECTION 23 - MEDICAL UNIVERSITY OF SOUTH CAROLINA (H54)

- 23.1.** (Rural Dentist Program) Establishes the Rural Dentist Program at MUSC and in coordination with DHEC's Public Health Dentistry Program, is established at the Medical University of South Carolina. Provides that the program is to be administered by AHEC and administrative costs shall not exceed 4% of the appropriated funds. Further provides that MUSC is the fiscal agent and has carry forward authority. Further creates a board to manage and allocate these funds to insure the location of licensed dentists in rural areas of South Carolina and on the faculty of the College of Dental Medicine at MUSC and stipulates board members and that they serve without compensation.

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SECTION 25 - STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION (H59)

- 25.2.** (Training of New & Expanding Industry Carry Forward) Provides that “Center for Accelerated Technology Training” (ReadySC) funds may be carried forward into subsequent fiscal years provided they are expended for the same purposes (training of employees for new and expanding industry).
- 25.3.** (Training of New & Expanding Industry - Payments of Prior Year Expenditures) Permits the State Board for Technical and Comprehensive Education to reimburse business and industry for prior year training costs associated with “Center for Accelerated Technology Training” (ReadySC) that was billed to the agency after fiscal year closing with the concurrence of the Comptroller General.

SECTION 33 - DEPARTMENT OF HEALTH AND HUMAN SERVICES (J02)

- 33.1.** (Recoupment/Restricted Fund) Authorizes the Department to retain the state portion of prior year provider refunds instead of the refunds lapsing to the General Fund. Funds in the account are used to pay for liabilities resulting from audits or to improve accountability for audit purposes.
- 33.3.** (Medical Assistance Audit Program Remittance) Requires the Department to provide Federal matching funds to the State Auditor’s Office equal to fifty percent of the cost of the Medicaid auditors of the State Auditor’s Office, and prescribes the method for doing so.
- 33.4.** (Third Party Liability Collection) Authorizes the Department to fund administrative costs of collection efforts for the Third Party Liability and Drug Rebate programs from the collections generated by those programs.
- 33.8.** (Nursing Home Sanctions) Authorizes the Department to establish a restricted fund to deposit fines collected as a result of nursing home sanctions. The Department may use these funds for costs related to the protection of the health and property of residents of nursing homes that participate in the Medicaid program.
- 33.9.** (Registration Fees) Authorizes the Department to receive and expend registration fees for educational, training, and certification programs.
- 33.10.** (Fraud and Abuse Collections) Allows the Department to utilize the state share of recoupments collected from fraud and abuse efforts to offset the administrative costs of those efforts.
- 33.11.** (Provider Reimbursement Rate Report) Requires the Department in conjunction with the Office of Research and Statistics of the B&C Board to prepare a report comparing the reimbursement rate of Medicaid providers to the reimbursement rate of the Medicare Program and the State Health Plan.
- 33.12.** (Medicaid Eligibility Transfer) Authorizes the Department to determine the eligibility of applicants for the Medicaid Program and requires the Department of Social Services’ county offices to provide office space and facility service for the eligibility determination function.

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- 33.14.** (Program Integrity Efforts) Instructs the department to expand its program integrity efforts by utilizing resources both within and external to the agency.
- 33.15.** (Post Payment Review) Requires the department to perform post payment reviews as permitted under Medicaid regulations to ensure compliance with the Hyde Amendment provisions as it relates to the performance of medically necessary services under the Medicaid program.
- 33.21.** (SCHIP Enrollment and Recertification) Requires the department to enroll and recertify eligible children in the State Children's Health Insurance Program using available state agency program data housed in the Office of Research and Statistics, including the DSS Food Stamp program and the Department of Education's Free and Reduced Meal eligibility data.
- 33.22.** (Carry Forward) Authorizes the department to carry forward cash balances for earmarked or restricted trust and agency, or special revenue account or subfund. Requires the department to report on the balances carried forward.
- 33.23.** (Medicaid Provider Fraud) Requires the department to expand and increase its effort to identify, report, and combat Medicaid provider fraud and to report on the results of these efforts.

SECTION 34 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (J04)

- 34.1.** (County Health Departments Funding) Provides that each county shall receive \$25,000 from the funds appropriated for "Access to Care". Funds will be distributed by the commissioner, with the approval of the Board of the Department and specifies the use of the funds.
- 34.2.** (County Health Units) Requires the Department to allocate federal funds to county health department budgets for the operation of the county health department. State funds appropriated for "Access to Care", except for salary increases, shall be allocated on a basis so that no county will receive less than the amount received in the prior fiscal year.
- 34.3.** (Camp Burnt Gin) Requires private donations or contributions for the operation of Camp Burnt Gin to be deposited in a restricted account. Funds may be carried forward and must be made available as needed to fund the operation of the camp.
- 34.4.** (Children's Rehabilitative Services) Requires Children's Rehabilitative Services to utilize any available financial resources including insurance benefits and/or governmental assistance programs, to which the child may otherwise be entitled in providing or arranging for medical care and related services to eligible physically handicapped children.
- 34.6.** (Local Health Departments) Appropriates funds for the contribution requirements for salary, fringe benefits and travel reimbursement to local health departments. Each county shall provide all other operating expenses of the local health department in an amount at least equal to that appropriated for operations for each county in Fiscal Year 1981.
- 34.7.** (Insurance Refunds) Authorizes the Department to budget and expend monies resulting from insurance refunds for prior year operations for case services in family health.

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- 34.13.** (Revenue Carry Forward Authorization) Authorizes the Department to collect, expend, and carry forward revenues from the sale of goods and other products, and beach renourishment appropriations,
- 34.15.** (Health Licensing Fee) Authorizes the department to retain funds resulting from an increase in the Health Licensing Fee Schedule to fund increased responsibilities of the health licensing programs. Establishes a late fee for failure to submit a license renewal application or fee to the department by the license expiration date. Authorizes the Department to take enforcement action for failure to submit renewal applications and/or fees and provides a process for waiving assessed late fees.
- 34.16.** (Infectious Waste Contingency Fund) Authorizes the Department to use a maximum of \$75,000 from the Infectious Waste Contingency Fund per year for personnel and operating expenses to implement the Infectious Waste Act.
- 34.17.** (Nursing Home Medicaid Bed Day Permit) Authorizes the transfer of the Medicaid patient day permit to a nursing home receiving a patient from a facility that has violations of state or federal law or Medicaid certification requirements that necessitate the transfer. Requires the receiving facility to apply to retain the Medicaid patient day permit within sixty days of receipt of the patient.
- 34.18.** (Mineral Sets Revenue) Authorizes the department to charge a reasonable fee for mineral sets and to retain the funds in a revolving account with a maximum carry forward of \$2,000. Funds must be expended for mineral set supplies and related mining and reclamation educational products.
- 34.19.** (Spoil Easement Areas Revenue) Authorizes the Department to retain and expend funds received from the sale of and/or third party use of spoil easement areas. Funds retained are used for the purpose of meeting the state's responsibility for providing adequate spoil easement areas for the Atlantic Intracoastal Waterway in South Carolina.
- 34.20.** (Per Visit Rate) Authorizes the Department to compensate non-permanent, part-time employees with a fixed per-visit rate. These employees are required to provide direct patient care in a home environment. Individuals employed in this category may exceed twelve months, but are not eligible for State benefits except for the option of contributing to the State Retirement System.
- 34.21.** (Allocation of Indirect Cost and Recoveries) Authorizes the Department to include all funding sources that support agency administration in the determination of the allowable indirect cost rate percentage and to authorize the agency to retain and expend the portion of the approved indirect cost rate derived from sources other than state appropriations.
- 34.22.** (Permitted Site Fund) Authorizes the Department to expend funds as necessary from the permitted site fund, for legal services related to environmental response, regulatory, and enforcement matters, including administrative proceedings and actions in state and all federal courts.
- 34.23.** (Shift Increased Funds) Authorizes the Director to shift increased appropriated funds in this act to offset shortfalls in other critical program areas.
- 34.24.** (Health Licensing Monetary Penalties) Authorizes the Department to retain the first \$50,000 of civil monetary penalties collected each fiscal year from penalties assessed by

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the Division of Health Licensing. The funds retained shall be utilized solely to carry out and enforce the provisions of regulations applicable to that Division.

- 34.25.** (Health Facility Monetary Penalties) Authorizes the Department to retain the first \$100,000 of civil monetary penalties collected each fiscal year from penalties assessed by the Bureau of Health Facilities and Services Development. The funds retained shall be utilized solely to carry out and enforce the provisions of regulations applicable to that Bureau.

- 34.26.** (Radiological Health Monetary Penalties) Authorizes the Department to retain the first \$30,000 of civil monetary penalties collected each fiscal year from penalties assessed by the Bureau of Radiological Health. The funds retained shall be utilized solely to carry out and enforce the provisions of regulations applicable to that Bureau.

- 34.28.** (Meals in Emergency Operations) Authorizes the cost of meals may be provided to state employees who are not permitted to leave their stations and are required to work during actual emergencies or emergency simulation exercises.

- 34.29.** (Compensatory Payment) Authorizes the Department to pay employees for working overtime during a declared state of emergency instead of receiving compensatory time as long as funds are available.

- 34.33.** (Pharmacist Services) Suspends the requirement that Department facilities distributing or dispensing prescription drugs be permitted by the Board of Pharmacy and that each pharmacy have a pharmacist-in-charge. Provides that Department pharmacists may serve as the pharmacist-in-charge without being physically present in the pharmacy and the Department is authorized to designate one pharmacist-in-charge to serve more than one facility. Stipulates which prescription drugs/products/vaccines can be distributed.

- 34.37.** (Metabolic Screening) Allows the Department to suspend any activity related to blood sample storage of samples collected from neonatal testing if there are insufficient state funds to support the storage requirements. If the activity is suspended, the samples may be destroyed in a scientifically appropriate manner after testing and the Department must notify providers of the suspension within 30 days of its effective date.

SECTION 35 - DEPARTMENT OF MENTAL HEALTH (J12)

- 35.3.** (Institution Generated Funds) Authorizes the Department to retain and expend institution generated funds that have been included in the Appropriation Act.

- 35.4.** (Practice Plan) Authorizes employees of the Department affiliated with the USC School of Medicine, who hold faculty appointments in the School, to participate in the School's Practice Plan provided that participation not take place during regular working hours. Funds generated by such participants shall be handled in accordance with University policies governing Practice Plan funds.

- 35.10.** (Uncompensated Patient Medical Care) Establishes an Uncompensated Patient Care Fund to be used by the Department for medical costs incurred for patients that must be transferred to a private hospital for services.

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- 35.11.** (Meals in Emergency Operations) Authorizes the cost of meals may be provided to state employees who are not permitted to leave their stations and are required to work during actual emergencies or emergency simulation exercises.

SECTION 36 - DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS (J16)

- 36.1.** (Work Activity Programs) Authorizes the Department to retain and carry forward earnings generated from production contracts for use in permanent improvements and operating expenses of the Work Activity Programs.
- 36.2.** (Sale of Excess Real Property) Authorizes the Department to retain revenue from the sale of excess real property to purchase land and construct community residences to serve people with mental retardation.
- 36.4.** (Medicaid Funded Contract Settlements) Authorizes the Department to carry forward and retain settlements under Medicaid-funded contracts.
- 36.5.** (Departmental Generated Revenue) Authorizes the Department to expend departmental generated revenues that are authorized in the Appropriation Act.
- 36.6.** (Transfer of Capital/Property) Allows the Department to transfer capital to include property and buildings to local DSN providers with Budget and Control Board approval.

SECTION 37 - DEPARTMENT OF ALCOHOL & OTHER DRUG ABUSE SERVICES (J20)

- 37.1.** (Training & Conference Revenue) Authorizes the agency to charge participants who attend training events and to use this revenue to fund education and professional development initiatives.
- 37.2.** (Gambling Addiction Services) Authorizes DAODAS through the local provider network to direct efforts in treating individuals with gambling addictions through the dissemination of information, education and referral services.

SECTION 38 - DEPARTMENT OF SOCIAL SERVICES (L04)

- 38.3.** (Foster Children Burial) Requires that the expenditure of funds allocated for burials of foster children not exceed \$1,500 per burial.
- 38.5.** (Court Examiner Service Exemption) Provides exemption for department employees who are funded in part or in full from federal funds from serving as court examiners in order to prevent the loss of federal funds.
- 38.6.** (TANF Advance Funds) Authorizes the Department during each fiscal year to advance general fund appropriations for Temporary Assistance to Needy Families assistance payments to the federal TANF account for the purpose of allowing a sufficient cash flow. The advance must be refunded no later than April of the same fiscal year.
- 38.7.** (Fee Schedule) Authorizes DSS to charge fees, accept donations, and bequests for social services provided under DSS' direct responsibility. The fees collected shall be used by the Department to further develop and administer agency programs. The fee schedule includes fees for day care facilities, central registry checks, foreign adoptions, residential

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group homes, child placing institutions, foster homes, and the Responsible Father Registry.

- 38.8.** (Food Stamp Fraud) Authorizes the Department to retain the state portion of funds recouped from fraudulent claims in the TANF and Food Stamp programs. Requires a portion of the funds to be distributed to local county offices for emergency and program operations.
- 38.9.** (TANF - Immunizations Certificates) Requires all TANF applicants to provide proof of age appropriate immunizations for children. If the required immunizations have not been administered, the Department shall refer applicants to appropriate county health departments to obtain the immunizations.
- 38.11.** (County Directors' Pay) Authorizes the department to allocate funds provided for employee pay increases in the Appropriation Act to county directors and regional directors without uniformity. Increase shall be administered in accordance with guidelines established by the B&C Bd Executive Compensation System and other nonacademic unclassified employees. Employee subject to this provision and ineligible for any other compensation increases provided in the Appropriation Act.
- 38.12.** (Use of Funds Authorization) Authorizes the department's investigative units to receive and expend funds awarded to these units as a result of a donation, contribution, prize, grant, and/or court order. Funds shall be retained on behalf of the investigative units and expended to fulfill any specified purposes and conditions. If not specified, funds shall be expended as directed by the Department. Requires the accounts not be used to supplant operating funds and the agency is required to report by January 30 of each year on the amount of funds received and how expended.
- 38.13.** (Use of Funds Authorization) Unless specifically directed by the General Assembly, when DSS is directed to provide funds to a not-for-profit organization, that organization must use the funds to serve persons who are eligible for services in one or more DSS programs.
- 38.14.** (Grant Authority) Authorizes the department to make grants to community-based not-for-profit organizations for local projects that further the objectives of DSS programs. Requires the department to develop policies and procedures to assure compliance with state and federal requirements associated with the grant funds and to assure fairness and accountability in the award and administration of the grants. Requires a match from all grant recipients.
- 38.16.** (Penalty Assessment) Authorizes the department to impose monetary penalties against a person, facility, or other entity for violation of statutes or regulations pertaining to programs, other than foster home licensing, that the department regulates. Requires the penalties collected to be credited to the General Fund. Requires the department to promulgate regulations for each program in which penalties may be imposed.
- 38.21.** (Meals in Emergency Operations) Authorizes the cost of meals may be provided to state employees who are not permitted to leave their stations and are required to work during actual emergencies, emergency simulation exercises, and when the Governor declares a state of emergency.

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SECTION 39 - COMMISSION FOR THE BLIND (L24)

- 39.1.** (Matching Federal Funds) Provides the amount appropriated for Rehabilitative Services is conditioned upon matching by federal funds to the maximum amount available under the Federal Vocational Rehabilitation Program.

SECTION 42 - HOUSING FINANCE AND DEVELOPMENT AUTHORITY (L32)

- 42.1.** (Federal Rental Assistance Administrative Fee Carry Forward) Allows the Authority to carry forward administrative fees remaining to continue to pay for the administrative costs of the Rental Assistance programs and to fund other program related initiatives as allowed under the applicable programs.
- 42.2.** (Program Expenses Carry Forward) Allows the Authority to carry forward income from the mortgage bond program that has been transferred from the trustee accounts to pay for operating and program expenses of the Authority.
- 42.4.** (Allocation of Indirect Cost Recoveries) Directs the Authority to deposit indirect cost recoveries for the Authority's portion of the Statewide Cost Allocation Plan (SWCAP) into the general fund and to retain recoveries in excess of the amount deposited in the general fund.

SECTION 43 - FORESTRY COMMISSION (P12)

- 43.1.** (Grant Carry Forward Funds) Authorizes the S.C. Forestry Commission to use unexpended federal grant funds in the current year to pay for expenditures incurred in the prior year.
- 43.2.** (Retention of Emergency Expenditure Refunds) Authorizes the South Carolina Forestry Commission to retain all funds received as reimbursement of expenditures from other state or federal agencies when personnel and equipment are mobilized due to an emergency.
- 43.3.** (Commissioned Officers' Physicals) Allows the department to pay the cost of physicals that are required for commissioned law enforcement personnel.

SECTION 44 - DEPARTMENT OF AGRICULTURE (P16)

- 44.3.** (Warehouse Receipts Guaranty Fund) Allows the department to spend \$50,000 from the Warehouse Receipts Guaranty Fund, to administer the program.
- 44.4.** (Weights & Measures Registration) Requires service persons required to be registered with the Department of Agriculture under the Weights and Measures Law to pay a \$25 registration fee which shall be used to offset the cost of administering the program.
- 44.7.** (Export Certification) Allows the department to charge up to \$250 for each export certification of agricultural products and to retain the revenue to offset expenses incurred in performing certifications.
- 44.8.** (Feed Label Registration) Authorizes the department to charge and retain an annual \$15 registration fee for feed labels for manufacturers and to used the revenue to fund the Feed Inspection Program.

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SECTION 45 - CLEMSON PSA (P20)

- 45.6. (Fertilizer Inspection Fee) Authorizes a \$1.50 per ton fee on commercial fertilizer sold, which shall be used to maintain its programs.
- 45.7. (Lime Inspection Fee) Authorizes a \$.50 per ton fee on agricultural liming materials sold, which shall be used to maintain its programs.

SECTION 47 - DEPARTMENT OF NATURAL RESOURCES (P24)

- 47.1. (Publications Revenue) Allows the department to retain revenues generated from the sale of "South Carolina Wildlife" magazine and its by-products in order to become self-sustaining.
- 47.2. (Casual Sales Tax Collections) Allows the department to collect casual sales tax on the sale of boats/motors. The funds are then remitted to the Department of Revenue.
- 47.4. (Carry Forward - Contract for Goods & Services) Allows the Geology program to carry forward revenue generated through contracts with other entities. Allows contracts to cross fiscal years and unexpended funds from these contracts to be carried forward to fulfill existing commitments.
- 47.5. (Revenue Carry Forward) Allows the department to carry forward revenues generated from the sale of goods and services associated with aerial photography, climatology, and geological services.
- 47.6. (Clothing Allowance) Allows the department to provide a clothing allowance to Law Enforcement officers on special assignment.
- 47.7. (Commissioned Officers' Physicals) Allows the department to pay the cost of physicals that are required for commissioned law enforcement personnel.

SECTION 49 - DEPARTMENT OF PARKS, RECREATION AND TOURISM (P28)

- 49.3. (Advertising Funds Carry Forward) Allows carry forward authority for unexpended funds on the tourism sales and marketing section, to be used in the current fiscal year for the same purposes.
- 49.5. (Film Marketing) Directs the funds appropriated for the SC Film Commission to only be used for film industry recruitment, film-crew development, building ally support, marketing and auditing expenses associated with the Motion Picture Incentive Act.

SECTION 50 - DEPARTMENT OF COMMERCE (P32)

- 50.2. (Economic Dev. Coordinating Council - Set Aside Fund) Authorizes the department to use up to 10% of the Coordinating Council's Set Aside Fund for administrative program costs and for business recruitment and retention and up to \$60,000 to support the Geographic Information Systems program.
- 50.8. (Foreign Offices) Allows the Secretary of Commerce to appoint the staff in the department's foreign offices on a contractual basis.

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- 50.12.** (Coordinating Council - Application Fee Deposits) Directs all application fees received by the Coordinating Council to be deposited within five business days.
- 50.13.** (Recycling Advisory Council Reporting) Directs the Recycling Market Development Advisory Council to submit an annual report on recycling activities to the governor and members of the General Assembly by March 15.

SECTION 57 - JUDICIAL DEPARTMENT (B04)

- 57.1.** (Prohibit County Salary Supplements) Prohibits county salary supplements for Judicial Department personnel.
- 57.2.** (County Offices For Judges) Mandates that each county provide an office (including utilities and telephone) for each circuit and family judge residing in the county; directs that the same be provided to Supreme Court Justices and Court of Appeals Judges upon request.

SECTION 59 - OFFICE OF ATTORNEY GENERAL (E20)

- 59.1.** (Prior Year Expenditures) Authorizes the Attorney General to pay prior year expenditures with unexpended federal funds.
- 59.3.** (Reimbursement for Expenditures) Authorizes the Attorney General to retain any reimbursement for expenses incurred in the prior year.
- 59.4.** (Donation Carry Forward) Authorizes the Attorney General to retain donations and to expend and carry forward such donations in accordance with the agreement with the donor.

SECTION 60 - PROSECUTION COORDINATION COMMISSION (E21)

- 60.1.** (Solicitor Salary) Directs the salary of each full-time circuit solicitor to be the same as each full-time circuit court judge.
- 60.4.** (Solicitor Carry Forward) Authorizes circuit solicitors to carry forward any unexpended funds to be used for operating expenses of the solicitor's office.
- 60.8.** (OEPP - Victim Assistance Programs) States legislative intent that the funds appropriated for victim assistance programs in solicitors' offices shall be in addition to any amounts being provided by the county for these services and may not be used to supplant funding. Reductions by a county in funding for victim assistance programs in solicitors' offices shall result in a corresponding decrease of state funds provided to the solicitors' office for victim assistance services. Requires each solicitor's office by October 1st to submit a report on the use of the funds received during the prior fiscal year.
- 60.9.** (OEPP - Establish Victim/Witness Program) Requires the funds appropriated for the Victim/Witness Program to 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.

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SECTION 61 - COMMISSION ON INDIGENT DEFENSE (E23)

61.8. (Defense of Indigents Civil Action Application Fee) Directs that person requesting appointment of counsel must submit an affidavit of their assets before counsel may be appointed; authorizes court to order person to pay the assets or a portion of them to agency. Authorizes a \$40 application fee and allows for waiver if person is unable to pay; revenue to be remitted to the agency and used for indigent defense services only. In juvenile cases, the parents or legal guardians are responsible for the fee. Directs that appointment of counsel creates a claim against the assets for costs of representation and directs that such claims be filed with the Clerk of Court and are subject to reduction by order of the court.

SECTION 62 - STATE LAW ENFORCEMENT DIVISION (D10)

62.1. (Special Account Carry Forward) Directs that funds awarded to SLED by court order or donations be deposited in special account, carried forward, and used for specified purposes. Requires annual report on expenditures by October 1 to SFC & WMC.

62.2. (Computer/Communications Center Carry Forward) Allows funds generated by computer/communications center to be carried forward and used for the same purpose.

62.3. (Agents Operations Carry Forward) Allows "Agent Operations" funding to be carried forward and used for the same purpose.

62.4. (Match for Federal Grants Carry Forward) Authorizes state funds required for matching federal funds to be carried forward and used for the same purpose.

62.5. (Clothing Allowance) Authorizes SLED to provide a \$600 annual clothing allowance for agents and criminalists.

62.6. (Witness Fee) Authorizes SLED to charge a witness fee of \$130 per hour up to \$1,000 per day for each employee testifying in civil matters not involving the State.

62.7. (Commissioned Officers' Physicals) Authorizes SLED to pay the cost of physical examinations required prior to receiving law enforcement commission.

62.8. (Meals in Emergency Operations) Authorizes SLED to provides meals to employees who cannot leave assigned duty stations during emergencies.

62.9. (Hazardous Materials Security Detail) Authorizes SLED to be reimbursed for security services provided to entities authorized to transport sensitive or hazardous materials within the state.

62.10. (Sex Offender Registry Fee) Authorizes sheriffs to collect \$150 annually from each sex offender required to be registered by law with the revenue divided as follows: \$100 retained by sheriff and \$50 remitted to SLED to support the Statewide Sex Offender Registry. Fee may be waived if declared to be indigent by sheriff.

62.11. (Private Detective Fees Criminal History Checks) Authorizes SLED to collect, expend, and carry forward revenue received by charging private detective and security companies a \$25 fee to process state criminal history checks and a \$50 fee for federal fingerprint criminal history checks.

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- 62.12.** (CWP Instructors Certification) Authorizes SLED to collect, expend, and carry forward a \$100 fee for the issuance of each Concealable Weapons Permit Instructor certificate, and \$100 for a 3-year renewal certificate.
- 62.13.** (Expungement Requests) Authorizes SLED to collect, expend, and carry forward a \$25 fee for each request to expunge criminal records to offset the cost of processing the requests. Fee is not required of persons found not guilty or where charges are dismissed or nolle prossed.
- 62.14.** (Retention of Funds Reimbursed by State or Federal Agencies) Authorizes SLED to collect, expend, and carry forward funds received from state or federal agencies as reimbursement for expenses in prior or current year.
- 62.15.** (Monies Associated with Illegal Gaming Devices) Authorizes SLED to carry forward funds associated with seized illegal gaming devices once orders of destruction and award of the funds have been received from court.
- 62.17.** (Private Detective/Security Fee) Authorizes SLED to collect license and registration fees for private detective and security businesses and directs that one-third of this revenue be transferred to DPS for providing for security for the Capitol Complex.

SECTION 63 - DEPARTMENT OF PUBLIC SAFETY (K05)

- 63.2.** (Retention of Private Detective Fees) Authorizes the Department of Public Safety to receive private detective fees collected by SLED to be used by Bureau of Protective Services in providing security for state agencies and the Capitol Complex.

SECTION 64 - LAW ENFORCEMENT TRAINING COUNCIL (N20)

- 64.1.** (CJA-Federal, Other Flow Through Funds) Authorizes CJA to carry forward federal and other funds reimbursements for expenses incurred in prior year.
- 64.2.** (CJA-Retention of Emergency Expenditure Refunds) Authorizes CJA to receive, expend, and carry forward funds received from state and federal agencies as reimbursement incurred during an emergency.

SECTION 65 - DEPARTMENT OF CORRECTIONS (N04)

- 65.1.** (Canteen Operations) Authorizes the Department of Corrections to retain and utilize all funds derived from the sale of canteen items for the continuation of the canteen operation and the welfare of the inmate population. Prohibits canteen operation from being subsidized by state appropriations.
- 65.2.** (E.H. Cooper Trust Fund) Authorizes the Department of Corrections to retain unclaimed funds in inmate Cooper Trust Fund accounts on projects benefiting the welfare of inmates in the custody of the department.
- 65.4.** (Funding Through State Criminal Assistance Program) Authorizes the Department of Corrections to retain any State Criminal Alien Assistance Program reimbursements.

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- 65.5.** (Remedial Education Funding) Directs that inmates with less than an 8th grade educational level are required to enroll and participate in academic education programs. Directs the SCDC to prioritize programs to assure such services are provided.
- 65.7.** (Social Security Administration Funding) Authorizes the Department of Corrections to retain revenues received from the Social Security Administration generated from providing information regarding incarcerated individuals.
- 65.8.** (Medical Expenses) Authorizes the Department of Corrections to charge a co-payment for medical treatment, consultation, or prescribed medications. Prohibits a co-payment for psychological or mental health services.
- 65.9.** (Prison Industry Funds) Authorizes the Department of Corrections to utilize Prison Industry funds for projects or services benefiting the general welfare of the inmate population.
- 65.13.** (Funds From Vehicle Cleaning) Authorizes the Department of Corrections to retain funds collected for cleaning and waxing private vehicles or other adult work activity center activities and use the funds for the general inmate population.
- 65.14.** (Release of Inmates) Authorizes the Department of Corrections to release inmates on the first day of the month they are to be released, regardless of their specific release date.
- 65.16.** (Monitoring Fees) Authorizes the Department of Corrections to charge inmates participating in community programs a fee to cover the cost of electronic or telephonic monitoring, not to exceed the actual cost of the monitoring.
- 65.17.** (Inmate Insurance Policies) Authorizes SCDC to identify inmates who have medical insurance coverage, obtain that information from each inmate, and file claims against any private insurance policies to recover any medical costs incurred by SCDC on behalf of the inmate.
- 65.18.** (Work Release Transportation Fee) Authorizes the Department of Corrections to charge transportation fee of \$4 per day to participants in the work release program. The Department is authorized to retain fees collected to offset the cost of transporting work release participants and the replacement of work release vehicles.
- 65.22.** (Inmate Barbering Program) Directs that inmate barbers are exempt from state licensing requirements.
- 65.23.** (Executed Inmate Autopsy) Suspends autopsy requirements for inmates executed by Department.
- 65.24.** (Recoupment of Expenses Associated with Inmate Cremation) Authorizes Department of Corrections to recoup cremation expenses from deceased inmate's savings account.

SECTION 66 - DEPARTMENT OF PROBATION, PAROLE & PARDON SERVICES (N08)

- 66.2.** (Interstate Compact Application Fee) Authorizes the Department to charge an application fee of up to \$100 to offenders applying for transfer under the Interstate Compact Act.
- 66.5.** (Offender Drug Testing Fee) Authorizes DPPPS to charge, retain, expend, and carry forward a fee of up to \$50 for drug testing; fee may be waived for indigent offenders.

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- 66.6.** (Public Service Employment Set-Up Fee) Authorizes DPPPS to charge a \$25 fee for offenders ordered to public service employment; directs agency to report to SFC & WMC on number of offenders assessed the fee and funds collected.

SECTION 67 - DEPARTMENT OF JUVENILE JUSTICE (N12)

- 67.8.** (Sale of Timber) Authorizes DJJ to sell mature trees and other timber suitable for commercial purposes, after consultation with and approval by the State Forester, and allows funds to be retained by DJJ and expended on family support services, after setting aside a reasonable amount for reforestation of the land from which the timber is sold.
- 67.9.** (Drug Free Workplace) Authorizes DJJ to conduct pre-employment drug testing and random employee drug testing and expend funds in order to do so.
- 67.10.** (Definition of Juveniles) Allows DJJ to place juveniles in marine and wilderness programs or other community residence programs operated by non-governmental entities.
- 67.15.** (Earned Compliance Credit) Authorizes 10-day reduction per month of probationary and parole terms if juvenile is compliant with conditions of supervision of probation or parole to allow officers to focus on higher risk juveniles under supervision.

SECTION 70 - HUMAN AFFAIRS COMMISSION (L36)

- 70.1.** (Human Affairs Forum Carry Forward) Authorizes the Commission to retain and carry forward all revenue from donations and registration fees received for attendance at Human Affairs Forums. Revenue retained shall be expended for the general operations of the Commission.
- 70.2.** (Training Revenue) Authorizes the Commission to retain and carry forward all revenue from fees received for training and technical assistance provided by the Commission to entities other than state agencies. Revenue retained shall be expended for the general operations of the Commission.
- 70.3.** (Revenue from Copying Fees) Authorizes the Commission to retain and carry forward all revenue derived from providing requested copies of commission files, final opinions, orders, and determinations. Revenue retained shall be expended for the general operations of the Commission.

SECTION 71 - COMMISSION FOR MINORITY AFFAIRS (L46)

- 71.1.** (Private Contributions and Sponsorship) Authorizes the Commission to retain, expend and carry forward all revenue derived from private sources for agency research, forums, training, and institutes.
- 71.2.** (Carry Forward Registration Fees) Authorizes the Commission to retain and carry forward all revenue derived from registration fees received from training and institutes. Revenue retained shall be expended for conducting future training and institutes.
- 71.3.** (Carry Forward Grant Awards) Authorizes the Commission to retain and carry forward all revenue pooled from public and private sources for the purpose of awarding grants to address problems in the minority community.

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- 71.4. (Carry Forward Bingo Revenues) Authorizes the Commission to carry forward bingo revenue received in the prior fiscal year and expend the revenue in the current fiscal year.

SECTION 80 - DEPARTMENT OF CONSUMER AFFAIRS (R28)

- 80.1. (Consumer Protection Code Violations Revenue) Authorizes the agency to retain and use funds paid to the department in settlement of cases involving violations of the SC Consumer Protection Code.
- 80.2. (Student Athlete/Agents Registration) Authorizes the agency to retain and use registration fees collected from the regulation of athlete agents.
- 80.3. (Expert Witness/Assistance Carry Forward) Authorizes the agency to carry forward funds encumbered at June 30 to pay for contractual obligations carried forward in the agency's expert witness/assistance program.
- 80.4. (Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) Authorizes the agency to levy a \$120 filing fee for Credit Grantor Notifications.
- 80.5. (Retention of Fees) Allows the department to charge and retain fees and utilize the fees for the specific mandated programs.

SECTION 82 - DEPARTMENT OF MOTOR VEHICLES (R40)

- 82.1. (Miscellaneous Revenue) Authorizes DMV to collect, expend and carry forward revenues from various products and services.
- 82.2. (Federal, Other Flow Through Funds) Allows DMV to use federal and earmarked funds in current fiscal year for expenditures incurred in prior fiscal year in order to complete projects begun in a prior fiscal year.
- 82.4. (Cost Recovery Fee/Sale of Photos or Digitized Images) Authorizes DMV to collect fees to recover costs of producing, purchasing, handling and mailing information and/or documents not to exceed rates charged on February 1, 2001. Prohibits the sale of photographs taken for driver's licenses or personal identification cards.
- 82.5. (DPPA Compliance Audit) Authorizes DMV to collect fees from entities, other than state agencies, that purchase information from DMV to defray the costs associated with auditing and enforcing laws pertaining to the use of personal information.

SECTION 83 - DEPARTMENT OF EMPLOYMENT AND WORKFORCE (R60)

- 83.1. (SCOICC User Fee Carry Forward) Authorizes unexpended SCOICC Program funds to be carried forward.
- 83.2. (Consortium Contracts: Training-Development Sessions and Media Services) Allows Labor Market Information; Media Services; and other Program Contracts within the agency to carry-forward unexpended earmarked funds.

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SECTION 84 - DEPARTMENT OF TRANSPORTATION (U12)

- 84.1.** (Expenditure Authority Limitation) Authorizes DOT to carry forward and expend cash balances in the State Highway Fund from year to year.
- 84.2.** (Special Fund Authorization) Authorizes DOT to establish additional special funds in addition to the state highway fund or the federal aid highway fund.
- 84.5.** (Document Fees) Authorizes DOT to charge for copies of documents requested by the public.
- 84.6.** (Meals in Emergency Operations) Authorizes DOT to provide meals to emergency workers in emergency response situations such as hurricanes, tornadoes and other disasters.
- 84.7.** (Rest Area Water Rates) Directs water and sewer service providers to offer DOT a rate no higher than the in-district customer rate for services provided to highway rest areas.

SECTION 87 - DIVISION OF AERONAUTICS (U30)

- 87.2.** (Office Space Rental) Authorizes revenue received from rental of Division of Aeronautics office space to be retained and expended to cover building operation costs.
- 87.3.** (Funding Sequence) Directs that all General Aviation Airports will receive funding prior to the four air carrier airports as these qualify for special funding under the DOT/FAA appropriations based on enplanements. Allows waiver to provide matching state funds for critical FAA safety or capacity projects at air carrier airports.
- 87.4.** (Hangar/Parking Facilities) Directs the Division of Aeronautics to provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Directs that funds be retained for hangar and parking facility maintenance. Directs that the Hangar Fee Schedule not exceed local average market rates. Directs that personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.
- 87.7.** (Aviation Grants) Directs Aviation Grants funds to be credited to the State Aviation Fund and be used to allow maximization of grant funds available through the FAA for capital improvement projects, for general aviation airports maintenance projects, and for aviation education related programs. Directs that sponsors of publicly owned airports are eligible to receive grants; but requires the airport to have a current development plan that meets National Plan of Integrated Airports Systems planning requirements. Directs the Aeronautics Commission to promulgate regulations establishing the grants program. Directs that enabling airport sponsors to meet basic FAA safety guidelines for obstruction clearance must be a major factor in establishing priority guidelines and authorizes the commission to have the discretion to establish a program to grant Aviation Fund monies for this purpose at the rate of 80% from the fund to 20% from the local airport sponsor, or any ratio with a smaller contribution from the fund. Requires that an expenditure report be submitted to the SFC and WMC. Authorizes unexpended funds to be carried forward and spent for like purposes.

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SECTION 91 - LEGISLATIVE DEPARTMENT (A99)

- 91.20.** (LAC Matching Federal Funds) Authorizes the Legislative Audit Council to use state funds to match federal funds available for audits and to charge agencies for federal funds if available as reimbursement for costs of audits.

SECTION 58 - ADMINISTRATIVE LAW COURT (C05)

- 58.1.** (Copying Costs Revenue Deposit) Authorizes ALC to retain and expend revenue charged for copies and publications of documents (such as the Rules of Procedure) to offset the costs for supplies associated with the printing or publication of documents.
- 58.2.** (County Office Space for Judges) Requires a county to provide office space (if available) for an administrative law judge, if the judge's residence is not within 50 miles of the official headquarters of the agency.

SECTION 92 - OFFICE OF GOVERNOR (D21)

- 92.1.** (OEPP - Grant Funds Carry Forward) Authorizes the agency to carry forward any unexpended balance for Implementing Federal Programs into the current fiscal year. Funds carried forward shall be used for grant matching funds.
- 92.3.** (OEPP - CCRS Evaluations & Placements) Requires the amount appropriated for Children's Case Resolution System for Private Placement of Handicapped School-Age Children be used for expenses incurred in the evaluation of children in order to facilitate placement and specifies the amount to be paid for placements. Directs the CCRS to determine the balance of funding necessary to provide the child with services. Funding must be apportioned among the appropriate public agencies on the basis of the reasons for the private placement.
- 92.4.** (OEPP - CCRS Significant Fiscal Impact) Defines "significant fiscal impact" in the current fiscal year as the greater of (1) funds appropriated by the General Assembly for the current fiscal year on cases referred to, decided or placed through the Children's Case Resolution System or (2) that agency's assigned shares in the current fiscal year of five cases decided by the Children's Case Resolution System.
- 92.8.** (OEPP - Foster Care-Private Foster Care Reviews) Authorizes the Division to restructure its programs, including suspending reviews of children privately placed in private foster care and/or changing the location of reviews of children in public foster care, to maintain continuous operations within existing resources as dictated by recent budget reductions.
- 92.10.** (OEPP - Guardian Ad Litem Program) Requires the Guardian ad Litem (GAL) Program to be administered separately from other programs within the Division of Children's Services. Also provides funding for the GAL through the reduced rate of interest paid by the Department of Revenue on eligible refunds. Revenue resulting from the interest rate reduction must be used exclusively for the operations of the GAL program and specifies carry forward authority.
- 92.11.** (OEPP - Continuum of Care Carry Forward) Authorizes the Continuum to carry forward funds for the continuation of services.

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- 92.14.** (M&G - Mansion and Grounds Maintenance and Complex Facilities) Authorizes revenue from rental of facilities to be retained, expended, and carried forward to support operations of the Mansion and Grounds complex.

SECTION 94 - OFFICE OF LIEUTENANT GOVERNOR (E04)

- 94.2.** (State Match Funding Formula) Directs the allocation of state matching funds by the Office on Aging for the distribution of the Older Americans Act funds and provides for the balance of funds to be distributed to the planning and service areas.
- 94.3.** (Registration Fees) Authorizes the Office of Aging to receive and expend registration fees for educational, training and certification programs.
- 94.6.** (Home and Community Based Services Carry Forward) Provides carry forward authority for unexpended funds appropriated for Home and Community Based Services.

SECTION 96 - OFFICE OF COMPTROLLER GENERAL (E12)

- 96.1.** (Signature Authorization) Authorizes the Comptroller General to designate signature authority to certain employees for the approval of warrants for payment to the State Treasurer.

SECTION 97 - OFFICE OF STATE TREASURER (E16)

- 97.3.** (Investments) Allows the Treasurer's Office to pool state funds for investment purposes.
- 97.10.** (Signature Authorization) Authorizes State Treasurer to designate employees to sign payments to meet expenses of the state.

SECTION 101 - BUDGET AND CONTROL BOARD (F03)

- 101.2.** (Procurement of Art Objects) Requires all governmental entities except the State Museum, Budget and Control Board, and Hunley Commission to obtain prior approval of the Arts Commission for purchases of art objects over \$1,000.
- 101.3.** (State House Operation & Maintenance Account) Directs that funds appropriated for State House maintenance and operations be retained in a separate account.
- 101.5.** (Compensation - Reporting of Supplemental Salaries) Prohibits salary supplements unless approved by agency head. Directs that any compensation or travel reimbursement from a public or private source be reported to the BCB by August 31 for the previous fiscal year. Directs the Office of Human Resources to establish procedures related to the reporting requirement.
- 101.6.** (Compensation Increase - Appropriated Funds Ratio) Directs that compensation increases be paid proportionately from funding sources.
- 101.11.** (Local Provider Health Insurance) Authorizes DDSN's local health care providers to receive funding increases appropriated for state agencies to cover the employer's share of the cost of providing health and dental insurance to their employees.

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- 101.13.** (Military Service) Allows employees to use up to 45 days of annual leave and 90 days sick leave for serving on active military duty during an emergency or conflict declared by the President.
- 101.14.** (Antenna and Tower Placement) Directs that antenna and tower leases on a higher education institution's property must conform to the institution's master plan.
- 101.25** (Compensation - Agency Head Salary) Prohibits a governing board or appointing authority from offering a salary above the minimum range established by the Agency Head Salary Commission and prohibits payment of a salary above that recommended by the Commission. Directs that funding for salaries of agency head or technical college president come from agency resources. Directs BCB to contract for study of compensation every 4 years with the cost of the study to be paid by participating agencies. Directs BCB to provide support staff to Commission. Authorizes governing board or appointing authority to provide salary increases up to the maximum of salary range as recommended by the Commission. Prohibits agency head or technical college president from being paid less than the minimum or more than the maximum of the pay range.

SECTION 105 - PUBLIC EMPLOYEE BENEFIT AUTHORITY (F50)

- 105.1.** (Lottery & Infrastructure Bank Health Insurance) Allows the Lottery Commissioners and Infrastructure Bank Board members to participate in the State Health Plan upon payment of full premium costs.
- 105.2.** (Adoption Assistance Program) Establishes the Employee Adoption Assistance Program to provide participants in the State Health Plan with grants for direct costs associated with adoption. Directs the program be funded from the State Health Plan not to exceed the amount appropriated for this purpose. Directs that maximum grants be \$10,000 for adoption of a special needs child and \$5,000 for all other adoptions; directs that amount be reduced proportionally if the qualified applicants total more than the appropriated amount.
- 105.3.** (Health Plan Tobacco User Differential) Authorizes the Board to differentiate between tobacco users and nonusers regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee rates based upon tobacco use. Directs that the surcharge for tobacco use may not exceed \$40 per month per subscriber or \$60 per month per subscriber and dependant(s).

SECTION 106 - DEPARTMENT OF REVENUE (R44)

- 106.1.** (Subpoenaed Employee Expense Reimbursement) Directs reimbursement to the State for Department of Revenue employees who are subpoenaed to testify in litigation that does not involve DOR.
- 106.2.** (Court Order Funds Carry Forward) Directs that funds awarded to DOR by court order be retained, carried forward, and used for purposes as specified in the order or at the director's discretion if not specified.
- 106.4.** (SCBOS Funds) Authorizes DOR to use 50% of collection assistance fees imposed on overdue tax debt for administration of revenue laws. Allows unexpended funds to be carried forward and shared equally by DOR and SC Business One Stop program.

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- 106.5.** (Across the Board Cut Exemption) Exempts DOR from across-the-board budget reductions.
- 106.7.** (Admissions Tax Exemption) Exempts admissions tax for university athletic booster club fees when the booster club is exempt from federal income tax.

SECTION 110 - AID TO SUBDIVISIONS, STATE TREASURER (X22)

- 110.3.** (Salary Supplements) Directs that salary supplements for county Clerks of Court, Probate Judges, Coroners, Sheriffs, and Register of Deeds be distributed to each county treasurer quarterly and directs that the amounts for County Auditors and County Treasurers be equally distributed to each county auditor and treasurer as a salary supplement in addition to any amounts provided by the county. States the intent of the General Assembly that county appropriations for these salaries not be reduced as a result of this appropriation. Exempts these funds from any across the board cut. Authorizes a county governing body to reduce expenditures in the operation of these offices without any required corresponding reduction in the county's state aid to subdivisions distribution and directs that any reduction in the officials' budgets must be made in consultation with the affected official.

SECTION 117 - GENERAL PROVISIONS (X90)

- 117.6.** (Case Service Billing Payments Prior Year) Authorizes agencies to pay case service billings received in the current fiscal year for services incurred in the prior fiscal year. States this authorization does not apply to billings on hand processed through a timely agency approval process.
- 117.10.** (Federal Funds - DHEC, DSS, DHHS - Disallowances) Authorizes DHEC, DSS and DHHS to expend appropriations to cover prior fiscal years program operations where adjustments are necessary under federal regulations or audit exceptions. Require all federal disallowances or notices of disallowances be submitted to the State Auditor and the Senate Finance and House Ways and Means Committees within five days of receiving such actions.
- 117.12.** (Tech Educ. Colleges Student Activity Fees) Provides that funds at technical education colleges derived wholly from the activities of student organizations and from the operations of canteens and bookstores may be retained by the college and expended only in accord with policies established by the respective college's area commission and approved by the State Board for Technical and Comprehensive Education.
- 117.13.** (SC Health & Human Services Data Warehouse) Establishes the South Carolina Health and Human Services Data Warehouse with the B&C Board, Office of Research and Statistics to ensure that health and human services agencies operations may be enhanced by coordination and integration of client information. Defines client data; provides guidelines for operation of the data warehouse; and specifies agencies which are required to report client information.
- 117.14.** (Discrimination Policy) Directs that state policy is to recruit, hire, train, and promote employees without discrimination. Requires agencies to submit employment data to Human Affairs Commission annually and Human Affairs to report to the General Assembly on Affirmative Action Plans. Directs Human Affairs to notify BCB of any agency not in compliance with goals and directs BCB not to process requests for additional funding until

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agency makes effort to comply with its Affirmative Action Plan. Directs that proviso does not apply to agencies that are exempted from Human Affairs' reporting requirements.

- 117.15.** (Personal Service Reconciliation, FTEs) Directs the Budget and Control Board to monitor full-time equivalent (FTE) positions and directs that no agency may exceed the total FTEs authorized in the Appropriation Act except upon majority vote of BCB. Directs that all authorized FTEs be established by August 1, and allows agencies to change source of funds on FTEs so long as they do not exceed the authorized number of state or total FTEs. Directs BCB to reconcile established FTEs with personal service funds by September 30, and directs BCB to delete unfunded positions by January 15 unless exempted. Directs that personal service funding must be at least 97% of the amount required to support the FTEs contained in the Governor's budget recommendations.
- 117.24.** (Carry Forward) Authorizes agencies to carry forward up to 10% of their original general fund appropriation, less any appropriation reductions for the current fiscal year. Prohibits agencies from withholding services in order to carry forward general funds. Directs that this provision is suspended if necessary to avoid a fiscal year-end general fund deficit and directs that the amount of general fund deficit must be determined after all appropriations from the CRF have been allowed and before any General Reserve transfers. Directs that the amount carried forward by separate general fund carry forward authority for an agency must be excluded from their base for purposes of calculating the 10% carry forward. Directs that funds carried forward by this provision are not part of an agency's base of appropriations in succeeding years.
- 117.25.** (TEFRA-Tax Equity and Fiscal Responsibility Act) States the intent of the General Assembly that the State Medicaid Plan be amended to provide benefits for disabled children as allowed by the Tax Equity and Fiscal Responsibility Act (TEFRA) option. Directs state agencies, including but not limited to, DSS-Continuum of Care, DHEC, DMH, DDSN, and DHHS to collectively review and identify state appropriations within their budgets that can be used as state match to serve these children. Directs that these agencies must not spend less in the current fiscal year than they spent in the prior fiscal year for this purpose.
- 117.30.** (State Operated Day Care Facilities Fees) Directs that agencies that operate day care facilities must charge fees comparable to those charged by private day care facilities. Prohibits enrollment to be restricted to children of faculty or staff.
- 117.32.** (Collection on Dishonored Payments) Authorizes agencies to collect a service charge to cover costs associated with dishonored checks or payments due to insufficient funds. Allows agencies to retain, expend, and carry forward revenue for this purpose.
- 117.33.** (State DNA Database) Requires funds collected by the Departments of Corrections; Probation, Parole and Pardon Services; and Juvenile Justice to process DNA samples be remitted to SLED to offset State DNA Database expenses. Authorizes SLED to retain, expend, and carry forward these funds.
- 117.35.** (Menu Option Telephone Answering Devices) Prohibits agencies using telephone answering device unless the caller can access a non-electronic attendant during business hours.
- 117.36.** (Voluntary Separation Incentive Program) Authorizes agencies to implement a voluntary separation incentive program in consultation with the BCB's Office of Human Resources

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and upon demonstration of recurring cost savings or permanent downsizing. Directs that such program be funded within existing appropriations. Directs BCB to report to SFC and WMC on results of such programs.

- 117.38.** (Debt Collection Reports) Requires each agency to submit a report to the SFC and WMC by the end of February that provides details on the amount of outstanding debt the agency had the previous calendar year and the methods used to collect the debt. Defines outstanding debt the amount that remains due and owed to a state agency by a non-governmental entity for more than 60 days.
- 117.40.** (Tobacco Settlement Funds Carry Forward) Authorizes state agencies to retain and carry forward unexpended Tobacco Settlement Agreement funds and to expend such funds for the same purpose.
- 117.44.** (Governor's Office, Veterans Affairs) Requires the Director of the Division of Veterans Affairs to appoint an additional claims representative, approved by the Governor, who in addition to assisting all ex-servicemen, shall also specialize in the specific needs and diseases associated with veterans of the Vietnam era. Authorizes the claims representative, at the director of the director, to represent the Division on the South Carolina Agent Orange Advisory Council and on the Hepatitis C Coalition and to assist the division in carrying out its duties in connection with the Agent Orange Information and Assistance program
- 117.48.** (DMV Data) Directs the Department of Motor Vehicles to provide the Department of Transportation access, without charge and in compliance with state and federal privacy protection statutes, to collision data, collision reports, registration information used for toll enforcement, and driver records of employees or prospective employees.
- 117.50.** (Constitutional Officer & Agency Head Voluntary Furlough) Authorizes constitutional officers and agency heads to take up to 36 days furlough while retaining all responsibilities and authority. Directs that funds saved may be retained by the agency. Direct that the employee is entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries; that required employer and employee contributions are the employer's responsibility if coverage would otherwise be interrupted and that benefits only requiring employee contributions are the responsibility of the employee.
- 117.52.** (Facility Rental Fees) Authorizes the Governor's Schools for the Arts and Humanities and for Science and Mathematics, Wil Lou Gray Opportunity School, and John de la Howe School to charge, collect, expend and carry forward facility and equipment rental fees and registration fees.
- 117.53.** (Insurance Claims) Authorizes an agency to use any insurance reimbursement to offset expenses related to the claim and to retain, expend and carry forward these funds.
- 117.54.** (Organizational Charts) Requires state agencies to furnish a current organizational chart to the Office of Human Resources by September 1 and notification of any change to the organizational structure which impacts an employee's grievance rights within 30 days of such change. Directs that the organizational chart be in a form prescribed by the Office of Human Resources and that it show all authorized positions, class title, class code, class slot, and filled or vacant positions and identify employees exempt from the State Employee Grievance Procedures Act.

**S.211, PROVISO CODIFICATION BILL
PROVISO SUMMARIES**

- 117.55.** (Agencies Affected by Restructuring) Directs that upon the General Assembly's restructuring of state agencies, the BCB must work with agencies to phase-in operations of restructured organizations; directs that restructured organizations should be operating entirely under the revised structure by December 31st, unless otherwise directed by law. Directs the BCB to work with affected agencies to identify and facilitate transfers. Directs the Comptroller General and State Treasurer to allow agencies to continue processing documents within the account structure existing on June 30 until changes can be made to the accounting system. Directs the Office of State Budget to prepare subsequent detail budgets to conform to financial information in the act and corresponding provisos to restructuring legislation.
- 117.69.** (CID & PCC Agency Head Salaries) Directs that all hiring salaries and salary increases for the agency heads of the Commission on Indigent Defense and Prosecution Coordination Commission are subject to all provisions related to agency heads covered by the Agency Head Salary Commission.
- 117.71.** (Attorney Dues) Authorizes state agencies and offices to pay the costs of S.C. Bar Association mandatory dues for attorneys they employ.
- 117.73.** (Governor's Budget Certification) Requires the Governor's Executive Budget be certified by the Director of the State Budget Division of the B&C Board, or his designee, in the same manner as the House Ways and Means and Senate Finance Committee versions of the budget bill are certified.
- 117.75.** (Voluntary Furlough) Provides guidelines for agency heads to institute a voluntary employee furlough program of up to 90 days per fiscal year. Provides guidelines for employee benefits during the furlough.

SECTION 118 - STATEWIDE REVENUE (X91)

- 118.5.** (Criminal Justice Academy Funding) Directs that an additional \$5 surcharge is levied on all fines, forfeitures, escheatments or other monetary penalties imposed in general sessions, magistrates', or municipal court for misdemeanor traffic offenses or for nontraffic violations and directs that the surcharge be used to fund training at the Criminal Justice Academy. Prohibits the surcharge from being waived, reduced or suspended. Provides for the manner in which the funds are to be remitted to the State Treasurer and transferred to the Criminal Justice Academy.

1/7/2013