

**SENATE FINANCE COMMITTEE
CONSTITUTIONAL SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2013-14**

SECTION 59 - E20-OFFICE OF ATTORNEY GENERAL

59.7 **AMEND** (Savannah River Maritime Commission Funds) Authorizes the Attorney General to be reimbursed for litigation expenses incurred on behalf of the Savannah River Maritime Commission. Directs any remaining funds, after litigation has been concluded, to be deposited into the General Fund.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

59.7. (AG: Savannah River Maritime Commission Funds) The Office of the Attorney General is authorized to use funds appropriated ~~in Fiscal Year 2012-13~~ for litigation expenses related to the Savannah River Maritime Commission to reimburse litigation expenditures incurred by the Office of the Attorney General on behalf of the Savannah River Maritime Commission during ~~Fiscal Year 2011-12~~ *the current fiscal year*. Following the conclusion of these litigation matters any remaining funds shall be deposited in the General Fund.

59.8 **ADD** (Gang Violence Prevention/Youth Mentor) **WMC:** ADD new proviso to allow the Attorney General to spend other funds to implement and maintain gang prevention and youth mentoring programs in conjunction with the Youth Mentor Act. *Allows the agency to fund gang violence prevention programs and youth mentoring projects.* Fiscal Impact: No impact on the General Fund. Agency intends to use up to \$85,000 of miscellaneous litigation other funds for this purpose. Requested by Office of Attorney General.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

59.8. (AG: Gang Violence Prevention/Youth Mentor) The Office of the Attorney General may expend other funds to implement and maintain gang prevention and youth mentoring programs in conjunction with Section 63-19-1430 of the 1976 Code, the Youth Mentor Act.

SECTION 91 - A99-LEGISLATIVE DEPARTMENT

91.4 **AMEND** (Subsistence/Travel Regulations) Directs that members of the legislature receive subsistence for each legislative day the body is in session. Authorizes standing committees and joint study committees to work during interim with advanced approval of Speaker of House and President Pro Tempore of Senate. Allows members of the General Assembly to receive subsistence expenses, per diem, and mileage reimbursement at the IRS rate as of June 30, 2008.

WMC: AMEND proviso to delete reference to "as of June 30, 2008."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

91.4. (LEG: Subsistence/Travel Regulations) (A) Members of the General Assembly shall receive subsistence for each legislative day that the respective body is in session and in any other instance in which a member is allowed subsistence expense. No member of the General Assembly except those present are eligible for subsistence on that day. Legislative day is defined as those days commencing on the regular annual convening day of the General Assembly and continuing through the day of adjournment sine die, excluding Friday, Saturday, Sunday, and Monday.

(B) Standing Committees of the Senate and House of Representatives are authorized to continue work during the interim; however, House members must receive advanced approval

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by the Speaker of the House and Senate members must receive advanced approval by the President Pro Tempore of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the members of the General Assembly shall not be paid the per diem authorized in this provision. When certified by the Speaker of the House, President Pro Tempore of the Senate, or Standing Committee Chairman, the members serving on such committees shall receive a subsistence and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds for allowances specified in this proviso shall be paid to the members of the Senate or House of Representatives from the Approved Accounts of the respective body except as otherwise may be provided.

(C) Joint Study Committees created pursuant to Acts and Resolutions of the General Assembly are authorized to continue work during the interim to secure such information and complete such investigations as may be assigned to the respective committees; however, House members must receive advanced approval by the Speaker of the House and Senate members must receive advanced approval by the President Pro Tempore of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the House and Senate members of the Joint Study Committee shall not be paid the per diem authorized in this provision. When certified by the appropriate authority, the members appointed to such committees shall receive a subsistence and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The allowances specified in this proviso shall be paid from funds appropriated to the respective committees for such purposes, or from Approved Accounts of the respective body of the General Assembly if no funds have been appropriated to such a committee for these purposes.

(D) Members of the Senate and the House of Representatives when traveling on official State business shall be allowed a subsistence and transportation expenses as provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees upon approval of the appropriate chairman. When traveling on official business of the Senate or the House of Representatives not directly associated with a committee of the General Assembly, members shall be paid the same allowance upon approval of the President Pro Tempore of the Senate or the Speaker of the House of Representatives. In either instance, the members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds for the allowances specified in this proviso shall be paid from the Approved Accounts of the Senate or the House of Representatives or from the appropriate account of the agency, board, commission, task force or committee upon which the member serves.

(E) Members of the House of Representatives shall not be reimbursed for per diem, subsistence, or travel in connection with any function held outside of the regular session of the General Assembly unless prior approval has been received from the Speaker of the House.

(F) Notwithstanding any other provision of law, subsistence and mileage reimbursement for members of the General Assembly shall not exceed the level authorized by the Internal Revenue Service ~~as of June 30, 2008~~ for the Columbia area.

91.13 AMEND (In-District Compensation) Directs that legislators receive \$1,000 per month for in-district compensation.

WMC: AMEND proviso to delete reference to "effective January 1, 1995."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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91.13. (LEG: In-District Compensation) All members of the General Assembly shall receive an in-district compensation of \$1,000 per month ~~effective January 1, 1995.~~

- 91.19** **AMEND** (Statewide Acts Availability) Directs clerks of House and Senate to make all statewide Acts available to the public electronically.
WMC: AMEND proviso to delete reference to Section "2-7-80." *Refers to printing and distribution of acts; copies.*
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

91.19. (LEG: Statewide Acts Availability) From the funds appropriated in Part IA, Section 91D of this Act, for the current fiscal year the clerks of the House of Representatives and the Senate are to make all statewide Acts available to the public electronically. The provisions of this section are in lieu of the House and Senate Clerks' duties related to the printing and mailing of acts as set forth in Sections ~~2-7-80~~, 2-13-190, 2-13-210, and 11-25-640 through 11-25-680 of the 1976 Code.

- 91.22** **AMEND** (Suspend LAC Evaluation) Suspends, for FY 2012-13, the requirement that the LAC conduct an audit of the Family Independence Act every two years and directs that any savings generated be used to conduct audits as requested by members of the General Assembly.
WMC: AMEND proviso to update fiscal year reference to "2013-14."
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

91.22. (LEG: Suspend LAC Evaluation) For Fiscal Year ~~2012-13~~ 2013-14, the provisions of Section 43-5-1285 of the 1976 Code are suspended. Any savings generated by the suspension of the evaluation of the South Carolina Family Independence Act of 1995 shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

- 91.23** **AMEND** (DMV Audit Review) Suspends, for FY 2012-13, the requirement that the LAC conduct an independent review of the DMV and direct that any savings generated be used to conduct audits as requested by members of the General Assembly.
WMC: AMEND proviso to update fiscal year reference to "2013-14."
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

91.23. (LEG: DMV Audit Review) For Fiscal Year ~~2012-13~~ 2013-14, the provisions of Section 56-1-5(F) are suspended. Any savings generated by not conducting the review shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

- 91.24** **AMEND** (Electronic Correspondence) Prohibits the House of Representatives, during FY 12-13, from spending funds to print or mail bills, summaries, committee agendas, etc. to committee members. Directs that relevant information on committee meetings be sent to members electronically.
WMC: AMEND proviso to update fiscal year reference to "2013-14."
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

91.24. (LEG: Electronic Correspondence) For Fiscal Year ~~2012-13~~ 2013-14, the House of Representatives may not expend any funds for the printing or mailing of bills, summaries,

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committee agendas, etc. to committee members. The House of Representatives shall send all relevant information concerning committee meetings to committee members via electronic means.

- 91.27** **ADD** (Committee Member Purchases) **WMC:** ADD new proviso to permit members of the House Ways and Means Committee to purchase new chairs for the committee room from their personal accounts.
HOU: ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

91.27. (LEG: Committee Member Purchases) House of Representatives Ways and Means Committee members shall be permitted to purchase new chairs for the committee room from their personal accounts.

SECTION 92 - D21-OFFICE OF THE GOVERNOR

- 92.6** **AMEND** (OEPP - Victim/Witness Program Formula Distribution) Requires the first \$650,000 of any excess funds in the SC Victims' Compensation Fund be distributed to Judicial Circuits and used for Victim/Witness programs.
WMC: AMEND proviso to change "92.6" reference to "60.9." *Technical.*
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

92.6. (GOV: OEPP - Victim/Witness Program Formula Distribution) If funds in the South Carolina Victims' Compensation Fund exceed the amount required to operate the State Office of Victims Assistance and pay claims of crime victims the first \$650,000 of such excess must be used for Victim/Witness programs by distribution to Judicial Circuits based on a formula and criteria developed by the policy committee, and otherwise subject to the requirements of Section 60.8 and ~~92.6~~ 60.9.

SECTION 93 - D25-OFFICE OF INSPECTOR GENERAL

- 93.1** **ADD** (Coordination with State Auditor) **WMC:** ADD new proviso to direct the Inspector General to submit an annual report to the Chairmen of the House Ways and Means and Senate Finance Committees the written referrals of fraud, waste, and abuse received from the State Auditor and the corresponding actions taken by the Inspector General.
HOU: ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

93.1. (SIG: Coordination with State Auditor) The State Inspector General will prepare an annual report to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee detailing all written referrals of fraud, waste, and abuse from the State Auditor and all corresponding actions taken by the State Inspector General.

SECTION 99 - E24-OFFICE OF ADJUTANT GENERAL

- 99.12** **AMEND** (Citadel-S.C. National Guard Readiness Center) Directs the Adjutant General's Office, during FY 12-13, to repay to the General Fund \$300,000, plus interest, of the \$2,500,000 appropriated for the Citadel-S.C. National Guard Readiness Center in proviso 73.12

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of the FY 07-08 Appropriation Act and states the intent that the same amount, plus interest be repaid annually until the \$1,250,000 balance has been repaid to the General Fund.

WMC: AMEND proviso to update fiscal year to "2013-14."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

99.12. (ADJ: Citadel-S.C. National Guard Readiness Center) The Adjutant General's Office, during Fiscal Year ~~2012-13~~ 2013-14, shall repay to the General Fund of the State \$300,000, plus interest, of the \$2,500,000 appropriated by Proviso 73.12 of the Fiscal Year 2007-08 Appropriation Act to the Adjutant General's Office for the Citadel-South Carolina National Guard Readiness Center. It is the intent of the General Assembly that \$300,000, plus interest, shall be repaid annually until the \$1,250,000 balance has been repaid to the General Fund.

99.16 DELETE NEW PROVISO (Physical Assets Responsibility) **WMC:** ADD new proviso to make the Adjutant General's Office financially and administratively responsible for the following associated with 1 National Guard Road: buildings, grounds, deferred depreciation and maintenance reserves, improvement obligations, and all other operating costs. Direct that Section 1-11-67 [RENTAL CHARGES FOR OCCUPANCY OF STATE-CONTROLLED OFFICE BUILDINGS; APPORTIONMENT AMONG AGENCY FUNDING SOURCES] does not apply to this property and direct that the B&C Board is not responsible for deferred or future maintenance or repair of building or grounds. Fiscal Impact: No impact on the General Fund. Requested by Adjutant General.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~**99.16.** (ADJ: Physical Assets Responsibility) The Adjutant General shall be financially and administratively responsible for the building and grounds located at 1 National Guard Road in Columbia, to include maintaining necessary reserves for deferred and future depreciation and maintenance, and assuming improvement obligations and other costs of operation, including but not limited to, building maintenance, systems and equipment maintenance, custodial services, horticulture and grounds maintenance, insurance, and utilities. Section 1-11-67 of the 1976 Code shall not apply and the Budget and Control Board shall have no responsibility for any deferred or future maintenance and repair of the building and grounds.~~

99.17 AMEND NEW PROVISO (Mental Health Care Facilitator/Coordinator) **HOU:** ADD new proviso to authorize the Adjutant General to use their funds to hire a Mental Health Care Facilitator/Coordinator to act as a liaison to provide mental health care coordination for S.C. National Guard members and their families. Sponsors: Reps. Gambrell, White, Merrill, and Vick.

SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to delete reference to families and assisting with state provided, underutilized mental health beds with further utilization of available bed space at no cost/low cost facilities. Direct that responsibilities also include assisting at other post deployment and mental health events. Delete the requirement that the individual have active and valid HIPAA certification and instead require the individual hired be knowledgeable of state and federal privacy laws, including the HIPAA privacy regulations. State that it is "preferred" that they have a background in Social Work.

99.17. (ADJ: Mental Health Care Facilitator/Coordinator) The funds appropriated and or authorized to the Office of the Adjutant General may be utilized to hire a Mental Health

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Care Facilitator/Coordinator who shall act as a liaison to provide mental health care coordination for mental health services to all members of the South Carolina National Guard and their families. The responsibilities of the position shall include, but are not limited to, focusing on individuals without health insurance or without adequate health insurance; assisting with utilization of state provided, underutilized mental health beds, with further utilization of available bed space at no cost/low cost facilities across the state; facilitating Memorandum of Understanding with mental health facilities across the state to provide ~~no cost/low cost~~ assistance to National Guard Service Members and their families; assisting in coordinating Yellow Ribbon and Beyond **and other post deployment and mental health** events; coordinating treatment for Service Members for conditions that may or may not result in their being medically non deployable; and participating in staff meetings to discuss care of Service Members. The individual hired must ~~have active and valid HIPAA certification and a previous background in Social Work is preferred~~ **be knowledgeable of state and federal privacy laws, including the HIPAA privacy regulations. In addition, it is preferred that the individual have a previous background in Social Work.** A national security background check must be performed on the individual prior to a job offer being tendered.

SECTION 100 - E28-ELECTION COMMISSION

100.5 AMEND (Budget Reduction Exemption) Authorizes non-recurring general and primary election expense funds to be exempt from mandated across the board reductions and to be excluded from the agency's base budget for purposes of calculating any across the board base reductions.

WMC: AMEND proviso to also exempt and exclude recurring funds appropriated for the same purpose. *During the 2012-13 budget process, recurring primary and general election funds were included in the agency's base budget.* Requested by Election Commission.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

100.5. (ELECT: Budget Reduction Exemption) Funds appropriated for recurring and non-recurring general and primary election expenses are exempted from mandated across the board reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Budget and Control Board or the General Assembly, the amount of funds appropriated for recurring and non-recurring primary and general election expenses shall be excluded from the agency's base budget.

100.7 AMEND (Training & Certification Program) Requires all County Boards of Voter Registration and County Election Commission to receive courses on their duties and responsibilities and allows the Election Commission to charge a fee for such courses. Authorizes the commission to retain up to \$35,000 in revenue to be used to help cover the costs of providing the training, and allows funds remaining in the account at the end of the fiscal year to be retained and carried forward to be used for the same purpose in the next fiscal year. Allows the commission to withhold members stipend if they don't complete the required training and certification programs.

WMC: AMEND proviso to delete the requirement that the commission retain the funds until the required training has been completed. *The commission does not currently have carry forward authority for the funds. Current commission policy for the aid to county stipend requires a member to be in compliance by the end of the applicable quarter in order to be eligible to receive the funds.* Requested by Election Commission.

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HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

100.7. (ELECT: Training & Certification Program) All members and staff of County Boards of Voter Registration and County Election Commissions will receive a common curriculum to include core courses on the duties and responsibilities of county registration boards and county election commissions and electives to promote quality service and professional development. The State Election Commission shall make these courses available in various locations, including but not be limited to, the upstate, coastal, and midlands areas of the state. Up to \$35,000 of revenue generated by charging a fee to attend these courses may be retained and expended by the South Carolina Election Commission to help cover the cost of providing the training. Any balance in the training and certification account on June 30, of the prior fiscal year may be carried forward and expended for the same purpose during the current fiscal year.

The State Election Commission is required to withhold the stipend of members who do not complete the training and certification program as required in Sections 7-5-10, 7-5-35 and 7-13-70 of the 1976 Code. Additionally, funds will also be withheld if a board or commission member completes the training and certification program, but fails to complete at least one training course per year. The board or commission member and members of that county's legislative delegation will be notified of the withholding of the stipend and the requirements needed to bring the member into compliance with the law. ~~Funds will be retained by the State Election Commission until the board or commission member has completed the program or completes the training course required for continuing education.~~ If a board or commission member cannot complete the program or complete the required continuing education due to extenuating circumstances, the board or commission member must submit a written request to the county legislative delegation for approval or funds will continue to be withheld as described in this proviso. If a board or commission member does not become compliant with the law within eighteen months of initial notification of stipend withholding, the county's legislative delegation must replace that person on the board or commission.

100.8 **AMEND** (Penalty for Late Submission of Reimbursable Expenses) Authorizes the Election Commission to assess a 10% penalty for submissions of reimbursable election expenses more than 30 days after the election. Allows for a waiver of the penalty for good reason. Authorizes the commission to expend appropriated funds in the current fiscal year for expenses incurred in the prior fiscal year.

WMC: AMEND proviso to allow the commission to deduct a 10% penalty from the amount a county submits for election expenses reimbursement if the request is not submitted through the Voter Registration and Election Management System. Requested by Election Commission.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

100.8. (ELECT: Penalty for Late Submission of Reimbursable Expenses) In the event that a county submits reimbursable election expenses to the Commission for payment more than thirty (30) days after the election is held, the Commission may deduct a penalty of ten (10) percent of the late-submitted amount. The county is responsible for payment of this amount. If the Commission finds good reason for such late submission, the penalty may be waived. The Election Commission shall be authorized to expend funds appropriated/ authorized in the current fiscal year to pay election expenses incurred by a county in the prior fiscal year. If a county submits a request for reimbursement of election expenses through any means other than

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the Voter Registration and Election Management System (VREMS), the Commission may deduct a penalty of ten (10) percent of the amount submitted.

- 100.13 DELETE NEW PROVISO** (Polling Precincts) **WMC:** ADD new proviso to direct the Election Commission to quarterly create a list of polling places with the number of registered voters in each and to make the list available to county boards of registration and elections. Require county board of registration and election to submit a report to the Election Commission that lists polling precincts that have more than 2,500 registered electors as of January 1st and direct the commission to compile the information and submit it to the General Assembly by the 4th Tuesday of each odd-numbered year.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~100.13. (ELECT: Polling Precincts) The State Election Commission must make a list of polling places and the number of registered voters in each available to county boards of registration and election quarterly. County boards of registration and election must report all polling precincts that have more than two thousand five hundred registered electors as of January first to the State Election Commission which must compile the information and submit a report to the General Assembly no later than the fourth Tuesday of each odd numbered year.~~

- 100.14 DELETE NEW PROVISO** (New Statewide Voting System) **WMC:** ADD new proviso to direct that funds appropriated for a new statewide voting system be placed into an designated account and be retained by the Election Commission until a new voting system with a verifiable paper trail is necessary and available for purchase. Authorize the funds to be carried forward and used for the same purpose. *Allow the SEC to retain recurring funds received over the next 5-6 years and place the funds into a designated account until the total funding needed for a new statewide voting system is received.* Fiscal Impact: Agency indicates total cost for a new voting system would be approximately \$30,000,000. Requested by Election Commission.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~100.14. (ELECT: New Statewide Voting System) Funds appropriated for a new statewide voting system shall be placed into an designated account and retained by the State Election Commission until such time as a new voting system with a verifiable paper trail is necessary and is available for purchase by the State Election Commission. These funds shall be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose.~~

SECTION 101 - F03-BUDGET AND CONTROL BOARD

- 101.5 AMEND** (Compensation - Reporting of Supplemental Salaries) Prohibits salary supplements unless approved by the agency head. Directs that any compensation or travel reimbursement from a public or private source be reported to the B&C Board by August 31 for the previous fiscal year. Directs the Office of Human Resources to establish procedures related to the reporting requirement.

WMC: AMEND proviso to change Division of Budget and Analyses and Office of Human Resources references to "Human Resources Division." *Technical.* Requested by Budget and Control Board.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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101.5. (BCB: Compensation - Reporting of Supplemental Salaries) No supplement shall be paid to an agency's employee unless the agency head or designated official of the employing agency has approved the conditions and amount of salary supplement. Any compensation, excluding travel reimbursement, from an affiliated public charity, foundation, clinical faculty practice plan, or other public source or any supplement from a private source to the salary appropriated for a state employee and fixed by the State must be reported by the employing agency to the Human Resources Division of Budget and Analyses of the Budget and Control Board. The report must include the amount, source, and any condition of the supplement. The employing agency must report this information on or before August thirty-first of each year and must include the total amount and source of the salary supplement received by the employee during the preceding fiscal year (July first through June thirtieth). The ~~Office of~~ Human Resources Division of the Budget and Control Board shall formulate policies and procedures to ensure compliance with the reporting provisions of this proviso.

101.16 **AMEND** (Election File Merger) Directs the Office of Research and Statistics, in conjunction with the Election Commission to merge the voter registration file with the office's Geocoded Address List and various district boundaries in order to assist County Registration and Election Commissions with ensuring registered voters are assigned to proper election districts.

WMC: AMEND proviso to change "Office of Research and Statistics" references to "Research and Statistics Division." Direct that file merger is only required for districts that have elections scheduled. Allow the division to share the information collected with other state agencies. Define, for purposes of this provision, what is included in GIS data. Requested by Budget and Control Board.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

101.16. (BCB: Election File Merge) In order to assist the County Registration and Election Commissions to ensure that registered voters are assigned to proper election districts, the ~~Office of~~ Research and Statistics Division, in conjunction with the South Carolina Election Commission, shall merge the voter registration file with the ~~office's~~ division's Geocoded Address List and the district boundaries of the Congress, South Carolina Senate, South Carolina House of Representatives, county councils, and such other districts as the office possesses official district boundary records in electronic format. The merged systems will allow the ~~Office of~~ Research and Statistics Division to provide the respective county officials with a list of potential voters who are possibly assigned to the wrong election district. File merger is required only for those districts in which elections are scheduled. Counties and municipalities shall release GIS to the ~~Office of~~ Research and Statistics Division upon the ~~Office's~~ division's written request. Written request must be sent to the chief administrative officer of the county or municipality and advise the county or municipality that failure to comply within thirty days of request may result in the withholding of ten percent of the county's or municipality's state aid. The Director of the ~~Office of~~ Research and Statistics Division may grant additional time for good cause and must waive release if the county or municipality does not possess GIS data. For counties and municipalities that possess GIS data but do not release it, the Director of the ~~Office of~~ Research and Statistics Division shall notify the State Treasurer of the failure to comply with this provision after the required notice. Notification shall result in the withholding of ten percent of subsequent payments of state aid to the entity until the GIS data is provided. Municipal and county data acquired by the ~~Office of~~ Research and Statistics Division in the course of performing its responsibilities ~~under this provision~~ may be used for other functions of the office as well as shared with other state agencies. For this provision GIS data includes, but

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is not limited to, road centerlines; orthophotography; parcel boundaries; address points; political boundaries; and administrative boundaries.

- 101.20 DELETE** (SEC Legal Expenses) Directs the Insurance Reserve Fund to reimburse the Ethics Commission for expenses associated with defense of two lawsuits which the Attorney General refused to defend.

WMC: DELETE proviso. *The lawsuits have been concluded and the proviso is no longer necessary.* Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~101.20. (BCB: SEC Legal Expenses) The Executive Director of the Budget and Control Board must reimburse the State Ethics Commission from the Insurance Reserve Fund for expenses incurred in the defense of South Carolinians for Responsible Government v. Krawcheck, et al., and South Carolina Citizens for Life v. Krawcheck, et al., both filed in the United States District Court of South Carolina, and where the Attorney General has refused to defend the action and the Budget and Control Board has refused to use the Civil Contingent Fund, as provided for in Section 8-13-1373, to pay for defense of such action. The appropriate official of the State Ethics Commission must certify to the Executive Director on a monthly basis the costs incurred in defense of these actions. Upon receipt of the certification the Executive Director shall reimburse the State Ethics Commission the amount certified.~~

- 101.22 AMEND** (Employee Compensation) Provides a plan to distribute employee pay increases for FY 12-13 in the amount of 3%.

WMC: AMEND proviso to change “three” percent to “zero” percent. Delete item 7 pertaining to timing of processing pay increases. *Conforms with funding recommendation.*

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

101.22. (BCB: Employee Compensation) The amounts appropriated to the Budget and Control Board for Employee Pay Increases must be allocated by the Board to the various state agencies to provide for employee pay increases in accordance with the following plan:

1. With respect to classified and non-judge judicial classified employees, effective on the first pay date that occurs on or after July first of the current fiscal year, the compensation of all classified employees shall be increased by ~~three~~ zero percent.

2. With respect to unclassified and non-judge judicial unclassified employees or unclassified executive compensation system employees not elsewhere covered in this act, effective on the first pay date that occurs on or after July first of the current fiscal year the compensation of all unclassified employees shall be increased by ~~three~~ zero percent. Any employee subject to the provisions of this paragraph shall not be eligible for compensation increases provided in paragraphs 1, 3, 4, 5, or 6.

3. Effective on the first pay date that occurs on or after July first of the current fiscal year, agency heads not covered by the Agency Head Salary Commission, shall receive an annualized base pay increase of ~~three~~ zero percent.

4. With respect to local health care providers compensation increases shall be ~~three~~ zero percent effective on the first pay date that occurs on or after July first of the current fiscal year. With respect to Area Agencies on Aging funded by the Lieutenant Governor’s Office on Aging, compensation shall be increased by ~~three~~ zero percent effective on the first pay date that occurs on or after July first of the current fiscal year. With respect to local councils on aging or local providers of services funded by the Lieutenant Governor’s Office on Aging through Area

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Agencies on Aging, no pay increases will be allowed. School Bus Driver salary and fringe funding to school districts shall be increased by ~~three~~ zero percent.

5. Effective on the first pay date that occurs on or after July first of the current fiscal year, the Chief Justice and other judicial officers shall receive an annualized base pay increase of ~~three~~ zero percent.

6. Effective on the first pay date that occurs on or after July first of the current fiscal year, county auditors and county treasurers shall receive an annualized base pay increase of ~~three~~ zero percent.

~~7. The Budget and Control, the Office of Comptroller General, and state agencies whose payroll is not processed by the Office of Comptroller General are authorized to implement employee pay increases described in this provision retroactively to the first pay date that occurs on or after July first of the current fiscal year, if the Appropriations Act is ratified by the General Assembly after June 7, 2012.~~

The Budget and Control Board shall allocate associated compensation increases for retirement employer contributions based on the retirement rate of the retirement system in which individual employees participate.

The Executive Director of the Budget and Control Board is authorized to use excess appropriations for the current fiscal year, as determined by the Director of the Office of State Budget, designated for statewide employer contributions for other statewide purposes. At the discretion of the Executive Director of the Budget and Control Board, such action may be considered a permanent transfer into the receiving agency's base budget.

Funds appropriated in Part IA, F30, Section 103, Budget and Control Board, Employee Benefits may be carried forward from the prior fiscal year into the current fiscal year.

101.26 DELETE (Rural Infrastructure) Directs the B&C Board to transfer all monies in the Office of Local Government grant program to the Rural Infrastructure Fund. Excludes the State Infrastructure Revolving Loan Fund and any federal monies and federal matching monies.

WMC: DELETE proviso. *The transfer is occurring in FY 12-13 so there is no future need for the proviso.* Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**101.26.** (BCB: Rural Infrastructure) The Budget and Control Board, Office of Local Government, or its successor, shall transfer all monies under its control to the South Carolina Rural Infrastructure Fund, authorized by Act 171 of 2010. For purposes of this paragraph, the Budget and Control Board, Office of Local Government, or its successor, shall transfer all monies and balances from any appropriation, carry forward funds, earmarked and restricted accounts, or any other account under its control, except for the State Infrastructure Revolving Loan Fund and any federal monies and federal matching monies. Any unexpended and undisbursed portion of these funds may be carried forward and used by the Rural Infrastructure Authority for its purposes. The Rural Infrastructure Authority, created pursuant to Act 171 of 2010, by a majority vote of the board may hire a director for the authority, so long as one of the gubernatorial appointees and three of the legislative appointees votes in favor of the hiring.~~

101.28 AMEND (Statewide Appropriations Budget Module) Directs that funds for the Statewide Appropriations Budget Module be used to design and implement the statewide budgeting system to produce the state's annual operating budget through the Annual Appropriation Act and assigns project oversight and direction to the State Budget Division.

WMC: AMEND proviso to authorize unexpended funds to be carried forward for continued implementation efforts. Requested by Budget and Control Board.

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HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

101.28. (BCB: Statewide Appropriations Budget Module) Funds provided for the Statewide Appropriations Budget Module known as PBF (the Public Budgeting Formulation Module) shall be used for the design and implementation of the statewide budgeting system to produce the state's annual operating budget through the passage of the Annual Appropriation Act. Project oversight and direction shall be the responsibility of the State Budget Division. Unexpended funds shall be carried forward from the prior fiscal year and expended for continued implementation of the budget module.

- 101.30 DELETE NEW PROVISO** (IRF Prohibition) **HOU:** ADD new proviso to prohibit the B&C Board from borrowing, transferring, pledging, or encumbering funds in the Insurance Reserve Fund for any purpose not specifically authorized by law. Require the board submit a report to the Chairmen of the Senate Finance and House Ways and Means Committees by October 1st on the use of the IRF during the prior fiscal year and include the amount of the transaction, recipient of the funds, date of the transfer or payment, and why the transfer was necessary. Sponsor: Rep. Cobb-Hunter.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~101.30. (BCB: IRF Prohibition) The State Budget and Control Board may not borrow, transfer, pledge, or otherwise encumber the funds of the Insurance Reserve Fund for any purpose not specifically authorized by law for the use of those funds. The Budget and Control Board shall prepare a report on prior fiscal year utilization of the Insurance Reserve Fund to include for each transaction the amount, the recipient of the funds, the date of the transfer or payment, and the action or reason that necessitated the transfer. The report shall be submitted annually to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by October 1st.~~

- 101.31 DELETE NEW PROVISO** (Activation of State House Garage Security System) **HOU:** ADD new proviso to direct the B&C Board to activate the State House Garage Security System effective July 1, 2013, which is to be operated by BPS. Sponsor: Rep. King.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~101.31. (BCB: Activation of State House Garage Security System) The Budget and Control Board, Division of General Services is directed to take the steps necessary to activate the State House Garage Security System, effective July 1, 2013, which is to be operated by the Bureau of Protective Services.~~

- 101.caf ADD** (Consolidation of Administrative Functions) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the B&C Board to study the feasibility, including a cost benefit analysis, of assuming control of certain non-agency specific administrative functions for state agencies whose total appropriations are less than \$5,000,000 and to report their findings to the Chairmen of the Senate Finance and House Ways and Means Committees by January 3, 2014.

~~101.caf. (BCB: Consolidation of Administrative Functions) From the funds appropriated to the Budget and Control Board, the board shall study the feasibility, including a cost benefit analysis, of assuming certain functions of state agencies that receive less than five million dollars in total funds appropriations in the current fiscal year. The functions to be considered~~

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shall include, but are not limited to, personnel administration, human resources, accounting, information technology, maintenance, and other functions that are administrative in nature and not agency specific. Upon completion of the study, the board shall submit a report detailing its findings to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. The report must be submitted no later than January 3, 2014.

- 101.sif ADD** (Second Injury Fund Closure Plan) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize and empower the B&C Board to implement and administer the Second Injury Fund closure plan. Direct the remaining Second Injury funds and accounts be transferred to the board and be held in separate and distinct trust accounts. Direct the board to act on behalf of the Second Injury Fund to process and record closing transactions. Direct the State Budget Division to provide appropriate other fund authority equal to remaining administrative expenditures, if needed.

101.sif. (BCB: Second Injury Fund Closure Plan) The Budget and Control Board is authorized and empowered to take all necessary actions to implement and administer the closure plan for the Second Injury Fund, as adopted pursuant to Section 42-7-320(A) of the 1976 Code, as amended, and use appropriate accounts for administrative costs associated with this responsibility. In order for the board to administer the plan and pay the remaining liabilities of the Second Injury Fund, applicable subfunds shall be transferred from the former Second Injury Fund to the Budget and Control Board. The funds shall be transferred and general ledger accounts established under the Board as soon as practicable after Fiscal Year 2012-13 closing transactions are processed. Because the Second Injury Fund terminates July 1, 2013, the board is authorized to act on behalf of the former Second Injury Fund to process its closing transactions and appropriately record the transactions. The State Budget Division is directed to provide the Second Injury Fund and the Budget and Control Board, as appropriate, other fund spending authority equal to the amount of any remaining administrative expenditures associated with closing the Second Injury Fund, if needed and adequately documented. The transferred funds shall continue to be held as separate and distinct trust accounts by the State Treasurer.

SECTION 102 - F27-BUDGET AND CONTROL BOARD, STATE AUDITOR'S OFFICE

- 102.3 ADD** (Coordination with Inspector General) **WMC:** ADD new proviso to direct the State Auditor to refer any instances of fraud, waste, or abuse that are identified through any state agency audit to the State Inspector General for examination and direct a report be submitted to the Chairmen of the House Ways and Means and Senate Finance Committees detailing the referrals.
HOU: ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

102.3. (BCB/AUD: Coordination with Inspector General) In the event the State Auditor's Office identifies instances of fraud, waste, and abuse during any state agency audit, the State Auditor shall refer such instances to the State Inspector General for examination. The State Auditor shall prepare and submit an annual report to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee detailing all written referrals of fraud, waste, and abuse submitted to the State Inspector General.

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SECTION 107 - R52 - STATE ETHICS COMMISSION

- 107.1 DELETE NEW PROVISO** (Lobbying Fee Increase) **WMC:** ADD new proviso to authorize the Ethics Commission to increase the registration fees for lobbyists and lobbyists principals to \$200 and to use these funds to offset costs associated with administering and enforcing lobbyist and lobbying legislation. Authorize unexpended funds to be carried forward and used for the same purpose. Fiscal Impact: BEA states that based on 1,087 currently registered lobbyists, the proposed \$100 fee increase should generate approximately \$108,700 in other fund revenue for the agency.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*107.1. (ETHICS: Lobbying Fee Increase) The State Ethics Commission is authorized to increase lobbyist and lobbyist's principal registration fees to two hundred dollars to be used to offset costs associated with the administration and enforcement of Chapter 17 of Title 2 and Chapter 13 of Title 8 of the South Carolina Code of Laws, 1976, as amended. Any unexpended funds may be carried forward into the current fiscal year to be used for the same purpose.*~~

- 107.2 DELETE NEW PROVISO** (Ethics Commission Fees) **WMC:** ADD new proviso to require any fee, fine, or penalty imposed by the commission to be deposited into the General Fund except for the \$100 increase for lobbyist and lobbyist's principal registration fee authorized in proviso 107.1.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*107.2. (ETHICS: Ethics Commission Fees) For Fiscal Year 2013-14, any fee, fine, or penalty imposed by the State Ethics Commission in the current fiscal year shall be deposited in the General Fund, with the exception of the one hundred dollar lobbyist and lobbyist's principal registration fee increase authorized in proviso 107.1 as provided herein.*~~

SECTION 109 - V04-DEBT SERVICE

- 109.1 AMEND** (Excess Debt Service Funds Carry Forward) Authorizes excess Debt Service funds to be carried forward from FY 11-12 and be spent for debt service purposes in FY 12-13.

WMC: AMEND proviso to update fiscal year references to "2012-13" and "2013-14."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

109.1. (DS: Excess Debt Service Funds Carry Forward) Excess Debt Service funds from Fiscal Year ~~2011-12~~ 2012-13 may be carried forward and expended for debt service purposes in Fiscal Year ~~2012-13~~ 2013-14.

SECTION 110 - X22-AID TO SUBDIVISIONS, STATE TREASURER

- 110.2 AMEND** (Quarterly Distributions) Provides for the quarterly distribution of Aid to Subdivisions Local Government Fund.

WMC: AMEND proviso to update fiscal year reference to "2013-14."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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110.2. (AS-TREAS: Quarterly Distributions) For Fiscal Year ~~2012-13~~ 2013-14, one quarter of the amount appropriated in Part IA for Aid to Subdivisions-Local Government Fund shall be distributed as soon after the beginning of each quarter as practical with the four distributions together totaling the ~~2012-13~~ 2013-14 Part IA appropriation for the Local Government Fund.

110.5 **AMEND** (LGF) Suspends Sections 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] and 6-27-50 [RESTRICTIONS ON AMENDMENT OR REPEAL OF CHAPTER] for Fiscal Year 2012-13.

WMC: AMEND proviso to update fiscal year reference to "2013-14."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

110.5. (AS-TREAS: LGF) For Fiscal Year ~~2012-13~~ 2013-14, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976 Code are suspended.

110.7 **AMEND** (Political Subdivision Flexibility) Authorizes political subdivisions that receive Local Government Fund monies to reduce the amount of support they provide to any state mandated program or requirement up to the percentage their Local Government Fund appropriation has been reduced compared to the amount required to be funded by law, but exclude ALJs, Court of Appeals, Circuit and Family Courts, Magistrates, Masters in-Equity, Probate Courts, Public Defenders, Solicitors and the Supreme Court and their offices from the reductions.

WMC: AMEND proviso to update fiscal year reference to "2013-14."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

110.7. (AS-TREAS: Political Subdivision Flexibility) For Fiscal Year ~~2012-13~~ 2013-14, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to be appropriated pursuant to Section 6-27-30. Excluded from said reductions are Administrative Law Judges and their offices, Court of Appeals and their offices, Circuit and Family Courts and their offices, Magistrates and their offices, Masters-in-Equity and their offices, Probate Courts and their offices, Public Defenders and their offices, Solicitors and their offices, and the Supreme Court and their offices.

110.8 **DELETE NEW PROVISO** (ADA Compliant Voting Machines) **HOU:** ADD new proviso to direct that up to \$140,000 of the funds distributed to Richland County from the Local Government Fund be designated to purchase new ADA compliant voting machines as a result of the legislation passed that created new Richland County precincts. Sponsors: Reps. Ballentine and Finlay.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

110.8. (AS-TREAS: ADA Compliant Voting Machines) ~~*From the funds distributed to Richland County from the Aid to Subdivisions, Local Government Fund, up to \$140,000 must be designated to purchase new ADA compliant voting machines as a result of legislation passed by the General Assembly creating new precincts for Richland County.*~~

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SECTION 117 - X90-GENERAL PROVISIONS

- 117.2 AMEND** (Appropriations From Funds) Directs that funds appropriated from the General Fund, EIA Fund, Highways and Public Transportation Fund and other applicable funds are to meet the ordinary expenses of the State for FY 2012-13

WMC: AMEND proviso to update fiscal year reference to "2013-14."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year ~~2012-13~~ 2013-14, and for other purposes specifically designated.

- 117.3 AMEND** (Fiscal Year Definitions) Defines current and prior fiscal year time frames.

WMC: AMEND proviso to update fiscal year references from "2012" to "2013;" "2013" to "2014;" and "2011" to "2012."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.3. (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, "current fiscal year" means the fiscal year beginning July 1, ~~2012~~ 2013, and ending June 30, ~~2013~~ 2014, and "prior fiscal year" means the fiscal year beginning July 1, ~~2011~~ 2012, and ending June 30, ~~2012~~ 2013.

- 117.35 DELETE** (Menu Option Telephone Answering Devices) Prohibits agencies using telephone answering device unless the caller can access a non-electronic attendant during business hours.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

117.35. (GP: Menu Option Telephone Answering Devices) ~~From the funds appropriated to state agencies, state agencies and their departments shall not expend funds for any type of menu option telephone answering device, unless the menu option system provides the caller with access to a non-electronic attendant or automatically transfers the caller to a non-electronic attendant. This requirement applies during the hours of 8:30 a.m. until 5:00 p.m., Monday through Friday, excluding holidays. This requirement does not apply to integrated voice response systems that are specifically designed to exclude human interaction. No additional personnel may be hired to implement the requirements of this provision.~~

- 117.38 AMEND** (Debt Collection Reports) Requires each agency to submit a report to the Chairmen of the Senate Finance and House Ways and Means Committees 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 as the amount that remains due and owed to a state agency by a non-governmental entity for more than 60 days.

WMC: AMEND proviso to also have the report submitted to the Inspector General.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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117.38. (GP: Debt Collection Reports) Each state agency shall provide to the Chairmen of the Senate Finance and House of Representatives Ways and Means Committees and the Inspector General a report detailing the amount of its outstanding debt and all methods it has used to collect that debt. This report is due by the last day of February for the previous calendar year. For purposes of this provision, outstanding debt means a sum remaining due and owed to a state agency by a non-governmental entity for more than sixty (60) calendar days.

117.50 DELETE (Constitutional Officer & Agency Head Voluntary Furlough) Allows constitutional officers and agency heads to voluntarily furlough for up to 36 days.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**117.50.** (GP: Constitutional Officer & Agency Head Voluntary Furlough) All constitutional officers and agency heads may take up to thirty six days furlough in the current fiscal year. The officials will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the constitutional officer or agency head. During this furlough, the constitutional officer or agency head shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the constitutional officer or agency head remains solely responsible for making those contributions.~~

117.54 AMEND (Organizational Charts) Requires agencies to submit organization charts to the Office of Human Resources.

WMC: AMEND proviso to change "Office of Human Resources" references to "Human Resources Division." *Technical.*

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.54. (GP: Organizational Charts) All agencies, departments and institutions of state government shall furnish to the ~~Office of~~ Human Resources Division (1) a current personnel organizational chart annually no later than September 1 of the current fiscal year, or upon the request of the ~~Office~~ Division and (2) notification of any change to the agency's organizational structure which impacts an employee's grievance rights within 30 days of such change. The organizational chart shall be in a form prescribed by the ~~Office of~~ Human Resources Division showing all authorized positions, class title, class code, ~~class slot~~ position number and indications as to whether such positions are filled or vacant. In addition, the organizational chart shall clearly identify those employees who are exempt from the State Employee Grievance Procedure Act.

117.55 AMEND (Agencies Affected by Restructuring) Directs the B&C Board, when the General Assembly's restructures state agencies, to work with affected agencies to phase-in operations of the restructured organizations and directs that these agencies should be operating entirely under the revised structure by December 31st, unless otherwise directed by law. Directs the Comptroller General and State Treasurer to allow agencies to continue processing documents within their old account structure until accounting system changes can be made. Directs the

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Office of State Budget to prepare subsequent detail budgets to conform to financial information in the act and corresponding provisos to restructuring legislation.

WMC: AMEND proviso to change "Office of State Budget" reference to "State Budget Division."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.55. (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly the Budget and Control Board is directed to work with affected State agencies in order to phase-in operations of restructured organizations during the current fiscal year. Restructured organizations should be operating entirely under the revised structure no later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The Board is further directed to work with the affected agencies in order to identify and facilitate the transfer of any portion of their operations, including transfer of funds during the current fiscal year, which is affected by the restructured organization adopted by the General Assembly, but which has not already been accomplished herein. Until sufficient changes can be made to the State's accounting system and the appointment of appropriate agency heads, the Comptroller General and the State Treasurer shall allow those agencies affected by restructuring to continue processing documents within the account structure existing on June thirtieth, of the prior fiscal year. Restructured agencies shall make all the necessary accounting adjustments to complete the transition to the new account structure as soon as possible, but no later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The Budget and Control Board ~~Office of State Budget~~ Division is directed to prepare the subsequent detail budget to conform Part IA and corresponding provisos in this act to any restructuring changes that are ratified.

117.75 **AMEND** (Voluntary Furlough) Provides guidelines for agency heads to institute a voluntary employee furlough program of up to 90 days per fiscal year and for employee benefits during the furlough.

WMC: AMEND proviso to delete the stipulation that a voluntary furlough may only be implemented when less general funds are appropriated to an agency than they received the prior fiscal year or when the General Assembly or B&C Board implements a mid-year across the board budget reduction.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.75. (GP: Voluntary Furlough) ~~In a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Budget and Control Board implements a midyear across the board budget reduction,~~ agency Agency heads may institute a voluntary employee furlough program of not more than ninety days per fiscal year. During this voluntary furlough, the state employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agencies, institutions and departments will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

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117.78 AMEND (Reduction in Force/Agency Head Furlough) Provides guidelines for an agency head to be furloughed when a reduction in force is implemented by the agency.

WMC: AMEND proviso to exempt agency heads from being required to take a mandatory furlough if RIFs are implemented due to "reorganization to accomplish organizational efficiencies."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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

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

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

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

An agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented as a result of federal budget cuts or reorganization to accomplish organizational efficiencies.

117.85 DELETE (Travel Reduction Assessment) Encourages agencies to ensure that front line employees who provide services directly to clients are minimally impacted by the assessment of any travel reduction.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

117.85. (GP: Travel Reduction Assessment) ~~Agencies are encouraged, when assessing travel reductions, to ensure that front line employees who provide direct services to clients are minimally impacted by the reduction.~~

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117.89 AMEND (Deficit Monitoring) Provides procedures for the Office of State Budget regarding quarterly deficit monitoring.

WMC: AMEND proviso to change "Office of State Budget" reference to "State Budget Division." *Technical.*

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.89. (GP: Deficit Monitoring) If at the end of each quarterly deficit monitoring review by the ~~Office of State Budget~~ Division, it is determined by either the ~~Office of State Budget~~ Division or an agency that the likelihood of a deficit for the current fiscal year exists, the agency shall submit to the ~~Office of State Budget~~ Division within fourteen days, a plan to minimize or eliminate the projected deficit. After submission of the plan, if it is determined that the deficit cannot be eliminated by the agency on its own, the agency is required to officially notify the Budget and Control Board within thirty days of such determination that the agency is requesting that a deficit be recognized. Once a deficit has been recognized by the Budget and Control Board, the agency shall limit travel and conference attendance to the minimum required to perform the core mission of the agency. In addition, the board when recognizing a deficit may direct that any pay increases and purchases of equipment and vehicles shall be approved by the ~~Office of State Budget~~ Division.

117.111 RESTORE ORIGINAL PROVISO (Prohibits Local Government Fund Public Funded Lobbyists) Prohibits all local governmental entities from using taxpayer funds received from the Local Government Fund to pay employees for lobbying activities undertaken on their behalf.

WMC: AMEND proviso to direct that if it is determined that this has occurred, the governmental entity that originally received the funds will have their allocation reduced by a like amount.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: RESTORE original proviso.

117.111. (GP: Prohibits Local Government Fund Public Funded Lobbyists) All local governmental entities including, but not limited to, counties, municipalities, and associations are prohibited from using taxpayer funds received from the Local Government Fund to compensate employees for lobbying activities engaged in on behalf of such governmental entity. ~~*In the event it is determined that this has occurred, the governmental entity which originally received funds from the Local Government Fund shall have their allocation reduced by a corresponding amount.*~~

117.118 DELETE NEW PROVISO (Electronic Transmission of Agency Reports to General Assembly) **WMC:** ADD new proviso to direct that except for the Governor's Executive Budget and related documents and telephone directories, all reports that state governmental agencies are required to submit to the General Assembly shall be transmitted electronically to the Office of Legislative Printing, Information and Technology Systems (LPITS) and to the State Library as provided in Section 60-2-30. LPITS is directed to notify members of the General Assembly that the report is available. Prohibit agencies from submitting hard copies of a document to the General Assembly unless a members has so requested. Direct that the Speaker of the House and President Pro Tempore of the Senate may authorize hard copies of any document to be printed and distributed to the General Assembly. *Mirrors Section 2-1-230. Was previously a proviso in the appropriation act until codified in Act 119 of 2005.*

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HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~117.118. (GP: Electronic Transmission of Agency Reports to General Assembly) In order to conform to the requirements of Section 2-1-230 of the 1976 Code, with the exception of the Governor's Executive Budget and related documents and telephone directories, an agency, department, or entity of state government required by law to report to the General Assembly shall prepare its report and transmit its report electronically to the Office of Legislative Printing, Information and Technology Systems (LPITS) and to the State Library as provided in Section 60-2-30. LPITS shall notify the members of the General Assembly that the report is available. An agency, department, or entity of state government may not provide the General Assembly with hard copies of a publication whether or not the publication, report, or other document is required by law to be furnished to the General Assembly, and a publication may only be provided to a member of the General Assembly if the member requests the publication.~~

~~An agency, department, or entity of state government shall transmit these publications to the Office of Legislative Printing, Information and Technology Systems (LPITS) by electronic medium in a format and form pursuant to technical standards as may be established by LPITS. LPITS shall make information transmitted available through its network.~~

~~A report governed by the requirements of this section may be published in hard copy form for distribution to the General Assembly if authorized by the Speaker of the House and the President Pro Tempore of the Senate.~~

SECTION 118 - X91-STATEWIDE REVENUE

- 118.1 AMEND FURTHER** (Year End Expenditures) Directs year-end expenditure deadlines.
WMC: AMEND proviso to change fiscal year reference from "2013" to "2014" and "July 12, 2013" to "July 11, 2014."
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to also direct that all electronic workflow for accounts payable transactions be submitted to the Comptroller General by July 14, 2014. Requested by Office of Comptroller General.

118.1. (SR: Year End Expenditures) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary expenses of the State Government shall lapse on July 31, ~~2013~~ 2014. State agencies are required to submit all current fiscal year input documents and all electronic workflow for accounts payable transactions to the Office of the Comptroller General by July ~~12, 2013~~ 14, 2014. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the Budget and Control Board and Joint Bond Review Committee, toward the accomplishment of the purposes for which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the Budget and Control Board, toward the accomplishment of the purposes for which the appropriations were provided.

**SENATE FINANCE COMMITTEE
CONSTITUTIONAL SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2013-14**

118.11 DELETE (Contingency Reserve Fund Transfers) Transfers excess FY 11-12 general fund revenues above the amounts appropriated in proviso 118-14 (Nonrecurring Revenue) to the Contingency Reserve Fund.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

118.11. (SR: Contingency Reserve Fund Transfers) ~~Any excess Fiscal Year 2011-12 general fund revenue above the amounts appropriated in Proviso 118.14 shall be transferred to the Contingency Reserve Fund.~~

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