

**SENATE FINANCE COMMITTEE
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PROVISO RECOMMENDATIONS FOR FY 2018-19**

SECTION 59 - E200 - OFFICE OF THE ATTORNEY GENERAL

59.10 **ADD** (Victim/Witness Program Formula Distribution) **WMC:** ADD new proviso to require the first \$650,000 of any excess funds in the SC Victims' Compensation Fund be used for Victim/Witness programs. *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office. See proviso 93.4.*

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

59.10. (AG: Victim/Witness Program Formula Distribution) If funds in the South Carolina Victims' Compensation Fund exceed the amount required to operate the State Crime Victim Compensation Department 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 requirements of Proviso 60.8.

59.11 **ADD** (Physical Abuse Examinations) **WMC:** ADD new proviso to authorize up to \$120,000 11 funds appropriated for Victims' Rights to be expended for physical abuse exams. *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office. See proviso 93.5.*

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

59.11. (AG: Physical Abuse Examinations) Of the funds appropriated in this section for Victims' Rights, up to \$120,000 may be expended for physical abuse examinations.

59.12 **ADD** (Procuring Services) **WMC:** ADD new proviso to require the Office of Victims' Assistance to follow state procurement procedures when hiring outside entities in order to maximize services for victims. Require contracting entities to submit an annual report by August 1 detailing expenditures from the prior fiscal year. Direct the Attorney General's Office to transfer funds from the Victims' Compensation Fund and to use general funds appropriated for Victims' Assistance to pay for any contracts or services procured and specifies the amount to be used/transferred. *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office. See proviso 93.9.*

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

59.12. (AG: Procuring Services) In order to maximize services for victims of crime, if the fulfilling of requirements pursuant to Section 16-3-1410 of the 1976 Code, necessitates hiring any outside entities, the State Crime Victim Compensation Department must follow procedures established by the SC Consolidated Procurement Code. Any entity contracting with the agency will submit an annual report by August first to the Governor's Office and to the Chairmen of the Senate Finance Committee and House Ways and Means Committee detailing expenditures from the prior fiscal year in accordance with the State Office of Victims' Assistance. The Attorney General's Office is directed to transfer \$122,032 of the funds carried forward from the prior fiscal year in the Victims' Compensation Fund, and up to \$41,892 from general funds from Victim's Assistance to pay for any contracts or services procured.

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59.13 **ADD** (Crime Victims Ombudsman) **WMC:** ADD new proviso to direct the State Crime Victim Compensation Department to transfer \$116,000 to the Crime Victims Ombudsman's Office for administrative and operations support. *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office. See proviso 93.11.*

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

59.13. (AG: Crime Victims Ombudsman) For the current fiscal year, the State Crime Victim Compensation Department shall transfer \$116,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.

59.14 **ADD** (State Crime Victim Compensation Department) **WMC:** ADD new proviso to authorize the State Crime Victim Compensation Department to enter into MOA with third-party victim service providers for emergency medical, transportation, or other crisis stabilization services on a reimbursable basis and require a report be submitted annually by October 1st to the Governor and the Chairmen of the Senate Finance and House Ways and Means Committees on the performance of the providers and the use of funds. *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office. See proviso 93.23.*

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

59.14. (AG: State Crime Victim Compensation Department) For the current fiscal year, The State Crime Victim Compensation Department may enter into memoranda of agreement with third-party victim service providers to secure emergency medical, transportation, or other crisis stabilization services on a reimbursable basis. Such agreements shall not allow for more than eight percent of the total reimbursement to cover a provider's administrative, marketing, and advocacy costs. Annually, and no later than October first of each year, the State Crime Victim Compensation Department shall report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of House Ways and Means Committee on the performance of third-party providers and the use of funds authorized pursuant to this provision in the prior fiscal year.

59.15 **ADD** (State Crime Victim Compensation) **WMC:** ADD new proviso to authorize a county or municipality to retain up to \$25,000 or 10% of the funds collected in the prior fiscal year, whichever is higher, pursuant to certain code sections pertaining to the additional assessment authorized in general sessions, family, magistrate, and municipal courts. Direct that if a county or municipality does not spend at least 90% of these funds on specific crime victims' services during the fiscal year the funds are received, any funds that exceed that amount authorized to be carried forward must be remitted to the State Victim Assistance Program. Direct the State Crime Victim Compensation Department to annually offer training and technical assistance on the acceptable use of the funds. Authorize the State Crime Victim Compensation Department to transfer any state funds under their authority to the State Victim Assistance Program for placement in the competitive bid process. Direct the State Victim Assistance Program to offer remitted funds to non-profits that provide direct victim services on a competitive bid process. *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office. See proviso 93.26.*

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

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59.15. (AG: State Crime Victim Compensation) A county or municipality may retain carry forward funds that were collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) of the 1976 Code, but no more than \$25,000 or ten percent of funds collected in the prior fiscal year, whichever is higher. If a county or municipality does not spend at least ninety percent of the funds collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) on Article 16, Chapter 3, Title 16 first priority and/or second priority programs during the fiscal year that the funds are received then the county or municipality shall remit any unspent funds that are greater than the allowed carried forward funds, regardless of the year collected, to the State Victim Assistance Program (SVAP) with the Office of the Attorney General within 120 days after the end of the fiscal year. All funds must be accounted for in the annual audit for each county or municipality.

The State Crime Victim Compensation Department shall offer training and technical assistance to each municipality and county annually on acceptable use of both priority one and priority two funds and funds available for competitive bid.

The State Crime Victim Compensation Department is authorized to transfer to the State Victim Assistance Program any state funds deemed available under Crime Victims Compensation authority to the State Victim Assistance Programs be placed in the competitive bid process.

The State Victim Assistance Program shall offer any funds remitted to it to non-profit organizations that provide direct victim services on a competitive bid process. These funds may be used by the non-profit for administrative costs and victim services.

59.16 **ADD** (Crime Victim Training Certification and Statistical Analysis) **WMC:** ADD new proviso to authorize the Attorney General’s Office to use \$75,000 of the State Crime Victim Compensation Fund to support the State Crime Victim Training, Certification and Statistical Analysis Division.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

59.16. (AG: Crime Victim Training Certification and Statistical Analysis) Of the funds appropriated and/or authorized for the State Crime Victim Compensation Fund, \$75,000 may be used to support the State Crime Victim Training, Certification and Statistical Analysis Division.

59.17 **AMEND** (Crime Victim Services Funeral and Burial Compensation) **WMC:** ADD new proviso to direct the Department of Crime Victim Compensation to set a \$6,500 threshold for funeral and burial compensation.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to change “threshold” to “maximum.”

59.17. (AG: Crime Victim Services Funeral and Burial Compensation) The Department of Crime Victim Compensation shall set ~~the~~ a funeral and burial compensation ~~threshold~~ maximum ~~##~~ of \$6,500.

SECTION 91 - A990 - LEGISLATIVE DEPARTMENT

91.23 **AMEND** (Technology Panel) Directs the K-12 Technology Initiative partnership to provide a report that describes the state’s efforts to facilitate providing cost effective connectivity and internet bandwidth to schools and libraries statewide and to report on certain technology related activities by June 1, 2018.

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WMC: AMEND proviso to update report due date to no later than June 1, “2019.”

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

91.23. (LEG: Technology Panel) Of the funds appropriated in the Department of Education’s program VIII.D. for Technology the K-12 Technology Initiative partnership shall provide a report to the House Education and Public Works Committee, the House Ways and Means Committee, the Senate Education Committee and the Senate Finance Committee, describing the state’s efforts to facilitate the cost effective provision of connectivity and internet bandwidth to schools and libraries on a statewide basis, regardless of location, activities to assist schools and libraries in minimizing and detecting internet security threats, the development and utilization of technological and online resources to support student development and achievement, the development and utilization of curriculum and professional training to support the use of instructional technology in schools and libraries, and other educational technology related activities engaged in by the partnership. Further, the report must detail information on the expenditure of the K-12 Technology funds by each district as well as a list of the districts requesting flexibility in the use of those funds. The report shall be submitted no later than June 1, ~~2018~~ 2019.

SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

93.4 DELETE/MOVE (Victim/Witness Program Formula Distribution) Requires the first \$650,000 of any excess funds in the SC Victims’ Compensation Fund be used for Victim/Witness programs.

WMC: DELETE proviso. *Responsibility was transferred per Act 96 of 2017 to the Attorney General’s Office. See proviso 59.10.*

HOU:

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

93.4. (DOA: 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 requirements of Section 60.8.~~

93.5 DELETE/MOVE (Physical Abuse Examinations) Authorizes up to \$120,000 of funds appropriated for Victims’ Rights to be expended for physical abuse exams.

WMC: DELETE proviso. *Responsibility was transferred per Act 96 of 2017 to the Attorney General’s Office. See proviso 59.11.*

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

93.5. (DOA: Physical Abuse Examinations) ~~Of the funds appropriated in this section for Victims’ Rights, up to \$120,000 may be expended for physical abuse examinations.~~

93.9 DELETE/MOVE (Procuring Services) Requires the Office of Victims’ Assistance to follow state procurement procedures when hiring outside entities in order to maximize services for victims. Requires contracting entities to submit an annual report by August 1 detailing

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expenditures from the prior fiscal year. Authorizes OEPP to transfer funds from the Victims' Compensation Fund and to use general funds appropriated for Victims' Assistance to pay for any contracts or services procured and specifies the amount to be used/transferred.

WMC: DELETE proviso. *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office. See proviso 59.12.*

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~93.9. (DOA: Procuring Services) In order to maximize services for victims of crime, if the fulfilling of requirements pursuant to Section 16-3-1410 of the 1976 Code, necessitates hiring any outside entities, the State Office of Victims' Assistance must follow procedures established by the SC Consolidated Procurement Code. Any entity contracting with the agency will submit an annual report by August first to the Governor's Office and to the Chairmen of the Senate Finance Committee and House Ways and Means Committee detailing expenditures from the prior fiscal year in accordance with the State Office of Victims' Assistance. The Governor's Office of Executive Policy and Programs is directed to transfer \$122,032 of the funds carried forward from the prior fiscal year in the Victims' Compensation Fund, and up to \$41,892 from general funds from Program III.C.1 to pay for any contracts or services procured.~~

93.11 **DELETE/MOVE** (Crime Victims Ombudsman) Directs the State Office of Victim's Assistance to transfer \$116,000 to the Crime Victims Ombudsman's Office for administrative and operations support.

WMC: DELETE proviso. *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office. See proviso 59.13.*

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~93.11. (DOA: Crime Victims Ombudsman) For the current fiscal year, the State Office of Victims Assistance shall transfer \$116,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.~~

93.23 **DELETE/MOVE** (Office of Victim Assistance) Authorizes the State Office of Victim Assistance to enter into MOA with third-party victim service providers for emergency medical, transportation, or other crisis stabilization services on a reimbursable basis and require a report be submitted annually by October 1st to the Governor and the Chairmen of the Senate Finance and House Ways and Means Committees on the performance of the providers and the use of funds.

WMC: DELETE proviso. *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office. See proviso 59.14.*

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~93.23. (DOA: Office of Victim Assistance) For the current fiscal year, The State Office of Victim Assistance may enter into memoranda of agreement with third party victim service providers to secure emergency medical, transportation, or other crisis stabilization services on a reimbursable basis. Such agreements shall not allow for more than eight percent of the total reimbursement to cover a provider's administrative, marketing, and advocacy costs. Annually, and no later than October first of each year, the State Office of Victim Assistance shall report to the Governor, the Chairman of Senate Finance Committee, and the Chairman of House Ways and~~

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~~Means Committee on the performance of third party providers and the use of funds authorized pursuant to this provision in the prior fiscal year.~~

- 93.24** **DELETE** (Emerging Leaders Program) Directs DOA Office of Human Resources to establish an Emerging Leaders Program designed to identify and develop the next generation of state government leaders. Requires the plans for the program be completed in time for the first cohort of participants to be selected by June 30, 2017.
WMC: DELETE proviso. Requested by Department of Administration.
HOU: ADOPT deletion of proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**93.24.** (DOA: Emerging Leaders Program) (A) With the funds appropriated to the Office of Human Resources, the Department of Administration shall establish an Emerging Leaders Program (ELP) that is designed to identify and develop the next generation of South Carolina state government's leaders by attracting and/or retaining imminent or recent graduates of relevant post baccalaureate programs to careers in public service. In order to cultivate effective and innovative leaders with demonstrated problem solving capabilities, the program shall be cohort based and require participants to complete rotations in a variety of functional roles that focus on budgeting, policymaking, operations/service delivery, and other appropriate/elective fields. These rotations shall be augmented by and interspersed with classroom based modules on organizational behavior, decision making processes, principles of leadership, and other appropriate topics. The program's ultimate design shall reflect the department's assessment of best practices in both public sector and private sector management and/or leadership development programs.~~

~~(B) Plans for the program shall be completed in time for the first cohort of participants to be selected by June 30, 2018.~~

- 93.25** **DELETE** (Sale of Port Royal) Directs DOA to order a new appraisal for the real and personal property at Port Royal within 30 days of the transfer of the property to DOA. Requires the appraisal be conducted in strict accordance with Section 54-3-700(D) [CESSATION OF MARINE TERMINAL OPERATIONS AT PORT ROYAL; SALE OF PROPERTY; CONDITIONS AND REQUIREMENTS OF SALE] and directs that the appraisal be published on the DOA website. Provides a timeframe and guidelines for the sale of the property. Directs that upon the transfer of the Port Royal real and personal property to DOA, the port and its representatives are divested of any authority, control, jurisdiction, or legal standing regarding the property.
WMC: DELETE proviso. *The property has been sold.* Requested by Department of Administration.
HOU: ADOPT deletion of proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**93.25.** (DOA: Sale of Port Royal) (A) Within thirty days of the transfer of the real and personal property at Port Royal to the Department of Administration pursuant to Section 54-3-700 of the 1976 Code, from the funds appropriated to the department, the department must order a new appraisal for the property, which shall be the appraisal to which Section 54-3-700(C)(3) applies. The appraisal must be conducted in strict accordance with Section 54-3-700(D), and the department, or the appraisal itself, must demonstrate that the appraisal was conducted accordingly. Upon the completion of the appraisal, the department must publish the appraisal, in its entirety, on the website maintained by the department. Also, the department shall make the appraisal available to any interested party.~~

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~~(B) Beginning on the first day of the first month beginning thirty days after the completion of the appraisal, the department shall list the property for sale at public auction. The auction shall close ninety days thereafter. If the department is unable to close the sale of the property to the highest qualifying bidder, the department must sell the property to the second highest qualifying bidder if the bidder is willing to close at the same bid amount. If the department is unable to close the sale of the property to the second highest qualifying bidder, the department shall continue this process until it has exhausted all qualifying bidders. For purposes of this section, a qualifying bid is a bid that meets the requirements of Section 54-3-700(C)(3).~~

~~(C) Upon the transfer of the real and personal property at Port Royal to the Department of Administration pursuant to Section 54-3-700, the State Ports Authority, and any of its representatives, are divested of any authority, control, jurisdiction, or legal standing in regards to the property.~~

93.26 DELETE/MOVE (State Victim Assistance Program) Authorizes a county or municipality to retain up to \$25,000 or 10% of the funds collected in the prior fiscal year, whichever is higher, pursuant to certain code sections pertaining to the additional assessment authorized in general sessions, family, magistrate, and municipal courts. Directs that if a county or municipality does not spend at least 90% of these funds on specific crime victims' services during the fiscal year the funds are received, any funds that exceed that amount authorized to be carried forward must be remitted to the State Victim Assistance Program within the DPS Office of Highway Safety and Justice Programs. Directs SOVA to annually offer training and technical assistance on the acceptable use of the funds. Authorizes SOVA to transfer any state funds under their authority to the DPS State Victim Assistance Program for placement in the competitive bid process. Directs the State Victim Assistance Program to offer remitted funds to non-profits that provide direct victim services on a competitive bid process.

WMC: DELETE proviso. *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office. See proviso 59.15.*

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**93.26.** (DOA: State Victim Assistance Program) A county or municipality may retain carry forward funds that were collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) of the 1976 Code, but no more than \$25,000 or ten percent of funds collected in the prior fiscal year, whichever is higher. If a county or municipality does not spend at least ninety percent of the funds collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) on Article 16, Chapter 3, Title 16 first priority and/or second priority programs during the fiscal year that the funds are received then the county or municipality shall remit any unspent funds that are greater than the allowed carried forward funds, regardless of the year collected, to the State Victim Assistance Program (SVAP) with the Department of Public Safety, Office of Highway Safety and Justice Programs within 120 days after the end of the fiscal year. All funds must be accounted for in the annual audit for each county or municipality.~~

~~SOVA shall offer training and technical assistance to each municipality and county annually on acceptable use of both priority one and priority two funds and funds available for competitive bid.~~

~~SOVA is authorized to transfer to the State Victim Assistance Program housed in the Department of Public Safety any state funds deemed available under SOVA authority to be placed in the competitive bid process.~~

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~~The State Victim Assistance Program shall offer any funds remitted to it to non profit organizations that provide direct victim services on a competitive bid process. These funds may be used by the non profit for administrative costs and victim services.~~

SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

100.9 ~~AMEND (Billing and Dining Facility Operations)~~ Authorizes Billing and Dining Facility operations revenue to be retained and expended in their budgeted operations.

WMC: AMEND proviso to delete reference to Dining Facility operations. *The operations, financial management, and oversight of the Dining Facility operations are being moved under the National Guard Grants and Cooperative Agreements Program's Master Cooperative Agreement which is managed by the US Property and Fiscal Office.* Requested by Office of Adjutant General.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

100.9. (ADJ: ~~Billing and Dining Facility Operations~~) All revenues collected by the Billing and Dining Facility operations at the R.L. McCrady Training Center shall be retained and expended in ~~their~~ *its* budgeted operations. Expenditures from these funds shall be determined by the Billing Committee for Billing operations ~~and the Deputy Adjutant General for state operations for the Dining Facility operation.~~

100.16 **AMEND** (National *or State* Guard State Active Duty) Authorizes and directs the State Treasurer and the Comptroller General to pay funds necessary to cover actual costs incurred, not to exceed \$500,000, from specific categories if the Governor activates the National Guard to State Active Duty in a declared state emergency. Directs that Emergency Management Assistance Compact and federal funds received from a Declared Federal Emergency reimbursed to the state are to be deposited into the general fund, up to the amount of funds advanced to the SC National Guard.

WMC: AMEND proviso to include the activation of the State Guard; delete reference to the activation only being in response to the Governor declaring a state of emergency; specify the code cite for EMAC support; delete list of specific categories for which reimbursement is paid; and change reference to the SC National Guard to the Office of Adjutant General. *Some events requiring National or State Guard response does not rise to the level of the Governor issuing a Declared State of Emergency.* Requested by Office of the Adjutant General.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

100.16. (ADJ: National *or State* Guard State Active Duty) In the event of the activation of the South Carolina National Guard *or State Guard* to State Active Duty ~~by the Governor in a Declaration of State Emergency in response to a declared emergency or in response to an imminent or anticipated emergency.~~ including support provided under Section 25-9-420 of the 1976 Code, the Emergency Management Assistance Compact (EMAC), the State Treasurer and the Comptroller General are hereby authorized and directed to pay from the general fund of the State such funds as necessary, not to exceed \$500,000, to cover the actual costs incurred for personnel, travel, and per diem costs, and the Operational Tempo costs for equipment from the U.S. Property and Fiscal Office. EMAC and any Federal monies from a Declared Federal Emergency Any funds reimbursed to the state shall be deposited in the state general fund, up to the amount of funds advanced to the South Carolina National Guard for the Declared State of Emergency Office of Adjutant General for these activities.

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- 100.19** **AMEND** (Disasters Expenditure Status Report) Requires the Emergency Management Division to prepare a quarterly report on the status of the expenditure of funds appropriated in the current or a previous fiscal year for FEMA Match for the 2015 Flooding, for Hurricane Matthew, and for the Pinnacle Mountain Fire and submit the report to the Chairmen of the Senate Finance and House Ways and Means Committees beginning September 30, 2017.
WMC: AMEND proviso to change September 30, “2017” to “2018.”
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

100.19. (ADJ: Disasters Expenditure Status Report) The Emergency Management Division of the Office of the Adjutant General shall prepare a quarterly report on the status of the expenditure of the funds appropriated in the current fiscal year or in a previous fiscal year for FEMA Match for the 2015 Flooding, for Hurricane Matthew, and for the Pinnacle Mountain Fire. The quarterly report must include, but is not limited to, expenditure by category of work by state/local and by county and shall be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee beginning September 30, ~~2017~~ 2018.

- 100.20** **CONFORM TO FUNDING / ADD** (Armory Revitalizations Carry Forward) **WMC:** ADD new proviso to authorize Armory Revitalization funds to be carried forward and expended for the same purpose.
HOU: ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

100.20. (ADJ: Armory Revitalizations Carry Forward) The funds appropriated for Armory Revitalizations may be carried forward from the prior fiscal year and expended for the same purpose in the current fiscal year.

SECTION 101 - E280 - ELECTION COMMISSION

- 101.1** **AMEND** (County Boards of Voter Registration and Elections Compensation) Authorizes compensation for each County Boards of Voter Registration and Elections Board Members at the rate of \$1,500 annually and limits each county to \$12,500 per year. Exempts funds appropriated for this purpose from budget reductions. Directs that unexpended funds be carried forward and used for special primaries, runoffs, and elections.
WMC: AMEND proviso to change “\$12,500” to “\$13,500.” *The cap of \$12,500 does not allow counties with 9 board members to pay the \$1,500 stipend.* Fiscal Impact: No additional funding is needed. The commission has reviewed the amount needed to provide the full stipend to the current number of board members and has concluded that the current funding appropriated is sufficient.
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

101.1. (ELECT: County Boards of Voter Registration and Elections Compensation) The amounts appropriated in this section for “County Boards of Voter Registration and Elections Board Members,” shall be disbursed annually to the County Treasurer at the rate of \$1,500 for each member, not to exceed ~~\$12,500~~ \$13,500 per county. The County Treasurer shall use these funds only for the compensation of County Boards of Voter Registration and Elections Board

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Members. Any funds not used for this purpose shall be returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Executive Budget Office or the General Assembly, the amount of funds appropriated for compensation of County Boards of Voter Registration and Elections Board Members shall be excluded from the agency's base budget. Unexpended funds shall be carried forward from the prior fiscal year and shall be utilized for special primaries, runoffs, and elections.

- 101.12 CONFORM TO FUNDING / ADD** (Statewide Voting System Reserve Fund) **WMC:** ADD new proviso to create the Statewide Voting System Reserve Fund that is separate and distinct from the General Fund; direct that accrued interest must remain in the fund; direct that the fund may only be used to procure a new Statewide Voting System; require General Assembly authorization before money can be spent from the fund; and authorize the funds to be carried forward and used for the same purpose.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

101.12. (ELECT: Statewide Voting System Reserve Fund) Of the funds appropriated for the New Statewide Voting System, there is created within the State Election Commission the Statewide Voting System Reserve Fund. This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund may only be used by the State Election Commission for the procurement of a new Statewide Voting System. The State Election Commission must receive authorization from the General Assembly prior to expending any amount from the fund. These funds shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same purpose.

- 101.mah ADD** (Match for Additional HAVA Funds) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Election Commission to use primary and general elections funds to match any additional federal HAVA funds that become available.

101.mah. (Match for Additional HAVA Funds) In the event that additional Help America Vote Act federal funds become available, the commission shall be authorized to utilize funds appropriated for primary and general elections to provide a match for the federal funds.

SECTION 105 - F270 - SFAA, STATE AUDITOR'S OFFICE

- 105.1 AMEND** (Annual Audit of Federal Programs) Requires each state agency subject to federal audit requirements to pay the State Auditor for their share of the expense of contracting with a CPA firm to conduct the federal portion of the audit as determined by a schedule developed by the State Auditor. Authorizes these funds to be retained, expended, and carried forward.

WMC: AMEND proviso to change uniform requirement reference from "OMB Circular A-133, Audits of States, Local Governments and Nonprofit Organizations" to-"Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)." Requested by Office of the State Auditor.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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105.1. (SFAA-AUD: Annual Audit of Federal Programs) Each state agency receiving federal funds subject to the audit requirements of the Single Audit Act Amendments of 1996 and OMB Circular A-133, Audits of States, Local Governments and Nonprofit Organizations *Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)* shall remit to the State Auditor an amount representing an equitable portion of the expense of contracting with a nationally recognized CPA firm to conduct a portion of the audit of the State's federal financial assistance.

Each state agency's equitable portion of the expense will be determined by a schedule developed by the State Auditor. Such remittance will be based upon invoices provided by the State Auditor. The audit shall be re-bid every five years. The State Auditor shall retain and expend the funds received and shall carry forward any unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

SECTION 110 - R520 - STATE ETHICS COMMISSION

- 110.2** **ADD** (Commission Meeting) **WMC:** ADD new proviso to direct the commission to meet at least once a month and post 24 hours advance meeting notice on the agency website.
HOU: ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

110.2. (ETHICS: Commission Meeting) The Ethics Commission must meet at least one time each month and post notice of meeting at least twenty-four hours in advance on the agency website.

SECTION 112 - V040 - DEBT SERVICE

- 112.1** **CONFORM TO FUNDING / AMEND** (Excess Debt Service) Provides for the expenditure of excess FY 2016-17 debt service funds in FY 2017-18.
WMC: AMEND proviso to allow excess debts service funds available in FY 2018-19 to be expended in the fiscal year and delete carry forward authorization.
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

112.1. (DS: Excess Debt Service) Excess debt service funds from available in Fiscal Year 2016-17 2018-19 must may be carried forward and expended in Fiscal Year 2017-18 expended in the fiscal year to pay down general obligation bond debt for which the State (1) is paying the highest rate of interest, (2) will achieve relief in constrained debt capacity, or (3) reduce the amount of debt issued.

- 112.2** **CONFORM TO FUNDING / ADD** (Ports Authority Loan) **WMC:** ADD new proviso to direct the State Treasurer to loan the State Ports Authority up to \$50 million of excess debt service to assist the authority with the Charleston Harbor Deepening Project's cash flow needs. Direct the authority to reimburse the general fund once federal funds have been received for the project.
HOU: ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

112.2. (DS: Ports Authority Loan) The State Treasurer is directed to loan the State Ports Authority up to \$50,000,000 of excess debt service to assist the State Ports Authority's cash flow

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needs related to the Charleston Harbor Deepening Project. Upon receipt of the federal government's share of the project, the State Ports Authority shall reimburse the general fund the amount of the loan received.

SECTION 113 - X220 - AID TO SUBDIVISIONS, STATE TREASURER

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

WMC: AMEND proviso to update fiscal year references to "2018-19."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

113.2. (AS-TREAS: Quarterly Distributions) For Fiscal Year ~~2017-18~~ 2018-19, 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 Fiscal Year ~~2017-18~~ 2018-19 Part IA appropriation for the Local Government Fund.

113.5 **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 2016-17.

WMC: AMEND proviso to update fiscal year reference to "2018-19."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

113.5. (AS-TREAS: LGF) For Fiscal Year ~~2017-18~~ 2018-19, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976 Code are suspended.

113.7 **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 excludes the court system and assessment for indigent medical care from the reductions.

WMC: AMEND proviso to update fiscal year reference to "2018-19."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

113.7. (AS-TREAS: Political Subdivision Flexibility) For Fiscal Year ~~2017-18~~ 2018-19, 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, and assessment for indigent medical care pursuant to Section 44-6-146 of the 1976 Code.

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SECTION 117 - X900 - 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 2017-18.

WMC: AMEND proviso to update fiscal year reference from “2017-18” to “2018-19.” *Technical.*

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 ~~2017-18~~ 2018-19, 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 “2017” to “2018;” “2018” to “2019;” and “2016” to “2017.” *Technical.*

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, ~~2017~~ 2018, and ending June 30, ~~2018~~ 2019, and “prior fiscal year” means the fiscal year beginning July 1, ~~2016~~ 2017, and ending June 30, ~~2017~~ 2018.

117.14 **AMEND** (FTE Management) Provides guidelines for the Executive Budget Office 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 the State Fiscal Accountability Authority. Directs that personal services funds in the Governor’s budget recommendations must be at least 97% funded.

WMC: AMEND proviso to delete item (5) which established a process for permitting the number of authorized positions in this act to be increased if an agency determines that the duties of Temporary, Time-Limited, and Temporary Grant positions created before July 1, 2017 will continue indefinitely and merit being classified as a FTE and required a report be submitted on FTEs issued through this item to the Chairmen of the Senate Finance and House Ways and Means Committees by January 6 of the current fiscal year. *Process has been completed and the report has been submitted.* Requested by Department of Administration.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.14. (GP: FTE Management) In order to provide the necessary control over the number of employees, the Executive Budget Office is hereby directed to maintain close supervision over the number of state employees, and to require specifically the following:

(1) That no state agency exceed the total authorized number of full-time equivalent positions and those funded from state sources as provided in each section of this act except by majority vote of the State Fiscal Accountability Authority.

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(2) That the Executive Budget Office shall maintain and make, as necessary, periodic adjustments thereto, an official record of the total number of authorized full-time equivalent positions by agency for state and total funding sources.

(a) That within thirty days of the passage of the Appropriation Act or by August first, whichever comes later, each agency of the State must have established on the Executive Budget Office records all positions authorized in the Act. Each agency may, upon notification to the Executive Budget Office, change the funding source of state FTE positions established on the Executive Budget Office records as necessary to expend federal and other sources of personal service funds to conserve or stay within the state appropriated personal service funds. No agency shall change funding sources that will cause the agency to exceed the authorized number of state or total full-time equivalent positions. Each agency may transfer FTEs between programs as needed to accomplish the agency mission.

(b) That by September thirtieth, the office shall prepare a FTE analysis, by agency, which shows the number of authorized, filled, and vacant positions by source of funds for the current and two previously completed fiscal years. The office shall provide a copy of each agency's FTE analysis to the Senate Finance and House Ways and Means Committees.

(3) That full-time equivalent (FTE) positions shall be determined under the following guidelines:

(a) The annual work hours for each FTE shall be the agency's full-time standard annual work hours.

(b) The state FTE shall be derived by multiplying the state percentage of budgeted funds for each position by the FTE for that position.

(c) All institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty with a duration of nine months.

The FTE method of accounting shall be utilized for all authorized positions.

(4) That the number of positions authorized in this act shall be reduced in the following circumstances:

(a) Upon request by an agency.

(b) When anticipated federal funds are not made available.

(c) When the Executive Budget Office, through study or analysis, becomes aware of any unjustifiable excess of positions in any state agency.

~~(5) That the number of positions authorized in this act shall be increased for the sole purpose of classifying Temporary, Time Limited and Temporary Grant positions created prior to July 1, 2017, that merit such classification as FTEs because the agency has determined that the duties will continue indefinitely. The new FTEs created through this process and filled by existing non-FTE staff shall be exempt from the posting process. Additionally, affected Temporary Grant and Time Limited employees shall transfer any unused annual and sick leave to their FTE positions.~~

~~The Division of State Human Resources, in consultation with the Executive Budget Office, shall formulate guidelines for the administration of this item. The request by the agency must include a justification for changing the position, justification of an insufficient vacancy pool, identification of sufficient funds with current appropriations, identification of source of funds to be utilized, and assurance that the FTEs are not being used to create new jobs. The guidelines shall also include a process for submitting requests including a deadline for submission of requests.~~

~~The Department of Administration shall review the request and approve, deny, or modify it as appropriate. The department shall further ensure that the FTE Constitutional limits are observed. This item in no way requires agencies to submit requests, and does not guarantee any employment status to staff. A report on FTE issuance through this item shall be submitted to the~~

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~~Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January sixth of the current fiscal year.~~

(6 5) That no new permanent positions in state government shall be funded by appropriations in acts supplemental to this act but temporary positions may be so funded.

(7 6) That the provisions of this section shall not apply to personnel exempt from the State Classification and Compensation Plan under item I of Section 8-11-260 of the 1976 Code.

The Governor, in making his appropriation recommendations to the Ways and Means Committee, must provide that the level of personal service appropriation recommended for each agency is at least ninety-seven percent of the funds required to meet one hundred percent of the funds needed for the full-time equivalents positions recommended by the Governor (exclusive of new positions).

117.21 AMEND (Organizations Receiving State Appropriations Report) Requires organizations that receive contributions in this act to provide the following information to the agency from which they received the funds by November 1st: (1) how the state funds will be spent, (2) a copy of the adopted budget for the current year, and (3) a copy of the organization's most recent operating financial statement and prohibits the funds from being spent by the organization until this information is received. Prohibits funds from being disbursed to organizations that practice discrimination. Authorizes the State Auditor to review and audit each of these organizations.

HOU: AMEND proviso to direct that goals and proposed measures be included in the information to be provided prior to receiving any funds. Require the organizations to submit a report by June 30th accounting for how the funds were spent and the outcome measures used to determine success of the goals. Direct state agencies to forward the report to the Chairmen of the Senate Finance and House Ways and Means Committees. Sponsor: Rep. Daning.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.21. (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting of how the state funds will be spent, goals to be accomplished, proposed measures to evaluate success in implementing and meeting the goals, a copy of the adopted budget for the current year, and also a copy of the organization's most recent operating financial statement. The funds appropriated in this act for contributions shall not be expended until the required financial statements are filed with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes which practice discrimination against persons by virtue of race, creed, color or national origin. The State Auditor shall review and audit, if necessary, the financial structure and activities of each organization receiving contributions in this act and make a report to the General Assembly of such review and/or audit, when requested to do so by the State Fiscal Accountability Authority. From the funds an organization receives from a state agency, for accountability purposes, by June thirtieth organizations receiving contributions in this act shall submit a report to the state agency making the contribution that includes an accounting of how the funds were spent and the outcome measures used to determine the success of the stated goals. State agencies receiving such data from organizations shall forward the information to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

117.32 AMEND (Voluntary Separation Incentive Program) Authorizes and provides guidelines for agencies to implement a voluntary separation incentive program for employees. Requires agencies to report their prior year's results of the use of the program to the Department of Administration by August 15th and requires DOA, upon request, to report the results to the Senate Finance and House Ways and Means Committees.

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WMC: AMEND proviso to delete the stipulation that employees who participate in this program are not eligible to participate in the TERI program. *The TERI program ends on June 30, 2018 so the language will no longer be needed.*

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.32. (GP: Voluntary Separation Incentive Program) State agencies may implement, in consultation with the Department of Administration, a program to realign resources to include provisions for a separation incentive payment for employees which may include the employer portion of health and dental benefits not to exceed one year. ~~Employees participating in such program shall not be eligible to participate in the Teacher and Employee Retention Incentive (TERI) program.~~ Employees participating in such program shall be considered to have voluntarily quit their employment without good cause and be subject to the provisions of Section 41-35-120(1) of the South Carolina Employment Security Law. Any program developed under this provision will involve voluntary participation from employees and will be funded within existing appropriations. The program must be approved by the agency head and the Director of the Human Resources Division based on ability to demonstrate recurring cost savings for realignment and/or permanent downsizing. State agencies shall report the prior year's results to the Department of Administration by August fifteenth, of the current fiscal year. The Department of Administration, upon request, shall report to the Senate Finance Committee and the House Ways and Means Committee on these results.

117.51 **AMEND** (Assessment Audit / Crime Victim Funds) Requires the State Auditor to notify the State Office of Victim Assistance if the Auditor's Office finds any county or municipal treasurer, county clerk of court, magistrate or municipal court has not properly allocated revenue from court fines, fines, and assessments to the crime victim funds or if they have not properly spent those funds.

WMC: AMEND proviso to change the "Office of Victim Assistance" references to "Department of Crime Victim Compensation." *Responsibility was transferred per Act 96 of 2017 to the Attorney General's Office.*

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.51. (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B) and (D), 14-1-207(B) and (D), 14-1-208(B) and (D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation. The State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation is authorized to conduct an audit which shall include both a programmatic review and financial audit of any entity or nonprofit organization receiving victim assistance funding based on the referrals from the State Auditor or complaints of a specific nature received by the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed by the Victim Services Coordinating Council. The Victim Services Coordinating Council shall develop these guidelines to ensure any expenditure which meets the parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure. Any local entity or nonprofit organization that receives funding from revenue generated from crime victim funds is required to submit their budget for the expenditure of these funds to the State ~~Office of~~

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~~Victim Assistance~~ Department of Crime Victim Compensation within thirty days of the budget's approval by the governing body of the entity or nonprofit organization. Failure to comply with this provision shall cause the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation to initiate a programmatic review and a financial audit of the entity's or nonprofit organization's expenditures of victim assistance funds. Additionally, the ~~Office of Victim Assistance~~ Department of Crime Victim Compensation will place the name of the noncompliant entity or nonprofit organization on their website where it shall remain until such time as they are in compliance with the terms of this proviso. Any entity or nonprofit organization receiving victim assistance funding must cooperate and provide expenditure/program data requested by the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation. If the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation finds an error, the entity or nonprofit organization has ninety days to rectify the error. An error constitutes an entity or nonprofit organization spending victim assistance funding on unauthorized items as determined by the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation. If the entity or nonprofit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation shall assess and collect a penalty in the amount of the unauthorized expenditure plus \$1,500 against the entity or nonprofit organization for improper expenditures. This penalty plus \$1,500 must be paid within thirty days of the notification by the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation to the entity or nonprofit organization that they are in noncompliance with the provisions of this proviso. All penalties received by the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation shall be credited to the General Fund of the State. If the penalty is not received by the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation within thirty days of the notification, the political subdivision will deduct the amount of the penalty from the entity or nonprofit organization's subsequent fiscal year appropriation.

117.65 **AMEND** (~~Healthcare~~ Critical Employee Recruitment and Retention) Provides guidelines for DOC, DDSN, DHEC, DHHS, DJJ, DMH, and Voc Rehab to spend state, federal, and other sources of revenue to provide lump sum bonuses to aid in recruiting and retaining healthcare workers in critical needs healthcare jobs based on objective guidelines established by the Department of Administration. Provides guidelines for paid educational leave for employees, for repaying outstanding student loans, and for tuition reimbursement.

WMC: AMEND proviso to delete references to specific agencies and to "healthcare." Allow state agencies to provide lump sum bonuses to recruit and retain workers in critical needs jobs that provide services that directly impact the health, safety, and welfare of the public. Direct that the bonus would be considered earnings for determining if a returned to work retiree is subject to the retirement earnings limit. Direct that for an agency to provide paid educational leave, DOA must determine if the position is critical. Change "Psychiatrists, Psychologists, and Nurses" to "individuals" employed in "critical needs" positions in reference to repayment of outstanding student loans associated with completion of a "relevant" degree. Direct DOA to approve the designation of critical needs positions using certain guidelines. Provide for healthcare employees in approved critical needs positions to be allowed to complete their practicum or required clinical experience at their or another state agency at the discretion of the agency head. Require state agencies to annually report expenditures to DOA by August 31st and for DOA to compile the responses and submit them to the Chairmen of the Senate Finance and House Ways and Means Committees annually by October 1st.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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117.65. (GP: ~~Healthcare~~ *Critical* Employee Recruitment and Retention) ~~The Department of Corrections, Department of Disabilities and Special Needs, Department of Health and Environmental Control, Department of Health and Human Services, Department of Juvenile Justice, Department of Mental Health, Department of Vocational Rehabilitation, and Wil-Lou Gray Opportunity School~~ *State agencies* are allowed to spend state, federal, and other sources of revenue to provide lump sum bonuses to aid in recruiting and retaining ~~healthcare~~ workers in critical needs ~~healthcare~~ jobs ~~based on objective guidelines established by the Department of Administration~~ which provide services that directly impact the health, safety, and welfare of the public. The employee bonus amount shall be approved by the State Human Resources Director based on State Human Resources guidelines, and shall not exceed \$10,000 per year. Payment of these bonuses is not a part of the employee's base salary and is not earnable compensation for purposes of employee and employer contributions to respective retirement systems. These bonuses shall, however, be considered earnings for determining if an employee who has returned to work after retirement is subject to the earning limitation imposed in either Section 9-1-1790(A)(1) or Section 9-11-(4)(a)(i).

These agencies may also provide paid educational leave for any ~~employees~~ *employee* in an *a* FTE position deemed critical by the Department of Administration to attend class while enrolled in ~~healthcare~~ degree programs that are related to the agency's mission. All such leave is at the agency head's discretion.

These agencies may enter into an agreement with ~~Psychiatrists, Psychologists, and Nurses~~ *individuals* employed in ~~those~~ *critical needs* positions to repay them for their outstanding student loans associated with completion of a ~~healthcare~~ *relevant* degree. ~~The employee must be employed in a critical needs area, which would be identified at the agency head's discretion. Critical needs areas could include rural areas, areas with high turnover, or where the agency has experienced recruiting difficulties.~~ Agencies may pay these employees up to twenty percent or \$7,500, whichever is less, of their outstanding student loan each year over a five-year period. Payments will be made directly to the employee at the end of each year of employment. The agency will be responsible for verifying the ~~principle~~ *principal* balance of the employee's student loan prior to issuing payments.

~~Employees of these agencies working on a practicum or required clinical experience towards completion of a healthcare degree may be allowed to complete these requirements at their state agency or another state agency at the discretion of the agency head. This field placement at another state agency may be considered work time for participating employees.~~

~~These agencies~~ *Agencies* are also authorized to allow tuition reimbursement from a maximum of ten credit hours per semester; allow probationary employees to participate in tuition programs; and provide tuition prepayment instead of tuition reimbursement for employees willing to pursue a degree in a healthcare program. An agency may pay up to fifty percent of an employee's tuition through tuition prepayment. The remaining tuition could be reimbursed to the employee after successful completion of the class.

The Department of Administration shall approve of the designation of critical needs positions applicable to this provision using guidelines that include, but are not limited to: 1) the difficulty recruiting for the positions as reflected by data such as the vacancy rate maintained, the average time to fill, the lack of sufficient qualified applicants, and other objective factors; 2) the difficulty retaining employees in the positions as shown by turnover data; 3) justification by the state agency that the position is critical to the core mission of the agency and directly impacts the health, safety and welfare of the public; and 4) assurances from the state agency that there are sufficient existing funds available to pay for items under this provision.

Healthcare employees in approved critical needs positions working on a practicum or required clinical experience towards completion of a healthcare degree may be allowed to complete these requirements at their state agency or another state agency at the discretion of the

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agency head. This field placement at another state agency may be considered work time for participating employees.

State agencies must report to the Department of Administration by August 31st of each year any expenditure under this provision. The Department of Administration shall compile a report of the responses and submit them to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by October 1st of each year.

- 117.145 ADD (SCEIS Data Entry Compliance) WMC:** ADD new proviso to direct the Department of Administration to develop and issue written SCEIS data entry standards and guidelines and direct agencies to comply with such standards and guidelines. Direct DOA to provide a report to the Chairmen of the Senate Finance and House Ways and Means Committees by December 31st each year regarding agency compliance. Requested by Department of Administration.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

117.145. (GP: SCEIS Data Entry Compliance) The Department of Administration shall develop and issue written SCEIS data entry standards and guidelines for agency compliance. To ensure uniform compliance with these standards and guidelines, state agencies shall comply with all SCEIS data entry rules, standards, plans, policies, directives, and guidelines established by the Department of Administration.

The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding agency compliance no later than December thirty-first of each calendar year.

- 117.146 ADD (Statewide Real Estate Plan Implementation) WMC:** ADD new proviso to establish, pursuant to the intent of proviso 118.2 (Titling of Real Property), a comprehensive central real property and office facility management process; require agencies to work in conjunction with the Department of Administration to achieve uniform space standards in state-owned, state-leased, and commercial leased facilities; require state agencies: to comply with DOA site selection criteria prior to entering or renewing any contract for leasing real property; to provide a list of all contracts related to facilities management, maintenance, and support and require prior DOA approval to renew or enter into a new contract; to submit annual reports and plans on ongoing and deferred maintenance; and to annually update and submit an inventory of state-owned facilities and land to DOA. Provide that the Legislative and Judicial Branches, public institutions of higher learning, technical colleges, political subdivisions; and quasi-governmental bodies are exempt from these requirements, with certain exceptions. Direct DOA to provide a compliance report to the Chairmen of the Senate Finance and House Ways and Means Committees by December 31st each year. Requested by Department of Administration.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

117.146. (GP: Statewide Real Estate Plan Implementation) Pursuant to legislative intent expressed in Proviso 118.2 (Titling of Real Property) of this Act to establish a comprehensive central real property and office facility management process to plan for the needs of state government agencies; and to achieve maximum efficiency and economy in the use of state-owned, state-leased, and commercial leased facilities, all state agencies are directed as follows:

(1) In the current occupation of state-owned and commercial facilities or prior to incurring an obligation to expend funds through entering or renewing a lease for state-owned or commercial facilities, state agencies shall work in conjunction with the Department of Administration to achieve uniform space standards in state-owned, state-leased, and commercial

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leased facilities resulting over time in an overall target density of 210 square feet per person unless otherwise approved by the department.

(2) Prior to entering or renewing any contract for leasing real property, state agencies shall comply with the Department of Administration's site selection criteria for state-owned, state-leased, or commercial leased space.

(3) State agencies shall record into the South Carolina Enterprise Information System (SCEIS) all maintenance and operations expenditures for state-owned and state-leased facilities in the manner prescribed by the Department of Administration.

(4) State agencies shall provide to the Department of Administration a list of all contracts related to facilities management, maintenance, and support, and shall not renew or enter into any new contracts related to facilities management, maintenance or support without prior approval from the Department of Administration.

(5) Under guidance and direction of the Department of Administration, state agencies shall annually report on and submit plans to address ongoing and deferred maintenance for all state-owned real property.

(6) State agencies shall annually update and submit an inventory of state-owned facilities and land to the Department of Administration by June 30 of each fiscal year in the manner prescribed by the department. Each submission shall include a portfolio assessment with recommendations for any dispositions.

The Legislative Branch, the Judicial Branch, public institutions of higher learning, technical colleges, political subdivisions and quasi-governmental bodies are generally exempt from the requirements of this proviso; provided, however, that public institutions of higher learning and technical colleges shall be subject to the provisions of paragraph (6) in its entirety, and the provisions of paragraph (1) with respect to any facility or portion thereof used for administrative and office space.

The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding compliance with this proviso no later than December 31 of each calendar year, beginning December 31, 2018.

117.147 ADD (Statewide Administrative Services) **WMC:** ADD new proviso to authorize the Department of Administration to provide consolidated administrative services to agencies to promote cost savings, process integrity and other efficiencies and to reduce duplication, overlap and redundancies. Require agencies that receive appropriations of \$20,000,000 or less to consult with DOA to determine whether the use of consolidated administrative services would be beneficial to the agency. Direct DOA to provide a report to the Chairmen of the Senate Finance and House Ways and Means Committees by December 31, 2018 on the usage of the administrative services offered. Requested by Department of Administration.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

117.147. (GP: Statewide Administrative Services) The Department of Administration may provide consolidated administrative services to all agencies to promote cost savings, process integrity and other efficiencies, and to reduce duplication, overlap and redundancies, or any combination thereof and to provide for consistency in transactions and processes and to advance a statewide approach to agency administration. Consolidated administrative services may include, but are not limited to: 1) financial and accounting support, such as accounts payable and receivable processing, procurement processing, journal entry processing and financial reporting assistance; 2) human resources administrative support, such as transaction processing

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and reporting, payroll processing, and human resources training; and 3) budget support, such as budget transaction processing and budget reporting assistance.

Agencies that receive twenty million dollars or less in total appropriations in the current fiscal year shall consult with the Department of Administration to determine whether the use of consolidated administrative services offered by the department would be beneficial to the agency. The Legislative Branch, the Judicial Branch, public institutions of higher learning and technical colleges shall be exempt from the requirements of this provision.

The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding agency utilization of administrative services offered by the department no later than December 31, 2018.

117.148 DELETE NEW PROVISO (Mobile Device Protection Plan) WMC: ADD new proviso to direct the Department of Administration to update policies for protecting mobile devices including, but not limited to, cellular phones, tablets, and laptops. Direct the department to consider potential consolidation of existing protection plans established by other state agencies to ensure a statewide approach that covers all state owned devices. Direct the State Fiscal Accountability Authority, once policies have been developed, to establish a statewide contract for protecting state owned mobile devices and ensure the contract is awarded competitively according to the procurement code.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*117.148. (GP: Mobile Device Protection Plan) With funds appropriated and authorized in the current fiscal year, the Department of Administration in the current fiscal year, shall implement updated policies for protecting mobile devices including, but not limited to, cellular phones, tablets and laptops. The department must also consider the potential consolidation of existing protection plans as established by other state agencies, to ensure an effective and efficient statewide approach to a protection plan that covers all state owned devices.*~~

~~*(A) The following factors shall be considered by the department as it reviews options for providing this protection, and to the extent possible, the following components must be included in the updated plan:*~~

~~*(1) Protective cases and screens for all devices;*~~

~~*(2) Multi-year insurance coverage for both the device and the protective case;*~~

~~*(3) Zero deductible if possible to ensure cost savings to the department;*~~

~~*(4) Multiple claims per device should be allowable;*~~

~~*(5) Replacement policy if devices cannot be repaired; and*~~

~~*(6) Local pickup and delivery service for efficient repair and replacement where possible.*~~

~~*(B) Upon development of these policies and to follow the new mobile device purchasing policy for state agencies, the State Fiscal Accountability Authority must establish a statewide contract for protecting all state owned, mobile devices that can be included in one combined contract.*~~

~~*(C) The State Fiscal Accountability Authority must ensure that any contract developed for this purpose is awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.*~~

117.153 DELETE NEW PROVISO (State Contracts) HOU: ADD new proviso to direct SFAA to develop guidelines for covered contracts that exceed \$50,000 that state agencies enter into which incentivizes contractors to pay their employees promptly. Provide a definition for covered

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contracts and guidelines to determine material breach of contract. Sponsors: Reps. Cobb-Hunter and Herbkersman.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*117.153. (GP: State Contracts) Of the funds appropriated or authorized to the State Fiscal Accountability Authority, the authority shall develop guidelines regarding covered contracts exceeding \$50,000 that state agencies enter into which incentivizes contractors to pay their employees promptly. For purposes of this proviso, a "covered contract" is any contract that involves the physical performance of manual labor within South Carolina, if the contracting agency reasonably anticipates that the total cost of the manual labor will exceed seventy percent of the total cost of all labor. These guidelines shall provide that an agency may consider a prospective contractor's record of promptly paying its employees both (a) when making a determination of the contractor's responsibility to perform, or (b) when deciding whether to exercise a contractual right to extend, renew, or otherwise lengthen an existing contract. The guidelines may, but are not required to, include model terms and conditions that allow the State to deem a contractor's persistent failure to timely pay its employees as a material breach of contract.*~~

SECTION 118 - X910 - STATEWIDE REVENUE

118.1 AMEND (Year End Cutoff) Directs year-end expenditure deadlines.

WMC: AMEND proviso to update calendar year references to "2019" and change July "13, 2018" to "12, 2019." Requested by Office of Comptroller General.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

118.1. (SR: Year End Cutoff) 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, 2018 2019. State agencies are required to submit all current fiscal year input documents and all electronic workflow for accounts payable transactions to the Office of Comptroller General by ~~July 13, 2018~~ July 12, 2019. 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 State Fiscal Accountability Authority 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 State Fiscal Accountability Authority, toward the accomplishment of the purposes for which the appropriations were provided.