

**SENATE FINANCE COMMITTEE  
CONSTITUTIONAL SUBCOMMITTEE  
PROVISO CHANGES FOR CONSIDERATION FOR FY 2023-24**

**SECTION 59 – E200 – OFFICE OF ATTORNEY GENERAL**

- 59.13 DELETE** (AG: Crime Victims Ombudsman) Directs the State Crime Victim Compensation Department to transfer \$116,000 to the Crime Victims Ombudsman’s Office for administrative and operations support.  
**WMC:** DELETE proviso.  
**HOU:** ADOPT deletion.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

~~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.~~

- 59.16 DELETE** (AG: Crime Victim Training Certification and Statistical Analysis) Authorizes 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.  
**WMC:** DELETE proviso.  
**HOU:** ADOPT deletion.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

~~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.~~

- 59.18 DELETE NEW PROVISO** (AG: Securities Revenue) **WMC:** ADD new proviso to allow the office to expend Securities Fees and Fines revenue on information technology, building revenues, and law enforcement equipment and supplies. Requested by the Office of Attorney General.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~59.18. (AG: Securities Revenue) The Office of Attorney General is authorized to expend Securities Fees and Securities Fines revenue for information technology, building renovations, and law enforcement equipment and supplies.~~

- 59.agr ADD** (Attorney General Representation) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that the Attorney General is not the legal representative or attorney for any department, agency, or board of state government but still has the right to institute or defend an action on behalf of any department, agency, or board.

59.agr. (Attorney General Representation) In the current fiscal year, when the Attorney General institutes or defends an action on behalf of the State of South Carolina pursuant to any power granted by the common law, the Constitution of South Carolina, 1895, or the South Carolina Code of Laws, he acts in the public interest of the State of South Carolina and not as the legal representative or attorney of any department or agency of state government, including the executive, legislative, or judicial branches, or boards. Departments, agencies, or boards are not parties to these actions, and the documents or electronically-stored information of such departments, agencies, or boards are not in the possession, custody, or control of the Attorney General. This provision does not affect the ability of the Attorney General to institute or defend

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an action in a proprietary capacity on behalf of or representing any department, agency, or board.

Unless the Attorney General institutes actions for damages in the name of and on behalf of a department, state agency, or board, the Attorney General acts in the public interest of South Carolina as provided in this provision.

**59.5**     **AMEND** (AG: Securities Fee Revenue) Directs that after \$20,500,000 of Securities Fee revenues have been deposited to the General Fund the Attorney General may retain \$400,000 to use for operations associated with the increase in licensed securities agents. Authorizes the Attorney General to carry forward the revenue to use for the same purpose. Requires any remaining Securities Fee revenues be remitted to the General Fund.

**SFC SUBCOMMITTEE RECOMMENDATION:** Chairman’s recommendation.

~~**59.5.** (AG: Securities Fee Revenue) After the provisions of Funds collected by the Office of the Attorney General pursuant to Section 35-1-702(b) of the 1976 Code have been satisfied, and upon notification to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee that such provisions have been satisfied, the next \$20,500,000 of Securities Fee revenues collected during the current fiscal year by the Office of the Attorney General shall be remitted to the General Fund of the State. The Office of the Attorney General may retain the next \$400,000 collected and may utilize these funds for operations to include expert witness expenses, investigative costs, trial preparation, and other related expenses associated with the increase in licensed securities agents. These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose. Remaining Securities Fee revenues collected during the current fiscal year shall be remitted to the General Fund of the State may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose. All funds collected pursuant to Section 35-1-702 and not specifically directed in statute shall be remitted to the General Fund of the State.~~

**SECTION 91 - A990 - LEGISLATIVE DEPARTMENT**

**91.elf**     **ADD** (LEG: Education Lawsuit Fund) **SFC SUBCOMMITTEE RECOMMENDATION:** Chairman’s recommendation.

**91.elf.** (LEG: Education Lawsuit Fund) Funds remaining in the Education Lawsuit Fund may be reallocated by the Senate to pay any other litigation related expenses.

**SECTION 92 - D210 - OFFICE OF GOVERNOR**

**92.ap**     **CONFORM TO FUNDING / ADD** (GOV: Appointment Staff) **SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / ADD new proviso to direct that funds appropriated for appointment staff shall be used to supplement and not supplant existing allocations.

**92.ap.** (GOV: Appointment Staff) The additional funds appropriated for appointment staff in the Office of the Governor shall be used only to supplement and not supplant existing allocations for this purpose.

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**SECTION 94 - D250 - OFFICE OF INSPECTOR GENERAL**

- 94.2**     **ADD** (OIG: Carry Forward) **WMC:** ADD new proviso to allow the office to carry forward funds to secure legal services, forensic auditing, and staff training to conduct investigations.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*94.2. (OIG: Carry Forward) The funds appropriated to the Office of Inspector General may be carried forward from the prior fiscal year and expended in the current fiscal year to secure legal services, forensic auditing, staff training, and other services to ensure the office can conduct investigations as needed.*

**SECTION 97 - E120 - OFFICE OF COMPTROLLER GENERAL**

- 97.6**     **ADD** (CG: Annual Mapping Report) **WMC:** ADD new proviso to direct the CG to provide an implementation plan to the Chairmen of the House Ways and Means and Senate Finance Committees for creating and conducting an annual mapping report of funds for component units. Provides for the requirements of the plan.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*97.6. (CG: Annual Mapping Report) The Comptroller General shall provide to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee an implementation plan for creating and conducting an annual mapping report of funds for component units, also known as Audited Financial Statement Agencies or "Lump Sum" Agencies, by January 1, 2024. The plan shall include a detailed list of procedural steps for compiling the report, a determination of which steps will or will not be automated within SCEIS, which accounts will or will not be included, and any other relevant information required to conduct the report.*

- 97.7**     **ADD** (CG: Comptroller General Account List) **WMC:** ADD new proviso to direct the CG to provide a list to the Chairmen of the House Ways and Means and Senate Finance Committees of the accounts within SCEIS that have been created by the CG staff, and if the account is included in the ACFR or not, with an explanation as to why.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*97.7. (CG: Comptroller General Account List) The Comptroller General shall provide a list of all accounts within SCEIS that have been created by the staff of the Comptroller General to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee. The list shall include whether the account is included in the compilation of the Annual Comprehensive Financial Report (ACFR) and an explanation for this condition.*

- 97.cgs**   **ADD** (CG: Comptroller General Salary) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that the salary of the CG shall be no more than \$1 unless he/she is a licensed CPA or has at least 10 years of experience in governmental accounting.

*97.cgs. (CG: Comptroller General Salary) For the current fiscal year, the salary of the Comptroller General shall be no more than one dollar unless the official, whether appointed or*

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*elected, is a licensed certified public accountant or has at least ten years of experience in governmental accounting.*

**SECTION 98 - E160 - OFFICE OF STATE TREASURER**

- 98.9**     **AMEND** (TREAS: Penalties for Non-Reporting) Directs that if a municipality does not submit audited financial statements within 13 months of the end of their fiscal year, the State Treasurer must withhold their state payments until the statement is received. Requires the State Treasurer to follow the requirements of proviso 117.48 when an audit report is received from a county or municipality with significant findings related to court fine reports or remittances. Provides penalties for deficiencies and delinquent reports. Provides for funds to be made available to the State Auditor for an audit to determine amounts due to the State Treasurer. Suspends the penalty requirement for municipalities for FY 2022-23 and authorizes and directs the State Treasurer to release all funds withheld from municipalities in the prior two fiscal years.
- WMC:** AMEND proviso to delete the suspension of the penalty requirement for municipalities for FY 2022-23 and the authorization of the State Treasurer to release all funds withheld from municipalities in the prior two fiscal years. Requested by the Office of State Treasurer.
- HOU:** ADOPT proviso as amended.
- SFC SUBCOMMITTEE RECOMMENDATION:** REINSERT original proviso and amend to update fiscal year reference.

**98.9.** (TREAS: Penalties for Non-reporting) If a municipality fails to submit the audited financial statements required under Section 14-1-208 of the 1976 Code to the State Treasurer within thirteen months of the end of their fiscal year, the State Treasurer must withhold all state payments to that municipality until the required audited financial statement is received.

If the State Treasurer receives an audit report from either a county or municipality that contains a significant finding related to court fine reports or remittances to the Office of State Treasurer, the requirements of Proviso 117.48 shall be followed if an amount due is specified, otherwise the State Treasurer shall withhold twenty-five percent of all state payments to the county or municipality until the estimated deficiency has been satisfied.

If a county or municipality is more than ninety days delinquent in remitting a monthly court fines report, the State Treasurer shall withhold twenty-five percent of state funding for that county or municipality until all monthly reports are current.

After ninety days, any funds held by the Office of State Treasurer will be made available to the State Auditor to conduct an audit of the entity for the purpose of determining an amount due to the Office of State Treasurer, if any.

The penalty provisions in this proviso are suspended during Fiscal Year ~~2022-23~~ 2023-24 for municipalities. The State Treasurer is authorized and directed to release all funds withheld from municipalities in the prior two fiscal years due to a municipality not submitting the required audited financial statements or submitting financial information to the Revenue and Fiscal Affairs Office as required by Section 6-1-50 of the 1976 Code.

**SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL**

- 100.6**     **AMEND** (ADJ: Billeting Operations) Authorizes revenues collected by the Billeting operations at the R. L. McCrady Training Center be retained and expended in their budgeted operations determined by the Billeting Committee.
- WMC:** AMEND proviso to allow funds remaining in the account to be retained, carried forward, and expended for the same purpose. Requested by the Office of Adjutant General.

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**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**100.6.** (ADJ: Billeting Operations) All revenues collected by the Billeting operations at the R.L. McCrady Training Center shall be retained and expended in its budgeted operations. Expenditures from these funds shall be determined by the Billeting Committee for Billeting operations. Funds remaining in the Billeting Operation account may be retained, carried forward, and expended for the same purpose in the current fiscal year.

**100.13** **AMEND** (ADJ: State Guard Activation) Authorizes the Adjutant General to compensate State Guard personnel at a rate of \$150 per day and to compensate for meal per diem according to National Guard and State policy in the event they are called into State Active Duty.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update proviso title. Directs that per day compensation is given during State Guard training, that Guard members will not be covered by the SC Retirement System, and that training is not to exceed 12 training periods per year.

**100.13.** (ADJ: State Guard Activation Training) ~~In the event of activation of the State Guard of the South Carolina National Guard to State Active Duty,~~ The Office of the Adjutant General is authorized to shall compensate State Guard personnel at a rate of \$150 per day during State Guard training and ~~to~~ shall also compensate such personnel for meal per diem as authorized by National Guard and State policy. State Guard members will not be covered by the South Carolina Retirement System. State Guard mandated training is not to exceed 12 training periods per year for each member.

**100.16** **AMEND** (ADJ: Natural Disaster FEMA Match) Authorizes EMD to use existing fund balances to provide the non-federal cost share to state and local government entities for work associated with Hurricane Irma and Hurricane Florence that is eligible under FEMA Public Assistance Program; and prohibits these funds from being used to provide the non-federal cost share to private non-profits. Directs EMD to make surplus 2015 Flood disaster non-federal cost share funds available to counties and municipalities with unreimbursed non-federal cost share from 2014 Ice Storm damages and requires counties and municipalities to submit an application for the funds by 7/31/18. Allows the \$500,000 authorized by Proviso 100.21 in Act 264 of 2018, relating to the 2017 Hurricane Irma and 2014 ice storm FEMA match, for grants to non-profit entities to be carried forward and used for the same purpose. Directs EMD to report grant recipients and amounts to the Chairmen of the Senate Finance and House Ways and Means Committees by 1/15/23.

**WMC:** AMEND proviso to update fiscal year and calendar year references.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**100.16.** (ADJ: Natural Disaster FEMA Match) The Office of Adjutant General, Emergency Management Division shall be authorized to utilize existing fund balances to provide the non-federal cost share to state and local government entities for work that is eligible under the Federal Emergency Management Agency Public Assistance Program for Hurricane Irma and Hurricane Florence. Existing fund balances may not be used to provide the non-federal cost share to private non-profit entities.

The Office of Adjutant General, Emergency Management Division is directed to use existing fund balances for the 2015 Flood disaster (Presidential Disaster Declaration DR-4241) to reimburse counties and municipalities with unreimbursed non-federal cost share from the 2014

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Ice Storm disaster for storm cleanup expenses incurred during and after states of emergency declared by Executive Orders 2014-06 and 2014-11 and Presidential Disaster Declaration DR-4166. Counties and municipalities must submit an application for such funds by July 31, 2018.

The \$500,000 authorized by Proviso 100.21 in Act 264 of 2018 for grants for non-profit entities may be carried forward and used for the same purpose in Fiscal Year ~~2022-23~~ 2023-24. The Emergency Management Division shall prepare a report listing the name of the grant recipient and the amount received and submit the report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 15, ~~2023~~ 2024.

- 100.20** **ADD** (ADJ: Dining Operations) **WMC:** ADD new proviso to allow revenues collected by the Dining Facility operations at the R.L. McCrady Training Center to be retained and expended on budget operations. Allows funds to be retained, carried forward, and expended for the same purpose. Requested by the Office of Adjutant General.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*100.20. (ADJ: Dining Operations) All revenues collected by the Dining Facility operations at the R.L. McCrady Training Center shall be retained and expended in its budget operations. Funds remaining in the Dining Facility accounts may be retained, carried forward, and expended for the same purpose in the current fiscal year.*

- 100.fic** **CONFORM TO FUNDING / ADD** (ADJ: Facility Insurance Coverage) **SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / ADD new proviso to authorize the Adjutant General to work with SFAA, Insurance Reserve Fund (IRF) to make sure state-owned and state-leased properties are insured. Directs that consideration be given to facilities that are eligible for federal and state cost-sharing agreements and allows use of federal funds to pay for renovation, repair, or replacement and the procurement of building coverage insurance. Directs that the IRF is not obligated to provide reimbursement or payment to uninsured properties.

*100.fic. (ADJ: Facility Insurance Coverage) For the current fiscal year, the Adjutant General is authorized to work with the South Carolina State Fiscal Accountability Authority, Insurance Reserve Fund (IRF) to ensure state-owned or state-leased properties are properly insured. Consideration must be given to facilities which are eligible for federal and state cost-sharing agreements, which use federal funding to cover, either in whole or in part, costs of renovation, repair, or replacement in determining insurance coverage. The Adjutant General may utilize funds available from the federal government to pay for renovation, repair, or replacement following damage to the agency's state-owned or state-leased National Guard facilities. The Adjutant General also may utilize any federal funding which may be available for the procurement of building coverage insurance. This provision does not obligate the Insurance Reserve Fund to provide reimbursement or payments relating to any uninsured properties.*

**SECTION 103 - E500 - REVENUE AND FISCAL AFFAIRS OFFICE**

- 103.6** **AMEND FURTHER** (RFAO: Revenue Forecast) Suspends Section 11-9-1130(A), relating to Board of Economic Advisors forecasts of economic conditions and adjustments to forecasts, for Fiscal Year 2022-23.

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**WMC:** AMEND proviso to update fiscal year reference.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to delete “2023-24” and insert “the current” relating to the fiscal year.

**103.6.** (RFAO: Revenue Forecast) For the current fiscal year ~~2022-23~~ 2023-24, Section 11-9-1130(A) of the 1976 Code shall be suspended.

**SECTION 112 - V040 - DEBT SERVICE**

**112.2** **AMEND FURTHER** (DS: Excess Debt Service) Directs that excess debt service funds available in FY 2022-23 may be used to pay down general obligation bond debt.

**WMC:** AMEND proviso to update fiscal year reference.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to direct the Treasurer to notify the Chairman and the Vice Chairman of JBRC before funds are used.

**112.2.** (DS: Excess Debt Service) Excess debt service funds available in Fiscal Year ~~2022-23~~ 2023-24 may be 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. Prior to the use of these funds, the Office of the State Treasurer shall notify the Chairman and Vice Chairman of the Joint Bond Review Committee.

**SECTION 113 - X220 - AID TO SUBDIVISIONS, STATE TREASURER**

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

**WMC:** AMEND proviso to update fiscal year references.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to delete “2023-24” and insert “the current” relating to the fiscal year.

**113.2.** (AS-TREAS: Quarterly Distributions) For the current fiscal year ~~2022-23~~ 2023-24, 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 ~~2022-23~~ 2023-24 Part IA appropriation for the Local Government Fund.

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

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**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete “any amounts” and insert “the salary and other benefits” in regards to the amounts appropriated and distributed to county auditors and treasurers.

**113.3.** (AS-TREAS: Salary Supplements) The amounts appropriated in Part IA, Section 113, for Aid Cnty-Clerks of Court, Aid Cnty-Probate Judges, Aid Cnty-Coroners, and Aid Cnty-Sheriffs shall be distributed by the State Treasurer to each county treasurer equally on a quarterly basis, and shall be used as a salary supplement for each clerk of court, probate judge, county coroner, and county sheriff. The amounts appropriated in Part IA, Section 113 for Aid Cnty-Register of Deeds, shall be equally distributed by the State Treasurer to the appropriate county treasurer on a quarterly basis, and shall be used as a salary supplement for registers of deeds.

The amount appropriated in Part IA, Section 113, for Aid Cnty-Auditors and Aid Cnty-Treasurers, shall be equally distributed to each county auditor and county treasurer as a salary supplement in addition to ~~any amounts~~ the salary and other benefits presently being provided by the county for these positions. It is the intent of the General Assembly that the amount appropriated by the county as salaries for these positions shall not be reduced as a result of the appropriation and that such appropriation shall not disqualify each county auditor and each county treasurer for salary increases that they might otherwise receive from county funds in the future. The salary supplement for each county auditor and county treasurer shall be paid in accordance with the schedule and method of payment established for state employees.

The amounts appropriated in Part IA, Section 113 for Clerks of Court, Probate Judges, Sheriffs, Register of Deeds, Coroners, Auditors, and Treasurers shall be exempt from any across the board cut mandated by the Executive Budget Office or General Assembly. However, the governing body of a county may reduce the expenditures in the operation of the offices of these officials without any required corresponding reduction in the county’s state aid to subdivisions distribution. However, any reduction in these officials’ budgets must be made in consultation with the affected official.

**113.6** **DELETE** (AS-TREAS: 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 from the reductions.

**WMC:** DELETE proviso.

**HOU:** ADOPT deletion.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

**113.6.** (AS-TREAS: Political Subdivision Flexibility) ~~For Fiscal Year 2022-23, 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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- 113.11 DELETE NEW PROVISO** (AS-TREAS: Short-term Rentals) **WMC:** ADD new proviso to prohibit any political subdivision that receives funds from this act from spending any source of funds to enact or enforce an ordinance that prohibits short-term rentals unless the subdivision also provides financial incentives to purchase or rent affordable housing and zoning allowances in exchange for an affordable covenant of at least 20 years.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~*113.11. (AS-TREAS: Short-term Rentals) A political subdivision that receives money pursuant to this act may not expend any funds, regardless of the source of funds, to enact or enforce an ordinance that prohibits short term rentals unless the political subdivision also provides financial incentives for the purchase and rental of affordable housing and zoning allowances in exchange for an affordable covenant of at least twenty years. The State Treasurer shall withhold the political subdivision's portion of the Local Government Fund if a political subdivision violates this provision or enacts any such ordinance. For purposes of this provision, "short term rental" means any individually or collectively owned residential house or dwelling unit or group of units that is rented wholly or partially for residential use for any period of time greater than three consecutive days.*~~

**SECTION 117 - X900 - GENERAL PROVISIONS**

- 117.2 AMEND** (GP: 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 2022-23.  
**WMC:** AMEND proviso to update fiscal year reference.  
**HOU:** ADOPT proviso as amended.  
**SFC 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 ~~2022-23~~ 2023-24, and for other purposes specifically designated.

- 117.3 AMEND** (GP: Fiscal Year Definitions) Defines current and prior fiscal year time frames.  
**WMC:** AMEND proviso to update fiscal year references.  
**HOU:** ADOPT proviso as amended.  
**SFC 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, ~~2022~~ 2023, and ending June 30, ~~2023~~ 2024, and "prior fiscal year" means the fiscal year beginning July 1, ~~2021~~ 2022, and ending June 30, ~~2022~~ 2023.

- 117.23 AMEND FURTHER** (GP: Carry Forward) Authorizes agencies to carry forward up to 10% of their original general fund appropriation, less any appropriation reductions for the current fiscal year. Prohibits agencies from withholding services in order to carry forward general funds. Directs that this provision is suspended if necessary to avoid a fiscal year-end general fund deficit and directs that the amount of general fund deficit must be determined after all appropriations

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from the CRF have been allowed and before any General Reserve transfers. Directs that the amount carried forward by separate general fund carry forward authority for an agency must be excluded from their base for purposes of calculating the 10% carry forward. Directs that funds carried forward by this provision are not part of an agency's base of appropriations in succeeding years.

**WMC:** AMEND proviso to delete the directive that the amount carried forward by separate general fund carry forward authority for an agency must be excluded from their base for purposes of calculating the 10% carry forward and are not part of an agency's base of appropriations in succeeding years.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to reinsert language directing that any carry forward funds are not considered part of the base of appropriations in succeeding years.

**117.23.** (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the amount of the general fund deficit shall be determined after first applying the Capital Reserve Fund provisions in Section 11-11-320(D) of the 1976 Code, and before any transfers from the General Reserve. The amount of general funds needed to avoid a year-end deficit shall be reduced proportionately from each agency's carry forward amount.

~~Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate authority from their base for purposes of calculating the ten percent carry forward authorized herein.~~ Any funds that are carried forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

**117.52 REINSERT ORIGINAL PROVISO** (GP: Employee Bonuses) Authorizes state agencies and institutions to provide selected employees lump sum bonuses, not to exceed \$3,000 per year, based on objective guidelines established by the B&C Board. Directs that these bonuses are not part of the employee's base salary and are not earnable compensation for retirement system purposes. Directs that employees earning \$100,000 or more are not eligible for this bonus.

**WMC:** AMEND proviso to delete the requirement that employees earning \$100,000 or more are not eligible to receive bonuses.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** REINSERT original proviso.

**117.52.** (GP: Employee Bonuses) State agencies and institutions are allowed to spend state, federal, and other sources of revenue to provide selected employees lump sum bonuses, not to exceed three thousand dollars per year, based on objective guidelines established by the Department of Administration. 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. Employees earning \$100,000 or more shall not be eligible to receive bonuses under this provision. 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 bonus received by the employee during the preceding fiscal year (July first through June thirtieth). The Human Resources Division of the Department of Administration shall formulate policies and procedures to ensure compliance with the reporting provisions of this proviso. Copies of the

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reports shall be made available to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, upon request.

- 117.67 DELETE** (GP: Reduction in Force/Agency Head Furlough) Requires an agency head to take five days furlough if their state agency or institution implements a reduction in force (RIF) in the current fiscal year. Directs that the agency head retains all responsibilities and authority during the furlough. Authorizes savings from the furlough to be retained by the agency and expended at the discretion of the agency head. Provides guidelines for employee benefits during the furlough. Directs that placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act. Requires state agencies to report furlough information to the B&C Board Office of Human Resources. Exempts agency heads from being required to take a mandatory furlough if RIFs are implemented due to reorganization to accomplish organizational efficiencies.
- WMC:** DELETE proviso.  
**HOU:** ADOPT deletion.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

~~117.67. (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 Department of Administration shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Department of Administration.~~

~~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.~~

- 117.143 AMEND FURTHER** (GP: National Guard College Assistance Program) Allows members of the SC National Guard to qualify for college assistance program grants when taking more than one hundred thirty semester hours or related quarter hours. Allows service members to receive

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\$22,000 in grants to cover 100% of college tuition and fees. Directs that service members shall be required to meet all other requirements.

**WMC:** AMEND proviso to update fiscal year reference.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to delete “2023-24” and insert “the current” relating to the fiscal year.

**117.143.** (GP: National Guard College Assistance Program) For the current fiscal year ~~2022-23~~ ~~2023-24~~, a member of the SC National Guard may qualify for college assistance program grants for more than one hundred thirty semester hours or related quarter hours. Additionally, service members may receive a total of twenty-two thousand dollars in total grants to cover one hundred percent of college tuition and fees for the academic year. Service members shall be required to meet all other requirements.

**117.cgfrt ADD** (GP: Comptroller General Financial Accountability & Remediation Task Force) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the Office of Comptroller General to work with DOA to conduct a study to evaluate compensation and staffing. Directs that the results of the study shall be reported to the Chairmen of Senate Finance and House Ways and Means and the Governor by 12/1/23. Directs the recommended appropriated amount resulting from the study to be the minimum budget request and be submitted by 1/1/24. Directs the Office of Comptroller General to work with the Division of State Human Resources to present a plan for salary staffing and adjustments to JBRC. Directs that EBO shall not approve transfers from office rehabilitation until the plan is presented.

*117.cgfrt. (GP: Comptroller General Financial Accountability & Remediation Task Force) For Fiscal Year 2023-24, with the funds appropriated and/or authorized to the Office of the Comptroller General, the Office shall work, in consultation with the Department of Administration, to conduct a study to evaluate the compensation and staffing of the Office. The study shall review all necessary components of compensation and staffing and shall recommend the required minimum appropriations needed for the operation of the Office. The results of the study shall be provided to the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, and the Governor by December 1, 2023. The amount recommended shall be the minimum appropriations requested, net of any funding authorized in this proviso, for the Office by January 1, 2024.*

*Of the funds appropriated for office rehabilitation, the Office of the Comptroller General shall work in conjunction with the Division of State Human Resources to present a plan for salary and staffing adjustments and other operating expenses to the Joint Bond Review Committee for review and comment. The Executive Budget Office shall not approve any transfers from office rehabilitation until the plan has been presented before the committee. Any additional FTEs necessary as part of this request shall be deemed approved upon transfer of funding.*

**117.agm ADD** (GP: Attorney General Membership) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that the AG shall serve on the Commission on Prosecution Coordination.

*117.agm. (GP: Attorney General Membership) For the current fiscal year, the Attorney General, or his designee, shall serve as a member of the Commission on Prosecution Coordination.*

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**SECTION 118 - X910 - STATEWIDE REVENUE**

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

**WMC:** AMEND proviso to update calendar year references.

**HOU:** ADOPT proviso as amended.

**SFC 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, ~~2023~~ 2024. 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 ~~14, 2023~~ 12, 2024. 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.

**118.9**    **AMEND** (SR: Tax Relief Reserve Fund) Creates the Tax Relief Reserve Fund; directs that accrued interest remain in the fund; and directs the State Treasurer, on December 31, 2022, to transfer from the General Fund any funds identified in this act designated for the Tax Relief Reserve Fund. Directs that the fund may only be used to provide tax relief to businesses and individuals as provided by law and authorizes these funds to be retained, carried forward, and used for the same purpose.

**WMC:** AMEND proviso to update calendar year reference.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**118.9.** (SR: Tax Relief Reserve Fund) There is created the Tax Relief Reserve Fund, which shall be separate and distinct from the General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on December 31, ~~2022~~ 2023, the State Treasurer shall transfer funds identified in this act from the General Fund to the Tax Relief Reserve Fund. These funds may only be used to provide tax relief to businesses and individuals as provided by law. Funds within the Tax Relief Reserve Fund shall be retained and carried forward to be used for the same purpose.