

PROVISO

SUBCOMMITTEE

RECOMMENDATIONS

~~~

**LEGISLATIVE,**

**EXECUTIVE, AND**

**LOCAL GOVERNMENT**

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**SECTION 49 - P28-DEPARTMENT OF PARKS, RECREATION AND TOURISM**

- 49.4 DELETE** (Regional Tourism) Prohibits the department from reducing the amount funded to the 11 Regional Tourism groups in the event the department receives a general fund budget reduction.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

**49.4.** (PRT: Regional Tourism) ~~In the event the department receives a general fund reduction in the current fiscal year, the department is prohibited from reducing the amount funded to the eleven Regional Tourism groups.~~

- 49.9 AMEND** (Destination Specific Tourism and Marketing Transfer) Provides for Motion Picture Incentive Wage Rebate set-aside funds carried forward from the prior fiscal year to be transferred to PRT for the Destination Specific Tourism Program and authorizes those funds to then be carried forward. Provides for Motion Picture Incentive Supplier Rebate set-aside funds carried forward from the prior fiscal year to be transferred to PRT for Marketing and authorizes PRT to carry forward those funds. Fiscal Impact: No impact on the General Fund.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year references to "2013-14." Direct that the amount of funds used for the Destination Specific program not exceed \$12,000,000 and allow the department to use any unexpended wage rebate carry forward funds not used for "Destination Specific" for Welcome Centers capital improvements and for Marketing/Advertising.

**49.9.** (PRT: Destination Specific Tourism and Marketing Transfer) From the funds set aside pursuant to the Motion Picture Incentive Wage Rebate, for Fiscal Year ~~2012-13~~ 2013-14 unexpended funds carried forward from the prior fiscal year shall be transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism and may be utilized for the Destination Specific Tourism Program. The Destination Specific program shall not exceed twelve million dollars when combining all source of funds. Any unexpended wage rebate carry forward funds not used for the Destination Specific program can be used by the department for capital improvements to the state's Welcome Centers and Marketing/Advertising. From the funds set aside pursuant to the Motion Picture Incentive Supplier Rebate, for Fiscal Year ~~2012-13~~ 2013-14 unexpended funds carried forward from the prior fiscal year shall be transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism and may be utilized for Marketing/Advertising. These funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purpose.

- 49.amp ADD** (Additional Motion Picture Bonus-Rebate) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Film Commission, in addition to the 15% rebate authorized by Section 12-62-50, to provide an additional bonus-rebate to a motion picture production company of up to 5% of the total aggregate South Carolina payroll for persons subject to SC income tax withholdings and up to 10% for SC residents; and in addition to the 15% rebate authorized by Section 12-62-60, authorize the Film Commission to provide an additional bonus-rebate of up to 15% of the expenditures made by the motion picture production company in the State.

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**49.amp.** (PRT: Additional Motion Picture Bonus-Rebate) In addition to the fifteen percent rebate authorized pursuant to Section 12-62-50 of the 1976 Code, the South Carolina Film Commission may provide an additional bonus-rebate to a motion picture production company of up to five percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings and ten percent for South Carolina residents employed in connection with the production. In addition to the fifteen percent rebate authorized pursuant to Section 12-62-60, the South Carolina Film Commission may provide an additional bonus-rebate to a motion picture production company of up to fifteen percent of the expenditures made by a motion picture production company in the State.

**SECTION 50 - P32-DEPARTMENT OF COMMERCE**

**50.mbt** **ADD** (Military Base Task Force) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to house the South Carolina Military Base Task Force, reconstituted by Executive Order No. 2011-21, along with the Task Force Executive Coordinator under the auspices of the Department of Commerce. Direct the department to provide staff support and other resources through funding provided by the General Assembly to assist the task force to carry out the directives of the Executive Order. Direct that the task force act as an executive advisory committee to the General Assembly and the Governor on military matters that affect the state and direct it to coordinate an annual meeting between the members of the General Assembly that geographically represent military communities, the Governor, and military commanders to exchange pertinent information on upcoming challenges that military installations and their personnel will face. Authorize the task force, upon the Secretary of Commerce's approval to consult specialists to provide information, assistance, strategic plans development, and execution of strategies to maximize the state's defense-related business. Direct the task force to elect a chairman by majority vote of its membership. *Mirrors the requirements of Executive Order No. 2011-12, except houses the task force under the Department of Commerce, adds reporting to and consulting with the General Assembly, and elects a chairman from the membership. Does not change the make-up of the committee as established in the Executive Order.*

**50.mbt.** (CMRC: Military Base Task Force) The South Carolina Military Base Task Force reconstituted by the Governor's Executive Order No. 2011-21 and the South Carolina Military Base Task Force Executive Coordinator shall be housed under the auspice of the Department of Commerce. The department shall provide staff support and other resources as necessary, through Task Force funding provided by the General Assembly to assist the Task Force in carrying out the directives of the Executive Order. The Task Force Executive Committee established by the Executive Order shall act as an executive advisory committee to the General Assembly and the Governor on various military matters that affect this State, and shall coordinate an annual meeting between General Assembly members geographically representing military communities, the Governor, and military commanders to discuss items of interest to all parties and exchange pertinent information on the current climate and challenges facing our state's military installations and their personnel.

Upon approval of the Secretary of Commerce, the Task Force may pursue specialists to provide information and assistance, develop strategic plans, and assist executing strategies to support military installations and their related military communities to maximize the potential for increased investment by the U.S. Department of Defense or other defense-related federal agencies and defense-related businesses in this State.

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

Notwithstanding Item1(b)(3) of Executive Order No. 2011-21, effective July 1, 2013, the Task Force shall elect a chairman from the membership of the Task Force by majority vote of the Task Force members.

**SECTION 87 - U30 - DIVISION OF AERONAUTICS**

- 87.5 DELETE** (Airport Development) Directs that any line item appropriation for airports be disbursed for eligible airport development items as approved by the Aeronautics Commission.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Codified in 55-5-80 and 55-5-280.* Requested by Division of Aeronautics.

~~87.5. (AERO: Airport Development) Any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the Aeronautics Commission.~~

- 87.6 DELETE** (Grant Funds Carry Forward) Authorizes unexpended Matching National Grant Funds to be carried forward and used for matching committed and/or unanticipated grant funds.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Codified in 55-5-280.* Requested by Division of Aeronautics.

~~87.6. (AERO: Grant Funds Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, for Matching National Grant Funds, may be carried forward to the current fiscal year and used for matching committed and/or unanticipated grant funds.~~

- 87.8 DELETE** (Grant Match Funds) Authorizes funds appropriated to the Division of Aeronautics for FAA grant matching to be used to match state and local aviation airports projects whether or not FAA funding has been received. Requires Aeronautics Commission approval prior to the funds being awarded.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

~~87.8. (AERO: Grant Match Funds) The funds appropriated to the Division of Aeronautics for FAA grant matching, may be used to match state and local aviation airports projects whether or not they have received FAA funding. Any funds must be approved by the Aeronautics Commission prior to being awarded.~~

- 87.cip ADD** (Capital Improvement Projects) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Division of Aeronautics to use the State Aviation Fund to pay for capital improvement projects associated with its hangar and offices at the Columbia Metropolitan Airport.

87.cip. (AERO: Capital Improvement Projects) The Division of Aeronautics is authorized to use the State Aviation Fund to pay for capital improvement projects associated with the premises it occupies at the Columbia Metropolitan Airport.

**SECTION 91 - A99-LEGISLATIVE DEPARTMENT**

- 91.4 AMEND** (Subsistence/Travel Regulations) Directs that members of the legislature receive subsistence for each legislative day the body is in session. Authorizes standing committees and joint study committees to work during interim with advanced approval of Speaker of House and

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

President Pro Tempore of Senate. Allows members of the General Assembly to receive subsistence expenses, per diem, and mileage reimbursement at the IRS rate as of June 30, 2008.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete reference to "as of June 30, 2008."

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

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

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

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

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

paid from the Approved Accounts of the Senate or the House of Representatives or from the appropriate account of the agency, board, commission, task force or committee upon which the member serves.

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

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

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

**PROVISO SUBCOMMITTEE RECOMMENDATION:**    AMEND proviso to delete reference to "effective January 1, 1995."

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

- 91.19**     **AMEND** (Statewide Acts Availability) Directs clerks of House and Senate to make all statewide Acts available to the public electronically.

**PROVISO SUBCOMMITTEE RECOMMENDATION:**    AMEND proviso to delete reference to Section "2-7-80." *Refers to printing and distribution of acts; copies.*

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

- 91.22**     **AMEND** (Suspend LAC Evaluation) Suspends, for FY 2012-13, the requirement that the LAC conduct an audit of the Family Independence Act every two years and directs that any savings generated be used to conduct audits as requested by members of the General Assembly.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14."

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

- 91.23**     **AMEND** (DMV Audit Review) Suspends, for FY 2012-13, the requirement that the LAC conduct an independent review of the DMV and direct that any savings generated be used to conduct audits as requested by members of the General Assembly.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14."

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

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

**91.24** **AMEND** (Electronic Correspondence) Prohibits the House of Representatives, during FY 12-13, from spending funds to print or mail bills, summaries, committee agendas, etc. to committee members. Directs that relevant information on committee meetings be sent to members electronically.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14."

**91.24.** (LEG: Electronic Correspondence) For Fiscal Year ~~2012-13~~ 2013-14, the House of Representatives may not expend any funds for the printing or mailing of bills, summaries, committee agendas, etc. to committee members. The House of Representatives shall send all relevant information concerning committee meetings to committee members via electronic means.

**91.25** **DELETE** (Teacher Salary Study Committee) Creates the Joint Teacher Salary Study Committee to examine the current teacher salary schedule, its relationship to the EFA, the EIA, and to a district's ability to hire and retain quality teachers, and to examine potential changes to the salary schedule that may include a pay for performance model, step increases, frozen salary schedules, National Board Certification Incentive, or anything else related to teacher salaries. Requires a report and recommendations be submitted by December 1, 2012.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

**91.25.** (LEG: Teacher Salary Study Committee) ~~There is created the Joint Teacher Salary Study Committee. The committee shall examine the current teacher salary schedule; its relationship to the Education Finance Act, the Education Improvement Act and its relationship to a district's ability to hire and retain quality teachers. The committee will examine potential changes to the salary schedule that may include a pay for performance model, step increases, frozen salary schedules, National Board Certification Incentive, or anything else related to teacher salaries.~~

~~The committee shall be composed of eight members, which shall be appointed as follows:~~

~~The committee shall consist of eight members as follows: one member of the Senate appointed by the Chairman of the Senate Finance Committee; one member of the Senate appointed by the Chairman of the Senate Education Committee; one member of the House of Representatives appointed by the Chairman of the House Ways and Means Committee; one member of the House of Representatives appointed by the Chairman of the House Education and Public Works Committee; two members of the Senate to be appointed by the President Pro Tempore of the Senate and two members of the House of Representatives to be appointed by the Speaker of the House. The members shall elect a chairman at the first meeting of the committee.~~

~~No later than December 1, 2012, the committee shall prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of House Education and Public Works Committee.~~

~~Staff will be provided by the House Ways and Means Committee and Senate Finance Committee. Members of the study committee shall serve without compensation for per diem, mileage, and subsistence.~~

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

- 91.26 DELETE** (EOC Efficiency Review) Directs the funds appropriated to the EOC for the School District Efficiency Review Pilot Program be used to review three school districts' central operations with a focus on non-instructional expenditures to identify ways to improve school district operating efficiencies and ways to reduce costs. Directs that the review be completed by June 30, 2013 and that the findings, along with the amount of estimated savings, how the savings could be achieved, and the districts' plan for implementing the recommendations be submitted to designated legislative committees and the Governor. Authorizes unexpended funds to be carried forward and used for the same purpose.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

~~**91.26.** (LEG: EOC Efficiency Review) Funds appropriated to the Education Oversight Committee for the School District Efficiency Review Pilot Program shall be used to review certain school districts' central operations with a focus on non-instructional expenditures so as to identify opportunities to improve operational efficiencies and reduce costs for the district. The Education Oversight Committee shall make the school districts aware of the pilot program, and accept applications to participate in the program. In the current fiscal year, the Education Oversight Committee shall select at least three applicant school districts to participate. The Education Oversight Committee may contract with an independent entity to perform the review. The review shall include, but not be limited to, examinations of (i) overhead, (ii) human resources, (iii) procurement, (iv) facilities use and management, (v) financial management, (vi) transportation, (vii) technology planning, and (viii) energy management. The review shall not address the effectiveness of the educational services being delivered by the district. The review shall be completed no later than June 30, 2013. Upon completion, the Education Oversight Committee shall submit a report to the Chairman of the Senate Finance Committee, Chairman of the Senate Education Committee, Chairman of the House Ways and Means Committee, Chairman of the House Education and Public Works Committee, and the Governor detailing the findings of the review including the estimated savings that could be achieved, the manner in which the savings could be achieved, and the districts' plan for implementation of the recommendations. Unexpended funds appropriated for this purpose may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purpose.~~

**SECTION 92 - D21-OFFICE OF THE GOVERNOR**

- 92.6 AMEND** (OEPP - Victim/Witness Program Formula Distribution) Requires the first \$650,000 of any excess funds in the SC Victims' Compensation Fund be distributed to Judicial Circuits and used for Victim/Witness programs.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change "92.6" reference to "60.9." *Technical.*

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



**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**SECTION 93 - D25-OFFICE OF INSPECTOR GENERAL**

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

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

**SECTION 99 - E24-OFFICE OF ADJUTANT GENERAL**

**99.12**    **AMEND** (Citadel-S.C. National Guard Readiness Center) Directs the Adjutant General's Office, during FY 12-13, to repay to the General Fund \$300,000, plus interest, of the \$2,500,000 appropriated for the Citadel-S.C. National Guard Readiness Center in proviso 73.12 of the FY 07-08 Appropriation Act and states the intent that the same amount, plus interest be repaid annually until the \$1,250,000 balance has been repaid to the General Fund.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year to "2013-14."

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

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

*99.par. (ADJ: Physical Assets Responsibility) The Adjutant General shall be financially and administratively responsible for the building and grounds located at 1 National Guard Road in Columbia, to include maintaining necessary reserves for deferred and future depreciation and maintenance, and assuming improvement obligations and other costs of operation, including but not limited to, building maintenance, systems and equipment maintenance, custodial services, horticulture and grounds maintenance, insurance, and utilities. Section 1-11-67 of the 1976 Code shall not apply and the Budget and Control Board*

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

*shall have no responsibility for any deferred or future maintenance and repair of the building and grounds.*

**SECTION 100 - E28-ELECTION COMMISSION**

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

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

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

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

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

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

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

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

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

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

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

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

*100.pp. (ELECT: Polling Precincts) The State Election Commission must make a list of polling places and the number of registered voters in each available to county boards of registration and election quarterly. County boards of registration and election must report all polling precincts that have more than two thousand five hundred registered electors as of*

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

January first to the State Election Commission which must compile the information and submit a report to the General Assembly no later than the fourth Tuesday of each odd-numbered year.

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

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

**SECTION 101 - F03-BUDGET AND CONTROL BOARD**

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

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

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

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

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

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

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

**101.17** **AMEND** (Base Closure Fund Carry Forward Transfer) Authorizes up to a maximum of \$300,000 of Base Closure Fund appropriations to be carried forward and used for the South Carolina Military Base Task Force.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to direct the balance of the funds previously appropriated to the board for the Base Closure Fund be carried forward and transferred to the Department of Commerce for the S.C. Military Base Task Force.

**101.17.** (BCB: Base Closure Fund Carry Forward Transfer) ~~Of the~~ The balance of the funds previously appropriated to the Budget and Control Board for the Base Closure Fund, ~~up to a maximum of \$300,000~~ shall be carried forward into the current fiscal year and transferred to the Department of Commerce, and shall be used for the South Carolina Military Base Task Force.

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

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

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

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

- 101.26 DELETE** (Rural Infrastructure) Directs the B&C Board to transfer all monies in the Office of Local Government grant program to the Rural Infrastructure Fund. Excludes the State Infrastructure Revolving Loan Fund and any federal monies and federal matching monies.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *The transfer is occurring in FY 12-13 so there is no future need for the proviso.* Requested by Budget and Control Board.

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

- 101.27 AMEND** (~~Additional Tort Liability~~ Insurance Coverage for Aging Entity Authorized) Authorizes the Insurance Reserve Fund to provide insurance coverage for certain local aging entities. Directs that the IRF and the State shall not be liable for any coverage insufficiencies.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14."

~~101.27. (BCB: Additional Tort Liability~~ Insurance Coverage for Aging Entity Authorized) The State Budget and Control Board, through the Insurance Reserve Fund, for Fiscal Year ~~2012-13~~ 2013-14, is also authorized to offer insurance coverage to an aging entity and its employees serving clients countywide which previously obtained its tort liability insurance coverage through the board. The Insurance Reserve Fund and the State of South Carolina shall not be liable to any person or entity, including an insured, for any insufficiencies of coverage provided hereunder.

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

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

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

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

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

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

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

**SECTION 105 - F50-PUBLIC EMPLOYEE BENEFIT AUTHORITY**

- 105.1 DELETE** (Lottery & Infrastructure Bank Health Insurance) Allows the Lottery Commissioners and Infrastructure Bank Board members to participate in the State Health Plan upon payment of full premium costs.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

**105.1.** (PEBA: Lottery & Infrastructure Bank Health Insurance) ~~South Carolina Lottery Commissioners and South Carolina Transportation Infrastructure Bank Board members and their eligible dependents are eligible to participate in the State Health and Dental Insurance Plan, upon paying the full premium costs as determined by the Public Employee Benefit Authority.~~

- 105.4 AMEND** (Funding Abortions Prohibited) Prohibits any funds appropriated for employer contributions to the State Health Insurance Plan from being expended to reimburse the expenses of an abortion, except in certain specified cases. Prohibits the State Health Plan from offering coverage for abortion services, including ancillary services provided

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

contemporaneously with abortion services. Requires the State Health Plan to determine the amount of total premiums paid for health coverage necessary to cover the risks associated with reimbursing plan participants for obtaining an abortion under approved circumstances. Requires the plan be reported to the Chairmen of the Senate Finance and Ways and Means Committees by November 15, 2012.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the "November 15, 2012" date and require the plan be reported annually.

**105.4.** (PEBA: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the mother's medical condition is one which, on the basis of the physician's good faith judgment, so complicates the pregnancy as to necessitate an immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided contemporaneously with abortion services. The Public Employee Benefit Authority must determine the amount of the total premium paid for health coverage necessary to cover the risks associated with reimbursing participants in the plan for obtaining an abortion in the circumstances covered by this provision. The determination must be based on actuarial data and empirical study in the same manner and by the same method that other risks are adjusted for in similar circumstances. The plan must report this determination annually to the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee ~~by November 15, 2012.~~

**105.5** **AMEND** (TRICARE Supplement Policy) Directs the Employee Insurance program to offer group TRICARE Supplement policies in Plan Year 2013 to eligible subscribers through the flexible benefits program. Authorizes subscribers to be charged up to \$2 per subscriber per month for associated administrative costs.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete reference to specific Plan Year.

**105.5.** (PEBA: TRICARE Supplement Policy) The Public Employee Benefit Authority (PEBA) shall offer ~~in Plan Year 2013~~ a group TRICARE Supplement policy or policies to its TRICARE-eligible subscribers through its flexible benefits program to provide that subscribers may pay premiums for such policies on a pre-tax basis, in accordance with federal law and regulations. PEBA may charge TRICARE Supplement subscribers an amount not to exceed \$2 per subscriber per month for any associated administrative costs.

**105.tuds** **ADD** (PEBA: Tobacco User Differential Study) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso direct PEBA to conduct a study to determine the benefits to the State Health Plan to differentiate between enrollees who are tobacco users and non-users by imposing a surcharge based on the category of tobacco product used and to make recommendations to the Chairmen of the Senate Finance and House Ways and Means Committees by October 1, 2013.

**105.tuds.** (PEBA: Tobacco User Differential Study) The Public Employee Benefit Authority shall conduct a study to determine if it is in the best interest of the state and the State Health Plan to differentiate between tobacco users by category of product used and non-users regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee



**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

rates based upon the category of tobacco product used. Recommendations shall include, but not be limited to an appropriate surcharge to be assessed and shall be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by October 1, 2013.

**SECTION 107 - R52 - STATE ETHICS COMMISSION**

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

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

**SECTION 108 - S60-PROCUREMENT REVIEW PANEL**

- 108.1** **DELETE** (Filing Fee) Authorizes the Procurement Review Panel to charge a \$250 filing fee to the party requesting an administrative review under Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410(4) of the S.C. Code of Laws. Directs the agency to retain the funds generated by the filing fee and to use such fees for agency operations. Requires forfeiture of the filing fee when an appeal is withdrawn. Allows for waiver of the fee in case of hardship.
- PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~**108.1.** (PRP: Filing Fee) Requests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the S.C. Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6), 11-35-4330, and/or 11-35-4410. The funds generated by the filing fee shall be retained by the panel and carried forward to be used for the operation of the panel. Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of financial hardship, the party shall submit a completed Request for Filing Fee Waiver form at the same time the request for review is filed. The panel shall make the Request for Filing Fee Waiver forms available to the Chief Procurement Officers to provide to parties along with notice of right to appeal to the panel. If the filing fee is not waived, the party must pay the filing fee within fifteen days of the date of receipt of the order denying waiver of the filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for Filing Fee Waiver form at the time of filing.~~

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**SECTION 110 - X22-AID TO SUBDIVISIONS, STATE TREASURER**

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

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14."

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

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

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14."

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

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

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14."

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

**SECTION 117 - X90-GENERAL PROVISIONS**

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

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to “2013-14.”

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

- 117.3** **AMEND** (Fiscal Year Definitions) Defines current and prior fiscal year time frames.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year references from “2012” to “2013;” “2013” to “2014;” and “2011” to “2012.”

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

- 117.23** **AMEND** (State Owned Aircraft - Maintenance Logs) Requires agencies with aircraft to maintain a log of all flights and to make the log available for public inspection and online. Provides guidelines for aircraft usage and flight logs. Prohibits aircraft from being leased to individuals for their personal use.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change description from "Maintenance" to "Flight" logs. Delete specification that the logs refer to aircraft operated by the "Division of Aeronautics" and instead specify any "state owned or operated" aircraft. Change the timeframe for certifying the nature of the flight from 48 to 24 hours after the completion of the flight. Delete the stipulation that official business does not include attending a press conference or bill signing. *Political function covers these situations.* Delete the exemption for MUSC and educational foundations. .

**117.23.** (GP: State Owned Aircraft - ~~Maintenance~~ Flight Logs) Each agency having in its custody one or more aircraft shall maintain a continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and shall also be posted online. Any and all aircraft owned or operated by agencies of the State Government shall be used only for official business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the Governor, Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and their invitees for official business only; no member of the General Assembly, no member of a state board, commission, or committee, and no state official shall use any state owned or operated aircraft ~~of the Division of Aeronautics~~ unless the member or official files within ~~forty-eight~~ twenty-four hours after the ~~time of departure~~ completion of the flight with the ~~Division of Aeronautics~~ agency that provided the flight a sworn statement certifying and describing the official nature of his trip; and no member of the General Assembly, no member of a state board, commission or committee, and no state official shall be furnished air transportation by a state agency ~~other than the Division of Aeronautics~~ unless such agency prepares and maintains in its files a sworn statement from the highest ranking official of the agency or its designee certifying that the member's or state official's trip was in conjunction with the official business of the agency. Official business shall not include routine transportation to and from meetings of the General Assembly or committee meetings for which

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

mileage is authorized. Official business also does not include ~~attending a press conference, bill signing, or a~~ political function.

All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of SLED or the Department of Commerce whose confidentiality must, in the opinion of SLED or the department, be protected shall be listed in writing on the flight log as "Confidential Passenger SLED or the Department of Commerce (strike one)" and the appropriate official of SLED or the department shall certify to the agency operating the aircraft the necessity for such confidentiality. The Division of Aeronautics shall post its flight logs on its website within one working day of completion of trips.

Violation of the above provisions of this section is prima facie evidence of a violation of Section 8-13-700(A) of the 1976 Code and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as provided by law. The above provisions do not apply to state owned or operated aircraft ~~of the Division of Aeronautics when used by the Medical University of South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher education, nor to law enforcement officers when flying on state owned aircraft in pursuit of fugitives, missing persons, or felons or for investigation of gang, drug, or other violent crimes.~~

Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

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

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

- 117.38 AMEND** (Debt Collection Reports) Requires each agency to submit a report to the Chairmen of the Senate Finance and House Ways and Means Committees by the end of February that provides details on the amount of outstanding debt the agency had the previous calendar year and the methods used to collect the debt. Defines outstanding debt as the amount that remains due and owed to a state agency by a non-governmental entity for more than 60 days.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to also have the report submitted to the Inspector General.

**117.38.** (GP: Debt Collection Reports) Each state agency shall provide to the Chairmen of the Senate Finance and House of Representatives Ways and Means Committees and the Inspector General a report detailing the amount of its outstanding debt and all methods it has used to collect that debt. This report is due by the last day of February for the previous

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

calendar year. For purposes of this provision, outstanding debt means a sum remaining due and owed to a state agency by a non-governmental entity for more than sixty (60) calendar days.

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

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

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

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

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change "Office of Human Resources" references to "Human Resources Division." *Technical.*

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

- 117.55 AMEND** (Agencies Affected by Restructuring) Directs the B&C Board, when the General Assembly's restructures state agencies, to work with affected agencies to phase-in operations of the restructured organizations and directs that these agencies should be operating entirely under the revised structure by December 31<sup>st</sup>, unless otherwise directed by law. Directs the Comptroller General and State Treasurer to allow agencies to continue processing documents within their old account structure until accounting system changes can be made. Directs the Office of State Budget to prepare subsequent detail budgets to conform to financial information in the act and corresponding provisos to restructuring legislation.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change "Office of State Budget" reference to "State Budget Division."

**117.55.** (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly the Budget and Control Board is directed to work with affected State agencies in order to phase-in operations of restructured organizations during the current fiscal

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

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

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

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

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

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

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

**117.78.** (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or institution of higher learning, the agency head shall be required to take five days furlough in the current fiscal year. If more than one reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required for the initial plan. The agency head will retain all responsibilities and authority during the

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the agency head remains solely responsible for making those contributions.

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

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

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

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

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

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

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

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

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change "Office of State Budget" reference to "State Budget Division." *Technical.*

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

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

recognizing a deficit may direct that any pay increases and purchases of equipment and vehicles shall be approved by the ~~Office of~~ State Budget Division.

- 117.107 AMEND** (Retirement Investment Commission) Requires the Retirement System Investment Commission to submit a plan for salary bonuses for calendar year 2014 to the Senate Finance and Ways and Means Retirement Subcommittees by January 15 2013 and requires both subcommittee's approval of the plan prior to implementation.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change subcommittee names to Senate Finance "Health and Human Services" and Ways and Means "Legislative, Executive, and Local Government." Update calendar year references to "2014" and "2015." *Technical.*

**117.107.** (GP: Retirement Investment Commission) Of the funds appropriated and or authorized, the Retirement Investment Commission shall submit a report to the Senate Finance ~~Retirement~~ Health and Human Services Subcommittee and the Ways and Means ~~Retirement~~ Legislative, Executive, and Local Government Subcommittee by January 15, ~~2013~~ 2014 that sets forth a plan regarding salary bonuses for calendar year ~~2014~~ 2015. The plan must be approved by both subcommittees before implementation.

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

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

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

- 117.tpr ADD** (Transfer Procurement Review Panel to ALC) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to transfer for the current fiscal year and effective July 1, 2013, the duties, functions, responsibilities, personnel, funding and physical assets of the Procurement Review Panel to the Administrative Law Court. Fiscal Impact: No impact on the General Fund.

*117.tpr.(GP: Transfer Procurement Review Panel to ALC) For the current fiscal year, effective July 1, 2013, the duties, functions, responsibilities, personnel, funding, and physical assets of the Procurement Review Panel are transferred to the Administrative Law Court.*

- 117.mm ADD** (SC Military Museum) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct PRT to transfer \$179,000 to the Adjutant General for S.C. Military Museum operating costs.



**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**117.mm.** (GP: SC Military Museum) *The Department of Parks, Recreation, and Tourism is directed to transfer \$179,000 of the funds appropriated to the department to the Office of the Adjutant General to be used for operating costs associated with the South Carolina Military Museum.*

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

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

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

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

- 117.mc**    **ADD** (Magistrate Courts Jury Areas)    **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to establish countywide jury areas for magistrate courts. Require DMV and the State Election Commission use their existing appropriations to develop and provide countywide jury lists in accordance with Section 14-7-130 [PREPARATION OF JURY LIST FROM ELECTRONIC FILE OF PERSONS HOLDING VALID SOUTH CAROLINA DRIVER'S LICENSE OR IDENTIFICATION CARD.] Direct that the lists be provided to the chief magistrate of each county without charge.

**117.mc.** (GP: Magistrate Courts Jury Areas) *Jury areas for magistrate courts are established countywide, with the Department of Motor Vehicles and State Election Commission required to develop and provide countywide jury lists in accordance with Section 14-7-130 of*

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

the 1976 Code using their existing appropriations. The lists shall be provided to the chief magistrate for administration of each county without charge.

- 117.ar ADD** (Prohibit Use of State Aircraft for Athletic Recruitment) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to prohibit colleges and universities from using any aircraft operated by the Division of Aeronautics for athletic recruitment purposes.

**117.ar.** (GP: Prohibit Use of State Aircraft for Athletic Recruitment) Institutions of higher learning may not use the state aircraft operated by the Division of Aeronautics for the purpose of athletic recruiting.

**SECTION 118 - X91-STATEWIDE REVENUE**

- 118.1 AMEND** (Year End Expenditures) Directs year-end expenditure deadlines.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change fiscal year reference from “2013” to “2014” and “July 12, 2013” to “July 11, 2014.”

**118.1.** (SR: Year End Expenditures) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary expenses of the State Government shall lapse on July 31, ~~2013~~ 2014. State agencies are required to submit all current fiscal year input documents to the Office of Comptroller General by July ~~12, 2013~~ 11, 2014. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the Budget and Control Board and Joint Bond Review Committee, toward the accomplishment of the purposes for which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the Budget and Control Board, toward the accomplishment of the purposes for which the appropriations were provided.

- 118.3 DELETE** (Tobacco Settlement) Directs the State Treasurer to transfer \$8,481,912 from the unrestricted taxable proceeds portion of the principal of the Healthcare Tobacco Settlement Trust Fund to the Department of Health and Human Services to be spent for Medicaid. Authorizes the State Treasurer to transfer to the Attorney General, from funds available to the Tobacco Settlement Management Authority, amounts necessary for further enforcement of the Tobacco Escrow Fund Act.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Conform to funding.*

**118.3.** (SR: Tobacco Settlement) ~~Contingent upon the approval of the Tobacco Settlement Revenue Management Authority and parties to the trust agreement, the State Treasurer shall transfer an amount equal to \$8,481,912 from the unrestricted taxable proceeds portion of the principal of the Healthcare Tobacco Settlement Trust Fund established pursuant to Section 11-11-170(B)(1) of the 1976 Code to the Department of Health and Human Services to be expended for Medicaid. The State Treasurer is authorized and directed to transfer to the Office of the Attorney General from funds available to the Tobacco Settlement Management~~

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

~~Authority such amounts as shall be necessary for the enforcement of Chapter 47 of Title 11, The Tobacco Escrow Fund Act, which will protect the payments to the State under the Master Settlement Agreement.~~

- 118.9 AMEND** (Prohibits Public Funded Lobbyists) Requires certain agencies to transfer specific amounts of funds to the General Fund in order to eliminate taxpayer funded lobbying.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14."

**118.9.** (SR: Prohibits Public Funded Lobbyists) In order to eliminate taxpayer funded lobbying, the following state agencies and institutions, for Fiscal Year ~~2012-13~~ 2013-14, shall transfer the amounts indicated to the General Fund:

|                                                           |             |
|-----------------------------------------------------------|-------------|
| Administrative Law Court .....                            | \$ 22,000   |
| The Citadel.....                                          | \$ 16,881   |
| Clemson University .....                                  | \$ 45,546   |
| Coastal Carolina University.....                          | \$ 20,230   |
| College of Charleston .....                               | \$ 34,000   |
| Department of Health & Environmental Control.....         | \$ 26,553   |
| State Board for Technical & Comprehensive Education ..... | \$ 22,431   |
| Florence-Darlington Technical College.....                | \$ 10,001   |
| Greenville Technical College .....                        | \$ 31,783   |
| Horry-Georgetown Technical College.....                   | \$ 1,183    |
| Tri-County Technical College .....                        | \$ 55,545   |
| Francis Marion University.....                            | \$ 23,500   |
| Judicial Department .....                                 | \$ 59,164   |
| Medical University of South Carolina .....                | \$ 80,380   |
| Department of Natural Resources.....                      | \$ 17,157   |
| South Carolina State University.....                      | \$ 20,000   |
| University Of South Carolina .....                        | \$ 53,368   |
| University of South Carolina-Upstate.....                 | \$ 11,000   |
| Winthrop University .....                                 | \$ 9,300    |
| Lander University .....                                   | \$ 25,000   |
| Total .....                                               | \$585,022 . |

All state agencies and institutions are prohibited from using general fund appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the lobbying activities were not funded by general fund appropriations.

All state agencies and institutions are prohibited from entering into contracts using general fund appropriations to provide lobbying services to the agency or institution.

- 118.10 AMEND** (Admissions Tax) Directs that for FY 12-13, up to \$114,000 in admissions tax revenue collected from events held at a motorsports entertainment complex facility with at least 60,000 permanent seats must be rebated to the facility in the current fiscal year to keep a NASCAR race at the facility.  
**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2013-14." Fiscal Impact: BEA states this provision would decrease General Fund admissions tax revenue by \$114,000 in FY 2013-14.

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

**118.10.** (SR: Admissions Tax) For Fiscal Year ~~2012-13~~ 2013-14, up to one hundred fourteen thousand dollars in admissions tax revenue collected annually from all events held at a motorsports entertainment complex facility with at least sixty thousand permanent seats must be rebated to the motorsports entertainment complex facility in the current fiscal year to keep a NASCAR race at the motorsports entertainment complex facility.

**118.14 DELETE** (Non-recurring Revenue) Appropriates \$555,153,157 of non-recurring revenue to various agencies for Fiscal Year 2012-13, generated from specific sources.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

**118.14.** (SR: Non-recurring Revenue) ~~(A) The source of revenue appropriated in this provision is \$555,153,157 of non-recurring revenue generated from the following sources and transferred to the State Treasurer. This revenue is deemed to have occurred and is available for use in Fiscal Year 2012-13 after September 1, 2012, following the Comptroller General's close of the state's books on Fiscal Year 2011-12.~~

~~(1) \$122,333,689 from Fiscal Year 2010-11 Contingency Reserve Fund;~~

~~(2) \$397,086,761 from Fiscal Year 2011-12 unobligated general fund revenue as certified by the Board of Economic Advisors;~~

~~(3) \$30,722,343 from Fiscal Year 2012-13 general fund revenue; and~~

~~(4) \$5,010,364 from Fiscal Year 2011-12 Capital Reserve Fund lapse.~~

~~Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers shall occur no later than thirty days after the close of the books on Fiscal Year 2011-12 and shall be available for use in Fiscal year 2012-13.~~

~~(B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded in the order in which it appears to the extent that revenues are available.~~

~~The State Treasurer shall disburse the following appropriations by September 30, 2012, for the purposes stated:~~

~~(1) General Reserve Fund~~

~~Full 5% Funding ..... \$ 98,175,036;~~

~~(2) Y14 State Ports Authority~~

~~Harbor Deepening Reserve Fund ..... \$ 300,000,000;~~

~~(3) P32 Department of Commerce~~

~~Research Funds ..... \$ 3,542,592;~~

~~(4) R60 Department of Employment and Workforce~~

~~SUTA Tax Relief ..... \$ 3,009,350;~~

~~(5) H63 Department of Education~~

~~EFA-IDEA Contingency Reserve ..... \$ 36,202,909;~~

~~(6) L04 Department of Social Services~~

~~Child Support Enforcement System ..... \$ 2,500,000;~~

~~(7) H59 State Board for Technical and Comprehensive~~

~~Education Spartanburg Community College Cherokee~~

~~Campus Capital Improvements ..... \$ 3,500,000;~~

~~(8) A20 Legislative Audit Council~~

~~(a) Information Technology Upgrade (Servers,~~

~~Computers, Software) ..... \$ 45,000;~~

~~(b) Peer Review Audit Government Auditing Standards ..... \$ 15,000;~~

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

|                                                                 |               |
|-----------------------------------------------------------------|---------------|
| (9) C05 Administrative Law Court                                |               |
| Staff Attorney/Hearing Officer/Business Associate Equipment.... | \$ 6,900;     |
| (10) P32 Department of Commerce                                 |               |
| Deal Closing Fund .....                                         | \$ 7,000,000; |
| (11) F03 Budget and Control Board                               |               |
| South Carolina Enterprise Information System Statewide          |               |
| Program SCEIS Program Sustainment .....                         | \$ 2,458,843; |
| (12) D10 State Law Enforcement Division                         |               |
| (a) Personal Service and Operating .....                        | \$ 1,701,000; |
| (b) Forensic Equipment .....                                    | \$ 1,134,994; |
| (c) Law Enforcement Operating .....                             | \$ 150,000;   |
| (d) CJIS/IT Equipment.....                                      | \$ 4,777,000; |
| (e) Vehicles.....                                               | \$ 840,000;   |
| (f) Computer Equipment .....                                    | \$ 138,500;   |
| (13) K05 Department of Public Safety                            |               |
| (a) Emergency Communications Equipment.....                     | \$ 3,250,000; |
| (b) Bureau of Protective Services Officers Equipment.....       | \$ 44,700;    |
| (c) Vehicles.....                                               | \$ 1,000,000; |
| (14) H63 Department of Education                                |               |
| Governor's School for the Arts and Humanities                   |               |
| Administration Building Construction .....                      | \$ 1,250,000; |
| (15) L12 John de la Howe School                                 |               |
| (a) Deferred Maintenance on Seven Cottages .....                | \$ 400,000;   |
| (b) Information Technology Upgrade.....                         | \$ 200,014;   |
| (16) H71 Wil Lou Gray Opportunity School                        |               |
| Window Replacement.....                                         | \$ 750,000;   |
| (17) H75 School for the Deaf and Blind                          |               |
| Robertson Hall Construction .....                               | \$ 1,477,550; |
| (18) J02 Department of Health and Human Services                |               |
| Medicaid Management Information System.....                     | \$ 3,918,676; |
| (19) N04 Department of Corrections                              |               |
| (a) Wateree Radium Drinking Water Compliance .....              | \$ 6,000,000; |
| (b) Statewide Roof Replacement .....                            | \$ 2,500,000; |
| (c) Statewide Major Maintenance Projects.....                   | \$ 2,500,000; |
| (d) Victim Services Web Based Case Management System .....      | \$ 500,000;   |
| (e) SC SAVIN Court Notification System.....                     | \$ 500,000;   |
| (f) Allendale CI Pre Treatment Wastewater Plant Closing .....   | \$ 350,000;   |
| (g) Statewide Infirmary Consolidation .....                     | \$ 300,000;   |
| (h) Farm Irrigation Wateree.....                                | \$ 100,000;   |
| (i) Training Academy Weapons Replacement.....                   | \$ 40,000;    |
| (20) P24 Department of Natural Resources                        |               |
| (a) Replacement of IT Equipment and Maintenance .....           | \$ 1,260,505; |
| (b) Water Resources Other Operating.....                        | \$ 1,000,000; |
| (21) E20 Attorney General                                       |               |
| (a) Information Technology Upgrade.....                         | \$ 500,000;   |
| (b) Operating Expenses.....                                     | \$ 500,000;   |
| (22) E23 Commission on Indigent Defense                         |               |
| Information Technology Upgrade .....                            | \$ 101,000;   |

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

|                                                                                              |                |
|----------------------------------------------------------------------------------------------|----------------|
| (23) P12 Forestry Commission                                                                 |                |
| Firefighting Equipment.....                                                                  | \$ 3,500,000;  |
| (24) H73 Vocational Rehabilitation                                                           |                |
| Restoration of Vocational Rehabilitation Program—State                                       |                |
| Matching Funds.....                                                                          | \$ 1,000,000;  |
| (25) J04 Department of Health and Environmental Control                                      |                |
| (a) ADAP Prevention.....                                                                     | \$ 200,000;    |
| (b) SC Coalition Against Domestic Violence and                                               |                |
| Sexual Assault.....                                                                          | \$ 453,680;    |
| (c) Kidney Disease Early Evaluation and Risk                                                 |                |
| Assessment Education .....                                                                   | \$ 100,000;    |
| (d) Hemophilia—SC Bleeding Disorders Premium                                                 |                |
| Assistance Program.....                                                                      | \$ 100,000;    |
| (e) James R. Clark Memorial Sickle Cell Foundation.....                                      | \$ 100,000;    |
| (26) E21 Prosecution Coordination Commission                                                 |                |
| Center for Fathers and Families.....                                                         | \$ 200,000;    |
| (27.1) (Andrews Public Safety Building Match) Each state dollar of the above                 |                |
| appropriation for the Andrews Public Safety Building must be matched with one dollar of non- |                |
| state funds.                                                                                 |                |
| (28) R52 State Ethics Commission                                                             |                |
| Information Technology Upgrade .....                                                         | \$ 25,000;     |
| (29) X22 Local Government Fund—State Treasurer                                               |                |
| Local Government Fund .....                                                                  | \$ 30,000,000; |
| (30) P20 Clemson University—PSA                                                              |                |
| (a) Advanced Plant Technology Lab .....                                                      | \$ 4,000,000;  |
| (b) Operating.....                                                                           | \$ 100,000;    |
| (31) H27 University of South Carolina—Columbia Campus                                        |                |
| (a) Palmetto Poison Center .....                                                             | \$ 71,862;     |
| (b) Child Abuse Medical Response Program.....                                                | \$ 250,000;    |
| (32) H59 State Board for Technical and Comprehensive Education                               |                |
| (a) Central Carolina Technical College—Training Facility                                     |                |
| Purchase and Upfit.....                                                                      | \$ 1,250,000;  |
| (b) Central Carolina Technical College—Building Renovation ...                               | \$ 400,000;    |
| (c) Technical College of the Low Country—Veterans                                            |                |
| Recruitment and Training Program .....                                                       | \$ 200,000;    |
| (d) Tri-County Technical College—Pedestrian Safety                                           |                |
| Improvements .....                                                                           | \$ 500,000;    |
| (e) SC Skills USA.....                                                                       | \$ 200,000;    |
| (33) E24 Adjutant General's Office                                                           |                |
| (a) State Guard.....                                                                         | \$ 59,000;     |
| (b) Armory Maintenance .....                                                                 | \$ 500,000;    |
| (34) J16 Department of Disabilities and Special Needs                                        |                |
| Charles Lea Center—1 to 1 Match.....                                                         | \$ 250,000;    |
| (34.1) (Charles Lea Center Match) Each state dollar of the above appropriation for the       |                |
| Charles Lea Center must be matched with one dollar of private funds.                         |                |
| (35) J02 Department of Health and Human Services                                             |                |
| (a) SC Healthcare Information and Referral Network.....                                      | \$ 50,000;     |
| (b) In-Home Health Care Systems .....                                                        | \$ 500,000;    |

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

- (36) J20 Department of Alcohol and Other Drug Abuse Services  
McCord Center Safety Improvement Project ..... \$ 250,000;
- (37.1) ~~(Marion County Habitat for Humanity Pilot Project Match) Each state dollar of the above appropriation for the Marion County Habitat for Humanity Pilot Project must be matched with one dollar of private funds.~~
- (38) P16 Department of Agriculture  
(a) Marketing and Branding ..... \$ 500,000;  
(b) State Farmer's Market Infrastructure ..... \$ 400,000;  
(c) Market Operations..... \$ 600,000;
- (39) P24 Department of Natural Resources  
(a) Drill Rig for Geological Survey and Strengthened Services... \$ 200,000;  
(b) Savannah River Basin Study Phase II ..... \$ 100,000;  
(c) Catawba/Wateree River Basin Supply Study ..... \$ 250,000;  
(d) Darlington County Watershed Project ..... \$ 600,000;  
(e) Lake Wallace Special Purpose District ..... \$ 150,000;
- (40) P28 Department of Parks, Recreation, and Tourism  
(a) Kings Mountain Bridge Replacement ..... \$ 250,000;  
(b) Southeastern Wildlife Exposition Regional Marketing  
and Advertising ..... \$ 200,000;
- (41) H15 University of Charleston  
Interactive Digital Technology Pilot Project — 1 to 1 Match..... \$ 2,000,000;
- (41.1) ~~(Interactive Digital Technology Pilot Project Match) Each state dollar of the above appropriation for the Interactive Digital Technology Pilot Project must be matched with one dollar of private funds.~~
- (42) R44 Department of Revenue  
Implementation of SCITS ..... \$ 4,374,496;
- (43) H38 USC Salkehatchie Campus  
Deferred Maintenance ..... \$ 200,000;
- (44) H91 Arts Commission  
Grants..... \$ 500,000;
- (45) P36 Patriots Point Development Authority  
National Flight Academy..... \$ 393,000;
- (46) H59 State Board for Technical and Comprehensive Education  
Horry Georgetown Tech Speir Allied Health..... \$ 200,000;
- (47) H17 Coastal Carolina University  
Scientific Equipment for Research Vessel..... \$ 198,000;
- (48) A85 Education Oversight Committee  
School District Efficiency Review Pilot Program ..... \$ 300,000; and
- (48.1) ~~(School District Efficiency Review Pilot Program) The funds appropriated above for the School District Efficiency Review Pilot Program shall be utilized to implement the requirements of proviso 90.26 contained in this act.~~
- (49) F03 Budget and Control Board  
Rural Infrastructure Fund ..... \$ 3,000,000.
- ~~Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.~~
- (C) ~~From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, the remaining funds shall be used to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations in order to preserve the economic viability of the facility. The amount distributed to offset any operating shortfalls shall be determined by calculating the~~

**PROVISO SUBCOMMITTEE  
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT  
RECOMMENDATIONS FOR FY 2013-14  
TO THE HOUSE WAYS AND MEANS COMMITTEE**

~~difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls shall also be used to maintain access fees to the facility for Fiscal Year 2012-13 at the Fiscal Year 2009-10 level. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.~~

~~(D) Of any excess funds collected above the amount identified in subsection (A)(2), there is appropriated \$2,000,000 to the Department of Natural Resources for the State River Basin Study Project Water Resource Planning. The funds must be used for water data collection to provide scientific information on water resources in the state's eight major river basins.~~

- 118.15 AMEND** (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, 2012, 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.

**PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update year reference to "2013." *Conform to funding.*

**118.15.** (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, ~~2012~~ 2013, 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.