AMENDED

June 5, 2013

**H. 3711**

Introduced by Ways and Means Committee

S. Printed 6/5/13--H.

Read the first time March 5, 2013.

**A** **JOINT RESOLUTION**

TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2012‑2013, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2012-2013 the following amounts:

(1) F30‑Budget and Control Board

Consumer Protection and Statewide

Cyber Security Improvements $ 24,899,996

(2) H63‑Department of Education

School Bus Lease and Purchase $ 10,500,000

(3) H09‑The Citadel

Cadet Accountability System $ 1,500,000

(4) H15‑University of Charleston

Science Center $ 2,000,000

(5) H17‑Coastal Carolina University

Science Center $ 1,500,000

(6) H21‑Lander University

National Center for

Montessori Education $ 750,000

(7) H47‑Winthrop University

Withers/WTS Building Roof

Replacement Maintenance

and Repairs $ 750,000

(8) H59‑State Board for Technical

and Comprehensive Education

CATT Program/readySC $ 7,538,694

(9) H59‑State Board for Technical

and Comprehensive Education

System‑wide Infrastructure

and Workforce Development $ 5,500,000

(10) H59‑State Board for Technical

and Comprehensive Education

Manufacturing Skills Standards

Council Initiative $ 2,500,000

(11) H59‑State Board for Technical

and Comprehensive Education

Central Carolina Technical

College-Advanced

Manufacturing Technology

Training Center $ 3,500,000

(12) J20‑Department of Alcohol and

Other Drug Abuse Services

Keystone Alcohol and Drug

Abuse Capital Improvement

Rock Hill $ 750,000

(13) J20‑Department of Alcohol and

Other Drug Abuse Services

McCord Center Fire Safety

‑Alcohol and Drug Abuse $ 250,000

(14) J20‑Department of Alcohol and

Other Drug Abuse Services

Circle Park Florence County

‑Alcohol and Drug Abuse $ 150,000

(15) L04‑Department of Social Services

Child Support Enforcement

System Development $ 212,221

(16) P12‑Forestry Commission

Firefighting Equipment $ 2,000,000

(17) P16-Department of Agriculture

Farmers Market $ 3,000,000

(18) P20‑Clemson University‑PSA

Advanced Plant Technology Lab $ 3,000,000

(19) P32‑Department of Commerce

Deal Closing Fund $ 5,320,234

(20) P32‑Department of Commerce

Business Incubator Program $ 1,000,000

(21) R44‑Department of Revenue

Repayment of Loan Authorized

by the Budget and Control

Board on 12/12/12 $ 20,170,000

(22) R44‑Department of Revenue

Implement Tax Processing

System Improvements $ 7,533,374

(23) N20‑Law Enforcement Training

Council (Criminal Justice

Academy) HVAC System $ 1,682,032

(24) A17‑Legislative Printing and

Information Technology Systems

Data Center and Server Room $ 950,000

(25) E28‑Election Commission

New Statewide Voter System $ 5,000,000

(26) E28‑Election Commission

Electronic Voter Registration

Laptops (EVRL) $ 600,000

(27) H18-Francis Marion University

Health Sciences Building

(2 to 1 Match) $ 1

(28) H73-Vocational Rehabilitation

Palmetto Center-Rebuild

Facility-Fire and Life Safety

Issues $ 1

(29) K05-Department of Public Safety

Deferred Maintenance

-Roof Replacement $ 1

(30) N20-Law Enforcement Training

Council (Criminal Justice

Academy) Replace Water

Supply Lines Oldest Dorms $ 1

(31) H15-University of Charleston

Computer Science Program $ 100,000

$ 112,656,555

SECTION 2. With the $5,500,000 appropriated in SECTION 1 to H59-State Board for Technical and Comprehensive Education for System-wide Infrastructure and Workforce Development, the board shall be responsible for prioritizing and funding projects to maximize workforce development. For the purpose of prioritizing funding requests, one of the following criteria must be met: (1) projects requested by the Department of Commerce for current industry recruitment, (2) projects to enhance science and math education by renovating existing science buildings, (3) projects designed to enhance traffic flow and student vehicular safety, and (4) projects that have a local county match funding. Central Carolina Technical College shall be excluded from the distribution of these funds.

SECTION 3. (A) For the current fiscal year, of the funds appropriated to the Budget and Control Board for Statewide Cyber Security and Consumer Protection, the state shall provide at a minimum, one additional year of identity theft protection and identity theft resolution services to each eligible person, as defined in subsection (D), whose personal financial information was compromised as a result of the Department of Revenue Security Breach of 2012. These services must be free of charge and available on or before October 25, 2013. Any funds remaining shall be utilized by the Budget and Control Board to implement state agency cyber security improvements as recommended by Deloitte and Touche.

(B) The Budget and Control Board shall procure services pursuant to subsection (A) in the most cost efficient manner possible. Following the selection of a vendor, the contract shall be executed by the vendor and the Department of Revenue. The Budget and Control Board, with assistance from the Department of Revenue, shall issue a report to the General Assembly by February 1, 2014, containing findings and recommendations concerning the ongoing risk of identity theft to eligible persons, the services the contract or contracts provided, and the need, if any, for extending the period for the contracted services, including the levels of service required beyond the additional one year coverage period. No service provided pursuant to subsection (A) may be procured for a cost if the same service is available to eligible persons for free under state or federal law.

(C) In order to ensure that every eligible person obtains identity theft protection and identity theft resolution services pursuant to subsection (A), to the extent allowed by federal or state law, including Section 30-2-320, the Department of Revenue, working with the contracted vendor, shall develop and implement a policy to make enrollment as simple as possible for each eligible person. The policy may include automatic enrollment, provided that there is an opt-out mechanism for otherwise eligible persons, and enrollment authorization on a tax return filed in this State. By March 15, 2014, the Department of Revenue shall issue a report to the Governor and the General Assembly detailing the number of eligible persons that enrolled and the number of people eligible to enroll in the identity theft protection and identity theft resolution services program procured pursuant to subsection (A). The report also must detail efforts made to encourage enrollment in the programs.

(D) Identity Theft Protection as used herein means a product and/or service designed to prevent an incident of identity fraud or identity theft or otherwise protect the privacy of a person's personal identifying information, as defined in Section 16-13-510 (D), by precluding a third party from gaining unauthorized acquisition of another's personal identifying information to obtain financial resources or other products, benefits, or services.

Identity Theft Resolution Services as used herein means products and services designed to assist persons whose personal identifying information, as defined in Section 16-13-510 (D), was obtained by a third party, whereby minimizing the effects of the identity fraud or identity theft incident and restoring the person's identity to pre-theft status.

Eligible Person used herein means a taxpayer that filed a return with the Department of Revenue for any taxable year after 1997 and before 2013, whether by paper or electronic transmission, or any person whose personally identifiable information was contained on the return of another eligible person, including minor dependents.

(E) Nothing in this section creates a private right of action or an expenditure of funds.

(F) Any contract entered into by the state for identity theft services as provided for in this resolution shall include provisions that prohibit any provider of state-sponsored identity theft services from using the information obtained on South Carolinians due to their enrollment in state identity theft services to market any other product or services to enrollees or to sell or share information on South Carolinians to a third party.

SECTION 4. Prior to any negotiations for the purchase of property at the State Farmers Market located in Lexington County, the Attorney General’s Office shall research all recorded documents related to the property and submit a memorandum to the Budget and Control Board that outlines any potential legal issues associated with ownership by the State of any or all of the property, including but not limited to deed restrictions, liens, easements, encumbrances, and gate fee collections. The Attorney General shall attempt to renegotiate, on behalf of the Department of Agriculture, the original farmers market development agreement including but not limited to the declaration of covenants, conditions and restrictions for the wholesalers section. Once the Attorney General has renegotiated the agreements he deems necessary to the State obtaining full enjoyment of title, the Attorney General may utilize funds appropriated in Fiscal Year 2013-2014 to negotiate for the purchase of property at the State Farmers Market on behalf of the State Department of Agriculture subject to approval of the Budget and Control Board. While negotiating the purchase of the State Farmers Market property, the Attorney General shall prioritize the acquisition of lot twenty-five.

SECTION 5. The Comptroller General shall post the appropriations contained in this joint resolution as provided in Section 11‑11‑320(D) of the 1976 Code. Unexpended funds appropriated pursuant to this joint resolution may be carried forward to succeeding fiscal years and expended for the same purposes.

SECTION 6. This joint resolution takes effect thirty days after the completion of the 2012‑2013 fiscal year in accordance with the provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11‑11‑320(D)(1) of the 1976 Code.

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