

**SENATE FINANCE COMMITTEE
HEALTH AND HUMAN SERVICES SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2013-14**

SECTION 23 - H51-MEDICAL UNIVERSITY OF SOUTH CAROLINA

- 23.2 CONFORM TO FUNDING** (Telemedicine) **WMC:** ADD new proviso to direct the MUSC Hospital Authority to use the \$8,000,000 appropriated to MUSC for the Authority to continue to develop the Telemedicine network and to determine which hospitals are best suited for a Telemedicine partnership.
HOU: ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

23.2. (MUSC: Telemedicine) From the \$8,000,000 appropriated to the Medical University of South Carolina for the MUSC Hospital Authority, the Authority is directed to continue the development of its Telemedicine network. The MUSC Hospital Authority shall determine which hospitals are best suited for a Telemedicine partnership.

- 23.3 CONFORM TO FUNDING / AMEND NEW PROVISO** (Rural Access Plan) **WMC:** ADD new proviso to direct the MUSC Hospital Authority, in conjunction with DHHS, to study how to partner with rural hospitals to ensure that rural regions of the state maintain access to medical care. Direct that at a minimum facilities, in Hampton, Allendale, Orangeburg and Barnwell counties must be studied. Authorize DHHS to withhold a portion of the enhanced DSH payment if a hospital does not actively participate.
HOU: ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation / AMEND new proviso to delete the authorization for the department to withhold a portion of the enhanced DSH payment if a hospital does not actively participate.

23.3. (MUSC: Rural Access Plan) The MUSC Hospital Authority, in conjunction with the Department of Health and Human Services, shall study how to partner with existing rural hospitals to ensure that these regions maintain access to medical care. Facilities studied shall not be limited to, but shall at a minimum include those facilities in Hampton, Allendale, Orangeburg and Barnwell counties. ~~If a hospital does not actively participate, the Department of Health and Human Services may withhold a portion of the enhanced DSH payment.~~

SECTION 33 - J02-DEPARTMENT OF HEALTH AND HUMAN SERVICES

- 33.1 REINSERT** (Recoupment/Restricted Fund) Authorizes the department to recoup all refunds and identified program overpayments and to maintain prior year program refunds in a restricted fund to pay for liabilities and improvements related to enhancing future audits accountability. Limits the fund to 1% of current year's total appropriation and require amounts in excess of 1% be remitted to the general fund.
WMC: DELETE proviso. *See new proviso 33.32.*
HOU: ADOPT deletion of proviso.
SUBCOMMITTEE RECOMMENDATION: REINSERT original proviso.

33.1. (DHHS: Recoupment/Restricted Fund) The Department of Health and Human Services shall recoup all refunds and identified program overpayments and all such overpayments shall be recouped in accordance with established collection policy. Further, the Department of Health and Human Services is authorized to maintain a restricted fund, on deposit with the State Treasurer, to be used to pay for liabilities and improvements related to

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enhancing accountability for future audits. The restricted fund will derive from prior year program refunds. The restricted fund shall not exceed one percent of the total appropriation authorization for the current year. Amounts in excess of one percent will be remitted to the general fund.

33.7 **DELETE** (Admin. Days/Swing Beds Reduction Prohibition) Prohibits the department from reducing funds appropriated for hospital administrative days and swing beds.

WMC: DELETE proviso. *Deletion allows the department administrative authority and flexibility to manage the Medicaid program.* Requested by Department of Health and Human Services.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~33.7. (DHHS: Admin. Days/Swing Beds Reduction Prohibition) Funds appropriated herein for hospital administrative days and swing beds shall not be reduced in the event the agency cuts programs and the services they provide.~~

33.8 **DELETE** (Nursing Home Sanctions) Authorizes the department to establish a restricted fund to deposit nursing home sanctions fines. Allows the department to use the funds for costs related to the protection of the health and property of residents of nursing homes that participate in the Medicaid program.

WMC: DELETE proviso. *Prescribed by law in Sections 44-6-400 through 44-6-540.* Requested by Department of Health and Human Services.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~33.8. (DHHS: Nursing Home Sanctions) The Department of Health and Human Services is authorized to establish an interest bearing restricted fund with the State Treasurer, to deposit fines collected as a result of nursing home sanctions. The department may use these funds consistent with the provision of Section 44-6-470.~~

33.12 **AMEND** (Medicaid Eligibility Transfer) Authorizes the department to determine the eligibility of applicants for the Medicaid Program; transfers DSS employees who perform this function full time to HHS; and requires DSS county offices to continue to provide office space and facility service for the eligibility determination function.

WMC: AMEND proviso to direct that eligibility is to be determined in accordance with the State Plan Under Title XIX of the Social Security Act Medical Assistance Program. Delete transfer of DSS employees. *Personnel has been transferred.* Requested by Department of Health and Human Services.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

~~33.12. (DHHS: Medicaid Eligibility Transfer) The South Carolina Department of Health and Human Services (DHHS) is hereby authorized to determine the eligibility of applicants for the South Carolina Medicaid Program in accordance with the State Plan Under Title XIX of The Social Security Act Medical Assistance Program. Personnel of the Department of Social Services (DSS) engaged in this function full time, and other DSS personnel engaged in this function who are identified by agreement of DSS and DHHS, are transferred to DHHS. The governing authority of each county shall ~~continue to~~ provide office space and facility service for this function as they do for DSS functions under Section 43-3-65.~~

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33.16 **AMEND** (Long Term Care Facility Reimbursement Rates) Requires the department to submit the Medicaid State Plan amendment for long term care facility reimbursement rates to the Federal government before August 1st each year. Directs that this provision only applies in years that funds are allocated for rate increases.

WMC: AMEND proviso to require the department to direct staff to complete and submit the plan amendment to the DHHS director and for the director to review and submit the plan to the Federal Government by August 15th each year. Direct that all additional requests for plan information from CMS be promptly submitted by the department.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

33.16. (DHHS: Long Term Care Facility Reimbursement Rates) The department shall direct staff to complete and submit its Medicaid State Plan Amendment for long term care facility reimbursement rates to the ~~Federal government prior to~~ Director of the Department of Health and Human Services by August first of each year. The Director shall review the plan and submit to the Federal Government on or before August fifteenth of each year provided the State Appropriations Act has been enacted ~~prior to~~ by that date. All additional requests for information from CMS concerning the plan shall be promptly submitted to CMS by the Department of Health and Human Services. ~~This provision shall apply only in those years when funds are allocated for rate increases.~~

33.17 **DELETE** (Upper Payment Limit for Non-state Owned Public Nursing Facilities) Directs the department to submit a state plan amendment to CMS by August 12th, 2010 to provide Medicaid supplemental payments to non-state owned public nursing facilities who qualify as Essential Public Safety Net providers.

WMC: DELETE proviso. *Delete to allow administrative flexibility.* Requested by Department of Health and Human Services.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

33.17. (DHHS: Upper Payment Limit for Non-state Owned Public Nursing Facilities) ~~The department shall prepare and submit to the Center for Medicare and Medicaid Services no later than August 12, 2010, a state plan amendment to provide Medicaid supplemental payments to non state owned public nursing facilities who qualify as Essential Public Safety Net providers. The department shall provide a report on the plan amendment to the House of Representatives Ways and Means Committee and the Senate Finance Committee by the aforementioned date.~~

33.19 **DELETE** (Prior Authorization-Formulary Changes) Requires the department to coordinate and approve formulary changes for medications to treat certain disorders; to use a common prior authorization form in its managed care policy and procedures guide; and to provide a grievance procedure and arbitration between the doctors and managed care companies with the department serving as the arbitrator.

WMC: DELETE proviso. *Proviso is unnecessary because the agency has this in policy.* Requested by Department of Health and Human Services.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

33.19. (DHHS: Prior Authorization-Formulary Changes) ~~The Department of Health and Human Services shall coordinate and approve formulary changes for medications prescribed to~~

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~~treat major depression, schizophrenia, or bipolar disorder as defined by the most recent edition of the Diagnostics and Statistical Manual of the American Psychiatric Association or following prescribing practice guidelines established by the American Psychiatric Association. The department shall require, in its managed care policy and procedures guide, managed care organizations to utilize a common prior authorization form for drugs used to treat major depression, schizophrenia, or bipolar disorder. Adverse changes to a plan formulary must be coordinated with the agency. If a formulary change regarding a medication prescribed to treat one of the conditions listed above will adversely affect the patient's condition, the grievance process must be exhausted prior to the beneficiary initiating disenrollment from the plan. At no time will a patient who is actively on medication for treatment of one of the above conditions at the time of enrollment in a managed care plan be denied coverage for such medication until resolution of the grievance process. If the department determines the grievance process does not provide favorable relief for the beneficiary, the beneficiary shall be allowed to enroll in fee-for-service or another managed care plan providing formulary coverage.~~

33.23 **AMEND** (Medicaid Provider Fraud) Requires the department to expand and increase its Medicaid provider fraud efforts and to report on the results of its efforts to the General Assembly by April 1, 2013.

WMC: AMEND proviso to delete the requirement that the department report to the General Assembly and instead direct that results be published on the agency homepage and delete the requirement that funds recuperated or saved be reported and instead direct that fund recovered be reported.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

33.23. (DHHS: Medicaid Provider Fraud) The department shall expand and increase its effort to identify, report, and combat Medicaid provider fraud. The department shall ~~report to the General Assembly before~~ publish on its' agency homepage by April 1, 2013 of the current fiscal year, ~~on~~ the results of these efforts, ~~the funds recuperated or saved~~ recovered, and information pertaining to prosecutions of such ~~actions~~ cases, including pleas agreements entered into.

33.25 **DELETE** (Personal Emergency Response System) Authorizes the department to consider using two button Personal Emergency Response Systems (PERS) units.

WMC: DELETE proviso. *Proviso is unnecessary because it is permissive and it is something the department is already doing.* Requested by Department of Health and Human Services.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

33.25. (DHHS: Personal Emergency Response System) ~~The Department of Health and Human Services may consider the use of Personal Emergency Response Systems (PERS) units with additional functionality to include the use of a two button system that is UL or ETL certified.~~

33.26 **AMEND** (GAPS) Requires the department to suspend GAPS requirements for the FY 12-13.

WMC: AMEND proviso to change the fiscal year reference to "the current state fiscal year."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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33.26. (DHHS: GAPS) The requirements of Title 44, Chapter 6-610 through Chapter 6-660 shall be suspended for Fiscal Year ~~2012-13~~ *the current state fiscal year*.

- 33.28** **DELETE** (In-Home Health Care Systems for Medicaid Recipients) Allows the department to pilot test a program using an in-home health care system, with the goal of reducing emergency room visits; and provides specifics that to be used for the program.
WMC: DELETE proviso. Requested by Department of Health and Human Services.
HOU: ADOPT deletion of proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**33.28.** (DHHS: In-Home Health Care Systems for Medicaid Recipients) The Department of Health and Human Services, during Fiscal Year 2012-13, within the funds appropriated, upon application by the department, may pilot test an in-home health care system. The pilot test must include a statistically valid sample of Medicaid patients within the counties as determined by the Director of the Department of Health and Human Services. This program shall provide a state of the art in-home health care system which provides around the clock access to medical assessment care and additionally provides an emergency response function that gives a Medicaid recipient the ability to contact a local emergency response center.~~

~~The purpose of the program is to reduce the amount of emergency room visits in non-emergency cases and to reduce the amount of visits to other medical care facilities in order to save on the cost of providing this care and in order to provide better health care.~~

~~The in-home health care system option must consist of three main components:~~

- ~~(1) the medical console and wireless transmitter;~~
- ~~(2) the medical triage center; and~~
- ~~(3) the emergency response call center.~~

~~The medical console and wireless transmitter must have the following capabilities:~~

~~(1) the medical console must be capable of communication between two separate call centers, one of which is a monitoring facility to provide certified medical triage care twenty-four hours a day and the other of which is a monitoring facility to provide emergency response services twenty four hours a day.~~

~~(2) the wireless transmitter for the medical console must have two buttons, one for transmitting a signal to the console to contact the emergency response monitoring facility, and the second button also must send a wireless signal to the console to trigger contact with the medical triage center.~~

~~(3) the medical console must be able to send a report/event code to the emergency response call center after a medical triage center call has been placed.~~

~~(4) an emergency button on the medical console must include Braille for the sight impaired.~~

~~The medical triage center must have or be:~~

- ~~(1) open twenty four hours a day, three hundred sixty five days a year;~~
- ~~(2) a call center must be located in the United States;~~
- ~~(3) Utilization Review Accreditation Commission (URAC) accredited;~~
- ~~(4) on-call availability of a South Carolina licensed physician, twenty four hours, seven days a week for guidance or review of clinical calls as needed;~~
- ~~(5) registered nurses with a minimum of ten years experience available to answer all calls;~~
- ~~(6) all calls digitally recorded and archived, and a triage report prepared and sent;~~
- ~~(7) daily monitoring of communications with the call center;~~
- ~~(8) fully HIPAA compliant;~~
- ~~(9) bilingual staff in English and Spanish;~~

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~~(10) a mechanism that ensures that a caller will never receive a busy signal or voice mail when accessing the nurse advice line;~~

~~(11) clinical staff able to serve pediatric, adolescent, adult, and senior populations, as well as health care expertise in a variety of clinical areas such as emergency room, pediatrics, critical care, oncology, cardiology, pulmonary, geriatrics, obstetrics/gynecology and general medicine; and~~

~~(12) the infrastructure in place to allow the telephone network to digitally communicate with the medical console for incoming call connection, call disconnect, and client file access.~~

~~The emergency response call center must:~~

~~(1) be open twenty four hours a day, three hundred sixty five days a year;~~

~~(2) be located in South Carolina;~~

~~(3) maintain a digital receiver capable of processing two way voice audio using multiple formats.~~

~~Facilities, emergency response and the medical triage center, shall offer all recipients selected by the department unlimited use of services provided by the emergency monitoring and medical triage facilities at no additional cost burden to the State.~~

~~The pilot testing program must be conducted for the current fiscal year. The department in developing and administering this program is authorized to take such actions as may be required, including making requests for Medicaid waivers when necessary.~~

~~The department, in implementing this program on a pilot testing basis, also is authorized to contract with a third party provider or vendor to furnish and operate the program or a physician's office that provides a similar patient service.~~

33.29 AMEND (Medicaid Reporting) Directs the department to report quarterly on all cost-saving measures they have implemented; designates what information shall be reported by county; and directs the reports be submitted to specific members of the General Assembly and be posted on the department's website.

WMC: AMEND proviso to delete reference to a specific Fiscal Year and the requirement that each quarterly report be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees, the President Pro Tempore of the Senate and Speaker of the House.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

33.29. (DHHS: Medicaid Reporting) Within ninety days of the end of each quarter ~~in Fiscal Year 2012-13~~ *during the current fiscal year*, the department shall report each cost-savings measure implemented. By county, the department shall report the number of enrolled and active providers by provider type, provider specialty and sub-specialty, the number of recipients, the number of recipients by provider type, the expenditures by provider type and specialty, and service level utilization trends. The department shall continue to annually report HEDIS measures, noting where measures improve or decline. Each report shall be ~~submitted to the Chairman of the Senate Finance Committee, the Chairman of the Ways and Means Committee, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives,~~ and be prominently displayed on the department's website.

33.30 ADD (Grant Authority) **WMC:** ADD new proviso to authorize the department to make grants to community-based not-for-profit organizations for local projects that further the objectives of department programs. Require the department develop policies and procedures and allow them to promulgate regulations associated with the grants. Authorize the department to require grant recipients to provide match funds. Requested by Department of Health and Human Services.

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HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

33.30. (DHHS: Grant Authority) The Department of Health and Human Services is authorized to make grants to community-based not-for-profit organizations for local projects that further the objectives of department programs. The department shall develop policies and procedures and may promulgate regulations to assure compliance with state and federal requirements associated with the funds used for the grants and to assure fairness and accountability in the award and administration of these grants. The department may require a match from grant recipients.

33.31 CONFORM TO FUNDING / AMEND NEW PROVISO (Community Health Center/FQHC) **WMC:** ADD new proviso to direct that entities that receive funding under the Public Health Services Act, Health Center Program (Section 330) shall qualify to receive "Community Health Center/FQHC" funds appropriated in Part IA. Direct that the funds be disbursed: 30% divided among qualifying entities with the balance distributed 40% based on uninsured patients served and 30% based on the number of patients seen from counties with a population of less than 125,000.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation / AMEND new proviso to delete reference to "Part IA, Section 33, Special Line Item." Direct that any newly established Community Health Center/FQHC shall receive an amount equivalent to the average disbursement made to all Centers/FQHCs.

33.31. (DHHS: Community Health Center/FQHC) Entities receiving funding under Section 330 of the Public Health Services Act qualify to receive funds provided in ~~Part IA, Section 33, Special Line Item~~ this Act for Community Health Center/FQHC. This appropriation shall be disbursed as follows: (1) 30% of the total appropriation will be divided among qualifying entities; and (2) The balance of the appropriation will be distributed with 40% based on uninsured patients served and 30% based on the number of patients seen from counties with a population of less than 125,000. Any newly established Community Health Center/FQHC shall receive an amount equivalent to the average disbursement made to all Centers/FQHCs.

33.32 DELETE NEW PROVISO (Recoupment/Restricted Fund) **WMC:** ADD new proviso to create the Medicaid Sustainability Fund and state that the General Assembly may make direct appropriations to the fund. Authorize the department to transfer all unexpended state appropriations into the fund at the end of the current fiscal year. Allow the department to transfer program settlements, recoupments and recoveries into the fund at any time. Require the fund to be used for the Medicaid Program and authorize unexpended funds and accrued interest to remain in the fund and be carried forward. Limit the amount of monies in the fund to 3% of the total current year department appropriations and require amounts in excess of 3% to be remitted to the General Fund. Require a report be submitted to the Chairmen of the House Ways and Means and Senate Finance Committees within 30 days of the close of each quarter on the fund balance; withdrawals from the fund and what they were used for; and fund deposits and the source of the funds.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

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~~33.32. (DHHS: Recoupment/Sustainability Fund) There is created in the State Treasury a fund distinct from the General Fund of the State and all other funds entitled the Medicaid Sustainability Fund (Fund). The General Assembly may make direct appropriations to this Fund. All unexpended state funds appropriated to the Department of Health and Human Services (department) may be transferred to the Fund at the end of the current fiscal year by the department. Further, the department may at any time transfer any program settlements, recoupments and recoveries to the Fund. Money in the Fund shall be used for the Medicaid Program. All unexpended funds in the Fund and any interest accrued by the Fund shall remain in the Fund and be carried forward into the current fiscal year. The Fund shall not exceed three percent of the total appropriation of all funds for the department authorized for the current fiscal year. Amounts in excess of three percent will be remitted to the General Fund. Within 30 days of the close of each quarter, the Director of the Department of Health and Human Services shall report by letter to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee on the balance in the Fund, withdrawals from the Fund and the use of the funds withdrawn, and deposits to the Fund.~~

- 33.33 AMEND NEW PROVISO (Non-Disabled, Childless Adults Waiver) WMC: ADD new proviso to require the Director of the department to submit an application waiver within 30 days of receiving notification from the U.S. Department of Health and Human Services that they are accepting Medicaid eligibility waiver applications for non-disabled, childless adults whose income is up to 100% of the Federal Poverty Level.
HOU: AMEND new proviso to change “must” to “may” and delete reference to “within 30 days,” pertaining to submitting a waiver application. Sponsor: G.R. Smith.
SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

33.33. (DHHS: Non-Disabled, Childless Adults Waiver) Whenever the United States Secretary for the Department of Health and Human Services notifies State Medicaid Agencies that it will accept applications for waivers for Medicaid eligibility for non-disabled, childless adults whose income is up to 100% of the Federal Poverty Level, the Director of the South Carolina Department of Health and Human Services may submit an application for this waiver which must include strategies for improving health outcomes, purchasing the most healthcare at the least possible cost, and continuing implementation of coordinated care.

- 33.34 CONFORM TO FUNDING (Medicaid Accountability and Quality Improvement Initiative) WMC: ADD new proviso to direct the department to implement certain Medicaid accountability and quality improvement initiatives. (A) Health Outcomes Initiative - Upon CMS approval, to make up to a \$35,000,000 aggregate rate incentive available to participating hospitals effective 10/1/13, and based on certain conditions. (B) Disproportionate Share (DSH) Payment Accountability - Upon CMS approval, to require hospitals to submit claims-level data for individuals who receive uncompensated care and to obtain patient confirmation to determine whether they have access to affordable health insurance in order to increase accountability for DSH reimbursements and improve outcomes for uninsured. (C) Rural Hospital DSH Payment - Upon CMS approval, to direct that the state's Medicaid designated rural hospitals shall receive full coverage for uncompensated care as part of the DSH program. Direct that allocated funds not exceed \$20,000,000 total funds. Direct that if rural hospitals do not participate in the Healthy Outcomes Initiative reporting and quality guidelines they will be ineligible for the increased coverage. (D) Primary Care Safety Net - Require the department develop a methodology to reimburse safety net providers certain care and services to chronically ill individuals without access to affordable insurance. Define qualifying safety net providers; designate a minimum amount to be funded for specific initiatives; and establish

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eligibility requirements for qualifying providers. (E) Rural Provider Capacity - Direct the department to incentivize the development of rural physician coverage and capacity building through leveraging the Graduate Medical Education program; to develop a methodology to improve the State's GME and Supplemental Teaching Payments investment; and to develop a program to leverage the use of teaching hospitals to provide rural physician coverage, expand Telemedicine use, and support OB/GYN services in at least four counties without adequate OB/GYN resources. (F) Community Residential Care Optional State Supplement - Direct the department to establish policies and procedures to include establishing a facility rate per eligible beneficiary; establish eligibility criteria; and a methodology for increasing the personal needs allowance. Direct the department to establish Quality of Care Standards for licenses Community Residential Care Facilities. (G) Require the department publish quarterly reports on their website on their progress in meeting the goals established in this provision.

HOU: AMEND new proviso subitem (A) Healthy Outcomes Initiative to allow the department to explore various health outreach, education, and patient wellness and incentive programs in order to improve community health. Allow the department to work with the Kershaw Health and its LiveWell Kershaw program to pilot diabetes, smoking cessation, weight management and heart disease intervention models for other hospitals to pursue. AMEND FURTHER subitem (D) Primary Care Safety Net to clarify which FQHC's are referenced in the proviso. Direct the department to consult with the SC Primary Health Care Association to determine the most critical capital needs. Sponsors: G.M. Smith and White.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

33.34. (DHHS: Medicaid Accountability and Quality Improvement Initiative) From the funds appropriated and authorized to the Department of Health and Human Services, the department shall implement the following accountability and quality improvement initiatives:

(A) Healthy Outcomes Initiative - Upon approval of the Centers for Medicare and Medicaid Services (CMS), the Department of Health and Human Services shall make available to participating hospitals up to a \$35,000,000 aggregate rate incentive effective October 1, 2013. This incentive shall be directly linked to a hospital's participation in initiatives designed to reduce system cost and increase health outcomes. To improve community health, the department may explore various health outreach, education and patient wellness and incentive programs. Working with Kershaw Health and its LiveWell Kershaw program, the department may pilot diabetes, smoking cessation, weight management, and heart disease interventions to identify the potential to offer such interventions as models for other hospitals to pursue. These initiatives may include, but are not limited to:

1. entering into a Memorandum of Understanding (MOU) with selected primary health care and other providers to co-manage chronically ill uninsured high-utilizers of emergency room services; and

2. participating in price and quality transparency efforts initiated by the department.

In designing these initiatives the department shall receive public input, and make the final determination of the initiative design. The department shall, no later than August 1, 2013, publish the manner in which participation in these initiatives will correspond with incentives. If at the end of the state fiscal year the department determines that this program is not generating cost savings or increasing health outcomes the department may retract this incentive in part or full.

(B) Disproportionate Share (DSH) Payment Accountability - Upon approval of CMS, in order to increase accountability for money reimbursed to hospitals under the DSH program and to improve outcomes for the uninsured, hospitals shall:

1. submit claims-level data for all individuals receiving uncompensated care; and

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2. obtain a patient attestation to determine whether or not the individual receiving uncompensated care has access to affordable health insurance or does not have other means to pay for services.

(C) Rural Hospital DSH Payment - Upon approval of CMS, Medicaid-designated rural hospitals in South Carolina shall receive full coverage of uncompensated care as part of the State's Medicaid Disproportionate Share (DSH) program. Funds shall be allocated from the existing DSH program and shall not exceed \$20,000,000 total funds. Rural Hospitals are ineligible for this increased coverage should they not participate in reporting and quality guidelines published by the department and outlined in the Healthy Outcomes Initiative in the Fiscal Year 2013-14 Appropriations Act. These guidelines shall be published no later than August 1, 2013.

In addition to the requirements placed upon them by the department, rural hospitals must actively participate with the department and any other stakeholder identified by the department, in efforts to design an alternative health care delivery system in these regions.

(D) Primary Care Safety Net - The department shall develop a methodology to reimburse safety net providers to provide primary care, behavioral health services, and pharmacy services for chronically ill individuals that do not have access to affordable insurance. Qualifying safety net providers are approved, licensed, and duly organized Federally Qualified Health Centers (FOHCs, entities receiving funding under Section 330 of the Public Health Services Act), Rural Health Clinics (RHCs), Free Clinics, and Welvista.

The department shall allocate at least \$3,000,000 for baseline funding to FOHCs as defined in paragraph (D), at least \$5,000,000 for innovative care strategies, and at least \$2,000,000 for documented capital needs for FOHCs as defined in paragraph (D). The department shall consult with the SC Primary Health Care Association to determine the entities with the most critical capital needs. From the aforementioned \$10,000,000, Welvista shall receive at least an additional \$600,000. To be eligible for funds, qualifying providers shall be required to provide the department patient and service data to assist in the overall improvement of the state's health quality and when appropriate safety net providers must enter into a MOU with hospitals to co-manage chronically ill uninsured high-utilizers of emergency room services. Participants in this program shall submit evaluations of effectiveness annually to the department.

(E) Rural Provider Capacity - The department shall incentivize the development of rural physician coverage and capacity building through the following mechanisms:

1. the department shall leverage the Graduate Medical Education program and develop a methodology to improve accountability and increased outcomes for the State's GME and Supplemental Teaching Payments investment by January 1, 2014; and

2. the department shall develop a program to leverage the use of teaching hospitals to provide rural physician coverage, expand the use of Telemedicine, and ensure targeted placement and support of OB/GYN services in at least four (4) counties with a demonstrated lack of adequate OB/GYN resources by July 1, 2014.

(F) Community Residential Care Optional State Supplement - The department shall establish policies and procedures to include establishing a facility rate per eligible beneficiary at \$1,500 per month for recipients and providers who meet the requirements for the enhanced maximum OSS payment; establish eligibility criteria; and establish a methodology for increasing the personal needs allowance. the department will revise the net income limit to accommodate the change in the maximum OSS facility rate. A total of \$7,000,000 shall be made available for this rate increase.

In addition, the department will establish Quality of Care Standards and other requirements for facilities licensed as a Community Residential Care Facility and participating in the OSS program and Medicaid Waiver services.

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(G) The department shall publish quarterly reports on the agency's website regarding the department's progress in meeting the goals established by this provision.

- 33.35** **ADD** (Medicaid Healthcare Initiatives Outcomes) **HOU:** ADD new proviso to require the DHHS director present a report to the House Ways and Means Healthcare Budget Subcommittee before February 15th on outcomes of Medicaid healthcare initiatives that were enacted during FY 13-14 to improve the well-being of persons receiving services from Medicaid providers. Sponsors: Reps. Ott and G.M. Smith.
SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

33.35. (DHHS: Medicaid Healthcare Initiatives Outcomes) Prior to February 15 of the current fiscal year, the Director of the Department of Health and Human Services shall make a presentation to the House Ways and Means Healthcare Budget Subcommittee on the outcomes of Medicaid healthcare initiatives enacted during Fiscal Year 2013-14 to improve the well being of persons enrolled in the Medicaid program and receiving services from Medicaid providers.

- 33.36** **ADD** (Medicaid Non-Emergency Medical Transportation) **HOU:** ADD new proviso to direct the department, when their Medicaid non-emergency medical transportation contracts expire, to procure transportation services using a service model that maximizes efficiencies and cost effectiveness, improves health care outcomes, and improves member experience while using qualified transportation providers. Direct the department to develop policies, procedures and standards with input from stakeholders. Direct the department to collect financial and utilization data and other data as necessary to monitor and evaluate cost effectiveness and productivity. Sponsor: D.C. Moss.
SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

33.36. (DHHS: Medicaid Non-Emergency Medical Transportation) The Department of Health and Human Services (department) shall procure transportation services upon the expiration of the current Medicaid non-emergency medical transportation contracts using a service model that maximizes efficiencies and cost effectiveness; improves health care outcomes; and improves member experience regarding quality and satisfaction in the Medicaid transportation program while using qualified transportation providers.

The department shall develop the policies, procedures and transportation provider performance standards with input from stakeholders. The department shall provide oversight of the implementation and operation.

The department shall collect financial and utilization data and any other data necessary to continually monitor and evaluate the cost effectiveness and productivity of the transportation services provided.

- 33.cfa** **ADD** (Carry Forward Authorization) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the department to carry forward any general fund balance and spend the funds for the Medicaid program. Require the department report the balance carried forward to the Chairmen of the Senate Finance and House Ways and Means Committees.

33.cfa. (DHHS: Carry Forward Authorization) For the current fiscal year, the Department of Health and Human Services is authorized to carry forward and expend any General Fund balances for the Medicaid program. Within 30 days after the close of the fiscal year, the department shall report the balance carried forward to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

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SECTION 34 - J04-DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

- 34.9 CONFORM TO FUNDING** (Rape Violence Prevention Contract) Requires \$403,956 of Rape Violence Prevention funds be used to support the state's rape crisis centers. Prohibits the department from reducing rape crisis center contracts below the current funding level.
WMC: AMEND proviso to change "\$403,956" to "\$1,103,956"to and delete reference to the funds being distributed based on the department's Rape Violence Prevention Program service standards and instead direct that they be distributed based on "Standards and Outcomes for Rape Crisis Centers" and update fiscal year reference to "2013-14."
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

34.9. (DHEC: Rape Violence Prevention Contract) Of the amounts appropriated in Rape Violence Prevention, ~~\$403,956~~ *\$1,103,956* shall be used to support programmatic efforts of the state's rape crisis centers with distribution of these funds based on the ~~Department of Health and Environmental Control Rape Violence Prevention Program service standards~~ *Standards and Outcomes for Rape Crisis Centers* and each center's accomplishment of a pre-approved annual action plan. For Fiscal Year ~~2012-13~~ *2013-14*, the department shall not reduce these contracts below the current funding level.

- 34.11 AMEND** (Sickle Cell Programs) Provides for distribution of funds appropriated for Sickle Cell program services.
WMC: AMEND proviso to update fiscal year reference to "2013-14."
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

34.11. (DHEC: Sickle Cell Programs) \$761,233 is appropriated for Sickle Cell program services and shall be apportioned as follows:

(1) sixty-seven percent is to be divided equitably between the existing Community Based Sickle Cell Programs located in Spartanburg, Columbia, Orangeburg, and Charleston; and

(2) thirty-three percent is for the Community Based Sickle Cell Program at DHEC.

The funds shall be used for providing prevention programs, educational programs, testing, counseling and newborn screening. The balance of the total appropriation must be used for Sickle Cell Services operated by the Independent Living program of DHEC. The funds appropriated to the community based sickle cell centers shall be reduced to reflect any percent reduction assigned to the Department of Health and Environmental Control by the Budget and Control Board; provided, however, that the department may not act unilaterally to reduce the funds for the Sickle Cell program greater than such stipulated percentage. The department shall not be required to undertake any treatment, medical management or health care follow-up for any person with sickle cell disease identified through any neonatal testing program, beyond the level of services supported by funds now or subsequently appropriated for such services. No funds appropriated for ongoing or newly established sickle cell services may be diverted to other budget categories within the DHEC budget. For Fiscal Year ~~2012-13~~ *2013-14*, the department shall not reduce these funds below the current funding level.

- 34.21 AMEND** (Allocation of Indirect Cost and Recoveries) Authorizes the department to retain Other funds collected through the approved indirect cost rate to fund administrative costs.

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SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “shall” to “may” to allow the retention of funds for Administration to be permissive. Requested by Department of Health and Environmental Control.

34.21. (DHEC: Allocation of Indirect Cost and Recoveries) The department shall continue to deposit in the general fund all indirect cost recoveries derived from state general funds participating in the calculation of the approved indirect cost rate. Further administration cost funded with other funds used in the indirect cost calculation ~~shall~~ *may*, based on their percentage, be retained by the agency to support the remaining administrative costs of the agency.

34.30 RESTORE ORIGINAL PROVISO (Beach Renourishment and Monitoring and Coastal Access Improvement) Suspends beach renourishment activities for the current fiscal year. Directs the expenditure of beach renourishment funds.

HOU: AMEND proviso to delete the suspension of beach renourishment activities for the current fiscal year. Specify that \$1,000,000 of beach renourishment funds allocated or carried forward be spent to benefit an area of beach erosion that is attributed to a federally authorized navigation project. Direct that certified excess additional funds may be spent for beach renourishment and departmental activities that advance State Beachfront Management Plan R.30-21 policy goals. Sponsors: Reps. McCoy, Stavrinakis, and Harrell.

SUBCOMMITTEE RECOMMENDATION: RESTORE original proviso.

34.30. (DHEC: Beach Renourishment and Monitoring and Coastal Access Improvement) **Beach renourishment activities are suspended for the current fiscal year. Funds ~~\$1,000,000 of funds~~ allocated ~~or carried forward~~ for beach renourishment may be spent for coastal access improvement and shall be spent** in accordance with all required state and federal permits and certifications ~~to benefit an area in which the erosion of the beaches located in state jurisdiction is attributed to a federally authorized navigation project as documented by the findings of a Section 111 Study conducted under the authority of the federal Rivers and Harbors Act of 1968, as amended by the federal Water Resources Development Act of 1986, and approved by the United States Army Corps of Engineers.~~ If state funds are made available ~~or carried forward~~ from any general revenue, capital, surplus or bond funding appropriated to the department for beach renourishment and maintenance, the department shall be able to expend not more than \$100,000 of these funds annually to support annual beach profile monitoring **coast wide to enable the department to determine erosion rates and to identify priority areas needing renourishment and maintenance to mitigate erosion and storm damage potential. Appropriations ~~Additional funds made available or carried forward~~ for beach renourishment projects that are certified by the department as excess may be spent for coastal access improvement ~~beach renourishment and departmental activities that advance the policy goals contained in the State Beachfront Management Plan, R.30-21.~~**

34.40 AMEND (Abstinence Education Contract) Requires the department, upon receiving Title V, Section 501 [ABSTINENCE EDUCATION CONTRACT] federal appropriations, to continue to contract with the agencies that were under contract as of December 2012 at the same annualized level of funds for FY 2012-13.

WMC: AMEND proviso to delete the current requirements and instead direct that Title V, Section 510 funds made available to the state may only be awarded to other entities through a competitive bidding process.

HOU: ADOPT proviso as amended.

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SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

34.40. (DHEC: Abstinence Education Contract) ~~Upon appropriation of funds from the Federal government the agencies under contract with the State of South Carolina as of December 2012 and funded with federal and matching funds~~ For the current fiscal year, funds made available to the State of South Carolina under the provisions of Title V, Section 510, ~~must continue to be under contract at the same annualized funding level, for the same purposes for the current fiscal year of 2012-13~~ may only be awarded to other entities through a competitive bidding process.

34.43 **DELETE NEW PROVISO** (Laurens County) **WMC:** ADD new proviso to direct the department to transfer \$39,425 to Laurens County by August 1st to reimburse the county for expenses associated with reroofing a building the department subsequently vacated.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~34.43. (DHEC: Laurens County) By August 1, 2013, the department shall transfer \$39,425 to the County of Laurens, South Carolina to reimburse the county for the expenses of reroofing a building vacated by the department.~~

34.44 **AMEND NEW PROVISO** (Cancer Early Detection/Screenings) **WMC:** ADD new proviso to direct the department to use \$2,000,000 of their appropriated or authorized funds as follows: \$1,000,000 for the Best Chance Network and \$1,000,000 for Colorectal Cancer Awareness/Prevention.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to exclude department Restricted fund accounts from the funds to be used; change Best Chance Network allocation from "\$1,000,000" to "\$1,500,000;" and change the allocation for Colorectal Cancer Awareness Prevention from "\$1,000,000" to "\$500,000" and direct that it be used as matching funds for the Colon Cancer Prevention Network.

~~34.44. (DHEC: Cancer Early Detection/Screenings) Of the funds appropriated and/or authorized to the Department of Health and Environmental Control, excluding department Restricted fund accounts, \$1,000,000 \$1,500,000 shall be used for the Best Chance Network and \$1,000,000 \$500,000 shall be used for Colorectal Cancer Awareness/Prevention as matching funds for the Colon Cancer Prevention Network.~~

34.45 **ADD** (Obesity) **WMC:** ADD new proviso to direct that DHEC shall be the convener and coordinator of the fight against Obesity in South Carolina. Direct SDE, DHHS, DSS, DMH, MUSC, USC Arnold School of Public Health, PRT, Department of Commerce, DOT, and Commission for the Blind to cooperate with DHEC and its partners to facilitate an environment that decreases body mass index (BMI). Require school district provide DHEC with information on their progress toward meeting certain provisions of the Student Health and Fitness Act of 2005. Authorize DHEC to collect, compile and assess State and school districts progress in meeting these goals.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

~~34.45. (DHEC: Obesity) The Department of Health and Environmental Control is charged with addressing the public health of our citizens and shall be the convener and~~

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coordinator of the fight against Obesity in South Carolina. Because addressing the obesity epidemic requires behavioral, educational, systemic, medical, and community involvement, the following state agencies should use their best efforts to cooperate with the requests of the department and its partners to facilitate an environment that decreases body mass index (BMI): Department of Education; Department of Health and Human Services; Department of Social Services; Department of Mental Health; Medical University of South Carolina; University of South Carolina Arnold School of Public Health; Department of Parks, Recreation & Tourism; Department of Commerce; Department of Transportation; and Commission for the Blind.

In addition, school districts must provide the Department of Health and Environmental Control with information regarding their progress towards meeting certain provisions of the Student Health and Fitness Act of 2005, specifically: Section 59-10-10 regarding the average number of minutes students exercise weekly; Section 59-10-50 regarding the SC Physical Education Assessment; Section 59-10-310 regarding efforts to promote healthy eating patterns; Section 59-10-320 regarding assessment of school district health education programs; Section 59-10-340 regarding snacks in vending machines; and Section 59-10-360 regarding health curriculum. The department is given the authority to collect, compile and assess the progress of the State and the School Districts in meeting the goals of this act.

- 34.46** **ADD** (Solid Waste Management Trust Fund Flexibility) **HOU:** ADD new proviso to allow Solid Waste Management Trust Fund monies to be used for electronic waste processing grants to local governments. Sponsor: Rep. Hiott.
SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

34.46. (DHEC: Solid Waste Management Trust Fund Flexibility) For the current fiscal year, any funds from the Solid Waste Management Trust Fund may be used for the purpose of grants to local governments for electronics waste processing.

- 34.rtf** **ADD** (Residential Treatment Facilities Swing Beds) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow Residential Treatment Facilities to swing/convert up to 10 beds to acute psychiatric beds. Include stipulation the conversion would have to comply with federal CMS rules and regulations.

34.rtf. (DHEC: Residential Treatment Facilities Swing Beds) For Fiscal Year 2013-14 in coordination with the South Carolina Health Plan and to improve access for acute psychiatric beds as patient populations demand, Residential Treatment Facilities (RTF) may swing up to 10 beds per qualifying facility to accommodate patients with a diagnosis of an acute psychiatric disorder. In order to qualify to utilize swing beds a facility must meet the following criteria: the facility must currently have both licensed acute psychiatric and residential treatment facility beds, the RTF beds must meet the same licensure requirements as the existing licensed acute psychiatric beds, and any facility utilizing swing beds must keep the acute and RTF patient populations separate and distinct. The utilization of swing beds must also comply with all federal Centers for Medicare and Medicaid Services rules and regulations.

SECTION 35 - J12-DEPARTMENT OF MENTAL HEALTH

- 35.1** **AMEND** (~~Medicare Revenue Patient Fee Account~~) Designates Medicare receipts to the department as patient fees to be used for the repayment of bonds. Requires the department to transfer \$290,963 to the General Fund to support the administrative costs of the collection of Medicare benefits. Allows the department to retain and expend up to \$3 million of all

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Medicare revenue earned from cost recovery efforts and any additional earnings must be remitted to the general fund.

WMC: AMEND proviso to delete previous language and instead authorize the department to retain and expend its Patient Fee Accounts funds. Direct that patient fees are considered funds collected for patient maintenance and medical care, from patients' Medicare benefits, and from veteran facilities. Authorize the department to spend these funds for departmental operations, capital improvements and debt service, and the cost of patients' Medicare Part B premiums. Direct the department to remit \$290,963 to the General Fund and to provide \$400,000 to the Continuum of Care; \$50,000 to the Alliance for the Mentally Ill, and \$250,000 to S.C. Share. *Merges components of former proviso 35.1 and 35.2. Agency states no substantive change.* Requested by Department of Mental Health.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

~~35.1. (DMH: Medicare Revenue *Patient Fee Account*) All Federal Funds received by the Department of Mental Health from patients' Medicare benefits shall be considered as patient fees to be used for the repayment of bonds except that the department shall remit to the General Fund of the State \$290,963 from such funds to support the appropriation for administrative costs of the collection of Medicare benefits. The department shall retain and expend up to three million dollars of all Medicare revenue earned prior to July first, of the prior fiscal year, but received in the current fiscal year from cost recovery efforts, all additional prior earnings shall be remitted to the general fund, except that the cost and fees of identifying and collecting such additional Medicare revenue to which the department is entitled may be paid from funds actually collected from such efforts. The Department of Mental Health is hereby authorized to retain and expend its Patient Fee Account funds. In addition to funds collected for the maintenance and medical care for patients, Medicare funds collected by the department from patients' Medicare benefits and funds collected by the department from its veteran facilities shall be considered as patient fees. The department is authorized to expend these funds for departmental operations, for capital improvements and debt service under the provisions of Act 1276 of 1970, and for the cost of patients' Medicare Part B premiums. The department shall remit \$290,963 to the General Fund, \$400,000 to the Continuum of Care, \$50,000 to the Alliance for the Mentally Ill, and \$250,000 to S.C. Share Self Help Association Regarding Emotions.~~

35.2 DELETE/MERGE (Patient Fee Account) Authorizes the department to fund specific items from the Patient fee Account. Authorizes the department to expend all fees collected at the Campbell Nursing Home and other veterans' facilities for day-to-day operations. Requires external entities receiving funds to provide an itemized budget before the receipt of any funds and quarterly financial statements to the department.

WMC: DELETE proviso. *Portions merged into revised 35.1.* Requested by Department of Mental Health.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~35.2. (DMH: Patient Fee Account) In addition to other payments provided in Part I of this act, the Department of Mental Health is hereby authorized during the current fiscal year, to provide the funds budgeted herein for \$6,214,911 for departmental operations, \$400,000 for the Continuum of Care, \$50,000 for the Alliance for the Mentally Ill, \$250,000 for S.C. SHARE Self Help Association Regarding Emotions, and all fees collected at the Campbell Nursing Home and other veterans facilities for day to day operations, from the Patient Fee Account~~

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~~which has been previously designated for capital improvements and debt service under provisions of Act 1276 of 1970. The Department of Mental Health is authorized to fund the cost of Medicare Part B premiums from its Patient Fee Account up to \$150,000. The South Carolina Alliance for the Mentally Ill and the South Carolina Self Help Association Regarding Emotions shall provide an itemized budget before the receipt of funds and quarterly financial statements to the Department of Mental Health. DMH is authorized to use unobligated Patient Paying Fee Account funds for community transition programs. The funds made available shall be utilized consistently with the Transition Leadership Council's definition of severely mentally ill children and adults. The department shall report their use of these funds to the Senate Finance Committee and the House Ways and Means Committee. This amendment is made notwithstanding other obligations currently set forth in this proviso.~~

- 35.7 DELETE** (Crisis Stabilization) Requires the department spend a minimum of \$2 million for crisis stabilization programs and defines the programs. Specifies the use of the funds expended by the department. Requires a quarterly report identifying the crisis stabilization program in each community mental health center catchment area, the number of persons served, and the expenditures for the reporting period be submitted.

WMC: DELETE proviso. *The threshold is no longer relevant because the department consistently spends more than \$2,000,000 for this purpose.* Requested by Department of Mental Health.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**35.7.** (DMH: Crisis Stabilization) During the current fiscal year, the Department of Mental Health must expend for crisis stabilization programs not less than \$2 million. Funds expended by the department for the crisis stabilization program must be used to implement and maintain a crisis stabilization program, or to provide access to a crisis stabilization program through the purchase of local psychiatric beds, in each community mental health center catchment area. As used in this proviso, "crisis stabilization program" means a community-based psychiatric program providing short term, intensive, mental health treatment in a non-hospital setting for persons who are experiencing a psychiatric crisis and who are either unable to safely function in their daily lives or are a potential threat to themselves or the community, with treatment available twenty four hours a day, seven days a week. The department must submit a quarterly report, not later than thirty days after the end of each calendar quarter, to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee, identifying the crisis stabilization program in each community mental health center catchment area, the number of persons served, and the expenditures for the crisis stabilization program for the reporting period. The quarterly report must also include information on the number of persons and the duration of stay for persons who are held in hospital emergency rooms when the crisis stabilization program is unable to serve the person.~~

- 35.9 CONFORM TO FUNDING** (Crisis Intervention Training) Directs the department to use \$85,500 for the National Alliance on Mental Illness (NAMI) SC for Crisis Intervention Training.

HOU: AMEND proviso to change "\$85,500" to "\$170,500." Sponsor: Rep. G.M. Smith.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

35.9. (DMH: Crisis Intervention Training) Of the funds appropriated to the department, ~~\$85,500~~ \$170,500 shall be utilized for the National Alliance on Mental Illness (NAMI) SC for Crisis Intervention Training (CIT).

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- 35.12 DELETE** (Medicaid Beneficiary Choice) Requires the department to allow a Medicaid beneficiary to receive medically necessary community based paraprofessional rehabilitative behavioral health services from any qualified Medicaid provider enrolled by the Department of Health and Human Services as of July 1, 2011, if the department provides state identified matching funds for such services.

WMC: DELETE proviso. *All funds related to these services have been transferred to the Department of Health and Human Services along with overall responsibility for the program.* Requested by Department of Mental Health.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**35.12.** (DMH: Medicaid Beneficiary Choice) For Medicaid covered community based paraprofessional rehabilitative behavioral health services for which the Department of Mental Health provides state identified matching funds, the department must allow a Medicaid beneficiary to receive medically necessary community based paraprofessional rehabilitative behavioral health services from any qualified Medicaid provider enrolled by the Department of Health and Human Services as of July 1, 2011.~~

- 35.13 DELETE** (Sexually Violent Predator Program) Directs the Departments of Mental Health and Corrections to prepare a report that evaluates the feasibility of transferring the Sexually Violent Predator Program to the Department of Corrections. Requires a status update on the report be submitted by January 8, 2013 with the final report submitted by May 1, 2013.

WMC: DELETE proviso. *Report is due May 1, 2013.* Requested by Department of Mental Health.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**35.13.** (DMH: Sexually Violent Predator Program) The Department of Mental Health and the Department of Corrections shall prepare a report evaluating the feasibility and desirability of transferring the Sexually Violent Predator Program to the Department of Corrections. This report must include population and cost projections for the next five years, and must also explore and make recommendations regarding opportunities to further expand the private sector's role in operating this program. An update on the status of this report shall be provided to the Chairman of the Senate Finance Committee, the Chairman of the Senate Medical Affairs Committee, the Chairman of the Senate Corrections and Penology Committee, the Chairman of the House Ways and Means Committee, the Chairman of the House Judiciary Committee, and the Chairman of the Medical, Military, Public, and Municipal Affairs Committee by January 8, 2013 and the final report shall be provided by May 1, 2013.~~

- 35.14 ADD** (Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) **WMC:** ADD new proviso to authorize the department to establish an interest bearing fund with the State Treasurer to deposit deferred maintenance funds and other one-time funds from any source. Authorize the department, after receiving any required approvals, to spend these funds for deferred maintenance, capital projects and ordinary repair and maintenance. Authorize the funds to be carried forward and used for the same purpose. Requested by Department of Mental Health.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

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35.14. (DMH: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Mental Health is authorized to establish an interest bearing fund with the State Treasurer to deposit funds appropriated for deferred maintenance and other one-time funds from any source. After receiving any required approvals, the department is authorized to expend these funds for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

- 35.15 CONFORM TO FUNDING** (Psychiatric Day Program) **WMC:** ADD new proviso to direct the department to use \$250,000 to support general operating expenses for Gateway House that are associated with providing a psychiatric day program for persons with serious mental illness. **HOU:** ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

35.15. (DMH: Psychiatric Day Program) Of the funds appropriated to the department, \$250,000 shall be utilized for Gateway House for general operating expenses associated with a psychiatric day program for males and females with serious mental illness.

SECTION 36 - J16-DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS

- 36.12 AMEND** (Traumatic Brain Injury) Directs that Traumatic Brain Injury/Spinal Cord Injury Post-Acute Rehabilitation funds shall not be used for any other purpose and that if a general fund reduction is instituted, any cuts must be assessed proportionately and shall not exceed reductions to other agency services.
WMC: AMEND proviso to specify that if the agency receives a general fund reduction, the assessment to the post-acute rehabilitation funding cannot exceed reductions in proportion to the agency as a whole.
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

36.12. (DDSN: Traumatic Brain Injury) Funds appropriated by to the agency for Traumatic Brain Injury/Spinal Cord Injury Post-Acute Rehabilitation shall be used for that purpose only. In the event the department receives a general fund reduction in the current fiscal year, any funding reductions to the post-acute rehabilitation funding must be in equal proportion to and shall not exceed reductions in proportion to other the agency services as a whole.

SECTION 37 - J20-DEPARTMENT OF ALCOHOL & OTHER DRUG ABUSE SERVICES

- 37.6 CONFORM TO FUNDING** (Fire Safety and Suppression Equipment) **WMC:** ADD new proviso to direct that non-recurring funds appropriated for the McCord Alcohol and Drug Abuse Treatment Facility, operated by the Tri-County Commission on Alcohol and Drug Abuse are only for installing fire safety and suppression equipment.
HOU: ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

37.6. (DAODAS: Fire Safety and Suppression Equipment) The non-recurring funds appropriated in this act for Section 37, Department of Alcohol and Other Drug Abuse Services, Special Item, McCord Alcohol and Drug Abuse Treatment Facility, and operated by the Tri-

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County Commission on Alcohol and Drug Abuse, are for the installation of fire safety and suppression equipment only.

SECTION 38 - L04-DEPARTMENT OF SOCIAL SERVICES

38.20 **AMEND** (*Abstinence Until Marriage Teen Pregnancy Prevention Funding*) Requires the department to award two contracts to 501(c)(3) entities to provide teen pregnancy prevention programs and services and provides guidelines for the awarding of the contracts.

WMC: AMEND proviso to delete reference to awarding to two 501(c)(3) entities and instead direct that one half of the funds allocated for Continuation of Teen Pregnancy Prevention be awarded to entities to provide Abstinence Until Marriage programs and services with the other half to be awarded according to proviso 38.25. Direct that a 5 member committee oversee the contract award process with the committee's first meeting on or before August 1, 2013. Delete the requirement that when implemented in a school setting, entities may not violate any portion of the S.C. Comprehensive Health Education Act or they must reimburse the state for all funds disbursed and instead direct that the entities must be compliant with the Act. *See proviso 38.25 for contracts awarded to non-profit 501(c)(3) entities which provide an abstinence first, age appropriate comprehensive approach to health and sexuality education programs.*

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

38.20. (DSS: *Abstinence Until Marriage Teen Pregnancy Prevention Funding*) ~~(A)~~ From the monies appropriated for the Continuation of Teen Pregnancy Prevention, ~~the department must award two contracts~~ must be awarded to separate private, non-profit 501(c)(3) entities to provide *Abstinence Until Marriage* teen pregnancy prevention programs and services within the State.

~~(B) Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.~~

~~(C) The monies appropriated must be divided equally between the contracts and will be half the amount allocated for the Continuation of Teen Pregnancy Prevention with the other half appropriated under proviso 38.25 (Comprehensive Teen Pregnancy Prevention Funding). Monies will be paid over a twelve month basis for services rendered. Unexpended funds shall be carried forward for the purpose of fulfilling the department's contractual agreement.~~

~~(D) Entities that have a proven and public history of having effectively implemented abstinence programs in this State may be given a preference during the contract evaluation and awarding process. For the purposes of this proviso, a program is "effectively implemented" if the program has published positive behavioral outcomes by an independent and nationally recognized private or government agency demonstrating that a year after the program, program participants initiated sex at a rate of at least thirty percent lower than comparable non-program students.~~

~~(E)(1) One contract must be awarded to an entity that utilizes an abstinence first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy throughout South Carolina.~~

~~(2)(a) One contract must be awarded to an entity that uses a National Abstinence Clearinghouse (NAC) approved curricula for a minimum of one year prior to their application. NAC is the agency the federal Department of Health and Human Services has chosen to provide a comprehensive, national list of approved abstinence only education curricula that is Abstinence until marriage contracts must be awarded to programs that are consistent with the A through H legislative requirements defined in Title V, Section 510(b)(2) and are evidence-~~

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~~*based and medically accurate. Any entity that is awarded one of the above contracts must agree to provide data to verify the program effectiveness. A five-member committee shall oversee the contract award process. The committee's first meeting shall be on or before August 1, 2013. The committee shall be composed as follows: the President Pro Tempore of the Senate shall appoint two members, the Speaker of the House of Representatives shall appoint two members, and the Governor shall appoint one member.*~~

~~(b) The contract awarded pursuant to this item must be awarded to entities that utilize a program or evaluation process approved by, and under the supervision of, a federally approved Institutional Review Board (IRB) and have been evaluated and approved for medical accuracy by the United States Health and Human Services' Office of Adolescent Health or the Office of Adolescent Pregnancy Prevention. Contracts may also be awarded to entities that do not meet these requirements on the date of the award but the entity must meet the requirements by the end of the fiscal year or the entity must forfeit the final quarterly payment.~~

~~(c) Prior to receiving funding the entities awarded the contracts pursuant to this item must verify that the program they implement meets the Cooperative Agreement with the Centers for Disease Control Division of Adolescent School Health (CDC DASH) approved SMARTool (Systematic Method for Assessing Risk avoidance Tool) minimum standard for abstinence curriculum evaluation or the Cooperate Agreement with the Centers for Disease Control Division of Reproductive Health Tool to Assess the Characteristics of Effective Sex and STD/HIV Education Programs.~~

~~(F) The programs *Programs* implemented by the entities awarded contracts pursuant to this proviso may not violate any portion of *must be compliant with* the South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.~~

38.22 **AMEND** (Day Care Facilities Supervision Ratios) Maintains staff-child ratios in day care facilities at the June 24, 2008 levels.

WMC: AMEND proviso to change fiscal year reference to "the current fiscal year."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

~~**38.22.** (DSS: Day Care Facilities Supervision Ratios) For Fiscal Year 2012-13 *the current fiscal year*, staff-child ratios contained in Regulations 114-504(B), 114-504(C), 114-524(B), and 114-524(C) shall remain at the June 24, 2008 levels.~~

38.23 **DELETE** (Analysis of Referrals) Directs the DSS director to collaborate with the John de la Howe School superintendent to analyze the process for referring students to the school in order to maximize the services provided by the school. Directs that the results of the analysis, along with a 3-year history of all referral/placements the department has made by facility type and level of care be submitted to the Governor, and the Chairmen of the Senate Finance and House Ways and Means Committees by December 1, 2012.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**38.23.** (DSS: Analysis of Referrals) The Director of the department, in collaboration with the Superintendent of the John de la Howe School, shall conduct an analysis of the process for referrals to the School in order to maximize the potential for the provision of services by the School. The department shall prepare a report on the referral process and the report shall also~~

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~~include a three year history of all referrals/placements made by the department by facility type and level of care. The report shall be submitted to the Governor, Chairman of the Senate Finance Committee and the Chairman of the House Ways & Means Committee no later than December 1, 2012.~~

- 38.24** **ADD** (Foster Care Goals) **WMC:** ADD new proviso to direct that in order to comply with federal requirements, it is the goal of the state that during the fiscal year 2,617 is the maximum number of Title IV-E funded children who will remain in foster care more than 24 months. Direct DSS to develop appropriate plans for timely permanency and use of appropriate data benchmarks and targets to achieve this goal. *DSS states that specific goals need to be enacted otherwise Title IV-E funds could be placed in jeopardy.* Requested by Department of Social Services.
HOU: ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

38.24. (DSS: Foster Care Goals) To comply with the requirements of 42 U.S.C. Section 671(a)(14) and 45 C.F.R. Section 1356.21(n), it shall be the goal of the state that the maximum number of Title IV-E funded children who will remain in foster care for more than twenty-four months will not exceed a total of 2,617 during the fiscal year. The Department of Social Services shall develop appropriate plans for timely permanency and use appropriate data benchmarks and targets that will achieve this goal.

- 38.25** **ADD** (Comprehensive Teen Pregnancy Prevention Funding) **WMC:** ADD new proviso to require the department to award half of the funds allocated for Continuation of Teen Pregnancy Prevention to a non-profit 501(c)(3) entity to provide an abstinence first, age appropriate comprehensive approach to health and sexuality education. Require the Procurement Code be followed for awarding contracts. Authorize unexpended funds to be carried forward. Prohibit programs that entities implement in a school setting from violating any portion of the S.C. Comprehensive Health Education Act. Require them to reimburse the state for all funds disbursed if they violate the Act. *See proviso 38.20 for contracts awarded to entities that promote Abstinence Until Marriage programs.*
HOU: ADOPT new proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

38.25. (DSS: Comprehensive Teen Pregnancy Prevention Funding) (A) From the monies appropriated for the Continuation of Teen Pregnancy Prevention, the department must award half of the dollars allocated to a non-profit 501(c)(3) entity to provide abstinence first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy throughout South Carolina.

(B) Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.

(C) The monies appropriated must be paid over a twelve month basis for services rendered. Unexpended funds shall be carried forward for the purpose of fulfilling the department's contractual agreement.

(D) The programs implemented by the entity awarded a contract pursuant to this proviso may not violate any portion of the South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.

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38.snap ADD (SNAP Coupons) SUBCOMMITTEE RECOMMENDATION: ADD new proviso to establish a program to provide coupons to allow SNAP recipients to purchase additional fresh fruits and vegetables.

38.snap. (DSS: SNAP Coupons) The Department of Social Services shall establish a program to provide coupons that will allow Supplemental Nutrition Assistance Program (SNAP) recipients to obtain additional fresh fruits and vegetables when purchasing fresh produce at grocery stores or farmers markets with SNAP benefits through their EBT cards. Each coupon shall allow the beneficiary to double the amount of produce purchased, up to five dollars. The agency shall utilize all funds received in the prior and current fiscal years from the U.S. Department of Agriculture as a bonus for reducing the error rate in processing SNAP applications to fund the program.

SECTION 101 - F03-BUDGET AND CONTROL BOARD

101.7 RESTORE ORIGINAL PROVISO (Vacant Positions) Authorizes the BCB to delete vacant positions more than 12 months old.

WMC: AMEND proviso to exempt the MUSC Hospital Authority.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: RESTORE original proviso.

101.7. (BCB: Vacant Positions) In the event that any permanent position in an agency remains vacant for more than twelve months the position may be deleted by the Budget and Control Board. ~~The MUSC Hospital Authority shall be exempt from the requirements of this provision.~~

101.24 AMEND FURTHER (Sale of Surplus Real Property) Provides guidelines for the retention and use of revenue derived from the sale of surplus real properties.

WMC: AMEND proviso to authorize ETV to use the net proceeds from the sale of the Key Road property for renovation of the ETV Telecommunications Center "and other maintenance and operating expenses."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to authorize Vocational Rehabilitation to retain the net proceeds from the sale of 3.205 acres at 22861 Hwy 76 E. in Clinton and to use the funds for capital projects and deferred maintenance. Require Voc Rehab to report on the status of the sale and on the expenditure of the funds resulting from the sale.

101.24. (BCB: Sale of Surplus Real Property) Up to fifty percent of the proceeds, net of selling expenses, from the sale of surplus real properties shall be retained by the Budget and Control Board and used for the deferred maintenance of state-owned buildings. The remaining fifty percent of the net proceeds shall be returned to the agency that the property is owned by, under the control of, or assigned to and shall be used by that agency for non-recurring purposes. This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers Market; the Department of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident Technical College Enterprise Campus Authority; the

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Commissioners residence at the Department of Corrections and the Educational Television Commission's Key Road property.

The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road, and such proceeds ~~shall only~~ *may* be used for the renovation of the ETV Telecommunications Center and other maintenance and operating expenses. If it is determined that sufficient net proceeds are not to be derived from the sale of its property on Key Road to cover the cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder shall, prior to said sale, be submitted to the Budget and Control Board for approval as being in compliance with the requirements of this subsection.

The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of Corrections.

The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting operations and replacement of firefighting equipment.

The Department of Mental Health shall be authorized to retain the net proceeds it receives for sale of the property sold in accordance with, and identified in Exhibit A of the Sale and Purchase Agreement dated December 16, 2010 between the Department of Mental Health and Hughes Development Corporation for the sale of 165.79± acres on the Bull Street Campus, as approved by the Budget and Control Board on June 14, 2011.

The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation, and/or establishment of regional offices and related facilities.

The Department of Vocational Rehabilitation shall be authorized to retain the net proceeds from the sale of 3.205 acres located at 22861 Highway 76 East in Clinton, South Carolina to be used for capital projects and deferred maintenance.

The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of Natural Resources, the Department of Mental Health, ~~and~~ the Forestry Commission, and the Department of Vocational Rehabilitation shall annually submit a report, within sixty days after the close of the fiscal year, to the Senate Finance Committee and the House Ways and Means Committee on the status of the sale of the identified property and a detailed accounting on the expenditure of funds resulting from such sale.

This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

101.27 AMEND FURTHER (~~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.

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

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to clarify that insurance coverage may be offered to any aging entity that receives funding through the Lt. Governor's Office on Aging.

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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 that receives funding through the Lieutenant Governor's Office on Aging 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.

SECTION 103 - F30-BUDGET AND CONTROL BOARD, EMPLOYEE BENEFITS

103.1 DELETE (BCB/EB: Exempt National Guard Pension Fund) Exempts the National Guard Pension Fund from any across the board reductions.
SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Move proviso to PEBA Section 105.*

103.1. (BCB/EB: Exempt National Guard Pension Fund) ~~In the calculation of any across-the-board cut mandated by the Budget and Control Board or General Assembly, the amount of the appropriation for the National Guard Pension Fund shall be excluded.~~

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.
WMC: DELETE proviso.
HOU: ADOPT deletion of proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of 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 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.
WMC: AMEND proviso to delete the "November 15, 2012" date and require the plan be reported annually.
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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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.

WMC: AMEND proviso to delete reference to specific Plan Year.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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.

105.6 **AMEND NEW PROVISO** (Tobacco User Differential Study) **WMC:** 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.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to direct the authority to offer a period for public comment when conducting the study and change the submission date for recommendations from October 1st to December 31st.

105.6. (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 rates based upon the category of tobacco product used. In conducting the study, the authority shall offer a period for public comment. 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~~ December 31, 2013.

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105.7 CONFORM TO FUNDING (FY 2014 State Health Plan) **WMC:** ADD new proviso to direct that for the 2014 State Health Plan, employer premiums will increase 6.8%; subscriber premiums will not increase, and co-payments increases shall not exceed 20%. Authorize PEBA to adjust the plan, benefits, or contributions during Plan Year 2014 to ensure the plan remains fiscally stable.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

105.7. (PEBA: FY 2014 State Health Plan) Of the funds authorized for the State Health Plan in Plan Year 2014 pursuant to Section 1-11-710(A)(2) of the 1976 Code, an employer premium increase of 6.8% and a subscriber premium increase of 0% for each tier (subscriber, subscriber/spouse, subscriber/children, full family) will result for the standard State Health Plan in Plan Year 2014. Co-payment increases for participants of the State Health Plan in Plan Year 2014 shall not exceed 20%. Notwithstanding the foregoing, pursuant to Section 1-11-710(A)(3), the Public Employee Benefit Authority may adjust the plan, benefits, or contributions of the State Health Plan during Plan Year 2014 to ensure the fiscal stability of the Plan.

105.ngp ADD (Exempt National Guard Pension Fund) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to exempt the National Guard Pension Fund from any across the board reductions. *Moved from Section 103, BCB Employee Benefits.*

105.ngp. (PEBA: Exempt National Guard Pension Fund) In the calculation of any across-the-board cut mandated by the Budget and Control Board or General Assembly, the amount of the appropriation for the National Guard Pension Fund shall be excluded.

SECTION 117 - X90-GENERAL PROVISIONS

117.13 AMEND (SC Health & Human Services Data Warehouse) Establishes the South Carolina Health and Human Services Data Warehouse within the B&C Board, Office of Research and Statistics to ensure that health and human services agencies operations may be enhanced by coordination and integration of client information. Defines client data; provides guidelines for operation of the data warehouse; and specifies agencies which are required to report client information.

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

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.13. (GP: SC Health & Human Services Data Warehouse) There is hereby established within the ~~Office of~~ Research and Statistics Division, South Carolina Budget and Control Board, the South Carolina Health and Human Services Data Warehouse. The purpose of the Warehouse is to ensure that the operation of health and human services agencies may be enhanced by coordination and integration of client information. Client data is defined as person-level data that is created, received, and/or maintained by state agencies and other entities required to report client information to the ~~Office of~~ Research and Statistics Division under this provision. To integrate client information, client data from health and human

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services state agencies will be linked to improve client outcome measures, enabling state agencies to analyze coordination and continuity of care issues. The addition of these data will enhance existing agency systems by providing client data from other state agency programs to assist in the provision of client services. Certain client information shall be delivered to the ~~Office of~~ Research and Statistics Division in order to assist in the development and maintenance of this Warehouse. The following agencies shall report client information:

- Departments of
 1. Health and Human Services;
 2. Health and Environmental Control;
 3. Mental Health;
 4. Alcohol and Other Drug Abuse Services;
 5. Disabilities and Special Needs;
 6. Social Services;
 7. Vocational Rehabilitation;
 8. Education;
 9. Juvenile Justice;
 10. Corrections;
 11. Probation, Parole and Pardon Services;
- Office of the Governor
 1. Children's Foster Care Review Board;
 2. Continuum of Care;
- Office of the Lieutenant Governor, Division on Aging;
- South Carolina School for the Deaf and the Blind;
- Commission for the Blind, and
- Other entities as deemed necessary by the ~~Office of~~ Research and Statistics Division.

These agencies and departments shall collect and provide client data in formats and schedules to be specified by the ~~Office of~~ Research and Statistics Division (~~Office~~ Division). The ~~Office~~ Division shall establish a Memorandum of Agreement with each agency, department or division. These Memorandums of Agreement shall specify, but are not limited to, the confidentiality of client information, the conditions for the release of data that may identify agencies, departments, divisions, programs and services, or clients, any restrictions on the release of data so as to be compliant with state and federal statutes and regulations on confidentiality of data, conditions under which the data may be used for research purposes, and any security measures to be taken to insure the confidentiality of client information.

To ensure accountability and the coordinated, efficient delivery of health and human services, the ~~Office~~ Division shall implement, in consultation with state health and human services agencies and other entities as deemed necessary by the ~~Office~~ Division, an integrated data system that includes client data from all participating agencies.

In order to provide for inclusion of other entities into the South Carolina Health and Human Services Data Warehouse and other research and analytic-oriented applications that will assist the state in the efficient and effective provision of services, the ~~Office~~ Division shall have the authority to enter into agreements or transactions with any federal, state or municipal agency or other public institution or with any private individual, partnership, firm, corporation, association or other entity to provide statistical, research and information dissemination services including, but not limited to, program and outcomes evaluation, program monitoring/surveillance, projects to determine the feasibility of data collection and/or analyses, information dissemination and research. The confidentiality of data collected under these initiatives shall comply with applicable state and federal laws governing the privacy of data.

The ~~Office~~ Division shall have the power to promulgate regulations, policies and procedures, in consultation with the participating agencies, for the development, protection and

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operation of the Data Warehouse, other research and analytic-oriented applications, and their underlying processes.

The ~~Office~~ Division shall develop internet-accessible secure analytic query tools (such as analytic cubes) using integrated client data from the Warehouse. All agencies shall cooperate with the ~~Office~~ Division in the development of these analytic tools. It is the intent of this provision that the analytic tools developed under this provision shall be made available to members of the South Carolina General Assembly and their research staff members, state agencies, and researchers. To that end, the ~~Office~~ Division shall, in consultation with the participating agencies, promulgate regulations addressing access to and use and release of information generated through use of the query tools.

All state agencies participating in the Warehouse shall utilize it and its associated software applications in the day-to-day operation of their programs and for coordination, collaboration, program evaluation and outcomes analysis. The Department of Health and Environmental Control shall be exempt from usage of the integrated client management system and the analytic query tools in the day-to-day operation of their Client Automated Record and Encounter System and their South Carolina Community Assessment Network, but shall provide the Warehouse with client data from the system and network.

No state agency shall duplicate any of the responsibilities of this provision.

For purposes of this subsection, all state laws, regulations, or any rule of any state agency, department, board, or commission having the effect or force of law that prohibits or is inconsistent with any provision of this subsection is hereby declared inapplicable to this subsection.

117.15 RESTORE ORIGINAL PROVISO (Personal Service Reconciliation, FTEs) Provides guidelines for the Budget and Control Board to monitor full-time equivalent (FTE) positions and directs that no agency may exceed the total FTEs authorized in the Appropriation Act except upon majority vote of the board. Directs that personal service funding must be at least 97% of the amount required to support the FTEs contained in the Governor's budget recommendations.

WMC: AMEND proviso to exempt the MUSC Hospital Authority from subitem 2(c) - deletion of unfunded or significantly underfunded FTEs and subitem 5 - elimination of unfunded FTEs.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: RESTORE original proviso.

117.15. (GP: Personal Service Reconciliation, FTEs) In order to provide the necessary control over the number of employees, the Budget and Control Board is hereby directed to maintain close supervision over the number of state employees, and to require specifically the following:

1. That no state agency exceed the total authorized number of full-time equivalent positions and those funded from state sources as provided in each section of this act except by majority vote of the Budget and Control Board.

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

(a) That within thirty (30) days of the passage of the Appropriation Act or by August first, whichever comes later, each agency of the State must have established on the Budget and Control Board records all positions authorized in the Act. After that date, the Board shall delete any non-established positions immediately from the official record of authorized full-time equivalent positions. No positions shall be established by the board in excess of the total

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number of authorized full-time equivalent positions. Each agency may, upon notification to the Budget and Control Board, change the funding source of state FTE positions established on the Budget and Control Board records as necessary to expend federal and other sources of personal service funds to conserve or stay within the state appropriated personal service funds. No agency shall change funding sources that will cause the agency to exceed the authorized number of state or total full-time equivalent positions. Each agency may transfer FTEs between programs as needed to accomplish the agency mission.

(b) That by September thirtieth, the board shall prepare a personal service analysis, by agency, which shows the number of established positions for the fiscal year and the amount of funds required, by source of funds, to support the FTE's for the fiscal year at a funding level of one hundred percent. The board shall then reconcile each agency's personal service detail with the agency's personal service appropriation as contained in the Act adjusted for any pay increases and any other factors necessary to reflect the agency's personal service funding level. The board shall provide a copy of each agency's personal service reconciliation to the Senate Finance and House Ways and Means Committees.

(c) That any position which is shown by the reconciliation to be unfunded or significantly underfunded may be deleted at the direction of the Budget and Control Board.

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

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

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

(c) All institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty with a duration of nine (9) months.

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

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

(a) Upon request by an agency.

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

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

5. That the Budget and Control Board shall annually reconcile personal service funds with full-time employee count. Unfunded positions will be eliminated no later than January fifteenth of the current fiscal year unless specifically exempted elsewhere in this act or by the Budget and Control Board. The Budget and Control Board must report the full-time employee count and unfunded position status to the Senate Finance Committee and the Ways and Means Committee by February first of the current fiscal year.

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

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

~~8. The MUSC Hospital Authority shall be exempt from the requirements of subitem 2(c) and subitem 5 contained in this provision.~~

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

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- 117.80 AMEND FURTHER** (IMD Operations) Directs that funds received by State child placing agencies for the Institution for Mental Diseases Transition Plan (IMD) be applied only for out of home placement in providers which operate DSS or DHEC licensed institutional, residential, or treatment programs. Requires an annual IMD transition funds expenditure report be provided to the Chairmen of the Senate Finance and House Ways and Means Committees and to the Governor. Directs that funds be allocated based on the DHHS allocation methodology.
- WMC:** AMEND proviso to require each agency that receives IMD funds to place them in an earmarked fund. Specify that the annual report is to be made by each state child placing agency by November 1st each year. Delete the requirement that funds be allocated based on Department of Health and Human Services allocation methodology and instead direct DHHS to review the number of out of home placements by type and by agency each year and make recommendations to the General Assembly.
- HOU:** ADOPT proviso as amended.
- SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to stipulate the State child placing agencies as SDE, DJJ, DDSN, DMH, DSS, and OEPP-Continuum of Care. Delete the requirement that funds be placed in an earmarked fund in each agency.

117.80. (GP: IMD Operations) All funds received by the Department of Education, the Department of Juvenile Justice, the Department of Disabilities and Special Needs, the Department of Mental Health, the Department of Social Services, and the Governor's Office of Executive Policy and Programs-Continuum of Care as State child placing agencies for the Institution for Mental Diseases Transition Plan (IMD) of the discontinued behavioral health services in group homes and child caring institutions, as described in the Children's Behavioral Health Services Manual Section 2, dated 7/01/06, shall be applied only for out of home placement in providers which operate Department of Social Services or Department of Health and Environmental Control licensed institutional, residential, or treatment programs ~~and shall be placed in an earmarked fund in each agency~~. An annual report by each state child placing agency shall be made on the expenditures of all IMD transition funds and shall be provided to the Chairman of the Senate Finance Committee, Chairman of the House Ways and Means Committee, and the Governor no later than November 1st each year. ~~Funds must be allocated based on the~~ The Department of Health and Human Services allocation methodology developed for the distribution of these funds shall review the numbers of out of home placements by type and by agency each year and make recommendations to the General Assembly.

- 117.99 AMEND** (Means Test) Requires all agencies that provide Healthcare Services to identify standards and criteria in order to means test all programs they provide, if federal guidelines allow such a test. Directs an agency, once consistent criteria has been established, to implement their plan. Requires each agency to report criteria and fiscal data to the Chairmen of the Senate Finance and House Ways and Means Committees by January 1, 2012.
- WMC:** AMEND proviso to change "2012" to "2014."
- HOU:** ADOPT proviso as amended.
- SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

117.99. (GP: Means Test) All agencies providing Healthcare Services are directed to identify standards and criteria for means testing on all programs provided, where allowed by Federal guidelines. Once a consistent criteria has been established within an agency, they shall implement their respective plans. Each agency shall report all criteria and fiscal data to the Chairman of the Senate Finance Committee and to the Chairman of the House Ways and Means Committee no later than January 1, ~~2012~~ 2014.

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117.107 AMEND FURTHER (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.

WMC: 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.*

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to reinsert Senate Finance Retirement Subcommittee and delete reference to Senate Finance Health and Human Services Subcommittee.

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.

117.115 ADD (Sexually Violent Predators Treatment RFP) **WMC:** ADD new proviso to require the Directors of the Departments of Mental Health and Corrections to cooperate with the B&C Board, Division of Procurement Services to develop and issue a RFP to seek proposals from qualified private providers to provide secure housing and treatment services to persons who have been civilly committed to DMH under the Sexually Violent Predators Act.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

117.115. (GP: Sexually Violent Predator Treatment RFP) The Director of the Department of Mental Health and the Director of the Department of Corrections shall cooperate with the Budget and Control Board, Division of Procurement Services which shall develop and cause to be issued a Request for Proposals (RFP) seeking long-term solutions for securely housing and treating the growing population of individuals adjudicated as Sexually Violent Predators and civilly committed to the Department of Mental Health pursuant to the Sexually Violent Predators Act.

The purpose of the RFP shall be to seek proposals from qualified private providers to provide secure housing and treatment services to all individuals civilly committed pursuant to the Sexually Violent Predators Act.

As part of the process, the Department of Mental Health, the Department of Corrections, and the Budget and Control Board shall provide up-to-date information concerning the current operation of the program and shall provide information about suitable state owned real property. The RFP shall be issued on or before October 31, 2013.

The RFP shall be worded broadly to allow respondents to propose creative and cost-effective long-term solutions for the operation of this program in order to address the issues raised in Proviso 23.15 of the 2012-13 State Appropriations Act and the resulting January 3, 2013, Report on the SVP Program issued by the Department of Mental Health and the Department of Corrections.

In addition to treatment services, respondents shall be allowed, but not required, to propose a single source solution with responsibility for all aspects of the program including but not limited to housing, security, food, clothing, health care, transport, and treatment services. The RFP shall allow for, but not require, respondents to include in their responses the use of

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other private or public partners (subcontractors) and/or the lease or use or purchase of state owned real property.

The selected contractor may be authorized to sponsor the issuance of tax exempt certificates of participation or other finance solutions to fund the project and the state is authorized to enter into a lease/purchase agreement for the necessary replacement facilities.

SECTION 118 - X91-STATEWIDE REVENUE

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.

WMC: DELETE proviso. *Conform to funding.*

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso. *Tobacco Settlement funds are allocated by proviso 118.16.*

~~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 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.~~

118.8 AMEND (Health Care Maintenance of Effort Funding) Directs that the source of funds in this provision is \$157,299,845 from the 50 cent cigarette surcharge collected in FY 11-12 and FY 12-13 and deposited in the SC Medicaid Reserve Fund. Directs the Department of Health and Human Services to use these funds for the Medicaid Program's maintenance of effort. Requires residual funds from the surcharge to remain in the fund and authorizes the director of the DHHS to use these funds to ensure access to care in rural and underserved areas of the state. Authorizes unexpended funds to be carried forward and used for the same purpose.

WMC: AMEND proviso to change "\$157,299,845: to "\$158,000,000" and delete the use of residual funds by the DHHS director.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

118.8. (SR: Health Care Maintenance of Effort Funding) The source of funds appropriated in this provision is ~~\$157,299,845~~ \$158,000,000 from the revenue collected ~~during Fiscal Year 2011-12 and Fiscal Year 2012-13~~ from the 50 cent cigarette surcharge and deposited into the South Carolina Medicaid Reserve Fund and shall be utilized by the Department of Health and Human Services for the Medicaid Program's maintenance of effort. By this provision these funds are deemed to have been received and are available for appropriation.

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~~The residual funds from the cigarette surcharge shall remain in the South Carolina Medicaid Reserve Fund and may be used by the director of the Department of Health and Human Services to ensure access to care in rural and underserved areas of the state. Within ninety days of the start of the fiscal year, the department shall develop methods and criteria for determining how access issues will be identified, assessed and addressed. Any use of these funds shall require thirty days prior notice to the Chairmen of the Senate Finance and House Ways and Means Committees. The department shall provide an assessment of access to care as part of the reporting requirements stipulated in Proviso 33.29, (DHHS: Medicaid Reporting). The director is not authorized to access any of the residual funds prior to January 31, 2013. The director must submit a proposal for any use of the funds to the General Assembly by January 1, 2013. If no action is taken on the proposal by the General Assembly by January 31, 2013, the director may access the residual funds as presented in the proposal.~~

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

- 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.
WMC: DELETE proviso.
HOU: ADOPT deletion of proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of 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;~~

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(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;
(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;

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(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;
(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;

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- (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;
- (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.

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~~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 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 indentified in this act designated for the Tax Relief Reserve Fund. Directs that the fund may only be used to provide tax relief to businesses and individuals as provided by law and authorizes these funds to be retained, carried forward, and used for the same purpose.

WMC: AMEND proviso to update year reference to "2013." *Conform to funding.*

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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.

118.16 CONFORM TO FUNDING (Tobacco Settlement) **WMC:** ADD new proviso to transfer Tobacco Master Settlement Agreement (MSA) funds. (A) From funds received during calendar year 2014, transfer the following for Diligent Enforcement: \$1,253,000 to the Attorney General's Office (also to be used for Arbitration Litigation); \$450,000 to SLED; and \$325,000 to DOR. Transfer \$36,202,090 to the Department of Education for EFA-IDA Contingency Reserve with any remaining balance transferred to DHHS for Medicaid. (B) From funds received during calendar year 2013, transfer sufficient funds to cover Tobacco Settlement Revenue Management Authority operating expenses, with any remaining balance transferred to DHHS for Medicaid. (C) From funds available after the discharge of the Series 2008 Tobacco Bonds and remaining uncommitted Tobacco Funds held by the State Treasurer prior to calendar year 2013, transfer \$4,287,779 to DSS for the Child Support Enforcement System; \$4,000,000 to MUSC Hospital Authority for the Telemedicine program; and \$2,000,000 to Department of Agriculture pursuant to Section 11-49-55 [STATE-GROWN CROPS; MARKETING, BRANDING, AND NATURAL DISASTER RELIEF ASSISTANCE], with any remaining balance transferred to DHHS for Medicaid. (D) Suspend the requirements of Section 11-11-170 [USE OF REVENUES PAYABLE PURSUANT TO MASTER SETTLEMENT AGREEMENT] for FY 13-14.

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HOU: AMEND new proviso to change “\$36,202,090” to “\$36,202,909.” Sponsor: Rep. White.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

118.16. (SR: Tobacco Settlement) (A) To the extent funds are available from payments received on behalf of the State by the Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement (“MSA”) during calendar year 2014, the State Treasurer is authorized and directed to transfer \$1,253,000 to the Attorney General’s Office for Diligent Enforcement and Arbitration Litigation; \$450,000 to the State Law Enforcement Division for Diligent Enforcement; \$325,000 to the Department of Revenue for Diligent Enforcement, all to enforce Chapter 47 of Title 11, the Tobacco Escrow Fund Act; and \$36,202,909 to the Department of Education for EFA-IDEA Contingency Reserve. The remaining balance shall be transferred to the Department of Health and Human Services for Medicaid.

(B) To the extent funds are available from payments received on behalf of the State by the Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement (“MSA”) during calendar year 2013, the State Treasurer is authorized and directed to transfer funds sufficient to cover the operating expenses of the Authority, with the remaining balance transferred to the Department of Health of Human Services for Medicaid.

(C) To the extent funds are available to the Tobacco Settlement Revenue Management Authority following the discharge of the Series 2008 Tobacco Bonds and all remaining uncommitted Tobacco funds held by the State Treasurer prior to calendar year 2013, the State Treasurer is authorized and directed to transfer \$4,287,779 to the Department of Social Services to complete development of the Child Support Enforcement System; \$4,000,000 to the Medical University of South Carolina Hospital Authority for the Telemedicine program; and \$2,000,000 to the Department of Agriculture pursuant to Section 11-49-55 of the 1976 Code. The remaining balance shall be transferred to the Department of Health and Human Services for Medicaid.

(D) The requirements of Section 11-11-170 of the 1976 Code shall be suspended for Fiscal Year 2013-14.

118.17 CONFORM TO FUNDING (Non-Recurring Revenue) WMC: ADD new proviso to appropriate \$159,845,460 of non-recurring revenue for FY 2013-14 generated from FY 2012-13 unobligated general fund revenue certified by the BEA. Appropriations are made to various agencies for specific purposes. Authorizes these funds to be carried forward and used for the same purposes. Direct that the \$60,000,000 appropriated in item 33(f) for Bridge Replacement and Rehabilitation be used as the match requirement for active federal aid eligible bridges currently programmed in the Statewide Transportation Improvement Program. Authorize funds not needed as match to be used by DOT to address closed and load restricted bridges. Direct that funds remaining in the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008 be used to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations and provide for the calculation of the funds to be distributed. Direct that these funds also be used to maintain access fees to the facility for FY 12-13 at the FY 09-10 level and also be used to pay Southern States Energy Board annual dues.

HOU: AMEND new proviso add item (16.1) to direct that the \$5,000,000 appropriated for the Business Incubator program be used to invest in technology-based economic development projects; direct the department to develop guidelines to administer the program; direct that investments must be accompanied by, at a minimum, an equal match of non-state funds; designate \$400,000 for the digital design initiative; and allow up to \$300,000 to be used for

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program administrative costs. Sponsors: Reps. White and Simrill. *Moved from 50.21 to follow funding.*

AMEND FURTHER item 33.1 to change reference to “bridges” to “bridge replacement projects.” Delete authorization for any remaining funds to be used to address closed and load restricted bridges. Direct that the funds be used for Act 114 prioritized rehabilitation projects approved by the commission for future inclusion in the STIP as of February 21, 2013. Sponsor: Rep. White.

SUBCOMMITTEE RECOMMENDATION: CONFORM to funding recommendation.

118.17. (SR: Non-recurring Revenue) (A) The source of revenue appropriated in this provision is \$159,845,460 of non-recurring revenue generated from Fiscal Year 2012-13 unobligated general fund revenue as certified by the Board of Economic Advisors and transferred to the State Treasurer. This revenue is deemed to have occurred and is available for use in Fiscal Year 2013-14 after September 1, 2013, following the Comptroller General’s close of the state’s books on Fiscal Year 2012-13.

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 2012-13 and shall be available for use in Fiscal year 2013-14.

(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, 2013, for the purposes stated:

- (1) X22 - Local Government Fund-State Treasurer*
 - Local Government Fund..... \$ 30,000,000;*
- (2) H63 - Department of Education*
 - (a) Governor's School for the Arts and Humanities*
 - Data Network Wiring..... \$ 187,000;*
 - (b) Transportation..... \$ 6,426,188;*
 - (c) Instructional Materials..... \$ 3,584,616;*
- (3) H75 - School for the Deaf and the Blind*
 - (a) Educational Technology..... \$ 575,000;*
 - (b) Distance Learning..... \$ 185,000;*
 - (c) Audio Description Devices..... \$ 65,000;*
 - (d) Student Response Services \$ 40,000;*
 - (e) Auditory Enhancement \$ 65,000;*
 - (f) Records Management..... \$ 175,000;*
- (4) J02 - Department of Health and Human Services*
 - (a) Nursing Homes..... \$ 5,000,000;*
 - (b) SC Health Information Network (Palmetto Project)..... \$ 50,000;*
- (5) H03 - Commission on Higher Education*
 - University Center of Greenville Infrastructure Development \$ 200,000;*
- (6) H12 - Clemson University*
 - Student Career Opportunity Program..... \$ 1,000,000;*
- (7) H27 - University of South Carolina*
 - (a) On Your Time \$ 2,500,000;*
 - (b) SC Child Abuse Medical Response Program..... \$ 225,000;*
 - (c) USC-Lancaster Deferred Maintenance..... \$ 400,000;*

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<u>(8) H51 - Medical University of South Carolina</u>	
MUSC Hospital Authority-Rural Hospital Transformation	\$ 400,000;
<u>(9) H59 - State Board for Technical and Comprehensive Education</u>	
Horry-Georgetown Technical College Culinary Arts Center.....	\$ 25,000;
<u>(10) H79 - Department of Archives and History</u>	
Archival Technology.....	\$ 56,957;
<u>(11) H95 - State Museum Commission</u>	
Laurens County Museum	\$ 150,000;
<u>(12) P36 - Patriots Point Development Authority</u>	
National Flight Academy.....	\$ 400,000;
<u>(13) J04 - Department of Health and Environmental Control</u>	
(a) SC Bleeding Disorders Premium Assistance Program.....	\$ 100,000;
(b) Ocean Water Quality Outfall Initiative.....	\$ 750,000;
(c) Women in Unity.....	\$ 100,000;
(d) HIV Prevention - Project Faith.....	\$ 350,000;
(e) Nurse Family Partnership.....	\$ 100,000;
<u>(14) J12 - Department of Mental Health</u>	
(a) School Mental Health Services	\$ 800,000;
(b) Seahaven	\$ 200,000;
<u>(15) H73 - Vocational Rehabilitation</u>	
Basic Services - Case Services	\$ 500,000;
<u>(16) P32 - Department of Commerce</u>	
(a) Deal Closing Fund.....	\$ 7,947,873;
(b) Base Closure Fund.....	\$ 500,000;
(c) Business Incubator Program.....	\$ 5,000,000;
(d) SC Council on Competitiveness	\$ 300,000;
<u>(16.1) The \$5,000,000 appropriated above to the Department of Commerce for the business Incubator Program shall be used to invest in technology-based economic development projects. The department shall develop guidelines to administer the program and any investment made by the department shall be accompanied by, at a minimum, an equal match of non-state funds. Eligible projects should foster economic development, encourage technological innovation and business recruitment, leverage the state scientific potential and existing knowledge base, or encourage research and development collaboration. \$400,000 shall be designated for the digital design initiative. Up to \$300,000 may be used by the department for administrative costs associated with this program.</u>	
<u>(17) D10 - State Law Enforcement Division</u>	
(a) Computer Equipment	\$ 803,150;
(b) Maintenance Fees	\$ 30,000;
(c) Law Enforcement Equipment	\$ 739,980;
(d) Vehicle Replacement	\$ 600,000;
(e) Computer Software.....	\$ 346,295;
<u>(18) K05 - Department of Public Safety</u>	
Vehicle Replacement.....	\$ 500,000;
<u>(19) N04 - Department of Corrections</u>	
(a) Statewide Paving.....	\$ 1,000,000;
(b) Deferred Maintenance	\$ 3,635,000;
(c) Security/Detention Systems and Equipment.....	\$ 2,542,000;
(d) Inmate Security and Support Vehicles	\$ 1,000,000;
(e) Broad River Sewer System Upgrade	\$ 700,000;
(f) Food Service Institutional Equipment.....	\$ 489,357;

**SENATE FINANCE COMMITTEE
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<u>(g) Observation Towers - Lee Correctional Institution`</u>	<u>\$ 236,900;</u>
<u>(h) Center Pivot Irrigation System.....</u>	<u>\$ 100,000;</u>
<u>(i) Weapons Replacement</u>	<u>\$ 40,000;</u>
<u>(20) N08 - Department of Probation, Parole, and Pardon Services</u>	
<u>(a) Parole Process Automation.....</u>	<u>\$ 500,000;</u>
<u>(b) Violations and Incentives Matrix</u>	<u>\$ 400,000;</u>
<u>(21) N12 - Department of Juvenile Justice</u>	
<u>Deferred Maintenance</u>	<u>\$ 800,000;</u>
<u>(22) P24 - Department of Natural Resources</u>	
<u>(a) Waddell Center Infrastructure</u>	<u>\$ 903,000;</u>
<u>(b) Outreach Programs.....</u>	<u>\$ 200,000;</u>
<u>(c) State River Basin Study.....</u>	<u>\$ 2,000,000;</u>
<u>(d) Information Technology - Phase II Upgrade Software and Equipment</u>	
<u>Replacement \$ 1,725,000;</u>	
<u>(e) Groundwater Monitoring Clusters.....</u>	<u>\$ 250,000;</u>
<u>(f) Enforcement Division Vehicles</u>	<u>\$ 785,050;</u>
<u>(23) L36 - Human Affairs Commission</u>	
<u>CAAMS System</u>	<u>\$ 100,000;</u>
<u>(24) L46 - Commission on Minority Affairs</u>	
<u>PC Replacement.....</u>	<u>\$ 10,334;</u>
<u>(25) R28 - Department of Consumer Affairs</u>	
<u>Licensing Database Reconfiguration/Upgrade</u>	<u>\$ 100,000;</u>
<u>(26) R40 - Department of Motor Vehicles</u>	
<u>ADA Compliance</u>	<u>\$ 925,000;</u>
<u>(27) D25 - Office of Inspector General</u>	
<u>Office Infrastructure</u>	<u>\$ 52,565;</u>
<u>(28) E04 - Office of Lieutenant Governor</u>	
<u>Caregivers</u>	<u>\$ 3,000,000;</u>
<u>(29) E08 - Secretary of State</u>	
<u>(a) Board and Commissions Database Project</u>	<u>\$ 250,000;</u>
<u>(b) Disaster Recovery/Image Digitization</u>	<u>\$ 97,800;</u>
<u>(30) E24 - Office of Adjutant General</u>	
<u>(a) Armory Maintenance and Repair Projects.....</u>	<u>\$ 450,000;</u>
<u>(b) Emergency Management Program Improvements</u>	<u>\$ 250,000;</u>
<u>(31) H87 - State Library</u>	
<u>Aid to Counties</u>	<u>\$ 1,341,395;</u>
<u>(32) H18-Francis Marion University</u>	
<u>Health Sciences Building.....</u>	<u>\$ 200,000;</u>
<u>(33) U12 - Department of Transportation</u>	
<u>(a) Traffic Management/Richland Electrical</u>	
<u>Building Construction</u>	<u>\$ 1,750,000;</u>
<u>(b) Lexington County Maintenance Complex Land Acquisition... \$</u>	<u>1,400,000;</u>
<u>(c) Lexington County Maintenance Complex Construction</u>	<u>\$ 200,000;</u>
<u>(d) Upstate Salt Storage Facility Construction</u>	<u>\$ 627,000</u>
<u>(e) Cherokee Salt Shed Construction.....</u>	<u>\$ 260,000; and</u>
<u>(f) Bridge Replacement and Rehabilitation</u>	<u>\$ 60,000,000.</u>

(33.1) The funds appropriated above for Bridge Replacement and Rehabilitation shall serve as the match requirement for active federal aid eligible bridge replacement projects currently programmed in the Statewide Transportation Improvement Program (STIP) and Act

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114 prioritized rehabilitation projects approved by the commission for future inclusion in the STIP as of February 21, 2013.

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 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 2013-14 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.

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