

<b>AGENCY NAME:</b>	<b>Department of Public Safety</b>		
<b>AGENCY CODE:</b>	<b>K050</b>	<b>SECTION:</b>	<b>63</b>

<b>ACCOUNTABILITY OF FUNDS</b>	<p>This request is primarily related to Strategy 1.3. The use of these funds would be evaluated by the number of agencies receiving funds through subgrants and through the development and implementation of an awareness survey to be conducted prior to the launch of the campaign and after the campaign is completed to gauge public interest in and awareness of campaign components. The pre- and post-campaign surveys should be a minimum of 400-respondent telephone surveys with accompanying analysis.</p>
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*What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?*

<b>RECIPIENTS OF FUNDS</b>	<p>SCDPS received Section 164 funds due to South Carolina's non-compliance with the federal repeat intoxicated driver requirements under 23 USC 164. Forty percent of the funds received will be used to fund alcohol-impaired driving programs and educating the public on Impaired Driving through the statewide Target Zero Campaign.</p>
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*What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?*

<b>JUSTIFICATION OF REQUEST</b>	<p>Under Section 164, a state must impose certain minimum penalties for all repeat intoxicated drivers. The federal implementing regulations define a repeat intoxicated driver as a person who has been convicted of driving while intoxicated or driving under the influence of alcohol more than once in any five-year period. The three required minimum penalties are a mandatory license sanction, assessment and treatment, and a mandatory minimum sentence. Only the mandatory license sanction requirement is at issue in this review.</p> <p>Currently in South Carolina, all repeat offenders are subject to a mandatory ignition interlock restriction. For second offenses, the mandatory interlock restriction period is two years. For third offenders, the term is either three or four years. Fourth and subsequent offenders are subject to a mandatory lifetime interlock restriction. The ignition interlock requirement may be waived if the State determines that the person has a medical condition that makes the person incapable of properly operating the installed device, in which case, the person's license shall be suspended "for the length of time the person would have been required to hold an ignition interlock restricted license." Section 164 explicitly permits such an exemption. South Carolina also imposes additional license penalties on habitual offenders, including those convicted of three or more intoxicated driving offenses in a three-year period.</p> <p>During these interlock restriction periods, offenders are prohibited from operating any motor vehicle that is not equipped with a properly operating ignition interlock device. All motor vehicles must have ignition interlock in a multiple DUI situation to be compliant. Since SC recently changed mopeds to be motor vehicles, and mopeds cannot be fitted with ignition interlock, SC is out of compliance and therefore we get 164 funds. There is an exemption written into the law for motorcycles, but no such exemption currently exists for mopeds. To comply with Section 164's mandatory license sanction requirement, a state law must prohibit repeat offenders from operating any motor vehicle</p>
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without an ignition interlock device during the one-year sanction term (unless another compliant sanction applies). South Carolina currently does not comply with the requirements of Section 164.

The Office of Highway Safety and Justice Programs (OHSJP) is responsible for the fiscal oversight and competitive subgrant process for all grant programs it administers. Therefore, the addition of one (1) full-time Program Coordinator II and one (1) Fiscal Analyst II position is essential in order for the Highway Safety section of the division to continue to function at a high level, providing excellent and timely service to its subgrantees, and to ensure awareness with the general public.

*Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.*

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**FORM D – PROVISO REVISION REQUEST**

<b>NUMBER</b>	New <i>Cite the proviso according to the renumbered list for FY 2020-21 (or mark "NEW").</i>
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<b>TITLE</b>	DPS: SC Law Enforcement Officers Hall of Fame Donations <i>Provide the title from the FY 2019-20 Appropriations Act or suggest a short title for any new request.</i>
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<b>BUDGET PROGRAM</b>	II. D. Hall of Fame <i>Identify the associated budget program(s) by name and budget section.</i>
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<b>RELATED BUDGET REQUEST</b>	No <i>Is this request associated with a budget request you have submitted for FY 2020-21? If so, cite it here.</i>
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<b>REQUESTED ACTION</b>	Add <i>Choose from: Add, Delete, Amend, or Codify.</i>
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<b>OTHER AGENCIES AFFECTED</b>	Not applicable <i>Which other agencies would be affected by the recommended action? How?</i>
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<b>SUMMARY &amp; EXPLANATION</b>	This proviso will allow the SC Law Enforcement Officers Hall of Fame to accept and carry forward funds that are received as donations in support of exhibits, displays, ceremonies, and memorials as approved by the governing council for the SC Law Enforcement Officers Hall of Fame. Currently, Proviso 63.5 limits the Hall of Fame's authority to receive and expend funds donated for scholarships.
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*Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it. Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.*

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**FISCAL IMPACT**

This proviso is a request to allow the SC Law Enforcement Officers Hall of Fame to receive and disburse funds related to donations and carry forward any unspent funding to use for the same purpose. The authority to carry forward funding will have no fiscal impact as those funds are donations for intended programs and projects.

*Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.*

**PROPOSED  
PROVISO TEXT**

**DPS: SC Law Enforcement Officers Hall of Fame Donations:**

The Department of Public Safety is hereby authorized to receive, accept, and disburse funds and grants, including any donations, contributions, funds, grants, or gifts from private individuals, foundations, agencies, corporations, or the state or federal government, for the purpose of carrying out the programs and objectives of the SC Law Enforcement Officers Hall of Fame. The SC Law Enforcement Officers Hall of Fame is authorized to expend, retain, and carry forward unspent funds associated with the donation of funds for the same purposes in the current fiscal year.

*Paste FY 2019-20 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.*

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**FORM E – AGENCY COST SAVINGS AND GENERAL FUND REDUCTION CONTINGENCY PLAN**

<b>TITLE</b>	Agency Cost Savings and General Fund Reduction Contingency Plan
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<b>AMOUNT</b>	\$2,901,173
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*What is the General Fund 3% reduction amount (minimum based on the FY 2020-21 recurring appropriations)? This amount should correspond to the reduction spreadsheet prepared by EBO.*

<b>ASSOCIATED FTE REDUCTIONS</b>	0
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*How many FTEs would be reduced in association with this General Fund reduction?*

<b>PROGRAM/ACTIVITY IMPACT</b>	<p>A 3% General Fund reduction would result in the loss of eighteen (18) temporary positions that are currently funded with state appropriations. In order to prevent the reduction of FTE's, the agency is also proposing to eliminate the special line item for local law grants and reduce the appropriation for the state body worn camera fund.</p> <p>The following divisions and programs will be affected by the reduction:</p> <table border="0"> <tr> <td colspan="2"><u>Temporary Positions</u></td> </tr> <tr> <td>Administration</td> <td>\$234,459</td> </tr> <tr> <td>Highway Patrol</td> <td>\$584,100</td> </tr> <tr> <td colspan="2"> </td> </tr> <tr> <td colspan="2"><u>Other Operating</u></td> </tr> <tr> <td>Local Law Grants</td> <td>\$2,000,000</td> </tr> <tr> <td>Body Worn Camera Funds</td> <td>\$82,614</td> </tr> </table>	<u>Temporary Positions</u>		Administration	\$234,459	Highway Patrol	\$584,100	 		<u>Other Operating</u>		Local Law Grants	\$2,000,000	Body Worn Camera Funds	\$82,614
<u>Temporary Positions</u>															
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*What programs or activities are supported by the General Funds identified?*

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**SUMMARY**

If the South Carolina Department of Public Safety were required to reduce its current General Fund appropriations by 3%, the agency would be forced to slash eighteen (18) temporary positions: one (1) Information Systems/Budget Analyst III, one (1) Administrative Specialist I, two (2) Administrative Specialist II, two (2) Call Takers, two (2) IT Services Specialist II, four (4) Master Troopers, one (1) Program Coordinator I, one (1) Sergeant, and four (4) Tele-Communication Operator I. The job duties for these positions are essential to the daily operations of the agency and would still be required to be performed by other employees.

The agency would also have to temporarily eliminate the local law grants and decrease the state body worn camera funds by 3%. The 3% reduction of the body worn camera fund would affect the total cameras, maintenance and storage the agency can provide to state law enforcement agencies and solicitor offices requesting these funds.

With the 3% reduction, it is the agency's intention to avoid the reduction of FTE positions. The State Transport Police and the Office of Highway Safety and Justice Programs were left out of the proposal because these divisions are heavily federally funded and a reduction of their General Fund appropriations would jeopardize their ability to provide the required matching funds.

*Please provide a detailed summary of service delivery impact caused by a reduction in General Fund Appropriations and provide the method of calculation for anticipated reductions. Agencies should prioritize reduction in expenditures that have the least significant impact on service delivery.*

**AGENCY COST SAVINGS PLANS**

SCDPS is currently appropriated \$3.3 million, including \$1.3 million approved during the FY 2019-20 budget session, in recurring funding for the purchase of vehicles. Based on the research conducted by the Department of Administration, the agency is planning to implement a six-year rotation of agency vehicles. The research included analyzing the agency's fleet data to determine the appropriate vehicle replacement life cycle based on funding availability, annual operational costs and fleet reliability. The six-year rotation of agency vehicles was considered the most efficient and cost savings option.

Although the agency did not receive the total recurring funding required for full enactment of the Department of Administration's plan, the agency will begin partial implementation of the proposed plan. We expect a substantial cost savings in vehicle repairs and maintenance across all divisions and from multiple funding sources.

*What measures does the agency plan to implement to reduce its costs and operating expenses by more than \$50,000? Provide a summary of the measures taken and the estimated amount of savings. How does the agency plan to repurpose the savings?*

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Law Enforcement and Criminal Justice Subcommittee Proviso Request Summary		
Department of Public Safety		
Proviso # in FY 19-20 Act	Proviso Title	Short Summary
63.1	Special Events Traffic Control	The Highway Patrol will not charge fees for providing traffic control and ensuring safety unless approved by the General Assembly.
63.2	Retention of Private Detective Fees	DPS is authorized to receive, expend, retain, and carry forward all funds transmitted from SLED related to fees charged and collected by SLED from license and registration fees for private detective businesses, private security businesses.
63.3	Motor Carrier Advisory Committee	DPS and DMV are directed to jointly establish a Motor Carrier Advisory Committee to solicit input from the trucking industry and other parties in developing policies. Members serve without compensation.
63.4	CMV Driver Rest Areas	A joint working group is to be established between the DOT, DPS, State Transport Police and the South Carolina Trucking Association to review and evaluate where critical rest areas may be made available for commercial motor vehicle drivers to park and obtain their federally mandated required rest.
63.5	SC Law Enforcement Officers Hall of Fame Scholarships	DPS is authorized to accept donations in order to provide scholarships to the children of law enforcement officers killed in the line of duty. An advisory committee with set the criteria for awarding scholarships and all revenue shall be retained, carried forward, and expended for the same purpose.
63.6	Body Cameras	DPS is authorized to retain and carry forward unexpended funds associated with body cameras from the prior fiscal year into the current fiscal year and expend those funds for the same purpose.
63.7	DPS Overtime Pay	The department is authorized and required to pay current non-exempt law enforcement officers by October 1st for any compensatory time earned and not used in the prior fiscal year. The funds for this compensation must be provided from available personal services and/or employer contributions funds carried forward from the prior fiscal year. If the amount of carried forward funds is not sufficient to pay all the non-exempt law enforcement officers accrued compensatory time, the agency shall pay the officers on a percentage distribution based on the hours owed per officer up to the total amount that the agency has carried forward.
		This proviso will allow the SC Law Enforcement Officers Hall of Fame to accept and carry forward funds that are received as donations in support of exhibits, displays, ceremonies, and memorials as approved by the governing council for the SC Law Enforcement Officers Hall of Fame. Currently, Proviso 63.5 limits the Hall of Fame's authority to receive and expend funds donated for scholarships.
	SC Law Enforcement Officers Hall of Fame Donations	Add

Agency Recommended Action  
(keep, change, delete, add)

Keep

Keep

Keep

Keep

Keep

Keep

Keep

Keep

Keep

Keep

Add

Department of Public Safety  
Carry Forward Funding Information  
Fiscal Year 2019 to Fiscal Year 2020



Fund Number	Fund Title	Program Supported by Revenue	Carry Forward Authority (Statute or Proviso)	Revenue Source	Carry Forward from FY19	Intended Use of Funds
10010021	GENERAL FUNDS - CARRY FORWARD	All Divisions	FY20 Proviso 117.23	State Appropriations	\$6,335,169	Funds utilized to meet the requirements of FY20 Proviso 63.7 (DPS Overtime Pay), law enforcement equipment, software and non-recurring projects
30350000	OPERATING REVENUE	Bureau of Protective Services		License and registration fees from private detective businesses, security businesses, etc.; reimbursements from other state agencies	\$1,233,366	Funds are used to for personnel costs and equipment purchases
30980000	DONATIONS	Hall of Fame	FY20 Proviso 63.5	Donations from Hall of Fame visitors	\$3,620	Funds are used to provide scholarships to children of law enforcement officers killed in the line of duty
31980000	MOTOR CAR-OTH OP REV	State Transport Police	Articles 3 and 5 of Chapter 23 of Title 58, Section 23-6-185	Motor Carrier Registration Fees	\$2,451,965	Funds are used for personnel costs, radio service, grant match, replacement of high mileage vehicles and weigh station repairs
33240001	DPS BUILDING FUND-HP	Highway Patrol	Section 56-3-840 Section 23-6-190	Delinquent registration and license penalties	\$102,503	Funds are used to pay personnel costs; building costs; other Highway Patrol expenditures and a portion of the annual \$2 million legal settlement
33240002	DPS BUILDING FUND-AD	Administration	Section 56-3-840 Section 23-6-190	Delinquent registration and license penalties	\$3,127,366	Funds are used for the Blythehood building expenses and the operations in the Highway Patrol
33550000	HALL OF FAME	Hall of Fame	Section 14-1-206-208	Court fines assessed in General Sessions, Magistrate's and Municipal Court	\$27,124	Funds are used to pay personnel costs and operating expenses
33070000	DUI ALC/DRUG FINE	Highway Patrol	Section 56-5-2945	Fines assessed for penalties for felony driving under the influence	\$95,892	Funds are used to pay personnel costs and operating expenses
34680001	CF CASH-CT ORD-HP-ST	Highway Patrol	Section 44-53-530	Seized and forfeited real or personal property	\$186,560	Funds are used to support ongoing K9 program expenses and for purchases of equipment
34680002	CF CASH-CT ORD-HP-FD	Highway Patrol	Section 44-53-530	Seized and forfeited real or personal property	\$229,979	Funds are used to support ongoing K9 program expenses and for purchases of equipment
34680003	CF CASH-CT ORD-STP-S	State Transport Police	Section 44-53-530	Seized and forfeited real or personal property	\$89,606	Funds are used to pay for law enforcement equipment and travel expenses
34680004	CF CASH-CT ORD-STP-F	State Transport Police	Section 44-53-530	Seized and forfeited real or personal property	\$158	Funds are used to pay for law enforcement equipment and travel expenses
35370000	DUI-IN-CAR VIDEO CAM	Highway Patrol	Section 56-1-286 Section 56-5-2953	Fines for operating vehicle without a registration and/or license	\$4,270,939	Funds are used to purchase, maintain and supply video taping equipment for use in law enforcement vehicles throughout the state
35940000	SIZE & WT REVIT PGM	State Transport Police	Section 56-5-4160	Penalties for excessive weight of vehicles and loads and unloading excess weight	\$2,136,266	Funds are used to pay for CVRP, fuel, phone service, utilities, scale maintenance contracts and auto insurance premiums; a portion of the balance was used to repay cash loans to other funds
38050000	MISCELLANEOUS REV	Highway Patrol	Section 23-6-193	Miscellaneous reimbursements	\$85,459	Funds are not currently obligated
38050001	MISC REV-HI PATROL	Highway Patrol	Section 23-6-187 Section 23-6-50 FY20 Proviso 117.46	FOIA requests, witness fees, sale of ticket books, insurance claims, sale of property and other miscellaneous reimbursements	\$2,045,587	Funds are used to purchase inventory for the Highway Patrol Supply Warehouse and Fleet Shop and other law enforcement equipment
38050002	MISC REV-ADMIN	Administration	Section 23-6-50	Miscellaneous reimbursements	\$124,220	The revenue in this fund is unpredictable and the fund is used primarily to purchase inventory for the Administration Warehouse. Carry forward balances are needed for beginning of the year inventory purchases.
38050003	MISC REV-FOIA	Administration	Section 23-6-187	FOIA requests	\$256,105	These funds are expended on equipment and supplies used by employees responding to FOIA requests

Fund Number	Fund Title	Program Supported by Revenue	Carry Forward Authority (Statute or Proviso)	Revenue Source	Carry Forward from FY15	Intended Use of Funds
38050004	MISC REV-STP	State Transport Police	Title 56-1-1320 Section 56-11-550 Section 23-6-50 FY20 Proviso 117.46	Fees for provisional drivers licenses, insurance claims, enforcement of International Tax Fuel Agreement (IFTA) law and other miscellaneous reimbursements	\$196,121	Funds are used for law enforcement equipment, office leases, grounds maintenance and custodial services
38050005	MISC REV-BPS	Bureau of Protective Services	Section 23-6-50 FY20 Proviso 117.46	Insurance claims and other miscellaneous reimbursements	\$10,446	Funds are used on special non-recurring items for BPS
38050006	SAFETY & GRANTS	Office of Highway Safety and Justice Programs	Section 23-6-50 Section 30-4-30	Contract with DOT for reimbursement of costs related to the development of SCCATS, accident studies and FOIA requests	\$345,293	Funds are used to pay personnel costs and operating expenses
38220000	DRIVING UNDER SUSP	Highway Patrol	Section 56-1-460	Fines imposed on driving with a suspended license	\$372,150	Funds are used to pay personnel costs and operating expenses
38860000	TRAFFIC REC DATA REV	Office of Highway Safety and Justice Programs	Section 23-6-50	DMV generated revenue from the sale of TR-310 reports	\$1,238,897	Funds are used to pay personnel costs and operating expenses for data entry clerks
38860000	HP FEES,FINE&ASSESSM	Highway Patrol	Section 56-19-420	Portion of the \$15 charge by DMV for the issuance, transfer or duplication of titles and DOT reimbursements for SIT and Target Zero teams	\$4,840,668	Funds are used to pay personnel costs, office leases, operating costs, Safety Improvement and Target Zero team expenses, and a portion of the annual \$2 million legal settlement
38880000	HP FINES WORK ZONE	Highway Patrol	Section 56-5-1535	Designated for use by the Department of Public Safety to be used for work zone enforcement	\$25,613	Funds will be used for work zone enforcement
39580001	SALE OF ASSET-HI PAT	Highway Patrol	Section 23-6-50	Sale of vehicle, equipment and other agency assets	\$47,126	Funds are used to replace high-mileage law enforcement vehicles
39580002	SALE OF ASSETS-ADMIN	Administration	Section 23-6-50	Sale of vehicle, equipment and other agency assets	\$51,168	Funds are not currently obligated
39580003	SALE OF ASSETS-STP	State Transport Police	Section 23-6-50	Sale of vehicle, equipment and other agency assets	\$62,393	Funds are used to replace high-mileage law enforcement vehicles or other law enforcement equipment
39580004	SALE OF ASSETS-BPS	Bureau of Protective Services	Section 23-6-50	Sale of vehicle, equipment and other agency assets	\$7,136	Funds are used to replace high-mileage law enforcement vehicles or other law enforcement equipment
39580005	SALE OF ASSETS-SAFETY & GRANT	Office of Highway Safety and Justice Programs	Section 24-3-40	Sale of vehicle, equipment and other agency assets	\$33,300	Funds are not currently obligated
39750001	VIC RESTIT PRG EXT	Office of Highway Safety and Justice Programs	Section 24-3-40	Transfers from the Dept. of Corrections from the wages of prisoners engaged in work in the community	\$331,152	Balances are being transferred to the Attorney General's Office
39750000	VIC RESTIT PASS THRU	Office of Highway Safety and Justice Programs	Section 24-3-40	Transfers from the Dept. of Corrections from the wages of prisoners engaged in work in the community	\$12,269	Balances are being transferred to the Attorney General's Office
39C70000	LAW ENFORCEMENT SURC	Highway Patrol	Section 14-1-212	Fines, forfeitures and escheatments, or other penalties imposed for misdemeanor traffic offenses or nontraffic violations	\$394,488	Funds are used to pay vehicle maintenance expenses (CVRP)
45470000	UNINSURED ENFORCE	Highway Patrol	Section 56-10-550, Section 38-73-470	Portion of yearly premium for uninsured motorist coverage, funds from insurance companies for collecting suspended tags and licenses	\$1,172,937	Funds are used to pay personnel costs, equipment and inventory chargebacks

**\$31,893,041**



**Department of Public Safety  
FTE Information**

**Authorized FTE'S**

Program	General	Other	Federal	SUM(FTEs)
Administration	80.20	11.51		91.71
BPS	55.00	38.00		93.00
Safety & Grants	6.40	0.45	21.73	28.58
HOF	0.00	3.00		3.00
HP	1019.30	118.40		1137.70
Immigration Unit	12.00	0.00	0.00	12.00
STP	46.90	50.84	50.27	148.01
Summary	1219.80	222.20	72.00	1514.00

**Filled FTE'S**

Program	General	Other	Federal	SUM(FTEs)
Administration	55.63	8.20		63.83
BPS	46.00	15.05		61.05
Safety & Grants	9.61	0.70	21.32	31.63
HOF	0.00	2.05		2.05
HP	858.86	102.00		960.86
Immigration Unit	6.00	0.00		6.00
STP	45.90	27.52	40.17	113.59
Summary	1022.00	155.52	61.49	1239.00

**Vacant FTE'S**

Program	General	Other	Federal	SUM(FTEs)
Administration	24.57	3.31		27.88
BPS	9.00	22.95		31.95
Safety & Grants	-3.21	-0.25	0.41	-3.05
HOF	0.00	0.95		0.95
HP	160.44	16.40		176.84
Immigration Unit	6.00	0.00		6.00
STP	1.00	23.32	10.10	34.42
Summary	197.80	66.68	10.51	275.00