



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S.0002 Amended by S.2 Select Subcommittee of Senate Medical Affairs on March 30, 2021

Author: Peeler

Subject: Departments of Public and Behavioral Health and Environmental Services

Requestor: Senate Medical Affairs

RFA Analyst(s): Miller, Coomer, Gallagher, and Griffith

Impact Date: January 11, 2022

Fiscal Impact Summary

This bill restructures the Department of Alcohol and Other Drug Abuse Services (DAODAS), the Department of Mental Health (DMH), and the Department of Health and Environmental Control (DHEC). Divisions from these agencies will be transferred to the newly created Department of Behavioral and Public Health (DBPH), the newly created Department of Environmental Services (DES), and other established agencies.

DBPH will consist of the health-related divisions of DHEC, all divisions of DAODAS, and most divisions of DMH. Revenue and Fiscal Affairs (RFA) requested each transferring department to estimate the portion of their appropriations that would be transferred to applicable receiving agencies. The agencies provided responses based upon the FY 2019-20 Appropriations Act. All transfers would reflect the latest appropriations in effect at the time of the transition.

Based on preliminary estimates provided by DHEC, DMH, and DAODAS, using the FY 2019-20 Appropriations Act, it is estimated DBPH will receive total recurring appropriations of approximately \$1,017,448,112 and 6,836.27 FTEs, of which it is estimated \$350,039,712 and 3,569.93 FTEs will be General Fund appropriations. The total appropriations are comprised of \$490,882,735 and 2,351.70 FTEs received from DHEC, \$458,856,624 and 4,441.56 FTEs received from DMH, and \$67,708,753 and 43.01 FTEs received from DAODAS.

DHEC also anticipates additional one-time expenses during the transition relating to transaction activities including separating shared databases, business applications, and federal grant management; dividing human resource records; printing replacement signage and new forms; website modification; and re-tasking personnel. DHEC estimates these transaction activities may increase one-time expenses up to \$18,209,850 across all fund sources. However, these potential transaction related expenses will be determined by the leadership of the newly constituted agencies and may be limited by the authorized appropriations of the transferred agencies.

DES will consist of the divisions and programs of DHEC that are concerned with the regulation and protection of the environment and the water resources division of the Department of Natural Resources (DNR). DES will receive total recurring appropriations of approximately \$149,992,849 and 1,072.66 FTEs, of which it is estimated \$46,079,690 and 434.84 FTEs will be

General Fund appropriations from DHEC. At this time, the amount of appropriations and FTEs to be transferred to DES for the Water Resources Division of DNR is unknown.

This bill also transfers the authority to establish, manage, and operate veterans' homes from DMH to the Department of Veterans' Affairs (DVA). Based on the FY 2019-20 Appropriations Act and supplemental information provided by DMH, this will result in a transfer of recurring General Fund appropriations totaling \$12,064,044 and 92.45 FTEs. In total, this transfer of duties will result in an increase in combined General Funds, Other Funds, and Federal Funds of \$50,634,174 and 188.35 FTEs for the management of the three existing veterans nursing homes. Included in this estimated total is \$399,000 in General Fund appropriations to provide for one general administrative FTE and five clinical support service FTEs.

Additionally, the Food Safety Program and the milk and dairy lab of DHEC will be transferred to the Department of Agriculture (Agriculture). Based on preliminary estimates provided by DHEC, this bill is estimated to increase the recurring General Fund appropriations for Agriculture by \$3,082,743 and 39.61 FTEs. In total, this transfer of duties will result in an increase in combined General Funds, Other Funds, and Federal Funds of \$8,786,815 and 106.47 FTEs to assume the authorities and responsibilities transferred to Agriculture.

However, DHEC indicates that due to the complex and intertwined nature of the department's environmental programs and the department's overall administrative and overhead structure, the estimate provided is preliminary, and the exact amounts to be transferred to each department may change after a more detailed analysis of the bill's provisions and discussions with affected entities.

This bill provides that Admin will cause all necessary actions to be taken to accomplish the transfers enumerated in this bill. This bill will not have a fiscal impact on Admin, as the department anticipates it will perform the duties required in this bill using existing appropriations and personnel.

Further, this bill provides that the employees, appropriations, debts, and real and personal property of a transferring department will be transferred to the receiving department unless otherwise specifically provided. While the revenues and appropriations of the individual receiving agencies are anticipated to increase by the amounts transferred to them, RFA does not anticipate there will be a net impact to the total revenues of the effected agencies.

Explanation of Fiscal Impact

Amended by S.2 Select Subcommittee of Senate Medical Affairs on March 30, 2021 State Expenditure

Section 1 of this bill creates two new departments, DBPH and DES. DBPH will consist of the health-related divisions of DHEC, all divisions of DAODAS, and most divisions of DMH. DES will consist of the divisions and programs of DHEC that are concerned with the regulation and protection of the environment and the water resources division of the Department of Natural Resources (DNR). This bill also transfers the authority to establish, manage, and operate

veterans' homes from DMH to the Department of Veterans' Affairs (DVA). Additionally, the Food Safety Program and the milk and dairy lab of DHEC will be transferred to Agriculture.

Section 61 of this bill outlines the procedures for the transfer of agencies, departments, and boards, among other things, from the transferring department to the receiving department. Employees, appropriations, debts, and real and personal property will also transfer from the old agency to the new agency unless this bill specifies otherwise. Transferred employees will maintain the same compensation, classification, and grade level within the new agency. The Department of Administration (Admin) will manage this transition. All transferred employees and personnel will remain in the office locations and facilities they currently occupy until otherwise changed by appropriate action and authorization. The rents and physical operating costs of these office locations and facilities shall continue to be paid by the transferring agencies until otherwise provided by the General Assembly. The records and files of the transferring departments who employed these individuals will continue to remain the property of the transferring departments, except that the personnel will have full access in the performance of their duties as new employees of the applicable receiving department. Fines, fees, forfeitures, or revenues of a transferring department will be used and expended by the receiving department for the purposes provided prior to the date this bill is ratified. When the functions of a transferring department are transferred to more than one receiving department, the general support services of the transferring department will be transferred to the appropriate receiving departments as provided by the General Assembly's annual appropriations act. Additionally, promulgated regulations of a transferring department will be considered promulgated by the receiving department and references to the names of transferred departments and other entities affected by this bill, including provisions of the 1976 Code, will be considered to mean the appropriate references.

Based upon the provisions of Section 61 of the bill, the Revenue and Fiscal Affairs Office (RFA) anticipates the expenditures of the four receiving departments will be increased by an amount equal to appropriations received from the four transferring departments. Since FY 2020-21 appropriations were authorized by continuing resolution, RFA requested each transferring department to estimate the portion of their FY 2019-20 appropriations that would be transferred to applicable receiving agencies.

Department of Health and Environmental Control. Section 1 of this bill abolishes DHEC and transfers its divisions, offices, programs, powers, and duties among Agriculture and the newly created DBPH and DES. Because the bill abolishes DHEC, there is no expenditure impact on this agency. However, the agency notes that during the transition, the receiving agencies may incur significant administrative costs. These transition activities relate to separating shared databases, business applications, and federal grant management; dividing human resource records; printing replacement signage and new forms; website modification; and re-tasking personnel. Any potential expenditures related to these transition activities will be managed by the receiving agencies from authorized appropriations of the transferred agencies. DHEC estimates the total one-time expenditures at approximately \$18,209,850 across all fund sources. However, these potential expenditures will be determined by the leadership of the newly constituted agencies and may be limited by the authorized appropriations of the

transferred agencies. Given the uncertainty and complexity of the transitions that may be required, RFA is unable to determine the amount of one-time General Fund transition-related expenditures.

Pursuant to Section 61 of the bill, the appropriations, other revenues, and FTEs of a transferring department will be transferred to the receiving department, to be used to carry out the responsibilities formerly vested in the transferring department. Based on the FY 2019-20 Appropriations Act, the total annual appropriations of DHEC to be transferred to the receiving agencies is approximately \$649,662,400. The number of FTEs to be transferred is 3,530.84. See the attached table for a breakdown of the funds and FTEs transferred to Agriculture, DBPH, and DES. DHEC indicates that due to the complex and intertwined nature of the department's environmental programs and the department's overall administrative and overhead structure, the estimate provided is preliminary, and the exact amounts to be transferred to each department may change after a more detailed analysis of the bill's provisions and discussions with affected entities.

Department of Mental Health. Section 3 of this bill abolishes SCMHC and transfers most of the authorities and responsibilities of the SCMHC and DMH to the newly established Division of Mental Health within the DBPH. Also, Sections 5 and 59 of this bill result in a shift in the authority to establish and operate veterans' homes from DMH to DVA.

Pursuant to Section 61 of the bill, the appropriations, other revenues, and FTEs of a transferring department will be transferred to the receiving department, to be used to carry out the responsibilities formerly vested in the transferring department. Based on the FY 2019-20 Appropriations Act, the total annual appropriations of DMH to be transferred to the two receiving departments equals approximately \$504,271,729. The number of FTEs to be transferred equals 4,629.91. DMH received an additional \$5,237,069 in General Funds in FY 2020-21 for the two percent pay plan allocation and one percent retirement rate increase. The additional General Funds appropriation brings DMH's total appropriations to be transferred to the two receiving departments to \$509,508,798. Of these totals, approximately \$50,634,174 in appropriations and 188.35 FTEs are related to DMH's current responsibilities to operate three veterans' homes in this state. This amount includes the program service appropriations for the three veterans' homes currently operated by DMH totaling \$47,795,532 and 182.35 FTEs, of which \$10,422,415 and 86.45 FTEs are provided through the General Fund. Of the remaining amount estimated to be transferred to DVA, \$399,000 in General Fund appropriations would provide for one general administrative FTE and five clinical support service FTEs. The remaining \$2,549,642 in total funds, of which \$1,352,629 is from the General Fund, would provide for the employee benefits of the transferred FTEs. It is expected the appropriations and FTEs necessary to operate these three facilities will be transferred to DVA. The remaining \$458,856,624 in annual appropriations and 4,441.56 FTEs are expected to be transferred to the newly established Division of Mental Health within the DBPH.

DMH indicates that administrative support services are currently funded by a combination of recurring General Fund appropriations and non-recurring one-time funds, and that some components are not fully funded. DMH estimates that the appropriations and expenses for

administrative support services that would transfer to DVA would be funded by the General Fund, and that this transfer would create an additional lack of recurring funding for the remaining administrative services retained by the DBPH. DMH estimates DVA will receive \$399,000 and 6.0 FTEs for administrative support services, and that DBPH will have an expenditure impact of up to \$399,000 to replace these funds.

Department of Alcohol and Other Drug Abuse Services. Section 4 of this bill abolishes DAODAS as an agency and transfers all of the responsibilities and authorities of the agency to the Division of Alcohol and Other Drug Abuse Services within the DBPH. Pursuant to Section 61 of the bill, the appropriations, other revenues, and FTEs of a transferring department will be transferred to the receiving department, to be used to carry out the responsibilities formerly vested in the transferring department. Based on the FY 2019-20 Appropriations Act, the total annually recurring appropriations of DAODAS to be transferred to the DBPH equals \$67,708,753. The number of FTEs to be transferred equals 43.01.

Department of Natural Resources. Section 1 of the bill provides that the Water Resources Division of DNR will be transferred to and become a division of DES. Pursuant to Section 61 of the bill, the appropriations, other revenues, and FTEs of a transferring department will be transferred to the receiving department, to be used to carry out the responsibilities formerly vested in the transferring department. At this time, the amount of appropriations and FTEs to be transferred to DES for the Water Resources Division of DNR is unknown.

Department of Behavioral and Public Health. Sections 1 and 2 of this bill create DBPH, consisting of the health-related divisions of DHEC, all divisions of DAODAS, and most divisions of DMH. DBPH will be comprised of three divisions, Public Health, Alcohol and Other Drug Abuse Services, and Mental Health.

Pursuant to Section 61 of the bill, the appropriations, other revenues, and FTEs of a transferring department will be transferred to the receiving department, to be used to carry out the responsibilities formerly vested in the transferring department. Based on preliminary estimates provided by DHEC, DMH, and DAODAS, using the FY 2019-20 Appropriations Act, it is estimated DBPH will receive total recurring appropriations of approximately \$1,017,448,112 and 6,836.27 FTEs, of which it is estimated \$350,039,712 and 3,569.93 FTEs will be General Fund appropriations. The total appropriations are comprised of \$490,882,735 and 2,351.70 FTEs received from DHEC, \$458,856,624 and 4,441.56 FTEs received from DMH, and \$67,708,753 and 43.01 FTEs received from DAODAS.

DHEC indicates that due to the complex and intertwined nature of the department's environmental programs and the department's overall administrative and overhead structure, the estimate provided is preliminary and the exact amounts to be transferred to each department may change after a more detailed analysis of the bill's provisions and discussions with affected entities.

Please see the attached table for additional detail of the appropriations estimated to be transferred to DBPH.

Department of Environmental Services. Section 1 of this bill provides that the environmental protection divisions, offices, and programs of DHEC will be transferred to the newly created DES, along with all relevant powers and duties. All employees, funds, property, and contractual rights and obligations associated with these divisions, offices, programs and other related entities will be transferred to, incorporated in, and administered as part of DES. Additionally, the Water Resources Division of DNR will transfer to DES. Section 16 of the bill amends Chapter 3 of Title 49 to establish DES, which will consist of six divisions including Onsite Wastewater and Enforcement, Environmental Response, Land and Waste Management, Water Resources, Water Permitting, Compliance and Enforcement, and the Office of Ocean and Coastal Resource Management.

Pursuant to Section 61 of the bill, the appropriations, other revenues, and FTEs of a transferring department will be transferred to the receiving department, to be used to carry out the responsibilities formerly vested in the transferring department. Based on preliminary estimates provided by DHEC, using the FY 2019-20 Appropriations Act, it is estimated DES will receive total recurring appropriations of approximately \$149,992,849 and 1,072.66 FTEs, of which it is estimated \$46,079,690 and 434.84 FTEs will be General Fund appropriations. At this time, the amount of appropriations and FTEs to be transferred to DES for the Water Resources Division of DNR is unknown.

DHEC indicates that due to the complex and intertwined nature of the department's environmental programs and the department's overall administrative and overhead structure, the estimate provided is preliminary, and the exact amounts to be transferred to each department may change after a more detailed analysis of the bill's provisions and discussions with affected entities. Please see the attached table for additional detail of the appropriations estimated to be transferred to DBPH.

Department of Agriculture. Section 32 of this bill provides that the Food Safety Program of DHEC will be transferred to Agriculture, along with all relevant powers and duties. All employees, funds, property, and contractual rights and obligations associated with these divisions, offices, programs, and other related entities will be transferred to, incorporated in, and administered as part of Agriculture.

Pursuant to Section 61 of the bill, the appropriations, other revenues, and FTEs of a transferring department will be transferred to the receiving department, to be used to carry out the responsibilities formerly vested in the transferring department. Based on preliminary estimates provided by DHEC, this bill is estimated to increase the recurring General Fund appropriations of Agriculture by \$3,082,743 and 39.61 FTEs. In total, this transfer of duties will result in an increase in combined General Funds, Other Funds, and Federal Funds of \$8,786,815 and 106.47 FTEs to assume the authorities and responsibilities transferred to Agriculture.

DHEC indicates that due to the complex and intertwined nature of the department's environmental programs and the department's overall administrative and overhead structure, the estimate provided is preliminary, and the exact amounts to be transferred to each department

may change after a more detailed analysis of the bill's provisions and discussions with affected entities. Please see the attached table for additional detail of the appropriations estimated to be transferred to Agriculture.

Additionally, Agriculture notes the total expenditure impact is undetermined due to the department's uncertainty as to how many FTEs, primarily in support roles such as HR, legal, audit, executive assistants, procurement, will be transferred as a result of this bill. Further, the department anticipates that other operating expenditures will increase as a result of this bill due to the need for website changes, updated signage, uniform purchases, and technical and administrative training among other potential expenditures. As a result of these factors, Agriculture anticipates this bill will result in an undetermined increase to General Fund expenditures beginning in FY 2021-22.

Department of Veterans' Affairs. Section 5 of this bill gives the DVA the authority to establish and operate veterans' homes. Currently, the authority to establish and operate veterans' homes in this state is vested in DMH, pursuant to Section 44-11-30 of the Code, which is repealed by section 59 of this bill. Section 1 of this bill specifically requires DMH to transfer the title of any veterans' home held by DMH to the DVA.

Pursuant to Section 61 of the bill, the appropriations, other revenues, and FTEs of a transferring department will be transferred to the receiving department, to be used to carry out the responsibilities formerly vested in the transferring department. Based on the FY 2019-20 Appropriations Act and supplemental information provided by DMH, this will result in a transfer of recurring General Fund appropriations totaling \$12,064,044 and 92.45 FTEs. In total, this transfer of duties will result in an increase in combined General Funds, Other Funds, and Federal Funds of \$50,634,174 and 188.35 FTEs for the management of the three existing veterans nursing homes. Included in this estimated total is \$399,000 in General Fund appropriations to provide for one general administrative FTE and five clinical support service FTEs.

Department of Administration. Section 61(A) of the bill provides that Admin will cause all necessary actions to be taken to accomplish the transfers enumerated in this bill, in consultation with the department heads of the transferring and receiving agencies. The department anticipates it will perform the duties required in this bill using existing appropriations and personnel. Therefore, this bill will not have a fiscal impact on Admin.

State Revenue

Section 61(A) of the bill provides that the employees, appropriations, debts, and real and personal property of a transferring department will be transferred to the receiving department unless otherwise specifically provided. As explained in the section above, RFA anticipates the expenditures of the four receiving departments will be increased by an amount equal to appropriations received from the four transferring departments. While the revenues and appropriations of the individual receiving agencies are anticipated to increase by the amounts transferred to them, RFA does not anticipate there will be a net impact to the total revenues of the effected agencies.

Local Expenditure and Local Revenue

N/A



Frank A. Rainwater, Executive Director

Estimated Transfers of FY 2019-20 Appropriations Pursuant to Proposed Bill S.0002

Transferring Departments	DBPH FY 2021-22		DES FY 2021-22		Dept Ag 2021-22		DVA FY 2021-22	
	Total Funds	General Fund	Total Funds	General Fund	Total Funds	General Fund	Total Funds	General Fund
DHEC FY 2019-2020								
I. Administration	26,659,480	6,362,851	20,450,929	4,220,245	5,905,008	2,017,373	303,542	125,233
	(243.50)	(107.90)	(186.79)	(71.57)	(53.93)	(34.21)	(2.77)	(2.12)
II. Program Services	548,954,765	114,820,662	421,112,307	76,156,317	121,592,107	36,404,461	6,250,351	2,259,884
	(3,287.34)	(1,109.48)	(2,164.91)	(671.36)	(1,018.73)	(400.63)	(103.70)	(37.49)
A. Water Quality Improvement	79,723,231	27,107,436			73,472,880	24,847,552	6,250,351	2,259,884
	(833.39)	(374.28)			(729.69)	(336.79)	(103.70)	(37.49)
B. Coastal Resource Improve	5,730,310	2,827,543			5,730,310	2,827,543		
	(34.30)	(11.40)			(34.30)	(11.40)		
C. Air Quality Improvement	9,990,843	2,280,589			9,990,843	2,280,589		
	(125.92)	(34.11)			(125.92)	(34.11)		
D. Land and Waste Managemen	32,398,074	6,448,777			32,398,074	6,448,777		
	(128.82)	(18.33)			(128.82)	(18.33)		
E. Family Health	368,674,281	66,674,117	368,674,281	66,674,117				
	(1,766.48)	(573.56)	(1,766.48)	(573.56)				
F. Health Care Standards	21,347,379	8,208,237	21,347,379	8,208,237				
	(208.75)	(83.80)	(208.75)	(83.80)				
G. Health Surveillance Report	31,090,647	1,273,963	31,090,647	1,273,963				
	(189.68)	(14.00)	(189.68)	(14.00)				
III. Employee Benefits	74,048,155	21,438,955	49,319,499	13,083,474	22,495,734	7,657,856	2,232,922	697,626
DHEC Appropriations	649,662,400	142,622,468	490,882,735	93,460,035	149,992,849	46,079,690	8,786,815	3,082,743
DHEC FTEs	(3,530.84)	(1,217.38)	(2,351.70)	(742.93)	(1,072.66)	(434.84)	(106.47)	(39.61)
DMH FY 2019-2020								
I. General Administration	4,398,352	4,048,484	5,679,640	4,622,772				
	(49.50)	(49.50)	(65.50)	(65.50)				
II. Program Services	411,405,503	196,155,803	363,803,371	187,071,794				
	(4,580.41)	(2,857.89)	(4,376.06)	(2,749.44)				
A. Community Mental Health	176,139,854	72,375,453	175,773,143	73,156,116				
	(2,311.85)	(1,286.56)	(2,325.85)	(1,300.56)				
B. Inpatient Mental Health	94,485,020	44,127,884	98,365,927	52,696,318				
	(1,155.06)	(786.17)	(1,058.96)	(690.07)				
C. Addictions	12,167,002	7,468,745	13,010,647	8,312,390				
	(198.87)	(166.36)	(205.87)	(173.36)				
D. Clinical & Support Services	37,849,535	28,159,702	32,489,722	24,419,465			242,000	242,000
	(415.81)	(396.06)	(425.81)	(406.06)			(5.00)	(5.00)
E. Long-Term Care	70,475,966	23,735,893	23,217,354	7,540,927				
	(452.08)	(176.00)	(311.83)	(131.65)			47,795,532	10,422,415
1. Stone Pavilion	9,289,515	3,739,593					(182.35)	(86.45)
	(145.25)	(49.35)					9,064,169	3,167,031
2. Campbell Veteran's H	20,451,280	7,263,286					(180.25)	(84.35)
	(1.05)	(1.05)					19,148,188	3,178,036
3. Veteran's Victory Hou	20,242,586	7,916,856					(1.05)	(1.05)
	(1.05)	(1.05)					19,583,175	4,077,348
							(1.05)	(1.05)

Estimated Transfers of FY 2019-20 Appropriations Pursuant to Proposed Bill S.0002

Transferring Departments			DBPH FY 2021-22		DES FY 2021-22		Dept Ag 2021-22		DVA FY 2021-22	
	Total Funds	General Fund	Total Funds	General Fund	Total Funds	General Fund	Total Funds	General Fund	Total Funds	General Fund
4. Roddey Pavilion	20,492,585 (304.73)	4,816,158 (124.55)	23,217,354 (311.83)	7,540,927 (131.65)					-	
F. Sexual Predator Treatment Pr	20,288,126 (46.74)	20,288,126 (46.74)	20,946,578 (47.74)	20,946,578 (47.74)					-	
III. Employee Benefits	88,467,874	51,440,063	89,373,613	53,122,809					2,549,642	1,352,629
DMH Appropriations	504,271,729	251,644,350	458,856,624	244,817,375					50,634,174	12,064,044
DMH FTEs	(4,629.91)	(2,907.39)	(4,441.56)	(2,814.94)					(188.35)	(92.45)
DAODAS FY 2019-2020										
	Total Funds	General Fund	Total Funds	General Fund						
I. General Administration	406,314 (4.00)	206,560 (1.70)	406,314 (4.00)	206,560 (1.70)						
II. Finance and Operations	57,067,236 (21.91)	10,982,844 (9.26)	57,067,236 (21.91)	10,982,844 (9.26)						
III. Services	-	-	-	-						
	(2.15)	-	(2.15)	-						
IV. Programs	7,943,751 (9.95)	130,461 (0.10)	7,943,751 (9.95)	130,461 (0.10)						
VI. Information Technology	782,567 (2.00)	99,529 -	782,567 (2.00)	99,529 -						
VII. Legal and Compliance	397,884 (3.00)	85,314 (1.00)	397,884 (3.00)	85,314 (1.00)						
VIII. Employee Benefits	1,111,001	257,594	1,111,001	257,594						
DAODAS Appropriations	67,708,753	11,762,302	67,708,753	11,762,302						
DAODAS FTEs	(43.01)	(12.06)	(43.01)	(12.06)						
Total Appropriations	1,221,642,882	406,029,120	1,017,448,112	350,039,712	149,992,849	46,079,690	8,786,815	3,082,743	50,634,174	12,064,044
Total FTEs	(8,203.76)	(4,136.83)	(6,836.27)	(3,569.93)	(1,072.66)	(434.84)	(106.47)	(39.61)	(188.35)	(92.45)