

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80



Fiscal Year 2017-18 Agency Budget Plan

FORM A – SUMMARY

RECURRING FUNDS (FORM B DECISION PACKAGES)	My agency is submitting the following recurring decision packages listed in priority order (Form B): 10472- New Paralegal FTE; 11176- DCA Salary Increases; 10350- FY17 Allocations; 10175- DCA Earmarked Reallocation; 11179- General Fund Reallocation For FY 2017-18, my agency is (mark "X"): <input checked="" type="checkbox"/> Requesting a net increase in recurring General Fund appropriations. <input type="checkbox"/> Not requesting a net increase in recurring General Fund Appropriations.
CAPITAL & NON-RECURRING FUNDS (FORM C DECISION PACKAGES)	My agency is submitting the following one-time decision packages listed in priority order (Form C): N/A For FY 2017-18, my agency is (mark "X"): <input type="checkbox"/> Requesting capital and/or non-recurring funds. <input checked="" type="checkbox"/> Not requesting capital and/or non-recurring funds.
PROVISOS (FORM D)	For FY 2017-18, my agency is (mark "X"): <input type="checkbox"/> Requesting a new proviso and/or substantive changes to existing provisos. <input type="checkbox"/> Only requesting technical proviso changes (such as date references). <input checked="" type="checkbox"/> Not requesting any proviso changes.

Please identify your agency's preferred contacts for this year's budget process.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
PRIMARY CONTACT:	Carrl Grube Lybarker	803-734-4297	CLybarker@scconsumer.gov
SECONDARY CONTACT:	Celeste Brown	803-734-4254	CBrown@scconsumer.gov

I have reviewed and approved the enclosed FY 2017-18 Agency Budget Plan, which is complete and accurate to the extent of my knowledge.

	<u>Agency Director</u>	<u>Board or Commission Chair</u>
SIGN/DATE:	<i>Carrl Grube Lybarker</i> 9/30/16	<i>D. J. Campbell</i> 9/30/2016
TYPE/PRINT NAME:	Carrl Grube Lybarker	David Campbell

This form must be signed by the department head – not a delegate.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FORM B – PROGRAM REVISION REQUEST

DECISION PACKAGE	10350
-------------------------	--------------

Provide the decision package number issued by the PBF system ("Governor's Request").

TITLE	Allocations for FY17
--------------	-----------------------------

Provide a brief, descriptive title for this request.

AMOUNT	\$35,915
---------------	-----------------

What is the net change in requested appropriations for FY 2017-18? This amount should correspond to the decision package's total in PBF across all funding sources.

ENABLING AUTHORITY	Section 117.118, 2016-2017 General Appropriations Act Executive Budget Office. No.
---------------------------	--

What specific state or federal statutory, regulatory, and/or administrative authority established this program? Is this decision package prompted by the establishment of or a revision to that authority? Please avoid citing general provisions of law where possible, and instead cite to the most specific legal authority supporting the request.

FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply:
	<input checked="" type="checkbox"/> (Base Adjustment) Allocation of statewide employee benefits.
	<input type="checkbox"/> (Base Adjustment) Realignment within existing programs and lines.
	<input type="checkbox"/> (Base Adjustment) Restructuring of agency programs – <i>requires pre-approval.</i>
	<input type="checkbox"/> IT Technology/Security related
	<input type="checkbox"/> Consulted DTO during development
	<input type="checkbox"/> Related to a Non-Recurring request – If so, Decision Package # _____
	<input type="checkbox"/> Change in cost of providing current services to existing program audience.
	<input type="checkbox"/> Change in case load / enrollment under existing program guidelines.
	<input type="checkbox"/> Non-mandated change in eligibility / enrollment for existing program.
	<input type="checkbox"/> Non-mandated program change in service levels or areas.
	<input type="checkbox"/> Proposed establishment of a new program or initiative.
<input type="checkbox"/> Loss of federal or other external financial support for existing program.	
<input type="checkbox"/> Exhaustion of fund balances previously used to support program.	

RECIPIENTS OF FUNDS	SCDCA Employees paid with General Funds. Funds are to be allocated pursuant to salary assigned and employee benefit calculation.
----------------------------	--

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?

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

ACCOUNTABILITY OF FUNDS	<p>All. Being able to adequately compensate staff for the performance of job duties in furtherance of the agency's mission is critical to overall agency success.</p>
--------------------------------	---

What specific agency objective, as outlined in the agency's accountability report, does this funding request support? How would this request advance that objective?

POTENTIAL OFFSETS	<p>N/A</p>
--------------------------	------------

For decision packages that request non-mandatory funding increases to programs or initiatives, please identify a potential offset within an existing lower priority or ineffective program(s).

MATCHING FUNDS	<p>No.</p>
-----------------------	------------

Would these funds be matched by federal, institutional, philanthropic, or other resources? If so, identify the source, amount, and terms of the match requirement.

FUNDING ALTERNATIVES	<p>No other sources of funding were considered. No.</p>
-----------------------------	---

What other possible funding sources were considered? Could this request be met in whole or in part with the use of other resources, including fund balances? If so, please comment on the sustainability of such an approach.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

SUMMARY	<p>The monies received were allocated to the appropriate General Fund Classified Position and Employer Contributions lines to cover the appropriated increases in salary and actual costs of Employee Benefits for the General Fund paid Full-Time Employees.</p> <p>These funds are not related to Technology or Security.</p>
----------------	---

Using as much detail as necessary to make an informed decision regarding this request, provide a summary of the rationale for the decision package. Why has it been requested? How specifically would the requested funds be used? If the request is related to information security or information technology, explain its relationship to the agency's security or technology plan.

METHOD OF CALCULATION	<p>The amount received was automatically calculated by the Executive Budget Office and pushed down to SCDCA.</p>
------------------------------	--

How was the amount of the request calculated? List the per unit or per FTE costs of implementation. What factors could cause deviations between the request and the amount that could ultimately be required in order to perform the underlying work?

FUTURE IMPACT	<p>No. The amount for this request has already been granted.</p>
----------------------	--

Will the state incur any maintenance-of-effort or other obligations by adopting this decision package? What impact will there be on future capital and/or operating budgets if this request is or is not honored? Has a source of any such funds been identified and/or obtained by your agency?

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

PRIORITIZATION	N/A
-----------------------	-----

If no or insufficient new funds are available in order to meet this need, how would the agency prefer to proceed? By using fund balances, generating new revenue, cutting other programs, or deferring action on this request in FY 2017-18? Please be specific.

INTENDED IMPACT	To permit SCDCA to pay salaries and associated benefits for General Fund employees at the delineated salaries/ rates.
------------------------	---

What impact is this decision package intended to have on service delivery and program outcomes, and over what period of time?

PROGRAM EVALUATION	N/A
---------------------------	-----

How would the use of these funds be evaluated? What specific outcome or performance measures would be used to assess the effectiveness of this program?

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FORM B – PROGRAM REVISION REQUEST

DECISION PACKAGE	10472
-------------------------	--------------

Provide the decision package number issued by the PBF system ("Governor's Request").

TITLE	New FTE Paralegal Position
--------------	-----------------------------------

Provide a brief, descriptive title for this request.

AMOUNT	\$0
---------------	------------

What is the net change in requested appropriations for FY 2017-18? This amount should correspond to the decision package's total in PBF across all funding sources.

ENABLING AUTHORITY	<p>S.C. Code Ann. sections 37-1-101 et seq., specifically section 37-6-104, 37-6-501, 37-6-506, 37-6-601~609, S.C. Code Ann. R.28-1, 28-4. Provisos 80.1, 80.2, 80.4, 80.5. Motor Clubs (Act 400 of 1984), Physical Fitness Services (Act 165 of 1985), Pawnbrokers (Act 491 of 1988), Mortgage Loan Brokers (Act 544 of 1988), Telephone Solicitations (Act 656 of 1988), Continuing Care Retirement Communities (Act 97 of 1989), Express Warranties on Motor Vehicles (Act 142 of 1989), Athlete Agents (Act 456 of 1990; Act No. 300 of 2004), Motor Vehicle Subleasing (Act 132 of 1991), Loan Brokers (Act 452 of 1992), Motor Fuel Pricing (Act 161 of 1993), Professional Employer Organizations (Act 169 of 1993), Preneed Funeral Contracts, (Act No. 188 of 2004, Section 8).</p> <p>No.</p>
---------------------------	---

What specific state or federal statutory, regulatory, and/or administrative authority established this program? Is this decision package prompted by the establishment of or a revision to that authority? Please avoid citing general provisions of law where possible, and instead cite to the most specific legal authority supporting the request.

FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply:
	<input type="checkbox"/> (Base Adjustment) Allocation of statewide employee benefits.
	<input checked="" type="checkbox"/> (Base Adjustment) Realignment within existing programs and lines.
	<input type="checkbox"/> (Base Adjustment) Restructuring of agency programs – <i>requires pre-approval.</i>
	<input type="checkbox"/> IT Technology/Security related
	<input type="checkbox"/> Consulted DTO during development
	<input type="checkbox"/> Related to a Non-Recurring request – If so, Decision Package # _____
	<input type="checkbox"/> Change in cost of providing current services to existing program audience.
	<input type="checkbox"/> Change in case load / enrollment under existing program guidelines.
	<input type="checkbox"/> Non-mandated change in eligibility / enrollment for existing program.
	<input type="checkbox"/> Non-mandated program change in service levels or areas.
	<input type="checkbox"/> Proposed establishment of a new program or initiative.
	<input type="checkbox"/> Loss of federal or other external financial support for existing program.
<input type="checkbox"/> Exhaustion of fund balances previously used to support program.	

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

RECIPIENTS OF FUNDS	SCDCA Legal Division.
----------------------------	-----------------------

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?

ACCOUNTABILITY OF FUNDS	<p>Bring necessary enforcement actions, including joint enforcement actions with federal, state and local agencies; Obtain Refunds, Credits and Adjustments for consumers from regulated entities; Perform compliance reviews of regulated entities; Track and analyze complaints and resolutions obtained; Issue and update formal and informal interpretations, rules and regulations; Produce consumer and business educational materials, always including agency toll free number and website; Conduct presentations utilizing webinar software; Ensure website and social media content is up to date and contains compelling content.</p> <p>DCA administers and enforces Title 37 of the South Carolina Code of Laws, the Consumer Protection Code (“SCCPC”). In addition, DCA regulates approximately 15 different industries, some authority being delineated in the SCCPC while other statutes under the agency’s jurisdiction are found in other titles. During the past two years, DCA identified a substantial need for paralegal support to assist the agency’s attorneys in administering and enforcing the statutes under DCA’s jurisdiction.</p>
--------------------------------	--

What specific agency objective, as outlined in the agency’s accountability report, does this funding request support? How would this request advance that objective?

POTENTIAL OFFSETS	N/A
--------------------------	-----

For decision packages that request non-mandatory funding increases to programs or initiatives, please identify a potential offset within an existing lower priority or ineffective program(s).

MATCHING FUNDS	No.
-----------------------	-----

Would these funds be matched by federal, institutional, philanthropic, or other resources? If so, identify the source, amount, and terms of the match requirement.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FUNDING ALTERNATIVES	<p>DCA's General Counsel retired on July 1, 2016. As a result of the General Counsel's retirement, DCA has the funding to hire two positions with his salary, including the paralegal.</p>
-----------------------------	--

What other possible funding sources were considered? Could this request be met in whole or in part with the use of other resources, including fund balances? If so, please comment on the sustainability of such an approach.

SUMMARY	<p>DCA requested, and was granted, the new FTE by the Department of Administration effective August 1, 2016 through the BD211 process.</p> <p>DCA administers and enforces Title 37 of the South Carolina Code of Laws, the Consumer Protection Code ("SCCPC"). In addition, DCA regulates approximately 15 different industries, some authority being delineated in the SCCPC while other statutes under the agency's jurisdiction are found in other titles. During the past two years, DCA identified a substantial need for paralegal support to assist the agency's attorneys in administering and enforcing the statutes under DCA's jurisdiction. DCA is processing regulatory filings at numbers significantly higher than those seen from 2009-2013. With the steady flow of filings, DCA compliance reviews increased 36% in Fiscal Year 2015 and an additional 16% in Fiscal Year 2016. These reviews have a direct impact on enforcement actions, which increased 263% since Fiscal Year 2014, and consumer refunds, credit and adjustments resulting from enforcement actions, which increased 224% in Fiscal Year 15 and 37% in Fiscal Year 16. DCA has had, and anticipates continuing, to have more than enough work to occupy the paralegal on a consistent, full time basis.</p>
----------------	--

Using as much detail as necessary to make an informed decision regarding this request, provide a summary of the rationale for the decision package. Why has it been requested? How specifically would the requested funds be used? If the request is related to information security or information technology, explain its relationship to the agency's security or technology plan.

METHOD OF CALCULATION	<p>DCA is paying for the position with current, recurring other funds. No new funds are requested.</p> <p>Salary was determined based on prior temporary paralegal costs and salary and benefits paid to retiring General Counsel.</p>
------------------------------	--

How was the amount of the request calculated? List the per unit or per FTE costs of implementation. What factors could cause deviations between the request and the

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

amount that could ultimately be required in order to perform the underlying work?

FUTURE IMPACT	No.
----------------------	-----

Will the state incur any maintenance-of-effort or other obligations by adopting this decision package? What impact will there be on future capital and/or operating budgets if this request is or is not honored? Has a source of any such funds been identified and/or obtained by your agency?

PRIORITIZATION	No new funds are requested.
-----------------------	-----------------------------

If no or insufficient new funds are available in order to meet this need, how would the agency prefer to proceed? By using fund balances, generating new revenue, cutting other programs, or deferring action on this request in FY 2017-18? Please be specific.

INTENDED IMPACT	Enabling the agency to keep pace with current workload, continuously improve, effectively deliver services and meet or exceed established goals.
------------------------	--

What impact is this decision package intended to have on service delivery and program outcomes, and over what period of time?

PROGRAM EVALUATION	Effectiveness would be evident at year-end through evaluation of Legal Division activities and outcomes, including number of enforcement actions undertaken, interpretations issued and consumer refunds, credits and adjustments obtained.
---------------------------	---

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

How would the use of these funds be evaluated? What specific outcome or performance measures would be used to assess the effectiveness of this program?

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FORM B – PROGRAM REVISION REQUEST

DECISION PACKAGE	10175
-------------------------	--------------

Provide the decision package number issued by the PBF system ("Governor's Request").

TITLE	DCA Earmarked Fund Reallocation
--------------	--

Provide a brief, descriptive title for this request.

AMOUNT	\$0
---------------	------------

What is the net change in requested appropriations for FY 2017-18? This amount should correspond to the decision package's total in PBF across all funding sources.

ENABLING AUTHORITY	<p>S.C. Code Ann. sections 37-1-101 et seq., specifically section 37-6-104, 37-6-501, 37-6-506, 37-6-601~609, S.C. Code Ann. R.28-1, 28-4. Provisos 80.1, 80.2, 80.4, 80.5. Motor Clubs (Act 400 of 1984), Physical Fitness Services (Act 165 of 1985), Pawnbrokers (Act 491 of 1988), Mortgage Loan Brokers (Act 544 of 1988), Telephone Solicitations (Act 656 of 1988), Continuing Care Retirement Communities (Act 97 of 1989), Express Warranties on Motor Vehicles (Act 142 of 1989), Athlete Agents (Act 456 of 1990; Act No. 300 of 2004), Motor Vehicle Subleasing (Act 132 of 1991), Loan Brokers (Act 452 of 1992), Motor Fuel Pricing (Act 161 of 1993), Professional Employer Organizations (Act 169 of 1993), Preneed Funeral Contracts, (Act No. 188 of 2004, Section 8).</p> <p>No.</p>
---------------------------	---

What specific state or federal statutory, regulatory, and/or administrative authority established this program? Is this decision package prompted by the establishment of or a revision to that authority? Please avoid citing general provisions of law where possible, and instead cite to the most specific legal authority supporting the request.

FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply:
	<input type="checkbox"/> (Base Adjustment) Allocation of statewide employee benefits.
	<input checked="" type="checkbox"/> (Base Adjustment) Realignment within existing programs and lines.
	<input type="checkbox"/> (Base Adjustment) Restructuring of agency programs – <i>requires pre-approval.</i>
	<input type="checkbox"/> IT Technology/Security related
	<input type="checkbox"/> Consulted DTO during development
	<input type="checkbox"/> Related to a Non-Recurring request – If so, Decision Package # _____
	<input checked="" type="checkbox"/> Change in cost of providing current services to existing program audience.
	<input type="checkbox"/> Change in case load / enrollment under existing program guidelines.
	<input type="checkbox"/> Non-mandated change in eligibility / enrollment for existing program.
	<input type="checkbox"/> Non-mandated program change in service levels or areas.
	<input type="checkbox"/> Proposed establishment of a new program or initiative.
<input type="checkbox"/> Loss of federal or other external financial support for existing program.	
<input type="checkbox"/> Exhaustion of fund balances previously used to support program.	

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

RECIPIENTS OF FUNDS	SCDCA Administration, Legal and Consumer Services Divisions.
----------------------------	--

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?

ACCOUNTABILITY OF FUNDS	<p>All; Specifically: Bring necessary enforcement actions, including joint enforcement actions with federal, state and local agencies; Obtain Refunds, Credits and Adjustments for consumers from regulated entities; Track and analyze complaints and resolutions obtained; Process business and employee license applications within an average time of 30 days of receipt of completed application; Produce consumer and business educational materials, always including agency toll free number and website; Complete development of new licensing system by FY18; Ensure website and social media content is up to date and contains compelling content.</p> <p>Placing staff in most needed areas to achieve agency objectives and ensuring appropriate funding for carrying out of agency duties. Also, being able to adequately compensate staff for performance of job duties is essential in DCA being able to accomplish its strategic plan. Over the past 5 years, DCA has had a persistent inability to appropriately compensate personnel based on their competency and level of experience. During FY16, seven staff members (17%) who were with the agency for three years or less left DCA for higher paying jobs with other agencies or in the private sector. Providing adequate compensation is an area DCA has struggled with for many years and what we believe is a leading cause in our declining staff retention rate. Retention of our skilled employees is a priority and critical to the agency being able to fulfill its statutory duties and mission.</p>
--------------------------------	--

What specific agency objective, as outlined in the agency’s accountability report, does this funding request support? How would this request advance that objective?

POTENTIAL OFFSETS	N/A
--------------------------	-----

For decision packages that request non-mandatory funding increases to programs or initiatives, please identify a potential offset within an existing lower priority or ineffective program(s).

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

MATCHING FUNDS	No.
-----------------------	-----

Would these funds be matched by federal, institutional, philanthropic, or other resources? If so, identify the source, amount, and terms of the match requirement.

FUNDING ALTERNATIVES	Adjustments were made after consideration was given to cost savings realized during the past fiscal year and anticipated to continue into the future. Further, DCA looked to the availability of general funds to cover needed gaps.
-----------------------------	--

What other possible funding sources were considered? Could this request be met in whole or in part with the use of other resources, including fund balances? If so, please comment on the sustainability of such an approach.

SUMMARY	<p>Due to hiring fluctuations over the years, fifteen percent of agency staff retired in FY15. With the exit of personnel, we were able to assess current job duties and overall operations and identify gaps and/or improvements. As a result, in FY16, all regulatory programs were put under the supervision of the Legal Division to ensure fair and consistent enforcement and administration and in anticipation of all programs being housed in one database. A portion of this request reflects the move of an FTE and related funding from Administration to Legal to effectuate the program transfers.</p> <p>DCA is also transferring two FTEs and related funding from Consumer Services to the Legal Division as a part of its internal restructuring to ensure appropriate processing of complaints against businesses falling under DCA's regulatory purview.</p> <p>The remainder of this request is salary based. During FY16, seven staff members (17%) who were with the agency for three years or less left DCA for higher paying jobs with other agencies or in the private sector. Providing adequate compensation is an area DCA has struggled with for many years and what we believe is a leading cause in our declining staff retention rate. The Department implemented a salary review upon the release of the 2016 Classification and Compensation Study. We were able complete Phase I of the internal Salary Disparities Analysis and made some progress in filling or narrowing existing salary gaps when comparing DCA staff salaries with those in SC Government positions for the same timeframe. Funds were available in part due to FY15 retirements. Phase II of the program is to address the remaining gaps when comparing staff salaries to their counterparts within the state as well as externally to employees in similar positions in other states. The majority of the agency's funding (64%) comes from other funds (fines and fees). To make room for the other fund salary</p>
----------------	--

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

increases, DCA is requesting to move an FTE from other funds to general funds another another decision package. The freed up funds will be spread amongst those classified lines identified for increases. The goal, however, is to establish a fee structure which will permit the requested changes to be paid with other funds in the near future. We are currently performing a regulatory review of fee structures contained in statutes under our jurisdiction to ascertain needed increases based on program costs for administration and enforcement.

A portion of the request also relates to bringing agency salaries in line with the cost of living increase for FY2017. It is further based upon internal budget reviews and an effort to bring funding in line with actual expenses so as to limit the need for reallocation during the fiscal year, thus increasing transparency.

Using as much detail as necessary to make an informed decision regarding this request, provide a summary of the rationale for the decision package. Why has it been requested? How specifically would the requested funds be used? If the request is related to information security or information technology, explain its relationship to the agency's security or technology plan.

METHOD OF CALCULATION

The adjustments were made based on actual expenditures per Division during FY16 and forecasting of future expenditures.

N/A

DCA is not aware of any events at this time that could result in a deviation of the request and need.

How was the amount of the request calculated? List the per unit or per FTE costs of implementation. What factors could cause deviations between the request and the amount that could ultimately be required in order to perform the underlying work?

FUTURE IMPACT

No.

Any impact of not granting the request would result in DCA needing to shift allocations of funds between Divisions during the fiscal year.

General funds are also being shifted as a part of this effort pursuant to an additional decision package.

Will the state incur any maintenance-of-effort or other obligations by adopting this decision package? What impact will there be on future capital and/or operating budgets if this request is or is not honored? Has a source of any such funds been identified and/or obtained by your agency?

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

PRIORITIZATION	No new funds are requested.
-----------------------	-----------------------------

If no or insufficient new funds are available in order to meet this need, how would the agency prefer to proceed? By using fund balances, generating new revenue, cutting other programs, or deferring action on this request in FY 2017-18? Please be specific.

INTENDED IMPACT	<p>Granting of this request would result in decreased time spent by DCA staff to adjust funding to needed areas throughout the year. Regulatory filings will be handled in a more consistent and efficient manner as will complaints against regulated entities.</p> <p>DCA would be able to retain staff whom the agency has invested in to ensure adequate performance of job duties and also to attract better talent for open positions. We anticipate such results would positively impact overall agency efficiencies and mission accomplishments.</p>
------------------------	--

What impact is this decision package intended to have on service delivery and program outcomes, and over what period of time?

PROGRAM EVALUATION	<p>Effectiveness of the allocation would be evident at year-end through an internal audit and accountability progress. Increased enforcement and consumer refunds, credit and adjustments and decreased filings processing times should occur within FY18. Employee turnover rate (percentage); Percentage of employee satisfied with working at DCA.</p>
---------------------------	---

How would the use of these funds be evaluated? What specific outcome or performance measures would be used to assess the effectiveness of this program?

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FORM B – PROGRAM REVISION REQUEST

DECISION PACKAGE	11176
-------------------------	--------------

Provide the decision package number issued by the PBF system (“Governor’s Request”).

TITLE	DCA Salary Increases
--------------	-----------------------------

Provide a brief, descriptive title for this request.

AMOUNT	\$153, 113
---------------	-------------------

What is the net change in requested appropriations for FY 2017-18? This amount should correspond to the decision package’s total in PBF across all funding sources.

ENABLING AUTHORITY	<p>S.C. Code Ann. sections 37-1-101 et seq., specifically section 37-6-104, 37-6-501, 37-6-506, 37-6-601~609, S.C. Code Ann. R.28-1, 28-4. Provisos 80.1, 80.2, 80.4, 80.5. Motor Clubs (Act 400 of 1984), Physical Fitness Services (Act 165 of 1985), Pawnbrokers (Act 491 of 1988), Mortgage Loan Brokers (Act 544 of 1988), Telephone Solicitations (Act 656 of 1988), Continuing Care Retirement Communities (Act 97 of 1989), Express Warranties on Motor Vehicles (Act 142 of 1989), Athlete Agents (Act 456 of 1990; Act No. 300 of 2004), Motor Vehicle Subleasing (Act 132 of 1991), Loan Brokers (Act 452 of 1992), Motor Fuel Pricing (Act 161 of 1993), Professional Employer Organizations (Act 169 of 1993), Preneed Funeral Contracts,(Act No. 188 of 2004, Section 8).</p> <p>No.</p>
---------------------------	--

What specific state or federal statutory, regulatory, and/or administrative authority established this program? Is this decision package prompted by the establishment of or a revision to that authority? Please avoid citing general provisions of law where possible, and instead cite to the most specific legal authority supporting the request.

FACTORS ASSOCIATED WITH THE REQUEST	<p>Mark “X” for all that apply:</p> <table border="0"> <tr> <td><input type="checkbox"/></td> <td>(Base Adjustment) Allocation of statewide employee benefits.</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>(Base Adjustment) Realignment within existing programs and lines.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>(Base Adjustment) Restructuring of agency programs – <i>requires pre-approval.</i></td> </tr> <tr> <td><input type="checkbox"/></td> <td>IT Technology/Security related</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Consulted DTO during development</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Related to a Non-Recurring request – If so, Decision Package # _____</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Change in cost of providing current services to existing program audience.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Change in case load / enrollment under existing program guidelines.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Non-mandated change in eligibility / enrollment for existing program.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Non-mandated program change in service levels or areas.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Proposed establishment of a new program or initiative.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Loss of federal or other external financial support for existing program.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Exhaustion of fund balances previously used to support program.</td> </tr> </table>	<input type="checkbox"/>	(Base Adjustment) Allocation of statewide employee benefits.	<input checked="" type="checkbox"/>	(Base Adjustment) Realignment within existing programs and lines.	<input type="checkbox"/>	(Base Adjustment) Restructuring of agency programs – <i>requires pre-approval.</i>	<input type="checkbox"/>	IT Technology/Security related	<input type="checkbox"/>	Consulted DTO during development	<input type="checkbox"/>	Related to a Non-Recurring request – If so, Decision Package # _____	<input checked="" type="checkbox"/>	Change in cost of providing current services to existing program audience.	<input type="checkbox"/>	Change in case load / enrollment under existing program guidelines.	<input type="checkbox"/>	Non-mandated change in eligibility / enrollment for existing program.	<input type="checkbox"/>	Non-mandated program change in service levels or areas.	<input type="checkbox"/>	Proposed establishment of a new program or initiative.	<input type="checkbox"/>	Loss of federal or other external financial support for existing program.	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program.
<input type="checkbox"/>	(Base Adjustment) Allocation of statewide employee benefits.																										
<input checked="" type="checkbox"/>	(Base Adjustment) Realignment within existing programs and lines.																										
<input type="checkbox"/>	(Base Adjustment) Restructuring of agency programs – <i>requires pre-approval.</i>																										
<input type="checkbox"/>	IT Technology/Security related																										
<input type="checkbox"/>	Consulted DTO during development																										
<input type="checkbox"/>	Related to a Non-Recurring request – If so, Decision Package # _____																										
<input checked="" type="checkbox"/>	Change in cost of providing current services to existing program audience.																										
<input type="checkbox"/>	Change in case load / enrollment under existing program guidelines.																										
<input type="checkbox"/>	Non-mandated change in eligibility / enrollment for existing program.																										
<input type="checkbox"/>	Non-mandated program change in service levels or areas.																										
<input type="checkbox"/>	Proposed establishment of a new program or initiative.																										
<input type="checkbox"/>	Loss of federal or other external financial support for existing program.																										
<input type="checkbox"/>	Exhaustion of fund balances previously used to support program.																										

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

RECIPIENTS OF FUNDS SCDCA Staff. Funds are being allocated as based upon current salaries and the 2016 Employee Classification and Compensation Study.

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?

ACCOUNTABILITY OF FUNDS All.
 Being able to adequately compensate staff for performance of job duties is essential in DCA being able to accomplish its strategic plan. Over the past 5 years, DCA has had a persistent inability to appropriately compensate personnel based on their competency and level of experience. During FY16, seven staff members (17%) who were with the agency for three years or less left DCA for higher paying jobs with other agencies or in the private sector. Providing adequate compensation is an area DCA has struggled with for many years and what we believe is a leading cause in our declining staff retention rate. Retention of our skilled employees is a priority and critical to the agency being able to fulfill its statutory duties and mission.

What specific agency objective, as outlined in the agency’s accountability report, does this funding request support? How would this request advance that objective?

POTENTIAL OFFSETS N/A

For decision packages that request non-mandatory funding increases to programs or initiatives, please identify a potential offset within an existing lower priority or ineffective program(s).

MATCHING FUNDS No.

Would these funds be matched by federal, institutional, philanthropic, or other resources? If so, identify the source, amount, and terms of the match requirement.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FUNDING ALTERNATIVES	<p>The majority of the agency’s funding (64%) comes from other funds (fines and fees). While we are currently looking to general funds to accomplish personnel increase requests, with the 2016 Classification and Compensation Study as our guide, we are in the process of reviewing regulatory fee structures to identify areas of underperformance so the appropriate statutory changes can be requested and identified salary gaps filled with other funds in the near future. This will take time, however, as we navigate the legislative process to hopefully accomplish the needed changes.</p>
-----------------------------	--

What other possible funding sources were considered? Could this request be met in whole or in part with the use of other resources, including fund balances? If so, please comment on the sustainability of such an approach.

SUMMARY	<p>During FY16, seven staff members (17%) who were with the agency for three years or less left DCA for higher paying jobs with other agencies or in the private sector. Providing adequate compensation is an area DCA has struggled with for many years and what we believe is a leading cause in our declining staff retention rate.</p> <p>The Department implemented a salary review upon the release of the 2016 Classification and Compensation Study. We were able complete Phase I of the internal Salary Disparities Analysis and made some progress in filling or narrowing existing salary gaps when comparing DCA staff salaries with those in SC Government positions for the same timeframe. Funds were available in part due to fifteen percent of agency staff retiring in FY15. Phase II of the program is to address the remaining gaps when comparing staff salaries to their counterparts within the state as well as externally to employees in similar positions in other states. DCA needs general fund assistance to accomplish this task.</p> <p>Approximately \$55,000 of this request is for salary and related employer contributions increases for those employees paid by general funds. The remainder is for the move of the agency’s Assistant General Counsel FTE position from other fund funded to general funds.</p> <p>As stated above, the majority of the agency’s funding (64%) comes from other funds (fines and fees). The goal is to establish a fee structure which will permit the requested changes to be paid with other funds in the near future. We are currently performing a regulatory review of fee structures contained in statutes under our jurisdiction to ascertain needed increases based on program costs for administration and enforcement. Understanding the process such legislative changes will entail, we are requesting to switch the Assistant General Counsel FTE from being other fund funded to general fund funded to create room in other funds to accomplish needed salary increases. Once the fee changes are in place, and funding streams increase, DCA anticipates reverting the position back to other funds in the appropriate future budget request. DCA also hopes such efforts will lead to an overall decrease in the agency’s current reliance on general funds.</p>
----------------	---

Using as much detail as necessary to make an informed decision regarding this request, provide a summary of the rationale for the decision package. Why has it been

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

requested? How specifically would the requested funds be used? If the request is related to information security or information technology, explain its relationship to the agency's security or technology plan.

METHOD OF CALCULATION	<p>The adjustments were made based on actual salaries and a comparison with data contained in the 2016 Classification and Compensation Study.</p> <p>Increases vary based upon current salary, duration of employment, experience and comparisons.</p> <p>DCA is not aware of any events at this time that could result in a deviation of the request and need.</p>
------------------------------	---

How was the amount of the request calculated? List the per unit or per FTE costs of implementation. What factors could cause deviations between the request and the amount that could ultimately be required in order to perform the underlying work?

FUTURE IMPACT	<p>No.</p> <p>Any impact of not granting the request would result in DCA needing to shift allocations of funds between Divisions during the fiscal year.</p> <p>Changes to statutes to increase other funds are planned to enable the agency to shift at least \$98,000 of this request from general to other funds in the near future.</p>
----------------------	---

Will the state incur any maintenance-of-effort or other obligations by adopting this decision package? What impact will there be on future capital and/or operating budgets if this request is or is not honored? Has a source of any such funds been identified and/or obtained by your agency?

PRIORITIZATION	<p>Timing is of the essence with this request. Generating revenue/ increasing current funding streams received through its regulatory programs to accomplish the requested salary increases and corresponding employee benefits.</p>
-----------------------	--

If no or insufficient new funds are available in order to meet this need, how would the agency prefer to proceed? By using fund balances, generating new revenue, cutting other programs, or deferring action on this request in FY 2017-18? Please be specific.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

INTENDED IMPACT	DCA would be able to retain staff whom the agency has invested in to ensure adequate performance of job duties and also to attract better talent for open positions. We anticipate such results would positively impact overall agency efficiencies and mission accomplishments.
------------------------	--

What impact is this decision package intended to have on service delivery and program outcomes, and over what period of time?

PROGRAM EVALUATION	Effectiveness of the allocation would be evident through internal audits and accountability progress. Employee turnover rate (percentage); Percentage of employee satisfied with working at DCA.
---------------------------	--

How would the use of these funds be evaluated? What specific outcome or performance measures would be used to assess the effectiveness of this program?

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FORM B – PROGRAM REVISION REQUEST

DECISION PACKAGE	11179
-------------------------	-------

Provide the decision package number issued by the PBF system ("Governor's Request").

TITLE	General Fund Reallocation
--------------	---------------------------

Provide a brief, descriptive title for this request.

AMOUNT	\$0
---------------	-----

What is the net change in requested appropriations for FY 2017-18? This amount should correspond to the decision package's total in PBF across all funding sources.

ENABLING AUTHORITY	<p>S.C. Code Ann. sections 37-1-101 et seq., specifically section 37-6-104, 37-6-501, 37-6-506, 37-6-601~609, S.C. Code Ann. R.28-1, 28-4. Provisos 80.1, 80.2, 80.4, 80.5. Motor Clubs (Act 400 of 1984), Physical Fitness Services (Act 165 of 1985), Pawnbrokers (Act 491 of 1988), Mortgage Loan Brokers (Act 544 of 1988), Telephone Solicitations (Act 656 of 1988), Continuing Care Retirement Communities (Act 97 of 1989), Express Warranties on Motor Vehicles (Act 142 of 1989), Athlete Agents (Act 456 of 1990; Act No. 300 of 2004), Motor Vehicle Subleasing (Act 132 of 1991), Loan Brokers (Act 452 of 1992), Motor Fuel Pricing (Act 161 of 1993), Professional Employer Organizations (Act 169 of 1993), Preneed Funeral Contracts,(Act No. 188 of 2004, Section 8).</p> <p>No.</p>
---------------------------	--

What specific state or federal statutory, regulatory, and/or administrative authority established this program? Is this decision package prompted by the establishment of or a revision to that authority? Please avoid citing general provisions of law where possible, and instead cite to the most specific legal authority supporting the request.

FACTORS ASSOCIATED WITH THE REQUEST	<p>Mark "X" for all that apply:</p> <table border="0"> <tr> <td><input type="checkbox"/></td> <td>(Base Adjustment) Allocation of statewide employee benefits.</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>(Base Adjustment) Realignment within existing programs and lines.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>(Base Adjustment) Restructuring of agency programs – <i>requires pre-approval.</i></td> </tr> <tr> <td><input type="checkbox"/></td> <td>IT Technology/Security related</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Consulted DTO during development</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Related to a Non-Recurring request – If so, Decision Package # _____</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Change in cost of providing current services to existing program audience.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Change in case load / enrollment under existing program guidelines.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Non-mandated change in eligibility / enrollment for existing program.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Non-mandated program change in service levels or areas.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Proposed establishment of a new program or initiative.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Loss of federal or other external financial support for existing program.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Exhaustion of fund balances previously used to support program.</td> </tr> </table>	<input type="checkbox"/>	(Base Adjustment) Allocation of statewide employee benefits.	<input checked="" type="checkbox"/>	(Base Adjustment) Realignment within existing programs and lines.	<input type="checkbox"/>	(Base Adjustment) Restructuring of agency programs – <i>requires pre-approval.</i>	<input type="checkbox"/>	IT Technology/Security related	<input type="checkbox"/>	Consulted DTO during development	<input type="checkbox"/>	Related to a Non-Recurring request – If so, Decision Package # _____	<input type="checkbox"/>	Change in cost of providing current services to existing program audience.	<input type="checkbox"/>	Change in case load / enrollment under existing program guidelines.	<input type="checkbox"/>	Non-mandated change in eligibility / enrollment for existing program.	<input type="checkbox"/>	Non-mandated program change in service levels or areas.	<input type="checkbox"/>	Proposed establishment of a new program or initiative.	<input type="checkbox"/>	Loss of federal or other external financial support for existing program.	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program.
<input type="checkbox"/>	(Base Adjustment) Allocation of statewide employee benefits.																										
<input checked="" type="checkbox"/>	(Base Adjustment) Realignment within existing programs and lines.																										
<input type="checkbox"/>	(Base Adjustment) Restructuring of agency programs – <i>requires pre-approval.</i>																										
<input type="checkbox"/>	IT Technology/Security related																										
<input type="checkbox"/>	Consulted DTO during development																										
<input type="checkbox"/>	Related to a Non-Recurring request – If so, Decision Package # _____																										
<input type="checkbox"/>	Change in cost of providing current services to existing program audience.																										
<input type="checkbox"/>	Change in case load / enrollment under existing program guidelines.																										
<input type="checkbox"/>	Non-mandated change in eligibility / enrollment for existing program.																										
<input type="checkbox"/>	Non-mandated program change in service levels or areas.																										
<input type="checkbox"/>	Proposed establishment of a new program or initiative.																										
<input type="checkbox"/>	Loss of federal or other external financial support for existing program.																										
<input type="checkbox"/>	Exhaustion of fund balances previously used to support program.																										

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

RECIPIENTS OF FUNDS	SCDCA's Administration, Legal, Consumer Services, Public Information and Identity Theft Unit Divisions.
----------------------------	---

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?

ACCOUNTABILITY OF FUNDS	All. Ensuring funding on appropriate lines is essential in DCA being able to accomplish its strategic plan.
--------------------------------	--

What specific agency objective, as outlined in the agency's accountability report, does this funding request support? How would this request advance that objective?

POTENTIAL OFFSETS	N/A
--------------------------	-----

For decision packages that request non-mandatory funding increases to programs or initiatives, please identify a potential offset within an existing lower priority or ineffective program(s).

MATCHING FUNDS	No.
-----------------------	-----

Would these funds be matched by federal, institutional, philanthropic, or other resources? If so, identify the source, amount, and terms of the match requirement.

FUNDING ALTERNATIVES	N/A
-----------------------------	-----

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

What other possible funding sources were considered? Could this request be met in whole or in part with the use of other resources, including fund balances? If so, please comment on the sustainability of such an approach.

SUMMARY	<p>At the conclusion of FY16, DCA implemented an internal audit to identify differences between funding levels received as compared to actual expenditures within each Division. This request is based upon these results and is an effort to bring funding in line with actual expenses so as to limit the need for reallocation during the fiscal year, thus increasing transparency and permitting DCA to further identify potential cost savings per Division.</p> <p>The movement of general funds to fill identified expense gaps also provides stability in funding for DCA. The agency is 64% other fund funded, with the majority of these monies being received during the last two quarters of the fiscal year.</p>
----------------	--

Using as much detail as necessary to make an informed decision regarding this request, provide a summary of the rationale for the decision package. Why has it been requested? How specifically would the requested funds be used? If the request is related to information security or information technology, explain its relationship to the agency's security or technology plan.

METHOD OF CALCULATION	<p>The adjustments were made based on actual expenditures per Division during FY16 and forecasting of future expenditures.</p> <p>N/A</p> <p>DCA is not aware of any events at this time that could result in a deviation of the request and need.</p>
------------------------------	--

How was the amount of the request calculated? List the per unit or per FTE costs of implementation. What factors could cause deviations between the request and the amount that could ultimately be required in order to perform the underlying work?

FUTURE IMPACT	<p>No.</p> <p>Any impact of not granting the request would result in DCA needing to shift allocations of operating expense funds between Divisions during the fiscal year.</p> <p>Other funds are also being shifted as a part of this effort pursuant to an additional decision package.</p>
----------------------	---

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

Will the state incur any maintenance-of-effort or other obligations by adopting this decision package? What impact will there be on future capital and/or operating budgets if this request is or is not honored? Has a source of any such funds been identified and/or obtained by your agency?

PRIORITIZATION	No new funds are requested.
-----------------------	-----------------------------

If no or insufficient new funds are available in order to meet this need, how would the agency prefer to proceed? By using fund balances, generating new revenue, cutting other programs, or deferring action on this request in FY 2017-18? Please be specific.

INTENDED IMPACT	Granting of this request would result in decreased time spent by DCA staff to adjust funding to needed areas throughout the year. Further, cost savings will be more easily identifiable per Division.
------------------------	--

What impact is this decision package intended to have on service delivery and program outcomes, and over what period of time?

PROGRAM EVALUATION	Effectiveness of the allocation would be evident at year end through an internal audit comparing the funding levels with actual expenditures per Division.
---------------------------	--

How would the use of these funds be evaluated? What specific outcome or performance measures would be used to assess the effectiveness of this program?

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FORM D – PROVISIO REVISION REQUEST

NUMBER	80.1
---------------	-------------

Cite the proviso according to the renumbered list for FY 2017-18 (or mark "NEW").

TITLE	Consumer Protection Code Violations Revenue
--------------	--

Provide the title from the FY 2016-17 Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM	II. Legal, IV. Advocacy
-----------------------	--------------------------------

Identify the associated budget program(s) by name and budget section.

DECISION PACKAGE	N/A
-------------------------	-----

Is this request associated with a decision package you have submitted for FY 2017-18? If so, cite it here.

REQUESTED ACTION	Codify
-------------------------	---------------

Choose from: Add, Delete, Amend, or Codify.

OTHER AGENCIES AFFECTED	N/A
--------------------------------	-----

Which other agencies would be affected by the recommended action? How?

SUMMARY	<p>Authorizes DCA to retain all funds paid in the settlement of cases involving statutes enforced by the department and to use the retained funds to offset costs.</p>
----------------	--

Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

EXPLANATION	<p>This Proviso has been in effect for over 20 years and has not been amended since that time. Retention and carry forward of these funds is critical to DCA being able to carry out its duties under its respective statutes. Currently general funds constitute only 36% of the agency's budget.</p>
--------------------	--

Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

FISCAL IMPACT	<p>Provide "other funds" to the Department in an approximate amount of \$300,000. This is the average amount received during the past four fiscal years. The number varies from year to year dependent on the amount and gravity of enforcement actions resulting in fines and penalties.</p>
----------------------	---

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

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

<p>PROPOSED PROVISO TEXT</p>	<p>No changes.</p> <p>Funds, paid to the department in settlement of cases involving violations of the South Carolina Consumer Protection Code and other statutes enforced by the department be retained and expended within the agency’s budget to help offset the costs of investigating, prosecuting, and the administrative costs associated with these violations, may be carried forward and expended for the same purposes in the current fiscal year.</p>
---	---

Paste FY 2016-17 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FORM D – PROVISO REVISION REQUEST

NUMBER	80.2
---------------	-------------

Cite the proviso according to the renumbered list for FY 2017-18 (or mark "NEW").

TITLE	Student Athlete/ Agents Registration
--------------	---

Provide the title from the FY 2016-17 Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM	II. Legal
-----------------------	------------------

Identify the associated budget program(s) by name and budget section.

DECISION PACKAGE	N/A
-------------------------	------------

Is this request associated with a decision package you have submitted for FY 2017-18? If so, cite it here.

REQUESTED ACTION	Codify
-------------------------	---------------

Choose from: Add, Delete, Amend, or Codify.

OTHER AGENCIES AFFECTED	N/A
--------------------------------	------------

Which other agencies would be affected by the recommended action? How?

SUMMARY	<p>Authorizes DCA to retain funds paid under Chapter 102, Title 59 (Uniform Athlete Agents Act) for enforcement of the chapter.</p>
----------------	---

Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

EXPLANATION	<p>This Proviso has been in effect for over 20 years and has not been amended since that time. Retention of these funds is critical to DCA being able to carry out its duties under the Athlete Agent Act. Currently general funds constitute only 36% of the agency's budget.</p>
--------------------	--

Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

FISCAL IMPACT	<p>Provide "other funds" to the Department in an approximate amount of \$20,000. This amount is based on the number of applications received over the past two fiscal years (biannual renewal).</p>
----------------------	---

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

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

<p>PROPOSED PROVISO TEXT</p>	<p>No changes.</p> <p>Funds received by the department of Consumer Affairs pursuant to registrations under Chapter 102, Title 59 of the 1976 Code may be retained by the department for its enforcement duties relating to athlete agents and student athletes under that chapter.</p>
---	--

Paste FY 2016-17 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FORM D – PROVISO REVISION REQUEST

NUMBER	80.3
---------------	-------------

Cite the proviso according to the renumbered list for FY 2017-18 (or mark "NEW").

TITLE	Expert Witness/ Assistance Carry Forward
--------------	---

Provide the title from the FY 2016-17 Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM	IV. Advocacy
-----------------------	---------------------

Identify the associated budget program(s) by name and budget section.

DECISION PACKAGE	N/A
-------------------------	------------

Is this request associated with a decision package you have submitted for FY 2017-18? If so, cite it here.

REQUESTED ACTION	Codify
-------------------------	---------------

Choose from: Add, Delete, Amend, or Codify.

OTHER AGENCIES AFFECTED	N/A
--------------------------------	------------

Which other agencies would be affected by the recommended action? How?

SUMMARY	<p>Authorizes DCA to carry forward unexpended funds appropriated for the expert witness/assistance program.</p>
----------------	---

Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

EXPLANATION	<p>This Proviso has been in effect for over 20 years and has not been amended since that time. Carry forward is needed as the matters for which expert witnesses are hired frequently span two or more fiscal years.</p>
--------------------	--

Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

FISCAL IMPACT	<p>No impact.</p>
----------------------	-------------------

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

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

<p>PROPOSED PROVISO TEXT</p>	<p>No changes.</p> <p>Unexpended encumbered appropriated funds for the Consumer Advocacy expert witness/assistance program (under Section 37-6-603) may be carried forward into the next fiscal year to meet contractual obligations existing at June thirtieth and not paid by July thirty-first.</p>
---	--

Paste FY 2016-17 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FORM D – PROVISO REVISION REQUEST

NUMBER	80.4
---------------	------

Cite the proviso according to the renumbered list for FY 2017-18 (or mark "NEW").

TITLE	Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention
--------------	--

Provide the title from the FY 2016-17 Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM	I. Administration, II. Legal, III. Services
-----------------------	--

Identify the associated budget program(s) by name and budget section.

DECISION PACKAGE	N/A
-------------------------	-----

Is this request associated with a decision package you have submitted for FY 2017-18? If so, cite it here.

REQUESTED ACTION	Codify
-------------------------	---------------

Choose from: Add, Delete, Amend, or Codify.

OTHER AGENCIES AFFECTED	N/A
--------------------------------	-----

Which other agencies would be affected by the recommended action? How?

SUMMARY	<p>Authorizes DCA to retain funds collected under Chapters 2, 3 and 6 of Title 37 to cover operational costs and to carry forward such funds.</p>
----------------	---

Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

EXPLANATION	<p>This Proviso was first adopted in 2009-2010 Appropriations Act as a revision to a similar Proviso that had been in effect since 2004-2005. Retention and carry forward of these funds is critical to DCA being able to carry out its duties under its respective statutes. Currently general funds constitute only 36% of the agency's budget.</p>
--------------------	---

Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

FISCAL IMPACT	<p>Provide "other funds" to the Department in an approximate amount of \$755,000. This amount is based on the average fees collected over the past three fiscal years.</p>
----------------------	--

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

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

<p>PROPOSED PROVISO TEXT</p>	<p>No changes.</p> <p>The Department of Consumer Affairs may retain all Consumer Credit Grantor Notification filing fees collected under Section 37-6-203 and all Maximum Rate Schedules filing fees collected under Section 37-2-305 and Section 37-3-305. These fees shall be used to offset the cost of administering and enforcing Chapters 2 and 3, Title 37 of the 1976 Code and may be applied to the cost of operations. Unexpended balances may be carried forward for the prior fiscal year into the current fiscal year and be utilized for the same purposes.</p>
---	---

Paste FY 2016-17 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.

FORM D – PROVISO REVISION REQUEST

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

NUMBER	80.5
---------------	-------------

Cite the proviso according to the renumbered list for FY 2017-18 (or mark "NEW").

TITLE	Retention of Fees
--------------	--------------------------

Provide the title from the FY 2016-17 Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM	II. Legal
-----------------------	------------------

Identify the associated budget program(s) by name and budget section.

DECISION PACKAGE	N/A
-------------------------	-----

Is this request associated with a decision package you have submitted for FY 2017-18? If so, cite it here.

REQUESTED ACTION	Codify
-------------------------	---------------

Choose from: Add, Delete, Amend, or Codify.

OTHER AGENCIES AFFECTED	N/A
--------------------------------	-----

Which other agencies would be affected by the recommended action? How?

SUMMARY	<p>Authorizes DCA to retain funds collected under Chapter 61, Title 39 (Motor Club Services); Chapter 39, Title 40 (Pawnbrokers) and Chapter 79, Title 44 (Physical Fitness Services) for program implementation.</p>
----------------	---

Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

EXPLANATION	<p>This Proviso was first adopted in 2010-2011 Appropriations Act and was amended annually solely to update the fiscal year, until the date was removed in FY15. Retention of these funds is critical to DCA being able to carry out its duties under the delineated statutes. Currently general funds constitute only 36% of the agency's budget.</p>
--------------------	--

Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

FISCAL IMPACT	<p>Provide "other funds" to the Department in the approximate amount of \$150,000. This amount is based on the average monies received from the Pawnbroker, Physical Fitness and Motor Club programs during the last three fiscal years.</p>
----------------------	--

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

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

<p>PROPOSED PROVISO TEXT</p>	<p>No changes.</p> <p>For the current fiscal year, the department may retain all fees collected pursuant to Sections 39-61-80, 39-61-120, 40-39-120, and 44-79-80 of the 1976 Code. The funds retained shall be utilized to implement the requirements of the programs mandated by those sections of the code.</p>
---	--

Paste FY 2016-17 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FORM E – 3% GENERAL FUND REDUCTION

DECISION PACKAGE	10344
-------------------------	--------------

Provide the decision package number issued by the PBF system ("Governor's Request").

TITLE	Agency General Fund Reduction Analysis
--------------	---

Provide a brief, descriptive title for this request.

AMOUNT	-\$ 40,494
---------------	-------------------

What is the General Fund reduction amount (minimum based on the FY 2016-17 recurring appropriations)? This amount should correspond to the decision package's total in PBF.

METHOD OF CALCULATION	3% of General Funds Appropriations for FY18.
------------------------------	--

Describe the method of calculation for determining the reduction in General Funds.

ASSOCIATED FTE REDUCTIONS	0
----------------------------------	---

How many FTEs would be reduced in association with this General Fund reduction?

PROGRAM/ACTIVITY IMPACT	Legal Division. We would implement a travel reduction for trainings as well as compliance reviews and investigator activities.
--------------------------------	--

What programs or activities are supported by the General Funds identified?

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

SUMMARY	<p>DCA is receives the majority of its funding through other funds (64%). The majority of the agency’s budget is used for salaries and fringe (75%). Of the general fund appropriations received, 73% are allocated for personnel expenses and the remaining 28% for operating costs. DCA endured a 75% base appropriations cut from FY09-FY12 and a reduction in force resulting in the loss of 40% of our staff in FY10. We currently have 41 FTE positions as compared to our pre-RIF allocation of 68 FTEs. DCA is not in a position to delete any FTE positions, thus if a 3% reduction of general fund appropriations is implemented DCA would reduce operating expenses within the Legal Division program.</p> <p>The decrease would result in DCA limiting travel for attorneys, investigators and other Division staff for out of state trainings. The impact would be a potential lack of knowledge/ keeping abreast of changes in Federal laws applicable to the regulatory statutes the agency administers and enforces, including Truth in Lending and mortgage related laws. Further, DCA’s attorneys in the Legal Division have been with the agency for three years or less, thus training is of ever greater importance.</p> <p>The decrease would also affect in state travel for our investigators. DCA regulates 15 industries and our four investigators travelled nearly 88,000 miles across South Carolina in FY16 to conduct compliance reviews, investigations and advisories of non-depository financial institutions, business offering consumer credit, etc. Reducing their travel would have an impact of business compliance, consumer protection and affect output of number of compliance reviews conducted, enforcement initiated and resulting fines and refunds.</p>
----------------	---

Please provide a detailed summary of service delivery impact caused by a reduction in General Fund Appropriations.