

Frequently Asked Questions for Compliance with Proviso 117.21 and Executive Order 2022-19

1. Under what authority is this information being requested?

Proviso 117.21 of the FY 2022-23 Appropriations Act and Executive Order 2022-19.

2. What is an earmarked appropriation?

Earmarked appropriations are defined as any non-recurring appropriation to an Executive Branch agency or department that is not requested by the agency or department to which it is allocated or appropriated to and received by and is specifically identified in an annual appropriations act as a direct appropriation to, or is otherwise intended to be distributed or dispersed directly to, a non-profit organization, private entity, political subdivision of the State, or other external organization.

3. Who is required to collect this information?

Any Executive Branch agency or department. An Executive Branch agency or department is defined as any agency, department, or official within the Governor's Cabinet or any other agency, department, or official within the Executive Branch, as defined by Section 1-30-10(A) of the South Carolina Code of Laws, as amended, including any boards or commissions that are part of, comprised within, or under the jurisdiction of such agency or department, as well as any and all other departments, bureaus, divisions, officers, boards, commissions, institutions, and other agencies or undertakings of the State, to the maximum extent provided by law.

4. From whom am I required to collect this information?

Any non-profit organization, private entity, political subdivision of the State, or other external organization that receives an earmarked appropriation in the annual appropriations act.

5. What information am I required to collect?

Prior to disbursing funds, the state agency is required to collect a plan for how the funds will be expended and how the expenditures will provide a public benefit. Additionally, the agency will require the receiving organization to certify it will comply with its requirements under Proviso 117.21 and Executive Order 2022-19.

Once funds have been disbursed, the state agency is required to collect an expenditure report from the organization each quarter.

Once all funds have been expended, the state agency shall provide this collected information to the South Carolina Department of Administration's Executive Budget Office, Chairman of the Senate Finance Committee, and Chairman of the House Ways and Means Committee.

Any and all reports, accountings, forms, updates, communications, or other materials required by proviso 117.21 shall promptly be made available to the public via the state agency's website.

6. *Where can I find the templates needed to collect this information?*

The templates developed by the Executive Budget Office may be found on our website:
https://www.admin.sc.gov/budget/earmarked_appropriations_reporting.

7. *Am I required to use the templates that have been created by the Executive Budget Office?*

No. However, if a state agency chooses to develop their own templates, those templates, at a minimum, must include the data elements included in the templates developed by the Executive Budget Office.