

**SUMMARY OF PROVISO CHANGES FOR FY 2009-10  
AS RECOMMENDED BY  
THE SENATE**

**PART IB**

**SECTION 1 - H63 - DEPARTMENT OF EDUCATION**

- 1.3**     **AMEND FURTHER** (EFA Formula/Base Student Cost Inflation Factor) States General Assembly intent to fully implement the EFA including an inflation factor projected by the Division of Budget and Analyses to match the inflation wages of public school employees in the southeast; establishes the base student cost at \$2,578; states that the per pupil count for FY 08-09 is projected to be 690,363 and that average per pupil funding is projected to be \$4,867 state, \$1,097 federal, and \$5,516 local for an average total funding level of \$11,480 excluding local bond issues revenue and lists the projected total pupil count and the projected state, federal, and local per pupil funding for each county.  
**WMC:** AMEND proviso to update the projections for FY 09-10 as follows: base student cost, \$2,342 and total pupil count, 691,816. Delete references to projected average per pupil funding and all school district projections. *Due to federal stimulus package, calculation of federal and local funding levels is not possible at this time.*  
**HOU:** ADOPT proviso as amended.  
**SFC:** AMEND FURTHER to update the projections for FY 09-10 as follows: base student cost, \$2,034 in Part IA and \$300 in Part IB for a total base student cost of \$2,334; direct that the average per pupil funding is projected to be \$4,160 state, \$1,296 federal, and \$5,792 local for an average total funding level of \$11,249 excluding local bond issues; and update all school district projections.  
**SEN:** AMEND FURTHER to update the projected state average per pupil funding to “\$4,153”; the projected total funding level to “\$11,242”; and all school district state and total projected funding levels. Sponsor: Sen. Setzler.
- 1.3A.**   **ADD** (South Carolina Public Charter School District Funding) **SEN:** ADD new proviso to direct that in addition to Part IA, Section 1 Public Charter School District appropriations, an amount equal to the difference between the per pupil equivalent amount appropriated in Section 1 and the average per pupil state funding for the current year of \$4,160 must be distributed per weighted pupil unit to the Public Charter School District from EFA appropriations. Require total EFA funding to be adjusted as provided in the penultimate paragraph of 1.3. *Note: per Legislative Council, the reference to 1.3 should have been 1.4.* Sponsor: Sen. Grooms.
- 1.27**     **AMEND** (PSAT/PLAN Reimbursement) Directs that assessment appropriations be used to pay for administering PSAT or PLAN tests to 10<sup>th</sup> grade students to include the testing and report fees. Authorizes the department to carry forward prior year assessment funds to pay for state assessment activities not completed by the end of the fiscal year including scoring the spring PACT assessment.  
**WMC:** AMEND proviso to change “PACT” reference to “statewide accountability” assessment. *PACT will no longer be administered. Conform to Section 59-18-340 of Act 282 of 2008.* Fiscal Impact: OSB indicates no impact on the General Fund. Requested by Department of Education. See 1A.47 for EIA companion proviso.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.

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- 1.32 AMEND FURTHER** (Buses, Parts, and/or Fuel) Authorizes the department to use other operating funds in the Bus Shops program to purchase buses, fuel, parts or other school bus related items. Prohibits funds designated for school bus purchases from being transferred or used for any other purpose. Authorizes the department, in the event of a fuel emergency, to use appropriated funds in Part IA, IX.C [BUSES] only to the extent necessary for fuel expenditures.  
**WMC:** AMEND proviso to allow program IX.C. - Buses to also be used to purchase buses, fuel, parts, or other school bus related items. Delete the prohibition on transfer of funds appropriated to purchase school buses. Authorize bus fuel, parts/supplies, maintenance, and bus purchase funds to be carried forward and used to support bus transportation services. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** AMEND FURTHER to specify that the funds may be carried forward from the “prior fiscal year.” *Technical.*  
**SEN:** ADOPT proviso as amended.
- 1.43 DELETE** (School Districts and Special Schools Flexibility) Authorizes school districts and special schools to transfer up to 100% of funds between programs to any instructional program provided the funds are used for direct classroom instruction; provides guidelines for review of the transfers; authorizes school districts and special schools to carry forward unexpended funds and to spend Children’s Education Endowment Fund monies received for school facilities and fixed equipment assistance, for any instructional program; directs the EOC to review the use of the flexibility proviso; prohibits grants or technical assistance funds awarded to individual schools from being reduced or reallocated within the school district and requires that these funds be spent by the receiving school only according to the guidelines governing the funds; directs that prior to implementing the flexibility authorized in this provision, school districts must provide Public Charter Schools with the per pupil allocation they are due for each categorical program; and suspends Section 59-21-1030 [LEVEL OF FINANCIAL EFFORT PER PUPIL REQUIRED OF EACH SCHOOL DISTRICT; APPLICATION FOR WAIVER] for FY 08-09. *See proviso 1A.41 for companion EIA proviso.*  
**HOU:** AMEND proviso to change “2008-2009” fiscal year reference to “2009-2010.”  
Sponsor: Rep. J.R. Smith.  
**SFC:** DELETE proviso.  
**SEN:** ADOPT deletion of proviso.
- 1.48 AMEND FURTHER** (National Board Certification Incentive) Provides guidelines for an annual \$7,500 salary supplement to be paid to public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and by the National Board for Professional Teaching Standards for the length of the national certificate and to teachers employed at the special schools. Directs CERRA to develop guidelines and administer a loan program for teachers who are U.S. citizens or permanent resident aliens applying for National Board certification. Directs that teachers who begin the application process after 7/1/07 are eligible for full loan forgiveness if at the time the teacher applies to the National Board they are teaching in a school with a below average or unsatisfactory rating. Directs that forgiveness be at the rate of 33% for each year of full time teaching in the same school regardless of whether the school exceeds a below average or unsatisfactory rating during the forgiveness period or for each year teaching full time in another school with a below average or unsatisfactory rating.  
**WMC:** AMEND proviso to direct that beginning with 2009 applicants, the \$7,500 salary supplement shall be paid beginning July 1 in the year following the year of achieving certification. Direct that the \$7,500 salary supplement shall only be paid for the initial 10 year

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certification. Direct that up to 1,100 loan applications shall be processed annually. Authorize funds collected from educators who are in default of the loan to be retained and carried forward for National Board purposes. Change reference to “unsatisfactory” to “at-risk.” *Conform to Act 282 of 2008.* Fiscal Impact: OSB indicates that the department and EOC report a fiscal impact of \$3.2 million for FY 2010 over and above the FY 2010 base (EIA and General Fund). Cost consists of 1,100 new applicants with a \$2,500 loan in addition to 5,806 National Board Certified teachers with a salary and fringe of \$9,040. According to the department, the default loan collection amounts average \$450,000 annually, which will help offset program costs. Requested by Department of Education. See 1A.26 for EIA companion proviso.

**HOU:** AMEND FURTHER to delete the restriction that the \$7,500 salary supplement shall only be paid for the initial 10 year certification. Sponsor: Rep. J.E. Smith.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 1.50**     **AMEND** (School District Furlough) Authorizes and provides guidelines for school districts to institute an employee furlough program, not to exceed 10 days, for district-level and school-level professional staff classified as instructional-related personnel. Prohibits instructional personnel and support staff as classified by the department from being furloughed.

**SFC:** AMEND proviso to delete the prohibition on instructional personnel and support staff from being furloughed and instead allow personnel to be furloughed up to 5 non-instructional days if such furlough is not prohibited by an applicable employment contract and if district administrators are furloughed for twice the number of days. Direct that district administrators may only be furloughed on non-instructional days. Delete the authorization for local school district board of trustees to provide for furlough days only on non-instructional days. *Conform to H.3352.*

**SEN:** ADOPT proviso as amended.

- 1.57**     **DELETE** (Prohibit Implementation of ECERS Program) Prohibits the department from using appropriated or authorized funds to implement the Early Childhood Environment Rating Scores Program (ECERS), but directs that this prohibition doesn’t apply to the Office of First Steps. Prohibits school districts from using any source of revenue to implement the ECERS program.

**WMC:** DELETE proviso. *Conflicts with a new federal evaluation of the Even Start Family Literacy Program.* Fiscal Impact: OSB indicates no impact on the General Fund. Requested by SC First Steps to School Readiness.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1.62**     **AMEND FURTHER** (Child Development Education Pilot Program) Establishes the South Carolina Child Development Pilot Program to provide four-year old kindergarten services to at-risk children in the 8 trial districts and if any funds remain, to expand the program to the remaining plaintiff districts in the Abbeville County School District. Directs that the program be available for the 2008-09 school year on a voluntary basis. Directs the EOC to conduct an evaluation of the pilot program and issue a report to the General Assembly by 1/1/09. Authorizes unexpended funds to be carried forward and remain in the program.

**WMC:** AMEND proviso to update school year references to “2009-10” and calendar year references to “2010.” Direct that after expanding to the remaining plaintiff school districts, the program is expanded to eligible children residing in school districts with a 90% or greater poverty index. Allow providers to request waivers to the ECD 101 requirement for assistants demonstrating their completion of either comparable coursework or possessing an extensive

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experiential background. Change the funded cost per child from “\$4,093” to “\$4,262” for the 2009-10 school year. Direct that providers enrolling between 1 & 6 eligible children are eligible to receive up to \$1,000 per child in materials and equipment grant funds and those enrolling 7 or more eligible for up to \$10,000. Direct that providers that receive these grants are expected to participate in the program and provide high-quality, center-based programs for a minimum of 3 years and if they fail to participate for three years a portion of the equipment allocation must be returned at a level determined by the department Office of First Steps. Direct that school districts who participate in the program are not eligible to receive EIA funding for half-day early childhood development programs. Update the due date for the EOC to submit findings on the program to the General Assembly to “2010.” Direct the Office of First Steps to include in its triennial external evaluation required by Section 59-152-160 [EVALUATION OF PROGRESS], fiscal and management questions provided by the EOC. Direct that the report include a county by county assessment of existing public and private classroom capacity approved for at-risk 4 year old kindergarten students based on data collected every three years. Direct that the 2010 evaluation also include: (1) a determination of the factors including policy issues, leadership characteristics and community concerns that led to substantial increases in the number of CDEPP participants served in specific districts and counties; (2) a determination of the factors that influence the continuity of CDEPP student enrollment across the full 180-day program and policy or programmatic changes needed to assure that CDEPP participants fully benefit from the program; (3) a determination of how many private childcare center teachers are pursuing a 4 year degree and the barriers incurred in obtaining the degree; and (4) a review of any formalized plan or evaluation data to assess the quality and impact of professional development and training provided by the Office of First Steps and the Department of Education to CDEPP teachers. Fiscal Impact: OSB indicates that the department reports the funded cost per child of \$4,262 would have an impact of \$20,754,051 to the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to restore the funded cost per child to “\$4,093” for the 2009-10 school year. Delete the directive that school districts who participate in the program are not eligible to receive EIA funding for half-day early childhood development programs.

**SEN:** ADOPT proviso as amended.

- 1.68 AMEND** (Education Finance Act Reserve Fund) (A) Creates the Education Finance Act Reserve Fund and directs that current fiscal year unexpended EFA general fund appropriations shall be transferred to the EFA Reserve Fund. Directs that if EFA appropriations are insufficient to fully fund the base student cost, EFA Reserve Fund revenues may be used to supplement the funds appropriated. Authorizes the General Assembly to make direct appropriations to the fund and directs that EFA Reserve funds and interest accrued must remain in the fund and be carried forward. (B) Specifies that the department is to notify the State Treasurer if any school district is projected to receive less state EFA Employer Contribution Funds than the prior fiscal year. Directs that for those identified school districts the reimbursement will supplement one-half of the aggregate amount for all school districts projected to receive less than the prior year with the school district allocation based on their percentage of the aggregate variance. Directs that reimbursement is contingent on the availability of funds.(C) Directs that the reserve fund will reimburse school districts projected to receive less combined EFA and EFA Reserve Funds than in the prior year. Directs that the reimbursement will supplement one-half of the aggregate amount for the district’s percentage of the aggregate variance. Directs that reimbursement is contingent on the availability of funds. (D) Directs that the reserve fund will reimburse school districts that have experienced growth in the number of Weighted Pupil Units from the second preceding year’s 135 day student count compared to the prior fiscal year’s 135 day student count. Directs that aggregate amount of

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reimbursement is determined by applying 5% of the current year's Base Student Cost to the aggregate increase in WPUs for the identified school districts. Directs that the school district supplement is the district's percentage of the aggregate amount of the total reimbursement. Directs that for FY 2008-09 the EFA Reserve Fund will reimburse school districts in priority order, contingent on the availability of funds from the prior year's 135 day student count and the 45 day and 135 day student count in the current fiscal year. (E) Directs that the total school district reimbursements may not exceed \$12 million.

**WMC:** AMEND proviso to delete subitems (B), (C), (D), and (E). *EFA Reserve Funds have been depleted. Proviso will revert to former requirement that the EFA Reserve Fund is to be used to fully fund the base student cost if EFA appropriations are insufficient.* Fiscal Impact: OSB indicates the department reports no impact on the General Fund. Requested by Department of Education.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 1.69 DELETE** (Formative Reading Assessment) Authorizes school districts to use their state, local, and federal funds for other formative reading assessments that have been approved by the department instead of using the State Board approved developmental appropriate formative reading assessment for grades 1 and 2. Directs that districts be required to inform the department by August 1, 2008 what assessment they will use.

**WMC:** DELETE proviso. *The requirement for the program is not included in Act 282 of 2008.* Fiscal Impact: OSB indicates the department and EOC report no impact on the General Fund. Requested by Department of Education. See 1A.54 for EIA companion proviso.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1.70 DELETE** (Child Development Education Pilot Program-4 year Olds) Directs that \$3,200,000 of the funds carried forward from the S.C. Child Development Education Pilot Program are redirected to the Office of First Steps with the remainder redirected to the department for providing services to 4 years olds in the CDEPP program. Directs that if on the basis of student enrollment as of December 1, 2008, either agency projects an inability to spend its full FY 09 CDEPP allocation, the funds may be transferred between agencies to ensure that the allowed CDEPP funding is expended in both public and private settings.

**WMC:** DELETE proviso. *Funds will be used in FY 08-09 so policy no longer needed.* Fiscal Impact: OSB indicates the department estimates no impact on the General Fund. Requested by SC First Steps to School Readiness.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1.71 AMEND** (Physical Education Assessment Program) Directs the department to use physical education assessment program funds to review and revise the physical education standards and subsequent revision of the physical education assessment. Authorizes the department to field test the revised assessment in FY 08-09.

**WMC:** AMEND proviso to delete the requirement that the funds be used to review and revise "physical education standards and the subsequent revision of the physical education assessment" and instead direct the funds be used to review and revise the "physical education assessment and associated professional development." Update fiscal year reference to 2009-10.

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*Allows field testing to continue.* Fiscal Impact: OSB indicates the department estimates no impact on the General Fund. Requested by Department of Education.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 1.74 DELETE** (Technical Assistance) Directs that if schools that receive individual report cards and share a school id number would receive less technical assistance funds in FY 09 that they received in FY 08 they are to receive technical assistance funds as if they were two separate schools, except that they may not receive more in total than they received in FY 08.

**WMC:** DELETE proviso. *Total technical assistance funds are decreasing while the numbers of qualifying schools are increasing. Only 8 schools in the 08-09 school year received higher allocations than they would have received without this proviso.* Fiscal Impact: OSB indicates the department and EOC report no impact on the General Fund. Requested by Department of Education.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1.75 AMEND** (Charter School Funding Schedule) Directs that districts with locally approved charter schools are to receive funds by the 5<sup>th</sup> day of student attendance at the beginning of each school year for charter schools with approved incremental growth and due to expansion as provided in their charter application. Directs the department to release the funds to districts on behalf of their charter schools no later than 15 days after they receive the verified enrollment and requires districts to provide this funding to eligible charters no later than 30 days after they receive the funds from the department. Directs that funding will be adjusted at the 45-day school count just as EFA is currently adjusted. Directs that this does not apply to schools approved and operating under the South Carolina Charter School District.

**SFC:** AMEND proviso to delete specific reference to districts with “locally approved” charter schools. Direct that new charter schools opening in the current fiscal year will also receive funds. Delete the directive that this provision does not apply to schools approved and operating under the South Carolina Charter School District.

**SEN:** ADOPT proviso as amended.

- 1.76 DELETE** (Unexpended Star Academy Funds) Directs the department to transfer unexpended Star Academy Dropout Prevention Program funds carried forward from the prior fiscal year as follows: \$585,000 to the Arts Commission and \$615,000 to the Department of Probation, Parole and Pardon Services. Requires the Arts Commission use the funds specifically for Education, Arts, and Cultural Tourism grants statewide and the Department of Probation, Parole and Pardon Services to use the funds to implement the Ignition Interlock Program.

**WMC:** DELETE proviso. *Unexpended funds have been disbursed.* Fiscal Impact: OSB indicates the department estimates no impact on the General Fund. Requested by Department of Education.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1.77 AMEND NEW PROVISO** (Residential Treatment Facilities Student Enrollment and Funding) **WMC:** ADD new proviso to direct that children who are South Carolina residents and are in licensed treatment facilities (RTFs) for children and adolescents as defined in Section

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44-7-130 [STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT DEFINITIONS] shall be entitled to receive educational services from the school districts where the RTF is located ("facility school district") and that such facility school district shall be responsible for providing appropriate educational programs and services for these students, with and without disabilities. Authorize the facility school district to choose whether to provide necessary educational programs and services at a facility school district school or at the RTF's facility. Direct that the state shall appropriate 100% of the base student cost to provide for the education of students referred or placed by the state in an RTF and direct that facility school districts are entitled to receive the base student cost multiplied by the appropriate EFA pupil weighting, and any eligible federal funds. Authorize the facility school district to retain the funds to provide educational programs and services for these students or to reimburse RTFs for educational programs and services they provide. Direct that a facility school district is entitled to receive reimbursement from a resident school district for the difference between (1) the reasonable costs expended for services provided directly by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by the facility school district for that student. Require students to have access to facility school districts' general education curriculum which will be tied to the S.C. academic standards in core content areas. Direct that children with disabilities who are eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA) and State Board of Education regulations, receive special education and related services in the least restrictive environment by appropriately certified and highly qualified personnel. Direct that students in a RTF be eligible to receive the educational credits earned through their education efforts. Direct that for accountability purposes, assessment and accountability measures for students in RTFs shall be attributed to a specific school only if the child physically attends the school and if the child does not physically attend a specific school, assessment and accountability measures shall be disaggregated and reported separately in the school district's accountability calculations. Require RTF's to notify the facility school district as soon as practical and before admission if practical of a student's admission to the RTF. Direct RTFs, facility school districts and the Department of Education to use their best efforts to secure and/or exchange information, documents, and records to provide appropriate educational services and/or related services as necessary to assist the facility school district in determining the resident school district. Fiscal Impact: OSB indicates the department estimates a recurring fiscal impact of \$532,026. There are an estimated 660 beds in Residential Treatment Facilities and these children are already accounted for within current WPU estimates. However since the proviso provides that the State shall appropriate 100% of the cost, the local match of 30% must be included in calculating total EFA requirement.  $660 \times \$2,687 \text{ bsc} \times .30$  local portion not currently covered by the state for these children = \$532,026.

**HOU:** AMEND new proviso to require a facility school district to provide necessary educational programs and services directly to the student at the RTF's facility, provided the facility provides and maintains adequate space for the programs and services consistent with the least restrictive environment requirements. Allow a facility school district to choose to provide educational programs and services by contracting with the RTF if the RTF agrees to provide the services. Sponsors: Reps. J.R. Smith and White.

**SFC:** ADOPT new proviso as amended.

**SEN:** ADOPT new proviso as amended.

- 1.78 AMEND NEW PROVISO** (Transparency) **HOU:** ADD new proviso to require the department to publish a listing on its homepage of all programs funded with Federal Stimulus Funds during the current fiscal year. Direct that the list include program name, location, starting date, funding level and contact person with telephone number. Require the listing to be

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updated monthly to allow the public to easily identify how the funds are used. Sponsor: Rep. Robert Brown.

**SFC:** AMEND new proviso to specify that the department is to provide “a link” on its homepage to the information.

**SEN:** ADOPT new proviso as amended.

- 1.79**     **AMEND NEW PROVISO** (Prohibit Use of ARRA for Administration) **HOU:** ADD new proviso to prohibit the department from using American Recovery and Reinvestment Act of 2009 funds for administrative purposes at the department. Require the department provide a list of federal stimulus expenditures to the General Assembly. Sponsor: Rep. Haley.

**SFC:** AMEND new proviso to include school districts in the prohibition and state that the funds may not be used for administrative salary increases, bonuses, retirement incentives, or severance packages.

**SEN:** ADOPT new proviso as amended.

- 1.80**     **AMEND NEW PROVISO** (~~Governor’s *Special* Schools and South Carolina School for the Deaf and Blind~~ Flexibility) **HOU:** ADD new proviso to authorize the Governor’s Schools for Math and Science and Arts and Humanities and the School for the Deaf and Blind to transfer funds among funding categories, including capital funds. Sponsors: Reps. Bingham and Cooper.

**SFC:** AMEND new proviso to delete specific reference to the Governor’s Schools for Math and Science and Arts and Humanities and the School for the Deaf and Blind and instead reference “special schools.”

**SEN:** ADOPT new proviso as amended.

- 1.81**     **DELETE NEW PROVISO** (Governor’s Schools and South Carolina School for the Deaf and blind BSC) **HOU:** ADD new proviso to direct the department to transfer the appropriately weighted base student cost per pupil, not to exceed \$300,000, to the Governor’s Schools for Math and Science and Arts and Humanities and to the School for the Deaf and Blind. Sponsors: Reps. Bingham and Cooper.

**SFC:** DELETE new proviso

**SEN:** ADOPT deletion of new proviso.

**SECTION 1A - H63 - DEPARTMENT OF EDUCATION-EIA**

- 1A.2**     **DELETE** (Advanced Placement) Directs that no more than \$500,000 of Advanced Placement funds may be made available on a flat rate per class basis to schools that offer “singleton” Advanced Placement classes with student/teacher ration equal to or less than 10:1. Directs the State Board of Education to develop distribution guidelines. Directs that remaining AP funds must be distributed to school districts based on the 135 day count of AP students served. Authorizes AP funds to be used to defray school districts International Baccalaureate Program testing costs. Authorizes high schools to receive funding for the allowable costs associated with 9<sup>th</sup> and 10<sup>th</sup> grade students taking Advanced Placement courses. Authorizes Advanced Placement funds to be carried forward and expended for the same purpose.

**WMC:** DELETE proviso. *See new proviso 1A.61 for consolidation of artistically and academically gifted students.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.61. Requested by Education Oversight Committee.

**HOU:** ADOPT deletion of proviso.



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**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1A.3 DELETE** (Gifted & Talented) Requires at least 12% of gifted and talented program state funds be set-aside to serve artistically gifted and talented students in grades 3-12 and provides distribution guidelines. Authorizes these funds to be carried forward and used for the same purpose.

**WMC:** DELETE proviso. *See new proviso 1A.61 for consolidation of artistically and academically gifted students.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.61. Requested by Education Oversight Committee.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1A.5 DELETE** (Junior Scholars) Directs that Jr. Scholars program eligibility is open to any student who meets program requirements whether they attend a public or private school. Directs that private school students are responsible for paying the cost of the qualifying exam and at the option of the department, any other costs associated with the program.

**WMC:** DELETE proviso. *See new proviso 1A.61 for consolidation of artistically and academically gifted students.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.61. Requested by Education Oversight Committee.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1A.6 DELETE** (Academic Assistance/Carry Forward) Authorizes Academic Assistance funds to be carried forward by school districts and be spent to operate programs in accordance with their academic assistance long range plans.

**WMC:** DELETE proviso. *See new proviso 1A.62 for consolidation of programs for students at risk of school failure.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.62. Requested by Education Oversight Committee.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1A.7 DELETE** (Academic Assistance/Curriculum Development) Requires the department to use Act 135 Other Operating funds to provide schools and school districts with technical assistance on curriculum development, including implementing grade-by-grade academic standards and instructional improvement in keeping with the intent of Act 135.

**WMC:** DELETE proviso. *See new proviso 1A.62 for consolidation of programs for students at risk of school failure.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.62. Requested by Education Oversight Committee.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

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- 1A.8 DELETE** (Academic Assistance/Early Child Development) Authorizes a portion of Academic Assistance 4-12 appropriations to be used to support components for the K-3 academic assistance if the change promotes better coordination of state and federal program funds. Requires districts requesting this waiver to demonstrate how the use of these funds is in keeping with their long range plan and how the students' needs will be met.  
**WMC:** DELETE proviso. *See new proviso 1A.62 for consolidation of programs for students at risk of school failure.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.62. Requested by Education Oversight Committee.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 1A.9 DELETE** (Academic Assistance/Formula Funding & Distribution) Specifies that total funding for the 4-12 Academic Assistance component of Act 135 of 1993 is based on a derived free and reduced lunch eligibility count for grades 4-12 obtained by applying the state percentage of K-3 students eligible for free and reduced lunch to the 4-12 ADM. Provides that funding for individual districts shall be based on two equally weighted factors: the district's derived lunch percentage for grades 4-12 and its 4 year average for the number of 3-8 students Below Basic on the statewide grade level assessments in English language arts and students failing any portion of HSAP.  
**WMC:** DELETE proviso. *See new proviso 1A.62 for consolidation of programs for students at risk of school failure.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.62. Requested by Education Oversight Committee.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 1A.10 DELETE** (Academic Assistance/Reading Recovery) Directs that \$3,200,000 of Academic Assistance Act 135 funds be used for Reading Recovery programs throughout the state. Directs that \$50,000 of these funds be used to pilot alternative teaching methods for reading.  
**WMC:** DELETE proviso. *See new proviso 1A.60 for consolidation of reading appropriations.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.60. Requested by Education Oversight Committee.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 1A.11 DELETE** (Academic Assistance/Remedial Adult Education) Directs that an amount not to exceed \$1,000,000 of Academic Assistance funds must be used for either adult education students who are failing one or more sections of the HSAP Exit Exam or students preparing for the GED Exam at a weight of .114 of the base student cost.  
**WMC:** DELETE proviso. *See new proviso 1A.62 for consolidation of programs for students at risk of school failure.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.62. Requested by Education Oversight Committee.  
**HOU:** ADOPT deletion of proviso.

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**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1A.14 DELETE** (Course Reimbursement/Teachers) Requires EIA-Critical Teacher funds be used for courses that support instructional techniques and strategies in keeping with the professional development plans. Authorizes these funds to be used for courses that support the education of students with disabilities or special needs in the regular classroom. Allows school districts to require and collect a deposit from teachers who enroll in courses that support the areas identified above. Require the deposit to be returned to the teacher once the course has been completed.

**WMC:** DELETE proviso. *See new proviso 1A.63 for consolidation of professional development programs.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.63. Requested by Education Oversight Committee.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1A.15 DELETE** (Critical Teaching Needs/Roper Mountain) Directs the department to disburse \$250,000 of Critical Teaching Needs funds to the Roper Mountain Center for public school science teachers summer workshops and authorizes these funds to be carried forward.

**WMC:** DELETE proviso. *See new proviso 1A.63 for consolidation of professional development programs.* Fiscal Impact: OSB indicates the department and EOC estimate no direct fiscal impact. Deletion of the proviso would eliminate \$250,000 in EIA appropriations for Roper Mountain Science Center. Requested by Education Oversight Committee.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1A.17 AMEND FURTHER** (Teacher Salaries/SE Average) Projects the Southeastern average teacher salary to be \$47,004 for FY 08-09 and states that it is the intent of the General Assembly to exceed this average by \$300. Specifies what positions are to receive Teacher Salary Supplements.

**WMC:** AMEND proviso to change "\$47,004" to "\$48,261" and state the statewide minimum teacher salary schedule used in FY 08-09 will continue to be used in FY 09-10. *To reflect the revised Southeastern average teacher salary as the goal yet freezes the schedule because of revenue restructuring.* Fiscal Impact: OSB indicates that in order to fulfill the requirements of this provision, as amended, the EFA and the EIA Teacher Salary Supplement lines need to be funded at the original FY 08-09 appropriation amounts. Since the beginning of FY 08-09 the EFA program has been reduced by approximately \$209 million. The EFA was originally funded at a base student cost level of \$2,578. The EIA Teacher Salary Supplement and related fringe benefits line are exempt from mid-year reductions. Requested by Education Oversight Committee.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to change "\$48,261" to "\$48,172" and delete intent to exceed the SE average by \$300.

**SEN:** ADOPT proviso as amended.

- 1A.21 AMEND** (Evaluation/EIA Programs) Requires the department to use \$349,124 of EIA Implementation, Other Operating Expenses to support its contracted program evaluations and to

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conduct the State Board of Education's annual assessment of EIA-funded education reforms and the related report required by Section 59-6-12. Requires- the department to use the remaining funds to support continuing program and policy evaluations and studies and to support the Middle Grades Project at no less than \$100,000. Directs that for the current fiscal year \$100,000 be provided to the S.C. Educational Policy Center for collaborative projects with the department and the EOC to provide research based information and consultation services on technical issues related to establishing a more thorough accountability system for public schools, school districts, and the K-12 education system.

**WMC:** AMEND proviso to change "\$349,124" to "\$141,138" and change "\$100,000" to "\$75,000" for both the Middle Grades Project and the Policy Center. Delete reference to assessment required by Section 59-6-12. Direct the Policy Center, the department, and the EOC to pursue grants and contracts to supplement state appropriations. *To reflect revised line item appropriation and delete reference to code cite which no longer exists.* Fiscal Impact: OSB indicates the department and EOC report this provision would have a cost savings of \$50,000 resulting from a 25% reduction to the allocation for the Middle Grades Project and the S.C. Educational Policy Center. Requested by Education Oversight Committee.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to change "\$141,138" to "50%" and change "\$75,000" to "25%".

**SEN:** ADOPT proviso as amended.

**1A.22 AMEND FURTHER** (CHE/Teacher Recruitment) Directs distribution of Teacher Recruitment Program funds as follows: \$5,404,014 to CERRA-South Carolina, of which \$4,200,000 must be used for the Teaching Fellows Program and \$166,302 must be used to recruit minority teachers; and \$467,000 to SC State to be used only for the minority teacher recruitment program. Directs CERRA, working with districts with an absolute rating of Unsatisfactory or Below Average, to provided shared initiatives to recruit and retain teachers and report to the EOC and the department annually by October 1 of the success of these efforts. Directs CHE to make sure that funds used to promote teacher recruitment statewide ensure continued coordination efforts among the three teacher recruitment projects, review the use of funds, and have prior program and budget approval. Directs the SC State program, in consultation with CHE, to extend beyond the geographic area it currently serves. Directs CHE to annually evaluate the effectiveness of the teacher recruitment projects and report its findings and budget recommendations to the House and Senate Education Committees, the State Board of Education and the EOC by Oct 1<sup>st</sup>.

**WMC:** AMEND proviso to change "\$5,404,014" to "\$4,421,171." Change "\$4,200,000" to "at least \$3,360,000" and direct that that amount must be used for Teaching Fellows Program "specifically to provide scholarships for future teachers of which \$100,000 may be expended on the Teacher Cadet Program." Change "\$467,000" to "\$392,000." Change the reference pertaining to the districts that CERRA is directed to work with from "unsatisfactory" to "At-Risk." *Conform to amount of funds on the line.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to convert specific funding amounts to percentages: 92% for CERRA and 8% for SC State. Direct that of the 92% for CERRA, 78% be used for Teaching Fellows Program and 22% be used for other aspects of the state teacher recruitment program including the Teacher Cadet Program (delete specific reference to \$100,000 for the Teacher Cadet Program.

**SEN:** ADOPT proviso as amended.

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- 1A.25 DELETE** (Parenting/Family Literacy) Authorizes school districts to retain and expend Parenting/Family Literacy Programs funds allocated to the school districts for parenting projects. Directs that the funds must be allocated only to school districts that provide comprehensive family literacy programs that address intergenerational cycles of poverty. Directs that any school district that does not provide evaluation information necessary to determine effective use is not eligible to receive additional funding until the requested data is provided. Directs that the minimum amount allocated to a district shall be \$35,000.  
**WMC:** DELETE proviso. *See new proviso 1A.62 for consolidation of programs for students at risk of school failure.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.62. Requested by Education Oversight Committee.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 1A.26 AMEND FURTHER** (National Board Certification Incentive) Provides guidelines for an annual \$7,500 salary supplement to be paid to public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and by the National Board for Professional Teaching Standards for the length of the national certificate and to teachers employed at the special schools. Directs CERRA to develop guidelines and administer a loan program for teachers who are U.S. citizens or permanent resident aliens applying for National Board certification. Directs that teachers who begin the application process after 7/1/07 are eligible for full loan forgiveness if at the time the teacher applies to the National Board they are teaching in a school with a below average or unsatisfactory rating. Directs that forgiveness be at the rate of 33% for each year of full time teaching in the same school regardless of whether the school exceeds a below average or unsatisfactory rating during the forgiveness period or for each year teaching full time in another school with a below average or unsatisfactory rating.  
**WMC:** AMEND proviso to direct that beginning with 2009 applicants, the \$7,500 salary supplement shall be paid beginning July 1 in the year following the year of achieving certification. Direct that the \$7,500 salary supplement shall only be paid for the initial 10 year certification. Direct that up to 1,100 loan applications shall be processed annually. Authorize funds collected from educators who are in default of the loan to be retained and carried forward for National Board purposes. Change reference to “unsatisfactory” to “at-risk.” *Conform to Act 282 of 2008.* Fiscal Impact: OSB indicates that the department and EOC report a fiscal impact of \$3.2 million for FY 2010 over and above the FY 2010 base (EIA and General Fund). Cost consists of 1,100 new applicants with a \$2,500 loan in addition to 5,806 National Board Certified teachers with a salary and fringe of \$9,040. According to the department, the default loan collection amounts average \$450,000 annually, which will help offset program costs. Requested by Department of Education. See 1.48 for general education companion proviso.  
**HOU:** AMEND FURTHER to delete the restriction that the \$7,500 salary supplement shall only be paid for the initial 10 year certification. Sponsor: Rep. J.E. Smith.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 1A.27 DELETE** (CSO Mathematics and Science Unit) Directs that Mathematics and Science Centers funds be used to support improvements in math and science through resources and professional development in instructional techniques and strategies, use of technology in the classroom, leadership, content in subject areas and assessment. Direct that these efforts be coordinated

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with programs such as Tech Prep Consortia using applied learning techniques that will improve classroom instruction in math and science.

**WMC:** DELETE proviso. *See new proviso 1A.63 for consolidation of professional development programs.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.63. Requested by Education Oversight Committee.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1A.32 DELETE** (Principal Executive/Leadership Institute Carry Forward) Authorizes Principal Executive/Leadership Institute funds to be carried forward and used for the same purpose. Requires the Institute and all principal evaluation and induction programs include training for the key role principals have in supervising the teaching of reading.

**WMC:** DELETE proviso. *See new proviso 1A.63 for consolidation of professional development programs.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.63. Requested by Education Oversight Committee.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1A.36 DELETE** (Institute of Reading) Requires Institute of Reading appropriations be used to implement a comprehensive approach to improving the reading ability of middle grades students and accelerating learning of the students who read below grade level with strategies based on best practice and provide targeted assistance shown by research to help these students read at grade level. Authorizes funds to also be used in the same manner for high school grades.

**WMC:** DELETE proviso. *See new proviso 1A.60 for consolidation of reading appropriations.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.60. Requested by Education Oversight Committee.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1A.37 RESTORE ORIGINAL PROVISO** (EOC) Authorizes the EOC to collect, retain, expend, and carry forward revenue from conference registration fees, charges for materials supplied to local school districts or other entities, and from other activities or functions sponsored by the committee including public awareness campaign activities. Authorizes the EOC to use this revenue to fund programs that promote teaching economic education in the state.

**WMC:** AMEND proviso to delete the authorization to use the funds to promote teaching economic education. *A separate line item is recommended for the Council on Economic Education.* Fiscal Impact: OSB indicates the EOC estimates no impact on the EIA Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** RESTORE original proviso to reinsert the authorization for the EOC to use its funds to promote teaching economic education. Sponsors: Sens. Setzler, Courson, and Matthews.

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- 1A.38 DELETE** (Professional Development) Provides for the development and dissemination of the S.C. Professional Development Standards, the establishment of an accountability system and requires training.  
**WMC:** DELETE proviso. *See new proviso 1A.60 for consolidation of reading appropriations.*  
Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds.  
Requested by Education Oversight Committee.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 1A.39 AMEND FURTHER** (Technical Assistance) Specifies allocation and expenditure of technical assistance funds to schools with an absolute rating of below average or unsatisfactory.  
**WMC:** AMEND proviso to change reference to “low-performing” to “underperforming” and “unsatisfactory” to “at-risk.” Direct that technical assistance funds be allocated “according to the severity of not meeting report card criteria.” Delete the requirement that schools initially designated as unsatisfactory or below average on the current year’s report card must receive up to \$10,000 of technical assistance funds by January 1<sup>st</sup>; that no more than 15% of planning grants may be carried forward; and that schools that receive an absolute rating of unsatisfactory be reviewed by an external review team. Direct that schools receiving an absolute rating of below average or at-risk must develop and submit a school renewal plan to the department that outlines how technical assistance allocations will be used and how their goals for improvement will be obtained. Delete the directive that after the department and the State Board approve the plan, schools with an absolute rating of below average will be allocated not less than \$75,000 and schools with an absolute rating of unsatisfactory will be allocated not less than \$250,000. Delete the directive that no more than 15% percent of planning grants may be carried forward into the current fiscal year. Delete “teacher specialist” directives. Require the department monitor the expenditure of technical assistance funds and student academic achievement in schools receiving the funds and to report their findings to the General Assembly and the EOC by January 1<sup>st</sup> each year as the General Assembly may direct. Delete the requirement that \$930,000 be used for the National About Face Pilot Program. Delete the directive that that if a school or school district does not provide information on expenditure of technical assistance funds as requested by the EOC or the department the school or district is not eligible to receive additional funding until the information is received and instead direct that the school principal or district superintendent may receive a public reprimand by the State Board if it is determined that those individuals are responsible for the failure to provide the required information. Delete the requirement that the department submit a report by October 1st to the EOC that documents the schools that have had an absolute rating of unsatisfactory or below average for the past 4 years and that delineates the reasons for their persistent underperformance. Direct the department to coordinate with and monitor the services provided to the schools by the School Improvement Council Assistance and the Writing Improvement Network. Require the School Improvement Council Assistance and the Writing Improvement Network to submit external evaluations to the EOC at least once every three years based on criteria jointly determined by the department and the EOC. Direct that no more than 5% of the funds appropriated for technical assistance services to schools with an absolute rating of below average or at-risk may be retained and spent by the department to implement and deliver technical assistance services. Direct the department to identify priority schools by using previous report card data. Direct the department use up to \$13,000,000 of technical assistance funds to work with schools identified as priority schools. Direct the department to create a system of levels of technical assistance for schools determined by the severity of not meeting report card criteria. Authorize the levels to include a per student allocation, placement of a principal mentor, replacement of the

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principal, and/or reconstitution of a school. Define reconstitution as the redesign or reorganization of the school, which includes the declaration that all positions in the school are considered vacant. Require that certified staff currently employed in priority schools undergo a formal evaluation in the spring following the school's identification as a priority school and require them to meet determined goals to be rehired and continue their employment at that school. Direct that student achievement will be considered as a significant factor when determining whether to rehire existing staff. Provide guidelines for educator's employment and dismissal rights pertaining employment at a reconstituted school. Provide guidelines for the reconstitution of a school and direct that the decision to reconstitute shall be made by the State Superintendent of Education in consultation with the principal and/or principal mentor and the district superintendent. Direct that reconstitution of a school shall be made by April 1, at which time notice shall be given to all employees of the school. Require the department, in consultation with the principal and district superintendent, to develop a staffing plan, recruitment and performance bonuses, and a budget for each reconstituted school. Direct that upon approval of the school renewal plans a newly identified school or a currently identified school with an absolute rating of below average or at-risk on the report card will receive a base amount and a per pupil allocation based on the previous year's average daily membership as determined by the annual budget appropriation. Direct that no more than 15% of unexpended funds may be carried forward and expended in the current fiscal year for strategies outlined in the school's renewal plan. Require schools to use technical assistance funds to augment or increase, not to replace or supplant local or state revenues that would have been used if the technical assistance funds. Requires schools to use technical assistance funds only to supplement, and to the extent practical, increase the level of funds available from other revenue sources. Fiscal Impact: OSB indicates the proviso funds a total amount of \$67,955,000 with a recurring base of \$64,901,604 for an increase of \$3,053,396 EIA funds. Requested by Department of Education.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to include the school board of trustees in the decision making process to reconstitute a school.

**SEN:** ADOPT proviso as amended.

**1A.40 AMEND** (Proviso Allocations) Authorizes the department to reduce any allocation designated by a proviso by up to 10% if the BEA declares an official EIA revenue shortfall. Prohibits allocations for teacher salaries from being reduced.

**SFC:** AMEND proviso to direct that if the BEA officially declares an EIA revenue shortfall, the department may reduce any Section 1A allocation designated by proviso in accordance with the lower estimate as directed by the Office of State Budget.

**SEN:** ADOPT proviso as amended.

**1A.41 DELETE** (School Districts and Special Schools Flexibility) Authorizes school districts and special schools to transfer up to 100% of funds between programs to any instructional program provided the funds are used for direct classroom instruction; directs the department to establish a procedure for reviewing these transfers and to provide members of the General Assembly details on the transfers if so requested; authorizes school districts and special schools to carry forward unexpended funds; requires the transfers to be completed by May 1st; authorizes all school districts and special schools to spend Children's Education Endowment Fund monies received for school facilities and fixed equipment assistance, for any instructional program; directs the EOC to review the use of the flexibility proviso to determine how it enhances or detracts from achieving the goals of the educational accountability system; directs the department to report to the EOC on the transfers for the comprehensive review which shall be



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provided annually to the General Assembly; prohibits grants or technical assistance funds awarded to individual schools from being reduced or reallocated within the school district and requires that these funds must be spent by the receiving school only according to the guidelines governing the funds. Directs that prior to implementing the authorized flexibility, school districts must provide Public Charter Schools with the per pupil allocation they are due for each categorical program. *See proviso 1.43 for general education companion proviso.*

**WMC:** AMEND proviso to require the comprehensive review be provided to the General Assembly “biennially” rather than “annually.” *Results from year to year do not show significant changes. Evaluations over time would provide more information for policy makers.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on the EIA Fund. Requested by Education Oversight Committee.

**HOU:** ADOPT proviso as amended.

**SFC:** DELETE proviso.

**SEN:** ADOPT deletion of proviso.

- 1A.43 DELETE** (EAA Summer School, Grades 3-8) Provides guidelines for allocating summer school funds to each local public school district. Directs the department, working with and through the SC Afterschool Alliance to provide \$250,000 to produce a model of voluntary quality standards for out of school time programs, to develop a technical assistance directory, and to identify gaps in service.

**WMC:** DELETE proviso. *See new proviso 1A.62 for consolidation of programs for students at risk of school failure.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.62. Requested by Education Oversight Committee.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1A.44 DELETE** (Alternative School Waiver Requirement) Authorizes alternative schools to receive funding if they meet the standards to qualify for a waiver from the Department of Education established in Section 59-63-1310 for site requirements.

**WMC:** DELETE proviso. *See new proviso 1A.62 for consolidation of programs for students at risk of school failure.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.62. Requested by Education Oversight Committee.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 1A.45 DELETE** (Class Size Reduction-Grade One) Directs that school districts that choose to reduce class size to 15:1 in grades one through three are eligible for funding for the reduced pupil-teacher ratios from funds provided by the General Assembly for this purpose.

**WMC:** DELETE proviso. *See new proviso 1A.62 for consolidation of programs for students at risk of school failure.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds. There will be a reallocation of funds pursuant to proviso 1A.62. Requested by Education Oversight Committee.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

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- 1A.47 AMEND** (PSAT/PLAN Reimbursement) Directs that assessment appropriations be used to pay for administering PSAT or PLAN tests to 10<sup>th</sup> grade students to include the testing and report fees. Authorizes the department to carry forward prior year assessment funds to pay for state assessment activities not completed by the end of the fiscal year including scoring the spring PACT assessment.  
**WMC:** AMEND proviso to change “PACT” reference to “statewide accountability” assessment. *PACT will no longer be administered. Conform to Section 59-18-340 of Act 282 of 2008.* Fiscal Impact: OSB indicates the department estimates no impact on the EIA Fund. Requested by Department of Education. See 1.27 for general education companion proviso.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 1A.54 DELETE** (Formative Reading Assessment) Authorizes school districts to use their state, local, and federal funds for other formative reading assessments that have been approved by the department instead of using the State Board approved developmental appropriate formative reading assessment for grades 1 and 2. Directs that districts be required to inform the department by August 1, 2008 what assessment they will use.  
**WMC:** DELETE proviso. *The requirement for the program is not included in Act 282 of 2008.* Fiscal Impact: OSB indicates no impact on the EIA Fund. Requested by Department of Education. See 1.69 for general education companion proviso.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 1A.57 DELETE NEW PROVISO** (EIA Matching Requirement) **WMC:** ADD new proviso to direct that the Writing Improvement Network, South Carolina Geographic Alliance, SC Afterschool Alliance, Science P.L.U.S. Institute at Roper Mountain Science Center and SC Council on Economic Education must match their EIA appropriation with funds generated from grants, private contributions, or fees. Require the match equal 25% of their actual EIA appropriation after any mid-year revenue shortfalls. Require these entities to document the collection of matching funds in their annual budget and program evaluation submitted to the EOC. *A matching funds requirement would encourage these professional development entities to seek alternative revenue sources for program expansion.* Fiscal Impact: The EOC states that depending upon the EIA appropriations to these entities, it is projected that the matching funds would generate an additional \$200,000 for these entities. Requested by Education Oversight Committee.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.
- 1A.58 AMEND NEW PROVISO FURTHER** (One-Year Suspension of EIA Programs) **WMC:** ADD new proviso to temporarily suspend the following EIA programs for FY 09-10 and instead to allocate the funds appropriated to them to teacher salaries and fringe benefits: competitive teacher grants, Palmetto Gold and Silver program and external review teams. Direct that schools will still be recognized as Palmetto Gold and Silver recipients in 2009-10, but will not receive funding for such recognition. Require the department to review the state’s textbook adoption program to establish a transition plan to use electronic instructional materials. Direct that the transition plan should address content area, grades or courses including, teacher professional development, and state, district and student responsibility.

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Direct the department to present the plan to the Senate Education, Senate Finance, House Education and Public Works, and House Ways and Means Committees, the State Board of Education and the EOC by October 1, 2009. *Suspend these programs for one year due to declining EIA revenues.* Fiscal Impact: OSB indicates the department and EOC report no fiscal impact. Funds will be redirected to use for teacher salaries and fringe benefits. The amount of funds redirected will be \$3,983,591. The EOC states through the December 2008 EIA revenue reductions, the temporary suspension of these programs totals \$24.4 million. Requested by Education Oversight Committee.

**HOU:** AMEND new proviso to also allow funds to be allocated to the National Board Certification Incentive salary supplements and the Teaching Fellows Program administered by CERRA. Sponsor: Rep. J.R. Smith. Sponsor: Rep. Ott.

**SFC:** AMEND FURTHER to specify that funds administered by CERRA be used “to hold the funding level to maintain fellowships for existing cohorts of participants in the Teacher Fellows Program. Delete the requirement that the department review the state’s textbook adoption program to establish a transition plan to use electronic instructional materials.

**SEN:** ADOPT new proviso as amended.

- 1A.59 ADD (4K Targeting) WMC:** ADD new proviso to direct that EIA funds allocated for 4-year-old kindergarten shall be used to provide services to age-eligible children that qualify for free or reduced-price lunch or Medicaid or documented developmental delays. Direct that if more students seek to enroll than available space permits, students shall be prioritized (at the time of acceptance) on the basis of family income expressed as a percentage of the federal poverty guidelines, with the lowest family incomes given highest enrollment priority. Direct that if available space permits, students with documented developmental delays may also be deemed eligible to enroll. *Currently the state’s EIA 4K program operates without specified targeting criteria, leaving the decision to local districts resulting in approximately 1/3 of 4K enrollment not qualifying as “at-risk” using the free or reduced Medicaid definition of the CDEPP 4K pilot.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on the EIA Fund. Requested by SC First Steps to School Readiness.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 1A.60 ADD (Reading) WMC:** ADD new proviso to require the department to allocate a minimum of 25% of funds appropriated for reading to school districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the 135 day count of the prior school year. Require districts to spend the funds on teaching teachers how to teach reading at all levels and across all content areas. Direct the department to retain the remaining funds to implement a comprehensive plan to improve reading, including the use of Reading Recovery and other reading initiatives and to increase the number of students scoring at met and exemplary levels on state assessments. *Consolidates reading provisos 1A.10, 1A.36, and 1A.38.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds due to consolidation of existing line items. Requested by Education Oversight Committee.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 1A.61 AMEND NEW PROVISO (Artistically and Academically High-Achieving Students) WMC:** ADD new proviso to direct that EIA funds appropriated for high achieving students must be

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allocated to districts based on the number of students served in academic and artistically gifted and talented programs based on the prior year's 135-day count of ADM adjusted for the current year's 45-day count and the number of students taking Advanced Placement or International Baccalaureate (IB) exams in the prior year. Require that at least 85% of funds appropriated for each student so classified must be spent for instruction and instructional support for students who generated the funds. Authorize up to \$500,000 of the funds to be retained by the department for teacher endorsement activities. *Consolidates artistically and academically gifted students provisos 1A.2, 1A.3, and 1A.5.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds due to consolidation of existing line items. Requested by Education Oversight Committee.

**HOU:** ADOPT new proviso.

**SFC:** AMEND new proviso to separate out the number of students "identified" as artistically gifted and talented from the number of academic gifted and talented which are based specific day counts. Direct that 12% of the funds be set-aside to serve artistically gifted and talented students in grades 3-12. Suspend, for the 09-10 school year, endorsement criteria established by the State Board of Education for teachers assigned to teach gifted and talented and advanced placement classes.

**SEN:** ADOPT new proviso as amended.

**1A.62 AMEND NEW PROVISO** (Students at Risk of School Failure) **WMC:** ADD new proviso to require, for FY 09-10, that EIA funds appropriated for students at academic risk of school failure, which includes funds for Act 135 Academic Assistance, summer school, reduce class size, alternative schools, parent support and family literacy, be allocated to school districts based on the poverty index of the district as documented on the most recent district report card and on the number of students not in poverty or eligible for Medicaid but who fail to meet state standards on state standards-based assessments in either reading or math. Require that at least 85% of funds allocated for students classified as at academic risk be spent on instruction and instructional support for students who generated the funds. Direct that instructional support may include family literacy and parenting programs to students at-risk for school failure and their families. Define students at academic risk as students who are at risk of not graduating from high school because they failed the English language arts or mathematics portion of the High School Assessment Program on their first attempt and who score not met on grades 3 through 8 in reading and math state assessments. *Consolidates students at risk of school failure provisos 1A.6, 1A.7, 1A.8, 1A.9, 1A.11, 1A.25, 1A.43, 1A.44, and 1A.45.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds due to consolidation of existing line items. Requested by Education Oversight Committee.

**HOU:** ADOPT new proviso.

**SFC:** AMEND new proviso to require public charter schools, the Palmetto Unified School District, and DJJ to also receive a proportionate per pupil allocation based on the number of students at academic risk of school failure served.

**SEN:** ADOPT new proviso as amended.

**1A.63 ADD** (Professional Development) **WMC:** ADD new proviso to require professional development funds be allocated to districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the 135 day count of the prior school year. Require the funds be spent on professional development for certificated instructional and instructional leadership personnel in grades K-12 across all content areas, including teaching in and through the arts. Direct that no more than 25% of professional development funds may be retained by the department for administration and provision of professional development services. Require the department to provide professional

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development on assessing student mastery of the content standards through classroom, formative, and end-of-year assessments. Require the department to post the South Carolina Professional Development Standards on the agency's Web site and provide training to school leadership on the professional development standards through telecommunication methods. *Consolidates professional development provisos 1A.14, 1A.15, 1A.27, and 1A.32.* Fiscal Impact: OSB indicates the department and EOC estimate no impact on EIA funds due to consolidation of existing line items. Requested by Education Oversight Committee.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 1A.64 DELETE NEW PROVISO** (Report Card Advertisement) **WMC:** ADD new proviso to waive the requirement that a school district must advertise the results of their schools' report cards within 45 days in an audited newspaper of general circulation in their geographic area if such a newspaper has published the entire school report card results as a news item. Fiscal Impact: No impact on the EIA Fund.

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

- 1A.65 ADD** (Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) **SFC:** ADD new proviso to direct that up to \$2,455,000 of assessment funds be used for assessments to determine eligibility of students for gifted and talented programs, and for the cost of Advanced Placement and International Baccalaureate exams.

**SEN:** ADOPT new proviso.

**SECTION 2 - H66 -LOTTERY EXPENDITURE ACCOUNT**

- 2.3 DELETE** (SDE Transfer Restriction) Directs that lottery funds appropriated for K-5, Reading, Mathematics, Science, and Social Studies Programs, grants, or technical assistance funds allocated directly to an individual school may not be transferred and may only be used for the purposes for which they were appropriated. However, allows all school districts to transfer up to 100% of other lottery funds appropriated to them between programs to any instructional program if the funds are used for direct classroom instruction.

**SFC:** DELETE proviso.

**SEN:** ADOPT deletion of proviso.

- 2.6 DELETE** (FY 08-09 Lottery Funding) Directs expenditure of lottery funds for Fiscal Year 2008-09.

**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 2.7 AMEND NEW PROVISO FURTHER** (FY 09-10 Lottery Funding) **WMC:** ADD new proviso to direct expenditure of lottery funds as certified by the BEA for FY 09-10. Direct that lottery funds must be used to supplement and not supplant existing education funds. Direct the B&C Board to prepare lottery expenditure account detail to reflect lottery appropriations. Direct that all lottery revenue, including interest earnings, be carried forward and used to

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support specified appropriations. Direct FY 09-10 lottery appropriations as follows: \$47,000,000 to CHE for Tuition Assistance Two-Year Institutions; \$79,533,953 to CHE for LIFE Scholarships; \$8,076,110 to CHE for HOPE Scholarships; \$30,277,240 to CHE for Palmetto Fellows Scholarships; \$11,631,566 to CHE for Need-Based Grants; \$7,766,604 to Tuition Grants Commission for Tuition Grants; \$1,700,000 to CHE for the National Guard Tuition Repayment Program; \$2,500,000 to SC State University; \$3,600,000 for Technology for Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges; \$47,614,527 to Dept. of Education for K-5 Reading, Math, Science & Social Studies programs; \$2,000,000 to Dept. of Education for Grades 6-8 Reading, Math, Science, & Social Studies programs; \$4,700,000 to CHE for Higher Education Excellence Enhancement Program; and \$200,000 to the School for the Deaf and the Blind for Technology Replacement. Direct that FY 09-10 Tuition Assistance funds must be distributed to technical colleges & two-year institutions as provided in Section 59-150-360. Suspend, for the current fiscal year, the provisions of Section 2-75-30 regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment. Authorize CHE to temporarily transfer funds between line items to ensure timely receipt of scholarships and tuition assistance. State the goal of the General Assembly to fund the Tuition Assistance program at a level to support at least \$996 per student per term for full-time students. Direct that net lottery proceeds and investment earnings in excess of certified net lottery proceeds and investment earnings are appropriated and must be used to ensure that LIFE, Palmetto Fellows, and HOPE scholarships are fully funded for FY 09-10. Direct that if lottery revenue for FY 09-10 is less than the amounts appropriated, the appropriations in this provision are reduced on a pro rata basis except that LIFE, HOPE, and Palmetto Fellows Scholarships shall not be reduced. Authorize CHE to use up to \$260,000 of LIFE, HOPE, and Palmetto Fellow Scholarship funds to provide the necessary level of program support the award process. Direct that \$8,400,000 of certified unclaimed prize money is appropriated for Technology for Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. Direct that allocations designated in Section 59-150-230(I) [UNCLAIMED PRIZES] are suspended for the current fiscal year. Direct that of any unclaimed prize funds in excess of the amount certified by the BEA the first \$4,000,000 be directed to the State Board for Tec and Comp Ed for the Allied Health Initiative and the next \$1,000,000 be directed to CHE for the Critical Needs Nursing Initiative Fund - Simulation Technology and Equipment. Direct that additional revenue in excess of the amount certified by the BEA for unclaimed prizes be distributed to CHE for Need-Based Grants. Authorize the B&C Board to distribute lottery funds on a monthly basis during the final quarter of the fiscal year. Fiscal Impact: \$260,722,729 of lottery funds as certified by the BEA.

**HOU:** AMEND new proviso to change LIFE Scholarships from “\$79,533,953” to “\$85,256,682” and SDE--K-5 Reading, Math, Science & Social Studies Program from “\$47,614,527” to “\$41,891,798.” Direct that the \$8,400,000 certified from unclaimed prizes be appropriated as follows: \$5,722,729 to SDE for K-5 Reading, Math, Science & Social Studies Program and \$2,677,271 for Technology at Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. Sponsor: Rep. Cooper.

**SFC:** AMEND FURTHER to change item (3) HOPE Scholarships from “\$8,076,110” to “\$7,823,474” and item (9) Technology--Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges from “\$3,600,000” to “\$4,668,936.” Allow \$250,000 of the funds appropriated to S.C. State be used for the BRIDGE Program. Direct that funding in item (9) for Technology shall be reduced by \$816,300 if S.110, which permits lottery tickets to be sold on general or primary election days, is enacted into law. Direct that of any unclaimed prize funds in excess of the amount certified by the BEA the first \$2,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the CATT/ReadySC Program and that after the items listed are funded \$4,653,793 be directed for Technology: Public 4-Year

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Universities, 2-Year Institutions, and State Technical Colleges. Direct that additional revenue in excess of the amount certified by the BEA for unclaimed prizes be distributed to CHE for LIFE, Palmetto Fellows, and HOPE Scholarships.

**SEN:** ADOPT new proviso as amended.

**SECTION 3 - H71 - WIL LOU GRAY OPPORTUNITY SCHOOL**

- 3.7**     **ADD** (USDA Federal Grants) **WMC:** ADD new proviso to authorize the school to retain and expend all revenues generated from USDA federal grants in order to cover actual expenses in cafeteria/food service operations. *Allow for a more stable funding stream for cafeteria operations.* Fiscal Impact: OSB indicates the Department of Education and Wil Lou Gray Opportunity School estimate no impact on the General Fund. Requested by Wil Lou Gray Opportunity School.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 3.8**     **ADD** (By-Products Revenue Carry Forward) **WMC:** ADD new proviso to authorize the school to sell goods that are by-products of the school's programs and operations, to charge user fee and fees for services to the general public, individuals, organizations, agencies and school districts and to retain and carry forward such revenue to cover school operations. *Allows the school to be more flexible with funding operations in the future.* Fiscal Impact: OSB indicates the school estimates approximately \$5,000 in additional other funds revenue would be generated. Requested by Wil Lou Gray Opportunity School.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

**SECTION 4 - H75 - SCHOOL FOR THE DEAF AND THE BLIND**

- 4.11**     **AMEND** (Sale of Property) Authorizes the school, after receiving B&C Board approval to sell property, to retain revenues associated with the sale of property titled to or used by the school. Directs that these funds be spent on capital improvements approved by JBRC and the B&C Board.

**SFC:** AMEND proviso to authorize the school, for FY 09-10, to use revenue retained from the sale of donated property for educational and other operating purposes. *Allows the school to use these funds to provide maximum flexibility in managing base budget reductions.* Requested by School for the Deaf and the Blind.

**SEN:** ADOPT proviso as amended.

- 4.13**     **AMEND** (School Bus Purchase) Directs that the School for the Deaf and the Blind shall receive funds, not to exceed \$250,000, for two new school buses equipped according to the school's specifications, from the amounts appropriated for School Transportation School Bus Purchases.

**HOU:** AMEND proviso to direct that receipt of the funds are subject to the availability of the funds. Sponsor: J.R. Smith.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

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- 4.14**     **ADD** (Operating Expenses) **SFC:** ADD new proviso to allow unexpended funds appropriated in FY 2007-08 by proviso 73.12 to be carried forward into the current fiscal year and used for educational and other operating expenses. Requested by School for the Deaf and the Blind.  
**SEN:** ADOPT new proviso.

**SECTION 5 - L12 - JOHN DE LA HOWE SCHOOL**

- 5.4**     **ADD** (Deferred Salaries Carried Forward) **WMC:** ADD new proviso to authorize the amount of deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees to be carried forward into the current fiscal year. Direct that these funds not be included as part of any other authorized carry forward amount. *Provides the same authority as Wil Lou Gray has pertaining to deferred salaries for non-twelve month employees.* Fiscal Impact: OSB indicates no impact on the General Fund. Requested by John de la Howe School.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.

**SECTION 6 - H03 - COMMISSION ON HIGHER EDUCATION**

- 6.21**     **DELETE** (Higher Education Task Force) Directs CHE to use the funds appropriated for the Task Force on Higher Education Study Committee to establish a Higher Education Task Force and directs that the mission of the task force is to develop and recommend an evolving multi-year statewide strategic plan for higher education to meet the needs of the state that can be addressed by higher education. Directs that Higher Education Statewide Strategic Plan recommendations be submitted to the General Assembly by September 15, 2008.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion.  
**SEN:** ADOPT deletion of proviso.
- 6.22**     **AMEND** (Need-Based Grant Allocation Methodology) Requires that allocation of public institutions' need-based grant funds be done using a methodology that considers state resident Pell Grant recipients such that each public institution receives a sufficient amount to provide a similar level of support per state resident Pell recipient when compared to tuition and required fees. Directs however, that no public institution receive less funds than they would have received under the allocation methodology used in FY 07-08.  
**WMC:** AMEND proviso to delete directive that no public institution receive less funds than they would have received under the allocation methodology used in FY 07-08 and instead direct that no public institution shall receive a smaller proportion of funding than would be provided under the student allocation methodology used in past years. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 6.23**     **AMEND** (Tuition Age) Suspends, for FY 08-09, the tuition free age limit for children of certain war veterans who may be admitted to any state-supported institution of higher learning or post high school technical education institution for eligible children who successfully appeal the Division of Veteran's Affairs on the grounds of a serious extenuating health condition.



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**WMC:** AMEND proviso to change “2008-2009” to “2009-10.” Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 6.24 AMEND** (Mandatory Furlough) Authorizes agency heads for institutions of higher learning and the State Board for Technical and Comprehensive Education to institute an employee furlough program of not more than twenty working days in a fiscal year in which the general funds appropriated for that institution are less than the general funds appropriated in the prior fiscal year or whenever the General Assembly or Budget and Control Board implements a midyear across the board reduction. Directs that the furlough must include all employees in an institution regardless of source of funds, place of work, or tenure status and must include classified and unclassified positions as well as agency heads. Directs that during furlough, benefits that require employer and employee contributions are to be the responsibility of the institution if coverage would otherwise be interrupted and contributions that only require employee contributions are the responsibility of the employee. Directs that placement of an employee on furlough is not grievable or appealable under the State Employee Grievance Act. States that if an institution’s reduction is due solely to the General Assembly transferring or deleting a program this provision does not apply. Directs that the implementation of a furlough program will be on an institution by institution basis.

**WMC:** AMEND proviso to allow the furlough to be inclusive of all employees in an agency or within a designated department or program. Allow the furlough to also be implemented by pay band for classified employees and by pay rate for unclassified employees. Allow law enforcement, employees who provide direct patient or client care, and front-line employees who deliver direct customer services to be exempted. Require that the agency head be included if the furlough includes the entire agency. Require furlough days taken voluntarily to be counted toward required mandatory furlough days if an agency implements both voluntary and mandatory furloughs during the fiscal year. Authorize agencies to allocate an employee’s reduction in pay over the balance of the fiscal year for payroll purposes if that employee is non-exempt under the Federal Fair Labor Standards Act. Direct agencies to report furlough information to the B&C Board Office of Human Resources as requested. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 6.25 ADD** (University Center of Greenville Funding Plan) **WMC:** ADD new proviso to direct the Board of the University Center of Greenville to develop a plan by September 1<sup>st</sup> to address the University Center’s annual operational funding needs. Direct that the plan be implemented to address FY 09-10 funding needs. Allow the plan to include a fee per credit hour assessed to institutions with students enrolled in the University Center. Direct that revenue collected from this source not exceed \$1,100,000 for the current fiscal year. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 6.26 ADD** (Religious Activities) **HOU:** ADD new proviso to direct that for FY 09-10, state supported higher education institutions that receive Federal Stimulus Stabilization funds must

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continue to support, operate, and maintain existing religious programs, instruction, and facilities used for religious activities. Sponsor: Rep. Loftis.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 6.27 ADD** (Scholarships Funded From Unclaimed Capital Credits) **SFC:** ADD new proviso to allow businesses identified in Section 27-18-30(C) [PROPERTY PRESUMED ABANDONED; DEMAND FOR PAYMENT NOT REQUIRED] who have used unclaimed capital credits to contribute to a scholarship program at a higher education institution for the last five consecutive years to continue to fund scholarships awarded prior to the 2009-10 academic year. Direct that these funds are exempt from the provisions of Section 27-18-30(C) if the reporting requirements of Section 27-18-180 [REPORT OF UNCLAIMED PROPERTY; NOTICE TO APPARENT OWNER] are met.  
**SEN:** ADOPT new proviso.

**SECTION 15 - H45 - UNIVERSITY OF SOUTH CAROLINA**

- 15.7 DELETE NEW PROVISO** (Branch Campuses Study) **WMC:** ADD new proviso to direct USC to complete a study and report the fiscal impact of potentially closing USC's branch campuses. Require that the report include data that indicates the economic impact on adjacent geographic communities; resulting savings to the USC system and the State; impact on current and prospective students; and an implementation timeline. Direct that the report be submitted to the General Assembly by 1/1/10. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of proviso.

**SECTION 17 - H54 - MEDICAL UNIVERSITY OF SOUTH CAROLINA**

- 17.4 ADD** (Preterm Birth Prevention) **WMC:** ADD new proviso to direct MUSC, for FY 09-10, to implement a preterm prevention case management program using a disease management coordination network for the Medicaid fee for service population in the Low Country Perinatal Region. Direct that the purpose of the program is to reduce premature births, neonatal morbidity and mortality, and the attendant costs for neonatal intensive care. Require the Department of Health and Human Services to provide administrative funding to MUSC for the cost of the program. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.

**SECTION 18 - H59 - STATE BOARD FOR TECHNICAL & COMPREHENSIVE EDUCATION**

- 18.5 ADD** (Caterpillar Dealer Academy) **WMC:** ADD new proviso to authorize Florence-Darlington Technical College's area commission to waive the requirements of Chapter 112 of Title 59 [DETERMINATION OF RATES OF TUITION AND FEES] for student participants in the Caterpillar Dealer Academy operated by Florence-Darlington Technical College. Fiscal Impact: OSB indicates the State Board reports no impact on the General Fund. The out-of-state tuition revenue decrease associated with waived residency requirements would be offset by increased enrollment.  
**HOU:** ADOPT new proviso.

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**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 18.6**     **ADD** (Financial and Human Resource Functions Consolidation Plan) **WMC:** ADD new proviso to direct the State Board for Technical and Comprehensive Education to develop a plan to consolidate financial and human resources functions, where possible, between like technical college institutions. Require that the plan, including an estimate of the cost savings, be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees by December 31, 2009. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

**SECTION 19 - H67 - EDUCATIONAL TELEVISION COMMISSION**

- 19.3**     **AMEND FURTHER** (SC Educational Broadband Service Commission/Broadband License) Creates a seven member South Carolina Educational Broadband Service Commission to obtain proposals from commercial entities for leasing excess spectrum capacity of ETV's Education Broadband Service Licenses. Directs the commission to recommend one of the proposals for approval of the Joint Bond Review Committee and subsequently the Budget and Control Board. Assigns the B&C Board responsibility for managing and administering the agreements resulting from an approved proposal upon termination of the commission (six months after all agreements are executed, or no later than June 30, 2010), and requires the board to pay expenses of the Commission up to \$750,000.

**WMC:** AMEND proviso to delete all but the last paragraph requiring the B&C Board to pay up to \$750,000 of commission expenses. Amend to reference Act 405 of 2008 and specify that the \$750,000 for commission expenses applies to all years combined. Delete reference to the authority to use "Funded Debt Sinking Fund" and update fiscal year references. *Proviso passed as a joint resolution (Act 405 of 2008) except for the last paragraph.* Fiscal Impact: OSB indicates no impact on the General Fund. Maintains the requirement that the B&C Board pay up to \$750,000 of the commission's expenses. Requested by Budget and Control Board.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to require unexpended funds be transferred for use on the capitol complex.

**SEN:** ADOPT proviso as amended.

**SECTION 21 - J02 - DEPARTMENT OF HEALTH AND HUMAN SERVICES**

- 21.29**     **DELETE** (South Carolina Child Abuse and Neglect Medical Response Program) Direct the department to establish the S.C. Child Abuse and Neglect Medical Response Program to address the medical needs of children who are suspected victims of child abuse or neglect. Direct that the program be responsible for: (a) improving the quality and consistency of forensic medical services provided to children; (b) increasing the number of qualified medical providers in the State; and (c) providing forensic medical resources to medical providers, agencies, and other organizations involved in the assessing, investigating, and prosecuting child abuse and neglect.

**SFC:** DELETE proviso. *Program and recurring funding was transferred to the USC School of Medicine.*

**SEN:** ADOPT deletion of proviso.

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- 21.31 DELETE** (Carry Forward Funds-Health Initiatives) Directs the department to use \$1,283,965 of their carry forward funds as the state match for rate increases for dental services. Directs that carry forward funds also be used as follows: \$250,000 for MUSC Rural Dentist Program; \$100,000 for DHEC Hemophilia; and \$100,000 for DSS SC Coalition for Domestic Violence and Abuse. Prohibits the department from using Children's Health Insurance Program (CHIPS) FY 07-08 carry forward funds or CHIPS FY 08-09 recurring appropriations to fund any of the allocations contained in this provision.  
**SFC:** DELETE proviso. *Provisions for carry forward funds and non-recurring transfers were applicable to FY 2008-09.*  
**SEN:** ADOPT deletion of proviso.
- 21.32 DELETE** (Medicaid Managed Care Organizations) Requires Medicaid Managed Care Organizations that participate in the state Medicaid program to reimburse out-of-network providers 100% of the prevailing Medicaid Fee-For-Service rate for services covered by the Medicaid program that are provided to an enrollee of the Medicaid Managed Care Organization.  
**HOU:** DELETE proviso. Sponsor: Rep. Edge.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 21.33 AMEND** (Upper Payment Limit for Non-State Owned Public Nursing Facilities) Directs the department to prepare and submit a state plan amendment to the Center for Medicare and Medicaid Services by August 1, 2008, to provide Medicaid supplemental payments to non-state owned public nursing facilities who qualify as Essential Public Safety Net providers. Directs that a report on the plan amendment be provided to the House Ways and Means and Senate Finance Committees by August 1<sup>st</sup>.  
**WMC:** AMEND proviso to change "2008" to "2009." *Technical.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 21.37 AMEND** (Offset Budget Reduction) Directs the department to use funds carried forward from Program II.A.3.Z. Case Services/Public Assistance as well as funds appropriated in FY 08-09 for that purpose that are in excess of program requirements in order to offset FY 08-09 base budget reductions. Requires the department to enroll any child who qualifies into the program during FY 08-09.  
**SFC:** AMEND proviso to clarify that the use of these funds to offset budget reductions in FY 09-10 applies in the event the B&C Board or General Assembly assesses a base budget reduction.  
**SEN:** ADOPT proviso as amended.
- 21.38 ADD** (Modular Ramps) **WMC:** ADD new proviso to authorize the department to lease modular ramps if they believe demonstrated cost-savings can be realized. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.

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- 21.39 AMEND NEW PROVISO** (Medicaid Cost and Quality Effectiveness) **WMC:** ADD new proviso to direct the department to establish a procedure to assess the various forms of managed care (HMOs, Medical Home Networks (MHNs), and any other forms authorized by the department) to measure cost effectiveness and quality and to conduct these measures by December 15th each year. Direct that the Healthcare Effectiveness Data and information Set (HEDIS) be used for quality measurement to be performed by a 3<sup>rd</sup> party independent actuary. Direct that cost effectiveness be determined in an actuarially sound manner and that data be aggregated in a manner determined by a 3<sup>rd</sup> party actuary to adequately compare the cost effectiveness of different managed care programs. Require program measures use a case-mix adjustment that encourages managed care organizations to enroll and manage all beneficiaries. Direct the cost effectiveness calculations and quality measures results be made available to the Speaker of the House, Chairman of the Ways and Means Committee, President Pro Tempore of the Senate and Chairman of the Senate Finance Committee no less than 45 days after the measures has been collected. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to require that measures be “compiled” annually. Specify that the cost effectiveness measures must include a comparison of managed care vs. fee-for-service. Require the department to issue annual healthcare report cards for each participating Medicaid managed care plan operating in the state and specify the minimum information to be included. Delete the requirement that cost effectiveness calculations and quality measures results be made available to specific members of the General Assembly and instead direct that results of the cost effectiveness calculations, quality measures and the report cards be made public on the department’s website no later than 90 days after the end of each fiscal year.  
**SEN:** ADOPT new proviso as amended.
- 21.41 AMEND NEW PROVISO** (MUSC Medicaid Services Reimbursement) **WMC:** ADD new proviso to require the department to reimburse MUSC 100% of costs on all Medicaid services they render.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to delete reference to “100%” and specify that reimbursement is for costs of all Medicaid “hospital” services rendered “as specified in the Medicaid State Plan.” *Clarifies intent to reimburse for hospital services as required by the State Plan which is 100% of cost based on cost settlements.*  
**SEN:** ADOPT new proviso as amended.
- 21.43 ADD** (SCHIP Enrollment and Recertification) **WMC:** ADD new proviso to require the department to enroll and recertify eligible children to the State Children’s Health Insurance Program and to use available B&C Board Office of Research and Statistics state agency program data, including DSS’ Food Stamp program and Department of Education’s Free and Reduced meal eligibility data. State that use of this data and cooperative efforts between state agencies reduces the cost of outreach and maintenance of eligibility for SCHIP. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.
- 21.44 AMEND NEW PROVISO** (Carry Forward) **HOU:** ADD new proviso to authorize the department to carry forward prior year cash balances for any earmarked or restricted trust, agency, or special revenue account or subfund for which the B&C Board has granted express carry forward authority. Direct the B&C Board to set a maximum limit of carry forward for

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each approved account or subfund. Require all revenue deposited into the Restricted Medicaid Expansion Fund and the Restricted Tobacco Settlement Healthcare Trust Earnings Fund be spent in the year it is received. Authorize the department to carry forward unspent general fund appropriations in accordance with the general provisions of this act. Require the department's maximum allowable general fund carry forward amount be reduced by the total amount carried forward in any other non-federal account or subfund. Sponsor: Rep. Edge.

**SFC:** AMEND new proviso to delete references to the B&C Board granting express carry forward authority and setting maximum carry forward limits. Delete reference to the Restricted Tobacco Settlement Healthcare Trust Earnings Fund. Instead require the department to submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year. Direct that the report include the following carry forward information for each account or subfund, at a minimum: statutory authority, maximum authorized amount, general purpose or need, the specific source(s) of funding or revenue, and a detailed description of any pending obligations against it. Require the report be submitted to the President Pro Tempore of the Senate, Speaker of the House, and Chairmen of the Senate Finance and Ways and Means Committees, within 15 days after the Comptroller General closes books on the fiscal year.

**SEN:** ADOPT new proviso as amended.

- 21.45**     **AMEND NEW PROVISO** (Medicaid Provider Fraud) **HOU:** ADD new proviso to direct the department to expand and increase its effort to identify, report, and combat Medicaid provider fraud and to report to the General Assembly before January 1, 2011, on the results of these efforts, on funds recuperated or saved, and on information pertaining to prosecutions of such actions, including plea agreements that were entered into. Sponsor: Rep. J.E. Smith.

**SFC:** AMEND new proviso to change "January 1, 2011" to "April 1, 2010."

**SEN:** ADOPT new proviso as amended.

- 21.46**     **ADD** (ARRA County Matching Funds Adjustment) **SFC:** ADD new proviso to authorize the department to make quarterly reductions or refunds to county matching funds assessed for indigent medical care as necessary to comply with Section 5001(g)(2) [FMAP] of ARRA. Requested by Department of Health and Human Services.

**SEN:** ADOPT new proviso.

- 21.47**     **ADD** (Smart Card/USB Token Pilot Study) **SFC:** ADD new proviso to authorize a pilot study to be conducted if any Medicaid Health Care provider determines to test a smart card or USB token which meets HIPAA and UETA standards and contains encrypted portable health information, so long as all federal and state mandates are satisfied and no medical services are denied if the card does not function properly or if the card is not provided in an exigent situation. Direct that the study must be at no cost to the State or the department. Require the department to cooperate with the provider in facilitating a pilot so long as all direct and reasonable indirect costs are paid for, if the department incurs such costs.

**SEN:** ADOPT new proviso.

- 21.28**     **ADD** (Community Health Plans) **SFC:** ADD new proviso to direct the department to oversee all community health plans approved to operate as a pilot program for the purpose of providing health care. Require the oversight include review and approval of the community health plan's financial and business plan. Direct that only plans that receive approval from the department and the Chairmen of the Senate Finance and House Ways and Means Committees prior to January 1, 2009 be authorized to operate as an approved community health plan under this provision. Direct that an approved community health plan acting in accordance with these provisions shall not be considered as providing insurance or an unauthorized insurer.

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Require the department to submit a report by 1/1/10, to the Chairmen of the Senate Finance, Ways and Means, Senate Medical Affairs, House Medical, Military, Public and Municipal Affairs, Senate Banking and Insurance, and House Labor, Commerce and Industry Committees. Direct that the report include legislative recommendations, an overview and listing of approved community health plans, and individual reports prepared by each approved community health plan providing an analysis of the financial status of the program, data on the enrollees and participating health care providers, a description of services utilized, and other information as requested by the department or committees.

**SEN:** ADOPT new proviso.

- 21.49**     **ADD** (ARRA State Match Carry Forward)     **SFC:** ADD new proviso to authorize the department to carry forward unobligated state match funds resulting from additional payment received from the increased FMAP provided by the ARRA of 2009.

**SEN:** ADOPT new proviso.

**SECTION 22 - J04 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

- 22.2**     **DELETE** (County Special Projects) Allows counties to continue to fund special projects in conjunction with county health departments. Directs that county special project employees' salaries, including merit increases and fringe benefits, shall be totally funded by the county. Directs that county special project employees shall not be under the state compensation plan and directs that they receive their compensation directly from the county.

**WMC:** DELETE proviso. *Most special projects are currently done with contracts or memorandums of agreement between the department and the involved county.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 22.3**     **AMEND** (County Health Units) Directs that federal funds made available to the department for county health unit operations shall be allotted on a basis approved by DHEC's Board and directs that Access to Care state funds, except for salary increases, be allocated so that no county budget receives less than they received in the prior fiscal year.

**WMC:** AMEND proviso to change "Federal" to "General" funds, delete the reference to "except for salary increases," and authorize the department to allocated less funds to counties when the B&C Board or General Assembly instructs the department to reduce funds by a certain percentage, by reducing the allocation for county health units up to the stipulated percentage. *Allow for equitable distribution of mandated budget reductions.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 22.4**     **AMEND** (Camp Burnt Gin) Directs that private donations or contributions for capital improvements at Camp Burnt Gin be deposited in a restricted account and be carried forward until sufficient funds are available for the improvements. Requires expenditures from the account to be first approved by the B&C Board and JBRC.

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**WMC:** AMEND proviso to delete reference to capital improvements and instead direct that private donations or contributions for operation of the camp be deposited in a restricted account. Authorize the funds to be carried forward and made available as needed for camp operations. Direct that withdrawals from the account be made in accordance with approved procedures. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 22.6**     **AMEND FURTHER** (Cancer/Hemophilia) Prohibits \$1,021,119 appropriated for prevention, detection, and surveillance of cancer and cancer treatment services and \$1,972,013 appropriated for the hemophilia assistance program from being transferred to other programs within the agency. Provides the manner in which mandated budget reductions may be taken from this item.

**WMC:** AMEND proviso to change "\$1,021,119" to "\$796,503" and "\$1,972,013" to "\$1,538,228." *Conform to recent budget reductions.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to change "\$796,503" to "\$780,573" and "\$1,538,228" to "\$1,698,571." *To account for March 2% budget reduction.*

**SEN:** ADOPT proviso as amended.

- 22.10**     **AMEND FURTHER** (Emergency Medical Services) Provides for the allocation of Emergency Medical Services funds to counties to improve and upgrade the EMS system throughout the state. Prohibits \$2,138,803 appropriated for Emergency Medical Services from being transferred to any other program. Authorizes unexpended funds to be carried forward. Provides the manner in which mandated budget reductions may be taken from this item.

**WMC:** AMEND proviso to change "\$2,138,803" to "\$1,829,960." *Conform to recent budget reductions.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to change "\$1,829,960" to "\$1,831,963." *To account for March 2% budget reduction.*

**SEN:** ADOPT proviso as amended.

- 22.13**     **AMEND FURTHER** (Sickle Cell Programs) Directs that \$1,425,000 is appropriated for Sickle Cell program services and directs that 67% of the funds be divided equitably between existing Community Based Sickle Cell Programs in Spartanburg, Columbia, Orangeburg, and Charleston; and 33% of the funds be used for the Community Based Sickle Cell Program at DHEC. Directs that the funds be used for prevention and educational programs, testing, counseling and newborn screening. Provides the manner in which mandated budget reductions may be taken from this item. Prohibits these funds from being transferred for any other purpose.

**WMC:** AMEND proviso to change "\$1,425,000" to "\$1,111,542." *Conform to recent budget reductions.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to change "\$1,111,542" to "\$1,089,311." *To account for March 2% budget reduction.*

**SEN:** ADOPT proviso as amended.



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- 22.14 AMEND FURTHER** (Genetic Services) Directs that \$194,856 under the Independent Living program is to be used to provide appropriate genetic services to medically needy and underserved persons. Directs that the funds be divided equally among the three Regional Genetic Centers of South Carolina, composed of units from MUSC, USC School of Medicine, and the Greenwood Genetic Center.  
**WMC:** AMEND proviso to change "\$194,856" to "\$151,994." *Conform to recent budget reductions.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.  
**HOU:** ADOPT proviso as amended.  
**SFC:** AMEND FURTHER to change "\$151,994" to "\$148,954." *To account for March 2% budget reduction.*  
**SEN:** ADOPT proviso as amended.
- 22.18 DELETE** (Medical & Dental Loan Program) Authorizes unobligated Medical & Dental Loan program funds to be spent for other health service programs.  
**WMC:** DELETE proviso. *Loans that were granted have been repaid or closed out. The balance in the account has been zero for a number of years.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 22.41 AMEND FURTHER** (South Carolina State Trauma Care Fund) Directs that \$4,000,000 of State Trauma Care Fund monies be used to increase the reimbursement rates for trauma hospitals, for trauma specialists' professional fee, for increasing the capability of EMS trauma care providers from counties with a high rate of traumatic injury deaths to care for injury patients, and to support the trauma system. Provides the percentage methodology to be used to disburse the funds.  
**WMC:** AMEND proviso to change "\$4,000,000" to "\$3,422,400" and the disbursement to hospitals and trauma physician fees from "77%" to "76.5%" and the change the percentage allocated to the department for administration and trauma system support from "2%" to "2.5%." *Conform to recent budget reductions.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.  
**HOU:** ADOPT proviso as amended.  
**SFC:** AMEND FURTHER to change "\$3,422,400" to "\$3,353,952." *To account for March 2% budget reduction.*  
**SEN:** ADOPT proviso as amended.
- 22.44 DELETE** (SUPERB Fund) Requires the department to transfer \$2,000,000 on July 1, 2008 from the Superb Financial Responsibility Fund to the Superb account. Directs that if the Superb Financial Responsibility Fund balance becomes less than \$500,000, the department shall monthly transfer \$100,000 of the funds generated by the environmental impact fee from the Superb account until the balance in the Fund reaches \$1,000,000.  
**WMC:** DELETE proviso. *The one-time transfer of funds has occurred and the remaining balance is approximately \$20,000. The department states the funds will not retain a \$2 million balance during the next legislative session.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.

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- 22.46 AMEND** (Pharmacist Permits) Suspends DHEC from provisions relating to requirements that all department facilities that distribute or dispense prescription drugs must be permitted by the Board of Pharmacy and that each pharmacy have a pharmacist in charge. Requires each DHEC Health District to have a permit to distribute or dispense prescription drugs. Allows a department pharmacist to serve as the pharmacist-in-charge without being physically present in the pharmacy and allow the department to designate that a pharmacist-in-charge may serve more than one health district. Directs that only pharmacists, nurses, or physicians may dispense hormonal medication, antibiotics for tuberculosis, and antibiotics for sexually transmitted diseases at department facilities. Directs that other medications could be dispensed as necessary in the event of a public health emergency or if the strategic national stockpile is activated.  
**WMC:** AMEND proviso to change reference to a “district” to “region.” Direct that only pharmacists, nurses, or physicians are allowed to dispense “and provide prescription drugs/products/vaccines” at department facilities for “Family Planning,” TB, sexually transmitted diseases, “immunization, hemophilia, or HIV/AIDS. *Correctly lists the drugs distributed.* Fiscal Impact: No impact on the General Fund. Requested by Department of Health and Environmental Control.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 22.47 ADD** (Beach Renourishment Carry Forward) **WMC:** ADD new proviso to authorize the department to use \$240,000 of carried forward beach renourishment funds to reduce the impact of the Office of Ocean and Coastal Resource Management’s budget reduction. Fiscal Impact: No impact on the General Fund. Directs that \$240,000 of carry forward funds be used.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.
- 22.48 AMEND NEW PROVISO** (Coastal Zone Appellate Panel) **WMC:** ADD new proviso to direct that the Coastal Zone Appellate Panel as established by Section 48-39-40 [CREATION OF COASTAL ZONE MANAGEMENT APPELLATE PANEL; MEMBERS; TERMS OF OFFICE] under DHEC shall be disbanded and removed from operation. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to suspend operation of the panel for the current fiscal year rather than disband and remove from operation.  
**SEN:** ADOPT new proviso as amended.
- 22.49 AMEND NEW PROVISO** (~~Hospital~~ Rural Hospital Grants) **HOU:** ADD new proviso to direct that Hospital Rural Grants funds be allocated to public hospitals in very rural or rural areas whose largest town is less than 25,000 or a public hospital that is a hospital district; and who is accredited by the Joint Commission on Health Care Organizations or is a Critical Access Hospital, and whose licensed bed capacity does not exceed 150 beds. Direct hospitals qualifying for the grants to use the funds for any of the following purposes: a) development of preventive health programs, medical homes, and primary care diversion from emergency departments; b) expanded health services, including physician recruitment and retention; c) to improve hospital facilities; d) activities involving electronic medical records or claims processing systems; e) to enhance disease prevention activities in diabetes, heart disease, etc; and f) activities to insure compliance with state or federal regulations. *Moved from DHHS proviso 21.40.* Sponsor: Rep. Edge.

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**SFC:** AMEND new proviso to specify Rural “Hospital” Grants. *Technical title correction.*  
**SEN:** ADOPT new proviso as amended.

- 22.50**     **ADD** (Camp Burnt Gin Funding) **HOU:** ADD new proviso to prohibit funds appropriated in Part IA or funds from any other source for Camp Burnt Gin from being reduced if the department is required to take a budget reduction. Sponsor: Rep. J.E. Smith.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.

**SECTION 23 - J12 - DEPARTMENT OF MENTAL HEALTH**

- 23.1**     **AMEND** (Medicare Revenue) Directs that all federal funds received from patient’s Medicare benefits under Act 1276 of 1970 provisions (issuance of bonds to be repaid from patient fees) shall be considered as patient fees except for \$290,963 which the department must remit to the General Fund to support administrative costs of Medicare benefits collection. Authorizes the department to retain and expend up to \$3 million of all Medicare revenue earned prior to July 1 of the prior fiscal year, but received in the current fiscal year from cost recovery efforts. Requires all additional prior year earnings be remitted to the General Fund except allows the cost and fees associated with identifying and collecting the additional Medicare revenue to be paid from the funds collected.  
**SFC:** AMEND proviso to delete the reference to Act 1276 of 1970 and instead direct that the federal funds be used for repayment of bonds. *Deletes obsolete code reference.*  
**SEN:** ADOPT proviso as amended.
- 23.2**     **AMEND** (Paying Patient Account) Directs the department to remit \$3,400,000 of surplus funds in the paying patient account, which had previously been designated for capital improvements and debt service under Act 1276 of 1970, to the General Fund. States the intent of the General Assembly to assist the department to reduce and eventually eliminate this obligation.  
**SFC:** AMEND proviso to delete the reference to Act 1276 of 1970. *Deletes obsolete code reference.*  
**SEN:** ADOPT proviso as amended.
- 23.8**     **AMEND** (Alzheimer’s Funding) Requires the department to use \$1,000,000 of Community Mental Health Centers funding to contract to provide Alzheimers respite care and diagnostic services to those who qualify as determined by the Alzheimer’s Disease and Related Disorders Association and to maximize federal matching dollars. Requires the association to annually submit by September 30<sup>th</sup> an annual financial statement and outcomes measures attained for the fiscal year just ended to the Governor, Senate Finance & Ways and Means Committees. Prohibits these funds from being expended or transferred during the current fiscal year until the required reports have been received by the specified entities.  
**SFC:** AMEND proviso to direct that when instructed by the B&C Board or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds transferred to the Alzheimer’s Disease and Related Disorders Association greater than such stipulated percentage.  
**SEN:** ADOPT proviso as amended.
- 23.15**     **ADD** (Uncompensated Patient Medical Care) **WMC:** ADD new proviso to create an Uncompensated Patient Care Fund and direct that the department use the fund for medical costs

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incurred for patients that must be transferred to a private hospital for services. Authorize the funds to be carried forward and used for the same purpose. Fiscal Impact: No additional funds will be appropriated.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 23.16 DELETE NEW PROVISO** (Veterans' Nursing Home Death Investigations) **WMC:** ADD new proviso to direct that if a coroner rules that the death of an individual who is in a veterans' nursing home under the authority of the department results from natural causes, SLED is not required to conduct an investigation regarding the individual's death. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** DELETE new proviso. *Ruled Out of Order on a Point of Order brought by Sen. Mulvaney.*

- 23.17 ADD** (Carry Forward Unobligated State Match Funds) **SFC:** ADD new proviso to authorize the department to carry forward unobligated state match funds resulting from additional payment received from the increased FMAP provided by the ARRA of 2009 and to use the funds for inpatient hospital services.  
**SEN:** ADOPT new proviso.

**SECTION 24 - J16 - DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS**

- 24.9 AMEND** (Pervasive Developmental Disorder) Directs DDSN to conduct a Medicaid project to treat children who have been diagnosed with a pervasive developmental disorder by 8 years of age and provides guidelines and reporting requirements. States that this provision does not establish or authorize creation of an entitlement program or benefit.  
**SFC:** AMEND proviso to require the fiscal status of the project, to include expenditure data and appropriation balances to be included in the semi-annual report to the General Assembly and the Governor.  
**SEN:** ADOPT proviso as amended.
- 24.10 ADD** (Modular Ramps) **WMC:** ADD new proviso to authorize the department to lease modular ramps if they believe demonstrated cost-savings can be realized. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.
- 24.11 ADD** (Summer Camps) **WMC:** ADD new proviso to prohibit the department from removing any summer camps under their purview due to budget reductions. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.

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- 24.12**     **ADD** (Child Daycare Center) **SEN:** ADD new proviso to direct the department use the funds appropriated to them to provide reimbursement for services provided to department eligible children at daycare centers previously under contract prior to December 31, 2008. Direct that the reimbursement not be less than 80% of the amount reimbursed in the prior fiscal year. Sponsors: Sens. McConnell and Ford.

**SECTION 25 - J20 - DEPARTMENT OF ALCOHOL & OTHER DRUG ABUSE SERVICES**

- 25.3**     **ADD** (Eligibility for Treatment Services) **SEN:** ADD new proviso to direct that any South Carolina resident, upon payment of all applicable fees, is eligible to take part in treatment programs offered by the department during FY 09-10. Sponsor: Sen. Land.

**SECTION 26 - L04 - DEPARTMENT OF SOCIAL SERVICES**

- 26.24**     **DELETE** (Unexpended Funds) Authorize unexpended funds appropriated by proviso 73.12 of Act 117 of 2007 [APPROPRIATION ACT] to be carried forward and used for Child Care Vouchers.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 26.26**     **AMEND FURTHER** (Teen Pregnancy Prevention) Directs DSS to use the funds appropriated for the Continuation of Teen Pregnancy Prevention to award two contracts to separate private entities to provide teen pregnancy prevention programs and services and direct that the funds be divided equally between the contracts. Allows entities with a proven public history of effectively implementing abstinence programs in the state to be given preference during evaluation and awarding process. Requires one contract be awarded to an entity that uses an abstinence first, age appropriate comprehensive approach to health and sex education with a goal of preventing adolescent pregnancy and one contract be awarded to an entity that has used a National Abstinence Clearinghouse approved curricula for a minimum of one year prior to their application. Directs that a five member committee oversee the contract award process; that the first meeting be on or before August 1, 2008; and that the committee be composed as follows: two members appointed by the President Pro Tempore of the Senate, two members appointed by the Speaker of the House and one member appointed by the Governor.  
**WMC:** AMEND proviso to change "2008" to "2009. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** AMEND FURTHER to direct that committee members shall serve without compensation.  
**SEN:** ADOPT proviso as amended.
- 26.27**     **ADD** (Meals in Emergency Operations) **WMC:** ADD new proviso to authorize the department to provide the cost of meals to state employees who are not permitted to leave their stations and who are required to work during actual emergency, emergency situation exercises, and when the Governor declares a state of emergency. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.

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- 26.28 AMEND NEW PROVISIO** (Day Care Facilities Supervision Ratios) **WMC:** ADD new proviso to prohibit the department from implementing Regulations 114-504(B) and (C) [DAY CARE FACILITIES SUPERVISION STAFF:CHILD RATIOS FOR LICENSED CENTERS] during the current fiscal year. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to delete the previous non-implementation requirement and instead direct that for FY 09-10 those staff-child ratios shall remain at the June 24, 2008 levels and include Regulations 114-524(B) and (C) [DAY CARE FACILITIES SUPERVISION STAFF:CHILD RATIOS FOR REGISTERED CENTERS].  
**SEN:** ADOPT new proviso as amended.

**SECTION 29 - H87 - STATE LIBRARY**

- 29.4 ADD** (Books and Materials Disposal) **SFC:** ADD new proviso to authorize the State Library to sell or dispose of books and other library materials that the library deems no longer have value to the state or the library. Authorize funds received from the sale of books and materials to be retained, expended, and carried forward to purchase new materials for the collection. *Sale of outdated books and materials will make room for new relevant materials.* Fiscal Impact: The agency estimates approximately \$5,000 would be generated from the sale of these materials. Requested by State Library.  
**SEN:** ADOPT new proviso.
- 29.5 ADD** (SCLENDS) **SFC:** ADD new proviso to allow the State Library to accept money for the South Carolina Library Evergreen Network Delivery System (SCLENDs), a consortium that provides patrons access to more library materials. Direct that the consortium shall allow South Carolina libraries the ability to share resources and provide a forum for sharing expertise in technical areas such as systems administration and cataloging. Direct that funds received for SCLENDS be placed in a special account and only be used to pay for items related to SCLENDS. Authorize unexpended funds to be carried forward and be used for the same purpose.  
**SEN:** ADOPT new proviso.

**SECTION 31 - H95 - STATE MUSEUM**

- 31.6 AMEND** (Across-the-Board Cut Exemption) Exempts the amount of rent paid to General Services for retirement of General Revenue Bonds from the museum's base budget in the calculation of any across-the-board cut mandated by the B&C Board or General Assembly.  
**WMC:** AMEND proviso to delete reference to "retirement of General Revenue Bonds." Fiscal Impact: OSB indicates approximately \$1.8 million would be exempt from calculation of any across the board reductions during FY 09-10.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 31.9 AMEND NEW PROVISIO** (Rent Payment Suspension) **SFC:** ADD new proviso to direct that the State Museum is not required to pay rent to General Services in FY 09-10 for the Columbia Mills Building. Direct that they are responsible for all costs associated with the Museum's use and occupancy of the property, including all utilities, operations, maintenance, and repairs.

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**SEN:** AMEND new proviso to direct that the State Museum is also not required to pay maintenance expenses, including all utilities, operations, maintenance and repairs. Sponsors: Sens. Peeler and Setzler.

- 31.10 ADD** (Transfer to General Fund) **SFC:** ADD new proviso to direct the State Museum to transfer \$1,800,000 to the General Fund.  
**SEN:** ADOPT new proviso.

**SECTION 35 - P20 - CLEMSON UNIVERSITY - PSA**

- 35.8 ADD** (CU-PSA: Fertilizer Inspection Fee) **WMC:** ADD new proviso to authorize Clemson PSA to charge an inspection fee of \$1.50 per ton of commercial fertilizer sold or distributed in the state and to retain, expend, and carry forward these funds to maintain its programs. Fiscal Impact: The agency states that based on 440,000 tons of fertilizer sold last year, the \$1.50 per ton inspection fee would generate an additional \$440,000 in revenue. Requested by Clemson University-PSA.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.
- 35.9 ADD** (Lime Inspection Fee) **WMC:** ADD new proviso to authorize Clemson PSA to charge an inspection fee of \$0.50 per ton on Agricultural Liming Materials sold or distributed in the state and to retain, expend, and carry forward these funds to maintain its programs. Fiscal Impact: The agency estimates an additional \$71,000 in revenue would be generated. Requested by Clemson University-PSA.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.
- 35.10 ADD** (Noncommercial Pesticide Applicator Fee) **WMC:** ADD new proviso to authorize Clemson PSA to charge noncommercial pesticide applicators an annual licensing fee of \$50 and to retain, expend, and carry forward these funds to maintain its programs. Fiscal Impact: The agency estimates an additional \$50,000 in revenue would be generated. Requested by Clemson University-PSA.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.
- 35.11 AMEND NEW PROVISO** (Meat Inspection Program) **WMC:** ADD new proviso to require Clemson-PSA to maintain operation of the state Meat Inspection Program. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to direct that all revenues and recoveries generated from USDA Food Safety Inspection Services for the Meat and Poultry Inspection Department be retained by Clemson PSA's Livestock - Poultry Health Program to carry out operations of that program. Fiscal Impact: The university estimates retention of these indirect costs would generate approximately \$394,000. These indirect costs currently are remitted to the General Fund. Requested by Clemson PSA.  
**SEN:** ADOPT new proviso as amended.

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- 35.12 AMEND NEW PROVISO** (Boll Weevil Eradication) **HOU:** ADD new proviso to require Clemson PSA to maintain operation of the Boll Weevil Eradication Program. Sponsor: Rep. Lucas.  
**SFC:** AMEND new proviso to exclude the amount appropriated for the Boll Weevil Eradication Program from Clemson's Base budget for purposes of calculating an across the board reduction mandated by the B&C Board or the General Assembly. Allow Boll Weevil Eradication funds to be reduced by a pro rata share of any mandated reduction. Requested by Clemson PSA.  
**SEN:** ADOPT new proviso as amended.

**SECTION 37 - P24 - DEPARTMENT OF NATURAL RESOURCES**

- 37.5 AMEND FURTHER** (Proportionate Funding) Directs that a proportionate share of funds, at \$15,000 per district, be allocated to each of the State's 46 Soil and Water Conservation Districts for general assistance to the district's programs. Directs that available funds above the \$15,000 will be apportioned by DNR based on local needs and priorities as determined by the board. Directs that no districts shall receive these funds unless the county or counties within the district have appropriated at least \$300 to the district for the same purposes.  
**WMC:** AMEND proviso to delete the specific \$15,000 per district amount. Direct that the amount apportioned will be based on the amount of "agency funds" available and priorities as determined by the board. Increase the minimum funding required from the county from \$300 to \$1,000. *Allocations will continue to be proportionately allocated based on the amount of funds available. The amendment will also give the agency flexibility to assess mid-year reductions to this line item and offset reductions to other marine, game and natural resource management and protection programs.* Fiscal Impact: Funding will be based on the amount appropriated. The agency allocated \$690,000 to the counties during the last fiscal year. The department states that county funds totaled \$1,641,980 last fiscal year. OSB states no impact on the General Fund. Requested by Department of Natural Resources.  
**HOU:** AMEND FURTHER to direct that during the fiscal year, funding may only be reduced in an amount not to exceed the percentage of each agency budget reduction. Restore the minimum funding required from the county to \$300. Sponsor: Rep. M. Pitts.  
**SFC:** AMEND FURTHER to reinsert the specific \$15,000 per district amount and the directive that funds be apportioned based on "local needs" rather than "agency funds."  
**SEN:** ADOPT proviso as amended.
- 37.13 DELETE** (Grass Carp Testing Recoupment Fee) Authorizes DNR to charge and retain a fee of \$1 per fish for fish 5" or longer and a fee of 25¢ for fish less than 5" to recoup the cost of certification testing of Triploid Grass Carp to assure that the fish are sterile before they are imported into the state.  
**WMC:** DELETE proviso. *Codified in Act 301 of 2008 by amending Section 50-13-1630(C).* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 37.15 AMEND** (Sale of Existing Offices) Authorizes DNR, after receiving B&C Board approval for the sale of property, to retain all funds from the sale of existing offices for improvements, consolidation, and/or establishment of regional hub offices.



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**HOU:** AMEND proviso to delete the restriction that B&C Board approval is required and instead require favorable review by JBRC. Sponsor: Rep. Umphlett.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 37.16 DELETE** (Interstate Water Negotiations and Savannah River Basin Compact Study) Directs the department to use their appropriated funds for expenses associated with continuing discussions on creating an interstate compact between S.C. and Georgia concerning the Savannah River basin and to develop legislation for that purpose. Requires the DNR director to prepare and submit a report on the expenditure of these funds to the Senate Finance and House Ways and Means Committees by December 31, 2008.

**WMC:** DELETE proviso. *The work has been completed and the funds appropriated to the agency in FY 06-07 have been spent. The report will be submitted by February 2009.* Fiscal Impact: No impact on the General Fund. Requested by Department of Natural Resources.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 37.17 ADD** (Watercraft Title and Registration Fees) **SFC:** ADD new proviso authorize DNR to charge application fees for titling, registering and transferring watercraft based on the length of the watercraft rather than the current flat fee per boat. Direct that the fee increases are to be allocated: 25% for department law enforcement activities; 70% for department land and water resources programs; and the balance for general department operations. Authorize unexpended revenue to be retained, carried forward, and used for the same purpose. Fiscal Impact: The department estimates that based on current SC registrations, the maximum the registration fee would yield is an additional \$3,857,640 over 3 years, and the titling fee increases would yield an increase of \$209,139 annually. Requested by Department of Natural Resources.

**SEN:** ADOPT new proviso.

**SECTION 39 - P28 - DEPARTMENT OF PARKS, RECREATION AND TOURISM**

- 39.1 AMEND** (Tourism and Promotion) Requires the department distribute Regional Promotions funds, equally to the eleven Regional Tourism groups except that the Grandstrand Tourism Region's funds shall be divided: \$50,000 to the Myrtle Beach Chamber of Commerce and \$125,000 to the Georgetown Chamber of Commerce for tourism related activities. Requires the Myrtle Beach and Georgetown Chambers of Commerce submit a report to the Senate Finance and Ways and Means Committees by December 1st each year describing how the funds were spent in the prior fiscal year.

**SFC:** AMEND proviso to change the distribution for Georgetown Chamber of Commerce from "\$125,000" to "\$105,000" and direct that \$20,000 be distributed to the Williamsburg Chamber of Commerce.

**SEN:** ADOPT proviso as amended.

- 39.5 AMEND** (Destination Specific Tourism Marketing) Directs the department use at least \$10,000,000 for a destination specific marketing grant program and provides directives for the operation of the grant program.

**SEN:** AMEND proviso to delete the specification that at least \$10,000,000 Tourism and Sales marketing program funds be used for a destination specific tourism marketing grant program.

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Restate that the minimum grant awarded by the “Destination Specific Tourism Program” shall be \$250,000. Sponsor: Sen. McGill.

- 39.7**     **AMEND** (Product Development Funds) Requires all Product Development funds be matched with a 2 to 1 private funds ratio. Requires organizations that receive a state grant to certify specific information regarding the match funds. Requires grant recipients to provide a quarterly report to the Chairmen of the Senate Finance and House Ways and Means Committees and the director of PRT on grant fund expenditures and proposed outcome measures.  
**SFC:** AMEND proviso to direct the department to transfer \$2 million of uncommitted Product Development Program funds to the Destination Specific Tourism Program and to use \$526,200 for general agency operations.  
**SEN:** ADOPT proviso as amended.
- 39.9**     **AMEND NEW PROVISIO** (Film Marketing) **WMC:** ADD new proviso to authorize the department to use film marketing funds to allow for assistance with film industry recruitment and infrastructure development; to develop a film crew base; to develop film industry ally support; and for marketing and special events. *Act 359 of 2008 moved the SC Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism. Proviso was moved from Department of Commerce’s section.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to allow film marketing funds to also be used for assistance with auditing and legal services expenses associated with the Motion Picture Incentive Act.  
**SEN:** ADOPT new proviso as amended.
- 39.10**    **DELETE NEW PROVISIO** (Motion Picture Rebate) **WMC:** ADD new proviso to authorize the Film Commission to offer rebates to a motion picture production company as follows: from funds set-aside by Section 12-62-50 [TAX REBATE FOR EMPLOYMENT OF PERSONS SUBJECT TO SOUTH CAROLINA INCOME TAX WITHHOLDINGS], up to 20% of the total aggregate S.C. payroll for persons employed in connection with the production who are subject to SC income tax withholdings and from funds set-aside by Section 12-62-60 [DISTRIBUTION OF ADMISSIONS TAXES; REBATES TO MOTION PICTURE PRODUCTION COMPANIES; PROMOTION OF COLLABORATIVE EFFORTS BETWEEN INSTITUTIONS OF HIGHER LEARNING AND MOTION PICTURE RELATED ENTITIES], up to 30% of the expenditures made by the company in the State. Direct that motion picture production companies that have previously been approved at the lower percentages may reapply for the higher percentages only if the project is still in production in this state as of the effective date of this provision. *Act 359 of 2008 moved the SC Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism. Proviso was moved from Department of Commerce’s section.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** DELETE new proviso. *Ruled Out of Order on a Point of Order by Sen. Bryant.*
- 39.11**    **ADD** (Motion Picture Administration Application Fee) **WMC:** ADD new proviso to authorize PRT to charge an application fee for Motion Picture Incentive programs and to retain and expend these fund to meet administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. Require a fee schedule to be established and approved by the Director of PRT. *Act 359 of 2008 moved the SC Film Commission from the Department of Commerce to the Department of Parks, Recreation and*

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*Tourism. Proviso was moved from Department of Commerce's section. Fiscal Impact: No impact on the General Fund.*

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 39.12 ADD (Gift Shops) WMC:** ADD new proviso to direct that effective July 1, 2009, the Governor's Mansion Gift Shop located in the basement of the Caldwell-Boylston House shall close. Authorize PRT to close the State House Gift Shop on weekends at their discretion. Fiscal Impact: No impact on the General Fund. Potential savings will accrue to the department.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 39.14 ADD (PARD Interest) HOU:** ADD new proviso to prohibit the department from using PARD program interest for anything other than the uses authorized by PARD legislation. Direct that if the PARD account does not reach the required \$920,000 to activate the minimum \$20,000 per county distribution, the department shall carry forward the funding until sufficient funds are available to distribute the PARD funds as originally intended. Sponsor: Rep. White.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 39.15 DELETE NEW PROVISIO (Reduced Fees) HOU:** ADD new proviso to direct that a South Carolina resident who is disabled or legally blind and his spouse may use a state park facility, including campsite facilities, free of charge and direct that a resident who is over 65 and his spouse may also use these facilities at one-half the prescribed fee. Sponsor: Rep. Bales.

**SFC :** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

**SECTION 40 - P32 - DEPARTMENT OF COMMERCE**

- 40.3 DELETE (Aeronautics - Reimbursement for Services Carry Forward)** Authorizes the Division of Aeronautics to retain and expend reimbursements resulting from charges to other governmental agencies for service and supplies and to use the funds for operating purposes and authorize up to a \$300,000 reserve be carried forward for replacement of time limit aircraft components.

**SFC:** DELETE proviso. *Moved to B&C Board, proviso 80A.56.*

**SEN:** ADOPT deletion of proviso.

- 40.4 DELETE (Aeronautics - Office Space Rental)** Authorizes revenue received from rental of office space to be retained and expended to cover building operation costs.

**SFC:** DELETE proviso. *Moved to B&C Board, proviso 80A.57.*

**SEN:** ADOPT deletion of proviso.

- 40.5 DELETE (Aeronautics - Funding Sequence)** Directs that all General Aviation Airports will receive funding prior to the four air carrier airports as these qualify for special funding under the DOT/FAA appropriations based on enplanements the state. Allows the policy to be waived

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to provide matching state funds for critical FAA safety or capacity projects at air carrier airports.

**SFC:** DELETE proviso. *Moved to B&C Board, proviso 80A.58.*

**SEN:** ADOPT deletion of proviso.

- 40.6**     **DELETE** (Aeronautics - Hangar/Parking Facilities) Directs the Division of Aeronautics to provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Directs that funds be retained for hangar and parking facility maintenance. Directs that the Hangar Fee Schedule be determined by the division and not exceed local average market rates. Directs that personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.

**SFC:** DELETE proviso. *Moved to B&C Board, proviso 80A.59.*

**SEN:** ADOPT deletion of proviso.

- 40.7**     **DELETE** (Aeronautics - Airport Development) Directs that any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the division.

**SFC:** DELETE proviso. *Moved to B&C Board, proviso 80A.60.*

**SEN:** ADOPT deletion of proviso.

- 40.8**     **DELETE** (Aeronautics - Clothing Allowance) Authorizes the Division of Aeronautics to provide pilots with an annual clothing allowance (on a pro rata basis) not to exceed \$400 per pilot for required clothing used in the performance of their primary duty.

**SFC:** DELETE proviso. *Moved to B&C Board, proviso 80A.61.*

**SEN:** ADOPT deletion of proviso.

- 40.9**     **DELETE** (Grant Funds Carry Forward) Authorizes unexpended Matching National Grant Funds to be carried forward from the prior fiscal year into the current fiscal year and be used for matching committed and/or unanticipated grant funds.

**SFC:** DELETE proviso. *Moved to B&C Board, proviso 80A.62.*

**SEN:** ADOPT deletion of proviso.

- 40.10**   **DELETE** (Carry Forward Sale of Aircraft Proceeds) Authorizes the department to carry forward proceeds from the sale of aircraft to be used for replacement aircraft and for required FAA upgrades to existing aircraft.

**SFC:** DELETE proviso. *Moved to B&C Board, proviso 80A.63.*

**SEN:** ADOPT deletion of proviso.

- 40.11**   **DELETE** (Aviation Grants) Directs Aviation Grants funds appropriated in this bill or any bill supplemental to this bill to be credited to the State Aviation Fund and be used (1) to allow maximization of grant funds available through the FAA for capital improvement projects; excluding administration or operational projects; (2) for general aviation airports maintenance projects; and (3) for aviation education related programs. Directs that sponsors of publicly owned airports for public use are eligible to receive grants, but requires the airport to have a current development plan the meets National Plan of Integrated Airports Systems planning requirements. Directs the Secretary of Commerce to promulgate regulations establishing the grants program. Directs that enabling airport sponsors to meet basic FAA safety guidelines for obstruction clearance must be a major factor in establishing priority guidelines and authorizes the secretary to have the discretion to establish a program to grant Aviation Fund monies for this purpose at the rate of 80% from the fund to 20% from the local airport sponsor, or any ratio with a smaller contribution from the fund. Requires an expenditure report be submitted to the

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Senate Finance and House Ways and Means Committees. Authorizes unexpended funds to be carried forward and spent for like purposes.

**SFC:** DELETE proviso. *Moved to B&C Board, proviso 80A.64.*

**SEN:** ADOPT deletion of proviso.

- 40.12 AMEND FURTHER** (Coordinating Council Funds) Authorizes the council, from funds set-aside by Section 12-28-2910 [SOUTH CAROLINA COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT; ESTABLISHING PROJECT PRIORITIES; DISPOSITION OF PAYMENTS], to spend funds unobligated or uncommitted as of July 1 of the current fiscal year only as necessary for location or expansion of an industry or business facility in the state. Defines eligible expenditures and site preparation. Requires the Coordinating Council annually prepare a detailed report and which shall be submitted to the General Assembly by March 15<sup>th</sup> that itemizes expenditures for the preceding calendar year and includes the following information: company name or confidential project number; location of the project; amount of grant award; and scope of grant award. Directs that the General Assembly shall not appropriate funds or direct the council to extend loans or grants. Directs that the council shall not extend loans or grants from the amounts set aside by Section 12-28-2910 for any other purpose.

**WMC:** AMEND proviso to authorize the council, in order to provide maximum flexibility to encourage new jobs creation and capital investments, to transfer economic development funds at its disposal to the Closing Fund. Authorize any unexpended balance to be carried forward and expended by the department for the same purpose. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to authorize up to \$7,000,000 to be transferred provided the transfer is approved by a majority vote of the Coordinating Council members in a public meeting.

**SEN:** ADOPT proviso as amended.

- 40.23 DELETE** (Motion Picture Rebate) Authorizes the Film Commission to offer rebates to a motion picture production company as follows: from funds set-aside by Section 12-62-50 [TAX REBATE FOR EMPLOYMENT OF PERSONS SUBJECT TO SOUTH CAROLINA INCOME TAX WITHHOLDINGS], up to 20% of the total aggregate S.C. payroll for persons employed in connection with the production who are subject to SC income tax withholdings and from funds set-aside by Section 12-62-60 [DISTRIBUTION OF ADMISSIONS TAXES; REBATES TO MOTION PICTURE PRODUCTION COMPANIES; PROMOTION OF COLLABORATIVE EFFORTS BETWEEN INSTITUTIONS OF HIGHER LEARNING AND MOTION PICTURE RELATED ENTITIES], up to 30% of the expenditures made by the company in the State. Directs that motion picture production companies that have previously been approved at the lower percentages may reapply for the higher percentages only if the project is still in production in this state as of the effective date of this provision.

**WMC:** DELETE proviso. *Act 359 of 2008 moved the SC Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism. Proviso is moved to PRT's section.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 40.26 DELETE** (Film Marketing) Authorizes the department to use film marketing funds in Program II.B [BUSINESS SOLUTIONS] to allow for assistance with film industry recruitment and infrastructure development; to develop a film crew base; to develop film industry ally support; and for marketing and special events.

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**WMC:** DELETE proviso. *Act 359 of 2008 moved the SC Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism. Proviso is moved to PRT's section.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 40.27 DELETE** (Motion Picture Administration Application Fee) Authorizes the Coordinating Council for Economic Development to charge an application fee for Motion Picture Incentive programs and to retain and expend these fund to meet administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. Requires a fee schedule be established and approved by the Coordinating Council for Economic Development.

**WMC:** DELETE proviso. *Act 359 of 2008 moved the SC Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism. Proviso is moved to PRT's section.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 40.29 DELETE** (Aeronautics Grant Match Funds) Authorize funds appropriated to the Division of Aeronautics for FAA grant matching to be used to match state and local aviation airports projects whether or not FAA funding has been received. Require Aeronautics Commission approval prior to the funds being awarded.

**SFC:** DELETE proviso. *Moved to B&C Board, proviso 80A.65.*

**SEN:** ADOPT deletion of proviso.

- 40.30 AMEND** (Economic Development Organizations) Directs the department to use \$2,700,000 of the \$3,000,000 appropriated for Regional Economic Development Organizations in FY 07-08 to provide funds to the following 6 organizations that have not already drawn down the maximum of \$450,000: Central SC Economic Development Alliance; Charleston Regional Development Alliance; Economic Development Partnership; North Eastern Strategic Alliance (NESA); Southern Carolina Alliance; and Upstate Alliance. Directs that in addition, \$150,000 must be provided to the Lowcountry Economic Alliance. Directs that for entities that have not already drawn down the maximum of \$450,000, the remaining funds must be disbursed equally to each organization at a maximum level of \$420,000. Requires a 1:1 private fund match. Requires the receiving organization to certify that the private funds match are new dollars specifically designated for this purpose. Directs that the remaining \$300,000 be provided to Chester, Lancaster, Union, and York Counties if they meet the established requirements. Directs organizations receiving the funds to provide an annual report on expenditure of funds and outcome measures to the Chairmen of the Senate Finance and House Ways and Means Committees and the Secretary of Commerce by November 1<sup>st</sup>.

**SEN:** AMEND proviso to direct that any funds remaining in the department's accounts for Regional Economic Development Organizations at the end of FY 09-10 shall be transferred to the General Fund. Sponsor: Sen. McGill.

- 40.32 AMEND** (Public Railways) Directs the Division of Public Railways to create a statewide rail plan on or before March 31, 2009 that is in compliance with applicable federal laws, rules, and regulations. Directs the division to consult with and seek input from DOT, State Ports Authority, Department of Commerce Aeronautics Division, PRT, PSC, ORS, and DHEC

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throughout the planning process. Directs the division to seek advice and input from the Councils of Governments, CSX, Norfolk Southern, Amtrack, short-line railroads, and any other associations that may be affected by developing the statewide rail plan. Directs the Department of Commerce to make \$100,000 of their funds available for the creation of the statewide rail plan.

**SFC:** AMEND proviso to change "Department of Commerce" reference to the "Budget and Control Board."

**SEN:** ADOPT proviso as amended.

- 40.35**     **ADD** (Water Litigation) **HOU:** ADD new proviso to require the department to transfer \$500,000 from the State Rural Infrastructure program to the Attorney General's Office for water litigation. Sponsor: Rep. Simrill.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 40.36**     **ADD** (Port Credit) **SFC:** ADD new proviso to direct that \$450,000 of general fund revenue set-aside by Section 12-6-3375 [TAX CREDIT FOR PORT CARGO VOLUME INCREASE; APPLICATION TO COUNCIL; DEFINITIONS] and managed by the Department of Commerce, be allocated to any entity whose port cargo volume increased over its base year and who did not receive an allocation from the Coordinating Council in 2008.

**SEN:** ADOPT new proviso.

- 40.37**     **ADD** (Aeronautics Assets and Funds) **SFC:** ADD new proviso to prohibit the Department of Commerce, in accordance with Section 13-1-1010 [COMMISSION CREATED; PURPOSE; PURCHASE AND SALE OF AERONAUTICS ASSETS], from selling or transferring any Division of Aeronautics assets including, but not limited to leasehold improvements and all rights inuring to the benefit of the division under real estate leases in effect as of 1/1/09, and the ability to sublease same, without Aeronautics Commission and Secretary of Commerce approval. Prohibit the Division of Aeronautics from being relocated from the SC Division of Aeronautics Building at the Columbia Metropolitan Airport without approval by the Aeronautics Commission and the Secretary of Commerce. Require Aeronautics Commission and Secretary of Commerce approval for funds appropriated to or authorized for the Division of Aeronautics to be transferred to or expended for any other program. Direct that if state funds are reduced, Division of Aeronautics general funds may not be reduced greater than the percentage stipulated by the B&C Board or General Assembly for the agency as a whole.

**SEN:** ADOPT new proviso.

- 40.38**     **ADD** (Railway Transfer) **SFC:** ADD new proviso to direct that specific capital assets that were necessary for the operation of a railroad located on an applicable federal military installation or applicable federal facility shall be transferred, and immediately vest, in fee simple absolute, to the Department of Commerce, Division of Public Railways. Require the director, after the transfer is completed, to report on the effectiveness of the transfer to the Chairmen of the Senate Finance and House Ways and Means Committees. Define applicable federal military installation for purposes of this provision as a federal facility closed or realigned under specific Defense Base Closure and Realignment Acts and Amendments and that has reduced its permanent employment by 3,000 or more jobs after December 31, 1990.

**SEN:** ADOPT new proviso.

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- 40.39**     **ADD** (Civil Air Patrol Transfer) **SEN:** ADD new proviso to direct the department to transfer \$50,000 of the funds appropriated to or authorized for the department to the Adjutant General's Office for the Civil Air Patrol. Sponsor: Sen. Leventis.

**SECTION 43 - P40 - S.C. CONSERVATION BANK**

- 43.2**     **ADD** (General Fund Transfer to Conservation Bank) **SEN:** ADD new proviso to direct the State Treasurer's Office to transfer \$2,000,000 to the S.C. Conservation Bank from the increased general fund revenue resulting from the motion picture wage rebate of 15% as required by Section 12-62-50 [TAX REBATE FOR EMPLOYMENT OF PERSONS SUBJECT TO SOUTH CAROLINA INCOME TAX WITHHOLDINGS] rather than 20% as authorized in prior appropriation acts. Sponsors: Sens. Campsen, Courson, and Davis.

**SECTION 44 - B04 - JUDICIAL DEPARTMENT**

- 44.17**     **DELETE NEW PROVISIO** (Administrative Law Court) **WMC:** ADD new proviso to direct the department to transfer \$260,000 to the Administrative Law Court during the current fiscal year. *Funds will be used for two unfunded judge positions.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.
- 44.18**     **DELETE NEW PROVISIO** (Water Litigation) **HOU:** ADD new proviso to require the department to transfer \$250,000 to the Attorney General's Office for water litigation expenses. Sponsor: Rep. Simrill.  
**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.
- 44.19**     **DELETE NEW PROVISIO** (ALC Operating Funds) **HOU:** ADD new proviso to require the department to transfer \$100,000 to the Administrative Law Court for operating expenses. Sponsor: Rep. Young.  
**SFC:** DELETE new proviso  
**SEN:** ADOPT deletion of new proviso.

**SECTION 45 - E20 - ATTORNEY GENERAL'S OFFICE**

- 45.4**     **DELETE** (Elder and Vulnerable Adults Abuse Reports) Directs the Long Term Care Ombudsman Program and the Adult Protection Services Program to forward reports of abuse, neglect, or exploitation of elders or vulnerable adults, as defined by the Omnibus Adult Protection Act, to the Attorney General. Directs the Attorney General and these entities to enter into memoranda of understanding to determine which reports shall be sent, the time frame, and any other process that is needed.  
**WMC:** DELETE proviso. *Memorandum of Understanding has been signed.* Fiscal Impact: No impact on the General Fund. Requested by Attorney General's Office.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.



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- 45.11 ADD** (Auction Rate Securities Settlement/Water Rights) **SFC:** ADD new proviso to authorize the Attorney General to use \$2,200,000 of Auction Rate Securities Settlement funds to pay expenses and fees associated with the South Carolina vs. North Carolina water lawsuit (U.S. Supreme Court Original Jurisdiction Case Number 138). Direct that the \$2.2 million shall not include the \$750,000 currently allocated for securities enforcement expenses. Authorize a portion of the \$2.2 million be used to reimburse Water Litigation expenses incurred in the prior fiscal year.  
**SEN:** ADOPT new proviso.

**SECTION 46 - E21 - PROSECUTION COORDINATION COMMISSION**

- 46.8 AMEND** (Criminal Domestic Violence Prosecution) Directs that \$2,200,000 of Criminal Domestic Violence Prosecution funds be apportioned equally among the circuits and any remaining balance be apportioned among the circuits on a per capita basis based on the 2000 Census. Directs that these funds may only be used for criminal domestic violence prosecution in magistrate and circuit courts. Directs that payment be made as soon after the beginning of each quarter as practical. Requires each Solicitor to designate at least one individual prosecutor per county for this purpose. Allows a Solicitor and the Attorney General to partner to accomplish these provisions. Requires the commission to retain criminal domestic violence prosecution information and data and provide such information to the General Assembly in an annual report within 60 days after the end of the fiscal year. Requires that statistics regarding location, number and type of criminal domestic violence charges, number of cases prosecuted, and disposition of the cases be included in the report, unless the information is privileged by law.  
**WMC:** AMEND proviso to specify that the annual report provide information and data on criminal domestic violence charges prosecuted by assistant solicitors that are compensated with these funds. Direct that the report include “an accounting of the expenditures of the funds” in addition to the other information required. *Clarification of what is to be reported to the General Assembly.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 46.9 AMEND** (DUI Prosecution) Directs that funds appropriated for Driving Under the Influence Prosecution be apportioned equally among the circuits and directs that these funds may only be used for prosecuting DUI in magistrate and circuit courts. Directs that payment be made as soon after the beginning of each quarter as practical. Requires the commission to retain information and data on DUI prosecutions and provide an annual report to the General Assembly no later than 60 days after the end of the fiscal year. Requires that the report, at a minimum include an accounting of expenditure of the funds, information and statistics regarding the location, number and type of DUI charges, number of cases prosecuted, and disposition of the cases.  
**WMC:** AMEND proviso to specify that the annual report provide information and data on DUI charges prosecuted by assistant solicitors that are compensated with these funds. *Clarification of what is to be reported to the General Assembly.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.

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**SECTION 47 - E23 - COMMISSION ON INDIGENT DEFENSE**

- 47.4**     **AMEND** (Post Conviction Relief Payments) Directs the court to order payment of all fees and costs in non capital Post Conviction Relief cases from funds appropriated to the Office on Indigent Defense for defense of indigents in such cases. Directs that the rate of compensation for appointed attorneys not exceed \$40 per hour for time spent out of court and \$60 per hour for time spent in court, or on the basis of a set (flat) fee. Directs that the payment method and amount of the set (flat) fee will be determined by the Commission on Indigent Defense. Directs that compensation and costs not exceed \$1,000 in any single case and be paid from funds appropriated to the Office of Indigent Defense for defense of indigents represented by court-appointed, private counsel in non-capital Post Conviction Relief cases.  
**WMC:** AMEND proviso to delete specific references to “defense of indigents.” Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 47.5**     **AMEND** (Civil Court Appointments) Directs the expenditure of Civil Court Appointments funds to reimburse court appointed private attorneys for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post Conviction Relief. Prohibits Civil Court Appointments funds from being transferred or used for any other purpose. Directs that Civil Court Appointments funds shall also be used to reimburse private attorney’s appointed by the Family Court to serve as guardians ad litem, where volunteer appointments cannot be made. Establishes a reimbursement rate based of \$50 per hour or on the basis of a set (flat) fee, directs that the payment method and amount of the set fee will be determined by the Commission on Indigent Defense, and limits reimbursement to \$2,000 per case. Provides guidelines for reimbursement to exceed these limits. Directs the court to authorize defendant’s attorneys to obtain investigative, expert, or other services if it is found in ex parte proceedings that such services are reasonable and necessary and to order the Office of Indigent Defense to pay such fees and expenses, not to exceed \$500, as the court considers appropriate. Provides guidelines for payment to exceed these limits. Requires indigent defense vouchers to be reviewed pursuant to procedures established by the commission and directs the commission to provide a copy of the procedures to the Senate Finance and House Ways and Means Committees. Authorizes a portion of Civil Court Appointment funds to be used by the commission to retain, on an contractual basis, the services of attorneys qualified to handle civil court appointments and directs that their services reimbursed in accordance with applicable provisos and statutes.  
**WMC:** AMEND proviso to specify that indigent defense vouchers must be reviewed “and paid” pursuant to procedures “and policies” established by the commission and direct that copies of the policies also be provided to the Senate Finance and House Ways and Means Committees. *To require compliance with agency policies and procedures.* Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 47.14**     **ADD** (Defense of Indigents Civil Action Application Fee) **WMC:** ADD new proviso to require a person to whom counsel has been provided in a termination of parental rights (TPR), abuse and neglect, or any other civil court action to execute an affidavit that they are financially

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unable to employ counsel and include in the affidavit all of the person's assets. Direct that if the person has some assets, but not enough to employ counsel, the court is authorized to order a person to pay those assets or portion of them to the Commission on Indigent Defense. Require a \$40 application fee from every person who executes such affidavit and to apply for a waiver. Direct the clerk of court or other appropriate official to collect the application fee and remit the proceeds to the Public Defender Application Fund on a monthly basis. Require that the monies be deposited in an interest bearing account separate from the general fund and be used only to provide indigent defense services. Direct that the Commission on Indigent Defense administer the monies. Require that a record be maintained by the clerk of court or other appropriate official of all persons who apply for representation and the disposition of the application and to provide this information as well as the amount of funds collected or waived to the Commission on Indigent Defense on a monthly basis. Direct a juvenile's parents or legal guardian to execute the affidavit based on their financial status and be responsible for paying any fee and to be informed of this requirement in writing. State that this provision shall not restrict or hinder a court from appointing counsel in emergency proceedings or where existing statutes don't provide sufficient time to complete the application process. Direct that appointment of counsel creates a claim against the assets and estate of the person provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed counsel. Direct that such claim be filed with the clerk of court in the county where the person is assigned counsel. Direct that filing a claim shall not constitute a lien against real or personal property unless, at the court's discretion, part or all of such claim is reduced to judgment by appropriate court order, after serving the person with at least 30 days' notice that judgment will be entered. Direct that when a claim is reduced to judgment, it has the same effect as judgments, except as modified by this provision. *Indigent applicants requiring representation in General Sessions and Magistrate courts are currently required to pay a \$40 application for appointment of counsel.* Fiscal Impact: BEA indicates that based on commission staff review this provision would raise restricted funds within the commission by a total of \$100,000 in FY 09-10, based on an estimate of 2,500 Civil Action Application payments at \$40 each. Since proceeds go to the commission there is not impact on the General Fund. Requested by Commission on Indigent Defense.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 47.15**     **ADD** (Family Court Attorney Appointment Study Group) **WMC:** ADD new proviso to direct the Commission on Indigent Defense and DSS to jointly study the issue of appointing private attorneys in termination of parental rights and abuse and neglect cases. Direct the agencies to develop proposals to significantly reduce or eliminate members of the private bar from being appointed. Direct that proposals be presented to the Chairmen of the Senate Finance and House Ways and Means Committees by October 1, 2009. *Improve the process of appointing private attorneys to family court actions.* Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 47.16**     **ADD** (Exempt Pass-Through Funds) **WMC:** ADD new proviso to direct that funds distributed by the commission to the Legal Services Corporation in accordance with Section 14-1-204 [DISTRIBUTION OF FILING FEE PAID FOR FILING COMPLAINTS OR PETITIONS IN CIVIL ACTIONS IN A COURT OF

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RECORD] shall not be considered part of the commission's budget for purposes of calculating budget reductions. *Agency acts as a conduit to distribute the funds to this organization.* Fiscal Impact: No impact on the General Fund. These other funds generated by filing fees. Requested by Commission on Indigent Defense.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 47.17 ADD** (Reporting Requirement) **WMC:** ADD new proviso to direct Circuit Public Defenders to provide, in a manner and form as the agency head requires, information and data concerning caseloads, dispositions, and other information as required by the agency head or General Assembly. Directs the agency to withhold payments and transfers to Circuit Public Defenders who are not in compliance with the reporting requirements. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

**SECTION 48 - D10 - STATE LAW ENFORCEMENT DIVISION**

- 48.11 AMEND** (Detective/Security Fee) Authorizes SLED to charge and collect additional license and registration fees for private detective and private security businesses, including their employees, and companies which provide private security on their own premises. Direct that the revenue generated be transmitted to DPS to provide additional Capitol Complex area security.

**SFC:** AMEND proviso to change DPS reference to "Capitol Police Force."

**SEN:** ADOPT proviso as amended.

- 48.20 AMEND NEW PROVISO** (Alcohol Laws) **HOU:** ADD new proviso to direct SLED to convene a working group of state and local law enforcement officials to develop recommendations for improving enforcement of state statutes that relate to the sale, purchase and possession of alcoholic beverages. Require SLED, by November 1<sup>st</sup>, to publish on its homepage the group's recommendations to strengthen and improve: (1) enforcement of the laws; (2) cooperation between state and local agencies regarding the laws; (3) statewide support of SLED in enforcing the laws; (4) and use of alcohol related fees collected by SLED. Sponsor: Rep. Funderburk.

**SFC:** AMEND new proviso to direct that the working group be comprised of the Director of SLED or his designee, the Director of DPS, or his designee, two sheriffs appointed by the SC Sheriff's Association; one each from a large and a small populated county, or their designee, and two police chiefs appointed by the Municipal Association of SC; one each from a city or municipality with a large population and with a small population. Allow the working group to seek input from the SC Hospitality Association, the SC Association of Convenience Stores and other entities as deemed necessary.

**SEN:** ADOPT new proviso as amended.

**SECTION 49 - K05 - DEPARTMENT OF PUBLIC SAFETY**

- 49.8 DELETE** (Retention of Private Detective Fees) Authorizes DPS to receive, expend, retain and carry forward all funds received from SLED related to license and registration fees for private

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detective and private security businesses, including their employees, and companies that provide private security on their own premises. Direct DPS to use funds in the Bureau of Protective Services Program to provide security for state agencies and the Capitol Complex.

**SFC:** DELETE proviso.

**SEN:** ADOPT deletion of proviso.

- 49.10 DELETE** (Inmate Release) Directs DPS to use their appropriated funds to positively determine the identity of individuals arrested under Sections 20-7-8920 or 20-7-8925 [TITLE 20 CHAPTER 7, CHILDREN'S CODE WAS SUBSEQUENTLY REPEALED] before releasing that individual from custody.

**SFC:** DELETE proviso.

**SEN:** ADOPT deletion of proviso.

**SECTION 49A - K09 - CAPITOL POLICE FORCE**

- 49A.1 ADD** (Retention of Private Detective Fees) **SFC:** ADD new proviso to authorize the Capitol Police Force to receive, expend, retain and carry forward all funds received from SLED related to license and registration fees for private detective and private security businesses, including their employees, and companies that provide private security on their own premises. Direct that the funds be used to provide security for the Capitol Complex.

**SEN:** ADOPT new proviso.

- 49A.2 ADD** (Commissioned Officers' Physicals) **SFC:** ADD new proviso to authorize the Capitol Police Force to pay for the cost of physical exams for agency personnel who are required to receive physical exams prior to or after receiving a law enforcement commission.

**SEN:** ADOPT new proviso.

- 49A.3 ADD** (Meals in Emergency Operations) **SFC:** ADD new proviso to authorize the Capitol Police Force to provide the cost of meals to employees who are not permitted to leave their assigned duty stations and who are required to work during deployment, emergency simulation exercises, and when the Governor declares a state of emergency.

**SEN:** ADOPT new proviso.

- 49A.4 ADD** (Carry Forward Authority) **SEN:** ADD new proviso to authorize the Capitol Police Force to carry forward unexpended funds to be use at the discretion of the Capitol Police Force Committee. Sponsor: Sen. Fair.

**SECTION 51 - N04 - DEPARTMENT OF CORRECTIONS**

- 51.27 AMEND** (Work Release Transportation Fee) Authorizes the department to charge a \$1 per day transportation fee to work release program participants when such transportation is provided by the department. Directs that monies collected be credited to the department and used solely to fund transportation for work release participants and for work release program vehicle replacement.

**WMC:** AMEND proviso to change the authorized transportation fee from "\$1" to "\$4." *There are 450 work release participants at seven centers and 53 vehicles drove 914,000 miles last year at 45 cents per mile.* Fiscal Impact: OSB indicates the department estimates a savings to the general fund of approximately \$322,920 (\$107,640 per \$1 increase). The increase in fees

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would be used to offset costs currently covered by General Funds and other funds would increase by a similar amount. Requested by Department of Corrections.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 51.31**     **ADD** (Inmate Barbering Program) **WMC:** ADD new proviso to exempt inmate barbers in the Inmate Barbering Program from the licensing requirements of Section 40-7-30 [BARBERS AND BARBERING LICENSURE REQUIREMENT]. *Prior to 1997 inmate barbers were exempt from this statute. This exemption will prevent the need to expend funds to hire barbers outside the prison system.* Fiscal Impact: The department states the estimated recurring cost to bring in licensed barbers would be \$840,000. Requested by Department of Corrections.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.

- 51.32**     **AMEND NEW PROVISIO** (Executed Inmate Autopsy) **WMC:** ADD new proviso to direct that superseding Section 17-7-10 [CORONERS OR SOLICITORS SHALL ORDER AUTOPSIES; AUTOPSY TO BE ORDERED UPON DEATH OF PERSONS IN PENAL INSTITUTIONS] to the extent necessary, as well as any other conflicting provisions of law, an autopsy shall not be conducted when an inmate is executed by the Department of Corrections pursuant to a valid Supreme Court order. *An autopsy for an executed inmate is not needed.* Fiscal Impact: OSB states the department indicates a savings of \$895 per autopsy. Requested by Department of Corrections.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to suspend, for the current fiscal year, the autopsy requirement of Section 17-7-10 when an inmate is executed by the Department of Corrections pursuant to a valid Supreme Court order.  
**SEN:** ADOPT new proviso as amended.

- 51.33**     **AMEND NEW PROVISIO** (Recoupment of Expenses Associated with Inmate Cremation) **WMC:** ADD new proviso to direct that superseding Section 24-3-570 [DISPOSITION OF BODY] as necessary, as well as any other conflicting provisions of law, if the department incurs expenses for cremating and disposing of an unclaimed deceased inmate, the costs associated the cremation, including transportation, may be recouped from the deceased inmate's E.H. Cooper account if the funds are available. *To offset expenses.* Fiscal Impact: The department indicates that based on 125 deaths per year at \$450 per cremation, \$56,250 would be recouped. Requested by Department of Corrections.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to delete references to specific code cites.  
**SEN:** ADOPT new proviso as amended.

**SECTION 52 - N08 - DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES**

- 52.9**     **AMEND** (Offender Drug Testing Fee) Authorizes the department to charge offenders who challenge the findings of a drug test administered by the department a fee, not to exceed \$50, to have a drug test analyzed by a lab. Requires the fee to be waived if it is determined that the offender is indigent. Authorizes the department to retain the fee to offset the cost of the lab test and to carry forward unexpended funds to be used for the same purpose.

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**WMC:** AMEND proviso to authorize the department to charge for all drug testing, not just those whose findings are challenged. Direct that the fee be retained to offset the cost of the drug testing rather than of the lab test. *The department suspended drug testing due to budget reductions. This amendment will allow offender drug testing to resume.* Fiscal Impact: BEA estimates the fee for three, stick-test methods would average \$1.50 and apply to 59,090 tests and estimates the independent lab fee would be set at \$15 and apply to 3,000 tests. Multiplying \$1.50 x 59,090 yields \$88,635, and multiplying \$15 x 3,000 yields \$45,000. This amendment would raise earmarked funds within the department by a combined total of \$133,635 in FY 09-10. Since fee proceeds do not apply to the General Fund there would be no impact on the General Fund. The department states over 14,000 offenders were tested last year for a total cost of \$127,153. Requested by Department of Probation, Parole, and Pardon Services.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 52.10 AMEND NEW PROVISO** (Public Service Employment Set-Up Fee) **WMC:** ADD new proviso to authorize the department to charge an adult offender placed under its jurisdiction, who is ordered to public service employment by the court, a \$25 Public Service Employment Set-Up fee and require the department retain the fee and use it for their supervision process. *To offset the cost of offender supervision.* Fiscal Impact: BEA indicates that based on a review by the department the new "Set-Up" fee would apply to 4,461 offenders in FY 09-10. Multiplying \$25 times 4,461 PSE clients would raise \$111,525 for the department. Since no proceeds go to the General Fund there would no impact on the General Fund. The department states 4,461 offenders were ordered to perform 200,000 hours of public service last year. Requested by Department of Probation, Parole, and Pardon Services.

**HOU:** ADOPT new proviso.

**SFC:** AMEND new proviso to require the department to submit a report to the Chairmen of the Senate Finance and House Ways and Means Committees on the number of offenders assessed the fee and the amount of funds collected.

**SEN:** ADOPT new proviso as amended.

- 52.11 ADD** (Early Parole Termination) **SFC:** ADD new proviso to direct that if the department lacks sufficient funds to operate the Parole system, the department and the Board of Probation, Parole and Pardon Services may jointly develop policies, procedures, guidelines, and cooperative agreements to implement early parole termination for carefully screened and selected parolees who have served a minimum of 3 months and have satisfied all restitution obligations and fine, fee, and assessment requirements. Prohibit early parole termination for offenders convicted of a violent crime, criminal sexual conduct in the 3<sup>rd</sup> degree, or committing or attempting to commit a lewd act on a child.

**SEN:** ADOPT new proviso.

- 52.12 ADD** (Early Probation Termination) **SFC:** ADD new proviso to direct that if the department lacks sufficient funds to operate the Probation system, the department may develop policies, procedures, guidelines, and cooperative agreements, in conjunction with the Division of Court Administration, to implement early probation termination for carefully screened and selected probationers who have served a minimum of 3 months and have satisfied all restitution obligations and fine, fee, and assessment requirements. Require the department to petition the appropriate court for consideration of early probation termination and direct that the court retain final discretion in the matter. Prohibit early probation termination for offenders

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convicted of a violent crime, a “no parole” offense”, criminal sexual conduct in the 3<sup>rd</sup> degree, or committing or attempting to commit a lewd act on a child.

**SEN:** ADOPT new proviso.

**SECTION 55 - L46 - COMMISSION FOR MINORITY AFFAIRS**

- 55.5 REINSERT/AMEND** (Student Achievement and Vision Education) Directs the Commission for Minority Affairs to study and document family and community structures that contribute to or by their absence, exacerbate poor student achievement and socioeconomic deprivation. Directs the commission to identify all funding to programs and services that support family well being. Directs the commission to develop an assessment tool to survey appropriate agencies regarding services, associated cost, and other relevant information in order to identify and document gaps and duplication of services. Requires specific agencies to provide information to the commission as well as other agencies the commission deems appropriate. Directs the commission to compile a report that identifies strengths, weaknesses, and gaps in program support activities that should be addressed to increase positive outcomes to help close the achievement gap, provide community supports that strengthen families, and address inequities confronting minorities. Directs that the report make recommendations on the reallocation of funds, restructuring of agencies and services, and need for new programs or incentives for public-private partnerships. Directs that the report be issued by the first Tuesday of February, 2009 to the Governor, President Pro Tempore of the Senate, Chairman of the Senate Finance Committee, Chairman of the Senate Education Committee, Speaker of the House of Representatives, Chairman of the House Ways and Means Committee, Chairman of the House Education and Public Works Committee, Chairman of the Legislative Black Caucus and State Superintendent of Education.

**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** REINSERT and AMEND original proviso to change February “2009” to “2010.”

**SEN:** ADOPT proviso as amended.

**SECTION 56 - R04 - PUBLIC SERVICE COMMISSION**

- 56.1 AMEND FURTHER** (Real-Time Closed Captioning - Major Media Markets) Authorizes and directs the Public Service Commission to spend up to \$810,000 from the Dual Party Relay Fund to continue real-time closed captioning of locally produced news services for the 4 television stations currently providing the service. States that the purpose of the voluntary program is to allow deaf and hard-of-hearing citizens to have real-time access to news and weather information. Directs that these funds can only be used for expenditures directly related to real-time closed captioning and that this provision remains in effect through June 30, 2009 or until a contract for real-time closed captioning is awarded, whichever comes first.

**WMC:** AMEND proviso to change “\$810,000” to “\$610,000” and direct that it is to be spent “in form of a credit” from the Dual Party Relay Fund. Delete the requirement that the funds be spent to continue real-time closed captioning of locally produced news services “for the four television stations that are currently providing the service” and instead direct that the funds are to be used to continue the service “at a maximum of one television station in each of the four markets that are currently served.” Direct that each station receive reimbursement based on actual expenses incurred in providing the services up to a maximum of \$152,500 each during FY 09-10. Direct those expenditures over that amount would be the sole responsibility of the station and no credit or reimbursement would be provided by the state. Change the year for



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which this provision would remain in effect from “2009” to “2010” and delete the stipulation that the provision remain in effect until a contract is awarded. Define news programs as any locally produced regularly scheduled newscasts as well as non-regularly scheduled events such as debates, community meetings, etc. Direct that as long as these guidelines are followed, stations would be solely responsible for choosing the programs that would be captioned. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to delete amendments except for updating the year reference to 2010.

**SEN:** ADOPT proviso as amended.

**SECTION 59 - R12 - STATE ACCIDENT FUND**

**59.2 DELETE** (Workers’ Compensation Coverage for Volunteers) Directs the State Accident Fund to provide recommendations to the General Assembly and the Governor by January 16, 2009, on state provided professional liability and workers’ compensation insurance coverage for professionals licensed under Title 40 who voluntarily provide professional services outside the course of their employment to participate in organized, continuing proactive programs that operate under local Offices of Emergency Management authority or at the request of state or local governments during or in the 48 hours preceding natural disasters or declared states of emergency within the state.

**WMC:** DELETE proviso. *Requirements will be completed.* Fiscal Impact: No impact on the General Fund. Requested by State Accident Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

**SECTION 62 - R20 - DEPARTMENT OF INSURANCE**

**62.3 AMEND NEW PROVISO** (Fees for Licenses) **WMC:** ADD new proviso to authorize the Department of Insurance to charge the following fees for producer licenses, agency licenses, and insurer appointments unless changed by the director: \$25 individual producer license fee; \$25 biennial license renewal fee; \$40 local appointment initial and biennial fee; \$100 special appointment initial and biennial fee; \$100 general appointment initial and biennial fee; and \$40 agency initial and biennial license fee. Direct that the license and appointment fee for a producer of a common carrier who only sells transportation ticket policies on accident and health insurance or baggage insurance on personal effects if \$20. Direct that local appointment, special appointment, and general appointment initial fees are due and payable in advance of appointment, biennial appointment fees must be paid to the department by September 30<sup>th</sup> of an even-numbered year and if not paid by that date the appointment must be canceled; and an appointment shall be reactivated if by December 1<sup>st</sup> of the even-numbered year the appointment fee and a \$250 penalty has been paid to the department. Require all license fees to be paid in advance. Direct the department to promulgate regulations pertaining to the time and manner of fee payment. Direct that if the bank rejects a payment the producer has 30 days from the date of rejection to pay the license fee and if the payment is not made within this time period the license must be cancelled and require the producer to pay the license fee plus bank charges in order to reinstate the license. Require the department to retain the local appointment, special appointment, and general appointment initial and biennial fees as well as the reactivation penalty. Direct that all other license and appointment fees be deposited in the general fund.

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**HOU:** AMEND new proviso to delete the previous authorization and instead authorize the department to charge a \$25 initial producer license fee; a \$25 biennial producer license renewal fee; and a \$250 penalty fee for late appointment renewals. Authorize the director to specify the time and manner of fee payment. Direct the department to retain the fees to administer Title 38. Sponsors: Reps. Sandifer and Bingham.

**SFC:** ADOPT new proviso as amended.

**SEN:** ADOPT new proviso as amended.

**SECTION 64 - R28 - DEPARTMENT OF CONSUMER AFFAIRS**

**64.6 ADD** (Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention)

**SFC:** ADD new proviso to allow the Department of Consumer Affairs to retain all revenue derived from Consumer Credit Grantor Notification and Maximum Rate filing fees. Fiscal Impact: The department estimates retention of these fees would increase agency revenue by \$450,000 resulting in a corresponding decrease to general fund revenue.

**SEN:** ADOPT new proviso.

**SECTION 65 - R36 - DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**65.3 AMEND** (POLA - 110%, Other Funds) Requires the Professional and Occupational Offices to annually remit to the general fund an amount equal to 10% of their expenditures. Requires the Contractor's Licensing Board to remit to the general fund all revenues above their expenditures and directs that their 105 is included in that amount.

**SFC:** AMEND proviso to require the department to also transfer \$5,300,000 from Subfund 3135 to the general fund. Allow the department to transfer funds from any other earmarked or restricted "special revenue fund" and lift any restrictions on the use of those funds for the fiscal year. State the General Assembly's intent to assist the department to reduce and eventually eliminate this general fund obligation.

**SEN:** ADOPT proviso as amended.

**65.8 DELETE** (Board of Pharmacy-Pharmacy Technician Certification Requirements) Directs that during FY 08-09, of the funds appropriated to LLR for Professional & Occupational Licensing, a one-time certification process must be implemented for certifying Pharmacy Technicians who, as of June 30, 2004, met the academic and supervised practice requirements, but did not submit all the required information in accordance with the Board's submission requirements. Requires that these individual must have met all requirements of Section 40-43-82 (A), (B), and (C) [PHARMACY TECHNICIANS; REGISTRATION].

**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

**65.9 DELETE** (Wind and Structural Engineering Research Lab) Directs the department to use \$100,000 to contract with Clemson's Department of Civil Engineering and Engineering Mechanics and with the Citadel in conjunction with the Home Builders Association of S.C. to establish a research project to determine whether the wind and seismic residential building requirements for the state as prescribed in the 2006 International Residential Code are valid. Directs that a preliminary report be submitted to the SC Building Council by June 30, 2009.

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Directs that the current SC Residential Building Code remain in place until June 30, 2009 in order to ensure the maximum benefit of the study.

**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Labor, Licensing and Regulation.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 65.10 AMEND NEW PROVISIO** (Flexibility) **WMC:** ADD new proviso to authorize the department to spend agency earmarked and restricted *accounts* to maintain critical programs previously funded with general funds. Require any increase in spending authorization for these purposes to receive prior Office of State Budget approval. *Use other funds to match federal funds for the OSHA & OSHA Voluntary Programs to replace state funds that were cut from the budget.* Fiscal Impact: No impact on the General Fund. OSB states that other funds subfunds impacted would be primarily POLA revenue (current value \$35,340,596) and Trust Funds such as Auctioneer Recovery Fund (capped at \$125,000), Vacation Time Sharing Recovery Fund (current balance \$252,980), Education & Research Fund (current balance \$465,700) and Real Estate Appraisal Registry Fund (current balance \$17,260). The department reports that the State match (1:1) needed to receive federal funds and to maintain a State-directed program is approximately \$1.8 million. After the recent budget reductions, only about \$1.4 million in State funds is budgeted for the match. Requested by Department of Labor, Licensing and Regulation.

**HOU:** ADOPT new proviso.

**SFC:** AMEND new proviso to specify that this flexibility is to assist in absorbing general fund reductions to the OSHA and OSHA Voluntary Programs.

**SEN:** ADOPT new proviso as amended.

- 65.11 AMEND NEW PROVISIO** (Immigration Bill Funding) **WMC:** ADD new proviso to authorize the department to use funds carried forward in Subfund 3135 in order to support the department's mission under the Illegal Immigration Reform Act until adequate funding is provided. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** AMEND new proviso direct that notwithstanding any other provision of this act, the department must retain \$750,000 of the funds carried forward in Subfund 3135 to fund the department's Illegal Immigration Reform Act responsibilities prior to transferring Subfund 3135 funds for any other purpose. Sponsor: Rep. Rose.

- 65.12 AMEND NEW PROVISIO** (Authorized Reimbursement) **WMC:** ADD new proviso to prohibit the director of the department from authorizing reimbursement under Section 40-1-50(A) [BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS; AUTHORITY OF DEPARTMENT] to board members listed in Section 40-1-40(B) [BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS; DOMAIN] for meetings held at a location other than department offices unless it is determined that the department is not able to provided sufficient meeting space in a state owned facility in Richland or Lexington County. Fiscal Impact: No impact on the General Fund.

**HOU:** AMEND new proviso to include "leased" space in the determination of insufficient space. Sponsor: Rep. Bingham.

**SFC:** ADOPT new proviso as amended.

**SEN:** ADOPT new proviso as amended.

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- 65.13 DELETE NEW PROVISO** (SCOIS Funding) **HOU:** ADD new proviso to direct the department to transfer \$433,000 of Subfund 3135 carry forward funds to the Employment Security commission for the S.C. Occupational Information System (SCOIS) program. Sponsor: Rep. Bingham.  
**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.
- 65.14 ADD** (Transfer to General Fund) **SFC:** ADD new proviso to direct the department to transfer \$4,362,265 to the General Fund from funds carried forward in Subfund 3135. Authorize the department to transfer an equal amount of funds from any “special revenue funds” earmarked or restricted account if they so choose and direct that restrictions concerning use of those funds is lifted for the specified fiscal year.  
**SEN:** ADOPT new proviso.

**SECTION 67 - R60 - EMPLOYMENT SECURITY COMMISSION**

- 67.1 AMEND FURTHER** (Salary Level) Directs that the salaries of the Chairman, Commissioners, and Agency Director shall not be less than that agreed to by the U.S. Department of Labor.  
**HOU:** AMEND proviso to direct that if restructuring legislation is adopted by the General Assembly, those salaries shall be set as authorized in the restructuring legislation. Sponsors: Reps. Sandifer and Bingham.  
**SFC:** AMEND FURTHER to direct that the Agency Director’s salary be set by the Agency Head Salary Commission.  
**SEN:** ADOPT proviso as amended.
- 67.5 ADD** (Federal and Earmarked Prior Year Payments) **WMC:** ADD new proviso to authorize the Employment Security Commission to pay federal and earmarked prior year obligations with current year funds. *Accommodate federal lag.* Fiscal Impact: No impact on the General Fund. Requested by Employment Security Commission.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.

**SECTION 68A - U12 - DEPARTMENT OF TRANSPORTATION**

- 68A.13 AMEND** (Shop Road Farmers Market Bypass Carry Forward) Authorizes unexpended Shop Road Farmers Market Bypass funds to be carried forward and used for the same purpose.  
**SEN:** AMEND proviso to direct that the funds carried forward may be expended for the matching requirement for the widening and expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads-Phase I). Direct any balance remaining after the match requirement is satisfied to be transferred to the Capitol Police Force for operating purposes. Sponsors: Sens. Jackson and McConnell.
- 68A.14 DELETE** (Reopen Rest Areas) Directs the department to use the \$723,000 general fund appropriation designated for “Commercial Motor Vehicle Rest Areas” to reopen 7 non-facility parking areas for commercial vehicles only. Directs that the department in conjunction with DPS will determine the locations of the rest areas. Directs the department to post signs that restrict these parking areas to commercial vehicles and to post “no trespassing” signs to prohibit

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pedestrian entry. Directs the department to determine whether federal grants are available to supplement the funds appropriated for this purpose and if so to apply for such federal grant. Authorizes these funds to be carried forward and used for the same purpose.

**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Transportation.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

**SECTION 69 - Y14 - STATE PORTS AUTHORITY**

**69.1 AMEND** (Charleston Cooper River Bridge Project) Directs the State Ports Authority to pay the State Transportation Infrastructure Bank \$1,000,000 before 6/30/09 from other general fund or operating fund surplus and any funds appropriated to the authority in prior fiscal years that are unspent as of 7/1/08, to continue the Charleston Cooper River Bridge Project.

**WMC:** AMEND proviso to change “2008” to “2009” and “2009” to “2010.” *Meets the obligations of the State Ports Authority and the State Infrastructure Bank’s financial agreement.* Fiscal Impact: No impact on the General Fund. The funds used to pay the Transportation Infrastructure Bank are operating funds of the Ports Authority, none of which are state appropriated funds. Generates \$1,000,000 for the State Transportation Infrastructure Bank. Per the Ports Authority, the commitment of the agency is to provide \$1,000,000 per year for 25 years, until 2027.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

**SECTION 70 - A99 - LEGISLATIVE DEPARTMENT**

**70.1 AMEND** (Legislative Employee Designations) Provides definitions for positions designated as (P) (T) (Interim), and (PPT). Directs the House to maintain an internal record that denotes these employees.

**WMC:** AMEND proviso to change the designation for (PPT) from denoting part-time temporary employees retained for full-time work “on a six month basis” to “for a period of months.” Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

**70.4 AMEND** (Subsistence/Travel Regulations) Provides guidelines for subsistence, per diem, and mileage for members of the General Assembly.

**WMC:** AMEND proviso to delete the “House Standing Committee Chairman” from the advance approval process for House members to working during the interim. Make other “technical” clean-up language changes to direct that members continue to receive mileage, per diem, and subsistence at the current IRS rate. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

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- 70.7**     **AMEND** (House Pages) Authorizes the House of Representatives to appoint up to 144 pages as provided in the House Rules.  
**WMC:** AMEND proviso to change “as provided in the House Rules” to “pursuant to House policies and procedures.” Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 70.20**     **AMEND** (Joint Legislative Committee on Aging Expenses) Authorizes Joint Legislative Committee on Aging members to receive mileage, per diem, and subsistence as provided by law for members of boards, committees, and commissions. Directs that committee members who are members of the General Assembly to be paid by their respective body and members appointed by the Governor to be paid from funds appropriated to the Governor.  
**WMC:** AMEND proviso to direct that members of the General Assembly be paid “at the rate provided by law.” Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 70.22**     **RESTORE ORIGINAL PROVISO** (Code of Law Reimbursement) Authorizes Legislative Council to require public sector recipients, except for the General Assembly and courts of record in the unified judicial system, to reimburse the council for its cost of acquiring codes of law, supplements, or replacement volumes distributed to them.  
**WMC:** AMEND proviso to delete the exception for courts of record in the unified judicial system. *Due to budget reductions, there is not sufficient funds to provide these items free of charge to the courts.* Fiscal Impact: OSB states that the council estimates approximately \$38,000 in revenue would be generated for the agency. Requested by Legislative Council.  
**HOU:** ADOPT proviso as amended.  
**SFC:** RESTORE original proviso to reinstate the exception for courts of record in the unified judicial system.  
**SEN:** ADOPT original proviso.
- 70.23**     **DELETE** (House Funds) Authorizes the House of Representatives to retain and carry forward funds appropriated pursuant to Act 66 of 2001 and to expend the funds for House programs and operations.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 70.25**     **DELETE** (JCGAO) Creates the Joint Committee on Government Accountability and Oversight comprised of 8 legislative members or their designee. Directs that the purpose of the committee is to review and assess the merits of the Governor’s GEAR Committee report recommendations and to provide to the General Assembly any recommended improvements deemed appropriate. Authorizes the committee to make any recommendation it deems appropriate in improving government processes for efficiency and accountability and to provide its report as directed by the President Pro Tempore of the Senate and Speaker of the House.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.

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**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 70.26 DELETE** (Joint Drivers License Reinstatement Fees Study Committee) Establishes a joint study committee to review laws currently pertaining to drivers license reinstatement fees. Provides for membership of the committee and requires designees, if appointed, be from within the respective committee or agency. Allows the committee to solicit input from prosecuting and defense attorneys, local law enforcement agencies, and other sources as deemed necessary. Directs that recommendations for legislative changes be submitted to the General Assembly by January 15, 2009, and directs that upon submission the committee be dissolved.

**WMC:** AMEND proviso to change "2009" to "2010." Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** DELETE proviso.

**SEN:** ADOPT deletion of proviso.

- 70.27 AMEND** (Joint Strategic Technology Committee) Creates a Joint Strategic Technology Committee and provides for membership of the committee. Directs that the purpose of the committee is to review the Statewide Strategic Information Technology Plan prepared by the B&C Board and the Agency Directors Technology Advisory Committee and make recommendations to the Senate Finance and House Ways and Means Committees by January 29, 2009 and to also recommend priorities for state government enterprise information technology projects and resource requirements beginning in the FY 09-10 budget cycle. Directs the joint committee to conduct a comprehensive review of all statutes that relate to management and use of information technology by state government; to review IT policies; and to determine methods to foster collaboration among state government users of IT and between state government and the private sector through creation of advisory committees. Directs the joint committee to recommend statutory changes to successfully implement the Statewide Strategic Information Technology Plan and management and use of IT by state government. Directs the B&C Board and all state agencies to cooperate with and provide assistance to the joint committee as requested. Directs the B&C Board Executive Director to appoint an Agency Directors Technology Advisory Committee and to determine the composition of the committee representing a cross section of state government agencies. Directs the advisory committee to provide input and advice on the Statewide Strategic Information Technology Plan and to assist and advise the Joint Strategic Technology Committee as requested.

**WMC:** AMEND proviso to change "2009" to "2010." Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 70.28 DELETE NEW PROVISIO** (Member's Codes and Supplements) **WMC:** ADD new proviso to direct that when a House or Senate member leaves office the codes and supplements he received must be returned to the Code Commissioner and if they are not returned the member must reimburse the Code Commissioner for their fair market valued as determined by the commissioner. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

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- 70.29 AMEND NEW PROVISO** (Statewide Acts Availability) **WMC:** ADD new proviso direct the House and Senate Clerks to make all statewide Acts available to the public after sine die adjournment. Direct that this provision is in lieu of the House and Senate Clerks' duties related to printing and mailing statewide acts as set forth in Section 2-7-80 [PRINTING AND DISTRIBUTION OF ACTS]. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to specify that the acts be made available to the public "electronically."  
**SEN:** ADOPT new proviso as amended.
- 70.30 ADD** (LAC Matching Federal Funds) **SFC:** ADD new proviso to authorize the Legislative Audit Council to use appropriated funds to match federal funds available for audits and reviews and to charge state agencies for federal funds, if available, for costs associated with the audits and reviews. Require agencies to remit the federal funds to the LAC as reimbursement for the costs of the audits and reviews.  
**SEN:** ADOPT new proviso.

**SECTION 71 - C05 - ADMINISTRATIVE LAW COURT**

- 71.5 ADD** (Fee Increase) **SEN:** ADD new proviso to prohibit the Administrative Law Court, for FY 09-10, from charging or increasing filing fees beyond the amounts charged on January 1, 2009. Sponsor: Sen. McConnell.

**SECTION 72 - D21 - GOVERNOR'S OFFICE**

- 72.6 AMEND** (Governor's Office Budget) Authorizes OEPP, ECOS, and Mansion and Grounds to be treated as a single budget section for transfer and budget reconciliation purposes.  
**SFC:** AMEND proviso to remove OEPP from the authorization.  
**SEN:** ADOPT proviso as amended.
- 72.23 AMEND NEW PROVISO** (Administration of Cabinet Agencies) **WMC:** ADD new proviso to create the Cabinet Agency Administration within OEPP in an effort for cabinet agencies to be more efficient regarding administrative functions. Direct that the newly created office will coordinate all responsibilities and duties related to the administrative functions of all cabinet agencies. Direct the Governor's cabinet agencies to consolidate, where possible, like services among the agencies. Direct that like services includes, but is not limited to, finance, human resources, transportation, and technology services. Direct Cabinet Agency Administration to submit a report on the cost savings associated with the consolidation to the Chairmen of the Senate Finance and House Ways and Means Committees, and the Governor by December 31, 2009. Require cabinet agency directors to report on time they spend away from their main office during the agency's core business hours when that time is not related to the agency's mission and to submit the report on a monthly basis to the Chairmen of the Senate Finance and House Ways and Means Committees. Direct the Legislative Audit Council to conduct audits on all cabinet agencies.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to exclude law enforcement agencies from the requirement that cabinet agency directors must report time spent away from their main office during core business hours when such time is not related to the agency's mission.  
**SEN:** ADOPT new proviso as amended.



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- 72.24 DELETE NEW PROVISIO** (Transfer to Lt. Governor's Office on Aging) **WMC:** ADD new proviso to direct OEPP to transfer to the Lt. Governor's Office on Aging, from their Administrative Services program, the amount funds that are required to receive congregate meals and home delivered meals as referenced in the stimulus package. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.
- 72.25 ADD** (OEPP - Victim and Witness Assessment/Surcharge Study) **SFC:** ADD new proviso to direct the State Office of Victim Assistance (SOVA) to impanel a committee of service requirement providers including, but not limited to, local law enforcement, local detention facilities, prosecutors, and summary courts to conduct a study and provide a review of the five prior years of collections, distributions, and percentage allocations of assessments and surcharges for local funding of victim and witness services as provided in Sections 14-1-206(D) [ADDITIONAL ASSESSMENT, GENERAL SESSIONS OR FAMILY COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], 14-1-207(D) [ADDITIONAL ASSESSMENT, MAGISTRATE'S COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], 14-1-208(D) [ADDITIONAL ASSESSMENT, MUNICIPAL COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], and 14-1-211(B) [GENERAL SESSIONS COURT SURCHARGE; FUNDS RETENTION FOR CRIME VICTIM SERVICES; UNUSED FUNDS; REPORTS, AUDITS]. Direct that a report on the review findings be submitted to the Senate Finance and Ways and Means Committees by December 31, 2009.  
**SEN:** ADOPT new proviso.

**SECTION 73 - E04 - LIEUTENANT GOVERNOR'S OFFICE**

- 73.9 ADD** (Geriatric Loan Forgiveness Program Payment) **WMC:** ADD new proviso to authorize a single lump sum payment of up to \$35,000 or the loan balance, whichever is less, to be made to the lending institution in lieu of quarterly payments to a recipient of the Geriatric Loan Forgiveness Program. *Reduces administrative paperwork and interest charged on the loan.* Fiscal Impact: OSB indicates there would be no impact on the General Fund. Requested by Lieutenant Governor's Office.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.

**SECTION 75 - E12 - COMPTROLLER GENERAL'S OFFICE**

- 75.3 AMEND** (Payroll Deduction Processing Fee) Requires a processing fee, not to exceed 10 cents, for payroll deductions for insurance plans, credit unions, deferred compensation plans and professional associations; directs that the fee shall not apply to charitable deductions; authorizes the Comptroller General to charge the SC Lottery Commission a reasonable processing fee not to exceed \$30,000 annually; allows the revenue generated from these fees and from child support deductions to be used to support the operations of the Comptroller General's Office; and allows unexpended funds to be carried forward and used for the same purposes.  
**SFC:** AMEND proviso to change the payroll deduction processing fee from "10" to "20" cents and change the maximum amount charged to the Lottery Commission from "\$30,000" to "\$15,000" annually. *The additional 10¢ per deduction will help offset budget reductions. Lottery Commission fees are reduced because they will begin processing their own payroll*

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*effective January 1, 2010.* Fiscal Impact: The number of payroll deductions varies, however the agency estimates the increase from 10¢ to 20¢ would generate approximately \$130,000. Requested by Comptroller General's Office.

**SEN:** ADOPT proviso as amended.

- 75.4**     **AMEND** (Unemployment Compensation Fund Administration) Directs that the lesser of 1% or \$100,000 of the balance in the Unemployment Compensation Fund be paid annually to the Comptroller General's Office to recover the costs of administering the fund and authorizes these funds to be carried forward and used for the same purposes.

**SFC:** AMEND proviso to change "one" percent or "\$100,000" to "two" percent or "\$200,000."

**SEN:** ADOPT proviso as amended.

- 75.5**     **DELETE** (Suspension of Withholding) Directs that counties and municipalities that receive state aid to subdivisions funds must submit a financial report detailing their sources of revenue, expenditures by category, indebtedness, and other information as required to the Economic Research Section of the B&C Board Office of Research and Statistics. Directs the Economic Research Section to determine the content and format of the annual financial report and directs that the report for the most recently completed fiscal year must be submitted annually to the Economic Research Section by November 15<sup>th</sup>. Directs that if an entity does not meet the November 15<sup>th</sup> deadline, the chief administrative officer of the entity must be notified in writing that they have 30 days to comply. Authorizes the Director of the Office of Research and Statistics, for good cause, to grant a local entity an extension. Directs that notification by the Office of Research and Statistics to the Comptroller General that an entity has not filed the report 30 days after written notification must result in withholding 10% of subsequent payments of state aid to the entity until the report is filed. Directs that the Economic Research Section is responsible for collecting, maintaining, and compiling the financial data provided in the annual financial reports.

**WMC:** DELETE proviso. *Proviso was codified in Section 6-1-50 by Act 57 of 2007.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 75.6**     **AMEND** (Purchasing Card Rebate Program) Authorizes the Comptroller General's Office to retain the first \$50,000 of Purchasing Card Program rebates. Also authorizes the Comptroller General to retain a portion of the rebate increase that exceeds the average of the rebates received by the general fund during the last three fiscal years and directs that the General Fund and the Comptroller General's Office share the increase equally, but limits the Comptroller General's share of the increase to \$150,000. Requires unexpended retained amounts to be carried forward and used for the SCEIS program. Requires funds retained by this provision or any cash balances in Subfund 37G7, Purchase Card Incentive Rebates, be transferred to the Department of Education to purchase school bus fuel.

**WMC:** AMEND proviso to change "\$50,000" to "\$100,000" and allow \$200,000 of agency incentive rebates to be retained. Delete the remainder of the proviso. Authorize retained funds to be used to support the operations of the Comptroller General's Office and to carry forward any unexpended balance to be used for the same purpose. Fiscal Impact: OSB indicates Comptroller General's other funds would increase based on the additional revenue retained.

**HOU:** ADOPT proviso as amended.

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**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

**SECTION 76 - E16 - STATE TREASURER'S OFFICE**

- 76.11 AMEND** (Penalties for Non-Reporting) Directs that if a municipality does not submit the audited financial statements required under Section 14-1-208 [ADDITIONAL ASSESSMENT, MUNICIPAL COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS] within 13 months of the end of their fiscal year, the State Treasurer must withhold all their state payments until the statement is received. Requires the State Treasurer to follow the requirements of proviso 89.70 if they receive a county or municipality audit report that contains a significant finding related to court fine reports or remittances and an amount due is specified, otherwise direct that 25% of state payments be withheld until the estimated deficiency has been satisfied. Directs the State Treasurer to withhold 25% of their state funding if a county or municipality is more than 90 days delinquent in remitting monthly court fines until all monthly reports are current. Directs that after 90 days funds held by the State Treasurer's Office be made available to the State Auditor to conduct an audit of the entity to determine the amount due, if any, to the State Treasurer's Office.

**WMC:** AMEND proviso to specify that of a county or municipality is more than 90 days delinquent in remitting a monthly court fines "report" the Treasurer will withhold 25 % of the state funding until all monthly reports are current. *Technical.* Fiscal Impact: No impact on the General Fund. Requested by State Treasurer's Office.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 76.13 ADD** (Signature Authorization) **WMC:** ADD new proviso to authorize the State Treasurer to designate certain employee to sign payments for the current fiscal year in accordance with Section 11-5-140 to meet the ordinary expenses of the State. Direct that this does not relieve the State Treasurer of responsibility. *Mirrors the Comptroller General's authorization to ensure timely and uninterrupted payment of payroll and other expenses of the State.* Fiscal Impact: No impact on the General Fund. Requested by the State Treasurer's Office.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

**SECTION 78 - E24 - ADJUTANT GENERAL'S OFFICE**

- 78.9 AMEND** (Billeting and Dining Facility Operations) Authorizes revenues collected by the Billeting and Dining Facility operations at the R. L. McCrady Training Center be retained and expended in their budgeted operations or in support of Armory maintenance or operations and directs that expenditures for Billeting operations be determined by the Billeting Committee and the Deputy Adjutant General for state operations determine expenditures for the Dining Facility.

**WMC:** AMEND proviso to expand the use of the revenues to "SCMD operations, including use for matching federal funds, and armory maintenance and operations." *Provide more flexibility to meet federal match.* Fiscal Impact: No impact on the General Fund. Requested by Adjutant General's Office.

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**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 78.12 AMEND** (Citadel-S.C. National Guard Readiness Center) Directs the \$2,500,000 appropriated for the Citadel-S.C. National Guard Readiness Center in proviso 73.12 of the FY 07-08 Appropriation Act be used to ensure the construction schedule is maintained without interruption due to the federal budget cycle. Directs that if additional federal funds are received for the project which, when combined with the \$2.5 million general fund appropriation, would bring the total additional amount for the project to \$5 million or more, the Adjutant General must return an equivalent amount of general funds, up to \$2.5 million, to the General Fund. Requires the Adjutant General's Office notify the Chairmen of the Senate Finance and House Ways and Means Committees of such action.  
**SFC:** AMEND proviso to delete the previous authorization and instead direct the Adjutant General's Office to repay the \$2,500,000 to the general fund during FY 09-10.  
**SEN:** ADOPT proviso as amended.

- 78.13 AMEND NEW PROVISIO** (Parking Lot Revenues-Columbia Armory, Buildings and Grounds) **WMC:** ADD new proviso to authorize the Adjutant General to control and contractually lease the Columbia Armory and its buildings and grounds parking facilities during events at USC's Williams-Brice Stadium. Require the revenue derived from leasing these facilities to be retained by the Adjutant General's Office and be used for the Funeral Caisson. Prohibit these funds from being used for any other purpose. Fiscal Impact: OSB indicates that in FY 07-08 this revenue source generated \$59,000 for armory maintenance and operations which qualified for a 1:1 federal funds match. Diverting revenue from that purpose would disqualify the matching federal funds.  
**HOU:** ADOPT new proviso.  
**SFC:** AMEND new proviso to allow the funds to also be used for SCMD operations, including matching federal funds and armory maintenance and operations.  
**SEN:** ADOPT new proviso as amended.

**SECTION 80A - F03 - BUDGET AND CONTROL BOARD**

- 80A.1 DELETE** (Civil Contingent Fund - Disbursements) Directs that Civil Contingent Fund appropriations shall only be spent upon unanimous approval and signed warrant requisition of the State Budget and Control Board to meet emergency and contingent expenses of state government. Prohibits Civil Contingent Fund monies from being used to provide salary increases.  
**WMC:** DELETE proviso. *Funds no longer exist.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 80A.2 DELETE** (Brandenburg Coordination Committee) Directs that Brandenburg Coordination Committee appropriations are to be spent to support cultural, education, agricultural, scientific, governmental or business exchanges and agreements between SC and the sister state of Brandenburg, Germany and related German interests. Directs the Commission on International

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Cooperation and Agreements report to the Governor and the Chairmen of the Senate Finance and House Ways & Means Committees detailing such activities.

**WMC:** DELETE proviso. *Funds no longer exist.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 80A.11 RESTORE ORIGINAL PROVISO** (Vacant Positions) Authorize the B&C Board to delete any permanent position in an agency that has been vacant for more than 12 months.

**WMC:** AMEND proviso to authorize the board to suspend this requirement for FY 09-10. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC:** RESTORE original proviso and delete the suspension of the requirement for FY 09-10..

**SEN:** ADOPT original proviso.

- 80A.25 AMEND** (Lawsuit Funding) Directs the Executive Director to pay from the Insurance Reserve Fund, the State's costs incurred in the current fiscal year associated with defending the Abbeville school funding and the prisoner mental health litigation. Requires the appropriate House and Senate officials to monthly certify the defense costs incurred and directs the Executive Director to pay the provider of the services the amount certified when the certification is received.

**SFC:** AMEND proviso to forgive the loans obtained by the Senate and House through interagency loan agreements on January 10, 2002 and November 20, 2003 to fund the State's defense of the Abbeville school district funding litigation.

**SEN:** ADOPT proviso as amended.

- 80A.29 DELETE** (Grants Review Committee) Creates the Grants Review Committee within the B&C Board in order to award competitive community grants to counties and municipalities; establishes membership, terms, and guidelines for the committee. Requires the committee to meet at least twice a year to review grant applications submitted by counties and municipalities. Requires applications to conform to and grants to be awarded pursuant to criteria established by the committee. Directs the B&C Board to staff the committee.

**SEN:** DELETE proviso. *Ruled Out of Order on a Point of Order brought by Sen. Mulvaney.*

- 80A.30 AMEND** (South Carolina 911 Advisory Committee) Reestablishes the CMRS Emergency Telephone Advisory Committee which was established pursuant to Section 23-47-65 [CMRS EMERGENCY TELEPHONE ADVISORY COMMITTEE CREATED; RESPONSIBILITIES OF COMMITTEE AND STATE B&C BOARD]. Directs that the powers of that committee are devolved on the reestablished committee who are to advise the B&C Board on 911 matters. Directs that that reestablished committee is renamed the South Carolina 911 Advisory Committee. Provides for membership of the committee. Directs that the Director of the Office of Research and Statistics serve in lieu of the Director of the State Chief Information Officer Division.

**WMC:** AMEND proviso to change "State Chief Information Officer" to "Budget and Control Board, Division of State Information Technology." *Technical name change.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

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- 80A.35 DELETE** (BCB: National Guard Pension Eligibility) Directs that from the funds appropriated in Part IA, Section 80C for “Pensions-Ret National Guard”, a person who becomes a member of the Guard after 6/30/93, and is otherwise eligible, may receive a National Guard pension authorized by Chapter 10 of Title 9 [NATIONAL GUARD RETIREMENT SYSTEM]. Directs that this provision applies to National Guard pension benefits payable on or after 1/1/07.  
**WMC:** DELETE proviso. *Codified in Act 343 of 2008 by adding Section 9-10-35.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 80A.37 AMEND** (First Responder Interoperability) Directs the B&C Board, through the State Chief Information Officer, to administer and coordinate First Responder Interoperability operations for the statewide Palmetto 800 MHz radio system to better coordinate public safety disaster responses and communications and establishes funding guidelines. Requires a Palmetto 800 participant or private county or city 800 MHz radio system to provide a 67% match to qualify to receive these funds and to further provide such documentation as the Division of CIO requires to verify that the match requirement is met. Authorizes unexpended funds to be carried forward used for the same purpose. Excludes First Responder Interoperability funds from the B&C Board’s base budget in the calculation of any across-the-board budget reduction mandated by the B&C Board or General Assembly. Requires the B&C Board provide a report on the integration status of the statewide Palmetto 800 MHz radio system. Direct that the report include, but not be limited to, a list of entities not integrated into the system as of the end of FY 2007-08 and the reason why they are not integrated. Directs that the report be submitted by September 1, 2008 to the Chairmen of the Senate Finance and House Ways and Means Committees.  
**WMC:** AMEND proviso to change references to “State Chief Information Officer” to “Division of State Information Technology.” Delete the specific match requirement of “67%” and instead direct the B&C Board, Division of State Information Technology to establish the level of required match each year based on funding provided. Change the report due date from “September 1, 2008” to “October 1” annually. *Technical name change and conform match to available state funding.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 80A.39 DELETE** (FY 08-09 Employer Compensation) Provides the plan to distribute employee pay increases for FY 08-09 in the amount of 1%.  
**WMC:** AMEND proviso to provide for a “0%” employee pay increase for FY 09-10. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** DELETE proviso.  
**SEN:** ADOPT deletion of proviso.
- 80A.44 DELETE** (SCEIS Business Case Study) Directs the B&C Board to have a study conducted to update the South Carolina Enterprise Information System (SCEIS) business case study that was originally conducted in 2003. Directs that the study be updated to reflect current conditions and to review and update projected savings to agencies. Directs the study be submitted to the

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Chairmen of the Senate Finance and House Ways and Means Committees by December 1, 2008 and directs that the Comptroller General's Office provide the funds to pay for the update.

**WMC:** DELETE proviso. *The study has been completed.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 80A.45 DELETE** (SCEIS Agency Implementation Guide) Directs the B&C Board to prepare an Agency Implementation Guide by January 23, 2009 for the agencies who are required to participate in the South Carolina Enterprise Information System. Directs that the guide provide guidance for SCEIS implementation and for potential savings identified in the updated business case study. Directs that the guide serve as a basis to agencies as they report their savings from SCEIS implementation to the Senate Finance and House Ways and Means Committees so that the committees may take that information into account as they develop the annual budget.

**WMC:** DELETE proviso. *The guide has been completed.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 80A.49 DELETE** (Payment of Layman Judgment) Authorizes the Insurance Reserve Fund to spend funds necessary to resolve the outstanding fee award judgment entered by the Supreme Court against the defendants in Layman, et. al. vs. the State of South Carolina, et. al. Directs that funds spent for this purpose as well as lost interest earning calculated by the State Treasurer will be reimbursed to the reserve fund. Authorizes and direct the Comptroller General to reimburse the Insurance Reserve Fund from state funds that have lapsed or been remitted to the general fund at the end of FY 07-08. States that such reimbursement is the first priority for use of these funds. Directs that if these funds are not sufficient to reimburse the reserve fund, the percentage of funds agencies are allowed to carry forward under proviso 89.29 (10% carry forward) are to be reduced.

**WMC:** DELETE proviso. *Fee award has been resolved and paid and the IRF has been reimbursed as required.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 80A.50 ADD** (Southern States Energy Board) **WMC:** ADD new proviso to direct the B&C Board to use State Energy Office funds to pay the Southern States Energy board membership dues. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 80A.51 DELETE NEW PROVISIO** (Health Plan Reserve) **WMC:** ADD new proviso to prohibit the B&C Board from increasing enrollee rates when it establishes State Health Plan enrollee rates for 2010 and authorize the board to reduce reserves in the Employee Insurance Program to the extent necessary to pay claims. Fiscal Impact: No impact on the General Fund.

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**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

- 80A.52 ADD** (PORS Employer Contribution Rate Increase) **WMC:** ADD new proviso to suspend, for FY 09-10, the increase in the employer contribution rate for employers that participate in the S.C. Police Officers Retirement System provided for in Section 9-11-310(F) [COST-OF-LIVING ADJUSTMENT TO BE BASED ON CONSUMER PRICE INDEX] as added by Act 311 of 2008. Fiscal Impact: OSB indicates a total cost savings of \$4.8 million of which approximately \$1.8 million represents the total cost savings for state agencies and school districts and the remaining \$3 million represents cost savings to local governments. Of the \$1.8 million in total cost savings to state agencies and school districts, \$1.5 million represents a cost savings to the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 80A.53 DELETE NEW PROVISO** (Meals on Wheels) **HOU:** ADD new proviso to direct the B&C Board to transfer \$1,000,000 of their authorized and/or appropriated funds to the Lieutenant Governor's Office for the Office on Aging Meals on Wheels program. Sponsor: Rep. Daning.  
**SFC:** DELETE proviso.  
**SEN:** ADOPT deletion of new proviso.

- 80A.54 ADD** (Health Plan Tobacco User Differential) **SFC:** ADD new proviso to allow the B&C Board to differentiate between tobacco users and nonusers regarding rates charged to enrollees in state health plans by imposing a surcharge on enrollee rates based on tobacco use.  
**SEN:** ADOPT new proviso.

- 80A.55 ADD** (Morris Island Lighthouse) **SFC:** ADD new proviso to direct the B&C Board to transfer any funds remaining or refunded by the federal government, after the Section 103 Morris Island Lighthouse restoration project is completed, to Save the Lighthouse, Inc. and direct that the funds be used for additional restoration or maintenance of the lighthouse.  
**SEN:** ADOPT new proviso.

- 80A.56 ADD** (Aeronautics - Reimbursement for Services Carry Forward) **SFC:** ADD new proviso to authorize the Division of Aeronautics to retain and expend reimbursements resulting from charges to other governmental agencies for service and supplies and to use the funds for operating purposes and authorize up to a \$300,000 reserve be carried forward for replacement of time limit aircraft components. *Original proviso moved from Department of Commerce, proviso 40.3.*  
**SEN:** ADOPT new proviso.

- 80A.57 ADD** (Aeronautics - Office Space Rental) **SFC:** ADD new proviso to authorize revenue received from rental of Division of Aeronautics office space to be retained and expended to cover building operation costs. *Original proviso moved from Department of Commerce, proviso 40.4.*  
**SEN:** ADOPT new proviso.

- 80A.58 ADD** (Aeronautics - Funding Sequence) **SFC:** ADD new proviso to direct that all General Aviation Airports will receive funding prior to the four air carrier airports as these qualify for



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special funding under the DOT/FAA appropriations based on enplanements the state. Allow the policy to be waived to provide matching state funds for critical FAA safety or capacity projects at air carrier airports. *Original proviso moved from Department of Commerce, proviso 40.5.*

**SEN:** ADOPT new proviso.

- 80A.59 ADD** (Aeronautics - Hangar/Parking Facilities) **SFC:** ADD new proviso to direct the Division of Aeronautics to provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Direct that funds be retained for hangar and parking facility maintenance. Direct that the Hangar Fee Schedule be determined by the division and not exceed local average market rates. Direct that personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.. *Original proviso moved from Department of Commerce, proviso 40.6.*

**SEN:** ADOPT new proviso.

- 80A.60 ADD** (BCB: Aeronautics - Airport Development) **SFC:** ADD new proviso to direct that any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the division. *Original proviso moved from Department of Commerce, proviso 40.7.*

**SEN:** ADOPT new proviso.

- 80A.61 ADD** (BCB: Aeronautics - Clothing Allowance) **SFC:** ADD new proviso to authorize the Division of Aeronautics to provide pilots with an annual clothing allowance (on a pro rata basis) not to exceed \$400 per pilot for required clothing used in the performance of their primary duty. *Original proviso moved from Department of Commerce, proviso 40.8.*

**SEN:** ADOPT new proviso.

- 80A.62 ADD** (BCB: Grant Funds Carry Forward) **SFC:** ADD new proviso to authorize any unexpended Matching National Grant Funds balance to be carried forward from the prior fiscal year into the current fiscal year and be used for matching committed and/or unanticipated grant funds. *Original proviso moved from Department of Commerce, proviso 40.9*

**SEN:** ADOPT new proviso.

- 80A.63 ADD** (BCB: Aeronautics - Carry Forward Sale of Aircraft Proceeds) **SFC:** ADD new proviso to authorize the department to carry forward proceeds from the sale of aircraft to be used for replacement aircraft and for required FAA upgrades to existing aircraft. *Original proviso moved from Department of Commerce, proviso 40.10.*

**SEN:** ADOPT new proviso.

- 80A.64 ADD** (BCB: Aeronautics - Aviation Grants) **SFC:** ADD new proviso to direct Aviation Grants funds appropriated in this bill or any bill supplemental to this bill to be credited to the State Aviation Fund and be used (1) to allow maximization of grant funds available through the FAA for capital improvement projects; excluding administration or operational projects; (2) for general aviation airports maintenance projects; and (3) for aviation education related programs. Direct that sponsors of publicly owned airports for public use are eligible to receive grants, but require the airport to have a current development plan the meets National Plan of Integrated Airports Systems planning requirements. Direct the B&C Board Executive Director to promulgate regulations establishing the grants program. Direct that enabling airport sponsors to meet basic FAA safety guidelines for obstruction clearance must be a major factor in establishing priority guidelines and authorizes the B&C Board Executive Director to have the

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discretion to establish a program to grant Aviation Fund monies for this purpose at the rate of 80% from the fund to 20% from the local airport sponsor, or any ratio with a smaller contribution from the fund. Require an expenditure report be submitted to the Senate Finance and House Ways and Means Committees. Authorize unexpended funds to be carried forward and spent for like purposes. *Original proviso moved from Department of Commerce proviso 40.11.*

**SEN:** ADOPT new proviso.

- 80A.65** **ADD** (BCB: Aeronautics Grant Match Funds) **SFC:** ADD new proviso to authorize funds appropriated to the Division of Aeronautics for FAA grant matching to be used to match state and local aviation airports projects whether or not FAA funding has been received. Require Aeronautics Commission approval prior to the funds being awarded. *Original proviso moved from Department of Commerce proviso 40.29*

**SEN:** ADOPT new proviso.

**SECTION 80C - F30 - BUDGET AND CONTROL BOARD, EMPLOYEE BENEFITS**

- 80C.4** **DELETE** (BCB/EB: Employee Mileage Reimbursement) Directs the B&C Board, Office of State Budget to allocate funds appropriated for employee mileage reimbursement to agencies in the same proportion as the agencies' prior year general fund mileage reimbursement expenditures.

**SFC:** DELETE proviso. *Technical. Proviso was for FY 06-07 and the funds have been allocated.*

**SEN:** ADOPT deletion of proviso.

- 80C.5** **DELETE** (Forego One Month's Health Insurance Premium Employer Contributions) Instructs the Employee Insurance Program to forgo billing one month's health insurance program employer contributions on behalf of active employees in FY 08-09. Directs each state agency, by September 30, 2008, to remit the amount of premium savings, as determined by the Employee Insurance Program, to the State Treasurer for deposit in a fund separate from the general fund. Authorizes agencies to use any source of funds except federal for this payment. Directs the State Treasurer to disburse these funds as follows: up to \$3,125,000 to the State Election Commission for the 2008 General Election, to the extent that sufficient monies are not available in the CRF for FY 07-08, with the balance to the Department of Education for school bus fuel and parts. Authorizes unexpended funds appropriated pursuant to this provision to be carried forward to succeeding fiscal years and expended for the same purposes.

**WMC:** DELETE proviso. *Proviso was specifically for FY 08-09.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 80C.6** **ADD** (County Council Member) **HOU:** ADD new proviso to direct that a person who is eligible to participate in the state health and dental insurance plans as a council member of a participating county, who is also eligible to participate as the spouse of a covered employee or retiree may only participate in the insurance plans as either an employee or a spouse, but not as both. Sponsor: Rep. Jennings.

**SFC :** ADOPT new proviso.

**SEN:** ADOPT new proviso.

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**SECTION 81 - R44 - DEPARTMENT OF REVENUE**

- 81.15**     **ADD** (Across the Board Cut Exemption) **SFC:** ADD new proviso to exempt the Department of Revenue from any across the board reduction mandated by the B&C Board or the General Assembly.  
**SEN:** ADOPT new proviso.
- 81.16**     **ADD** (Candidate Tax Return Programs) **SEN:** ADD new proviso to direct the department to develop a program to process inquiries from a political candidate or gubernatorial appointee concerning whether they: have filed required annual state income tax returns during the past 10 years; have paid all income taxes due during that time period; and have satisfied all judgments, liens, or other penalties for failure to pay income taxes when due. Direct that the department may only respond to an inquiry made by the candidate or appointee concerning that candidate's or appointee's own income tax returns. Require the department to post the results of all inquiries on its internet website unless a candidate or appointee requests otherwise. Direct that information be organized in the following manner: (1) candidate's name as it will appear on the ballot or the appointee's name as it appears on income tax returns; (2) identify the years required and not required to file income tax returns; (3) state whether income tax returns were filed in each year they were required to be filed; (4) state whether income taxes due were paid for each year income tax returns were required to be filed; and (5) state whether a judgment, lien, or other penalty was levied for failure to pay income taxes when due, the year of the levy, and whether that judgment, lien, or other penalty has been satisfied. Prohibit the department from posting a complete income tax return when fulfilling its obligations under this proviso. Direct that participation in this program is voluntary and that a candidate's or appointee's inquiry constitutes a waiver of confidentiality with the department concerning the information posted. Sponsor: Sen. Ryberg.

**SECTION 82 - R52 - STATE ETHICS COMMISSION**

- 82.5**     **ADD** (Lobbyist Fee) **SFC:** ADD new proviso to authorize the State Ethics Commission to increase lobbyist and lobbyist's principal registration fees to \$150 and to use the funds to offset the costs associated with administering and Enforcing Chapter 17 of Title 2 [LOBBYIST AND LOBBYING] and Chapter 13 of Title 8 [ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM]. Authorize excess funds to be carried forward and be used for the same purpose. Requested by State Ethics Commission.  
**SEN:** ADOPT new proviso.
- 82.6**     **ADD** (Electronic Filing) **SFC:** ADD new proviso to authorize the State Ethics Commission to require all statements and forms to be filed with the commission using the electronic filing system developed pursuant to Section 8-13-365 [ELECTRONIC FILING SYSTEM FOR CAMPAIGN DISCLOSURES AND REPORTS; PUBLIC ACCESSIBILITY]. Require funds saved be used to offset the costs of administering and enforcing the Ethics, Government Accountability, and Campaign Reform Act. Direct unexpended funds be carried forward and used for the same purpose. *Provide the public and media with immediate online access to statements and forms filed with the commission and eliminate the need to hire temporary employees to enter data from paper forms.* Fiscal Impact: The agency indicates approximately \$75,000 would be saved from eliminating the need to hire temporary employees. Requested by State Ethics Commission.  
**SEN:** ADOPT new proviso.

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**SECTION 84 - V04 - DEBT SERVICE**

- 84.1 AMEND** (Excess Debt Service Funds Carry Forward) Authorizes excess Debt Service funds to be carried forward from FY 07-08 and be spent for debt service purposes in FY 08-09.  
**WMC:** AMEND proviso to update the fiscal year reference to “2007-08” to “2008-09” and “2008-09” to “2009-10.” Fiscal Impact: OSB indicates an estimated \$13,006,462 will be carried forward into FY 09-10.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.

**SECTION 85 - X12 - AID TO SUBDIVISIONS, COMPTROLLER GENERAL**

- 85.1 DELETE** (Salary Supplements) Provide for the distribution of salary supplements to county Clerks of Court, Probate Judges, Coroners, Sheriffs, Register of Deeds, and Auditors and Treasurers. State the intent of the General Assembly that county appropriations for these salaries not be reduced as a result of this appropriation.  
**WMC:** AMEND proviso to exempt these funds from any across the board cut mandated by the B&C Board or General Assembly. Fiscal Impact: OSB indicates no impact on the General Fund.  
**HOU:** AMEND FURTHER to authorize a county governing body to reduce expenditures in the operation of these offices without any required corresponding reduction in the county’s state aid to subdivisions distribution. Sponsors: Reps. Scott, and T.R. Young.  
**SFC:** DELETE proviso. *Moved to Section 86, proviso 86.4.*  
**SEN:** ADOPT deletion of proviso.
- 85.2 DELETE** (Property Tax Relief Reimbursement) Suspends the amount to be deducted from state individual and corporate income tax revenues and credited to the Property Tax Relief Fund to provide the reimbursement required by Section 12-37-251 [HOMESTEAD EXEMPTION; CALCULATION OF ROLLBACK MILLAGE; ADJUSTMENTS TO ASSESSED VALUE] to the extent that the amount to be deducted would exceed the amount deducted in the prior fiscal year.  
**SFC:** DELETE proviso. *Moved to Section 86, proviso 86.5.*  
**SEN:** ADOPT deletion of proviso.
- 85.3 DELETE** (Legislative Delegations) Requires a county government to fund its legislative delegation budget as approved by the delegation for FY 02-03. Directs that if the county council does not meet that funding level, the shortfall must be deducted from the responsible county’s Aid to Subdivisions allocation and forwarded to that county’s legislative delegation and requires that the responsible county’s remaining Aid to Subdivision’s allotment must be reduced by 25% of the shortfall amount and forwarded to the legislative delegation for its administrative costs.  
**SFC:** DELETE proviso. *Moved to Section 86, proviso 86.6.*  
**SEN:** ADOPT deletion of proviso.

**SECTION 86 - X22 - AID TO SUBDIVISIONS, STATE TREASURER**

- 86.2 DELETE NEW PROVISO** (Local Government Flexibility) **HOU:** ADD new proviso to direct that for FY 09-10, counties may transfer funds among appropriated state revenues as needed to ensure delivery of services. Sponsor: T. Young.

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**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

- 86.3**     **ADD** (Quarterly Distributions) **HOU:** ADD new proviso to direct that for FY 09-10, quarterly Aid to Subdivisions-Local Government Fund distributions to entities be as follows: the 1<sup>st</sup> quarter shall equal the amount of the last quarterly distribution for FY 08-09 and the next three quarters shall be reduced in equal amounts with the four distributions totaling the 09-10 appropriation from the Local Government Fund. Sponsor: Rep. Miller.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.
- 86.4**     **ADD** (Salary Supplements) **SFC:** ADD new proviso to direct that salary supplements for county Clerks of Court, Probate Judges, Coroners, Sheriffs, and Register of Deeds be distributed to each county treasurer quarterly and direct that the amounts for County Auditors and County Treasurers be equally distributed to each county auditor and treasurer as a salary supplement in addition to any amounts provided by the county. State the intent of the General Assembly that county appropriations for these salaries not be reduced as a result of this appropriation. Exempt these funds from any across the board cut mandated by the B&C Board or General Assembly. Authorize a county governing body to reduce expenditures in the operation of these offices without any required corresponding reduction in the county's state aid to subdivisions distribution and direct that any reduction in the officials' budgets must be made in consultation with the affected official. *Moved from Section 85, proviso 85.1.*  
**SEN:** ADOPT new proviso.
- 86.5**     **ADD** (Property Tax Relief Reimbursement) **SFC:** ADD new proviso to suspend the amount to be deducted from state individual and corporate income tax revenues and credited to the Property Tax Relief Fund to provide the reimbursement required by Section 12-37-251 [HOMESTEAD EXEMPTION; CALCULATION OF ROLLBACK MILLAGE; ADJUSTMENTS TO ASSESSED VALUE] to the extent that the amount to be deducted would exceed the amount deducted in the prior fiscal year. *Moved from Section 85, proviso 85.2.*  
**SEN:** ADOPT new proviso.
- 86.6**     **ADD** (Legislative Delegations) **SFC:** ADD new proviso to require a county government to fund its legislative delegation budget as approved by the delegation for FY 02-03. Direct that if the county council does not meet that funding level, the shortfall must be deducted from the responsible county's Aid to Subdivisions allocation and forwarded to that county's legislative delegation and require that the responsible county's remaining Aid to Subdivision's allotment must be reduced by 25% of the shortfall amount and forwarded to the legislative delegation for its administrative costs. *Moved from Section 85, proviso 85.3.*  
**SEN:** ADOPT new proviso.
- 86.7**     **ADD** (Flexibility) **SEN:** ADD new proviso to direct that for the current fiscal year, a political subdivision that receives aid from the Local Government Fund may reduce its support to any state mandated program or requirement by up to the same percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the last completed fiscal year. Sponsor: Sen. Rose.
- 86.8**     **ADD** (LGF) **SEN:** ADD new proviso to suspend Sections 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] and 6-27-50 [RESTRICTIONS ON AMENDMENT OR REPEAL OF CHAPTER] for the current fiscal year. Sponsor: Sen. Leatherman.

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**SECTION 89 - X90 - GENERAL PROVISIONS**

- 89.2**     **AMEND** (Appropriations From Funds) Directs that funds appropriated from the General Fund, EIA Fund, Highways and Public Transportation Fund and other applicable funds are to meet the ordinary expenses of the State for FY 2008-09.  
**WMC:** AMEND proviso to update fiscal year reference to FY 2009-10. *Technical.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 89.3**     **AMEND** (Fiscal Year Definitions) Defines current and prior fiscal year time frames.  
**WMC:** AMEND proviso to update fiscal year references: change “2008” to “2009”; “2009” to “2010”; and “2007” to “2008.” *Technical.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 89.14**    **AMEND** (SC Health & Human Services Data Warehouse) Establishes a SC Health and Human Services Data Warehouse to coordinate and integrate client information.  
**SFC:** AMEND proviso to define client data as person-level data that is created, received, and/or maintained by state agencies and other entities required to report client information to the Office of Research and Statistics under this provision. Change “Electronic Client Management System” references to “integrated data system” and “other research and analytic-oriented applications.”  
**SEN:** ADOPT proviso as amended.
- 89.16**    **AMEND** (Personal Service Reconciliation, FTEs) Requires the Budget and Control Board to monitor FTEs.  
**WMC:** AMEND to suspend the requirements of subitem 2(c) and subitem 5 pertaining to the deletion of unfunded or significantly underfunded FTEs for FY 2009-10. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 89.18**    **DELETE** (MUSC Hospital Services Rates) Directs the Board of the Medical University Hospital Authority to provide hospital services, including psychiatric hospital services, to state employees and state government officials at a rate that does not exceed the rates the employee’s insurance program(s) provides to hospitals. Excludes physician fees, psychiatric professional provider fees, and all dental.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 89.27**    **AMEND FURTHER** (State Owned Aircraft - Maintenance Logs) Provides flight log and aircraft usage guidelines for agencies that have one or more aircraft.

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**HOU:** AMEND proviso to require each agency that has custody of one or more aircraft to maintain a continuing log on all flights and to post these logs online for public inspection in order to promote accountability and transparency rather than to have the log “open” for public inspection. Sponsor: Rep. Sandifer.

**SFC:** AMEND FURTHER to require the log be both open for public inspection and posted online.

**SEN:** ADOPT proviso as amended.

- 89.33**     **AMEND FURTHER** (Travel Report) Requires the Comptroller General to issue an annual report on November 1<sup>st</sup> listing detailed information on state employee’s prior year travel expenditures and distribute the reports to the Senate Finance and House Ways and Means Committees and to the Statehouse Press Room. Authorizes the Comptroller General to use up to \$500 to provide copies to the media and public upon request.

**WMC:** AMEND proviso to authorize the Comptroller General to suspend issuance of the travel report for FY 2009-10. Direct that when issued, the report shall exclude registration fees with objects codes of 0507 and 0517. *Remove a non-travel expenditure from the annual report.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

**HOU:** ADOPT proviso as amended.

**SFC:** AMEND FURTHER to delete the suspension of the report and instead direct that rather than excluding the registration fees, require they be shown as a separate subtotal within the grand total for individual employees and the agency as a whole.

**SEN:** ADOPT proviso as amended.

- 89.34**     **AMEND** (School Technology Initiative) Authorizes K-12 technology initiative funds to be used by the Department of Education, in consultation with the B&C Board’s Chief Information Officer, the State Library, and ETV to administer the K-12 technology initiative funds. Directs that the funds are to provide technology, encourage effective use of technology in K-12 public schools, conduct cost/benefit analyses of the various technologies and to involve public-private sector collaborative efforts. Authorizes funds to be used to establish pilot projects for new technologies with selected school districts. Authorizes the funds to be retained and carried forward to be used for the same purpose.

**WMC:** AMEND proviso to change “Chief Information Office” to “Division of State Information Technology.” *Technical name change.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 89.70**     **AMEND FURTHER** (Assessment Audit / Crime Victim Funds) Requires the State Auditor, based on a random selection process, to periodically examine county treasurers, municipal treasurers, county clerks of court, magistrates, and municipal courts books, accounts, receipts, disbursements, vouchers, and any records deemed necessary to report whether the assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed or mandated by law in family, circuit, magistrates, and municipal courts are properly collected and remitted to the State. Directs that the audits are to also determine if the proper funds have been reported, retained, and collected for victim services according to state law. Directs the State Auditor to submit a copy of the audit report to the chairmen of the House Ways and Means, Senate Finance, House Judiciary, Senate Judiciary Committees and the Governor. Provides for the handling of any audit findings; funding of audits; submission of a municipality’s annual audit report; the penalty for failure to properly file the report; and for annual training on the

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collection and distribution of the assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed or mandated by law.

**WMC:** AMEND proviso to delete reference to the State Auditor notifying the State Treasurer if any authority has “over reported or over retained crime victim funds.” Direct the State Auditor to notify the State Office of Victim Assistance if he finds that any authority has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds. Authorize the State Office of Victim Assistance to conduct programmatic reviews on any entity that receives victim assistance funding to ensure that such funds are spent in accordance with the law. Require a local entity that receives victim assistance funding to submit their budget to the State Office of Victim Assistance within 30 days of the budget being approved by the local governing entity. Require the entity to cooperate and provide expenditure/program data requested by the State Office of Victim Assistance. Direct that if the State Office of Victim Assistance finds an error, the entity has 90 days to rectify the error. Direct that an error constitutes an entity spending victim assistance funding on unauthorized items. Direct the State Office of Victim Assistance to notify the State Treasurer if the entity does not rectify the error within 90 days. Direct the State Treasurer to withhold 25% of the entity’s aid to subdivisions until the State Office of Victim Assistance notifies the State Treasurer that error has been rectified. Authorize the State Office of Victim Assistance to assess and collect a penalty of up to \$5,000 against the entity for improper expenditures in a fiscal year. Direct all penalties receive by the State Office of Victim Assistance to be credited to the general fund. Fiscal Impact: OSB states that the State Office of Victim Assistance and the State Auditor’s Office indicates there will be no impact on the General Fund or other funds.

**HOU:** AMEND FURTHER to include “non-profit organization” in addition to “any entity.” Specify that the authority to conduct programmatic reviews shall be based on referrals from the State Auditor or complaints of a specific nature received by the State Office of Victim Assistance. Delete the new requirement that the State Office of Victim Assistance notify the State Treasurer if the error is not rectified within 90 days and the directive for the State Treasurer to withhold 25% of the entity’s aid to subdivisions until the error is rectified. Authorize the State Office of Victim Assistance to assess and collect a penalty of the amount of the unauthorized expenditure plus \$5,000 for improper expenditures. Direct that if the penalty is not received by the State Office of Victim Assistance within 90 days, the political subdivision will deduct the amount of the penalty from the entity or non-profit organization’s subsequent fiscal year appropriation. Sponsor: Rep. Cobb-Hunter.

**SFC:** AMEND FURTHER to delete the existing proviso (*Codified in Act 353 of 2008 by adding Section 14-1-210 effective 7-1-09*); retain the new requirements added by the House, but reduce the penalty to the amount of the unauthorized expenditure plus \$1,500 for improper expenditures.

**SEN:** ADOPT proviso as amended.

**89.83      DELETE** (Competitive Grants Funds Carry Forward) Authorizes unexpended competitive grant program funds in DHEC, PRT, Department of Commerce, and B&C Board to be carried forward and used for the same purpose.

**HOU:** DELETE proviso. Sponsor: Rep. E.H. Pitts.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

**89.87      AMEND** (LightRail) Authorizes and directs the three research universities, Clemson, MUSC, and USC-Columbia to plan, procure, administer, oversee, and manage all functions associated with the S.C. LightRail [*High Speed Internet*] and directs that they are exempt from the



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oversight and project management regulations of the State Chief Information Officer. Directs that S.C. LightRail is an academic network for the use of the state's 3 research universities for the exchange of information directly related to their mission and must not carry commercial or K-12 traffic originated in S.C. Directs that for FY 08-09 public or private organizations and entities may be provided access only through formal documented partnerships with one or more of the 3 research universities. Directs that a report be submitted on February 1, 2009 that identifies each entity with access to the network and any payment including without limitation in-kind payment, each organization and entity is making for network access.

**WMC:** AMEND proviso to change "State Chief Information Officer" to "Budget and Control Board, Division of State Information Technology" and update fiscal and calendar year references to 2009-10. *Technical name change.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

**HOU:** ADOPT proviso as amended.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 89.89 DELETE** (Lt. Governor Security Detail) Directs SLED to provide a security detail to the Lieutenant Governor in a manner agreed to by SLED and the Lieutenant Governor's Office. Directs that reimbursement to offset the cost of the security detail be made in an amount agreed to by SLED and the Lieutenant Governor's Office from funds appropriated to the Lieutenant Governor's Office for this purpose.

**SFC:** DELETE proviso.

**SEN:** ADOPT deletion of proviso.

- 89.90 AMEND** (CID & PCC Agency Head Salaries) Directs that the hiring salaries and salary increases for Commission on Indigent Defense and Prosecution Coordination Commission agency heads shall be based on prior favorable Agency Head Salary Commission recommendation and B&C Board approval. Directs that these agency heads shall be subject to all provisions related to agency heads covered by the Agency Head Salary Commission.

**SFC:** AMEND proviso to delete the reference to prior favorable recommendation by the Agency Head Salary Commission and B&C Board approval.

**SEN:** ADOPT proviso as amended.

- 89.96 AMEND FURTHER** (Flexibility) Authorizes agencies, in order to provide maximum flexibility to absorb general fund reductions mandated in this act as compared to the prior fiscal year general fund appropriations, to spend agency earmarked and restricted "special revenue funds" to maintain critical program previously funded with general fund appropriations. Requires prior Office of State Budget approval to increase spending authorization for these purposes and requires the increased authorization be reported to the Governor, Senate Finance and Ways and Means Committees. Authorizes the Comptroller General to implement procedures. Directs that this provision is provided notwithstanding any other provision that restricts the use of earned revenue. Authorizes agency transfers to exceed 20% of the program budget upon B&C Board Office of State Budget approval in consultation with the Chairmen of the Senate Finance and House Ways and Means Committees. Authorizes state institutions of higher learning whose budgets have been reduced from the FY 07-08 state funding level to be able to use other sources of available fund to support and maintain state funded programs affected by FY 08-09 state reductions and to adjust appropriations from special items or programs in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Requires institutions to submit the amount of base budget reductions associated with these programs to the Office of State Budget and the Senate Finance and House

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Ways and Means Committees. Directs that notwithstanding the flexibility authorized in this provision, specific agencies are prohibited from reducing or transferring funds from the following programs or areas. DHHS: Teen Pregnancy/Abstinence Programs including, but not limited to MAPPS; PACE; Federally Qualified Health Centers; and Provider Rates and prohibits the department from decreasing provider reimbursement rates from their current levels. Lt. Governor's Office: Home & Community Based Services (Meals on Wheels). Dept of Commerce: Regional Economic Development Organizations as defined by proviso 40.35. DNR: Law Enforcement Program/Enforcement Operations as contained in Program II. E. 1. PRT: Program II. A. Special Item: Regional Promotions; Program II. A. Special Item: Advertising; and prohibits PRT from closing or reducing the FTE's in the Mansion Gift Shop, State House Gift Shop, and Santee Welcome Center.

**WMC:** AMEND proviso to update fiscal year references and delete the prohibition from closing or reducing FTE's in the Mansion Gift Shop. *See proviso 39.12.* Fiscal Impact: No impact on the General Fund.

**HOU:** AMEND FURTHER to direct that it is not the intent of this proviso to restrict the annual updating of cost based rates and those rates indexed to methodologies described in the Medicaid State Plan. Sponsors: Reps. Edge and White.

**SFC:** AMEND FURTHER to change reference in item D) from "E" to "F." Authorize DNR to reduce the specified programs or areas listed in this provision by an amount not to exceed the percentage associated with any mandated reduction.

**SEN:** ADOPT proviso as amended.

- 89.99 DELETE** (Electricity Franchise Fee) Directs that the state shall not pay a franchise fee to any municipality or utility for electrical power provided to the state under "Stateline Accounts." Reaffirms that Act 440 of 1925 defined the parameters of the "Stateline Accounts."

**WMC:** DELETE proviso. *Codified in Act 329 of 2008 by adding Section 58-27-415.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 89.101 DELETE** (Mandatory Furlough) Authorizes agency heads to institute a mandatory employee furlough program of not more than ten working days in a fiscal year in which the general funds appropriated for a state agency, institution, or department are less than the general funds appropriated in prior fiscal year or whenever the General Assembly or Budget and Control Board implements an across the board reduction and provides guidelines for implementation.

**WMC:** DELETE proviso. *See proviso 89.110.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 89.104 DELETE** (Suspend FTE Deletion Process and Travel Report) Suspends the requirements of provisos 80A.13 (Vacant Positions); 80.17 (Personal Service Reconciliation, FTEs) Subitem 2(c) and Subitem 5; and 89.34 (Travel Report).

**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

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- 89.105 DELETE** (Competitive Community Grants Funds Transfer) Directs the following Competitive Grant funds carried forward from the prior fiscal year be transferred to the Department of Corrections: \$4,055,720 from the B&C Board; \$6,239 from the Department of Commerce; \$2,390,957 from PRT; and \$1,842,837 from DHEC. Direct that the Department of Corrections use the funds to offset agency budget reductions.  
**WMC:** DELETE proviso. *Funds have been transferred.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 89.106 AMEND** (Offset Corrections Budget Reduction) Authorizes the Governor to transfer agency earmarked and restricted accounts designated as “special revenue funds” as defined in the Comptroller General’s records from DMV to the Department of Corrections to offset any FY 08-09 budget deficit that has been officially recognized by the Budget and Control Board.  
**WMC:** AMEND proviso to change “2008-09” to “2009-10.” Fiscal Impact: OSB indicates no impact on the General Fund. The cash balance of this subfund was \$14 million as of January 23, 2009.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 89.107 DELETE** (DMV Cash Surplus Transfer) Requires DMV to transfer \$10,000,000 from DMV Operating Subfund 3264 and Uninsured Motorist Fees and Fines Subfund 3595 to the Department of Education for school bus fuel. Authorize the department to transfer an equal amount of funds from any agency earmarked or restricted account designated as “special revenue funds” as defined by the Comptroller General’s records for this purpose in order to provide maximum flexibility to maintain critical programs. Direct that any restrictions concerning specific use of these funds are lifted for the current fiscal year.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 89.109 DELETE NEW PROVISIO** (RIF Plan / TERI Employees) **WMC:** ADD new proviso to direct that before an agency can implement a reduction in force plan they must eliminate any TERI employee who does not have grievance rights under the State Employee Grievance Procedure Act who would be in the same proposed competitive areas and groups that would be contained in the RIF plan. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.
- 89.110 AMEND NEW PROVISIO** (Mandatory State Agency Furlough Program) **WMC:** ADD new proviso to authorize agency heads to institute an employee furlough program of not more than ten working days in a fiscal year in which the general funds appropriated for a state agency, institution, or department are less than the general funds appropriated in prior fiscal year or whenever the General Assembly or Budget and Control Board implements an across the board reduction. Direct that all employees in an agency or within a designated department or program be included regardless of source of funds or place of work. Authorize a furlough program to

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also be implemented based on pay band for classified employees and pay rate for unclassified employees within the agency or designated department. Allow employees who provide direct patient or client care and front-line employees who deliver direct customer services to be exempted from a mandatory furlough. Direct that if the entire agency is affected, the agency head must also be furloughed. Exempt constitutional officers. Authorize the agency head to schedule furlough days or portions of days, but prohibit the agency from closing completely. Direct that during furlough, benefits that require employer and employee contributions are to be the responsibility of the agency if coverage would otherwise be interrupted and contributions that only require employee contributions are the responsibility of the employee. Direct that placement of an employee on furlough is not grievable or appealable under the State Employee Grievance Act. State that if an agency, department or institution reduction is due solely to the General Assembly transferring or deleting a program this provision does not apply. Direct that the implementation of a furlough program will be on an agency by agency basis. Authorize agencies to allocate an employee's reduction in pay over the balance of the fiscal year for payroll purposes. Direct that if an agency implements both a voluntary and mandatory furlough program, furlough days taken voluntarily shall count toward required mandatory furlough days. Direct the B&C Board to promulgate guidelines and policies as necessary to implement this provision. Direct state agencies to report furlough information to the B&C Board Office of Human Resources. Direct that this provision does not apply to employees covered by Section 8-11-193 [EMPLOYEE FURLOUGHS FOR INSTITUTIONS OF HIGHER LEARNING] and direct that Section 8-11-193 rather than this provision continues to apply to those employees in the manner provided for by law. Fiscal Impact: No impact on the General Fund. Cost savings to agencies would be based on which employees are furloughed. The statewide total cost of one day of furlough is approximately \$12.5 million and of that amount \$5.2 million represents general funds.

**HOU:** ADOPT new proviso.

**SFC:** AMEND new proviso to also include agencies funded by other funds to institute a furlough program in a fiscal year in which their other funds are projected to be less than those collected in the prior fiscal year. Specify that the across-the-board reduction is a "mid-year" reduction. Direct that if the state agency will incur overtime costs under the federal Fair Labor Standards Act, they may exempt law enforcement and correctional employees from the mandatory furlough. Require the agency head to be included if a mandatory furlough is implemented. Require the B&C Board, Office of Human Resources to provide consultation and guidance to each state agency that implements a furlough or reduction in force as regards to the long term career development of its employees and the potential financial benefit of implementing a furlough or RIF. *Conforms to the provisions of H.3378.*

**SEN:** ADOPT new proviso as amended.

- 89.111 DELETE NEW PROVISO** (TERI Program Closure) **WMC:** ADD new proviso to direct that the TERI program is closed to new participants effective July 1, 2009. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** ADOPT new proviso.

**SEN:** DELETE new proviso. *Ruled Out of Order on a Point of Order brought by Sen. L. Martin.*

- 89.112 DELETE NEW PROVISO** (Cultural Agencies Financial and Human Resource Functions Consolidation) **WMC:** ADD new proviso to direct the State Museum, Arts Commission, State Library and Department of Archives and History to develop a plan to consolidate financial and human resources functions, where possible, between the agencies. Require that the plan, including an estimate of the cost savings, be submitted to the Chairmen of the Senate Finance

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and House Ways and Means Committees by December 31, 2009. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

- 89.113 DELETE NEW PROVISIO** (Fire Service Vehicles Allowed to Use “Offroad Diesel”) **HOU:** ADD new proviso to exempt fire service vehicles operated by political subdivisions from the user fee on diesel fuel imposed by Chapter 28 of Title 12 [MOTOR FUELS SUBJECT TO USER FEES]. Authorize “offroad diesel” to be purchased to operate these vehicles. Fiscal Impact: BEA indicates a savings to agencies and a cost of \$438,700 to the Highway Fund. Sponsor: Rep. Gambrell.  
**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.

- 89.114 DELETE NEW PROVISIO** (Solar Power Income Tax Credit Increased) **HOU:** ADD new proviso to increase from 25% to 30%, the state income tax credit allowed by Section 12-6-3587 [PURCHASE AND INSTALLATION OF SOLAR ENERGY SYSTEM FOR HEATING WATER, SPACE HEATING, AIR COOLING, OR GENERATING ELECTRICITY] for purchase and installation costs of a qualifying solar energy system for taxable year ending in 2009. Fiscal Impact: BEA indicates general fund impact of \$9,000. Sponsor: J.E. Smith.  
**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.

- 89.115 ADD** (Conservation Bank Funding LLR) **HOU:** ADD new proviso to direct the Department of Labor, Licensing, and Regulation to transfer \$207,050 from Subfund 3135 carry forward funds to the S.C. Conservation Bank for personal services and other operation expenses. Sponsor: Rep. Lucas.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.

- 89.116 AMEND NEW PROVISIO** (Transparency) **HOU:** ADD new proviso to require state agencies to publish on their homepage a listing of all programs funded during the current fiscal year with American Recovery and Reinvestment Act of 2009 funds. Direct that the listing include program name, location, starting date, and funding level and that the listing be updated monthly. Sponsor: Rep. R.L. Brown.  
**SFC:** AMEND new proviso to direct that the listing must be updated “quarterly.”  
**SEN:** ADOPT new proviso as amended.

- 89.117 DELETE NEW PROVISIO** (Constitutional Officers’ Security Detail) **HOU:** ADD new proviso to require agencies that provide a security detail to constitutional officers to submit a request for payment monthly and for the constitutional officer to make payment within 45 days of receipt of the bill. Sponsor: Rep. Edge.  
**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.

- 89.118 AMEND NEW PROVISIO** (ARRA Oversight) **HOU:** ADD new proviso to direct that in order to provide transparency and accountability for American Recovery and Reinvestment Act of 2009 (ARRA) funds, the State Treasurer shall be responsible for collecting information from state agencies, school districts, and local government associated with funds received from the

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act. Direct that information collected shall include, but not be limited to, state agency or local government entity, program designation, purpose for which the funds were received and expended, and the amount of funds received. Direct the State Treasurer to also collect information pertaining to jobs created resulting from receipt of the federal stimulus funds and to collect other information as required by ARRA. Authorize the State Treasurer to collect any other information deemed relevant to providing disclosure of the ARRA funds to the public. Sponsor: Rep. Ott.

**SFC:** ADOPT new proviso.

**SEN:** AMEND new proviso to specify that in order to maintain the separation of duties as provided by our Constitution the State Treasurer and the "Comptroller General" shall organize and co-chair a committee for monitoring funds associated with the ARRA of 2009 and that the committee shall collect information from state agencies and institutions regarding the funds they receive from ARRA. Authorize the co-chairs to require local government entities to provide information they deem relevant, including audit reports. Sponsor: Sen. Leatherman.

- 89.119 DELETE NEW PROVISIO** (Consolidation of State Agencies Study Committee) **HOU:** ADD new proviso to establish a Joint Study Committee on the Consolidation of State Agencies to review the feasibility and cost savings related to consolidating certain state agencies. Direct that the joint study committee be composed of the Governor, or his designee, Chairmen of the Senate Judiciary Committee, House Judiciary Committee, and Senate Finance Committee, or their designee, and the Chairman of the House Ways and Means Committee. Require designees, if appointed, to be from within the respective committee. Authorize the study committee to solicit input from agency heads and other sources as deemed necessary. Direct that recommendations for elimination of duplication within state agencies and cost savings mechanisms be reported to the General Assembly by January 15, 2010. Sponsor: Rep. Rice.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

- 89.120 DELETE NEW PROVISIO** (One-Stop Health) **HOU:** ADD new proviso to direct Voc Rehab, DHHS, DHEC, DMH, DDSN, DAODAS, DSS, and Commission for the Blind to explore the feasibility of a "one-stop" healthcare information system for the populations each agency serves. Direct the agencies, in order to save time and expenses, to consider using the Department of Revenue's one-stop software system for businesses and to adapt the system for the healthcare information system. Direct that if DOR's one-stop system is deemed feasible, the specified agencies are to use their appropriated or authorized funds to implement the system using the model and contract adopted and implemented by DOR. Direct that the current contractor is authorized to be used for the one-stop healthcare information system. Sponsors: Rep. Bannister and Edge.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

- 89.121 AMEND NEW PROVISIO FURTHER** (Printed Report Requirements) **HOU:** ADD new proviso to direct that for the current fiscal year higher education institutions shall not be required to submit printed reports mandated by Sections 2-47-40 [JBRC: INFORMATION TO BE FURNISHED BY AGENCIES AND INSTITUTIONS], 2-47-50 [JBRC: ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY BOARD; REVIEW OF PROPOSED REVISIONS; "PERMANENT IMPROVEMENT PROJECT" DEFINED], and 59-103-110 [APPROVAL FOR NEW CONSTRUCTION; EXEMPTIONS] and shall only submit the reports electronically. Direct that submission of plans or reports required by the following Sections are waived for the current fiscal year: 2-47-55 [JBRC: COMPREHENSIVE PERMANENT IMPROVEMENT PLAN], 59-101-350 [CHE ANNUAL REPORT; SUBMISSION OF INFORMATION BY

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EDUCATIONAL INSTITUTIONS FOR INCLUSION IN REPORT; ALUMNI SURVEYS], 59-103-15(A) [HIGHER EDUCATION MISSION AND GOALS], 59-103-20 [STUDIES OF INSTITUTIONS OF HIGHER LEARNING], 59-103-30 [CRITICAL SUCCESS FACTORS AND PERFORMANCE INDICATORS], 59-103-35 [SUBMISSION OF BUDGET; NEW AND EXISTING PROGRAMS], 59-103-45 [ADDITIONAL DUTIES AND FUNCTIONS OF COMMISSION REGARDING PUBLIC INSTITUTIONS OF HIGHER LEARNING], and 59-103-60 [RECOMMENDATIONS TO GOVERNOR'S OFFICE AND GENERAL ASSEMBLY]. Direct higher education institutions and technical colleges to use any savings realized to provide direct student services and direct that the savings should be, at a minimum, \$376,220. Direct the Department of Agriculture, for the current fiscal year, to not submit printed reports mandated by Section 46-49-10 [SUPERVISION AND REGULATION OF MILK AND MILK PRODUCTS, DEFINITIONS] and to instead provide the reports electronically and to use any savings for K5-12 agriculture education programs. Direct that the Department of Health and Human Services, for the current fiscal year, is not required to provide printed copies of the Medicaid Annual Report required by Section 44-6-80 [DHHS: ANNUAL AND INTERIM REPORTS] and the Provider Reimbursement Rate Report required by proviso 21.16 [ PROVIDER REIMBURSEMENT RATE REPORT] and to instead are to provide the documents electronically. Prohibit the Department of Commerce, for the current fiscal year, from printing, distributing, or mailing hard copy color brochures that have been produced at department expense to General Assembly members. Direct that brochures or documents provided to members shall only be produced in black and white. Direct that the Department of Transportation, for the current fiscal year, is not required to submit printed reports or publications mandated by Sections 1-11-58 [ANNUAL INVENTORY AND REPORT; REVIEW; SALE OF SURPLUS PROPERTY], 2-47-55 [JBRC: COMPREHENSIVE PERMANENT IMPROVEMENT PLAN], and 58-17-1450 [RAILROAD CROSSING SAFETY REQUIREMENTS]. Authorize DOT to combine their Annual Report and Mass Transit Report into their Annual Accountability Report. Sponsors: Reps. Erickson, Limehouse, and Herbkersman.

**SFC:** AMEND new proviso to delete the waiver for submission of plans or reports required by the following sections: 59-103-15(A) [HIGHER EDUCATION MISSION AND GOALS], 59-103-20 [STUDIES OF INSTITUTIONS OF HIGHER LEARNING], 59-103-35 [SUBMISSION OF BUDGET; NEW AND EXISTING PROGRAMS], and 59-103-60 [RECOMMENDATIONS TO GOVERNOR'S OFFICE AND GENERAL ASSEMBLY]. Specify that the plan or report required by Section 59-103-45(4) [ADDITIONAL DUTIES AND FUNCTIONS OF COMMISSION REGARDING PUBLIC INSTITUTIONS OF HIGHER LEARNING], specifically pertaining to standards and higher education funding formula is waived; and waive submission of the plan or report required by Section 59-103-160(D) [ENGLISH FLUENCY IN HIGHER LEARNING ACT-INSTITUTIONS - POLICY AND AMENDMENTS TO THE POLICY]. Direct that per Section 2-47-55 [JOINT BOND REVIEW COMMITTEE-COMPREHENSIVE PERMANENT IMPROVEMENT PLAN] higher education institutions must continue to report year one of the Comprehensive Permanent Improvement Plan, and continue to report student pass rates on professional exams, and data elements required for the CHE Management Information System. Direct CHE, in consultation with institutions to take further action to reduce data reporting burdens as possible. Delete the requirement that higher education institutions and technical colleges use any savings realized to provide direct student services and the directive that the savings should be, at a minimum, \$376,220.

**SEN:** AMEND FURTHER to specify that submission of plans or reports as required by Section 59-103-45 "(4)" are waived. Sponsor: Sen. Thomas.

- 89.122 ADD (IMD Operations) HOU:** ADD new proviso to direct that all funds received by state child placing agencies for the Institution for Mental Diseases Transition Plan (IMD) of the discontinued behavioral health services in group homes and child caring institutions, as described in the Children's Behavioral Health Services Manual Section 2, dated 7/01/06, shall be applied only for out of home placement in providers which operate DSS or DHEC licensed

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institutional, residential, or treatment programs. Require an annual report on the expenditures of all IMD transition funds be provided to the Chairmen of the Senate Finance and the House Ways and Means Committees, and the Governor. Require that funds be allocated based on Department of Health and Human Services allocation methodology developed for the distribution of these funds. Sponsor: Rep. Edge.

**SFC:** ADOPT new proviso.

**SEN:** ADOPT new proviso.

- 89.123 DELETE NEW PROVISIO** (AG Funds) **HOU:** ADD new proviso to authorize the department to use funds collected under drug forfeitures provisions to assist with water litigation expenses. Sponsor: Rep. Simrill.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

- 89.124 DELETE NEW PROVISIO** (Accommodations Tax Reduced for Blue Law Exclusion) **HOU:** ADD new proviso to direct that for the current fiscal year, the provisions of Chapter 1, Title 53 [SUNDAYS, HOLIDAYS AND OTHER SPECIAL DAYS: SUNDAYS] do not apply to any county area, as defined in Section 6-4-5(1) [ALLOCATION OF ACCOMMODATIONS TAX REVENUES: DEFINITIONS], which collects more than \$9 in one fiscal year in revenues from the accommodations tax provided for in Section 12-36-2630(3) [SC SALES AND USE TAX: SEVEN PERCENT SALES TAX ON ACCOMMODATIONS FOR TRANSIENTS COMPOSED OF THREE COMPONENTS] and imposed in Section 12-36-920(A) [SC SALES AND USE TAX: TAX ON ACCOMMODATIONS FOR TRANSIENTS; REPORTING]. Direct that \$535,542 generated from this exclusion be directed to the Budget and Control Board. Sponsor: G.M. Smith

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

- 89.125 AMEND NEW PROVISIO FURTHER** (Fines and Fees Report) **HOU:** ADD new proviso to require each state agency to provide and release to the public via their website, a report of all aggregate amounts of fines and fees the agency charges and collects. Direct agencies to use their appropriated and/or authorized funds for this purpose. Sponsors: Reps. Govan and Gunn. **SFC:** AMEND new proviso to specify that the report is to be for fines and fees charged and collected in the prior fiscal year. Direct that the report include (1) code section, reg, or proviso that authorized the fines and fees to be charged, collected, or received; (2) amount received by source; (3) purpose for which the funds were spent; (4) amount of funds transferred to the general fund, if any, and the authority authorizing the transfer; and (5) amount of funds transferred to another entity, if any; the authority authorizing the transfer, and the name of the entity. Require the report be posted online annually by September 1st.

**SEN:** AMEND FURTHER to direct that the report must also be delivered to the Chairmen of the Senate Finance and House Ways and Means Committees by September 1st. Sponsor: Sen. Elliott.

- 89.126 ADD** (Information Technology Inventory) **SFC:** ADD new proviso to require a governmental body as defined by Section 11-35-310(18) [SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE DEFINITIONS] to conduct an inventory of information technology hardware. Direct that hardware to be inventoried and information to be provided shall be defined by the technical collaboration work group established as part of the Statewide Strategic Information Technology Plan process. Direct that the information technology hardware inventory include: (1) manufacturer, model number and date of acquisition; (2) description of required software or firmware; (3) term, renewal options, and date of expiration of applicable maintenance agreements; (4) term and



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expiration date of applicable warranty periods; and (5) description of applicable service level agreements. Direct the governmental body to report the inventory and related information to the State Information Technology Planning Office as soon as practicable, but no later than October 31, 2009. Direct the State Information Technology Planning Office to present information and options for establishing a statewide maintenance contract to the Agency Directors Technology Advisory Committee for review and recommendations as to whether cost savings can be achieved by uniting maintenance services for specific categories of IT hardware under a state term contract.

**SEN:** ADOPT new proviso.

- 89.127 ADD** (Transfer Division of Aeronautics) **SFC:** ADD new proviso to transfer the Division of Aeronautics and its duties, functions, responsibilities, personnel, equipment, supplies, appropriated , authorized, and carry forward funds and all other assets and resources from the Department of Commerce to the Budget and Control Board.

**SEN:** ADOPT new proviso.

- 89.128 DELETE NEW PROVISIO** (Commuting Costs) **SFC:** ADD new proviso to require state government employees to reimburse the agency where they are employed for the cost of fuel when they use an agency or state owned vehicle to commute from their permanently assigned work location to and from their home. Direct that this does not apply to a vehicle used for a special travel assignment or for certified law enforcement officers at DPS, SLED, and DNR.

**SEN:** DELETE new proviso. Sponsor: Sen. Fair.

- 89.129 DELETE NEW PROVISIO** (State Government Vehicle Identification) **SFC:** ADD new proviso to direct the Budget and Control Board to enforce the requirements of Section 1-11-320 [DIVISION OF MOTOR VEHICLE MANAGEMENT; PLATES AND OTHER IDENTIFICATION REQUIREMENTS; EXEMPTIONS] to ensure all state-owned vehicles are identified through permanent state government license plates and either state or agency seal decals. Direct that exemptions for non-cabinet agencies and cabinet agency law enforcement officers working undercover or cabinet agency vehicles carrying human service agency clients shall be in accordance with Section 1-11-320. Require cabinet agencies to submit written exemption authorization, approved and signed by the Governor, to the Budget and Control Board. Exempt constitutional officers and the highway patrol from these requirements.

**SEN:** DELETE new proviso. Sponsor: Sen. Fair.

- 89.130 ADD** (Composite Bank Account Transparency) **SFC:** ADD new proviso to require each agency that has a composite bank account to prepare a report that accounts for the expenditure of funds in the bank account in the prior fiscal year. Require the report to include, but not be limited to, the name of the payee, amount of the transaction, description of goods or services purchased and the account's year-end balance and be submitted to the Comptroller General by September 1, 2009. Require a link to the report be posted on each agency's homepage in order to promote accountability and transparency.

**SEN:** ADOPT new proviso.

- 89.131 ADD** (Capitol Police Force Training) **SFC:** ADD new proviso to require the Criminal Justice Academy to provide basic or advanced training to Capitol Police Force officers, as requested, and without charge.

**SEN:** ADOPT new proviso.

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- 89.132**    **ADD** (Capitol Police Force Storage and Maintenance) **SFC:** ADD new proviso to require SLED, DPS and the B&C Board to provide support to the Capitol Police Force, as requested, for evidence, ammunition, and weapons storage, vehicle and other equipment maintenance, and for other operations as necessary.  
**SEN:** ADOPT new proviso.
- 89.133**    **ADD** (Mandatory Furlough) **SEN:** ADD new proviso to direct that in a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated in the prior fiscal year or whenever the General Assembly or B&C Board implement an across the board reduction, agency heads should consider furloughing contract employees, post-TERI employees, and TERI employees before furloughing other employees. Direct that during furlough, benefits that require employer and employee contributions are to be the responsibility of the agency if coverage would otherwise be interrupted and contributions that only require employee contributions are the responsibility of the employee. State that if an agency, department or institution reduction is due solely to the General Assembly transferring or deleting a program this provision does not apply. Sponsor: Sen. Knotts.
- 89.134**    **ADD** (Reduction In Force) **SEN:** ADD new proviso to direct that in a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated in the prior fiscal year or whenever the General Assembly or B&C Board implement a mid-year across the board reduction, and agency heads must make reductions in force, consideration should consider be given to reducing contract employees, post-TERI employees, and TERI employees before furloughing other employees. State that if an agency's reduction is due solely to the General Assembly transferring or deleting a program this provision does not apply. Sponsor: Sen. Knotts.

**SECTION 90 - X91 - STATEWIDE REVENUE**

- 90.1**        **AMEND** (Year End Expenditures) Directs year-end expenditure deadlines.  
**WMC:** AMEND proviso to change July 31, "2009" to "2010" and July 16, "2009" to "2010."  
*Technical.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.  
**SFC:** ADOPT proviso as amended.  
**SEN:** ADOPT proviso as amended.
- 90.5**        **AMEND FURTHER** (Tobacco Settlement) Directs the State Treasurer, upon approval of the Tobacco Settlement Revenue Management Authority and parties to the trust agreement, to transfer \$10,500,000 from the unrestricted taxable proceeds portion of the principal of the Healthcare Tobacco Settlement Trust Fund to the Department of Health and Human Services to be spent for Medicaid. Authorizes the State Treasurer to transfer \$425,000 to the Attorney General from the Operating Contingency Account of the Tobacco Settlement Management Authority for further enforcement of the Tobacco Escrow Fund Act, which will protect payments to the State under the Master Settlement Agreement.  
**WMC:** AMEND proviso to change "\$10,500,000" to "\$10,000,000" and delete specific amount to be transferred to the Attorney General and instead direct that amounts as necessary of the available funds will be transferred. Fiscal Impact: No impact on the General Fund.  
**HOU:** AMEND FURTHER to authorize and direct the State Treasurer to transfer up to \$1,200,000 to the General Fund from funds available to the Tobacco Settlement Revenue Management Authority to reimburse amounts previously appropriated for Tobacco Arbitration

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Settlement pursuant to Proviso 73.14(B) item 99 of Act 397 of 2006. Direct that any remaining balance from the appropriation be remitted to the General Fund, but limit the combined transfer and reimbursement to not more than \$1,200,000. Sponsor: Rep. Cooper.

**SFC:** ADOPT proviso as amended.

**SEN:** ADOPT proviso as amended.

- 90.8**     **DELETE** (Health and Human Services Funding) Directs \$98,467,983 of Department of Health and Human Services general fund appropriations, carry forward funds, and earmarked and restricted accounts be disbursed for specified purposes. Directs that \$7,000,000 for Disproportionate Share be transferred to MUSC Hospital Authority and that \$600,000 of these funds be transferred to the Cancer Center. Prohibits the Department of Health and Human Services from using CHIPS FY 07-08 carry forward funds or FY 08-09 recurring appropriations to fund any of the allocations contained in this provision.

**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 90.9**     **DELETE** (Nonrecurring Revenue) Provides for distribution of \$53,414,358 of non-recurring revenue derived from various sources and disbursed by the State Treasurer to agencies for specific purposes. Authorizes unexpended funds appropriated by this provision to be carried forward.

**WMC:** DELETE proviso. *Technical. Proviso was specifically for FY 08-09.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 90.10**    **DELETE** (Refund Excess Federal Unemployment Compensation Fund Balance) Authorizes the Comptroller General to refund the federal portion of the excess Unemployment Compensation Fund, Subfund 4007 fund balance to the federal government.

**WMC:** DELETE proviso. *Technical. Proviso is a companion to 90.11 which is being deleted.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

- 90.11**    **DELETE** (Unemployment Compensation Excess Cash Balance) Directs the Comptroller General and the State Treasurer to transfer the following sources of excess cash balance to the State General Fund by September 1, 2008 to be used as a source to support appropriations: \$30,400,000 from E12, Comptroller General's Office, Subfund 4007, Unemployment Compensation Fund and \$2,891,547 from E16, State Treasurer's Office, Subfund 3879, Unclaimed Property. Directs that these transfers are deemed to have occurred and are available for use in FY 08-09 after September 1, 2008 following the close of the state's books on FY 07-08.

**WMC:** DELETE proviso. *Technical. Proviso was specifically for FY 08-09.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC:** ADOPT deletion of proviso.

**SEN:** ADOPT deletion of proviso.

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- 90.12 DELETE** (Transfer of Deed) Suspends the provisions of Section 48-59-75 [S.C. CONSERVATION BANK ACT: RESTRICTION ON TRANSFER OF DEED RECORDING FEES TO TRUST FUND] for the FY 08-09. Directs the SC Conservation Bank, for FY 08-09, to transfer \$7,000,000 of the deed recording fees received in the current fiscal year to the Department of Education for school bus fuel. Directs that contractual obligations that existed as of the effective date of this act be honored before any transfer is executed. Directs that cash balances carried forward from the prior fiscal year be used first to meet contractual obligations and agency operating expenses.  
**WMC:** DELETE proviso. *Technical. Proviso was specifically for FY 08-09.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.  
**SFC:** ADOPT deletion of proviso.  
**SEN:** ADOPT deletion of proviso.
- 90.13 AMEND NEW PROVISO FURTHER** (Health and Human Services Funding) **WMC:** ADD new proviso to direct that the source of funds in this provision is \$390,036,948 of Department of Health and Human Services general fund appropriations, carry forward funds , and earmarked and restricted special revenue fund accounts. Direct that \$200,000,000 of these funds is to be transferred to the General Fund and the remainder is directed to be expended for specific purposes within the department as well as transferred to DHEC, DDSN, DMH, DSS, DAODAS, and Voc Rehab for designated purposes. Create the Health Care General Fund Restoration Reserve Fund within the State Treasurer's Office which shall be used solely for health care purposes. Direct agencies to use all unobligated FMAP funds received through the American Recovery and Reinvestment Act of 2009 to replace general funds under the respective agencies and to transfer those general funds to the State Treasurer for deposit into the Reserve Fund.  
**HOU:** AMEND new proviso to change the total amount of funds from "\$390,036,948" to "\$428,115,948." Direct the department of Health and Human Services to disburse \$250,000 for Kidney Disease Prevention; \$33,000 for Delivery Epidural Codes; \$1,638,000 for Physician E&M and Procedures Codes; \$658,000 for Pediatric Specialists; and \$500,000 for Shared Care. Sponsor: Rep. Edge. AMEND FURTHER to direct that South Carolina non-pharmacy mail and non-mail order Durable Medical Equipment Diabetic Supply providers be allowed to participate in all Managed Care Organizations, individual and group insurance policies using the S.C. Durable Medical Equipment Fee Schedule allowables at a comparable rate to out-of-state providers and that they not be required to participate in pharmacy fee schedules for Durable Medical Equipment products such as Diabetic Test Strips. Sponsor: Rep. Ott. AMEND FURTHER to change the amount transferred to the general fund from "\$200,000,000" to "\$235,000,000." Sponsor: Reps. Cooper and White.  
**SFC:** AMEND FURTHER to direct the Department of Health and Human Services to also transfer unobligated state match funds resulting from increased FMAP and direct that the funds be distributed in four equal disbursements on a quarterly basis. Direct funds to be expended for specific purposes within the department as well as transferred to DHEC, DMH, DDSN, DAODAS, DSS, Commission for the Blind, Governor's Office OEPP, Lt. Governor's Office, Human Affairs Commission, Commission on Minority Affairs, John de la Howe School, and Voc Rehab for designated purposes. Create the Health Care Annualization and Maintenance of Effort Fund within the State Treasurer's Office which shall be used solely for health care purposes. Direct agencies, unless they are specifically exempt by another provision in this act, to transfer unobligated state match funds resulting from increased FMAP to the State Treasurer for deposit into the Health Care Annualization and Maintenance of Effort Fund.  
**SEN:** ADOPT new proviso as amended.

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- 90.14 ADD (LGF) WMC:** ADD new proviso to suspend Section 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] for the current fiscal year.  
**HOU:** ADOPT new proviso.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.
- 90.15 REINSERT NEW PROVISIO** (State Budget Stabilization Fund) **WMC:** ADD new proviso to state the intent of the General Assembly to accept all funds that are available from the State Budget Stabilization Fund contained in the American Recovery and Reinvestment Act of 2009 and to authorize such funds to be expended as delineated in this act. Fiscal Impact: Contingent on funding which the state receives.  
**HOU:** ADOPT new proviso.  
**SFC:** DELETE new proviso.  
**SEN:** REINSERT new proviso. Sponsor: Sen. Leatherman.
- 90.16 REINSERT NEW PROVISIO** (ARRA Fund Authorization) **HOU:** ADD new proviso to state the intent of the General Assembly to accept all available funds from the State Budget Stabilization Fund contained within the American Recovery and Reinvestment Act of 2009. Direct the Office of State Budget to increase agency federal fund authorization for State Budget Stabilization Fund monies allocated by the General Assembly. Sponsors: Reps. Cooper, Bingham, J.E. Smith and Sellers.  
**SFC:** DELETE new proviso.  
**SEN:** REINSERT new proviso. Sponsor: Sen. Leatherman.
- 90.17 DELETE NEW PROVISIO** (Insurance Reserve Fund Transfer) **HOU:** ADD new proviso to require the B&C Board to suspend payment of up to \$37,454,011 of annual premiums for all Insurance Reserve Fund (IRF) insurance lines that would otherwise be paid by state agencies in order to meet the requirements of this provision for FY 09-10. Direct that this suspension applies to coverages that were in effect and would be subject to renewal in FY 09-10 and that new or additional coverages insured with the IRF during FY 09-10 are subject to premium collection. Direct each state agency, as so classified by the IRF for purposes of providing insurance, to remit the amount of premium savings, as reported by the IRF, to the B&C Board for deposit in an account established by the State Treasurer to the credit of the General Fund. Authorize each state agency to use funds from any source except federal funds for this payment. Direct that by this provision, these remittances are deemed to have occurred and are available for appropriation in the amount of \$37,454,011. Direct the Insurance Reserve Fund to adjust rates in future years as necessary to ensure actuarial soundness of the fund. Sponsors: Reps. Cooper and White.  
**SFC:** DELETE new proviso.  
**SEN:** ADOPT deletion of new proviso.
- 90.18 ADD (E-Verify) HOU:** ADD new proviso to require a state agency, for the current fiscal year, to certify that it is a participant in the E-verify federal work authorization program before it may accept or use federal stimulus package monies. State that failure to certify this is a violation of the provisions of Act 280 of 2008. Sponsor: Rep. Rice.  
**SFC:** ADOPT new proviso.  
**SEN:** ADOPT new proviso.
- 90.19 DELETE NEW PROVISIO** (Nonrecurring Revenue) **HOU:** ADD new proviso to direct that the source of revenue in this provision is \$5,391,797 of non-recurring funds carried forward

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from the prior fiscal year by the Second Injury Fund in Subfund 4260 and transferred to the State Treasurer and deposited in a fund separate and distinct from the General Fund. Direct the State Treasurer to disburse the funds by September 1<sup>st</sup> as follows: \$2,400,000 to the Department of Education for First Steps to School Readiness-CDEPP; \$330,000 to John de la Howe School for Roof Replacement/Repair; \$2,000,000 to CHE for Need-Based Grants; \$197,339 to Aid to Subdivision-Comptroller General; \$98,670 for Aid to County Auditors and \$98,669 for Aid to County Treasurers; and \$464,458 to the Budget and Control Board. Direct that the funds appropriated to the B&C board are to be used to reimburse the board for funds transferred to the Lieutenant Governor's Office for the Office on Aging's Meals on Wheels Program. Sponsor: Rep. Cooper.

**SFC:** DELETE new proviso.

**SEN:** ADOPT deletion of new proviso.

- 90.20**     **ADD** (DMV Cash Transfer) **SFC:** ADD new proviso to direct DMV to transfer \$8,000,000 from any department earmarked or restricted "special revenue funds" account to the following agencies and lift any restrictions concerning use of these funds for the current fiscal year: \$1,000,000 to SLED, \$4,000,000 to DPS, \$1,000,000 to DPPP, and \$2,000,000 to DJJ. Direct that for FY 09-10 the license plate replacement interval is suspended until funds transferred to other agencies are repaid to the department pursuant to proviso 90.21 or by any other source of funds or until the Plate Replacement Fee Fund has enough monies to reinstitute the license plate replacement.

**SEN:** ADOPT new proviso.

- 90.21**     **AMEND NEW PROVISO** (Personnel for Increased Enforcement Collections) **SFC:** ADD new proviso to direct that for FY 09-10 \$2,200,000 shall be used by the Department of Revenue exclusively to hire and provide operations for specifically identified additional enforcement personnel (agents, auditors and support), to enhance audit and collection activity. Authorize the department to collect revenues from any source within its jurisdiction, including, but not limited to, corporate, individual or sales tax collections, but direct the department to especially focus on enforced collections and outstanding liabilities. Direct that these funds are to be deposited into a fund separate and distinct from the general fund within the State Treasurer's Office, except direct that motor fuel funds collected as a result of the enforced collection efforts be distributed in the same manner as other motor fuel tax revenues are currently distributed. Direct the State Treasurer, for FY 09-10, to disburse the following funds quarterly on a pro rata basis: \$1,000,000 to the Senate for Reapportionment; \$1,000,000 to the House of Representatives for Reapportionment; \$4,140,418 to the Commission on Indigent Defense for Indigent Defense Act Annualization; \$3,245,659 to Employee Benefits for Other Post Employee Benefits; \$38,363,923 to Aid to Subdivisions-Department of Revenue for Homestead Exemption Shortfall; and \$500,000 to CHE for Need-Based Grants. Direct that once sufficient revenue has been collected to fully fund these items, the first \$8,000,000 of excess revenue collected must be transferred to DMV to reimburse the department for the funds transferred to other agencies by proviso 90.20 of this act. Direct the department to develop internal mechanisms to insure the integrity of customary and usual enforced collections. Direct the department, when it determines quarterly customary and usual enforced collections have been exceeded, to deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision. Direct that the fund be disbursed quarterly on a pro rata basis; however prohibit an agency from expending funds appropriated in this provision until they are received. Authorize these funds to be carried forward to succeeding fiscal years and be expended for the same purpose. Direct that if revenues collected are less than the amounts appropriated, these appropriations shall be reduced on a pro rata basis. Direct that excess

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revenue above the amounts identified in this provision shall be transferred to the General Fund. Require the Department of Revenue to report quarterly to the finance committees of the General Assembly and to the BEA on collections received.

**SEN:** AMEND new proviso to direct the State Treasurer, for FY 09-10 and on the first date funds are disbursed from the account, to disburse \$4,140,418 to the Commission on Indigent Defense for Indigent Defense Act Annualization and delete the specific line item disbursement. Sponsor: Sen. Thomas.

AMEND FURTHER to direct that after the \$8,000,000 has been reimbursed to DMV, the next \$500,000 of excess revenue be transferred to the Forestry Commission. Sponsor: Sen Rankin.

AMEND FURTHER to direct that the next \$285,000 be transferred to Clemson-PSA for the SC Biotechnology Incubation Facility. Sponsors: Sens. O'Dell, Land, Matthews, McGill, and Nicholson.

AMEND FURTHER to direct that the next \$500,000 be transferred to the CHE for the University Center of Greenville. Sponsor: Sen. Fair.

AMEND FURTHER to direct that funds in this account shall be disbursed quarterly on a pro rata basis "unless otherwise stated." Sponsor: Sen. Thomas.

**PART II**

Reserved

**PART III**

**SEC 1** **AMEND** (Recognition of Funds) **SFC:** ADD Section 1 to state that the General Assembly recognizes \$694,060,272 of federal funds pursuant to the State Fiscal Stabilization Fund established by the American Recovery and Reinvestment Act of 2009 and further state that these funds are authorized for appropriation.

**SEN:** AMEND Section 1 to state that pursuant to Title XVI of ARRA of 2009, the Governor has certified that the State will request and use the funds provided by ARRA and that they will be used to create jobs and promote economic growth. Specify that as a result of the Governor's actions, the General Assembly recognizes \$694,060,272 of federal funds from the State Fiscal Stabilization Fund. Direct that in order to fund the appropriations in this Part, the Governor and the State Superintendent of Education shall take all action necessary and required by ARRA and the U.S. Secretary of Education to secure receipt of the funds recognized and authorized for appropriation. Sponsors: Sens. Leatherman, McConnell, Land, and Setzler.

**SEC 2** **AMEND** (Allocation of Funds) **SFC:** ADD Section 2 to direct the when the funds in Section 1 are received they must be immediately transferred to the identified agencies in the amounts specified to supplement appropriations for FY 09-10 and authorize the Office of State Budget to increase federal fund authorization for those agencies. Direct the Department of Commerce to divide \$3,150,000 of the amount specified for the Regional Economic Development Organization equally among the 7 organizations and disperse the remaining \$300,000 to Chester, Lancaster, Union, and York counties if they meet established requirements. Direct that SLED must use the funds transferred to them to maximize statutorily mandated law enforcement services. Direct that for purposes of expending funds authorized in this section, the funds must be used in a manner consistent with the State Fiscal Stabilization Fund established by the ARRA. Direct that the remaining portion of the State Fiscal Stabilization Fund received pursuant to Section 1 that is not needed to meet appropriations in this part must

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be deposited in a separate and distinct account in the State Treasurer's Office and may only be disbursed pursuant to an appropriation contained in a subsequent act of the General Assembly.

**SEN:** AMEND Section 2 to direct that of the funds transferred to the Arts Commission, \$100,000 must be used for Spoleto and of the funds transferred to DNR, \$100,000 must be used for the Southeastern Wildlife Expo. Sponsor: Sen. Leatherman.

AMEND FURTHER to state that the General Assembly recognizes that receipt of the funds appropriated in this Part is designed to address a precipitous drop in revenue due to the pending economic crisis and use of this money to fund recurring expenses is a way to address the shortfall in recurring funds until the economy improves. State that the General Assembly further recognizes that these funds are temporary and may not be sufficient to address a shortfall in recurring revenue if the current economic crisis extends beyond the period currently contemplated. State that the General Assembly strongly encourages state agencies, institutions and school districts that receive these funds to limit reliance on the funds and make contingency plans that include savings to meet future recurring obligations. Sponsors: Sens. Massey and Davis.

**SEC 3    ADD (Severability)    SFC:** ADD Section 3 to provide severability if any section, subsection, part, paragraph, sentence, clause, phrase, or word of this act is held to be unconstitutional or invalid.

**SEN:** ADOPT Section 3.

**SEC 4    ADD (Effective)    SFC:** ADD Section 4 to direct that this part takes effect upon approval of the Governor.

**SEN:** ADOPT Section 4.