

**CONSTITUTIONAL AND ADMINISTRATIVE SUBCOMMITTEE
SUMMARY OF RECOMMENDED PROVISO CHANGES
FOR FY 2009-10**

SECTION 19 - H67 - EDUCATIONAL TELEVISION COMMISSION

19.3 **AMEND** (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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

19.3. (ETV: SC Educational Broadband Service Commission/Broadband License) ~~There is created a commission to be known as the South Carolina Educational Broadband Service Commission. All appointees must have a background of substantial duration and expertise in business. The commission shall be composed of the following seven members:~~

~~(1) One member of the private sector appointed by the President Pro Tempore of the Senate;~~

~~(2) One member of the private sector appointed by the Speaker of the House of Representatives;~~

~~(3) One member of the private sector appointed by the Chairman of the Senate Finance Committee;~~

~~(4) One member of the private sector appointed by the Chairman of the House Ways and Means Committee;~~

~~(5) One member of the private sector appointed by the Chairman of the State Regulation of Public Utilities Review Committee;~~

~~(6) One member of the private sector appointed by the Vice Chairman of the State Regulation of Public Utilities Review Committee; and~~

~~(7) One member of the private sector appointed by the Governor.~~

~~The commission shall elect its chairman and vice chairman at the first meeting of the commission. The appointee of the President Pro Tempore of the Senate shall call an organizational meeting for the purpose of electing officers and other matters that may arise.~~

~~The commission must meet as soon as practicable after a majority of members have been appointed. A majority of members of the commission who have been appointed shall constitute a quorum for the transaction of business. A vacancy on the commission shall not impair the ability of a quorum to exercise and perform the powers and duties of the commission.~~

~~Commission members serve at the pleasure of the appointing authority. A vacancy in the membership of the commission must be filled in the manner of the original appointment. Commission membership does not constitute an office for purposes of the prohibition on dual~~

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~~office holding provided in Section 3, Article VI of the Constitution of the State. Commission members are subject to the provisions of the Ethics, Government Accountability, and Campaign Reform Act, Chapter 13 of Title 8.~~

~~Members shall serve without compensation but are allowed the usual per diem and mileage as provided by law for members of boards, commissions, and committees while on official business.~~

~~The commission has the following powers and duties:~~

~~(1) The commission shall use a competitive process to obtain proposals from commercial entities for the leasing of the excess spectrum capacity of the Education Broadband Service (EBS) licenses held by the South Carolina Educational Television Network. The commission shall seek proposals that utilize the excess spectrum capacity of the EBS licenses in the following manners: (a) a single lease of ETV's excess spectrum capacity without any service requirements; (b) a single lease of ETV's excess spectrum capacity with service requirements as recommended by the commission; (c) multiple leases on a regional basis without any service requirements, such regions to be determined by the commission; (d) multiple leases on a regional basis with service requirements as recommended by the commission, such regions to be determined by the commission; and (e) other manners deemed appropriate by the commission. The commission must also consider whether to include any lease of tower space in the proposals in the lease of excess spectrum capacity. In determining any service requirements to impose on potential lessees, the commission must consider the costs and benefits, both monetary and societal, that would be borne by or inure to the public at large, as well as the public to be served. Because broadband service may be provided using a number of different technologies, each of which has unique characteristics and advantages, the commission, in developing its recommended service requirements, must consider the costs and benefits of all methods available to deploy broadband services throughout the State, including wireline, wireless technologies utilizing other bands of the spectrum, or satellite. The commission must not impose any pricing requirements on lessees and must take steps to ensure that the state's assets are not made available to a private broadband service provider to subsidize a private company's competitive service offerings. The competitive process used by the commission shall be governed exclusively by the procedures stated herein and procedures established by the commission.~~

~~(2) The commission shall evaluate the proposals and present the proposals and its recommendations to the Joint Bond Review Committee. The Joint Bond Review Committee shall evaluate the proposals and the commission's recommendations to determine whether a proposal shall be approved. If the Joint Bond Review Committee determines that a proposal shall be approved, this determination shall be presented at the next meeting of the Budget and Control Board for review and approval. If the Budget and Control Board does not approve a proposal, it shall be returned to the Joint Bond Review Committee for further evaluation and recommendation. The South Carolina Education Television Network must take actions necessary to facilitate the lease of the excess spectrum capacity of the EBS licenses in the manner set forth in an approved proposal and to ensure that ETV complies with any FCC rules or requirements. Revenue received by the State from an approved proposal must be deposited into the State General Fund for recommendation by the Governor and appropriation by the General Assembly.~~

~~(3) The commission is exempt from the Consolidated Procurement Code and is authorized to engage legal counsel, consultants, or other experts to assist it in carrying out its powers and duties subject to the approval of the Executive Director of the Budget and Control Board.~~

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~~The commission shall use clerical and professional employees of the Budget and Control Board. Upon request of the commission, the South Carolina Educational Television Network must make staff available to the commission.~~

~~The commission shall terminate six months after all agreements resulting from an approved proposal are finally executed or no later than June 30, 2010. Upon termination of the commission, the Budget and Control Board shall assume responsibility for the management and administration of all agreements resulting from an approved proposal.~~

The Budget and Control Board is authorized and directed to pay for any expenses of the ~~commission incurred~~ that the Broadband Service Commission established by 2008 Act 405 incurs in the performance of its responsibilities, including but not limited to the cost of professional assistance, up to an aggregate amount not to exceed \$750,000 from all years combined. The Executive Director of the Budget and Control Board is authorized to expend and use such sources of agency funds as the director determines, ~~including the dormant Funded Debt Sinking Fund~~. In addition to any other carry forward allowed by law, the Budget and Control Board is specially authorized to carry forward from Fiscal Year ~~2007-08~~ 2008-09 into Fiscal Year ~~2008-09~~ 2009-10 unspent general fund appropriations in the maximum amount it may be required to expend in support of the commission and its activities.

SECTION 44 - B04 - JUDICIAL DEPARTMENT

- 44.17 DELETE NEW PROVISO** (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 SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*44.17. (JUD: Administrative Law Court) During the current fiscal year, the department must transfer \$260,000 to the Administrative Law Court.*~~

- 44.18 DELETE NEW PROVISO**(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 SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*44.18. (JUD: Water Litigation) During the current fiscal year, the department must transfer \$250,000 to the Attorney General's Office for Water Litigation Expenses.*~~

- 44.19 DELETE NEW PROVISO** (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 SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*44.19. (JUD: ALC Operating Funds) During the current fiscal year, the department must transfer \$100,000 to the Administrative Law Court for operating expenses.*~~

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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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~45.4. (AG: Elder and Vulnerable Adults Abuse Reports) The Long Term Care Ombudsman Program and the Adult Protection Services Program shall forward to the Attorney General's Office reports of abuse, neglect, or exploitation of elders or vulnerable adults as defined pursuant to the Omnibus Adult Protection Act. The Attorney General and these investigative entities shall enter into memoranda of understanding to determine which reports shall be sent to the Attorney General's Office, the time frame to be met and any other process needed to meet the requirements of this proviso.~~

- 45.ars ADD** (Auction Rate Securities Settlement / Water Rights) **SFC SUBCOMMITTEE RECOMMENDATION:** 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.

45.ars. (AG: Auction Rate Securities Settlement / Water Rights) The Attorney General's Office is authorized to utilize up to \$2,200,000 of funds from the "Auction Rate Securities Settlement" to pay for expenses and fees associated with the South Carolina vs. North Carolina water lawsuit (United States Supreme Court original Jurisdiction Case Number 138.) The \$2,200,000 shall not include the \$750,000 the Attorney General's Office currently allocates for securities enforcement expenses. The Attorney General's Office is authorized to use a portion of the \$2,200,000 to reimburse Water Litigation expenses incurred in the prior fiscal year.

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

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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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

46.8. (PCC: Criminal Domestic Violence Prosecution) Of the amount appropriated in Part IA, Section 46, for Criminal Domestic Violence Prosecution, \$2,200,000 shall be apportioned equally among the circuits and the balance thereafter remaining shall be apportioned among the circuits on a per capita basis and based upon the Official Census of 2000. The amount appropriated shall be used solely for the purpose of criminal domestic violence prosecution in the magistrate and circuit courts. Payment shall be made as soon after the beginning of each quarter as practical. Each Solicitor shall designate at least one individual prosecutor per county for this purpose. A Solicitor and the Attorney General may partner to accomplish these provisions. The Prosecution Coordination Commission shall retain information and data on criminal domestic violence prosecutions and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year of those charges prosecuted by assistant solicitors compensated with these funds. If not privileged information by law, the report shall at a minimum include an accounting of the expenditures of the funds as well as information and statistics regarding the location, the number and type of criminal domestic violence charges, the number of cases prosecuted, and the disposition of the cases.

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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

46.9. (PCC: DUI Prosecution) The amount appropriated in Part IA, Section 46, for Driving Under the Influence Prosecution shall be apportioned equally among the circuits. The amount appropriated shall be used solely for the purpose of driving under the influence prosecution in the magistrate and circuit courts. Payment shall be made as soon after the

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beginning of each quarter as practical. The Prosecution Coordination Commission shall retain information and data on driving under the influence prosecutions and shall provide the General Assembly with an annual report no later than 60 days after the conclusion of the fiscal year of those charges prosecuted by assistant solicitors compensated with these funds. The report shall at a minimum include an accounting of the expenditure of the funds as well as information and statistics regarding the location, the number and type of driving under the influence charges, the number of cases prosecuted, and the disposition of the cases.

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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

47.4. (INDEF: Post Conviction Relief Payments) The court shall order payment of all fees and costs in non capital Post Conviction Relief cases from funds appropriated to the Office of Indigent Defense for ~~the defense of indigents in~~ non capital Post Conviction Relief cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Compensation and costs shall not exceed one thousand dollars in any single case and shall be paid from funds appropriated to the Office of Indigent Defense for the ~~defense of indigents represented~~ representation by court-appointed, private counsel, in non capital Post Conviction Relief cases.

- 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

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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 a 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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

47.5. (INDEF: Civil Court Appointments) The funds appropriated under “Civil Court Appointments” shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post Conviction Relief (PCR) to reimburse court appointed private attorneys and for other expenditures as specified in this provision. Civil Court Appointments funds may not be transferred or used for any other purpose.

A portion of the funds appropriated under “Civil Court Appointments” shall be used for “Termination of Parental Rights” cases and “Abuse and Neglect” cases to reimburse private attorneys who are appointed by the Family Court to serve as guardians ad litem, where volunteer appointments cannot be made and to represent guardians ad litem, children, or parents under the provisions of S.C. Code Sections 20-7-110 et seq., 20-7-1570 et seq., 20-7-1695 (A)(2) et seq., 20-7-7205 et seq., and 20-7-8705 (4)(a) et seq.; for “Probate Court Commitment” cases to reimburse private attorneys who are appointed by the Probate Court to represent indigent persons; and for “Sexual Violent Predator” cases to reimburse private attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty dollars per hour or reimbursement may also be made on the basis of a set (flat) fee. The method of payment and the amount of the set fee will be determined by the Commission on Indigent Defense. Reimbursement shall not exceed two thousand dollars for any case under which such private attorney is appointed. Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order with specific findings of fact, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services provided were reasonably and necessarily incurred. Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the representation of the defendant, the court shall authorize the defendant’s attorney to obtain such services on behalf of the defendant and shall authorize the payment, from funds available to the Office of Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, that payment in excess of the limit is appropriate because the services provided were reasonable and necessarily incurred to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense.

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Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the Senate Finance Committee and the House Ways and Means Committee.

A portion of the funds appropriated under “Civil Court Appointments” may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil court appointments, to be reimbursed in accordance with applicable provisos and statutes.

- 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 unable to employ council and include in the affidavit all of the person’s assets. Direct that if the person has some assets, but not enough to employ council, 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 SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

47.14. (INDEF: Defense of Indigents Civil Action Application Fee) (A) A person to whom counsel has been provided in any termination of parental rights (TPR), abuse and neglect, or any other civil court action in this state shall execute an affidavit that the person is

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financially unable to employ counsel and that affidavit shall set forth all of the person's assets. If it appears that the person has some assets but they are insufficient to employ private counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the Commission on Indigent Defense.

(B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate official for a waiver or reduction in the application fee. If it is determined that the person is unable to pay the application fee, the fee may be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived or reduced to the trial judge and the trial judge shall order the remainder of the fee paid by a time payment method or such method as the trial judge deems appropriate. The clerk of court or other appropriate official shall collect the application fee imposed by this section and remit the proceeds to the Commission on Indigent Defense on a monthly basis. The monies must be deposited in an interest-bearing account separate from the general fund and used only to provide for indigent defense services. The monies shall be administered by the Commission on Indigent Defense. The clerk of court or other appropriate official shall maintain a record of all persons applying for representation and the disposition of the application and shall provide this information to the Commission on Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.

(C) In matters in which a juvenile is brought before a court, the parents or legal guardian of such juvenile shall execute the above affidavit based upon their financial status and shall be responsible for paying any fee. In matters concerning juveniles, the parents or legal guardians of said juvenile, shall be advised in writing of this requirement at the earliest stage of the proceedings against said juvenile.

(D) Nothing contained above shall restrict or hinder a court from appointing counsel in any emergency proceedings or where existing statutes do not provide sufficient time for an individual to complete the application process.

(E) The appointment of counsel, as herein before provided, creates a claim against the assets and estate of the person who is 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.

(F) Such claim shall be filed in the office of the clerk of court in the county where the person is assigned counsel, but the filing of a claim shall not constitute a lien against real or personal property of the person unless, in the discretion of the court, part or all of such claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days' notice that judgment will be entered. When a claim is reduced to judgment, it shall have the same effect as judgments, except as modified by this provision.

- 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.

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SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

47.15. (INDEF: Family Court Attorney Appointment Study Group) *The Commission on Indigent Defense and the Department of Social Services shall jointly study the issue of the appointment of private attorneys in termination of parental rights and abuse and neglect cases. The agencies shall develop proposals to significantly reduce or eliminate members of the private bar from being assigned these appointments. The agencies shall present proposals to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than October 1, 2009.*

- 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 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 SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

47.16. (INDEF: Exemption for Pass Through Funding) *The funds distributed by the Commission on Indigent Defense to the Legal Services Corporation in accordance with Section 14-1-204 of the 1976 Code shall not be considered part of the commission's budget for purposes of calculating budget reductions.*

- 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 SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

47.17. (INDEF: Reporting Requirement) *Circuit Public Defenders shall 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. The agency shall withhold payments and transfers to Circuit Public Defenders who are not in compliance with the agency reporting requirements.*

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.

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HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

70.1. (LEG: Legislative Employee Designations) The positions included in this section designated (P) shall denote a permanent employee and the salary is an annual rate. The positions designated (T) shall denote a temporary employee and the salary is for a period of six months to be paid at that rate only while the General Assembly is in session. The positions designated as (Interim) shall denote a temporary employee and the salary is for a period of six months to be paid at that rate while the General Assembly is not in session. The positions designated (PTT) shall denote part-time temporary employees on a twelve-months basis. The positions designated (PPT) shall denote permanent part-time employees retained for full-time work ~~on a six months basis~~ for a period of months or the duration of the legislative session. The House of Representatives shall maintain an internal record denoting permanent, temporary, interim, part-time temporary, and permanent part-time employees.

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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

70.4. (LEG: Subsistence/Travel Regulations)

A. Members of the General Assembly shall receive subsistence expense ~~equal to the maximum allowable by regulation of the Internal Revenue Code, for the Columbia area~~ for each legislative day that the respective body is in session and in any other instance in which a member is allowed subsistence expense. No member of the General Assembly except those present are eligible for subsistence on that day. Legislative day is defined as those days commencing on the regular annual convening day of the General Assembly and continuing through the day of adjournment sine die, excluding Friday, Saturday, Sunday, and Monday.

B. Standing Committees of the Senate and House of Representatives are authorized to continue work during the interim; however, House members must receive advanced approval by the Speaker of the House ~~or Standing Committee Chairman~~ and Senate members must receive advanced approval by the President Pro Tempore of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the members of the General Assembly shall not be paid the per diem authorized in this provision. When certified by the Speaker of the House, President Pro Tempore of the Senate, or Standing Committee Chairman, the members serving on such committees shall receive a subsistence ~~as provided in item "a."~~ ~~above,~~ and mileage at the rate provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds for allowances specified in this proviso shall be paid to the members of the Senate or House of Representatives from the Approved Accounts of the respective body except as otherwise may be provided.

C. Joint Study Committees created pursuant to Acts and Resolutions of the General Assembly are authorized to continue work during the interim to secure such information and

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complete such investigations as may be assigned to the respective committees; however, House members must receive advanced approval by the Speaker of the House ~~or Standing Committee Chairman~~ and Senate members must receive advanced approval by the President Pro Tempore of the Senate or Standing Committee Chairman to meet. If such advanced approval is not received, the House and Senate members of the Joint Study Committee shall not be paid the per diem authorized in this provision. When certified by the ~~Speaker of the House, President Pro Tempore of the Senate, or Standing Committee Chairman~~ appropriate authority, the members appointed to such committees shall receive a subsistence ~~as provided in item "a." above, and~~ mileage at the rate provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The allowances specified in this proviso shall be paid from funds appropriated to the respective committees for such purposes, or from Approved Accounts of the respective body of the General Assembly if no funds have been appropriated to such a committee for these purposes.

D. Members of the Senate and the House of Representatives when traveling on official State business shall be allowed a subsistence ~~as provided in item "a." above, and~~ transportation expenses as provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees upon approval of the appropriate chairman. When traveling on official business of the Senate or the House of Representatives not directly associated with a committee of the General Assembly, members shall be paid the same allowance upon approval of the President Pro Tempore of the Senate or the Speaker of the House of Representatives. In either instance, the members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds for the allowances specified in this proviso shall be paid from the Approved Accounts of the Senate or the House of Representatives or from the appropriate account of the agency, board, commission, task force or committee upon which the member serves.

E. Members of the House of Representatives shall not be reimbursed for per diem, subsistence, or travel in connection with any function held outside of the regular session of the General Assembly unless prior approval has been received from the Speaker of the House.

~~F. Mileage reimbursement and per diem for members of the General Assembly shall be at the rate provided for by law.~~

~~G.F.~~ Notwithstanding ~~the provisions contained herein and in proviso 89.24 (Travel—Subsistence Expenses & Mileage)~~ any other provision of law, subsistence and mileage reimbursement for members of the General Assembly shall not exceed the level authorized by the Internal Revenue Service as of June 30, 2008 for the Columbia area.

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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

70.7. (LEG: House Pages) Up to one hundred forty-four Pages may be appointed as ~~provided in the House Rules~~ pursuant to House policies and procedures and they shall be available for any necessary service to the House of Representatives.

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- 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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

70.20. (LEG: Joint Legislative Committee on Aging Expenses) Members of the Joint Legislative Committee on Aging shall receive mileage, per diem, and subsistence as provided by law for members of boards, committees, and commissions. Members of the committee who are Senators shall have their expenses paid by the Senate, and members of the House shall have their expenses paid by the House of Representatives *at the rate provided by law*. Committee members who are appointed by the Governor shall have their expenses paid from funds appropriated to the Governor.

- 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 SUBCOMMITTEE RECOMMENDATION: RESTORE original proviso.

70.22. (LEG: Code of Law Reimbursement) The Legislative Council may require reimbursement from public sector recipients except for the General Assembly and courts of record in the unified judicial system of its cost of acquiring codes of law, supplements, or replacement volumes distributed to them.

- 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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

70.23. (LEG: House Funds) ~~Funds appropriated to the House of Representatives pursuant to Act 66 of 2001 may be retained and carried forward into the current fiscal year and expended for the purpose of covering expenses of the House’s programs and operations.~~

- 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

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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.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**70.25.** (LEG: JCGAO) There is hereby created the Joint Committee on Government Accountability and Oversight (JCGAO). The committee shall be comprised of eight legislative members, which shall be the President Pro Tempore of the Senate or his designee, the Speaker of the House of Representatives or his designee, the Chairman of the Senate Finance Committee or his designee, the Chairman of the House Ways and Means Committee or his designee, and each of these legislative office holders shall appoint one additional legislator. The purpose of the committee shall be to review and assess the merits of the recommendations of the report of the Governor's GEAR Committee and provide recommendations to the General Assembly as to any improvement deemed appropriate. The committee may further make any recommendation it deems appropriate in improving government processes for efficiency and accountability and shall provide its' report as directed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.~~

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 SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

~~**70.26.** (LEG: Joint Drivers License Reinstatement Fees Study Committee) A Joint Study Committee on Drivers License Reinstatement Fees is established to review all reinstatement fees currently directed by state laws. The joint study committee shall be composed of the Chairman of the Senate Judiciary Committee, or his designee, the Chairman of the House Judiciary Committee, or his designee, the Chairman of the Senate Finance Committee, or his designee, the Chairman of the House Ways and Means Committee, or his designee, the Director of the Department of Motor Vehicles or her designee, the Director of the Department of Public Safety or his designee, and the Chief Justice or her designee. Designees, if appointed, must be from within the respective committee or agency. The study committee may solicit input from prosecuting and defense attorneys, from local law enforcement agencies, and from other sources as deemed necessary. Recommendations for legislative changes shall be reported to the General Assembly by January 15, 2009. Upon submission of the findings, the committee shall be dissolved.~~

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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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

70.27. (LEG: Joint Strategic Technology Committee) There is created a joint committee of the General Assembly to be known as the Joint Strategic Technology Committee consisting of eight members. The Chairman of the Senate Finance Committee shall appoint four members, at least two of whom must be appointed from the Senate Finance Committee. The Chairman of the House Ways and Means Committee shall appoint four members, at least two of whom must be appointed from the House Ways and Means Committee.

The Joint Strategic Technology Committee shall have the following purposes and responsibilities:

(1) The joint committee shall review the Statewide Strategic Information Technology Plan prepared by the Budget and Control Board and the Agency Directors Technology Advisory Committee and make recommendations to the Senate Finance Committee and the House Ways and Means Committee regarding the plan by January 29, ~~2009~~ 2010. The joint committee shall also recommend priorities for state government enterprise information technology projects and resource requirements beginning in the Fiscal Year 2009-10 budget cycle;

(2) The joint committee shall conduct a comprehensive review of all statutes relating to the management and use of information technology by state government, review state government information technology policies, and determine methods to foster collaboration among state government users of information technology and between state government and the private sector through the creation of advisory committees. Further, the joint committee shall recommend to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, for referral to the appropriate standing committees, any statutory changes appropriate for the successful implementation of the Statewide Strategic Information Technology Plan and the management and use of information technology by state government.

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The Budget and Control Board and all state agencies shall cooperate with and provide assistance to the Joint Strategic Technology Committee as requested by the committee.

The Executive Director of the State Budget and Control Board shall appoint an Agency Directors Technology Advisory Committee. The Executive Director shall determine the number and composition of this committee, which shall represent a cross-section of state government agencies. This committee shall provide input and advice regarding the Statewide Strategic Information Technology Plan being developed by the State through the Budget and Control Board. The committee shall also assist and advise the Joint Strategic Technology Committee at its request.

- 70.28 DELETE NEW PROVISO** (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 SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~70.28. (LEG: Members Codes and Supplements) A member of the House of Representatives or Senate, upon leaving office, shall return the codes and supplements he received upon entering the office to the South Carolina Code Commissioner. A member of the House or Senate who leaves office without returning the codes and supplements to the South Carolina Code Commissioner shall reimburse the South Carolina Code Commissioner for the value of the codes and supplements at the fair market value determined by the South Carolina Code Commissioner.~~

- 70.29 ADD** (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 SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

70.29. (LEG: Statewide Acts Availability) After sine die adjournment, the clerks of the House of Representatives and the Senate are to make all statewide Acts available to the public. The provisions of this section are in lieu of the House and Senate Clerks' duties related to the printing and mailing of statewide acts as set forth in Section 2-7-80 of the 1976 Code.

- 70.lac ADD** (LAC Matching Federal Funds) **SFC SUBCOMMITTEE RECOMMENDATION:** 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.

70.lac. (LEG: LAC Matching Federal Funds) The Legislative Audit Council is authorized to use funds appropriated in this act as state matching funds for federal funds available for audits and reviews. The council is also authorized to charge state agencies for federal funds, if

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available, for the costs associated with audits and reviews. Agencies shall remit the federal funds to the Legislative Audit Council as reimbursement for the costs of audits and reviews.

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 SUBCOMMITTEE RECOMMENDATION: 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 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.

75.3. (CG: Payroll Deduction Processing Fee) There shall be a fee for processing payroll deductions, not to exceed ~~10~~ 20 cents, for insurance plans, credit unions, deferred compensation plans and professional associations per deduction per pay day. This fee shall not be applied to charitable deductions. The Comptroller General is authorized to charge a reasonable fee to the South Carolina Lottery Commission for the purpose of payroll processing not to exceed ~~\$30,000~~ \$15,000 annually. The revenues generated from these fees and those provided for child support deductions in accordance with Section 20-7-1315(F)(3), S. C. Code of Laws, 1976, as amended, may be used to support the operations of the Comptroller General's Office and any unexpended balance may be carried forward from the prior fiscal year to the current fiscal year and utilized for the same purposes.

- 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 SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "one" percent or "\$100,000" to "two" percent or "\$200,000."

75.4. (CG: Unemployment Compensation Fund Administration) The lesser of ~~one~~ two percent or ~~\$100,000~~ \$200,000 of the fund balance of the Unemployment Compensation Fund shall be paid out annually to the Comptroller General's Office to be used by that agency to recover the costs of administering the fund. The Unemployment Compensation Fund is provided for in Section 41-31-820, S. C. Code of Laws, 1976, as amended. Any unexpended balance may be carried forward from the prior fiscal year to the current fiscal year and used for the same purposes.

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- 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 15th. Directs that if an entity does not meet the November 15th 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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**75.5.** (CG: Suspension of Withholding) Counties and municipalities receiving revenues from state aid, described in Part IA of this act as "aid to subdivisions", shall submit to the State Budget and Control Board, Office of Research and Statistics, Economic Research Section, a financial report detailing their sources of revenue, expenditures by category, indebtedness, and other information as the Economic Research Section requires. The Economic Research Section shall determine the required content and format of the annual financial report. The financial report for the most recently completed fiscal year must be submitted to the Economic Research Section by November fifteenth of each year. If an entity fails to file the financial report by November fifteenth, then the chief administrative officer of the entity must be notified in writing that the entity has thirty days to comply with the requirements of this paragraph. The Director of the Office of Research and Statistics, for good cause, may grant a local entity an extension of time to file the annual financial report. Notification by the Director of the Office of Research and Statistics to the Comptroller General that an entity has failed to file the annual financial report thirty days after written notification to the chief administrative officer of the entity must result in the withholding of ten percent of subsequent payments of state aid to the entity until the report is filed. The Economic Research Section is responsible for collecting, maintaining, and compiling the financial data provided by the counties and municipalities in the annual financial report required by this paragraph.~~

- 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.

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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.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

75.6. (CG: Purchasing Card Rebate Program) The Comptroller General’s Office is authorized to retain the first ~~\$50,000~~ \$100,000 of rebate associated with the Purchasing Card Program ~~and \$200,000 of agency incentive rebates.~~ ~~In addition, the Comptroller General’s Office shall be authorized to retain a portion of the increase, if any, in Purchasing Card Program rebates which exceeds the average of the corresponding rebates received by the general fund during the last three fiscal years, provided that the general fund and the Comptroller General’s Office shall share equally any such increase in rebates. The Comptroller General’s Office total share of such increase shall not exceed \$150,000. Unexpended retained amounts shall be carried forward into the current fiscal year and must be used for the SCEIS program.~~

~~Any funds retained in accordance with this provision by the Comptroller General’s Office or any cash balances in Subfund 37G7, Purchase Card Incentive Rebates, must be transferred to the Department of Education for the purchase of school bus fuel.~~

The funds retained may be used to support the operations of the Comptroller General’s Office and any unexpended balance may be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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76.11. (TREAS: Penalties for Non-Reporting) If a municipality fails to submit the audited financial statements required under Section 14-1-208 of the 1976 Code to the State Treasurer within thirteen months of the end of their fiscal year, the State Treasurer must withhold all state payments to that municipality until the required audited financial statement is received.

If the State Treasurer receives an audit report from either a county or municipality that contains a significant finding related to court fine reports or remittances to the State Treasurer's Office, the requirements of proviso 89.70 shall be followed if an amount due is specified, otherwise the State Treasurer shall withhold twenty-five percent of all state payments to the county or municipality until the estimated deficiency has been satisfied.

If a county or municipality is more than ninety days delinquent in remitting a monthly court fines report, the State Treasurer shall withhold twenty-five percent of state funding for that county or municipality until all monthly reports are current.

After ninety days, any funds held by the State Treasurer's Office will be made available to the State Auditor to conduct an audit of the entity for the purpose of determining an amount due to the State Treasurer's Office, if any.

- 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 SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

76.13. (TREAS: Signature Authorization) *The State Treasurer is hereby authorized to designate certain employees to sign payments for the current fiscal year in accordance with Section 11-5-140 of the 1976 Code to meet the ordinary expenses of the State. This provision shall in no way relieve the State Treasurer of responsibility.*

SECTION 79 - E28 - ELECTION COMMISSION

- 79.6** **AMEND** (Primary and General Election Carry Forward) Authorizes the commission to retain statewide or special primary election filing fees, to use these funds to conduct primary elections, and to carry forward these funds for the same purposes. Authorizes any Primary or General Election Accounts balance to be carried forward and used for the same purposes.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND proviso to allow Primary and General Election Accounts carry forward funds to also be used to implement a new statewide voter registration system. *Allow funds to be used to update the obsolete voter registration system currently being used.* Fiscal Impact: No impact on the General Fund. Requested by Election Commission.

79.6. (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections. Any balance in the filing fee accounts on June 30, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, any balance in the Primary

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and General Election Accounts on June 30, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year, and may also be used for the purpose of implementing a new statewide voter registration system.

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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.1. (BCB: Civil Contingent Fund - Disbursements) ~~The Civil Contingent Fund, appropriated in Section 80A of this section shall be expended only upon unanimous approval of the State Budget and Control Board, and upon warrant requisitions signed as directed by the State Budget and Control Board, to meet emergency and contingent expense of the State Government. None of the Civil Contingent Fund shall be used to increase the salary of any state employee.~~

- 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 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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.2. (BCB: Brandenburg Coordination Committee) ~~The funds appropriated in this section for the Brandenburg Coordination Committee are to be spent in support of cultural, educational, agricultural, scientific, governmental or business exchanges and agreements between South Carolina and the sister state of Brandenburg, Germany and related German interests. The Commission on International Cooperation and Agreements will report to the Governor, the Chairmen of the Senate Finance Committee, and the House Ways & Means Committee detailing such activities.~~

- 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.

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SFC SUBCOMMITTEE RECOMMENDATION: RESTORE original proviso.

80A.11. (BCB: Vacant Positions) In the event that any permanent position in an agency remains vacant for more than twelve months the position may be deleted by the Budget and Control Board. ~~For Fiscal Year 2009-10, the Budget and Control Board is authorized to suspend the requirement of this provision.~~

- 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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

80A.30. (BCB: South Carolina 911 Advisory Committee) The CMRS Emergency Telephone Advisory Committee established pursuant to Section 23-47-65 of the 1976 Code and which terminated after August 1, 2004, is reestablished for the current fiscal year as it was established in Section 23-47-65. The powers of that committee are devolved on the reestablished committee and the committee shall advise the Budget and Control Board on 911 matters. However, this reestablished committee is renamed the South Carolina 911 Advisory Committee and the ex officio membership of the State Auditor is replaced by a State Budget and Control Board Division Director appointed by the Governor, who shall serve ex officio. The Director of the Office of Research and Statistics shall serve in lieu of the Director of the ~~State Chief Information Officer~~ Budget and Control Board, Division of State Information Technology. Also, the member who is an employee of a telephone service supplier must be an employee of a local exchange access facility service supplier licensed to do business in this State.

- 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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.35. (BCB: National Guard Pension Eligibility) ~~From funds appropriated in Part IA, Section 80C, for “Pensions Ret National Guard,” a person who becomes a member of the National Guard after June 30, 1993, if otherwise eligible, may receive a National Guard~~

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~~pension authorized by Chapter 10 of Title 9. The provisions of this paragraph apply to National Guard pension benefits payable on or after January 1, 2007.~~

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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

80A.37. (BCB: First Responder Interoperability) The Budget and Control Board, through its ~~division of the State Chief Information Officer~~ Division of State Information Technology, is directed 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. First Responder Interoperability administration and coordination shall be funded as provided in this Act. The cost-proportional funds shall be utilized for radio user fees of state agencies and public safety first responders (Fire, EMS and Law Enforcement) that participate in the statewide Palmetto 800 MHz radio system (Palmetto 800 participants). The ~~division of the State Chief Information Officer~~ Division of State Information Technology, in consultation with the State Law Enforcement Division, the Department of Public Safety, and the State Emergency Management Division, and a representative of the S. C. Sheriff's Association, shall set a baseline number of radios used by each Palmetto 800 participant based on the technical aspects of the Palmetto 800 MHz radio system and the jurisdictional requirements of the participant. If a Palmetto 800 participant reduces the baseline number of radios in use, the amount of funds allocated for the participant's radio user fees shall be reduced in a proportional amount. The funds shall also be utilized to provide private county and city 800 MHz radio systems with grant funds to be used for purchases of equipment that support interoperability with the statewide Palmetto 800 MHz radio system and its users. Grant funds shall be allocated to private county and city 800 MHz radio systems based on the criteria used for Palmetto 800 Participants and in amounts proportional to the amounts allocated to support the per-site radio user fees of Palmetto 800 participants. A matching share ~~of 67%~~ is required

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by a Palmetto 800 participant or by a private county or city 800 MHz radio system in order to qualify for receipt of funds pursuant to this proviso. Each fiscal year the Budget and Control Board, through the Division of State Information Technology, shall establish the level of match required based upon funding provided by this Act. These entities shall be required to furnish such documentation as may be required by the Division of ~~the CIO~~ State Information Technology to verify that the matching funds requirement is met. Upon funding state agency and public safety first responder user fees and private county and city 800 MHz equipment purchases, any remaining funds may be used to enhance and expand the statewide Palmetto 800 MHz radio system. All funds shall be held in a separate account established by the Board for the purposes set forth herein. Any unexpended portion of these funds may be carried forward and used for the same purpose. In the calculation of any across-the-board budget reduction mandated by the Budget and Control Board or General Assembly, the amount appropriated to the Budget and Control Board for First Responder Interoperability must be excluded from the Board's base budget.

The Budget and Control Board shall provide a report on the status of the integration of the statewide Palmetto 800 MHz radio system which shall include, but not be limited to, a list of entities who are not integrated into the system as of the end of ~~Fiscal Year 2007-08~~ the immediately preceding fiscal year and the reason why they are not integrated. The report shall be submitted by ~~September 1, 2008~~ October 1, of the current fiscal year to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

80A.39 AMEND (FY ~~08-09~~ 09-10 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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

80A.39. (BCB: FY ~~08-09~~ 09-10 Employee Compensation) The amounts appropriated to the Budget and Control Board for Employee Pay Increases must be allocated by the Board to the various state agencies to provide for employee pay increases in accordance with the following plan:

1. With respect to classified and non-judge judicial classified employees, effective on the first pay date that occurs on or after July 1 of the current fiscal year, the compensation of all classified employees shall be increased by ~~4%~~ 0%.

2. With respect to unclassified and non-judge judicial unclassified employees or unclassified executive compensation system employees not elsewhere covered in this act, effective on the first pay date that occurs on or after July 1 of the current fiscal year each agency is authorized to allot the total funds for compensation increases among individual employees without uniformity. The funds provided for compensation increases for any employees subject to the provisions of this paragraph are based on an average ~~4%~~ 0% increase. All of the salaries are subject to the provisions of Section 89.17 of Part IB of this act and Office of Human Resources approval must be obtained before any employees subject to the provisions of this paragraph may be granted an annual pay increase in excess of the guidelines established by the Budget and Control Board. Any employee subject to the provisions of this paragraph shall not be eligible for compensation increases provided in paragraphs 1, 3, 4, 5, or 6.

3. Effective on the first pay date that occurs on or after July 1 of the current fiscal year, agency heads not covered by the Agency Head Salary Commission, shall receive an annualized base pay increase of ~~4%~~ 0%.

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4. With respect to local health care providers compensation increases shall be ~~1%~~ 0% effective on the first pay date that occurs on or after July 1 of the current fiscal year. With respect to Area Agencies on Aging funded by the Lieutenant Governor's Office on Aging, compensation shall be increased by ~~1%~~ 0% effective on the first pay date that occurs on or after July 1 of the current fiscal year. With respect to local councils on aging or local providers of services funded by the Lieutenant Governor's Office on Aging through Area Agencies on Aging, no pay increases will be allowed. School Bus Driver salary and fringe funding to school districts shall be increased by ~~1%~~ 0%.

5. Effective on the first pay date that occurs on or after July 1 of the current fiscal year, the Chief Justice and other judicial officers shall receive an annualized base pay increase of ~~1%~~ 0%.

6. Effective on the first pay date that occurs on or after July 1 of the current fiscal year, county auditors and county treasurers shall receive an annualized base pay increase of ~~1%~~ 0%.

The Budget and Control Board shall allocate associated compensation increases for retirement employer contributions based on the retirement rate of the retirement system in which individual employees participate.

The Executive Director of the Budget and Control Board is authorized to use excess appropriations for the current fiscal year, as determined by the Director of the Office of State Budget, designated for statewide employer contributions for other statewide purposes. At the discretion of the Executive Director of the Budget and Control Board, such action may be considered a permanent transfer into the receiving agency's base budget.

Funds appropriated in Part IA, F30, Section 80C, Budget and Control Board, Employee Benefits may be carried forward from the prior fiscal year into the current fiscal year.

- 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 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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.44. (BCB: SCEIS Business Case Study) ~~The Budget and Control Board is directed to have a study conducted to update the South Carolina Enterprise Information System business case study originally conducted in 2003. The study shall update the 2003 business case study to reflect current conditions and review and update projected savings to agencies. The results of the study shall be reported to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by December 1, 2008. The Comptroller General's Office shall provide funding to pay for the update.~~

- 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

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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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.45. (BCB: SCEIS Agency Implementation Guide) ~~The Budget and Control Board shall have prepared by January 23, 2009, an Agency Implementation Guide for agencies required to participate in the South Carolina Enterprise Information System (SCEIS). The Agency Implementation Guide should provide agencies guidance for implementation of SCEIS and guidance to potential savings identified in the updated business case study performed pursuant to other provisions in this Act. This guide will serve as a basis to agencies as they report their savings from the SCEIS implementation to the Senate Finance Committee and House Ways and Means Committee, so that the committees may take into account those savings as they develop the annual budget.~~

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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.49. (BCB: Payment of Layman Judgment) ~~The Insurance Reserve Fund is authorized to expend 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. Any funds expended by the Insurance Reserve Fund to resolve this fee award judgment will be reimbursed as well as any lost investment earnings as calculated by the State Treasurer.~~

~~The State Comptroller General is authorized and directed to reimburse the Insurance Reserve Fund for any funds it expends and lost earnings to resolve the fee award judgment entered by the State Supreme Court in Layman, et al. vs. The State of South Carolina, et al. The source of funds the Comptroller General shall use for reimbursement are state funds lapsed or remitted to the general fund at the end of Fiscal Year 2007-08. Reimbursement of the Insurance Reserve Fund is the first priority for such lapsed and remitted funds regardless of any provisions of law to the contrary including provisions of this act for Fiscal Year 2008-09. To the extent that this identified fund source is inadequate to reimburse the Insurance Reserve Fund, the Comptroller is directed to reduce the percent of agency appropriations that may be~~

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~~carried forward under the authority of Part IB, General Provisions, proviso 89.28 that allows agencies to carry forward up to ten percent of their general funds.~~

- 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 SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

80A.50. (BCB: Southern States Energy Board) The Budget and Control Board is directed to utilize funds authorized for the State Energy Office to pay membership dues to the Southern States Energy Board.

- 80A.51 DELETE NEW PROVISO** (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.
HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*80A.51. (BCB: Health Plan Reserve) When the Budget and Control Board establishes State Health Plan enrollee rates for 2010, the Budget and Control Board shall not increase enrollee rates, and to the extent necessary the Employee Insurance Program may reduce reserves to pay claims.*~~

- 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 SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

80A.52. (BCB: PORS Employer Contribution Rate Increase) The increase in the employer contribution rate for employers participating in the South Carolina Police Officers Retirement System provided for in Section 9-11-310(F), as added by Act 311 of 2008, is suspended for Fiscal Year 2009-10.

- 80A.hpt ADD** (Health Plan Tobacco User Differential) **SFC SUBCOMMITTEE RECOMMENDATION:** 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.

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80A.hpt. (BCB: Health Plan Tobacco User Differential) For health plans adopted under the authority of Section 1-11-710 of the 1976 Code by the Budget and Control Board during the fiscal year beginning July 1, 2009, the board is authorized to differentiate between tobacco users and nonusers regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee rates based upon tobacco use.

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

- 80C.5 DELETE** (Forego One Month's Health Insurance Premium Employer Contributions) Instructs the Employee Insurance Program to forego 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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80C.5. (BCB/EB: Forego One Month's Health Insurance Premium Employer Contributions) ~~The Employee Insurance Program is instructed to forego one month's billing of health insurance program employer contributions on behalf of active employees in Fiscal Year 2008-09.~~

~~Each state agency, as so classified by the Employee Insurance Program for purposes of providing health insurance, by September 30, 2008, shall remit the amount of premium savings as determined by the Employee Insurance Program to the State Treasurer for deposit in a fund separate and distinct from the general fund of the State and all other funds, which is hereby established within the State Treasury. Each state agency is authorized to use funds from any revenue source except federal funds for this payment. By this paragraph, these remittances are deemed to have occurred and are available for appropriation. From the amount recouped from state agencies and transferred to the separate fund established pursuant to this paragraph, the State Treasurer shall disburse the following amounts appropriated for the purposes stated: 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 Capital Reserve Fund for Fiscal Year 2007-2008, with the balance to the Department of Education for school bus fuel and parts. Unexpended funds appropriated pursuant to this paragraph may be carried forward to succeeding fiscal years and expended for the same purposes.~~

- 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.

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SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

80C.6. (BCB/EB: County Council Member) A person who is eligible to participate in the state health and dental insurance plans as a council member of a participating county and who is also eligible to participate as the spouse of a covered employee or retiree may choose to participate in the insurance plans as either an employee or a spouse, but not both.

SECTION 82 - R52 - STATE ETHICS COMMISSION

82.If **ADD** (Lobbyist Fee) **SFC SUBCOMMITTEE RECOMMENDATION:** 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.

82.If. (SEC: Lobbyist Fee) The State Ethics Commission is authorized to increase lobbyist and lobbyist's principal registration fees to one hundred fifty dollars to be used to offset costs associated with the administration and enforcement of Chapter 17 of Title 2 and Chapter 13 of Title 8 of the 1976 Code. Any excess funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

82.ef **ADD** (Electronic Filing) **SFC SUBCOMMITTEE RECOMMENDATION:** 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.

82.ef. (SEC: Electronic Filing) The State Ethics Commission is authorized to require all statements and forms filed with the commission to be filed using the electronic filing system developed pursuant to Section 8-13-365 of the 1976 Code. All funds saved must be used to offset the costs of administering and enforcing the Ethics, Government Accountability, and Campaign Reform Act. The State Ethics Commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year to be used for the same purpose.

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.

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HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

84.1. (DS: Excess Debt Service Funds Carry Forward) Excess Debt Service funds from Fiscal Year ~~2007-08~~ 2008-09 may be carried forward and expended for debt service purposes in Fiscal Year ~~2008-09~~ 2009-10.

SECTION 85 - X12 - AID TO SUBDIVISIONS, COMPTROLLER GENERAL

85.1 **AMEND FURTHER** (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 SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to direct that any reduction in the officials' budgets must be made in consultation with the affected official.

85.1. (AS-CG: Salary Supplements) The amounts appropriated in Part IA, Section 85, for Aid Cnty-Clerks of Court, Aid Cnty-Probate Judges, Aid Cnty-Coroners, and Aid Cnty-Sheriffs shall be distributed by the Comptroller General to each county treasurer equally, and shall be used as a salary supplement for each clerk of court, probate judge, county coroner, and county sheriff. The amounts appropriated in Part IA, Section 85, for Aid Cnty-Register of Deeds, shall be equally distributed by the Comptroller General to the appropriate county treasurer, and shall be used as a salary supplement for registers of deeds. The amount appropriated in Part IA, Section 85, for Aid Cnty-Auditors and Aid Cnty-Treasurers, shall be equally distributed to each county auditor and county treasurer as a salary supplement in addition to any amounts presently being provided by the county for these positions. It is the intent of the General Assembly that the amount appropriated by the county as salaries for these positions shall not be reduced as a result of the appropriation and that such appropriation shall not disqualify each county auditor and each county treasurer for salary increases that they might otherwise receive from county funds in the future. The salary supplement for each county auditor and county treasurer shall be paid in accordance with the schedule and method of payment established for state employees. The amounts appropriated in Part IA, Section 85 for Clerks of Court, Probate Judges, Sheriffs, Register of Deeds, Coroners, Auditors, and Treasurers shall be exempt from any across the board cut mandated by the Budget and Control Board or General Assembly. However, the governing body of a county may reduce the expenditures in the operation of the offices of these officials without any required corresponding reduction in the county's state aid to subdivisions distribution. However, any reduction in these officials' budgets must be made in consultation with the affected official.

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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.

SFC SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~86.2. (AS-TREAS: Local Government Flexibility) For Fiscal Year 2009-2010, counties of this State may transfer funds among appropriated state revenues as needed to ensure the delivery of services.~~

- 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 1st 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 SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

86.3. (AS-TREAS: Quarterly Distributions) For Fiscal Year 2009-2010, the amount of the four quarterly distributions from the Aid to Subdivisions-Local Government Fund shall be as follows: The amount of the first quarterly distribution for each entity shall equal the amount of the last quarterly distribution for Fiscal Year 2008-2009 and thereafter the next three quarterly distributions shall be in reduced equal amounts, the four distributions together totaling the 2009-2010 appropriation from the Local Government Fund.

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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

89.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year ~~2008-09~~ 2009-10, and for other purposes specifically designated.

- 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.

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SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

89.3. (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, “current fiscal year” means the fiscal year beginning July 1, ~~2008~~ 2009, and ending June 30, ~~2009~~ 2010, and “prior fiscal year” means the fiscal year beginning July 1, ~~2007~~ 2008, and ending June 30, ~~2008~~ 2009.

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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

89.16. (GP: Personal Service Reconciliation, FTEs) In order to provide the necessary control over the number of employees, the Budget and Control Board is hereby directed to maintain close supervision over the number of state employees, and to require specifically the following:

1. That no state agency exceed the total authorized number of full-time equivalent positions and those funded from state sources as provided in each section of this act except by majority vote of the Budget and Control Board.

2. That the Budget and Control Board shall maintain and make, as necessary, periodic adjustments thereto, an official record of the total number of authorized full-time equivalent positions by agency for state and total funding sources.

(a) That within thirty (30) days of the passage of the Appropriation Act or by August 1, whichever comes later, each agency of the State must have established on the Budget and Control Board records all positions authorized in the Act. After that date, the Board shall delete any nonestablished positions immediately from the official record of authorized full-time equivalent positions. No positions shall be established by the board in excess of the total number of authorized full-time equivalent positions. Each agency may, upon notification to the Budget and Control Board, change the funding source of state FTE positions established on the Budget and Control Board records as necessary to expend federal and other sources of personal service funds to conserve or stay within the state appropriated personal service funds. No agency shall change funding sources that will cause the agency to exceed the authorized number of state or total full-time equivalent positions. Each agency may transfer FTEs between programs as needed to accomplish the agency mission.

(b) That by September 30, the board shall prepare a personal service analysis, by agency, which shows the number of established positions for the fiscal year and the amount of funds required, by source of funds, to support the FTE's for the fiscal year at a funding level of 100%. The board shall then reconcile each agency's personal service detail with the agency's personal service appropriation as contained in the Act adjusted for any pay increases and any other factors necessary to reflect the agency's personal service funding level. The board shall provide a copy of each agency's personal service reconciliation to the Senate Finance and House Ways and Means Committees.

(c) That any position which is shown by the reconciliation to be unfunded or significantly underfunded may be deleted at the direction of the Budget and Control Board.

3. That full-time equivalent (FTE) positions shall be determined under the following guidelines:

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(a) The annual work hours for each FTE shall be the agency's full-time standard annual work hours.

(b) The state FTE shall be derived by multiplying the state percentage of budgeted funds for each position by the FTE for that position.

(c) All institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty with a duration of nine (9) months.

The FTE method of accounting shall be utilized for all authorized positions.

4. That the number of positions authorized in this act shall be reduced in the following circumstances:

(a) Upon request by an agency.

(b) When anticipated federal funds are not made available.

(c) When the Budget and Control Board, through study or analysis, becomes aware of any unjustifiable excess of positions in any state agency.

5. That the Budget and Control Board shall annually reconcile personal service funds with full-time employee count. Unfunded positions will be eliminated no later than January 15 of the current fiscal year unless specifically exempted elsewhere in this act or by the State Budget and Control Board. The State Budget and Control Board must report the full-time employee count and unfunded position status to the Senate Finance Committee and the Ways and Means Committee by February 1 of the current fiscal year.

6. That no new permanent positions in state government shall be funded by appropriations in acts supplemental to this act but temporary positions may be so funded.

7. That the provisions of this section shall not apply to personnel exempt from the State Classification and Compensation Plan under item I of Section 8-11-260 of the 1976 Code.

The Governor, in making his appropriation recommendations to the Ways and Means Committee, must provide that the level of personal service appropriation recommended for each agency is at least 97% of the funds required to meet 100% of the funds needed for the full-time equivalents positions recommended by the Governor (exclusive of new positions).

The requirements of subitem 2(c) and subitem 5 contained in this provision are suspended for Fiscal Year 2009-10.

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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

89.18. (GP: MUSC Hospital Services Rates) ~~The Board of the Medical University Hospital Authority shall provide hospital services, including psychiatric hospital services, to state employees and officials of state government at a rate not to exceed the payment rates to hospitals provided by the employee's insurance program(s). Physician fees, psychiatric professional provider fees, and all dental are not included.~~

89.24 AMEND (Travel - Subsistence Expenses & Mileage) Establishes guidelines for travel, subsistence, and mileage expense reimbursements.

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SFC SUBCOMMITTEE RECOMMENDATION: AMEND proviso, "item J," to change the standard business mileage rate reimbursement from "50.5" cents to "40.5" cents. Require the standard business mileage rate to be adjusted quarterly to adjust for lowered or increased fuel prices. Direct that for each 10¢ increment above or below the baseline of \$1.90 per gallon, the reimbursable rate shall be adjusted by 2.12¢ per mile.

89.24. (GP: Travel - Subsistence Expenses & Mileage) Travel and subsistence expenses, whether paid from state appropriated, federal, local or other funds, shall be allowed in accordance with the following provisions:

A. Unless otherwise provided in paragraphs B through H of this section, all employees of the State of South Carolina or any agency thereof including employees and members of the governing bodies of each technical college while traveling on the business of the State shall, upon presentation of a paid receipt, be allowed reimbursement for actual expenses incurred for lodging, not to exceed the current maximum lodging rates, excluding taxes, established by the U.S. General Services Administration. The lodging reimbursement for employees of a school district must also conform to these rates when that employee's travel reimbursement is paid by state funds that are transferred to the school district. Agencies may contract with lodging facilities to pay on behalf of an employee. Failure to maintain proper control of direct payments for lodging may result in the revocation of the agency's authority by the Comptroller General or the State Auditor. The employee shall also be reimbursed for the actual expenses incurred in the obtaining of meals except that such costs shall not exceed \$25 per day within the State of South Carolina. For travel outside of South Carolina the maximum daily reimbursement for meals shall not exceed \$32. Agencies may contract with food or dining facilities to pay for meals on behalf of employees in accordance with rules and regulations established by the Budget and Control Board. It shall be the responsibility of the agency head to monitor the charges for lodging which might be claimed by his employees in order to determine that such charges are following maximum lodging rates as established by the U.S. General Services Administration. Any exceptions must have the written approval of the agency head, taking into consideration location, purpose of travel or other extenuating circumstances. The provisions of this item shall not apply to Section 42-3-40 of the 1976 Code, and when pertaining to institutions of higher learning, for travel paid with funds other than General Funds.

B. That employees of the State, when traveling outside the United States, Canada, and Puerto Rico upon promotional business for the State of South Carolina shall be entitled to actual expenses for both food and lodging.

C. The Governor, Lieutenant Governor, Secretary of State, Comptroller General, Attorney General, State Treasurer, Adjutant General, Superintendent of Education and the Commissioner of Agriculture shall be reimbursed actual expenses for subsistence.

D. Nonlegislative members of committees appointed pursuant to Acts and Resolutions of the General Assembly whose membership consists solely of members of the General Assembly or members of the General Assembly and other personnel who are not employees of the State of South Carolina shall be allowed subsistence expenses of \$35 per day while traveling on official business, unless otherwise designated by law. Members of such committees may opt to receive actual expenses incurred for lodging and actual expenses incurred in the obtaining of meals in lieu of the allowable subsistence expense.

E. Members of the state boards, commissions, or committees whose duties are not full-time and who are paid on a per diem basis, shall be allowed reimbursement for actual expenses incurred at the rates provided in paragraph A and I of this section while away from their places of residence on official business of the State. One person accompanying a handicapped member of a state board, commission, or committee on official business of the

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State shall be allowed the same reimbursement for actual expenses incurred at the rates provided in paragraph A through I of this section.

F. No subsistence reimbursement shall be allowed to a Justice of the Supreme Court or Judge of the Court of Appeals while traveling in the county of his official residence. When traveling on official business of said court within 50 miles outside the county of his official residence, a Supreme Court Justice and a Judge of the Court of Appeals shall be allowed subsistence expenses in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. When traveling on official business of said court 50 or more miles outside the county of his official residence, each Justice and Judge of the Court of Appeals shall be allowed subsistence expenses in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State. The Chief Justice, or such other person as the Chief Justice designates, while attending the Conference of Chief Justices and one member of the Supreme Court while attending the National Convention of Appellate Court Judges, and three Circuit Judges while attending the National Convention of State Trial Judges shall be allowed actual subsistence and travel expenses.

Upon approval of the Chief Justice, Supreme Court Justices, Judges of the Court of Appeals, Circuit Judges, and Family Court Judges shall be reimbursed for actual expenses incurred for all other official business requiring out-of-state expenses at the rate provided in paragraph A of this section.

G. No subsistence reimbursements are allowed to a Circuit Judge, a Family Court Judge, or an Administrative Law Judge while holding court within the county in which he resides. While holding court or on other official business outside the county, within fifty miles of his residence, a Circuit Court Judge, Family Court Judge, or an Administrative Law Judge is entitled to a subsistence allowance in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. While holding court or on other official business at a location fifty miles or more from his residence, a Circuit Court, Family Court or Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees of the State.

H. Any retired Justice, Circuit Court Judge or Family Court Judge or Master-in-Equity appointed by the Supreme Court to serve as a Special Circuit Judge, Family Court Judge, Appeals Court Judge, or Acting Associate Justice shall serve without pay but shall receive the same allowance for subsistence, expenses, and mileage as provided in Part I for Circuit Court Judges.

I. No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by which he is employed except as provided in paragraph E, of this section. When an employee is assigned to work a particular territory or district, and such territory or district and his official headquarters are in different localities or sections of the State, expenses may be allowed for the necessary travel to his official headquarters. The members of the Workers' Compensation Commission and the Employment Security Commission may be reimbursed at the regular mileage rate of one round trip each week from their respective homes to Columbia. No subsistence reimbursement shall be allowed to a member of the Workers' Compensation Commission or the Employment Security Commission while traveling in the county of his official residence. When traveling on official business of the commission outside the county of his official residence, a member of the Workers' Compensation Commission or the Employment Security Commission shall be allowed subsistence expenses in the amount of \$35 per day. When traveling on official business of the commission 50 or more miles outside the county of his official residence, each member shall be allowed a subsistence allowance in the amount as provided in this act for members of the

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General Assembly. When out-of-state, members of the Workers' Compensation Commission and the Employment Security Commission may claim the established amount of per diem, as stated in the General Appropriation Act, or actual expenses as deemed reasonable by the Comptroller General.

J. When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge to equal the standard business mileage rate as established by the Internal Revenue Service will be allowed for the use of such automobile and the employee shall bear the expense of supplies and upkeep thereof. However, the standard business mileage rate used in this calculation shall be the lesser of ~~50.5~~ 40.5 cents per mile or the current rate established by the Internal Revenue Service. Whenever state provided motor pool vehicles are reasonably available and their use is practical and an employee of the State shall request for his own benefit to use his or her personal vehicle in traveling on necessary official business, a charge of 4 cents per mile less than the standard business mileage rate as established by the Internal Revenue Service will be allocated for the use of such vehicle and the employee shall bear the expense of supplies and upkeep thereof. However, the standard business mileage rate used in this calculation shall be the lesser of ~~50.5~~ 40.5 cents per mile or the current rate established by the Internal Revenue Service. When such travel is by a state-owned automobile, the State shall bear the expense of supplies and upkeep thereof but no mileage will be allowed. Agencies and employees are directed to use state fueling facilities to the maximum extent possible, when such use is cost beneficial to the State. When using commercial fueling facilities, operators of State-owned vehicles are directed to use self-service pumps. In traveling on the business of the State, employees are required to use the most economical mode of transportation, due consideration being given to urgency, schedules and like factors.

Mileage between an employee's home and his/her place of employment is not subject to reimbursement. However, when an employee leaves on a business trip directly from his/her home, and does not go by the employee's headquarters, the employee shall be eligible for reimbursement for actual mileage beginning at his/her residence.

The standard business mileage rate shall be adjusted on a quarterly basis, to adjust for fluctuating fuel prices. For each ten cent increment above or below the baseline price of \$1.90 per gallon, the reimbursable rate per mile shall be adjusted by 2.12 cents per mile.

K. That a state agency may advance travel and subsistence expense monies to employees of that agency for the financing of ordinary and necessary travel required in the conducting of the business of the agency. The Budget and Control Board is directed to develop and publish rules and regulations pertaining to the advancing of travel expenses and no state agency shall make such advances except under the rules and regulations as published. All advances for travel and subsistence monies shall be repaid to the agency within thirty (30) days after the end of the trip or by July 15, whichever comes first.

L. That the state institutions of higher learning are authorized to reimburse reasonable relocation expenses for new employees when such reimbursements are considered by the agency head to be essential to successful recruitment of professionally competent staff members.

M. The State Budget and Control Board is authorized to promulgate and publish rules and regulations governing travel and subsistence payments.

N. No state funds may be used to purchase first class airline tickets.

89.33 AMEND FURTHER (Travel Report) Requires the Comptroller General to issue an annual report on November 1st listing detailed information on state employee's prior year travel expenditures and distribute the reports to the Senate Finance and House Ways and Means

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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 SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to 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.

89.33. (GP: Travel Report) Annually on November 1, the Comptroller General shall issue a report on travel expenditures for the prior fiscal year which shall be distributed to the Senate Finance Committee, the House Ways and Means Committee, and the Statehouse Press Room. The Comptroller General may use up to \$500 of general fund appropriations for the purpose of providing copies to the media or the public upon request. The report must contain a listing for every agency receiving an appropriation in the annual General Appropriations Act. The listing must show at a minimum the top ten percent of employees for whom travel expenses and registration fees were paid within each agency, not to exceed twenty-five employees per agency. Agencies should include position titles for each of the top twenty-five travelers for each agency. Expenditures must include state, federal and other sources of funds. Expenditures for registration fees with object codes 0507 and 0517 must be ~~excluded~~ shown as a separate subtotal within the grand total for the individual employees and the agency as a whole. The list for each agency must be in rank order with the largest expenditure first and the name of the employee must be shown with each amount. Agencies should include a brief summary of the type of travel the agency incurs. The Comptroller General may provide additional information as deemed appropriate. The Comptroller General shall provide no exceptions to this report in that the information contained is not considered confidential or restricted for economic development purposes. However, further disclosure of detailed information shall be restricted as provided for by law.

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: Re. E.H. Pitts.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

89.83. (GP: Competitive Grants Funds Carry Forward) ~~Unexpended funds appropriated/ authorized to the Department of Health and Environmental Control, the Department of Parks, Recreation, and Tourism, the Department of Commerce, and the Budget and Control Board for a competitive grants program shall be carried forward into the current fiscal year and shall be used for the same purpose.~~

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 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

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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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

89.87. (GP: LightRail) Pursuant to this provision the three research universities: Clemson University, the Medical University of South Carolina, and the University of South Carolina-Columbia, are authorized and directed to plan, procure, administer, oversee, and manage all functions associated with the South Carolina LightRail and are thereby exempt from the oversight and project management regulations of the ~~State Chief Information Officer~~ Budget and Control Board, Division of State Information Technology. South Carolina LightRail is an academic network for the use of the state's three research universities for the exchange of information directly related to their mission and must not carry commercial or K-12 traffic originated in South Carolina. For Fiscal Year ~~2008-09~~ 2009-10, public or private organizations and entities may be provided access only through formal documented partnerships with one or more of the three research universities. On February 1, ~~2009~~ 2010, the entity managing the network must submit to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee a report specifically identifying each entity with access to the network and any payment, including without limitation in-kind payment, that each such organization and entity is making for access to the network.

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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

89.101. (GP: Mandatory Furlough) ~~In a fiscal year in which the general funds appropriated for a state agency, institution, or department are less than the general funds appropriated for that state agency, institution, or department in the prior fiscal year, or whenever the General Assembly or the Budget and Control Board implements an across the board budget reduction, agency heads may institute employee furlough programs of not more than ten working days in the fiscal year in which the deficit is projected to occur. The furlough must be inclusive of all employees in an agency or within a designated department or program regardless of source of funds or place of work. The furlough must include all classified and unclassified employees in the designated area. If the furlough includes the entire agency, the~~

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~~furlough must include the agency head. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency head, but under no circumstances should the agency close completely. During this furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits that which require employer and employee contributions, including but not limited to contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions, and departments will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act. In the event the reduction for the state agency, institution, or department is due solely to the General Assembly transferring or deleting a program, this provision does not apply. The implementation of a furlough program authorized by this provision shall be on an agency by agency basis. Agencies may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The Budget and Control Board, Office of Human Resources shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Office of Human Resources of the Budget and Control Board.~~

- 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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

89.104. (GP: Suspend FTE Deletion Process & Travel Report) ~~The requirements contained in the following provisions of Act 310 of 2008 are hereby suspended for Fiscal Year 2008-09: 80A.11 (BCB: Vacant Positions); 89.16 (GP Personal Service Reconciliation, FTEs) Subitem 2(c) and Subitem 5; and 89.33 (GP: Travel Report).~~

- 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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

89.105. (GP: Competitive Community Grants Funds Transfer) ~~From the following agency's accounts, Competitive Community Grants Program appropriations carried forward from the prior fiscal year shall be transferred to the Department of Corrections: Budget and Control Board—\$4,055,720; Department of Commerce—\$6,239; Department of Parks, Recreation and Tourism—\$2,390,957; and Department of Health, Environment and Control—~~

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~~\$1,842,837. These funds shall be used by the Department of Corrections to offset agency budget reductions.~~

- 89.109 DELETE NEW PROVISO** (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 SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*89.109. (GP: RIF Plan/TERI Employees) Notwithstanding any other provision of law, any agency planning to implement a reduction in force plan shall 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 competitive groups that would be contained in the reduction in force plan before the agency can implement the reduction in force plan.*~~

- 89.110 ADD** (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 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.

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SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

89.110. (GP: Mandatory State Agency Furlough Program) In a fiscal year in which the general funds appropriated for a state agency, institution, or department are less than the general funds appropriated for that state agency, institution, or department in the prior fiscal year, or whenever the General Assembly or the State Budget and Control Board implements an across-the-board budget reduction, agency heads may institute employee furlough programs of not more than ten working days in the fiscal year in which the deficit is projected to occur.

The furlough must be inclusive of all employees in an agency or within a designated department or program regardless of source of funds or place of work. The furlough must include all classified and unclassified employees in the designated area. However, a furlough program may also be implemented based upon pay band for classified employees and based upon pay rate for unclassified employees within the agency or designated department respectively. Employees who provide direct patient or client care and front-line employees who deliver direct customer services may be exempted from a mandatory furlough. If the furlough includes the entire agency, the furlough must include the agency head. Constitutional officers are exempt from mandatory furlough. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency head, but under no circumstances should the agency close completely.

During this furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits that that require employer and employee contributions, including but not limited to contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions, and departments are responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions.

Placement of an employee on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act.

In the event the reduction for the state agency, institution, or department is due solely to the General Assembly transferring or deleting a program, this provision does not apply. The implementation of a furlough program authorized by this provision shall be on an agency-by-agency basis. Agencies may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. In the event that an agency implements both a voluntary furlough program and a mandatory furlough program during the fiscal year, furlough days taken voluntarily shall count toward furlough days required by the mandatory furlough.

The State Budget and Control Board shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Office of Human Resources of the State Budget and Control Board.

This provision does not apply to employees of those state agencies or institutions covered by Section 8-11-193, and Section 8-11-193 of the 1976 Code, rather than this provision continues to apply to those employees in the manner provided by law.

- 89.111 ADD (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.

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SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

89.111. (GP: TERI Program Closure) The Teacher and Employee Retention Incentive (TERI) Program is closed to new participants effective July 1, 2009.

- 89.116 ADD (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 SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

89.116. (GP: Transparency) State agencies must publish on their homepage a listing of all programs funded during the current fiscal year with funds from the American Recovery and Reinvestment Act of 2009 to include program name, location, starting date, and funding level. This listing must be updated monthly to allow the public to easily identify how these funds are being used.

- 89.121 AMEND NEW PROVISO (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 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 provided 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

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REQUIREMENTS]. Authorize DOT to combine their Annual Report and Mass Transit Report into their Annual Accountability Report. Sponsors: Reps. Erickson, Limehouse, and Herbkersman.

SFC SUBCOMMITTEE RECOMMENDATION: 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.

89.121. (GP: Printed Report Requirements) (A) For Fiscal Year 2009-10, state supported institutions of higher learning shall not be required to submit printed reports mandated by Sections 2-47-40, 2-47-50, and 59-103-110 of the 1976 Code, and shall instead only submit the documents electronically.

Submission of the plans or reports required by Sections 2-47-55, 59-101-350, ~~59-103-15(A), 59-103-20, 59-103-30, 59-103-35, 59-103-45(4), and 59-103-60~~ 59-103-160(D) shall be waived for the current fiscal year, except institutions of higher learning must continue to report under 2-47-55 year one of the Comprehensive Permanent Improvement Plan, student pass rates on professional examinations, and data elements otherwise required for the Commission on Higher Education Management Information System. The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.

~~*Institutions of higher learning and technical colleges shall use any monetary savings resulting from the provisions of Section (A) to provide direct student services and savings realized should, at a minimum, be \$376,220.*~~

(B) For Fiscal Year 2009-10, the Department of Agriculture shall not be required to submit printed reports mandated by Section 46-49-10 of the 1976 Code. The department shall provide these reports electronically and shall use any monetary savings for K5-12 agriculture education programs.

(C) For Fiscal Year 2009-10 the Department of Health and Human Services shall not be required to provide printed copies of the Medicaid Annual Report required pursuant to Section 44-6-80 of the 1976 Code and the Provider Reimbursement Rate Report required pursuant to proviso 21.16, and shall instead only submit the documents electronically.

(D) For Fiscal Year 2009-10 the Department of Commerce is prohibited from printing and distributing or mailing hard copy color brochures, that have been produced at department expense, to members of the General Assembly. Brochures or documents provided to members of the General Assembly shall only be produced in black and white.

(E) For Fiscal Year 2009-10, the Department of Transportation shall not be required to submit printed reports or publications mandated by Sections 1-11-58, 2-47-55, and 58-17-1450 of the 1976 Code.

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The Department of Transportation may combine their Annual Report and Mass Transit Report into their Annual Accountability Report.

- 89.123 DELETE NEW PROVISO** (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 SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~89.123. (GP: AG Funds) During the current fiscal year, the department is authorized to use funds collected under drug forfeitures provisions to assist with water litigation expenses.~~

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 SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

90.1. (SR: Year End Expenditures) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary expenses of the State Government shall lapse on July 31, ~~2009~~ 2010. State agencies are required to submit all current fiscal year input documents to the Comptroller General's Office by July 16, ~~2009~~ 2010. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State Budget and Control Board and Joint Bond Review Committee, toward the accomplishment of the purposes for which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State Budget and Control Board, toward the accomplishment of the purposes for which the appropriations were provided.

- 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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**90.9. (SR: Nonrecurring Revenue)** (A) The source of revenue appropriated in this provision is \$53,414,358 of non-recurring revenue generated from the following sources, transferred to the State Treasurer, and subsequently deposited in a fund separate and distinct from the General Fund as established within the State Treasurer's Office: (1) the State~~

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~~Treasurer shall transfer \$12,108,453 of the excess cash balance from E16, State Treasurer's Office, Subfund 3879, Unclaimed Property; (2) the Budget and Control Board shall transfer the excess balance from F30, B&C Employee Benefits; (3) the Department of Agriculture shall transfer \$14,424,482 of the funds appropriated by Act 122 of 2007 for the Farmers Market and carried forward from the prior fiscal year; and (4) excluding the revenues distributed to Barnwell County and South Carolina waste generators, the State Treasurer shall transfer the first \$17,253,596 of the FY 2007-08 revenue credited to the Nuclear Waste Disposal Receipts Distribution Fund from the Barnwell Low Level Waste Facility for use in this provision and all revenues in excess of \$17,253,596 must be credited to an escrow account created within the Budget and Control Board. The escrow account must be used to offset any operating shortfalls resulting from the facility's operations.~~

~~(B) The State Treasurer shall disburse the following appropriations by September 1, 2008, for the purposes stated:~~

(1) H63 Department of Education	
(A) Public School Child Development Education	
Pilot Program.....	\$ 15,774,750;
(B) Assessments.....	\$ 1,000,000;
(C) Textbooks.....	\$ 3,331,413;
(D) Summer Schools.....	\$ 12,000,000;
(E) Teacher Supplies to \$275.....	\$ 807,094;
(2) E04 Lieutenant Governor's Office	
Home and Community Based Services.....	\$ 2,900,000;
(3) H03 Commission on Higher Education	
University Center of Greenville.....	\$ 1,112,229;
(4) H12 Clemson University	
LightRail.....	\$ 700,000;
(5) H27 University of South Carolina Columbia	
LightRail.....	\$ 700,000;
(6) H51 Medical University of South Carolina	
LightRail.....	\$ 700,000;
(7) H24 South Carolina State University	
BRIDGE Program Minority Teacher Recruitment.....	\$ 250,000;
(8) H37 University of South Carolina Lancaster Campus	
Operating Expenses.....	\$ 100,000;
(9) H59 State Board for Technical & Comprehensive Education	
Center for Accelerated Technology.....	\$ 3,000,000;
(10) P20 Clemson University PSA	
Operating Expenses.....	\$ 275,000;
(11) P21 South Carolina State University PSA	
1890 Research and Extension.....	\$ 370,028;
(12) P28 Department of Parks, Recreation, and Tourism	
Destination Specific Grants.....	\$ 5,000,000;
(13) E20 Attorney General's Office	
State of SC v State of NC Water Transfer.....	\$ 1,400,000;
(14) E23 Commission on Indigent Defense	
Public Defenders & Staff.....	\$ 3,993,844 and
Total Appropriations.....	\$ 53,414,358.

~~Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.~~

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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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

90.10. (SR: Refund Excess Federal Unemployment Compensation Fund Balance) ~~The Comptroller General is authorized to refund to the federal government the federal portion of excess cash balance in the Unemployment Compensation Fund, Subfund 4007.~~

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 SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

90.11. (SR: Unemployment Compensation Excess Cash Balance) ~~The Comptroller General shall transfer \$30,400,000 to the State General Fund by September 1, 2008, from the excess cash balance from E12, Comptroller General's Office, Subfund 4007, Unemployment Compensation Fund and the State Treasurer shall transfer \$2,891,547 of the excess cash balance from E16, State Treasurer's Office, Subfund 3879, Unclaimed Property to be used as a source to support appropriations. These transfers are deemed to have occurred and are available for use in Fiscal year 2008-09 after September 1, 2008, following the Comptroller General's close of the state's books on Fiscal Year 2007-08.~~