

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISIO CHANGES  
FOR FY 2009-10**

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

- 35.8**     **ADD** (CU-PSA: Fertilizer Inspection Fee) **WMC:** ADD new proviso to authorize Clemson PSA to charge an inspection fee of \$1.50 per ton of commercial fertilizer sold or distributed in the state and to retain, expend, and carry forward these funds to maintain its programs. Fiscal Impact: The agency states that based on 440,000 tons of fertilizer sold last year, the \$1.50 per ton inspection fee would generate an additional \$440,000 in revenue. Requested by Clemson University-PSA.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*35.8. (CU-PSA: Fertilizer Inspection Fee) For the current fiscal year Clemson Public Service Activities is authorized to charge an inspection fee of \$1.50 per ton of commercial fertilizer sold or distributed in this state. Clemson University-PSA may retain, expend, and carry forward these funds to maintain its programs.*

- 35.9**     **ADD** (Lime Inspection Fee) **WMC:** ADD new proviso to authorize Clemson PSA to charge an inspection fee of \$0.50 per ton on Agricultural Liming Materials sold or distributed in the state and to retain, expend, and carry forward these funds to maintain its programs. Fiscal Impact: The agency estimates an additional \$71,000 in revenue would be generated. Requested by Clemson University-PSA.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*35.9. (CU-PSA: Lime Inspection Fee ) The Public Service Activities of Clemson University are hereby authorized to charge an inspection fee of \$0.50 per ton on Agricultural Liming Materials sold or distributed in this state. Clemson University-PSA may retain, expend, and carry forward these funds to maintain its programs.*

- 35.10**    **ADD** (Noncommercial Pesticide Applicator Fee) **WMC:** ADD new proviso to authorize Clemson PSA to charge noncommercial pesticide applicators an annual licensing fee of \$50 and to retain, expend, and carry forward these funds to maintain its programs. Fiscal Impact: The agency estimates an additional \$50,000 in revenue would be generated. Requested by Clemson University-PSA.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*35.10. (CU-PSA: Noncommercial Pesticide Applicator Fee) The Public Service Activities of Clemson University are hereby authorized to charge noncommercial pesticide applicators an annual licensing fee of \$50.00. Clemson University-PSA may retain, expend, and carry forward these funds to maintain its programs.*

- 35.11**    **AMEND NEW PROVISIO** (Meat Inspection Program) **WMC:** ADD new proviso to require Clemson-PSA to maintain operation of the state Meat Inspection Program. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to direct that all revenues and recoveries generated from USDA Food Safety Inspection Services for the Meat and Poultry Inspection Department be retained by Clemson PSA's Livestock - Poultry Health Program to carry out operations of that program. Fiscal Impact: The university estimates retention of these indirect costs would generate approximately \$394,000. These indirect costs currently are remitted to the General Fund. Requested by Clemson PSA.

35.11. (CU-PSA: Meat Inspection Program) For the current fiscal year Clemson University Public Service Activities shall maintain operation of the state Meat Inspection Program. All revenues and recoveries from USDA Food Safety Inspection Services for Clemson University PSA's Meat and Poultry Inspection Department shall be retained by Clemson University-PSA's Livestock - Poultry Health Program for purposes of carrying out the operation of that program.

**35.12** AMEND NEW PROVISO (Boll Weevil Eradication) **HOU:** ADD new proviso to require Clemson PSA to maintain operation of the Boll Weevil Eradication Program. Sponsor: Rep. Lucas.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to exclude the amount appropriated for the Boll Weevil Eradication Program from Clemson's Base budget for purposes of calculating an across the board reduction mandated by the B&C Board or the General Assembly. Allow Boll Weevil Eradication funds to be reduced by a pro rata share of any mandated reduction. Requested by Clemson PSA.

35.12. (CU-PSA: Boll Weevil Eradication) For the current fiscal year Clemson University Public Services Activities shall maintain operation of the Boll Weevil Eradication Program. In the calculation of any across-the-board budget reduction mandated by the Budget and Control Board or the General Assembly, the amount appropriated for the Boll Weevil Eradication Program shall be excluded from Clemson PSA's base budget. In the event of such a reduction Clemson PSA may reduce the amount of funds appropriated for this program by an amount not to exceed the percentage associated with the mandated reduction.

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

**37.5** AMEND FURTHER (Proportionate Funding) Directs that a proportionate share of funds, at \$15,000 per district, be allocated to each of the State's 46 Soil and Water Conservation Districts for general assistance to the district's programs. Directs that available funds above the \$15,000 will be apportioned by DNR based on local needs and priorities as determined by the board. Directs that no districts shall receive these funds unless the county or counties within the district have appropriated at least \$300 to the district for the same purposes.

**WMC:** AMEND proviso to delete the specific \$15,000 per district amount. Direct that the amount apportioned will be based on the amount of "agency funds" available and priorities as determined by the board. Increase the minimum funding required from the county from \$300 to \$1,000. Allocations will continue to be proportionately allocated based on the amount of funds available. The amendment will also give the agency flexibility to assess mid-year reductions to this line item and offset reductions to other marine, game and natural resource management and protection programs. Fiscal Impact: Funding will be based on the amount appropriated. The agency allocated \$690,000 to the counties during the last fiscal year. The department states that county funds totaled

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

\$1,641,980 last fiscal year. OSB states no impact on the General Fund. Requested by Department of Natural Resources.

**HOU:** AMEND FURTHER to direct that during the fiscal year, funding may only be reduced in an amount not to exceed the percentage of each agency budget reduction. Restore the minimum funding required from the county to \$300. Sponsor: Rep. M. Pitts.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to reinsert the specific \$15,000 per district amount and the directive that funds be apportioned based on “local needs” rather than “agency funds.”

**37.5.** (DNR: Proportionate Funding) Each of South Carolina’s 46 soil and water conservation districts shall receive a proportionate share of funding set aside for Aid to Conservation Districts at \$15,000 per district for general assistance to the district’s program. Available funding above \$15,000 for each district will be apportioned by the Department of Natural Resources based upon local needs ~~agency funds~~ and priorities as determined by the board. During the fiscal year, the districts’ funding may only be reduced in an amount not to exceed the percentage of each agency budget reduction. No district shall receive any funds under this provision unless the county or counties wherein the district is located shall have appropriated no less than three hundred dollars to the district from county funds for the same purposes.

**37.13 DELETE** (Grass Carp Testing Recoupment Fee) Authorizes DNR to charge and retain a fee of \$1 per fish for fish 5” or longer and a fee of 25¢ for fish less than 5” to recoup the cost of certification testing of Triploid Grass Carp to assure that the fish are sterile before they are imported into the state.

**WMC:** DELETE proviso. *Codified in Act 301 of 2008 by amending Section 50-13-1630(C).* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~**37.13.** (DNR: Grass Carp Testing Recoupment Fee) The Department of Natural Resources shall charge and retain a fee of one dollar per fish for fish five (5) inches or longer and a fee of twenty five cents (\$0.25) for fish less than five (5) inches to recoup the cost of certification testing of Triploid Grass Carp to assure that such fish are sterile before they can be imported into the State.~~

**37.15 AMEND** (Sale of Existing Offices) Authorizes DNR, after receiving B&C Board approval for the sale of property, to retain all funds from the sale of existing offices for improvements, consolidation, and/or establishment of regional hub offices.

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

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**37.15.** (DNR: Sale of Existing Offices) After receiving ~~approval from the Budget and Control Board~~ favorable review by the Joint Bond Review Committee for the sale of property, the Department of Natural Resources is authorized to retain all funds from the sale of existing offices for the improvement, consolidation and/or establishment of regional hub offices.

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

- 37.16 DELETE** (Interstate Water Negotiations and Savannah River Basin Compact Study) Directs the department to use their appropriated funds for expenses associated with continuing discussions on creating an interstate compact between S.C. and Georgia concerning the Savannah River basin and to develop legislation for that purpose. Requires the DNR director to prepare and submit a report on the expenditure of these funds to the Senate Finance and House Ways and Means Committees by December 31, 2008.
- WMC:** DELETE proviso. *The work has been completed and the funds appropriated to the agency in FY 06-07 have been spent. The report will be submitted by February 2009.* Fiscal Impact: No impact on the General Fund. Requested by Department of Natural Resources.
- HOU:** ADOPT deletion of proviso.
- SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~**37.16.** (DNR: Interstate Water Negotiations and Savannah River Basin Compact Study) From funds appropriated in Part IA, Section 37 of this act, the director of the department shall provide for expenses associated with technical and legal consultants in order for the department to continue discussions with the Director of the Georgia Department of Natural Resources and other appropriate state and federal agencies in South Carolina and Georgia for the purpose of considering the creation of an interstate compact between South Carolina and Georgia concerning the Savannah River basin and for developing legislation for that purpose. The director of the department shall concurrently ensure that as the State takes positions in the Federal Energy Regulatory Commission relicensing procedures on the Yadkin/Pee Dee and Catawba Rivers, they are well founded and consistent with the State's positions on the Savannah River. The study shall include, but not be limited to, the consideration of current state river basin compact laws, published reports on the Savannah River basin, impacts of removal of water from the basin in both the State of South Carolina and the State of Georgia, as well as water quantity, water quality, ecological, economic, agricultural, and recreational uses of the basin. The study will allow for input from parties interested in the long term management of the Savannah River basin. The director of the department shall prepare a report on the expenditure of these funds and shall submit it to the Senate Finance Committee and the House Ways and Means Committee by December 31, 2008.~~

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

*37.wtrf. (DNR: Watercraft Title and Registration Fees) The Department of Natural Resources shall be authorized to charge application fees for watercraft certificate of title, watercraft registration, and watercraft registration transfer on a sliding scale based on the length of the watercraft. The below fee schedule is established for Fiscal Year 2009-10 and the fee must accompany each application:*

*A. Watercraft Certificate of Title*

*(1) For a watercraft with a length less than sixteen feet \$12.00;*

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

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| <u>(2) For a watercraft with a length of sixteen feet but less than twenty-six feet</u> | <u>\$15.00;</u>     |
| <u>(3) For a watercraft with a length of twenty-six feet or longer</u>                  | <u>\$18.00;</u>     |
| <b><u>B. Watercraft Registration</u></b>  |                     |
| <u>(1) For a watercraft with a length less than sixteen feet</u>                        | <u>\$35.00;</u>     |
| <u>(2) For a watercraft with a length of sixteen feet but less than twenty-six feet</u> | <u>\$45.00;</u>     |
| <u>(3) For a watercraft with a length of twenty-six feet or longer</u>                  | <u>\$55.00;</u>     |
| <u>(4) For a permitted marine dealer demonstration number</u>                           | <u>\$30.00;</u>     |
| <b><u>C. Watercraft Registration Transfer</u></b>                                       |                     |
| <u>(1) For a watercraft with a length less than sixteen feet</u>                        | <u>\$ 8.00;</u>     |
| <u>(2) For a watercraft with a length of sixteen feet but less than twenty-six feet</u> | <u>\$10.00; and</u> |
| <u>(3) For a watercraft with a length of twenty-six feet or longer</u>                  | <u>\$12.00.</u>     |
- D. The above fees are effective September 1, 2009. To the extent fees collected pursuant to this provision in connection with titling or registering a boat, are attributable to the fee increases prescribed above, revenues from those increases must be allocated as follows: twenty-five percent to department law enforcement activities; seventy percent to department land and water resources programs and the balance for the general operation of the department. Unexpended revenue must be retained by the department and carried forward from the prior fiscal year into the current fiscal year and used for the same purpose.

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

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

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

**39.1.** (PRT: Tourism and Promotion) The funds appropriated in this Act for Regional Promotions shall be distributed equally to the eleven Regional Tourism groups, except that the Grandstrand Tourism Region’s funds shall be divided, with \$50,000 distributed to the Myrtle Beach Chamber of Commerce, ~~and \$125,000~~ \$105,000 distributed to the Georgetown Chamber of Commerce, and \$20,000 distributed to the Williamsburg Chamber of Commerce for tourism related activities. The Myrtle Beach Chamber of Commerce and the Georgetown Chamber of Commerce shall submit a report to the Senate Finance Committee and the House Ways and Means Committee by December 1st each year describing how these funds were expended in the prior fiscal year.

**39.7 AMEND** (Product Development Funds) Requires all Product Development funds be matched with a 2 to 1 private funds ratio. Requires organizations that receive a state grant to certify specific information regarding the match funds. Requires grant recipients to provide a quarterly

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

report to the Chairmen of the Senate Finance and House Ways and Means Committees and the director of PRT on grant fund expenditures and proposed outcome measures.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to direct the department to transfer \$2 million of uncommitted Product Development Program funds to the Destination Specific Tourism Program and to use \$1 million for general agency operations.

**39.7.** (PRT: Product Development Funds) All Product Development funds, whether carried forward or new appropriations, must be matched with a 2 to 1 private funds ratio. An organization receiving a state grant must certify that, as of the date of the application: (i) the private funds are new dollars as of the current fiscal year specifically designated for the purpose of matching state funds; (ii) the private funds have not been previously allocated or designated for product development; (iii) the organization has on hand or has an approved line of credit of not less than the amount of private funds needed to provide the required match. Grant recipients shall provide a quarterly report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the director of the Department of Parks, Recreation and Tourism on the expenditure of the grants funds and on the proposed outcome measures. The department is further directed, for Fiscal Year 2009-10, to transfer \$2,000,000 of uncommitted Product Development Program funds to the Destination Specific Tourism Program. In addition, the department is authorized to utilize \$1,000,000 of uncommitted Product Development funds for general agency operational purposes.

**39.9** **AMEND NEW PROVISO** (Film Marketing) **WMC:** ADD new proviso to authorize the department to use film marketing funds to allow for assistance with film industry recruitment and infrastructure development; to develop a film crew base; to develop film industry ally support; and for marketing and special events. *Act 359 of 2008 moved the SC Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism. Proviso was moved from Department of Commerce's section.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to allow film marketing funds to also be used for assistance with auditing and legal services expenses associated with the Motion Picture Incentive Act.

**39.9.** (PRT: Film Marketing) From the funds authorized to the Department of Parks, Recreation and Tourism in Section 39, Part IA of this act for the South Carolina Film Commission, the department may use the film marketing funds for the following purposes: 1) to allow for assistance with recruitment and infrastructure development of the film industry; 2) to develop a film crew base; 3) to develop ally support in the film industry; ~~and~~ 4) marketing and special events; and 5) to allow for assistance with the auditing and legal service expenses associated with the Motion Picture Incentive Act.

**39.10** **ADD** (Motion Picture Rebate) **WMC:** ADD new proviso to authorize the Film Commission to offer rebates to a motion picture production company as follows: from funds set-aside by Section 12-62-50 [TAX REBATE FOR EMPLOYMENT OF PERSONS SUBJECT TO SOUTH CAROLINA INCOME TAX WITHHOLDINGS], up to 20% of the total aggregate S.C. payroll for persons employed in connection with the production who are subject to SC income tax withholdings and from funds set-aside by Section 12-62-60 [DISTRIBUTION OF ADMISSIONS TAXES; REBATES TO MOTION PICTURE PRODUCTION COMPANIES; PROMOTION OF COLLABORATIVE EFFORTS BETWEEN INSTITUTIONS OF HIGHER

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

LEARNING AND MOTION PICTURE RELATED ENTITIES], up to 30% of the expenditures made by the company in the State. Direct that motion picture production companies that have previously been approved at the lower percentages may reapply for the higher percentages only if the project is still in production in this state as of the effective date of this provision. *Act 359 of 2008 moved the SC Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism. Proviso was moved from Department of Commerce's section.*

Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*39.10. (PRT: Motion Picture Rebate) From the amount set aside pursuant to Section 12-62-50, the South Carolina Film Commission may rebate to a motion picture production company, up to twenty percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. From the amount set aside pursuant to Section 12-62-60, the South Carolina Film Commission may rebate to a motion picture production company up to thirty percent of the expenditures made by the motion picture production company in the State. Motion picture production companies that have previously been approved at the lower percentages may reapply for the higher percentages only if the project that was approved is still in production in South Carolina as of the effective date of this proviso.*

- 39.11** **ADD** (Motion Picture Administration Application Fee) **WMC:** ADD new proviso to authorize PRT to charge an application fee for Motion Picture Incentive programs and to retain and expend these fund to meet administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. Require a fee schedule to be established and approved by the Director of PRT. *Act 359 of 2008 moved the SC Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism. Proviso was moved from Department of Commerce's section.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*39.11. (CMRC: Motion Picture Administration Application Fee) The Department of Parks, Recreation and Tourism may charge an application fee for the Motion Picture Incentive programs and may retain and expend these funds for the purposes of meeting administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. A fee schedule must be established and approved by the Director of the Department of Parks, Recreation and Tourism.*

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

**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

39.12. (PRT: Gift Shops) The Governor's Mansion Gift Shop located in the basement of the Caldwell-Boylston House shall close effective July 1, 2009. At the discretion of the Department of Parks, Recreation and Tourism, the State House Gift Shop may close on weekends.

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

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

39.14. (PRT: PARD Interest) The department is hereby prohibited from utilizing the interest generated in the PARD program for anything other than the uses authorized by the law creating PARD. Should the PARD account not reach the required amount of \$920,000 to activate the minimum \$20,000 per county distribution, the department shall carry forward the funding until such time as the funds are sufficient to distribute as originally intended.

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

**SFC SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~39.15. (PRT: Reduced Fees) For Fiscal Year 2009-2010, a South Carolina resident who is disabled or legally blind and his spouse may use a facility of a state park, including campsite facilities, without paying the prescribed fee. A South Carolina resident who is over sixty five years of age and his spouse may use a facility of a state park, including campsite facilities, at one-half the prescribed fee.~~

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

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

**WMC:** AMEND proviso to authorize the council, in order to provide maximum flexibility to encourage new jobs creation and capital investments, to transfer economic development funds at its disposal to the Closing Fund. Authorize any unexpended balance to be carried forward



**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

and expended by the department for the same purpose. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**40.12.** (CMRC: Coordinating Council Funds) From the amount set aside pursuant to Section 12-28-2910 of the 1976 Code, the council is authorized to expend funds which were not obligated or committed as of July 1 of the current fiscal year only as necessary for the location or expansion of an industry or business facility in South Carolina. Eligible expenditures include water/sewer projects, road or rail construction/improvement projects, land acquisition, fiber-optic cable, relocation of new employees for technology intensive and research and development facilities as defined in South Carolina Code Section 12-6-3360, and site preparation. Site preparation is defined as surveying, environmental and geo-technical study and mitigation, clearing, filling, and grading. The Coordinating Council shall annually prepare a detailed report each year for submission to the General Assembly by March 15 of each year which itemizes the expenditures from the fund for the preceding calendar year. Such report shall include an identification of the following information: (a) company name or confidential project number; (b) location of the project; (c) amount of grant award; and (d) scope of grant award.

The General Assembly shall not appropriate funds, and shall not direct the Coordinating Council to extend loans or grants nor shall the Coordinating Council extend any loans or grants from the amount set aside pursuant to Section 12-28-2910 for any purpose other than those listed in this proviso.

*In order to provide maximum flexibility to encourage the creation of new jobs and capital investment, the Coordinating Council for Economic Development has the authority to transfer economic development funds at its disposal to the Closing Fund. Any unexpended balance on June 30, of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purpose.*

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

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

**HOU:** ADOPT deletion of proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**40.23.** (CMRC: Motion Picture Rebate) ~~From the amount set aside pursuant to Section 12-62-50, the South Carolina Film Commission may rebate to a motion picture production~~

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

~~company, up to twenty percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. From the amount set aside pursuant to Section 12-62-60, the South Carolina Film Commission may rebate to a motion picture production company up to thirty percent of the expenditures made by the motion picture production company in the State. Motion picture production companies that have previously been approved at the lower percentages may reapply for the higher percentages only if the project that was approved is still in production in South Carolina as of the effective date of this proviso.~~

- 40.26 DELETE** (Film Marketing) Authorizes the department to use film marketing funds in Program II.B [BUSINESS SOLUTIONS] to allow for assistance with film industry recruitment and infrastructure development; to develop a film crew base; to develop film industry ally support; and for marketing and special events.  
**WMC:** DELETE proviso. *Act 359 of 2008 moved the SC Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism. Proviso is moved to PRT's section.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~**40.26.** (CMRC: Film Marketing) From the funds authorized to the Department of Commerce in Section 40, Part IA, Program II.B. of this act, the department may use the film marketing funds for the following purposes: 1) to allow for assistance with recruitment and infrastructure development of the film industry; 2) to develop a film crew base; 3) to develop ally support in the film industry; and 4) marketing and special events.~~

- 40.27 DELETE** (Motion Picture Administration Application Fee) Authorizes the Coordinating Council for Economic Development to charge an application fee for Motion Picture Incentive programs and to retain and expend these fund to meet administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. Requires a fee schedule be established and approved by the Coordinating Council for Economic Development.  
**WMC:** DELETE proviso. *Act 359 of 2008 moved the SC Film Commission from the Department of Commerce to the Department of Parks, Recreation and Tourism. Proviso is moved to PRT's section.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~**40.27.** (CMRC: Motion Picture Administration Application Fee) The Coordinating Council for Economic Development may charge an application fee for the Motion Picture Incentive programs and may retain and expend these funds for the purposes of meeting administrative, data collection, credit analysis, cost benefit analysis, reporting and auditing, and other statutory obligations. A fee schedule must be established and approved by the Coordinating Council for Economic Development.~~

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

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

40.35. (CMRC: Water Litigation) During the current fiscal year, the department must transfer \$500,000 from the State Rural Infrastructure program to the State Attorney General's Office for water litigation.

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

40.pc. (CMRC: Port Credit) Of the funds set aside from general fund revenue for Fiscal Year 2009-10 pursuant to Section 12-6-3375 of the 1976 Code, and managed by the Department of Commerce, \$450,000 shall be allocated to any entity whose port cargo volume increased over its base year and did not receive an allocation from the Coordinating Council for Economic Development in year 2008.

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

40.aaf. (CMRC: Aeronautics Assets and Funds) In accordance with Section 13-1-1010 of the 1976 Code, the Department of Commerce is prohibited from selling or transferring any Division of Aeronautics assets, including but not limited to, leasehold improvements and all rights inuring to the benefit of the Division of Aeronautics under real estate leases in effect as of January 1, 2009, and the ability to sublease same, without the approval of the South Carolina Aeronautics Commission and the Secretary of Commerce. In addition, any relocation of the Division of Aeronautics from the property known as the South Carolina Division of Aeronautics Building at the Columbia Metropolitan Airport must be approved by the Aeronautics Commission and the Secretary of Commerce and funds appropriated to or authorized for the Division of Aeronautics may not be transferred to or expended for any other program without the approval of the Aeronautics Commission and the Secretary of Commerce. In the event state appropriations are reduced, Division of Aeronautics general funds may not be reduced in an amount greater than the percentage stipulated by the Budget and Control Board or the General Assembly for the agency as a whole.

NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10

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

- 56.1 AMEND FURTHER** (Real-Time Closed Captioning - Major Media Markets) Authorizes and directs the Public Service Commission to spend up to \$810,000 from the Dual Party Relay Fund to continue real-time closed captioning of locally produced news services for the 4 television stations currently providing the service. States that the purpose of the voluntary program is to allow deaf and hard-of-hearing citizens to have real-time access to news and weather information. Directs that these funds can only be used for expenditures directly related to real-time closed captioning and that this provision remains in effect through June 30, 2009 or until a contract for real-time closed captioning is awarded, whichever comes first.
- WMC:** AMEND proviso to change "\$810,000" to "\$610,000" and direct that it is to be spent "in form of a credit" from the Dual Party Relay Fund. Delete the requirement that the funds be spent to continue real-time closed captioning of locally produced news services "for the four television stations that are currently providing the service" and instead direct that the funds are to be used to continue the service "at a maximum of one television station in each of the four markets that are currently served." Direct that each station receive reimbursement based on actual expenses incurred in providing the services up to a maximum of \$152,500 each during FY 09-10. Direct those expenditures over that amount would be the sole responsibility of the station and no credit or reimbursement would be provided by the state. Change the year for which this provision would remain in effect from "2009" to "2010" and delete the stipulation that the provision remain in effect until a contract is awarded. Define news programs as any locally produced regularly scheduled newscasts as well as non-regularly scheduled events such as debates, community meetings, etc. Direct that as long as these guidelines are followed, stations would be solely responsible for choosing the programs that would be captioned. Fiscal Impact: No impact on the General Fund.
- HOU:** ADOPT proviso as amended.

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

**56.1.** (PSC: Real-Time Closed Captioning - Major Media Markets) The Public Service Commission is authorized and instructed to expend up to \$810,000 ~~\$610,000 in form of a credit~~ from the Dual Party Relay Fund in order to continue real-time closed captioning of locally produced news services for the four television stations that are currently providing the service ~~at a maximum of one television station in each of the four markets that are currently served.~~

~~Each station shall receive a reimbursement based on actual expenses incurred in providing real time closed captioning services up to a maximum expenditure of \$152,500 each during Fiscal year 2009-10. Any expenditure over this amount would be the sole responsibility of the station and the state would provide no credit or reimbursement.~~

The purpose of the voluntary project is to allow for the deaf and hard-of-hearing citizens of our state to have real-time access to news and weather information. Only expenditures directly related to real-time closed captioning can be funded from this appropriation. This proviso will remain in effect through June 30, 2009, 2010 or until such time as a contract for real-time closed captioning may be awarded, whichever comes first.

~~To be eligible to participate in the program and receive reimbursement from the state, the station within each market that produces the greatest amount of news on average for the past three year period would have the right of first refusal to participate in the project. Stations~~

NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10

~~would be able to seek reimbursement quarterly from the Public Service Commission by submitting a detailed billing of what programs have been captioned.~~

~~News programs shall be defined as any locally produced regularly scheduled newscasts as well as non-regularly scheduled events such as debates, community meetings, etc. As long as these guidelines are followed, the stations would be solely responsible for choosing what programs would be captioned.~~

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

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

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

**HOU:** ADOPT deletion of proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~**59.2.** (SAF: Workers' Compensation Coverage for Volunteers) The State Accident Fund shall provide recommendations to the General Assembly and the Governor regarding state provided professional liability and workers' compensation insurance coverage for professionals licensed pursuant to Title 40 of the 1976 Code who volunteer to provide professional services that are outside of and not in the course of their employment and who participate in organized, continuing proactive programs which operate under the authority of local Offices of Emergency Management or at the request of state or local governments during or in the forty eight (48) hours preceding natural disasters or declared states of emergency occurring in South Carolina. The recommendations shall be submitted by January 16, 2009.~~

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

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

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

fee payment. Direct that if the bank rejects a payment the producer has 30 days from the date of rejection to pay the license fee and if the payment is not made within this time period the license must be cancelled and require the producer to pay the license fee plus bank charges in order to reinstate the license. Require the department to retain the local appointment, special appointment, and general appointment initial and biennial fees as well as the reactivation penalty. Direct that all other license and appointment fees be deposited in the general fund.

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

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

62.3. (INS: Fees for Licenses) The Department of Insurance shall be authorized to charge a twenty-five dollar initial producer license fee; a twenty-five dollar biennial producer license renewal fee; and a two hundred-fifty dollar penalty fee for late appointment renewals. The director shall specify the time and manner of payment of these fees. These fees shall be retained by the department for the administration of Title 38.

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

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

64.ffr. (CA: Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) The Department of Consumer Affairs may retain all Consumer Credit Grantor Notification filing fees collected under Section 37-6-203 and all Maximum Rate Schedules filing fees collected under Section 37-2-305 and Section 37-3-305. These fees shall be used to offset the cost of administering and enforcing Chapters 2 and 3 of Title 37 of the 1976 Code and may be applied to the cost of operations. Unexpended balances may be carried forward for the prior fiscal year into the current fiscal year and be utilized for the same purposes.

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

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

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

**HOU:** ADOPT deletion of proviso.

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~65.8. (LLR: Board of Pharmacy-Pharmacy Technician Certification Requirements) During Fiscal Year 2008-09, of the funds appropriated to the Department of Labor, Licensing and Regulation for Professional & Occupational Licensing, a one-time certification process must be implemented for the certification of Pharmacy Technicians who have met the academic and supervised practice requirements as of June 30, 2004, but not all of the required information was submitted in accordance with the Board's submission requirements. These individuals must have met all the requirements of Section 40-43-82 (A), (B), (C).~~

- 65.9 DELETE** (Wind and Structural Engineering Research Lab) Directs the department to use \$100,000 to contract with Clemson's Department of Civil Engineering and Engineering Mechanics and with the Citadel in conjunction with the Home Builders Association of S.C. to establish a research project to determine whether the wind and seismic residential building requirements for the state as prescribed in the 2006 International Residential Code are valid. Directs that a preliminary report be submitted to the SC Building Council by June 30, 2009. Directs that the current SC Residential Building Code remain in place until June 30, 2009 in order to ensure the maximum benefit of the study.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund. Requested by Department of Labor, Licensing and Regulation.  
**HOU:** ADOPT deletion of proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~65.9. (LLR: Wind and Structural Engineering Research Lab) The Department of Labor, Licensing, and Regulation is directed to utilize \$100,000 of the funds appropriated to the department to contract with Clemson University's Department of Civil Engineering and Engineering Mechanics and the Citadel in conjunction with the Home Builders Association of South Carolina, to establish a research project to determine the validity of wind and seismic residential building requirements for South Carolina, as prescribed in the 2006 International Residential Code (IRC). A preliminary report on the findings must be submitted to the SC Building Council by June 30, 2009. To ensure the maximum benefit of this study the current SC Residential Building Code will remain in place until June 30, 2009.~~

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

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

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

65.10. (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the OSHA and OSHA Voluntary Programs, the Department of Labor, Licensing, and Regulation shall be authorized to spend agency earmarked and restricted accounts to maintain these critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Office of State Budget.

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

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

65.11. (LLR: Immigration Bill Funding) Until adequate funding is included in the State Appropriation Act, funds carried forward from the prior fiscal year in Subfund 3135 can be utilized to support the Department of Labor, Licensing and Regulation's mission under the South Carolina Illegal Immigration Reform Act.

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

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

65.12. (LLR: Authorized Reimbursement) The Director of the Department of Labor, Licensing and Regulation cannot authorize reimbursement under Section 40-1-50(A) of the 1976 Code to members of any board listed in Section 40-1-40(B) for meetings held at any location other than the offices of the department unless there has been a determination that the department is unable to provide space for the meeting in a state owned or leased facility in Richland or Lexington County.

- 65.13** **ADD** (SCOIS Funding) **HOU:** ADD new proviso to direct the department to transfer \$433,000 of Subfund 3135 carry forward funds to the Employment Security commission for the S.C. Occupational Information System (SCOIS) program. Sponsor: Rep. Bingham.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.



**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

65.13. (LLR: SCOIS Funding) The Department of Labor Licensing and Regulation is directed to transfer \$433,000 from carry forward monies in Subfund 3135 to the Employment Security Commission for the South Carolina Occupational Information System program for Fiscal Year 2009-2010.

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

**67.1 AMEND FURTHER** (Salary Level) Directs that the salaries of the Chairman, Commissioners, and Agency Director shall not be less than that agreed to by the U.S. Department of Labor.

**HOU:** AMEND proviso to direct that if restructuring legislation is adopted by the General Assembly, those salaries shall be set as authorized in the restructuring legislation. Sponsors: Reps. Sandifer and Bingham.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to direct that the Agency Director's salary be set by the Agency Head Salary Commission.

**67.1. (ESC: Salary Level)** The salaries of the Chairman, the Commissioners, and the Agency Director of the Employment Security Commission shall be no less than that agreed to by the United States Department of Labor. However in the event legislation restructuring the commission is adopted by the General Assembly the salaries of the Chairman, ~~and Commissioners, and Agency Director~~ shall be set, notwithstanding line item designations in Part IA of this Act, as authorized by the General Assembly in the restructuring legislation; while the Agency Head Salary Commission shall set the salary of the Agency Director.

**67.5 ADD** (Federal and Earmarked Prior Year Payments) **WMC:** ADD new proviso to authorize the Employment Security Commission to pay federal and earmarked prior year obligations with current year funds. *Accommodate federal lag.* Fiscal Impact: No impact on the General Fund. Requested by Employment Security Commission.

**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

67.5. (ESC: Federal and Earmarked Prior Year Payments) The Employment Security Commission shall be allowed to pay federal and earmarked prior year obligations with current year funds.

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

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

**WMC:** AMEND proviso to change "2008" to "2009" and "2009" to "2010." *Meets the obligations of the State Ports Authority and the State Infrastructure Bank's financial agreement.* Fiscal Impact: No impact on the General Fund. The funds used to pay the Transportation Infrastructure Bank are operating funds of the Ports Authority, none of which are state appropriated funds. Generates \$1,000,000 for the State Transportation Infrastructure

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

Bank. Per the Ports Authority, the commitment of the agency is to provide \$1,000,000 per year for 25 years, until 2027.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**69.1.** (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating fund surplus available and any funds appropriated to the authority in prior fiscal years and left unexpended as of July 1, ~~2008~~ 2009, pay to the State Transportation Infrastructure Bank one million dollars before June 30, ~~2009~~ 2010, to continue the Charleston Cooper River Bridge Project.

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

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

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

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**78.9.** (ADJ: Billeting and Dining Facility Operations) All revenues collected by the Billeting and Dining Facility operations at the R. L. McCrady Training Center shall be retained and expended in their budgeted operations or be expended in support of ~~Armory maintenance or operations~~ SCMD operations, including use for matching federal funds, and armory maintenance and operations. Expenditures from these funds shall be determined by the Billeting Committee for Billeting operations and the Deputy Adjutant General for state operations for the Dining Facility operation.

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

**HOU:** ADOPT new proviso.

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to allow the funds to also be used for SCMD operations, including matching federal funds and armory maintenance and operations.

78.13. (ADJ: Parking Lot Revenues-Columbia Armory, Buildings and Grounds) The Adjutant General may control and contractually lease the Columbia Armory, and its buildings and grounds parking facilities during events at the University of South Carolina's Williams-Brice Stadium. Funds derived wholly from the rental of the Columbia Armory, and its buildings and grounds parking facilities may be retained by the Adjutant General's Office and used for the Funeral Caisson **and for SCMD operations, including matching federal funds and armory maintenance and operations.** These funds may not be used for any other purpose.

**SECTION 89 - X90 - GENERAL PROVISIONS**

**89.27** AMEND (State Owned Aircraft - Maintenance Logs) Provides flight log and aircraft usage guidelines for agencies that have one or more aircraft.

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

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**89.27.** (GP: State Owned Aircraft - Maintenance Logs) Each agency having in its custody one or more aircraft shall maintain a continuing log on all flights, which in order to promote accountability and transparency shall be ~~open~~ posted online for public inspection. Any and all aircraft owned or operated by agencies of the State Government shall be used only for official business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the Governor, Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and their invitees for official business only; no member of the General Assembly, no member of a state board, commission, or committee, and no state official shall use any aircraft of the Division of Aeronautics unless the member or official files within forty-eight hours after the time of departure of the flight with the Division of Aeronautics a sworn statement certifying and describing the official nature of his trip; and no member of the General Assembly, no member of a state board, commission or committee, and no state official shall be furnished air transportation by a state agency other than the Division of Aeronautics unless such agency prepares and maintains in its files a sworn statement from the highest ranking official of the agency certifying that the member's or state official's trip was in conjunction with the official business of the agency. Official business shall not include routine transportation to and from meetings of the General Assembly or committee meetings for which mileage is authorized.

All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of SLED or the Division of State Development whose confidentiality must, in the opinion of SLED or the division, be protected shall be listed in writing on the flight log as “Confidential Passenger SLED or the Division of State Development (strike one)” and the appropriate official of SLED or the division shall certify to the agency operating the aircraft the necessity for such confidentiality.

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

Violation of the above provisions of this section is prima facie evidence of a violation of Section 8-13-410(1) of the 1976 Code and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as provided by law. The above provisions do not apply to aircraft of the Division of Aeronautics when used by the Medical University of South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher education.

Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

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

**SFC SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

*89.114. (GP: Solar Power Income Tax Credit Increased) ~~The State income tax credit allowed pursuant to Section 12-6-3587 of the 1976 Code for the costs of purchase and installation of a qualifying solar energy system in a taxable year ending in 2009 is increased from twenty-five to thirty percent of such costs.~~*

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

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*89.115. (GP: Conservation Bank Funding LLR) ~~The Department of Labor, Licensing, and Regulation is directed to transfer \$207,050 from carry-forward monies in Subfund 3135 to the South Carolina Conservation Bank which shall be used for personal services and other operation expenses.~~*

**SECTION 90 - X91 - STATEWIDE REVENUE**

- 90.12 DELETE** (Transfer of Deed) Suspends the provisions of Section 48-59-75 [S.C. CONSERVATION BANK ACT: RESTRICTION ON TRANSFER OF DEED RECORDING FEES TO TRUST FUND] for the FY 08-09. Directs the SC Conservation Bank, for FY 08-09, to transfer \$7,000,000 of the deed recording fees received in the current fiscal year to the Department of Education for school bus fuel. Directs that contractual obligations that existed as of the effective date of this act be honored before any transfer is executed. Directs that cash balances carried forward from the prior fiscal year be used first to meet contractual obligations and agency operating expenses.  
**WMC:** DELETE proviso. *Technical. Proviso was specifically for FY 08-09.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~90.12. (SR: Transfer of Deed) For Fiscal Year 2008-2009, Section 48-59-75 is suspended. For Fiscal Year 2008-09, the South Carolina Conservation Bank shall transfer \$7,000,000 of the deed recording fees received in the current fiscal year to the Department of Education to be used for school bus fuel. Contractual obligations that existed as of the effective date of this act shall be honored before any transfer is executed. Cash balances carried forward from the prior fiscal year shall be utilized first to meet the South Carolina Conservation Bank contractual obligations and agency operating expenses.~~

**SUBCOMMITTEE CHAIRMAN'S RECOMMENDATIONS**

**SECTION 89 - X90 - GENERAL PROVISIONS**

**89.tda** ADD (Transfer Division of Aeronautics)

**SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** ADD new proviso to transfer the Divisions of Aeronautics from the Department of Commerce to the Budget and Control Board.

89.tda. (GP: Transfer Division of Aeronautics) Effective July 1, 2009, or as soon as practicable, the duties, functions, responsibilities, personnel, equipment, supplies, appropriations, carry forward funds and all other assets and resources of the Division of Aeronautics in the Department of Commerce are transferred to the Budget and Control Board.

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

**40.3** DELETE (Aeronautics - Reimbursement for Services Carry Forward) **SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** DELETE proviso and move to Budget and Control Board.

~~40.3. (CMRC: Aeronautics - Reimbursement for Services Carry Forward) The Division of Aeronautics may retain and expend reimbursements derived from charges to other government agencies for service and supplies for operating purposes and that a reserve not to exceed \$300,000 may be carried forward to the current fiscal year for the replacement of time limit aircraft components.~~

**40.4** DELETE (Aeronautics - Office Space Rental) **SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** DELETE proviso and move to Budget and Control Board.

~~40.4. (CMRC: Aeronautics - Office Space Rental) Revenue received for rental of office space may be retained and expended to cover the cost of building operations.~~

**40.5** DELETE (Aeronautics - Funding Sequence) **SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** DELETE proviso and move to Budget and Control Board.

~~40.5. (CMRC: Aeronautics - Funding Sequence) All General Aviation Airports will receive funding prior to the four air carrier airports (i.e. Columbia, Charleston, Greenville~~

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

~~Spartanburg, Myrtle Beach Jetport) as these qualify for special funding under the DOT/FAA appropriations based on enplanements in South Carolina. This policy may be waived to provide matching state funds for critical FAA safety or capacity projects at air carrier airports.~~

- 40.6 DELETE (Aeronautics - Hangar/Parking Facilities) SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** DELETE proviso and move to Budget and Control Board.

~~40.6. (CMRC: Aeronautics - Hangar/Parking Facilities) The Division of Aeronautics will provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Funds shall be retained by the division for the purpose of hangar and parking facility maintenance. The Hangar Fee Schedule shall be determined by the division and shall not exceed local average market rates.~~

~~Personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.~~

- 40.7 DELETE (Aeronautics - Airport Development) SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** DELETE proviso and move to Budget and Control Board.

~~40.7. (CMRC: Aeronautics - Airport Development) Any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the division.~~

- 40.8 DELETE (Aeronautics - Clothing Allowance) SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** DELETE proviso and move to Budget and Control Board.

~~40.8. (CMRC: Aeronautics - Clothing Allowance) The Division of Aeronautics is hereby authorized to provide pilots with an annual clothing allowance (on a pro rata basis) not to exceed \$400 per pilot for required clothing used in the performance of their primary duty.~~

- 40.9 DELETE (Grant Funds Carry Forward) SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** DELETE proviso and move to Budget and Control Board.

~~40.9. (CMRC: Grant Funds Carry Forward) Any unexpended balance on June 30, of the prior fiscal year, for Matching National Grant Funds, may be carried forward to the current fiscal year and used for matching committed and/or unanticipated grant funds.~~

- 40.10 DELETE (Carry Forward Sale of Aircraft Proceeds) SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** DELETE proviso and move to Budget and Control Board.

~~40.10. (CMRC: Carry Forward Sale of Aircraft Proceeds) The Department of Commerce may carry forward proceeds from the sale of aircraft to be used for replacement aircraft and for required Federal Aviation Administration upgrades to existing aircraft.~~

- 40.11 DELETE (Aviation Grants) SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** DELETE proviso and move to Budget and Control Board.

~~40.11. (CMRC: Aviation Grants) The funds appropriated for Aviation Grants, in this bill or any bill supplemental thereto, shall be credited to the State Aviation Fund within the Division of Aeronautics of the Department of Commerce for the following purposes:~~

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

~~(1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement projects; this does not include administration or operational projects;~~

~~(2) for maintenance projects of general aviation airports; and or~~

~~(3) for aviation education related programs including, but not limited to, educating young people about careers in the aviation industry and/or the promotion of aviation in general.~~

~~Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this provision, but the airport must have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems.~~

~~The Secretary of Commerce shall promulgate regulations establishing the grants program that, at a minimum, address: (1) priorities among improvements qualifying for grants; (2) an airport selection process to ensure an equitable distribution of funds among eligible airports; and (3) the criteria for distribution of funds among eligible airports.~~

~~Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a major factor in the priority guidelines established by the Secretary of Commerce pursuant to this provision. The Secretary also shall have discretion consistent with Section 55-5-170 to establish a program to grant Aviation Fund dollars for these purposes at the ratio of eighty percent from the fund to twenty percent from the local airport sponsor, or any ratio with a smaller relative contribution from the fund.~~

~~A report on the expenditure of these funds shall be submitted to the Senate Finance Committee and the House Ways and Means Committee.~~

~~Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes.~~

**40.29 DELETE (Aeronautics Grant Match Funds) SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION: DELETE proviso and move to Budget and Control Board.**

~~**40.29.** (CMRC: Aeronautics Grant Match Funds) The funds appropriated to the Division of Aeronautics for FAA grant matching, may be used to match state and local aviation airports projects whether or not they have received FAA funding. Any funds must be approved by the Aeronautics Commission prior to being awarded.~~

**40.32 AMEND (Public Railways) SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION: AMEND proviso to change "Department of Commerce" reference to the "Budget and Control Board."**

**40.32.** (CMRC: Public Railways) The Division of Public Railways is directed to create a statewide rail plan on or before March 31, 2009, in compliance with applicable federal laws, rules, and regulations.

Throughout the planning of the statewide rail plan, the division shall consult with and seek input from: the Department of Transportation, the State Ports Authority, the Aeronautics Division of the ~~Department of Commerce~~ *Budget and Control Board*, the Department of Parks, Recreation and Tourism, the South Carolina Public Service Commission, the Office of Regulatory Staff, and the Department of Health and Environmental Control.

The division shall further seek the advice and input of the Councils of Governments, CSX, Norfolk Southern, Amtrak, short-line railroads, and any other associations that may be affected by the development of the statewide rail plan.

Of the funds appropriated to the Department of Commerce, \$100,000 shall be made available for the creation of a statewide rail plan.

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

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

**80A.ar ADD** (Aeronautics - Reimbursement for Services Carry Forward) **SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** ADD new proviso. *Original proviso moved from Department of Commerce.*

80A.ar. (BCB: Aeronautics - Reimbursement for Services Carry Forward) The Division of Aeronautics may retain and expend reimbursements derived from charges to other government agencies for service and supplies for operating purposes and that a reserve not to exceed \$300,000 may be carried forward to the current fiscal year for the replacement of time limit aircraft components.

**80A.aos ADD** (Aeronautics - Office Space Rental) **SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** ADD new proviso. *Original proviso moved from Department of Commerce.*

80A.aos. (BCB: Aeronautics - Office Space Rental) Revenue received from rental of Division of Aeronautics office space may be retained and expended to cover the cost of building operations.

**80A.afs ADD** (Aeronautics - Funding Sequence) **SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** ADD new proviso. *Original proviso moved from Department of Commerce.*

80A.afs. (BCB: Aeronautics - Funding Sequence) All General Aviation Airports will receive funding prior to the four air carrier airports (i.e. Columbia, Charleston, Greenville-Spartanburg, Myrtle Beach Jetport) as these qualify for special funding under the DOT/FAA appropriations based on enplanements in South Carolina. This policy may be waived to provide matching state funds for critical FAA safety or capacity projects at air carrier airports.

**80A.ahf ADD** (Aeronautics - Hangar/Parking Facilities) **SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** ADD new proviso. *Original proviso moved from Department of Commerce.*

80A.ahf. (BCB: Aeronautics - Hangar/Parking Facilities) The Division of Aeronautics will provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Funds shall be retained by the division for the purpose of hangar and parking facility maintenance. The Hangar Fee Schedule shall be determined by the division and shall not exceed local average market rates.

Personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.

**80A.aad ADD** (BCB: Aeronautics - Airport Development) **SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** ADD new proviso. *Original proviso moved from Department of Commerce.*

80A.aad. (BCB: Aeronautics - Airport Development) Any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the Division of Aeronautics.



**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

**80A.aca ADD** (BCB: Aeronautics - Clothing Allowance) **SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** ADD new proviso. *Original proviso moved from Department of Commerce.*

*80A.aca. (BCB: Aeronautics - Clothing Allowance) The Division of Aeronautics is hereby authorized to provide pilots with an annual clothing allowance (on a pro rata basis) not to exceed \$400 per pilot for required clothing used in the performance of their primary duty.*

**80A.agf ADD** (BCB: Grant Funds Carry Forward) **SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** ADD new proviso. *Original proviso moved from Department of Commerce.*

*80A.agf. (BCB: Grant Funds Carry Forward) Any unexpended balance on June 30, of the prior fiscal year, for Matching National Grant Funds, may be carried forward to the current fiscal year and used for matching committed and/or unanticipated grant funds.*

**80A.ap ADD** (BCB: Aeronautics - Carry Forward Sale of Aircraft Proceeds) **SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** ADD new proviso. *Original proviso moved from Department of Commerce.*

*80A.ap. (BCB: Carry Forward Sale of Aircraft Proceeds) The Budget and Control Board, Division of Aeronautics may carry forward proceeds from the sale of aircraft to be used for replacement aircraft and for required Federal Aviation Administration upgrades to existing aircraft.*

**80A.ag ADD** (BCB: Aeronautics - Aviation Grants) **SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** ADD new proviso. *Original proviso moved from Department of Commerce.*

*80A.ag. (BCB: Aviation Grants) The funds appropriated for Aviation Grants, in this bill or any bill supplemental thereto, shall be credited to the State Aviation Fund within the Division of Aeronautics of the Budget and Control Board for the following purposes:*

*(1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement projects; this does not include administration or operational projects;*

*(2) for maintenance projects of general aviation airports; and or*

*(3) for aviation education related programs including, but not limited to, educating young people about careers in the aviation industry and/or the promotion of aviation in general.*

*Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this provision, but the airport must have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems.*

*The Executive Director of the Budget and Control Board shall promulgate regulations establishing the grants program that, at a minimum, address: (1) priorities among improvements qualifying for grants; (2) an airport selection process to ensure an equitable distribution of funds among eligible airports; and (3) the criteria for distribution of funds among eligible airports.*

*Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a major factor in the priority guidelines established by the Executive Director of the Budget and Control Board pursuant to this provision. The Executive*

**NATURAL RESOURCES SUBCOMMITTEE  
SUMMARY OF RECOMMENDED PROVISO CHANGES  
FOR FY 2009-10**

Director also shall have discretion consistent with Section 55-5-170 of the 1976 Code to establish a program to grant Aviation Fund dollars for these purposes at the ratio of eighty percent from the fund to twenty percent from the local airport sponsor, or any ratio with a smaller relative contribution from the fund.

A report on the expenditure of these funds shall be submitted to the Senate Finance Committee and the House Ways and Means Committee.

Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes.

**80A.agm ADD** (BCB: Aeronautics Grant Match Funds) **SUBCOMMITTEE CHAIRMAN'S RECOMMENDATION:** ADD new proviso. *Original proviso moved from Department of Commerce.*

**80A.agm.** (BCB: Aeronautics Grant Match Funds) *The funds appropriated to the Division of Aeronautics for FAA grant matching, may be used to match state and local aviation airports projects whether or not they have received FAA funding. Any funds must be approved by the Aeronautics Commission prior to being awarded.*