

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

SECTION 19 - H67-EDUCATIONAL TELEVISION COMMISSION

- 19.3 DELETE** (SC Educational Broadband Service Commission/Broadband License) Requires the B&C Board to pay up to an aggregate amount not to exceed \$750,000 from all years combined of expenses incurred by the Broadband Service Commission. Authorizes the B&C Board to recover the cost of actual expenses incurred in supporting the commission from any contract resulting from commission activities. Authorizes the board to carry forward the maximum amount of unspent general funds required to support the commission and its activities. Directs that unexpended funds be transferred for capitol complex use.
- WMC:** AMEND proviso to specify that the B&C Board's obligation to pay commission expenses and expenses in completion of the commission's work is limited to an aggregate amount not to exceed \$750,000 for all years combined. Specify that the board is allowed to recover its actual expenses incurred pursuant to directives of this provision, including, but not limited to, administration of the contract. Delete the requirement that unexpended funds be transferred for capitol complex use. *To support work of the Broadband Service Commission through completion of its work.* Fiscal Impact: The board states that \$289,239 had been expended as of 9/17/09. No funds are appropriated for this purpose. The Executive Director of the B&C Board has discretion to use any agency funds for this purpose. Requested by Budget and Control Board.
- HOU:** ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by Budget and Control Board.

~~19.3. (ETV: SC Educational Broadband Service Commission/Broadband License) The Budget and Control Board is authorized and directed to pay for any expenses 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, *The Board's obligation to pay expenses of the commission and in completion of the commission's work is limited* up to an aggregate amount not to exceed \$750,000 from for 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. The Budget and Control Board is authorized to recover its actual expenses incurred to support the Broadband Service Commission pursuant to directives of this paragraph, including but not limited to, the administration of the contract, from funds received by the State through any contract resulting from the Commission's activities. In addition to any other carry forward allowed by law, the Budget and Control Board is specially authorized to carry forward from Fiscal Year 2008-09 into Fiscal Year 2009-10 unspent general fund appropriations in the maximum amount it may be required to expend in support of the commission and its activities. Any unexpended funds must be transferred for use on the capitol complex.~~

SECTION 44 - B04 - JUDICIAL DEPARTMENT

- 44.17 DELETE** (Marshal of the Supreme Court) Directs the Office of State Budget, if the provisions of proviso 49A.5 apply July 1, 2009, to transfer all funds and FTE's authorized in Part IA, Section 44.V.D. for operation of the Marshal of the Supreme Court back to the appropriations categories of the agencies they were drawn from.
- WMC:** DELETE proviso. *Creation of the Capitol Police Force was not enacted into law.* Fiscal Impact: No impact on the General Fund. Requested by Judicial Department.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

44.17. (JUD: Marshal of the Supreme Court) ~~If the provisions of paragraph 49A.1 of this Part apply July 1, 2009, then the Office of State Budget shall transfer all amounts otherwise appropriated and FTE's authorized in Part IA, Section 44.V.D. of this act for the operations of the Marshal of the Supreme Court to the appropriations categories of those agencies from whence those funds and FTE's were drawn to provide for the Marshal of the Supreme Court.~~

SECTION 45 - E20 - ATTORNEY GENERAL'S OFFICE

45.6 **AMEND** (Auction Rate Securities Settlement/Water Rights) Authorizes 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). Directs that the \$2.2 million shall not include the \$750,000 currently allocated for securities enforcement expenses. Authorizes a portion of the \$2.2 million be used to reimburse Water Litigation expenses incurred in the prior fiscal year.

WMC: AMEND proviso to delete the authorization to use up to \$2.2 million of Auction Rate Securities Settlement funds to pay for expenses and fees associated with the water lawsuit, and instead authorize funds received from the settlement to be retained and expended in FY 09-10 and FY 10-11 for the same purpose. Authorize these funds to be carried forward from and used for the same purpose. Direct that once the SC vs. NC water lawsuit has been satisfied, any remaining Auction Rate Securities Settlement funds be deposited into the general fund. Direct that this provision takes effect on the earlier of July 1, 2010, or the date on which water settlement revenue in Fiscal Year 2009-10 exceeded \$2,200,000. Fiscal Impact: Litigation expenses through FY 09 = \$1,683,187. Amendment will allow the Attorney General to use +\$851,000 from FY 10-11 and +\$434,000 in FY 10-11. Requested by Attorney General's Office.

HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

45.6. (AG: Auction Rate Securities Settlement/Water Rights) The Attorney General's Office is authorized to ~~utilize up to \$2,200,000 of~~ *retain and expend funds received in Fiscal Year 2009-10 and in Fiscal Year 2010-11* 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~~ *these funds* to reimburse Water Litigation expenses incurred in the prior fiscal year. *These funds may be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purpose. Upon satisfaction of the South Carolina vs. North Carolina water lawsuit, any remaining Auction Rate Securities Settlement funds shall be deposited into the general fund. This paragraph takes effect on the earlier of July 1, 2010, or the date on which water settlement revenue in Fiscal Year 2009-10 exceeded \$2,200,000.*

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

SECTION 46 - E21 - PROSECUTION COORDINATION COMMISSION

46.6 DELETE (Solicitors Victim/Witness Assistance Programs) Directs that Solicitors Victim/Witness Assistance Programs funds be apportioned among the circuits on a per capita basis based on the 2000 census. Directs that payments be made as soon after the beginning of each quarter as practical.

WMC: AMEND proviso to specify that the funds are to be apportioned by this method "When funds are available." Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by Prosecution Coordination Commission.

~~46.6. (PCC: Solicitors Victim/Witness Assistance Programs) *The When funds are available, the amount appropriated and authorized in Part IA, Section 46 for Solicitors Victim/Witness Assistance Programs shall be apportioned among the circuits on a per capita basis and based upon the official census of 2000. Payment shall be made as soon after the beginning of each quarter as practical.*~~

46.7 DELETE (Criminal Domestic Violence Prosecution) Directs that \$2,200,000 of Criminal Domestic Violence (CDV) Prosecution funds be apportioned equally among the circuits with any remaining balance apportioned on a per capita basis based on the 2000 Census. Directs that the 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 and allows a Solicitor and the Attorney General to partner to accomplish these provisions. Requires the commission to retain CDV prosecution information and data and provide information to the General Assembly in an annual report within 60 days after the end of the fiscal year on charges prosecuted by assistant solicitors who are compensated with these funds. Requires that the report include an accounting of the expenditures of the funds, statistics regarding location, number and type of criminal domestic violence charges, number of cases prosecuted, and disposition of the cases, unless the information is privileged by law.

WMC: DELETE proviso. *Dedicated funding for this item was eliminated in the budget. See new proviso 46.vc.* Fiscal Impact: No impact on the General Fund. Requested by Prosecution Coordination Commission.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~46.7. (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*~~

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

~~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.~~

- 46.8** **DELETE** (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 on charges prosecuted by assistant solicitors who are compensated with these funds. 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: DELETE proviso. *Dedicated funding for this item was eliminated in the budget. See new proviso 46.vc.* Fiscal Impact: No impact on the General Fund. Requested by Prosecution Coordination Commission.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**46.8.** (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 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.~~

- 46.9** **DELETE NEW PROVISO** (Violent Crime, CDV, DUI Prosecution) **WMC:** ADD new proviso to require the commission to retain violent crime, CDV and DUI prosecution information and data and provide information to the General Assembly in an annual report within 60 days after the end of the fiscal year on charges prosecuted by assistant solicitors. Require that the report include, unless privileged by law, information and statistics regarding location, number and type of violent crime, CDV, and DUI charges, number of cases prosecuted, and disposition of the cases. Fiscal Impact: No impact on the General Fund. Requested by Prosecution Coordination Commission.

HOU: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: DELETE new proviso. Requested by Prosecution Coordination Commission.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

~~**46.9.** (PCC: Violent Crime, CDV, DUI Prosecution) *The Prosecution Coordination Commission shall retain information and data on violent crime, criminal domestic violence, and 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. If not privileged information by law, the report shall at a minimum include information and statistics regarding the location, the number and type of violent crime, criminal domestic violence, driving under the influence charges, the number of cases prosecuted, and the disposition of the cases.*~~

SECTION 47 - E23 - COMMISSION ON INDIGENT DEFENSE

- 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 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 set fee payment method and amount 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 such services are found to be reasonable and necessary and to order the Office of Indigent Defense to pay such fees and expenses, not to exceed \$500, as the court considers appropriate. Provides guidelines for payment to exceed these limits. Requires indigent defense vouchers to be reviewed and paid pursuant to procedures and policies established by the commission and directs the commission to provide a copy of the procedures and policies 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 be reimbursed in accordance with applicable provisos and statutes.
- WMC:** AMEND proviso to direct that reimbursement of fees that are in excess of the established rate are to be certified by the court in a written order with specific findings "prior to the fees being incurred." Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.
- HOU:** ADOPT proviso as amended.

PROVISO REVIEW 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

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

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, prior to the fees being incurred, 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 to be provided ~~were reasonably and necessarily incurred~~ are reasonable and necessary. 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, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided ~~were~~ are reasonable and ~~necessarily incurred~~ necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense.

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.

- 47.11 AMEND** (Defense of Indigents Civil Action Application Fee) Requires 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 counsel and include in the affidavit all of the person’s assets. Authorizes the court, if the person has some assets, but not enough to employ counsel, to order a person to pay those assets or portion of them to the Commission on Indigent Defense. Requires a \$40 application fee from every person who executes such affidavit and to apply for a waiver. Directs 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. Requires the monies be deposited in an interest bearing account separate from the general fund and be used only to provide indigent defense services. Directs the Commission on Indigent Defense administer the monies. Requires 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 a monthly basis. Directs a juvenile’s parents or legal guardian to execute the affidavit based on their financial status and

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

be responsible for paying any fee and to be informed of this requirement in writing. States that this provision shall not restrict or hinder a court from appointing counsel in emergency proceedings or where existing statutes do not provide sufficient time to complete the application process. Directs 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. Directs that such claim be filed with the clerk of court in the county where the person is assigned counsel. Directs 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. Directs that when a claim is reduced to judgment, it has the same effect as judgments, except as modified by this provision.

WMC: AMEND proviso to require a person "requesting appointment of counsel" rather than "to whom counsel has been provided" in a termination of parental rights, abuse and neglect, or other civil court action to execute an affidavit that they are financially unable to employ counsel "before counsel may be appointed." Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.

HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

47.11. (INDEF: Defense of Indigents Civil Action Application Fee) (A) A person ~~to whom~~ requesting appointment of 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 financially unable to employ counsel and that affidavit shall set forth all of the person's assets. This affidavit must be completed before counsel may be appointed. 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

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

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.

47.12 DELETE (Family Court Attorney Appointment Study Group) Directs 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. Directs the agencies to develop proposals to significantly reduce or eliminate members of the private bar from being appointed. Directs that proposals be presented to the Chairmen of the Senate Finance and House Ways and Means Committees by October 1, 2009.

WMC: DELETE proviso. *Report submitted.* Fiscal Impact: No impact on the General Fund. Requested by Commission on Indigent Defense.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**47.12.** (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.~~

SECTION 68D - U30 - DIVISION OF AERONAUTICS

68D.1 ADD (Reimbursement for Services Carry Forward) **WMC:** ADD new proviso to authorize the Division of Aeronautics to retain and expend reimbursements resulting from charges to other governmental agencies for service and supplies and to use the funds for operating purposes and authorize up to a \$300,000 reserve be carried forward for replacement of time limit aircraft components. *Original proviso moved from Budget and Control Board proviso 80A.43.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.

HOU: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

68D.1. (AERO: 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.

- 68D.2 ADD (Office Space Rental) WMC:** ADD new proviso to authorize revenue received from rental of Division of Aeronautics office space to be retained and expended to cover building operation costs. *Original proviso moved from Budget and Control Board proviso 80A.44.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.
HOU: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

68D.2. (AERO: 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.

- 68D.3 ADD (Funding Sequence) WMC:** ADD new proviso to direct that all General Aviation Airports will receive funding prior to the four air carrier airports as these qualify for special funding under the DOT/FAA appropriations based on enplanements the state. Allow the policy to be waived to provide matching state funds for critical FAA safety or capacity projects at air carrier airports. *Original proviso moved from Budget and Control Board proviso 80A.45.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.
HOU: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

68D.3. (AERO: 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.

- 68D.4 ADD (Hangar/Parking Facilities) WMC:** ADD new proviso to direct the Division of Aeronautics to provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Direct that funds be retained for hangar and parking facility maintenance. Direct that the Hangar Fee Schedule be determined by the division and not exceed local average market rates. Direct that personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft. *Original proviso moved from Budget and Control Board proviso 80A.46.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.
HOU: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

68D.4. (AERO: 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

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

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.

- 68D.5** **ADD** (Airport Development) **WMC:** ADD new proviso to direct that any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the Aeronautics Commission. *Original proviso moved from Budget and Control Board proviso 80A.47.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.
HOU: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

68D.5. (AERO: Airport Development) Any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the Aeronautics Commission.

- 68D.6** **ADD** (Grant Funds Carry Forward) **WMC:** ADD new proviso to authorize any unexpended Matching National Grant Funds balance to be carried forward from the prior fiscal year into the current fiscal year and be used for matching committed and/or unanticipated grant funds. *Original proviso moved from Budget and Control Board proviso 80A.49.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.
HOU: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

68D.6. (AERO: 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.

- 68D.7** **ADD** (Carry Forward Sale of Aircraft Proceeds) **WMC:** ADD new proviso to authorize the department to carry forward proceeds from the sale of aircraft to be used for replacement aircraft, for required FAA upgrades to existing aircraft, and for other Division purposes. *Original proviso moved from Budget and Control Board proviso 80A.50 and amended.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.
HOU: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

69D.7. (AERO: Carry Forward Sale of Aircraft Proceeds) The Division of Aeronautics may carry forward proceeds from the sale of aircraft to be used for replacement aircraft, required Federal Aviation Administration upgrades to existing aircraft, and other Division purposes.

- 68D.8** **ADD** (Aviation Grants) **WMC:** ADD new proviso to direct Aviation Grants funds appropriated in this bill or any bill supplemental to this bill to be credited to the State Aviation Fund and be used (1) to allow maximization of grant funds available through the FAA for capital improvement projects; (2) for general aviation airports maintenance projects; and (3) for aviation education related programs. Direct that sponsors of publicly owned airports for public use are eligible to receive grants, but require the airport to have a current development plan the

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

meets National Plan of Integrated Airports Systems planning requirements. Direct the B&C Board Executive Director to promulgate regulations establishing the grants program. Direct that enabling airport sponsors to meet basic FAA safety guidelines for obstruction clearance must be a major factor in establishing priority guidelines and authorizes the B&C Board Executive Director to have the discretion to establish a program to grant Aviation Fund monies for this purpose at the rate of 80% from the fund to 20% from the local airport sponsor, or any ratio with a smaller contribution from the fund. Require an expenditure report be submitted to the Senate Finance and House Ways and Means Committees. Authorize unexpended funds to be carried forward and spent for like purposes. *Original proviso moved from Budget and Control Board proviso 80A.51 and amended.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.

HOU: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

68D.8. (AERO: 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 for the following purposes:

(1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement 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 Aeronautics Commission 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 Aeronautics Commission pursuant to this provision. The Commission 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.

68D.9 ADD (Grant Match Funds) WMC: ADD new proviso to authorize funds appropriated to the Division of Aeronautics for FAA grant matching to be used to match state and local aviation airports projects whether or not FAA funding has been received. Require Aeronautics Commission approval prior to the funds being awarded. *Original proviso moved from Budget and Control Board proviso 80A.52.* Fiscal Impact: No impact on the General Fund. Requested by Division of Aeronautics.

HOU: ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

68D.9. (AERO: 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.

- 68D.10 CARRIED OVER** (Transfer of MUSC Aircraft) **WMC:** ADD new proviso to transfer the title and ownership of MUSC's Beechcraft King Air 90C model to the Aeronautics Commission for official use by the state. State the intent of the General Assembly that the Aeronautics Commission provide funding to MUSC to cover the value of the aircraft as soon as funds are available. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: CARRIED OVER

68D.10. (AERO: Transfer of MUSC Aircraft) Title and ownership of the Medical University of South Carolina's Beechcraft King Air 90C model is transferred to the Aeronautics Commission for official use by the state in the manner prescribed by law. It is the intent of the General Assembly that the Aeronautics Commission shall provide funding to the Medical University to cover the value of the aircraft as soon as funding is available.

SECTION 70 - A99 - LEGISLATIVE DEPARTMENT

- 70.22 AMEND** (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 are not sufficient funds to provide these items free of charge to the courts.* Fiscal Impact: OSB states that the agency indicated that \$35,000 in revenue would be generated for the agency with a corresponding impact on the specified courts within the Judicial Department. Requested by Legislative Council.
HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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.

- 70.24 AMEND FURTHER** (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

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

make recommendations to the Senate Finance and House Ways and Means Committees by January 29, 2010 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 specify that the joint committee is to make recommendations “as needed” and change “2010” to “of the current fiscal year.” *Allows the joint committee to make recommendations as needed.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to direct the committee to make recommend priorities “as it determines appropriate.” Delete the directive that that a comprehensive review of relative statutes and state government information technology policies be conducted and that a determination be made on methods to foster collaboration. Instead direct the committee to review state agency information technology spending to evaluate whether more effective services and cost savings can be achieved through streamlining, standardizing and consolidating state agency information technology. Require state agencies to consult with hardware maintenance manager vendors under state contract to determine whether they may achieve cost savings by using these contracts for information technology. Require the B&C Board to report these finding, by agency, to the joint committee by March 1, 2011.

70.24. (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, *as needed*, make recommendations to the Senate Finance Committee and the House Ways and Means Committee regarding the plan by January 29, 2010 *of the current fiscal year*. 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~~ *as it determines appropriate*;

(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~~

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

~~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~~ review information technology spending by state agencies and evaluate whether greater efficiencies, more effective services and cost savings can be achieved through streamlining, standardizing and consolidating state agency information technology. State agencies must consult with hardware maintenance manager vendors under state contract to determine whether the agency may achieve cost savings by utilizing these contracts for information technology. A report by agency of these findings must be provided to the joint committee by the Budget and Control Board no later than March 1, 2011. Further, ~~the~~ 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 efficient and effective management and use of information technology by state government.

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.

SECTION 71 - C05 - ADMINISTRATIVE LAW COURT

71.3 CARRIED OVER (Fee Increase) Prohibits the Administrative Law Court, for FY 09-10, from charging or increasing filing fees beyond the amounts charged on January 1, 2009.

WMC: AMEND proviso to change "Fiscal Year 2009-2010" to "the current fiscal year."

Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to authorize the court to increase filing fees as proposed in the amendments to the Rules of Procedure submitted pursuant to Section 1-23-670 [STATE AGENCY RULE MAKING AND ADJUDICATION OF CONTESTED CASES - FILING FEES].

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: CARRIED OVER

71.3. (ALC: Fee Increase) For Fiscal Year ~~2009-2010~~ the current fiscal year, the Administrative Law Court may ~~not charge or~~ increase filing fees ~~beyond the amounts charged on January 1, 2009~~ as proposed in the amendments to the Rules of Procedure submitted pursuant to Section 1-23-670 of the 1976 Code.

SECTION 72 - D21 - GOVERNOR'S OFFICE

72.21 AMEND (Mansion and Grounds Maintenance and Complex Facilities) Requires the Governor's Office to use at least \$241,569 of operating funds to reimburse the B&C Board, Division of General Services for expenses incurred associated with operation and maintenance

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

of the Mansion Complex facilities and grounds. Directs that revenue collected from Mansion Complex facilities and grounds rental must be credited to and maintained in an account within the Governor's Office. Directs that any balance remaining to the credit of the B&C Board in Subfund 3540, Mansion Complex Rentals at the end of FY 07-08 must be transferred to the Governor's Office.

WMC: AMEND proviso to delete reference to the transfer of any remaining balance in Subfund 3540. *The funds have been transferred.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

72.21. (GOV: M&G - Mansion and Grounds Maintenance and Complex Facilities) The Governor's Office must use a minimum of \$241,569 of the operating funds appropriated in Part IA, Section 72C to reimburse the Budget and Control Board, Division of General Services, for expenses incurred by the division for the operation and maintenance of the facilities and grounds of the Mansion Complex. Revenue collected from rental of Mansion Complex facilities and grounds must be credited to and maintained in an account within the Governor's Office. ~~Any balance at the conclusion of Fiscal Year 2007-08 that remains to the credit of the Budget and Control Board in Subfund 3540, Mansion Complex Rentals, must be transferred to the account established within the Governor's Office.~~

SECTION 75 - E12-COMPTROLLER GENERAL'S OFFICE

75.orp **DELETE NEW PROVISO** (Payroll System Maintenance for State Optional Retirement Program) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the Comptroller General's Office to contract with the SC Retirement System, on mutually agreed upon terms, to maintain the State's payroll and accounting systems to accommodate State Optional Retirement Program (ORP) requirements. Authorize the Comptroller General's Office to seek cost recovery from the Retirement System not to exceed \$200,000. Authorize the cost recovery to be used to support operations of the office and authorize unexpended funds to be carried forward and used for the same purposes. Requested by Comptroller General's Office.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~**75.orp.** (CG: Payroll System Maintenance for State Optional Retirement Program) *The Comptroller General's Office is hereby directed to contract on mutually agreeable terms with the South Carolina Retirement System to maintain the State's payroll and accounting systems to accommodate the requirements of the State Optional Retirement Program (ORP). The Comptroller General's Office is authorized to seek cost recovery not to exceed \$200,000 from the SC Retirement System. The cost recovery 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 used for the same purposes.*~~

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

SECTION 76 - E16-STATE TREASURER'S OFFICE

76.pdc CARRIED OVER (Prepaid Debit Card Implementation) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the State Treasurer to develop and implement an electronic payroll payment plan that uses prepaid debit cards or other similar product to replace paper checks. Direct the State Treasurer to use a competitive process to solicit proposals and to include representatives of the State Employee's Association and an agency Human Resources Officer on the evaluation panel.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: CARRIED OVER

76.pdc. (TREAS: Prepaid Debit Card Implementation) The State Treasurer is authorized to develop and implement an electronic payment plan for payroll purposes using prepaid debit cards or other similar product to replace paper checks. The State Treasurer shall use a competitive process to solicit proposals for a prepaid debit card and shall include on the evaluation panel representatives of the State Employee's Association and an agency Human Resources Officer.

76.aff ADD (Assessments & Filing Fees) **PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the State Treasurer to retain an amount equal to 1% of assessments in Municipal, Magistrate, Family, and General Sessions Courts and filing fees in courts of record and to credit these funds to the General Fund of the State. Require that those retained revenues be used for training local governments and to defray administrative expenses of the collection and distribution of the revenues. Require the State Treasurer's Office to identify any jurisdiction it believes is not transmitting assessments and filing fees in the required timely manner and to follow-up with the County Treasurer to determine why the appropriate amounts have not been remitted.

76.aff. (TREAS: Assessments & Filing Fees) The State Treasurer shall retain an amount equal to one percent of that portion of assessments in Municipal, Magistrate, Family, and General Sessions Courts and filing fees in courts of record which must be credited to the General Fund of the State and require that those retained revenues must be used for training local governments and to defray the administrative expenses of the collection and distribution of these revenues. Further, the State Treasurer's Office shall identify any jurisdiction that it believes is not timely transmitting assessments and filing fees required to be paid to the State Treasurer and follow-up with the County Treasurer to determine why the appropriate amounts have not been remitted.

SECTION 79 - E28-ELECTION COMMISSION

79.1 REINSERT ORIGINAL PROVISO (County Registration Board and County Election Commission Compensation) Directs that \$1,500 for each County Registration Board Member & County Election Commissioner, not to exceed \$12,500 per county, be disbursed to the County Treasurer. Directs that any funds not used for compensation of these members be returned to the State Treasurer. Exempts these funds from mandated budget reductions and excludes these funds from the agency's base budget in calculating any across the board agency base reduction mandated by the B&C Board or the General Assembly.
WMC: DELETE proviso. Fiscal Impact: \$449,000 will no longer be disbursed to county board members and election commissioners.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: REINSERT original proviso.

79.1. (ELECT: County Registration Board and County Election Commission Compensation) The amounts appropriated in this section for “County Registration Board Members and County Election Commissioners,” shall be disbursed annually to the County Treasurer at the rate of \$1,500 for each member, not to exceed \$12,500 per county. The County Treasurer shall use these funds only for the compensation of County Registration Board Members and County Election Commissioners. Any funds not used for this purpose shall be returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Budget and Control Board or the General Assembly, the amount of funds appropriated for compensation of County Registration Board Members and County Election Commissioners shall be excluded from the agency’s base budget.

79.pp **ADD** (Presidential Preference Primary and Ballot Security) **PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Election Commission to carry forward and use funds originally appropriated for conducting the Presidential Preference Primary elections and for Ballot Security to conduct the 2010 Statewide Primaries/Runoff. Requested by Election Commission.

79.pp. (ELECT: Presidential Preference Primary and Ballot Security) The State Election Commission is authorized to carry forward and use funds originally appropriated for conducting the Presidential Preference Primary elections and for Ballot Security to conduct the 2010 Statewide Primaries/Runoff.

79.hmf **ADD** (HAVA Match Funds) **PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that funds appropriated through the General Fund to provide a match for federal funds received through HAVA shall be moved to a restricted account to accrue interest as per Section 254 (b) (1) of the Help America Vote Act. Requested by Election Commission.

79.hmf. (ELECT: HAVA Match Funds) Funds appropriated through the General Fund for the purpose of providing a match for federal funds received through the Help America Vote Act (HAVA) shall be moved to a restricted account in order that the funds may accrue interest as per Section 254 (b) (1) of the Help America Vote Act.

SECTION 80A - F03 - BUDGET AND CONTROL BOARD

80A.7 **AMEND FURTHER** (BCB: Vacant Positions) Authorizes the B&C Board to delete any permanent position in an agency that has been vacant for more than 12 months, but authorizes the board to suspend this requirement for FY 09-10.

WMC: AMEND proviso to change Fiscal Year “2009-10” to “2010-11.” Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to delete the suspension of the requirement.

80A.7. (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 2010-11, the Budget and Control Board is authorized to suspend the requirement of this provision.~~

80A.17 DELETE (MoneyPlus) Directs the board to develop an aggressive outreach program to enroll employees in the “MoneyPlus” flexible benefits program to help offset medical expenses in order to lessen the effect of any potential increase in employee rates for the State Health Plan. Directs the board, upon request, to report to the Chairmen of the Senate Finance and Ways and Means Committees on the number of new enrollees to the program and the estimated savings to employees resulting from this effort. Directs the board to develop an aggressive outreach program to educate State Health Plan members in programs that compliment the state health programs, & employee & plan costs with alternative revenue or funding sources. Authorizes the board to use State Health Plan funds to match alternative revenue or funding sources.

WMC: DELETE proviso. *The outreach program has been initiated and included as an on-going part of the State Health Plan.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**80A.17.** (BCB: MoneyPlus) In order to lessen the effect of any potential increase in employee rates for the State Health Plan, the Budget and Control Board is directed to: (a) develop an aggressive outreach program for the purpose of enrolling employees in the “MoneyPlus” flexible benefits program to assist employees in off setting medical expenses. The board upon request shall report to the Chairmen of the Senate Finance and House Ways and Means Committees the number of new enrollees to the program and the estimated savings to employees as a result of this effort; and (b) develop an aggressive outreach program for the purpose of educating members of the State Health Plan in programs that compliment the state health programs, and employee and plan costs with alternative revenue or funding sources. The board is also authorized to use funds from the State Health Plan to match alternative revenue or funding sources.~~

80A.18 AMEND FURTHER (Military Service) Allows permanent full-time state employees, notwithstanding Section 8-11-610 [MANNER IN WHICH ANNUAL LEAVE SHALL BE COMPUTED], to use up to 45 days of accumulated annual leave and up to 90 days accumulated sick leave in a calendar year as if it were annual leave if they serve on active duty as a result of “Operation Enduring Freedom” or “Operation Noble Eagle,” or in a unit federalized for duty in connection with potential or actual hostilities in Iraq.

WMC: AMEND proviso to delete references to serving in specific conflicts and instead direct that the specified leave may be used if the President of the United States declares an emergency and the employee serves. *Keeps proviso current as combat zones and areas of hostilities change.* Fiscal Impact: No impact on the General Fund. Agencies would absorb potential costs. Requested by Budget and Control Board.

HOU: ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to include when the President declares “a conflict.”

80A.18. (BCB: Military Service) Notwithstanding the provisions of Section 8-11-610 of the 1976 Code, a permanent full-time state employee who serves on active duty as a result ~~“Operation Enduring Freedom” or “Operation Noble Eagle”, or in a unit federalized for duty in connection with potential or actual hostilities in Iraq, or any combination of these duties, of an emergency or conflict declared by the President of the United States,~~ and performs such duty, may use up to forty-five days of accumulated annual leave and may use up to ninety days of accumulated sick leave in a calendar year as if it were annual leave.

80A.20 **AMEND** (Lawsuit Funding) Directs the Executive Director to pay from the Insurance Reserve Fund, the State’s costs incurred in the current fiscal year associated with defending the Abbeville school funding and the prisoner mental health litigation. Requires the appropriate House and Senate officials to monthly certify the defense costs incurred and directs the Executive Director to pay the provider of the services the amount certified when the certification is received. Forgives the loans obtained by the Senate and House through interagency loan agreements on January 10, 2002 and November 20, 2003 to fund the State’s defense of the Abbeville school district funding litigation.

WMC: AMEND proviso to delete reference to the forgiveness of the loans made to the Senate and House. *Language no longer needed since the forgiveness has taken effect.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

80A.20. (BCB: Lawsuit Funding) The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the State, which are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the provider of these services the amount certified. ~~The loans obtained by the Senate and the House of Representatives respectively through interagency loan agreements on January 10, 2002 and November 20, 2003, to fund the defense of the Abbeville County School District, et al. v. the State of South Carolina, et al. are forgiven.~~

80A.26 **DELETE** (Confederate Relic Room) Directs the Office of State Budget to change references to the SC Confederate Relic Room and Museum found in the Act to the SC Confederate Relic Room and Military Museum and directs the Code Commissioner to change the same references in the next printing of the Code of Laws or code supplement.

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

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

80A.26. (BCB: Confederate Relic Room) ~~The Budget and Control Board, Office of State Budget is directed to change the reference to the SC Confederate Relic Room & Museum, found in Part IA, Section 80A, Program IV.E. of this act, to the SC Confederate Relic Room & Military Museum in the final printing of this act. The Code Commissioner is directed to change all appropriate Code of Law references to the SC Confederate Relic Room & Museum to the SC Confederate Relic Room & Military Museum in the next printing of the Code of Laws or of the supplement to the Code.~~

80A.35 AMEND (Sale of Surplus Real Property) Provides for the disposition of proceeds derived from the sale of surplus real property and provides for exemptions.

WMC: AMEND proviso to delete the authorization for the Forestry Commission to retain the net proceeds from the sale of a tract of land containing a total of ten acres or less in Horry County. *The tract of land has been sold and the commission received the net proceeds from the sale of the property.* Fiscal Impact: None. Requested by Budget and Control Board.

AMEND FURTHER to authorize the Department of Natural Resources to retain the net proceeds from the sale of existing offices originally purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation, and/or establishment of regional offices and related facilities and require they report to the Senate Finance and House Ways and Means Committees on the status of property sold and provide a detailed accounting on expenditures resulting from the sale. Fiscal Impact: OSB states no impact on the General Fund. Requested by Department of Natural Resources.

HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

80A.35. (BCB: Sale of Surplus Real Property) Up to 50% of the proceeds, net of selling expenses, from the sale of surplus real properties shall be retained by the Budget and Control Board and used for the deferred maintenance of state-owned buildings. The remaining 50% of the net proceeds shall be returned to the agency that the property is owned by, under the control of, or assigned to and shall be used by that agency for non-recurring purposes. This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers Market; the Department of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident Technical College Enterprise Campus Authority; the Commissioners residence at the Department of Corrections and the Educational Television Commission's Key Road property.

The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road, and such proceeds shall only be used for the renovation of the ETV Telecommunications Center. If it is determined that sufficient net proceeds are not to be derived from the sale of its property on Key Road to cover the cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder shall, prior to said sale, be submitted to the Budget and Control Board for approval as being in compliance with the requirements of this subsection.

The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of Corrections.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

~~The Forestry Commission shall be authorized to retain the net proceeds from the sale of a tract of land containing a total of ten acres or less in Horry County. Receipts generated by the sale of this tract shall be utilized for the agency's capital improvement and/or facility maintenance program. The commission may sell this tract of land at or above fair market value as determined by independent appraisal.~~

The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation, and/or establishment of regional offices and related facilities.

The Department of Agriculture, the Educational Television Commission, the Department of Corrections, *the Department of Natural Resources*, and the Forestry Commission shall annually submit a report, within sixty days after the close of the fiscal year, to the Senate Finance Committee and the House Ways and Means Committee on the status of the sale of the identified property and a detailed accounting on the expenditure of funds resulting from such sale.

This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

80A.36 DELETE (Legislative Custodial Support Services) Directs that persons employed in Legislative Custodial Support positions are exempt from the provisions of Title 8, Chapter 17, Article 5 [STATE EMPLOYEE GRIEVANCE PROCEDURE ACT].

WMC: DELETE proviso. *Exemption has no application as positions do not exist.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.36. (BCB: Legislative Custodial Support Services) ~~Persons employed in the Legislative Custodial Support positions shall be exempt from the provisions of Title 8, Chapter 17, Article 5.~~

80A.39 DELETE (Southern States Energy Board) Directs the B&C Board to use State Energy Office funds to pay the Southern States Energy board membership dues.

WMC: DELETE proviso. *The Energy Office does not have a funding source that may be used for this purpose except possibly the escrow/trust account for any operating shortfall at Barnwell. Uses of the office's other funds are restricted by federal law or regulation and federal court orders.* Fiscal Impact: Annual dues are approximately \$31,000 to \$32,000. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.39. (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.~~

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

80A.40 DELETE (PORS Employer Contribution Rate Increase) Suspends, 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.

WMC: DELETE proviso. *Suspension was for one year and increased contributions are necessary for actuarial soundness of PORS. Additional delay of funding increase would violate Constitutional mandate for an actuarially sound system.* Fiscal Impact: The agency indicates 1.896 million less in employer contributions paid by state agencies and school districts, with \$1.558 million of that amount in general fund dollars. Permanent statute provided for up to ½% increase effective July 1, 2009. Implementation of increase on July 1, 2009 in accordance with permanent law would have required a .45% increase. Delay of one year in accordance with proviso to July 1, 2010 requires an employer contribution increase of .48%. Figures above are based upon .48% increase. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.40. (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.41 AMEND (Health Plan Tobacco User Differential) Allows 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.

WMC: AMEND proviso to delete reference to “beginning July 1, 2009.” Direct that the tobacco use surcharge may not exceed \$40 a month per subscriber or \$60 a month per subscriber and dependant(s). Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT proviso amended.

80A.41. (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 current 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. The surcharge for tobacco use may not exceed \$40 per month per subscriber or \$60 per month per subscriber and dependant(s).

80A.42 DELETE (Morris Island Lighthouse) Directs the B&C Board to transfer any funds remaining or refunded by the federal government, after the Section 103 Morris Island Lighthouse restoration project is completed, to Save the Lighthouse, Inc. and directs that the funds be used for additional restoration or maintenance of the lighthouse.

WMC: DELETE proviso. *Transfer has occurred.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.42. (BCB: Morris Island Lighthouse) ~~The Budget and Control Board is directed to transfer to Save the Lighthouse, Inc., any funds remaining or refunded by the federal government after completion of the Section 103 Morris Island Lighthouse restoration project, to be used by Save the Lighthouse, Inc. for additional restoration or maintenance of the Morris Island Lighthouse.~~

80A.43 DELETE/MOVE (Aeronautics - Reimbursement for Services Carry Forward) Authorizes the Division of Aeronautics to retain and expend reimbursements resulting from charges to other governmental agencies for service and supplies and to use the funds for operating purposes and authorizes up to a \$300,000 reserve be carried forward for replacement of time limit aircraft components.

WMC: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.1.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.43. (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.44 DELETE/MOVE (Aeronautics - Office Space Rental) Authorizes revenue received from rental of Division of Aeronautics office space to be retained and expended to cover building operation costs.

WMC: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.2.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.44. (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.45 DELETE/MOVE (Aeronautics - Funding Sequence) Directs that all General Aviation Airports will receive funding prior to the four air carrier airports as these qualify for special funding under the DOT/FAA appropriations based on enplanements the state. Allows the policy to be waived to provide matching state funds for critical FAA safety or capacity projects at air carrier airports.

WMC: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.3.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~80A.45. (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.46 DELETE/MOVE (Aeronautics - Hangar/Parking Facilities) Directs the Division of Aeronautics to provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Directs that funds be retained for hangar and parking facility maintenance. Directs that the Hangar Fee Schedule be determined by the division and not exceed local average market rates. Directs that personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.

WMC: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.4.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~80A.46. (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.47 DELETE/MOVE (Aeronautics - Airport Development) Directs that any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the division.

WMC: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.5.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~80A.47. (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.~~

80A.48 DELETE (Aeronautics - Clothing Allowance) Authorizes the Division of Aeronautics to provide pilots with an annual clothing allowance (on a pro rata basis) not to exceed \$400 per pilot for required clothing used in the performance of their primary duty.

WMC: DELETE proviso. *This proviso was not moved to Division of Aeronautics Section, but was eliminated.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.48. (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.49 DELETE/MOVE (Grant Funds Carry Forward) Authorizes any unexpended Matching National Grant Funds balance to be carried forward from the prior fiscal year into the current fiscal year and be used for matching committed and/or unanticipated grant funds.

WMC: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.6.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.49. (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.50 DELETE/MOVE (Carry Forward Sale of Aircraft Proceeds) Authorizes the department to carry forward proceeds from the sale of aircraft to be used for replacement aircraft and for required FAA upgrades to existing aircraft.

WMC: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.7.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.50. (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.51 DELETE/MOVE (Aviation Grants) Directs Aviation Grants funds appropriated in this bill or any bill supplemental to this bill to be credited to the State Aviation Fund and be used (1) to allow maximization of grant funds available through the FAA for capital improvement projects; excluding administration or operational projects; (2) for general aviation airports maintenance projects; and (3) for aviation education related programs. Directs that sponsors of publicly owned airports for public use are eligible to receive grants, but require the airport to have a current development plan the meets National Plan of Integrated Airports Systems planning requirements. Directs the B&C Board Executive Director to promulgate regulations establishing the grants program. Directs that enabling airport sponsors to meet basic FAA safety guidelines for obstruction clearance must be a major factor in establishing priority guidelines and authorizes the B&C Board Executive Director to have the discretion to establish a program to grant Aviation Fund monies for this purpose at the rate of 80% from the fund to

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

20% from the local airport sponsor, or any ratio with a smaller contribution from the fund. Requires an expenditure report be submitted to the Senate Finance and House Ways and Means Committees. Authorize unexpended funds to be carried forward and spent for like purposes.

WMC: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.8.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.51. (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 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.52 DELETE/MOVE (Aeronautics Grant Match Funds) Authorizes funds appropriated to the Division of Aeronautics for FAA grant matching to be used to match state and local aviation airports projects whether or not FAA funding has been received. Requires Aeronautics Commission approval prior to the funds being awarded.

WMC: DELETE proviso. *Moved to Division of Aeronautics Section, proviso 68D.9.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

80A.52. (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.~~

80A.53 DELETE (Human Resource Programming) Directs that for FY 09-10 the following provisions are authorized in order to properly encode Human Resource regulations and guidelines for the South Carolina Enterprise Informational System (SCEIS). (A) Directs that state and political subdivisions officers and employees who accrue annual or sick leave, and who wish to be an organ donor, are entitled to leaves of absence without loss of pay, time, leave, or efficiency rating for one or more periods not exceeding an aggregate of 30 regularly scheduled workdays in a calendar year for the purpose of organ donation. (B) Suspends Section 8-11-120 [REPORT OF JOB VACANCIES] for FY 09-10 and require an Executive branch state agency's appointing authority to post a notice of a job vacancy with the B&C Board Office of Human Resources and the Employment Security Commission at least 5 working days before filling the vacancy. (C) Authorizes state agencies that process their payroll through the Comptroller General to withhold or deduct any portion of a state employee's wages when required to do so by state or federal law or when an overpayment of wages has occurred due to a miscalculation or other bona fide error. Requires the employee to receive advance written notice of the deduction, reason for, and actual dollar amount or percentage of wages to be deducted prior to the deduction being made. (D) Directs that positions established under Section 8-11-196 [HIRING OF EMPLOYEES TO FILL TEMPORARY GRANT POSITIONS] must be limited to and not exist beyond the duration of the time-limited project, grant, or a subsequent renewal. Allows the agency to use other funds to continue employment between the expiration of one grant or time-limited project and the subsequent renewal of the same or similar grant or time-limited project. Requires temporary grant or time-limited project employees to be terminated and their positions to cease to exist when the grant, time-limited project, or subsequent renewal ends. Exempts temporary grant or time-limited project employees from the provisions of Sections 8-17-310 - 8-17-380 [STATE EMPLOYEE GRIEVANCE PROCEDURE]. Requires agencies to terminate all temporary grant or time-limited project positions when funding is terminated or is insufficient. (E) Authorizes the B&C Board, Office of Human Resources to amend or modify human resource policies, regulations and processes in order to implement and transition to SCEIS and to publish any changes or modifications in the State Register and on the official Office of Human Resources website prior to the changes or modifications taking effect.

WMC: DELETE proviso. *Provision was codified by Act 29 of 2009.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

80A.53. (BCB: Human Resource Programming) ~~To properly encode the Human Resource regulations and guidelines for the SC Enterprise Information System, the following provisions are authorized for Fiscal Year 2009-10:~~

~~A. All officers and employees of this State or a political subdivision of this State who wish to be an organ donor and who accrue annual or sick leave as part of their employment are entitled to leaves of absence from their respective duties without loss of pay, time, leave, or efficiency rating for one or more periods not exceeding an aggregate of thirty regularly scheduled workdays in any one calendar year during which they may engage in the donation of their organs. Saturdays, Sundays, and state holidays may not be included in the thirty day~~

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

~~aggregate unless the particular Saturday, Sunday, or holiday to be included is a regularly scheduled workday for the officer or employee involved.~~

~~B. Section 8-11-120 of the 1976 Code is suspended for Fiscal Year 2009-10 and in addition to any other requirement provided by law, when a job vacancy occurs in any state office, agency, department, or other division of the Executive branch of state government, the appointing authority must post a notice with the Office of Human Resources of the Budget and Control Board and the South Carolina Employment Security Commission at least five working days before employing a person to fill the vacancy. The posting must give notice of the job vacancy, describe the duties to be performed by a person employed in that position, and include any other information required by law. For purposes of this section, 'appointing authority' shall have the same meaning as in Section 8-11-220 of the 1976 Code.~~

~~C. A state agency that has its payroll processed by the Office of the Comptroller General is authorized to withhold or deduct any portion of a state employee's wages when: (1) the State of South Carolina or a state agency that has its payroll processed by the Office of the Comptroller General in its role as an employer is required or empowered to do so by state or federal law; or (2) an overpayment of wages to an employee as a result of a miscalculation or other bona fide error has occurred. Prior to any deduction being made pursuant to this section, the employee must receive advance written notice of the deduction, the reason for the deduction, and the actual dollar amount or percentage of wages which will be deducted during one or more pay periods.~~

~~D. Positions established under Section 8-11-196 of the 1976 Code must be limited to and must not exist beyond the duration of the time-limited project, grant, or a subsequent renewal of it. However, at the discretion of any agency, other funds may be used to fund continued employment between the expiration of one grant or time-limited project and the subsequent renewal of the same or similar grant or time-limited project. When the grant, time-limited project, or a subsequent renewal ends, temporary grant or time-limited project employees must be terminated and their positions will cease to exist. Temporary grant or time-limited project employees will be exempt from the provisions of Sections 8-17-310 through 8-17-380 of the 1976 Code. State agencies and institutions must terminate all temporary grant or time-limited project positions when funding is terminated, or is insufficient to continue payments under the conditions of the grant or time-limited project.~~

~~E. In order to implement and transition to the South Carolina Enterprise Informational System in Fiscal Year 2009-10, the Budget and Control Board, Office of Human Resources is authorized to amend or modify human resource policies, regulations, and processes as it determines efficient to implement and transition to the South Carolina Enterprise Informational System. Any changes or modifications adopted by the Office of Human Resources shall be published in the State Register and published on the official Office of Human Resources website prior to the changes or modifications taking effect.~~

- 80A.54 ADD (December Holidays) WMC:** ADD new proviso to direct that employees shall observe the Saturday, December 25, 2010 and Sunday, December 26, 2010 holidays on Monday, December 27, 2010 and Tuesday, December 28, 2010, respectively. *Provides authority of observance of legal holidays on alternate days that are not expressly authorized by existing statute.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.
HOU: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

80A.54. (BCB: December Holidays) For state employees, the Saturday, December 25, 2010 legal holiday shall be observed on Monday, December 27, 2010, and the Sunday, December 26, 2010 legal holiday shall be observed on Tuesday, December 28, 2010.

- 80A.55** **ADD** (State Health Plan Obesity Treatment Pilot Program) **WMC:** ADD new proviso to direct the board, when they establish the 2011 State Health Plan Benefits, to establish a one year pilot program, for 2011 only, to provide treatment and management of obesity and related conditions through various methods including, but not limited to, bariatric surgery as a treatment option. Require the Plan to develop program eligibility criteria for the patient and the facility to include, but not be limited to, bariatric surgical guidelines and criteria of the American Association of Clinical Endocrinologists (AACE), The Obesity Society (TOS), and American Society for Metabolic & Bariatric Surgery (ASMBS) Guidelines for Clinical Practice for the Perioperative Nutritional, Metabolic, and Nonsurgical Support of the Bariatric Surgery Patient. Direct that patient participation criteria must also include that a person may be eligible for the program's bariatric surgery if he participates in the State Health Plan as either a subscriber or spouse and is not Medicare eligible; and (a) has a body mass index greater than 40; or has a body mass index greater than 35 and with a co-morbidity such as diabetes, hypertension, gastro esophageal reflux disease, sleep apnea, or asthma; (b) has participated in the State Health Plan the preceding 2 years; (c) has documented at least two failed attempts at sustained weight loss using programmatic methods as approved by the Plan with his primary practitioner; and (d) has presented a pre-operative psychological evaluation indicating they are a satisfactory candidate for surgery. Direct that a medical center or hospital may be eligible to deliver bariatric surgery in the program if (a) it is a nationally designated ASMBS Center of Excellence for Bariatric Surgery, an American College of Surgeons (ACS) Bariatric Surgery Center Network member, or a Blue Distinction Center for Bariatric Surgery; (b) has critical post-surgical patient support in place including, but not limited to, a nutritionist or dietician for patient access; individual and group support meetings; development of personalized weight loss goals and management and support for lifelong life style changes; and a physical activity component; and (c) imposes an initial surgical fee that must include 18 months follow-up care for the patient that includes, but is not limited to, clinical complications, all band adjustments, use of COE support staff, use of nutritionists, and access to group meetings. Direct the pilot program is limited to 100 patients from different regions in the state. Require the State Health Plan shall annually report detailed information on the program's trends including, but not limited to, pre-surgical medical and prescription costs, including those associated with obesity and its co-morbidities, and postsurgical medical and prescription costs, including those related to complications from the surgery. Require a patient to serve as his own control by comparing health care costs in the preceding two years to his health care costs following surgery. Direct that surgeries performed under this program those determined most medically appropriate for participating patients. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

80A.55. (BCB: State Health Plan Obesity Treatment Pilot Program) (A) The Budget and Control Board, when establishing the State Health Plan of Benefits for Plan Year 2011, shall establish a one-year pilot program designed to address the problem of the high rate of obesity in South Carolina by providing for the treatment and management of obesity and related conditions through various methods including, but not limited to, bariatric surgery as a treatment option. The State Health Plan through the State Budget and Control Board must

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

conduct this program as provided in this proviso. The program will operate only in Plan Year 2011.

(B)(1) The State Health Plan shall develop criteria for patient and facility eligibility for the program which shall include, but not be limited to, bariatric surgical guidelines and criteria of the American Association of Clinical Endocrinologists (AACE), The Obesity Society (TOS), and American Society for Metabolic & Bariatric Surgery (ASMBS) Guidelines for Clinical Practice for the Perioperative Nutritional, Metabolic, and Nonsurgical Support of the Bariatric Surgery Patient.

(2) In addition to the considerations required in item (1) of this subsection, criteria for patient participation must include that a person may be eligible for bariatric surgery in the program if he is a State Health Plan participant covered as either a subscriber or spouse and is not eligible for Medicare and:

(a) (i) has a body mass index greater than forty; or

(ii) has a body mass index greater than thirty-five and with a co-morbidity such as diabetes, hypertension, gastro esophageal reflux disease, sleep apnea, or asthma;

(b) has participated in the State Health Plan for at least the immediately preceding two years;

(c) has documented with his primary practitioner at least two failed attempts at sustained weight loss using programmatic methods as approved by the Plan; and

(d) has presented a pre-operative psychological evaluation indicating the patient is a satisfactory candidate for surgery.

(3) In addition to the considerations required in item (1) of this subsection, a medical center or hospital may be eligible to deliver bariatric surgery in the program if it:

(a) is a nationally designated ASMBS Center of Excellence for Bariatric Surgery, an American College of Surgeons (ACS) Bariatric Surgery Center Network member, or a Blue Distinction Center for Bariatric Surgery;

(b) has all the critical post-surgical patient support in place including, but not limited to:

(i) a nutritionist or dietician for patient access;

(ii) individual and group support meetings;

(iii) development of personalized weight loss goals and management and support for lifelong life style changes; and

(iv) a physical activity component; and

(c) imposes an initial surgical fee that must include eighteen months follow-up care for the patient that includes, but is not limited to, clinical complications, all band adjustments, use of COE support staff, use of nutritionists, and access to group meetings.

(C) The program may approve not more than one hundred patients from different regions in the state for the program based on the guidelines developed by the State Health Plan.

(D)(1) The State Health Plan shall report annually to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee with detailed information on the program's trends including, but not limited to, pre-surgical medical and prescription costs, including those associated with obesity and its co-morbidities, and postsurgical medical and prescription costs, including those related to complications from the surgery. A patient must serve as his own control by comparing health care costs in the preceding two years to his health care costs following surgery.

(2) Surgeries performed under this program shall be that determined most medically appropriate for participating patients.

80A.ah ADD (Compensation - Agency Head Salary) PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADD new proviso to establish guidelines for salaries of agency

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

heads and technical college presidents. Require prior Agency Head Salary Commission approval to set, discuss, or offer a salary above the minimum of the salary range for a vacancy. Prohibit an agency head or technical college president from being paid a salary higher than the salary recommended by the Agency Head Salary Commission. Direct that a salary may not be offered or paid to a prospective agency head of a newly created agency or technical college until the Agency Head Salary Commission has established and approved a salary range. Direct that funding must come from within the respective agency or technical college. Direct the B&C Board to contract for an agency head and technical college president compensation study every four years with the cost of the study shared by participating agencies. Direct that the staff of the B&C Board serve as support staff to the Agency Head Salary Commission. State that limited only by the maximum of the salary range, the General Assembly authorizes the respective appointing authority to provide for salary increases not to exceed that recommended by the Agency Head Salary Commission. Direct that no agency head or technical or community college president be paid less than the minimum of the salary pay range nor receive an increase that would raise the salary above the maximum of the pay range.

80A.ah. (BCB: Compensation - Agency Head Salary) In the event of an agency head or technical college president vacancy, the governing board of the agency or the Governor, or the appointing authority of a technical college president, must have the prior favorable recommendation of the Agency Head Salary Commission to set, discuss, offer, or pay a salary for the agency head or technical college president at a rate that exceeds the minimum of the range established by the Agency Head Salary Commission. No agency head or technical college president shall be paid a salary higher than that recommended by the commission. Boards and commissions, or the Governor if he is the appointing authority, of newly created agencies or technical colleges shall not offer or pay a salary to a prospective agency head until a salary range has been established and the salary approved by the Agency Head Salary Commission. The funding of the salaries of any agency head or technical college president should come from resources within the agency. The Budget & Control Board shall contract every four years for a study of agency head and technical college president compensation. The cost of the study must be shared by the participating agencies. The staff of the Budget and Control Board shall serve as the support staff to the Agency Head Salary Commission. Limited only by the maximum of the respective salary range, the General Assembly authorizes the respective appointing authority for an agency head or technical college president to provide salary increases for an agency head or technical college president not to exceed that recommended by the Agency Head Salary Commission. No agency head or technical college president shall be paid less than the minimum of the pay range nor receive an increase that would have the effect of raising the salary above the maximum of the pay range.

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

- 80C.2 CARRIED OVER** (Funding Abortions Prohibited) Prohibits funds appropriated to the State Health Insurance Plan for employer contributions from being used to reimburse abortion expenses except in cases of rape, incest or where the life of the mother is in jeopardy. Prohibits the State Health Plan from offering coverage for abortion services.
- WMC:** AMEND proviso to delete the exception for cases of rape, incest, or where the life of the mother is in jeopardy. Fiscal Impact: No impact on the General Fund.
- HOU:** AMEND FURTHER to specify an exception for cases where the life of the mother is at risk and the pregnancy termination is incidental to the lifesaving intervention. Specify that the State Health Plan may not offer coverage for services incidental to abortion except as permitted

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

in this provision. State that the physician shall act in accordance with the standard of care to preserve both the life of the mother and the pre-born child. Sponsors: Reps. Delleney and Rice.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: CARRIED OVER

80C.2.(BCB/EB: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases ~~of rape, incest or~~ where the life of the mother is ~~in jeopardy~~ at risk and the termination of the pregnancy is incidental to the lifesaving intervention, and the State Health Plan may not offer coverage for abortion services or services incidental to abortion except as permitted by this paragraph. The physician shall act in accordance with the standard of care to preserve both the life of the mother and the life of the pre-born child.

SECTION 82 - R52 - STATE ETHICS COMMISSION

- 82.1** **ADD** (Electronic Filing) **WMC:** ADD new proviso to authorize the Ethics Commission 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. Require all funds saved be used to offset the cost of administering and enforcing the Ethics Act. Authorize unexpended funds to be carried forward. *Mandated electronic filing for all filers brings the commission into full compliance with Section 8-13-3665 and provides immediate online access for the public and media.* Fiscal Impact: No impact on the General Fund. The commission states that during FY 08-09 four temporary employees were employed at a cost of approximately \$75,000. Mandatory electronic filing would reduce that cost to zero. Requested by Ethics Commission.
HOU: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

82.1. (ETHICS: 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 for the same purpose.

- 82.If** **CARRIED OVER** (Lobbying Fee Increase) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Ethics Commission to increase the registration fees for lobbyists and lobbyists principals to \$150 and to use these funds to offset costs associated with administration and enforcement of Chapter 17 of Title 2 [LOBBYISTS AND LOBBYING] and Chapter 13 of Title 8 [ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM]. Authorize excess funds to be carried forward and used for the same purpose. Requested by Ethics Commission.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: CARRIED OVER

82.If. (ETHICS: Lobbying Fee Increase) 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

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

and Chapter 13 of Title 8 of the South Carolina Code of Laws, 1976, as amended. Any excess funds may be carried forward 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 08-09 and be spent for debt service purposes in FY 09-10.
WMC: AMEND proviso to change fiscal year references from “2008-09” to “2009-10” and “2009-10” to “2010-11.” Fiscal Impact: An estimated \$1,600,000 will be carried forward into FY 10-11.
HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

84.1. (DS: Excess Debt Service Funds Carry Forward) Excess Debt Service funds from Fiscal Year ~~2008-09~~ 2009-10 may be carried forward and expended for debt service purposes in Fiscal Year ~~2009-10~~ 2010-11.

SECTION 86 - X22 - AID TO SUBDIVISIONS, STATE TREASURER

- 86.2** **AMEND** (Local Government Flexibility) Directs that for FY 09-10, counties may transfer funds among appropriated state revenues as needed to ensure delivery of services.
WMC: AMEND proviso to change fiscal year reference from “2009-10” to “2010-11.” Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

86.2. (AS-TREAS: Local Government Flexibility) Fiscal Year ~~2009-10~~ 2010-11, counties of this State may transfer funds among appropriated state revenues as needed to ensure the delivery of services.

- 86.3** **AMEND** (Quarterly Distributions) Directs that for FY 09-10, the quarterly distribution for Aid to Subdivisions-Local Government Fund entities be as follows: 1st quarter is to 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.
WMC: AMEND proviso to change fiscal year references from “2009-2010” to “2010-11” and “2008-2009” to “2009-10.” Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

86.3. (AS-TREAS: Quarterly Distributions) For Fiscal Year ~~2009-2010~~ 2010-11, 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

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

equal the amount of the last quarterly distribution for Fiscal Year ~~2008-2009~~ 2009-10 and thereafter the next three quarterly distributions shall be in reduced equal amounts, the four distributions together totaling the ~~2009-2010~~ 2010-11 appropriation from the Local Government Fund.

86.7 **AMEND** (LGF) Suspends Sections 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] and 6-27-50 [RESTRICTIONS ON AMENDMENT OR REPEAL OF CHAPTER] for the current fiscal year.

WMC: AMEND proviso to change fiscal year reference from “2009-10” to “2010-11.”

HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

86.7. (AS-TREAS: LGF) For Fiscal Year ~~2009-10~~ 2010-11, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976 Code are suspended.

86.flx **CARRIED OVER** (Flexibility) **REQUEST:** ADD new proviso to authorize a political subdivision that receives aid from the Local Government Fund to reduce its support to any state mandated program or requirement by up to the same percentage reduction in the amount appropriated to the Local Government Fund as compared to the last completed fiscal year.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: CARRIED OVER

86.flx. (AS-TREAS: Flexibility) For the current fiscal year, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the last completed fiscal year.

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 2009-10.

WMC: AMEND proviso to change fiscal year reference from “2009-10” to “2010-11.” Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

PROVISO REVIEW 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 ~~2009-10~~ 2010-11, and for other purposes specifically designated.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

- 89.3** **AMEND** (Fiscal Year Definitions) Defines current and prior fiscal year time frames.
WMC: AMEND proviso to update fiscal year references from “2009” to “2010;” “2010” to “2011;” and “2008” to “2009.” Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.

PROVISO REVIEW 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, ~~2009~~ 2010, and ending June 30, ~~2010~~ 2011, and “prior fiscal year” means the fiscal year beginning July 1, ~~2008~~ 2009, and ending June 30, ~~2009~~ 2010.

- 89.16** **AMEND FURTHER** (Personal Service Reconciliation, FTEs) Requires the Budget and Control Board to monitor FTEs.
WMC: AMEND proviso change AMEND proviso to change fiscal year reference from “2009-10” to “2010-11.” Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to delete the suspension of the requirements of subitem 2(c) and subitem 5 [DELETION OF UNFUNDED FTES].

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

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

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:

(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 2009-10-2010-11.~~

89.22 DELETE (Travel Spouse of Governor & Lt. Governor) Authorizes the Governor's and Lieutenant Governor's spouse to be reimbursed for actual expenses when they accompany their respective spouse on official state business.

HOU: DELETE proviso. Sponsor: Rep. Simrill.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

89.22. (GP: Travel Spouse of Governor & Lt. Governor) ~~The spouses of the Governor and the Lieutenant Governor of the State are authorized to receive reimbursement of actual expenses when accompanying the Governor or the Lieutenant Governor on official state business.~~

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

89.25 **AMEND** (Information Technology - Report of Requested Increases) Authorizes and directs the B&C Board to identify all requested information technology increases for agencies, institutions, or departments, except for colleges, universities, and technical institutions. Direct that the requests be compiled in one report and evaluated. Direct that the evaluation be forwarded to the Governor and Chairmen of the Senate Finance and House Ways and Means Committees.

WMC: AMEND proviso to delete the requirement that the requests be evaluated and forwarded. Instead direct that an evaluation be provided upon request of the Governor, or Chairman of the Senate Finance Committee, or Chairman of the House Ways and Means Committee, or a respective subcommittee chairman. *Allows agency resources to focus on evaluations that are of interest to the specified parties.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT proviso as amended.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

89.25. (GP: Information Technology - Report of Requested Increases) The Budget and Control Board is authorized and directed to identify all requested increases for information technology for agencies, Institutions or departments, with the exception of colleges, universities and technical institutions, compile the requests into one report, ~~evaluate the requests and forward the evaluation to~~ for the Governor, the Chairman of Senate Finance Committee, and the Chairman of the House Ways & Means Committee or a respective subcommittee chairman. Upon request of the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, or a respective subcommittee chairman, the Budget and Control Board shall provide an evaluation of any request.

89.43 **CARRIED OVER** (Debt Collection Reports) Requires each state agency to submit a report to the Chairmen of the Senate Finance and House Ways and Means Committees by the last day of February, that provides details on the amount of outstanding debt the agency had the previous calendar year and the methods used to collect the debt.

REQUEST: AMEND proviso to define outstanding debt for purpose of this provision as a sum that remains due and owed to a state agency by a non-governmental entity for more than 60 days.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: CARRIED OVER

89.43. (GP: Debt Collection Reports) Each state agency shall provide to the Chairmen of the Senate Finance and House of Representatives Ways and Means Committees a report detailing the amount of its outstanding debt and all methods it has used to collect that debt. This report is due by the last day of February for the previous calendar year. For purposes of this provision, outstanding debt means a sum remaining due and owed to a state agency by a non-governmental entity for more than sixty (60) calendar days.

89.53 **DELETE** (Best Management Practices) Directs that agencies who are appropriated funds in this act must report on their website by September 1st each year, a self assessment of the agency's use of 13 specific best management practices during the prior fiscal year and to use a format similar to the Department of Transportation's best management practices report. Encourages agencies to partner with other agencies for a peer review process. Requires

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

agencies to publicly rate itself as in compliance, in progress, or in non-compliance for each of the best practices. Exempts higher education institutions from this requirement.

WMC: DELETE proviso. *A more thorough and informative report of agencies' self assessment and activities is already reported in the annual Accountability Report.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

89.53. (GP: Best Management Practices) ~~Using a format similar to the Department of Transportation's best management practices report, by September 1 of each year, agencies appropriated funds in this act must report on their website a self assessment of the agency's use of the following best practices during the prior fiscal year. Agencies are encouraged to partner with other agencies for a peer review process. For each of the best practices, the agency must publicly rate itself as in compliance, in progress, or in non-compliance. State institutions of higher education are exempt from this requirement.~~

~~(1) Integration of Planning and Budgeting: The agency employs a multi year strategic planning process that links the planning process with the annual budget review.~~

~~(2) Internal Audit: The agency utilizes an active internal audit process that includes: (a) programmatic reviews along with fiscal reviews; (b) consistent follow up on audit findings; and (c) reporting of the internal audit function to the institutional head and/or to the governing board, if applicable. Agencies that cannot afford a separate internal audit staff should use internal reviews that serve the same function as an internal auditor.~~

~~(3) Collaboration and Partnerships: The agency demonstrates financially beneficial collaborative efforts with other public entities in performance of business functions including, as applicable, but not limited to, financial management, energy management, printing and publications, mail service, procurement, warehousing, public safety, security, space utilization, and parking.~~

~~(4) Outsourcing and Privatization: The agency examines opportunities for contracting out various business functions, has performed cost analyses, and has implemented, where economically feasible, cost saving contracts.~~

~~(5) Process Analysis: The agency makes a critical examination of its business processes in an effort to increase productivity, reduce waste and duplication, and improve the quality of services provided to its internal customers.~~

~~(6) Use of Automation and Technology: The agency uses a long range plan for improved use of technology to enhance business processes and takes deliberate efforts to implement this technology within budget constraints.~~

~~(7) Energy and Other Resource Conservation and Management: The agency uses a plan to conserve energy and other resources and has demonstrated positive results from the plan.~~

~~(8) Preventive and Deferred Maintenance: The agency uses a regular program of preventive maintenance to preserve its physical assets and has developed a plan to address overdue maintenance needs for its facilities.~~

~~(9) Alternate Revenue Sources: The agency makes substantial efforts to identify and secure alternate revenue sources (excluding categorical grants for specific functions) to supplement funds available from state appropriations.~~

~~(10) External Annual Financial Audit Findings: The agency minimizes or avoids all management letter and single audit findings in the annual audit performed or supervised by the~~

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

~~State Auditor, especially violations of state law, material weaknesses, and single audit “findings” and “questioned costs.”~~

~~(11) External Review Findings: The agency minimizes or avoids all non-compliance findings related to its business practices in external reviews and audits.~~

~~(12) Long Range Capital Plan: The institution uses a long range (minimum three to five years) capital improvement plan for major capital requirements for its buildings and has, subject to fund availability, begun implementation of the plan.~~

~~(13) Risk Management: The agency has an active risk management program in place to minimize its losses.~~

- 89.66** **DELETE** (Morris Island Lighthouse Transfer) Directs the B&C Board to transfer any funds remaining or refunded by the federal government, after the Section 103 Morris Island Lighthouse restoration project is completed, to Save the Lighthouse, Inc. and directs that the funds be used for additional restoration or maintenance of the lighthouse.

WMC: DELETE proviso. *Section 103 agreement has been executed and completed as directed.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**89.66.** (GP: Morris Island Lighthouse Transfer) Responsibility for the Morris Island Lighthouse is transferred from the Department of Natural Resources to the Budget and Control Board. The board is authorized and directed on behalf of the State of South Carolina to execute all necessary agreements concerning Section 103 funds available from the federal government. The State will be responsible for all financial commitments arising from the Section 103 agreements.~~

- 89.79** **DELETE** (Homeland Security Projects) Exempts any Homeland Security project, funded by FY 05-06 Unobligated General Fund Revenue appropriated to the B&C Board in Proviso 73.14, Item (90) of the FY 06-07 Appropriation Act, from Procurement Code requirements. Requires the President Pro Tempore of the Senate and Speaker of the House to authorize any expenditure of these funds.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Project has been completed.* Requested by Budget and Control Board.

~~**89.79.** (GP: Homeland Security Projects) Any Homeland Security project funded by the Unobligated Fiscal Year 2005-06 General Fund Revenue appropriated to the Budget and Control Board pursuant to Item (90), Proviso 73.14 of the Fiscal Year 2006-07 General Appropriations Act is exempt from the requirements of the South Carolina Consolidated Procurement Code. The President Pro Tempore of the Senate and the Speaker of the House of Representatives must authorize any expenditure of these funds.~~

- 89.99** **CARRIED OVER** (ARRA Oversight) Directs that in order to provide transparency and accountability and to maintain the separation of duties as provided by our Constitution, the State Treasurer and the “Comptroller General” shall organize and co-chair a committee for monitoring funds associated with the ARRA of 2009 and that the committee shall collect information from state agencies and institutions regarding the funds they receive from ARRA.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

Directs that information collected shall include, but not be limited to, the name of the state agency or local government entity, program designation, purpose for which the funds were received and expended, and the amount of funds received and expended. Directs that the information collected also include data and documentation on jobs created resulting from receipt of the federal stimulus funds and to collect other information as required by ARRA. Authorize the co-chairs to require local government entities to provide information they deem relevant, including audit reports.

REQUEST: AMEND proviso to direct the committee to assess state agencies an amount of funds equal to the pro rata share of ARRA funding each agency received that is adequate to fund activities related to carrying out the committee's functions of central oversight for transparency and accountability of ARRA funding. Direct that the total assessment not exceed the central administrative budget submitted to the federal government for these activities. Direct the agencies to transfer the assessment from appropriated or authorized funds into an account established by the State Treasurer. Direct the B&C Board, Office of State Budget to assist agencies in identifying funding sources and making the transfers which must occur by 10/1/10. Direct unexpended funds, at the end of the ARRA reporting period, to be remitted to the contributing agencies on a pro-rata basis.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: CARRIED OVER

89.99. (GP: ARRA Oversight) In order to provide transparency and accountability, and to maintain the separation of duties as provided by our Constitution, the State Treasurer and Comptroller General shall organize and co-chair a committee for monitoring funds associated with the American Recovery and Reinvestment Act of 2009. This committee shall collect information from state agencies and institutions regarding funds received from the American Recovery and Reinvestment Act of 2009. Information collected shall include, but not be limited to, the name of state agency or institution, the program designation, the purpose for which the funds were received and expended, and the amount of funds received and expended. The information shall also include data and documentation on job creation resulting from receipt of the federal stimulus funds and any other data or explanation as required by the American Recovery and Reinvestment Act of 2009. The co-chairs may also require local government entities to provide any information deemed relevant to provide disclosure of the American Recovery and Reinvestment Act of 2009 funds to the public, including audit reports. To provide funding for the central oversight costs for transparency and accountability of ARRA funding, the committee is directed to assess state agencies an amount of funds equal to their pro rata share of ARRA funds received, adequate to fund the activities related to carrying out these functions. The total assessment shall not exceed the central administrative budget submitted to the federal government for these activities. The funds shall be transferred by the agencies assessed into an account established by the State Treasurer. Agencies are authorized and directed to transfer the invoiced amounts from appropriated or authorized funds. The Budget and Control Board, Office of State Budget shall assist agencies in identifying funding sources and making the necessary transfers. Funds are to be transferred by no later than October 1, 2010. At the end of the ARRA reporting period, any funds not expended for central administrative costs shall be remitted to the contributing agencies on a pro-rata basis.

89.103 REINSERT/AMEND (Information Technology Inventory) Requires a governmental body as defined by Section 11-35-310(18) [SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE DEFINITIONS] to conduct an inventory of information technology hardware. Directs that hardware to be inventoried and information to be provided shall be defined by the technical

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

collaboration work group established as part of the Statewide Strategic Information Technology Plan process. Directs that the information technology hardware inventory include: (1) manufacturer, model number and date of acquisition; (2) description of required software or firmware; (3) term, renewal options, and date of expiration of applicable maintenance agreements; (4) term and expiration date of applicable warranty periods; and (5) description of applicable service level agreements. Directs the governmental body to report the inventory and related information to the State Information Technology Planning Office as soon as practicable, but no later than October 31, 2009. Directs the State Information Technology Planning Office to present information and options for establishing a statewide maintenance contract to the Agency Directors Technology Advisory Committee for review and recommendations as to whether cost savings can be achieved by uniting maintenance services for specific categories of IT hardware under a state term contract.

WMC: DELETE proviso. *Purpose of proviso will be accomplished during FY 2010.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: REINSERT original proviso and amend to update “2009” to “2010.”

89.103. (GP: Information Technology Inventory) A governmental body, as defined by Section 11-35-310(18) of the 1976 Code, must conduct an inventory of information technology hardware. The information technology hardware subject to the inventory and the information required to be provided shall be defined by the technical collaboration work group established as part of the legislatively directed Statewide Strategic Information Technology Plan process. At a minimum, the inventory shall include: (1) the manufacturer, model number and date of acquisition of the information technology hardware; (2) a description of any software or firmware required for the operation of the information technology hardware; (3) the term, renewal options, and date of expiration of any maintenance agreements applicable to the information technology hardware; (4) the term and expiration date of any warranty periods applicable to the information technology hardware; and (5) a description of any service level agreements applicable to the information technology hardware. The governmental body must report the inventory and related information to the State Information Technology Planning Office as soon as practicable, but no later than October 31, ~~2009~~ **2010**. The State Information Technology Planning Office shall present the information and options for establishing a statewide maintenance contract to the Agency Directors Technology Advisory Committee for review and recommendations as to whether cost savings can be achieved by uniting maintenance services for specific categories of information technology hardware under a state term contract.

- 89.109 DELETE NEW PROVISO** (TERI Program Closure) **WMC:** ADD new proviso to direct that that the TERI program is closed to new participants effective July 1, 2010. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~**89.109.** (GP: TERI Program Closure) *The Teacher and Employee Retention Incentive (TERI) Program is closed to new participants effective July 1, 2010.*~~

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

89.113 DELETE NEW PROVISO (Holiday Furlough) **WMC:** ADD new proviso to authorize agency heads to institute an employee furlough program of up to 5 days to be taken on legal state holidays. Allow agencies to allocate an employee's pay reduction over the balance of the fiscal year for payroll purposes. Direct that during the furlough employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries and 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. Fiscal Impact: No impact on the General Fund. Any savings generated from a potential furlough would be retained by an agency.

HOU: AMEND new proviso to specify that agency heads who institute a furlough under Provisos 6.22 [CHE: MANDATORY FURLOUGH] and 89.95 [GP: MANDATORY STATE AGENCY FURLOUGH PROGRAM] or under Sections 8-11-192 [MANDATORY STATE AGENCY FURLOUGH PROGRAMS; CONSULTATION AND GUIDANCE SERVICES] or 8-11-193 [HIGHER EDUCATION EMPLOYEE FURLOUNDS] may institute that the first five days of the furlough be taken on legal state holidays. Sponsor: Rep. M.A. Pitts.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*89.113. (GP: Holiday Furlough) In the current fiscal year agency heads who institute a furlough under Provisos 6.22 and 89.95 or under Sections 8-11-192 or 8-11-193 of the 1976 Code may institute the first five days of that employee furlough to be taken on legal state holidays. Agencies may allocate the reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. During this furlough, the state 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 which require employer and employee contributions, 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.*~~

89.114 AMEND NEW PROVISO (Retiree Return to Work Salary Percentage) **WMC:** ADD new proviso to direct that a retiree who returns to work at a state agency shall be paid no more than 75% of the salary they were receiving when they retired. Direct that if an agency must employ a retiree who is returning to work, they should possess a unique skill set or institutional knowledge which would be difficult to replace. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to delete previous requirements and instead direct that when state agencies manage vacancies created by classified FTEs retiring, state agencies should realize at least an aggregate 25% savings in personnel costs. Direct that prior to filling one of these vacancies, agencies must review the position and determine the appropriate salary as well as whether they can manage without filling the position or by delaying filling the position. Require the agency to follow all laws and regulations concerning posting and competitive solicitation and consideration of applicants before filling the vacancy. Prohibit agencies from entering into any agreement with an employee that violates the terms of this provision.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

~~89.114. (GP: Retiree Return to Work Salary Percentage Cost Savings When Filling Vacancies Created by Retirements) The salary of a retiree who returns to work at a state agency shall be no more than 75% of the salary they were receiving upon the time of their retirement. In the event that an agency must employ a retiree who is returning to work, the employee should possess a unique skill set or institutional knowledge which would otherwise be difficult to replace. During the current fiscal year, whenever classified FTEs become vacant because of employee retirements, it is the intent of the General Assembly that state agencies should realize personnel costs savings of at least 25% in the aggregate when managing these vacant positions. Prior to filling a classified FTE which has become vacant because of a retirement, an agency must review and determine the appropriate salary for the position as well as determine whether the agency can manage without filling the position or by delay in filling the position. Prior to filling the vacant FTE, agencies must follow all laws and regulations concerning posting and competitive solicitation and consideration of applicants. No agency shall enter into any agreement with any employee that violates the terms of this proviso.~~

- 89.115** **ADD** (Travel Reduction Assessment) **HOU:** ADD new proviso to encourage agencies to ensure that front line employees who provide direct services to clients are minimally impact when assessing travel reductions. Sponsor: Rep. Cooper.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

89.115. (GP: Travel Reduction Assessment) Agencies are encouraged, when assessing travel reductions, to ensure that front line employees who provide direct services to clients are minimally impacted by the reduction.

- 89.117** **CARRIED OVER** (Retirement Systems) **HOU:** ADD new proviso to authorize a charter school who employs an individual who is on leave from a local school district on or after 7/1/06, to participate in the S.C. Retirement Systems as a covered employer with regards to that employee on leave through 7/30/11, to the extent that the charter school and the employee have made the required employer and employee contributions to the System and direct that the employee shall accrue benefits and credits in the System. Direct the charter school to remit and the employee to make the required employer contributions to the Retirement System and direct that the contributions be picked up in accordance with Section 9-1-1020 [EMPLOYEE ANNUITY SAVINGS FUND; DEDUCTIONS FROM COMPENSATION OF MEMBERS OF SYSTEM; EMPLOYER TO PAY REQUIRED MEMBER CONTRIBUTIONS ON EARNINGS AFTER JULY 1, 1982; TAX TREATMENT; FUNDING; RETIREMENT TREATMENT]. Authorize the Retirement System to impose reasonable administrative requirements. Sponsor: Rep. Cooper.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: CARRIED OVER

89.117. (GP: Retirement Systems) A charter school employing an individual on leave from a local school district on, or after July 1, 2006 shall participate in the South Carolina Retirement Systems as a covered employer with respect to the employee on leave through June 30, 2011 only to the extent that the charter school and the employee have made required employer and employee contributions to the South Carolina Retirement Systems from the employee's date of employment with the charter school. The employee on leave from a local school district employed by a charter school shall accrue benefits and credits in the South

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

Carolina Retirement Systems. The charter school shall remit to the Retirement Systems the employer contributions required by law for participating employers. The employee shall make the employee contributions to the Retirement Systems required by law and the contributions must be picked up in accordance with Section 9-1-1020. The South Carolina Retirement Systems may impose reasonable requirements to administer this section.

- 89.121 DELETE NEW PROVISO** (Three Year Expenditure Plan) **HOU:** ADD new proviso to require the report provided under Section 11-11-350 [ESTIMATES OF PLANNED GENERAL FUND EXPENDITURES] be submitted to all members of the General Assembly in order to ensure transparency and accountability. Require an e-version of the report be sent to each member of the General Assembly and be published on the Governor's and General Assembly's website. Sponsor: Rep. Govan.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~89.121. (GP: Three Year Expenditure Plan) In order to ensure transparency and accountability, the report provided under Section 11-11-350 of the 1976 Code must be submitted to all members of the General Assembly. An electronic version of the report must be sent to each member of the General Assembly and must also be published on the Governor's and General Assembly's website.~~

- 89.schec ADD (SCEIS-DHEC) PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that the SCEIS program and DHEC complete implementation of the Financial and Procurement components of SCEIS for DHEC no later than August 2, 2010. Direct DHEC to spend funds as required to ensure the implementation is completed as scheduled. Direct the SCEIS program to use available resources to assist and support DHEC's implementation. Direct the SCEIS Team to report to the SCEIS Executive Oversight Committee monthly on its activities under this provision. Requested by Budget and Control Board.

89.sdhec. (GP: SCEIS DHEC) It is the intent of the General Assembly that all agencies achieve the maximum benefit of accounting, management and transparency through the implementation of the South Carolina Enterprise Information System (SCEIS). To accomplish this goal at the Department of Health and Environmental Control for the SCEIS Financial and Procurement components of SCEIS, the SCEIS Program and the Department of Health and Environment Control are directed to complete the implementation of those components not later than August 2, 2010. The Department of Health and Environmental Control shall expend funds as required to ensure the implementation is completed as scheduled. The SCEIS Program shall use resources available to assist and support the Department of Health and Environmental Control implementation. The SCEIS Team shall make monthly reports to the SCEIS Executive Oversight Committee concerning its activities under this provision.

- 89.dots ADD (SCEIS-DOT) PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that to ensure the goal of all agencies achieving implementation of the SCEIS program by June 30, 2011, certain processes will be implemented at the Department of Transportation to assist the agency with SCEIS implementation.

89.dots. (GP: SCEIS-DOT) It is the intent of the General Assembly that all agencies achieve the maximum benefit of accounting, management and transparency through the implementation of the South Carolina Enterprise Information System (SCEIS). In order to

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

ensure this goal is completed by not later than June 30, 2011 at the Department of Transportation, the following process shall be implemented. The SCEIS Program and the Department of Transportation shall form a DOT SCEIS Implementation Team dedicated to the successful implementation of SCEIS within the Department of Transportation. This team is directed to identify and implement high level interfaces to allow the Department of Transportation to remain operational as the Statewide Accounting and Reporting System, Human Resources and Payroll systems are retired prior to the full implementation of SCEIS within the Department of Transportation. The DOT SCEIS Implementation Team is further directed to develop an implementation plan to identify the components to be fully implemented at the Department of Transportation and to develop the proposed scope, schedule and projected cost of these components not later than September 1, 2010. The SCEIS Executive Oversight Committee is directed to establish a SCEIS/Department of Transportation Implementation subcommittee consisting of a senior manager designated by the Comptroller General, a senior manager designated by the Executive Director of the Budget and Control Board, and a senior manager designated by the Secretary of the Department of Transportation, and shall include staff as designated by the Department of Transportation and staff as designated by the SCEIS Program. In addition, the Department of Transportation shall include a senior management representative of the federal highway administration as an advisor to this subcommittee and as a member of the DOT SCEIS Implementation Team. The Department of Transportation may expend funds as determined under the implementation plan as necessary to maximize the long term return in the areas of finance, procurement, human resources and payroll, budgeting, federal aid billing, project management and other areas where modernization benefits the agency. The SCEIS Program shall use resources available to assist and support the Department of Transportation implementation.

- 89.bsl** **CARRIED OVER** (Broadband Spectrum Lease) **REQUEST:** ADD new proviso to require the General Assembly to approve any exercise of the Educational Broadband Service Spectrum Lease Agreements Middle Band Segment Channel recapture provisions if the exercise of those provisions would result in a decrease to the General Fund. Requested by Budget and Control Board.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: CARRIED OVER

89.bsl. (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the recapture provisions would result in a decrease in payments received by the State for deposit into the State General Fund.

- 89.ssa** **ADD** (SCEIS Set-Aside Accounts) **PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the Comptroller General to transfer all agency funds that remain in a SCEIS set-aside account to the B&C Board for the South Carolina Enterprise Information System (SCEIS) during FY 2010-11. Direct that the B&C Board, SCEIS program must assume responsibility for repayment of these transferred funds.

89.ssa. (GP: SCEIS Set-Aside Accounts) The Comptroller General is directed to transfer all agency funds remaining in a SCEIS set-aside account to the Budget and Control Board for the South Carolina Enterprise Information System (SCEIS) during Fiscal Year 2010-11. The Budget and Control Board, SCEIS program must assume responsibility for repayment of the funds transferred under this provision.

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

SECTION 90 - X91 - STATEWIDE REVENUE

- 90.1** **AMEND** (Year End Expenditures) Directs year-end expenditure deadlines.
WMC: AMEND proviso to change fiscal year reference from “2010” to “2011” and “July 16, 2010” to “July 15, 2011.” Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.

PROVISO REVIEW 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, ~~2010~~ 2011. State agencies are required to submit all current fiscal year input documents to the Comptroller General’s Office by July ~~16, 2010~~ 15, 2011. 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.

- 90.17** **ADD** (Zero Based Budgeting Study) **HOU:** ADD new proviso to direct the State Treasurer’s Office to study and make recommendations on suggested procedures and implementation dates regarding implementing a zero-based budgeting process for every state agency, department, instrumentality, entity, or institution. Direct that the study include a determination and establishment of functional areas for state government within which agencies shall operate and to establish suggested performance standards, objectives, and measuring criteria for each agency within its functional area. Direct that higher education institutions are to be included in the study. State that the goal and intent of the study is for better and more efficient analysis and use of authorized and appropriated state funds. Direct that the State Treasurer’s Office is responsible for the study and that recommendations will be submitted to the General Assembly at the beginning of the 2011 session, and that quarterly progress reports must be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees. Sponsors: Reps. Clemmons, Bedingfield, and G.R. Smith.

PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

90.19. *(SR: Zero Based Budgeting Study) The Office of State Treasurer shall study and make recommendations including suggested procedures and implementation dates regarding the implementation of a zero-based budgeting process for every state agency, department, instrumentality, entity, or institution. Included in this study shall be a determination and establishment of functional areas for state government within which state agencies, departments, and institutions shall operate, and the establishment of suggested performance standards, objectives, and measuring criteria for each agency within its functional area. Institutions of higher education shall also be included in this study. The goal and intent of this study is for better and more efficient analysis and utilization of authorized and appropriated*

**PROVISO REVIEW SUBCOMMITTEE
CONSTITUTIONAL/ADMINISTRATIVE RECOMMENDATIONS
FOR FY 2010-11**

state funds for the benefit of the citizens of this State. The Office of State Treasurer is responsible for this study and recommendations which shall be submitted to the General Assembly at the beginning of its 2011 session. Prior to completion of this study and these recommendations, progress reports must be submitted at the end of each quarter to the chairmen of House Ways and Means and Senate Finance.

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