

**NATURAL RESOURCES SUBCOMMITTEE
PROVISOS RECOMMENDED FOR FY 2010-11
TO THE PROVISO SUBCOMMITTEE**

SECTION 37 - P24 - DEPARTMENT OF NATURAL RESOURCES

37.5 **AMEND** (Proportionate Funding) Directs that a proportionate share of funds, at \$15,000 per district, be allocated to each of the State's 46 Soil and Water Conservation Districts for general assistance to the district's programs. Directs that available funds above the \$15,000 will be apportioned by DNR based on local needs and priorities as determined by the board. Directs that during the fiscal year, district funding may only be reduced in an amount not to exceed the percentage of each agency budget reduction. Directs that no districts shall receive these funds unless the county or counties within the district have appropriated at least \$300 to the district for the same purposes.

WMC: AMEND proviso to change "\$15,000" to "\$13,674." *Reflects the budget reductions the agency has taken during FY 09-10.* Fiscal Impact: No impact on the General Fund. OSB states the original appropriation for this line totaled \$690,000 which equated to \$15,000 per district. After applying FY 09-10 mid-year reductions to the FY 10-11 base appropriation the line now has a total of \$629,018 before any potential additional legislative adjustments. This figure equates to \$13,674 per district. Requested by Department of Natural Resources.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

37.5. (DNR: Proportionate Funding) Each of South Carolina's 46 soil and water conservation districts shall receive a proportionate share of funding set aside for Aid to Conservation Districts at ~~\$15,000~~ \$13,674 per district for general assistance to the district's program. Available funding above ~~\$15,000~~ \$13,674 for each district will be apportioned by the Department of Natural Resources based upon local needs and priorities as determined by the board. During the fiscal year, the districts' funding may only be reduced in an amount not to exceed the percentage of each agency budget reduction. No district shall receive any funds under this provision unless the county or counties wherein the district is located shall have appropriated no less than three hundred dollars to the district from county funds for the same purposes.

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

39.5 **AMEND** (Product Development Funds) Establishes the guidelines for administering funds allocated for the Product Development Program. Directs the department to transfer \$2 million of uncommitted Product Development Program funds to the Destination Specific Tourism Program and to use \$526,200 for general agency operations.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the requirement that \$2 million of uncommitted Product Development Program funds be transferred to the Destination Specific Tourism Program. Authorize PRT to use all uncommitted Product Development funds for agency operating expenses.

39.5. (PRT: Product Development Funds) All Product Development funds, whether carried forward or new appropriations, must be matched with a 2 to 1 private funds ratio. An organization receiving a state grant must certify that, as of the date of the application: (i) the private funds are new dollars as of the current fiscal year specifically designated for the purpose of matching state funds; (ii) the private funds have not been previously allocated or designated for product development; (iii) the organization has on hand or has an approved line of credit of

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not less than the amount of private funds needed to provide the required match. Grant recipients shall provide a quarterly report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the director of the Department of Parks, Recreation and Tourism on the expenditure of the grants funds and on the proposed outcome measures. ~~The department is further directed, for Fiscal Year 2009-10, to transfer \$2,000,000 of uncommitted Product Development Program funds to the Destination Specific Tourism Program. In addition, the~~ *The* department is authorized to utilize \$526,200 of uncommitted Product Development funds for general agency operational purposes.

- 39.10 AMEND** (Gift Shops) Directs that effective July 1, 2009, the Governor's Mansion Gift Shop located in the basement of the Caldwell-Boylston House shall close. Authorizes PRT to close the State House Gift Shop on weekends at their discretion.
WMC: AMEND proviso to delete the reference to the Governor's Mansion Gift Shop located in the Caldwell Boylston House. *The gift shop has been closed.* Fiscal Impact: No impact on the General Fund. Requested by Department of Parks, Recreation and Tourism.
HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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

- 39.12 AMEND NEW PROVISO** (Destination Specific Tourism Transfer) **WMC:** ADD new proviso to direct the Department of Revenue, for FY 2010-11, to transfer to PRT the Motion Picture Incentive Rebate set-aside funds carried forward from the prior fiscal year . Direct that these funds be used for the Destination Specific Tourism Program and authorize the funds to be carried forward and used for the same purpose. Fiscal Impact: No impact on the General Fund.
HOU: AMEND new proviso to specify Motion Picture Incentive "Wage" Rebate. Sponsor: Rep. White.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso as amended.

39.12. *(PRT: Destination Specific Tourism Transfer) From the funds set aside pursuant to the Motion Picture Incentive Wage Rebate, for Fiscal Year 2010-11 unexpended funds carried forward from the prior fiscal year shall be transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism and utilized for the Destination Specific Tourism Program. These funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purpose.*

- 39.fec ADD** (Funds Exempt from Budget Cut) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that pass through funds, special items, or items specified in any general provision which are exempt from reduction shall be excluded from the department's base budget for purposes of calculating across the board cuts mandated by the B&C Board or the General Assembly.

39.fec. *(PRT: Funds Exempt from Budget Cut) In the calculation of any across the board cut mandated by the Budget and Control Board or the General Assembly, any amounts appropriated for pass through, special items, or other items specified in any general proviso,*

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which are exempt from reduction, shall be excluded from the Department of Parks, Recreation and Tourism's base budget.

- 39.flx** **ADD (Flexibility) SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the department, in order to provide maximum flexibility to absorb general fund reductions, to spend agency earmarked and restricted accounts to maintain critical programs previously funded with general fund appropriations. Require prior Office of State Budget approval to increase spending authorization for these purposes. Prohibit the department from reducing or transferring funds from Regional Promotions or Palmetto Pride. Prohibit the department from closing or reducing FTE's in the State House Gift Shop and the Santee Welcome Center.

39.flx. (PRT: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the Department of Parks, Recreation and Tourism, the department shall be authorized to spend agency earmarked and restricted accounts to maintain these critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Office of State Budget. Notwithstanding the flexibility authorized in this provision, the department is prohibited from reducing or transferring funds from Program II. A. Special Item: Regional Promotions or Program II. C. Special Item: Palmetto Pride. In addition the department is prohibited from closing or reducing the FTE's in the State House Gift Shop, and the Santee Welcome Center.

SECTION 40 - P32 - DEPARTMENT OF COMMERCE

- 40.3** **AMEND (Coordinating Council Funds)** Authorizes the council, from funds set-aside by Section 12-28-2910 [SOUTH CAROLINA COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT; ESTABLISHING PROJECT PRIORITIES; DISPOSITION OF PAYMENTS], to spend funds unobligated or uncommitted as of July 1 of the current fiscal year only as necessary for location or expansion of an industry or business facility in the state. Defines eligible expenditures and site preparation. Requires the Coordinating Council annually prepare a detailed report and which shall be submitted to the General Assembly by March 15th that itemizes expenditures for the preceding calendar year and includes the specific information. Directs that the General Assembly shall not appropriate funds or direct the council to extend loans or grants. Directs that the council shall not extend loans or grants from the amounts set aside by Section 12-28-2910 for any other purpose. Authorizes the council, in order to provide maximum flexibility to encourage new jobs creation and capital investments, to transfer to the Closing Fund up to \$7,000,000 of economic development funds at its disposal provided the transfer is approved by a majority vote of the Coordinating Council members in a public meeting. Authorizes any unexpended balance to be carried forward and expended by the department for the same purpose.

WMC: AMEND proviso to delete specific reference to \$7,000,000. Fiscal Impact: No impact on the General Fund. The Coordinating Council can transfer any amount to the Closing Fund it deems appropriate.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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

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

In order to provide maximum flexibility to encourage the creation of new jobs and capital investment, the Coordinating Council for Economic Development has the authority to transfer ~~up to \$7,000,000 of~~ economic development funds at its disposal to the Closing Fund, provided the transfer is approved by a majority vote of the Coordinating Council members in a public meeting. Any unexpended balance on June 30, of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purpose.

40.10 DELETE (Reimbursement of Expenditures) Directs that ICAR project reimbursements of expenditures in prior fiscal years shall be retained for repayment of funds previously used for the ICAR project.

WMC: DELETE proviso. *The proviso was established for a particular project and is no longer needed.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.

HOU: ADOPT deletion of proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

40.10. (CMRC: Reimbursement of Expenditures) ~~Any reimbursements of expenditures in prior fiscal years related to infrastructure costs for the ICAR project shall be retained by the department for repayment of funds previously used for the ICAR project.~~

40.11 DELETE (Job Development Credits) Allows any company that was approved for Job Development Credits in January 2005 to have the option of using the prior year's county classification for purposes of obtaining the Job Development Credits.

WMC: DELETE proviso. *The proviso timeliness has expired and is no longer needed.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.

HOU: ADOPT deletion of proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

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40.11. (CMRC: Job Development Credits) ~~Any company that received approval for Job Development Credits in January 2005 shall have the option of using the prior year's county classification for purposes of obtaining the Job Development Credits.~~

- 40.17** **DELETE** (Public Railways) Directs the Division of Public Railways to create a statewide rail plan on or before March 31, 2009 that is in compliance with applicable federal laws, rules, and regulations. Directs the division to consult with and seek input from DOT, State Ports Authority, B&C Board Aeronautics Division, PRT, PSC, ORS, and DHEC throughout the planning process. Directs the division to seek advice and input from the Councils of Governments, CSX, Norfolk Southern, Amtrack, short-line railroads, and any other associations that may be affected by developing the statewide rail plan. Directs the Department of Commerce to make \$100,000 of their funds available for the creation of the statewide rail plan.
WMC: DELETE proviso. *The statewide rail plan has been created.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.
HOU: ADOPT deletion of proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

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

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

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

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

- 40.19** **DELETE** (Repayment of Energy Loan) Directs that \$1,929,000 of Department of Commerce appropriated, authorized, or carried forward funds be used to repay the State Energy Office energy loan that was made to the Donaldson Center Industrial Air Park.
WMC: DELETE proviso. *Loan was repaid in FY 2009.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce and B&C Board.
HOU: ADOPT deletion of proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

40.19. (CMRC: Repayment of Energy Loan) ~~From the funds appropriated, authorized, and/or carried forward by the Department of Commerce, \$1,929,000 shall be utilized to repay the energy loan that was made to the Donaldson Center Industrial Air Park from the State Energy Office.~~

- 40.20** **DELETE** (Water Litigation) Requires the department to transfer \$500,000 from the State Rural Infrastructure program to the Attorney General's Office for water litigation.
WMC: DELETE proviso. *Deletion will ensure that more funds are available for recruiting jobs and investments to the state.* Fiscal Impact: No impact to the General Fund. \$500,000 of

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State Rural Infrastructure Program funds will be available for their intended purpose. Requested by Department of Commerce.

HOU: ADOPT deletion of proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

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

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

WMC: DELETE proviso. *The proviso was established for 2008 only and is no longer needed.* Fiscal Impact: No impact on the General Fund. The \$450,000 will be used by the department for its intended purpose. Requested by Department of Commerce.

HOU: ADOPT deletion of proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

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

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

WMC: DELETE proviso. *The Aeronautics Commission has been transferred to the B&C Board.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce and Division of Aeronautics.

HOU: ADOPT deletion of proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

40.22. (CMRC: Aeronautics Assets and Funds) ~~In accordance with Section 13-1-1010 of the 1976 Code, the Department of Commerce is prohibited from selling or transferring any~~

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~~Division of Aeronautics assets, including but not limited to, leasehold improvements and all rights inuring to the benefit of the Division of Aeronautics under real estate leases in effect as of January 1, 2009, and the ability to sublease same, without the approval of the South Carolina Aeronautics Commission and the Secretary of Commerce. In addition, any relocation of the Division of Aeronautics from the property known as the South Carolina Division of Aeronautics Building at the Columbia Metropolitan Airport must be approved by the Aeronautics Commission and the Secretary of Commerce and funds appropriated to or authorized for the Division of Aeronautics may not be transferred to or expended for any other program without the approval of the Aeronautics Commission and the Secretary of Commerce. In the event state appropriations are reduced, Division of Aeronautics general funds may not be reduced in an amount greater than the percentage stipulated by the Budget and Control Board or the General Assembly for the agency as a whole.~~

- 40.23 REINSERT ORIGINAL PROVISO** (Civil Air Patrol Transfer) Directs the department to transfer \$50,000 of the funds appropriated to or authorized for the department to the Adjutant General's Office for the Civil Air Patrol.

WMC: DELETE proviso. *Deletion will ensure that more funds are available for recruiting jobs and investments to the state.* Fiscal Impact: No impact to the General Fund. \$50,000 of agency funds will be available for job recruitment and investment purposes. Requested by Department of Commerce.

HOU: ADOPT deletion of proviso.

SFC SUBCOMMITTEE RECOMMENDATION: REINSERT original proviso.

40.23. (CMRC: Civil Air Patrol Transfer) Of the funds appropriated to or authorized for the Department of Commerce, the department shall transfer \$50,000 to the Adjutant's General Office for the Civil Air Patrol.

SECTION 56 - R04 - PUBLIC SERVICE COMMISSION

- 56.1 DELETE** (Real-Time Closed Captioning - Major Media Markets) Authorizes and directs the Public Service Commission to spend up to \$810,000 from the Dual Party Relay Fund to continue real-time closed captioning of locally produced news services for the 4 television stations currently providing the service. States that the purpose of the voluntary program is to allow deaf and hard-of-hearing citizens to have real-time access to news and weather information. Directs that these funds can only be used for expenditures directly related to real-time closed captioning and that this provision remains in effect through June 30, 2010 or until a contract for real-time closed captioning is awarded, whichever comes first.

WMC: DELETE proviso. *A contract has been awarded.* Fiscal Impact: No impact on the General Fund. Requested by Public Service Commission.

HOU: ADOPT deletion of proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

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

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

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

- 65.3** **AMEND** (POLA - ~~440%~~ 10%, Other Funds) Requires the Professional and Occupational Offices to annually remit to the general fund an amount equal to 10% of their expenditures. Requires the Contractor's Licensing Board to remit to the general fund all revenues above their expenditures and directs that their 10% is included in that amount. Requires the department to also transfer \$5,300,000 from Subfund 3135 to the general fund. Allows the department to transfer funds from any other earmarked or restricted "special revenue fund" and lifts any restrictions on the use of those funds for the fiscal year. States the General Assembly's intent to assist the department to reduce and eventually eliminate this general fund obligation.
WMC: AMEND proviso to delete the requirement that \$5,300,000 be transferred from Subfund 3135 to the general fund. *The transfer of the \$5.3 million was for FY 10-11.* Fiscal Impact: No impact on the general fund since this was a non-recurring one-time transfer. Requested by Department of Labor, Licensing and Regulation.
HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

65.3. (LLR: POLA - ~~440%~~ 10%, Other Funds) The Professional and Occupational Offices in Program II.F. Professional and Occupational Licensing must remit annually an amount equal to 10% of the expenditures to the general fund. The Contractor's Licensing Board must remit all revenues above their expenditures to the general fund. The revenue remitted by the Contractor's Licensing Board to the general fund includes the 10%. ~~In addition, the Department of Labor, Licensing, and Regulation is directed to transfer \$5,300,000 from Subfund 3135 to the General Fund of the State. In order to provide maximum flexibility to maintain critical programs, the department may, in lieu of the specific account identified herein, opt to transfer an equal amount of funds from any agency earmarked or restricted account designated as "special revenue funds" as defined by the Comptroller General's records for this purpose. Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. It is the intent of the General Assembly to assist the department to reduce and eventually eliminate this obligation to the general fund.~~

- 65.8** **AMEND FURTHER** (Immigration Bill Funding) Directs that notwithstanding any other provision of this act, the department must retain \$750,000 of the funds carried forward in Subfund 3135 to fund the department's Illegal Immigration Reform Act responsibilities prior to transferring Subfund 3135 funds for any other purpose.
WMC: AMEND proviso to change "\$750,000" to "\$2,000,000." Fiscal Impact: No impact on the General Fund. Other funds carried forward from the prior fiscal year will be used.
HOU: AMEND FURTHER to direct the department to compile an accountability report that outlines Immigration Bill funding expenditures and to submit the report on the first Tuesday of February 2011 to the President Pro Tempore of the Senate, Speaker of the House, and Chairmen of the Senate Finance Committee, Senate Transportation and Regulatory Committee,

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House Ways and Means Committee, and the House Transportation and Regulatory Committee.
Sponsor: Rep. Crawford.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to change references to two committees who will receive the report to appropriate Senate Finance and House Ways and Means “subcommittees.”

65.8. (LLR: Immigration Bill Funding) ~~Notwithstanding any other provision of this act, prior~~ Prior to any funds carried forward from the prior fiscal year in Subfund 3135 being transferred to fund any other purpose, ~~\$750,000~~ \$2,000,000 must be retained by the Department of Labor, Licensing, and Regulation to fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. The department shall compile an accountability report outlining expenditures of the Immigration Bill funding to be issued to the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Transportation and Regulatory Committee, the Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the Chairman of the House Ways and Means Transportation and Regulatory Subcommittee. Said report must be issued on the first Tuesday of February 2011.

65.10 DELETE (Transfer to General Fund) Directs the department to transfer \$4,362,265 to the General Fund from funds carried forward in Subfund 3135. Authorizes the department to transfer an equal amount of funds from any “special revenue funds” earmarked or restricted account if they so choose and directs that restrictions concerning use of those funds is lifted for the specified fiscal year.

WMC: DELETE proviso. *The transfer was specifically for FY 09-10.* Fiscal Impact: No impact on the General Fund since this was a non-recurring one-time transfer. Requested by Department of Labor, Licensing and Regulation.

HOU: ADOPT deletion of proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

65.10. (LLR: Transfer to General Fund) ~~For Fiscal Year 2009-10, the Department of Labor, Licensing, and Regulation is directed to transfer \$4,362,265 of the funds carried forward in Subfund 3135 to the General Fund of the State. In order to provide maximum flexibility to maintain critical programs, the department may, in lieu of the specific account identified herein, opt to transfer an equal amount of funds from any agency earmarked or restricted account designated as “special revenue funds” as defined by the Comptroller General’s records for this purpose. Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year.~~

65.11 ADD (Illegal Immigration Hotline) **WMC:** ADD new proviso to transfer responsibility for establishing and maintaining a 24 hour toll free telephone number and electronic website to receive, record, collect, and report allegations of federal or South Carolina immigration laws violations by or against any non-US citizen or immigrant from the Commission on Minority Affairs to the Department of Labor, Licensing, and Regulation. Direct that violations include, but are not limited to, E-Verify or other federal work authorization program violations, violations of Chapter 83 of Title 40 [REGISTRATION OF IMMIGRATION ASSISTANCE SERVICES], or any regulations that govern operation of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as defined by Section

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40-83-20 [REGISTRATION OF IMMIGRATION ASSISTANCE SERVICES-DEFINITIONS], violation of human trafficking laws, as defined in Section 16-3-930 [TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES; PENALTY; EXCEPTIONS], landlord tenant law violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services. Direct the LLR executive director, or a designee, to establish and maintain a centralized tracking database that consists of all information received through the 24 hour toll free telephone number and electronic website, and to report all alleged violations to the appropriate law enforcement, administrative, executive, or regulatory agency or political subdivision that has law enforcement or regulatory control over the subject matter, including, but not limited to the US Bureau of Immigration and Customs Enforcement, consistent with 8 USC Section 1373. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

65.11. (LLR: Illegal Immigration Hotline) The responsibility for establishing and maintaining a twenty-four hour toll free telephone number and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related provisions of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal immigration laws or related provisions in South Carolina law against any non-United States citizen or immigrant shall be transferred from the Commission on Minority Affairs to the Department of Labor, Licensing, and Regulation.

Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations of Chapter 83 of Title 40 of the 1976 Code relating to immigration assistance services, or any regulations enacted governing the operation of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-930, landlord tenant law violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services.

The executive director of the Department of Labor, Licensing, and Regulation, or a designee, shall establish and maintain a centralized tracking database consisting of all information received through the twenty-four hour toll free telephone number and electronic website, and shall report all alleged violations to the appropriate law enforcement, administrative, executive, or regulatory agency or political subdivision having law enforcement or regulatory control over the subject matter, including, but not limited to the United States Bureau of Immigration and Customs Enforcement, consistent with 8 USC Section 1373.

65.12 AMEND NEW PROVISO (South Carolina Emergency Response Task Force/State Urban Search and Rescue Program) **WMC:** ADD new proviso to require the department, prior to transferring any of the funds carried forward in Subfund 3135 for any other purpose, and after fulfilling the requirements of proviso 65.8 [IMMIGRATION BILL FUNDING], to retain \$650,000 of the funds carried forward in Subfund 3135 generated from Revenue Object Code 1801 and use these funds to fund, maintain, and operate the South Carolina Emergency Response Task Force/State Urban Search and Rescue Program for FY 2010-11. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to direct that after the requirements of proviso 65.8 and the OSHA program state match have been met, \$650,000

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of the funds carried forward in Subfund 3135 must be used for the Urban Search and Rescue Program.

65.12. *(LLR: South Carolina Emergency Response Task Force/State Urban Search and Rescue Program) ~~Prior to any funds carried forward from the prior fiscal year in Subfund 3135 being transferred to fund any other purpose and after fulfilling~~ After the requirements of proviso 65.8 of this act and the state match for the OSHA program have been met, \$650,000 of the funds carried forward in Subfund 3135 ~~generated from Revenue Object Code 1801~~ must be retained by the Department of Labor, Licensing, and Regulation to fund, maintain, and operate the South Carolina Emergency Response Task Force/State Urban Search and Rescue Program for FY 2010-11.*

- 65.13** **ADD** (Release of Information) **HOU:** ADD new proviso to direct the department to provide information as requested by a POL Board that operates under the purview of the department to that board in a timely manner. Sponsor: Rep. Sandifer.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

65.13. *(LLR: Release of Information) If a Professional and Occupational Licensing Board operating under the purview of the department requests information, such information must be provided in a timely manner.*

SECTION 69 - Y14 - STATE PORTS AUTHORITY

- 69.1** **AMEND** (Charleston Cooper River Bridge Project) Directs the State Ports Authority to pay the State Transportation Infrastructure Bank \$1,000,000 before 6/30/10 from other general fund or operating fund surplus and any funds appropriated to the authority in prior fiscal years that are unspent as of 7/1/09, to continue the Charleston Cooper River Bridge Project.
WMC: AMEND proviso to change "2009" to "2010" and "2010" to "2011." *Meets the obligations of the State Ports Authority and the State Infrastructure Bank's financial agreement.* Fiscal Impact: No impact on the General Fund. The funds used to pay the Transportation Infrastructure Bank are operating funds of the Ports Authority, none of which are state appropriated funds. Generates \$1,000,000 for the State Transportation Infrastructure Bank. Per the Ports Authority, the commitment of the agency is to provide \$1,000,000 per year for 25 years, until 2027.
HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

69.1. (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating fund surplus available and any funds appropriated to the authority in prior fiscal years and left unexpended as of July 1, ~~2009~~ 2010, pay to the State Transportation Infrastructure Bank one million dollars before June 30, ~~2010~~ 2011, to continue the Charleston Cooper River Bridge Project.

SECTION 76 - E16 - STATE TREASURER'S OFFICE

- 76.up** **ADD** (Economic Development Unclaimed Capital Credits) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD a new proviso to authorize businesses that were created

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pursuant to Section 33-45-10 [COOPERATIVE ASSOCIATIONS GENERALLY] who certify they have returned unclaimed capital credits to their permanent capital for economic development for the last 5 consecutive years, to allocate 100% of their unclaimed capital credits to their permanent capital for economic development in the initial report year pursuant to a settlement agreement with the State Treasurer's Office and to allocate 80% the following two report years. Direct that after 3 report years 100% of unclaimed capital credits must be reported and remitted in accordance with Section 27-18-10 [UNIFORM UNCLAIMED PROPERTY ACT]. Exempt funds allocated to permanent capital for economic development from the provisions of Section 27-18-200(A)[PAYMENT OR DELIVERY OF ABANDONED PROPERTY TO ADMINISTRATOR; EXCEPTIONS; HOLDER OF STOCKS OR SIMILAR INTANGIBLE OWNERSHIP INTERESTS RELIEVED OF LIABILITY UPON DELIVERY] if the reporting requirements of Section 27-18-180 [REPORT OF UNCLAIMED PROPERTY; NOTICE TO APPARENT OWNER] are met and the cooperative reimburses the state for claims in excess of the amount remitted.

76.up. (TREAS: Economic Development Unclaimed Capital Credits) Businesses created pursuant to Section 33-45-10 of the 1976 Code who certify they have returned unclaimed capital credits to their permanent capital for economic development for the last five consecutive years, may allocate one hundred percent of their unclaimed capital credits to their permanent capital for economic development in the initial report year pursuant to a settlement agreement with the State Treasurer's Office and eighty percent of their unclaimed capital credits in the following two report years. After these three report years, one hundred percent of unclaimed capital credits must be reported and remitted in accordance with Section 27-18-10 et seq. The funds allocated to permanent capital for economic development under this proviso are exempt from the provisions of Section 27-18-200(A) provided the reporting requirements of Section 27-18-180 are met and the cooperative reimburses the state for any claims in excess of the amount remitted.

SECTION 78 - E24 - ADJUTANT GENERAL'S OFFICE

78.12 **AMEND** (Citadel-S.C. National Guard Readiness Center) Directs the Adjutant General's Office, during FY 09-10, to repay to the General Fund \$1,250,000 of the \$2,500,000 appropriated for the Citadel-S.C. National Guard Readiness Center in proviso 73.12 of the FY 07-08 Appropriation Act.

WMC: AMEND proviso to update Fiscal Year "2009-10" to "2010-11." Direct that if the entire \$2.5 million has been repaid no further payment is required. Fiscal Impact: No impact on the General Fund if the entire \$2.5 million has been repaid, otherwise \$1.25 million is directed to be deposited into the General Fund.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

78.12. (ADJ: Citadel-S.C. National Guard Readiness Center) The Adjutant General's Office, during Fiscal Year ~~2009-10~~ 2010-11, shall repay to the General Fund of the State \$1,250,000 of the \$2,500,000 appropriated by proviso 73.12 of the Fiscal Year 2007-08 Appropriation Act to the Adjutant General's Office for the Citadel-South Carolina National Guard Readiness Center unless the entire \$2,500,000 loan has been repaid, in which case no further payment shall be required.

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- 78.14** **ADD** (Emergency Commodities) **WMC:** ADD new proviso to authorize EMD to rotate and replace water and Meals Ready to Eat (MREs) emergency commodities that are housed in the state's Logistic Center through providing these commodities to neighboring states, counties, municipalities and other state agencies. Authorize EMD to accept compensation for the commodities, not to exceed replacement costs, and to use the revenues solely for the replacement of state emergency commodities. *State emergency commodities are transferred and sold through Surplus Property. This would allow these items to be rotated and replenished before expiration rather than surplusd.* Fiscal Impact: No Impact on the General Fund. Requested by Adjutant General's Office.
HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

78.14. (ADJ: Emergency Commodities) The Emergency Management Division shall be allowed to rotate and replace water and Meals Ready to Eat (MREs) emergency commodities housed in the state's Logistic Center through the provision of said commodities to neighboring states, counties, municipalities and other state agencies, and shall be allowed to accept compensation for said commodities not to exceed replacement costs. Revenues from this exchange shall be utilized solely for the replacement of state emergency commodities.

SECTION 89 - X90-GENERAL PROVISIONS

- 89.39** **DELETE** (PSA Agriculture Teachers Summer Employment) Directs the Department of Education to transfer to Clemson PSA the funds appropriated in Part IA, Section XI.F3, Other State Agencies and Entities, Teacher Pay to pay state mandated salary increases for summer employment of agriculture teachers.
WMC: DELETE proviso. Fiscal Impact: No impact on the General Fund. *See proviso 1A.43.*
HOU: ADOPT deletion of proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**89.39.** (GP: PSA Agriculture Teachers Summer Employment) In addition to funds previously established for Clemson University PSA to fund summer employment of agriculture teachers, the Department of Education shall transfer funds appropriated in Part IA, Section XI.F3 of this document, Other State Agencies and Entities, Teacher Pay Other Agencies to Clemson University PSA to cover state mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment.~~

- 89.87** **AMEND FURTHER** (Flexibility) Authorizes agencies, in order to provide maximum flexibility to absorb general fund reductions mandated in this act as compared to the prior fiscal year general fund appropriations, to spend agency earmarked and restricted "special revenue funds" to maintain critical program previously funded with general fund appropriations. Requires prior Office of State Budget approval to increase spending authorization for these purposes and requires the increased authorization be reported to the Governor, Senate Finance and Ways and Means Committees. Authorizes the Comptroller General to implement procedures. Directs that this provision is provided notwithstanding any other provision that restricts the use of earned revenue. Allows agency transfers to exceed 20% of the program budget upon B&C Board Office of State Budget approval in consultation with the Chairmen of the Senate Finance and House Ways and Means Committees. Authorizes state institutions of

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higher learning whose budgets have been reduced from the FY 08-09 state funding level to be able to use other sources of available fund to support and maintain state funded programs affected by FY 09-10 state reductions and to adjust appropriations from special items or programs in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Requires institutions to submit the amount of base budget reductions associated with these programs to the Office of State Budget and the Senate Finance and House Ways and Means Committees. Directs that notwithstanding the flexibility authorized in this provision, specific agencies are prohibited from reducing or transferring funds from the following programs or areas. DHHS: Teen Pregnancy/Abstinence Programs including, but not limited to MAPPS; PACE; Federally Qualified Health Centers; and Provider Rates and prohibits the department from decreasing provider reimbursement rates from their current levels. Directs that this provision is not intended to restrict the annual updating of cost based rates and those rates indexed to methodologies described in the Medicaid State Plan. Lt. Governor's Office: Home & Community Based Services (Meals on Wheels). Dept of Commerce: Regional Economic Development Organizations as defined by proviso 40.15. DNR: Law Enforcement Program/Enforcement Operations as contained in Program II.F.1. PRT: Program II.A. Special Item: Regional Promotions; Program II. A. Special Item: Advertising; and prohibits PRT from closing or reducing the FTE's in the State House Gift Shop and Santee Welcome Center. Authorizes DNR to reduce the specified programs or areas listed in this provision by an amount not to exceed the percentage associated with any mandated reduction.

WMC: AMEND proviso to update "2009-10" to "2010-11." Delete the term "increase" in reference to spending authorization associated with this provision. Update fiscal year references in higher ed portion from "2008-09" to "2009-10" and "2009-10" to "2010-11." Delete the PRT prohibition pertaining to "Program II.A. Special Item: Advertising" and instead prohibit Program II.C. Special Item: Palmetto Pride" funds from being reduced or transferred. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to change "prior year" reference to "Fiscal Year 2008-09" in order to authorize agencies to spend agency earmarked and restricted accounts designated as "special revenue funds" in absorbing general fund reductions in FY 2010-11 as compared to FY 2008-09.

89.87. (GP: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to ~~the prior fiscal year~~ **Fiscal Year 2008-09** general fund appropriations, agencies are authorized for FY ~~2009-10~~ **2010-11** to spend agency earmarked and restricted accounts designated as "special revenue funds" as defined in the Comptroller General's records, to maintain critical programs previously funded with general fund appropriations. Any ~~increase~~ in spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board, Office of State Budget in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

State institutions of higher learning whose budgets have been reduced from the Fiscal Year ~~2008-09~~ **2009-10** state funding level, shall have the authority to use other sources of available funds to support and maintain state funded programs affected by state reductions during Fiscal

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Year ~~2009-10~~ 2010-11 and may adjust appropriations from special items or programs contained in this act in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Institutions shall submit to the Office of State Budget, the Senate Finance Committee, and the House Ways and Means Committee the amount of base budget reductions associated with these programs.

Notwithstanding the flexibility authorized in this provision, the following agencies are prohibited from reducing or transferring funds from the following programs or areas:

- (A) Department of Health and Human Services
 - (1) Teen Pregnancy/Abstinence Programs including, but not limited to MAPPS
 - (2) PACE
 - (3) Federally Qualified Health Centers
 - (4) Provider Rates

The Department of Health and Human Services shall not decrease provider reimbursement rates from their current levels.

It is not the intent of this proviso to restrict the annual updating of cost based rates and those rates which are indexed to methodologies described in the Medicaid State Plan.

- (B) Lieutenant Governor's Office
 - Home and Community Based Services (Meals on Wheels)
- (C) Department of Commerce
 - Regional Economic Development Organizations as defined by proviso 40.15
- (D) Department of Natural Resources
 - Law Enforcement Program/Enforcement Operations as contained in Program II.

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- (E) Department of Parks, Recreation, and Tourism
 - (1) Program II. A. Special Item: Regional Promotions
 - (2) ~~Program II. A. Special Item: Advertising~~ Program II. C. Special Item: Palmetto Pride

In addition the Department of Parks, Recreation and Tourism is prohibited from closing or reducing the FTE's in the State House Gift Shop, and the Santee Welcome Center.

Notwithstanding the prohibition on reducing or transferring funds from the programs or areas listed above, the Department of Natural Resources may reduce the specified programs or areas by an amount not to exceed the percentage associated with any mandated reduction.

89.96 **AMEND** (Solar Power Income Tax Credit Increased) Increases from 25% to 30%, the state income tax credit allowed by Section 12-6-3587 [PURCHASE AND INSTALLATION OF SOLAR ENERGY SYSTEM FOR HEATING WATER, SPACE HEATING, AIR COOLING, OR GENERATING ELECTRICITY] for purchase and installation costs of a qualifying solar energy system for taxable year ending in 2009.

WMC: AMEND proviso to change fiscal year reference from "2009" to "2010." Fiscal Impact: BEA indicates no additional impact on the General Fund income tax revenues in FY 10-11 since the proviso extends a credit that already exists and has been taken into account in the BEA forecast.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

89.96. (GP: Solar Power Income Tax Credit Increased) The State income tax credit allowed pursuant to Section 12-6-3587 of the 1976 Code for the costs of purchase and installation of a qualifying solar energy system in a taxable year ending in ~~2009~~ 2010 is increased from twenty-five to thirty percent of such costs.

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- 89.100 AMEND** (Printed Report Requirements) Directs that for Fiscal Year 2009-10 certain state agencies and higher education institutions shall not be required to submit printed reports and shall only submit the reports electronically. Prohibits the Department of Commerce, for FY 09-10, from printing, distributing, or mailing hard copy color brochures that have been produced at department expense to members of the General Assembly. Directs that brochures or documents provided to members shall only be produced in black and white.
WMC: AMEND proviso to update fiscal year references from "2009-10" to "2010-11."
Technical. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the Department of Commerce color printing restriction on documents provided to the General Assembly. *The Department now produces most of its publications in electronic formats and is requesting that this restriction be deleted.*

89.100. (GP: Printed Report Requirements) (A) For Fiscal Year ~~2009-10~~ 2010-11, state supported institutions of higher learning shall not be required to submit printed reports mandated by Sections 2-47-40, 2-47-50, and 59-103-110 of the 1976 Code, and shall instead only submit the documents electronically.

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

(B) For Fiscal Year ~~2009-10~~ 2010-11, the Department of Agriculture shall not be required to submit printed reports mandated by Section 46-49-10 of the 1976 Code. The department shall provide these reports electronically and shall use any monetary savings for K5-12 agriculture education programs.

(C) For Fiscal Year ~~2009-10~~ 2010-11 the Department of Health and Human Services shall not be required to provide printed copies of the Medicaid Annual Report required pursuant to Section 44-6-80 of the 1976 Code and the Provider Reimbursement Rate Report required pursuant to proviso 21.13, and shall instead only submit the documents electronically.

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

~~(E)~~ For Fiscal Year ~~2009-10~~ 2010-11, the Department of Transportation shall not be required to submit printed reports or publications mandated by Sections 1-11-58, 2-47-55, and 58-17-1450 of the 1976 Code.

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

- 89.107 AMEND** (Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) Exempts handguns and shot guns from state and local sales tax for sales occurring from 12:01 am, Friday, November 27, 2009, through midnight Saturday, November 28, 2009.
WMC: AMEND proviso to change calendar reference from "Friday, November 27, 2009" to "Friday, November 26, 2010" and "Saturday, November 28, 2009" to "Saturday, November 27, 2010." Fiscal Impact: Extends the tax credit for an additional year.

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HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

89.107. (GP: Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) The gross proceeds of sales or sales price of handguns as defined pursuant to Section 16-23-10(1) of the 1976 Code, rifles, and shot guns is exempt from the taxes imposed pursuant to Chapter 36, Title 12 of the 1976 Code and Chapter 10, Title 4 of the 1976 Code for sales occurring from 12:01 a.m., Friday, November ~~27, 2009~~ 26, 2010, through twelve midnight, Saturday, November ~~28, 2009~~ 27, 2010.

89.112 AMEND NEW PROVISO (Inter-Agency Loan - Aeronautics Commission ~~and PRT~~) **WMC:** ADD new proviso to authorize the Aeronautics Commission to borrow up to \$15,000,000 during the current fiscal year from the Insurance Reserve Fund (IRF) to fund the South Carolina Air Services Incentive and Development Fund. Require that the funds be repaid as follows: In any year after the current fiscal year that the annual aircraft property tax revenues collected pursuant to Article 19 of Title 12, Chapter 37 [ASSESSMENT OF PROPERTY TAXES: AIRCRAFT] exceed \$6,000,000, funds collected in excess of that amount shall be used to repay the IRF instead of being paid into the General Fund. Require that the amount repaid to the IRF be repaid with interest as calculated by the State Treasurer's Office. Direct that after the loan has been fully repaid or there are no outstanding loans, any aircraft property tax revenues collected in a fiscal year which exceeds \$6,000,000 shall be paid into the S.C. Air Services Incentive and Development Fund rather than be paid into the General Fund. Authorize PRT to enter into a loan agreement on behalf of the State with Beaufort County in an amount up to \$10,000,000 to promote tourism. Direct that the money to finance the loan is to be acquired from the IRF and the loan is to be repaid to the IRF within 5 years using Beaufort County's local accommodations tax revenues. Require the county take actions necessary to authorize repayment of the loan with local accommodations tax revenues prior to any funds being dispersed. Require the State Treasurer's Office approve the loan agreement terms and conditions and ensure that the IRF is fully repaid with interest. Reduce the Division of the Savannah Valley Development's prior authorization to borrow funds from the Insurance Reserve Fund to ten million dollars. Fiscal Impact: No impact on the General Fund. Funds will be borrowed and repaid, with interest from the Insurance Reserve Fund.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to delete the authorization for PRT to enter into a loan agreement with Beaufort County.

89.112. *(GP: Inter-Agency Loan - Aeronautics Commission ~~and PRT~~) (A) During the current fiscal year, the South Carolina Aeronautics Commission may borrow up to fifteen million dollars from the Insurance Reserve Fund to fund the South Carolina Air Services Incentive and Development Fund. Any money borrowed from the Insurance Reserve Fund must be repaid as prescribed herein. In any fiscal year following the current fiscal year in which the annual aircraft property tax revenues collected pursuant to Title 12, Chapter 37, Article 19 of the 1976 Code exceed six million dollars, the revenues in excess of six million dollars will be used to repay the Insurance Reserve Fund instead of being paid into the General Fund. The money borrowed from the Insurance Reserve Fund must be repaid together with interest*

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calculated by the State Treasurer's Office in an amount determined to approximate the lost investment earnings on the monies.

(B) After any and all loans entered pursuant to part (A) have been fully repaid or there are no loans outstanding, in any fiscal year in which annual aircraft property tax revenues collected pursuant to Title 12, Chapter 37, Article 19 exceed six million dollars, the revenues in excess of six million dollars will be paid into the South Carolina Air Services Incentive and Development Fund instead of being paid into the General Fund.

~~(C) During the current fiscal year, the Department of Parks Recreation and Tourism may enter into a loan agreement of up to ten million dollars on behalf of the State with Beaufort County to promote tourism. The money to finance the loan is to be acquired from the Insurance Reserve Fund and the loan is to be repaid to the Insurance Reserve Fund within five years using Beaufort County's local accommodations tax revenues. Prior to any funds being dispersed, the county must take the actions necessary to authorize the repayment with the local accommodations tax revenues. The State Treasurer's Office is to approve the terms and conditions of the loan agreement and ensure that the Fund is fully repaid for any monies taken from the Fund together with lost earnings.~~

~~(D) The prior authorization of the Division of the Savannah Valley Development to borrow funds from the Insurance Reserve Fund is reduced to ten million dollars.~~