

**SENATE FINANCE COMMITTEE  
PROVISO REVIEW SUBCOMMITTEE  
CONSTITUTIONAL & CRIMINAL JUSTICE RECOMMENDATIONS  
FOR FISCAL YEAR 2011-12**

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

**45.5**     **AMEND FURTHER** (Water Litigation) Authorizes the Attorney General to expend current year Water Litigation funds to reimburse Water Litigation expenditures incurred in the prior fiscal year and direct that a record of the prior year expenses be made available to the Senate Finance and House Ways and Means Committees.

**WMC:** AMEND proviso to require the Attorney General to use the Water Litigation funds remaining as of July 1<sup>st</sup> as follows: 50% to be used for legal expenses incurred by the Attorney General on Federal litigation and litigation with other states and to transfer the remaining 50% to DNR by September 1<sup>st</sup> for law enforcement operations. Fiscal Impact: OSB states that per the Attorney General there would be no impact on the General Fund or on federal or other funds unless there are outstanding Water Litigation expenses after July 1st. Per the Attorney General's Office, the agency was authorized to spend \$6.2 million on water litigation case and there is a balance of \$2,266,395.

**HOU:** AMEND FURTHER to direct that 25% of the balance be transferred to the Commission on Indigent Defense for the Civil Appointment Fund and change the percentage directed to the Attorney General from "50%" to "25%." Sponsors: Reps. G.M. Smith and Pitts.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**45.5.** (AG: Water Litigation) The Office of the Attorney General is authorized to expend Water Litigation funds in the current fiscal year to reimburse Water Litigation expenditures incurred in the prior fiscal year. A record of Water Litigation expenses from the prior fiscal year shall be made available to the Senate Finance Committee and the House Ways and Means Committee. During the current fiscal year the Attorney General must use the remaining Water Litigation funds only as follows: 25% of the balance on July 1<sup>st</sup> must be transferred to the Commission on Indigent Defense for the Civil Appointment Fund, 25% of the balance on July 1<sup>st</sup> must be used only for legal expenses incurred by the Attorney General regarding Federal litigation and litigation with other states, and 50% of the balance on July 1<sup>st</sup> must be transferred to the Department of Natural Resources by September 1<sup>st</sup> for law enforcement operations.

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

**46.3**     **AMEND** (Judicial Circuits State Support) Directs the manner in which Judicial Circuits State Support is distributed to the 16 Judicial Circuits; authorizes the commission to fund necessary administrative and personnel costs from these funds, not to exceed 5% of the appropriation; directs that the balance of funds be apportioned on a per capita basis and be based on the 2000 Census; and directs that payment shall be made as soon after the beginning of the each quarter as practical.

**HOU:** AMEND proviso to delete the authorization for these funds to be used for commission administrative and personnel costs. Sponsors: Reps. Pope, Pitts, and G.M. Smith.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**46.3.** (PCC: Judicial Circuits State Support) The amount appropriated and authorized in this section for Judicial Circuits (16) State Support ~~may, upon approval of the commission, be used to fund necessary administrative and personnel costs of the commission and other expenditures approved by the commission, not to exceed 5% of the appropriation, and the balance thereafter remaining~~ 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**     **REINSERT/AMEND** (Violent Crime, CDV, DUI Prosecution) Requires 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. Requires 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.

**WMC:** DELETE proviso. *Dedicated funding has not been appropriated for prosecuting these crimes and expenditure of resources on data collection and retention on non-dedicated funded prosecutions should not be required.* Fiscal Impact: No impact on the General Fund. Requested by Prosecution Coordination Commission.

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** REINSERT proviso and AMEND to require the commission to report to the General Assembly within 60 days after the close of the fiscal year on criminal domestic violence and driving under the influence charges that were prosecuted by assistant solicitors funded from federal grants.

**46.7.** (PCC: Violent Crime, CDV, DUI Prosecution) The Prosecution Coordination Commission shall retain information and data on any federally funded grants whose purpose is for the prosecution of ~~violent crime,~~ criminal domestic violence; and or driving under the

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influence ~~prosecutions~~ charges and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year ~~of~~ detailing those charges ~~prosecuted~~ handled by assistant solicitors who are funded by the grant(s). 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 number of dispositions, types of dispositions, and county in which the dispositions took place.

- 46.8 DELETE NEW PROVISO** (Offset Against Appropriations) **WMC:** ADD new proviso to require every circuit solicitor to report by July 15<sup>th</sup> to the B&C Board, Office of State Budget (OSB) Director the gross amount of funds the solicitor received in the prior fiscal year from any civil action brought by the solicitor on behalf of the State pursuant to Section 15-3-570 [ACTIONS OTHER THAN FOR RECOVERY OF REAL PROPERTY-ACTIONS FOR PENALTY]. Define “funds received” as the gross amount of any settlement amount or judgment paid unreduced by attorney’s fees and costs. Require the OSB director, when this information is received, to proportionately reduce each Prosecution Coordination Commission separate appropriation, except for solicitor salaries, by the total amount reported as an offset of their budget appropriation. Require every solicitor to report to the Director of OSB the amount of funds received from any civil action brought by the solicitor on behalf of the State pursuant to Section 15-3-570, within 7 days of receiving the funds. Require the OSB director, when this information is received, to proportionately reduce each Prosecution Coordination Commission separate appropriation, except for solicitor salaries, by the total amount reported as an offset of their budget appropriation.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~46.8. (PCC: Offset Against Appropriations) (A) Every circuit solicitor shall report to the Director of the Office of State Budget of the State Budget and Control Board no later than July fifteen of the current fiscal year the gross amount of any funds received in the prior fiscal year by the solicitor as a result of a civil action brought by the solicitor on behalf of the State pursuant to Section 15-3-570 of the 1976 Code. For purposes of this subparagraph, “funds received” means the gross amount of any settlement amount or judgment paid unreduced by attorney’s fees and costs. Upon receipt of this information and notwithstanding the specific amounts appropriated to the Prosecution Coordination Commission in Section 46, Part IA of this act, the Director of the Office of State Budget, as an offset against appropriations in that section, shall reduce proportionately each separate appropriation, not including the appropriation for solicitor salaries, by the total of amounts reported pursuant to this subparagraph.~~

~~(B) Every solicitor, within seven days of receipt, shall report to the Director of the Office of State Budget of the State Budget and Control Board, the amount of funds received in the current fiscal year as a result of a civil action brought by the solicitor on behalf of the State pursuant to Section 15-3-570 of the 1976 Code. For purposes of this subparagraph, “funds received” has the meaning provided in subparagraph (A) of this paragraph. Upon receipt of this information, and notwithstanding the specific amounts appropriated to the Prosecution Coordination Commission in Section 46, PART IA of this act, as those amounts may have been~~

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~~reduced pursuant to subparagraph (A) of this paragraph, the Director of the Office of State Budget, as an offset against appropriations in that section, shall reduce proportionately each separate appropriation, not including the appropriation for solicitor salaries, by the total of amounts reported pursuant to this subparagraph.~~

- 46.9 DELETE NEW PROVISO** (Central Office Staff) **HOU:** ADD new proviso to limit the central office to 4 state funded FTEs for the current fiscal year: an Executive Director, Administrative Assistance, Education Coordinator, and Coordinator for Pre-Trial Intervention. Direct that this does not apply to grant funded FTEs. Direct the Office of State Budget to assist the agency with implementing this provision, to include relocating central office staff into a state-owned office building as soon as practicable, and to identify savings achieved by this provision. Direct that any savings be transferred to Judicial Circuits State Support. Direct that this provision does not limit the powers and duties of the Commission on Prosecution Coordination. Sponsors: Reps. Pope and McCoy.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~**46.9. (PCC: Central Office Staff)** For the current fiscal year, the central office is limited to 4 State Funded FTE's as follows: Executive Director, Administrative Assistant, Education Coordinator, and the Coordinator for Pre Trial Intervention. This limitation does not apply to FTE's funded with grant funds. The Office of State Budget shall assist the agency with the implementation of this proviso to include the re location of central office staff in a state owned office building as soon as practicable. In addition the Office of State Budget shall identify the savings achieved by this proviso. Any savings achieved must be transferred to Judicial Circuits State Support. Nothing in this proviso shall be construed to limit the powers and duties of the Commission on Prosecution Coordination.~~

- 46.10 DELETE NEW PROVISO** (Special Items Distributed on Per Capita Basis) **HOU:** ADD new proviso to require all special items be distributed to the 16 Circuit Solicitors' offices on a per capita basis. Sponsors: Reps. Pope, Pitts, and G.M. Smith.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~**46.10. (PCC: Special Items Distributed on Per Capita Basis)** All funds appropriated as special items in Part IA must be distributed to the 16 offices of circuit solicitors on a per capita basis.~~

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

- 47.4 DELETE** (Post Conviction Relief Payments) Directs the court to order payment of all fees and costs in non capital Post Conviction Relief cases from funds appropriated to the Office on

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Indigent Defense for defense of indigents in such cases. Directs that the rate of compensation for appointed attorneys not exceed \$40 per hour for time spent out of court and \$60 per hour for time spent in court, or on the basis of a set (flat) fee. Directs that the payment method and amount of the set (flat) fee will be determined by the Commission on Indigent Defense. Directs that compensation and costs not exceed \$1,000 in any single case and be paid from funds appropriated to the Office of Indigent Defense for defense of indigents represented by court-appointed, private counsel in non-capital Post Conviction Relief cases.

**WMC:** DELETE proviso. *Proviso has been incorporated into 47.5 (Civil Court Appointments).* 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.

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

**47.5 AMEND FURTHER** (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 and provides guidelines for reimbursement to exceed the limits.

**WMC:** AMEND proviso to delete reference to attorney's serving as guardian ad litem where volunteer appointments cannot be made. Direct that a portion of "Civil Court Appointments" funds be used to pay for non capital Post Conviction Relief cases . Direct that the rate of compensation for appointed attorneys not exceed \$40 per hour for time spent out of court and \$60 per hour for time spent in court, or on the basis of a set (flat) fee. Direct that the payment method and amount of the set (flat) fee will be determined by the Commission on Indigent Defense. Direct that compensation and costs not exceed \$1,000 in any single case. Direct that if prior approval by written court order is not obtained for reimbursement in excess of the set hourly rate and limit no additional fees shall be paid. Direct that reimbursement in excess of the established amounts are authorized only if the court certifies in a written order that the reimbursement is necessary and such order must be prior to fees being incurred. Direct that if prior approval by written order is not obtained no additional expenses shall be paid. *Attorneys are no longer permitted to serve as guardians ad litem. Directives of proviso 47.4 are merged into this provision.* Fiscal Impact: OSB states that the agency indicates no negative impact on the General Fund. Requested by Commission on Indigent Defense.

**HOU:** ADOPT proviso as amended.

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**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to delete language that was included in the proviso twice pertaining to reimbursement in excess of the hourly rate and limit.

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

A portion of the funds appropriated under “Civil Court Appointments” shall be used for “Termination of Parental Rights” cases and “Abuse and Neglect” cases to reimburse private attorneys who are appointed by the Family Court ~~to serve as guardians ad litem, where volunteer appointments cannot be made and~~ to represent guardians ad litem, children, or parents under the provisions of S.C. Code Sections 20-7-110 et seq., 20-7-1570 et seq., 20-7-1695 (A)(2) et seq., 20-7-7205 et seq., and 20-7-8705 (4)(a) et seq.; for “Probate Court Commitment” cases to reimburse private attorneys who are appointed by the Probate Court to represent indigent persons; and for “~~Sexual~~ Sexually 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.

*A portion of the funds appropriated under “Civil Court Appointments” shall be used for non-capital Post Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Compensation and costs shall not exceed one thousand dollars in any single case.*

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 are reasonable and necessary. *If prior approval by written order of the court is not obtained no additional fees shall be paid under any circumstances.*

~~*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 are reasonable and necessary. If prior approval by written order of the court is not obtained no additional fees shall be paid under any circumstances.*~~

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

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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 are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission of Indigent Defense. *If prior approval by written order of the court is not obtained, no additional expenses shall be paid under any circumstances.*

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.

- 47.8**     **DELETE** (INDEF: Application Fee for Appointment of Counsel) "Directs that for the current fiscal year, the application fee for public defender services payable under Section 17-3-30(B) [APPLICATION FEE] is increased to \$40.

**WMC:** AMEND proviso to delete the reference to "increased to." *Fee is currently \$40.* Fiscal Impact: No impact on the General Fund. Per agency, revenue generated last fiscal year was \$685,495. Requested by Commission on Indigent Defense.

**HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.  
*Codified in Section 17-3-30.*

~~**47.8.** (INDEF: Application Fee for Appointment of Counsel) *For the current fiscal year, the application fee for public defender services payable under Section 17-3-30(B) is increased to forty (\$40) dollars.*~~

- 47.10**     **DELETE** (Accounting and Transfer of Assets) Requires each public defender corporation to provide to the Commission on Indigent Defense by September 1, 2008, an accounting of all funds received and expended by or on behalf of the corporation for each county served during FY 07-08. Requires the accounting to be certified as true and correct by an official representative of the defender corporation. Requires each corporation, by September 1, 2008, to assign and transfer or cause to be assigned and transferred all corporation funds and other assets to the Office of the Circuit Public Defender in the circuit in which the county is situated and directs that these funds and assets are to be used to provide indigent services within the county.

**WMC:** DELETE proviso. *All assets have been transferred.* 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.

~~**47.10.** (INDEF: Accounting and Transfer of Assets) *Each public defender corporation shall provide to the Commission on Indigent Defense no later than September 1, 2008, an accounting of all funds received and expended by or on behalf of the corporation for each*~~

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~~county served during Fiscal Year 2007-08. The accounting shall be certified by an official representative of the defender corporation as true and correct; and no later than September 1, 2008, each such corporation shall assign and transfer or cause to be assigned and transferred all funds and other assets of the corporation of every kind and nature to the Office of the Circuit Public Defender in the circuit in which the county is situate, to be used for the provision of indigent defense services within the county.~~

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

- 48.17 DELETE** (Alcohol Laws) Directs SLED to convene a working group of state and local law enforcement officials to develop recommendations for improving enforcement of state statutes that relate to the sale, purchase and possession of alcoholic beverages. Provides for composition of the working group. Allows the working group to seek input from the SC Hospitality Association, the SC Association of Convenience Stores and other entities as deemed necessary. Requires SLED, by November 1<sup>st</sup>, to publish on its homepage the group's recommendations to strengthen and improve: (1) enforcement of the laws; (2) cooperation between state and local agencies regarding the laws; (3) statewide support of SLED in enforcing the laws; (4) and use of alcohol related fees collected by SLED.  
**WMC:** DELETE proviso. *Report completed and posted on SLED's website with recommendations.* Requested by State Law Enforcement Division.  
**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~**48.17.** (SLED: Alcohol Laws) The department shall convene a working group of state and local law enforcement officials to develop recommendations for improving the enforcement of state statutes relating to the selling, purchasing, and possession of alcohol beverages. The working group shall be comprised of the Director of the State Law Enforcement Division or his designee, the Director of the Department of Public Safety, or his designee, two sheriffs, one from a county with a large population and one from a county with a small population, or their designee, appointed by the South Carolina Sheriff's Association, and two police chiefs, one from a city or municipality with a large population and one from a city or municipality with a small population, appointed by the Municipal Association of South Carolina. The working group may seek input from the South Carolina Hospitality Association, the South Carolina Association of Convenience Stores and other entities as deemed necessary. By November first, SLED must publish on its homepage the recommendations of the working group for strengthening and improving: (1) the enforcement of these laws, (2) the cooperation between state and local agencies regarding these laws, (3) the statewide support of SLED in enforcing these laws, and (4) the use of alcohol related fees collected by SLED.~~

- 48.18 ADD** (Use of PIP Funds) **HOU:** ADD new proviso to authorize SLED to use approved permanent improvement funds for projects 9807 and 9845 toward construction of a storage and logistics facility. Sponsor: Rep. Pitts.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

**48.18.** (SLED: Use of PIP Funds) The agency is authorized to use approved permanent improvement funds for projects 9807 and 9845 toward construction of a storage and logistics facility.



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**SECTION 50 - N20-LAW ENFORCEMENT TRAINING COUNCIL**

**50.3 DELETE** (CJA-Loan Approval) Authorizes the Criminal Justice Academy, subject to JBRC review and B&C Board approval, to borrow up to \$12,000,000 to construct and equip a new dormitory to house students at the Academy and for additional classroom and office space to meet increased demand. Authorizes the State Treasurer to negotiate the terms and conditions of the loan, revenue bond or other financing arrangement and direct that the indebtedness be repaid exclusively from either the \$5 surcharge authorized in Section 90 or other Criminal Justice Academy funds.

**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund. Per CJA 6 year loan is for \$9,345,000 for new village at 3.414%. Provides 208 bed dorm and 6 classrooms. Requested by Law Enforcement Training Council.

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~**50.3. (LETC: CJA-Loan Approval) Subject to the review of the Joint Bond Review Committee and approval of the Budget and Control Board, the Criminal Justice Academy is authorized to borrow an amount not to exceed \$12,000,000 to construct and equip a new dormitory to house students in training at the Academy and additional classroom and office space to meet the increased demand for mandated basic law enforcement training as well as advanced and specialized training. The State Treasurer is authorized to negotiate the terms and conditions of a loan, revenue bond, or other financing arrangement, the indebtedness for which must be repaid exclusively from either the five dollar surcharge authorized in Section 90 of this Act or other Criminal Justice Academy funds.**~~

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

**51.19 DELETE** (CORR: Dairy Processing Operation Expansion) Authorizes the department, subject to JBRC review and B&C Board approval to borrow up to \$6,000,000 to construct and equip a new Dairy Processing Operation at the Wateree River Farm Facility. Authorizes the State Treasurer to negotiate the terms and conditions of the loan, revenue bond or other financing arrangement and direct that the indebtedness be repaid exclusively from either net revenues of the new Dairy Processing Operation or other department funds.

**WMC:** DELETE proviso. *The loan was secured and the project has begun. Loan projected to be paid off in 6 years. Per agency in-house production of milk saves \$1 million a year.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~**51.19. (CORR: Dairy Processing Operation Expansion) Subject to the review of the Joint Bond Review Committee and approval of the Budget and Control Board, the Department of Corrections is authorized to borrow an amount not to exceed \$6,000,000 for the purpose of constructing and equipping a new Dairy Processing Operation to be located at its Wateree River Farm facility. The State Treasurer is authorized to negotiate the terms and conditions of a loan, revenue bond, or other financing arrangement, the indebtedness for which must be repaid**~~

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~~exclusively from either net revenues derived from operations of the new Dairy Processing Operation or other Department of Corrections funds.~~

- 51.24**    **AMEND** (Public/Private Partnerships for Construction) Provides for construction of as many multi-purpose buildings at institutions as possible from funds appropriated in Act 407 of 2006. Requires matching funds for certain institutions prior to the start of construction.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete requirement that the department may only use inmate labor and other agency resources to construct buildings after seeking competitive bids. Requested by Department of Corrections.

**51.24.** (CORR: Public/Private Partnerships for Construction) Funds appropriated in Act 407 of 2006, Item 23, shall be used to construct as many multi-purpose buildings at Department of Corrections institutions as possible. For such facilities at Lieber, McCormick, Leath, or Allendale Correctional Institution, at least \$150,000 in matching funds and/or construction materials or services must be donated before construction of the facility may begin. At other Department of Corrections locations, the Director may require that donated funds and/or materials or services equal one-half of the cost of construction, including design and engineering costs. ~~The department may utilize inmate labor and other agency resources to construct the buildings only after seeking competitive bids to ensure the most cost effective method of construction.~~

- 51.28**    **DELETE** (LAC Recommendations) Directs the department to report on the status of implementing the recommendations contained in the LAC's October 2009 Limited Scope Review of the Department of Corrections. Requires that the report be provided to the Senate Corrections and Penology and the House 3M Committees by January 4, 2011.

**WMC:** DELETE proviso. *Report has been submitted regarding agency expenditures, personnel procedures, litigation, and other operational topics.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**51.28.** (CORR: LAC Recommendations) ~~The Department of Corrections is directed to provide a report on the status of implementation of the recommendations contained in the Legislative Audit Council's October 2009 Limited Scope Review of the Department of Corrections. The report must be provided by January 4, 2011, to the Senate Corrections and Penology Committee and the House of Representatives Medical, Military, Public and Municipal Affairs Committee.~~

- 51.29**    **DELETE** (Legal Fees) Directs the department to submit a report to the Senate Finance and House Ways and Means Committees that details expenditure of all funds, including Insurance Reserve Fund expenditures or any prepaid legal account, that have been expended within the last four fiscal years for private lawyers to defend wrongful termination actions or other personnel matters brought against the department's employees or former employees. Requires the report include, at a minimum, a detailed accounting of expenditures, to include names of parties to the lawsuits, cause(s) of action, date of alleged wrongdoing, name of private lawyers engaged, amount paid to each private lawyer, status of pending lawsuits, and outcome of order or judgment. Direct that the report be submitted by October 1 of the current fiscal year.

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**WMC:** DELETE proviso. *Report has been submitted on 4 years of claims.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**51.29.** (CORR: Legal Fees) ~~For the current fiscal year, the Department of Corrections shall submit a report to the Senate Finance Committee and the House Ways and Means Committee detailing the expenditure of all funds, including expenditures from the Insurance Reserve Fund or any prepaid legal account, within the last four fiscal years for private lawyers to defend actions for wrongful termination or other personnel matters against the department's employees or former employees. At a minimum, the report must provide a detailed accounting of the expenditures to include the names of parties to the lawsuits, the cause(s) of action, the date of the alleged wrongdoing, name of private lawyers engaged, amount paid to each private lawyer, status of all pending lawsuits, and outcome of any order or judgment. The report must be submitted by October first of the current fiscal year.~~

**51.30** **AMEND NEW PROVISO** (Credited Jail Time; DNA Sample Collection) **WMC:** ADD new proviso to direct that inmates sentenced to the Department of Corrections for more than 90 days are not required to be transported to the department's Reception and Evaluation Center if their jail time credit is in excess of their sentence. Direct that cities and counties who house inmates who have jail time credit in excess of their sentence may, through written agreement with the department, transfer required commitment records to the department electronically or by other means. Require the department to establish reasonable documentation requirements to facilitate implementation of this cost saving measure. Require department employees assigned to the court to obtain DNA samples from offenders who are required to submit such samples. Direct that this provision does not exempt those inmates from the \$250 DNA fee as required by Section 23-3-670 [COST OF COLLECTION SUPPLIES FOR PROCESSING SAMPLES; PROCESSING FEES]. Direct that the fee be collected in the same manner as other fines and fees and that it be submitted to the State Treasurer for remittance to SLED. Fiscal Impact: Per agency, 311 inmates were admitted to R&E and released within 5 days.

**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to specify that employees of the "Department of Probation, Parole, and Pardon Services" assigned to the court or "employees of the Department of Corrections, as applicable" shall obtain DNA samples.

**51.30.** (CORR: Credited Jail Time; DNA Sample Collection) Inmates committed to the Department of Corrections for sentences greater than 90 days, but who have credit for jail time in excess of their sentence to incarceration are not required to be transported to the Reception and Evaluation Center of the Department of Corrections. Cities and counties housing inmates who have credit for jail time in excess of their sentence may, through written agreement with the Department of Corrections, transfer required commitment records to the department electronically or by other means. The Department of Corrections must establish reasonable documentation requirements to facilitate the implementation of this cost savings measure. Employees of the Department of Corrections Probation, Parole, and Pardon Services assigned to the court or employees of the Department of Corrections, as applicable, shall obtain DNA samples from the offenders who are required to submit DNA samples. This provision does not

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exempt the above referenced inmates from the \$250 DNA fee as required by Section 23-3-670 of the 1976 Code. The \$250 fee shall be collected in the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.

- 51.31 ADD (Cell Phone Interdiction) WMC:** ADD new proviso to authorize the director to add a surcharge to all inmate pay phone calls to offset the cost of cell phone interdiction equipment and operations. Direct that the surcharge will be added to the cost per call, be collected by chosen telephone vendor and be paid to the department of a monthly basis. Authorize the department to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell phone interdiction. Direct that once the equipment is paid in full, the surcharge amount will be reviewed and adjusted to cover the cost of ongoing interdiction operations. Authorize unexpended funds to be carried forward and used for the same purpose. *The equipment will help ensure the safety and security of inmates, employees and the general public.* Fiscal Impact: No impact on the General Fund. Per agency a 50¢ to 75¢ surcharge per call would raise about \$1.5 - \$1.75 million per year towards to total cost of \$5 million. Requested by Department of Corrections.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

**51.31. (CORR: Cell Phone Interdiction)** The Director of the Department of Corrections is granted the right to add a surcharge to all inmate pay phone calls to offset the cost of equipment and operations of cell phone interdiction measures. The surcharge will be added to the cost per call, collected by chosen telephone vendor and paid to the department of a monthly basis. The department is authorized to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell phone interdiction. When the equipment has been paid in full, the surcharge amount will be reviewed and adjusted to cover the cost of ongoing operational expenses of the interdiction equipment. Any unexpended balance may be carried forward from the prior fiscal year into the current fiscal year and be used for the same purpose.

- 51.32 ADD (Criminal Illegal Alien Rapid Repatriation) WMC:** ADD new proviso to authorize the Director of the Department of Corrections to release a prisoner to the custody and control of the US Immigration and Customs Enforcement if: a) the department has received a deportation order from the US Citizenship and Immigration Services; b) the prisoner has served at least 1/3 of the total amount of incarceration imposed by the court; and c) the prisoner has not been convicted of an offense as provided in Sections 16-3-10 [MURDER]; 16-3-29 [ATTEMPTED MURDER]; 16-3-652 and 16-3-653 [CRIMINAL SEXUAL CONDUCT IN THE FIRST AND SECOND DEGREE]; 16-3-655 [CRIMINAL SEXUAL CONDUCT WITH MINORS, FIRST AND SECOND DEGREE]; 16-3-600(B) [ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE]; 16-3-910 [KIDNAPPING]; 16-11-330(A) [ARMED ROBBERY]; 16-11-330(B) [ATTEMPTED ARMED ROBBERY]; drug trafficking as defined in 44-53-370(e) or trafficking in methamphetamine or cocaine base as defined in 44-53-375(C); 16-11-311 [BURGLARY IN THE FIRST DEGREE]; 16-3-85(A)(1) [HOMICIDE BY CHILD ABUSE]; 16-25-65 [CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE]; 16-15-140 [LEWD ACT UPON A CHILD UNDER SIXTEEN]; 16-15-395 [SEXUAL EXPLOITATION OF A MINOR FIRST DEGREE]; 16-15-405 [SEXUAL EXPLOITATION OF A MINOR SECOND DEGREE]; 16-15-415 [PROMOTING PROSTITUTION OF A MINOR]; 16-15-425 [PARTICIPATING IN PROSTITUTION OF A MINOR]; 56-5-2945(A)(2) [FELONY DRIVING UNDER THE INFLUENCE OR FELONY DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION RESULTING IN DEATH]. Require the director to consider all sentences being served when calculating the total amount of incarceration, but prohibit suspended

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portions of any sentence from being considered. Direct that if a prisoner who is released pursuant to this provision returns to the US illegally, upon notice from any federal or state law enforcement that the prisoner is incarcerated, the director shall revoke their release and the prisoner must serve the remainder of their sentence and shall not be eligible for parole. Fiscal Impact: Per the Department of Justice, in FY 10 SCDC reported 574 alien inmates and the Federal award received was \$376,359 or \$655.68 per alien inmate. In FY 09 SCDC reported 462 alien inmates and the Federal award received was \$459,670 or \$994.96 per alien inmate.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

**51.32. (CORR: Criminal Illegal Alien Rapid Repatriation) The Director of the Department of Corrections may release a prisoner to the custody and control of the United States Immigration and Customs Enforcement, provided the department has:**

**a) received an order of deportation for the prisoner from the United States Citizenship and Immigration Services,**

**b) the prisoner has served at least one-third (1/3) of the total amount of incarceration imposed by the court, and**

**c) the prisoner has not been convicted of an offense as provided in the following Sections of the 1976 Code: Section 16-3-10 (murder); Section 16-3-29 (attempted murder); Sections 16-3-652 and 16-3-653 (criminal sexual conduct in the first and second degree); Section 16-3-655 (criminal sexual conduct with minors, first and second degree); Section 16-3-600(B) (assault and battery of a high and aggravated nature); Section 16-3-910 (kidnapping); Section 16-11-330(A) (armed robbery); Section 16-11-330(B) (attempted armed robbery); drug trafficking as defined in Section 44-53-370(e) or trafficking in methamphetamine or cocaine base as defined in Section 44-53-375(C); Section 16-11-311 (burglary in the first degree); Section 16-3-85(A)(1) (homicide by child abuse); Section 16-25-65 (criminal domestic violence of a high and aggravated nature); Section 16-15-140 (lewd act upon a child under sixteen); Section 16-15-395 (sexual exploitation of a minor first degree); Section 16-15-405 (sexual exploitation of a minor second degree); Section 16-15-415 (promoting prostitution of a minor); Section 16-15-425 (participating in prostitution of a minor); Section 56-5-2945(A)(2) (felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death).**

**The director shall consider all sentences being served when calculating the total amount of Incarceration, but shall not consider the suspended portion of any sentence.**

**If a prisoner released pursuant to this provision returns illegally to the United States, upon notice from any federal or state law enforcement agency that the prisoner is incarcerated, the director shall revoke the release of the prisoner and the prisoner shall serve the remainder of the incarceration originally imposed by the court. The prisoner shall not thereafter be eligible for parole on any sentence affected by the release provided above.**

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

**52.isp CONFORM TO FUNDING** (Intensive Supervision of YOAs) **AGENCY REQUEST:** ADD new proviso to direct the department to use funds appropriated and/or authorized for intensive supervision programs to implement a Youthful Offender Intensive Supervision Program. Direct that offenders assigned to intensive supervision services by the department must require enhanced supervision, monitoring and contacts, or require a higher level of treatment services. Direct the department to develop an array of graduated sanctions to impose on these offenders for technical violations and minor infractions, whenever feasible, in lieu of

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re-incarcerating the offender in a secure correctional facility. Limit the caseload of agents who monitor, supervise, and serve these offenders to no more than twenty offenders. Requested by Department of Probation, Parole and Pardon Services.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** CONFORM to funding recommendation.

52.isp. (DPPP: Intensive Supervision of YOAs) From the funds appropriated and/or authorized to the Department of Probation, Parole & Pardon Services for the implementation of intensive supervision programs, the Department is directed to implement a Youthful Offender Intensive Supervision Program.

Offenders placed in the program must be assigned to intensive supervision services by the Department of Probation, Parole & Pardon Services. Offenders assigned to these intensive supervision services must be those offenders who require enhanced supervision, monitoring and contacts, or a higher level of treatment services. In conjunction with establishing these intensive supervision services, the Department shall develop an array of graduated sanctions and impose these sanctions on offenders being provided intensive supervision services for technical violations and minor infractions, whenever feasible to do so, in lieu of re-incarceration of the offender in a secure correctional facility. Agents selected to monitor, supervise, and serve offenders assigned to intensive supervision services shall have caseloads of no more than twenty offenders.

**SECTION 53 - N12 - DEPARTMENT OF JUVENILE JUSTICE**

**53.15**     **AMEND** (Emergency Authority to Transfer PIP Funds) Authorizes DJJ to transfer up to \$1,500,000 of its Permanent Improvement Project (PIP) funds, excluding Capital Improvement Bond funds, to its operating and personal service accounts, if those funds are unobligated or not committed for active permanent improvement projects. Authorizes DJJ to use these funds in FY 2010-11 as necessary order to maintain constitutional conditions in its institutional facilities and residential programs.

**WMC:** AMEND proviso to change Fiscal Year “2010-11” to “2011-12.”

**HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**53.15.** (DJJ: Emergency Authority to Transfer PIP Funds) The Department of Juvenile Justice is authorized to transfer to its operational and/or personnel accounts up to \$1,500,000 of Permanent Improvement Project (PIP) funds, excluding Capital Improvement Bond funds, that have been previously allocated to the department by the General Assembly/Joint Bond Review Committee and approved by the Budget and Control Board, if those funds are unobligated or not otherwise committed by the department for active permanent improvement projects. The department may utilize these funds in Fiscal Year ~~2010-11~~ 2011-12 as necessary in order to maintain constitutional conditions in its institutional facilities and residential programs.

**53.17**     **AMEND** (Earned Compliance Credit) Authorizes the department to grant up to a 10 day reduction of the probationary or parole term of probationers and parolees under their supervision for each month they are in compliance with the terms and conditions of their probation or parole order. Prohibits parolees under the Board of Juvenile Parole’s jurisdiction from being eligible to receive this credit.

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**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the prohibition pertaining to parolees under the Board of Juvenile Parole's jurisdiction. Requested by Department of Juvenile Justice.

**53.17.** (DJJ: Earned Compliance Credit) In order to avoid unconstitutional levels of overcrowding and other unconstitutional conditions from occurring in residential programs operated for the Department of Juvenile Justice, and in order to reduce caseloads of the Department's probation and parole officers so that these officers can better focus their attention and limited resources on those offenders who pose a greater threat to public safety, the Department is authorized to grant up to a ten day reduction of their probationary or parole term to probationers and parolees who are under its supervision for each month they are compliant with the terms and conditions of their probation or parole order. ~~Parolees under the jurisdiction of the Board of Juvenile Parole are not eligible to receive this credit.~~

**SECTION 66 - R40-DEPARTMENT OF MOTOR VEHICLES**

**66.6** **DELETE** (DMV Transaction Fee) Authorizes DMV to collect a transaction fee from commercial third parties who either transmit or retrieve data from the department. Directs that the fee not exceed \$5 per transaction and that the fee must be mutually agreed to by all parties. Authorizes the department to retain and place the fee in a special restricted interest bearing account to defray costs associated with maintaining and operating their information technology system.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Codified in Section 56-19-265(B).*

**66.6.** (DMV: DMV Transaction Fee) ~~The Department of Motor Vehicles is authorized to collect a transaction fee from commercial third parties who either transmit or retrieve data from the DMV. The fee cannot exceed five dollars per transaction and must be mutually agreed to by all parties. These fees are to be retained by the division and placed in a special restricted interest bearing account to be used by the division to defray the costs associated with the maintenance and operation of the division's information and technology system.~~

**66.7** **DELETE** (Motor Carrier Registration Fees) Requires administration of Title 58, Chapter 23 [MOTOR VEHICLE CARRIERS], Article 3 [INSURANCE AND REVOCATION CERTIFICATES] and Article 5 [ANNUAL APPLICATIONS AND LICENSE FEES] be funded from motor carrier registration fees and authorized unexpended funds to be retained and carried forward.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *Codified in Section 56-3-662.*

**66.7.** (DMV: Motor Carrier Registration Fees) ~~Administration of Articles 3 and 5, of Chapter 23 of Title 58, shall be funded from the motor carrier registration fees collected by the department that previously were collected by the Public Service Commission. All unexpended funds from prior years collected under this proviso may be retained and carried forward by the department for the same purposes.~~

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

- 68A.6 DELETE** (Commissions Per Diem, Subsistence, Mileage) Authorizes Department of Transportation Commission members to receive per diem, subsistence and mileage for each official meeting as provided by law for members of boards, commissions, and committee.  
**WMC:** DELETE proviso. *The commission is already authorized to receive these through provisos 89.21 and 89.22.* Fiscal Impact: No impact on the General Fund. Requested by Department of Transportation.  
**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~**68A.6.** (DOT: Commissions Per Diem, Subsistence, Mileage) Members of the Department of Transportation Commission shall receive such per diem, subsistence and mileage for each official meeting as is provided by law for members of boards, commissions, and committees.~~

- 68A.7 DELETE** (Contract Mass Transit System) Authorizes the Department to contract mass transit funds with any private operator of a mass transit system to provide service to the general public if a plan of service has been established and approved by the local general purpose government with jurisdiction, the department, the Transportation Commission, and the federal government.  
**WMC:** DELETE proviso. *There are federal regulations that govern when and in what manner states may contract with private operators using federal funding.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~**68A.7.** (DOT: Contract Mass Transit System) The Department of Transportation is hereby authorized to directly contract mass transit funds with any private operator of a mass transit system to provide service to the general public; provided, that a plan of service has been established and approved by the local general purpose government which has jurisdiction for the area to be served, and approved by the department, the Transportation Commission and the federal government.~~

- 68A.8 DELETE** (Coordinate Transportation Funding and Resources) Directs the Department of Transportation to continue to carry out and enhance public transportation coordination planning and demonstration process and to submit a progress report on or before January 15<sup>th</sup> each year. Allows the report to be combined with the DOT annual report required by Section 57-3-760 [ANNUAL REPORT] and the Mass Transit Division report required by Section 57-3-40 [OFFICE OF PUBLIC TRANSIT; POWERS AND DUTIES].  
**WMC:** DELETE proviso. *Section 57-3-40 has been amended to incorporate these requirements. DOT reports the same information in their accountability report. Executive Order NO 2009-13 established the S.C. Interagency Transportation Coordination Council and also included these provisions while Act 206 of 2010 devolved all council duties and responsibilities upon the Office of Public Transit.* Fiscal Impact: No impact on the General Fund. Requested by Department of Transportation.  
**HOU:** ADOPT deletion of proviso.



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**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**68A.8.** (DOT: Coordinate Transportation Funding and Resources) ~~The Department of Transportation shall continue to carry out and enhance the coordination planning and demonstration process for public transportation funding and resources established during the prior fiscal year. A progress report shall be submitted to the General Assembly on or before January fifteenth each year. The progress report required by this section may be combined with the Department of Transportation Annual Report required pursuant to Section 57 3 760 and the Mass Transit Division Report required by Section 57 3 40, Code of Laws, 1976, as amended. The intent of this proviso is to improve access and delivery of transportation services, especially in rural areas. In planning and developing mechanisms for increasing coordination of funding streams and resources at both the state and local levels, the Department of Transportation shall work with each agency that provides funding for transportation and assure input in the process from major local providers of transportation services to the public, including current providers of coordinated public service.~~

~~Any agency, local government or other entity, including nonprofit organizations, using state funds or state administered federal funds for the purpose of transporting private citizens on a regular basis, (1) must provide input and information as requested by the Department of Transportation in a timely manner and in a format specified by the Department of Transportation in order to update data on transportation resources for planning purposes and; (2) show evidence of progress toward the development of or participation in a coordination plan. The Department of Corrections, the Department of Education, school districts and institutions of higher education are exempt from the requirements of this section. No transportation funds may be provided to any entity not in compliance with the requirements of this section.~~

**68A.10 REINSERT** (Financial Status Reports) Directs the Department of Transportation to provide quarterly reports on the financial status of highway projects to the corresponding Metropolitan Planning Organization or Regional Council of Governments.

**WMC:** DELETE proviso. *The information required to be provided is updated and provided on the agency's web page as part of the Statewide Transportation Improvement Program with the exception of expenditures and obligations. That information could be provided as requested.* Fiscal Impact: No impact on the General Fund. The agency would recognize a cost savings through reduction of paper and utilizing employee time more productively. Requested by Department of Transportation.

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** REINSERT proviso.

**68A.10.**(DOT: Financial Status Reports) The Department of Transportation must provide to each Metropolitan Planning Organization and Regional Council of Government, as appropriate, a quarterly financial status report of approved highway projects to include authorized project financial obligations and to date project expenditures and percent of completion.

**68A.14 DELETE NEW PROVISO** (Statewide Rail Planning) **WMC:** ADD new proviso to direct the Office of Railroads within the Division of Intermodal and Freight Programs, pursuant to Act 206 of 2010 [DIVISION OF RAILROAD TRANSPORTATION], to further implement a state railroad

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corridor preservation and revitalization plan and a comprehensive state rail plan for passenger and freight railroads and infrastructure services in compliance with applicable federal laws, rules, and regulations. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~*68A.14. (DOT: Statewide Rail Planning) Pursuant to Act 206 of 2010, the Office of Railroads within the Division of Intermodal and Freight Programs of the Department of Transportation is directed to further implement a (a) state railroad corridor preservation and revitalization plan; and (b) a comprehensive state rail plan for passenger and freight railroads and infrastructure services in compliance with applicable federal laws, rules, and regulations.*~~

- 68A.15 DELETE NEW PROVISO** (Advertising) **WMC:** ADD new proviso to authorize the department to enter into agreements with private entities to advertise on its primary agency website, other project websites, properties associated with and owned by the department, the Shelter and Bench Program, the Incident Response Program, Rest Areas and the 511 Real-Time Traveler Information Program. Direct that agreements may be entered into for the purpose of generating revenue for the cost of acquiring, constructing, equipping, maintaining and operating highways, roads, streets and bridges. Require a report be compiled that provides an accounting of the revenue received and expended associated with this advertising initiative and direct that in-kind payment agreements be included in the report. Direct that the report be submitted annually by June 30<sup>th</sup> to the President Pro Tempore of the Senate, Speaker of the House of Representatives, Chairmen of the Senate Finance and House Ways and Means Committees, and Chairmen of the Senate Finance Natural Resources and House Ways and Means Transportation and Regulatory Subcommittees. Fiscal Impact: OSB states that DOT expenditures would increase based on the amount of actual revenue generated. DOT estimates this proposal would generate approximately \$3.8 million in revenue the first year and \$3.9 annually thereafter.

**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~*68A.15. (DOT: Advertising) The Department of Transportation is hereby authorized to enter into agreements for parties to advertise on its primary agency website and other project websites, as well as properties associated with and owned by the department, the Shelter and Bench Program, the Incident Response Program, Rest Areas and the 511 Real-Time Traveler Information Program. Any agreements between the department and private entities may be entered into in order to generate revenue for the cost of acquiring, constructing, equipping, maintaining and operating highways, roads, streets and bridges.*~~

~~*The department shall compile a report accounting for the revenue received and expended from this advertising initiative, including any in-kind payment agreement. The report shall be submitted annually by June 30<sup>th</sup> to the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources 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.*~~

- 68A.16 DELETE NEW PROVISO** (Service Plazas) **WMC:** ADD new proviso to authorize the department to pursue developing and placing service plazas along eligible highways and interstates within the state. Direct that placement of the service plazas should focus on traveler

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needs, repurposing existing facilities, financial concessions with public/private initiatives, and green technology.

**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~*68A.16. (DOT: Service Plazas) The department is hereby authorized to pursue the development and placement of service plazas along eligible highways, including interstate routes, within the state. The placement of service plazas should focus on traveler needs, repurposing of existing facilities, financial concessions with public/private initiatives, and green technology.*~~

- 68A.17 DELETE NEW PROVISO (I-74 EIP) WMC:** ADD new proviso to direct the department to use the funds appropriated for the routing, planning, and studying of I 74 to conduct an Environmental Impact Study to extend SC Highway 31, the Carolina Bays Parkway, 4 miles to the North Carolina state line. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~*68A.17. (DOT: I-74 EIP) The Department of Transportation shall use the funds appropriated for the routing, planning, and studying of Interstate 74 to conduct an Environmental Impact Study to extend SC Highway 31, known as the Carolina Bays Parkway, four miles to the North Carolina state line.*~~

- 68A.18 DELETE NEW PROVISO (C-Funds) WMC:** ADD new proviso to direct that if a county transportation committee uses their C-Funds to resurface or implement other pavement preservation of state roads, DOT has the option to match those funds at a minimum of 50%. Direct the department to promulgate regulations for this match program. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~*68A.18. (DOT: C-Funds) If a county transportation committee chooses to utilize funds from the allocated C-Fund program to resurface or implement other pavement preservation of state roads, the Department of Transportation has the option to match said funds at a minimum of fifty percent. The department shall promulgate regulations relating to the match program required by this provision.*~~

**SECTION 70 - A99 - LEGISLATIVE DEPARTMENT**

- 70.14 DELETE (Dues)** Requires funds appropriated for the Council of State Governments and the National Conference of State Legislatures are to be paid as dues to the respective organizations and shall not be transferred to any other program.

**WMC:** DELETE proviso. *No funding is provided within the House and Senate Budgets for these items. See proviso 80A.13.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

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**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~70.14. (LEG: Dues) The funds provided herein for the Council of State Governments and the National Conference of State Legislatures are appropriated to be paid as dues to the respective organizations and these funds shall not be transferred to any other program.~~

- 70.20 DELETE** (Joint Legislative Committee on Aging Expenses) Directs that members of the Joint Legislative Committee on Aging receive mileage, per diem, and subsistence as provided by law for members of board, committees, and commissions. Direct that expenses for House and Senate members shall be paid by each respective body at the rate provided by law and that expenses for members appointed by the Governor shall be paid from funds appropriated to the Governor.

**WMC:** DELETE proviso.

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

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

- 70.21 DELETE** (Teacher Certificate/Recertification Staff Exemption) Directs that legislative employees may have \$100 made available to them to pay toward teacher recertification or may request and be granted an exemption from Section 2-1-120 [MEMBERS SHALL RETAIN TEACHING CERTIFICATES WHILE SERVING IN GENERAL ASSEMBLY] which shall be extended to include staff of the General Assembly.

**WMC:** DELETE proviso.

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~70.21. (LEG: Teacher Certificate/Recertification Staff Exemption) Legislative employees may have made available to them, \$100 to pay toward teacher recertification or may request and be granted an exemption from Section 2-1-120 which shall be extended to include staff of the General Assembly.~~

- 70.24 AMEND** (Joint Strategic Technology Committee) Creates a Joint Strategic Technology Committee and provides for membership of the committee. Directs that the purpose of the committee is to review the Statewide Strategic Information Technology Plan and make recommendations as needed to the Senate Finance and House Ways and Means Committees by January 29th and to also recommend priorities for state government enterprise information technology projects and resource requirements as it deems appropriate. Directs the committee to review state agency information technology spending to evaluate whether more effective

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services and cost savings can be achieved through streamlining, standardizing and consolidating state agency information technology. Requires 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. Requires the B&C Board to report these finding, by agency, to the joint committee by March 1, 2011. 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 delete the requirement that the findings be provided “no later than March 1, 2011.” Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**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, of the current fiscal year. The joint committee shall also recommend priorities for state government enterprise information technology projects and resource requirements as it determines appropriate;

(2) The joint committee shall 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~~. 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 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

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Information Technology Plan being developed by the State through the Budget and Control Board. The committee shall also assist and advise the Joint Strategic Technology Committee at its request.

- 70.25**     **AMEND** (Statewide Acts Availability) Directs Clerks of the House and Senate to make all statewide Acts available electronically.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to allow the clerks to make all statewide Acts available electronically before sine die adjournment.

**70.25.** (LEG: Statewide Acts Availability) ~~After sine die adjournment, the~~ From the funds appropriated in Part IA, Section 70D of this Act, for the current fiscal year the clerks of the House of Representatives and the Senate are to make all statewide Acts available to the public electronically. The provisions of this section are in lieu of the House and Senate Clerks' duties related to the printing and mailing of statewide acts as set forth in ~~Section~~ Sections 2-7-80, 2-13-190, 2-13-210, and 11-25-640 through 11-25-680 of the 1976 Code.

- 70.28**     **ADD** (Suspend LAC Evaluation) **WMC:** ADD new proviso to suspend the provisions of Section 43-5-1285 [SC FAMILY INDEPENDENCE ACT OF 1995 EVALUATION AND REPORTS] for FY 2011-12. Direct that any savings generated be used to conduct audits required by Section 2-15-60 [DUTIES OF COUNCIL]. *Suspension will enable the LAC to use the funds that would have been spent on this review to conduct audits requested by the General Assembly.* Fiscal Impact: No impact on the General Fund. Requested by Legislative Audit Council.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

**70.28.** (LEG: Suspend LAC Evaluation) *For Fiscal Year 2011-12, the provisions of Section 43-5-1285 of the 1976 Code are suspended. Any savings generated by the suspension of the evaluation of the South Carolina Family Independence Act of 1995 shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.*

- 70.29**     **AMEND NEW PROVISO** (DMV Audit Review) **WMC:** ADD new proviso to direct that the LAC is not required to conduct an independent review of DMV and direct that any savings generated be used to conduct audits required by Section 2-15-60 [DUTIES OF COUNCIL]. *Not being required to conduct the DMV review will enable the LAC to use the funds to conduct audits requested by the General Assembly.* Fiscal Impact: No impact on the General Fund. Requested by Legislative Audit Council.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to suspend the provisions of Section 56-1-5(F) rather than instruct the council that they are not required to conduct an independent review of DMV.

**70.29.** (LEG: DMV Audit Review) ~~For Fiscal Year 2011-12, the Legislative Audit Council shall not be required to conduct an independent review of the Department of Motor Vehicles~~ the provisions of Section 56-1-5(F) are suspended. *Any savings generated by not conducting the review shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.*

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- 70.30**    **ADD** (Electronic Correspondence)    **WMC:** ADD new proviso to prohibit the House of Representatives, during FY 11-12, from spending funds to print or mail bills, summaries, committee agendas, etc. to committee members. Direct that relevant information on committee meetings be sent to members electronically. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*70.30. (LEG: Electronic Correspondence) For Fiscal Year 2011-12, the House of Representatives may not expend any funds for the printing or mailing of bills, summaries, committee agendas, etc. to committee members. The House of Representatives shall send all relevant information concerning committee meetings to committee members via electronic means.*

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

- 71.3**    **DELETE** (Fee Increase) Prohibits the Administrative Law Court, for the current fiscal year, from charging or increasing filing fees beyond the amounts charged on January 1, 2009.  
**WMC:** DELETE proviso. Fiscal Impact: Per OSB, no impact on the General Fund. Per agency, would increase revenue for agency operations by \$35,000 per year. Requested by Administrative Law Court.  
**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~**71.3.** (ALJ: Fee Increase) For the current fiscal year, the Administrative Law Court may not charge or increase filing fees beyond the amounts charged on January 1, 2009.~~

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

- 72.21**    **AMEND FURTHER** (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 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.  
**WMC:** AMEND proviso to delete the requirement that the Governor's Office use at least \$241,569 to reimburse the B&C Board, Division of General Services. Fiscal Impact: No impact on the General Fund. Requested by Governor's Office.  
**HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to authorize the funds to be retained, expended and carried forward to support agency operations.

~~**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~~

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facilities and grounds must be ~~credited to and maintained in an account within the Governor's Office~~ retained and expended by the Governor's Office, Mansion and Grounds to support its operations. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

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

- 75.6 AMEND NEW PROVISO** (Federal 3% Withholding Mandate) **WMC:** ADD new proviso to direct that if the provision in the Tax Reconciliation Act of 2005 (Public Law 109-222) that requires withholding 3% of payments to vendors and other payees for remission to the IRS is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess state agencies for their pro rata share of the costs of implementing and operating the program to comply with the federal mandate. Limit the total assessment cost charged to agencies to \$235,000 during the first year of the program. Direct that the assessment methodology be based on each agency's volume of payments to which the 3% withholding mandate would have applied during the last completed fiscal year. Require an explanation of the assessment methodology and the amount of the assessment to be charged to each agency be provided to the Chairmen of the Senate Finance and House Ways and Means Committees at least 15 days before the assessments are issued. Direct that the agencies must pay the assessment within 30 days of issuance. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to authorize the funds to be retained and unexpended funds to be carried forward and used for the same purpose. Requested by Comptroller General's Office.

75.6. (CG: Federal 3% Withholding Mandate) In the event the provision in the Tax Reconciliation Act of 2005 (Public Law 109-222) requiring the withholding of three per cent (3%) of payments to vendors and other payees for remission to the Internal Revenue Service is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess charges against state agencies for their pro rata share of the costs of the implementation and operation of the program to comply with this federal mandate. The total costs of the program assessed against agencies during the first fiscal year of the program shall not exceed \$235,000. The methodology for the pro rata assessment shall be based on each agency's volume of payments to which the three percent (3%) withholding mandate would have applied during the last completed fiscal year. **These revenues may be retained and expended by the Comptroller General's Office to support implementation and operation of the program. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purpose.** The Comptroller General's Office shall provide the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee with an explanation of the assessment methodology and the assessment to be charged to each agency at least fifteen (15) days before the issuance of the assessments. The assessment shall be paid by each agency to the Comptroller General's Office within thirty (30) days of the issuance of the assessment. Requested by Office of Comptroller General.



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- 75.7**     **AMEND NEW PROVISO** (Federal Expanded 1099 Reporting Mandate) **WMC:** ADD new proviso to direct that if the provision in the Patient Protection and Affordable Care Act of 2010, as amended, requiring (1) the issuance of IRS Form 1099 for vendors that are corporations and (2) the IRS Form 1099 include payments for property is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess state agencies for their pro rata share of the costs of implementing and operating the program to comply with the federal mandate. Limit the total assessment cost charged to agencies to \$255,000 during the first year of the program. Direct that the assessment methodology be based on each agency's number of vendors to which the expanded Form 1099 reporting mandate would have applied during the last completed fiscal year. Require an explanation of the assessment methodology and the amount of the assessment to be charged to each agency be provided to the Chairmen of the Senate Finance and House Ways and Means Committees at least 15 days before the assessments are issued. Direct that the agencies must pay the assessment within 30 days of issuance. Requested by Office of Comptroller General. Fiscal Impact: No impact on the General Fund.
- HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to authorize the funds to be retained and unexpended funds to be carried forward and used for the same purpose. Requested by Comptroller General's Office.

**75.7.** (CG: Federal Expanded 1099 Reporting Mandate) In the event the provision in the Patient Protection and Affordable Care Act of 2010, as amended, requiring (1) the issuance of IRS Form 1099 for vendors that are corporations and (2) the IRS Form 1099 include payments for property is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess charges against state agencies for their pro rata share of the costs of the implementation and operation of the program to comply with this federal mandate. The total costs of the program assessed against agencies during the first fiscal year of the program shall not exceed \$255,000. The methodology for the pro rata assessment shall be based on each agency's number of vendors to which the expanded Form 1099 reporting mandate would have applied during the last completed fiscal year. **These revenues may be retained and expended by the Comptroller General's Office to support implementation and operation of the program. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purpose.** The Comptroller General's Office shall provide the Chairman of the House Ways and Means Committee and the Senate Finance Committee with an explanation of the assessment methodology and the assessment to be charged to each agency at least fifteen (15) days before the issuance of the assessments. The assessment shall be paid by each agency to the Comptroller General's Office within thirty (30) days of the issuance of the assessment.

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- 75.psm ADD** (Payroll System Maintenance for State Optional Retirement Program) **PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Comptroller General to contract with the Retirement System to support the requirements of the State Optional Retirement Program (ORP) within the State's payroll and accounting systems. Authorize cost recovery for providing those services to not exceed \$100,000; allow those funds to be used to support the operations of the office; and authorize the funds to be carried forward and used for the same purposes. *To enable the agency to support ORP as needed.* Fiscal Impact: Maximum revenue generated for the office would be \$100,000. Requested by Comptroller General's Office.

*75.psm. (CG: Payroll System Maintenance for State Optional Retirement Program) The Comptroller General is hereby authorized 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 Office of the Comptroller General is authorized to seek cost recovery not to exceed \$100,000 from the SC Retirement System for those services. The cost recovery may be used to support the operations of the Office of the Comptroller General 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.*

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

- 76.7 DELETE** (ScienceSouth) Directs the Office of the State Treasurer to transfer \$500,000 from Subfund 4019 Governor's Teaching School Loan Program to ScienceSouth for training public school teachers in science curriculum standards. Authorizes the transferred funds to be carried forward.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~**76.7.** (TREAS: ScienceSouth) The Office of State Treasurer is directed to transfer \$500,000 from Subfund 4019 Governor's Teaching School Loan Program to ScienceSouth for the training of public school teachers in science curriculum standards through grade specific, standards based instructional activities. Funds transferred to ScienceSouth may be carried forward.~~

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- 76.14 DELETE NEW PROVISO** (Audit Finding Follow-Up) **WMC:** ADD new proviso to direct and empower the State Treasurer to follow-up on audit findings issued by the LAC, the State Auditor, or any other independent audit that involves receipt and disbursement of state funds or in achieving cost savings; to conduct additional audits or take other actions to ensure state funds have been properly received and disbursed in accordance with legislative intent; and to contract for or conduct recovery audits to identify overpayments or erroneous payments to vendors. Authorize the State Treasurer to recover amounts due agencies or institutions by seeking refunds, withholding future payments or distributions, or by other actions deemed appropriate, including legal action on behalf of the State. Require entities disbursing or receiving state funds to cooperate with the State Treasurer in these activities. Direct the State Treasurer to deposit any funds collected by this provision in a separate account for appropriation by the General Assembly, unless otherwise provided for by law. Authorize the State Treasurer to retain and expend a portion of any funds received to pay for costs associated with managing and enforcing this provision. Direct the State Treasurer to annually report to the General Assembly on the management activities and cost recoveries. *Currently there are limited provisions for ensuring recovery of state funds in audit findings or cost savings. This proviso grants the State Treasurer the authority to follow-up and recover funds.* Fiscal Impact: The State Treasurer indicates this provision is expected to produce additional revenue or cost savings for the state. Requested by Office of State Treasurer.  
**HOU:** ADOPT new of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~76.14. (TREAS: Audit Finding Follow-Up) The State Treasurer is directed and empowered to: a) follow up on audit finding issued by the Legislative Audit Council, the Office of State Auditor, or any other independent audit involving the receipt or disbursement of state funds or achieving cost savings for the State or its agencies and institutions; b) conduct additional audits or take other actions to ensure proper receipt and disbursement of state funds in accordance with legislative intent; and c) contract for or conduct recovery audits designed to identify overpayments or erroneous payments to vendors. The State Treasurer may recover any amounts due the State agencies or institutions by seeking refunds, withholding future payments or distributions, or by whatever other actions the State Treasurer deems appropriate including appropriate legal action on behalf of the State. All entities disbursing or receiving state funds shall cooperate with the State Treasurer in these activities. The State Treasurer shall deposit any funds collected by this provision in a separate account to be appropriated by the General Assembly, unless otherwise provided for by law. The State Treasurer may retain and expend a portion of any funds received to pay for costs associated with the management and enforcement of this provision. The State Treasurer shall report annually to the General Assembly on its management activities and cost recoveries regarding this directive.~~

**SECTION 79 - E28-ELECTION COMMISSION**

- 79.1 CONFORM TO FUNDING** (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

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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. *Funding was vetoed by the Governor for FY 10-11, thus no funds are appropriated for this purpose.* Fiscal Impact: No impact on the General Fund. Requested by Election Commission.

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** CONFORM to funding recommendation.

**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.~~

- 79.6 RESTORE ORIGINAL PROVISO** (Primary and General Election Carry Forward) Authorize filing fees paid by candidates filing to run in statewide or special primary elections to be retained, expended, and carried forward to conduct primary elections. Authorize Primary and General Election Accounts funds to be carried forward and expended for the same purpose. **WMC:** AMEND proviso to allow these funds to also be used to conduct the 2012 Presidential Preference Primary elections. Fiscal Impact: No impact on the General Fund. The agency indicates there remains approximately \$1.3 million in the General Election account and \$80,000 in the primary election account. **HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** RESTORE original proviso.

**79.6.** (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections. Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. ~~*In addition, the aforementioned funds may also be utilized to conduct the 2012 Presidential Preference Primary elections.*~~

- 79.11 DELETE** (Maintenance of Effort) Requires a portion of "Maintenance of Effort," funds be used to conduct a timely reconciliation of voter registration files maintained by the Election Commission.

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**WMC:** DELETE proviso. *Funds have been depleted.* Fiscal Impact: No impact on the General Fund. Requested by Election Commission.

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**79.11.** (ELECT: Maintenance of Effort) ~~Of funds appropriated to the State Election Commission for the purposes of "Maintenance of Effort," a portion must be used to conduct a timely reconciliation of voter registration files maintained by the State Election Commission.~~

**79.12** **AMEND FURTHER** ~~(Presidential Preference Primary and~~ Ballot Security **Carry Forward**)  
Authorizes 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.

**WMC:** AMEND proviso to delete reference to carrying forward Presidential Preference Primary elections funds (*funds have been expended*) and update Statewide Primaries Runoff from "2010" to "2012." Fiscal Impact: No impact on the General Fund. The agency indicates approximately \$284,000 Ballot Security funding is available to be carried forward. Requested by Election Commission. AMEND FURTHER to authorize the Ballot Security funds carried forward to also be used to conduct the 2012 Presidential Preference Primary elections.

**HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to delete reference to 2012 Presidential Preference Primary elections. Authorize unexpended Ballot Security funds to be carried forward and used for the "same purpose" or to conduct the 2012 Statewide Primaries/Runoff.

**79.12.** (ELECT: ~~Presidential Preference Primary and~~ Ballot Security **Carry Forward**)  
The State Election Commission is authorized to carry forward ~~and use funds originally appropriated for conducting the Presidential Preference Primary elections and for~~ **unexpended Ballot Security funds from the prior fiscal year into the current fiscal year, to be expended for the same purpose or** to conduct the ~~2012 Presidential Preference Primary elections and the 2010~~ **2012** Statewide Primaries/Runoff.

**79.ppp** **ADD** (Presidential Preference Primary Contract) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the Election Commission to contract with a certified political party's state committee to conduct the 2012 Presidential Preference Primaries if the party's candidate received at least 5% of the popular vote in the state's most recent election for President. Require the Election Commission to bill each political party for expenses associated with conducting the primary. Require the commission conduct the primary in accordance with the provisions of Title 7 and direct that the registered elector may only vote in one presidential preference primary. Direct the commission and authorities responsible for conducting the elections in each county provide for cost-effective measures in conducting these primaries including, but not limited to, combining polling places; and require the party's state committee set the election date and filing requirements, including a certification fee. Require political parties to verify candidates qualifications before certifying them to the Election Commission and require that written certification contain a statement that each certified candidate meets, or will meet by the time of the election, the qualifications in the U.S. Constitution, statutory law, and party rules to participate in the presidential preference primary;

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prohibit certification of candidates who do not meet this criteria; and prohibit their name from being placed on the ballot. Authorize political parties to charge a certification fee to persons seeking to be candidates in the presidential preference primary. Require a filing fee for each certified candidate, not to exceed \$20,000, as determined by the Election Commission, be transmitted by the respective political party to the Election Commission to be used to conduct the presidential preference primaries.

**79.ppp.** (ELEC: Presidential Preference Primary Contract) The State Election Commission is authorized to enter into a contract with the state committee of a certified political party for the purpose of conducting the 2012 Presidential Preference Primaries. The political party's candidate for President must have received at least five percent of the popular vote in South Carolina during the most recent election for President. The State Election Commission must bill each political party for expenses associated with conducting the presidential preference primary. The State Election Commission must conduct the presidential preference primary in accordance with the provisions of Title 7 of the 1976 Code and party rules, provided that a registered elector may cast a ballot in only one presidential preference primary. However, notwithstanding any other provision of Title 7, (a) the State Election Commission and the authorities responsible for conducting the elections in each county shall provide for cost-effective measures in conducting the presidential preference primaries including, but not limited to, combining polling places, while ensuring that voters have adequate notice and access to the polling places; and (b) the state committee of the party shall set the date and the filing requirements, including a certification fee. Political parties must verify the qualifications of candidates prior to certifying to the State Election Commission the names of candidates to be placed on primary ballots. The written certification required by this section must contain a statement that each certified candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications in the United States Constitution, statutory law, and party rules to participate in the presidential preference primary for which he has filed. Political parties must not certify any candidate who does not or will not by the time of the general election meet the qualifications in the United States Constitution, statutory law, and party rules for the presidential preference primary for which the candidate desires to file, and such candidate's name must not be placed on a primary ballot. Political parties may charge a certification fee to persons seeking to be candidates in the presidential preference primary for the political party. A filing fee not to exceed twenty thousand dollars, as determined by the State Election Commission, for each candidate certified by a political party must be transmitted by the respective political party to the State Election Commission and must be used for conducting the presidential preference primaries.

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

- 80A.4 AMEND** (Wireless Communications Tower) Directs the B&C Board to coordinate tower and antenna operations within state government to maximize the use of wireless communications infrastructure and to support a statewide public safety communication system. Directs that all revenue from tower and antenna leases and contracts after July 1, 2001 must be remitted to a separate fund to create and support a statewide public safety communication system and authorize these funds to be carried forward and used for the same purpose. Authorizes agencies owning tower and antenna assets be allowed to recover expenses associated with implementing this provision. Directs the board to annually report by October 1<sup>st</sup> to the Chairmen of the Senate Finance and House Ways and Means Committees all revenues collected and disbursed.
- WMC:** AMEND proviso to direct that these funds be transferred to ETV which shall retain, expend, and carry for the funds for agency operations.

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**HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**80A.4.** (BCB: Wireless Communications Tower) The Budget and Control Board is directed to coordinate tower and antenna operations within South Carolina state government. The Board shall (1) approve all leases regarding antenna placement on state owned towers and buildings, (2) coordinate all new tower construction on state owned property, (3) promote and market excess capacity on the State's wireless communications infrastructure, (4) generate revenue by leasing, licensing, or selling excess capacity on the State's wireless communications infrastructure, and (5) construct new communications assets on appropriate state owned property for the purpose of generating revenue pursuant to this proviso. All revenue from tower and antenna leases and contracts after July 1, 2001 must be remitted to a separate fund established by the Board ~~to create and support a statewide public safety communications system and shall be transferred to the Educational Television Commission which shall retain and expend such funds for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year. These funds shall be retained and carried forward and used for the same purpose.~~ Agencies owning tower and antenna assets will be allowed to recover expenses associated with implementing this proviso from this fund. The Board shall annually report to the Chairmen of the Senate Finance and House Ways and Means Committees by October first of each year all revenue collected and disbursed. This report shall also include a summary of each agency's overall revenues, whether retained by the agency or remitted to the separate fund.

**80A.9 DELETE** (Carry Forward - State Water Pollution Control Revolving Fund) Directs that if any loan fee funds accumulated by the B&C Board are not expended during the preceding fiscal year, they may be carried forward and expended for conducting the State Revolving Fund programs for wastewater or drinking water.

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

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**80A.9.** (BCB: Carry Forward - State Water Pollution Control Revolving Fund) ~~If any funds accumulated by the Budget and Control Board from loan fees are not expended during the preceding fiscal years, such funds may be carried forward and expended for the costs associated with conducting the State Revolving Fund programs for wastewater or drinking water.~~

**80A.13 REINSERT/AMEND** ~~(Technology and~~ Other Initiatives) Directs the board to use \$100,000 to support partnerships that further initiatives to align higher educational programs with technology intensive industry needs. Direct the board to pay the annual NCSL and CSG dues.

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

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** REINSERT proviso and amend to delete the directive that \$100,000 of B&C Board funds be used to support partnerships that further initiatives to align higher ed programs with technology intensive industry needs.

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**80A.13.** (BCB: ~~Technology and~~ Other Initiatives) The Budget and Control Board ~~shall use \$100,000 to support partnerships that further initiatives to align higher educational programs with the needs of technology-intensive industries. Additionally, the board shall pay the annual dues for NCSL and CSG.~~

**80A.20 AMEND** (Election File Merge) Directs the Office of Research and Statistics (ORS), in conjunction with the S.C. Election Commission, to merge the voter registration file with the office's Geocoded Address List and the district boundaries of the Congress, S.C. Senate, S.C. House of Representatives, county councils, city councils, school districts, and commissions of public works to assist the County Registration and Election Commissions to ensure that registered voters are assigned to proper election districts. Directs that the merged systems will allow the Office of Research & Statistics to provide the respective county officials with a list of potential voters possibly assigned to the wrong election district.

**WMC:** AMEND proviso to delete city councils, school districts and commissions of public works from the requirement to provide election information. Requires counties and municipalities to release GIS information to ORS upon a written request submitted to the county or municipality's chief administrative officer and direct that they be informed that failure to comply within 30 days of the request may result in the withholding of 10% of the county's or municipality's state aid. Authorize the ORS director to grant additional time for good cause and direct that release must be waived if the county or municipality does not possess GIS data. Direct the ORS director, after the required notice has been sent, to notify the State Treasurer of any county or municipality that has failed to comply with releasing their GIS data. Direct that notification shall result in withholding 10% of subsequent payments of state aid to the entity until the GIS data is provided. Authorize municipal and county data acquired by ORS under this provision to be used for other functions of the office. *Clarifies that ORS is only required to merge files and data for election districts that have official records. Ensures that local information is provided in a timely manner.* 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: Election File Merge) In order to assist the County Registration and Election Commissions to ensure that registered voters are assigned to proper election districts, the Office of Research and Statistics, in conjunction with the South Carolina Election Commission, shall merge the voter registration file with the office's Geocoded Address List and the district boundaries of the Congress, SC Senate, SC House of Representatives, county councils, ~~city councils, school districts and commissions of public works~~ and such other districts as the office possesses official district boundary records in electronic format. The merged systems will allow the Office of Research and Statistics to provide the respective county officials with a list of potential voters who are possibly assigned to the wrong election district. Counties and municipalities shall release GIS to the Office of Research and Statistics upon the Office's written request. Written request must be sent to the chief administrative officer of the county or municipality and advise the county or municipality that failure to comply within thirty days of request may result in the withholding of ten percent of the county's or municipality's state aid. The Director of the Office of Research and Statistics may grant additional time for good cause and must waive release if the county or municipality does not possess GIS data. For counties and municipalities that possess GIS data but do not release it,



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the Director of the Office of Research and Statistics shall notify the State Treasurer of the failure to comply with this provision after the required notice. Notification shall result in the withholding of ten percent of subsequent payments of state aid to the entity until the GIS data is provided. Municipal and county data acquired by the Office of Research and Statistics in the course of performing its responsibilities under this provision may be used for other functions of the office.

- 80A.22 DELETE** (South Carolina 911 Advisory Committee) Re-establishes the CMRS Emergency Telephone Advisory Committee as the S.C. 911 Advisory Committee to advise the B&C Board on 911 matters and revises membership of Committee.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.  
*Codified in Section 23-47-65.*

**80A.22.** (BCB: South Carolina 911 Advisory Committee) ~~The CMRS Emergency Telephone Advisory Committee established pursuant to Section 23-47-65 of the 1976 Code and which terminated after August 1, 2004, is reestablished for the current fiscal year as it was established in Section 23-47-65. The powers of that committee are devolved on the reestablished committee and the committee shall advise the Budget and Control Board on 911 matters. However, this reestablished committee is renamed the South Carolina 911 Advisory Committee and the ex-officio membership of the State Auditor is replaced by a Budget and Control Board Division Director appointed by the Governor, who shall serve ex-officio. The Director of the Office of Research and Statistics shall serve in lieu of the Director of the Budget and Control Board, Division of State Information Technology. Also, the member who is an employee of a telephone service supplier must be an employee of a local exchange access facility service supplier licensed to do business in this State.~~

- 80A.23 REINSERT/AMEND** (Base Closure Carry Forward) Authorizes Base Closure Fund appropriations to be carried forward and used for the same purpose.  
**WMC:** DELETE proviso.  
**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** REINSERT proviso and amend to authorize \$300,000 of Base Closure funds to be carried forward and used for Base Closure purposes.

**80A.23.** (BCB: Base Closure Carry Forward) ~~Funds~~ Of the funds appropriated to the Budget and Control Board for the Base Closure Fund, \$300,000 shall be carried forward into the current fiscal year and shall be used for the same purpose.

- 80A.32 DELETE** (Census Carry Forward) Authorizes unexpended Census Promotion and Participation funds to be carried forward and used for the same purposes.  
**WMC:** DELETE proviso. *Funds have been expended.* 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.

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**80A.32.** (BCB: Census Carry Forward) ~~Any unexpended funds appropriated to the Budget and Control Board for Census Promotion and Participation may be carried forward from the prior fiscal year to the current fiscal year and used for the same purposes.~~

**80A.35 AMEND FURTHER** (SCEIS Flexibility) Directs that in addition to the flexibility in proviso 89.80, the B&C Board Executive Director shall transfer and use funds from any other agency accounts to maintain critical development of infrastructure assets for statewide SCEIS implementation until the General Assembly appropriates further funding.

**WMC:** AMEND proviso to change reference from “89.80” to “89.140;” direct the board to transfer and use at least \$6,812,478; and prohibit the board from using their “Trust and Agency Funds” as defined by the Comptroller General’s Statewide Accounting System, Subfund 3482, Rural Infrastructure Bank Trust Fund, and Subfund 4846, Tobacco Settlement Local Government Fund for this purpose. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to delete the restriction from using “Trust and Agency Funds” and Subfunds 3482 and 4846.

**80A.35.** (BCB: SCEIS Flexibility) In addition to the flexibility authorized in provision ~~89.80 (GP: Flexibility)~~ 89.140 (GP: FY 2011-12 Flexibility), the Executive Director of the Budget and Control Board is directed to transfer and utilize a minimum of \$6,812,478 of funds from any other accounts within the agency in an effort to maintain critical development of infrastructure assets of the statewide SCEIS implementation until further funding is appropriated by the General Assembly, ~~except that funds from “Trust and Agency Funds” as defined by the Office of the Comptroller General in the Statewide Accounting System, Subfund 3482, Rural Infrastructure Bank Trust Fund, and Subfund 4846, Tobacco Settlement Local Government Fund shall not be utilized for this purpose.~~

**80A.37 DELETE** (December Holidays) Directs that employees observe the Saturday, December 25, 2010 and Sunday, December 26, 2010 holidays on Monday, December 27, 2010 and Tuesday, December 28, 2010, respectively.

**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund. *See new proviso 80A.dh.*

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**80A.37.** (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.40 ADD** (December Holidays) **WMC:** ADD new proviso to direct that for 2011, employees observe the Saturday, December 24<sup>th</sup> legal holiday on Friday, December 23<sup>rd</sup>; and the Sunday, December 25<sup>th</sup> and Monday December 26<sup>th</sup> legal holidays on Monday, December 26<sup>th</sup> and Tuesday, December 27<sup>th</sup>, 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.

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**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

**80A.40.** (BCB: December Holidays) For state employees, the Saturday, December 24, 2011 legal holiday shall be observed on Friday, December 23, 2011; the Sunday December 25, 2011 legal holiday shall be observed on Monday, December 26, 2011, and the Monday, December 26, 2011 legal holiday shall be observed on Tuesday, December 27, 2011.

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

**80C.1 DELETE** (Deferred Compensation) Directs the State, to the extent funds are appropriated, to make contributions to deferred compensation plans on behalf of permanent full time state employees who were employed and earned less than \$20,000 a year as of July 1, 2000. Directs the board to determine the amount, terms and conditions of the contributions without those employees making contributions to the plan.

**WMC:** DELETE proviso. *Funding has not been provided by the General Assembly to enact this provision in recent years.* 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.

~~**80C.1.** (BCB/EB: Deferred Compensation) To the extent funds are appropriated, the State shall make contributions to deferred compensation plan accounts on behalf of permanent, full time state employees who were employed and earned less than \$20,000 per year as of July 1, 2000, in an amount and under the terms and conditions prescribed for such contributions by the Budget and Control Board, without such employees making contributions to the deferred compensation plan.~~

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

**81.3 AMEND** (Rural Infrastructure Fund Transfer) Authorizes DOR to deposit Rural Infrastructure Fund revenues in excess of \$12,000,000 to the Rural Infrastructure Bank Trust Fund under the B&C Board, Office of Local Government. Direct that revenue in excess of \$17,000,000 be deposited in the Rural Infrastructure Fund under the Department of Commerce, Coordinating Council

**HOU:** AMEND proviso to direct that all monies in the B&C Board Office of Local Government Rural Infrastructure Bank Trust Fund must be transferred during FY 11-12 to the S.C. Rural Infrastructure Authority, Rural Infrastructure Fund established pursuant to Chapter 50 of Title 11 and administered by the B&C Board Office of Local Government. Direct that the funds are to be used to provide financial assistance for qualified rural infrastructure projects to include facilities and appurtenances to meet public health and environmental standards; to develop trade, commerce, and industry; to provide for potable water and wastewater services; and to provide for emergency preparedness infrastructure. Sponsors: Reps. Clyburn, Cobb-Hunter, Cooper, Ott, Lucas, and Harrell.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

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**81.3.** (DOR: Rural Infrastructure Fund Transfer) Notwithstanding Section 12-10-85, the Department of Revenue is authorized to deposit revenues from the Rural Infrastructure Fund in excess of \$12 million dollars to the Rural Infrastructure Bank Trust Fund under the Budget and Control Board, Office of Local Government. Any revenues in excess of \$17 million shall be deposited in the Rural Infrastructure Fund under the Department of Commerce, Coordinating Council. All monies in the Rural Infrastructure Bank Trust Fund under the Budget and Control Board, Office of Local Government, including those deposited in the fund pursuant to the provisions of this paragraph, must be transferred during Fiscal Year 2011-2012 to the Rural Infrastructure Fund of the South Carolina Rural Infrastructure Authority established pursuant to Chapter 50 of Title 11 and administered by the Office of Local Government under the Budget and Control Board to be used for the purposes of the Rural Infrastructure Authority, which involve providing financial assistance for qualified rural infrastructure projects to include facilities and appurtenances to meet public health and environmental standards, to develop trade, commerce, and industry, to provide for potable water and wastewater services, and to provide for emergency preparedness infrastructure.

- 81.10** **DELETE NEW PROVISO** (Airline Property Tax Report) **WMC:** ADD new proviso to direct the Department of Revenue to submit a report to the Chairmen of the Senate Finance and House Ways and Means Committees by January 10, 2012, that provides the methodology used to determine the property tax collected on aircraft under Title 12, Chapter 37, Article 19 [ASSESSMENT OF PROPERTY TAXES: AIRCRAFT]. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~81.10. (DOR: Airline Property Tax Report) From the fund appropriated to and/or authorized for the Department of Revenue, the department shall report on the methodology used to determine the property tax collected on aircraft under Title 12, Chapter 37, Article 19 of the 1976 Code. The department shall submit the report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January 10, 2012.~~

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

- 82.1** **DELETE** (Electronic Filing) Authorizes 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. Requires all funds saved be used to offset the cost of administering and enforcing the Ethics Act. Authorizes unexpended funds to be carried forward.  
**WMC:** DELETE proviso. *Codified in Section 8-13-365 [ELECTRONIC FILING SYSTEM FOR DISCLOSURES AND REPORTS; PUBLIC ACCESSIBILITY].* Fiscal Impact: No impact on the General Fund. Agency should realize a cost savings due to less postage and paper usage while other funds generated will be less due to the reduced sale of documents. Requested by Ethics Commission.  
**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of 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~~

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~~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.~~

- 82.2 AMEND NEW PROVISO (Lobbying Fee Increase) WMC:** ADD new proviso to authorize the Ethics Commission to increase the registration fees for lobbyists and lobbyist principals to \$200. Direct that 50% of the increased fee be remitted to the general fund and 50% be retained by the commission and used to offset costs associated with administering and enforcing 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. Fiscal Impact: OSB indicates additional revenue of \$125,000 to \$150,000 would be generated annually. Requested by Ethics Commission.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to direct that in addition to the currently authorized lobbyist and lobbyist's principal registration fees, the commission may charge each lobbyist and lobbyist's principal a \$100 administrative fee and authorize the commission to retain the increased revenue.

~~82.2. (ETHICS: Lobbying Fee Increase) ~~The~~ In addition to the lobbyist and lobbyist's principal registration fees currently authorized by law, the State Ethics Commission is authorized to increase lobbyist and lobbyist's principal registration fees to two hundred dollars charge a one hundred dollar administrative fee to each lobbyist and lobbyist's principal. Fifty percent of the increased fee shall be remitted to the general fund and the remaining fifty percent The increased revenue shall be retained by the commission to be used to offset costs associated with the administration and enforcement of Chapter 17 of Title 2 and Chapter 13 of Title 8 of the 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.~~

- 82.3 DELETE NEW PROVISO (Confidentiality) WMC:** ADD new proviso to preclude the State Ethics Commission staff from making any public comment which reflects a personal opinion about any matter which is before or which is pending action before the commission or the commission staff. Direct that this provision does not abridge the commission's responsibilities pursuant to the Freedom of Information Act, Section 30-4-10, et. seq. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~82.3. (ETHICS: Confidentiality) ~~The State Ethics Commission staff shall be precluded from making any public comment which in any way reflects a personal opinion about any matter which is before or which is pending action before the commission or the commission staff. Nothing in this provision shall abridge the commission's responsibilities pursuant to the Freedom of Information Act, Section 30-4-10, et. seq. of the 1976 Code.~~~~

**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.

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**WMC:** AMEND proviso to change fiscal year references from “2009-10” to “2010-11” and “2010-11” to “2011-12.”

**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 ~~2009-10~~ 2010-11 may be carried forward and expended for debt service purposes in Fiscal Year ~~2010-11~~ 2011-12.

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

**86.2** **AMEND** (Local Government Flexibility) Directs that for FY 10-11, counties may transfer funds among appropriated state revenues as needed to ensure delivery of services.

**WMC:** AMEND proviso to change Fiscal Year “2010-11” to “2011-12.” 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 ~~2010-11~~ 2011-12, 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 10-11, the quarterly distribution for Aid to Subdivisions-Local Government Fund entities be as follows: 1<sup>st</sup> quarter is to equal the amount of the last quarterly distribution for FY 09-10 and the next three quarters shall be reduced in equal amounts with the four distributions totaling the 10-11 appropriation from the Local Government Fund.

**WMC:** AMEND proviso to change fiscal year references from “2010-11” to “2011-12” and “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.

**86.3.** (AS-TREAS: Quarterly Distributions) For Fiscal Year ~~2010-11~~ 2011-12, the amount of the four quarterly distributions from the Aid to Subdivisions-Local Government Fund shall be as follows: The amount of the first quarterly distribution for each entity shall equal the amount of the last quarterly distribution for Fiscal Year ~~2009-10~~ 2010-11 and thereafter the next three quarterly distributions shall be in reduced equal amounts, the four distributions together totaling the ~~2010-11~~ 2011-12 appropriation from the Local Government Fund.

**86.7** **CONFORM TO FUNDING** (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:** DELETE proviso.

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**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** CONFORM to funding recommendation.

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

**86.8** **AMEND FURTHER** (Flexibility) Allows a political subdivision that receives funds from the Local Government Fund to reduce its support to any state mandated program or requirement, if there is no specific funding level or amount of support required by law, by up to the same percentage the actual amount appropriated to the Local Government Fund was reduced in the current fiscal year as compared to the last completed fiscal year.

**WMC:** AMEND proviso to change Fiscal Year “2010-11” to “2011-12.” Fiscal Impact: No impact on the General Fund.

**HOU:** AMEND FURTHER to delete the reference to “for which a specific level or amount of support or funding is not provided by law.” Allow support to be reduced by up to a percentage equal to amount the Local Government Fund appropriation is reduced as compared to “the amount required to be appropriated pursuant to Section 6-27-30” rather than as compared to the “last completed fiscal year.” Sponsor: Rep. Crosby.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**86.8.** (AS-TREAS: Flexibility) For Fiscal Year ~~2010-11~~ 2011-12, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, ~~for which a specific level or amount of support or funding is not provided by law~~, 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~~ amount required to be appropriated pursuant to Section 6-27-30.

**86.9** **DELETE NEW PROVISO** (Equivalent Millage and Local Government Fund Reduction)

**WMC:** ADD new proviso to direct that if a municipality’s boundaries extend into more than one county and those counties implement required countywide appraisal and equalization programs on different schedules, the municipality’s governing body shall set an equivalent millage to be used to compute municipal ad valorem property taxes. Direct that the equivalent millage be determined by a methodology established by the respective county auditors consistent with the methodology for calculating equivalent millage established by DOR for use in such situations. Direct that the purpose of this provision is to equalize the tax burdens within the municipality. Direct that if any municipality does not implement these provisions during the Fiscal Year 2011-12, it shall have its 2011-12 distribution from the Local Government Fund under the State Aid to Subdivisions Act reduced by an amount equal to what the State Treasurer, upon consultation with DOR, determines that taxpayers in the municipality collectively were overcharged in ad valorem property taxes by the municipality’s failure to implement these provisions during FY 2011-12. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

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~~86.9. (AS-TREAS: Equivalent Millage and Local Government Fund Reduction) (A) If the boundaries of a municipality extend into more than one county and those counties implement required countywide appraisal and equalization programs on different schedules, then the governing body of the municipality shall set an equivalent millage to be used to compute municipal ad valorem property taxes. The equivalent millage to be set by the municipal governing body shall be determined by methodology established by the respective county auditors which shall be consistent with the methodology for calculating equivalent millage to be established by the Department of Revenue for use in such situations, the purpose of this provision being to equalize the tax burdens within the municipality.~~

~~(B) Any municipality which fails to implement the provisions of subsection (A) during the 2011-12 fiscal year shall have its 2011-12 distribution from the Local Government Fund under the State Aid to Subdivisions Act reduced by an amount equal to what the State Treasurer, upon consultation with the Department of Revenue, determines that taxpayers in the municipality collectively were overcharged in ad valorem property taxes by the municipality's failure to implement the provisions of subsection (A) during Fiscal Year 2011-12.~~

- 86.11 DELETE NEW PROVISO** (Agreed Upon Procedure) **HOU:** ADD new proviso to allow non-court cities with a budget that is less than \$300,000 to submit an Agreed Upon Procedure rather than a financial audit. Direct the Office of State Treasurer to develop the Agreed Upon Procedures criteria. Sponsor: Rep. Sellers.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~86.11. (AS-TREAS: Agreed Upon Procedure) Non court cities that have a budget less than \$300,000 may submit an Agreed Upon Procedure instead of a financial audit. The Office of State Treasurer shall develop the criteria for the Agreed Upon Procedures.~~

**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 2010-11.  
**WMC:** AMEND proviso to change fiscal year reference from "2010-11" to "2011-12." Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.



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**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 ~~2010-11~~ 2011-12, and for other purposes specifically designated.

- 89.3** **AMEND** (Fiscal Year Definitions) Defines current and prior fiscal year time frames.  
**WMC:** AMEND proviso to update fiscal year references from “2010” to “2011;” “2011” to “2012;” and “2009” to “2010.” 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, ~~2010~~ 2011, and ending June 30, ~~2011~~ 2012, and “prior fiscal year” means the fiscal year beginning July 1, ~~2009~~ 2010, and ending June 30, ~~2010~~ 2011.

- 89.17** **AMEND** (Allowance for Residences & Compensation Restrictions) Authorizes specific positions to occupy agency owned residences facilities without charge.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to delete the authorization for the Commissioner of the Department of Corrections and the Farm Director, Farm Managers, and Specialists employed at the Walden Correctional Institution, MacDougall Youth Correctional Center, and Givens Youth Correctional Center to be permitted to occupy department owned residences without charge.

**89.17.** (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or

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effect of increasing the compensation of said officer or employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency maintaining its own payroll system. This shall not apply to the Governor's Mansion, nor for department-owned housing used for recruitment and training of Mental Health Professionals, nor to guards at any of the state's penal institutions and nurses and attendants at the Department of Mental Health, and the Department of Disabilities and Special Needs, and registered nurses providing clinical care at the MUSC Medical Center, nor to the Superintendent and staff of John de la Howe School, nor to the cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science and Mathematics who are required to stay on campus by the institution because of job requirements or program participation. The presidents of those state institutions of higher learning authorized to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions without charge.

Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount to be approved by the Budget and Control Board.

That the following may be permitted to occupy residences owned by the respective departments without charge: ~~the Commissioner of the Department of Corrections, the Director of the Department of Mental Health, the Farm Director, Farm Managers, and Specialists employed at the Wateree River Correctional Institution, Walden Correctional Institution, MacDougall Youth Correctional Center, and Givens Youth Correctional Center;~~ the S. C. State Commission of Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural Resources' Game Management Personnel, Fish Hatchery Superintendents, Lake Superintendent, and Fort Johnson Superintendent; the Department of Parks, Recreation and Tourism field personnel in the State Parks Division; Director of Wil Lou Gray Opportunity School; President of the School for the Deaf and the Blind; houseparents for the Commission for the Blind; S.C. Department of Health and Environmental Control personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander University; Residence Life Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop University; Farm Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; Clemson University's Head Football Coach; the Department of Disabilities and Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus Agricultural Staff and Housing Area Coordinators; and University of South Carolina's Manager of Bell Camp Facility, Housing Maintenance Night Supervisors, Residence Life Directors, temporary and transition employees, and emergency medical personnel; TriCounty Technical College's Bridge to Clemson Resident and Area Directors. Except in the case of elected officials, the fair market rental value of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to the Agency Head Salary Commission, and the Division of Budget and Analyses by October first, of each fiscal year.

All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved by the Budget and Control Board, applicable to all personnel of the State Government whose compensation is not specifically fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is drawn. The Division of Budget and Analyses of the Budget and Control

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Board is authorized to approve temporary salary adjustments for classified and unclassified employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the plan may be excluded therefrom but their compensations as approved by the Division of Budget and Analyses shall, nevertheless, be subject to review by the Budget and Control Board. Salary appropriations for employees fixed in this act shall be in full for all services rendered, and no supplements from other sources shall be permitted or approved by the Budget and Control Board. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically fixed in this act and no salary shall be paid any agency head whose salary is not so fixed. Commuter mileage on non-exempt state vehicles shall be considered as income and reported by the Comptroller General in accordance with IRS regulations. As long as there is no impact on appropriated funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section, monetary awards, if any, shall not be considered a part of an employee's base salary, a salary supplement, or a perquisite of employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the South Carolina Division of Budget and Analyses.

In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging provided by the educational institution which is comparable to the qualified campus lodging provided to the employee, over the rent paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the close of the calendar year in which the taxable year begins, or, in the case of a rental period not greater than one year, at any time during the calendar year in which the period begins.

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

**WMC:** AMEND proviso to change "Division of State Development" to "Department of Commerce" and change Section "8-13-410(1)" to "8-13-700(A)." *Reflect correct code cite.*  
Fiscal Impact: No impact on the General Fund.

**HOU:** AMEND proviso to require that flight logs be posted on the website in real time.  
Sponsor: Rep. Simrill.

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**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to delete the requirement that the flight log be posted in “real-time” and instead direct that the log be posted “within one working day of the completion of the trip.”

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

All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of SLED or the ~~Division of State Development~~ Department of Commerce whose confidentiality must, in the opinion of SLED or the ~~division~~ department, be protected shall be listed in writing on the flight log as “Confidential Passenger SLED or the ~~Division of State Development~~ Department of Commerce (strike one)” and the appropriate official of SLED or the ~~division~~ department shall certify to the agency operating the aircraft the necessity for such confidentiality. ~~The South Carolina~~ Division of Aeronautics Commission shall post its flight logs on its website ~~in real time~~ within one working day of completion of trips.

Violation of the above provisions of this section is prima facie evidence of a violation of Section ~~8-13-410(1)~~ 8-13-700(A) of the 1976 Code and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as provided by law. The above provisions do not apply to aircraft of the Division of Aeronautics when used by the Medical University of South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher education, nor to law enforcement officers when flying on state owned aircraft in pursuit of fugitives, missing persons, or felons or for investigation of gang, drug, or other violent crimes.

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

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- 89.31**    **AMEND** (Travel Report) Requires the Comptroller General to issue an annual report on November 1<sup>st</sup> listing detailed information on state employee's prior year travel expenditures and distribute the reports to the Senate Finance and House Ways and Means Committees and to the Statehouse Press Room. Authorizes the Comptroller General to use up to \$500 to provide copies to the media and public upon request. Directs that registration fees be shown as a separate subtotal within the grand total for individual employees and the agency as a whole.
- WMC:** AMEND to delete specific reference to object codes 0507 and 0517 and instead specify "in-state and out-of-state" registration fees "(fees to attend conference, teleconferences, workshops, or seminars for training on a per person basis)." *The object codes contained within the proviso refer to the STARS system which is being phased out and replaced with SCEIS which does not use those object codes, nor do institutions of higher learning. Substitute language describes what the deleted object codes previously covered.* Fiscal Impact: No impact on the General Fund. Requested by Office of the Comptroller General.
- HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

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

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- 89.38 REINSERT** (Menu Option Telephone Answering Devices) Prohibit state agencies from expending funds for any type of menu option telephone answering device unless the system provides for access to an actual person. Direct that this requirement applies from 8:30 am until 5:00 pm Monday through Friday, excluding holidays.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** REINSERT proviso.

**89.38.** (GP: Menu Option Telephone Answering Devices) From the funds appropriated to state agencies, state agencies and their departments shall not expend funds for any type of menu option telephone answering device, unless the menu option system provides the caller with access to a nonelectronic attendant or automatically transfers the caller to a nonelectronic attendant. This requirement applies during the hours of 8:30 AM until 5:00 PM, Monday through Friday, excluding holidays. This requirement does not apply to integrated voice response systems that are specifically designed to exclude human interaction. No additional personnel may be hired to implement the requirements of this provision.

- 89.54 REINSERT ORIGINAL PROVISO** (Constitutional Officer & Agency Head Voluntary Furlough) Authorizes constitutional officers and agency heads to take up to 36 days furlough in the current fiscal year while retaining all responsibilities and authority. Directs that funds saved may be retained by that agency and spent at the discretion of the constitutional officer. Directs that the constitutional officer or agency head is entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries; that required employer and employee contributions, including but not limited to contributions to the Retirement System or the optional retirement program, are the employer's responsibility if coverage would otherwise be interrupted, and that benefits only requiring employee contributions are the responsibility of the constitutional officer or agency head.  
**WMC:** AMEND proviso to change the number of voluntary furlough days a constitutional officer or agency head may take from 36 to 90. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** REINSERT original proviso.

**89.54.** (GP: Constitutional Officer & Agency Head Voluntary Furlough) All constitutional officers and agency heads may take up to **thirty-six** ~~ninety~~ days furlough in the current fiscal year. The officials will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained by that agency and expended at the discretion of the constitutional officer or agency head. During this furlough, the constitutional officer or agency head 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 agency will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as

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to those benefits which require only employee contributions, the constitutional officer or agency head remains solely responsible for making those contributions.

- 89.59**     **AMEND** (Agencies Affected by Restructuring) Directs that upon the General Assembly's restructuring of state agencies in separate legislation, the B&C Board is to work with affected agencies to phase-in operations of restructured organizations; directs that restructured organizations should be operating entirely under the revised structure by June 30<sup>th</sup> of the current fiscal year; directs the board to work with affected agencies to identify and facilitate transfers of portions of operations not already accomplished; directs the Comptroller General and the State Treasurer to allow agencies to continue processing documents within the account structure that existed June 30<sup>th</sup> of the prior fiscal year until changes can be made to the State's accounting system; directs agencies to transition to the new account structure by June 30<sup>th</sup> of the current fiscal year; and directs the Office of State Budget to prepare the subsequent detail budget to conform Part IA and corresponding provisos in this Act to any restructuring changes ratified in separate legislation.

**WMC:** AMEND proviso to delete reference to restructuring in "separate legislation" and change the time frame by which restructuring must be implemented from "June 30<sup>th</sup>" of the current fiscal year to "December 31<sup>st</sup>." Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**89.59.** (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly ~~in separate legislation~~, the Budget and Control Board is directed to work with affected State agencies in order to phase-in operations of restructured organizations during the current fiscal year. Restructured organizations should be operating entirely under the revised structure no later than ~~June thirtieth~~ December 31st, of the current fiscal year, unless otherwise directed by law. The Board is further directed to work with the affected agencies in order to identify and facilitate the transfer of any portion of their operations, including transfer of funds during the current fiscal year, which is affected by the restructured organization adopted by the General Assembly, but which has not already been accomplished herein. Until sufficient changes can be made to the State's accounting system and the appointment of appropriate agency heads, the Comptroller General and the State Treasurer shall allow those agencies affected by restructuring to continue processing documents within the account structure existing on June 30, of the prior fiscal year. Restructured agencies shall make all the necessary accounting adjustments to complete the transition to the new account structure as soon as possible, but no later than ~~June thirtieth~~ December 31st, of the current fiscal year, unless otherwise directed by law. The Budget and Control Board Office of State Budget is directed to prepare the subsequent detail budget to conform Part IA and corresponding provisos in this act to any restructuring changes that are ratified ~~in separate legislation~~.

- 89.61**     **AMEND FURTHER** (GP: Assessment Audit / Crime Victim Funds) Provides guidelines for the process the State Auditor is to follow regarding authorities that have not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds.

**WMC:** AMEND proviso to authorize the State Office of Victim Assistance to conduct an "audit" rather than just a "programmatic review" of any entity or non-profit organization that receives victim assistance funding based on referrals from the State Auditor or on specific complaints which they have received. Rather than require any entity or non-profit that receives

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funds from “victim assistance” being required to submit an expenditure budget for those funds to the State Office of Victim Assistance, any entity that receives funding as described in Sections 14-1-206(B)(D) [ADDITIONAL ASSESSMENT, GENERAL SESSIONS OR FAMILY COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], 14-1-207(B)(D) [ADDITIONAL ASSESSMENT, MAGISTRATE'S COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], 14-1-208(B)(D) [ADDITIONAL ASSESSMENT, MUNICIPAL COURT; REMITTANCE; DISPOSITION; ANNUAL AUDITS], and 14-1-211(B) [SESSIONS COURT SURCHARGE; FUND RETENTION FOR CRIME VICTIM SERVICES; UNUSED FUNDS; REPORTS; AUDITS] must submit such a budget. Direct that failure to comply with this requirement will initiate a programmatic review and financial audit of the entity’s victim assistance expenditures and the entity’s name will be placed on the State Office of Victim Assistance website until they are in compliance. Require the entity pay the penalty in the amount of the unauthorized expenditure plus \$1,500 within 30 days of the notification that they are non-compliant. Direct the State Office of Victim Assistance to notify the State Treasurer’s Office if the penalty plus the \$1,500 is not paid within the 30 days. Direct the political subdivision to deduct the penalty amount from the entity’s subsequent fiscal year’s appropriation. Direct that funds withheld by the State Treasurer shall be deposited into the general fund.

**HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to direct the Victim Services Coordinating Council to develop guidelines for expenditure of these funds to ensure that expenditures which meets Title 15 of Article 15 parameters is an allowable expense. Direct that State Office of Victims Assistance rather than the Victim Services Coordinating Council determines whether funds have been spent on unauthorized items. Delete duplicative language. Requested by Victim Services Coordinating Council. Note: Association of Counties requests the deletion of the new sentence relating to the expenditure guidelines being developed by the Victim Services Coordinating Council.

**89.61.** (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B)(D), 14-1-207(B)(D), 14-1-208(B)(D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Office of Victim Assistance. The State Office of Victim Assistance is authorized to conduct an audit which shall include both a programmatic reviews ~~on review and financial audit of~~ any entity or non-profit organization receiving victim assistance funding based on the referrals from the State Auditor or complaints of a specific nature received by the State Office of Victim Assistance to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed by the Victim Services Coordinating Council. The Victim Services Coordinating Council shall develop these guidelines to ensure any expenditure which meets the parameters of Title 16, Article 15 is an allowable expenditure. Any local entity or non-profit organization ~~who that~~ receives funding from victim assistance ~~as described pursuant to Sections 14-1-206 (B)(D), 14-1-207 (B)(D), 14-1-208 (B)(D), and 14-1-211 (B)~~ revenue generated from crime victim funds is required to submit their budget for the expenditure of these funds to the State Office of Victim Assistance within thirty days of the ~~budget being approved by the local budget's approval by the governing entity body of the local political subdivision~~ entity or non-profit organization. Failure to comply with this provision shall cause the State Office of Victim Assistance to initiate a programmatic review and a financial audit of the entity's or non-profit organization's expenditures of victim assistance funds or non-profit organization. Additionally, the State Office of Victim Assistance will place the name of the non-compliant



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entity or non-profit organization on their website where it shall remain until such time as they are in compliance with the terms of this proviso. ~~In addition, any~~ Any entity or non-profit organization receiving victim assistance funding must cooperate and provide expenditure/program data requested by the State Office of Victim Assistance. If the State Office of Victim Assistance finds an error, the entity or non-profit organization has ninety days to rectify the error. An error constitutes an entity or non-profit organization spending victim assistance funding on unauthorized items as determined by the ~~Victim Services Coordinating Council~~ **State Office of Victims Assistance.** If the entity or non-profit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the State Office of Victim Assistance shall assess and collect a penalty ~~of~~ in the amount of the unauthorized expenditure plus \$1,500 against the entity or non-profit organization for improper expenditures ~~in a fiscal year.~~ This penalty plus \$1,500 must be paid within thirty days of the notification by the State Office of Victim Assistance to the entity or non-profit organization that they are in non-compliance with the provisions of this proviso. All penalties received by the State Office of Victim Assistance shall be credited to the General Fund of the State. If the penalty is not received by the State Office of Victim Assistance within ~~ninety~~ thirty days of the notification, **the political subdivision will deduct the amount of the penalty from the entity or non-profit organization's subsequent fiscal year appropriation** ~~the State Office of Victim Assistance shall notify the State Treasurer's Office that the penalty plus \$1,500 has not been received within the appropriate time allowed. The political subdivision shall deduct the amount of the penalty from the entity's or non-profit's subsequent fiscal year's appropriation. Funds withheld by the State Treasurer shall be credited to the General Fund of the State.~~

- 89.68 DELETE** (Photo Identification Card) Directs the Department of Corrections and the Department of Probation, Parole and Pardon Services to work with DMV to develop and implement a plan to provide inmates who are being released with a valid photo ID card. Directs the Departments of Corrections and Probation, Parole and Pardon Services, to the extent funds are available from an individual inmate's account, to transfer \$5 to DMV to cover the cost of issuing the photo id card. Directs DMV to use existing resources and technology to produce the photo ID card.

**WMC:** DELETE proviso. *Codified in 24-13-2130(B) [MEMORANDUM OF UNDERSTANDING TO ESTABLISH ROLE OF EACH AGENCY].* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**89.68.** (GP: Photo Identification Card) ~~The Department of Corrections and the Department of Probation, Parole and Pardon Services are directed to work with the Department of Motor Vehicles to develop and implement a plan for providing inmates who are being released from a correctional facility with a valid photo identification card. To the extent that funds are available from an individual inmate's account, the Department of Corrections or the Department of Probation, Parole and Pardon Services shall transfer five dollars to the Department of Motor Vehicles to cover the cost of issuing the photo identification card. The Department of Motor Vehicles shall use existing resources and technology to produce the photo identification card.~~

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- 89.88 DELETE** (Transparency) Requires state agencies to publish on their homepage a listing of all programs funded during the current fiscal year with American Recovery and Reinvestment Act of 2009 funds. Directs that the listing include program name, location, starting date, and funding level and that the listing be updated quarterly.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~89.88. (GP: Transparency) State agencies must publish on their homepage a listing of all programs funded during the current fiscal year with funds from the American Recovery and Reinvestment Act of 2009 to include program name, location, starting date, and funding level. This listing must be updated quarterly to allow the public to easily identify how these funds are being used.~~

- 89.89 DELETE** (ARRA Oversight) Directs the State Treasurer and the Comptroller General to organize and co-chair a committee for monitoring funds associated with the ARRA of 2009 and provides guidelines for the functions of the committee.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

~~89.89. (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, except the Department of Transportation, as allowed by HR1 of 2009, 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.~~

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- 89.90**    **AMEND** (Printed Report Requirements) Directs that for Fiscal Year 2010-11 certain state agencies and higher education institutions shall not be required to submit printed reports and shall only submit the reports electronically.  
**HOU:** AMEND proviso to change fiscal year references from “2010-11” to “2011-12.”  
Sponsor: Rep. J.R. Smith.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**89.90.** (GP: Printed Report Requirements) (A) For Fiscal Year ~~2010-11~~ 2011-12, 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 ~~2010-11~~ 2011-12, 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 ~~2010-11~~ 2011-12, 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 ~~2010-11~~ 2011-12, 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.

- 89.93**    **REINSERT** (Transfer Division of Aeronautics) Transfers the Division of Aeronautics and its duties, functions, responsibilities, personnel, equipment, supplies, appropriated , authorized, and carry forward funds and all other assets and resources from the Department of Commerce to the Budget and Control Board effective July 1, 2009.

**WMC:** DELETE proviso. *Deletion of the proviso will cause the Division of Aeronautics to revert back to the Department of Commerce.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** REINSERT proviso.

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

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- 89.96 DELETE** (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 26, 2010, through midnight Saturday, November 27, 2010.  
**HOU:** AMEND proviso to change “Friday, November 26, 2010” to “the Friday after Thanksgiving” and change “Saturday, November 27, 2010” to “the Saturday after Thanksgiving for the current fiscal year.” Sponsors: Reps. White and Pitts.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE proviso.

**89.96.** (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 26, 2010, the Friday after Thanksgiving through twelve midnight, Saturday, November 27, 2010 the Saturday after Thanksgiving for the current fiscal year.~~

- 89.103 AMEND** (SCEIS-DOT) Directs 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.  
**WMC:** AMEND proviso to change “June 30, 2011” to “September 30, 2011” pertaining to the goal date for implementation. Delete the requirement that an implementation plan be developed by September 1, 2010. *Plan has been developed. DOT requires extra time to be fully implemented.* Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**89.103.** (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 ensure this goal is completed by not later than ~~June 30~~ September 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

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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.

- 89.104 AMEND FURTHER** (Broadband Spectrum Lease) Requires the General Assembly to approve any exercise of the Educational Broadband Service Spectrum Lease Agreements Middle Band Segment Channel recapture provisions if exercising those provisions would decrease the amount deposited into the General Fund.  
**WMC:** AMEND proviso to delete reference to deposit into the General Fund and instead direct that for FY 11-12, the revenue received from the broadband spectrum lease be transferred from the B&C Board to ETV for agency operations & authorize the funds be carried forward.  
**HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to direct that the revenue be transferred on a monthly schedule according to the lease agreement.

**89.104.** (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.~~ For Fiscal Year 2011-12, revenue received from the broadband spectrum lease shall be transferred from the Budget and Control Board to the Educational Television Commission on a monthly schedule, according to the current broadband lease agreement, which shall retain and expend such funds for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into the current fiscal year.

- 89.105 DELETE** (SCEIS Set-Aside Accounts) Directs 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. Directs that the B&C Board, SCEIS program must assume responsibility for repayment of these transferred funds.  
**WMC:** DELETE proviso. *Applied to a one-time transfer of funds to occur in FY 2010-11.*  
**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.

**89.105.** (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.~~

- 89.108 AMEND** (Commuting Costs) Requires state government employees who use a permanently assigned agency or state-owned vehicle to commute from their permanently assigned work location to and from home, to either reimburse their agency for the cost of fuel or the

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Comptroller General must report the personal use of the vehicle to the IRS. Requires these permanently assigned vehicles to be clearly marked as a state or agency vehicle through the use of state-government license plates and either state or agency seal decals unless the vehicle is primarily used in undercover operations. Excludes vehicles used for special travel assignment purposes, vehicles used by active certified law enforcement officers authorized to carry firearms, execute warrants, and make arrests, Constitutional Officers, agency heads and DOT employees on call for emergency maintenance.

**WMC:** AMEND proviso to require the employee to reimburse the agency “for commuting use” in accordance with IRS regulations and “based on guidance from the Office of Comptroller General which must use the Cents per mile Rule, unless exempted from such reimbursement by applicable IRS regulations. Delete agency head exemption. *Conform to IRS rules.* Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**89.108.** (GP: Commuting Costs) State government employees who use a permanently assigned agency or state owned vehicle to commute from their permanently assigned work location to and from the employee’s home must ~~either~~ reimburse the agency in which they are employed ~~for the cost of fuel or the personal use of the vehicle must be considered income and as such reported by the Comptroller General~~ for commuting use in accordance with IRS regulations based on guidance from the Office of Comptroller General which must use the Cents per mile Rule, unless they are exempted from such reimbursement by applicable IRS regulations. These permanently assigned vehicles must be clearly marked as a state or agency vehicle through the use of permanent state-government license plates and either state or agency seal decals unless the vehicle is used primarily in undercover operations. This requirement does not apply to a vehicle used by an employee for the purpose of a special travel assignment, for active certified law enforcement officers authorized to carry firearms, execute warrants, and make arrests, for Constitutional Officers, ~~for agency heads,~~ or for Department of Transportation employees on call for emergency maintenance.

**89.109** **DELETE** (Video Conferencing) Directs the Department of Corrections, in consultation with Court Administration, to determine if using video conferencing technology would be cost effective for certain court proceedings. Directs the department to report their findings to the House Ways and Means and 3M Committees and the Senate Finance and Corrections and Penology Committees by December 1, 2010. Requires the report include an analysis of which court proceedings would be most appropriate for video conferencing, court locations that would be most cost effective, a general description and estimated cost of the equipment needed, and the estimated savings that may be realized.

**WMC:** DELETE proviso. *Report has been submitted.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**89.109.** (GP: Video Conferencing) ~~The Department of Corrections, in consultation with Court Administration, shall determine if the use of video conferencing technology would be cost effective for certain court proceedings. The Department shall report their findings to the~~

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~~Ways and Means Committee and the Medical, Military, Public and Municipal Affairs Committee of the House of Representatives and the Finance Committee and Corrections and Penology Committee of the Senate by December 1, 2010. The report shall include an analysis of which court proceedings would be most appropriate for video conferencing, the court locations that would be most cost effective, a general description and estimated cost of the equipment needed, and the estimated savings that may be realized by the use of video conferencing.~~

- 89.110 DELETE** (Bank Account Transparency and Accountability) Requires each agency, except higher education institutions, to report their composite reservoir bank accounts to the Governor, State Treasurer, Comptroller General, and Chairmen of the Senate Finance and House Ways and Means Committees by October 1 of each year. Directs that the required information includes, among other things, the name of each payee, the transaction amount and description of goods or services purchased. Directs that upon request, an exemption from the reporting requirement may be granted by the five-member Budget and Control Board after a closed meeting, if release of the required information would be detrimental to the state or agency.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso. *Because most of these accounts are used to pay for items on behalf of health agency clients or in conjunction with law enforcement activity, the information is confidential or its release could jeopardize criminal investigations and informants. Consequently, the information qualifies for an exemption rendering the proviso largely ineffective. In order to provide for oversight of these accounts, the State Auditor has agreed to include them in agreed upon procedures audits, where confidential information can be reviewed by auditors and tested against objective criteria for its propriety.* Requested by Budget and Control Board.

**89.110.** (GP: Bank Account Transparency and Accountability) ~~Each state agency, except state institutions of higher learning, which has composite reservoir bank accounts or any other accounts containing public funds which are not included in the Comptroller General's Statewide Accounting and Reporting System or the South Carolina Enterprise Information System shall prepare a report for each account disclosing every transaction of the account in the prior fiscal year. The report shall be submitted to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the State Treasurer, and the Comptroller General by October 1 of each fiscal year. The report shall include the name(s) and title(s) of each person authorized to sign checks or make withdrawals from each account, the name and title of each person responsible for reconciling each account, the year end balance of funds in each account, and data related to both deposits and expenditures of each account. The report shall include, but not be limited to, the date, amount, and source of each deposit transaction and the date, name of the payee, the transaction amount, and a description of the goods or services purchased for each expenditure transaction. In order to promote accountability and transparency, a link to the report shall be posted on the Comptroller General's website as well as the agency's homepage.~~

~~If an agency determines that the release of the information required in this provision would be detrimental to the state or the agency, the agency may petition the Budget and Control Board to grant the agency an exemption from the reporting requirements for the detrimental portion. The meeting to determine whether an exemption should be granted shall be closed. However, the exemption may only be granted upon a majority vote of the Budget and Control Board in a public meeting.~~

- 89.111 DELETE** (DOC & PPP Consolidation Study) Creates a study committee to develop a plan to consolidate Department of Corrections and Department of Probation, Parole, and Pardon

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Services functions and directs that the plan include an estimate of cost savings realized from consolidation of the agencies. Provides for the composition of the study committee. Directs that appropriate Senate and House committees provide staffing and coordination. Directs that members serve without mileage, per diem, and subsistence. Authorizes the study committee to meet as often as necessary, but requires it to convene no later than sixty days after the effective date of this act. Requires a plan be submitted to the Chairmen of the Senate Finance, House Ways and Means, Senate Corrections and Penology, and House 3M Committees by December 31, 2010 and directs that after plan submission, the study committee shall be dissolved.

**WMC:** DELETE proviso. *S385 has been introduced.* Fiscal Impact: No impact on the General Fund. Requested by Department of Corrections.

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**89.111.** (GP: DOC & PPP Consolidation Study) ~~There is created a study committee to study and develop a plan to consolidate the functions of the Department of Corrections and the Department of Probation, Parole and Pardon Services. The plan must include an estimate of cost savings that may be realized from the consolidation of both agencies.~~

~~The study committee shall be composed of the Governor, or his designee; the President Pro Tempore of the Senate, or his designee; the Speaker of the House of Representatives, or his designee; the Chairman of the Senate Corrections and Penology Committee, or his designee; the Chairman of the House of Representatives Medical, Military and Municipal Affairs Committee, or his designee; the Director of the Department of Corrections, or his designee; and the Director of the Department of Probation, Parole and Pardon Services, or his designee. The members of the study committee shall elect a chairman.~~

~~The study committee shall accept committee staffing and coordination from the appropriate committees of the Senate and House of Representatives. The members of the study committee shall serve without mileage, per diem, and subsistence. The study committee shall meet as often as is necessary, and shall convene no later than sixty days after the effective date of this act.~~

~~The study committee shall submit its plan to the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Ways and Means Committee, the Chairman of the Senate Corrections and Penology Committee, and the Chairman of the House of Representatives Medical, Military, Public and Municipal Affairs Committee no later than December 31, 2010, at which point the study committee shall dissolve.~~

**89.120 AMEND FURTHER** (Recovery Audits) Directs the B&C Board to contract with one or more consultants to conduct recovery audits of payments made by state agencies included in this act to vendors. Requires the audits be designed to detect and recover overpayments and erroneous payments to vendors and to recommend improved state agency accounting operations. Requires a state agency to pay, from recovered monies received, the recovery audit consultant responsible for obtaining a reimbursement from a vendor based on the following scale: 10% of up to the first \$1,000,000 recovered; 5% of \$1,000,001 to \$5,000,000 recovered; 2.5% of the amount recovered above \$5,000,001 with a maximum consultant payment of \$2,500,000. Directs the recovered funds, less recovery cost, to be remitted to a special fund subject to General Assembly appropriation. Authorizes agencies to recover costs that are documented to be directly related to implementation of this provision. Provides guidelines for which recovery audit should be conducted. Direct that the B&C Board provide copies of final recovery audit reports to the Governor, Chairmen of the Senate Finance and House Ways and Means



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Committees; and the state auditor's office and require the board issue a report to the General Assembly by January 1<sup>st</sup> each year, that summarizes all reports received under this provision during the prior fiscal year.

**WMC:** AMEND proviso to delete the fee scale and instead direct that the consultant be paid a negotiated fee not to exceed 20% of the recovered monies received by a state agency. Requested by Budget and Control Board.

**HOU:** ADOPT proviso as amended.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to specify that recovery audits apply only to payments made more than 180 days prior to the date the audit is initiated. Delete the requirement that the B&C Board require recovery audits be performed for state agencies whose yearly expenditures exceeds \$100,000,000. Delete the authorization for the B&C Board to exempt agencies from recovery audits. Delete the requirement that recovered funds be remitted to a special account for appropriation by the General Assembly and authorization for agencies to recover costs directly related to implementation.

**89.120.** (GP: Recovery Audits) The Budget and Control Board shall contract with one or more consultants to conduct recovery audits of payments made by state agencies ~~included in this act~~ to vendors. The audits must be designed to detect and recover overpayments and erroneous payments to the vendors and to recommend improved ~~state agency accounting operations~~ financial and operational practices and procedures. A state agency shall pay, from recovered monies received, the recovery audit consultant responsible for obtaining for the agency a reimbursement from a vendor based on the following scale: 10% of up to the first \$1,000,000 recovered; 5% of \$1,000,001 to \$5,000,000 recovered; 2.5% of the amount recovered above \$5,000,001 with a maximum consultant payment of \$2,500,000 a negotiated fee not to exceed 20% of the funds recovered monies received by a state agency by that vendor.

Funds recovered, less the cost of recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation of this provision.

Recovery audits apply only to ~~a payment~~ payments made ~~after a one hundred eighty day period from the date the payment was made~~ more than one hundred eighty days prior to the date the audit is initiated.

All information provided under a contract must be treated as confidential by the vendor. A violation of this provision shall result in the forfeiture by the vendor of all ~~recovery payments~~ compensation under the contract and to the same sanctions and penalties that would apply to that disclosure.

~~The Budget and Control Board shall require that recovery audits be performed in regard to state agencies which have total expenditures during a fiscal year in an amount that exceeds one hundred million dollars. Each state executive agency subject to this provision shall provide the recovery audit consultant with all information necessary for the audit. The Budget and Control Board may exempt from the mandatory recovery audit process a state agency that has a low proportion of its expenditures made to vendors, or sufficient internal procedures in place to prevent overpayments. The Budget and Control Board or a state agency in its discretion may require similar recovery audits of a state agency with expenditures of less than one hundred million dollars during a fiscal year.~~

~~Funds recovered, less the cost of audit and agency recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation.~~

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A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit conducted under this chapter. Payments to the recovery audit consultant from the federal share of recovered funds shall be solely from the federal portion as allowed by the federal agency.

The Budget and Control Board shall provide copies, including electronic form copies, of final reports received from a consultant under contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means Committee; and the state auditor's office. Not later than January first of each year, the board shall issue a report to the General Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.

- 89.130 DELETE NEW PROVISO** (Transfer Probation, Parole and Pardon to Dept of Corrections) **WMC:** ADD new proviso to transfer, for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Department of Probation, Parole, and Pardon Services to the Department of Corrections. Fiscal Impact: OSB states no impact on the General Fund. The transfer should eventually result in greater efficiencies as of result of economies of scale, primarily within the area of agency administration. However, the workforce needs would need to be reevaluated before reducing staff through either attrition or a reduction in force.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.  
*Also see new proviso 89.dpc.*

*89.130. (GP: Transfer Dept. of Probation, Parole, and Pardon Services to Dept. of Corrections) ~~For the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Department of Probation, Parole, and Pardon Services are transferred to the Department of Corrections.~~*

- 89.131 DELETE NEW PROVISO** (Speeding or Traffic Control Devices) **WMC:** ADD new proviso to require a law enforcement officer be present at the time evidence is obtained when a citation for violating traffic laws is issued that uses speeding or traffic control devices. Require a copy of the written ticket be handed directly to the offender by the law enforcement officer issuing the ticket on the day the citation is issued. Require municipalities and counties to submit a letter to the Office of State Treasurer by July 31<sup>st</sup> that certifies under oath that they are in compliance with this provision. Direct that if any entity fails to submit the letter by July 31<sup>st</sup>, the entity's chief administrative officer shall be notified in writing that the entity has 30 days to comply with the requirements of this provision. Direct the State Treasurer, after the 30 days has expired, to withhold all Aid to Subdivisions Act payments scheduled for the municipality or county. Fiscal Impact: OSB states that DPS indicated no negative impact on the General Fund and the State Treasurer's Office indicated a possible minimal impact to the agency which should be absorbed. OSB has surveyed members of the FIST Network for the local government impact and the responses will be forwarded upon receipt.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

*89.131. (GP: Speeding or Traffic Control Devices) ~~Citations for violating traffic laws using speeding or traffic control devices that use photographic evidence requires the presence of a law enforcement officer at the time the evidence is obtained, and a copy of the written~~*

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~~ticket must be handed directly to the offender by the law enforcement officer issuing the ticket on the day the citation is issued.~~

~~Municipalities and counties must submit a letter to the Office of State Treasurer by July 31 certifying under oath that they are in compliance with this provision. If any entity fails to submit the letter by July 31<sup>st</sup>, then the chief administrative officer of the entity shall be notified in writing that the entity has thirty days to comply with the requirements of this provision. Upon expiration of the thirty days, if the county or municipality has failed to certify compliance, the Office of State Treasurer must withhold all payments scheduled for the municipality or county under the Aid to Subdivisions Act.~~

- 89.139 DELETE NEW PROVISO** (Transfer Division of Aeronautics to DOT) **WMC:** ADD new proviso to transfer, for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated, authorized, and carry forward funds, and all other assets and resources of the Division of Aeronautics to DOT. Direct that the division operate under the purview of the Aeronautics Commission, be administered separately from other programs within DOT, and require division funds be expended exclusively for the Division of Aeronautics. Require DOT provide administrative support to the Division of Aeronautics upon request. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~89.139. (GP: Transfer Division of Aeronautics) For the current fiscal year, effective July 1, 2011, or as soon as practicable, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated and authorized funds, carry forward funds and all other assets and resources of the Division of Aeronautics are transferred to the Department of Transportation.~~

~~The Division of Aeronautics shall operate under the purview of the Aeronautics Commission, must be administered separately from other programs within the Department of Transportation, and division funds must be expended for the exclusive use of the Division of Aeronautics. The Department of Transportation shall provide administrative support to the Division of Aeronautics as needed upon request.~~

- 89.141 DELETE NEW PROVISO** (Agency Reduction Management) **WMC:** ADD new proviso to encourage state agencies, if they are assessed a base reduction, to try to realize savings through: 1) payroll management, including, but not limited to, furloughs, reductions in employee compensation, and hiring freezes; 2) eliminate administrative overhead that doesn't directly impact the agency's mission; and as a final option 3) reduce program funding.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~89.141. (GP: Agency Reduction Management) The General Assembly encourages state agencies, in the event agencies are assessed a base reduction, to endeavor to realize savings through: 1) payroll management, including, but not limited to, furloughs, reductions in employee compensation, and instituting a hiring freeze; 2) eliminate administrative overhead cost that does not directly impact the agency's mission; and as a final option 3) reductions to programmatic funding.~~

- 89.144 DELETE NEW PROVISO** (Inspector General) **HOU:** ADD new proviso to require the Governor's Inspector General to submit a quarterly report to the House Ways and Means and

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Senate Finance Committees that provides a listing of each reported case/complaint of fraud, waste, or abuse and direct that the report include the affected agency name, date of the reported case, a unique case number for each case, and an estimated dollar amount related to the complaint. Require the report be updated as complaints are resolved and include the case number, actual amount of savings or recouped funds identified. Require identified fraud or abuse with civil or criminal implications be turned over to the appropriate authorities for action. Require the Inspector General to be fully self-sufficient and funded from identified savings after June 30, 2012. Direct that if this does not occur the position shall be terminated and the duties transferred to the State Auditor. Direct that effective July 1, 2011, the position of Inspector General shall fall under the purview of the Agency Head Salary Commission. Sponsors: Reps. Cobb-Hunter, Ott, and J.H. Neal.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~*89.144. (GP: Inspector General) The Governor's Inspector General shall report quarterly to the House Ways and Means Committee and the Senate Finance Committee the following information: a list of each reported case/complaint of fraud, waste, or abuse limited to; the agency name at which the alleged abuse occurred or is occurring, the date of the reported case, a unique case number for each case, and an estimated dollar amount related to the complaint. Further, as complaints are resolved the report must be updated by case number to include the actual dollar amount of savings and/or recouped funds, and the specific sources of funds and programs in which the savings and/or recouped funds were identified. Any identified fraud or abuse with civil or criminal implications shall be turned over to the appropriate authorities for action.*~~

~~*After June 30, 2012, the position of Inspector General must be fully self-sufficient from savings identified in the cabinet agencies under review. If the position is not fully self-sufficient the position shall be terminated and the duties transferred to the State Auditor.*~~

~~*Effective July 1, 2011, the position of Inspector General shall fall under the purview of the Agency Head Salary Commission.*~~

- 89.145 AMEND NEW PROVISO** (Gold and Silver Investments) **HOU:** ADD new proviso to direct the State Treasurer to consider investing funds on behalf of the state in gold and silver. Sponsor: Rep. Neilson.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** AMEND new proviso to direct the State Treasurer to report to the General Assembly on the advisability of investing in gold and silver.

~~*89.145. (GP: Gold and Silver Investments) The State Treasurer, when investing funds on behalf of the State of South Carolina shall consider*~~ ***shall provide a report to the General Assembly on the advisability of investing in gold and silver.***

- 89.149 DELETE NEW PROVISO** (SCBOS Cost Reporting Requirement) **HOU:** ADD new proviso to require the SC Business One Stop program to report cost per participant data and cost per outcome data quarterly to the General Assembly in order to select the best training providers. Sponsor: Rep. Cobb-Hunter.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

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~~*89.149. (GP: SCBOS Cost Reporting Requirement) For Fiscal Year 2011-12, the South Carolina Business One Stop program shall quarterly report cost per participant data and cost per outcome data to the General Assembly in an effort to select the best training providers.*~~

- 89.151 DELETE NEW PROVISO** (SCBOS Procurement Requirement) **HOU:** ADD new proviso to require the SC Business One Stop program to comply with the Consolidated Procurement Code's request for proposal requirement when purchasing goods or services. Sponsor: Rep. Cobb-Hunter.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~*89.151. (GP: SCBOS Procurement Requirement) For Fiscal Year 2011-12, any purchase of a good or service for the general operation of the South Carolina Business One Stop operation must comply with the request for proposal requirement of the State Consolidated Procurement Code.*~~

- 89.vat ADD** (Victims Assistance Transfer) **PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require the Department of Corrections transfer \$20,500 monthly to DPS for distribution through the State Victim Assistance Program.

~~*89.vat. (GP: Victims Assistance Transfer) The Department of Corrections shall transfer \$20,500 each month to the Department of Public Safety for distribution through the State Victims Assistance Program.*~~

- 89.dpc ADD** (DOC & PPP Potential Consolidation Plan) **PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow the Directors of the Department of Corrections and the Department of Probation, Parole, and Pardon Services to collaborate and develop a plan to consolidate functions. Allow the departments, if the directors identify functions that would enable the departments to operate more efficiently and effectively during the current fiscal year, to implement such actions upon approval of the Governor and notification to Chairmen of the Senate Finance, House Ways and Means, Senate Corrections and Penology, and House Judiciary Committees and direct that the notification include an estimate of cost savings and anticipated efficiencies.

~~*89.dpc. (GP: DOC & PPP Potential Consolidation Plan) From the funds appropriated to the Department of Corrections and the Department of Probation, Parole and Pardon Services, the directors of the departments may collaborate and develop a plan to consolidate the*~~

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functions of the departments. In the event the respective directors identify functions which could be immediately implemented to enable the departments to operate more efficiently and effectively during the current fiscal year, they may implement such actions upon approval of the Governor and notification, including an estimate of cost savings and anticipated efficiencies, to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Corrections and Penology Committee and the Chairman of the House Judiciary Committee.

**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 “2011” to “2012” and “July 15, 2011” to “July 13, 2012.” 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, ~~2011~~ 2012. State agencies are required to submit all current fiscal year input documents to the Office of Comptroller General by July ~~15, 2011~~ 13, 2012. 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 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 Budget and Control Board, toward the accomplishment of the purposes for which the appropriations were provided.

- 90.9**     **DELETE** (Nonrecurring Revenue – Increased Enforcement Collections) Directs the Department of Revenue to continue increased enforcement collections efforts as established in FY 09-10. Authorizes the department to collect revenues from any source within its jurisdiction, including, but not limited to, corporate, individual or sales tax collections, but directs the department to especially focus on enforced collections and outstanding liabilities. Directs that these funds are to be deposited into a fund separate and distinct from the general fund within the State Treasurer’s Office, except direct that motor fuel funds collected as a result of the enforced collection efforts be distributed in the same manner as other motor fuel tax revenues are currently distributed. Directs the department to develop internal mechanisms to insure the integrity of customary and usual enforced collections. Directs the department, when it determines quarterly customary and usual enforced collections have been exceeded, to deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision. Directs the State Treasurer, for FY 10-11, to disburse specific amounts to identified agencies.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.

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**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**90.9.** (SR: Nonrecurring Revenue – Increased Enforcement Collections) ~~For Fiscal Year 2010-11, the Department of Revenue shall continue its efforts pertaining to increased enforcement collections as established in Fiscal Year 2009-10.~~

~~The department may collect revenues from any source within its jurisdiction, which may include but is not limited to corporate, individual or sales tax collections but especially shall focus on enforced collections and outstanding liabilities.~~

~~These funds shall be deposited in a fund separate and distinct from the general fund as established within the Office of the State Treasurer, except that any motor fuel funds collected as a result of the enforced collection efforts shall be distributed in the same manner as other motor fuel tax revenues are currently distributed.~~

~~The Department of Revenue shall develop internal mechanisms to insure the integrity of customary and usual enforced collections. When the department determines that the quarterly customary and usual enforced collections have been exceeded, the department shall deposit the excess funds into the separate and distinct fund not to exceed the totals as provided in this provision.~~

~~For the fiscal year beginning July 1, 2010 and ending June 30, 2011, the State Treasurer shall disburse \$3,625,000 to E28 Election Commission for the 2010 General Election, \$250,000 to D05 Governor's Office of Executive Control of State for transition costs, and \$100,000 to E04 Office of Lieutenant Governor for transition costs, and shall then disburse quarterly the following funds on a pro rata basis:~~

<del>(1) Part IA State General Fund.....</del>	<del>\$ 11,257,832;</del>
<del>(2) F03 Budget and Control Board SCEIS.....</del>	<del>\$ 2,179,716;</del>
<del>(3) H03 Commission on Higher Education SREB Dues .....</del>	<del>\$ 413,929;</del>
<del>(4) H59 State Board for Technical and Comprehensive Education CATT Program .....</del>	<del>\$ 7,000,000;</del>
<del>(5) P32 Department of Commerce Deal Closing Fund .....</del>	<del>\$ 5,000,000;</del>
<del>(6) A01 The Senate Reapportionment.....</del>	<del>\$ 1,000,000;</del>
<del>(7) P28 Department of Parks, Recreation and Tourism Operating Expenses.....</del>	<del>\$ 1,000,000;</del>
<del>(8) H63 Department of Education Career and Technology Education (CATE) Textbooks and Resource Materials .....</del>	<del>\$ 662,000;</del>
<del>(9) H63 Department of Education Transportation.....</del>	<del>\$ 900,000;</del>
<del>(10) H63 Department of Education School Bus Fuel .....</del>	<del>\$ 11,000,000</del>
<del>(11) H63 Department of Education Governor's School for the Arts and the Humanities .....</del>	<del>\$ 500,000;</del>
<del>(12) H63 Department of Education Governor's School for Math and Science .....</del>	<del>\$ 500,000;</del>
<del>(13) E21 Prosecution Coordination Commission Operating Expenses.....</del>	<del>\$ 1,000,000;</del>

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(14) E23	Commission on Indigent Defense	
	Operating Expenses.....	\$ 1,000,000;
(15) X44	Aid to Subdivisions—Department of Revenue	
	Homestead Exemption Shortfall .....	\$ 35,480,071;
(16) L12	John de la Howe School	
	Operating Expenses.....	\$ 308,765;
(17) L71	Wil Lou Gray Opportunity School	
	Operating Expenses.....	\$ 308,764;
(18) N04	Department of Corrections	
	Operating Expenses.....	\$ 8,571,992;
(19) N08	Department of Probation, Parole and	
	Pardon Services Sentencing Reform Act .....	\$ 510,000;
(20) N08	Department of Probation, Parole and Pardon	
	Services Ignition Interlock Implementation.....	\$ 67,000;
(21) N12	Department of Juvenile Justice	
	Operating Expenses.....	\$ 2,000,000; and
(22) B04	Judicial Department	
	Operating Expenses.....	\$ 2,900,000.

~~Once sufficient revenue has been collected to fully fund the above items, the first \$8,000,000 of excess revenue shall be transferred to the Department of Motor Vehicles to reimburse the department for the funds transferred to other agencies by proviso 90.10 of this act. The next \$1,000,000 of excess revenue shall be transferred to the Forestry Commission for expenses associated with firefighting activities. The next \$1,000,000 shall be transferred to the National Guard. Any excess increased tax enforcement collections revenue above the amounts identified in this provision shall be transferred to the General Fund of the State.~~

~~To insure that customary and usual enforced collections are unaffected by this provision, the Office of the State Treasurer may not disburse funds from this account until the following schedule of General Fund enforced collections are deposited by the Department of Revenue by the end of each quarter in the fiscal year. If quarterly General Fund enforced collections do not reach the required levels, distributions from this account are suspended for that quarter. The required deposits of quarterly General Fund enforced collections by the end of each quarter are:~~

July to September 2010 .....	\$ 90,000,000
October to December 2010 .....	\$180,000,000
January to March 2011 .....	\$270,000,000
April to June 2011 .....	\$360,000,000

~~The Department of Revenue shall report on a quarterly basis to the finance committees of the General Assembly and to the Board of Economic Advisors on the amount of customary and usual enforced collections and the excess collections from the enhanced collection activities. The Department of Revenue shall provide data to the finance committees of the General Assembly and the Board of Economic Advisors on prior years enforced collections to assist in monitoring revenue collection seasonal flows that impact the funding of state government programs.~~

~~By this provision these funds are deemed to have been received and are available for appropriation.~~

- 90.10 DELETE** (Non-Recurring Revenue Transfers) Directs DMV, if the funds transferred from the department by proviso 90.20 of the FY 09-10 appropriation act have been repaid per proviso 90.21 of the same act, to transfer \$7,000,000 from those funds to Clemson for the Drive Train Test Facility. Directs DOT to transfer \$10,000,000 from Subfund 4862, Non-Federal Aid Highway Funds to the General Fund of the State. Suspends, for FY 10-11, the license plate



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replacement interval until the funds transferred to other agencies within this provision are repaid to the department or until the Plate Replacement Fee Fund has enough of a balance to reinstitute license plate replacement. Directs that restrictions concerning specific use of these funds are lifted for the fiscal year.

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

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**90.10.** (SR: Non-Recurring Revenue Transfers) ~~If the funds transferred from the Department of Motor Vehicles by proviso 90.20 of Act 23 of 2009 have been repaid pursuant to proviso 90.21 of Act 23 of 2009, the Department of Motor Vehicles shall transfer, from these funds, \$7,000,000 to H12—Clemson University for the Drive Train Test Facility.~~

~~The Department of Transportation shall transfer \$10,000,000 from Subfund 4862, Non-Federal Aid Highway Funds to the General Fund of the State.~~

~~For Fiscal Year 2010-11, the license plate replacement interval is suspended until the funds transferred to other agencies within this provision are repaid to the department pursuant to proviso 90.9 of this act or by any other source of funds, or until such time as the Plate Replacement Fee Fund has a sufficient balance to reinstitute license plate replacement.~~

~~Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year.~~

**90.12** **DELETE** (Zero Based Budgeting Study) Directs 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. Directs 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. Directs that higher education institutions are to be included in the study. States that the goal and intent of the study is for better and more efficient analysis and use of authorized and appropriated state funds. Directs 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.

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

**HOU:** ADOPT deletion of proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**90.12.** (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~~

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~~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.~~

- 90.15**     **ADD** (Increased Enforced Collection Carry Forward) **WMC:** ADD new proviso to authorize funds appropriated pursuant to Proviso 90.16 in Part IB of Act 291 of 2010 to be carried forward and used for the same purposes. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT new proviso.

**PROVISO REVIEW SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*90.15. (SR: Increased Enforced Collections Carry Forward) Unexpended funds appropriated pursuant to Proviso 90.16 in Part IB of Act 291 of 2010 may be carried forward from the prior fiscal year into the current fiscal year and shall be expended for the same purposes.*