

**SENATE FINANCE COMMITTEE  
CHAIRMAN'S ADDITIONAL PROVISO RECOMMENDATIONS  
FOR FISCAL YEAR 2011-12**

**CONSTITUTIONAL AND CRIMINAL JUSTICE RECOMMENDATIONS**

**SECTION 44 - B04-JUDICIAL DEPARTMENT**

**44.jse**     **ADD** (Judges Salary Exemption) **SFC CHAIRMAN'S RECOMMENDATION:** ADD new proviso to exempt judges' salaries and related employer contributions from mid-year across-the-board reductions.

*44.jse. (JUD: Judges Salary Exemption) For the current fiscal year, judges' salaries and related employer contributions in Part IA, Section 44, are exempt from mid-year across-the-board reductions.*

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

**45.sfr**     **ADD** (Securities Fee Revenue) **SFC CHAIRMAN'S RECOMMENDATION:** ADD new proviso to direct that after \$20,500,000 of securities fee revenues have been deposited to the General Fund the Attorney General may retain \$300,000 to use for operations associated with the increase in licensed security agents. Authorize the Attorney General to carry forward the revenue to use for the same purpose. Require any remaining Security Fee revenues be remitted to the General Fund.

*45.sfr. (AG: Securities Fee Revenue) After the provisions of Section 35-1-702(b) of the 1976 Code have been satisfied, and upon notification to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee that such provisions have been satisfied, the next \$20,500,000 of Security Fee revenues collected during the current fiscal year by the Office of the Attorney General shall be remitted to the General Fund of the State. The Office of the Attorney General may retain the next \$300,000 collected and may utilize these funds for operations to include expert witness expenses, investigative costs, trial preparation, and other related expenses associated with the increase in licensed security agents. These funds may be carried forward from the prior fiscal year into the current fiscal year and utilized for the same purpose. Remaining Security Fee revenues collected during the current fiscal year shall be remitted to the General Fund of the State.*

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

**75.3**     **NO RECOMMENDATION** (Payroll Deduction Processing Fee) Requires a processing fee, not to exceed 20 cents, for payroll deductions for insurance plans, credit unions, deferred compensation plans and professional associations; directs that the fee shall not apply to charitable deductions; authorizes the Comptroller General to charge the SC Lottery Commission a reasonable processing fee not to exceed \$15,000 annually; allows the revenue generated from these fees and from child support deductions to be used to support the operations of the Comptroller General's Office; and allows unexpended funds to be carried forward and used for the same purposes.

**WMC:** AMEND proviso to delete the authorization to charge the Lottery Commission up to \$15,000 to process payroll. *The Lottery Commission now processes their own payroll.* Fiscal Impact: No impact on the General Fund. Other funds the CG receives will be reduced by \$15,000. Requested by Office of the Comptroller General.

**HOU:** ADOPT proviso as amended.

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**SFC CHAIRMAN'S RECOMMENDATION:** NO RECOMMENDATION on Constitutional and Criminal Justice Subcommittee recommendation to AMEND FURTHER to change the processing fee from "20" cents to "30" cents and add "benefit providers" to the category for which the payroll deductions processing fee may be charged.

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

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

**86.10 NO RECOMMENDATION** (Speed Camera Citations Restriction) **WMC:** ADD new proviso to prohibit a political subdivision from collecting any fines, fees or costs resulting from issuing uniform traffic citations or any other form of traffic citation that is based or has relied on camera assisted evidence. Direct that any municipality which fails to comply with this provision during the FY 2011-12 shall have its FY 2011-12 distribution from the Local Government Fund under the State Aid to Subdivisions Act reduced by an amount equal to the amount of fines, fees or costs collected by the political subdivision through issuing camera assisted traffic citations.  
**HOU:** ADOPT new proviso.

**SFC CHAIRMAN'S RECOMMENDATION:** NO RECOMMENDATION on Constitutional and Criminal Justice Subcommittee recommendation to AMEND new proviso to require the governing body of a political subdivision with jurisdiction over a law enforcement agency that issues traffic citations by mail or any means other than an officer directly giving the citation to the offender to report to the State Treasurer by July 1 that the law enforcement agency issues citations in this manner. Require the political subdivision that has given the required notice, within 10 days of receiving a Local Government Fund distribution, to remit to the State Treasurer an amount equivalent to the distribution. Direct that the political subdivision is relieved from this remittance if the governing body certifies to the Treasurer that they have prohibited the law enforcement agency from issuing citations in this manner. Direct the State Treasurer, if it is found that a political subdivision has issued citations in this manner and has not given the required notice, to notify the subdivision that it must remit within 10 days an amount equal to two times the Local Government Fund distribution to the subdivision during the fiscal year. Require the State Treasurer to withhold future distributions from any source if the political subdivision is delinquent in remitting the payment.

**86.10.** (AS-TREAS: Speed Camera Citations Restriction) ~~No political subdivision of this state shall collect any fines, fees or costs which result from the issuance of uniform traffic citations or any other form of traffic citation that is based or has relied on camera assisted evidence.~~

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~~Any municipality which fails to comply with this provision during the Fiscal Year 2011-12 shall have its Fiscal Year 2011-12 distribution from the Local Government Fund under the State Aid to Subdivisions Act reduced by an amount equal to the amount of fines, fees or costs collected by the political subdivision through the issuance of camera assisted traffic citations.~~

The governing body of any political subdivision with jurisdiction over a law enforcement agency that issues uniform traffic citations for traffic violations by the United States mail, a parcel delivery service, electronic means, or by any means other than a law enforcement officer directly giving the uniform traffic citation to the offender incident to and contemporaneous with a traffic stop for the offense or within one hour as provided by Section 56-5-70(E) of the 1976 Code, must report to the State Treasurer by July 1, 2011 that the law enforcement agency issues uniform traffic citations in this manner. Upon receiving a distribution from the Local Government Aid to Subdivisions fund, a political subdivision that has given the required notice must remit an amount equivalent to the distribution to the State Treasurer within ten days. A political subdivision may be relieved of any further requirement to remit the amount required by this provision when the governing body certifies to the State Treasurer that the governing body has prohibited the applicable law enforcement agency from issuing any further uniform traffic citations in the manner implicated by this provision. If the State Treasurer determines that a political subdivision has issued uniform traffic citations in a manner implicated by this provision and has not given the notice required by this provision, the State Treasurer shall notify the political subdivision that it must remit an amount equal to two times the amount of Local Government Aid to Subdivision funds already received by the political subdivision during the current fiscal year. Upon receipt of this notice, the political subdivision shall remit the required amount within ten days. If a political subdivision is delinquent on any payment required by this provision, the State Treasurer shall utilize the authority granted by Section 11-9-75 of the 1976 Code to withhold any additional distributions from any source to the political subdivision.

**HIGHER EDUCATION RECOMMENDATIONS**

**SECTION 90 - X91-STATEWIDE REVENUE**

**90.20 AMEND NEW PROVISO** (Prohibit Public Funded Lobbyists) **HOU:** ADD new proviso to direct the Office of State Budget to permanently reduce \$1,007,585 from the specified agency's allocations/authorizations in order to eliminate taxpayer funded lobbying: \$22,000 from Administrative Law Court; \$16,881 from The Citadel; \$45,480 from Clemson University; \$20,230 from Coastal Carolina University; \$70,833 from College of Charleston; \$37,708 from DHEC; \$124,654 from State Board for Tec & Comp Education; \$10,001 from Florence-Darlington Technical College; \$31,783 from Greenville Technical College; \$1,183 from Horry-Georgetown Technical College; \$55,545 from Tri-County Technical College; \$94,000 from Francis Marion University; \$59,164 from Judicial Department; \$118,949 from MUSC; \$17,157 from DNR; \$134,405 from State Ports Authority; \$19,290 from Prosecution Coordination Commission; \$34,654 from Public Service Commission; \$20,000 from S.C. State University; \$53,368 from USC; \$11,000 from USC-Upstate; and \$9,300 from Winthrop University. Sponsors: Reps. Cooper and Bingham.

**SFC CHAIRMAN'S RECOMMENDATION: AMEND NEW PROVISO** to direct the listed agencies to transfer a specific amount of funds to the General fund. Prohibit state agencies and institutions from using general funds to pay employees to lobby on their behalf.

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Direct the State Ethics Commission to require agencies and institutions who report lobbying activities to certify that the lobbying is not being paid for with general funds and prohibit state agencies and institutions from hiring private or contract lobbyists.

**90.20. (SR: Prohibits ~~Public Taxpayer~~ Funded Lobbyists) In order to eliminate taxpayer funded lobbying, the Office of State Budget is directed to permanently reduce the below allocations/authorization per said agency, the following state agencies and institutions, for Fiscal Year 2011-12, shall transfer the amounts indicated to the General Fund:**

<u>Administrative Law Court .....</u>	<u>\$</u>	<u>22,000</u>	
<u>The Citadel .....</u>	<u>\$</u>	<u>16,881</u>	
<u>Clemson University.....</u>	<u>\$</u>	<u><del>45,480</del></u>	<u>45,546</u>
<u>Coastal Carolina University.....</u>	<u>\$</u>	<u>20,230</u>	
<u>College of Charleston.....</u>	<u>\$</u>	<u><del>70,833</del></u>	<u>34,000</u>
<u>Department of Health &amp; Environmental Control.....</u>	<u>\$</u>	<u><del>37,708</del></u>	<u>26,553</u>
<u>State Board for Technical &amp; Comprehensive Education.....</u>	<u>\$</u>	<u><del>124,654</del></u>	<u>22,431</u>
<u>Florence-Darlington Technical College.....</u>	<u>\$</u>	<u>10,001</u>	
<u>Greenville Technical College .....</u>	<u>\$</u>	<u>31,783</u>	
<u>Horry-Georgetown Technical College .....</u>	<u>\$</u>	<u>1,183</u>	
<u>Tri-County Technical College .....</u>	<u>\$</u>	<u>55,545</u>	
<u>Francis Marion University.....</u>	<u>\$</u>	<u><del>94,000</del></u>	<u>23,500</u>
<u>Judicial Department .....</u>	<u>\$</u>	<u>59,164</u>	
<u>Medical University of South Carolina.....</u>	<u>\$</u>	<u><del>118,949</del></u>	<u>80,380</u>
<u>Department of Natural Resources .....</u>	<u>\$</u>	<u>17,157</u>	
<u><del>State Ports Authority .....</del></u>	<u><del>\$</del></u>	<u><del>134,405</del></u>	
<u>Prosecution Coordination Commission.....</u>	<u>\$</u>	<u>19,290</u>	
<u><del>Public Service Commission .....</del></u>	<u><del>\$</del></u>	<u><del>34,654</del></u>	
<u>South Carolina State University.....</u>	<u>\$</u>	<u>20,000</u>	
<u>University Of South Carolina.....</u>	<u>\$</u>	<u>53,368</u>	
<u>University of South Carolina-Upstate .....</u>	<u>\$</u>	<u>11,000</u>	
<u>Winthrop University .....</u>	<u>\$</u>	<u>9,300</u>	
<u>Lander University .....</u>	<u>\$</u>	<u>25,000</u>	
<u>Total.....</u>	<u>\$</u>	<u><del>1,007,585</del></u>	<u>604,312</u>

**All state agencies and institutions are prohibited from using general fund appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the lobbying activities were not funded by general fund appropriations.**

**All state agencies and institutions are prohibited from entering into contracts to provide lobbying services to the agency or institution.**

**NATURAL RESOURCES RECOMMENDATIONS**

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

- 39.6 AMEND** (Regional Tourism) Directs that of the department's appropriated, authorized, or carried forward funds, they shall provide the same level of recurring and non-recurring funds disbursed to the 11 Regional Tourism groups as the groups received in FY 07-08.

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**WMC:** AMEND proviso to direct PRT to provide \$275,000 for disbursal among the 11 Regional Tourism groups. Prohibit the department from reducing the amount appropriated for this purpose if a general fund reduction occurs in the current fiscal year.

**HOU:** ADOPT proviso as amended.

**SFC CHAIRMAN'S RECOMMENDATION:** ADOPT proviso as amended.

**39.6.** (PRT: Regional Tourism) Of the funds appropriated to, authorized for, and/or carried forward by the department, the department shall provide the same level of recurring and non-recurring funds disbursed to \$275,000 for disbursal among the eleven Regional Tourism groups as they received in Fiscal Year 2007-08. In the event the department receives a general fund reduction in the current fiscal year, the department is prohibited from reducing the amount funded to the eleven Regional Tourism groups.

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

**40.10 AMEND FURTHER** (Closing Fund) Direct \$7,000,000 is appropriated for the Closing fund for competitive recruitment purposes to be used as approved by the Coordinating Council for Economic Development and authorizes unexpended funds to be carried forward and used for the same purpose.

**WMC:** AMEND proviso to delete specific reference to \$7,000,000. *The amount the General Assembly funds could change from year to year.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.

**HOU:** ADOPT proviso as amended.

**SFC CHAIRMAN'S RECOMMENDATION:** AMEND FURTHER to change "funds" to "\$5,000,000."

**40.10.** (CMRC: Closing Fund) In order to encourage and facilitate economic development, ~~the \$7,000,000 funds~~ \$5,000,000 appropriated for the Closing Fund for competitive recruitment purposes shall be used as approved by the Coordinating Council for Economic Development. Any unexpended ~~balance on June thirtieth,~~ at the end of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purposes.

**40.12 DELETE** (Economic Development Organizations) Directs the department to use \$2,700,000 of the \$3,000,000 appropriated for Regional Economic Development Organizations in FY 07-08 to provide funds to designated organizations and counties and provides a mechanism by which the funds should be distributed. Requires a 1:1 private fund match and that the receiving organization must certify that the private funds match are new dollars specifically designated for this purpose. Directs organizations receiving the funds to provide an annual expenditure report and outcome measures to the Chairmen of the Senate Finance and House Ways and Means Committees and the Secretary of Commerce by November 1<sup>st</sup>. Directs that any Regional Economic Development Organizations funds remaining in the department's accounts at the end of FY 09-10 shall be transferred to the General Fund.

**WMC:** DELETE proviso. *All funds have been expended.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.

**HOU:** ADOPT deletion of proviso.

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**SFC CHAIRMAN'S RECOMMENDATION:** ADOPT deletion of proviso. *See new proviso 40.red.*

**40.12.** (CMRC: Economic Development Organizations) ~~The Department of Commerce shall utilize the balance of the \$2,700,000 of the \$3,000,000 appropriated in the Fiscal Year 2007-08 Appropriation Act for Regional Economic Development Organizations to provide funds to the following six economic development organizations that have not already drawn down the maximum of \$450,000:~~

- ~~(1) Central SC Economic Development Alliance;~~
- ~~(2) Charleston Regional Development Alliance;~~
- ~~(3) Economic Development Partnership;~~
- ~~(4) North Eastern Strategic Alliance (NESA);~~
- ~~(5) Southern Carolina Alliance; and~~
- ~~(6) Upstate Alliance.~~

~~In addition, from the balance of the \$2,700,000 the Lowcountry Economic Alliance shall receive \$150,000.~~

~~For entities that have not already drawn down the maximum of \$450,000 as authorized in Act 117 of 2007, the remaining funds must be disbursed equally to each organization with a maximum amount of \$420,000. Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development.~~

~~The remaining \$300,000 shall be provided to Chester County, Lancaster County, Union County, and York County provided they meet the requirements established above.~~

~~Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the funds to the requesting organization.~~

~~Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.~~

~~Any funds remaining in the department's accounts for Regional Economic Development Organizations at the end of Fiscal Year 2009-10 shall be transferred to the General Fund.~~

**40.svd** **ADD** (Savannah Valley Development Division) **SFC CHAIRMAN'S RECOMMENDATION:** ADD new proviso to transfer all Savannah Valley Development Division assets and obligations to appropriate state and local authorities upon State B&C Board approval. *SVDD is running out of funds and has various assets and obligations for which it is responsible. A plan has been developed to transfer these assets and obligations to other state and local entities in such a way that the public entities benefit from the transfer, but do not acquire any unfunded liabilities. Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.*

*40.svd. (CMRC: Savannah Valley Development Division) The Department of Commerce is authorized to transfer any and all assets and obligations of its Savannah Valley Development Division, including, but not limited to, accounts, notes payable, contracts, licenses, leases, real property, rights of way, and easements, to appropriate state and local authorities upon the approval of the State Budget and Control Board.*

**40.red** **ADD** (Regional Economic Development Organizations) **SFC CHAIRMAN'S RECOMMENDATION:** ADD new proviso to direct the department to use the \$5,000,000

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appropriated for Regional Economic Development Organizations to provide funds to the designated organizations and counties and provides a mechanism by which the funds should be distributed. Require a 1:1 private fund match and require the receiving organization to certify that the private funds match are new dollars specifically designated for this purpose. Direct organizations receiving the funds to provide an annual expenditure report and outcome measures to the Chairmen of the Senate Finance and House Ways and Means Committees and the Secretary of Commerce by November 1<sup>st</sup>. *Replaces proviso 40.12.*

**40.red.** (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize the \$5,000,000 appropriated in Fiscal Year 2011-12 for Regional Economic Development Organizations to provide funds to the following seven economic development organizations:

- (1) Central SC Economic Development Alliance;
- (2) Charleston Regional Development Alliance;
- (3) Economic Development Partnership;
- (4) North Eastern Strategic Alliance (NESA);
- (5) Southern Carolina Alliance;
- (6) Upstate Alliance; and
- (7) Lowcountry Economic Alliance.

Of the \$5,000,000 appropriated for this purpose, \$4,700,000 must be disbursed equally to each organization. Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously allocated or designated for economic development.

The remaining \$300,000 shall be provided to Chester County, Lancaster County, Union County, and York County provided they meet the requirements established above.

Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the funds to the requesting organization.

Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.

Unexpended or undistributed funds shall be carried forward from the prior fiscal year into the current fiscal year and shall be used for the same purpose.

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

**65.11 DELETE** (Release of Information) Directs the department to provide information requested by a POL Board that operates under the purview of the department in a timely manner.

**SFC CHAIRMAN'S RECOMMENDATION:** DELETE proviso. *Agency is required by Title 40 to provide information requested by POL boards.* Fiscal Impact: No impact on the General Fund. Requested by Department of Labor, Licensing and Regulation.

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

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

- 78.12 PENDING FURTHER AMENDMENT** (Citadel-S.C. National Guard Readiness Center) Directs the Adjutant General's Office, during FY 10-11, to repay to the General Fund \$1,250,000 of the \$2,500,000 appropriated for the Citadel-S.C. National Guard Readiness Center in proviso 73.12 of the FY 07-08 Appropriation Act. Directs that if the entire \$2.5 million has been repaid no further payment is required.  
**WMC:** AMEND proviso to update Fiscal Year "2010-11" to "2011-12." Fiscal Impact: No impact on the General Fund if the entire \$2.5 million has been repaid, otherwise \$1.25 million is directed to be deposited into the General Fund.  
**HOU:** ADOPT proviso as amended.

**SFC CHAIRMAN'S RECOMMENDATION: PENDING FURTHER AMENDMENT**

**78.12.** (ADJ: Citadel-S.C. National Guard Readiness Center) The Adjutant General's Office, during Fiscal Year ~~2010-11~~ 2011-12, shall repay to the General Fund of the State \$1,250,000 of the \$2,500,000 appropriated by proviso 73.12 of the Fiscal Year 2007-08 Appropriation Act to the Adjutant General's Office for the Citadel-South Carolina National Guard Readiness Center unless the entire \$2,500,000 loan has been repaid, in which case no further payment shall be required.

**SECTION 89 - X90-GENERAL PROVISIONS**

- 89.117 DELETE** (General Fund Transfer to Conservation Bank) Directs DOR to transfer \$1,500,000 to the S.C. Conservation Bank from the increased general fund revenue resulting from the motion picture wage rebate of 15% as required by Section 12-62-50 [TAX REBATE FOR EMPLOYMENT OF PERSONS SUBJECT TO SOUTH CAROLINA INCOME TAX WITHHOLDINGS] rather than 20% as authorized in prior appropriation acts.  
**WMC:** DELETE proviso. Fiscal Impact: No impact on the General Fund.  
**HOU:** ADOPT deletion of proviso.

**SFC CHAIRMAN'S RECOMMENDATION: ADOPT deletion of proviso.**

**89.117.** (GP: General Fund Transfer to Conservation Bank) ~~The Department of Revenue is directed to transfer to the South Carolina Conservation Bank, \$1,500,000 of the increased general fund revenue resulting from the motion picture wage rebate of fifteen percent as required by Section 12-62-50 of the 1976 Code, rather than twenty percent as authorized in prior appropriation acts.~~

**K-12 EDUCATION RECOMMENDATIONS**

**SECTION 1 - H63-DEPARTMENT OF EDUCATION**

- 1.40 AMEND FURTHER** (School Districts and Special Schools Flexibility) Provides guidelines and requirements for school districts and special schools to have the ability to transfer and expend funds among general fund revenues, EIA funds, Lottery funds, and Children's Education Endowment Fund for school facilities and fixed equipment assistance to ensure the delivery of academic and arts instruction. Prohibits school districts from transferring debt



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service or bonded indebtedness funds. Authorizes school districts and the department to purchase the most economical type of bus fuel.

**WMC:** AMEND proviso to change references to "Fiscal Year 2010-11" to "current fiscal year." Direct that the purchase of textbooks beyond that required for replacement "may" rather than "must" be suspended. Delete the requirement that savings generated from suspension of the writing assessment and new textbooks adoptions be allocated to school districts based on the EFA formula and instead direct that they be allocated based on the number of weighted pupil units in each district. *Change in methodology for distributing funds generated from the savings from suspended programs ensures that all districts receive funds generated from the savings.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education. *Companion to EIA 1A.22.*

**HOU:** ADOPT proviso as amended.

**SFC CHAIRMAN'S RECOMMENDATION:** AMEND FURTHER to reinsert the requirement that savings generated from the suspension of writing assessment and new textbook adoptions be allocated based on the "EFA formula" rather than the "number of weighted pupil units."

**1.40.** (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy percent of the school district's per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and non-instruction pupil services. No portion of the seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the current school year ending June 30, ~~2011~~. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

"In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to public charter schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the ~~2010-11~~ current fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. The

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certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be posted on the internet website maintained by the school district.

For ~~Fiscal Year 2010-11~~ *the current fiscal year*, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list ~~must~~ *may* be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For ~~Fiscal Year 2010-11~~ *the current fiscal year*, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula ~~number of weighted pupil units in each district~~.

School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made available for public viewing and downloading. The register must include for each expenditure:

- (i) the transaction amount;
- (ii) the name of the payee; and
- (iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.

The Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

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- 1.47**     **AMEND** (School District Furlough) Authorizes and provides guidelines for school districts to institute an employee furlough program, not to exceed 10 days, for district-level and school-level professional staff.

**SFC CHAIRMAN'S RECOMMENDATION:** AMEND proviso to delete the restriction that school districts may only institute an employee furlough if a school district's state funds are less than those appropriated in the preceding fiscal year or if the General Assembly or B&C Board implements a mid-year across the board budget reduction. AMEND FURTHER to require each local school district to prominently post on their website the most recent version of their school district's policy manual and administrative rule manual for public viewing and downloading.

**1.47.** (SDE: School District Furlough) ~~If state funds appropriated for a school district in this State are less than state funds appropriated for that school district in the preceding fiscal year, or if the General Assembly or the Budget and Control Board implements a midyear across the board budget reduction, school~~ School districts may institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit. The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

The local school district board of trustees may implement a furlough of personnel once certification to the State Superintendent documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, instructional personnel may be furloughed for up to five non-instructional days if not prohibited by an applicable employment contract with the district and provided district administrators are furloughed for twice the number of days. District administrators may only be furloughed on non-instructional days and may not be furloughed for a period exceeding ten days. District administrators shall be defined by the Department of Education using the Professional Certified Staff (PCS) System. For individuals not coded in PCS, the determination shall be made based upon whether the individual performs the functions outlined in position codes identified by the department as administration. Educators who would have received a year's experience credit had a furlough not been implemented, shall not have their experience credit negatively impacted because of a furlough implementation.

During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs.

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*Each local school district must prominently post on the district's internet website and make available for public viewing and downloading the most recent version of the school district's policy manual and administrative rule manual.*

This proviso shall not abrogate the terms of any contract between any school district and its employees.

- 1.93 DELETE NEW PROVISO** (District Employee Representation) **WMC:** ADD new proviso to allow any school district employee who is paid on the state salary schedule to have representation of their choice present and able to participate in any meeting, hearing or appeal related to a formal grievance.  
**HOU:** ADOPT new proviso.

**SFC CHAIRMAN'S RECOMMENDATION:** DELETE new proviso.

~~*1.93. (SDE: District Employee Representation) In the current fiscal year, any employee of a school district paid on the state salary schedule may have representation of their choice present and able to participate in any meeting, hearing or appeal related to a formal grievance.*~~

**SECTION 1A - H63-DEPARTMENT OF EDUCATION-EIA**

- 1A.3 AMEND** (Half Day Program for Four-Year-Olds) Directs that funds appropriated for half-day programs for 4-year-olds shall be distributed based on the prior year number of students in kindergarten eligible for free and reduce price lunch. Directs, however, that no district shall receive less than 90% the amount it received in the prior fiscal year.  
**WMC:** AMEND proviso to delete the requirement that no district receive less than 90% the amount it received in the prior fiscal year. *Deletion will provide for allocations to be based solely on the prior year number of eligible students and the amount of funds appropriated for this purpose.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.  
**HOU:** ADOPT proviso as amended.

**SFC CHAIRMAN'S RECOMMENDATION:** ADOPT proviso as amended.

**1A.3. (SDE-EIA: XI.B - Half Day Program for Four-Year-Olds)** Funds appropriated in Part IA, Section 1, XI.B. for half-day programs for four-year-olds shall be distributed based on the prior year number of students in kindergarten eligible for free and reduce price lunch; ~~however, no district shall receive less than 90 percent of the amount it received in the prior fiscal year.~~

- 1A.20 AMEND FURTHER** (Technical Assistance) Specifies allocation and expenditure of technical assistance funds to schools with an absolute rating of below average or unsatisfactory.  
**HOU:** AMEND proviso to delete the directive that the school renewal plan outline "how technical assistance allocations will be utilized." Delete the directive that the department coordinate with and monitor services provided to schools by the School Improvement Council Assistance and the Writing Improvement Network and the requirement that these entities submit external evaluations to the EOC at least once every three years. Change the amount that must be used for technical assistance from "up to \$13,000,000" to "up to \$6,000,000."  
Sponsor: Rep. Bingham.

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**SFC CHAIRMAN'S RECOMMENDATION:** AMEND FURTHER to reinsert "\$13,000,000."

**1A.20.** (SDE-EIA: Technical Assistance) In order to best meet the needs of underperforming schools, funds appropriated for technical assistance to schools with an absolute rating of below average or at-risk on the most recent annual school report card must be allocated according to the severity of not meeting report card criteria.

Schools receiving an absolute rating of below average or at-risk must develop and submit to the Department of Education a school renewal plan outlining ~~how technical assistance allocations will be utilized and~~ goals for improvements ~~will be obtained~~. Each *Of the technical assistance funds allocated to below average or at-risk schools each* allocation must address specific strategies designed to increase student achievement and must include measures to evaluate success. The school renewal plan may include expenditures for recruitment incentives for faculty and staff, performance incentives for faculty and staff, assistance with curriculum and test score analysis, professional development activities based on curriculum and test score analysis that may include daily stipends if delivered on days outside of required contract days. School expenditures of technical assistance shall be monitored by the Department of Education.

With the funds appropriated to the Department of Education for technical assistance services, the department will assist schools with an absolute rating of below average or at-risk in designing and implementing technical assistance school renewal plans and in brokering for technical assistance personnel as needed and as stipulated in the plan. In addition, the department must monitor student academic achievement and the expenditure of technical assistance funds in schools receiving these funds and report their findings to the General Assembly and the Education Oversight Committee by January first of each fiscal year as the General Assembly may direct. If the Education Oversight Committee or the department requests information from schools or school districts regarding the expenditure of technical assistance funds pursuant to evaluations, the school or school district must provide the evaluation information necessary to determine effective use. If the school or school district does not provide the evaluation information necessary to determine effective use, the principal of the school or the district superintendent may be subject to receiving a public reprimand by the State Board of Education if it is determined that those individuals are responsible for the failure to provide the required information.

~~The department shall coordinate with and monitor the services provided by the School Improvement Council Assistance and the Writing Improvement Network to the schools. Based on criteria jointly determined by the department and the Education Oversight Committee, the School Improvement Council Assistance and the Writing Improvement Network must submit external evaluations to the Education Oversight Committee at least once every three years.~~

No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of below average or at-risk may be retained and expended by the department for implementation and delivery of technical assistance services. Using previous report card data, the department shall identify priority schools. Up to \$13,000,000 ~~\$6,000,000~~ of the total funds appropriated for technical assistance shall be used by the department to work with those schools identified as priority schools.

The department will create a system of levels of technical assistance for schools that will receive technical assistance funds. The levels will be determined by the severity of not meeting report card criteria. The levels of technical assistance may include a per student allocation, placement of a principal mentor, replacement of the principal, and/or reconstitution of a school.

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Reconstitution means the redesign or reorganization of the school, which includes the declaration that all positions in the school are considered vacant. Certified staff currently employed in priority schools must undergo a formal evaluation in the spring following the school's identification as a priority school and must meet determined goals to be rehired and continue their employment at that school. Student achievement will be considered as a significant factor when determining whether to rehire existing staff. Educators who were employed at a school that is being reconstituted prior to the effective date of this proviso and to whom the employment and dismissal laws apply will not lose their rights in the reconstitution. If they are not rehired or are not assigned to another school in the school district they have the opportunity for a hearing. However, employment and dismissal laws shall not apply to educators who are employed in the district and assigned to the priority schools after the effective date of this proviso, in the event of a reconstitution of the school in which the educator is employed. Those rights are only suspended in the event of a reconstitution of the entire school staff. Additionally, the rights and requirements of the employment and dismissal laws do not apply to educators who are currently on an induction or annual contract, that subsequently are offered continuing contract status after the effective date of this proviso, and are employed at a school that is subject to reconstitution under this proviso.

The reconstitution of a school could take place if the school has been identified as a priority school that has failed to improve satisfactorily. The decision to reconstitute a school shall be made by the State Superintendent of Education in consultation with the principal and/or principal mentor, the school board of trustees, and the district superintendent. The decision to reconstitute a school shall be made by April 1, at which time notice shall be given to all employees of the school. The department, in consultation with the principal and district superintendent, shall develop a staffing plan, recruitment and performance bonuses, and a budget for each reconstituted school.

Upon approval of the school renewal plans by the department and the State Board of Education, a newly identified school or a currently identified school with an absolute rating of below average or at-risk on the report card will receive a base amount and a per pupil allocation based on the previous year's average daily membership as determined by the annual budget appropriation. No more than fifteen percent of funds not expended in the prior fiscal year may be carried forward and expended in the current fiscal year for strategies outlined in the school's renewal plan. Schools must use technical assistance funds to augment or increase, not to replace or supplant local or state revenues that would have been used if the technical assistance funds had not been available. Schools must use technical assistance funds only to supplement, and to the extent practical, increase the level of funds available from other revenue sources.

**1A.22 AMEND FURTHER** (School Districts and Special Schools Flexibility) Provides guidelines and requirements for school districts and special schools to have the ability to transfer and expend funds among general fund revenues, EIA funds, Lottery funds, and Children's Education Endowment Fund for school facilities and fixed equipment assistance to ensure the delivery of academic and arts instruction. Prohibits school districts from transferring debt service or bonded indebtedness funds. Authorizes school districts and the department to purchase the most economical type of bus fuel.

**WMC:** AMEND proviso to change references to "Fiscal Year 2010-11" to "current fiscal year." Delete the requirement that savings generated from suspension of the writing assessment and new textbooks adoptions be allocated to school districts based on the EFA formula and instead direct that they be allocated based on the number of weighted pupil units in each district. *Change in methodology for distributing funds generated from the savings from suspended programs ensures that all districts receive funds generated from the savings.* Fiscal

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Impact: No impact on the General Fund. Requested by Department of Education. *EIA Companion to 1.40.*

**HOU:** ADOPT proviso as amended.

**SFC CHAIRMAN'S RECOMMENDATION:** AMEND FURTHER to reinsert the requirement that savings generated from the suspension of writing assessment and new textbook adoptions be allocated based on the "EFA formula" rather than the "number of weighted pupil units."

**1A.22.** (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

In order for a school district to take advantage of the flexibility provisions, at least seventy percent of the school district's per pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and non-instruction pupil services. No portion of the seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the current school year ending June 30, ~~2011~~. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

"In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

Prior to implementing the flexibility authorized herein, school districts must provide to public charter schools the per pupil allocation due to them for each categorical program.

Quarterly throughout the ~~2010-11~~ current fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be posted on the internet website maintained by the school district.

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For ~~Fiscal Year 2010-11~~ the current fiscal year, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list ~~must~~ may be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

For ~~Fiscal Year 2010-11~~ the current fiscal year, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula ~~number of weighted pupil units in each district~~.

School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made available for public viewing and downloading. The register must include for each expenditure:

- (i) the transaction amount;
- (ii) the name of the payee; and
- (iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the internet website.

The Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

**1A.31 AMEND** (One Year Suspension of EIA Programs) Temporarily suspends the Palmetto Gold and Silver program for FY 10-11 and allocates the funds appropriated to them to teacher salaries and fringe benefits; National Board Certification Incentive salary supplements; teacher supplies; Science PLUS; and Teaching Fellows Program administered by CERRA to hold the funding level to maintain fellowships for existing cohorts of participants in the program.



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Authorizes schools to still be recognized as Palmetto Gold and Silver recipients in 2010-11, but without compensation.

**WMC:** AMEND proviso to direct that the High Schools That Work and Arts Curricula Instruction programs also be temporarily suspended for FY 11-12 and that savings generated from the suspension be allocated to districts based on the number of weighted pupil units.

**HOU:** AMEND proviso to delete reference to "High Schools that Work." Sponsor: Rep. Gambrell. AMEND FURTHER to delete reference to "Arts Curricula Instruction." Sponsors: Reps. Bingham, Harrison, and Stavrinakis.

**SFC CHAIRMAN'S RECOMMENDATION:** ADOPT proviso as amended.

**1A.31.** (SDE-EIA: One Year Suspension of EIA Programs) The following program funded with EIA revenues will be temporarily suspended for Fiscal Year ~~2010-11~~ 2011-12 and ~~funds appropriated to this program allocated to teacher salaries and fringe benefits, National Board Certification Incentive salary supplements, teacher supplies, Science PLUS, and the Teaching Fellows Program administered by CERRA to hold the funding level to maintain fellowships for existing cohorts of participants in the Teacher Fellows Program:~~ the Palmetto Gold and Silver program. Schools may still be recognized as Palmetto Gold and Silver recipients in Fiscal Year ~~2010-11~~ 2011-12 but will not receive financial compensation. Savings generated from the suspension of this program shall be allocated to the districts based on the number of weighted pupil units.

**1A.48** **NO RECOMMENDATION** (Aid to Districts) **WMC:** ADD new proviso to direct that Aid to Districts funds in program XI.A.1 be dispersed to school districts based on the number of weighted pupil units.

**HOU:** ADOPT new proviso.

**SFC CHAIRMAN'S RECOMMENDATION:** NO RECOMMENDATION

**1A.48.** (SDE-EIA: Aid to Districts) Funds appropriated in Part IA, Section 1, XI.A.1 Aid to Districts shall be dispersed to school districts based on the number of weighted pupil units.

**1A.54** **ADD** (IDEA Maintenance of Effort) **HOU:** ADD new proviso to require the department, prior to dispersing EIA Section XI.A.1 Aid to Districts funds according to proviso 1A.48, to disburse \$45,481,854 of those funds to school districts and special schools to support programs and services for students with disabilities to meet the estimated maintenance of effort for IDEA. Direct that the funds be distributed using the current fiscal year 135 day ADM. Direct that to the extent practicable, funding for children with disabilities be help harmless to budget cuts or reductions to the extent to meet federal maintenance of effort requirements under IDEA. Direct that if cuts to those funds are needed they must not be disproportionate. Require the department submit an estimate of the IDEA Moe requirement to the General Assembly and the Governor by December 1, 2011. Sponsor: Rep. Bingham.

**SFC CHAIRMAN'S RECOMMENDATION:** ADOPT new proviso.

**1A.54.** (SDE-EIA - IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section XI.A.1 Aid to Districts according to proviso 1A.48 for Fiscal Year 2011-12, the department shall direct \$45,481,854 of the funds appropriated in Section XI.A.1 Aid To Districts to school districts and special schools for support of programs and services for

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students with disabilities, to meet the estimated maintenance of effort for IDEA. The department shall distribute these funds using the current fiscal year 135-day Average Daily Membership. For continued compliance with the federal maintenance of efforts requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of effort requirements under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts, the department must not reduce funding to support children with disabilities who qualify for services under the IDEA in a manner that is disproportionate to the level of overall reduction to state programs in general. By December 1, 2011, the department must submit an estimate of the IDEA MOE requirement to the General Assembly and the Governor.

**HEALTH AND HUMAN SERVICES RECOMMENDATIONS**

**SECTION 89 - X90-GENERAL PROVISIONS**

**89.137 AMEND NEW PROVISO** (Guardian ad Litem Study Committee) **WMC:** ADD new proviso to establish a Guardian ad Litem Study Committee to bring accountability and transparency to the guardian ad litem system. Direct the committee to determine the efficacy of administration of the volunteer Guardian ad Litem Program within DSS and to analyze the program's ability to advocate in a transparent and independent manner for abused and neglected children within the DSS structure. Direct the committee to also determine ways to monitor performance and establish accountability of guardians appointed in private actions before the family court where custody or visitation of a minor child is an issue, including certification and oversight. Provide for composition of the study committee and direct that members shall serve without compensation. Direct that a status report be provided on the committee's findings and recommendations by January 10, 2012 to the Chairmen of the Senate Finance and House Ways and Means Committees. Fiscal Impact: No impact on the General Fund.

**HOU:** ADOPT new proviso.

**SFC CHAIRMAN'S RECOMMENDATION:** AMEND new proviso to direct the committee to study the "effectiveness" of the administration of the program and its ability to advocate in a transparent and independent manner as currently structured and delete reference to "within DSS."

**89.137. (GP: Guardian ad Litem Study Committee)** For the current fiscal year, effective July 1, 2011, in order to bring accountability and transparency to the guardian ad litem process, a Guardian ad Litem Study Committee shall be established to determine:

1) the ~~efficacy~~ **effectiveness** of administration of the volunteer Guardian ad Litem Program ~~within the Department of Social Services~~. The study shall analyze the Guardian ad Litem Program's ability to advocate in a transparent and independent manner for abused and neglected children ~~within the structure of the Department of Social Services~~.

2) ways in which to monitor performance and establish accountability of guardians ad litem appointed in private actions before the family court in which custody or visitation of a minor child is an issue, including certification and oversight.

The Guardian ad Litem Study Committee shall be composed of the following members: Director of Social Services, or her designee; Director of the Guardian ad Litem Program, or her designee; a member of the Joint Legislative Committee on Children appointed by the

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Chairman of the committee; Director of the SC Bar, or his designee; one volunteer guardian ad litem in good standing with the SC Guardian ad Litem Program, to be appointed by the Governor; and one private guardian ad litem in good standing with the family court, to be appointed by the Governor. Members appointed by the Governor must not be employees of the State of South Carolina. Members shall serve at the pleasure of the appointing authority. The Director of the Department of Social Services and the Director of the Guardian ad Litem Program shall serve as co-chairs. Members of the study committee shall serve without compensation.

The study committee shall provide a report on the status of their findings and recommendations to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2012.

- 89.143 AMEND NEW** (Foster Care Review Board Study Committee) **HOU:** ADD new proviso to establish a Foster Care Review Board Study Committee to bring accountability and transparency to the foster care process. Direct the committee to determine the efficacy of administering the Foster Care Review Board Program within DSS and to analyze the program's ability to advocate in a transparent and independent manner for foster care children within the DSS structure. Direct the committee to also determine ways to monitor performance and establish accountability of foster care review volunteers, including certification and oversight. Provide for composition of the study committee and direct that members shall serve without compensation. Direct that a status report be provided on the committee's findings and recommendations by January 10, 2012 to the Chairmen of the Senate Finance and House Ways and Means Committees. Sponsors: Reps. Cobb-Hunter, Merrill, and Barfield.

**SFC CHAIRMAN'S RECOMMENDATION:** AMEND new proviso to direct the committee to study the "effectiveness" of the administration of the program and its ability to advocate in a transparent and independent manner as currently structured and delete reference to "within DSS." Direct that the Directors of DSS and the Foster Care Review Board Program serve as co-chairs.

**89.143. (GP: Foster Care Review Board Study Committee)** For the current fiscal year, effective July 1, 2011, in order to bring accountability and transparency to the foster care process, a Foster Care Review Board Study Committee shall be established to determine:

1) the ~~efficacy~~ **effectiveness** of administration of the Foster Care Review Board Program ~~within the Department of Social Services~~. The study shall analyze the Foster Care Review Board Program's ability to advocate in a transparent and independent manner for foster care children ~~within the structure of the Department of Social Services~~.

2) ways in which to monitor performance and establish accountability of foster care review volunteers, including certification and oversight.

The Foster Care Study Committee shall be composed of the following members: Director of Social Services, or her designee; Director of the Foster Care Review Board Program, or her designee; a member of the Joint Legislative Committee on Children appointed by the Chairman of the committee; Director of the SC Bar, or his designee; and one volunteer foster care review board member in good standing with the Foster Care Review Board, to be appointed by the Governor. Members appointed by the Governor must not be employees of the State of South Carolina. Members shall serve at the pleasure of the appointing authority. The Director of the Department of Social Services **and the Director of the Foster Care Review Board Program** shall serve as ~~chairman~~ **co-chairs**. Members of the study committee shall serve without compensation.

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*The study committee shall provide a report on the status of their findings and recommendations to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2012.*