

**SENATE FINANCE COMMITTEE
CRIMINAL JUSTICE SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2021-22**

SECTION 60 - E210 - PROSECUTION COORDINATION COMMISSION

- 60.4** **AMEND** (Solicitor Carry Forward) Authorizes the solicitor’s office to carry forward any unexpended funds to be used for solicitor’s office operating expenses.
WMC: AMEND proviso to also allow the funds to be used for Commission on Prosecution Coordination operating expenses. Requested by Prosecution Coordination Commission.
HOU: ADOPT proviso as amended.
SFC SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update the fiscal year reference from “the prior fiscal year” to “Fiscal Year 2020-21.”

60.4. (PCC: ~~Solicitor~~ Carry Forward) Any unexpended balance on June thirtieth⁷ of ~~the prior fiscal year,~~ Fiscal Year 2020-21 may be carried forward into the current fiscal year and expended for the operation of the ~~solicitor’s office~~ Commission on Prosecution Coordination or the Offices of the Solicitor relating to operational expenses.

- 60.12** **AMEND** (Summary Court Domestic Violence Fund Distribution) Directs that Summary Court Domestic Violence Prosecution funds be distributed based upon 10% of the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.
WMC: AMEND proviso to direct that funding shall be based on the average incoming caseload instead of 10%. Requested by Prosecution Coordination Commission.
HOU: ADOPT proviso as amended.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

60.12. (PCC: Summary Court Domestic Violence Fund Distribution) The Summary Court Domestic Violence Prosecution funding shall be distributed based ~~upon ten percent of~~ on the average incoming caseload for each county as reported by the South Carolina Judicial Department for the prior 3 fiscal years.

- 60.ir** **CONFORM TO FUNDING / ADD** (Intake and Analysis Funding) **SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / ADD new proviso to direct distribution of \$135,000 from Intake and Analysis Programs to each circuit that establishes, maintains, and annually reports certain information about the program. Direct that unexpended funds be remitted to the General Fund.

60.ir. (PCC: *Intake and Analysis Funding*) Funds appropriated and/or authorized for Intake and Analysis Programs shall be distributed at an amount of \$135,000 to each circuit that establishes, maintains, and annually reports information and data regarding its Intake and Analysis Program. Funds not expended by the end of the current fiscal year shall be remitted to the General Fund.

SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

- 61.1** **AMEND FURTHER** (Defense of Indigents Formula) Provides for the distribution of Defense of Indigents funds. Directs that counties must contribute no less than they contributed in the previous year.
WMC: AMEND proviso to change from “2005” to “2020” the directive that no county shall receive less funding than the amount apportioned to it as of July 1, 2005.
HOU: ADOPT proviso as amended.
SFC SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to delete the requirement that the State set aside \$3,000,000 for the Death Penalty Trial Fund and add that the

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State shall “authorize the Commission on Indigent Defense to receive or spend no more than \$3,000,000 for the Death Penalty Trial Fund.” Delete “set aside” and add “authorize the Commission on Indigent Defense to receive up to or spend no more than” for the fees and expenses of private counsel appointed in noncapital cases. Delete “the remaining funds” and change to “thirty-five percent” for the amount each month apportioned among counties’ public defender officers. Add “for the same purposes” for funds carried over to the next fiscal year.

61.1. (INDEF: Defense of Indigents Formula) The amount appropriated in this act for “Defense of Indigents” shall be apportioned among counties in accord with Section 17-3-330 of the 1976 Code, but on a per capita basis and based upon the most current official decennial census of the United States; provided that no county shall receive funding in an amount less than the amount apportioned to it as of July 1, ~~2005~~ 2020. The level of contribution of each county as of July 1, 2001, must be maintained. No county shall be permitted to contribute less money than the amount the county contributed in the prior fiscal year. Within the amount of money established for indigent defense services, the State shall ~~set aside \$3,000,000 (Death Penalty Trial Fund)~~ authorize the Commission on Indigent Defense to receive up to or spend no more than \$3,000,000 for the Death Penalty Trial Fund annually for use of the defense in capital cases pursuant to Section 16-3-26 of the 1976 Code, for juveniles facing the possibility of a sentence of life without parole, and for the expenses of the operation of the Commission on Indigent Defense to include salaries and operations expenses of the Death Penalty Trial Division. The State also shall ~~set aside~~ authorize the Commission on Indigent Defense to receive up to or spend no more than \$2,500,000 annually to pay fees and expenses of private counsel appointed in noncapital cases pursuant to Section 17-3-50 (Conflict Fund). Of the funds generated from the fees imposed under Sections 14-1-206(C)(4), 14-1-207(C)(6) and 14-1-208(C)(6) and the application fee provided in Section 17-3-30(B), on a monthly basis, fifty percent must be deposited into the Death Penalty Trial Fund, fifteen percent must be deposited into the Conflict Fund, and ~~the remaining funds~~ thirty-five percent each month must be apportioned among the counties’ public defender offices pursuant to Section 17-3-330. At the end of each fiscal year any leftover funds shall carryover to the next fiscal year for the same purposes. All applications for the payment of fees and expenses in capital cases shall be applied for from the Death Penalty Trial Fund which shall be administered by the Commission on Indigent Defense. All applications for the payment of fees and expenses of private counsel or expenses of public defenders pursuant to Section 17-3-50 shall be applied for from the Conflict Fund administered by the Commission on Indigent Defense. Reimbursement in excess of the hourly rate and limit set forth in Section 17-3-50 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 Commission on Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall be made from funds appropriated for this purpose from the Commission

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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.

- 61.4** **AMEND** (SC Appellate Court Rule 608 Appointments) Provides for the expenditure of SC Appellate Court Rule 608 Appointments funds. Directs that the funds be used 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, Post-Conviction Relief and Criminal Conflict appointments. Prohibits SC Appellate Court Rule 608 Appointments funds from being transferred or used for any other purpose. Establishes a reimbursement rate and provides guidelines for reimbursement to exceed the limits.
WMC: AMEND proviso to delete Title 20 code sections references and replace with Title 63 references. Delete the stipulation the attorneys reimbursed be limited to those “qualified to handle civil and criminal court appointments.” Allow a portion of the funds to be used to contract with other professionals to assist court appointed attorneys. Direct the commission to establish policies, procedures, and contract provisions as it deems appropriate. Requested by Commission on Indigent Defense.
HOU: ADOPT proviso as amended.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

61.4. (INDEF: SC Appellate Court Rule 608 Appointments) The funds appropriated under “SC Appellate Court Rule 608 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) and Criminal Conflict appointments to reimburse court appointed private attorneys and for other expenditures as specified in this provision. SC Appellate Court Rule 608 Appointments funds may not be transferred or used for any other purpose.

A portion of the funds appropriated under “SC Appellate Court Rule 608 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 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.;~~ Sections 63-7-1620 et seq., 63-7-2560 et seq., 63-9-320(A)(2) et seq., 63-19-810 et seq., and 63-19-2210 et seq.; for “Probate Court Commitment” cases to reimburse private attorneys who are appointed by the Probate Court to represent indigent persons; and for “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. Attorney fees shall not exceed two thousand dollars for any case under which such private attorney is appointed.

A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital 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

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of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed one thousand dollars in any single case.

A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital criminal cases pursuant to Section 17-3-50 (Conflict Fund). 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. Attorney fees shall not exceed three thousand five hundred dollars in any single felony case or one thousand dollars in any single misdemeanor 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.

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 Commission on Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided 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 “SC Appellate Court Rule 608 Appointments” may be used by the Commission on Indigent Defense to retain, on a contractual basis, the services of attorneys ~~qualified to handle civil and criminal court appointments, to be reimbursed in accordance with applicable provisos and statutes~~ and other professionals to assist court appointed attorneys to provide quality and effective representation. The commission shall establish all policies, procedures, and contract provisions as it deems appropriate for the implementation of the system including, but not limited to, the selection and compensation of contract awardees.

61.10 DELETE (Donation Carry Forward) Allows the Commission on Indigent Defense to accept donations for the publication of “The South Carolina Juvenile Collateral Consequences Checklist” and to retain, carry forward and expend revenue derived from received donations.

WMC: DELETE proviso.

HOU: ADOPT deletion.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

61.10. (INDEF: Donation Carry Forward) ~~The Commission on Indigent Defense may accept donations for the publication of “The South Carolina Juvenile Collateral Consequences Checklist.” All revenue derived from donations received at the Commission on Indigent Defense~~

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~~shall be retained, carried forward and expended according to agreement reached between the donor, or donors, and the Commission on Indigent Defense.~~

- 61.11** **AMEND** (Capital Case Contract Attorneys) Directs that funds appropriated from the Death Penalty Trial Fund may be used to retain the services of attorneys qualified in capital proceedings. Directs the commission to establish policies and procedures for system implementation.
WMC: AMEND proviso to allow funds to be used to contract for services of other professionals to assist attorneys in providing representation. Requested by Commission on Indigent Defense.
HOU: ADOPT proviso as amended.
SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

61.11. (INDEF: Capital Case Contract Attorneys) Funds appropriated from the Death Penalty Trial Fund may be used by the commission to retain, on a contractual basis, the service of attorneys qualified to provide representation in capital proceedings to include: capital trials, post-conviction relief actions, re-sentencing, appeals or any other capital litigation proceeding.

The commission shall establish all policies, procedures and contract provisions as it deems appropriate for the implementation of the system, including but not limited to the selection and compensation of contract awardees. The commission may use these funds to retain, on a contractual basis, the services of other professionals to assist court appointed attorneys to provide quality and effective representation in the above capital proceedings.

- 61.cca** **CONFORM TO FUNDING / ADD** (Court Case Contract Attorneys) **SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / ADD new proviso to direct distribution of funds for contract attorneys for each circuit based on the percentage of the age of pending active cases in each circuit as compared to the statewide age of pending cases. Direct the commission to report to the Senate Finance and the House Ways and Means Committees on the amount of funds received by each circuit and the effectiveness of the funds to reduce pending cases.

61.cca. (INDEF: Court Case Contract Attorneys) Of the funds appropriated to the Commission on Indigent Defense for court case backlogs, the commission shall distribute fifty percent to each circuit based upon the proportional statewide share of the number of pending cases for each circuit aged 545 days or more, thirty percent to each circuit based upon the proportional statewide share of the number of pending cases for each circuit aged 366 days and less than 545 days, and twenty percent to each circuit based upon the proportional statewide share of the number of pending cases for each circuit aged 365 days or less as reported by the Judicial Department for the fiscal year ending June 30, 2021. These funds shall be used by each circuit for the purpose of hiring contract attorneys to address pending active cases.

By June 30, the commission, in coordination with the Judicial Department and the solicitors' offices, shall provide a report to the Senate Finance Committee and the House Ways and Means Committee on the amount of funds received by each circuit and on the effectiveness of how these funds have reduced pending cases. The commission shall track any other information deemed necessary to evaluate the effectiveness of this program.

SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

- 63.5** **AMEND FURTHER** (SC Law Enforcement Officers Hall of Fame Scholarships/*Donations*) Authorizes the department to accept donations in order to provide scholarships to children of law enforcement officers who were killed in the line of duty. Authorizes the Law Enforcement Officers Hall of Fame Advisory Committee to set criteria for awarding the scholarships. Requires

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all revenue received to be used for the scholarships. Authorizes the department to retain, expend, and carry forward unexpended funds.

WMC: AMEND proviso to direct that funds designated for scholarships shall not be used for any other purpose. Authorize DPS to accept and disburse funds received from donations for the purpose of carrying out the objectives and programs of the SC Law Enforcement Officers Hall of Fame. Authorize unspent funds associated with the donation of funds to be retained, expended, and carried forward to be used for the same purposes.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to allow expenditure of funds rather than disbursement. Revise definition of funds to include grants. Authorize unexpended funds, rather than donations, to be retained and carried forward.

63.5. (DPS: SC Law Enforcement Officers Hall of Fame Scholarships/*Donations*) The Department of Public Safety is hereby authorized to accept donations from the public in order to provide scholarships to the children of law enforcement officers killed in the line of duty. The South Carolina Law Enforcement Officers Hall of Fame Advisory Committee is authorized to set the criteria for awarding such scholarships. All revenue received for this purpose shall be used to provide scholarships and shall be retained, carried forward, and expended for the same purpose. *Funds received and designated for scholarships shall not be used for any other purpose.*

The department shall also be authorized to ~~accept and disburse~~ receive and expend funds ~~and grants~~, including any donations, contributions, ~~funds~~ grants, or gifts from private individuals, foundations, agencies, corporations, or the state or federal government, for the purpose of carrying out the programs and objectives of the South Carolina Law Enforcement Officers Hall of Fame. The department shall be authorized to retain, expend, and carry forward unexpended ~~donations~~ funds received for the South Carolina Law Enforcement Officers Hall of Fame and utilize those funds for the same purposes in the current fiscal year.

63.7 **AMEND** (Overtime Pay) Requires DPS to pay current non-exempt law enforcement officers by October 1st for any compensatory time earned and not used in the prior fiscal year. Directs funds be provided from available personal services, appropriated overtime funds and/or employer contributions funds carried forward from the prior fiscal year. Directs that if carried forward funds are insufficient, DPS pay the officers on a percentage distribution based on hours owed per officer up to the total amount that DPS has carried forward.

WMC: AMEND proviso to update fiscal year reference to the current fiscal year.

HOU: ADOPT proviso as amended.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

63.7. (DPS: Overtime Pay) For ~~Fiscal Year 2020-21~~ *the current fiscal year*, the department is authorized and required to pay current non-exempt law enforcement officers by October 1st for any compensatory time earned and not used in the prior fiscal year. The funds for this compensation must be provided from available personal services, appropriated overtime funding, and/or employer contributions funds carried forward from the prior fiscal year. If the amount of carried forward funds is not sufficient to pay all the non-exempt law enforcement officers accrued compensatory time, the department shall pay the officers on a percentage distribution based on the hours owed per officer up to the total amount that the department has carried forward.

63.icf **ADD** (In-Car Camera Funding) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the department to establish an In-Car Video Camera Fund to assist in

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purchasing and maintaining in-car cameras. Direct the Public Safety Coordinating Council to oversee the fund and establish an application and disbursement of funds process.

63.icf (DPS: In-Car Camera Funding) For Fiscal Year 2021-22, from funds appropriated to and/or authorized for the Department of Public Safety, there is established within the department an "In-Car Video Camera Fund" for the purpose of assisting law enforcement agencies in purchasing and maintaining in-car video cameras and ongoing costs related to the maintenance and storage of data recorded by in-car video cameras.

The Public Safety Coordinating Council shall oversee the fund and establish a process for the application for and disbursement of monies to law enforcement agencies. The council shall disburse the funds in a fair and equitable manner, taking into consideration the DUI enforcement activity of the law enforcement agencies, with priority given to those law enforcement agencies who prioritize DUI enforcement activity.

SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS

65.30 ADD (Safety & Security) WMC: ADD new proviso to authorize the department to carry forward funds reimbursed to the agency from the CARES act of 2020 and direct that these funds shall not be considered a part of any other authorized carry forward amount. Direct that these funds be deposited into a separate and distinct Department of Corrections Security and Maintenance Fund and authorize the department to spend these funds to meet agency maintenance and security needs that are directly related to safety and security. Require the department develop a comprehensive security and maintenance plan prior to spending the funds and submit the plan to the Governor and JBRC by September 30, 2021 for its review and comment. Allow the department, subsequent to JBRC review, to initiate the permanent improvement projects and equipment purchases listed in the plan upon submission of documents to EBO. Direct the department to submit an annual report by September 30th to the Governor and JBRC on plan implementation and expenditures.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

65.30. (CORR: Safety & Security) The Department of Corrections shall be authorized to carry forward into the current fiscal year the funds reimbursed to the agency pursuant to Section 3 of Act 154 of 2020. The amount shall not be included or part of any other authorized carry forward amount. Funds carried forward pursuant to this provision shall be deposited into a separate and distinct fund known as the "Department of Corrections Security and Maintenance Reserve Fund." The department may expend these funds to meet the maintenance and security needs of the agency for critical repairs, deferred maintenance, renovations, security upgrades, and equipment which are directly related to the safety and security of the public, officers, employees, and inmates. Prior to the expenditure of these funds, the department shall develop a comprehensive security and maintenance plan which shall itemize the permanent improvement projects and equipment purchases needed to maintain the safety and security of the state's prison system. This plan shall be presented by September 30, 2021, to the Governor and the Joint Bond Review Committee for its review and comment. Subsequent to the committee's review, the department shall be authorized to initiate the permanent improvement projects and equipment purchases included in the plan upon submitting the necessary documentation to the Executive Budget Office without further review by the committee. Any deviations from the plan shall be subject to further review and comment by the committee. The department shall provide a report to the Governor and Joint Bond Review Committee on its implementation of the comprehensive

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security and maintenance plan and its expenditures from the fund by September 30 of each fiscal year.

SECTION 109 - R440 - DEPARTMENT OF REVENUE

109.14 DELETE (Cigarette Stamps) Directs DOR to extend the date by which a report must be filed stating the quantity of unstamped packages of cigarettes that were in the person's possession from January 1, 2020, to October 1, 2020. Directs the department to refund any fine collected if a person files the report by October 1, 2020.

WMC: DELETE proviso. Requested by Department of Revenue.

HOU: ADOPT deletion.

SFC SUBCOMMITTEE RECOMMENDATION: ADOPT deletion.

~~109.14. (DOR: Cigarette Stamps) The Department of Revenue must extend the date by which a person must file a report with the department stating the quantity of such unstamped packages of cigarettes that were in the person's possession as of January 1, 2020, to until October 1, 2020. If a person files the report by October 1, 2020, then the person is deemed to have filed the report by March 31, 2020. Upon application, in the current fiscal year, the department must refund any fine collected in contravention of this proviso.~~

109.15 DELETE NEW PROVISO (Renewable Fuel Credit) **WMC:** ADD new proviso to extend the date a taxpayer must place property or facility into service used for distributing or dispersing renewable fuel to January 1, 2022. Fiscal Impact: RFAO states this proviso is expected to reduce General Fund individual income tax revenue by an estimated \$32,000 beginning in FY 2021-22 through FY 2028-29 for tax credits relating to a renewable fuel production or distribution facility, with any carry forward credits remaining for ten years.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~109.15. (DOR: Renewable Fuel Credit) The date the taxpayer must place property or facility into service that is used for distribution or dispensing renewable fuel shall be extended to January 1, 2022.~~

109.16 DELETE NEW PROVISO (Broadcasters Apportionment) **WMC:** ADD new proviso to require broadcasters to source gross revenues from broadcasting to South Carolina if the revenue is received from customers whose commercial domicile is located in the state including, but not limited to, gross receipts from advertising, licensing, and distribution, but excluding the sale of real property or tangible personal property. Direct that gross receipts received from a television station that is entirely located in the state shall be sourced to South Carolina even if the commercial domicile of the customer is outside the state. Direct that the amount sourced to the state shall be the actual receipts attributable to the local television stations.

HOU: ADOPT new proviso.

SFC SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~109.16. (DOR: Broadcasters Apportionment) Broadcasters, as defined by the North American Industry Classification System 512110 and 515120, shall source gross revenues from broadcasting to South Carolina if received from customers whose commercial domicile is in South Carolina including, but not limited to, gross receipts from advertising, licensing, and distribution, but excluding gross receipts from the sale of real property or tangible personal property. Gross receipts received from a television station wholly located in South Carolina~~

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~~*shall be sourced to South Carolina notwithstanding that the commercial domicile of the Broadcaster's customer is outside of South Carolina. The amount sourced to South Carolina shall be the actual receipts attributable to the local television stations.*~~

109.ef **ADD** (Electronic Filing) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow the department to require a statement subject to penalties or perjury in order for certain applications for licenses or permits to be filed electronically.

109.ef. (DOR: Electronic Filing) In the current fiscal year, in order to allow certain applications for licenses or permits to be filed electronically, the Department of Revenue may require a statement subject to penalties of perjury instead of a statement under oath.

109.rn **ADD** (Referendum Notification) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require a county or municipal election commission to notify the department sixty days before a referendum on imposing a local sales tax or local option permit.

109.rn. (DOR: Referendum Notification) A county or municipal election commission must notify the Department of Revenue sixty days prior to a referendum on the imposition of a local sales tax or local option permit.

SECTION 117 - X900 - GENERAL PROVISIONS

117.ep **ADD** (Equal Parenting and Alimony Reform Study Committee) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to create the Equal Parenting and Alimony Reform Study Committee to study the concept of the presumption of equally shared parenting time in custody orders and on reforms to the alimony system. Direct that findings and recommendations be submitted to the General Assembly by March 1, 2022, after which the committee shall be dissolved. Direct that committee members shall receive mileage, per diem and subsistence from the Judicial Department. Direct that staff support shall be provided by the relevant Senate and House standing committees, as appropriate.

117.ep. (GP: Equal Parenting and Alimony Reform Study Committee) There is created the Equal Parenting and Alimony Reform Study Committee. The committee shall study the concept of the presumption of equally shared parenting time in custody orders and on reforms to the alimony system with a focus on permanent alimony to ensure fair and equitable economic allocations. Membership of the study committee shall be comprised of five members as follows:

(1) the Chairman of the Senate Judiciary Committee, or their designee, who shall serve as Co-Chair;

(2) the Chairman of the House of Representatives Judiciary Committee, or their designee, who shall serve as Co-Chair;

(3) one member appointed by the President of the Senate, or their designee;

(4) one member appointed by the Speaker of the House of Representatives, or their designee;

and

(5) one member appointed by the Governor.

The study committee shall submit findings and recommendations to the General Assembly by March 1, 2022, at which time the study committee shall be dissolved. Members of the study committee shall receive mileage, per diem, and subsistence from the Judicial Department, as provided by law. Staff support for the study committee shall be provided by the relevant standing committees of the Senate and the House of Representatives, as appropriate.