

SENATE FINANCE COMMITTEE
NATURAL RESOURCES SUBCOMMITTEE
PROVISO RECOMMENDATION FOR FY 2011-12
TO THE PROVISO REVIEW SUBCOMMITTEE

SECTION 33 - P12-FORESTRY COMMISSION

- 33.4** **ADD** (FC: Compensatory Payment) **WMC:** ADD new proviso to direct that if the Governor declares a State of Emergency, Forestry Commission exempt employees may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency director, and if funds are available. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

33.4. (FC: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the Forestry Commission may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency director, and providing funds are available.

SECTION 35 - P20-CLEMSON UNIVERSITY - PSA

- 35.12** **ADD** (Landplaster Inspection Fee) **WMC:** ADD new proviso to direct that for the purpose of regulating landplaster (gypsum) as it is applied to land for crop production, it shall be defined as a product consisting chiefly of calcium sulfate with two combined water ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$) and is incapable of neutralizing soil acidity. Direct that it shall contain not less than seventy percent (70%) $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$. Direct that all registrants of landplaster who sell or distribute in this state that were previously required to pay Clemson-PSA an inspection fee of \$1.50 per ton shall now pay fifty cents for each ton sold. Authorize these funds to be retained, expended, and carried forward to maintain its programs. Fiscal Impact: BEA states that since Liming Material program fees do not apply to the state's General Fund there would be no impact on General Fund revenue. Reduction in the per ton fee would net an annual loss of revenue for Clemson of approximately \$65,000. Requested by Clemson University-PSA.
HOU: ADOPT new proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

35.12. (CU-PSA: Landplaster Inspection Fee) For the purpose of regulating its use as applied to land for crop production, landplaster (gypsum), shall be defined as a product consisting chiefly of calcium sulfate with two combined water ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$) and is incapable of neutralizing soil acidity. It shall contain not less than seventy percent (70%) $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$. All registrants of landplaster who sell or distribute in this state that previously were required to pay an inspection fee of \$1.50 per ton shall now pay to Clemson University Regulatory Services an inspection fee of fifty cents for each ton sold. Clemson University-PSA may retain, expend, and carry forward these funds from the prior fiscal year into the current fiscal year to maintain its programs.

SECTION 37 - P24 - DEPARTMENT OF NATURAL RESOURCES

- 37.8** **DELETE** (Interest - License Fees) Require interest earned on all hunting and fishing license fees collected by DNR to be credited to and expended by the department to protect, promote, propagate, and manage fish and wildlife and to enforce related laws.
WMC: DELETE proviso. Codified in Sections 50-9-950(C) [INTEREST EARNED ON BALANCES IN THE FISH AND WILDLIFE PROTECTION FUND]; 50-9-955(C) [INTEREST EARNED ON BALANCES IN THE FISH

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AND WILDLIFE DEFERRED LICENSE FUND]; 50-9-960(D) [INTEREST EARNED ON BALANCES IN THE MARINE RESOURCES FUND]; 50-9-965(C) [INTEREST EARNED ON BALANCES IN THE MARINE RESOURCES DEFERRED LICENSE FUND]; and 50-9-970(F) [INTEREST EARNED ON REVENUES DEPOSITED TO THE COUNTY GAME AND FISH FUND]. Fiscal Impact: No impact on the General Fund. Per the department, investment earnings were \$503,624 in FY 09-10. Requested by Department of Natural Resources.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

37.8. (DNR: Interest - License Fees) ~~Interest earned by the State Treasurer on all hunting and fishing license fees collected by the Department of Natural Resources must be credited to and expended by the department for the protection, promotion, propagation, and management of fish and wildlife, and the enforcement of related laws.~~

- 37.9** **DELETE** (Shrimp Baiting Enforcement) Require the department to allocate additional enforcement efforts during the 60 day shrimp baiting period to assist local law enforcement in monitoring and enforcing the baiting laws. Direct that expenditures for other than law enforcement should not exceed 30% of the annual amount collected from the sale of shrimp baiting permits.

WMC: DELETE proviso. *Codified in Section 50-9-920(C)(4) [SHRIMP BAITING LICENSE].* Fiscal Impact: No impact on the General Fund. Requested by Department of Natural Resources.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

37.9. (DNR: Shrimp Baiting Enforcement) ~~The department shall allocate additional enforcement efforts during the sixty (60) day shrimp baiting period to assist existing law enforcement personnel in monitoring and enforcement of the shrimp baiting laws. Further, expenditures for other than law enforcement should not exceed thirty percent (30%) of the annual collections from the sale of shrimp baiting permits.~~

- 37.10** **DELETE** (Water Recreation Fund and County Game and Fish Fund) Direct the department to retain funds collected for the Water Recreation Fund and the portion of the county game and fish fund derived from licenses and fees and to use those funds for the stated purposes of the funds. Prohibit the department from using these funds to offset base budget reductions. Authorize the department, with the county delegation's recommendation, to use a county's Water Recreational Resource Funds to purchase boats, boat trailers, motors, and boating safety equipment used for law enforcement and rescue.

WMC: AMEND proviso to delete directive that Water Recreation Fund and the portion of county game and fish fund revenue be used for stated fund purposes and the prohibition of using the funds to offset budget reductions. *Codified a portion of the proviso in 50-9-970(D) [COUNTY GAME AND FISH FUND CREATED]; and 12-28-2730(H) [WATER RECREATIONAL RESOURCES FUND]. Prohibition from offsetting base budget reductions conflicts with the flexibility proviso 89.80 which provided \$892,653 in expenditure flexibility in FY 09-10. Per OSB, expenditures of water recreation funds were \$277,761 in FY 10-11 and total revenue for these funds was \$3.8m in FY 09-10.* Fiscal Impact: No impact on the General Fund. Requested by Department of Natural Resources.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

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~~37.10. (DNR: Water Recreation Fund and County Game and Fish Fund) Funds collected during the current fiscal year by the Department of Natural Resources for the Water Recreation Fund and for that portion of the county game and fish fund derived from licenses and fees must be retained by the department and used for the stated purposes of the respective funds, and may not be used by the department to offset base budget reductions for the current fiscal year. In addition to all other uses allowed by statute, the department may use the Water Recreational Resource Funds of a county for the purchase of boats, boat trailers, motors, and boating safety equipment used for law enforcement and rescue, with the recommendation of the county delegation.~~

- 37.12 DELETE NEW PROVISO** (Reedy River) **WMC:** ADD new proviso to direct DNR, by September 1, 2011, to transfer \$1,000,000 of the funds held in the State Mitigation Trust Fund to the County of Laurens for the Reedy River Restoration as agreed upon in the Colonial Pipeline Settlement. Fiscal Impact: No impact on the General Fund. Per the department, there is \$2.6m remaining in the settlement fund.
HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~37.12. (DNR: Reedy River) The Department of Natural Resources, by September 1, 2011, shall transfer \$1,000,000 of the funds currently being held in the State Mitigation Trust Fund to the County of Laurens for the Reedy River Restoration as agreed upon in the Colonial Pipeline Settlement.~~

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

- 39.5 DELETE** (Product Development Funds) Establishes the guidelines for administering funds allocated for the Product Development Program. Authorizes PRT to use uncommitted Product Development funds for agency operating expenses.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *All funds from the non-recurring appropriation have been expended.* Fiscal Impact: No impact on the General Fund. Requested by Department of Parks, Recreation, and Tourism.

~~39.5. (PRT: Product Development Funds) All Product Development funds, whether carried forward or new appropriations, must be matched with a 2 to 1 private funds ratio. An organization receiving a state grant must certify that, as of the date of the application: (i) the private funds are new dollars as of the current fiscal year specifically designated for the purpose of matching state funds; (ii) the private funds have not been previously allocated or designated for product development; (iii) the organization has on hand or has an approved line of credit of not less than the amount of private funds needed to provide the required match. Grant recipients shall provide a quarterly report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the director of the Department of Parks, Recreation and Tourism on the expenditure of the grants funds and on the proposed outcome measures. The department is authorized to utilize uncommitted Product Development funds for general agency operational purposes.~~

- 39.6 RESTORE ORIGINAL PROVISO** (Regional Tourism) Directs that of the department's appropriated, authorized, or carried forward funds, they shall provide the same level of

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recurring and non-recurring funds disbursed to the 11 Regional Tourism groups as the groups received in FY 07-08.

WMC: AMEND proviso to direct PRT to provide \$275,000 for disbursement 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.

SUBCOMMITTEE RECOMMENDATION: RESTORE original proviso.

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 disbursement 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.~~

39.11 **AMEND** (Destination Specific Tourism Transfer) Directs the Department of Revenue, for FY 2010-11, to transfer to PRT the Motion Picture Incentive Rebate set-aside funds carried forward from the prior fiscal year. Directs that these funds be used for the Destination Specific Tourism Program and authorizes the funds to be carried forward and used for the same purpose.

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

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

39.11. (PRT: Destination Specific Tourism Transfer) From the funds set aside pursuant to the Motion Picture Incentive Wage Rebate, for Fiscal Year ~~2010-11~~ 2011-12 unexpended funds carried forward from the prior fiscal year shall be transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism and utilized for the Destination Specific Tourism Program. These funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purpose.

SECTION 40 - P32 - DEPARTMENT OF COMMERCE

40.2 **AMEND** (Economic Dev. Coordinating Council - GIS Carry Forward) Authorizes the council, from funds set aside by Section 12-28-2910 [SOUTH CAROLINA COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT; ESTABLISHING PROJECT PRIORITIES; DISPOSITION OF PAYMENTS], to use up to \$60,000 to support actual operating expenses of the Geographic Information Systems Program to support business recruitment and retention, as approved by the council. Authorize unexpended funds to be carried forward and used for the same purpose.

WMC: AMEND proviso to authorize the council to use up to 10% of the funds for actual operating expense to support program administration costs and business recruitment and retention and maintain the use of up to \$60,000 for the GIS program. *Establishes a percentage of the fund which can be used for business recruitment and retention.* Fiscal Impact: No impact on the General Fund. Requested by Department of Commerce.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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40.2. (CMRC: Economic Dev. Coordinating Council - ~~GIS Carry Forward~~ Set Aside Fund) From the amount set aside in Section 12-28-2910, the council is authorized to use up to ten percent of such amount for actual operating expenses in support of administrative program costs and business recruitment and retention and up to \$60,000 to support the Geographic Information Systems (GIS) program ~~for actual operating expenses in support of business recruitment and retention~~, as approved by council. Any balance on June thirtieth of the prior fiscal year may be carried forward and expended for the same purposes in the current fiscal year.

- 40.10** **AMEND** (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.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

40.10. (CMRC: Closing Fund) In order to encourage and facilitate economic development, ~~the \$7,000,000 funds~~ 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 1st. 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.

SUBCOMMITTEE RECOMMENDATION: FORWARD to Proviso Review Subcommittee for recommendation.

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;~~

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- ~~(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.~~

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

WMC: DELETE proviso. *Transfers resources to a program which does not contribute toward the department's mission.* Fiscal Impact: No impact on the General Fund. Deletion will provide that \$50,000 of council funds are available to use as incentives. Requested by Department of Commerce.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: REINSERT original proviso.

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

40.svd ADD (Savannah Valley Development Division) **AGENCY REQUEST:** 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.

SUBCOMMITTEE RECOMMENDATION: FORWARD to Proviso Subcommittee for recommendation.

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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.

SECTION 43 - P40-S.C. CONSERVATION BANK

- 43.2 DELETE NEW PROVISO** (Reimbursement to Taxing Jurisdiction) **HOU:** ADD new proviso to direct that before the Conservation Bank Trust Fund or DNR may acquire or accept real property on behalf of the state to be placed or held in a public program or put to a recreational or wildlife use by the general public, DNR or the Conservation Bank Trust Fund must insure that the transaction agreement provides a means for the seller, donor, department, or trust fund to reimburse the affected county and property taxing jurisdictions for the ad valorem tax revenue lost as a result of removing the property from the property tax rolls. Sponsors: Reps. White and McLeod.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~43.2.(CB: Reimbursements to Taxing Jurisdictions) In the current fiscal year, before the Conservation Bank Trust Fund or the Department of Natural Resources may acquire or accept real property on behalf of the State to be placed and held in a public program or to be put to a recreational or wildlife use by the general public, the department or Conservation Bank Trust Fund shall insure that a means is provided in the transaction agreements for the seller or donor, or department or trust fund, to reimburse the county and property taxing jurisdictions in the county in which the property is located for the ad valorem tax revenue lost in the current fiscal year as a result of removing the property from the property tax rolls.~~

SECTION 64 - R28-DEPARTMENT OF CONSUMER AFFAIRS

- 64.5 AMEND** (Retention of Fees) Authorizes the department, for FY 10-11, to retain all fees collected pursuant to Sections 39-61-80 [MOTOR CLUB SERVICES ACT: CERTIFICATES OF AUTHORITY PERMANENT UNLESS SUSPENDED OR REVOKED; RENEWAL REQUIREMENTS], 39-61-120 [MOTOR CLUB SERVICES ACT: REGISTRATION OF CLUB REPRESENTATIVES; TERMINATION OF REPRESENTATIVE'S AUTHORITY; FEE], 40-39-120 [PAWNBROKERS: FEE FOR CERTIFICATE OF AUTHORITY; REVOCATION OF CERTIFICATE; RENEWAL], and 44-79-80 [PHYSICAL FITNESS SERVICES ACT: FINANCIAL RESPONSIBILITY REQUIREMENTS; CERTIFICATES OF AUTHORITY] and to use the retained funds to implement the requirements of the programs mandated by those sections.

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

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

64.5. (CA: Retention of Fees) For Fiscal Year ~~2010-11~~ 2011-12, the department may retain all fees collected pursuant to Sections 39-61-80, 39-61-120, 40-39-120, and 44-79-80 of the 1976 Code. The funds retained shall be utilized to implement the requirements of the programs mandated by those sections of the code.

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

65.8 **AMEND** (Immigration Bill Funding) Requires the department to retain \$2,000,000 of the funds carried forward in Subfund 3135 to fund the department's Illegal Immigration Reform Act responsibilities prior to transferring Subfund 3135 funds for any other purpose. Directs the department to compile an accountability report that outlines Immigration Bill funding expenditures and to submit the report on the first Tuesday of February 2011 to the President Pro Tempore of the Senate, Speaker of the House, and Chairmen of the Senate Finance and House Ways and Means Committees, and Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee and House Ways and Means Transportation and Regulatory Subcommittee.

WMC: AMEND proviso to change "\$2,000,000" to "\$1,414,814" and "2011" to "2012."
Fiscal Impact: No impact on the General Fund. Reduces the amount of carry forward funds to be dedicated to the Illegal Immigration Reform Act to the amount the agency estimates is needed.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

65.8. (LLR: Immigration Bill Funding) Prior to any funds carried forward from the prior fiscal year in Subfund 3135 being transferred to fund any other purpose, ~~\$2,000,000~~ \$1,414,814 must be retained by the Department of Labor, Licensing, and Regulation to fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. The department shall compile an accountability report outlining expenditures of the Immigration Bill funding to be issued to the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the Chairman of the House Ways and Means Transportation and Regulatory Subcommittee. Said report must be issued on the first Tuesday of February ~~2011~~ 2012.

65.10 **AMEND** (South Carolina Emergency Response Task Force/State Urban Search and Rescue Program) Directs that for FY 11-12, after the requirements of proviso 65.8 and the OSHA program state match have been met, \$650,000 of the funds carried forward in Subfund 3135 must be used for the SC Emergency Response Task Force/State Urban Search and Rescue Program.

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

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

65.10. (LLR: South Carolina Emergency Response Task Force/State Urban Search and Rescue Program) After the requirements of proviso 65.8 of this act and the state match for the OSHA program have been met, \$650,000 of the funds carried forward in Subfund 3135 must be retained by the Department of Labor, Licensing, and Regulation to fund, maintain, and operate the South Carolina Emergency Response Task Force/State Urban Search and Rescue Program for ~~FY 2010-11~~ Fiscal Year 2011-12.

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- 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.

SUBCOMMITTEE 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.~~

SECTION 69 - Y14 - STATE PORTS AUTHORITY

- 69.1 AMEND** (Charleston Cooper River Bridge Project) Directs the State Ports Authority to pay the State Transportation Infrastructure Bank \$1,000,000 before 6/30/11 from other general fund or operating fund surplus and any funds appropriated to the authority in prior fiscal years that are unspent as of 7/1/10, to continue the Charleston Cooper River Bridge Project.
WMC: AMEND proviso to change “2010” to “2011” and “2011” to “2012.” *Meets the obligations of the State Ports Authority and the State Infrastructure Bank’s financial agreement.* Fiscal Impact: No impact on the General Fund. The funds used to pay the Transportation Infrastructure Bank are operating funds of the Ports Authority, none of which are state appropriated funds. Generates \$1,000,000 for the State Transportation Infrastructure Bank. Per the Ports Authority, the commitment of the agency is to provide \$1,000,000 per year for 25 years, until 2027.
HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

69.1. (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating fund surplus available and any funds appropriated to the authority in prior fiscal years and left unexpended as of July 1, ~~2010~~ 2011, pay to the State Transportation Infrastructure Bank one million dollars before June 30, ~~2011~~ 2012, to continue the Charleston Cooper River Bridge Project.

- 69.2 ADD** (Georgetown Promotion) **WMC:** ADD new proviso to direct the State Ports Authority to continue to market the Port of Georgetown facility for promotion and development of renewable energy in the state. Direct other public entities in the state that are responsible for promoting economic development and renewable energy to continue to work with the State Ports Authority to raise awareness of the Port of Georgetown as a viable link in the energy infrastructure chain. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

69.2. (SPA: Georgetown Promotion) The State Ports Authority shall continue to market the Port of Georgetown facility for the promotion and development of renewable energy in South Carolina. Other public entities in South Carolina responsible for promoting economic development and renewable energy shall continue to work with the State Ports Authority to raise awareness of the Port of Georgetown as a viable link in the energy infrastructure chain.

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- 69.3 AMEND NEW PROVISO** (Georgetown Port Marketing) **WMC:** ADD new proviso to direct the State Ports Authority to increase the amount of funds expended for marketing the Port of Georgetown in FY 11-12 by 15% above the amount expended in FY 10-11. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to delete the requirement that marketing expenditures increase by 15% and instead direct the Ports Authority to continue its cargo diversification strategy which enhances marketing Charleston and Georgetown terminal capabilities, highlighting cruise, breakbulk, bulk, and roll on/roll off.

69.3. (SPA: Georgetown Port Marketing) The State Ports Authority ~~must increase its Fiscal Year 2011-12 marketing expenditures for the Port of Georgetown by fifteen percent above the Fiscal Year 2010-11 level~~ will continue its cargo diversification strategy which enhances the marketing of all terminal capabilities in Charleston and Georgetown highlighting cruise, breakbulk, bulk, and roll on/roll-off.

SECTION 78 - E24-ADJUTANT GENERAL'S OFFICE

- 78.12 AMEND** (Citadel-S.C. National Guard Readiness Center) Directs the Adjutant General's Office, during FY 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.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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.

- 78.15 ADD** (Funeral Caisson) **WMC:** ADD new proviso to prohibit Funeral Caisson funds from being reduced if a general fund budget reduction is mandated and to also prohibit these funds from being transferred or used for any other purpose. Fiscal Impact: No impact on the General Fund. Funds are currently appropriated in the amount of \$100,205.
HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

78.15. (ADJ: Funeral Caisson) In the event of a mandated general fund budget reduction, the Adjutant General's Office is prohibited from reducing the funds appropriated for the Funeral Caisson. In addition, these funds shall not be transferred to any other program or be used for any other purpose by the Adjutant General's Office.

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SECTION 83 - S60-PROCUREMENT REVIEW PANEL

83.1 REINSERT ORIGINAL PROVISO (Filing Fee) Authorizes the Procurement Review Panel to charge a \$250 filing fee to the party requesting an administrative review under Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410(4) of the S.C. Code of Laws. Directs the agency to retain the funds generated by the filing fee and to use such fees for agency operations. Requires forfeiture of the filing fee when an appeal is withdrawn. Allows for waiver of the fee in case of hardship.

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

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: REINSERT original proviso.

83.1. (PRP: Filing Fee) Requests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410. The funds generated by the filing fee shall be retained by the panel and carried forward to be used for the operation of the panel. Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of hardship, the party shall submit a notarized affidavit to such effect. If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived.

SECTION 89 - X90-GENERAL PROVISIONS

89.46 REINSERT ORIGINAL PROVISO (Accommodations Tax) Direct that for the current fiscal year, “tourist” as used in Section 6-4-10 [ALLOCATION TO GENERAL FUND; SPECIAL FUND FOR TOURISM; MANAGEMENT AND USE OF SPECIAL FUND] does not apply to museums, festivals, arts and cultural events or event’s sponsoring organization.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: REINSERT original proviso.

89.46. (GP: Accommodations Tax) For the current fiscal year the word ‘tourist’, as used in Section 6-4-10, does not apply to museums or to festivals, arts and cultural events, or the sponsoring organization of these events.

89.117 REINSERT ORIGINAL PROVISO (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.

SUBCOMMITTEE RECOMMENDATION: REINSERT original proviso.

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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.

- 89.138 DELETE NEW PROVISO** (Transfer Procurement Review Panel to ALC) **WMC:** ADD new proviso to transfer for the current fiscal year and effective July 1, 2011, the duties, functions, responsibilities, personnel, funding and physical assets of the Procurement Review Panel to the Administrative Law Court. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~**89.138.** (GP: Transfer Procurement Review Panel to ALC) For the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding, and physical assets of the Procurement Review Panel are transferred to the Administrative Law Court.~~

- 89.140 ADD** (FY 2011-12 Flexibility) **WMC:** ADD new proviso to authorize agencies, in order to provide maximum flexibility to absorb general fund reductions mandated in this act as compared to Fiscal Year 2008-09 general fund appropriations, to spend agency earmarked and restricted "special revenue funds" to maintain critical program previously funded with general fund appropriations. Require this spending authorization receive prior Office of State Budget approval and be reported to the Governor and the Senate Finance and the House Ways and Means Committees. Direct that this provision is notwithstanding any other provision of law that restricts the use of earned revenue. Authorize transfers to exceed 20% of the program budget upon Office of State Budget approval, in consultation with the Chairmen of the Senate Finance and House Ways and Means Committees. Authorize institutions of higher learning, whose state funding has been reduced below the FY 10-11 level, to use other funds to support and maintain state funded programs affected by a reduction in FY 11-12 state funds and authorize institutions to adjust special items or programs funding. Require institutions submit the amount of base reductions associated with these programs to the Office of State Budget and to the Senate Finance and House Ways and Means Committees. Prohibit DNR and PRT from reducing or transferring funds from the specified programs or areas: DNR - Law Enforcement Program/Enforcement Operations as contained in Program II. F. 1 and PRT - Program II. A. Special Item: Regional Promotions. Also prohibit PRT from closing or reducing the FTE's in the State House Gift Shop and the Santee Welcome Center. Authorize, notwithstanding this prohibition, that DNR may reduce the specified programs or areas by an amount not to exceed the percentage associated with any mandated reduction. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

89.140. (GP: FY 2011-12 Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to Fiscal Year 2008-09 general fund appropriations, agencies are authorized for FY 2011-12 to spend agency earmarked and restricted accounts designated as "special revenue funds" as defined in the Comptroller General's records, to maintain critical programs previously funded with general fund appropriations. Any spending authorization for these purposes must receive the prior approval

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of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Budget and Control Board, Office of State Budget in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

State institutions of higher learning whose budgets have been reduced from the Fiscal Year 2010-11 state funding level, shall have the authority to use other sources of available funds to support and maintain state funded programs affected by state reductions during Fiscal Year 2011-12 and may adjust appropriations from special items or programs contained in this act in an amount greater or less than the percentage of the reduction assessed to the institution's base budget. Institutions shall submit to the Office of State Budget, the Senate Finance Committee, and the House Ways and Means Committee the amount of base budget reductions associated with these programs.

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

(A) Department of Natural Resources

Law Enforcement Program/Enforcement Operations as contained in Program II. F. 1

(B) Department of Parks, Recreation, and Tourism

Program II. A. Special Item: Regional Promotions

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

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

- 89.146 ADD** (Tobacco Settlement Trust Fund Distribution) **HOU:** ADD new proviso to direct the State Treasurer to transfer \$1,000,000 from the Tobacco Settlement Trust Fund to the Department of Agriculture for marketing and branding as required by Section 11-49-55 [STATE-GROWN CROPS; MARKETING, BRANDING, AND NATURAL DISASTER RELIEF ASSISTANCE] in \$250,000 increments, as funds are accrued. Sponsors: Reps. Edge and Ott.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

89.146. (GP: Tobacco Settlement Trust Fund Distribution) For Fiscal Year 2011-12, that portion of the Tobacco Settlement Trust Fund that the State Treasurer is directed to transfer to the Department of Agriculture for marketing and branding of agricultural products or produce pursuant to the provisions of Section 11-49-55 must be transferred to the Department of Agriculture as the funds are accrued in \$250,000 increments up to one million dollars.

- 89.150 ADD** (WIA Meeting Requirements) **HOU:** ADD new proviso to require a Workforce Investment Board meeting to be subject to all FOIA notice requirements and prohibit a meeting from taking place without a quorum of board members present. Direct that any decision made in violation of this requirement shall be void. Sponsor: Rep. Cobb-Hunter.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

89.150. (GP: WIA Meeting Requirements) For Fiscal Year 2011-12, a Workforce Investment Board meeting must be subject to all notice requirements of the Freedom of

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Information Act and may not take place unless a quorum of the board membership is present.
Any decision made in violation of these requirements is void.

- 89.152 DELETE NEW PROVISO** (WIA Service Advertising) **HOU:** ADD new proviso to authorize the Workforce Investment Act to advertise its services by billboard, bus, placard, newspapers, or radio in all workforce investment areas rather than in selected areas. Direct that this advertising may not be limited to e-mail, online, or other internet based advertising, publicity or promotions. Sponsor: Rep. Cobb-Hunter.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~89.152. (GP: WIA Service Advertising) For Fiscal Year 2011-12, the Workforce Investment Act may advertise its services via billboard, bus placard, newspapers, or radio in all workforce investment areas rather than in selected workforce investment areas. This advertising may not be limited to e-mail, online, or other internet based advertising, publicity, or other promotions.~~

- 89.153 DELETE NEW PROVISO** (WIA Investment Board Training Fund Allocation Study Committee) **HOU:** ADD new proviso to create a committee to study and review the parameters on allocating training funds set by the State Workforce Investment Board and on eligibility criteria and minimum levels of performance for training providers established by the Governor in accordance with federal law. Direct the committee to evaluate and make non-binding recommendations on enhancing or improving the overall performance of Workforce Investment Act worker training. Provide for composition of the study committee; direct that staffing be provided by the appropriate Senate and House committees and that members serve without compensation. Require a quorum be present to meet and that the study committee comply with FOIA requirements. Direct that a report be submitted to the General Assembly and the Governor by July 1, 2012, after which the committee shall be dissolved. Sponsor: Reps. Cobb-Hunter.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~89.153. (GP: WIA Investment Board Training Fund Allocation Study Committee) (A) There is a created a study committee to study and review the parameters on the allocation of training funds set by the State Workforce Investment Board and eligibility criteria and minimum levels of performance for training providers established by the Governor pursuant to federal law. The committee shall evaluate and make non-binding recommendations on areas in which these parameters and criteria may be enhanced to improve the overall performance of worker training provided by the Workforce Investment Act.~~

~~(B) The study committee must be composed of the five members, one of whom is appointed by the Speaker of the House, one of whom is appointed by the President Pro Tempore of the Senate, one of whom is appointed by the House Minority Leader, one of whom is appointed by the Senate Minority Leader, and one of whom is appointed by the Governor. The members of the study committee shall elect a chairman.~~

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

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~~(D) A meeting of the study committee may not take place without a quorum of its membership and must comply with all requirements of the South Carolina Freedom of Information Act.~~

~~(E) The study committee shall submit its report to the General Assembly and the Governor no later than July 1, 2012, at which point the study committee shall dissolve.~~

- 89.154 ADD** (WIA Training Marketability Evaluation) **HOU:** ADD new proviso to require local workforce investment boards to demonstrate that training funds are used to provide marketable work skills by providing a report on how the funds were allocated based on training that was funded in order to determine what percentage of funds are used for non-vocational, academic programs and high growth or high demand industries and occupations. Sponsor: Rep. Cobb-Hunter.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

89.154. (GP: WIA Training Marketability Evaluation) For Fiscal Year 2011-12, local workforce investment boards shall demonstrate that funds expended for training are used to provide marketable work skills by reporting how its funds were allocated based on skills for which training was funded to determine what percentage of funds are used to fund non-vocational, academic programs and high-growth or high-demand industries and occupations.

- 89.155 DELETE NEW PROVISO** (Admissions Tax) **HOU:** ADD new proviso to include admissions to a motorsports entertainment complex facility with at least 60,000 permanent seats and to the Family Circle Cup Tennis Tournament from the exemptions to the Admissions License Tax imposed by Section 12-21-2420 [ADMISSIONS TAX: IMPOSITION OF TAX; RATE; EXEMPTIONS; PAYMENT, COLLECTION, AND REMITTANCE; DISPOSITION OF REVENUES]. Sponsors: Reps. Lucas, Merrill, Neilson, and Williams. Fiscal Impact: BEA estimates a \$256,380 reduction in General Fund revenue.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~89.155. (GP: Admissions Tax) For Fiscal Year 2011-12, in addition to the exemptions from the Admissions License Tax imposed pursuant to Section 12-21-2420 of the 1976 Code, admissions to a motorsports entertainment complex facility with at least sixty thousand permanent seats and to the Family Circle Cup Tennis Tournament are also exempt from admissions tax.~~