

Senate Finance Committee - Amendment to S.22

February 19, 2013

Item	Page	Bill §	Stat §	Description	Category
1	3	4.A.	§1-11-10(A)	Bill makes DoA Director a protected species under §1-3-240(B), as S.22 did when introduced. Senate Judiciary Committee removed this provision. Senate Finance Committee did not discuss. Presumptive scrivener's error.	Technical
2	5	4.A.	§1-11-10(A)(17)	If the Division of Information Security is a component of the Division of State Information Technology now, then is it still a "division" or does it become an "office" or something else. Can a division be part of another division?	Stylistic question
3	5	4.A.	§1-11-10(B)(1)	The first Statewide Strategic Information Technology Plan would be due from DSIT to the Director of Administration by 9/1/15, which is only 3 months after the effective date of S.22. Does that leave enough time to prepare it?	Semi-rhetorical question
4	7	4.B.	§1-11-20(G)	Bill sends all of procurement to the SFAA instead of the Department of Administration.	Windmill
5	9	7.A.	§1-30-10(C)	The revisions to the 1st and 2nd sentences appear to restrict an agency's ability to reorganize itself, to the point of micromanagement. Contrast this with the bill's treatment of §11-55-10, which allows the SFAA to reorganize itself at will. The change to the final sentence makes sense, though.	Substantive
6	11	7.A.	§1-30-10(G)(1)	In the final sentence, we'd prefer to retain the existing "shall" instead of replacing with "must" when referencing the Governor's obligation to produce restructuring recommendations.	Technical
7	12	7.A.	§1-30-10(G)(2)	Agencies won't have realistic/serious seven-year plans to implement cost-savings initiatives. That's beyond essentially anyone's planning horizon. The average cabinet officer survives perhaps half that long.	Just an observation
8	18	7.D.	§2-20-70	Consider changing "must" to "may." There's no reason to demand in statute that testimony given to an investigating committee be under oath. Why not let committee chairs decide for themselves how to proceed?	Technical
9	19	7.D.	§2-20-80	We still have concerns over the last two sentences. Will the Chair of each investigating committee necessarily be qualified to apply "the statutory law and the decisions of the courts of this State regarding legal privileges"? Also, the explicit prohibition of appeals to a Chair's ruling is disconcerting.	Substantive
10	34	8.K.	§10-1-30(B)	Final sentence: "...by by..."	Typo
11	44	8.W.	§11-35-5270	Does it need to be a Division of Small and Minority Business Contracting and Certification or can/should it be an "Office" instead? Until we can get a longer-term solution on OEPP, it looks like the DoA Director is going to have an awful lot of direct reports...we just want to be sure that stylistic questions over the name of a DoA component don't box us in to having more deputy-level positions than necessary.	Substantive/technical question
12	45	8.Y.	§11-53-20	The bill inserts language stating that DoA "must" make an appropriation request for SCEIS each year and that the general appropriations act must identify these expenses on a specific line item. It's fine if the General Assembly wants to bind itself through the latter, but we're concerned with creating a statutory requirement that the administration's budget request include lines for specific initiatives.	Substantive
13	50	8.DD.	§44-53-530(b)	It's referenced here as the "South Carolina Department of Administration" instead of just "Department of Administration." The former is a form that was used by the House Judiciary Committee's staff in some passages in prior sessions, but is a construction that has largely been abandoned since. Shifting to the latter would be consistent with the rest of the bill.	Technical

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14	71	11.A.	§11-9-825	Various officials must designate staff to assist the BEA staff on a regular basis. The Governor and the Director of the Executive Budget and Strategic Planning Office are both identified. Should it perhaps read this way instead? "The Governor, acting through the Director of the Executive Budget and Strategic Planning Office..." As a practical matter, the Executive Budget Office will be quite close to the Governor's Office...the Governor wouldn't probably designate a separate staffer from the front office...instead, the Governor would be represented by the Executive Budget Office.	Technical
15	74	14.A.	§2-79-30 and -40	We understand that an amendment may be offered to only grant the Executive Budget Office desk authority to recognize deficits up to \$1 million when the General Assembly is not in session. We would likely support this if it is offered.	Substantive
16	105	31	Chapter 36, Title 1	We have a broad range of concerns with the "Information Security" language that is being amended into S.22. It is not clear how many of them will survive once this language is conformed to the new model of placing the CISO under the CIO instead of in his/her own agency. For instance, there shouldn't be a need to put a fixed-term or protected species (§1-3-240(C)) status on the CISO job now, since this person would be far enough down in the org chart to have grievance rights. Much to discuss here.	Substantive
17	110	32.B.	§2-65-130	A strict reading of this language suggests that if the Executive Budget Office rejects an interim other funds request, then the SFAA can override that decision, but could only do so at the full amount initially requested. Should we clarify that an SFAA override could be for up to the amount originally requested?	Technical
18	110	33.B.	N/A	The Code Commissioner passages here duplicate what appeared on pages 7 and 8, although the due date for the report is different.	Technical
19	110	33.C.	N/A	The strategic sourcing and procurement reform reporting language both still reference the Department of Administration, which wouldn't control any of procurement under the Finance Committee's amendment. We'd expect that the SFAA would now be responsible for these provisions.	Technical
20	N/A	N/A	N/A	We note with great interest that the Judiciary Committee's language (creating a new §2-47-70) that compelled the Department of Administration to file monthly reports on all significant procurement activity has disappeared in the Finance Committee amendment. A cynical reader of the Finance Committee amendment might ask why transparency is so much less important now that the Department of Administration wouldn't oversee procurement.	Substantive