

From: Burgis, David
To: Doerring, Lora Lee <Doerring_LoraLee@scdps.state.sc.us>
CC: Matthews, Eugene H. <Matthews_EugeneH@scdps.state.sc.us>
Date: 3/5/2001 9:36:18 AM
Subject: RE: Proviso 36.7 Analysis

I asked Steven Lake on Friday what information he had forwarded to Rachel, it did appear that the information he had forwarded reflected the impact 36.7 could have on the agency, as it only told how much money was collected under 56 and currently goes to the General Fund. I asked him to work with Marcia to create a spread sheet that reflects all funds credited to the agency and include the revenue from IRP and IFTA on the chance that it may be impacted. After reading Gene's opinion it is not. This is great news, but I felt we needed to look at what the maximum impact could be on the agency. Now it is clear the agency could be impacted by as much as 8MM on current revenue(not an insignificant amount) and approximately 7.3MM if increased fees are approved and not directed to the agency.

-----Original Message-----

From: Adams, Marcia S.
Sent: Friday, March 02, 2001 5:23 PM
To: Doerring, Lora Lee; Matthews, Eugene H.; Gaulden, Sidney L.; McWhorter, Laurence S.; Burgis, David
Cc: Lake, Steven W.; Erwin, Rachel D.; Royal, Don R.; Bales, Tejal
Subject: RE: Proviso 36.7 Analysis

Referencing Gene's legal opinion concerning Proviso 36.7, funds credited to the Department in Title 56 should be returned to the General Fund with the exception of the sale of information and the temporary alcohol licenses. Motor Carrier revenues reflected on the attached spreadsheet were collected under Title 56. Does Proviso 36.8 override Proviso 36.7 regarding these funds?

This spreadsheet reflects funds collected under Title 56 and credited to this agency. Based on the legal opinion, it appears that these revenues should have been forwarded to the General Fund. If you have any questions, please call me or Steven.

-----Original Message-----

From: Doerring, Lora Lee
Sent: Friday, March 02, 2001 4:49 PM
To: Adams, Marcia S.; Matthews, Eugene H.; Gaulden, Sidney L.; McWhorter, Laurence S.; Burgis, David
Cc: Lake, Steven W.; Erwin, Rachel D.; Royal, Don R.; Bales, Tejal
Subject: RE: Proviso 36.7 Analysis

Motor Carrier fees are addressed separately under proviso 36.8. Are you saying that we are retaining \$\$ that we are not supposed to retain under 36.7? (See red below).

-----Original Message-----

From: Adams, Marcia S.
Sent: Friday, March 02, 2001 4:36 PM
To: Matthews, Eugene H.; Gaulden, Sidney L.; Doerring, Lora Lee; McWhorter, Laurence S.; Burgis, David
Cc: Lake, Steven W.; Erwin, Rachel D.; Royal, Don R.; Bales, Tejal
Subject: Proviso 36.7 Analysis

Attached is the analysis of the impact of Proviso 36.7 to this agency. Our assumptions are based on the legal opinion issued by Gene stating that we should consider all monies "credited to the Department" in Title 56. I have met with Steven, and we have worked to develop this spreadsheet.

The agency is currently retaining all of the funds that is credited to the Department in Title 56. If Proviso 36.7 is not deleted or amended, this agency would lose \$11,759,054 in funding. It is my understanding that this would have a tremendous impact on STP because the Motor Carrier fees are used to fund certain STP operations. In addition, the agency would lose the building fund, uninsured motorist funds, and certain special plate fees. Although Proviso 36.7 requires these funds to be returned to the General Fund, we have retained these monies in the agency ever since the proviso was passed in 1993. Therefore, the deletion or amendment of this proviso would not decrease the funds that have been returned to the General Fund.

In addition, the proposed scofflaw legislation will be affected by 36.7 if no changes are made to the proviso in FY 2002. The agency would not be allowed to retain the additional revenue of \$7,310,495 generated from the increased scofflaw fees.

<< File: rev impact 36.7 proviso for DPS 030201.xls >>