

PROVISO
SUBCOMMITTEE
RECOMMENDATIONS

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TRANSPORTATION

AND

REGULATORY

**PROVISO SUBCOMMITTEE
TRANSPORTATION AND REGULATORY
RECOMMENDATIONS FOR FY 2011-12
TO THE HOUSE WAYS AND MEANS COMMITTEE**

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.

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

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.

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.

PROVISO SUBCOMMITTEE RECOMMENDATION: 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.

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

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must be used for the SC Emergency Response Task Force/State Urban Search and Rescue Program.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “FY 2010-11” to “Fiscal Year 2011-12.” Impact: No impact on the General Fund.

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*.

SECTION 68A - U12-DEPARTMENT OF TRANSPORTATION

68A.6 DELETE (Commissions Per Diem, Subsistence, Mileage) Authorizes Department of Transportation Commission members to receive per diem, subsistence and mileage for each official meeting as provided by law for members of boards, commissions, and committee.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The commission is already authorized to receive these through provisos 89.21 and 89.22.* Fiscal Impact: No impact on the General Fund. Requested by Department of Transportation.

~~**68A.6.** (DOT: Commissions Per Diem, Subsistence, Mileage) Members of the Department of Transportation Commission shall receive such per diem, subsistence and mileage for each official meeting as is provided by law for members of boards, commissions, and committees.~~

68A.7 DELETE (Contract Mass Transit System) Authorizes the Department to contract mass transit funds with any private operator of a mass transit system to provide service to the general public if a plan of service has been established and approved by the local general purpose government with jurisdiction, the department, the Transportation Commission, and the federal government.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *There are federal regulations that govern when and in what manner states may contract with private operators using federal funding.* Fiscal Impact: No impact on the General Fund.

~~**68A.7.** (DOT: Contract Mass Transit System) The Department of Transportation is hereby authorized to directly contract mass transit funds with any private operator of a mass transit system to provide service to the general public; provided, that a plan of service has been established and approved by the local general purpose government which has jurisdiction for the area to be served, and approved by the department, the Transportation Commission and the federal government.~~

68A.8 DELETE (Coordinate Transportation Funding and Resources) Directs the Department of Transportation to continue to carry out and enhance public transportation coordination planning and demonstration process and to submit a progress report on or before January 15th each year. Allows the report to be combined with the DOT annual report required by Section 57-3-760 [ANNUAL REPORT] and the Mass Transit Division report required by Section 57-3-40 [OFFICE OF PUBLIC TRANSIT; POWERS AND DUTIES].

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PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Section 57-3-40 has been amended to incorporate these requirements. DOT reports the same information in their accountability report. Executive Order NO 2009-13 established the S.C. Interagency Transportation Coordination Council and also included these provisions while Act 206 of 2010 devolved all council duties and responsibilities upon the Office of Public Transit. Fiscal Impact: No impact on the General Fund. Requested by Department of Transportation.*

~~68A.8. (DOT: Coordinate Transportation Funding and Resources) The Department of Transportation shall continue to carry out and enhance the coordination planning and demonstration process for public transportation funding and resources established during the prior fiscal year. A progress report shall be submitted to the General Assembly on or before January fifteenth each year. The progress report required by this section may be combined with the Department of Transportation Annual Report required pursuant to Section 57-3-760 and the Mass Transit Division Report required by Section 57-3-40, Code of Laws, 1976, as amended. The intent of this proviso is to improve access and delivery of transportation services, especially in rural areas. In planning and developing mechanisms for increasing coordination of funding streams and resources at both the state and local levels, the Department of Transportation shall work with each agency that provides funding for transportation and assure input in the process from major local providers of transportation services to the public, including current providers of coordinated public service.~~

~~Any agency, local government or other entity, including nonprofit organizations, using state funds or state administered federal funds for the purpose of transporting private citizens on a regular basis, (1) must provide input and information as requested by the Department of Transportation in a timely manner and in a format specified by the Department of Transportation in order to update data on transportation resources for planning purposes and; (2) show evidence of progress toward the development of or participation in a coordination plan. The Department of Corrections, the Department of Education, school districts and institutions of higher education are exempt from the requirements of this section. No transportation funds may be provided to any entity not in compliance with the requirements of this section.~~

68A.10 DELETE (Financial Status Reports) Directs the Department of Transportation to provide quarterly reports on the financial status of highway projects to the corresponding Metropolitan Planning Organization or Regional Council of Governments.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The information required to be provided is updated and provided on the agency's web page as part of the Statewide Transportation Improvement Program with the exception of expenditures and obligations. That information could be provided as requested. Fiscal Impact: No impact on the General Fund. The agency would recognize a cost savings through reduction of paper and utilizing employee time more productively. Requested by Department of Transportation.*

~~68A.10.(DOT: Financial Status Reports) The Department of Transportation must provide to each Metropolitan Planning Organization and Regional Council of Government, as appropriate, a quarterly financial status report of approved highway projects to include authorized project financial obligations and to date project expenditures and percent of completion.~~

68A.srp ADD (Statewide Rail Planning) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the Office of Railroads within the Division of Intermodal and

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Freight Programs, pursuant to Act 206 of 2010 [DIVISION OF RAILROAD TRANSPORTATION], to further implement a state railroad corridor preservation and revitalization plan and a comprehensive state rail plan for passenger and freight railroads and infrastructure services in compliance with applicable federal laws, rules, and regulations. Fiscal Impact: No impact on the General Fund.

68A.15. (DOT: Statewide Rail Planning) Pursuant to Act 206 of 2010, the Office of Railroads within the Division of Intermodal and Freight Programs of the Department of Transportation is directed to further implement a (a) state railroad corridor preservation and revitalization plan; and (b) a comprehensive state rail plan for passenger and freight railroads and infrastructure services in compliance with applicable federal laws, rules, and regulations.

68A.ad ADD (Advertising) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to authorize the department to enter into agreements with private entities to advertise on its primary agency website, other project websites, properties associated with and owned by the department, the Shelter and Bench Program, the Incident Response Program, Rest Areas and the 511 Real-Time Traveler Information Program. Direct that agreements may be entered into for the purpose of generating revenue for the cost of acquiring, constructing, equipping, maintaining and operating highways, roads, streets and bridges. Require a report be compiled that provides an accounting of the revenue received and expended associated with this advertising initiative and direct that in-kind payment agreements be included in the report. Direct that the report be submitted annually by June 30th to the President Pro Tempore of the Senate, Speaker of the House of Representatives, Chairmen of the Senate Finance and House Ways and Means Committees, and Chairmen of the Senate Finance Natural Resources and House Ways and Means Transportation and Regulatory Subcommittees. Fiscal Impact: OSB states that DOT expenditures would increase based on the amount of actual revenue generated. DOT estimates this proposal would generate approximately \$3.8 million in revenue the first year and \$3.9 annually thereafter.

68A.ad.(DOT: Advertising) The Department of Transportation is hereby authorized to enter into agreements for parties to advertise on its primary agency website and other project websites, as well as properties associated with and owned by the department, the Shelter and Bench Program, the Incident Response Program, Rest Areas and the 511 Real-Time Traveler Information Program. Any agreements between the department and private entities may be entered into in order to generate revenue for the cost of acquiring, constructing, equipping, maintaining and operating highways, roads, streets and bridges.

The department shall compile a report accounting for the revenue received and expended from this advertising initiative, including any in-kind payment agreement. The report shall be submitted annually by June 30th to the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources 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.

68A.sp ADD (Service Plazas) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to authorize the department to pursue developing and placing service plazas along eligible highways and interstates within the state. Direct that placement of the service plazas should focus on traveler needs, repurposing existing facilities, financial concessions with public/private initiatives, and green technology. Fiscal Impact: Pending.

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68A.sp. (DOT: Service Plazas) The department is hereby authorized to pursue the development and placement of service plazas along eligible highways, including interstate routes, within the state. The placement of service plazas should focus on traveler needs, repurposing of existing facilities, financial concessions with public/private initiatives, and green technology.

68A.i74. ADD (I-74 EIP) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to direct the department to use the funds appropriated for the routing, planning, and studying of I 74 to conduct an Environmental Impact Study to extend SC Highway 31, the Carolina Bays Parkway, 4 miles to the North Carolina state line. Fiscal Impact: No impact on the General Fund.

68A.I74. (DOT: I-74 EIP) The Department of Transportation shall use the funds appropriated for the routing, planning, and studying of Interstate 74 to conduct an Environmental Impact Study to extend SC Highway 31, known as the Carolina Bays Parkway, four miles to the North Carolina state line.

SECTION 89 - X90-GENERAL PROVISIONS

89.tac ADD (Transfer Consumer Affairs to Secretary of State) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to transfer for the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding and physical assets of the Department of Consumer Affairs to the Office of the Secretary of State. Fiscal Impact: No impact on the General Fund.

89.tac. (Transfer Consumer Affairs to Secretary of State) For the current fiscal year, effective July 1, 2011, the duties, functions, responsibilities, personnel, funding and physical assets of the Department of Consumer Affairs are transferred to the Office of the Secretary of State.

PROVISOS TO BE MOVED DUE TO RESTRUCTURING

SECTION 64 - R28-DEPARTMENT OF CONSUMER AFFAIRS

DELETE THE BELOW PROVISOS AND MOVE TO SECRETARY OF STATE'S OFFICE, AS AND IF AMENDED, TO CONFORM TO RESTRUCTURING RECOMMENDED BY PROVISO 89.TAC.

64.1. (CA: Consumer Protection Code Violations Revenue) Funds, paid to the department in settlement of cases involving violations of the South Carolina Consumer Protection Code and other statutes enforced by the department be retained and expended within the agency's budget to help offset the costs of investigating, prosecuting, and the administrative costs associated with these violations, may be carried forward and expended for the same purposes in the current fiscal year.

64.2. (CA: Student Athlete/Agents Registration) Funds received by the department of Consumer Affairs pursuant to registrations under Chapter 102, Title 59 of the 1976 Code may be retained by the department for its enforcement duties relating to athlete agents and student athletes under that chapter.

64.3. (CA: Expert Witness/Assistance Carry Forward) Unexpended encumbered appropriated funds for the Consumer Advocacy expert witness/assistance program (under Section 37-6-603) may be carried

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forward into the next fiscal year to meet contractual obligations existing at June thirtieth and not paid by July thirty-first.

64.4. (CA: Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) The Department of Consumer Affairs may retain all Consumer Credit Grantor Notification filing fees collected under Section 37-6-203 and all Maximum Rate Schedules filing fees collected under Section 37-2-305 and Section 37-3-305. These fees shall be used to offset the cost of administering and enforcing Chapters 2 and 3, Title 37 of the 1976 Code and may be applied to the cost of operations. Unexpended balances may be carried forward for the prior fiscal year into the current fiscal year and be utilized for the same purposes.

64.5. (CA: Retention of Fees) For Fiscal Year 2010-11, 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.