

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2014-15**

SECTION 80 - R28-DEPARTMENT OF CONSUMER AFFAIRS

80.5 AMEND FURTHER (Retention of Fees) Authorizes the department to retain all fees collected pursuant to specific sections of the code pertaining to the Motor Club Services Act; Pawnbrokers, and the Physical Fitness Act and to use these funds to implement mandated program requirements.

WMC: AMEND proviso to update fiscal year reference to "2014-15."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to change fiscal year reference to "the current fiscal year."

80.5. (CA: Retention of Fees) For ~~Fiscal Year 2013-14~~ ~~2014-15~~ the current fiscal year, 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 82 - R40-DEPARTMENT OF MOTOR VEHICLES

82.9 DELETE NEW PROVISO (Church Activities) **HOU:** ADD new proviso to direct DMV to include Church activities as approved travel for holders of restricted licenses if the licensee proves that the restriction interferes or substantially interferes with their ability to attend Church activities. Sponsor: Rep. Ballentine.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

82.9. (DMV: Church Activities) ~~With the funds authorized to the Department of Motor Vehicles, the department shall include Church activities in the acceptable activities outlined for approved travel by holders of restricted licenses. This approval shall be given if the restricted licensee proves to the department's satisfaction that the restriction interferes or substantially interferes with the licensee's ability to attend Church activities.~~

SECTION 83 - R60-DEPARTMENT OF EMPLOYMENT AND WORKFORCE

83.4 DELETE (WIA Prior Year Payments) Allows the department to pay prior-year Workforce Investment Act obligations with current year funds.

WMC: DELETE proviso. *Duplicative of authority given by 83.3 to pay federal and earmarked prior year obligations with current year funds.*

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

83.4. (DEW: WIA Prior Year Payments) ~~The Department of Employment and Workforce shall be allowed to pay Workforce Investment Act prior year obligations with current year funds.~~

83.7 AMEND (Negotiation of Interest) Requires DEW to develop and implement a plan by October 1, 2013 to seek a waiver of interest on the FUA Loan debt so that the impact of the interest payments is mitigated on SC employers.

WMC: AMEND proviso to update calendar year to "2014."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

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83.7. (DEW: Negotiation of Interest) By October 1, ~~2013~~ 2014, the Department of Employment and Workforce must develop and implement a plan to seek a waiver of interest on the state's FUA loan debt in order to mitigate the impact of the interest payments on South Carolina employers.

SECTION 84 - U12-DEPARTMENT OF TRANSPORTATION

84.9 **DELETE** (Hanahan Permit Negotiation) Directs the department to initiate negotiations with various entities regarding the purpose and need to secure the required permit to complete the Railroad Avenue Extension project in the City of Hanahan. Requires DOT provide a report by June 30, 2014, to various governmental entities and to CHATS that details the project history, negotiation status, and completion plan.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**84.9.** (DOT: Hanahan Permit Negotiation) With the funds authorized for the Department of Transportation, the department shall initiate negotiations between the City of Hanahan, the United States Army Corps of Engineers, CSX Railroad, and other applicable entities to demonstrate the valid purpose and need for the necessary permit required to complete the Railroad Avenue Extension project in the City of Hanahan. The department shall provide a report to the members of the Berkeley County Delegation and the Berkeley, Charleston, and Dorchester Council of Governments and CHATS detailing the history of the project, status of the negotiations, and a plan for completion. The report shall be completed by June 30, 2014.~~

84.10 **DELETE** (Tree Removal) Prohibits DOT from using their authorized funds for tree removal or other similar activities in the median of I-26 from mile marker 170 to mile marker 199 between Summerville and I-95 until the BCD Council of Governments approves the activity.

SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Final BCD Council of Governments approval has been granted.* Requested by Department of Transportation.

~~**84.10.** (DOT: Tree Removal) The Department of Transportation is prohibited from using funds authorized by this act for tree removal, or other similar activities, in the median of Interstate 26 from approximately mile marker 170 to approximately mile marker 199 between Summerville and Interstate 95 until approval is given by the BCD Council of Governments.~~

84.11 **AMEND NEW PROVISO** (Hanahan Permit Application) **WMC:** ADD new proviso to direct DOT to coordinate and facilitate negotiations between the City of Hanahan, the US Army Corps of Engineers, CSX Railroad, and other entities for the necessary permit required to complete the Railroad Avenue Extension Project. Require DOT to submit the necessary applications on behalf of the entities by September 30, 2014.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to delete the time frame for the permit applications to be submitted and instead direct that they be submitted "once agreement among all parties has been reached."

84.11. (DOT: Hanahan Permit Application) With the funds authorized for the Department of Transportation, the department shall coordinate and facilitate negotiations between the City of Hanahan, the United States Army Corps of Engineers, CSX Railroad, and

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other applicable entities for the necessary permit required to complete the Railroad Avenue Extension project in the City of Hanahan. The department shall submit any and all necessary applications for the required permit on behalf of the applicable entities ~~no later than September 30, 2014~~ once agreement among all parties has been reached.

- 84.13 DELETE NEW PROVISO** (Road Acceptance Program) **HOU:** ADD new proviso to suspend the requirement that County Transportation Committees spend 25% of their "C" Fund apportionment on state highway system construction, improvements, and maintenance. Require DOT to sequester 25% of the County Transportation Fund for a Road Acceptance Program. Provides a method for local governments to accept a segment of the state road system into its road system in return for a recurring allocation from the sequestered funds. Limit a county from receiving more "acceptance" funds than they would have received under the prior formula. Direct that if "acceptance dollars" are not annually remitted to the acquiring county, ownership of the road segment must revert back to the state. Allow the sequestered funds to be carried forward and spent as directed by the General Assembly. Sponsors: Reps. White and J.R. Smith.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~84.13. (DOT: Road Acceptance Program) The requirement that County Transportation Committees spend twenty five percent of their "C" Fund apportionment on the state highway system for construction, improvements and maintenance is suspended. Prior to making any distribution of "C" Funds, the Department of Transportation shall sequester twenty five percent of the total County Transportation Fund for a Road Acceptance Program. Any municipal or county government can file an application with the department, as approved by the applicable County Transportation Committee, to accept into its road system a segment of the state system in return for a recurring allocation from these sequestered funds, that is based upon an agreed estimate of the annual maintenance, repair, and replacement costs of the segment. Roads or road segments selected for this provision shall: not create orphans to the system; include any located within the municipal or county limits; and be grouped, if possible, to make maintenance operations more efficient. Preference shall be given to applications that seek to accept single purpose local roads and road segments that are 1/2 mile or less in length. In the aggregate, no county is eligible to receive more "acceptance dollars" than they would have received under the prior formula. If at any time the "acceptance dollars" are not annually remitted to the acquiring county, ownership of any segment for which the agreed upon allocation has not been fully funded, must revert back to the State. Any remaining balance of the sequestered funds shall be carried forward and expended as directed by the General Assembly.~~

- 84.hger ADD** (Horry-Georgetown Evacuation Route) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that \$500,000 of the funds authorized for DOT are to be made available for routing, planning and constructing the Horry-Georgetown Evacuation Route.

84.hger. (DOT: Horry-Georgetown Evacuation Route) Of the funds authorized for the Department of Transportation, \$500,000 shall be made available for the routing, planning and construction of the Horry-Georgetown Evacuation Route.

- 84.I-74 ADD** (I-74 Funds to Horry-Georgetown Evacuation Route) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct the department to transfer to the department's Horry-Georgetown Evacuation Route Project all the funds in the State Highway Fund that were allocated for development of I-74 by provisos from budget years 2005-2012 and

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to use these funds to complete studies needed for the project. Direct that after completion of the studies, any remaining funds shall be used for the permitting process.

84.I-74. (DOT: I-74 Funds to Horry-Georgetown Evacuation Route) The department shall transfer all funds in the State Highway Fund allocated by provisos from budget years 2005-2012 for the development of I-74 to the department's Horry-Georgetown Evacuation Route Project. These funds are to be used to complete studies needed for the Horry-Georgetown Evacuation Route. Any remaining funds after completion of the studies shall be used for the permitting process.

SECTION 87 - U30 - DIVISION OF AERONAUTICS

87.6 **ADD** (State Aviation Fund Study) **WMC:** ADD new proviso to direct the Division of Aeronautics and DOR to conduct a study to determine whether the State Aviation Fund continues to be viable and to determine the accuracy of the amount of tax levied pursuant to Title 12, Chapter 37, [ASSESSMENT OF PROPERTY TAXES] Article 19 [AIRCRAFT]. Require the analysis be submitted to the Chairmen of the Ways and Means and Senate Finance Committees by October 1, 2014.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

87.6. (AERO: State Aviation Fund Study) The Division of Aeronautics and the Department of Revenue are directed to conduct a study to determine the continuing viability of the State Aviation Fund and to determine the accuracy of the amount of the tax levied by the State pursuant to Article 19, Chapter 37 of Title 12 of the 1976 Code. This analysis must be presented to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee no later than October 1, 2014.

SECTION 117 - X90-GENERAL PROVISIONS

117.98 **AMEND** (WIA Service Advertising) Establishes Workforce Investment Act advertising guidelines.

WMC: AMEND proviso to update fiscal year reference to "2014-15."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.98. (GP: WIA Service Advertising) For Fiscal Year ~~2013-14~~ 2014-15, the Workforce Investment Boards may promote outreach for their services via billboard, bus placard, newspapers, or radio in all workforce investment areas. This outreach may not be limited to e-mail, online, or other internet-based outreach, publicity, or other promotions. Workforce investment boards must adhere to all state procurement policies and procedures when utilizing outreach for the services provided by the Workforce Investment Act.

117.99 **AMEND** (WIA Training Marketability Evaluation) Directs the department to submit a report to the chairmen of various legislative committees on how funds were spent to provide marketable work skills training. Requires the report also specifically describe any restructuring or realignment of agency functions as well as changes in staffing levels or service. Requires detailed information be included on employees terminated, hired, re-hired, reassigned, or

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reclassified by program area and location and to describe efforts the agency made to reassign or retrain employees who were terminated if the agency hired new employees for that position.

WMC: AMEND proviso to update fiscal year reference to "2014-15."

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.99. (GP: WIA Training Marketability Evaluation) (A) For Fiscal Year ~~2013-14~~ 2014-15, the Department of Employment and Workforce shall submit a report that demonstrates how funds were expended in the prior fiscal year to provide marketable work skills training. The report shall include, but not be limited to the total number of local training recipients, a description of the training area in which each recipient participated, and the number and percentage of participants in each training area that, upon completion of training, have become employed in the field in which they were trained. The report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the Senate Labor, Commerce and Industry Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Labor, Commerce and Industry Committee on or before November 16th.

(B) Also, the report must specifically describe any restructuring or realignment of agency functions, and any changes in staffing levels or service. The report must detail information on employees terminated, hired, re-hired, reassigned, or reclassified by program area and location. Further, the report must describe efforts made by the agency to reassign or retrain employees who were terminated for positions for which the department hired new employees.

117.115 DELETE (Aircraft Chartering Services Analysis) Directs the B&C Board to analyze the costs and benefits of selling the two King Air aircraft operated by the Division of Aeronautics and authorizing private chartering services for state officials and agencies to use to conduct official state business. Directs that the analysis be presented to the Governor and the General Assembly by January 1, 2014. Authorizes the B&C Board to sell the aircraft if the cost-benefit analysis justifies such sale.

WMC: DELETE proviso. *Study has been completed.* Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**117.115.** (GP: Aircraft Chartering Services Analysis) The Budget and Control Board is directed to conduct an analysis to determine the costs and benefits of selling the following state-owned aircraft operated by the Division of Aeronautics: Hawker Beechcraft King Air 350 and Hawker Beechcraft King Air C90; and authorizing private chartering services for use by state officials and state agencies to conduct the state's official business. This analysis must be presented to the Governor and General Assembly no later than January 1, 2014. The Budget and Control Board shall have the authority to sell the state-owned aircraft if the cost benefit analysis justifies the sale.~~

117.130 AMEND NEW PROVISO (Charleston & Dorchester County Sound Barriers) **HOU:** ADD new proviso to direct DOT to take appropriate measures to allow Charleston and Dorchester counties to build sound barriers in DOT's easements along I-26 within the borders of Charleston County and along Dorchester Road within Dorchester County, provided no DOT funds authorized in Part IA are used. Require the sound barriers to meet all state and federal regulations. Sponsors: Reps. Crosby, Harrell, Merrill, and Stavrinakis.

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SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to specify that no State, Federal, or Other funds can be used to construct sound barriers and that only local dollars can be used for such construction. Require the sound barriers meet the state and federal noise abatement guidelines. Allow owners of legally erected and maintained billboards the option to relocate or adjust the height or angle of the billboard to restore the visibility to the same or comparable visibility as before construction of the sound barrier. Direct that local governments are responsible for costs associated with relocating or altering billboards. Direct that if billboard signs cannot be relocated or altered, the provisions of Section 39-14-10 et seq [SC LANDOWNER & ADVERTISING PROTECTION & PROPERTY VALUATION ACT] apply regarding compensation to be paid by local governments.

117.130.(GP: Charleston & Dorchester County Sound Barriers) From the funds authorized to the Department of Transportation, the department shall take the appropriate measures to allow the counties of Charleston and Dorchester to construct sound barriers in the department's easements along Interstate 26 within the borders of Charleston County and along Dorchester Road within Dorchester County, provided, no funds ~~appropriated or~~ authorized in Part IA to the Department of Transportation, ~~any other section of this Act, any Federal Funds, or any Other Funds,~~ shall be used in the construction of the sound barriers, and only local dollars shall be used in the construction of sound barriers. The sound barriers must meet the state and federal noise abatement guidelines and must be constructed to meet any and all state and federal regulations. Consistent with the requirements of Section 57-25-190 (E) of the 1976 Code, or regulations adopted pursuant thereto, including construction by a local government in a state right of way, the owner of a legally erected and maintained billboard shall have the option to relocate such billboard sign to another location as close as practicable to the sign being relocated or adjust the height or angle of the billboard sign to a height or angle that restores the visibility of the billboard sign to the same or comparable visibility as before construction of a sound barrier. Costs for re-location or alteration of a billboard due to sound barrier installation by a local government in a state right of way shall be paid by the local government. The provisions of Section 39-14-10 et seq of the 1976 Code will apply regarding any compensation to be paid by local governments for billboard signs which cannot be relocated or altered.