

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2015-16**

SECTION 82 - R40-DEPARTMENT OF MOTOR VEHICLES

82.1 **AMEND** (Miscellaneous Revenue) Authorizes DMV to collect, expend and carry forward revenues from various products and services.

WMC: AMEND proviso to delete the references to specific items from which revenue is derived and instead reference "miscellaneous" revenue. Fiscal Impact: Revenue and Fiscal Affairs Office states no impact on the General Fund or on agency revenue.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

82.1. (DMV: Miscellaneous Revenue) ~~Revenue~~ Miscellaneous revenue ~~received from the sale of legal manuals and other publications, postal reimbursement, third party commercial driver license testing, photo copying, sale of miscellaneous refuse and recyclable materials, insurance claim receipts, and tuition from non-mandated, advanced, or specialized courses~~ shall be retained by the department and expended in budgeted operations and other related services or programs as the Director of the Department of Motor Vehicles may deem necessary. The Department of Motor Vehicles shall report annually to the General Assembly the amount of miscellaneous revenue retained and carried forward.

82.3 **REINSERT AND AMEND** (Publish County DMV Local Telephone Number) Directs DMV to publish the telephone number of the local field office in each county.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: REINSERT original proviso and amend to direct that each county should publish the telephone number for the Headquarters Call Center.

82.3. (DMV: Publish ~~County DMV Local~~ Headquarters Call Center Telephone Number) From the funds appropriated in Part IA, Section 82 to the Department of Motor Vehicles, it is the intent of the General Assembly that the Department of Motor Vehicles in each county should have ~~a local~~ the Headquarters Call Center telephone number ~~that is~~ published.

82.9 **AMEND** (Activities Allowed on Special Restricted Driver's License) Directs DMV to include church, church activities and parentally approved sports activities in the categories for which it may waive or modify special restricted driver's licenses for certain minors and requires certain statements be provided that are executed by the parents or legal guardian, church representatives, and/or representatives of the sports entity for which the waiver or modification is being requested.

WMC: AMEND proviso to include employment and school in the categories for which DMV may waive or modify a special restricted driver's license for certain minors.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

82.9. (DMV: Activities Allowed on Special Restricted Driver's License) In the current fiscal year, employing funds authorized or appropriated to the Department of Motor Vehicles pursuant to Section 82, Part IA of this act, the department must include ~~church~~ employment, school, church-related, ~~church~~ or sponsored activities, and parentally approved sports activities in the categories for which it may waive or modify restrictions in the special restricted driver's license for certain minors. The licensee must provide the department a statement of the purpose of the waiver or modification of restrictions executed by the parents or legal guardian of the licensee

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2015-16**

and documents executed by church representatives and/or representatives of the sports entity for which the waiver is being requested.

SECTION 83 - R60-DEPARTMENT OF EMPLOYMENT AND WORKFORCE

83.6 **AMEND FURTHER** (Negotiation of Interest) Requires DEW to develop and implement a plan by October 1, 2014 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 year to "2015." Requested by Department of Employment and Workforce.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: AMEND FURTHER to direct that upon final repayment of all Title XII advances from the Federal Unemployment Account, any funds remaining in the DEW Interest Assessment Fund are to be transferred to the Unemployment Compensation Fund.

83.6. (DEW: Negotiation of Interest) By October 1, ~~2014~~ 2015, 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. *For the current fiscal year and upon final repayment of all Title XII advances from the Federal Unemployment Account received by the state beginning in December of 2008, any funds remaining in the Department of Employment and Workforce Interest Assessment Fund authorized by Section 41-33-810 of the 1976 Code shall be transferred to the Unemployment Compensation Fund.*

83.7 **DELETE NEW PROVISO** (Oral Fluids Test) **WMC:** ADD new proviso to require DEW implement a plan that allows employers to use oral fluids for conducting drug tests and direct that the results of the test shall have the same effect as other lawful tests if the employer meets all other test requirements of law.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~*83.7. (DEW: Oral Fluids Test) From the funds appropriated to the Department of Employment and Workforce, the department must implement a plan that allows employers to use oral fluids as a means of conducting a drug test. If an employer uses oral fluids and meets all other test requirements of law, the results of the test shall have the same effect as other lawful means.*~~

83.tsm **ADD** (UI Tax System Modernization) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the department to expend up to \$300,000 of funds made available to the State under Section 903 of the U.S. Social Security Act [AMOUNTS TRANSFERRED TO STATE ACCOUNTS FROM UNEMPLOYMENT COMPENSATION ACCOUNTS]. Direct the department to use the funds to acquire software, equipment and necessary services to replace the agency's unemployment tax information system with a modern technology solution. Prohibit the funds from being obligated after a 2-year period beginning July 1, 2015 and direct that the amount obligated not exceed the amount by which the combined amounts transferred to South Carolina's accounts exceeds the total of the amounts obligated and paid for administration and paid out for benefits and required by law to be charged against the amounts transferred to this State.

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2015-16**

83.tsm. (DEW: UI Tax System Modernization) The Department of Employment and Workforce is authorized to expend up to \$300,000 of funds made available to the State under Section 903 of the United States Social Security Act, as amended. The funds must be used under the direction of the Department of Employment and Workforce, for the purpose of acquiring software, equipment, and necessary services to replace the agency's unemployment tax information system with a modern technology solution. No part of the funds herein authorized may be obligated after a two-year period beginning on July 1, 2015. The amount obligated pursuant to this provision shall not at any time exceed the amount by which (a) the aggregate of amounts transferred to the accounts of the State pursuant to Section 903 of the Social Security Act exceeds (b) the aggregate of the amounts obligated for administration and paid out for administration and paid out for benefits and required by law to be charged against the amounts transferred to the account of this State.

SECTION 84 - U12-DEPARTMENT OF TRANSPORTATION

- 84.10** **AMEND** (Hanahan Permit Application) Directs 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.
WMC: AMEND proviso to delete "no later than September 30, 2014."
HOU: ADOPT proviso as amended.
SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

84.10. (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 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.~~

- 84.12** **DELETE** (I-74 Funds to Horry-Georgetown Evacuation Route) Directs 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 to use these funds to complete studies needed for the project. Directs that after completion of the studies, any remaining funds shall be used for the permitting process.
WMC: DELETE proviso. *DOT states that the funds referenced have already been tagged and designated for the Horry/Georgetown project, so the proviso is no longer needed.* Requested by Department of Transportation.
HOU: ADOPT deletion of proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

84.12. (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.~~

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2015-16**

- 84.13 DELETE** (Pedestrian Overpass) Directs DOT to perform a feasibility study for a pedestrian overpass at the intersection of the Septima P. Clark Parkway and Coming Street in Charleston and provide the results of the study to the Governor and General Assembly by January 1, 2015.
WMC: DELETE proviso. *The study has been submitted.* Requested by Department of Transportation.
HOU: ADOPT deletion of proviso.
SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

84.13. (DOT: Pedestrian Overpass) ~~The Department of Transportation is directed to perform a feasibility study for a pedestrian overpass at the intersection of the Septima P. Clark Parkway and Coming Street in the City of Charleston. The department shall provide the results of its study to the Governor and the General Assembly by January 1, 2015.~~

SECTION 86 - U20-COUNTY TRANSPORTATION FUND

- 86.cfs ADD** (County Fire Station Paving) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow the use of C Fund monies to pave parking areas at county and non-profit fire stations.

86.cfs. (CTF: County Fire Station Paving) From the 75% portion of the County Transportation Fund authorized by Section 12-28-2740(C) of the 1976 Code to be used for local paving, a portion of such funds may be used for the paving of parking areas at county and non-profit fire stations.

SECTION 87 - U30 - DIVISION OF AERONAUTICS

- 87.6 DELETE** (State Aviation Fund Study) Directs 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]. Requires the analysis be submitted to the Chairmen of the Ways and Means and Senate Finance Committees by October 1, 2014.
HOU: DELETE proviso. Sponsors: Reps. Limehouse and Felder.
SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of 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.~~

- 87.oef ADD** (Elected Officials Flight Cost) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require elected officials to reimburse the Division of Aeronautics on an at-cost basis for all flight hours associated with their usage of division aircraft.

87.oef. (AERO: Elected Officials Flight Cost) All elected official who utilize Division of Aeronautics aircraft shall be required to reimburse the division for all flight hours associated with the trip on at at-cost basis.

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2015-16**

SECTION 104 - E55-STATE FISCAL ACCOUNTABILITY AUTHORITY

104.asf ADD (Aeronautics Support Function) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require the State Fiscal Accountability Authority to provide administrative support services to the Division of Aeronautics.

104.asf. (SFAA: Aeronautics Support Function) From the funds appropriated to the State Fiscal Accountability Authority, the agency must provide administrative support function, including but not limited to, accounting, human resources, and procurement for the Division of Aeronautics.

SECTION 117 - X90-GENERAL PROVISIONS

117.105 AMEND (Prohibit Use of State Aircraft for Athletic Recruitment) Prohibits colleges and universities from using any state aircraft operated by the Division of Aeronautics for athletic recruitment purposes.

WMC: AMEND proviso to allow the use of the aircraft provided they reimburse the division for all flight hours on an at cost basis using non-general funds. Direct that the Department of Commerce shall have first right of refusal in the event of scheduling conflicts with athletic recruiting flights.

HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

117.105. (GP: Prohibit Use of State Aircraft for Athletic Recruitment) Institutions of higher learning may ~~not~~ use the state aircraft operated by the Division of Aeronautics for the purpose of athletic recruiting, *provided that they reimburse the Division of Aeronautics for all flight hours on an at cost basis, using non-general funds.*

To ensure availability of the aircraft for purposes of economic development, the Department of Commerce shall have first right of refusal in the event of scheduling conflicts with athletic recruiting flights.

117.124 AMEND NEW PROVISO (Employment Training Outcomes Data Sharing) **WMC:** ADD new proviso to state that the Department of Employment and Workforce, in developing required Workforce and Labor Market Information System improvements, will require integration of training and employment data to improve longitudinal assessments of employment outcomes for various training providers eligible to receive funding appropriated or authorized by this Act. Direct DEW to establish a Governance Policy for management, development, security, partner collaboration, and sharing responsibilities by July 1, 2015. Direct DEW to develop a model data-sharing agreement with eligible training providers by July 22, 2015 and provide for specific data to be included in the agreement in order for DEW to assess the effectiveness and return on investment of training programs offered by the providers. Direct DEW, by January 1, 2016, to develop a model data-sharing agreement with the Department of Education, the Center for Educator Recruitment, Retention and Advancement, the EOC, the Vocational Rehabilitation Department, CHE, and the Department of Commerce to capture and match data. Direct DEW and the SC Student Loan Corporation, by January 1, 2016, to enter into a data-sharing agreement to determine the average debt load carried by individuals who participate in the training programs. Direct DEW, by June 30, 2016, to develop a model data-sharing agreement with DSS to capture data related to New Hire status and social services data. Requested by Department of Employment and Workforce.

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2015-16**

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: AMEND new proviso to also require DEW develop a model data-sharing agreement with LLR to capture licensing and licensing-related data.

117.124. (GP: *Employment Training Outcomes Data Sharing*) The Department of Employment and Workforce (DEW), in developing the Workforce and Labor Market Information System (WLMIS) improvements required of the Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128), will require integration of training and employment data for the purposes of improving longitudinal assessment of employment outcomes for the various training providers eligible to receive funding appropriated or authorized by this Act.

(A) As the entity with authority for the oversight and maintenance for the WLMIS, DEW shall establish a Governance Policy for the management, development, security, partner collaboration, and sharing responsibilities no later than July 1, 2015.

(B) No later than July 22, 2015, DEW must develop a model data-sharing agreement with eligible training providers (ETPs). As specified by the WIOA Act, this agreement will require ETPs to submit data related to the types of training programs offered, individual student coursework and outcomes, program completion and time to complete, program costs, and tuition assistance. It will further require reporting of personally identifiable information (PII) to match training and employment data to determine placement in companies and jobs by the North American Industry Classification (NAIC) System and Standard Occupation Classification (SOC) System and other information necessary for DEW to accurately and completely assess the effectiveness and return on investment of all training programs offered by the entity.

(C) No later than January 1, 2016, DEW must develop a model data-sharing agreement with the Department of Education, the Center for Educator Recruitment, Retention and Advancement, the Education Oversight Committee, the Vocational Rehabilitation Department, the Commission on Higher Education, and the Department of Commerce to capture and match data as enumerated in item (A) of this provision. This agreement will ensure collaborative sharing of matched data with each partner agency for the purpose of program assessment and effectiveness in compliance with state and federal laws.

(D) DEW and the South Carolina Student Loan Corporation shall, by January 1, 2016, enter into a data-sharing agreement to determine the average debt load carried by individuals who participate in training programs with eligible training providers. This agreement will ensure collaborative sharing of matched data for the purpose of program assessment and effectiveness in compliance with state and federal laws.

(E) No later than June 30, 2016, DEW must develop a model data-sharing agreement with the Department of Social Services to capture data related to New Hire status and social service data **and with the Department of Labor, Licensing, and Regulation to capture licensing and licensing-related data.** This agreement will ensure collaborative sharing of matched data for the purpose of program assessment and effectiveness in compliance with state and federal laws.

SECTION 118 - X91-STATEWIDE REVENUE

- 118.15 CONFORM TO FUNDING / AMEND NEW PROVISO** (Transportation Infrastructure Bond)
WMC: ADD new proviso to direct the Department of Revenue to transfer \$50,000,000 of Vehicle Sales Tax revenues currently in the general fund to the Department of Transportation and direct DOT to transfer \$50,000,000 from nontax sources to the SC Transportation Infrastructure Bank to leverage approximately \$500,000,000 in bonds for surface infrastructure improvements. Direct that the transferred funds must be used only to finance bridge replacement,

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2015-16**

resurfacing and rehabilitation projects, and expansion and improvements to existing mainline interstates. Require DOT to develop a list of bridge and road projects and submit the list to the bank for its consideration. Direct that the transferred funds may not be used for projects the bank approved prior to July 1, 2015. Require the bank submit all projects they propose to use this financing for to JBRC for approval before financing any project.

HOU: AMEND new proviso to direct the before submitting the list of projects to JBRC, the Infrastructure Bank Board must be reconfigured to consist of 13 voting directors and provide for the appointment of the directors. Direct that the directors serve at the pleasure of the appointing authority and direct that the Governor designate which DOT commission member serve as chairman. Sponsor: Rep. Putnam.

SUBCOMMITTEE RECOMMENDATION: CONFORM TO FUNDING RECOMMENDATION / AMEND new proviso to delete the SIB restructuring requirement.

118.15. (SR: Transportation Infrastructure Bond) From the Vehicle Sales Tax revenues currently in the general fund, the Department of Revenue shall transfer \$50,000,000 to the Department of Transportation. The Department of Transportation shall transfer \$50,000,000 from nontax sources to the South Carolina Transportation Infrastructure Bank to be utilized to leverage approximately \$500,000,000 in bonds for surface infrastructure improvements. The transferred funds must be used solely by the bank to finance bridge replacement, resurfacing and rehabilitation projects, and expansion and improvements to existing mainline interstates. The Department of Transportation shall develop and submit a list of bridge and road projects to the bank for its consideration. Transferred funds may not be used for projects approved by the bank prior to July 1, 2015. The bank shall submit all projects proposed to be financed through this provision to the Joint Bond Review Committee for approval prior to financing any proposed project. ~~Prior to submitting the list of projects to the Joint Bond Review Committee, the Infrastructure Bank Board must be reconfigured to consist of thirteen voting directors as follows: the seven members of the Commission of the Department of Transportation that represent a transportation district, ex officio; two directors appointed by the Speaker of the House of Representatives; one member of the House of Representatives appointed by the Speaker, ex officio; two directors appointed by the President Pro Tempore of the Senate; and one member of the Senate appointed by the President Pro Tempore of the Senate, ex officio. All directors serve at the pleasure of the appointing authority. The Governor shall designate which member of the Commission of the Department of Transportation shall serve as chairman.~~