

**SENATE FINANCE COMMITTEE  
TRANSPORTATION AND REGULATORY SUBCOMMITTEE  
PROVISO RECOMMENDATIONS FOR FY 2018-19**

**SECTION 73 - R060 - OFFICE OF REGULATORY STAFF**

**73.aed**    **ADD** (Acting Executive Director) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the acting Executive Director of ORS to exercise all of the powers and duties of the Executive Director until the Governor appoints a successor. Direct that all official decisions made by the acting Executive Director of ORS between January 15, 2018 and June 30, 2018 are ratified by the General Assembly.

*73.aed. (ORS: Acting Executive Director) When the position of agency head at any of the state's various agencies is vacant, the General Assembly finds that a person acting in the capacity of acting agency head has the full legal authority to take any and all official actions to fulfill the duties and responsibilities of agency head until such time as the vacancy has been filled. Therefore, the acting Executive Director of the Office of Regulatory Staff is authorized to exercise all of the powers and duties of the Executive Director, as designated in statute, and as otherwise may be required to fulfill the Office Regulatory Staff's statutory responsibilities until such time as the previous Executive Director's successor is appointed by the Governor. Further, the General Assembly hereby ratifies any and all official decisions made by the acting Executive Director between January 15, 2018 and June 30, 2018.*

**SECTION 74 - R080 - WORKERS' COMPENSATION COMMISSION**

**74.2**        **CONFORM TO FUNDING / AMEND** (Retention of Filing Fees) Authorizes WCC to retain and expend all revenues from the \$25.00 filing fee collected for hearing, settlement and motions requests. Directs WCC to waive the filing fee for indigent individuals.  
**SUBCOMMITTEE RECOMMENDATION:** CONFORM to funding recommendation / AMEND proviso change the \$25.00 filing fee to \$50.00.

**74.2.**    (WCC: Retention of Filing Fees) The Workers' Compensation Commission is authorized to retain and expend all revenues received as a result of a ~~\$25.00~~ \$50.00 filing fee for each requested hearing, settlement, or motion. If it is determined that the individual is indigent, this filing fee must be waived.

**SECTION 80 - R280 - DEPARTMENT OF CONSUMER AFFAIRS**

**80.1**        **AMEND** (Consumer Protection Code Violations Revenue) Authorizes the agency to retain and use funds paid to the department in settlement of cases involving violations of the SC Consumer Protection Code.  
**WMC:** AMEND proviso to replace "settlement" with "resolution" of cases. Requested by Department of Consumer Affairs.  
**HOU:** ADOPT proviso as amended.  
**SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**80.1.**    (CA: Consumer Protection Code Violations Revenue) Funds, paid to the department in ~~settlement~~ resolution 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.

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- 80.4**     **AMEND** (Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) Allows the Department of Consumer Affairs to retain all revenue derived from Consumer Credit Grantor Notification and Maximum Rate filing fees. Directs the revenue be used to offset the cost of operations.
- WMC:** AMEND proviso to allow the department to retain all filing fees collected under Chapters 2, 3 and 6 of Title 37 by deleting specific references to fees collected under Sections 37-6-203 [CONSUMER PROTECTION CODE FEES]; 37-2-305 [CREDIT SALES FILING & POSTING MAXIMUM RATE SCHEDULE]; and 37-3-305 [LOANS FILING & POSTING MAXIMUM RATE SCHEDULE] and direct that the fees be used to offset the cost of administering and enforcing all of Title 37 rather than just Chapters 2 and 3. Fiscal Impact: RFAO states this provision would have no revenue impact to the General Fund or Federal Funds. The department will be permitted to continue to use Other Funds in the amount of \$615,000. Requested by Department of Consumer Affairs.
- HOU:** ADOPT proviso as amended.
- SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**80.4.** (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~~ Chapters 2, 3 and 6, Title 37 of the 1976 Code. 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.

**SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES**

- 82.5**     **DELETE** (Five Year Eye Exam Suspension) Suspends the requirement that a driver submit a vision screening certificate to the department or visit the department and complete a vision screening during the 5th year of a 10 year driver's license.
- WMC:** DELETE proviso. *Agency indicates Act 6 of 2017 (READ ID) provides guidelines for eye exams.* Requested by Department of Motor Vehicles.
- HOU:** ADOPT deletion of proviso.
- SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**82.5.** (DMV: Five Year Eye Exam Suspension) ~~For the current fiscal year, Section 56-1-220(B), relating to the requirement for a vision screening certificate during the fifth year of a ten year driver's license, is suspended.~~

- 82.8**     **AMEND** (Phoenix III Migration Pilot) Authorizes DMV, upon approval from DOA through the IT project governance process, to expend up to \$1,000,000 from any available other earmarked cash balances to conduct a proof-of-concept pilot for Phoenix III development and data migration.
- WMC:** AMEND proviso to update fiscal year reference from "2017-18" to "2018-19." Delete the authority to expend "up to" and replace with "the remainder of the" \$1,000,000 "authorized in the prior fiscal year." Requested by Department of Motor Vehicles.
- HOU:** ADOPT proviso as amended.
- SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

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**82.8.** (DMV: Phoenix III Migration Pilot) In Fiscal Year ~~2017-18~~ 2018-19, the department shall be authorized to expend ~~up to~~ the remainder of the \$1,000,000 authorized in the prior fiscal year from any available other earmarked cash balances to conduct a proof-of-concept pilot for Phoenix III development and data migration. Funds may be expended only upon review and approval of the Department of Administration through the IT project governance process established by proviso 117.119.

- 82.9**     **AMEND** (Real ID) Authorizes DMV to spend any available earmarked cash reserves to implement Real ID, except for the \$1,000,000 designated for the Phoenix III pilot.  
**WMC:** AMEND proviso to update fiscal year reference from “2017-18” to “2018-19.” Delete “1,000,000” and replace with “funds” as the exception for the Phoenix III pilot. Requested by Department of Motor Vehicles.  
**HOU:** ADOPT proviso as amended.  
**SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**82.9.** (DMV: Real ID) For Fiscal Year ~~2017-18~~ 2018-19, the Department of Motor Vehicles may expend any available earmarked cash reserves, with the exception of the ~~\$1,000,000~~ funds designated for the Phoenix III pilot, on the implementation of Real ID.

- 82.10**     **ADD** (Electronic Verification Processing Fees) **WMC:** ADD new proviso to exempt DMV from paying Electronic Verification of Vital Events system fees to DHEC for verification or certification of birth certificates used to issue driver’s licenses or ID cards.  
**HOU:** ADOPT new proviso.  
**SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

**82.10.** (DMV: Electronic Verification Processing Fees) In the current fiscal year, the Department of Motor Vehicles is exempt from paying fees to the Department of Health and Environmental Control associated with the use of the Electronic Verification of Vital Events (EVVE) system to verify or certify birth certificates during the driver’s license or identification card issuance process.

- 82.11**     **ADD** (Minor Identification Card Fees) **WMC:** ADD new proviso to allow DMV to waive the \$5 fee collected for ID cards issued to someone less than 17 years old if the issuance is through a state or federal agency partnership. Fiscal Impact: RFAO states this provision would have no expenditure impact on the General Fund, Other Funds, or Federal Funds. Non-Federal Aid Highway Funds revenue at DOT would be reduced by \$100 which can be absorbed by DOT.  
**HOU:** ADOPT new proviso.  
**SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

**82.11.** (DMV: Minor Identification Card Fees) In the current fiscal year, the Department of Motor Vehicles may waive the five dollar fee associated with issuing an identification card to someone less than 17-years-old if the card issuance is through an established partnership with a state or federal agency.

**SECTION 83 - R600 - DEPARTMENT OF EMPLOYMENT AND WORKFORCE**

- 83.1**     **AMEND** (~~Consortium Contracts: Training Development Sessions and Media Services~~ Business Intelligence Division Program Contracts) Authorizes earmarked funds collected for LMI-

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Training-Development Services; Media Services and Division Program Contracts to be retained, used, and carried forward for operating these programs.

**WMC:** AMEND proviso to update the program title from “Consortium Contracts: Training-Development Sessions and Media Services” to “Business Intelligence Division” Program Contracts. Requested by Department of Employment and Workforce.

**HOU:** ADOPT proviso as amended.

**SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**83.1.** (DEW: ~~Consortium Contracts: Training-Development Sessions and Media Services~~ Business Intelligence Division Program Contracts) All earmarked funds collected for the ~~LMI-Training-Development Services; Media Services and~~ Business Intelligence Division Program Contracts through the Department of Employment and Workforce may be retained by the agency to be used for the exclusive purpose of operating these programs. All funds not expended in the prior fiscal year may be carried forward for use in the current fiscal year.

**83.5** **AMEND** (UI Tax System Modernization) Authorizes DEW to expend up to \$1,743,930 of funds made available to the State under Section 903 of the U.S. Social Security Act. Directs the funds be used to replace the agency’s unemployment tax information system with a modern technology solution. Prohibits the funds from being obligated after a 2-year period beginning July 1, 2017.

**WMC:** AMEND proviso to change “\$1,743,930” to “\$3,178,053” and update the fiscal year reference from “2017” to “2018.” Requested by Department of Employment and Workforce.

**HOU:** ADOPT proviso as amended.

**SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**83.5.** (DEW: UI Tax System Modernization) The Department of Employment and Workforce is authorized to expend up to ~~\$1,743,930~~ \$3,178,053 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, ~~2017~~ 2018. 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.

**83.6** **AMEND** (Employment Training Outcomes Data Sharing) Directs DEW to require training and employment data integration; establish a Governance Policy; and develop a model data-sharing agreement with eligible training providers and with various agencies and entities.

**WMC:** AMEND proviso to delete requirement that a Governance Policy be established; direct that the department “enter into” rather than “develop” a data sharing agreement; require state agencies needing data from DEW to meet an exception permitting disclosure pursuant to 20 C.F.R Part 603 and require DEW to enter into a data sharing agreement with the requesting agency prior to providing the agency any data; require DEW to charge state agencies for costs, as described in federal and state law, for data sharing requests; delete the development of agreement requirements with various agencies; and delete requirement that copies of the agreements be submitted to certain legislative committees. Requested by Department of Employment and Workforce.

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**HOU:** ADOPT proviso as amended.

**SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**83.6.** (DEW: Employment Training Outcomes Data Sharing) ~~The Department of Employment and Workforce, 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~~ *requires* 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, the department shall establish a Governance Policy for the management, development, security, partner collaboration, and sharing responsibilities no later than July 1, 2017.~~

~~(B) (A) No later than July 1, 2017, the~~ *The* department must develop a model *enter into a* data-sharing agreement with eligible training providers (ETPs) *prior to the ETP entering student data into the Palmetto Academic Training Hub (PATH).* ~~As specified by the WIOA Act, this agreement will require~~ ETPs *to will* submit data related to the types of training programs offered, individual student coursework, *including personal identifying information (PII) to match training, employment data* and *performance* outcomes, program completion and time to complete, *and* program costs, *and tuition assistance as outlined in federal guidance.* ~~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 the department to accurately and completely assess the effectiveness and return on investment of all training programs offered by the entity.~~

~~(B) State agencies needing data from the Department of Employment and Workforce must meet an exception permitting disclosure, pursuant to 20 C.F.R. Part 603. Prior to providing data to a state agency, the department must enter into a data sharing agreement with the requesting agency, as described in 20 C.F.R. Part 603. Requesting state agencies must identify a need in the administration of the official duties for department data, as required by 20 C.F.R. Part 603. The department shall charge state agencies for costs, as described in federal and state law, for the data sharing requests.~~

~~(C) No later than July 1, 2017, the department must develop a model data sharing agreement with the Department of Education, the Center for Educator Recruitment, Retention and Advancement, and the Education Oversight Committee, the Vocational Rehabilitation Department, and the Commission on Higher Education to capture and match data as enumerated in item (B) 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) The department and the South Carolina Student Loan Corporation shall, by July 1, 2017, 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 July 1, 2017, the department 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.~~

~~The Department of Employment and Workforce shall submit copies of the data sharing agreements to the Chairman of the Senate Finance Committee, the Chairman of the House Ways~~

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~~and Means Committee, the Chairman of the Senate Labor, Commerce and Industry Committee,  
and the Chairman of the House Labor, Commerce and Industry Committee.~~

**SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION**

**84.15**     **ADD** (Preventative Maintenance Credit) **WMC:** ADD new proviso to authorize DOT to transfer a portion of the motor fuel user fee held in the Infrastructure Maintenance Trust Fund to DOR to satisfy the preventative maintenance credits. Fiscal Impact: RFAO states this provision would have no additional impact on the General Fund, Other Funds, or Federal Funds expenditures or revenue. Requested by Department of Transportation.

**HOU:** ADOPT new proviso.

**SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*84.15. (DOT: Preventative Maintenance Credit) The Department of Transportation is authorized to transfer a portion of proceeds of the motor fuel user fee received from Section 12-28-310(D) to the Department of Revenue in order to satisfy the requirements of the preventative maintenance credit in Section 12-6-3780(B)(2).*

**84.16**     **ADD** (Emergency Meetings) **WMC:** ADD new proviso to authorize the DOT Commission to convene an emergency meeting when the Secretary of Transportation determines a natural disaster or other situation requires immediate action. Direct that a meeting notice be immediately provided to the press and the public. Direct that only emergency matters may be considered at the meeting and that it be open to the public.

**HOU:** ADOPT new proviso.

**SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*84.16. (DOT: Emergency Meetings) The Department of Transportation Commission is authorized to use funds under this Act in order to convene a meeting in cases of emergency as determined by the Secretary of Transportation when a natural disaster or other dire situation requires immediate action. Notice shall be given to the press and the public as soon as a decision is made to convene an emergency meeting. Only emergency matters may be considered in such a meeting. The meeting shall be open to the public, and may be conducted over a conference call if necessary.*

**84.db**     **ADD** (CTC Donor Bonus) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize DOT through Act 40 of 2017 [SC INFRASTRUCTURE AND ECONOMIC DEVELOPMENT REFORM ACT] to transfer a portion of the motor fuel user fee proceeds received from Section 12-28-310(D) [USER FEES ON GASOLINE AND DIESEL FUEL] to satisfy the donor bonus for County Transportation Committees in Section 12-12-2740(H) [DONOR COUNTY].

*84.db. (DOT: CTC Donor Bonus) The Department of Transportation is authorized, in order to meet the requirements of Act 40 of 2017, to transfer a portion of the proceeds of the motor fuel user fee received from Section 12-28-310(D) of the 1976 Code to satisfy the donor bonus for County Transportation Committees in Section 12-28-2740(H).*

**SECTION 87 - U300 - DIVISION OF AERONAUTICS**

**87.3**     **AMEND** (Funding Sequence) Directs that all General Aviation Airports will receive funding prior to the four air carrier airports as these qualify for special funding under the DOT/FAA

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appropriations. Allows the policy to be waived to provide matching state funds for critical FAA safety or capacity projects.

**WMC:** AMEND proviso to delete the matching state funds policy waiver for critical projects at air carrier airports. Requested by Division of Aeronautics.

**HOU:** ADOPT proviso as amended.

**SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**87.3.** (AERO: Funding Sequence) All General Aviation Airports will receive funding prior to the four air carrier airports (i.e. Columbia, Charleston, Greenville-Spartanburg, Myrtle Beach Jetport) as these qualify for special funding under the DOT/FAA appropriations based on enplanements in South Carolina. ~~This policy may be waived to provide matching state funds for critical FAA safety or capacity projects at air carrier airports.~~

**SECTION 117 - X900 - GENERAL PROVISIONS**

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

**SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2018-19."

**117.92.** (GP: WIA Service Advertising) For Fiscal Year ~~2017-18~~ 2018-19, 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.

**117.93** **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.

**SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to update fiscal year reference to "2018-19."

**117.93.** (GP: WIA Training Marketability Evaluation) (A) For Fiscal Year ~~2017-18~~ 2018-19, 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 sixteenth.

(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.

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- 117.120 DELETE** (County Transportation Committee Road Program Supplement) Authorizes unexpended funds to be carried forward and be spent for the same purpose. *This proviso originally authorized County Transportation Committee Road Program Supplement funds to be used for a specific purpose and carried forward. Scrivener's error inadvertently did not delete the final paragraph containing the carry forward authorization.*

**WMC:** DELETE proviso. Requested by Department of Transportation.

**HOU:** ADOPT deletion of proviso.

**SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**117.120.** (GP: County Transportation Committee Road Program Supplement) ~~Unexpended funds appropriated pursuant to this provision may be carried forward and expended for the same purposes.~~

- 117.127 DELETE** (DOT Structural Efficiencies Study) Directs the Inspector General, from funds appropriated and/or authorized to DOT and in collaboration with the Secretary of Transportation, to conduct a national search to contract with a renowned firm specializing in governmental structural efficiencies to study the internal structure of DOT and to make recommendations on improvements that would cause the department to operate more effectively and cost-efficiently.

**WMC:** DELETE proviso. *Study has been completed and submitted.* Requested by Department of Transportation.

**HOU:** ADOPT deletion of proviso.

**SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion of proviso.

**117.127.** (GP: DOT Structural Efficiencies Study) ~~From the funds appropriated to and/or authorized for the Department of Transportation, the Inspector General, in collaboration with the Secretary of Transportation, is directed to conduct a national search to contract with a renowned firm that specializes in governmental structural efficiencies. The firm shall be tasked with studying the internal structure of the Department of Transportation, and making recommendations on improvements that would cause the department to operate more effectively and more cost efficiently. The Department of Transportation and any entity contracting with the department or the Office of Inspector General must fully cooperate with the firm in the discharge of its duties and responsibilities and must timely produce all requested information, including, but not limited to books, papers, correspondence, memoranda, and other records necessary in connection with an independent study. Final cost of the contractual arrangement with the chosen firm must be reported to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. The study and recommendations must be transmitted to the General Assembly.~~

- 117.152 DELETE NEW PROVISO** (Legal Funding Transactions) **HOU:** ADD new proviso to direct Consumer Affairs to suspend and stop investigations and enforcement resulting from Administrative Interpretation 3.104, 106-1403 [LEGAL/LITIGATION FUNDING TRANSACTIONS] until the General Assembly addresses this issue. Sponsor: Rep. G.M. Smith.

**SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

**117.152.** (GP: Legal Funding Transactions) ~~With the funds appropriated and authorized to the Department of Consumer Affairs for the current fiscal year, the department shall suspend and cease any investigations, enforcement procedures, or actions as a result of the Administrative Interpretation 3.104, 106-1403 issued by the department and dated November 14, 2014. The department shall not make any such administrative determinations for legal funding transactions~~



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~~*without the clear expression of intent from the General Assembly regarding the applicability of  
this administrative interpretation.*~~

Trans Reg Subc Rec.