

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2019-20**

SECTION 73 - R060 - OFFICE OF REGULATORY STAFF

73.5 DELETE (Acting Executive Director) Authorizes the acting Executive Director of ORS to exercise all of the powers and duties of the Executive Director until the Governor appoints a successor. Directs that the General Assembly hereby ratifies all official decisions made by the acting Executive Director of ORS between January 15, 2018 and June 30, 2018.

WMC: DELETE proviso.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**73.5.** (ORS: Acting Executive Director) (A) 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, including the power to expend funds for the purpose of executing the duties required of the office and as otherwise may be required to fulfill the Office of 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.~~

~~(B) The executive director or acting executive director of the Office of Regulatory Staff has the authority to file an action against an entity in circuit court to obtain injunctive relief requiring the production of documents or witnesses. Such action may be brought under the following circumstances and in the county in which the facility is located:~~

~~(1) an entity has provided goods or services, including, but not limited to, plans, studies, and reports related to the design, construction, or operation of a facility located in South Carolina and that facility has been the subject of a proceeding concerning the Base Load Review Act;~~

~~(2) the executive director determines that the production of documents or witnesses from the entity described in item (1) is necessary in order for the Office of Regulatory Staff to accomplish its responsibilities; and~~

~~(3) the entity that has provided goods or services as described in item (1) has refused to provide the requested documents or witnesses.~~

~~(C) The relief that may be granted in an action described above is an order requiring the production of documents, an order requiring the appearance of a witness or witnesses, an order allowing the Office of Regulatory Staff to take depositions of witnesses, or any combination thereof. Any order granting such relief must provide reasonable protections to the entity subject to the order, including that any depositions will be taken at a location convenient to the witnesses. In the event that a deposition is ordered, the Office of Regulatory Staff must give notice to the utility and any other party to any proceeding in which the deposition may be used, so that the utility and any such party will have an opportunity to appear and participate in the deposition.~~

~~(D) An action brought by the executive director or acting director pursuant to this proviso shall be given administrative priority by the chief administrative judge for the circuit in which it has been brought and must be heard and decided as expeditiously as is consistent with due process. Failure to comply with an aforementioned court order issued may be found in contempt and fined in the discretion of the court.~~

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2019-20**

SECTION 75 - R120 - STATE ACCIDENT FUND

75.md CONFORM TO FUNDING / ADD (Military Disability) **SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING / ADD new proviso to instruct the director of the State Accident Fund to administer a military disability program for members of the National Guard that became permanently disabled while serving during the catastrophic weather event in October 2015. Direct the director to develop a method of alternative dispute resolution. Allow participation in this program for National Guard members who permanently waive any right to claim benefits pursuant to SC Code Section 25-1-100 [PENSION OF MEMBERS OF NATIONAL GUARD WOUNDED OR DISABLED WHILE IN SERVICE OF STATE].

75.md. (SAF: Military Disability) (A) From the funds credited to the State Accident Fund in the current fiscal year, the director of the State Accident Fund shall administer a military disability program that is similar to the program set forth in Section 25 1 100 of the 1976 Code for any such member of the National Guard that became permanently disabled while serving during the catastrophic weather event in October 2015. The director may seek assistance in establishing the program from the Adjutant General or any other agency with such expertise. Any costs incurred pursuant to this paragraph shall not cause an increase in premiums or payments in lieu of premiums.

(B) In administering the program, the director shall develop a method of alternative dispute resolution, whereby the State Accident Fund, through the Attorney General's Office's Legal Services Division, shall pay to employ associate counsel to represent such claimant. Also, the director may employ other experts to assist in the alternative dispute resolution process. If binding arbitration is not utilized, then the Administrative Procedures Act must be utilized to adjudicate the matter. The director is authorized to offer a onetime lump sum settlement to such claimant.

(C) A National Guard member may only participate in this program if the member permanently waives any right to claim benefits pursuant to Section 25 1 100 and releases the State from any potential liability pursuant to Section 25 1 100, and further agrees that any amounts due under this proviso are subject to appropriate offsets to avoid compensation in excess of what the member would have received from the federal government if permanently disabled while performing federally paid duty. Offsets include benefits received, or to be received, under Title 42 of the 1976 Code as a result of these injuries (State Workers Compensation), benefits received, or to be received, pursuant to Chapter 10 of Title 9 of the 1976 Code (SC National Guard Retirement System), as well as any benefits received, or to be received, from the federal government such as severance pay, military retirement pay, or VA benefits relating to the same permanent disabilities at issue in the State military disability claim.

SECTION 80 - R280 - DEPARTMENT OF CONSUMER AFFAIRS

80.2 DELETE (Student Athlete/Agents Registration) Authorizes the agency to retain and use registration fees collected from the regulation of athlete agents.
WMC: DELETE proviso. Requested by Department of Consumer Affairs.
HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**80.2.** (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~~

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2019-20**

~~retained by the department for its enforcement duties relating to athlete agents and student athletes under that chapter.~~

SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES

- 82.6** **AMEND** (~~General~~ Fund Balance Carry Forward) Authorizes DMV to carry forward unexpended general funds and expend those funds in the current fiscal year.
SUBCOMMITTEE RECOMMENDATION: AMEND proviso to allow DMV to use other carry forward funds not designated for REAL ID and/or Phoenix III for department expenditures.

82.6. (DMV: ~~General~~ Fund Balance Carry Forward) The Department of Motor Vehicles may carry forward any unexpended general fund balance *or other funds not designated for REAL ID and/or Phoenix III* from the prior fiscal year and expend those funds in the current fiscal year *for expenditures as needed.*

- 82.7** **AMEND** (Phoenix III Migration Pilot) Authorizes DMV, upon approval from DOA through the IT project governance process, to expend the remainder of the \$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 “2018-19” to “2019-20.” Requested by Department of Motor Vehicles.
HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

82.7. (DMV: Phoenix III Migration Pilot) In Fiscal Year ~~2018-19~~ 2019-20, the department shall be authorized to expend 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 117.117.

- 82.8** **AMEND** (Real ID) Authorizes DMV to spend any available earmarked cash reserves to implement Real ID, except for the funds designated for the Phoenix III pilot.
WMC: AMEND proviso to update fiscal year reference from “2018-19” to “2019-20.” Requested by Department of Motor Vehicles.
HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: ADOPT proviso as amended.

82.8. (DMV: Real ID) For Fiscal Year ~~2018-19~~ 2019-20, the Department of Motor Vehicles may expend any available earmarked cash reserves, with the exception of the funds designated for the Phoenix III pilot, on the implementation of Real ID.

SECTION 83 - R600 - DEPARTMENT OF EMPLOYMENT AND WORKFORCE

- 83.5** **AMEND** (UI Tax System Modernization) Authorizes DEW to spend up to \$3,178,053 of funds made available to the State under Section 903 of the U.S. Social Security Act. Directs the funds

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2019-20**

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, 2018.
WMC: AMEND proviso to change "\$3,178,053" to "\$2,749,690" and update the calendar year reference from "2018" to "2019." 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 ~~\$3,178,053~~ \$2,749,690 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, ~~2018~~ 2019. 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 **RESTORE ORIGINAL PROVISO** (Employment Training Outcomes Data Sharing) Directs DEW to require training and employment data integration. Require DEW to enter into a data-sharing agreement with eligible training providers and with various agencies and entities. Require state agencies needing data to meet an exception permitting disclosure.
WMC: AMEND proviso to delete the provision that Department of Commerce is excluded from paying costs associated with data sharing. Requested by Department of Employment and Workforce.
HOU: ADOPT proviso as amended.

SUBCOMMITTEE RECOMMENDATION: RESTORE original proviso to reinsert provision that Department of Commerce is excluded from paying costs associated with data sharing.

83.6. (DEW: Employment Training Outcomes Data Sharing) The Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128), requires integration of training and employment data for the purposes of improving assessment of employment outcomes for the various training providers eligible to receive funding appropriated or authorized by this Act.

(A) The department must 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). ETPs 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, as outlined in federal guidance.

(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, **excluding the Department of Commerce**, for costs, as

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2019-20**

described in federal and state law, for the data sharing requests. **The Department of Commerce shall not be charged for costs associated with this provision.**

SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION

84.9 DELETE (Bridge Replacement in McCormick County) Directs that planning and construction on a new U.S. 378 bridge crossing Lake J. Strom Thurmond must provide for and allow McCormick County to attach water and sewer lines to the new bridge in the same manner they are attached to the existing bridge and directs that McCormick County bear the cost of attaching the lines.

WMC: DELETE proviso. Requested by Department of Transportation.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**84.9.** (DOT: Bridge Replacement in McCormick County) Planning and construction on a new U.S. 378 bridge crossing Lake J. Strom Thurmond must provide for and allow McCormick County to affix water lines to the new bridge just as the water lines are affixed to the existing bridge. McCormick County shall bear the cost of affixing the water lines to the new bridge.~~

84.16 DELETE (Public Utility Relocation) Authorizes DOT to use its federal-aid road and bridge program funds for the relocation of public water and sewer lines.

WMC: DELETE proviso. Requested by Department of Transportation.

HOU: ADOPT deletion of proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT deletion of proviso.

~~**84.16.** (DOT: Public Utility Relocation) From the funds authorized in the current fiscal year, the Department of Transportation may use its federal-aid road and bridge program funds for the relocation of public water and sewer lines in accordance with federal guidelines.~~

SECTION 86 - U200 - COUNTY TRANSPORTATION FUNDS

86.1 ADD (Increased Funding) **WMC:** ADD new proviso to direct that the CTC increased funding requirement pursuant to Section 13 of Act 40 of 2017 [SC INFRASTRUCTURE AND ECONOMIC DEVELOPMENT REFORM ACT] come from proceeds generated by Section 12-28-310(D) [MOTOR FUEL USER FEE INCREASE] and be used exclusively for repairs, maintenance and improvements to the highway system.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: ADOPT new proviso.

***86.1.** (CTC: Increased Funding) The requirement of Section 13 of Act 40 of 2017 for increased funding to the County Transportation Committees shall come from the proceeds of Section 12-28-310(D), and shall be used exclusively for repairs, maintenance, and improvements to the state highway system.*

SECTION 117 - X900 - GENERAL PROVISIONS

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2019-20**

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

SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change “Fiscal Year 2018-19” to “the current fiscal year.”

117.91. (GP: WIA Service Advertising) For ~~Fiscal Year 2018-19~~ *the current fiscal year*, 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.

117.92 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 change “Fiscal Year 2018-19” to “the current fiscal year.”

117.92. (GP: WIA Training Marketability Evaluation) (A) For ~~Fiscal Year 2018-19~~ *the current fiscal year*, 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.

117.151 DELETE NEW PROVISO (Legal Funding Transactions) **WMC:** 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.

HOU: ADOPT new proviso.

SUBCOMMITTEE RECOMMENDATION: DELETE new proviso.

~~117.151. (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 without the clear expression of intent from the General Assembly regarding the applicability of this administrative interpretation.~~

**SENATE FINANCE COMMITTEE
TRANSPORTATION AND REGULATORY SUBCOMMITTEE
PROVISO RECOMMENDATIONS FOR FY 2019-20**

117.bsr **ADD** (Bridge Stabilization and Repair) **SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct DOT and Santee Cooper to develop a plan and cost estimate for repairing the US 15/US 301 bridge over Lake Marion for public pedestrian and bicycle traffic. Direct DOT and Santee Cooper to include input from the Santee Cooper Counties Promotion Commission, PRT, Clarendon and Orangeburg Counties, the Cities of Summerton and Santee and the Palmetto Conservation Foundation.

117.bsr. (GP: Bridge Stabilization and Repair) The Department of Transportation and Santee Cooper are jointly directed to develop a detailed plan and cost estimate for stabilizing and repairing the US 15/US 301 bridge over Lake Marion for public pedestrian and bicycle traffic based on a study conducted by the Palmetto Conservation Foundation using the bridge as a connector route for the Palmetto Trail. In developing this plan and cost estimate, the Department of Transportation and Santee Cooper shall include input from the Santee Cooper Counties Promotion Commission, the Department of Parks, Recreation and Tourism, Clarendon and Orangeburg Counties, the Cities of Summerton and Santee and the Palmetto Conservation Foundation.