

"THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT".

REPORT OF THE AMERICAN RESCUE PLAN ACT AD HOC COMMITTEE

HOUSE BILL 4408

H. 4408 -- Rep. G. M. Smith: A BILL TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

Received by Ways and Means: 5/13/2021

Summary of Bill: See attached.

Estimated Revenue Impact: N/A

Other Notes/Comments: Attached are recommendations from the ARPA Ad Hoc Committee.

ARPA Ad Hoc Recommendations Summary

Part I

Authorizes the following allocations from the American Rescue Plan Act of 2021:

- \$453,499,758 to SCDOT from the revenue loss calculation
- \$800,000,000 to the Rural Infrastructure Authority
- \$400,000,000 to Office of Regulatory Staff
- \$100,000,000 to the Office of Resilience
- \$8,000,000 to the Department of Administration

Part II

SCDOT

- Establishes an account known as the Transportation Infrastructure Acceleration Account.
- Stipulates that funds must be used to accelerate completion of projects included in the Statewide Transportation Improvement Program.

Rural Infrastructure Authority

- Establishes an account known as the ARPA Water and Sewer Infrastructure Account.
- Stipulates the funds must be used by RIA to administer and operate three grant programs designed to provide for improvements in water, wastewater, and storm water infrastructure throughout the state.
- Units of local governments, special purpose districts, commissions of public works, and joint municipal organizations may apply for grants. A unit of local government may apply for a grant on behalf of non-profit water and sewer systems.
- Allows for RIA to retain up to \$6 M for administrative costs.
- Allows DHEC to receive up to \$6 M for permitting costs.
- Transfers \$500,000 to each COG for planning assistance, development of grant application proposals, and compliance assistance.
- Requires a 25% match for large utilities and 15% match for small and medium utilities. Large utilities are defined as serving a population equal to or greater than thirty thousand people. Small and medium utilities are defined as serving a population of less than thirty thousand OR located in a Tier III or Tier IV county at the time of the grant.
- Specifies that priority consideration be given to the following:
 - Regional Solutions
 - Water quality
 - Resilience and storm protection
 - Aging infrastructure
 - Capacity
- Requires the following factors to be considered when awarding grants:
 - Documented priority needs
 - Transformational impact on the community
 - The extent to which additional funds may be leveraged by the grant
 - The applicant's readiness to proceed
 - Feasibility
 - Geographic diversity
- Utilizes \$20,000,000 to operate a planning grant program for very small water systems to assist very small water systems that are unable to provide the required local investment or those that

cannot identify a competitive project. Maximum grant is \$1,000,000/system. Very small is defined as serving a population of 3,300 or less.

- \$50,000,000 shall be utilized to operate a regional solutions grant program. 15% match required with a maximum grant of \$10,000,000.
- Allows RIA to modify or waive program parameters with submission to JBRC for review and comment.

Office of Regulatory Staff

- Establishes the ARPA Broadband Account to expand broadband infrastructure to households, businesses, and communities in the State that are unserved or underserved by broadband.
- Requires the Office of Broadband Coordinator to do the following:
 - Administer a grant program to expand broadband infrastructure
 - Provide technical assistance and coordination
 - Host and participate in stakeholder discussions
 - Support continued mapping efforts
 - Engage and undertake in activities related to fulfilling the requirements of expanding broadband infrastructure
 - Expend funds for alternative and enabling technologies
 - Reimburse any state funds for any cost administering the grant program.
- Grantees are broadband service providers, other entities for projects aiding in expansion of broadband infrastructure, and electric cooperatives that own broadband facilities.

Office of Resilience

- Establishes the ARPA Resilience Account to be used for storm water infrastructure projects and acquisitions of coastal barrier property or property in the floodplain.

Department of Administration

- Authorizes the Department to utilize up to \$8,000,000 for contracting professional grant management services of ARPA and other federal COVID-19 relief funds.

Part III

- The Act will take effect upon approval of the Governor

HOUSE
AMENDMENT

THIS AMENDMENT
ADOPTED

GOOD/DOWNEY
FEBRUARY 8, 2022

CLERK OF THE HOUSE

REPS. BANNISTER, COBB-HUNTER, CLYBURN, SIMRILL,
HERBKERSMAN, HOSEY, STAVRINAKIS, BALLENTINE,
RUTHERFORD, CRAWFORD, AND HEWITT PROPOSE THE
FOLLOWING AMENDMENT No. 1 TO H. 4408
(USERS\KIMJACKSON\APPDATA\LOCAL\MICROSOFT\WINDOWS\INETCACHE\CONTENT.OUTLOOK\1M76
TVXT\ARPA AMENDMENT 1):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE JOINT RESOLUTION, AS AND IF
AMENDED, BY STRIKING ALL AFTER THE
ENACTING WORDS AND INSERTING:**

/ PART I

AUTHORIZATION TO EXPEND FEDERAL FUNDS

SECTION 1. (A) THE SOURCE OF REVENUE AUTHORIZED FOR EXPENDITURE IN THIS SECTION IS THE STATE FISCAL RECOVERY FUNDS DISBURSED TO THE STATE PURSUANT TO THE FEDERAL “AMERICAN RESCUE PLAN ACT OF 2021,” PUBLIC LAW NO. 117-2, (HEREINAFTER REFERRED TO AS “ARPA”). THE EXPENDITURE AUTHORIZATIONS CONTAINED IN THIS SECTION ARE FOR THE MAXIMUM AMOUNTS THAT MAY BE DISBURSED OR EXPENDED BY THE RECEIVING GOVERNMENT ENTITY. ALL DISBURSALS AND EXPENDITURES MUST BE MADE IN COMPLIANCE WITH THE PROVISIONS CONTAINED IN THIS ACT. THE RECEIVING ENTITIES ARE:

(1) DEPARTMENT OF TRANSPORTATION

\$453,499,758

OF THE AMOUNT AUTHORIZED FOR EXPENDITURE BY THE DEPARTMENT OF TRANSPORTATION \$297,462,293 IS REIMBURSEMENT FOR GENERAL FUND AND EDUCATION IMPROVEMENT ACT REVENUE NOT

COLLECTED AND \$156,037,465 IS REIMBURSEMENT FOR MOTOR FUEL USER FEE REVENUE NOT COLLECTED DUE TO THE COVID-19 PANDEMIC AS CALCULATED BY THE EXECUTIVE BUDGET OFFICE.

**(2)RURAL INFRASTRUCTURE AUTHORITY
\$800,000,000**

**(3)OFFICE OF REGULATORY STAFF
\$400,000,000**

**(4)OFFICE OF RESILIENCE
\$100,000,000**

**(5)DEPARTMENT OF ADMINISTRATION
\$8,000,000**

(B) IF ANY DISBURSEMENT TO ANY RECIPIENT, OR SUBRECIPIENT, RESULTING FROM AN AUTHORIZATION CONTAINED IN THIS SECTION IS DISALLOWED BY FEDERAL LAW, REGULATION, OR ORDER, THEN THE RECIPIENT OR SUBRECIPIENT SHALL PROMPTLY RETURN THE DISBURSED FUNDS TO THE DISBURSING ENTITY.

PART II

DIRECTIVES TO STATE AGENCIES CONCERNING THE AUTHORIZATION TO EXPEND FEDERAL FUNDS

DEPARTMENT OF TRANSPORTATION

SECTION 2. THERE IS ESTABLISHED IN THE STATE TREASURY AN ACCOUNT TO BE KNOWN AS THE TRANSPORTATION INFRASTRUCTURE ACCELERATION ACCOUNT. THE ACCOUNT IS SEPARATE FROM THE GENERAL FUND OF THE STATE AND ALL OTHER FUNDS AND ACCOUNTS. THE ACCOUNT SHALL CONSIST OF THE FEDERAL FUNDS AUTHORIZED PURSUANT TO SUBSECTION (A)(1) OF SECTION 1 OF THIS ACT. THE FUNDS IN THE TRANSPORTATION INFRASTRUCTURE ACCELERATION ACCOUNT MUST BE USED BY THE DEPARTMENT OF TRANSPORTATION TO ACCELERATE COMPLETION OF PROJECTS INCLUDED IN THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM. THESE FUNDS ARE NOT INTENDED TO SATISFY STATE MATCHING REQUIREMENTS FOR ANY OTHER FEDERAL GRANTS TO THE EXTENT THAT SUCH USE IS DISALLOWED BY ARPA.

SECTION 3. FUNDS IN THE TRANSPORTATION INFRASTRUCTURE ACCELERATION ACCOUNT MAY BE RELEASED TO THE DEPARTMENT OF TRANSPORTATION UPON THE DIRECTION OF THE EXECUTIVE BUDGET OFFICE. THE EXECUTIVE BUDGET OFFICE MAY NOT DIRECT THE RELEASE OF FUNDS UNTIL THE DEPARTMENT OF TRANSPORTATION HAS SUBMITTED ITS PLANS FOR THE FUNDS TO THE JOINT BOND REVIEW COMMITTEE FOR ITS REVIEW AND COMMENT.

RURAL INFRASTRUCTURE AUTHORITY

SECTION 4. THERE IS ESTABLISHED IN THE STATE TREASURY AN ACCOUNT TO BE KNOWN AS THE ARPA WATER AND SEWER INFRASTRUCTURE ACCOUNT. THE ACCOUNT IS SEPARATE FROM THE GENERAL FUND OF THE STATE AND ALL OTHER FUNDS AND ACCOUNTS. THE ACCOUNT SHALL CONSIST OF FEDERAL FUNDS AUTHORIZED PURSUANT TO SUBSECTION (A)(2) OF SECTION 1 OF THIS ACT. THE FUNDS IN THE ARPA WATER AND SEWER INFRASTRUCTURE ACCOUNT MUST BE USED BY THE RURAL INFRASTRUCTURE AUTHORITY TO ADMINISTER AND OPERATE THREE GRANT PROGRAMS DESIGNED TO PROVIDE FOR IMPROVEMENTS IN WATER, WASTEWATER, AND STORM WATER INFRASTRUCTURE THROUGHOUT THE STATE. IN EACH OF THE THREE GRANT PROGRAMS, UNITS OF LOCAL GOVERNMENT, SPECIAL PURPOSE DISTRICTS, COMMISSIONS OF PUBLIC WORKS, AND JOINT MUNICIPAL ORGANIZATIONS MAY APPLY FOR GRANTS. A UNIT OF LOCAL GOVERNMENT MAY APPLY FOR A GRANT ON BEHALF OF NON-PROFIT WATER AND SEWER SYSTEMS. GRANTS MAY BE AWARDED FOR THE COMPLETION OF WATER, WASTEWATER, AND STORM WATER PROJECTS AS DEFINED IN ARPA.

SECTION 5. (A) THE RURAL INFRASTRUCTURE AUTHORITY SHALL UTILIZE \$800,000,000 OF THE FUNDS IN THE ARPA WATER AND SEWER INFRASTRUCTURE ACCOUNT TO OPERATE, IN COOPERATION WITH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, A COMPETITIVE INFRASTRUCTURE GRANT PROGRAM. OF THE FUNDS IN THE ACCOUNT FOR THE COMPETITIVE INFRASTRUCTURE GRANT PROGRAM, THE RURAL INFRASTRUCTURE AUTHORITY MAY ALLOCATE UP TO \$6,000,000 OF THE FUNDS FOR ITS ADMINISTRATIVE COSTS AND SHALL TRANSFER UP TO \$6,000,000 TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR RELATED PERMITTING ACTIVITIES. THE RURAL INFRASTRUCTURE AUTHORITY SHALL TRANSFER FIVE HUNDRED THOUSAND DOLLARS TO EACH OF THE TEN

SOUTH CAROLINA COUNCILS OF GOVERNMENTS FOR PLANNING ASSISTANCE, DEVELOPMENT OF GRANT APPLICATION PROPOSALS, AND COMPLIANCE ASSISTANCE RELATED TO IMPROVEMENTS IN WATER, WASTEWATER, AND STORM WATER INFRASTRUCTURE FOR SMALLER SYSTEMS.

(B) GRANTS PURSUANT TO THIS PROGRAM MUST BE ISSUED EQUITABLY BASED UPON ESTABLISHED PRIORITIES AND PARAMETERS. APPLICANTS MAY REQUEST UP TO TEN MILLION DOLLARS FOR EACH PROJECT OR APPLICATION. AWARDS MUST BE MADE FROM THE FUNDS AUTHORIZED FOR THE COMPETITIVE INFRASTRUCTURE GRANT PROGRAM, LESS ANY AMOUNTS ALLOCATED FOR PURPOSES DESIGNATED IN SUBSECTION (A).

(C) LOCAL FINANCIAL SUPPORT IS REQUIRED FOR EACH GRANT AWARD AND MUST BE COMMITTED IN WRITING AND AVAILABLE PRIOR TO PROJECT BIDDING. DESIGN, ENGINEERING, AND OTHER NON-CONSTRUCTION COSTS IS CONSIDERED PART OF THE LOCAL FINANCIAL SUPPORT. FOR LARGE UTILITIES, THE LOCAL FINANCIAL SUPPORT MUST BE EQUAL TO OR GREATER THAN TWENTY FIVE PERCENT OF THE PROJECT COST. FOR SMALL AND MEDIUM UTILITIES, THE LOCAL FINANCIAL SUPPORT MUST BE EQUAL TO OR GREATER THAN FIFTEEN PERCENT OF THE PROJECT COST. FOR PURPOSES OF THIS SUBSECTION, LARGE UTILITIES ARE DEFINED AS THOSE SERVING A POPULATION EQUAL TO OR GREATER THAN THIRTY THOUSAND PEOPLE, AND SMALL AND MEDIUM UTILITIES ARE DEFINED AS THOSE SERVING A POPULATION OF LESS THAN THIRTY THOUSAND PEOPLE, OR LOCATED IN A TIER III OR TIER IV COUNTY AT THE TIME OF THE GRANT PURSUANT TO SECTION 12-6-3360 OF THE 1976 CODE.

(D) PRIORITY CONSIDERATION MUST BE GIVEN TO APPLICATIONS FOR PROJECTS BASED UPON A COMPARATIVE ANALYSIS IN THE FOLLOWING RELATIVE ORDER OF NEED:

(1) REGIONAL SOLUTIONS - PROJECTS THAT IMPLEMENT SOLUTIONS THAT IMPACT MULTIPLE SYSTEMS;

(2) WATER QUALITY - PROJECTS THAT ADDRESS CONSENT ORDERS, VIOLATIONS, OR OTHER PUBLIC HEALTH OR ENVIRONMENTAL IMPACTS;

(3) RESILIENCE AND STORM PROTECTION - PROJECTS THAT HELP UTILITIES PREPARE FOR EMERGENCIES;

(4) OTHER AGING INFRASTRUCTURE - PROJECTS THAT UPGRADE OR REPLACE INFRASTRUCTURE THAT HAS EXCEEDED ITS USEFUL LIFE; AND

(5) CAPACITY - PROJECTS THAT IMPROVE SERVICE FOR EXISTING RESIDENTS WHILE PREPARING FOR FUTURE OPPORTUNITIES.

(E) TO PROVIDE FOR EQUITABLE DISTRIBUTION OF FUNDS FROM THE ACCOUNT, THE FOLLOWING FACTORS MUST BE CONSIDERED WHEN AWARDING GRANTS:

(1) DOCUMENTED PRIORITY NEEDS;

(2) THE TRANSFORMATIONAL IMPACT OF THE PROJECT ON THE RELEVANT COMMUNITY;

(3) THE EXTENT TO WHICH ADDITIONAL FUNDS MAY BE LEVERAGED BY THE GRANT;

(4) THE READINESS OF THE APPLICANT TO PROCEED WITH THE PROJECT AND MEET PROGRAM DEADLINES;

(5) THE PROJECT'S FEASIBILITY; AND

(6) GEOGRAPHIC DIVERSITY.

SECTION 6. (A) THE RURAL INFRASTRUCTURE AUTHORITY SHALL UTILIZE \$20,000,000 OF THE FUNDS IN THE ARPA WATER AND SEWER INFRASTRUCTURE ACCOUNT TO OPERATE A PLANNING GRANT PROGRAM FOR VERY SMALL WATER SYSTEMS. THIS PROGRAM WILL ASSIST VERY SMALL SYSTEMS THAT ARE UNABLE TO PROVIDE THE REQUIRED LOCAL INVESTMENT FOR THE COMPETITIVE INFRASTRUCTURE GRANT PROGRAM OR THAT CANNOT IDENTIFY A COMPETITIVE PROJECT FOR ASSISTANCE. APPLICANTS FOR GRANTS FROM THIS PROGRAM MUST IDENTIFY THE ASSISTANCE NEEDED. GRANTS FROM THIS PROGRAM MAY

BE AWARDED IN AN AMOUNT UP TO ONE MILLION DOLLARS PER SYSTEM. FOR PURPOSES OF THIS SECTION, A VERY SMALL WATER SYSTEMS IS DEFINED AS A WATER SYSTEM SERVING A POPULATION EQUAL TO OR LESS THAN THREE THOUSAND THREE HUNDRED.

(B) GRANT RECIPIENTS MAY UTILIZE GRANT FUNDING PURSUANT TO THIS PROGRAM FOR APPROVED PURPOSES, INCLUDING, BUT NOT LIMITED TO, CAPITAL IMPROVEMENT PLANNING, RATE STUDIES AND OTHER FINANCIAL ASSESSMENTS, ASSET MANAGEMENT, SMOKE TESTING, MAPPING, TELEVISIONING OF LINES AND OTHER NECESSARY ANALYSES, AS WELL AS PRELIMINARY PLANNING AND DESIGN FOR CAPITAL IMPROVEMENT PROJECTS. AS A CONDITION FOR RECEIVING A GRANT PURSUANT TO THIS PROGRAM, RECIPIENTS MUST DEMONSTRATE THE INTENT TO IMPLEMENT THE RECOMMENDATIONS ARISING FROM APPROVED PLANNING ASSISTANCE.

SECTION 7. (A) THE RURAL INFRASTRUCTURE AUTHORITY SHALL UTILIZE \$50,000,000 OF THE FUNDS IN THE ARPA WATER AND SEWER INFRASTRUCTURE ACCOUNT TO OPERATE A REGIONAL SOLUTIONS GRANT PROGRAM. APPLICANTS MAY REQUEST UP TO TEN MILLION DOLLARS PER PROJECT OR APPLICATION. THE MAXIMUM GRANT REQUEST MAY BE WAIVED BY THE RURAL INFRASTRUCTURE AUTHORITY IF THE PROPOSED PROJECT PROVIDES A REGIONAL SOLUTION THAT WILL RESULT IN CONSOLIDATION OR FOR PROJECTS LOCATED IN TIER III OR TIER IV COUNTIES AT THE TIME OF THE GRANT PURSUANT TO SECTION 12-6-3360 OF THE 1976 CODE.

(B) LOCAL FINANCIAL SUPPORT EQUAL TO OR GREATER THAN FIFTEEN PERCENT OF THE COST OF THE PROJECT IS REQUIRED FOR EACH GRANT AWARD AND MUST BE COMMITTED IN WRITING AND AVAILABLE PRIOR TO PROJECT BIDDING. DESIGN, ENGINEERING, AND OTHER NON-CONSTRUCTION COSTS ARE CONSIDERED PART OF THE LOCAL FINANCIAL SUPPORT. THE LOCAL FINANCIAL SUPPORT REQUIREMENT MAY BE WAIVED BY THE RURAL INFRASTRUCTURE AUTHORITY IF THE

PROPOSED PROJECT PROVIDES A REGIONAL SOLUTION THAT WILL RESULT IN CONSOLIDATION OR FOR PROJECTS LOCATED IN TIER III OR TIER IV COUNTIES AT THE TIME OF THE GRANT PURSUANT TO SECTION 12-6-3360 OF THE 1976 CODE.

(C) PRIORITY CONSIDERATION WILL BE GIVEN TO APPLICATIONS FOR PROJECTS BASED UPON A COMPARATIVE ANALYSIS IN THE FOLLOWING RELATIVE ORDER OF NEED:

(1) THE PROJECT RESULTS IN A CONSOLIDATION OR OPERATING AGREEMENT WITH AT LEAST ONE SMALL SYSTEM WITH VIABILITY CONCERNS;

(2) THE PROJECT RESULTS IN AN EXPANDED PARTNERSHIP AGREEMENT WITH AT LEAST ONE SMALL SYSTEM WITH VIABILITY CONCERNS; AND

(3) THE PROJECT RESULTS IN A CONSOLIDATION OR OPERATING AGREEMENT WITH OTHER SYSTEMS.

(D) TO PROVIDE FOR EQUITABLE DISTRIBUTION OF FUNDS FROM THE ACCOUNT, THE FOLLOWING FACTORS MUST BE CONSIDERED WHEN AWARDING GRANTS:

(1) DOCUMENTED PRIORITY NEEDS;

(2) THE TRANSFORMATIONAL IMPACT OF THE PROJECT ON THE RELEVANT COMMUNITY;

(3) THE EXTENT TO WHICH ADDITIONAL FUNDS MAY BE LEVERAGED BY THE GRANT;

(4) THE READINESS OF THE APPLICANT TO PROCEED WITH THE PROJECT AND MEET PROGRAM DEADLINES;

(5) THE PROJECT'S FEASIBILITY; AND

(6) GEOGRAPHIC DIVERSITY.

SECTION 8. THE RURAL INFRASTRUCTURE AUTHORITY IS PERMITTED TO MODIFY OR WAIVE THE PROGRAM PARAMETERS OF SECTIONS 4, 5, 6 AND 7 TO ENSURE THE TIMELY AND EQUITABLE DISTRIBUTION OF FUNDS IN COMPLIANCE WITH FEDERAL GUIDELINES

FOR THESE FUNDS. MODIFICATIONS TO FUNDING AMOUNTS AUTHORIZED FOR SPECIFIC USE BY EACH PROGRAM FIRST MUST BE SUBMITTED WITH JUSTIFICATION TO THE JOINT BOND REVIEW COMMITTEE FOR REVIEW AND COMMENT. THE RURAL INFRASTRUCTURE AUTHORITY SHALL SUBMIT A REPORT OF ALL OTHER MODIFICATIONS TO THE JOINT BOND REVIEW COMMITTEE.

OFFICE OF REGULATORY STAFF

SECTION 9. THERE IS ESTABLISHED IN THE STATE TREASURY AN ACCOUNT TO BE KNOWN AS THE ARPA BROADBAND ACCOUNT. THIS ACCOUNT IS SEPARATE AND DISTINCT FROM THE GENERAL FUND OF THE STATE AND ALL OTHER FUNDS AND ACCOUNTS. THE ACCOUNT SHALL CONSIST OF FEDERAL FUNDS AUTHORIZED PURSUANT TO SUBSECTION (A)(3) OF SECTION 1 OF THIS ACT. THE FUNDS IN THE ARPA BROADBAND ACCOUNT MUST BE USED TO EXPAND BROADBAND INFRASTRUCTURE TO HOUSEHOLDS, BUSINESSES, AND COMMUNITIES IN THE STATE THAT ARE UNSERVED OR UNDERSERVED BY BROADBAND SERVICES.

SECTION 10. (A) THE OFFICE OF BROADBAND COORDINATOR WITHIN THE OFFICE OF REGULATORY STAFF, IS AUTHORIZED TO EXPEND FUNDS FROM THE ARPA BROADBAND ACCOUNT TO:

- (1) ADMINISTER A GRANT PROGRAM TO EXPAND BROADBAND INFRASTRUCTURE TO HOUSEHOLDS, BUSINESSES, AND COMMUNITIES IN THE STATE THAT ARE UNSERVED OR UNDERSERVED BY BROADBAND SERVICES;**
- (2) PROVIDE TECHNICAL ASSISTANCE AND COORDINATION;**
- (3) HOST AND PARTICIPATE IN STAKEHOLDER DISCUSSIONS AND ADVISORY GROUPS;**

(4) SUPPORT CONTINUED MAPPING EFFORTS, INCLUDING, BUT NOT LIMITED TO, COSTS ASSOCIATED WITH STORAGE, SECURITY, AND DATA COLLECTION;

(5) ENGAGE IN AND UNDERTAKE SUCH OTHER ACTIVITIES RELATED TO OR NECESSARY TO FULFILLING THE REQUIREMENTS OF EXPANDING BROADBAND INFRASTRUCTURE TO HOUSEHOLDS, BUSINESSES, AND COMMUNITIES IN THE STATE THAT ARE UNSERVED OR UNDERSERVED BY BROADBAND SERVICES;

(6) EXPEND FUNDS FOR ALTERNATIVE AND ENABLING TECHNOLOGIES, INCLUDING, BUT NOT LIMITED TO, WIRELESS BROADBAND SERVICE, LOW EARTH ORBIT SATELLITE, MIDDLE-MILE FIBER, ENHANCED CELLULAR SERVICE, AND CARRIER NEUTRAL BROADBAND INFRASTRUCTURE; AND

(7) REIMBURSE ANY STATE FUNDS AS MAY BE ALLOWED BY ARPA, OR RELATED GUIDANCE ISSUED BY THE UNITED STATES DEPARTMENT OF THE TREASURY, FOR REASONABLE COSTS ASSOCIATED WITH ADMINISTERING THE GRANT PROGRAM AND FULFILLING THE OFFICE OF BROADBAND COORDINATOR'S OBLIGATIONS ESTABLISHED BY THIS ACT.

(B) ALL EXPENDITURES, REIMBURSEMENTS, AND GRANTS AWARDED BY THE OFFICE OF BROADBAND COORDINATOR MUST BE IN COMPLIANCE WITH ARPA AND THE METHODS AND GUIDANCE ISSUED BY THE UNITED STATES DEPARTMENT OF TREASURY FOR THE ALLOCATION AND OVERSIGHT OF ARPA FUNDING.

SECTION 11. (A) THE OFFICE OF BROADBAND COORDINATOR MAY AWARD GRANTS FROM THE ARPA BROADBAND ACCOUNT TO BROADBAND SERVICE PROVIDERS AND OTHER ENTITIES FOR AUTHORIZED PROJECTS THAT ACHIEVE THE PURPOSE OF EXPANDING BROADBAND INFRASTRUCTURE TO HOUSEHOLDS, BUSINESSES, AND COMMUNITIES IN THE STATE THAT ARE UNSERVED OR UNDERSERVED BY BROADBAND SERVICES.

(B) ELECTRIC COOPERATIVES THAT OWN BROADBAND FACILITIES PURSUANT TO THE PROVISIONS OF ARTICLE 25, CHAPTER 9, TITLE 58 OF THE 1976 CODE, THE BROADBAND ACCESSIBILITY ACT, ARE ELIGIBLE TO RECEIVE GRANTS FROM THE ARPA BROADBAND ACCOUNT.

(C) GRANTS MAY BE DISBURSED TO RECIPIENTS IN TRANCHEs. THE NUMBER AND AMOUNT OF FUNDING IN EACH TRANCHE MUST BE DETERMINED BY THE OFFICE OF BROADBAND COORDINATOR.

SECTION 12. (A) GRANT RECIPIENTS AND OTHER ENTITIES RECEIVING FUNDS PURSUANT TO SECTION 11 SHALL REPORT TO THE OFFICE OF BROADBAND COORDINATOR CONCERNING THE PROGRESS OF THE RECIPIENT'S PROJECT. THE REPORTS SHALL PROVIDE THE MOST ACCURATE AND GRANULAR REPRESENTATION OF THEN-CURRENTLY AVAILABLE BROADBAND INFRASTRUCTURE INSTALLED BY THE RECIPIENT, THE TYPE OF TECHNOLOGY INSTALLED, THE SUSTAINABLE DOWNLOAD AND UPLOAD SPEEDS AVAILABLE AT EACH SERVICEABLE LOCATION, AND SUCH OTHER INFORMATION THAT THE OFFICE OF BROADBAND COORDINATOR REQUIRES.

(B) THE OFFICE OF BROADBAND COORDINATOR SHALL MAINTAIN AS CONFIDENTIAL ALL INDIVIDUAL COMPANY-DESIGNATED PROPRIETARY INFORMATION. ALL SUCH INDIVIDUAL PROPRIETARY INFORMATION IS EXEMPT FROM THE PROVISIONS CONTAINED IN CHAPTER 4 OF TITLE 30 OF THE 1976 CODE, THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT.

(C) THE OFFICE OF REGULATORY STAFF IS AUTHORIZED TO CONTRACT WITH BROADBAND SERVICE PROVIDERS AND TO PROCURE PROFESSIONAL GRANT MANAGEMENT, VENDOR, CONSULTING, OR OTHER SERVICES FOR OVERSIGHT AND COMPLIANCE OF FUNDS DESIGNATED, GRANTED, AND DISBURSED PURSUANT TO THIS ACT AND FOR SUCH OTHER PURPOSES AS THE OFFICE OF REGULATORY STAFF MAY DETERMINE NECESSARY TO IMPLEMENT THE PURPOSES OF THIS ACT.

(D) IT IS VITAL TO THE STATE'S INTEREST THAT GRANT FUNDS BE AWARDED FOR THE DEPLOYMENT OF BROADBAND INFRASTRUCTURE IN RURAL COMMUNITIES IN THE MOST EXPEDITIOUS MANNER POSSIBLE. ACCORDINGLY, CONTRACTING WITH BROADBAND SERVICE PROVIDERS AND THE PROCUREMENT OF PROFESSIONAL GRANT MANAGEMENT, VENDOR, CONSULTING, OR OTHER SERVICES AND PURSUANT TO THIS ACT MUST BE DONE PURSUANT TO THE PROVISIONS OF SECTION 11-35-1570 OF THE 1976 CODE. THE EXECUTIVE DIRECTOR OF THE OFFICE OF REGULATORY STAFF SHALL COORDINATE THE PROCESS USED TO CONTRACT WITH BROADBAND SERVICE PROVIDERS AND TO PROCURE GRANT MANAGEMENT, VENDOR, OR CONSULTING SERVICES AND IS RESPONSIBLE FOR THE DEVELOPMENT OF SPECIFICATIONS TO BE INCLUDED IN ANY CONTRACT AWARDED. THE STATE FISCAL ACCOUNTABILITY AUTHORITY SHALL SERVE AS THE PROCURING OFFICER FOR THE PROCUREMENT PROCESS AND IS RESPONSIBLE FOR ADMINISTRATIVE DUTIES RELATED TO THE PROCESS AND THE CONTRACT AWARDED. THE STATE FISCAL ACCOUNTABILITY AUTHORITY SHALL ASSIGN SUCH PERSONNEL AS NECESSARY TO ASSIST THE OFFICE OF REGULATORY STAFF IN CARRYING OUT ITS DUTIES UNDER THIS ACT.

OFFICE OF RESILIENCE

SECTION 13. (A) THERE IS ESTABLISHED IN THE STATE TREASURY AN ACCOUNT TO BE KNOWN AS THE ARPA OFFICE OF RESILIENCE ACCOUNT. THIS ACCOUNT IS SEPARATE AND DISTINCT FROM THE GENERAL FUND OF THE STATE AND ALL OTHER FUNDS AND ACCOUNTS. THE ACCOUNT SHALL CONSIST OF FEDERAL FUNDS AUTHORIZED PURSUANT TO SUBSECTION (A)(4) OF SECTION 1 OF THIS ACT. THE FUNDS IN THE ARPA RESILIENCE ACCOUNT MUST BE USED TO COMPLETE STORMWATER INFRASTRUCTURE PROJECTS AND ACQUISITIONS OF PROPERTY IN THE FLOODPLAIN THROUGHOUT THE STATE TO LESSEN THE IMPACTS OF FUTURE FLOOD EVENTS.

(B) ALL EXPENDITURES, REIMBURSEMENTS, AND GRANTS AWARDED BY THE OFFICE OF RESILIENCE MUST BE IN COMPLIANCE WITH ARPA AND THE METHODS AND GUIDANCE ISSUED BY THE UNITED STATES DEPARTMENT OF TREASURY FOR THE ALLOCATION AND OVERSIGHT OF ARPA FUNDING.

DEPARTMENT OF ADMINISTRATION

SECTION 14. THE DEPARTMENT OF ADMINISTRATION IS AUTHORIZED TO EXPEND UP TO \$8,000,000 OF THE FEDERAL FUNDS AUTHORIZED PURSUANT TO SUBSECTION (A)(1) OF SECTION 1 OF THIS ACT FOR CONTRACTING FOR PROFESSIONAL GRANT MANAGEMENT SERVICES OF ARPA FUNDS AND OTHER FEDERAL COVID-19 RELIEF FUNDS.

PART III

MISCELLANEOUS PROVISIONS

SECTION 15. THE EXPENDITURE AUTHORIZATIONS CONTAINED IN THIS ACT ARE SUPPLEMENTAL TO THE EXPENDITURE AUTHORIZATIONS FOR RECEIVING ENTITIES AS CONTAINED IN ACT 94 OF 2021, THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2021-22, AND FUTURE EXPENDITURE AUTHORIZATIONS ENACTED BY THE GENERAL ASSEMBLY THROUGH DECEMBER 31, 2026.

SECTION 16. EARNINGS AND INTEREST ON ACCOUNTS CREATED PURSUANT TO THIS ACT MUST BE CREDITED TO THE ACCOUNT AND ANY BALANCE AT THE END OF THE FISCAL YEAR CARRIES FORWARD TO THE ACCOUNT IN THE SUCCEEDING FISCAL YEAR FOR THE SAME PURPOSE.

SECTION 17. THE GENERAL ASSEMBLY FINDS THAT THE SECTIONS PRESENTED IN THIS ACT CONSTITUTE ONE SUBJECT AS REQUIRED BY ARTICLE III, SECTION 17 OF THE SOUTH CAROLINA CONSTITUTION, IN PARTICULAR FINDING THAT EACH CHANGE AND EACH TOPIC RELATES DIRECTLY TO OR IN CONJUNCTION WITH OTHER SECTIONS TO THE SUBJECT OF AUTHORIZING THE DISBURSAL AND EXPENDITURE OF FEDERAL FUNDS RECEIVED BY THE STATE PURSUANT TO ARPA AS CLEARLY ENUMERATED IN THE TITLE.

THE GENERAL ASSEMBLY FURTHER FINDS THAT A COMMON PURPOSE OR RELATIONSHIP EXISTS AMONG THE SECTIONS, REPRESENTING A POTENTIAL PLURALITY BUT NOT DISUNITY OF TOPICS, NOTWITHSTANDING THAT REASONABLE MINDS MIGHT DIFFER IN IDENTIFYING MORE THAN ONE TOPIC CONTAINED IN THE ACT.

SECTION 18. IF ANY SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, CLAUSE, PHRASE, OR WORD OF THIS ACT IS FOR ANY REASON HELD TO BE UNCONSTITUTIONAL OR INVALID, THEN SUCH HOLDING SHALL NOT AFFECT THE CONSTITUTIONALITY OR VALIDITY OF THE REMAINING PORTIONS OF THIS ACT, THE GENERAL ASSEMBLY HEREBY DECLARING THAT IT WOULD HAVE PASSED THIS ACT, AND EACH AND EVERY SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, CLAUSE, PHRASE, AND WORD THEREOF, IRRESPECTIVE OF THE FACT THAT ANY ONE OR MORE OTHER SECTIONS, SUBSECTIONS, PARAGRAPHS, SUBPARAGRAPHS, SENTENCES, CLAUSES, PHRASES, OR WORDS HEREOF MAY BE DECLARED TO BE UNCONSTITUTIONAL, INVALID, OR OTHERWISE INEFFECTIVE.

SECTION 19. THIS ACT SHALL BECOME LAW UPON APPROVAL OF THE GOVERNOR. /

RENUMBER SECTIONS TO CONFORM.

AMEND TITLE TO CONFORM.

South Carolina General Assembly
124th Session, 2021-2022

H. 4408

STATUS INFORMATION

Joint Resolution

Sponsors: Rep. G.M. Smith

Document Path: I:\council\bill\nbd\11236dg21.docx

Companion/Similar bill(s): 952

Introduced in the House on May 13, 2021

Currently residing in the House Committee on **Ways and Means**

Summary: American Rescue Plan authorizations

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
5/13/2021	House	Introduced and read first time (<u>House Journal-page 39</u>)
5/13/2021	House	Referred to Committee on Ways and Means (<u>House Journal-page 39</u>)

View the latest [legislative information](#) at the website

VERSIONS OF THIS BILL

5/13/2021

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

A JOINT RESOLUTION

TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS
DISBURSED TO THE STATE IN THE AMERICAN RESCUE
PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN
WHICH THE FUNDS MAY BE EXPENDED.

Be it enacted by the General Assembly of the State of South
Carolina:

SECTION 1. The State of South Carolina received federal funds
from the American Rescue Plan Act of 2021. These federal funds
are the source of revenue authorized for expenditure in SECTION
2.

SECTION 2.

SECTION 3. This joint resolution takes effect upon approval by
the Governor.

---XX---