

**PROVISO SUBCOMMITTEE
TRANSPORTATION & REGULATORY
RECOMMENDATIONS FOR FY 2024-25
TO THE HOUSE WAYS AND MEANS COMMITTEE**

SECTION 73 - R060 - OFFICE OF REGULATORY STAFF

73.5 DELETE (ORS: Office of Broadband Coordinator) Establishes the Office of Broadband Coordinator to serve as the broadband planning body for the State and coordinate with entities to encourage development of broadband access. Directs that funds appropriated be used to continue to fund the Broadband Infrastructure Project including projects that were approved for funding in Act 142 of 2020 but not constructed by December, 2020. Directs the office to prioritize infrastructure expansion to provide high-speed service to rural and unserved communities. Directs the office to serve as a central resource to collect and publish information regarding federal and state programs to fund broadband expansion. Require unexpended funds be carried forward and used for the same purposes.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by Office of Regulatory Staff.

~~73.5. (ORS: Office of Broadband Coordinator) (A) From funds appropriated for this purpose, there is established the Office of Broadband Coordinator within the Office of Regulatory Staff to serve as the central broadband planning body for the State and to coordinate with federal, state, regional, local, and private entities, to the extent practicable, to encourage the continued development of access to broadband in the State.~~

~~(B) The Office of Broadband Coordinator shall convene a collaborative stakeholder process to identify challenges to expediting broadband access and shall provide a report to the General Assembly with recommendations for which legislative, regulatory, or other governmental actions are appropriate to promote broadband access throughout the State.~~

~~(C) Funds appropriated to the Office of Broadband Coordinator for broadband infrastructure shall be used to continue to fund the Broadband Infrastructure Program, including the completion of those broadband infrastructure projects that were approved for funding pursuant to Act 142 of 2020 but not constructed by December of 2020. Expansion of broadband infrastructure shall emphasize services to rural communities and communities with a lack of access to broadband. The Office of Broadband Coordinator shall prioritize infrastructure expansion that will make high speed broadband available to homes, businesses, schools, health care facilities, and other institutions in unserved areas across South Carolina.~~

~~(D) The Office of Broadband Coordinator shall serve as a central resource to collect and publish information regarding federal and state programs to fund broadband expansion, and to the extent practicable, coordinate resources such that both state and federal resources are efficiently maximized.~~

~~(E) The Office of Broadband Coordinator may use assistance from state and federal agencies or from private organizations and industry to accomplish the purposes of this provision. Unexpended funds at the end of the prior fiscal year shall be carried forward and expended in the current fiscal year by the Office of Regulatory Staff for the same purposes.~~

73.6 DELETE (ORS: SC Broadband Map) Directs the Office of Broadband Coordinator to contact the appropriate entities to provide information necessary to compile the county-by-county mapping plan required by Section 10 of Act 142 of 2020 that shows the location and broadband facility capabilities throughout the State. Provides guidelines for the release of information regarding FOIA requests. Requires unexpended funds be carried forward and spent for the same purposes.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by Office of Regulatory Staff.

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~~73.6. (ORS: SC Broadband Map) (A)(1) From funds appropriated, the Office of Broadband Coordinator shall contact the appropriate entities to provide information necessary to compile the county by county broadband mapping plan required by Section 10 of Act 142 of 2020 showing the location and capability of broadband facilities throughout the State. In order to facilitate the provision of information necessary to this task, all information provided by a broadband service provider or other entity providing information for the purpose of creating a South Carolina broadband map shall be maintained by the Office of Broadband Coordinator and any other agency as confidential, proprietary, and a trade secret as defined in Section 30-4-40 of the 1976 Code, and subject to exemption from disclosure under state and federal law. The information shall not be subject to disclosure under Chapter 4, Title 30 of the 1976 Code, except in the form of a map where information that could be used to determine provider-specific information about the network of the broadband service provider or other providing entity is not disclosed.~~

~~(2) Except as otherwise provided in this provision, such broadband provider specific information shall not be released to any person other than to the broadband service provider or other entity providing information, employees of the Office of Broadband Coordinator, agents designated to assist in developing the South Carolina broadband map, entities contracting with the Office of Broadband Coordinator, and other state agencies administering funds for broadband deployment without express permission of the submitting broadband service provider or other entity providing information. Such information shall be used solely for the purposes stated under this provision. The Office of Broadband Coordinator shall ensure that any such agents, entities, or agencies with whom the information is shared are aware of the confidential nature and restricted purposes for which the information may be used and that any such agents or entities that are not state agencies execute an appropriate nondisclosure agreement protecting the information from public disclosure before receiving the information.~~

~~(B) Entities providing broadband service or middle mile infrastructure in South Carolina shall, on an annual basis, provide to the Office of Broadband Coordinator deployment data in a format specified by the office to provide the most accurate and granular representation of currently available broadband infrastructure. These same entities, when they serve residential or business customers, shall also provide the type of technology deployed together with the sustainable download and upload speeds available at each serviceable location. Entities failing to provide such data on an annual basis may be disqualified from state funding opportunities for the current fiscal year. Annually, the office shall compile this information, analyze, and update statewide broadband deployment information.~~

~~(C) Any unexpended funds at the end of the prior fiscal year shall be carried forward and expended in the current fiscal year by the Office of Regulatory Staff for the same purposes.~~

73.eo ADD (ORS: Energy Office) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to allow the Office of Regulatory Staff Energy Office, or its subrecipient, to utilize assistance from state and federal agencies, private organizations, nonprofits, and the industry to efficiently administer programs under the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA). Allows unexpended funds from the prior fiscal year to be carried forward and used for the same purposes. Directs the Executive Director of ORS to procure necessary services to meet federal deadlines through the utilization of SFAA. Allows ORS and the Energy Office to engage professional grant management services and authorizes them to utilize federal funds and existing resources. Requested by Office of Regulatory Staff.

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73.eo. (ORS: Energy Office) (A) The Office of Regulatory Staff Energy Office, or its subrecipient, may use assistance from state and federal agencies or from private organizations, nonprofits, and the industry to accomplish the purposes of efficiently leveraging resources to successfully administer any programs established by the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA). Unexpended funds from the prior fiscal year shall be carried forward and expended in the current fiscal year by the Energy Office for the same purposes in compliance with federal funding requirements.

(B) In order to comply with federal deadlines for funds commitment and completion, the Executive Director of the Office of Regulatory Staff shall, in accordance with Section 11-35-1570, procure the services needed and shall be responsible for the development of specifications to be included in any contract awarded. The State Fiscal Accountability Authority (SFAA) shall serve as the procuring officer for the procurement process and is responsible for administrative duties related to the process and the contract awarded. SFAA shall assign such personnel as necessary to assist the Office of Regulatory Staff and the Energy Office in carrying out its duties under this provision.

(C) The Office of Regulatory Staff and the Energy Office may procure professional grant management services for oversight and compliance of funds received through the IIJA and IRA, among others, on behalf of the Energy Office. The Energy Office is authorized to fulfill this requirement from federal funds and from existing fund resources as appropriate.

73.sbo ADD (ORS: SC Broadband Office and SC Digital Opportunity) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to establish the SC Broadband Office and SC Digital Opportunity department within the Office of Regulatory Staff. Directs the SC Broadband Office to coordinate with various entities to enhance broadband access, prioritize rural areas, and publish information on funding programs, and create a stakeholder process to address challenges and propose legislative actions. States that funds shall be used for broadband infrastructure expansion, workforce development, and non-deployment programs. Directs the SC Digital Opportunity department to serve as the digital equity planning body and allows them to handle confidential information. Requires the procurement processes to follow specified regulations, and SFAA to oversee administrative duties. Allows professional grant management services for oversight and compliance of funds to be procured. Directs the SC Broadband Office and the SC Digital Opportunity Department to utilize state, federal, or private assistance if needed to accomplish this provision. Directs funds from the prior fiscal year may be carried forward for the same purposes. Requested by Office of Regulatory Staff.

73.sbo. (ORS: SC Broadband Office and SC Digital Opportunity) (A) From funds appropriated for this purpose, there is established the SC Broadband Office within the Office of Regulatory Staff to serve as the central broadband planning body for the State and to coordinate with federal, state, regional, local, and private entities for the continued development of access to broadband in the State.

(B) The SC Broadband Office shall create a collaborative stakeholder process to identify challenges to expediting broadband access and shall provide a report to the General Assembly with recommendations for which legislative, regulatory, or other governmental actions are appropriate to promote broadband access throughout the State.

(C) Funds appropriated to the SC Broadband Office for broadband infrastructure shall be used to continue to fund the Broadband Infrastructure Program, broadband-related workforce development, and any other federally-approved, non-deployment programs so as to maximize available federal funding under the American Rescue Plan Act (ARPA) and Infrastructure Investment and Jobs Act (IIJA) for the benefit of the State. Expansion of broadband infrastructure

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shall emphasize services to rural communities and communities with a lack of access to broadband. The SC Broadband Office shall prioritize infrastructure expansion that will make high-speed broadband available to homes, businesses, schools, health care facilities, and other community anchor institutions in underserved areas across South Carolina.

(D) The SC Broadband Office shall serve as a central resource to collect and publish information regarding federal and state programs to fund broadband expansion and maximize resources.

(E) From funds appropriated for this purpose, there is established a SC Digital Opportunity department within the Office of Regulatory Staff to serve as the digital equity planning body for the State and to coordinate with federal, state, regional, local, and private entities to address the digital divide. In the case any personally identifiable information or health related information is collected or shared by state agencies with this department, such information shall have confidential treatment.

(F) This procurement shall be done pursuant to the provisions of Section 11-35-1570. The Executive Director of the Office of Regulatory Staff shall coordinate the process used to procure the services needed and shall be responsible for the development of specifications to be included in any contract awarded. The State Fiscal Accountability Authority (SFAA) shall serve as the procuring officer for the procurement process and is responsible for administrative duties related to the process and the contract awarded. SFAA shall assign such personnel as necessary to assist the Office of Regulatory Staff and the Energy Office in carrying out its duties under this act.

(G) The Office of Regulatory Staff may procure professional grant management services for oversight and compliance of funds received through the IJJA, among others, on behalf of the South Carolina Broadband and Digital Opportunity Offices. ORS is authorized to fulfill this requirement using federal funds as allowed for administration and from existing fund resources as appropriate.

(H) The SC Broadband Office and the SC Digital Opportunity Department may use assistance from state and federal agencies or from private organizations, nonprofits, and industry to accomplish the purposes of this provision. Unexpended funds at the end of the prior fiscal year may be carried forward and expended in the current fiscal year by the Office of Regulatory Staff for the same purposes.

73.bis **ADD** (ORS: SC Broadband Map and Internet Service Provider Data) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to create a county-by-county broadband mapping plan. Directs that the office can collect confidential financial data from broadband providers for compliance verification but must treat it as confidential. Allows aggregated data to be publicly shared, but states provider-specific information is restricted to authorized entities. Requires broadband entities to provide deployment data bi-annually, and failure may lead to disqualification from state funding. Requires the office to analyze and update statewide broadband information annually. Requested by Office of Regulatory Staff.

73.bis. (ORS: SC Broadband Map and Internet Service Provider Data) (A)(1) From funds appropriated, the SC Broadband Office shall contact the appropriate entities to provide information necessary to compile the county-by-county broadband mapping plan showing the location and capability of broadband facilities throughout the State. To meet federal mandates, the SC Broadband Office may be required to collect confidential financial data to confirm and verify compliance with the various grant programs. In order to facilitate the provision of information necessary to these tasks, financial data, including any planned construction timelines and related data provided by a broadband service provider or other entity providing information, shall be maintained by the SC Broadband Office and any other agency as confidential,

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proprietary, and a trade secret as defined in Section 30-4-40, and subject to exemption from disclosure under state law. Data may be made publicly available in an aggregated, nonprovider specific format or in the form of a map, where information that could be used to determine provider-specific information about the network of the broadband service provider or other providing entity is not disclosed.

(2) Except as otherwise provided in this provision, such broadband provider-specific information shall not be released to any person other than to the broadband service provider or other entity providing information, employees of the SC Broadband Office, agents designated to assist in developing the South Carolina broadband map, entities contracting with the SC Broadband Office, and other state or federal agencies administering funds for broadband deployment without express permission of the submitting broadband service provider or other entity providing information. Such information shall be used solely for the purposes stated under this provision. The SC Broadband Office shall ensure that any such agents, entities, or agencies with whom the information is shared are aware of the confidential nature and restricted purposes for which the information may be used and that any such agents or entities that are not state agencies execute an appropriate nondisclosure agreement protecting the information from public disclosure before receiving the information.

(3) Notwithstanding the above, if required by federal law, ORS may report broadband service provider costs for external reporting.

(B) Entities providing broadband service or middle-mile infrastructure in South Carolina shall, on a bi-annual basis, provide to the South Carolina Broadband Office deployment data in a format specified by the office to provide the most accurate and granular representation of currently available broadband infrastructure. These same entities, when they serve residential or business customers, shall also provide the type of technology deployed together with the sustainable download and upload speeds available at each serviceable location. Entities failing to provide such data on an annual basis may be disqualified from state funding opportunities for the current fiscal year. At least annually, the office shall compile this information, analyze, and update statewide broadband deployment information.

SECTION 81 - R360 - DEPARTMENT OF LABOR, LICENSING AND REGULATION

81.meo ADD (LLR: Meals in Emergency Operations) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to allow the cost of meals or food products to be provided to state employees and volunteers who are not permitted to leave their duty stations during emergencies and emergency exercises. Requested by Department of Labor, Licensing, and Regulation.

81.meo. (LLR: Meals in Emergency Operations) The cost of meals, or the advanced purchase of food products to be stored and prepared for meals, may be provided to state employees and volunteers who are not permitted to leave assigned duty stations during actual emergencies and emergency simulation exercises.

SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES

82.6 AMEND (DMV: Fund Balance Carry Forward) Authorizes DMV to carry forward unexpended general funds and other funds not designated for Real ID and/or non-recurring expense in Act 37 of 2021 from the prior fiscal year and expend those funds in the current fiscal year.

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PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the reference to the REAL ID program and non-recurring expense in Act 37 of 2021 in regards to carry forward funds. Requested by the Department of Motor Vehicles.

82.6. (DMV: 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 non-recurring expense in Act 37 of 2021~~ from the prior fiscal year and expend those funds in the current fiscal year for expenditures as needed.

82.7 **DELETE** (DMV: Real ID) Authorizes DMV to spend any available earmarked cash reserves to implement Real ID.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by Department of Motor Vehicles.

~~**82.7.** (DMV: Real ID) For Fiscal Year 2023-24, the Department of Motor Vehicles may expend any available earmarked cash reserves on the implementation of Real ID.~~

82.8 **AMEND** (DMV: Electronic Verification Processing Fees) Exempts 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.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update the reference from the Department of Health and Environmental Control to the Department of Public Health.

~~**82.8.** (DMV: Electronic Verification Processing Fees) In the current fiscal year, the Department of Motor Vehicles is exempt from paying fees to the Department of *Public* 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.~~

82.10 **DELETE** (DMV: Retention of Traceable Temporary License Plates Revenue) Authorize the department to retain \$5 from the sale of traceable temporary license plates. Directs that funds be used solely for the cost of plate production and reissuance.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by Department of Motor Vehicles.

~~**82.10.** (DMV: Retention of Traceable Temporary License Plates Revenue) For the current fiscal year, the department shall be authorized to retain five dollars from the sale of traceable temporary license plates as found in Section 56-3-210 of the 1976 Code. The funds shall be placed in the department's Plate Replacement Fund and used solely for the purposes of plate production and reissuance costs.~~

82.14 **DELETE** (DMV: Biennial Plates Commercial Motor Vehicles) Allows the department to issue biennial plates to large commercial vehicles until the provisions of Act 37 of 2021 are enacted.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by Department of Motor Vehicles.

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~~82.14. (DMV: Biennial Plates Commercial Motor Vehicles) The department may issue biennial plates to large commercial motor vehicles until all provisions of Act 37 of 2021 are enacted.~~

SECTION 83 - R600 - DEPARTMENT OF EMPLOYMENT AND WORKFORCE

83.5 AMEND (DEW: REED Act Spending Authority) Authorizes DEW to spend up to \$2,375,072 of funds made available to the State under Section 903 of the U.S. Social Security Act. Directs the funds be used to for UI, WIOA, and Employment Services Programs. Prohibits the funds from being obligated after a 2-year period beginning July 1, 2023.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update fiscal year reference. Requested by Department of Employment and Workforce.

~~83.5. (DEW: REED Act Spending Authority) The Department of Employment and Workforce is authorized to expend up to \$2,375,072 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 funding of Unemployment Insurance, Workforce Innovation and Opportunity Act, and Employment Services Programs. No part of the funds herein authorized may be obligated after a two-year period beginning on July 1, 2023 2024. 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 as required by law to be charged against the amounts transferred to the account of this State.~~

83.7 DELETE (DEW: GED Incentive Program) Directs that unexpended funds for the GED Incentive Program may be carried forward and expended for the same purposes in the current fiscal year. Directs that \$1,500,000 of funds allocated to the department from the Department of Education GED Incentive Program be used as an incentive if they successfully complete short-term training provided by a technical college. Provides eligibility requirements for individuals and the manner in which the department shall issue incentive payments.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Requested by Department of Employment and Workforce.

~~83.7. (DEW: GED Incentive Program) Unexpended funds for the GED Incentive Program at the Department of Employment and Workforce may be carried forward and expended for the same purposes in the current fiscal year. \$1,500,000 shall be utilized as an incentive for individuals to obtain their GED or high school diploma with an additional incentive if they successfully complete a short term occupational training provided by a South Carolina technical college. In order to be eligible, the individual must be a South Carolina resident who is at least nineteen years of age. The individual must certify to the department that they do not currently hold a GED or high school diploma from any state. They must also enroll in and complete the GED or high school diploma, and, if applicable, short term occupational training, course work prior to June 1, 2024. The Department of Employment and Workforce shall enter into a data sharing agreement with the Department of Education and the State Technical College System to cross match eligibility to ensure that participants do not currently hold a GED or high school diploma and to confirm that the individual enrolled in and completed the diploma process~~

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~~to obtain the GED or high school diploma along with enrollment in and completion of a short-term occupational training. The Department of Employment and Workforce shall issue a one-time payment in the amount of \$500 to the individual upon confirmation from the Department of Education that the individual has successfully received the GED or diploma and an additional \$500 to the individual upon confirmation from the State Technical College System that the individual also successfully completed qualifying occupational training. These incentive payments shall be issued on a first come first served basis based on completion date, until the funds from this program have been exhausted. Funds allocated for this incentive program shall not be transferred or utilized for any other purpose.~~

SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION

84.8 DELETE (DOT: Shop Road Farmers Market Bypass Carry Forward) Authorizes unexpended Shop Road Farmers Market Bypass funds to be carried forward and used for the matching requirement for the widening and expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads-Phase I).

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso.

~~**84.8.** (DOT: Shop Road Farmers Market Bypass Carry Forward) Unexpended funds appropriated for the Shop Road Farmers Market Bypass may be carried forward into the current fiscal year and expended for the matching requirement for the widening and expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads Phase I).~~

SECTION 117 - X900 - GENERAL PROVISIONS

117.111 AMEND (GP: Retail Facilities Revitalization Act Repeal Suspension) Suspends the repeal of Chapter 34 of Title 6, relating to the Retail Facilities Act, as specified in Act 285 of 2006 for sites that provided DOR written notification of election of mode of credit before 7/1/16 and for which a building permit was issued prior to 7/1/16.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update the fiscal year reference.

117.111. (GP: Retail Facilities Revitalization Act Repeal Suspension) The repeal of Chapter 34, Title 6 of the 1976 Code as specified in Act 285 of 2006 as to sites for which written notification of election of mode of credit has been provided to the Department of Revenue prior to July 1, 2016 and for which a building permit has been issued prior to July 1, 2016, is suspended for Fiscal Year ~~2023-24~~ 2024-25.

117.148 AMEND (GP: Electricity Market Reform) Directs that the Electricity Market Reform Measures Study Committee issue a report on its findings no later than January 31, 2024. Directs that the committee may continue to meet past that date and issue additional reports.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update the fiscal year reference.

117.148. (GP: Electricity Market Reform) The Electricity Market Reform Measures Study Committee shall issue a report on its work to the General Assembly no later than January 31, ~~2024~~ 2025; however, nothing in this provision prohibits the committee from continuing to meet past January 31, ~~2024~~ 2025 and issue additional reports pursuant to Act 187 of 2020.