

**SENATE FINANCE COMMITTEE  
TRANSPORTATION AND REGULATORY SUBCOMMITTEE  
PROVISO CHANGES FOR CONSIDERATION FOR FY 2023-24**

**SECTION 71 - L460 - COMMISSION FOR MINORITY AFFAIRS**

**71.6 DELETE NEW PROVISO** (CMA: Division of Small and Minority Business Contracting and Certification) **WMC:** ADD new proviso to transfer the Division of Small and Minority Business Contracting and Certification and their authorized appropriations, employees, assets, and liabilities from the Department of Administration to the Commission for Minority Affairs. Requires the Division to continue to perform its codified duties and responsibilities. Provides for the requirements of the personnel transfer. Authorizes contracts entered by or on behalf of the Division to be continued.

**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

*71.6. (CMA: Division of Small and Minority Business Contracting and Certification) ~~For the current fiscal year, the Division of Small and Minority Business Contracting and Certification (the Division) and the funds appropriated to the Division pursuant to Part IA of this Act are transferred to the Commission for Minority Affairs. The Division shall continue to perform its duties and responsibilities required in Article 21, Chapter 35, Title 11 including, but not limited to, assisting the Department of Revenue in providing income tax credits for firms with state contracts that subcontract with minority firms pursuant to Section 11-35-5230(B). In addition to the authorized appropriations for the, the employees and the assets and liabilities of the Division are also transferred to and become part of the Commission for Minority Affairs for the current fiscal year. All classified or unclassified personnel transferred by this provision are to become employees of the Commission for Minority Affairs with the same compensation, classification, and grade level, as applicable, for the duration that this provision remains in effect. Applicable regulations promulgated by or related to the Division are continued and are considered to be promulgated by the Commission for Minority Affairs. Applicable contracts entered into by or on behalf of the Division are continued and are considered to be devolved upon the Commission for Minority Affairs at the time of the transfer.~~*

**SECTION 72 - R040 - PUBLIC SERVICE COMMISSION**

**72.4 CONFORM TO FUNDING / ADD** (PSC: Santee Cooper Billing) **WMC:** ADD new proviso to allow the Public Service Commission to bill Santee Cooper for costs associated with the oversight performed pursuant to Act 90 of 2021 and any other relevant legislation, statute, or proviso. Allows Santee Cooper to reduce their remittance of revenues to the State in the second semi-annual remittance. Requested by the Public Service Commission.

**HOU:** ADOPT new proviso.

**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING.

*72.4. (PSC: Santee Cooper Billing) The Public Service Commission is authorized, subject to the Public Utilities Review Committee's approval of the commission's annual budget, to bill Santee Cooper for costs associated with its oversight of Santee Cooper performed pursuant to Act 90 of 2021 and any other relevant legislation, statute, or provision; provided such costs do not exceed the amounts authorized for the oversight of Santee Cooper in this act. Santee Cooper may reduce their remittance of revenues to the State by the amount paid to the commission for oversight costs under this provision. This reduction shall be made in Santee Cooper's second semi-annual remittance to the State.*

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**SECTION 75 - R120 - STATE ACCIDENT FUND**

- 75.2**     **ADD** (SAF: Adjuster License Fees) **WMC:** ADD new proviso to allow the State Accident Fund to utilize appropriated funds for adjuster license fee dues owed by the Department of Insurance for any adjusters employed as adjusters with the State Accident Fund.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

*75.2. (SAF: Adjuster License Fees) The State Accident Fund is authorized to use other appropriated funds to pay the costs of adjuster license fee dues owed to the Department of Insurance for any licensed adjusters employed as working adjusters with the State Accident Fund, where such license is an agency requirement for their position.*

**SECTION 82 R400 DEPARTMENT OF MOTOR VEHICLES**

- 82.7**     **AMEND** (DMV: Real ID) Authorizes DMV to spend any available earmarked cash reserves to implement Real ID.  
**WMC:** AMEND proviso to update fiscal year reference.  
**HOU:** ADOPT proviso as amended.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**82.7.** (DMV: Real ID) For Fiscal Year ~~2022-23~~ 2023-24, the Department of Motor Vehicles may expend any available earmarked cash reserves on the implementation of Real ID.

- 82.13**    **DELETE** (DMV: Mobile Driver’s License Study Committee) Directs the DMV to lead a study committee to make recommendations on the implementation and acceptance of mobile identities. Provides guidelines and composition of the committee.  
**WMC:** DELETE proviso. Requested by the Department of Motor Vehicles.  
**HOU:** ADOPT deletion.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT deletion.

~~**82.13.** (DMV: Mobile Driver’s License Study Committee) In the current fiscal year, the Department of Motor Vehicles shall lead a study committee with the purpose of making recommendations on the implementation and acceptance of mobile identities in South Carolina. The committee shall meet at least quarterly throughout the fiscal year, and the DMV shall author recommendations on adopting mobile identities by the end of the fiscal year. The recommendations shall be addressed to the Chairmen of Senate Finance, Senate Transportation, House Ways and Means, and House Education and Public Works. In addition to the Department of Motor Vehicles, the committee shall consist of at least one member from the following entities:~~

- ~~(1) the Department of Public Safety;~~
- ~~(2) the Department of Revenue;~~
- ~~(3) the Department of Administration;~~
- ~~(4) the Department of Employment and Workforce;~~
- ~~(5) the State Election Commission;~~
- ~~(6) the South Carolina Retail Association;~~
- ~~(7) the South Carolina Bankers Association;~~
- ~~(8) the South Carolina Sheriffs’ Association;~~
- ~~(9) the South Carolina Police Chiefs Association;~~
- ~~(10) the South Carolina Medical Association;~~
- ~~(11) the South Carolina Pharmacy Association; and~~

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~~(12) the South Carolina Appleseed Legal Justice Center or a similar organization that represents indigent persons.~~

~~The Department of Motor Vehicles, in its discretion, and other committee members may recommend additional participants that support the mission of the committee, to include a staff member from the Senate Transportation and House Education and Public Works Committees.~~

~~Entities listed above must submit the name and contact information of their committee member to the DMV no later than August 1, 2022.~~

- 82.16 CONFORM TO FUNDING / ADD** (DMV: Special Account for System Modernization) **WMC:** ADD new proviso to authorize the department to expend funds from a special funded program created for the sole purpose of IT system modernization. Allows those funds to be carried forward and requires the expenditure to be in accordance with the process established by proviso 117.109 in Act 239 of 2022. Requested by the Department of Motor Vehicles.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** CONFORM TO FUNDING.

82.16. (DMV: Special Account for System Modernization) In the current fiscal year, the Department of Motor Vehicles may expend funds from a special funded program created for the sole purpose of IT system modernization. The Department of Motor Vehicles shall be authorized to carry forward any unexpended funds appropriated for the IT System Modernization and expend for the same purpose in accordance with the process established by proviso 117.109 in Act 239 of 2022.

- 82.17 ADD** (DMV: Authorized to Charge a Witness Fee) **WMC:** ADD new proviso to authorize the department to charge a witness fee for each employee testifying in matters which do not involve the department as a party and provides for the amounts. Directs that the fee shall be charged in addition to any court prescribed payment. Allows the department to receive, expend, retain, and carry forward these funds. Requested by the Department of Motor Vehicles.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

82.17. (DMV: Authorized to Charge a Witness Fee) In the current fiscal year, the Department of Motor Vehicles is authorized to charge a witness fee of \$100 an hour, up to \$1,000 a day, for each employee testifying in matters which do not involve the department as a party. This fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and depositing into a designated revenue account. The department is authorized to receive, expend, retain, and carry forward these funds.

- 82.18 ADD** (DMV: Emergency Powers of the SCDMV) **WMC:** ADD new proviso to authorize the department to issue waivers for expiration dates, fees, and penalties if citizens' items expire during the State of Emergency. Allows the department to provide meals to employees working in support of the State of Emergency and to implement any waivers issued by certain federal entities and programs. Requested by the Department of Motor Vehicles.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT new proviso.

82.18. (DMV: Emergency Powers of the SCDMV) In the current fiscal year, in the event of a State of Emergency declared by the Governor or during extenuating circumstances outside of the Department of Motor Vehicle's control, the agency may:

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(1) temporarily extend expiration dates for any products issued by the department; provided that extensions are only granted for citizens with items due for expiration during the State of Emergency;

(2) temporarily waive delinquent fees and penalties of any type; provided that waivers are only granted for citizens with items that fall under the provisions of item (1);

(3) provide meals to employees who are working in support of the State of Emergency; or

(4) implement any waivers issued by the Federal Motor Carrier Safety Administration, International Fuel Tax Agreement, International Registration Plan, or other federal entities and programs issued during the State of Emergency as deemed necessary by the Executive Director or his or her designee.

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

**83.5** **AMEND FURTHER** (DEW: UI Tax System Modernization) Authorizes DEW to spend up to \$2,230,756 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, 2022.

**WMC:** AMEND proviso to change the title to “REED Act Spending Authority.” Amend funds available to expend to “\$2,375,072.” Deletes that the funds must be used to replace the unemployment tax information system, and add that the funds must be used for UI, WIOA, and Employment Services Programs. Updates calendar year reference. Requested by the Department of Employment and Workforce.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to make technical changes.

**83.5.** (DEW: ~~UI Tax System Modernization~~ REED Act Spending Authority) The Department of Employment and Workforce is authorized to expend up to ~~\$2,230,756~~ \$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 ~~acquiring software, equipment, and necessary services to replace the agency’s unemployment tax information system with a modern technology solution~~ funding of ~~UI~~ Unemployment Insurance, ~~WIOA~~ 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, ~~2022~~ 2023. 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 ~~are~~ as required by law to be charged against the amounts transferred to the account of this State.

**83.7** **AMEND** (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 for individuals drawing unemployment benefits to obtain their GED or high school diploma. Provides eligibility requirements for individuals and the manner in which the department shall issue incentive payments.

**WMC:** AMEND proviso to delete requirement that carry forward funds shall be utilized as an incentive for only individuals currently drawing unemployment benefits and adds an incentive if

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the individuals successfully complete a short-term occupational training. Deletes the eligibility requirement that the individual must have an active claim from state or federal unemployment insurance. Updates calendar year reference and adds the State Technical College System to the data sharing agreement. Adds an additional one-time \$500 payment to individuals upon confirmation from the State Technical College System for successfully completing occupational training. Requested by the Department of Employment and Workforce.

**HOU:** ADOPT proviso as amended.

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

**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 ~~currently drawing unemployment benefits~~ 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 ~~have an active claim from any of the state or federal unemployment insurance programs~~ and 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, ~~2023~~ 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 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**

**84.10 REINSERT ORIGINAL PROVISO** (DOT: General Fund Balance Carry Forward) Authorizes DOT to carry forward unexpended general funds and expend those funds in the current fiscal year.

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

**HOU:** ADOPT deletion.

**SFC SUBCOMMITTEE RECOMMENDATION:** REINSERT original proviso.

**84.10.** (DOT: General Fund Balance Carry Forward) The Department of Transportation may carry forward any unexpended general fund balance from the prior fiscal year and expend those funds in the current fiscal year.

**SECTION 117 - X900 - GENERAL PROVISIONS**

**117.95 AMEND FURTHER** (GP: Prohibit Use of State Aircraft for Athletic Recruitment) Authorizes institutions of higher learning to utilize the state aircraft for the purpose of athletic recruiting

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provided that they reimburse the Division of Aeronautics for all flight hours at an at cost basis using non general funds.

**WMC:** AMEND proviso to change “economic development” to “official state business” for the purposes of aircraft availability. Adds SLED, the Governor’s Office, the House of Representatives, and the Senate to have first right of refusal for scheduling conflicts with athletic recruiting flights.

**HOU:** ADOPT proviso as amended.

**SFC SUBCOMMITTEE RECOMMENDATION:** AMEND FURTHER to update the proviso title and define “official state business.” Directs that unless a flight is initiated by a cabinet agency, members of the General Assembly must receive approval, in writing, prior to the flight from either the President of the Senate or Speaker of the House of Representatives. Directs that if a flight is initiated by a cabinet agency, the head of the agency must certify that the member’s attendance on the flight is official business of the State. Directs that guests who are not on official business shall be charged a comparable private commercial rate and must be approved by the agency providing transportation within 30 days. Provides penalties for failure to reimburse or receive approval. Directs that invitees of member of the General Assembly shall be considered guests unless certified, in writing, by the President and Speaker. Directs that this paragraph does not apply to staff of the Senate, House, or other legislative agencies.

**117.95.** (GP: ~~Prohibit Use of State Aircraft for Athletic Recruitment~~) Institutions of higher learning may use the state aircraft operated by the Division of Aeronautics for the purpose of athletic recruiting, provided that they reimburse the Division of Aeronautics for all flight hours on an at cost basis, using non-general funds.

To ensure availability of the aircraft for purposes of ~~economic development~~ *official state business, the State Law Enforcement Division, the Department of Commerce, the Office of the Governor, the House of Representatives, and the Senate* shall have first right of refusal in the event of scheduling conflicts with athletic recruiting flights.

For the purposes of this proviso, “official state business” shall not include: routine transportation to and from meetings of the General Assembly; attending a committee meeting for which mileage is authorized; attending a press conference; attending a bill signing; or attending a conference or political function. Use of the aircraft to attend a legislative conference is permitted with prior written approval from either the President of the Senate or the Speaker of the House of Representatives, as appropriate.

Unless a flight is initiated by a cabinet agency, members of the General Assembly may not use state-owned aircraft unless the member receives approval prior to the flight, in writing, from either the President of the Senate or Speaker of the House of Representatives, as appropriate. For flights initiated by cabinet agencies, the head of the initiating agency must certify, in writing, that the member of the General Assembly’s attendance on the flight is in furtherance of the official business of the State.

Guests on flights who are unrelated to official state business shall be charged a comparable private commercial rate for like travel on a similar aircraft on a per seat basis for all flights taken. This comparable commercial rate for each aircraft must be established by the State Aeronautics Commission by August first and published on its website. Guests who are subject to this rate must be approved by the agency providing transportation within thirty days. Reimbursement not received within thirty-one days shall be subject to a penalty equal to five percent of the assessed cost of the guest’s flight on that day and every subsequent thirty days. If it is determined that a passenger qualifies as a guest and is subject to this charge after a flight is taken, then the guest passenger and the inviting passenger shall be subject to an immediate ten percent penalty of the assessed cost of the guest flight and the aforementioned five percent penalty

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starting from the date of the flight. The appropriate ethics committee/commission shall be notified of any penalties issued.

Regardless of who initiated the flight, invitees of members of the General Assembly shall be considered guests not related to the official business of the State unless certified, in writing, by the President of the Senate or the Speaker of the House of Representatives. This paragraph does not apply to individuals employed by the Senate, the House of Representatives, or other legislative agencies.

- 117.102 AMEND** (GP: South Carolina Welcome Centers) Directs PRT and DOT maintain a MOU that provides that PRT control operations of all SC Welcome Centers and specifies control of certain responsibilities. Directs DOT to transfer \$3,563,560, less any state funds appropriated by the General Assembly for Welcome Centers, to PRT. Directs that these funds be placed in a separate and distinct fund and authorizes these funds to be carried forward and used for the same purposes. **WMC:** AMEND proviso to change “\$3,563,560” to “stated in the Memorandum of Understanding.” Requested by Department of Parks, Recreation and Tourism. **HOU:** ADOPT proviso as amended. **SFC SUBCOMMITTEE RECOMMENDATION:** ADOPT proviso as amended.

**117.102.** (GP: South Carolina Welcome Centers) The Department of Parks, Recreation and Tourism and the Department of Transportation shall maintain a Memorandum of Understanding (MOU) that provides that the Department of Parks, Recreation and Tourism shall control operations of all South Carolina Welcome Centers. The MOU shall include replacement, renovation and maintenance of the facilities, daily operations, and grounds maintenance and upkeep and shall clearly define responsibility for additional portions of Welcome Centers to include paving and sidewalks. The Department of Transportation shall transfer to the Department of Parks, Recreation and Tourism the amount of ~~\$3,563,560~~ stated in the Memorandum of Understanding less any state funds appropriated by the General Assembly for the same purpose. The Department of Parks, Recreation and Tourism assumes responsibility for this amount and the timing of the transfer of these funds shall be defined as part of the MOU. The funds transferred to the Department of Parks, Recreation and Tourism shall be placed in a separate and distinct fund and these funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purposes.

- 117.160 AMEND** (GP: Human Affairs Commission and Commission for Minority Affairs Merger Study) Directs the Human Affairs Commission and Commission for Minority Affairs to work with DOA, EBO, and the Division of State Human Resources to study the merging of the two agencies. Directs the two agencies to develop a merger plan, lists the required plan information, and directs that the plan be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees and the Governor by December 1, 2022. **WMC:** DELETE proviso. **HOU:** ADOPT deletion. **SFC SUBCOMMITTEE RECOMMENDATION:** REINSERT original proviso and amend to direct DOA to develop a plan to merge the Human Affairs Commission and the Commission for Minority Affairs. Deletes language regarding the feasibility study of the merger. Deletes language instructing the Human Affairs Commission and the Commission on Minority Affairs to develop a merger plan. Directs both commissions to provide information requested by DOA to complete the plan. Updates calendar year reference.

**117.160.** (GP: Human Affairs Commission and Commission for Minority Affairs Merger Study) The Department of Administration shall develop a plan merging the Human Affairs

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Commission and Commission for Minority Affairs ~~shall each work with the Department of Administration, Executive Budget Office, and Division of State Human Resources to study the feasibility of a merger of the two agencies. The Human Affairs Commission and Commission for Minority Affairs shall develop a plan that includes~~ *shall include*, but is not limited to, proposed organizational structure, proposed program structure, and proposed budgetary and human resources changes to perform the functions of the two existing agencies in the event of a merger of the two agencies. *The Human Affairs Commission and the Commission for Minority Affairs shall each provide any information requested by the department for the completion of the plan.* The plan shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor by December 1, ~~2022~~ *2023*.

- 117.167 ADD** (GP: Third Party Processors) **WMC:** ADD new proviso to direct that an agency may charge and collect a processing fee on debit and credit cards and other electronic payment forms when contracted with a third-party payment processor.  
**HOU:** ADOPT new proviso.  
**SFC SUBCOMMITTEE RECOMMENDATION:** DELETE new proviso.

~~*117.167. (GP: Third Party Processors) In the current fiscal year, an agency that has contracted with a third party payment processor to accept debit cards, credit cards, and other electronic forms of payment may charge and collect a processing fee not more than the contract rate charged to the agency for electronic transactions.*~~

- 117.mcsf ADD** (GP: Merchant Card Service Fees) **SFC SUBCOMMITTEE RECOMMENDATION:** ADD new proviso that states that merchant card service fees collected and charged by a state agency are not fees as defined by Section 8-21-15, relating to the setting of fees and costs in regards to agency duties. Directs that the fees collected must be charged using card brand rules and with approval of the State Treasurer. Directs agencies to provide an annual fee report to the Treasurer.

~~*117.mcsf. (GP: Merchant Card Service Fees) Merchant card (credit card or debit card) service fees collected and charged by a state agency or its designated third-party provider are not considered fees as defined in Section 8-21-15. The service fees which are collected from the cardholder must be charged in accordance with card brand rules and approved by the State Treasurer. Agencies that collect merchant card service fees from the cardholder shall provide an annual report of such fees to the State Treasurer.*~~