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**Wednesday, March 9, 2016**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

The Psalmist asks:

“Lord, who may dwell in your sanctuary? Who may live on your holy hill? He whose walk is blameless and who does what is righteous and who speaks the truth from his heart.” (Psalm 15:1-2)

Let us pray:

O mighty God, You have made it crystal clear what You expect of each of us: how we need to live out our days in order to gain Your acceptance and blessing. We pray, dear Lord, that these same virtues and values will be embraced by every one of Your servants in this place. As each Senator and every staff member goes about his or her labors on behalf of all South Carolinians, may these servants always offer their very best -- not only to the citizens of our State, but also, O God, to You. In Your loving name we pray this, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**Point of Quorum**

At 10:11 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Bennett Bright

Bryant Campbell Cleary

Cromer Davis Fair

Grooms Hutto Kimpson

Leatherman Lourie *Martin, Larry*

Massey *Matthews, John* Nicholson

Peeler Sabb Setzler

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Shealy Thurmond Turner

Verdin Williams Young

A quorum being present, the Senate resumed.

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4593

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-6-65, and 59-26-20

SUBJECT: Program Approval Standards for South Carolina Teacher Education Institutions

Received by Lieutenant Governor January 12, 2016

Referred to Education Committee

Withdrawn and Resubmitted March 9, 2016

**Doctor of the Day**

Senator ALEXANDER introduced Dr. March Seabrook of West Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 10:15 A.M., Senator BRYANT requested a leave of absence for Senator SHANE MARTIN until 12:12 P.M.

**Leave of Absence**

    At 4:46 P.M., Senator CROMER requested a leave of absence beginning Thursday, March 10, 2016, at 9:00 A.M. until Tuesday, March 15, 2016, at 9:00 A.M.

**RECOMMITTED**

S. 1128 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF MEDICAL EXAMINERS, RELATING TO PATIENT MEDICAL RECORDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4588, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

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S. 1129 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - COMMISSIONERS OF PILOTAGE, RELATING TO PILOT REGISTRATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4574, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

S. 1130 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - REAL ESTATE APPRAISERS BOARD, RELATING TO CONTINUING EDUCATION, PAYMENT OF FEES, APPRAISAL EXPERIENCE, AND APPRAISER APPRENTICE REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4589, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

S. 1131 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF BARBER EXAMINERS, RELATING TO MINIMUM REQUIREMENTS FOR LICENSING OF COSMETOLOGISTS AS MASTER HAIR CARE SPECIALISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4601, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

S. 1132 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO EXPLOSIVES, DESIGNATED AS REGULATION DOCUMENT

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NUMBER 4617, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

S. 1133 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO FIRE PREVENTION AND LIFE SAFETY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4618, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1157 -- Senators Cleary and Campbell: A BILL TO AMEND ARTICLE 7, CHAPTER 3, TITLE 57 OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL BEAR COSTS, NOT TO EXCEED SEVEN AND ONE-HALF PERCENT OF THE TOTAL PROJECT COSTS FOR CONSTRUCTION PROJECTS OR IMPROVEMENTS FUNDED BY REVENUE GENERATED FROM H. 3579, R. \_\_\_, ACT \_\_\_ OF 2015.

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Read the first time and referred to the Committee on Transportation.

S. 1158 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-5-35 SO AS TO REQUIRE COUNTY BOARDS OF VOTER REGISTRATION AND ELECTIONS TO PERFORM CERTAIN ACTIONS DURING THE PETITION VERIFICATION PROCESS, AND TO PROVIDE THAT THESE REQUIREMENTS ARE SUPPLEMENTAL TO PETITION VERIFICATION REQUIREMENTS APPEARING ELSEWHERE IN THE CODE; AND TO AMEND SECTION 4-9-30, AS AMENDED, RELATING TO THE

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POWERS GRANTED TO COUNTIES, SO AS TO SPECIFY THE PROPER PETITION FORM.

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Read the first time and referred to the Committee on Judiciary.

S. 1159 -- Senator Davis: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESSIONAL DELEGATION OF THE STATE OF SOUTH CAROLINA AND TO REQUEST THAT THEY CO-SPONSOR AND SUPPORT H.R. 4371.

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The Concurrent Resolution was introduced and referred to the Committee on Finance.

S. 1160 -- Senator Scott: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE MRS. EDITH M. BURRELL-PAGE UPON THE OCCASION OF HER RETIREMENT FROM AT&T AFTER NEARLY FORTY YEARS OF EXEMPLARY SERVICE, AND TO WISH HER WELL AS SHE ENTERS A MUCH DESERVED RETIREMENT.

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The Senate Resolution was adopted.

H. 4542 -- Reps. McKnight, Clyburn, Cobb-Hunter, Hill, King, Whipper and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 65 TO TITLE 44 TO ENACT THE "EXPERIMENTAL HEALTH CARE TREATMENT LAW" SO AS TO AUTHORIZE ACCESS TO EXPERIMENTAL TREATMENTS FOR PATIENTS WITH AN ADVANCED ILLNESS, TO ESTABLISH CONDITIONS FOR USE OF EXPERIMENTAL TREATMENTS, TO PROHIBIT PROFESSIONAL DISCIPLINE AND OTHER SANCTIONS OF HEALTH CARE PROVIDERS SOLELY FOR RECOMMENDING OR PROVIDING AN EXPERIMENTAL TREATMENT, TO CLARIFY DUTIES OF A HEALTH INSURER WITH REGARD TO EXPERIMENTAL TREATMENTS AUTHORIZED BY THIS CHAPTER, TO PROHIBIT CERTAIN ACTIONS BY STATE OFFICIALS, EMPLOYEES, AND AGENTS, TO RESTRICT CERTAIN CAUSES OF ACTION ARISING FROM THE USE OF EXPERIMENTAL TREATMENTS, AND FOR OTHER PURPOSES.

Read the first time and referred to the Committee on Medical Affairs.

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H. 5068 -- Reps. W. J. McLeod, Huggins and Ballentine: A CONCURRENT RESOLUTION TO CONGRATULATE THE CHAPIN/NEWBERRY POST 193/24 AMERICAN LEGION BASEBALL TEAM AND ITS FINE COACHES AND MANAGER ON THEIR IMPRESSIVE WIN OF THE 2015 AMERICAN LEGION WORLD SERIES CHAMPIONSHIP TITLE.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5074 -- Reps. Rutherford, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR RENOWNED AMERICAN BALLET THEATRE PRINCIPAL DANCER MISTY COPELAND FOR HER SUCCESSFUL CAREER, TO WELCOME HER TO THE PALMETTO STATE, AND TO EXTEND THANKS FOR HER CONTRIBUTIONS IN SUPPORT OF COLUMBIA CLASSICAL BALLET AND COLUMBIA CITY BALLET.

The Concurrent Resolution was adopted, ordered returned to the House.

**REPORT OF STANDING COMMITTEE**

Senator CLEARY from the Committee on Invitations polled out H. 5018 favorable:

H. 5018 -- Reps. Pope, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein,

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Bingham, Bowers, Bradley, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb‑Hunter, Cole, Collins, Corley, H.A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M.S. McLeod, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson‑Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO DECLARE SATURDAY, MAY 21, 2016, AS “SOUTH CAROLINA DAY OF SERVICE” AND ENCOURAGE ALL SOUTH CAROLINIANS TO ROLL UP THEIR SLEEVES AND LEND A HAND TO MAKE A POSITIVE DIFFERENCE IN OUR GREAT STATE.

**Poll of the Invitations Committee**

**Polled 11; Nays 0**

**AYES**

Cleary Alexander Reese

Verdin Campsen Cromer

Malloy Johnson Kimpson

McElveen Campbell

**Total--11**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

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**Message from the House**

Columbia, S.C., March 9, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 1076 -- Senator Hembree: A BILL TO AMEND SECTION 48‑39‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERMITS TO UTILIZE CRITICAL AREAS, SO AS TO ESTABLISH THAT AN INDIVIDUAL DOES NOT NEED TO APPLY FOR A PERMIT TO DREDGE A MANMADE, PREDOMINATELY ARMORED, RECREATIONAL USE OR ESSENTIAL ACCESS CANAL.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCES**

S. 1009 -- Senators Grooms, Fair, L. Martin and Bright: A CONCURRENT RESOLUTION TO RESPECTFULLY AND HUMBLY ISSUE A “CALL TO PRAYER” FOR THE STATE OF SOUTH CAROLINA AND INVITE HER CITIZENS EVERYWHERE TO PRAY THAT GOD WILL CONTINUE TO BLESS THIS COUNTRY, OUR NOBLE STATE, AND THE FREEDOMS FOR WHICH THEY STAND.

Returned with concurrence.

Received as information.

S. 1079 -- Senators Shealy and Alexander: A CONCURRENT RESOLUTION TO HONOR OUR SENIOR NUTRITION PROGRAMS, THE SENIORS THEY SERVE, AND THE VOLUNTEERS WHO CARE FOR THEM AND TO DECLARE MARCH 2016 AS “MARCH FOR MEALS MONTH” IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

S. 1156 -- Senator Setzler: A CONCURRENT RESOLUTION TO CONGRATULATE CHIEF CHARLES E. MCNAIR, DIRECTOR OF THE CAYCE DEPARTMENT OF PUBLIC SAFETY, ON THE OCCASION OF HIS RETIREMENT, TO EXTEND DEEP

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APPRECIATION FOR HIS MANY YEARS OF SERVICE, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

Returned with concurrence.

Received as information.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**HOUSE BILL RETURNED**

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3325 -- Reps. J.E. Smith, Hodges, Weeks, Whipper, Mitchell, Govan and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 61, TITLE 15 SO AS TO ENACT THE “UNIFORM PARTITION OF HEIRS’ PROPERTY ACT”; TO DEFINE NECESSARY TERMS; TO PROVIDE FOR NOTICE BY PUBLICATION IN A PARTITION ACTION, TO PROVIDE PROCEDURES FOR A COURT TO FOLLOW IN DETERMINING THE VALUE OF THE PROPERTY AND FACTORS FOR A COURT TO CONSIDER FOR DIFFERENT TYPES OF PARTITIONS, TO PROVIDE FOR OPEN‑MARKET SALES, SEALED BIDS, OR AUCTIONS, TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 61 AS ARTICLE 1; TO AMEND SECTION 15‑61‑10, RELATING TO PARTITION ACTIONS, SO AS TO PROVIDE FOR A COURT HEARING TO DETERMINE IF THE PARTITION ACTION CONCERNS HEIRS’ PROPERTY; AND TO AMEND SECTION 15‑61‑100, RELATING TO WRITS OF PARTITION, SO AS TO DELETE OBSOLETE REFERENCES.

**READ THE THIRD TIME**

**SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 863 -- Senators Scott and Jackson: A BILL TO AMEND ACT 613 OF 1986, AS AMENDED, RELATING TO SCHOOL DISTRICTS IN RICHLAND COUNTY, SO AS TO REAPPORTION THE FOUR SINGLE‑MEMBER ELECTION DISTRICTS FROM WHICH THE TRUSTEES OF RICHLAND COUNTY SCHOOL DISTRICT ONE ARE ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH

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THESE SINGLE‑MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

**COMMITTEE AMENDMENT ADOPTED**

**AMENDMENT PROPOSED**

**CARRIED OVER**

S. 653 -- Senator Scott: A BILL TO AMEND SECTION 38‑63‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PAYMENT OF INDIVIDUAL LIFE INSURANCE POLICY BENEFIT PROCEEDS IN A LUMP SUM, SO AS TO PROVIDE THE INTEREST PAID MUST BE PAID AT A RATE NOT LESS THAN THE CURRENT RATE INTEREST PAID ON DEATH PROCEEDS LEFT ON DEPOSIT WITH THE INSURER; AND TO AMEND SECTION 38‑65‑120, RELATING TO PAYMENT OF GROUP LIFE INSURANCE POLICY BENEFIT PROCEEDS IN A LUMP SUM, SO AS TO CLARIFY THE REQUIREMENTS FOR CLAIMS SUBMISSIONS, AND TO PROVIDE INTEREST PAID ON LUMP SUM PAYMENTS MUST BE PAID AT A RATE NOT LESS THAN THE CURRENT RATE OF INTEREST PAID ON DEATH PROCEEDS LEFT ON DEPOSIT WITH THE INSURER.

The Senate proceeded to a consideration of the Bill.

The Committee on Banking and Insurance proposed the following amendment (NBD\653C001.NBD.CZ15), which was adopted:

Amend the bill, as and if amended, by inserting an appropriately numbered SECTION after line 15 on page 2 to read:

/ SECTION \_\_. Section 38‑63‑220(f) of the 1976 Code is amended to read:

“(f) a provision that when a policy becomes a claim by the death of the insured, settlement must be made upon receipt of proof of death. When a policy provides for payment of its proceeds in a lump sum upon the death of the insured and the insurer fails to pay the proceeds within thirty days of submission of proof of death and all necessary claim papers needed in order to pay the claim properly, the payment must include interest ~~at the legal rate of interest from the date of death of the insured until the date the claim is paid~~. Notwithstanding another provision of law, this interest must be paid at a rate not less than the current rate of

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interest paid on death proceeds left on deposit with the insurer in effect at the time of the death of the insured;” /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

Senator HUTTO proposed the following amendment (NBD\  
653C002.NBD.CZ15), which was proposed:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 38‑63‑80 of the 1976 Code is amended to read:

“Section 38‑63‑80. When an individual life insurance policy provides for payment of its proceeds in a lump sum upon the death of the insured and the insurer fails to pay the proceeds within thirty days of submission of proof of death and all necessary claim papers needed in order to pay the claim properly, the payment must include interest ~~at the legal rate from the date of death of the insured until the date the claim is paid~~. Notwithstanding another provision of law, this interest must be paid at a rate not less than the current rate of interest paid on death proceeds left on deposit with the insurer in effect at the time of the death of the insured. If the insurer fails to pay the proceeds within ninety days of submission of proof of death and all necessary claim papers needed in order to pay the claim properly, the payment must include interest at the greater of the legal rate of interest or the current rate of insurance paid on death proceeds left on deposit with the insurer in effect at the time of the death of the insured from the ninety‑first day until payment.”

SECTION 2. Section 38‑65‑120 of the 1976 Code is amended to read:

“Section 38‑65‑120. When a group life insurance policy provides for payment of its proceeds in a lump sum upon the death of an insured and the insurer fails to pay the proceeds within thirty days of submission of proof of death and all necessary claim papers needed to properly pay the claim, the payment must include interest ~~at the legal rate of interest from the date of death of that insured until the date the claim is paid~~. Notwithstanding another provision of law, this interest must be paid at a rate not less than the current rate of interest paid on death proceeds left on deposit with the insurer in effect at the time of the death of the insured. If the insurer fails to pay the proceeds within ninety days of submission of proof of death and all necessary claim papers needed in order to pay

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the claim properly, the payment must include interest at the greater of the legal rate of interest or the current rate of insurance paid on death proceeds left on deposit with the insurer in effect at the time of the death of the insured from the ninety‑first day until payment.”

SECTION 3. Section 38‑63‑220(f) of the 1976 Code is amended to read:

“(f) a provision that when a policy becomes a claim by the death of the insured, settlement must be made upon receipt of proof of death. When a policy provides for payment of its proceeds in a lump sum upon the death of the insured and the insurer fails to pay the proceeds within thirty days of submission of proof of death and all necessary claim papers needed in order to pay the claim properly, the payment must include interest ~~at the legal rate of interest from the date of death of the insured until the date the claim is paid~~. Notwithstanding another provision of law, this interest must be paid at a rate not less than the current rate of interest paid on death proceeds left on deposit with the insurer in effect at the time of the death of the insured. If the insurer fails to pay the proceeds within ninety days of submission of proof of death and all necessary claim papers needed in order to pay the claim properly, the payment must include interest at the greater of the legal rate of interest or the current rate of insurance paid on death proceeds left on deposit with the insurer in effect at the time of the death of the insured from the ninety‑first day until payment;”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

On motion of Senator CROMER, the Bill was carried over.

**CARRIED OVER**

H. 3576 -- Reps. Bannister, Merrill, Murphy, Atwater, Collins, Gagnon, Hamilton, Hicks, Pitts, Sandifer, G.R. Smith, Tallon, Whitmire, Henderson and Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑1‑120 SO AS TO PROVIDE THAT CERTAIN WRITTEN AGREEMENTS BETWEEN NONPROFIT YOUTH SPORTS ORGANIZATIONS AND COACHES PROVIDE CONCLUSIVE EVIDENCE THAT THE COACH IS AN INDEPENDENT CONTRACTOR RATHER THAN AN EMPLOYEE OF THE

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ORGANIZATION AND THAT THE ORGANIZATION IS EXEMPT FROM CERTAIN OBLIGATIONS CONCERNING WORKERS’ COMPENSATION COVERAGE, UNEMPLOYMENT INSURANCE COVERAGE, AND INCOME TAX WITHHOLDINGS, TO PROVIDE SPECIFIC REQUIREMENTS FOR THESE WRITTEN AGREEMENTS, TO PROVIDE THESE WRITTEN AGREEMENTS ARE NOT CONCLUSIVE PROOF OF THE EXISTENCE OF AN INDEPENDENT CONTRACTOR RELATIONSHIP FOR PURPOSES OF ANY CIVIL ACTIONS INSTITUTED BY THIRD PARTIES, AND TO DEFINE THE TERM “NONPROFIT YOUTH SPORTS ORGANIZATION”.

On motion of Senator HUTTO, the Bill was carried over.

S. 1013 -- Senators Alexander and Davis: A BILL TO AMEND CHAPTER 57, TITLE 40 OF THE 1976 CODE, RELATING TO THE LICENSURE AND REGULATION OF REAL ESTATE BROKERS, SALESPERSONS, AND PROPERTY MANAGERS, TO REORGANIZE THE PROVISIONS OF THIS CHAPTER; TO REVISE AND ADD CERTAIN DEFINITIONS OF TERMS USED IN THIS CHAPTER; TO SPECIFY THAT CERTAIN DUTIES AND RESPONSIBILITIES BELONG TO THE REAL ESTATE COMMISSION RATHER THAN TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO DELETE A LICENSE REINSTATEMENT FEE; TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT, USE, AND REPORTING REQUIREMENTS FOR THE SOUTH CAROLINA REAL ESTATE COMMISSION EDUCATION AND RESEARCH FUND; TO DELETE THE PROVISION REQUIRING LICENSURE APPLICANTS TO SUBMIT A CREDIT REPORT, AND TO REQUIRE APPLICANTS TO UNDERGO CRIMINAL RECORDS CHECKS; TO REVISE EDUCATION AND RELATED REQUIREMENTS OF CERTAIN LICENSEES; TO PROVIDE THAT AN INDIVIDUAL WHOSE LICENSE IS REVOKED MAY NOT REAPPLY FOR LICENSURE FOR THREE YEARS, RATHER THAN ONE YEAR; TO PROVIDE CIRCUMSTANCES IN WHICH THE COMMISSION MAY RECOGNIZE A REAL ESTATE LICENSE FROM ANOTHER STATE AND TO PROVIDE SPECIFIC REQUIREMENTS FOR NONRESIDENT LICENSEES; TO SPECIFY CONTINUING EDUCATION REQUIREMENTS FOR BROKERS IN CHARGE AND PROPERTY MANAGERS IN CHARGE; TO REQUIRE THE ELECTRONIC TRANSMISSION OF CERTAIN

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STUDENT CONTINUING EDUCATION AND QUALIFYING COURSE RECORDS TO THE COMMISSION, AND TO REQUIRE THE COMMISSION MAINTAIN A SECURE DATABASE OF THESE RECORDS; TO FURTHER SPECIFY ADVERTISING AND MARKETING REQUIREMENTS AND LICENSEE STATUS DISCLOSURE; TO CLARIFY AND FURTHER SPECIFY DUTIES AND RESPONSIBILITIES OF BROKERS IN CHARGE AND PROPERTY MANAGERS IN CHARGE CONCERNING TRUST FUNDS AND TRUST ACCOUNTS, RECORDKEEPING, AND THE SUPERVISION AND INSTRUCTION OF LICENSEES REGARDING THESE MATTERS; TO PROVIDE THAT NO CAUSE OF ACTION ARISES IF AN OWNER OF REAL ESTATE OR A LICENSEE DOES NOT DISCLOSE THE LOCATION OF A REGISTERED SEX OFFENDER; TO FURTHER SPECIFY THE RELATIONSHIPS AND THE DUTIES AND RESPONSIBILITIES OF BROKERS IN CHARGE, BROKERAGE FIRMS, AND LICENSEES TO THEIR CLIENTS, CUSTOMERS, AGENTS, OTHER LICENSEES, AND OTHER LICENSED INDIVIDUALS; TO FURTHER PROVIDE FOR GROUNDS FOR DENIAL OF LICENSURE OR FOR DISCIPLINARY ACTION AND TO AUTHORIZE THE COMMISSION TO REQUIRE A LICENSEE TO UNDERGO A CRIMINAL RECORDS CHECK AS PART OF AN INVESTIGATION OR DISCIPLINARY PROCEEDING; AND TO CLARIFY CONFIDENTIALITY REQUIREMENTS OF INFORMATION RECORDED FOR AN INVESTIGATION OR PROCEEDING; AND BY ADDING SECTION 27‑32‑85 SO AS TO PROVIDE THAT PURCHASE OF BENEFICIARY RIGHTS IN A TRUST BASED TIMESHARE, WHERE THE CONTRACT IS MADE IN THIS STATE, IS A REAL PROPERTY OWNERSHIP CONVEYANCE SUBJECT TO ALL CLOSING REQUIREMENTS CONTAINED IN THE TIME SHARING TRANSACTION PROCEDURES ACT.

On motion of Senator HUTTO, the Bill was carried over.

S. 315 -- Senators Grooms and Campsen: A JOINT RESOLUTION TO REPEAL SECTION 6 OF ACT 114, RELATED TO THE TERMINATION OF THE GOVERNOR’S AUTHORITY TO APPOINT THE SECRETARY OF TRANSPORTATION; AND TO EXTEND THE GOVERNOR’S AUTHORITY UNTIL FURTHER ACTION BY THE GENERAL ASSEMBLY TO THE CONTRARY.

On motion of Senator HUTTO, the Resolution was carried over.

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S. 267 -- Senators Young, Campsen, Hembree, Bennett, Turner, Thurmond, Davis, Bright, Bryant, L. Martin, S. Martin, Hayes and Campbell: A BILL TO AMEND SECTION 2‑1‑180 OF THE 1976 CODE, RELATING TO ADJOURNMENT OF THE GENERAL ASSEMBLY, TO CHANGE THE DATE FOR THE MANDATORY ADJOURNMENT OF THE GENERAL ASSEMBLY FROM THE FIRST THURSDAY IN JUNE TO THE FIRST THURSDAY IN MAY, AND PROVIDE THAT IN ANY YEAR THAT THE HOUSE OF REPRESENTATIVES FAILS TO GIVE THIRD READING TO THE APPROPRIATIONS BILL BY MARCH FIRST, RATHER THAN MARCH THIRTY-FIRST, THE DATE OF ADJOURNMENT IS EXTENDED BY ONE STATEWIDE DAY FOR EACH STATEWIDE DAY AFTER MARCH FIRST, THAT THE HOUSE FAILS TO GIVE THE BILL THIRD READING.

On motion of Senator MALLOY, the Bill was carried over.

H. 3682 -- Reps. Finlay, Bannister, Newton, Cole, Delleney, Weeks, Whipper, Robinson‑Simpson and Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 39 SO AS TO ENACT THE “BAD FAITH ASSERTION OF PATENT INFRINGEMENT ACT”, TO PROVIDE THAT BAD FAITH ASSERTIONS OF PATENT INFRINGEMENTS ARE PROHIBITED, TO DEFINE TERMS, TO PROVIDE FOR A PRIVATE CAUSE OF ACTION IN STATE COURTS BY A RECIPIENT OF A BAD FAITH ASSERTION TO PATENT INFRINGEMENT, TO PROVIDE THAT ENFORCEMENT ACTIONS MAY BE BROUGHT BY THE ATTORNEY GENERAL AND WILFUL AND KNOWING VIOLATIONS MAY RESULT IN CIVIL PENALTIES OF NOT MORE THAN FIFTY THOUSAND DOLLARS FOR EACH VIOLATION, TO PROVIDE FOR THE FACTORS THAT A COURT MAY CONSIDER WHEN MAKING A BAD FAITH DETERMINATION, AND TO PROVIDE EXCEPTIONS.

On motion of Senator MALLOY, the Bill was carried over.

S. 1121 -- Senators Cleary, Hembree, Campbell, Alexander and Gregory: A SENATE RESOLUTION TO COMMEND AND SUPPORT TAIWAN’S DEMOCRATIC SYSTEM OF GOVERNMENT, ITS CLOSE RELATIONSHIP WITH THE UNITED STATES, AND THE NATION’S MEANINGFUL PARTICIPATION IN THE WORLD HEALTH ORGANIZATION, THE INTERNATIONAL CIVIL AVIATION ORGANIZATION, AND THE

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UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE, AS WELL AS OTHER INTERNATIONAL ORGANIZATIONS, AND TO EXTEND SINCERE BEST WISHES FOR CONTINUED COOPERATION AND SUCCESS.

On motion of Senator BRIGHT, the Resolution was carried over.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

At 10:35 A.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CARRIED OVER**

S. 199 -- Senators Grooms, Hembree, Bennett, Campbell, Verdin, Campsen, Gregory, Johnson, Setzler, Sabb, Nicholson and Scott: A BILL TO AMEND SECTION 56‑5‑1535 OF THE 1976 CODE, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, TO DELETE THIS PROVISION AND CREATE “PEANUT’S LAW”, TO PROVIDE A DEFINITION FOR THE TERMS “HIGHWAY WORK ZONE” AND “HIGHWAY WORKER”, TO CREATE THE OFFENSES OF “ENDANGERMENT OF A HIGHWAY WORKER”, AND TO PROVIDE PENALTIES FOR THESE OFFENSES; TO AMEND SECTION 56‑1‑720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, TO PROVIDE THAT “ENDANGERMENT OF A HIGHWAY WORKER” VIOLATIONS RANGE BETWEEN TWO AND SIX POINTS; AND TO REPEAL SECTION 56‑5‑1536 RELATING TO DRIVING IN TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES.

On motion of Senator LEATHERMAN, the Bill was carried over.

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**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**COMMITTEE AMENDMENT WITHDRAWN**

**AMENDED, READ THE SECOND TIME**

H. 3579 -- Reps. Simrill, White, Lucas, Allison, Henderson, Limehouse, Newton, Ott, Clary, Collins, Delleney, Forrester, Gambrell, Hardwick, Hiott, Horne, Merrill, D.C. Moss, V.S. Moss, Murphy, Pitts, Sandifer, G.M. Smith, Sottile, Spires, Wells, Whitmire, Yow, Jefferson, Erickson, Funderburk, Hosey, Hixon, Clyburn, Knight, Herbkersman, H.A. Crawford, Felder, Willis, McCoy, Bradley, Douglas, Norrell, Long, Bales, Daning, Loftis, Tallon, Anthony, Howard, Gagnon, Riley, Williams, Hayes, G.A. Brown, R.L. Brown, Hart, Weeks, Whipper, Pope, Tinkler, Hicks, Brannon, Corley, Clemmons, Johnson, George, Alexander, Anderson and Duckworth: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA INFRASTRUCTURE FINANCE REFORM AND TAX RELIEF ACT”; TO AMEND SECTIONS 57‑1‑310, 57‑1‑320, 57‑1‑325, AND 57‑1‑330, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT ALL THE COMMISSIONERS MUST BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR, TO PROVIDE THAT APPOINTEES MUST BE SCREENED BY THE JOINT TRANSPORTATION REVIEW COMMITTEE, AND TO PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER FOR MORE THAN TWELVE YEARS AND NO COUNTY MAY HAVE A RESIDENT COMMISSIONER FOR MORE THAN TWELVE CONSECUTIVE YEARS; TO AMEND SECTION 57‑1‑410, AS AMENDED, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, INSTEAD OF THE GOVERNOR, SHALL APPOINT THE SECRETARY; TO AMEND SECTIONS 57‑1‑730 AND 57‑1‑740, AS AMENDED, RELATING RESPECTIVELY TO THE DUTIES OF THE JOINT TRANSPORTATION REVIEW COMMITTEE, BOTH SO AS TO REQUIRE THE COMMITTEE TO SCREEN APPOINTEES TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION IN A SIMILAR MANNER AS CURRENTLY ELECTED COMMISSIONERS ARE SCREENED; BY ADDING SECTION 57‑1‑95 SO AS TO PROHIBIT THE

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COMMENCEMENT OF ANY NEW ROAD CONSTRUCTION PROJECTS IN THIS STATE UNTIL JULY 1, 2020, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 11‑43‑140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO INCREASE THE BOARD TO THIRTEEN MEMBERS AND TO SET FORTH THE MEMBERSHIP, AND TO PROVIDE THAT NO MEMBER MAY SERVE MORE THAN TWELVE YEARS; TO AMEND SECTION 11‑43‑180, RELATING TO FINANCIAL ASSISTANCE GIVEN BY THE INFRASTRUCTURE BANK, SO AS TO PROHIBIT THE BANK FROM PROVIDING ANY LOANS OR OTHER FINANCIAL ASSISTANCE TO ANY PROJECT UNLESS THE ELIGIBLE COSTS OF THE PROJECT ARE AT LEAST TWENTY‑FIVE MILLION DOLLARS; BY ADDING SECTION 11‑43‑265 SO AS TO REQUIRE THE INFRASTRUCTURE BANK TO PRIORITIZE ALL PROJECTS IN ACCORDANCE WITH THE PRIORITIZATION CRITERIA ESTABLISHED IN ACT 114 OF 2007, AND TO PROVIDE AN EXCEPTION; BY ADDING SECTION 57‑1‑100 SO AS TO SET FORTH THE OPTIONAL PROCESS BY WHICH THE DEPARTMENT OF TRANSPORTATION TRANSFERS CERTAIN STATE ROADS TO THE COUNTIES OF THIS STATE, TO INCREASE THE AMOUNT DISTRIBUTED TO THE PARTICIPATING COUNTIES OVER TIME, TO PROVIDE THAT EACH PARTICIPATING COUNTY MUST RECEIVE ONE MILLION DOLLARS BEFORE THE FUNDS ARE DISTRIBUTED BASED ON A FORMULA, TO AMEND SECTION 12‑28‑2740, RELATING TO THE DISTRIBUTION OF THE GASOLINE USER FEE TO THE COUNTIES OF THIS STATE, TO ABOLISH THE CURRENT COUNTY TRANSPORTATION COMMITTEES AND THEN RECONSTITUTE THEM WITH THE ADDITION OF MUNICIPAL REPRESENTATION, AND TO SPECIFY THE MANNER IN WHICH “C” FUNDS MUST BE EXPENDED; TO AMEND SECTIONS 56‑5‑4210 AND 56‑5‑4220, BOTH RELATING TO ROAD RESTRICTIONS, SO AS TO SPECIFY CERTAIN RESTRICTIONS ON LOCALITIES; TO AMEND SECTION 12‑28‑310, RELATING TO THE USER FEE ON GASOLINE, SO AS TO REDUCE THE FEE TO TEN CENTS A GALLON; TO AMEND SECTION 56‑11‑410, RELATING TO THE ROAD TAX, SO AS TO REDUCE THE TAX TO TEN CENTS A GALLON; TO AMEND SECTION 56‑11‑450, RELATING TO THE CREDIT AGAINST ROAD TAX, SO AS TO REDUCE THE CREDIT TO TEN CENTS A

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GALLON; TO AMEND SECTION 12‑36‑2110, RELATING TO THE MAXIMUM TAX, SO AS TO INCREASE THE MAXIMUM TAX FROM THREE HUNDRED TO FIVE HUNDRED DOLLARS ON THE SALE OR LEASE OF A MOTOR VEHICLE; TO AMEND SECTION 12‑36‑2647, RELATING TO THE TAX REVENUES COLLECTED FROM THE SALE OR LEASE OF A MOTOR VEHICLE, SO AS TO CREDIT ALL THE REVENUES TO THE STATE HIGHWAY FUND EXCEPT FOR CERTAIN AMOUNTS THAT ARE USED FOR THE EDUCATION IMPROVEMENT ACT; BY ADDING ARTICLE 4 TO CHAPTER 28, TITLE 12 SO AS TO IMPOSE AN EXCISE TAX ON THE WHOLESALE PRICE OF MOTOR FUEL EQUAL TO THE CUMULATIVE STATE SALES TAX RATE, TO PROVIDE THAT THE REVENUE MUST BE CREDITED TO THE STATE HIGHWAY FUND, TO PROVIDE THAT THE EXCISE TAX MAY NOT EXCEED THE EQUIVALENT OF SIXTEEN CENTS A GALLON, AND TO PROVIDE THE MANNER IN WHICH THE EXCISE TAX IS CALCULATED AND ADMINISTERED; BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 57 SO AS TO IMPOSE AN EXCISE TAX ON MOTOR CARRIERS IN THE SAME MANNER AS THE EXCISE TAX ON MOTOR FUEL; AND TO AMEND SECTION 12‑6‑510, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12‑6‑520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

**Amendment No. P8C-31A**

Senators GROOMS, PEELER, ALEXANDER, BENNETT, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, CORBIN, COURSON, CROMER, DAVIS, FAIR, GREGORY, HAYES, HEMBREE, LEATHERMAN, L. MARTIN, S. MARTIN, MASSEY, RANKIN, SHEALY, THURMOND, TURNER, VERDIN and YOUNG proposed the following amendment (BBM\  
3579C162.BBM.DG16), which was adopted:

Amend Amendment Number 31A, bearing document number 3579R067 EB LKG, as and if amended, by striking SECTION 3 and inserting:

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/ SECTION 3. Section 11‑43‑150 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( )Before providing a loan or other financial assistance to a qualified borrower on a qualified project, the board of directors must submit the decision to the Department of Transportation Commission for its consideration. The Department of Transportation Commission can approve or reject the board of directors’ decisions or request additional information from the board of directors. This requirement does not apply to decisions by the board that relate to any payment or contractual obligations that the Department of Transportation has to the bank that are pledged to any bonds issued by the bank.” /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke on the perfecting amendment.

The question then was the adoption of the perfecting amendment.

The amendment was adopted.

**Amendment No. P9B-31A**

Senator J. MATTHEWS proposed the following amendment (3579.JM.P4.31A), which was carried over:

Amend Amendment 31A, bearing document number 3579R067.EB.LKG, as and if amended, by inserting an appropriately numbered new SECTION to read:

/ SECTION\_\_\_. Article 1, Chapter 43, Title 11 of the 1976 Code is amended by adding:

“Section 11‑43‑295. (A) Of the revenues credited to the bank pursuant to Section 12-28-310, the bank shall issue bonds pursuant to Article 3 for interstate projects of statewide benefit which improve or expand existing transportation interstate corridors with emphasis on capacity or improvements needed to strengthen economic development.

(B) Of the bonds issued pursuant to subsection (A), at least twenty percent of the funds must be awarded for projects under one hundred million dollars primarily located in a county designated as Tier III or Tier IV as of January 1, 2016, pursuant to Section 12‑6‑3360, at any time during the fiscal year. If sufficient projects do not exist in these counties to meet the twenty percent requirement, then the bank must carry forward any remaining funds to the next fiscal year to be used for the same purpose. Projects in these counties are not limited to interstate

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improvements and may include primary and secondary roads if critical to the economic benefit of the area. For projects located in these counties, the bank only may require local financial support of up to five percent for Tier IV counties and up to ten percent for Tier III counties.

(C) The bank must document each project with specificity as to the reasons the projects were or were not selected, including the projected economic value of each project to the state. In selecting projects, the bank is limited only by the most expeditious and efficient manner in addressing the road condition and congestion, as applicable.

(D) Each fiscal year, the bank must issue a report to the General Assembly detailing the expenditure of these revenues.” /

Renumber sections to conform.

Amend title to conform.

Senator J. MATTHEWS spoke on the perfecting amendment.

Senator J. MATTHEWS moved to carry over the amendment.

The amendment was carried over.

**Amendment No. P10-31A**

Senator LEATHERMAN proposed the following amendment (BBM\3579C159.BBM.DG16), which was tabled:

Amend Amendment Number 31A, bearing document number 3579R067 EB LKG, as and if amended, by striking SECTION 4 and inserting:

/ SECTION 4. Article 1, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57-1-100. (A)(1) Beginning with the annual general appropriations act for Fiscal Year 2016‑2017, and each year thereafter, the General Assembly shall appropriate out of the estimated revenue of the general fund for the fiscal year for which the appropriations are made, two hundred million dollars to the Department of Transportation. This appropriation is exempt from any across‑the‑board reductions.

(2) In Fiscal Year 2016-2017, the General Assembly shall appropriate out of the estimated nonrecurring revenue of the general fund available for appropriation, two hundred million dollars to the Department of Transportation to be used exclusively for improvements to the existing primary and secondary highway systems.

(B)(1) There is created within the South Carolina Transportation Infrastructure Bank the Existing Interstates Improvement Fund which is

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separate and distinct from any other fund. Any revenues credited to the fund shall remain in the fund and may be carried forward for the same purpose. The fund must be used solely by the bank to finance expansion and improvements to existing mainline interstates, pursuant to item (2).

(2) Beginning in Fiscal Year 2016-2017, and each year thereafter, the Department of Transportation shall transfer an amount equal to the appropriation in subsection (A)(1) to the Existing Interstates Improvement Fund. The transfer must be from motor fuel user fee revenues or other nontax sources. The transferred funds must be used solely by the bank to finance expansion and improvements to existing mainline interstates. The department shall submit a list of interstate expansion and improvement projects to the bank for its consideration. The transferred funds may not be used for projects approved by the bank before July 1, 2013. The bank shall submit all projects proposed to be financed by this section to the Joint Bond Review Committee as provided in Section 11‑43‑180, before approving a project for financing. The interstate expansion and improvement projects financed by this section do not require a local match.

(C) The appropriation made pursuant to subsection (A)(1) must be contained in the Ways and Means Committee report on the general appropriations bill, the general appropriations bill at the time of third reading in the House of Representatives, the Senate Finance Committee report on the general appropriations bill, the general appropriations bill at the time of a third reading in the Senate, and in any conference report on the general appropriations bill.” /

Renumber sections to conform.

Amend title to conform.

Senator LEATHERMAN spoke on the perfecting amendment.

**Motion Adopted**

On motion of Senator RANKIN, with unanimous consent, Senators BRIGHT, THURMOND, WILLIAMS, REESE and RANKIN were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Senator LEATHERMAN resumed speaking on the perfecting amendment.

Senator GROOMS spoke on the perfecting amendment.

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Senator GROOMS moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 27; Nays 17**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Malloy *Martin, Larry Martin, Shane*

Massey Peeler Rankin

Shealy Sheheen Thurmond

Turner Verdin Young

**Total--27**

**NAYS**

Allen Cleary Coleman

Hutto Jackson Johnson

Kimpson Leatherman Lourie

*Matthews, John Matthews, Margie* McElveen

Nicholson Reese Sabb

Setzler Williams

**Total--17**

The amendment was laid on the table.

**RECESS**

At 11:58 A.M., on motion of Senator LEATHERMAN, the Senate receded from business until 1:30 P.M.

At 1:39 P.M., the Senate resumed.

**Call of the Senate**

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Bennett Bright

Bryant Campbell Cleary

Coleman Corbin Cromer

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Davis Gregory Grooms

Hembree Leatherman Lourie

*Martin, Larry Martin, Shane* Massey

Peeler Rankin Scott

Setzler Shealy Thurmond

Turner Verdin Williams

Young

A quorum being present, the Senate resumed.

**Expression of Personal Interest**

With unanimous consent, Senator LOURIE rose for an Expression of Personal Interest.

**Motion Adopted**

On motion of Senator MALLOY, with unanimous consent, Senators HEMBREE, TURNER, SHEALY, KIMPSON and MALLOY were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

**Amendment No. P12-31A**

Senators SCOTT and KIMPSON proposed the following amendment (BBM\3579C139.BBM.DG16), which was tabled:

Amend Amendment Number 31A, bearing document number (3579R067 EB LKG), as and if amended, by striking SECTION 4 and inserting:

/ SECTION 4. Article 1, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57‑1‑100. (A). The General Assembly, in the annual general appropriations act, shall appropriate out of the estimated revenue of the general fund for the fiscal year for which the appropriations are made, $400 million to the State Highway Fund, of which $6.25 million must be used on mass transit.

(B) This appropriation must be contained in the Ways and Means Committee report on the general appropriations bill, the general appropriations bill at the time of third reading in the House of Representatives, the Senate Finance Committee report on the general appropriations bill, the general appropriations bill at the time of a third reading in the Senate, and in any conference report on the general appropriations bill.” /

Renumber sections to conform.

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Amend title to conform.

Senator SCOTT spoke on the perfecting amendment.

Senator KIMPSON spoke on the perfecting amendment.

Senator GROOMS moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 26; Nays 17**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Rankin

Shealy Thurmond Turner

Verdin Young

**Total--26**

**NAYS**

Allen Coleman Jackson

Johnson Kimpson Lourie

Malloy *Matthews, John Matthews, Margie*

McElveen Nicholson Reese

Sabb Scott Setzler

Sheheen Williams

**Total--17**

The amendment was laid on the table.

**Amendment No. P13-31A**

Senator COLEMAN proposed the following amendment (3579.CC.P1.31A), which was tabled:

Amend Amendment 31A, bearing document number 3579R067.EB.LKG, as and if amended, by inserting an appropriately numbered new SECTION to read:

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/ SECTION \_\_. Section 57-1-360 of the 1976 code is repealed. /

Further amend, Amendment 31A, bearing document number 3579R067.EB.LKG, as and if amended, by inserting an appropriately numbered new SECTION to read:

/ Section \_\_\_A. Chapter 6, Title 1 of the 1976 Code is amended by adding:

“Section 1-6-110.(A) There is established within the Office of Inspector General a division that provides the exclusive internal audit function for the Department of Transportation. The division shall be headed by a director who is appointed by the Inspector General. The director must be a Certified public Accountant and possess any other experience the Inspector General may require.

(B)(1) The Division must establish, implement, and maintain the exclusive internal audit function of all Department of Transportation activities.

(2) The audits performed by the division must comply with recognized governmental auditing standards. The department and any entity contracting with the department must fully cooperate with the division in the discharge of its duties and responsibilities and must timely produce all requested information, including, but not limited to books, papers, correspondence, memoranda, and other records the division considers necessary in connection with an internal audit. All final audit reports must be submitted to the Department of Transportation Commission, the Secretary of Transportation, the Joint Transportation Review Committee, the Chairman of the Senate Transportation Committee, the chairman of the Senate Finance Committee, the chairman of the House of Representatives Education and Public Works Committee, and the Chairman of the House of Representatives Ways and Means Committee before being made public.

(3) The Inspector General is vested with the exclusive management and control of the division.

(C) The department must reimburse the Inspector General for all reasonable expenses associated with the operation and management of the division.”

B. This SECTION takes effect sixty days after the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

Senator COLEMAN spoke on the perfecting amendment.

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Senator GROOMS moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 26; Nays 16**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Rankin

Shealy Thurmond Turner

Verdin Young

**Total--26**

**NAYS**

Allen Coleman Hutto

Jackson Johnson Kimpson

Lourie Malloy *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Sabb Scott Setzler

Williams

**Total--16**

The amendment was laid on the table.

**Amendment No. P15-31A**

Senator SCOTT proposed the following amendment (BBM\  
3579C138.BBM.DG16), which was tabled:

Amend Amendment Number 31A, bearing document number (3579R067 EB LKG), as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Section 12‑28‑2930 of the 1976 Code is amended to read:

“Section 12‑28‑2930. (A)(1) Of total state source highway funds, including revenues generated by Section 12‑28‑2740, expended in a fiscal year on contractors or consultants for highway, bridge, and

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building construction and maintenance, and building renovation contracts, the Department of Transportation and counties shall ensure that not less than:

(a) five percent are expended through direct contracts with estimated values of two hundred fifty thousand dollars or less, or subcontracts, with small business concerns owned and controlled by socially and economically disadvantaged ethnic minorities (MBEs);

(b) five percent are expended through direct contracts with estimated values of two hundred fifty thousand dollars or less, or subcontracts, with firms owned and controlled by disadvantaged females (WBEs).

(2) The two hundred fifty thousand dollars value limits may be raised in the discretion of the department as MBEs/WBEs are able to provide bondability.

(3) The Department of Transportation and counties are authorized to set MBE and WBE subcontracting goals on individual contracts where such participation is feasible and to require prime contractors to show good faith efforts to meet the subcontracting goals.

(B) The department shall certify eligible firms under this section and shall give at least thirty days’ notice to certified firms of contracts to be let. The department shall take into consideration the location and availability of MBE or WBE firms in the State when designating projects to be set aside. No certified MBE or WBE may participate after June 30, 1999, or nine years from the date of the firm’s first contract, whichever is later, if that firm performed at least three million dollars in highway contracts for four consecutive years while certified as a WBE or MBE. Firms performing less than three million dollars in highway contracts for four consecutive years may be recertified for additional five‑year periods based upon recertification reviews by the department. WBE and MBE firms must be certified in their area of work prior to advertisement for letting of a project upon which the WBE and MBE wishes to bid.

(C) To achieve the set‑asides set forth in subsection (A), the department shall advertise a number of highway construction projects at each regularly scheduled highway letting to be bid exclusively by MBEs and WBEs. The total annual value of those projects awarded must equal at least ten percent of total state source highway funds expended in each fiscal year, or otherwise documented as described in subsection (D). Projects must be awarded when the lowest responsive and responsible bidder submits a bid within ten percent of the official engineer’s estimate. If the lowest responsive bid exceeds the engineer’s estimate by more than ten percent, the department may enter into negotiation with

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the low bidder making reasonable changes in the plans and specifications as necessary to bring the contract price within the ten percent range. If the low bidder agrees to the changes and the revised contract price, the contract must be awarded to the low bidder at the revised price. If the low bidder can show just cause for his bid exceeding the ten percent range, the department may award the contract without making any changes in the plans and specifications or the contract price. If the department fails to award any advertised project, that project may be readvertised through the normal bid process and must not be readvertised for the purpose of achieving the set‑asides.

(D) If no MBE or WBE firms certified pursuant to this section are available to perform a contract, the department shall verify and record this fact, and the verification must be preserved in department records.

(E) To facilitate implementation of this section, the department may waive bonding requirements for contracts let pursuant to this section with estimated construction costs not exceeding two hundred fifty thousand dollars a contract, and any contract ~~set aside and~~ awarded to any MBE or WBE contractor without bonding shall provide expressly that termination of the contract for default of the contractor renders the contractor ineligible for any further department nonbonded contracts for a minimum period of two years from the date of the notice. The department shall act as bonding company when bonding requirements have been waived. Any claims brought by subcontractors or suppliers in connection with nonbonded projects must be heard by the Department Claims Committee and all legitimate claims must be paid by the department. The committee shall take into account circumstances such as unsettled payments and disputes with the department or other circumstances that are beyond the MBE/WBEs control. Claims resulting in monetary settlements shall render the MBE/WBEs ineligible for any further department nonbonded projects until the MBE/WBE has reimbursed or has made acceptable arrangements to reimburse the department for the amount due as a result of the settlement.

(F) In awarding any contract pursuant to this section, preference must be given to an otherwise eligible South Carolina contractor submitting a responsible bid not exceeding an otherwise eligible out‑of‑state contractor’s low bid by two and one‑half percent.

(G) The department shall establish written guidelines to be used in the selection and design of projects awarded under this section. Those guidelines shall outline the types of projects best suited for this program and other related criteria.

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(H) When a MBE or WBE receives a contract, the department shall furnish a letter, upon request, stating the dollar value and duration of, and other information about the contract, which may be used by the MBE or WBE in negotiating lines of credit with lending institutions.

(I) The department shall issue an annual report listing all contracts awarded pursuant to this section. That report must also include a listing of all contracts and subcontracts awarded pursuant to Section 106(C) of the Federal Surface Transportation Act of 1987 (STAA‑1987; P.L. 100‑17, Section 106(c)). The listings must be both chronological and by name of participating firms. Entries must include file numbers, locations, and dollar amounts. The report must also contain information relating to canceled contracts and subcontracts, subcontractor substitutions, and final payments to MBE/WBEs.

(J) ~~Any MBE or WBE acting as a prime contractor shall perform at least thirty percent of the work with his own forces. If thirty percent of the work is performed with his own forces, the total amount of the contract is counted toward the MBE/WBE set‑asides. If less than thirty percent is performed by the MBE/WBE, then only that portion performed by the MBE/WBE is counted toward the set‑asides.~~ The department shall specify the minimum percentage of work that a prime contractor must perform with its own forces, excluding any specialty items. The percentage of this work shall be set by the department at twenty percent based on the project’s risk to the public.

(K) The department shall make available technical assistance for MBEs and WBEs for not less than three hundred thousand dollars. Any of these funds awarded to small consulting firms owned and controlled by MBEs or WBEs may count toward the ~~set‑asides~~ goals established in subsection (A) of this section. The selected firms must be South Carolina based and experienced in assisting with the development of minority firms.

(L) Technical assistance provided under subsection (K) must include written and verbal instruction on competitive bidding, management techniques, and general business operations. Firms certified under this section must be represented by a company officer in at least twenty hours of continuing education a year in order to remain certified. The department shall implement a system that will designate a lead engineer to work with MBE/WBEs. This engineer shall work with the office of compliance, the supportive services contractor, and with the department’s engineers to provide early technical assistance to MBE/WBEs with contracts in each highway district. The support must include professional and technical assistance aimed toward meeting the

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standards, the specifications, the timing, quality, and other requirements of their contracts. The department also shall endeavor to utilize the expertise of established highway, bridge, and building contractors when providing technical and support services.

(M) Any contracts awarded through the normal bid process to certified MBEs or WBEs may count toward the ~~set‑asides~~ goals. Subcontracts entered into between prime contractors and certified MBE/WBEs without regard to these provisions may be counted toward the ~~set‑asides~~ goals outlined in subsection (A) of this section if these subcontracts are verified through the department records.

(N) If any part or provision of this section is declared to be unconstitutional or unenforceable by a court of competent jurisdiction of this State, the court’s decision, nevertheless, has no effect on the constitutionality, validity, and enforceability of the other parts and provisions of this section which are considered severable.

(O) Within one hundred twenty days of the effective date of this section the department shall promulgate and implement regulations to administer the provisions of this section.” /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT spoke on the perfecting amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 26; Nays 18**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Rankin

Shealy Thurmond Turner

Verdin Young

**Total--26**

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**NAYS**

Allen Coleman Hutto

Jackson Johnson Kimpson

Lourie Malloy *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Reese Sabb Scott

Setzler Sheheen Williams

**Total--18**

The amendment was laid on the table.

**Amendment No. P16-31A**

Senators McELVEEN and SHEALY proposed the following amendment (3579.TM.P2.31A), which was ruled out of order:

Further amend, Amendment 31A, bearing document number 3579R067.EB.LKG, as and if amended, by inserting an appropriately numbered SECTION to read:

/ SECTION\_\_. A. Section 12‑6‑1140 of the 1976 Code is amended by adding:

“(12) for taxable years beginning after 2015, military retirement benefits attributable to service on active duty in the armed forces of the United States.”

B. Notwithstanding the deduction allowed by subsection A of this section, a percentage of military retirement benefits a taxpayer may deduct must be phased‑in in three equal installments, with the military retirement benefit being one hundred percent deductible in all tax years beginning after 2017.

C. Section 12‑6‑1170(A)(2) of the 1976 Code is amended to read:

“(2) The term ‘retirement income’, as used in this subsection, means the total of all otherwise taxable income not subject to a penalty for premature distribution received by the taxpayer or the taxpayer’s surviving spouse in a taxable year from qualified retirement plans which include those plans defined in Internal Revenue Code Sections 401, 403, 408, and 457, and all public employee retirement plans of the federal, state, and local, including military retirement. After taxable year 2017, military retirement is not included as retirement income for purposes of the deduction allowed by this section.”

D. This portion of the act takes effect upon approval by the Governor and applies for taxable years beginning after 2015. /

Renumber sections to conform.

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Amend title to conform.

Senator McELVEEN spoke on the perfecting amendment.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator McELVEEN spoke on the Point of Order.

Senator GROOMS spoke on the Point of Order.

Senator HUTTO spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. P17-31A**

Senator SETZLER proposed the following amendment (BBM\  
3579C161.BBM.DG16), which was tabled:

Amend Amendment Number 31A, bearing document number 3579R067 EB LKG, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. In the 2016-2017 annual general appropriations act, the General Assembly shall appropriate to the Legislative Audit Council a sufficient amount of money for the purpose of conducting a national search for a renowned firm that specializes in governmental structural efficiencies. The firm must be tasked with studying the functional structure of the Department of Transportation, and making recommendations on improvements that would cause the department to operate more effectively and more cost efficiently. In its study, the firm shall consider the role and structure of the Commission of the Department of Transportation based on its duties as required by law and whether the commissioner qualifications of Section 57-1-310 are sufficient for that purpose. The study also shall address the structure of the commission, and make recommendations on commission structures that may better serve the State in performance of its duties as required by law. The Department of Transportation and any entity contracting with the department shall cooperate fully with the firm in the discharge of its duties and responsibilities and must timely produce all requested information including, but not limited to, books, papers, correspondence,

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memoranda, and other records necessary to conduct an independent audit. The firm shall complete its study and report its recommendations to the General Assembly no later than December 1, 2016. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke on the perfecting amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 26; Nays 17**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Rankin

Shealy Thurmond Turner

Verdin Young

**Total--26**

**NAYS**

Allen Coleman Hutto

Jackson Johnson Kimpson

Lourie Malloy *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Sabb Scott Setzler

Sheheen Williams

**Total--17**

The amendment was laid on the table.

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**Amendment No. P20-31A**

Senator SHEHEEN proposed the following amendment (3579R082.EB.VAS), which was tabled:

Amend the amendment bearing file path 3579R067.EB.LKG (Amendment 31A), as and if amended, by striking SECTION 4 and inserting:

/ SECTION 4. Article 1, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57‑1‑100. (A). The General Assembly, in the annual general appropriations act, shall appropriate out of the estimated revenue of the general fund for the fiscal year for which the appropriations are made, $400 million, fifteen percent of which shall be allotted by the department on a county basis for use on functionally classified rural routes and the remaining amount shall go to the State Highway Fund.

(B) This appropriation must be contained in the Ways and Means Committee report on the general appropriations bill, the general appropriations bill at the time of third reading in the House of Representatives, the Senate Finance Committee report on the general appropriations bill, the general appropriations bill at the time of a third reading in the Senate, and in any conference report on the general appropriations bill.” /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the perfecting amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 26; Nays 17**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Rankin

Shealy Thurmond Turner

Verdin Young

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**Total--26**

**NAYS**

Allen Coleman Hutto

Jackson Johnson Kimpson

Lourie Malloy *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Sabb Scott Setzler

Sheheen Williams

**Total--17**

The amendment was laid on the table.

**Amendment No. P21-31A**

Senator LOURIE proposed the following amendment (3579JL.P1.31A), which was tabled:

Amend Amendment 31A, bearing document number 3579R067.EB.LKG, as and if amended, by inserting an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_. Article 3, Chapter 1,Title 57 of the 1976 Code is amended by adding:

“Section 57-1-315. The qualifications that each commission member must possess, include, but are not limited to:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face‑to‑face contact between its students and instructors prior to completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962; or

(2) a background of at least five years in any combination of the following fields of expertise:

(a) transportation;

(b) construction;

(c) finance;

(d) law;

(e) environmental issues;

(f) management; or

(g) engineering.” /

Renumber sections to conform.

Amend title to conform.

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Senator LOURIE spoke on the perfecting amendment.

Senator BRYANT moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 25; Nays 18**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Shealy

Thurmond Turner Verdin

Young

**Total--25**

**NAYS**

Allen Coleman Hutto

Jackson Johnson Kimpson

Lourie Malloy *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Rankin Sabb Scott

Setzler Sheheen Williams

**Total--18**

The amendment was laid on the table.

**Amendment No. P22-31A**

Senator SETZLER proposed the following amendment (BBM\  
3579C147.BBM.DG16), which was withdrawn:

Amend Amendment Number 31A, bearing document number 3579R067 EB LKG, as and if amended, by striking SECTION 5 and inserting:

/ SECTION 5. Article 7, Chapter 1, Title 57 of the 1976 Code is amended by adding:

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“Section 57-1-770. In addition to the other powers and duties of the review commission, every two years, the review commission shall perform an oversight review of the Commission of the Department of Transportation, the Department of Transportation, and the Secretary of the Department of Transportation. The audit must include an analysis of the performance of each entity.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO moved to withdraw the amendment.

The amendment was withdrawn.

**Amendment No. P23-31A**

Senator HUTTO proposed the following amendment (BBM\  
3579C150.BBM.DG16), which was tabled:

Amend Amendment Number 31A, bearing document number 3579R067 EB LKG, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. (A) There is created the State/County Roads Transfer Study Committee to perform an independent study of roads in the state system for the purpose of identifying roads that may be more appropriately overseen and managed by the county in which the road is located.

(B) The committee shall consist of:

(1) one member appointed by the President Pro Tempore of the Senate;

(2) one member appointed by the Chairman of the Senate Finance Committee;

(3) one member appointed by the Chairman of the Senate Transportation Committee;

(4) one member appointed by the Speaker of the House of Representatives;

(5) one member appointed by the Chairman of the House Ways and Means Committee;

(6) one member appointed by the Chairman of the House Education and Public Works Committee;

(7) three members appointed by the Governor, one of whom must be a resident of a county with a population of less than one hundred thousand, and one of whom must be a resident of a county with a population of one hundred thousand or more; and

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(8) the Secretary of Transportation, ex officio, who shall not be a voting member.

(C) Members of the committee must possesses professional experience in transportation, traffic engineering, transportation planning, or public transportation.

(D) In performing its study, the committee shall consider, at least, the:

(1) short and long‑term priorities;

(2) cost;

(3) timeline;

(4) funding sources;

(5) condition of each road with known maintenance needs and funding amounts;

(6) traffic volume;

(7) location of the road in relation to Department of Transportation sites and maintenance buildings;

(8) location in relation to roadways already maintained by the county;

(9) type of service and function provided by the road; and

(10) type of road surface.

(E) The committee shall prepare a report outlining its recommendations to the General Assembly by March 1, 2017. The committee’s report is only a recommendation, and the actual transfer of any roads must be by an act of the General Assembly. Upon the delivery of the report, the committee is dissolved.

(F) The provisions of this section are contingent upon funding being provided to conduct the study. If funds are not made available, then the State/County Roads Transfer Study Committee must not form. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO spoke on the perfecting amendment.

Senator BRYANT moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 24; Nays 16**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

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Cromer Davis Fair

Gregory Grooms Hembree

*Martin, Larry Martin, Shane* Massey

Peeler Shealy Thurmond

Turner Verdin Young

**Total--24**

**NAYS**

Allen Coleman Hutto

Jackson Johnson Kimpson

Malloy *Matthews, John Matthews, Margie*

McElveen Nicholson Sabb

Scott Setzler Sheheen

Williams

**Total--16**

The amendment was laid on the table.

**Recorded Vote**

Senator HAYES desired to be recorded as voting in favor of tabling the amendment.

**Amendment No. P24-31A**

Senator SETZLER proposed the following amendment (BBM\  
3579C142.BBM.DG16), which was tabled:

Amend Amendment Number 31A, bearing document number 3579R067 EB LKG, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Chapter 6, Title 1 of the 1976 Code is amended by adding:

“Section 1‑6‑120.(A) In 2016, and every other year thereafter, the Office of Inspector General shall procure an independent audit of the contracting function of the Department of Transportation. The audit must focus on the efficiency and economy of contracts entered into by the Department of Transportation.

(B) The audit must comply with recognized governmental auditing standards. The Department of Transportation and any entity contracting with the department must fully cooperate with the independent auditor in the discharge of his duties and responsibilities and must timely

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produce all requested information, including, but not limited to books, papers, correspondence, memoranda, and other records necessary in connection with an independent audit. All final audit reports must be submitted to the Department of Transportation Commission, the Secretary of Transportation, the Joint Transportation Review Committee, the chairman of the Senate Transportation Committee, the chairman of the Senate Finance Committee, the chairman of the House of Representatives Education and Public Works Committee, the chairman of the House of Representatives Ways and Means Committee, and the Governor before being made public.

(C) Each even‑numbered year, in the annual general appropriations act, the General Assembly shall appropriate sufficient funds to the Inspector General to pay for the expenses associated with the independent audit.” /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke on the perfecting amendment.

Senator SHANE MARTIN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 25; Nays 17**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Shealy

Thurmond Turner Verdin

Young

**Total--25**

**NAYS**

Allen Coleman Hutto

Jackson Johnson Kimpson

Lourie Malloy *Matthews, John*

*Matthews, Margie* McElveen Nicholson

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Sabb Scott Setzler

Sheheen Williams

**Total--17**

The amendment was laid on the table.

**Amendment No. P26-31A**

Senator J. MATTHEWS proposed the following amendment (3579.JM.P1.31A), which was tabled:

Amend Amendment 31A, bearing document number 3579R067.EB.LKG, as and if amended, by inserting an appropriately numbered new SECTION to read:

/ SECTION\_\_\_. Article 1, Chapter 43, Title 11 of the 1976 Code is amended by adding:

“Section 11‑43‑295. (A) Of the revenues credited to the bank pursuant to Section 12-28-310, the bank shall issue bonds pursuant to Article 3 for interstate projects of statewide benefit which improve or expand existing transportation interstate corridors with emphasis on capacity or improvements needed to strengthen economic development.

(B) Of the bonds issued pursuant to subsection (A), at least ten percent of the funds must be awarded for projects under one hundred million primarily located in a county designated as Tier III or Tier IV as of January 1, 2016, pursuant to Section 12‑6‑3360, at any time during the fiscal year. If sufficient projects do not exist in these counties to meet the ten percent requirement, then the bank must carry forward any remaining funds to the next fiscal year to be used for the same purpose. Projects in these counties are not limited to interstate improvements and may include secondary and primary roads if critical to the economic benefit of the area. For projects located in these counties, the bank only may require local financial support of up to five percent for Tier IV counties and up to ten percent for Tier III counties.

(C) The bank must document each project with specificity as to the reasons the projects were or were not selected, including the projected economic value of each project to the state. In selecting projects, the bank is limited only by the most expeditious and efficient manner in addressing the road condition and congestion, as applicable.

(D) Each fiscal year, the bank must issue a report to the General Assembly detailing the expenditure of these revenues.” /

Renumber sections to conform.

Amend title to conform.

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Senator J. MATTHEWS spoke on the perfecting amendment.

Senator BRIGHT moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 26; Nays 15**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Rankin

Shealy Thurmond Turner

Verdin Young

**Total--26**

**NAYS**

Allen Coleman Hutto

Jackson Johnson Kimpson

Malloy *Matthews, John Matthews, Margie*

McElveen Nicholson Sabb

Scott Setzler Williams

**Total--15**

The amendment was laid on the table.

**Amendment No. P28-31A**

Senators HUTTO, SHEHEEN, SETZLER, SCOTT, NICHOLSON, McELVEEN, M.B. MATTHEWS and JOHNSON proposed the following amendment (3579R090.EB.CBH), which was tabled:

Amend the amendment bearing file path 3579R067.EB.LKG (Amendment 31A), as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_. Article 3, Chapter 1, Title 57 of the 1976 Code is amended by adding:

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“Section 57‑1‑385. The Senate shall refuse to confirm a person appointed to the commission if he, or a member of his immediate family, at the time of appointment, conducts business with the department or commission. Conducting business shall include any contract, promise, undertaking, obligation, gratuity, or security entered into between the appointee or member of his immediate family and the department or commission for the payment of money in exchange for the delivery or conveyance of goods or services.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO spoke on the perfecting amendment.

Senator VERDIN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 24; Nays 17**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Gregory

Grooms Hayes Hembree

*Martin, Larry Martin, Shane* Massey

Peeler Shealy Thurmond

Turner Verdin Young

**Total--24**

**NAYS**

Allen Coleman Hutto

Jackson Johnson Kimpson

Leatherman Malloy *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Sabb Scott Setzler

Sheheen Williams

**Total--17**

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The amendment was laid on the table.

**Amendment No. P29-31A**

Senator SETZLER proposed the following amendment (BBM\  
3579C143.BBM.DG16), which was tabled:

Amend Amendment Number 31A, bearing document number 3579RO67 EB LKG, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. A. Article 1, Chapter 43, Title 11 of the 1976 Code is amended by adding:

“Section 11‑43‑168. Beginning in Fiscal Year 2016‑2017, and each fiscal year after that and in addition to any other transfers, the State Treasurer shall transfer, from general fund nontax sources to the South Carolina Transportation Infrastructure Bank an amount equal to the general fund portion of the revenue generated pursuant to Section 12‑36‑2110. The transferred funds must be used solely by the bank to finance bridge replacement, rehabilitation projects, and expansion and improvements to existing mainline interstates. The State Treasurer may transfer the total amount in one lump sum or may transfer the amount quarterly in four equal installments. The Department of Transportation shall develop and submit a list of bridge and road projects to the bank for its consideration. Transferred funds may not be used for projects approved by the bank before July 1, 2015. The bank shall submit all projects proposed to be financed through this provision to the Joint Bond Review Committee for approval before financing any proposed project.”

B. This SECTION takes effect upon approval by the Governor and the first transfer of funds applies in Fiscal Year 2016‑2017. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke on the perfecting amendment.

Senator SHANE MARTIN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 26; Nays 17**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

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Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Rankin

Shealy Thurmond Turner

Verdin Young

**Total--26**

**NAYS**

Allen Coleman Hutto

Jackson Johnson Kimpson

Leatherman Malloy *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Sabb Scott Setzler

Sheheen Williams

**Total--17**

The amendment was laid on the table.

**Amendment No. P30-31A**

Senator SETZLER proposed the following amendment (3579R089.EB.NGS), which was tabled:

Amend the amendment bearing file path 3579R067.EB.LKG (Amendment 31A), as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_. Article 3, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57‑1‑390. (A) The department shall develop a road and transportation plan for submission to the Governor. The plan shall include, but is not limited to:

(1) the list of projects the department plans to implement in order based on priority;

(2) the cost of each project;

(3) the time frame for completion of each project;

(4) the amount of money local government entities, the department, other state government entities, and federal government entities are contributing to each project;

(5) the amount of money to be bonded for future projects; and

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(6) the amount of funding the department plans to set aside for future projects.

(B) The department shall include information on projects it plans to implement in a three‑year period, an eight‑year period, and a twelve‑year period.

(C) The department must submit its road and transportation plan to the Governor by March 1, 2017. The Governor shall have thirty days to review and approve the plan. Copies of the plans must also be submitted to the Chairman of House of Representatives Education and Public Works Committee and the Chairman of the Senate Transportation Committee on March 1, 2017.

(D) If the department fails to submit the plan by March 1, 2017, or the Governor fails to approve the plan within thirty days of its submission, five percent of the $400 million described in Section 57‑1‑100 shall be redirected to the House of Representatives and the Senate. This money shall be used by the House of Representatives and the Senate to conduct a nationwide search to hire a consulting firm to develop a road and transportation improvement plan. If the plan is not submitted to the Governor or approved by the Governor by March 1, 2018, the remaining funds from Section 57‑1‑100 shall be withheld by the General Assembly until the plan is submitted and approved.” /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER spoke on the perfecting amendment.

Senator SHANE MARTIN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 26; Nays 17**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Rankin

Shealy Thurmond Turner

Verdin Young

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**Total--26**

**NAYS**

Allen Coleman Hutto

Jackson Johnson Kimpson

Lourie Malloy *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Sabb Scott Setzler

Sheheen Williams

**Total--17**

The amendment was laid on the table.

**Amendment No. P31-31A**

Senators LOURIE, SHEHEEN, M.B. MATTHEWS, SETZLER and J. MATTHEWS proposed the following amendment (3579R091.EB.CBH), which was tabled:

Amend the amendment bearing file path 3579R067.EB.LKG (Amendment 31A), as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_. Article 3, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57‑1‑386. The Senate shall refuse to confirm a person appointed to the commission if he has been convicted of a felony or a crime of moral turpitude.” /

Renumber sections to conform.

Amend title to conform.

Senator LOURIE spoke on the perfecting amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 24; Nays 18**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Cromer

Davis Fair Gregory

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Grooms Hayes Hembree

*Martin, Larry Martin, Shane* Massey

Peeler Shealy Thurmond

Turner Verdin Young

**Total--24**

**NAYS**

Allen Coleman Hutto

Jackson Johnson Kimpson

Lourie Malloy *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Reese Sabb Scott

Setzler Sheheen Williams

**Total--18**

The amendment was laid on the table.

**Amendment No. P11-31A**

Senator SHEHEEN proposed the following amendment (3579R087.EB.VAS), which was tabled:

Amend the amendment bearing file path 3579R067.EB.LKG (Amendment 31A), as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_. Article 5, Chapter 1, Title 57 of the 1976 is amended by adding:

“Section 57‑1‑385. (A) The section of the General Appropriations Act relating to appropriating and authorizing funds to the department must contain a level of detail to the program and subprogram level.

(B) The commission must submit the Statewide Transportation Improvement Program to the General Assembly for annual approval. The General Assembly may adopt a joint resolution to approve the Statewide Transportation Improvement Program or adopt a joint resolution to disapprove the Statewide Transportation Improvement Program. If the General Assembly adopts a joint resolution disapproving the Statewide Transportation Improvement Program the commission shall have thirty days to resubmit the Statewide Transportation Improvement Program to the General Assembly for approval. If the General Assembly fails to enact a joint resolution to approve or disapprove the Statewide Transportation Improvement Program within

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sixty legislative days from the date it received the Statewide Transportation Improvement Program, the Statewide Transportation Improvement Program shall be deemed approved for that year.” /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the perfecting amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 25; Nays 16**

**AYES**

Alexander Bennett Bright

Bryant Campbell Cleary

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

*Martin, Larry Martin, Shane* Massey

Peeler Rankin Shealy

Thurmond Turner Verdin

Young

**Total--25**

**NAYS**

Allen Coleman Hutto

Johnson Kimpson Malloy

*Matthews, John Matthews, Margie* McElveen

Nicholson Reese Sabb

Scott Setzler Sheheen

Williams

**Total--16**

The amendment was laid on the table.

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**Amendment No. P19-31A**

Senator McELVEEN proposed the following amendment (DKA\  
3579C052.DKA.SA16), which was tabled:

Amend Amendment Number 31A, bearing document number 3579R067.EB.LKG, as and if amended, by striking SECTION 1 in its entirety, and inserting:

/ SECTION 1. A. Article 3, Chapter 1, Title 57 of the 1976 Code is amended to read:

“Section 57‑1‑310. (A)(1) ~~congressional districts of this State are constituted and created Department of Transportation Districts of the State, designated by numbers corresponding to the numbers of the respective congressional districts.~~ For purposes of this chapter, the Regional Councils of Government districts of this State, as established pursuant to Section 6‑7‑110, are constituted and created Department of Transportation Districts of the State. ~~The~~ There is established the Commission of the Department of Transportation which shall be composed of one member from each transportation district appointed by the Governor pursuant to the procedure set forth in item (2) ~~elected by the delegations of the congressional district~~ and one member appointed by the Governor from the State at large. The Governor’s at large appointment shall serve as chair of the Commission. ~~from the State at large. Such elections or appointment, as the case may be,~~ In making appointments to the commission, the Governor shall take into account race, ~~and~~ gender, and other demographic factors, such as residence in rural or urban areas, so as to represent, to the greatest extent possible, all segments of the population of the State~~;~~. Also, the Governor shall ensure that the commission is comprised of at least two commissioners who reside in a county with a population of one hundred thousand or less and at least two commissioners who reside in a county with a population greater than one hundred thousand. ~~however,~~ However, consideration of these factors in making an appointment ~~or in an election~~ in no way creates a cause of action or basis for an employee grievance for a person appointed ~~or elected~~ or for a person who fails to be appointed.

(2)(a) The Senate legislative delegation of each county within the transportation district shall nominate one qualified applicant to the Joint Transportation Review Committee.

(b) The Joint Transportation Review Committee shall submit the names of applicants determined qualified to the Governor;

(c) The Governor shall make an appointment to the commission from the names received from the Joint Transportation Review

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Committee, and subsequently shall submit the appointment to the Senate; and

(d) The Senate shall then confirm the appointment.

(B) The Joint Transportation Review Committee must screen each appointee and report its findings to the General Assembly and the Governor. Until the Joint Transportation Review Committee finds an appointee qualified and the Senate confirms the appointee, the appointee must not take the oath of office and the full rights and privileges and powers of the office does not vest.

(C) The qualifications that each ~~commission member~~ commissioner must possess, include, but are not limited to:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face‑to‑face contact between its students and instructors ~~prior to~~ before completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962; or

(2) a background of at least five years in any combination of the following fields of expertise:

(a) transportation;

(b) construction;

(c) finance;

(d) practice of law;

(e) environmental issues;

(f) management; or

(g) engineering.

(D) ~~No~~ A member of the General Assembly or member of his immediate family ~~shall~~ may not be ~~elected or~~ appointed to the commission while the member is serving in the General Assembly; nor shall a member of the General Assembly or a member of his immediate family be ~~elected or~~ appointed to the commission for a period of four years after the member either:

(1) ceases to be a member of the General Assembly; or

(2) fails to file for election to the General Assembly in accordance with Section 7‑11‑15.

Section 57‑1‑320. ~~(A)~~ ~~A county that is divided among two or more Department of Transportation districts, for purposes of electing a commission member, is deemed to be considered in the district which contains the largest number of residents from that county.~~

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~~(B)~~ ~~No~~ A county within a Department of Transportation district ~~shall~~ may not have a resident ~~commission member~~ commissioner for more than one consecutive term and ~~in no event shall any two persons from the same county serve as a commission member simultaneously except as provided hereinafter~~ two terms, from commissioners representing other counties, must occur before a county may again have a resident commissioner appointed.

~~Section 57‑1‑325.~~ ~~Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. A majority present, either in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected commissioner who fails to receive a majority vote of the members of the delegation.~~

~~The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt such rules as they consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation shall immediately transmit the name of the person elected to the Secretary of State who shall issue to the person, after he has taken the usual oath of office, a certificate of election as commissioner. The Governor shall then issue a commission to the person, and pending the issuance of the commission, the certificate of election is sufficient warrant to the person to perform all of the duties and functions of his office as commissioner. Each commissioner shall serve until his successor is elected and qualified.~~

Section 57‑1‑330. ~~(A)~~ ~~For the purposes of electing a commission member, a legislator shall vote only in the congressional district in which he resides. All commission members are elected to a term of office of four years which expires on February fifteenth of the appropriate year. Commissioners shall continue to serve until their successors are elected and qualify, provided that a commissioner may only serve in a hold‑over capacity for a period not to exceed six months. Any vacancy occurring in the office of commissioner shall be filled by election or appointment in the manner provided in this article for the unexpired term only. No person is eligible to serve as a commission member who is not a resident of that district at the time of his appointment. Failure by an elected commission member to maintain residency in the district for which he is elected shall result in the forfeiture of his office.~~

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~~(B)~~ ~~The at‑large commission member shall serve at the pleasure of the Governor. The at‑large commission member may be appointed from any county in the State unless another commission member is serving from that county. Failure by the at‑large commission member to maintain residence in the State shall result in a forfeiture of his office.~~

~~(C)~~ ~~All elected commission members may be removed from office as provided in Section 1‑3‑240(C)(1).~~

(A) Commissioners from Department of Transportation Districts are appointed to a term of office of six years which expires on December thirty‑first of the appropriate year. At‑large commissioners are appointed to a term of office of four years which expires on December thirty‑first of the appropriate year. A commissioner may not serve more than one term, regardless of when the term was served. A commissioner shall continue to serve until his successor is appointed, found qualified, and is confirmed, provided that a commissioner may serve in a hold‑over capacity for a period not to exceed four months. A vacancy must be filled by appointment in the manner provided in this article for the unexpired term only.

(B) At‑large commission members shall serve at the pleasure of the Governor. At‑large commission members may be appointed from any county in the State unless another commission member is serving from that county. Failure by any at‑large commission member to maintain residence in the State shall result in a forfeiture of his office.

(C) A person is not eligible to serve as a commissioner who is not a resident of that district at the time of his appointment. Failure by a commissioner to maintain residency in the district for which he is appointed results in the forfeiture of his office.

(D) Department of Transportation District commissioners may be removed from office only as provided in Section 1‑3‑240(C)(1)(b).”

Section 57‑1‑340. Each ~~commission member~~ commissioner, within thirty days after his ~~election or appointment~~ confirmation, and before entering upon the discharge of the duties of his office, shall take, subscribe, and file with the Secretary of State the oath of office prescribed by the Constitution of the State.

Section 57‑1‑350. (A) The commission may adopt an official seal for use on official documents of the department.

(B) The commission shall elect a chairman and adopt its own rules and procedures and may select such additional officers to serve such terms as the commission may designate.

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(C) Commissioners must be reimbursed for official expenses as provided by law for members of state boards and commissions as established in the annual general appropriations act.

(D) All ~~commission members~~ commissioners are eligible to vote on all matters that come before the commission.

(E) The chairman of the commission shall serve on the South Carolina Transportation Infrastructure Bank board, pursuant to Section 11‑43‑140.

Section 57‑1‑360. ~~(A)~~ ~~The commission must appoint a chief internal auditor and other professional, administrative, technical, and clerical personnel as the commission determines to be necessary in the proper discharge of the commission’s duties and responsibilities provided by law. The commission also must provide professional, administrative, technical, and clerical personnel, as the commission determines to be necessary, for the chief internal auditor to properly discharge his duties and responsibilities authorized by the commission or provided by law. Except as otherwise provided, any employees hired pursuant to this section shall serve at the pleasure of the commission.~~

~~(B)(1)~~ ~~The chief internal auditor shall serve for a term of four years and may be removed by the commission only for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity. The chief internal auditor must be a Certified Public Accountant and possess any other experience the commission may require. The chief internal auditor must establish, implement, and maintain the exclusive internal audit function of all departmental activities. The commission shall set the salary for the chief internal auditor as allowed by statute or applicable law.~~

~~(2)~~ ~~The audits performed by the chief internal auditor must comply with recognized governmental auditing standards. The department and any entity contracting with the department must fully cooperate with the chief internal auditor in the discharge of his duties and responsibilities and must timely produce all books, papers, correspondence, memoranda, and other records considered necessary in connection with an internal audit. All final audit reports must be submitted to the commission and the chairman of the Senate Transportation Committee, the chairman of the Senate Finance Committee, the chairman of the House of Representatives Education and Public Works Committee, and the chairman of the House of Representatives Ways and Means Committee before being made public.~~

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~~(3)~~ ~~The commission is vested with the exclusive management and control of the chief internal auditor.~~

~~(C)~~ ~~The department, at its own expense, must provide appropriate office space within its headquarters, building, and facility service, including janitorial, utility and telephone services, computer and technology services, and related supplies, for the chief internal auditor and his support staff.~~

Section 57‑1‑370. (A) The commission must develop the long‑range Statewide Transportation Plan, with a minimum twenty‑year forecast period at the time of adoption, that provides for the development and implementation of the multimodal transportation system for the State. The plan must be developed in a manner consistent with all federal laws or regulations and in consultation with all interested parties, particularly the metropolitan planning organizations and the nonmetropolitan planning organization area local officials. The plan may be revised from time to time as permitted by and in the manner required by federal laws or regulations.

(B) Concerning the development, content, and implementation of the Statewide Transportation Improvement Program, the commission must:

(1) develop a process for consulting with nonmetropolitan local officials, with responsibility for transportation, that provides an opportunity for their participation in the development of the long‑range Statewide Transportation Plan and the Statewide Transportation Improvement Program;

(2) approve the Statewide Transportation Improvement Program and ensure that it is developed pursuant to federal laws and regulations and approve an updated Statewide Transportation Improvement Program from time to time as permitted by and in the manner required by federal laws or regulations;

(3) develop and revise the transportation plan for inclusion in the Statewide Transportation Improvement Program, for each nonmetropolitan planning area in consultation with local officials with responsibility for transportation;

(4) work in consultation with each metropolitan planning organization to develop and revise a transportation improvement program for each metropolitan planning area;

(5) select from the approved Statewide Transportation Improvement Program the transportation projects undertaken in nonmetropolitan areas in consultation with the affected nonmetropolitan local officials with responsibility for transportation;

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(6) select projects to be undertaken, in consultation with each metropolitan planning organization, from the metropolitan planning organization’s approved transportation improvement plan in metropolitan areas not designated as a transportation management area;

(7) consult with each metropolitan planning organization, in metropolitan areas designated as transportation management areas, concerning the projects selected to be undertaken from the approved transportation improvement program and in accordance with the priorities approved by the transportation improvement program; and

(8) when selecting projects to be undertaken from nontransportation management area metropolitan planning organizations’ transportation improvement programs, or selecting the nonmetropolitan area projects to be undertaken that are included in the Statewide Transportation Improvement Program, and when consulting with metropolitan planning organizations designated as transportation management areas, the commission shall establish a priority list of projects to the extent permitted by federal laws or regulations, taking into consideration at least the following criteria:

(a) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(b) public safety;

(c) potential for economic development;

(d) traffic volume and congestion;

(e) truck traffic;

(f) the pavement quality index;

(g) environmental impact;

(h) alternative transportation solutions; and

(i) consistency with local land use plans.

(C)(1) To the extent that state funds are available to address the needs of the state highway system, the commission must develop a comprehensive plan specifying objectives and performance measures for the preservation and improvement of the existing system. The projects included in this plan must be supported solely by state funds including the Nonfederal Aid Highway Fund or other state revenue source. When developing the plan required by this subsection, the commission must consider, but is not limited to, considering~~,~~ the criteria in subsection (B)(8).

(2) When state funding is programmed for a project selected from the plan to be undertaken, the department may use federal law, regulations, or guidelines relevant to the type of project being undertaken to be eligible for federal matching funds.

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(D) ~~To the extent permitted by federal laws or regulations, the commission has the authority to award all federal enhancement grants. Annually, the commission must submit a report to the chairman of the Senate Transportation Committee, the chairman of the Senate Finance Committee, the chairman of the House of Representatives Ways and Means Committee, and the chairman of the House of Representatives Education and Public Works Committee describing the number of federal enhancement grants that were awarded and the recipients of the federal enhancement grants.~~

~~(E)~~ ~~The commission must give its prior authorization to any consulting contracts advertised for or awarded by the department and authorize the selection of consultants by department personnel.~~

~~(F)~~ ~~Roads may not be added to or removed from the state highway system without prior authorization from the commission.~~

~~(G)~~ ~~The department shall conduct a public hearing in each county in which a public hearing is required by federal regulations to allow the department to share information regarding the project with the local community and to allow the local community to address its concerns with department officials. The hearing must include the opportunity for members of the public to address a hearing officer in a format in which comments can be heard by the general public.~~

~~(H)~~ ~~The department shall promulgate, by regulation, procedures not inconsistent with federal laws for applying the criteria contained in subsection (B)(8) for prioritizing projects.~~

~~(I)~~ ~~The department may not sell surplus property without prior authorization from the commission.~~

~~(J)~~ The commission must approve the department’s annual budget.

~~(K)~~ ~~The department may not dedicate or name highway facilities without prior authorization from the commission.~~

~~(L)~~ ~~The department may not enter into any contract with a value in excess of five hundred thousand dollars without the prior authorization of the commission.~~

~~(M)~~ ~~The commission shall give prior approval to any additional contracts the department wishes to be entered into during a fiscal year with an entity that has already received individual contracts during that fiscal year that in the aggregate value are at least five hundred thousand dollars.~~

~~(N)~~ ~~Any request made for resurfacing, installation of new signals, curb cuts on primary roads, bike lanes, or construction projects under ten million dollars must be reviewed and approved by the commission who~~

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~~certify that the request is needed based upon objective and quantifiable factors before work may proceed.~~

~~(O)~~ ~~The commission shall have any other rights, duties, obligations, or responsibilities as provided by law.~~”

B. Members of the Department of Transportation Commission serving on the effective date of this act may continue to serve on the commission until their terms expire. A commissioner who represents a transportation district serving on the effective date of this act shall be eligible to serve as the gubernatorial appointee to the commission for a full term as provided in this act. /

Amend further, Amendment 31A bearing document number 3579R067.EB.LKG, as and if amended, by striking SECTION 5.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN spoke on the perfecting amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 26; Nays 17**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Rankin

Shealy Thurmond Turner

Verdin Young

**Total--26**

**NAYS**

Allen Coleman Hutto

Jackson Johnson Kimpson

Malloy *Matthews, John Matthews, Margie*

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McElveen Nicholson Reese

Sabb Scott Setzler

Sheheen Williams

**Total--17**

The amendment was laid on the table.

**Amendment No. 31A**

Senators S. MARTIN, GROOMS, HAYES, PEELER, BRIGHT, BRYANT, CAMPBELL, CORBIN, COURSON, CROMER, DAVIS, FAIR, GREGORY, L. MARTIN, SHEALY, THURMOND, TURNER, VERDIN, MASSEY, YOUNG, ALEXANDER and BENNETT proposed the following amendment (3579R067.EB.LKG), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. A. Article 3, Chapter 1, Title 57 of the 1976 Code is amended to read:

“Section 57‑1‑310. (A) The congressional districts of this State are constituted and created Department of Transportation Districts ~~of the State~~, designated by numbers corresponding to the numbers of the respective congressional districts. ~~The~~ There is established the Commission of the Department of Transportation which shall be composed of one member appointed by the Governor from each transportation district ~~elected by the delegations of the congressional district~~ and one member appointed by the Governor from the State at large. The Governor’s at large appointment shall serve as chair of the Commission. The Governor’s appointments are subject to the advice and consent of the Senate. ~~from the State at large. Such elections or appointment, as the case may be,~~ In making appointments to the commission, the Governor shall take into account race, ~~and~~ gender, and other demographic factors, such as residence in rural or urban areas, so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment ~~or in an election~~ in no way creates a cause of action or basis for an employee grievance for a person appointed ~~or elected~~ or for a person who fails to be appointed.

(B)~~(1)~~ ~~Candidates for election to the commission must be screened by the Joint Transportation Review Committee, as provided in Article 7 of~~

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~~this chapter, and determined to meet the qualifications contained in subsection (C) in order to be eligible for election.~~

~~(2)~~ ~~The at‑large appointment made by the Governor~~ ~~must be transmitted to the Joint Transportation Review Committee. The Joint Transportation Review Committee must determine whether the at‑large~~ ~~appointee meets the qualifications in subsection (C) and report its findings to the General Assembly and the Governor. Until the Joint Transportation Review Committee finds a gubernatorial appointee qualified, the appointee must not take the oath of office and the full rights and privileges and powers of the office shall not vest.~~

~~(C)~~ ~~The qualifications that each commission member~~ ~~must possess, include, but are not limited to:~~

~~(1)~~ ~~a baccalaureate or more advanced degree from:~~

~~(a)~~ ~~a recognized institution of higher learning requiring face‑to‑face contact between its students and instructors prior to completion of the academic program;~~

~~(b)~~ ~~an institution of higher learning that has been accredited by a regional or national accrediting body; or~~

~~(c)~~ ~~an institution of higher learning chartered before 1962;~~ ~~or~~

~~(2)~~ ~~a background of at least five years in any combination of the following fields of expertise:~~

~~(a)~~ ~~transportation;~~

~~(b)~~ ~~construction;~~

~~(c)~~ ~~finance;~~

~~(d)~~ ~~law;~~

~~(e)~~ ~~environmental issues;~~

~~(f)~~ ~~management; or~~

~~(g)~~ ~~engineering.~~

~~(D)~~ No member of the General Assembly or member of his immediate family shall be ~~elected or~~ appointed to the commission while the member is serving in the General Assembly; nor shall a member of the General Assembly or a member of his immediate family be ~~elected or~~ appointed to the commission for a period of four years after the member either:

(1) ceases to be a member of the General Assembly; or

(2) fails to file for election to the General Assembly in accordance with Section 7‑11‑15.

Section 57‑1‑320. (A) ~~A county that is divided among two or more Department of Transportation districts, for purposes of electing a commission member, is deemed to be considered in the district which contains the largest number of residents from that county.~~

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~~(B)~~ No county within a Department of Transportation district shall have a resident commission member for more than one consecutive term ~~and in no event shall any two persons from the same county serve as a commission member simultaneously~~ ~~except as provided hereinafter~~.

~~Section 57‑1‑325.~~ ~~Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. A majority present, either in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected commissioner who fails to receive a majority vote of the members of the delegation.~~

~~The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt such rules as they consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation shall immediately transmit the name of the person elected to the Secretary of State who shall issue to the person, after he has taken the usual oath of office, a certificate of election as commissioner. The Governor shall then issue a commission to the person, and pending the issuance of the commission, the certificate of election is sufficient warrant to the person to perform all of the duties and functions of his office as commissioner. Each commissioner shall serve until his successor is elected and qualified.~~

Section 57‑1‑330. ~~(A)~~ ~~For the purposes of electing a commission member, a legislator shall vote only in the congressional district in which he resides. All commission members~~ Commissioners are ~~elected~~ appointed to a term of office of four years which expires on ~~February fifteenth~~ December 31 of the appropriate year. Commissioners shall continue to serve until their successors are ~~elected~~ appointed and confirmed ~~and qualify~~, provided that a commissioner may only serve in a hold‑over capacity for a period not to exceed ~~six~~ five months. Any vacancy occurring in the office of commissioner shall be filled by ~~election or~~ appointment in the manner provided in this article for the unexpired term only. No person is eligible to serve as a commission member who is not a resident of that district at the time of his appointment. Failure by an elected commission member to maintain residency in the district for which he is elected shall result in the forfeiture of his office.

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~~(B)~~ ~~The at‑large commission member shall serve at the pleasure of the Governor.~~ The at‑large commission member may be appointed from any county in the State ~~unless another commission member is serving from that county~~. Failure by the at‑large commission member to maintain residence in the State shall result in a forfeiture of his office.

~~(C)~~ ~~All elected commission members may be removed from office as provided in Section 1‑3‑240(C)(1).~~

Section 57‑1‑340. Each commission member, within thirty days after his ~~election or~~ appointment, and before entering upon the discharge of the duties of his office, shall take, subscribe, and file with the Secretary of State the oath of office prescribed by the Constitution of the State.”

B. Members of the Department of Transportation Commission serving on the effective date of this act may continue to serve on the commission until their terms expire. A commissioner who represents a transportation district serving on the effective date of this act shall be eligible to serve as the gubernatorial appointee to the commission for a full term as provided in this act.

SECTION 2. Section 57‑1‑410 of the 1976 Code is amended to read:

“Section 57‑1‑410. ~~The Governor shall appoint, with the advice and consent of the Senate, a Secretary of Transportation who shall serve at the pleasure of the Governor~~ The commission, after consultation with and approval by the Governor, shall appoint a Secretary of Transportation. Upon appointment, the commission must submit the name of its appointee to the Senate for the Senate’s advice and consent. A person appointed to this position shall possess practical and successful business and executive ability and be knowledgeable in the field of transportation. The Secretary of Transportation shall receive such compensation as may be established under the provisions of Section 8‑11‑160 and for which funds have been authorized in the general appropriations act.”

SECTION 3. Section 11‑43‑150 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) All decisions of the board of directors are not final until they have been submitted to the Department of Transportation Commission for consideration. The Department of Transportation Commission can approve or reject the board of directors’ decision, or request additional information from the board of directors. Each decision of the board of directors must receive approval from the Department of Transportation Commission before the bank can authorize an activity.”

SECTION 4. Article 1, Chapter 1, Title 57 of the 1976 Code is amended by adding:

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“Section 57‑1‑100. (A) The General Assembly, in the annual general appropriations act, shall appropriate out of the estimated revenue of the general fund for the fiscal year for which the appropriations are made, $400 million to the State Highway Fund.

(B) This appropriation must be contained in the Ways and Means Committee report on the general appropriations bill, the general appropriations bill at the time of third reading in the House of Representatives, the Senate Finance Committee report on the general appropriations bill, the general appropriations bill at the time of a third reading in the Senate, and in any conference report on the general appropriations bill.”

SECTION 5. Article 7, Chapter 1, Title 57 of the 1976 Code is repealed.

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO spoke on the amendment.

Senator SCOTT spoke on the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 29; Nays 16**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Leatherman *Martin, Larry Martin, Shane*

Massey Nicholson Peeler

Rankin Reese Setzler

Shealy Thurmond Turner

Verdin Young

**Total--29**

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**NAYS**

Allen Cleary Coleman

Hutto Jackson Johnson

Kimpson Lourie Malloy

*Matthews, John Matthews, Margie* McElveen

Sabb Scott Sheheen

Williams

**Total--16**

The amendment was adopted.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, the Report of the Committee on Finance was withdrawn.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 30; Nays 15**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Leatherman *Martin, Larry Martin, Shane*

Massey McElveen Nicholson

Peeler Rankin Reese

Setzler Shealy Thurmond

Turner Verdin Young

**Total--30**

**NAYS**

Allen Cleary Coleman

Hutto Jackson Johnson

Kimpson Lourie Malloy

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*Matthews, John Matthews, Margie* Sabb

Scott Sheheen Williams

**Total--15**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**Statement by Senators**

**GROOMS, THURMOND, MASSEY, CROMER, HAYES, CAMPBELL, GREGORY, BENNETT, DAVIS, BRYANT, SHANE MARTIN, ALEXANDER, FAIR, LARRY MARTIN, PEELER, COURSON, TURNER, SHEALY, YOUNG, HEMBREE, BRIGHT, CAMPSEN, VERDIN, CORBIN and LEATHERMAN**

We support the Republican Caucus plan (Amendment 31A) that reforms the SCDOT and the State Infrastructure Bank and provides recurring revenue from the state general fund to fix South Carolina’s roads. Amendment 31A is a conservative, commonsense plan that addresses road needs without any tax increase.

A number of additional amendments were introduced today. While some were more well-intended than others, these amendments were designed to gut the reforms included in our plan. Therefore, with the exception of Technical Amendment 8C, we voted against these other amendments.

**Motion to Ratify Adopted**

At 4:11 P.M., Senator LARRY MARTIN asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

**Motion Adopted**

On motion of Senator LEATHERMAN, the Senate agreed to stand adjourned.

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**MOTION ADOPTED**

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Kenneth Earl Johns of Seneca, S.C. Kenneth was a graduate of the University of South Carolina School of Pharmacy. He and his wife owned and operated Ken’s Pharmacy until his retirement in 2005. Ken was a member of the South Carolina Pharmaceutical Association, member of Walhalla Rotary Club, former member of Walhalla City Council and Walhalla Jaycees. He was a member of St. John’s Lutheran Church. Ken was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 4:47 P .M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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