

NO. 59

**JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

TUESDAY, APRIL 18, 2017

Tuesday, April 18, 2017
(Statewide Session)

Indicates Matter Stricken

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the Acting PRESIDENT, Senator GOLDFINCH.

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

Romans 12:2

“Do not be conformed to this world, but be transformed by the renewal of your mind. Then you will be able to discern what is the good, pleasing, and perfect will of God. “

Let us pray. Almighty God, Lord of all time, keep us from being distracted from what is really important today by the pressure of what we may momentarily think is urgent. Help us to prioritize the demands of this day by what brings us inner peace and a sense of achievement according to Your will. May we deem urgent what glorifies You. Give us the courage to say “No” to the things that just clutter and postpone joy for our souls. Grant to us a deeper and more meaningful relationship with You, O God and with others. May we maximize our service to You and to the people of this State as we celebrate the priorities that come through Your grace and Your guidance in our lives. Through Our Lord and Saviour we pray, Amen.

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

Call of the Senate

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

Alexander	Bennett	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Gambrell
Goldfinch	Grooms	Hembree
Leatherman	Malloy	Martin
Massey	Peeler	Rice
Sabb	Scott	Setzler

TUESDAY, APRIL 18, 2017

Shealy
Turner
Young

Sheheen
Verdin

Talley
Williams

A quorum being present, the Senate resumed.

Motion Adopted

On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Local Appointments

Initial Appointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Gary S. Morgan, 217 Peach Place Court, Gilbert, SC 29054

Initial Appointment, Anderson County Part-Time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Cary B. Murphy, 601 Glenwood Ave., Anderson, SC 29625 *VICE*
James Tillman Busby, Jr.

Initial Appointment, Richland County Part-Time Magistrate, with the term to commence April 30, 2017, and to expire April 30, 2021

Stephanie I. Bess, 405-B Harbison Blvd., Apartment 7, Columbia, SC 29212

REGULATION WITHDRAWN

The following was received:

Document No. 4658

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-67-240, 59-67-410,

59-67-470, and 59-67-570

SUBJECT: Operation of Public Pupil Transportation Services

Received by Lieutenant Governor January 10, 2017

TUESDAY, APRIL 18, 2017

Referred to Education Committee
Legislative Review Expiration: Permanently Withdrawn
Permanently Withdrawn April 7, 2017

REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:
Document No. 4657
Agency: State Board of Education
Chapter: 43
Statutory Authority: 1976 Code Sections 59-5-60, 59-5-65, and 59-59-10 et seq.
SUBJECT: Minimum Standards of Student Conduct and Disciplinary Enforcement Procedures to be Implemented by Local School Districts
Received by Lieutenant Governor January 10, 2017
Referred to Education Committee
Legislative Review Expiration May 10, 2017
Withdrawn and Resubmitted April 18, 2017

Document No. 4659
Agency: State Board of Education
Chapter: 43
Statutory Authority: 1976 Code Sections 5-7-12, 16-17-420, 59-5-60, and 59-5-65
SUBJECT: School Resource Officers
Received by Lieutenant Governor January 10, 2017
Referred to Education Committee
Legislative Review Expiration May 10, 2017
Withdrawn and Resubmitted April 17, 2017

Doctor of the Day

Senator RANKIN introduced Dr. Tyler Kilgore of Myrtle Beach, S.C., Doctor of the Day.

Expression of Personal Interest

Senator CROMER rose for an Expression of Personal Interest.

ACTING PRESIDENT PRESIDES

Senator MASSEY assumed the Chair.

TUESDAY, APRIL 18, 2017

RECOMMITTED

S. 590 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BUILDING CODES COUNCIL, RELATING TO ENERGY STANDARDS APPEAL PROCEDURE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4715, 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 Committee on Labor, Commerce and Industry

S. 591 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BUILDING CODES COUNCIL, RELATING TO ADOPTION OF MODEL CODES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4714, 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 Committee on Labor, Commerce and Industry

S. 592 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BUILDING CODES COUNCIL, RELATING TO IRC SECTION R502.11.4 TRUSS DESIGN, DESIGNATED AS REGULATION DOCUMENT NUMBER 4716, 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 Committee on Labor, Commerce and Industry

S. 593 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BUILDING CODES COUNCIL, RELATING TO IRC SECTION R703.4 FLASHING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4717, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

TUESDAY, APRIL 18, 2017

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

S. 594 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BUILDING CODES COUNCIL, RELATING TO IRC SECTION R802.10.1 WOOD TRUSS DESIGN, DESIGNATED AS REGULATION DOCUMENT NUMBER 4718, 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 Committee on Labor, Commerce and Industry

S. 595 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BUILDING CODES COUNCIL, RELATING TO MAXIMUM TIME FOR CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4719, 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 Committee on Labor, Commerce and Industry

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 629 -- Senators Nicholson and Gambrell: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE STATE CHAMPIONS OF THE DUE WEST ROBOTICS TEAM, TORNADO OF IDEAS, AND TO WISH THEM SUCCESS AT THE WORLD CHAMPIONSHIP IN HOUSTON, TEXAS.

l:\council\bills\gm\24987vr17.docx

The Senate Resolution was adopted.

S. 630 -- Senators Nicholson and Gambrell: A SENATE RESOLUTION TO HONOR AND APPLAUD THE CONNIE MAXWELL CHILDREN'S HOME FOR THEIR ONE HUNDRED TWENTY-FIVE YEARS OF COMMITMENT TO THE WELL-BEING OF CHILDREN IN THE PALMETTO STATE.

l:\council\bills\rt17141sa17.docx

TUESDAY, APRIL 18, 2017

The Senate Resolution was adopted.

S. 631 -- Senator Campsen: A CONCURRENT RESOLUTION TO HONOR, COMMEMORATE, AND CONGRATULATE THE SOUTH CAROLINA FORESTRY COMMISSION ON ITS NINETIETH ANNIVERSARY ON APRIL 26, 2017 AND TO WISH THE AGENCY ANOTHER NINETY YEARS OF PROSPEROUS SERVICE.

l:\s-res\gec\014fore.kmm.gec.docx

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

S. 632 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE MAY 2017 AS "CYSTIC FIBROSIS AWARENESS MONTH" IN SOUTH CAROLINA.

l:\s-res\ks\033cyst.kmm.ks.docx

The Senate Resolution was adopted.

S. 633 -- Senator Jackson: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF BISHOP COLIE L. "JOSH" LORICK, JR., OF COLUMBIA AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

l:\council\bills\rm\1159wab17.docx

The Senate Resolution was adopted.

S. 634 -- Senator Sabb: A SENATE RESOLUTION TO CONGRATULATE THE HEMINGWAY HIGH SCHOOL BOYS' VARSITY BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE 2017 1A BOYS' BASKETBALL STATE CHAMPIONSHIP.

l:\s-res\ras\006hemi.kmm.ras.docx

The Senate Resolution was adopted.

S. 635 -- Senator Sabb: A SENATE RESOLUTION TO HONOR AND RECOGNIZE WILLIAM E. TRADO, JR. UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS THIRTY-TWO YEARS OF COMBINED FEDERAL SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

l:\s-res\ras\004will.kmm.ras.docx

TUESDAY, APRIL 18, 2017

The Senate Resolution was adopted.

S. 636 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE SEPTEMBER AS "HUNGER ACTION MONTH" IN THE STATE OF SOUTH CAROLINA.

l:\s-res\tca\020hung.kmm.tca.docx

The Senate Resolution was adopted.

S. 637 -- Senators Talley, Martin, Peeler, Reese and Corbin: A BILL TO AMEND SECTION 7-7-490 OF THE 1976 CODE, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, TO ADD ANDERSON MILL BAPTIST, D. R. HILL MIDDLE SCHOOL, HOPE, LYMAN ELEMENTARY, AND TRINITY PRESBYTERIAN PRECINCTS; TO REMOVE THE FRIENDSHIP BAPTIST PRECINCT; AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

l:\s-res\sft\012spar.sp.sft.docx

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

S. 638 -- Senator Alexander: A CONCURRENT RESOLUTION TO RECOGNIZE APRIL 27, 2017 AS "DONATED DENTAL SERVICES RECOGNITION DAY" AND TO HONOR THE SOUTH CAROLINA DENTAL ASSOCIATION, THE DENTAL LIFELINE NETWORK OF SOUTH CAROLINA, AND THE HUNDREDS OF DENTISTS AND DENTAL LABORATORIES THAT VOLUNTEER FOR THE DONATED DENTAL SERVICES PROGRAM.

l:\s-res\tca\019dona.kmm.tca.docx

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

H. 3840 -- Rep. Burns: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF TIGERVILLE ROAD IN GREENVILLE FROM TIGERVILLE ELEMENTARY SCHOOL TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 11 "DAVID W. STATON MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY CONTAINING THIS DESIGNATION.

TUESDAY, APRIL 18, 2017

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

H. 3963 -- Rep. Finlay: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF CROSS HILL ROAD AND DEVINE STREET IN THE CITY OF COLUMBIA "COUNCILWOMAN LEONA PLAUGH MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

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

H. 3964 -- Reps. Alexander and Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF WILSON ROAD IN THE CITY OF FLORENCE FROM ITS INTERSECTION WITH IRBY STREET TO ITS INTERSECTION WITH OAKLAND AVENUE "ELDER ELIJAH GREEN WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD CONTAINING THIS DESIGNATION.

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

H. 3999 -- Reps. Quinn, Atwater and Huggins: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF NATURAL RESOURCES RENAME THE "HOPE FERRY LANDING" ON THE SALUDA RIVER THE "J. B. BARKER BOAT LANDING" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION THAT CONTAIN THIS DESIGNATION.

On motion of Senator CROMER, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

H. 4005 -- Reps. J. E. Smith and Clary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-215 SO AS TO DECLARE THE THIRD WEEK IN OCTOBER OF EACH YEAR AS "SOUTH CAROLINA NATIVE PLANT WEEK" AND ENCOURAGE ALL SOUTH CAROLINIANS

TUESDAY, APRIL 18, 2017

TO RECOGNIZE THE ESSENTIAL VALUE AND IMPORTANCE OF THE NATIVE PLANTS OF SOUTH CAROLINA TO OUR STATE'S HISTORY, ECONOMIC LANDSCAPE, AND ENVIRONMENT.

Read the first time and referred to the General Committee.

REPORTS OF STANDING COMMITTEES

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 446 -- Senators Leatherman, Setzler, Williams and Campbell: A BILL TO AMEND SECTION 12-6-3585, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INDUSTRY PARTNERSHIP FUND TAX CREDIT, SO AS TO INCREASE THE AGGREGATE ANNUAL CREDIT AMOUNT.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation polled out S. 499 favorable:

S. 499 -- Senator Malloy: A BILL TO AMEND SECTION 56-1-148 OF THE 1976 CODE, RELATING TO THE IDENTIFYING CODE AFFIXED TO THE DRIVER'S LICENSE OF A PERSON CONVICTED OF CERTAIN CRIMES, TO REMOVE THE FIFTY DOLLAR FEE ASSOCIATED WITH PLACING THE IDENTIFYING CODE ON A DRIVER'S LICENSE.

Poll of the Transportation Committee
Polled 17; Ayes 15; Nays 2; Not Voting 0

AYES

Grooms	Leatherman	Rankin
Verdin	Malloy	Campsen
Campbell	Hembree	McElveen
Johnson	Kimpson	Sabb
M.B. Matthews	Climer	McLeod

Total--15

NAYS

Peeler	Bennett
--------	---------

TUESDAY, APRIL 18, 2017

Total--2

NOT VOTING

Total--0

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry polled out H. 3653 favorable:

H. 3653 -- Reps. Forrester, Yow, Loftis, Henegan, Spires, Anderson, Burns, V.S. Moss, Crawford, Hamilton, Felder, Norman, Anthony, Chumley, Erickson, Gagnon, Hayes, Henderson, Hosey, Jefferson, S. Rivers, Ryhal, Sandifer, Thayer, Willis, Atkinson, Alexander, West, Hixon, Murphy, Arrington, Bennett and Crosby: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 24 TO TITLE 31 SO AS TO PROVIDE THE OPERATIONS OR EXPANSIONS OF MANUFACTURING AND INDUSTRIAL FACILITIES MAY NOT BE CONSIDERED PUBLIC OR PRIVATE NUISANCES IN CERTAIN CIRCUMSTANCES, TO PROVIDE RELATED FINDINGS, TO EXPLICITLY PROHIBIT LOCAL GOVERNMENTS FROM ENACTING ORDINANCES TO THE CONTRARY, TO DEFINE NECESSARY TERMINOLOGY, TO PROVIDE THAT THE PROVISIONS OF THIS ACT MAY NOT BE CONSTRUED TO MODIFY STATUTORY EMINENT DOMAIN LAWS OR ENVIRONMENTAL LAWS, AND TO PROVIDE THE PROVISIONS OF THIS ACT DO NOT APPLY TO NUISANCE ACTIONS COMMENCED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS CHAPTER.

Poll of the Labor, Commerce and Industry Committee

Polled 16; Ayes 15; Nays 1; Not Voting 1

AYES

Alexander	Reese	Leatherman
Williams	Massey	Davis
Scott	Bennett	Corbin
Johnson	Allen	Gambrell
Climer	Goldfinch	Senn

TUESDAY, APRIL 18, 2017

Total--15

NAYS

Sabb

Total--1

NOT VOTING

Setzler

Total--1

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., April 18, 2017

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

H. 3726 -- Reps. Herbkersman, Cobb-Hunter, Anthony, Whitmire, Stringer, Bradley, Lucas and White: A BILL TO AMEND SECTION 9-1-1085, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA RETIREMENT SYSTEM EMPLOYER AND EMPLOYEE CONTRIBUTION RATES, SO AS TO CHANGE FUTURE EMPLOYER AND EMPLOYEE CONTRIBUTION RATES AND TO REQUIRE THAT THE UNFUNDED LIABILITIES OF THE SYSTEM MUST BE ON A CERTAIN AMORTIZATION SCHEDULE; TO AMEND SECTION 9-11-225, RELATING TO THE POLICE OFFICERS RETIREMENT SYSTEM EMPLOYER AND EMPLOYEE CONTRIBUTION RATES, SO AS TO CHANGE FUTURE EMPLOYER AND EMPLOYEE CONTRIBUTION RATES AND TO REQUIRE THAT THE UNFUNDED LIABILITIES OF THE SYSTEM MUST BE ON A CERTAIN AMORTIZATION SCHEDULE; TO AMEND SECTION 9-16-335, RELATING TO THE ASSUMED RATE OF RETURN, SO

TUESDAY, APRIL 18, 2017

AS TO CHANGE THE ASSUMED RATE OF RETURN TO SEVEN AND ONE QUARTER PERCENT AND TO PROVIDE THAT THE ASSUMED RATE OF RETURN EXPIRES EVERY FOUR YEARS; TO AMEND SECTION 9-4-10, RELATING TO THE TERM OF MEMBERS OF THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY (PEBA), SO AS TO CHANGE THE TERM FROM TWO TO FOUR YEARS AND TO REQUIRE THE BOARD TO EMPLOY AN EXECUTIVE DIRECTOR; TO AMEND SECTION 9-4-40, RELATING TO THE AUDIT OF PEBA, SO AS TO REQUIRE PEBA TO BE AUDITED EVERY FOUR YEARS; TO AMEND SECTION 9-1-240, RELATING TO THE APPOINTMENT AND DUTIES OF THE ACTUARY, SO AS TO PROVIDE THAT THE STATE FISCAL ACCOUNTABILITY AUTHORITY SHALL APPROVE THE ACTUARY AND TO PROVIDE THAT THE RETIREMENT SYSTEM INVESTMENT COMMISSION IS A THIRD-PARTY BENEFICIARY OF THE CONTRACT WITH THE ACTUARY; TO AMEND SECTION 9-16-10, AS AMENDED, RELATING TO RETIREMENT SYSTEM FUNDS “FIDUCIARY” DEFINITION, SO AS TO ADD THE COMMISSION’S “CHIEF EXECUTIVE OFFICER” TO THE DEFINITION; TO AMEND SECTION 9-16-30, RELATING TO THE DELEGATION OF FUNCTIONS BY THE COMMISSION, AS AMENDED, SO AS TO PROVIDE THAT THE COMMISSION SHALL CAST CERTAIN SHAREHOLDER PROXY VOTES; TO AMEND SECTION 9-16-90, AS AMENDED, RELATING TO CERTAIN INVESTMENT REPORTS, SO AS TO PROVIDE THAT CERTAIN REPORTS MUST CONTAIN A SCHEDULE OF NET MANAGER FEES AND EXPENSES; TO AMEND SECTION 9-16-315, AS AMENDED, RELATING TO THE RETIREMENT SYSTEM INVESTMENT COMMISSION, SO AS TO CHANGE CERTAIN MEMBERS OF THE COMMISSION, TO ADD QUALIFICATIONS, AND TO REQUIRE THE COMMISSION TO EMPLOY A CHIEF EXECUTIVE OFFICER; TO AMEND SECTION 9-16-330, AS AMENDED, RELATING TO CERTAIN STATEMENTS OF ACTUARIAL ASSUMPTIONS AND INVESTMENT OBJECTIVES, SO AS TO ALLOW FOR CERTAIN DELEGATIONS TO THE CHIEF INVESTMENT OFFICER, AND TO REQUIRE THE INVESTMENT PLAN TO INCLUDE THE FINAL AUTHORITY TO INVEST MADE BY THE COMMISSION; TO AMEND SECTION 9-16-380, RELATING TO THE AUDIT OF THE RETIREMENT

TUESDAY, APRIL 18, 2017

SYSTEM INVESTMENT COMMISSION, SO AS TO PROVIDE THAT THE RETIREMENT SYSTEM INVESTMENT COMMISSION BE AUDITED EVERY FOUR YEARS; BY ADDING SECTION 9-16-100 SO AS TO PLACE CERTAIN RESTRICTIONS ON LOBBYISTS AND TO PROHIBIT THE COMMISSION FROM MAKING CERTAIN INVESTMENTS; TO AMEND SECTION 9-1-1310, AS AMENDED, RELATING TO THE TRUSTEE OF THE RETIREMENT SYSTEM, SO AS TO CHANGE A TRUSTEE FROM THE STATE FISCAL ACCOUNTABILITY AUTHORITY TO THE RETIREMENT SYSTEM INVESTMENT COMMISSION; TO AMEND SECTION 9-1-1320, RELATING TO THE CUSTODY OF THE ASSETS OF THE RETIREMENT SYSTEM, SO AS TO CHANGE THE CUSTODIAN OF THE ASSETS FROM THE STATE TREASURER TO THE BOARD OF DIRECTORS OF PEBA; TO AMEND SECTION 1-3-240, AS AMENDED, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE SOUTH CAROLINA RETIREMENT INVESTMENT COMMISSION MEMBERS AND THE SOUTH CAROLINA PUBLIC BENEFIT AUTHORITY MEMBERS; AND TO REPEAL SECTIONS 9-4-45, 9-8-170, 9-9-160, 9-10-80, AND 9-11-250 RELATING TO POLICY DETERMINATIONS AND THE CUSTODY OF FUNDS FOR THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY, THE NATIONAL GUARD RETIREMENT SYSTEM, AND THE POLICE OFFICERS RETIREMENT SYSTEM.

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCE

S. 454 -- Senator Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR NEW LIGHT BEULAH BAPTIST CHURCH OF HOPKINS AND TO CELEBRATE WITH THE PASTOR AND MEMBERS THEIR ONE HUNDRED FIFTY YEARS OF INDEPENDENCE AS A CONGREGATION FAITHFULLY SERVING THEIR COMMUNITY.

Returned with concurrence.

Received as information.

TUESDAY, APRIL 18, 2017

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

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3517 -- Reps. Hiott, Kirby, Duckworth, Forrest, Hixon, Hewitt, Davis and Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-750 SO AS TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES MAY ISSUE SPECIAL AUTHORIZATION FOR HUNTING AND FISHING TO ANY PERSON WHO IS NOT MORE THAN TWENTY-ONE YEARS OLD WHO HAS BEEN DIAGNOSED WITH A TERMINAL OR LIFE THREATENING ILLNESS OR INJURY WHO IS SPONSORED BY CERTAIN NONPROFIT CHARITABLE ORGANIZATIONS, TO PROVIDE THAT LICENSE, TAG, AND FEE REQUIREMENTS FOR HUNTING AND FISHING ARE WAIVED, AND TO ALLOW THE DIRECTOR TO DETERMINE THE PERIOD OF TIME IN WHICH THE SPECIAL AUTHORIZATION IS VALID.

REMOVED FROM CONSENT CALENDAR

H. 3289 -- Reps. G.R. Smith and Knight: A BILL TO AMEND SECTION 56-5-1930, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISTANCE THAT MUST BE MAINTAINED BETWEEN VEHICLES TRAVELING ALONG A HIGHWAY, SO AS TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO THE OPERATOR OF ANY NONLEADING VEHICLE TRAVELING IN A PROCESSION OF VEHICLES IF THE SPEED OF EACH VEHICLE IS AUTOMATICALLY COORDINATED.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

On motion of Senator MALLOY, the Bill was moved to the Statewide Second Reading Calendar.

TUESDAY, APRIL 18, 2017

REMOVED FROM CONSENT CALENDAR

H. 4033 -- Reps. Hixon, Taylor, Blackwell, Clyburn, Allison, Daning, Yow, Erickson, B. Newton, Bennett, Arrington, Murphy, Crawford and Clemons: A BILL TO AMEND SECTION 56-5-1535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, SO AS TO DELETE THIS PROVISION AND PROVIDE A DEFINITION FOR THE TERMS "HIGHWAY WORK ZONE" AND "HIGHWAY WORKER", TO CREATE THE OFFENSE OF "ENDANGERMENT OF A HIGHWAY WORKER", AND TO PROVIDE A PENALTY FOR THIS OFFENSE; TO AMEND SECTION 56-1-720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, SO AS TO PROVIDE THAT THE OFFENSE OF ENDANGERMENT OF A HIGHWAY WORKER RESULTING IN NO INJURY IS A TWO POINT VIOLATION, THE OFFENSE OF ENDANGERMENT OF A HIGHWAY WORKER IN WHICH INJURY OCCURS IS A FOUR POINT VIOLATION, AND THE OFFENSE OF ENDANGERMENT OF A HIGHWAY WORKER IN WHICH GREAT BODILY INJURY OCCURS IS A SIX POINT VIOLATION; 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 MALLOY, the Bill was moved to the Statewide Second Reading Calendar.

READ THE SECOND TIME

S. 601 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO CERTIFICATION REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4698, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator HEMBREE explained the Resolution.

The question being the second reading of the Resolution.

TUESDAY, APRIL 18, 2017

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

Ayes 42; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Timmons	Turner
Verdin	Williams	Young

Total--42

NAYS

Sheheen

Total--1

The Resolution was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 602 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO CREDENTIAL CLASSIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4699, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator HEMBREE explained the Resolution.

TUESDAY, APRIL 18, 2017

The question being the second reading of the Resolution.

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

Ayes 42; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Timmons	Turner
Verdin	Williams	Young

Total--42

NAYS

Sheheen

Total--1

The Resolution was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 603 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4701, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

TUESDAY, APRIL 18, 2017

Senator HEMBREE explained the Resolution.

The question being the second reading of the Resolution.

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

Ayes 42; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Timmons	Turner
Verdin	Williams	Young

Total--42

NAYS

Sheheen

Total--1

The Resolution was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 604 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ADMINISTRATIVE AND PROFESSIONAL PERSONNEL QUALIFICATIONS, DUTIES AND WORKLOADS, DESIGNATED AS REGULATION DOCUMENT

TUESDAY, APRIL 18, 2017

NUMBER 4695, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator HEMBREE explained the Resolution.

The question being the second reading of the Resolution.

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

Ayes 42; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Timmons	Turner
Verdin	Williams	Young

Total--42

NAYS

Shehee

Total--1

The Resolution was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

H. 3034 -- Rep. Daning: A BILL TO AMEND SECTION 59-112-50,
AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976,

TUESDAY, APRIL 18, 2017

RELATING TO THE ELIGIBILITY FOR IN-STATE COLLEGE TUITION RATES OF VETERANS AND RELATED PERSONS COVERED BY CERTAIN FEDERAL EDUCATION ASSISTANCE PROGRAMS, SO AS TO ELIMINATE ENROLLMENT TIME LIMITS FOR THESE RELATED PERSONS.

The Senate proceeded to a consideration of the Bill.

Senator YOUNG explained the Bill.

The question being the second reading of the Bill.

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

Ayes 42; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Timmons	Turner
Verdin	Williams	Young

Total--42

NAYS

Sheheen

Total--1

The Bill was read the second time, passed and ordered to a third reading.

TUESDAY, APRIL 18, 2017

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 3221 -- Reps. Allison, Collins, Felder, Daning, Govan, Taylor, Knight and Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-20-90 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP AND ADOPT A STATEWIDE PROGRAM FOR IDENTIFYING FISCAL PRACTICES AND BUDGETARY CONDITIONS THAT, IF UNCORRECTED, COULD COMPROMISE THE FISCAL INTEGRITY OF A SCHOOL DISTRICT AND FOR ADVISING THE DISTRICT ON HOW TO TAKE APPROPRIATE CORRECTIVE ACTIONS, TO ESTABLISH THREE LEVELS OF FISCAL AND BUDGETARY CONCERN WITH CONDITIONS AND REQUIREMENTS ASSOCIATED WITH EACH, AND TO DIRECT THE DEPARTMENT TO PROMULGATE REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION; AND BY ADDING SECTION 59-20-95 SO AS TO REQUIRE THE STATE AUDITOR TO ADOPT THE STATEWIDE PROGRAM CREATED BY THE DEPARTMENT OF EDUCATION IN SECTION 59-20-90 AND USE IT TO IDENTIFY FISCAL PRACTICES AND BUDGETARY CONDITIONS THAT, IF UNCORRECTED, COULD COMPROMISE THE FISCAL INTEGRITY OF A STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY AND TO ADVISE THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY ON HOW TO TAKE APPROPRIATE CORRECTIVE ACTIONS, AND TO PROVIDE EXCEPTIONS TO ENABLE THE STATE AUDITOR TO DIRECT THE DEPARTMENT TO IMMEDIATELY ASSUME EMERGENCY MANAGEMENT OF THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY FOR WHICH IT HAS MADE A DECLARATION OF FISCAL CAUTION OR FISCAL EMERGENCY, TO CONTINUE THIS EMERGENCY MANAGEMENT OF THE LOCAL EDUCATION AGENCY UNTIL THE STATE AUDITOR RELEASES THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY FROM THE DECLARATION OF FISCAL CAUTION OR FISCAL EMERGENCY, AS APPLICABLE, AND TO DIRECT THE STATE AUDITOR TO PROMULGATE REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

The Senate proceeded to a consideration of the Bill.

TUESDAY, APRIL 18, 2017

The Committee on Education proposed the following amendment (SD\3221C001.NL.SD17), which was adopted:

Amend the bill, as and if amended, Section 59-20-90(C), as contained in SECTION 1, by adding a new subitem (5) immediately after subitem (4) on line 27, page 3, to read:

/ (5) The district board of trustees may appeal a declaration of a fiscal watch to the State Board of Education within ten days of the declaration and the State Board must hold a hearing on the appeal within thirty days after the filing of the appeal. However, the district shall continue to work with the department in the manner provided by this subsection when a fiscal watch is declared pending determination of the appeal. /

Amend further, Section 59-20-90, as contained in SECTION 1, by adding a new subsection (G) immediately after subsection (F) on line 38, page 6, to read:

/ (G) The provisions of this section also apply to the statewide charter school district. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the committee amendment.

The committee amendment was adopted.

Senator HEMBREE explained the Bill.

The question then was second reading of the Bill.

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

Ayes 42; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>

TUESDAY, APRIL 18, 2017

McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Timmons	Turner
Verdin	Williams	Young

Total--42

NAYS

Sheheen

Total--1

There being no further amendments, the following Bill having been read the second time, was ordered placed on the Third Reading Calendar.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 3792 -- Reps. Thayer, Funderburk and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-23-245 SO AS TO PROVIDE MINIMUM STANDARDS FOR THE NUMBERS OF TOILETS AND LAVATORIES AVAILABLE FOR MEN AND WOMEN AT MIDDLE SCHOOL FOOTBALL STADIUMS AND HIGH SCHOOL FOOTBALL STADIUMS, AND TO PROVIDE THESE STANDARDS APPLY NOTWITHSTANDING OTHERWISE APPLICABLE BUILDING CODES AND PLUMBING CODES, AMONG OTHER THINGS.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (WAB\3792C001.AGM.WAB17), which was adopted:

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

/ SECTION 1. Article 2, Chapter 23, Title 59 of the 1976 Code is amended by adding:

“Section 59-23-245. (A) Notwithstanding applicable national, state, or local building codes, plumbing codes, school building regulations, or other provisions of law relating to the minimum numbers of required

plumbing fixtures for stadiums in middle schools and high schools based on occupancy and use, the minimum number of:

- (1) toilets for male restrooms required for a stadium are:
 - (a) one per two hundred for the first fifteen hundred occupancy;
 - (b) one per two hundred fifty for the next fifteen hundred occupancy; and
 - (c) one per five hundred for the remainder occupancy;
- (2) toilets for female restrooms required for a stadium are:
 - (a) one per one hundred for the first one thousand five hundred twenty occupancy;
 - (b) one per one hundred fifty for the next one thousand five hundred twenty occupancy; and
 - (c) one per three hundred for the remainder occupancy;
- (3) lavatories for male restrooms required for a stadium are one per three hundred; and
- (4) lavatories for female restrooms required for a stadium are one per three hundred.

(B) The provisions of this section apply to all middle school stadiums and high school stadiums built or renovated after the effective date of this act and all middle school stadiums and high school stadiums in existence or in the process of being planned, constructed, or renovated on the effective date of this act. However, a stadium that is being renovated but is not replacing existing seating or adding new seating may not be required to add water closets or lavatories to conform to the provisions of this section or any other applicable building code, plumbing code, school building regulations, or another provision of law. For a stadium that is being renovated to replace existing or add new seating, the plumbing fixtures requirements apply only to the number of new seats being added or replaced.

(C) To determine the occupant load of each sex, the total occupant load must be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type must be applied to the occupant load of each sex in accordance with subsection (A). Fractional numbers resulting from applying the fixture ratios must be rounded up to the next whole number. For calculations involving multiple occupancies, such fractional numbers for each occupancy first must be summed and then rounded up to the next whole number. However, the total occupant load must not be required to be divided in half where approved statistical data indicates a distribution of the sexes of other than fifty percent of each sex.”

TUESDAY, APRIL 18, 2017

SECTION 2. This act takes effect upon approval by the Governor and is applicable to any existing facilities and future facilities. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the committee amendment.

The committee amendment was adopted.

Senator HEMBREE explained the Bill.

The question then was second reading of the Bill.

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

Ayes 42; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Timmons	Turner
Verdin	Williams	Young

Total--42

NAYS

Sheheen

Total--1

TUESDAY, APRIL 18, 2017

There being no further amendments, the following Bill having been read the second time, was ordered placed on the Third Reading Calendar.

OBJECTION

S. 534 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1940 SO AS TO PROVIDE THE EDUCATION OVERSIGHT COMMITTEE SHALL DESIGN AND PILOT CERTAIN DISTRICT ACCOUNTABILITY MODELS THAT FOCUS ON COMPETENCY-BASED EDUCATION; BY ADDING SECTION 59-18-1950 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF A STATE LONGITUDINAL DATA SYSTEM FOR MEASURING THE CONTINUOUS IMPROVEMENT OF PUBLIC EDUCATION AND THE COLLEGE READINESS AND CAREER READINESS OF PUBLIC SCHOOL GRADUATES, AND TO PROVIDE RELATED FINDINGS; BY ADDING SECTION 59-18-1960 SO AS TO PROVIDE THE MEASURING OF STUDENT PROGRESS OR GROWTH USING A VALUE-ADDED SYSTEM; TO AMEND SECTION 59-18-100, AS AMENDED, RELATING TO THE PURPOSE OF THE ACCOUNTABILITY SYSTEM IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO PROVIDE ADDITIONAL PURPOSES CONCERNING THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-120, AS AMENDED, RELATING TO DEFINITIONS IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO REVISE AND ADD DEFINED TERMS; TO AMEND SECTION 59-18-310, AS AMENDED, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM FOR MEASURING STUDENT PERFORMANCE, SO AS TO DELETE OBSOLETE LANGUAGE AND TO DELETE PROVISIONS CONCERNING THE TIMING FOR ADMINISTERING CERTAIN ASSESSMENTS; TO AMEND SECTION 59-18-320, AS AMENDED, RELATING TO THE ADMINISTRATION OF CERTAIN STATEWIDE STANDARDS-BASED ASSESSMENTS, SO AS TO DELETE OBSOLETE PROVISIONS CONCERNING THE NO CHILD LEFT BEHIND ACT, AND TO DELETE PROVISIONS CONCERNING PERFORMANCE LEVEL RESULTS IN VARIOUS CORE SUBJECT AREAS; TO AMEND SECTION 59-18-325, AS AMENDED, RELATING TO COLLEGE AND CAREER READINESS SUMMATIVE ASSESSMENTS, SO AS TO REVISE

TUESDAY, APRIL 18, 2017

PROCUREMENT AND ADMINISTRATION PROVISIONS AND THE TIME AFTER WHICH RESULTS OF SUCH ASSESSMENTS MAY BE INCLUDED IN SCHOOL RATINGS; TO AMEND SECTION 59-18-330, AS AMENDED, RELATING TO THE COORDINATION AND ADMINISTRATION OF THE NATIONAL ASSESSMENT OF EDUCATION PROGRESS, SO AS TO PROVIDE THE STATE SHALL PARTICIPATE AS AN INDIVIDUAL EDUCATION SYSTEM IN THE PROGRAM FOR INTERNATIONAL STUDENT ASSESSMENT AND TO PROVIDE ASSOCIATED RESPONSIBILITIES OF THE STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 59-18-340, AS AMENDED, RELATING TO THE MANDATORY PROVISION OF STATE-FUNDED ASSESSMENTS SO AS TO DELETE ONE SUCH ASSESSMENT AND INCLUDE TWO ADDITIONAL ASSESSMENTS; TO AMEND SECTION 59-18-900, AS AMENDED, RELATING TO THE COMPREHENSIVE ANNUAL REPORT CARD FOR SCHOOLS, SO AS TO PROVIDE IT IS WEB-BASED, TO REVISE THE PURPOSES OF THE REPORT CARD, TO REVISE AND DEFINE CATEGORIES OF ACADEMIC PERFORMANCE RATINGS, TO PROVIDE THE SAME CATEGORIES ALSO MUST BE ASSIGNED TO INDIVIDUAL INDICATORS USED TO MEASURE SCHOOL PERFORMANCE, TO MAKE THE USE OF STUDENT SCORES IN CALCULATING SCHOOL RATINGS BE OPTIONAL INSTEAD OF MANDATORY, TO DELETE STUDENT PERFORMANCE LEVELS, TO PROVIDE THE REPORT CARD MUST INCLUDE INDICATORS THAT MEET FEDERAL LAW REQUIREMENTS, TO INCLUDE DROPOUT RETENTION DATA AND ACCESS TO TECHNOLOGY AMONG THE TYPES OF INFORMATION THAT SHOULD BE INCLUDED IN REPORT CARDS, AND TO REVISE REQUIREMENTS FOR RELATED SCHOOL IMPROVEMENT COUNCIL REPORTS; TO AMEND SECTION 59-18-910, AS AMENDED, RELATING TO COMPREHENSIVE CYCLICAL REVIEWS OF THE ACCOUNTABILITY SYSTEM, SO AS TO REQUIRE THE INCLUSION OF CERTAIN RECOMMENDATIONS DETERMINING THE READINESS OF GRADUATING STUDENTS IN CERTAIN CATEGORIES RELATED TO THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-920, AS AMENDED, RELATING TO CHARTER SCHOOLS, SO AS TO PROVIDE DATA REQUIRED OF A CHARTER SCHOOL

TUESDAY, APRIL 18, 2017

MAY BE USED TO DEVELOP A RATING OF THE SCHOOL, TO DELETE EXISTING PROVISIONS CONCERNING THE CHARTER SCHOOL RATINGS, TO DELETE PROVISIONS PROHIBITING USE OF CHARTER SCHOOL STUDENT PERFORMANCE IN A DISTRICT'S OVERALL PERFORMANCE RATINGS; TO AMEND SECTION 59-18-930, AS AMENDED, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT ANNUALLY ISSUE AN EXECUTIVE SUMMARY OF THE REPORT CARD, SO AS TO PROVIDE THE DEPARTMENT INSTEAD MAY PUBLISH THE REPORT ON ITS WEBSITE IN A CERTAIN MANNER, AND TO PROVIDE CERTAIN NATIONAL ASSESSMENT SCORES MAY BE INCLUDED; AND TO REPEAL SECTION 59-18-950 RELATING TO CRITERIA FOR SCHOOL DISTRICT AND HIGH SCHOOL RATINGS.

Senator MARTIN objected to consideration of the Bill.

AMENDMENT PROPOSED, OBJECTION

S. 92 -- Senators Gregory, Bennett, Fanning and Shealy: A BILL TO AMEND SECTION 20-3-130(C), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AWARD OF ALIMONY AND OTHER ALLOWANCES, SO AS TO PROVIDE THAT CERTAIN EARNINGS OF A SUBSEQUENT SPOUSE ARE NOT TO BE CONSIDERED BY THE COURT WHEN MAKING, MODIFYING, OR TERMINATING THE AWARD OF ALIMONY.

The Senate proceeded to a consideration of the Bill.

Senator MALLOY proposed the following amendment (JUD0092.005):

Amend the committee report, as and if amended, page [92-4], by striking lines 17 through 39, in Section 20-3-130(C)(9), as contained in SECTION 2, and inserting therein the following:

/ (9) For purposes of this subsection and unless otherwise agreed to in writing by the parties, 'continued cohabitation' means the supported spouse resides with another person in a romantic relationship for a period of ninety or more consecutive days. The court may determine that a continued cohabitation exists if there is evidence that the supported spouse resides with another person in a romantic relationship for periods of less than ninety days and the two periodically separate in order to circumvent the ninety day requirement involves a mutually supportive, intimate personal relationship of one year or more in which the supported

TUESDAY, APRIL 18, 2017

spouse and another person undertake duties and privileges commonly associated with marriage, but who do not necessarily maintain a single common household.

In the determination of whether continued cohabitation exists, the court shall consider the following factors:

- (a) intertwined finances;
- (b) sharing or joint responsibility for living expenses;
- (c) recognition of the relationship in the couple's social circle, family circle, or community;
- (d) living together, the frequency of contact, the duration of the relationship, and other indicia of a mutually supportive intimate personal relationship; and
- (e) such other factors the court considers relevant. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator MALLOY objected to further consideration of the Bill.

ADOPTED

S. 487 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE JUNCTION OF INTERSTATE HIGHWAYS 126 AND 26 IN RICHLAND COUNTY "MILTON KIMPSON INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered sent to the House.

ACTING PRESIDENT PRESIDES

At 3:15 P.M., Senator SETZLER assumed the Chair.

Motion Adopted

On motion of Senator LEATHERMAN, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 11:00 A.M. tomorrow.

TUESDAY, APRIL 18, 2017

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

MOTION ADOPTED

At 3:23 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.

CARRIED OVER

(R2, S310) -- Senator Sheehan: AN ACT TO PERMIT THE TOWN OF CAMDEN TO ANNEX CERTAIN REAL PROPERTY BY ORDINANCE UPON FINDING THAT THE PROPERTY IS BLIGHTED.

On motion of Senator PEELER, the Veto was carried over.

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

NONCONCURRENCE

H. 3346 -- Reps. Collins, Clary and Hiott: A BILL TO AMEND ACT 260 OF 1981, AS AMENDED, RELATING TO THE PICKENS COUNTY SCHOOL BOARD OF TRUSTEES, SO AS TO INCREASE THE NUMBER OF BOARD MEMBERS FROM SIX TO SEVEN AND TO PROVIDE FOR SEVEN SINGLE-MEMBER DISTRICTS BEGINNING WITH THE 2018 GENERAL ELECTION; AND TO PROVIDE FOR A PROCEDURE FOR CLOSING A SCHOOL WITHIN THE DISTRICT.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

On motion of Senator RICE, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

DEBATE INTERRUPTED

H. 3516 -- Reps. Simrill, Lucas, White, G.M. Smith, Pope, Stringer, W. Newton, Bales, Clary, Cole, Delleney, Herbkersman, Hixon, Sandifer, Douglas, Knight, Erickson, Henegan, Ridgeway, Williams, Jefferson, Ott, Govan, Henderson, V.S. Moss, Martin, Spires, Funderburk, D.C. Moss, Brown, Whipper, Cobb-Hunter, Felder, Bernstein, J.E. Smith, Clemons, Clyburn, Daning, Cogswell, Davis, B. Newton, Anthony, Crosby, S. Rivers, Thigpen, Hosey, Murphy, Hardee, Weeks, King, Sottile and Anderson: A BILL TO AMEND SECTION 12-28-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MOTOR FUEL USER FEE, SO AS TO PHASE IN AN INCREASE OF TEN CENTS ON THE FEE OVER FIVE YEARS; TO AMEND SECTIONS 56-11-410 AND 56-11-450, BOTH RELATING TO THE ROAD TAX, SO AS TO INCREASE THE ROAD TAX IN THE SAME MANNER AS THE MOTOR FUEL USER FEE; TO AMEND SECTION 56-3-620, AS AMENDED, RELATING TO THE BIENNIAL REGISTRATION OF A MOTOR VEHICLE, SO AS TO INCREASE THE FEE FOR THE REGISTRATION; BY ADDING SECTION 56-3-627 SO AS TO REQUIRE EACH RESIDENT TO PAY AN INFRASTRUCTURE MAINTENANCE FEE UPON FIRST REGISTERING ANY VEHICLE AND CERTAIN OTHER ITEMS IN THIS STATE AND TO SPECIFY THE MANNER IN WHICH THE FEE IS CALCULATED, CREDITED, AND ADMINISTERED; BY ADDING SECTION 56-3-645 SO AS TO IMPOSE A ROAD USE FEE ON CERTAIN MOTOR VEHICLES THAT OPERATE ON FUEL THAT IS NOT SUBJECT TO THE MOTOR FUEL USER FEE; TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO INCREASE THE MAXIMUM TAX ON CERTAIN ITEMS; TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO AS TO EXEMPT ANY ITEM SUBJECT TO THE INFRASTRUCTURE MAINTENANCE FEE; TO AMEND SECTION 12-36-1710, RELATING TO THE CASUAL EXCISE TAX, SO AS TO PROVIDE THAT MOTOR VEHICLES AND MOTORCYCLES ARE NOT SUBJECT TO THE TAX; AND TO AMEND ARTICLE 23, CHAPTER 37, TITLE 12, RELATING TO MOTOR CARRIERS, SO AS TO DEFINE TERMS, TO PROVIDE THAT THE ARTICLE DOES NOT APPLY TO A SMALL COMMERCIAL VEHICLE, TO PROVIDE THAT CERTAIN VEHICLES ARE ASSESSED AND

TUESDAY, APRIL 18, 2017

APPORTIONED BASED ON A ROAD USE FEE INSTEAD OF PROPERTY TAXES, TO PROVIDE THAT THE ROAD USE FEE IS DUE AT THE SAME TIME AS REGISTRATION FEES, TO PROVIDE FOR THE DISTRIBUTION OF THE ROAD USE FEE, AND TO EXEMPT CERTAIN SEMITRAILERS, TRAILERS, LARGE COMMERCIAL MOTOR VEHICLES, AND BUSES FROM AD VALOREM TAXATION.

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

Senator CAMPBELL spoke on the Bill.

The Committee on Finance proposed the following amendment (DG3516C006.BBM.DG17):

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

/ SECTION 1. Section 57-11-20(A) of the 1976 Code is amended to read:

“(A)(1) All state revenues and state monies dedicated by statute to the operation of the department must be deposited into either the ‘State Highway Fund’, ~~or~~ the ‘State Non-Federal Aid Highway Fund’ ~~, or the ‘Infrastructure Maintenance Trust Fund’~~. ~~Both~~ All funds must be held and managed by the State Treasurer separate and distinct from the general fund, except as to monies utilized by the State Treasurer for the payment of principal or interest on state highway bonds as provided by law. Interest income from the State Highway Fund must be deposited to the credit of the State Highway Fund. Interest income from the Non-Federal Aid Highway Fund must be deposited to the credit of the Non-Federal Aid Highway Fund. Interest income from the Infrastructure Maintenance Trust Fund must be deposited to the credit of the Infrastructure Maintenance Trust Fund. The commission may commit up to the maximum annual debt service provided in Article X, Section 13 of the South Carolina Constitution into a special fund to be used for the sole purpose of paying the principal and interest, as it comes due, on bonds issued for the construction or maintenance of state highways, or both. This special account will be designated as the State Highway Construction Debt Service Fund.

(2) The Infrastructure Maintenance Trust Fund must be used exclusively for the repairs, maintenance, and improvements to the existing transportation system.”

TUESDAY, APRIL 18, 2017

SECTION 2. A. Section 12-28-310 of the 1976 Code is amended by adding subsections at the end to read:

“(D) On July 1, 2017, and each July first thereafter until after July 1, 2022, the department shall permanently increase the amount of the user fee imposed pursuant to subsection (A) by two cents, for a total of twelve cents. All of the funds raised by the increase in the motor fuel user fee imposed by this subsection must be credited to the Infrastructure Maintenance Trust Fund.

(E)(1) The department shall increase the amount of the motor fuel user fee imposed pursuant to subsections (A) and (D) on an annual basis by an inflation factor equal to the annual average percentage adjustment over the last ten completed calendar years of the Consumer Price Index for all-urban consumers as published by the United States Department of Labor, Bureau of Labor Statistics, but not to exceed two percent. Upon determining the increase, the department shall round the price to the nearest one-tenth of a cent. If the increase is exactly between two-tenths of a cent, the department must round the price up to the higher of the two. The department determines the increase in the motor fuel user fee by March thirty-first of each year, and the increase takes effect the following July first. The department must notify affected taxpayers of the motor fuel user fee to be in effect for the coming July first to June thirtieth period.

(2) The provisions of item (E)(1) must be suspended by the Director of the Department of Revenue if they result in the motor fuel user fee exceeding the same in North Carolina and the Georgia county with the highest cumulative motor fuel user fee. The suspension must remain in place until such time the motor fuel user fees in North Carolina and the Georgia county with the highest cumulative motor fuel user fee are greater than or equal to that of South Carolina.”

B. The first CPI adjustment made pursuant to this SECTION takes effect July 1, 2023.

SECTION 3. A. Section 56-11-410 of the 1976 Code is amended to read:

“Section 56-11-410. (A) A road tax for the privilege of using the streets and highways in this State is imposed upon every motor carrier. The tax is equivalent to ~~sixteen cents a gallon~~ the user fee imposed pursuant to Section 12-28-310, calculated on the amount of gasoline or other motor fuel used by the motor carrier in its operations within this State. Except as credit for certain taxes as provided for in this chapter,

taxes imposed on motor carriers by this chapter are in addition to taxes imposed upon the carriers by any other provision of law.

(B) Notwithstanding any other provision of law, all of the road tax funds collected in excess of sixteen cents a gallon after accounting for the credit provided in Section 56-11-450, must be credited to the Infrastructure Maintenance Trust Fund.”

B. Section 56-11-450(A) of the 1976 Code is amended to read:

“(A) Every motor carrier subject to the tax imposed under this chapter is entitled to a credit on the tax equivalent to ~~sixteen cents per gallon~~ the user fee imposed pursuant to Section 12-28-310 on all gasoline or other motor fuel purchased by the carrier within this State for use in operations either within or without this State and upon which gasoline or other motor fuel the tax imposed by the laws of this State has been paid by the carrier. Evidence of the payment of the tax in such form as may be required by or is satisfactory to the Department of Motor Vehicles must be furnished by each carrier claiming the credit.”

SECTION 4. A. Section 56-3-620 of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“Section 56-3-620. (A) For persons sixty-five years of age or older or persons who are handicapped, as defined in Section 56-3-1950, the biennial registration fee for every private passenger motor vehicle, excluding trucks, is ~~twenty thirty-six~~ dollars.

(B) Beginning July 1, 1987, For persons under the age of sixty-five years the biennial registration fee for every private passenger motor vehicle, excluding trucks, is ~~twenty four forty~~ dollars.

(C) For persons sixty-five years of age or older, the biennial registration fee for a property-carrying vehicle with a gross weight of six thousand pounds or less is ~~thirty forty-six~~ dollars.

(D) For persons who are sixty-four years of age, the biennial registration fee for a private passenger motor vehicle, excluding trucks, is ~~twenty two thirty-eight~~ dollars.

(E) Applicable truck fees, established by Section 56-3-660, are not negated by this section.

(F) Annual license plate validation stickers which are issued for nonpermanent license plates on certified South Carolina public law enforcement vehicles must be issued without charge.

(G) From each biennial registration and license fee collected, sixteen dollars must be credited to the Infrastructure Maintenance Trust Fund.”

B. This SECTION takes effect January 1, 2018.

SECTION 5. A.Article 5, Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Section 56-3-627. (A) In order to account for the necessary road maintenance caused by each item traversing the roads of this State, in addition to the registration fees imposed by this chapter, the owner of each vehicle or other item that is required to be registered pursuant to this chapter must pay an infrastructure maintenance fee upon first registering the vehicle or other item. Also, the owner of each trailer or semi-trailer must pay the fee upon first registering the trailer or semi-trailer. The Department of Motor Vehicles may not issue a registration until the infrastructure maintenance fee has been collected. The infrastructure maintenance fee must be credited to the Infrastructure Maintenance Trust Fund.

(B) If upon purchasing or leasing the item from a dealer, the owner first registers the item in this State, then the fee equals five percent, not to exceed five hundred dollars, of the gross proceeds of sales, or sales price, as those terms are defined in Chapter 36, Title 12. If the dealer holds a South Carolina retail license or offers to license and register the item, then the dealer must collect the fee and remit it to the Department of Motor Vehicles.

(C)(1) If upon purchasing or leasing the item from a person other than a dealer, the owner first registers the item in this State, then the fee equals five percent, not to exceed five hundred dollars, of the fair market value of the item.

(2) Excluded from the fee imposed pursuant to this subsection are:

(a) items transferred:

- (i) to members of the immediate family;
- (ii) to a legal heir, legatee, or distributee;

(iii) from an individual to a partnership upon formation of a partnership, or from a stockholder to a corporation upon formation of a corporation;

(iv) to a licensed motor vehicle or motorcycle dealer for the purpose of resale;

(v) to a financial institution for the purpose of resale;

(vi) as a result of repossession to any other secured party, for the purpose of resale;

(b) the fair market value of an item transferred to the seller or secured party in partial payment;

(c) gross proceeds of transfers of items specifically exempted by Section 12-36-2120 from the sales or use tax;

(d) items where a sales or use tax has been paid on the transaction necessitating the transfer.

(3) The Department of Motor Vehicles shall require every applicant for a certificate of title to supply information it considers necessary as to the time of purchase, the purchase price, and other information relative to the determination of fair market value. If the fee is based upon total purchase price as defined in this subsection, the department shall require a submission of a bill of sale and the signature of the owner subject to the perjury statutes of this State.

(4) For purposes of this subsection:

(a) 'Fair market value' means the total purchase price less any trade-in, or the valuation shown in a national publication of used values adopted by the department, less any trade-in.

(b) 'Immediate family' means spouse, parents, children, sisters, brothers, grandparents, and grandchildren.

(c) 'Total purchase price' means the price of an item agreed upon by the buyer and seller with an allowance for a trade-in, if applicable.

(D) Notwithstanding the provisions of subsections (B) and (C), the maximum fee of five hundred dollars must be increased by fifty dollars on July 1, 2018, and on July 1, 2019, until the maximum fee equals six hundred dollars.

(E)(1) If upon purchasing or leasing the item, the owner first registers the item in another state, and subsequently registers the item in this State, then the fee equals two hundred fifty dollars. On July 1, 2018, the department shall permanently increase the amount of the user fee imposed pursuant to this subsection by fifty dollars, and the department shall continue to increase the fee permanently on each July first thereafter by fifty dollars until the total fee equals six hundred dollars.

(2) This subsection does not apply if the owner of the item is serving on active duty in the armed forces of the United States. The exclusion allowed by this item also extends to items owned by the spouse or dependent of a person serving on active duty in the armed forces of the United States.

(F)(1)(a) The Department of Motor Vehicles shall transfer eighty percent of every fee collected on motor vehicles pursuant to subsections (B) and (C), but not to exceed two hundred forty dollars, to the Department of Transportation to be allocated to the state-funded resurfacing program. The Department of Transportation shall develop and implement a needs-based methodology to distribute revenue within

the state-funded resurfacing program, which shall include consideration of pavement condition on a county-by-county basis, to ensure that each county in the State is guaranteed funding for resurfacing.

(b) The Department of Motor Vehicles shall transfer twenty percent of every fee collected on motor vehicles pursuant to subsections (B) and (C), but not to exceed sixty dollars, to the South Carolina Education Improvement Act of 1984 Fund.

(2) The Department of Transportation shall reduce the allocation to the state-funded resurfacing program required in item (1) in proportion to the amounts transferred to the South Carolina Transportation Infrastructure Bank pursuant to subsection (G) and in proportion to the amounts required by the Department of Transportation to fund repairs, maintenance, and improvements to the existing transportation system.

(G)(1) The Department of Transportation shall identify bridge and road projects to be financed utilizing nontax revenue transferred to the bank by the Department of Transportation in an amount equal to the financing requirements related to projects selected pursuant to this section, provided that:

(a) Fifty million dollars in revenue utilized by the bank shall be used to finance bridge replacement, rehabilitation projects, and expansion and improvements on existing roads in the State Highway System.

(b) Funds in excess of fifty million dollars utilized by the bank shall be used to finance expansion and improvements to existing mainline interstates.

(2) Funds transferred to the bank pursuant to this section may not be used to finance projects approved by the bank before July 1, 2013. The bank shall submit all projects proposed to be financed pursuant to subsection (B) to the Joint Bond Review Committee as provided in Section 11-43-180, before approving a project for financing.

(3) Following consideration by the Joint Bond Review Committee, the bank shall approve the projects to be financed. Upon approval, the bank shall provide the Department of Transportation with written notice that identifies each project selected, the amount of nontax revenue that must be transferred to the bank for financing each project, a schedule for the transfers, and any other information necessary to carrying out the financing of each project.

(4) Upon receipt of the notice provided in item (3), the Department of Transportation shall transfer nontax revenue to the bank in the amounts and upon the schedule provided in the notice. The department

TUESDAY, APRIL 18, 2017

shall take any other action identified in the notice that is necessary for financing each project.

(5) Projects financed utilizing funds transferred pursuant to this subsection do not require a local match.

(H) The Secretary of Transportation shall apply funds supplanted by the operation of this section to prioritized bridge and resurfacing needs.

(I) Notwithstanding any other provision of this section, any transaction exempt pursuant to Section 12-36-2120(25), is also exempt from the infrastructure maintenance fee.”

B. This SECTION takes effect on July 1, 2017.

SECTION 6. A. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Section 56-3-645. (A) In addition to the registration fees imposed by this chapter, the owner of motor vehicles that are powered:

(1) exclusively by electricity, hydrogen, or any fuel other than motor fuel, as defined in Section 12-28-110(39), that are not subject to motor fuel user fees imposed by Chapter 28, Title 12 shall pay a biennial road use fee of one hundred twenty dollars; and

(2) by a combination of motor fuel subject to motor fuel user fees imposed by Chapter 28, Title 12 and electricity, hydrogen, or any fuel other than motor fuel that is not subject to motor fuel user fees imposed by Chapter 28, Title 12 shall pay a biennial road use fee of sixty dollars.

(B) All of the fees collected pursuant to this section must be credited to the Infrastructure Maintenance Trust Fund.

(C) The Department of Motor Vehicles shall collect this fee at the same time as the vehicle subject to the fee is registered.”

B. This SECTION takes effect January 1, 2018.

SECTION 7. A. Section 12-36-2110(A) of the 1976 Code is amended to read:

“Section 12-36-2110. (A)(1) The maximum tax imposed by this chapter is three hundred dollars for each sale made after June 30, 1984, or lease executed, after August 31, 1985, of each:

(1)(a) aircraft, including unassembled aircraft which is to be assembled by the purchaser, but not items to be added to the unassembled aircraft;

(2)(b) motor vehicle;

(3)(c) motorcycle;

(4)(d) boat;

(5)(e) trailer or semitrailer, pulled by a truck tractor, as defined in Section 56-3-20, and horse trailers, but not including house trailers or campers as defined in Section 56-3-710 or a fire safety education trailer;

(6)(f) recreational vehicle, including tent campers, travel trailer, park model, park trailer, motor home, and fifth wheel; or

(7)(g) self-propelled light construction equipment with compatible attachments limited to a maximum of one hundred sixty net engine horsepower.

(2) In the case of a lease, the total tax rate required by ~~law this section~~ applies on each payment until the total tax paid equals three hundred dollars. Nothing in this section prohibits a taxpayer from paying the total tax due at the time of execution of the lease, or with any payment under the lease. To qualify for the tax limitation provided by this section, a lease must be in writing and specifically state the term of, and remain in force for, a period in excess of ninety continuous days.

(3) Notwithstanding any other provision of this subsection, after June 30, 2017, the maximum tax imposed pursuant to this chapter on the sale, lease, or registration of an item enumerated in item (1) only applies to items not subject to the fee pursuant to Section 56-3-627.

(4) Notwithstanding any other provision of this subsection, after June 30, 2017, the maximum tax imposed pursuant to this chapter on the sale, lease, or registration of an item enumerated in item (1) is increased from three hundred dollars to five hundred dollars, mutatis mutandis. Further, the maximum tax of five hundred dollars must be increased by fifty dollars on July 1, 2018, and on July 1, 2019, until the maximum fee equals six hundred dollars. Notwithstanding Section 59-21-1010, or any other provision of law, any revenue resulting from the increase contained in this item must be credited to the Infrastructure Maintenance Trust Fund.

(5) Notwithstanding any other provision of law, revenues resulting from the maximum tax imposed pursuant to this chapter on the sale, lease, or registration of an item enumerated in item (1) which would be subject to the fee set forth in Section 56-3-627 but for the state in which it is registered, must be collected by and remitted to the Department of Motor Vehicles. Upon collection, the Department of Motor Vehicles must transfer all the revenues to the Infrastructure Maintenance Trust Fund.”

B. Section 12-36-2120 of the 1976 Code, as last amended by Act 256 of 2016, is further amended by adding an appropriately numbered item to read:

TUESDAY, APRIL 18, 2017

“() any item subject to the fee set forth in Section 56-3-627.”

C. Section 12-36-1710(A) through (D) of the 1976 Code is amended to read:

“(A) In addition to all other fees prescribed by law there is imposed an excise tax for the issuance of every certificate of title, or other proof of ownership, for every ~~motor vehicle, motoreycle~~, boat, motor, or airplane, required to be registered, titled, or licensed. The tax is five percent of the fair market value of the ~~motor vehicle, motoreycle~~, airplane, boat, and motor.

(B) Excluded from the tax are:

(1) ~~motor vehicles, motoreycles~~, boats, motors, or airplanes:

(a) transferred to members of the immediate family;

(b) transferred to a legal heir, legatee, or distributee;

(c) transferred from an individual to a partnership upon formation of a partnership, or from a stockholder to a corporation upon formation of a corporation;

(d) transferred to a licensed motor vehicle or motorcycle dealer for the purpose of resale;

(e) transferred to a financial institution for the purpose of resale;

(f) transferred as a result of repossession to any other secured party, for the purpose of resale;

(2) the fair market value of a ~~motor vehicle, motoreycle~~, boat, motor, or airplane, transferred to the seller or secured party in partial payment;

(3) gross proceeds of transfers of ~~motor vehicles, motoreycles, or~~ airplanes specifically exempted by Section 12-36-2120 from the sales or use tax;

(4) ~~motor vehicles, motoreycles~~, boats, motors, or airplanes, where a sales or use tax has been paid on the transaction necessitating the transfer.

(C) ‘Fair market value’ means the total purchase price less any trade-in, or the valuation shown in a national publication of used values adopted by the department, less any trade-in.

(D) ‘Total purchase price’ means the price of a ~~motor vehicle, motoreycle~~, boat, motor, or airplane agreed upon by the buyer and seller with an allowance for a trade-in, if applicable.”

D. Section 12-36-2647 of the 1976 Code is repealed.

E. The Code Commissioner is directed to change or correct all references to the sales tax on vehicles and other such items to reflect the provisions of Section 56-3-627 as added by this act. References to the

sales tax on vehicles and other such items in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references.

SECTION 8. A. Article 23, Chapter 37, Title 12 of the 1976 Code is amended to read:

“Article 23
Motor Carriers

Section 12-37-2810. As used in this article, unless the context requires otherwise:

(A) ‘Motor carrier’ means a person who owns, controls, operates, manages, or leases a commercial motor vehicle, or bus for the transportation of property or persons in intrastate or interstate commerce except for scheduled intercity bus service and farm vehicles using FM tags as allowed by the Department of Motor Vehicles. A motor carrier is defined further as being a South Carolina-based International Registration Plan registrant or owning or leasing real property within this State used directly in the transportation of freight or persons.

(B) ‘Commercial motor vehicle’ means a motor propelled vehicle used for the transportation of property on a public highway ~~with a gross vehicle weight of greater than twenty-six thousand pounds, except for farm vehicles using FM tags as allowed by the Department of Motor Vehicles.~~

(C) ‘Large commercial motor vehicle’ means a commercial motor vehicle with a gross vehicle weight of greater than twenty-six thousand pounds that is registered under the International Registration Plan or used on a highway for the transportation of property.

(D) ‘Small commercial motor vehicle’ means a commercial motor vehicle with a gross vehicle weight of less than or equal to twenty-six thousand pounds that is registered under the International Registration Plan or used on a highway for the transportation of property.

(E) ‘Highway’ means all public roads, highways, streets, and ways in this State, whether within a municipality or outside of a municipality.

(F) ‘Person’ means any individual, corporation, firm, partnership, company or association, and includes a guardian, trustee, executor, administrator, receiver, conservator, or a person acting in a fiduciary capacity.

(G) ‘Semitrailers’ means every vehicle with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that a part of its weight and of its load rests upon or is carried by another vehicle.

(F)(H) 'Trailers' means every vehicle with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(G)(I) 'Bus' means every motor vehicle designed for carrying more than sixteen passengers and used for the transportation of persons, for compensation, other than a taxicab or intercity bus.

(J) 'South Carolina apportionment factor' means the ratio of miles operated by a fleet of vehicles in South Carolina to the miles operated by the fleet of vehicles everywhere, which is used to apportion the registration fees of the fleet under the International Registration Plan.

Section 12-37-2815. The provisions contained in this article do not apply to small commercial motor vehicles that must be licensed, registered, and pay ad valorem taxes as otherwise provided by law.

Section 12-37-2820. (A) The Department of Revenue Motor Vehicles annually shall assess, equalize, and apportion the valuation of all large commercial motor vehicles and buses of motor carriers registered for use in this State under the International Registration Plan or otherwise pursuant to Section 56-3-190. The valuation must be based on fair market value for the motor vehicles and an assessment ratio of nine and one-half percent as provided by Section 12-43-220(g). Fair market value is determined by depreciating the gross capitalized cost of each motor carrier's large commercial motor vehicle, or bus by an annual percentage depreciation allowance down to ten percent of the cost as follows:

(1) Year One	--	.90
(2) Year Two	--	.80
(3) Year Three	--	.65
(4) Year Four	--	.50
(5) Year Five	--	.35
(6) Year Six	--	.25
(7) Year Seven	--	.20
(8) Year Eight	--	.15
(9) Year Nine	--	.10

(B) 'Gross capitalized cost', as used in this section, means the original cost upon acquisition for income tax purposes, not to include taxes, interest, or cab customizing.

Section 12-37-2830. The value of a motor carrier's large commercial motor vehicles and buses subject to property taxes road use fees in this State must be determined based on the ratio of total mileage operated

~~within this State during the preceding calendar year to the total mileage of its fleet operated within and without this State during the same preceding calendar year according to the South Carolina apportionment factor for the fleet of which the commercial vehicle is a part.~~

~~Section 12-37-2840. (A) Motor carriers must file an annual property tax return with the Department of Revenue no later than June 30 for the preceding calendar year and remit one half of the tax due or the entire tax due as stated on the return. If the motor carrier fails to pay either one half of the tax due or the entire tax due as of June 30, the department must issue a proposed assessment for the entire tax to the motor carrier. The tax as shown in the proposed assessment must be paid in full by cashier's check, money order, or cash within thirty days of the issuance of the proposed assessment, or the taxpayer may appeal the proposed assessment within thirty days using the procedures provided in subarticle 1, Article 5, Chapter 60 of this title.~~

~~(B)(1) If one half of the tax is remitted on or before June 30, the remaining one half of the tax due must be paid to the Department of Revenue on or before December 31 of that year. If the motor carrier fails to remit the remaining tax due pursuant to this section, the department shall issue a proposed assessment to the motor carrier.~~

~~(2) The tax shown in the proposed assessment must be paid in full by cashier's check, money order, or cash or appealed within thirty days of the issuance of the proposed assessment. The taxpayer may appeal the proposed assessment using the procedures provided in subarticle 1, Article 5, Chapter 60 of this title.~~

~~(C) If a motor carrier fails to timely file the return as required by this section, the department shall issue a proposed assessment which assumes all mileage of the motor carrier's fleet was driven within this State. A taxpayer may appeal this proposed assessment using the procedures provided in subarticle 1, Article 5, Chapter 60 of this title.~~

~~(D) A twenty five percent penalty must be added to the property tax due if the motor carrier fails to file a return or pay any tax due, including the one half of the tax due on June 30, as required by this section. The penalty must be applied the day after the date that the return was due to be filed or the tax was due to be paid. This penalty is instead of all other penalties and interest required by law, except those provided in Section 12-54-44.~~

~~(E) If the motor carrier fails to remit the tax due within thirty days of receipt of the proposed assessment and the taxpayer fails to appeal the proposed assessment as provided in subsection (B), the department shall~~

assess the tax. Tax due pursuant to this section is subject to the collection procedures provided in Chapter 54 of this title, except that the penalty provisions of Section 12-54-43 do not apply. A motor carrier registering a large commercial motor vehicle or bus must pay the road use fee due on the vehicle at the time and in the manner the person pays the registration fees on the vehicle pursuant to Section 56-3-660. A person choosing to pay registration fees on a large commercial motor vehicle or bus in quarterly installments pursuant to Section 56-3-660 also must pay the road use fee on the vehicle in the same quarterly installments.

Section 12-37-2842. (A) The Department of Motor Vehicles, at the time of first registration by a motor carrier as defined in this article, shall notify the registrant of the Department of Revenue's registration and filing requirements and supply the required registration forms.

(B) The motor carrier must register with the Department of Revenue within thirty days following the year in which the vehicle or bus was first registered for operation in South Carolina.

(C) A motor carrier must notify the Department of Revenue, on forms supplied by the department, of a motor vehicle or bus that is disposed of before December 31.

Section 12-37-2850. Beginning on January 1, 2019, the Department of Revenue Motor Vehicles shall assess annually the taxes road use fee due on large commercial motor vehicles and buses based on the value determined in Section 12-37-2820 and an average millage for all purposes statewide for the preceding calendar year and shall publish the average millage for the preceding year by June 1 July first of each year. The Department of Revenue, in consultation with the Revenue and Fiscal Affairs Office, shall calculate the millage to be used to calculate the road use fee by June first of each year for the following calendar year. The taxes road use fee assessed must be paid to the Department of Revenue no later than December 31 of each year and may be made in two equal installments Motor Vehicles, in addition to the registration fees required pursuant to Sections 56-3-660 and 56-3-670, at the time and in the manner that the registration fees on the vehicle are paid pursuant to Sections 56-3-660 and 56-3-670. Distribution of the taxes fees paid must be made by the State Treasurer's Office of the State Treasurer based on the distribution formula contained provided in Section 12-37-2870 Sections 12-37-2865 and 12-37-2870.

Section 12-37-2860. (A) In addition to the property tax exemptions allowed pursuant to Section 12-37-220, one hundred percent of the fair market value of semitrailers and trailers as defined in Section

12-37-2810, and commonly used in combination with a large commercial motor vehicle, as defined pursuant to Section 12-37-2810, is exempt from property tax.

(B) Instead of the any property taxes tax and the registration requirements contained provided in Sections 56-3-110 and 56-3-700 on semitrailers and trailers of motor carriers as defined in Section 12-37-2810, and commonly used in combination with a large commercial motor vehicle, a one-time fee payable to the Department of Motor Vehicles in the amount of eighty-seven dollars is due imposed on all semitrailers and trailers currently registered and subsequently on each semitrailer and trailer before being placed in service.

(C) The fee imposed pursuant to subsection (B) and the registration requirements of this article are in lieu of any local road use fee, registration fees, or any other vehicle related fee imposed by a political subdivision of this State on a trailer or semitrailer.

(B)(D) Twelve dollars of the one-time fee must be distributed to the Department of Revenue Motor Vehicles and may be retained by the Department of Revenue Motor Vehicles and expended in budgeted operations to record and administer the fee. The remaining seventy-five dollars of the fee must be distributed based on the distribution formula contained provided in Section Sections 12-37-2865 and 12-37-2870, and must occur by the fifteenth day of the month following the month in which the fees are collected.

(C) The fee required by this section is due on or before March 31, 1998, for the initial registration.

(D)(E) The Department of Motor Vehicles shall design a permanent tag for display on the exterior of the rear of the trailer or semitrailer in a conspicuous place.

(F) If the apportioned registration fees of a large commercial motor vehicle or bus and the road use fees for large commercial motor vehicles required under this chapter are equal to or exceed four hundred dollars, the fees may be remitted to the Department of Motor Vehicles quarterly provided that each installment is made online. A motor carrier who fails to make a quarterly payment on a timely basis may no longer make installment payments and must remit to the department the balance of the fees owed for any previous calendar year before the Department of Motor Vehicles will renew registration for the current calendar year. A motor carrier that opts out of installment payments must make full payment of fees at the time of registration.

Section 12-37-2865. Seventy-five percent of the revenues from the road use fee assessed pursuant to Section 12-37-2850, and the one-time fee assessed pursuant to Section 12-37-2860 must be distributed by the State Treasurer as provided in Section 12-37-2870. Distributions must be made by the last day of the next month succeeding the month in which the fee is paid. The remaining twenty-five percent must be credited to the Infrastructure Maintenance Trust Fund to be used to finance expansion and improvements to existing mainline interstates.

Section 12-37-2870. The distribution of the fee revenues required to be distributed pursuant to Section 12-37-2865(B) for each county must be determined on the ratio of total federal and state highway miles within each county during the preceding calendar year to the total federal and state highway miles within all counties of this State during the same preceding calendar year. The county must distribute the revenue from the payment-in-lieu of taxes received pursuant to this section within thirty days of its receipt to every governmental entity levying a property tax in the manner set forth below. For each governmental entity levying a property tax, the entire assessed value of the taxable property within its boundaries and the county area must be multiplied by the millage rate imposed by the governmental entity. That figure constitutes the numerator for that governmental entity. The total of the numerators for all property tax levying entities within the county area constitutes the denominator. The numerator for each governmental entity must be divided by the denominator. The resulting percentage must be multiplied by the payment in lieu of tax fee revenue received pursuant to this section and that amount distributed to the general fund of the appropriate governmental entity. The distribution of taxes and fees paid must be made by the last day of the next month succeeding the month in which the taxes and fees were paid.

Section 12-37-2880. (A) In addition to the property tax exemptions allowed pursuant to Section 12-37-220, one hundred percent of the fair market value of all large commercial motor vehicles and buses registered for use in this State under the International Registration Plan or otherwise pursuant to Section 56-3-190, is exempt from property tax and is instead subject to the road use fee imposed pursuant to this article.

(B) The ad valorem taxes authorized road use fee imposed by this article are is in lieu of all other ad valorem taxes upon the large commercial motor vehicles or buses of motor carriers, and any road use or other vehicle-related fees imposed by a political subdivision of this State if registered for use in this State under the International

Registration Plan. The fee in lieu of property taxes and registration requirements authorized by this article are in lieu of all other ad valorem taxes upon trailers and semitrailers of motor carriers.

~~Section 12-37-2890. (A) Upon request by the Department of Revenue, and after the time period for all appeals of tax due is exhausted, the Department of Motor Vehicles shall suspend the driver's license and vehicle registration of a person that fails to file or pay a motor carrier property tax on a vehicle, pursuant to this article. The request to suspend must be an electronic notification from the Department of Revenue to the Department of Motor Vehicles. Before notification is sent to the Department of Motor Vehicles, the Department of Revenue shall notify the delinquent taxpayer by certified letter of the pending suspension and of the steps necessary to prevent the suspension from being entered on the taxpayer's driving and registration records. The department shall allow thirty days for payment of taxes before notifying the Department of Motor Vehicles to suspend the driver's license and vehicle registration.~~

~~(B) Notwithstanding the provisions of Sections 56-1-460 and 56-9-500, a charge of driving under suspension when the suspension is solely for failure to file or pay a motor carrier property tax or the reinstatement fee required for the property tax does not require proof of financial responsibility. A person is not subject to a custodial arrest solely for being under suspension pursuant to this section. Upon conviction of a violation of this section, the taxpayer is subject to:~~

- ~~(1) for a first offense a fine not to exceed fifty dollars;~~
- ~~(2) for a second offense a fine not to exceed two hundred fifty dollars; and~~
- ~~(3) for a third or subsequent offense under this section, the penalty is a fine not to exceed five hundred dollars or imprisonment not to exceed thirty days, or both.~~

~~(C) Notwithstanding the provisions of subsections (A) and (B) of this section or the provisions of Section 56-1-460, a charge of driving under suspension issued solely as a result of this section must be dismissed if the taxpayer provides proof on the taxpayer's court date that the personal property taxes on the vehicle which resulted in the charge being issued have been paid.~~

~~(D) Before the reinstatement of a driver's license or vehicle registration suspended due to a violation of this section, a fee of fifty dollars must be paid to the Department of Motor Vehicles. The Department of Motor Vehicles may retain revenues generated by~~

~~payment of the reinstatement fees pursuant to this section for use in defraying costs associated with suspension and reinstatement actions pursuant to this section Fees collected in excess of actual departmental direct costs related to suspension and reinstatement actions pursuant to this section must be deposited to the credit of the general fund of the State at the end of each fiscal year.”~~

B. Section 56-3-376 of the 1976 Code is amended to read:

“Section 56-3-376. (A) All vehicles except those vehicles designated in Section 56-3-780 are designated as distinct classifications and must be assigned an annual registration period as follows:

(1) Classification (1). Vehicles for which the biennial registration fee is one-hundred sixty dollars or more. The Department of Motor Vehicles may register and license a vehicle for which the biennial registration fee is one-hundred sixty dollars or more or for a semiannual or one-half year upon application to the department by the owner and the payment of one-fourth of the specified biennial fee. Biennial registrations and licenses expire at midnight on the last day of the twenty-fourth month for the period for which they were issued. Semiannual or half-year registrations and licenses expire at midnight of the sixth month for the period for which they were issued and no person shall drive, move, or operate a vehicle upon a highway after the expiration of the registration and license until the vehicle is registered and licensed for the then current period. Trucks, truck tractors, or road tractors with an empty or unloaded weight of over five thousand pounds or less, or gross vehicle weight of eight thousand pounds or less also must be placed in this classification but may not be registered for less than a full biennial period.

(2) Classification (2). Other vehicles. All other vehicles except those vehicles described in classification (1) and (3) of this section are assigned a staggered biennial registration which expires on the last day of the month for the period for which they were issued.

(3) Classification (3). Large commercial motor vehicles and buses registered by motor carriers, as defined in Section 12-37-2810, are assigned a staggered annual registration which expires on the last day of the month for the period for which they were issued.

(B) Notwithstanding the registration periods provided in this section, upon appropriate notice, the department may revise the established renewal dates to allow renewals to be assigned an expiration date pursuant to a staggered monthly basis.”

C. Section 56-3-120(5) of the 1976 Code is amended to read:

“(5) a trailer or semitrailer ~~of a motor carrier commonly used in combination with a large commercial motor vehicle~~, as defined in Section 12-37-2810, for which ~~trailer or semitrailer the fee in lieu of taxes and registration requirements has been paid~~ ~~fee imposed pursuant to Section 12-37-2860 is paid~~ and applicable registration requirements provided pursuant to Article 23, Chapter 37, Title 12, are met, and a distinctive permanent plate has been issued pursuant to Section 12-37-2860.”

D. Section 56-3-610 of the 1976 Code is amended to read:

“Section 56-3-610. (A) Except as provided in subsection (B), the owner of every motor vehicle, trailer, semitrailer, pole trailer, and special mobile equipment vehicle required to be registered and licensed under this chapter shall pay to the Department of Motor Vehicles at the time of registering and licensing the vehicle and biennially after that time registration and license fees as set forth in this article.

(B) A large commercial motor vehicle or bus on which is imposed the road use fee provided pursuant to Article 23, Chapter 37, Title 12 is required to be registered and licensed annually pursuant to this chapter and the scheduled fees adjusted as provided pursuant to Section 56-3-660(E).”

E. Section 56-3-660(A) of the 1976 Code is amended to read:

“Section 56-3-660. (A) The determination of gross vehicle weight to register and license self-propelled property carrying vehicles is the empty weight of the vehicle or combination of vehicles and the heaviest load to be transported by the vehicle or combination of vehicles as declared by the registered owner. All determinations of weight must be made in units of one thousand pounds or major fraction of one thousand pounds. The declared gross vehicle weight applies to all self-propelled property carrying vehicles operating in tandem with trailers or semitrailers except that the gross weight of a trailer or semitrailer is not required to be included when the operation is to be in tandem with a self-propelled property carrying vehicle licensed for six thousand pounds or less gross weight, and the gross vehicle weight of the combination does not exceed nine thousand pounds. The Department of Motor Vehicles may register and license a ~~vehicle of this classification~~ small commercial motor vehicle, as defined in Section 12-37-2810, for which the biennial registration and license fee is one-hundred and sixty dollars or more for an annual or one-year period beginning on April first and ending on March thirty-first of the next year upon application to the department by the owner and the payment of one-half the specified

TUESDAY, APRIL 18, 2017

biennial fee or for a semiannual or one-half year beginning on April first and ending on September thirtieth of the same year upon application to the department by the owner and the payment of the appropriate fees. The registration and license fee for small commercial motor vehicles ~~in this classification~~ which are registered for the remaining twenty-four months or less of the twenty-four month biennial period or for the eleven months or less of the twelve-month year ending on March thirty-first or the remaining five months or less for the one-half period ending on September thirtieth is the proportionate part of the specified biennial fee for the remainder of the twenty-four month period or year or one-half year based on one twenty-fourth of the specified twenty-four-month fee for each month or part of a month remaining in the biennial registration period or license year or one-half year. ~~No~~ An proportionate fee may not be reduced lower than ten dollars. A person making application for a registration and license for a motor vehicle of this classification shall declare the true unloaded or empty weight of the vehicle."

F. Section 56-3-660 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

"() Fees for licensing and registration, and fees imposed pursuant to Article 23, Chapter 37, Title 12, may be credited or prorated as prescribed by the Department of Motor Vehicles."

G. Section 56-3-660(E) of the 1976 Code is amended to read:

"(E) The department may register ~~an apportionable a large commercial motor vehicle, as defined in Section 12-37-2810,~~ for the payment of one-half of this State's portion of the license and road fee for a vehicle whose portion of the license and road fee owed to this State exceeds ~~eight~~ four hundred dollars. The department may require any information necessary to complete the transaction."

H. Section 58-23-620 of the 1976 Code is amended to read:

"Section 58-23-620. (A) ~~No city, town, A municipality or county in this State shall~~ may not impose a license fee or license tax upon a holder of a certificate A or a certificate B, and ~~no city, town, a municipality or county shall~~ may not impose a license fee or license tax on the holder of a certificate E or a certificate F, Certificate of Compliance, or a common or contract motor carrier of property, except the ~~city or town municipality of such the carrier's residence or the location of his the carrier's~~ principal place of business. However, the fee required of a holder of a certificate C is in addition to any license tax or license fee charged by a municipality.

(B) If a municipality or county imposes a license fee or license tax pursuant to subsection (A), the fee or tax in the case of any certificate holder or common or contract motor carrier of property which operates its vehicles both within and without this State, must be apportioned in the ratio that the miles traveled by the vehicles operated by the certificate holder in this State bears to miles traveled by those vehicles in all states.”

I. Article 21, Chapter 37, Title 12 of the 1976 Code is amended by adding:

“Section 12-37-2600. Motor carriers, as defined in Section 12-37-2810, are exempt from ad valorem taxes imposed pursuant to this chapter on large commercial motor vehicles and buses.”

J. Section 12-37-2610 of the 1976 Code, as last amended by Act 87 of 2015, is further amended to read:

“Section 12-37-2610. The tax year for licensed motor vehicles begins with the last day of the month in which a registration required by Section 56-3-110 is issued and ends on the last day of the month in which the registration expires or is due to expire. ~~No~~ A registration may not be issued for motor vehicles until the ad valorem tax is paid for the year for which the registration is to be issued. ~~Motor vehicles registered under the International Registration Plan may pay ad valorem property taxes on a semiannual basis~~ Large commercial motor vehicles and buses, as defined in Section 12-37-2810, must pay road use fees pursuant to Article 23, Chapter 37, Title 12 in lieu of ad valorem property taxes. The provisions of this section do not apply to the transfer of motor vehicle registrations as specified in Section 12-37-2675 or to sales of motor vehicles by a licensed motor vehicle dealer. Notice of the sales must be furnished to the Department of Motor Vehicles by the dealer, along with other documents necessary for the registration and licensing of the vehicle concerned. The notice must be received by the Department of Motor Vehicles as a prerequisite to the registration and licensing of the vehicle and must include the name and address of the purchaser, the vehicle identification number, and the year and model of the vehicle. The notice must be an original and one copy, and the copy must be provided by the department to the auditor of the county in which the vehicle is taxable. All ad valorem taxes on a vehicle are due and payable one hundred twenty days from the date of purchase. The notice and the time in which to pay the tax applies to motor vehicles that are serviced and delivered by a licensed motor vehicle dealer for the benefit of an out-of-state dealer.”

TUESDAY, APRIL 18, 2017

K. The first paragraph of Section 12-37-2650 of the 1976 Code is amended to read:

“The auditor shall prepare a tax notice of all vehicles owned by the same person and licensed at the same time for each tax year within the two-year licensing period. A notice must describe the motor vehicle by name, model, and identification number. The notice must set forth the assessed value of the vehicle, the millage, the taxes due on each vehicle, and the license period or tax year. The notice must be delivered to the county treasurer who must collect or receive payment of the taxes. One copy of the notice must be in the form of a bill or statement for the taxes due on the motor vehicle and, when practical, the treasurer shall mail that copy to the owner or person having control of the vehicle. When the tax and all other charges included on the tax bill have been paid, the treasurer shall issue the taxpayer a paid receipt. The receipt or a copy may be delivered by the taxpayer to the Department of Motor Vehicles with the application for the motor vehicle registration. A record of the payment of the tax must be retained by the treasurer. The auditor shall maintain a separate duplicate for motor vehicles. ~~No A~~ registration may not be issued by the Department of Motor Vehicles unless the application is accompanied by the receipt, a copy of the notification required by Section 12-37-2610 or notice from the county treasurer, by other means satisfactory to the Department of Motor Vehicles, of payment of the tax. ~~Motor vehicles registered under the International Registration Plan may pay ad valorem property taxes on a semiannual basis, and a proportional receipt must be issued by the treasurer subject to penalties in Section 12-37-2730. Large commercial motor vehicles and buses, as defined in Section 12-37-2810, must pay road use fees pursuant to Article 23, Chapter 37, Title 12 in lieu of ad valorem property taxes.~~ The treasurer, tax collector, or other official charged with the collection of ad valorem property taxes in each county may delegate the collection of motor vehicle taxes to banks or banking institutions, if each institution assigns, hypothecates, or pledges to the county, as security for the collection, federal funds or federal, state, or municipal securities in an amount adequate to prevent any loss to the county from any cause. Each institution shall remit the taxes collected daily to the county official charged with the collections. The receipt given to the taxpayer, in addition to the information required in this section and by Section 12-45-70, must contain the name and office of the treasurer or tax collector of the county and must also show the name of the banking institution to which payment was made.”

TUESDAY, APRIL 18, 2017

L. (1) Notwithstanding any provision to the contrary within this SECTION, a person who registers a vehicle for use in this State pursuant to Article 23, Chapter 37, Title 12, as amended by this act, must register his vehicle during calendar year 2019 and is required to pay the road fees calculated based on the fair market value of the vehicle as specified in Sections 12-37-2820 and 12-37-2850 at the time the vehicle's registration fees are paid.

(2) Notwithstanding the provisions in Section 12-37-2865(B) and (C), as contained in this SECTION, to the contrary, during calendar year 2019 the first four hundred thousand dollars of fee revenue collected pursuant to Section 12-37-2865 must be retained by the Department of Motor Vehicles to defray programming costs.

(3) The initial millage required by Section 12-37-2850 must be calculated on or before June 1, 2018.

M. This SECTION takes effect January 1, 2019, except that the Department of Revenue, in consultation with the Revenue and Fiscal Affairs Office, shall calculate the millage to be used to calculate the road use fee provided in Section 12-37-2850 by July 1, 2018.

SECTION 9. Section 56-1-140 of the 1976 Code, as last amended by Act 275 of 2016, is further amended to read:

“Section 56-1-140. (A) Upon payment of a fee of ~~twelve twenty-five~~ dollars ~~and fifty cents~~ for a license that is valid for five years, or ~~twenty five fifty~~ dollars for a license that is valid for ten years, the Department of Motor Vehicles shall issue to every qualified applicant a driver's license as applied for by law. The license must bear on it a distinguishing number assigned to the licensee, the full name, date of birth, residence address, a brief description and laminated colored photograph of the licensee, and a facsimile of the signature of the licensee, or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. ~~No~~ A license is not valid until it has been ~~so~~ signed by the licensee. The license authorizes the licensee to operate only those classifications of vehicles as indicated on the license.

(B) An applicant for a new, renewed, or replacement South Carolina driver's license may apply to the Department of Motor Vehicles to obtain a veteran designation on the front of his driver's license by providing:

(1) a United States Department of Defense discharge certificate, also known as a DD Form 214, that shows a characterization of service, or discharge status of 'honorable' or 'general under honorable

conditions' and establishes the person's qualifying military service in the United States Armed Forces; and

(2) payment of a one dollar fee that must be ~~retained~~ collected by the department and placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

The Department of Motor Vehicles may determine the appropriate form of the veteran designation on the driver's license authorized pursuant to this section.

(C) ~~The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund. All of the fees collected pursuant to this section must be credited to the Infrastructure Maintenance Trust Fund.~~

SECTION 10. The first paragraph in Section 12-28-2355(C), before the first colon, is amended to read:

~~"(C) Notwithstanding any other provision of law, of the fees collected pursuant to subsection (A) of this section, ten percent must be transmitted by the Department of Revenue to the Department of Agriculture beginning upon the effective date of this act for use as provided in Section 39-41-70 and the remainder of the fees must be credited to the Department of Transportation State Non-Federal Aid Highway Fund as provided in the following schedule."~~

SECTION 11. Section 12-28-2740 of the 1976 Code is amended by adding an appropriately numbered subsection at the end to read:

~~"() Notwithstanding the provisions of subsection (A), on July 1, 2018, and each July first thereafter until after July 1, 2021, the amount of proceeds of the user fee on gasoline only as levied for in this chapter that must be deposited with the State Treasurer and expended for the purposes of this section must be increased by .3325 cents a gallon, until such time as the total amount equals three and ninety-nine one-hundredths cents a gallon. Any increase in proceeds resulting from the provisions of this subsection must be used exclusively for the repairs, maintenance, and improvements to the state highway secondary system."~~

SECTION 12. Section 12-28-530 of the 1976 Code is repealed.

SECTION 13. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of infrastructure financing and oversight.

TUESDAY, APRIL 18, 2017

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 14. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 15. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 16. Except where specified otherwise, this act takes effect July 1, 2017. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER spoke on the committee amendment.

ACTING PRESIDENT PRESIDES

Senator BENNETT assumed the Chair.

Senator ALEXANDER resumed speaking on the committee amendment.

Senator JACKSON spoke on the committee amendment.

Senator CROMER spoke on the committee amendment.

TUESDAY, APRIL 18, 2017

Senator SHEHEEN spoke on the committee amendment.
Senator DAVIS spoke on the committee amendment.

ACTING PRESIDENT PRESIDES

Senator MALLOY assumed the Chair.

Senator DAVIS resumed speaking on the committee amendment.

Debate was interrupted by adjournment.

EXECUTIVE SESSION

On motion of Senator LEATHERMAN, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Fish, Game and Forestry Committee, the following appointment was taken up for immediate consideration:

Reappointment, South Carolina Forestry Commission, with the term to commence June 30, 2016, and to expire June 30, 2022

At-Large, Public, Senate:

Harry S. Morrison, III, 25 Coffin Bluff, St. Helena Island, SC 29920

On motion of Senator CAMPSEN, the question was confirmation of Harry S. Morrison, III.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson

TUESDAY, APRIL 18, 2017

Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The appointment of Harry S. Morrison, III was confirmed.

Having received a favorable report from the Judiciary Committee, the following appointments were taken up for immediate consideration:

Reappointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2017, and to expire June 30, 2021

3rd Congressional District:

Lamont A. Flowers, 107 Shefwood Dr., Easley, SC 29642

On motion of Senator RANKIN, the question was confirmation of Lamont A. Flowers.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen

TUESDAY, APRIL 18, 2017

Nicholson	Peeler	Reese
Rice	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The appointment of Lamont A. Flowers was confirmed.

Reappointment, South Carolina State Human Affairs Commission,
with the term to commence June 30, 2016, and to expire June 30, 2019

5th Congressional District:

Andrew C. Williams, 2021 Emerald Pines Drive, Tega Cay, SC 29708

On motion of Senator RANKIN, the question was confirmation of Andrew C. Williams.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

TUESDAY, APRIL 18, 2017

Total--38

NAYS

Total--0

The appointment of Andrew C. Williams was confirmed.

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointments were taken up for immediate consideration:

Reappointment, South Carolina State Housing Finance, and Development Authority, with the term to commence August 15, 2013, and to expire August 15, 2017

At-Large:

Mary L. Sieck, 5904 Morning Star Rd., Lake Wylie, SC 29710

On motion of Senator ALEXANDER, the question was confirmation of Mary L. Sieck.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--38

TUESDAY, APRIL 18, 2017

NAYS
Total--0

The appointment of Mary L. Sieck was confirmed.

Reappointment, South Carolina State Housing Finance, and Development Authority, with the term to commence August 15, 2017, and to expire August 15, 2021

At-Large:

Mary L. Sieck, 5904 Morning Star Rd., Lake Wylie, SC 29710

On motion of Senator ALEXANDER, the question was confirmation of Mary L. Sieck.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The appointment of Mary L. Sieck was confirmed.

TUESDAY, APRIL 18, 2017

Reappointment, South Carolina State Athletic Commission, with the term to commence June 30, 2016, and to expire June 30, 2020

At Large:

Pamela W. Shealy, 237 Blue Cedar Rd., Irmo, SC 29063

On motion of Senator ALEXANDER, the question was confirmation of Pamela W. Shealy.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The appointment of Pamela W. Shealy was confirmed.

Having received a favorable report from the Medical Affairs Committee, the following appointments were taken up for immediate consideration:

TUESDAY, APRIL 18, 2017

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2017, and to expire September 30, 2020

Occupational Therapist:

Mary Rebecca Terry Coleman, 605 Wando Street, Columbia, SC 29205

On motion of Senator PEELER, the question was confirmation of Mary Rebecca Terry Coleman.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The appointment of Mary Rebecca Terry Coleman was confirmed.

TUESDAY, APRIL 18, 2017

Initial Appointment, Donate Life South Carolina, with the term to commence April 1, 2016, and to expire April 1, 2020

At-Large:

Richard M. "Marc" Jordon, Sr., 404 14th Ave. South, North Myrtle Beach, SC 29582 *VICE* Pamela J. Farley

On motion of Senator PEELER, the question was confirmation of Richard M. "Marc" Jordon, Sr..

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The appointment of Richard M. "Marc" Jordon, Sr. was confirmed.

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2017, and to expire September 30, 2020

Occupational Therapist:

Todd A. Laliberte, 510 Juanita Drive, Florence, SC 29501

TUESDAY, APRIL 18, 2017

On motion of Senator PEELER, the question was confirmation of Todd A. Laliberte.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The appointment of Todd A. Laliberte was confirmed.

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2017, and to expire September 30, 2020

Occupational Therapy Assistant:

Melissa H. Hevia, 324 Old Shealy Road, Chapin, SC 29036

On motion of Senator PEELER, the question was confirmation of Melissa H. Hevia.

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

TUESDAY, APRIL 18, 2017

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The appointment of Melissa H. Hevia was confirmed.

Reappointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 30, 2017, and to expire June 30, 2021

Speech-Language Pathologist:

Beth F. Montgomery, 14 Hillstone Court, Columbia, SC 29212

On motion of Senator PEELER, the question was confirmation of Beth F. Montgomery.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer

TUESDAY, APRIL 18, 2017

Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The appointment of Beth F. Montgomery was confirmed.

Having received a favorable report from the Transportation Committee, the following appointments were taken up for immediate consideration:

Initial Appointment, South Carolina State Ports Authority, with the term to commence February 13, 2016, and to expire February 13, 2021

At-Large:

Kenneth R. Jackson, 218 Winding Oak Way, Blythewood, SC 29016
VICE Patrick W. McKinney

On motion of Senator GROOMS, the question was confirmation of Kenneth R. Jackson.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis

TUESDAY, APRIL 18, 2017

Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Rice	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The appointment of Kenneth R. Jackson was confirmed.

Initial Appointment, South Carolina State Ports Authority, with the term to commence February 13, 2017, and to expire February 13, 2022

At-Large:

William W. Jones, 910 May River Road, Bluffton, SC 29910 *VICE*
Robert Michael Sisk

On motion of Senator GROOMS, the question was confirmation of William W. Jones.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen

TUESDAY, APRIL 18, 2017

Nicholson	Peeler	Reese
Rice	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The appointment of William W. Jones was confirmed.

LOCAL APPOINTMENTS
Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Anderson County Part-Time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Cary B. Murphy, 601 Glenwood Ave., Anderson, SC 29625 *VICE*
James Tillman Busby, Jr.

Initial Appointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Gary S. Morgan, 217 Peach Place Court, Gilbert, SC 29054

Initial Appointment, Richland County Part-Time Magistrate, with the term to commence April 30, 2017, and to expire April 30, 2021

Stephanie I. Bess, 405-B Harbison Blvd., Apartment 7, Columbia, SC 29212

Motion Adopted

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

TUESDAY, APRIL 18, 2017

MOTION ADOPTED

On motion of Senator SHEALY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. William Walter “Bill” Shealy of West Columbia, S.C. Mr. Shealy was an honor graduate from both Gilbert High School and the University of South Carolina. He was employed for 42 years as an accountant with Seibles-Bruce. Bill was a loving husband and devoted uncle who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator CROMER, with unanimous consent, the Senate stood adjourned in honor of Lieutenant Richard E. “Dick” Cole and out of respect to the memory of the seventy-nine other Doolittle Raiders. Dick, at the age of 101 years old, is the last surviving Raider. The Doolittle Raiders were a group of 80 incredibly brave airmen who took off from the USS Hornet to attack the Japanese homeland in retaliation for the sneak attack on Pearl Harbor during World War II, seventy five years ago.

ADJOURNMENT

At 4:58 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

TUESDAY, APRIL 18, 2017

SENATE JOURNAL INDEX

S. 92.....	28	S. 634.....	6
S. 310.....	30	S. 635.....	6
S. 446.....	9	S. 636.....	7
S. 454.....	13	S. 637.....	7
S. 487.....	29	S. 638.....	7
S. 499.....	9		
S. 534.....	26	H. 3034.....	19
S. 590.....	4	H. 3221.....	21
S. 591.....	4	H. 3289.....	14
S. 592.....	4	H. 3346.....	30
S. 593.....	4	H. 3516.....	31
S. 594.....	5	H. 3517.....	14
S. 595.....	5	H. 3653.....	10
S. 601.....	15	H. 3726.....	11
S. 602.....	16	H. 3792.....	23
S. 603.....	17	H. 3840.....	7
S. 604.....	18	H. 3963.....	8
S. 629.....	5	H. 3964.....	8
S. 630.....	5	H. 3999.....	8
S. 631.....	6	H. 4005.....	8
S. 632.....	6	H. 4033.....	15
S. 633.....	6		