

NO. 63

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

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TUESDAY, APRIL 25, 2017

**Tuesday, April 25, 2017**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 11:45 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

I Kings 20:28

“A man of God came and spoke to the King of Israel, and said, ‘Thus says the Lord: Because the Syrians have said, ‘The Lord is God of the hills, but He is not God of the valleys,’ therefore I will deliver all this great multitude into your hand, and you shall know that I am the Lord.’”

Let us pray. Eternal and loving God, how often we acknowledge you as “a mountain top experience” when clearly you are the God of the valleys as well. For it is apparent that in the valleys of life, you test us and forge our faith.

Many of us expect You to give us trouble free lives of peace and unity. But You have a different agenda: You want to use the valleys of our lives to shape and mold our concept of salvation and eternal life. Without these core beliefs our lives will become meaningless.

As we struggle with the highs and lows of daily life, help us to remember that You are the God of eternity and that Your plan for us is only just beginning.

And now O God, may we all draw strength from your promises and may your servant Senator WILLIAMS find comfort in his loss, knowing that his mother Thelma Williams is now fulfilling Your plan for her in eternity. In Your holy name we pray, Amen.

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

**ADDENDUM TO THE JOURNAL**

The following remarks by Senator SETZLER were ordered printed in the Journal of April 19, 2017:

**Remarks by Senator SETZLER**

Mr. PRESIDENT, ladies and gentlemen of the Senate, we have spent some time discussing this matter trying to create something we all can

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support. We are now at the point where several of us thought we would be two or three months ago. For those of you who are new to the Chamber and with much less gray hair than I -- I ask you to take the time to understand just how broad this ruling of the PRESIDENT of the Senate is going to be. Whether it is tonight, whether it is tomorrow, or whether it is next week when we get a roads Bill passed, I hope that there is some consideration to withdrawing the Point of Order and the subsequent ruling being stricken. I believe it is not in the best interest of South Carolina, of the Senate, of the people, or of the future of South Carolina. The use of the ruling in the future could be very damaging to this Body and to the State.

I have intentionally not said much because others have been active and have been the floor leaders on this Bill. Today however, I sat there and watched with amazement that we have an amendment that strikes \$233 million from the Appropriations Bill that we just passed.

We passed an Appropriations Bill this session that underfunded the EFA by \$500 million, and I understand there is a difference of opinion on how much education is funded. When we do not fund EFA, there is a tax increase on the residents by the local school districts. They have no choice because we failed to fund EFA in this General Assembly.

We underfunded local government by \$110 million. Again, what does that result bring? That results in local elected officials passing a tax increase which is, in essence, a backdoor tax increase by this General Assembly, as we did not fund the local government fund.

We do not fund the Department of Social Services properly even after all the efforts of Senator SHEALY and Senator YOUNG on behalf of our children that are in danger or neglected.

We do not fund Highway Patrol properly. I remember proposing hazard pay for Highway Patrolman 25 years ago. Sit back and think, do you want the job to stop somebody on I-20, I-95, I-26 or I-85 in the middle of the night by yourself -- with your life on the line? All the while, the General Assembly fails to fund the proper number of highway patrolmen.

We do not fund the Department of Corrections properly. Currently, we have an investigation for the death of four inmates in a prison at one time because we do not have enough guards nor pay them enough to keep guards in the prisons.

We do not give state employees pay raises and are asking more from them to make their pension plan solvent. Again, you are going to cut \$233 million from the Appropriations Bill?

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Higher education has been underfunded and is still underfunded. The Senate, to their credit, did give some money to higher education; however, the House did not. Again, when the General Assembly does not fund higher education, the institutions go directly to the pocketbooks of the students and their parents resulting in some of the highest tuition in the country.

My point is that we you go down this political path and cut \$233 million from the Appropriations Bill and continue to underfund what needs to be funded in this State -- I am not going to vote for it whether it is this year or next year.

That is one issue. The bigger issue is that we are debating a roads Bill. Not a political Bill. We are debating how to improve the safety of the lives of the people of South Carolina. This is a life and death issue, and I think we should stick to a roads Bill and nothing else. At some point, I hope a motion to table will be made.

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#### **Motion Adopted**

On motion of Senator LEATHERMAN, the Senate agreed to recede at 11:50 A.M. for the purpose of attending the Joint Assembly and at the conclusion of the Joint Assembly, the Senate will reconvene at 2:00 P.M.

#### **Committee to Escort**

The PRESIDENT appointed Senators RANKIN, BENNETT, SHEALY, SETZLER, MALLOY and M.B. MATTHEWS and the Speaker appointed Representatives B. Newton, Hiott, Spires, Cobb-Hunter, Bernstein, and J. Smith to escort the University of South Carolina Womens Head Basketball Coach Dawn Staley and members of her party to the House Chamber for the Joint Assembly.

#### **RECESS**

At 11:55 A.M., on motion of Senator LEATHERMAN, the Senate recessed from business for the purpose of attending the Joint Assembly.

#### **JOINT ASSEMBLY**

**Address by Dawn Staley, National Champion Women's Basketball  
Coach for the University of South Carolina**

At 12:00 Noon, the Senate appeared in the Hall of the House.

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The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

Dawn Staley was escorted to the rostrum by Senators RANKIN, BENNETT, SHEALY, SETZLER, MALLOY and M.B. MATTHEWS and Representatives B. Newton, Hiott, Ballentine, Bernstein, J. Smith and Rutherford.

The PRESIDENT of the Senate introduced Dawn Staley and the Lady Gamecocks of the University of South Carolina.

Representative Rutherford introduced the Lady Gamecocks and officials from the University of South Carolina.

Senator MALLOY introduced Coach Dawn Staley.

Ms. Dawn Staley addressed the Joint Assembly.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

The Senate resumed at 2:10 P.M.

**MESSAGE FROM THE PRESIDENT *PRO TEMPORE***

The following appointment was transmitted by the Honorable Hugh K. Leatherman on behalf of the Senate:

**Statewide Appointment**

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire March 31, 2022

Senate - Minority:

Donald Gist, 511 Oakbrook Drive, Columbia, SC 29223

Referred to the Committee on Judiciary.

**MESSAGE FROM THE PRESIDENT *PRO TEMPORE***

The following appointment was withdrawn by the Honorable Hugh K. Leatherman on behalf of the Senate:

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**Withdrawal of Statewide Appointment**

Initial Appointment, South Carolina State Ethics Commission, with the term to commence April 1, 2017, and to expire March 31, 2022

Senate - Minority:

McKinley Washington, P. O. Box 247, Ravenel, SC 29470

Received as information.

On motion of Senator Leatherman, the Senate acceded to the request and the Clerk was directed to return the appointment.

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

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

Eleanor Duffy Cleary, 201 Glenbrooke Circle, Columbia, SC 29204

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

Cheveron T. Scott, 434 West Broad Street, Darlington, SC 29532

*VICE:* James Edward Thomas

**Doctor of the Day**

Senator REESE introduced Dr. T. John Burrell of Irmo, S.C., Doctor of the Day.

**Leave of Absence**

At 3:34 P.M., Senator MALLOY requested a leave of absence from 3:34 P.M. - 5:00 P.M.

**CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bill:  
S. 547    Sen. Rice

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

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S. 649 -- Senator Alexander: A BILL TO AMEND SECTION 40-13-10(A) OF THE 1976 CODE, RELATING TO THE STATE BOARD OF COSMETOLOGY, TO PROVIDE THAT THE BOARD IS COMPOSED OF NINE MEMBERS, TO PROVIDE THAT ONE MEMBER MUST BE A REPRESENTATIVE FROM A COSMETOLOGY SCHOOL LICENSED IN THIS STATE, TO PROVIDE THAT ONE MEMBER MUST BE A PERSON WHO IS APPROVED BY THE BOARD TO PROVIDE CONTINUING EDUCATION TO COSMETOLOGISTS, AND TO PROVIDE THAT THE MEMBER WHO IS A SCHOOL REPRESENTATIVE AND THE MEMBER WHO PROVIDES CONTINUING EDUCATION MAY NOT REPRESENT THE SAME ENTITY.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 650 -- Senator Grooms: A BILL TO AMEND CHAPTER 1, TITLE 14 OF THE 1976 CODE, BY ADDING SECTION 14-1-250, TO PREVENT A COURT OR OTHER ENFORCEMENT AUTHORITY FROM ENFORCING FOREIGN LAW IN THIS STATE FROM A FORUM OUTSIDE OF THE UNITED STATES OR ITS TERRITORIES UNDER CERTAIN CIRCUMSTANCES.

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

S. 651 -- Senators Grooms, Bennett, Campbell, J. Matthews and Sabb: A BILL TO AMEND SECTION 7-7-120 OF THE 1976 CODE, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, TO ADD CARNES CROSS ROAD 3, PIMLICO 1, AND PIMLICO 2 PRECINCTS; 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.

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

S. 652 -- Senators Nicholson and Gambrell: A SENATE RESOLUTION TO DECLARE THE MONTH OF MAY 2017 AS "TEEN PREGNANCY PREVENTION MONTH" THROUGHOUT THE STATE AND TO ENCOURAGE ALL SOUTH CAROLINIANS

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TO WORK TOGETHER TO REDUCE AND PREVENT TEEN PREGNANCY FOR THE FUTURE SUCCESS OF OUR YOUNG PEOPLE.

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

S. 653 -- Senator Gambrell: A CONCURRENT RESOLUTION TO HONOR COACH GARY ADAMS FOR THE IMPACTFUL CONTRIBUTIONS HE HAS MADE ON THE LIVES OF THOSE IN HIS COMMUNITY AND TO CONGRATULATE HIM ON HIS PHENOMENAL WIN RECORD.

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

S. 654 -- Senator Shealy: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF MOTOR VEHICLES NAME THE DEPARTMENT OF MOTOR VEHICLES' FIELD OFFICE LOCATED AT 509 LIBERTY STREET IN BATESBURG-LEESVILLE "CORPORAL KYLE CARPENTER FIELD OFFICE" AND TO ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION THAT CONTAIN THE DESIGNATION.

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

S. 655 -- Senator Shealy: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF THE 12TH STREET EXTENSION (SC-35) AND I-77 IN CAYCE "NOEL K. YOBS INTERSECTION" AND TO ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

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

S. 656 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SHUMPERT'S IGA FOR ONE HUNDRED TWENTY-FIVE YEARS OF SERVING THE PELION COMMUNITY AND TO CONGRATULATE THE OWNERS,

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MANAGERS, AND EMPLOYEES AS THEY CONTINUE THIS NOTEWORTHY LEGACY.

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The Senate Resolution was adopted.

S. 657 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE INEZ HOLMES SMITH ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

S. 658 -- Senator Setzler: A SENATE RESOLUTION TO HONOR AND RECOGNIZE DR. SARAH JANE BYARS OF LEXINGTON COUNTY UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER FORTY-FOUR YEARS OF FAITHFUL SERVICE TO THE LEXINGTON SCHOOL DISTRICT TWO PUBLIC SCHOOL SYSTEM, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN HER RETIREMENT.

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The Senate Resolution was adopted.

S. 659 -- Senator Senn: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF JAMES JAMES "JIM" LEVENTIS OF RICHLAND COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 660 -- Senator Senn: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF JAMES LEIGH "JAMIE" LEVENTIS OF RICHLAND COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

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S. 661 -- Senator J. Matthews: A SENATE RESOLUTION TO CONGRATULATE ELLA MAE GAINES-PHILLIPS OF ORANGEBURG COUNTY ON THE OCCASION OF HER SEVENTY-FIFTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

S. 662 -- Senators J. Matthews and Hutto: A BILL TO CONSOLIDATE THE SCHOOL DISTRICTS IN ORANGEBURG COUNTY INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE ORANGEBURG COUNTY SCHOOL DISTRICT; TO PROVIDE FOR THE ORDERLY TRANSITION TO A SINGLE SCHOOL DISTRICT; TO PROVIDE FOR THE MEMBERSHIP OF THE BOARD OF TRUSTEES, ITS ELECTION, POWERS, AND DUTIES; TO PROVIDE THAT A DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 3549 -- Rep. Cobb-Hunter: A BILL TO AMEND SECTION 61-6-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERMIT ISSUED FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC LIQUOR IN PROXIMITY TO A CHURCH, SCHOOL, OR PLAYGROUND, SO AS TO PROVIDE THAT THE DECISION-MAKING BODY OF THE LOCAL SCHOOL MUST AFFIRMATIVELY STATE THAT IT DOES NOT OBJECT TO THE ISSUANCE OF A LICENSE.

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

H. 3667 -- Reps. Clyburn and Forrest: A BILL TO AMEND SECTION 7-7-480, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SALUDA COUNTY, SO AS TO

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REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

H. 3926 -- Rep. Spires: A BILL TO AMEND SECTION 40-43-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA PHARMACY PRACTICE ACT, SO AS TO DEFINE ADDITIONAL TERMS; TO AMEND SECTION 40-43-86, RELATING TO COMPOUNDING PHARMACIES, SO AS TO REVISE MINIMUM GOOD COMPOUNDING PRACTICES, TO PROVIDE A PHARMACIST MUST PERFORM A FINAL CHECK ON A PREPARATION COMPOUNDED BY A PHARMACY TECHNICIAN, TO MODIFY REQUIREMENTS FOR AN AREA USED FOR COMPOUNDING IN A PHARMACY, TO PROVIDE PHARMACISTS SHALL ENSURE CERTAIN EXPECTED FEATURES OF INGREDIENTS USED IN A FORMULATION, TO PROVIDE A MEANS FOR DETERMINING THE MAXIMUM BEYOND-USE DATE OF AN EXCESS AMOUNT OF A SPECIFIC COMPOUND IN CERTAIN CIRCUMSTANCES, TO REQUIRE CERTAIN WRITTEN POLICIES AND PROCEDURES APPLICABLE TO A COMPOUNDING AREA, AND TO PROVIDE THAT MATERIAL DATA SAFETY MUST BE READILY ACCESSIBLE TO PHARMACY PERSONNEL WHO WORK WITH DRUG SUBSTANCES OR BULK CHEMICALS, AND TO DELETE OBSOLETE LANGUAGE; AND TO AMEND SECTION 40-43-88, RELATING TO THE HANDLING OF STERILE PREPARATION BY PHARMACIES, SO AS TO REVISE ASSOCIATED STANDARDS AND TO BROADEN THE APPLICATION OF THESE STANDARDS TO INCLUDE OTHER FACILITIES PERMITTED BY THE BOARD, AMONG OTHER THINGS.

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

H. 4119 -- Reps. G. M. Smith, Spires and Cobb-Hunter: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-75 SO AS TO PROVIDE RENAL DIALYSIS FACILITIES MAY DELIVER LEGEND DRUGS OR DEVICES TO PATIENTS IN CERTAIN CIRCUMSTANCES, TO DEFINE NECESSARY TERMS, AND TO PROVIDE THESE PROVISIONS DO NOT WAIVE OTHER NECESSARY

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**CREDENTIALING REQUIREMENTS FOR INDIVIDUALS AND FACILITIES.**

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

H. 4131 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE WORKERS' COMPENSATION COMMISSION, RELATING TO CHAPTER REVISIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4735, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4133 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO SECRETARY OF TRANSPORTATION APPROVAL OF ACTIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4684, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4134 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO COMMISSION APPROVAL OF ACTIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4685, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4135 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF REVENUE, RELATING TO EXAMPLES OF THE APPLICATION OF TAX TO VARIOUS CHARGES IMPOSED BY HOTELS, MOTELS, AND OTHER FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4665, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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H. 4136 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA HUMAN AFFAIRS COMMISSION, RELATING TO INVESTIGATION PROCEDURES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4678, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4137 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY - STATE CROP PEST COMMISSION, RELATING TO PLANT NURSERY REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4655, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Read the first time and referred to the Committee on Agriculture and Natural Resources.

H. 4138 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF COSMETOLOGY, RELATING TO SANITARY AND SAFETY RULES FOR SALONS AND SCHOOLS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4720, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 4142 -- Reps. Knight, Arrington, Bennett, Jefferson, Mack, Murphy and Whipper: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF LEGARE ROAD AND JIM BILTON BOULEVARD IN DORCHESTER COUNTY "CLAUDE MAJOR, JR. INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THIS DESIGNATION.

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

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H. 4158 -- Reps. Cobb-Hunter, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO DECLARE APRIL 28, 2017, AS "WORKERS' MEMORIAL DAY" IN TRIBUTE TO THE WORKING MEN AND WOMEN WHO HAVE LOST THEIR LIVES BECAUSE OF WORKPLACE INJURIES AND ILLNESSES.

The Concurrent Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

H. 4172 -- Reps. Funderburk, Bales, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer,

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Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO HONOR WEYLICHEM U.S. INC., OF ELGIN AT THE CELEBRATION OF ITS FIFTIETH ANNIVERSARY AND TO CONGRATULATE THE COMPANY ON HALF A CENTURY OF OUTSTANDING SUCCESS AND RECOGNIZE THE COMPANY'S SUBSTANTIAL INVESTMENT IN THE STATE OF SOUTH CAROLINA.

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

H. 4173 -- Reps. Bernstein, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO DECLARE THURSDAY, MAY 4, 2017, "SOUTH CAROLINA TEEN PREGNANCY PREVENTION DAY" IN SOUTH CAROLINA AND HONOR THE VALUABLE CONTRIBUTIONS OF THE SOUTH CAROLINA CAMPAIGN TO PREVENT TEEN PREGNANCY, THEIR PARTNERS WITHIN LOCAL COMMUNITIES AND ORGANIZATIONS, PARENTS, EDUCATORS, AND TRUSTED ADULTS.

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

H. 4176 -- Reps. Forrester, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister,

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Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO DECLARE MAY 2017 "ELECTRICAL SAFETY MONTH" IN SOUTH CAROLINA AND ENCOURAGE ALL CITIZENS TO ESTABLISH AND PRACTICE ELECTRICAL SAFETY HABITS IN THE HOME, SCHOOL, AND WORKPLACE TO REDUCE THE NUMBER OF ELECTRICALLY-RELATED FIRES, INJURIES, AND DEATHS.

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

#### **REPORTS OF STANDING COMMITTEES**

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

H. 3132 -- Reps. G.M. Smith and B. Newton: A BILL TO AMEND CHAPTER 71, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HOSPICE PROGRAMS, SO AS TO ADD DEFINITIONS; TO ESTABLISH CERTAIN LICENSING REQUIREMENTS; TO PROVIDE FOR THE REGISTRATION OF MULTIPLE OFFICE LOCATIONS OF LICENSED HOSPICES; TO PROVIDE FOR EXPANSION OF HOSPICE SERVICE AREAS; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO APPROVE APPLICATIONS FOR REGISTRATION OF MULTIPLE OFFICE LOCATIONS AND FOR EXPANSION OF HOSPICE SERVICE AREAS, WITH EXCEPTIONS; AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.



**TUESDAY, APRIL 25, 2017**

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

H. 3349 -- Reps. Erickson and B. Newton: A BILL TO AMEND ARTICLE 15, CHAPTER 33, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NURSE LICENSURE COMPACT, SO AS TO REVISE THE PROVISIONS OF THE COMPACT TO REFLECT CHANGES MANDATED FOR MEMBERSHIP IN THE COMPACT.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

H. 3487 -- Reps. Ridgeway, Govan, Duckworth, Hardee and Douglas: A BILL TO AMEND SECTIONS 44-78-15, 44-78-20, 44-78-30, 44-78-45, ALL AS AMENDED, 44-78-50, AND SECTION 44-78-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DO NOT RESUSCITATE ORDERS, SO AS TO ALLOW A PARENT OR LEGAL GUARDIAN OF A PATIENT WHO IS A CHILD TO REQUEST AND REVOKE A DO NOT RESUSCITATE ORDER FOR EMERGENCY SERVICES FOR THE CHILD.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

H. 3587 -- Reps. Henderson, Knight and Felder: A JOINT RESOLUTION TO CREATE THE "SEIZURE SAFETY IN SCHOOLS STUDY COMMITTEE" TO EXAMINE ISSUES RELATED TO EPILEPSY AND SEIZURE SAFETY AWARENESS IN PUBLIC SCHOOLS, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, AND TO PROVIDE FOR THE STUDY COMMITTEE'S TERMINATION.

Ordered for consideration tomorrow.

Senator MARTIN from the Committee on Corrections and Penology submitted a favorable report on:

H. 3742 -- Rep. Pitts: A BILL TO AMEND SECTIONS 24-21-230 AND 24-21-280, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EMPLOYMENT,

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DUTIES, AND POWERS OF DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES' AGENTS, HEARING OFFICERS, AND STAFF, SO AS TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT MAY EMPLOY OFFENDER SUPERVISION SPECIALISTS, TO PROVIDE THAT THE DEPARTMENT SHALL PROMULGATE REGULATIONS REGARDING THE QUALIFICATIONS FOR THESE EMPLOYEES, AND PROCEDURES FOR CLASSIFYING OFFENDERS AS STANDARD AND LOW-RISK, AND TO PROVIDE THE DUTIES AND AUTHORITY OF AN OFFENDER SUPERVISION SPECIALIST.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

H. 3817 -- Reps. Bedingfield, Fry, Henderson, Huggins, Johnson, Hewitt, Crawford, Duckworth, Arrington, Allison, Tallon, Hamilton, Elliott, Jordan, B. Newton, Martin, G.M. Smith, Yow, D.C. Moss, Wheeler, Erickson, V.S. Moss, Long, G.R. Smith, Magnuson, Bradley, Weeks, Taylor, Putnam, Cogswell, Collins, King and Henegan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-53-362 SO AS TO ALLOW PHARMACIES AND OTHER ENTITIES TO REGISTER AS A COLLECTOR TO RECEIVE CONTROLLED SUBSTANCES AS PART OF LAW ENFORCEMENT CONTROLLED SUBSTANCE TAKE-BACK EVENTS AND OPERATE CONTROLLED SUBSTANCE MAIL-BACK PROGRAMS AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO FACILITATE AND ENCOURAGE REGISTRATION AND PARTICIPATION.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

H. 3824 -- Reps. Henderson, Bedingfield, Fry, Huggins, Johnson, Hewitt, Crawford, Duckworth, Allison, Arrington, Forrester, Tallon, Hamilton, Felder, Elliott, Jordan, B. Newton, Martin, Erickson, Jefferson, Cobb-Hunter, Govan, Long, Putnam, Cogswell and Collins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-53-1645 SO AS TO REQUIRE

**TUESDAY, APRIL 25, 2017**

HEALTH CARE PRACTITIONERS TO REVIEW A PATIENT'S CONTROLLED SUBSTANCE PRESCRIPTION HISTORY, AS MAINTAINED IN THE PRESCRIPTION DRUG MONITORING PROGRAM, BEFORE PRESCRIBING A SCHEDULE II CONTROLLED SUBSTANCE, WITH EXCEPTIONS; TO AMEND SECTION 44-53-1630, AS AMENDED, RELATING TO THE PRESCRIPTION DRUG MONITORING PROGRAM, SO AS TO ADD A DEFINITION OF "PRACTITIONER"; TO AMEND SECTION 44-53-1640, AS AMENDED, RELATING TO THE PRESCRIPTION DRUG MONITORING PROGRAM, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 44-53-1680, AS AMENDED, RELATING TO PENALTIES FOR VIOLATING REQUIREMENTS OF THE PRESCRIPTION DRUG MONITORING PROGRAM, SO AS TO ESTABLISH A PENALTY IF A PRACTITIONER OR AUTHORIZED DELEGATE FAILS TO REVIEW A PATIENT'S CONTROLLED SUBSTANCE PRESCRIPTION HISTORY, AS MAINTAINED IN THE PRESCRIPTION DRUG MONITORING PROGRAM, BEFORE PRESCRIBING A SCHEDULE II CONTROLLED SUBSTANCE; BY ADDING SECTION 40-15-145 SO AS TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR DENTISTS ADDRESSING THE PRESCRIPTION AND MONITORING OF CERTAIN CONTROLLED SUBSTANCES; TO AMEND SECTIONS 40-37-240, 40-47-965, AS AMENDED, AND 40-51-140, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR CERTAIN HEALTH CARE PRACTITIONERS, SO AS TO ADD REQUIREMENTS ADDRESSING THE PRESCRIPTION AND MONITORING OF CERTAIN CONTROLLED SUBSTANCES; AND TO AMEND SECTION 40-43-130, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR PHARMACISTS, SO AS TO ADD REQUIREMENTS ADDRESSING CERTAIN CONTROLLED SUBSTANCES.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

H. 3885 -- Reps. Bannister, Bedingfield, G.R. Smith, Loftis and Hamilton: A BILL TO AMEND SECTION 44-7-3420, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE LEWIS BLACKMAN

[SJ]

**TUESDAY, APRIL 25, 2017**

HOSPITAL PATIENT SAFETY ACT, SO AS TO ADD DEFINITIONS FOR “HEALTH CARE PRACTITIONER” AND “HEALTH CARE FACILITY”; AND BY ADDING SECTION 44-7-3435 SO AS TO REQUIRE HEALTH CARE PRACTITIONERS TO WEAR IDENTIFICATION BADGES DISPLAYING CERTAIN INFORMATION.

Ordered for consideration tomorrow.

Senator SHEALY from the General Committee submitted a favorable report on:

H. 3997 -- Reps. Bernstein, Rutherford, J.E. Smith, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO DECLARE MAY 2017 “AMERICAN JEWISH HERITAGE MONTH” IN SOUTH CAROLINA AND TO RECOGNIZE AND HONOR THE HISTORY OF JEWISH CONTRIBUTIONS TO OUR GREAT STATE.

Ordered for consideration tomorrow.

Senator SHEALY from the General Committee submitted a favorable report on:

H. 4073 -- Reps. Clemmons, Yow, J.E. Smith, Williams, Fry, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby,

**TUESDAY, APRIL 25, 2017**

Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire and Willis: A CONCURRENT RESOLUTION TO DECLARE JULY 16, 2017, AS ATOMIC VETERANS DAY IN SOUTH CAROLINA.

Ordered for consideration tomorrow.

Senator SHEALY from the General Committee submitted a favorable report on:

H. 4074 -- Reps. Clemmons, Yow, J.E. Smith, Williams, Fry, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire and Willis: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS AND URGE THEM TO PASS H.R. 2747, THE "ATOMIC VETERANS SERVICE MEDAL ACT".

Ordered for consideration tomorrow.

**TUESDAY, APRIL 25, 2017**

**Appointments Reported**

Senator MARTIN from the Committee on Corrections and Penology submitted a favorable report on:

**Statewide Appointment**

Initial Appointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2017, and to expire March 15, 2023

7th Congressional District:

Kimberly H. Frederick, 110 North Oak Dr., Surfside Beach, SC 29575  
*VICE* Marvin Stevenson

Received as information.

Senator SHEALY from the General Committee submitted a favorable report on:

**Statewide Appointments**

Reappointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2016, and to expire June 30, 2020

5th Congressional District:

Martha W. Brock, 154 Hidden Acres Dr., Gaffney, SC 29341

Received as information.

Reappointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2017, and to expire June 30, 2021

2nd Congressional District:

Margaret Jo B. Hecker, 409 Longtown Rd. West, Blythewood, SC 29016

Received as information.

Reappointment, South Carolina Commission for the Blind, with the term to commence May 19, 2017, and to expire May 19, 2021

2nd Congressional District:

Judith E. Johnson, 317 Ballentine Estates Road, Irmo, SC 29063

Received as information.

**TUESDAY, APRIL 25, 2017**

Initial Appointment, Board of Trustees for the Veterans' Trust Fund of South Carolina, with term coterminous with Governor

At-Large:

John D. "JD" Wilcox, Jr., Post Office Box 3, Union, SC 29379 *VICE*  
Bernard Chapman (resigned)

Received as information.

Reappointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2017, and to expire June 30, 2021

6th Congressional District:

Andrea B. McCoy, 334 Teague Park Court, Columbia, SC 29209

Received as information.

#### **INVITATIONS ACCEPTED**

On motion of Senator DAVIS, with unanimous consent, the following invitations were polled favorably from the Committee on Invitations and ordered placed on the Calendar:

**Tuesday, May 2, 2017 - 12:00pm-2:00pm**

Members of the Senate, Luncheon, State House Grounds, by the **SC TIRE MANUFACTURERS COUNCIL**

**Tuesday, May 2, 2017 - 6:00pm-8:00pm**

Members of the Senate, Reception, The Oak Table, by the **SOUTH CAROLINA POULTRY FEDERATION**

**Wednesday, May 3, 2017 - 8:00am-10:00am**

Members and Staff, Breakfast, Room 112, Blatt Building, by the **SOUTH CAROLINA ASSOCIATION OF COMMUNITY ACTION PARTNERSHIPS**

**Wednesday, May 3, 2017 - 12:00pm-2:00pm**

Members and Staff, Luncheon, State House Grounds, by the **PALMETTO CONSERVATION FOUNDATION**

**Wednesday, May 3, 2017 - 6:00pm-9:00pm**

Members and Staff, Reception, Columbia Convention Center, by **SC FUTURE MINDS, "TEACHER OF THE YEAR AWARD"**

[SJ]

**TUESDAY, APRIL 25, 2017**

**Wednesday, May 3, 2017 - 7:00pm-9:00pm**

Members and Staff, Reception, 1208 Washington Place, by the **SOUTH CAROLINA ASSOCIATION FOR JUSTICE**

**Tuesday, May 9, 2017 - 12:00pm-2:00pm**

Members and Staff, Luncheon, State House Grounds, by **BOEING, BMW, NORTH AMERICA, GE, & SCMA**

**Tuesday, May 9, 2017 - 5:00pm-7:00pm**

Members and Staff, Reception, The Capital City Club, by the **INDUCTION OF JUSTICE GEORGE C. JAMES**

**Thursday, May 11, 2017 - 8:00am-10:00am**

Members and Staff, Breakfast, State House Grounds, by the **AMERICAN PETROLEUM INSTITUTE, SC**

**Poll of the Invitations Committee**

**Polled 11; Ayes 11; Nays 0; Not Voting 0**

**AYES**

Davis	Alexander	Reese
Campsen	Cromer	Malloy
Johnson	Nicholson	Hembree
Young	Goldfinch	

**Total--11**

**NAYS**

**Total--0**

**NOT VOTING**

**Total--0**

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., April 25, 2017

[SJ]



**TUESDAY, APRIL 25, 2017**

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 25, 2017

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 25, 2017

Mr. President and Senators:

[SJ]

**TUESDAY, APRIL 25, 2017**

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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 CONCERNS 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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

[SJ]

**TUESDAY, APRIL 25, 2017**

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 25, 2017

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Hiott, Clary and Collins to the Committee of Free Conference on the part of the House on:

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.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 25, 2017

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Free Conference on:

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.

Very respectfully,

Speaker of the House

Received as information.

**TUESDAY, APRIL 25, 2017**

**H. 3346--REPORT OF COMMITTEE OF FREE CONFERENCE  
ENROLLED FOR RATIFICATION**

The Report of the Committee of Free Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**HOUSE CONCURRENCES**

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.

Returned with concurrence.

Received as information.

S. 611 -- Senators Corbin, Alexander, Allen, Bennett, Campbell, Campsen, Climer, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M.B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO DECLARE APRIL 2017 AS "HOMESCHOOL RECOGNITION MONTH" IN SOUTH CAROLINA, TO RECOGNIZE THE DILIGENT EFFORTS OF HOMESCHOOLING PARENTS AND THE ACADEMIC SUCCESS OF THEIR STUDENTS, AND TO EXPRESS SINCERE APPRECIATION FOR THEIR FOCUS ON THE WELL-BEING AND OVERALL ACHIEVEMENTS OF THEIR CHILDREN.

Returned with concurrence.

Received as information.

S. 627 -- Senator Grooms: A CONCURRENT RESOLUTION TO CONGRATULATE LAING MIDDLE SCHOOL OF SCIENCE AND TECHNOLOGY IN MT. PLEASANT ON BEING NAMED NUMBER ONE STEM MIDDLE SCHOOL IN THE NATION AND TO WISH

**TUESDAY, APRIL 25, 2017**

THE STUDENTS, TEACHERS, AND ADMINISTRATION  
CONTINUED SUCCESS IN ALL THEIR FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

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

**READ THE THIRD TIME  
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

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.

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.

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.

**SECOND READING BILL**

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

**TUESDAY, APRIL 25, 2017**

H. 3936 -- Reps. Whipper, Gilliard, Mack and Brown: A BILL TO AMEND SECTION 7-7-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN CHARLESTON COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THE CHARLESTON COUNTY VOTING PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO STRIKE OBSOLETE REFERENCES TO THE OFFICE OF RESEARCH AND STATISTICS.

**REMOVED FROM CONSENT CALENDAR**

S. 169 -- Senators Shealy and McLeod: A BILL TO AMEND CHAPTER 25, TITLE 16 OF THE 1976 CODE, RELATING TO DOMESTIC VIOLENCE, BY ADDING ARTICLE 8, TO CREATE THE OFFENSE OF TEEN DATING VIOLENCE, TO PROVIDE A PENALTY, TO ALLOW VICTIMS TO SEEK ORDERS OF PROTECTION OR RESTRAINING ORDERS UNDER CERTAIN CIRCUMSTANCES, TO PROHIBIT A PERSON WHO VIOLATES THE PROVISIONS OF THE ARTICLE FROM PARTICIPATING IN A PRETRIAL INTERVENTION PROGRAM, AND TO DEFINE NECESSARY TERMS; AND TO AMEND SECTION 16-3-755 OF THE 1976 CODE, RELATING TO SEXUAL BATTERY WITH A STUDENT, TO REVISE THE STRUCTURE OF THE OFFENSE TO PROVIDE THE SAME PENALTY FOR PERSONS WHO COMMIT THE OFFENSE WHEN THE VICTIM IS SIXTEEN YEARS OF AGE OR OLDER AND TO PROVIDE A MANDATORY MINIMUM SENTENCE OF ONE YEAR FOR A CONVICTION, NO PART OF WHICH MAY BE SUSPENDED NOR PROBATION GRANTED.

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

**REMOVED FROM CONSENT CALENDAR**

S. 324 -- Senators Peeler, Hutto and McElveen: A BILL TO AMEND SECTION 23-31-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS ALLOWED TO CARRY A CONCEALABLE WEAPON WHILE ON DUTY, SO AS TO INCLUDE PERSONS WHO ARE RETIRED FROM CERTAIN OFFICES AND CLERKS OF COURT IN THE PURVIEW OF THE STATUTE.

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

**REMOVED FROM CONSENT CALENDAR**

S. 639 -- Senator Alexander: A JOINT RESOLUTION TO DIRECT THE PIONEER RURAL WATER DISTRICT TO CEASE ACTIVITY RELATED TO THE CONSTRUCTION OF A WATER TREATMENT PLANT UNTIL A COURT MAKES A FINAL DETERMINATION WHETHER OR NOT PIONEER RURAL WATER DISTRICT HAS THE AUTHORITY TO CONSTRUCT A WATER TREATMENT PLANT.

On motion of Senator GAMBRELL, the Resolution was moved to the Statewide Second Reading Calendar.

**POINT OF ORDER**

**CARRIED OVER**

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.

**Point of Order**

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

The PRESIDENT took the Point of Order under advisement.

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

**CARRIED OVER**

H. 4033 -- Reps. Hixon, Taylor, Blackwell, Clyburn, Allison, Daning, Yow, Erickson, B. Newton, Bennett, Arrington, Murphy, Crawford and Clemmons: 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

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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 carried over.

S. 109 -- Senator McElveen: A BILL TO AMEND ARTICLE 7, CHAPTER 11, TITLE 16 OF THE 1976 CODE, RELATING TO TRESPASSES AND THE UNLAWFUL USE OF THE PROPERTY OF OTHERS, BY ADDING SECTION 16-11-605, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE AN UNMANNED AERIAL VEHICLE WITHIN A CERTAIN DISTANCE OF A STATE OR FEDERAL MILITARY INSTALLATION AND TO PROVIDE PENALTIES FOR THE VIOLATION.

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

### **OBJECTION**

H. 3886 -- Reps. Crawford, Ryhal, Hamilton, Sandifer, Fry, Putnam, Clemmons, Yow, Anderson, Johnson, Hardee, Huggins, Hewitt, Duckworth, Bowers, Sottile, Crosby, Felder, Bennett, Thigpen, Whipper, Brown, Hixon, Taylor, King, Daning, Spires, Henderson, Pitts, Kirby, White, McCravy, Hill, Gagnon, West, Wheeler, Davis, Murphy, Hayes, Ott, V.S. Moss, Lowe, Jordan and McKnight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 30 TO TITLE 27 SO AS TO ENTITLE THE CHAPTER "HOMEOWNERS ASSOCIATIONS"; TO DEFINE NECESSARY TERMS; TO REQUIRE OWNERS OF PROPERTY



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SUBJECT TO A HOMEOWNERS ASSOCIATION TO DISCLOSE THE ASSOCIATION'S GOVERNING DOCUMENTS TO PROSPECTIVE OWNERS, TO PROVIDE HOMEOWNERS ASSOCIATIONS SHALL PROVIDE HOMEOWNERS WITH PRINTED OR ELECTRONIC COPIES OF FINANCIAL INFORMATION AND THE GOVERNING DOCUMENTS OF THE ASSOCIATION UPON REQUEST AT NO CHARGE, TO PROVIDE HOMEOWNERS ASSOCIATION BOARDS MAY NOT TAKE ACTION TO ADD OR INCREASE FEES AND THE LIKE WITHOUT GIVING CERTAIN NOTICE TO HOMEOWNERS AND TO PROVIDE HOMEOWNERS MAY ATTEND MEETINGS AT WHICH SUCH ACTIONS ARE TO BE TAKEN, TO INSTRUCT THE SOUTH CAROLINA REAL ESTATE COMMISSION TO OFFER AN ONLINE INSTRUCTIONAL COURSE COVERING THE BASICS OF HOMEOWNERS' ASSOCIATION MANAGEMENT AND THE RIGHTS AND RESPONSIBILITIES OF HOMEOWNERS, TO GRANT CONCURRENT CIVIL JURISDICTION IN CERTAIN ACTIONS BETWEEN HOMEOWNERS ASSOCIATIONS AND HOMEOWNERS, AND TO CREATE THE OFFICE OF HOMEOWNERS ASSOCIATION OMBUDSMAN IN THE DEPARTMENT OF CONSUMER AFFAIRS, TO PROVIDE QUALIFICATIONS, POWERS, AND DUTIES OF THE OMBUDSMAN, AMONG OTHER THINGS; AND TO AMEND SECTION 27-50-40, AS AMENDED, RELATING TO MANDATORY DISCLOSURE STATEMENTS SELLERS OF REAL PROPERTY MUST PROVIDE PURCHASERS, SO AS TO INCLUDE PROVISIONS CONCERNING DISCLOSURES OF PROPERTY SUBJECT TO HOMEOWNERS ASSOCIATION GOVERNANCE.

Senator TURNER objected to consideration of the Bill.

**ADOPTED**

S. 498 -- Senator Alexander: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF MAY 2017 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA IN ORDER TO RAISE AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESS.

The Resolution was adopted, ordered sent to the House.

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S. 522 -- Senator Cromer: A CONCURRENT RESOLUTION TO DECLARE AUGUST 14-21, 2017, AS “IMMUNIZATION WEEK” IN SOUTH CAROLINA AND TO SEEK TO INCREASE THE POPULATION’S AWARENESS OF THE IMPORTANCE OF RECEIVING VACCINATIONS.

The Resolution was adopted, ordered sent to the House.

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.

The Resolution was adopted, ordered sent to the House.

H. 4122 -- Reps. Thayer, White, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thigpen, Toole, Weeks, West, Wheeler, Whipper, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THE MONTH OF APRIL 2017 AS “DONATE LIFE MONTH” IN SOUTH CAROLINA AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO REGISTER AS ORGAN DONORS.

The Resolution was adopted, ordered returned to the House.

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**Privilege of the Chamber**

On motion of Senator DAVIS, on behalf of Senator ALLEN, the Privilege of the Chamber, to that area behind the rail, was extended to Henry N. Tisdale, President of Claflin University.

**Remarks to be Printed**

On motion of Senator PEELER, with unanimous consent, the remarks of Senator ALLEN, when reduced to writing and made available to the Desk, would be printed in the Journal.

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

**MOTION ADOPTED**

At 2:38 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 Sheheen: 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 MASSEY, the veto was carried over.

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

**AMENDED, 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, Clemmons, 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,

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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 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.

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**Amendment No. 8A**

Senators CORBIN and DAVIS proposed the following amendment (3516R066.SP.TDC), which was tabled:

Amend the bill, as and if amended, page 7, by striking lines 10-20 and inserting:

/ 2013. The secretary 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 secretary shall approve the projects to be financed. Upon approval, the Department of Transportation shall identify each project selected, the amount of non-tax 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.

/

Amend the bill further, as and if amended, page 26, line 32, by inserting:

/ D.Section 57-1-430(A) of the 1976 Code is amended to read:

“Section 57-1-430. (A) The secretary ~~is charged with the affirmative duty to carry out the policies of the commission, to~~ must administer the day-to-day affairs of the department, ~~to~~ direct the development and implementation of the Statewide Transportation Improvement Program and the Statewide Mass Transit Plan; ~~and to~~ ensure the timely completion of all projects undertaken by the department, ~~and~~ routine operation and maintenance requests, and emergency repairs; operate and administer the State Infrastructure Bank as provided in Article 1, Chapter 43, Title 11 of the 1976 Code; and ensure that the department’s functions and purposes as provided by law are carried out in a timely, efficient manner. He must represent the department in its dealings with other state agencies, local governments, special districts, and the federal government. ~~The secretary must prepare an annual budget for the department that must be approved by the commission before becoming effective.”~~ /

Amend the bill further, as and if amended, page 28, line 6, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. A. Section 11-43-120(B) of the 1976 Code is amended to read:

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“(B) The bank is ~~governed~~ administered by ~~a board of directors~~ the Secretary of the Department of Transportation as provided in this chapter.”

B. Section 11-43-130 of the 1976 Code is amended to read:

“Section 11-43-130. As used in this chapter unless the context clearly indicates otherwise:

(1) ‘Bank’ means the South Carolina Transportation Infrastructure Bank.

(2) ~~‘Board’ means the board of directors of the bank.~~ Reserved.

(3) ‘Bonds’ means bonds, notes, or other evidence of indebtedness except as otherwise provided in Article 3 of this chapter.

(4) ‘Department of Transportation’ means the South Carolina Department of Transportation and its successors.

(5) ‘Eligible cost’ means as applied to a qualified project to be financed from the federal accounts, the costs that are permitted under applicable federal laws, requirements, procedures, and guidelines in regard to establishing, operating, and providing assistance from the bank. As applied to a qualified project to be financed from the state highway account, these costs include the costs of preliminary engineering, traffic and revenue studies, environmental studies, right-of-way acquisition, legal and financial services associated with the development of the qualified project, construction, construction management, facilities, and other costs necessary for the qualified project. As applied to any qualified project to be financed from the state transit account, eligible project costs are limited to capital expenditures for transit equipment and facilities.

(6) ‘Eligible project’ means a highway, including bridges, or transit project which provides public benefits by either enhancing mobility and safety, promoting economic development, or increasing the quality of life and general welfare of the public. ‘Eligible project’ also includes mass transit including, but not limited to, monorail and monobeam mass transit systems.

(7) ‘Federal accounts’ means collectively, the separate account for federal highway funds and federal transit funds.

(8) ‘Financing agreement’ means any agreement entered into between the bank and a qualified borrower pertaining to a loan or other financial assistance. This agreement may contain, in addition to financial terms, provisions relating to the regulation and supervision of a qualified project, or other provisions as the ~~board~~ Secretary of the Department of Transportation may determine. The term ‘financing agreement’ includes,

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without limitation, a loan agreement, trust indenture, security agreement, reimbursement agreement, guarantee agreement, bond or note, ordinance or resolution, or similar instrument.

(9) 'Government unit' means a municipal corporation, county, special purpose district, special service district, commissioners of public works, or another public body, instrumentality or agency of the State including combinations of two or more of these entities acting jointly to construct, own, or operate a qualified project, and any other state or local authority, board, commission, agency, department, or other political subdivision created by the General Assembly or pursuant to the Constitution and laws of this State which may construct, own, or operate a qualified project.

(10) 'Loan' means an obligation subject to repayment which is provided by the bank to a qualified borrower for all or a part of the eligible cost of a qualified project. A loan may be disbursed in anticipation of reimbursement for or direct payment of eligible costs of a qualified project.

(11) 'Loan obligation' means a bond, note, or other evidence of an obligation issued by a qualified borrower.

(12) 'Other financial assistance' means, but is not limited to, grants, contributions, credit enhancement, capital or debt reserves for bonds or debt instrument financing, interest rate subsidies, provision of letters of credit and credit instruments, provision of bond or other debt financing instrument security, and other lawful forms of financing and methods of leveraging funds that are approved by the ~~board~~ Secretary of the Department of Transportation, and in the case of federal funds, as allowed by federal law.

(13) 'Private entity' means a private person or entity that has entered into a contract with a government unit to design, finance, construct, and operate a highway, bridge, tunnel, or approach that is within the jurisdiction of the government unit that is responsible for complying with applicable federal requirements.

(14) 'Project revenues' means all rates, rents, fees, assessments, charges, and other receipts derived or to be derived by a qualified borrower from a qualified project or made available from a special source, and, as provided in the applicable financing agreement, derived from any system of which the qualified project is a part of, from any other revenue producing facility under the ownership or control of the qualified borrower including, without limitation, proceeds of grants, gifts, appropriations and loans, including the proceeds of loans made by

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the bank, investment earnings, reserves for capital and current expenses, proceeds of insurance or condemnation and proceeds from the sale or other disposition of property and from any other special source as may be provided by the qualified borrower.

(15) 'Qualified borrower' means any government unit or private entity which is authorized to construct, operate, or own a qualified project.

(16) 'Qualified project' means an eligible project which has been selected by the bank to receive a loan or other financial assistance from the bank to defray an eligible cost.

(17) 'Revenues' means, when used with respect to the bank, any receipts, fees, income, or other payments received or to be received by the bank including, without limitation, receipts and other payments deposited in the bank and investment earnings on its funds and accounts.

(18) 'Secretary' means the Secretary of the Department of Transportation.

~~(18)~~(19) 'State accounts' means, collectively, the separate account for state highway funds and state transit funds."

C.Section 11-43-140 of the 1976 Code, relating to the membership, terms, and vacancies of the board of directors, is repealed.

D.Section 11-43-150(A) of the 1976 Code is amended to read:

"Section 11-43-150. (A) In addition to the powers contained elsewhere in this chapter, the bank has all power necessary, useful, or appropriate to fund, operate, and administer the bank, and to perform its other functions including, but not limited to, the power to:

(1) have perpetual succession;

(2) adopt, promulgate, amend, and repeal bylaws, not inconsistent with provisions in this chapter for the administration of the bank's affairs and the implementation of its functions including the right of the ~~board~~ secretary to select qualifying projects and to provide loans and other financial assistance;

(3) sue and be sued in its own name;

(4) have a seal and alter it at its pleasure, although the failure to affix the seal does not affect the validity of an instrument executed on behalf of the bank;

(5) make loans to qualified borrowers to finance the eligible costs of qualified projects and to acquire, hold, and sell loan obligations at prices and in a manner as the ~~board~~ secretary determines advisable;

(6) provide qualified borrowers with other financial assistance necessary to defray eligible costs of a qualified project;



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(7) enter into contracts, arrangements, and agreements with qualified borrowers and other persons and execute and deliver all financing agreements and other instruments necessary or convenient to the exercise of the powers granted in this chapter;

(8) enter into agreements with a department, agency, or instrumentality of the United States or of this State or another state for the purpose of planning and providing for the financing of qualified projects;

(9) establish:

(a) policies and procedures for the making and administering of loans and other financial assistance; and

(b) fiscal controls and accounting procedures to ensure proper accounting and reporting by the bank, government units, and private entities;

(10) acquire by purchase, lease, donation, or other lawful means and sell, convey, pledge, lease, exchange, transfer, and dispose of all or any part of its properties and assets of every kind and character or any interest in it to further the public purpose of the bank;

(11) procure insurance, guarantees, letters of credit, and other forms of collateral or security or credit support from any public or private entity, including any department, agency, or instrumentality of the United States or this State, for the payment of any bonds issued by it, including the power to pay premiums or fees on any insurance, guarantees, letters of credit, and other forms of collateral or security or credit support;

(12) collect or authorize the trustee under any trust indenture securing any bonds to collect amounts due under any loan obligations owned by it, including taking the action required to obtain payment of any sums in default;

(13) unless restricted under any agreement with holders of bonds, consent to any modification with respect to the rate of interest, time, and payment of any installment of principal or interest, or any other term of any loan obligations owned by it;

(14) borrow money through the issuance of bonds and other forms of indebtedness as provided in this chapter;

(15) expend funds to obtain accounting, management, legal, financial consulting, and other professional services necessary to the operations of the bank;

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(16) expend funds credited to the bank as the ~~board~~ secretary determines necessary for the costs of administering the operations of the bank;

(17) establish advisory committees as the ~~board~~ secretary determines appropriate, which may include individuals from the private sector with banking and financial expertise;

(18) procure insurance against losses in connection with its property, assets, or activities including insurance against liability for its acts or the acts of its employees or agents or to establish cash reserves to enable it to act as a self-insurer against any and all such losses;

(19) collect fees and charges in connection with its loans or other financial assistance;

(20) apply for, receive and accept from any source, aid, grants, and contributions of money, property, labor, or other things of value to be used to carry out the purposes of this chapter subject to the conditions upon which the aid, grants, or contributions are made;

(21) enter into contracts or agreements for the servicing and processing of financial agreements; and

(22) do all other things necessary or convenient to exercise powers granted or reasonably implied by this chapter.”

E. Section 11-43-160(A) of the 1976 Code is amended to read:

“Section 11-43-160. (A) The following sources may be used to capitalize the bank and for the bank to carry out its purposes:

(1) an annual contribution set by the ~~board~~ secretary of an amount not to exceed revenues produced by one cent a gallon of the tax on gasoline imposed pursuant to Section 12-28-310;

(2) federal funds made available to the State;

(3) federal funds made available to the State for the bank;

(4) contributions and donations from government units, private entities, and any other source as may become available to the bank including, but not limited to, appropriations from the General Assembly;

(5) all monies paid or credit to the bank, by contract or otherwise, payments of principal and interest on loans or other financial assistance made from the bank, and interest earnings which may accrue from the investment or reinvestment of the bank’s monies;

(6) proceeds from the issuance of bonds as provided in this chapter;

(7) other lawful sources as determined appropriate by the ~~board~~ secretary; and

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(8) loans from the Department of Transportation to the bank to be repaid from revenues committed to the bank for the following year.”

F. Section 11-43-167(C) of the 1976 Code is amended to read:

“(C)(1)The Department of Transportation shall identify bridge and road projects to be financed utilizing non-tax 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.

(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~~ secretary 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, prior to approving a project for financing.

(3) Following consideration by the Joint Bond Review Committee, the ~~bank~~ secretary shall approve the projects to be financed. Upon approval, the ~~bank shall provide the~~ Department of Transportation ~~with written notice that identifies~~ shall identify each project selected, the amount of non-tax 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)~~ approval of the projects to be financed, the Department of Transportation shall transfer non-tax revenue to the bank in the amounts and upon the schedule provided in the notice. The department 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 shall not require a local match.”

G. Section 11-43-170(B) of the 1976 Code is amended to read:

“(B) For necessary and convenient administration of the bank, the ~~board~~ secretary shall direct the State Treasurer to establish federal and state accounts and subaccounts within the bank necessary to meet any applicable federal law requirements or as the bank shall determine necessary or desirable in order to implement the provisions of this chapter.”

H. Section 11-43-180 of the 1976 Code is amended to read:

“Section 11-43-180. (A) The bank may provide loans and other financial assistance to a government unit or private entity to pay for all or part of the eligible cost of a qualified project. Prior to providing a loan or other financial assistance to a qualified borrower, the ~~board must~~

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~~obtain the review and approval of the~~ Joint Bond Review Committee must review the terms of the proposed loan or other financial assistance. The term of the loan or other financial assistance must not exceed the useful life of the project. The bank may require the government unit or private entity to enter into a financing agreement in connection with its loan obligation or other financial assistance. The ~~board~~ secretary shall determine the form and content of loan applications, financing agreements, and loan obligations including the term and rate or rates of interest on a financing agreement. The terms and conditions of a loan or other financial assistance from federal accounts shall comply with applicable federal requirements.

(B) The ~~board~~ secretary shall determine which projects are eligible projects and then select from among the eligible projects those qualified to receive from the bank a loan or other financial assistance. Preference must be given to eligible projects which have local financial support. In selecting qualified projects, the ~~board~~ secretary shall consider the projected feasibility of the project and the amount and degree of risk to be assumed by the bank. The ~~board~~ secretary also may consider, but must not be limited to, the following criteria in making its determination that an eligible project is a qualified project:

(1) the local support of the project, expressed by resolutions by the governing bodies in the areas in which the project will be located, and the financial or in-kind contributions to the project;

(2) maximum economic benefit, enhancement of mobility, enhancement of public safety, acceleration of project completion, and enhancement of transportation services;

(3) the ability of the applicant to repay a loan according to the terms and conditions established pursuant to this chapter, consideration of which may include, at the option of the ~~bank board~~ secretary, the existence of current investment grade rating on existing debt of the applicant secured by the same revenues to be pledged to secure repayment under the loan repayment agreement;

(4) the financial or in-kind contributions to the project;

(5) greater weighting in recommending priorities for eligible projects to areas of the State experiencing high unemployment; and

(6) whether the governing bodies of the county or the incorporated municipality in which the project is to be located provides to the bank a resolution which makes a finding that the project is essential to economic development in the political subdivisions, or the bank receives a resolution or certificate from the Advisory Coordinating Council for

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Economic Development of the Department of Commerce that the project is essential to economic development in the State, or both, at the option of the ~~board~~ secretary.

(C) The bank may not provide any loans or other financial assistance, including bond proceeds, to any project unless the eligible costs of the project are at least twenty-five million dollars.”

I. Section 11-43-220 of the 1976 Code is amended to read:

“Section 11-43-220. Neither the ~~board~~ secretary nor any officer, employee, or committee of the bank acting on behalf of it, while acting within the scope of this authority, is subject to any liability resulting from carrying out any of the powers given in this chapter.”

J. Section 11-43-250 of the 1976 Code is amended to read:

“Section 11-43-250. Following the close of each state fiscal year, the ~~bank~~ secretary shall submit an annual report of ~~its~~ the bank's activities for the preceding year to the Governor and to the General Assembly. The ~~bank~~ secretary also shall submit an annual report to the appropriate federal agency in accordance with requirements of any federal program. An independent certified public accountant shall perform an audit of the books and accounts of the bank at least once in each state fiscal year.”

K. Section 11-43-510 of the 1976 Code is amended to read:

“Section 11-43-510. As used in this article:

(1) ~~‘Board’ means the Board of Directors of the South Carolina Transportation Infrastructure Bank. ‘Secretary’ means the Secretary of the Department of Transportation.~~

(2) ‘State board’ means the governing board of the State Fiscal Accountability Authority.

(3) ‘Transportation infrastructure bonds’ means all general obligation bonds of this State designated as transportation infrastructure bonds, which are now outstanding and which may hereafter be issued pursuant to the authorizations of this article.”

L. Section 11-43-520 of the 1976 Code is amended to read:

“Section 11-43-520. Whenever it shall become necessary that monies be raised for qualified projects, including monies to be used to refund any transportation infrastructure bonds then outstanding, the ~~board~~ secretary may make a request to the state board for the issuance of transportation infrastructure bonds pursuant to this article. ~~This request may be in the form of a resolution adopted at any regular or special meeting of the board.~~ The request shall set forth on the face thereof or by schedules attached thereto:

(1) the amount then required for qualified projects;

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(2) a tentative time schedule setting forth the period of time during which the sum requested will be expended; and

(3) a debt service table showing the annual principal and interest requirements for all the transportation infrastructure bonds then outstanding.”

M. Section 11-43-540 of the 1976 Code is amended to read:

“Section 11-43-540. The issuance of transportation infrastructure bonds is subject to the limitations contained in Section 13(6)(c), Article X of the Constitution of this State. Within such limitations, transportation infrastructure bonds may be issued for qualified projects or to refund transportation infrastructure bonds from time to time under the conditions prescribed by this article. The review and approval of the Joint Bond Review Committee must be obtained prior to the issuance of any transportation infrastructure bonds. No transportation infrastructure bonds may be issued unless the ~~board~~ secretary has a source of revenues to pay the principal and interest on the bonds.”

N. Section 11-43-550 of the 1976 Code is amended to read:

“Section 11-43-550. For the payment of the principal of and interest on all transportation infrastructure bonds, whether or not outstanding or hereafter issued, as they come due, there is pledged the full faith, credit, and taxing power of this State, and in accordance with the provisions of Section 13(4), Article X of the Constitution of this State, the General Assembly authorizes the allocation on an annual basis of sufficient tax revenues to provide for the punctual payment of the principal and interest on transportation infrastructure bonds. In addition to the full faith, credit, and taxing power, there also is pledged such revenue as may be available to the ~~board~~ secretary, and the State Treasurer is authorized to use such revenue when pledged, without further action of the ~~board~~ secretary, for the payment of the principal and interest on transportation infrastructure bonds as the bonds respectively mature. If the revenues so pledged prove insufficient to meet the payments of the interest on and principal of the transportation infrastructure bonds in the fiscal year, then the State Treasurer shall set aside from the general tax revenues received in the fiscal year so much of the general tax revenues as are needed for the purpose and shall apply these revenues to the punctual payment of the interest on and principal of transportation infrastructure bonds due or to become due in the fiscal year.”

O. Section 11-43-560 of the 1976 Code is amended to read:

“Section 11-43-560. The ~~board~~ secretary is authorized to request the state board to issue transportation infrastructure bonds. In order to effect

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the issuance of bonds pursuant to this article, the state board may adopt a resolution providing for the issuance of transportation infrastructure bonds, upon written request by the ~~board~~ secretary, and may transmit a certified copy thereof to the Governor and to the State Treasurer, with the request that they issue and deliver transportation infrastructure bonds in accordance with the terms and conditions of such resolution. This resolution must set forth:

- (1) the amount, denomination, and numbering of transportation infrastructure bonds to be issued;
- (2) the date as of which the same shall be issued;
- (3) the maturity schedule for the retirement of the transportation infrastructure bonds;
- (4) the redemption provisions, if any, applicable to the bonds;
- (5) the maximum rate or rates of interest the bonds shall bear;
- (6) the purposes for which the bonds are to be issued;
- (7) the occasion on which bids shall be received for the sale of the bonds;
- (8) the form of advertisement of sale;
- (9) the form of the bonds of the particular issue; and
- (10) such other matters as may be considered necessary in order to effect the sale, issuance, and delivery thereof.”

P. Chapter 43, Title 11 of the 1976 Code is amended by adding:

“ARTICLE 7

Dissolution of the Transportation Infrastructure Bank

Section 11-43-700. The South Carolina Infrastructure Bank shall not accept applications for new projects after March 1, 2017. Applications for projects submitted prior to this date shall be considered pursuant to Section 11-43-180. The bank may service outstanding bonds issued for projects submitted before March 1, 2017 and may not service any new bonds after this date.

Section 11-43-710. Upon the dissolution of the South Carolina Infrastructure Bank, all funding streams dedicated to the payment of outstanding bonding indebtedness incurred by the bank shall be applied to the State Highway Fund pursuant to Section 57-11-20.

Section 11-43-720. The South Carolina Infrastructure Bank shall be dissolved when all outstanding bonds are satisfied. The Department of Transportation shall collect and disburse fees pursuant to Section 11-43-167 upon dissolution of the bank. Any remaining property, assets, or liabilities of the bank will be transferred to the Department of Transportation upon dissolution.”

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Q.The Code Commissioner is directed to change or correct all references to the State Infrastructure Bank Board in the 1976 Code to reflect the elimination of the board and to change all references to the board to the Secretary of the Department of Transportation. References to the board in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references.

R.This SECTION takes effect on approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

**ACTING PRESIDENT PRESIDES**

Senator CROMER assumed the Chair.

Senator DAVIS continued speaking on the amendment.

**PRESIDENT PRESIDES**

At 3:10 P.M., the PRESIDENT assumed the Chair.

Senator DAVIS continued speaking on the amendment.

Senator SETZLER spoke on the amendment.

Senator GROOMS spoke on the amendment.

Senator GROOMS moved to lay the amendment on the table.

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

**Ayes 29; Nays 12**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cromer
Fanning	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Kimpson
Leatherman	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Rankin	Sabb
Scott	Senn	Setzler
Sheheen	Williams	

[SJ]



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**Total--29**

**NAYS**

Climer	Corbin	Davis
Martin	Peeler	Rice
Shealy	Talley	Timmons
Turner	Verdin	Young

**Total--12**

The amendment was laid on the table.

**Amendment No. 9D**

Senators GROOMS, SHEHEEN, LEATHERMAN, GREGORY, CAMPBELL, SABB, GOLDFINCH, CROMER, RANKIN, MATTHEWS, GAMBRELL, SETZLER and SCOTT proposed the following amendment (3516R090.SP.LKG), which was adopted:

Amend the bill, as and if amended, page 2, line 10 by adding:

/ Whereas, this act is a comprehensive approach to address the effect that the deteriorating transportation infrastructure system has on our State and its residents, tourists, and economy; and

Whereas, our transportation infrastructure system has begun to deteriorate, causing safety and economic problems. It is time to focus the resources of our State in an efficient, effective manner to stop that deterioration and to set our State on the path toward building a first-class road network that is the envy of the nation; and

This act will provide the Department of Transportation with the resources it needs to effectively and immediately address the highway, road, and bridge maintenance and construction needs and to enable the department to provide safe and high-quality infrastructure for the decades ahead; and

Whereas, the hazardous road conditions found throughout our State endanger residents and visitors alike. This act recognizes that safety is a paramount concern to drivers traversing the State and must also be a priority when the Department of Transportation identifies projects to undertake; and

Whereas, this act makes necessary reforms to the Department of Transportation's operational footprint to provide a more effective, efficient delivery of services free from conflicts of interest that

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undermine the public's confidence that the taxes that they pay are being applied in a fair, even-handed manner across the State; and

Whereas, the revenue generated by this act will provide the Department of Transportation with additional resources, but it will also place an additional financial burden on the State's taxpayers. This act strikes an appropriate balance between the needs of our transportation infrastructure and the needs of the taxpayers by providing targeted tax relief that will stimulate economic growth, which, in turn, will generate revenue growth from the sales of motor vehicles, from the sale of fuel for motor vehicles, and from other provisions contained in this act; and

Whereas, this act allocates to the Department of Transportation adequate resources to build and maintain a safe highway system for the residents of our State while preserving for taxpayers the means to engage in commerce and other daily activities that provide the Department of Transportation with those resources. Now, therefore, /

Amend the bill further, as and if amended, page 3, by striking lines 22-29 and inserting:

/ (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 any North Carolina county bordering South Carolina or any Georgia county bordering South Carolina. The suspension must remain in place until such time as the motor fuel user fees in all North Carolina counties bordering South Carolina and all Georgia counties bordering South Carolina are greater than South Carolina's motor fuel user fee."

Amend the bill further, as and if amended, page 16, by striking lines 39-40 and inserting:

/ Section 12-37-2870. The distribution of the fee revenues required to be distributed pursuant to Section 12-37-2865 for /

Amend the bill further, as and if amended, by adding appropriately numbered new SECTIONS to read:

SECTION \_\_. Section 12-28-2740 of the 1976 Code is amended to read:

“(H)(1) For purposes of this subsection, ‘donor county’ means a county that contributes to the ‘C’ fund an amount in excess of what it receives under the allocation formula as stated in subsection (A). In addition to the allocation to the counties pursuant to subsection (A), the Department of Transportation annually shall transfer ~~from the state highway fund~~ to the donor counties an amount equal to ~~nine and one-half~~ seventeen million dollars in the ratio of the individual donor county's

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contribution in excess of 'C' fund revenue allocated to the county under subsection (A) to the total excess contributions of all donor counties.

(2) A county is eligible for an additional allocation from the Department of Transportation if the county contributed to the 'C' fund an amount in excess of what it receives under the allocation formula as stated in subsection (A) plus what it receives under item (1). The Department of Transportation annually shall transfer to the eligible counties an amount up to three and one-half million dollars in the ratio of the individual eligible county's contribution to the 'C' fund in excess of the eligible county's total allocations under subsection (A) and item (1) to the total excess contributions of all eligible counties remaining after all allocations under subsection (A) and item (1) have been made. Under no circumstances can an allocation under this item result in an eligible county receiving total allocations in excess of what the county contributed to the 'C' fund."

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

"Section 57-1-380. The Department shall prepare a Transportation Asset Management Plan which includes objectives and performance measures for the preservation and improvement of the State Highway System. In addition, the Transportation Asset Management Plan shall include objectives, performance measures and innovative approaches to address high risk rural roads that are functionally classified as a rural Primary or Federal Aid Secondary roads. High risk rural roads shall include roads in which the accidents resulting in fatalities and incapacitating injuries exceeds the statewide average, including roadway departures, for those functional classes of roadway. The Transportation Asset Management Plan shall be approved by the Commission and is to establish fiscally constrained performance goals, including \$50 million for high risk rural roads, for transportation infrastructure assets such as pavements and bridges. The Department shall provide an annual update on achieving the Transportation Asset Management Plan performance goals to the General Assembly as well as publishing the results for the public to view."

SECTION \_\_. Section 12-28-2740 of the 1976 Code is further amended by adding an appropriately lettered 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

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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 repairs, maintenance, and improvements to the state highway system.”

SECTION \_\_. Section 11-43-167(B)(2) of the 1976 Code is amended to read:

“(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 (C) and in proportion to the amounts required by the Department of Transportation to fund repairs, maintenance, and improvements to the existing transportation system.”

SECTION \_\_. A. Article 31, Chapter 28, Title 12 of the 1976 Code is amended by adding:

**“ARTICLE 31**

**Motor Fuel Tax Credit**

Section 12-28-3110. (A)(1) A taxpayer is allowed a refundable credit against the motor fuel user fees imposed pursuant to this chapter for preventative maintenance on a private passenger motor vehicle as defined in Section 56-3-630, including motorcycles, registered in this State during the appropriate year, subject to other limitations contained in this section. The total amount claimed for a vehicle may not exceed one hundred fifty percent of the resident’s actual motor fuel user fee increase incurred for that motor vehicle as a result of increases in the motor fuel user fee pursuant to Section 12-28-310(D). To claim the credit contained in this section, a taxpayer shall provide an itemized list of the vehicle maintenance and motor fuel expenditures incurred within this State during the immediately preceding year in a manner, on a form prescribed by the Department of Revenue, with a South Carolina income tax return, and with necessary documentation to include proof of purchases. Notwithstanding any other provision of this section, a taxpayer may claim the credit for up to five private passenger motor vehicles, with the credit being calculated separately for each vehicle. For the purposes of this section, ‘preventative maintenance’ includes costs incurred within this State for new tires, oil changes, regular vehicle maintenance, and the like. In addition, ‘motor fuel expenditures’ are purchases of motor fuel within this State to which the motor fuel user fee imposed pursuant to Section 12-28-310(D) applies.

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(2) Notwithstanding any other provision of this section:

(a) For tax year 2018, the credit allowed by this section may not exceed one hundred sixty million dollars.

(b) For tax year 2019, the credit allowed by this section may not exceed two hundred forty million dollars.

(c) For tax year 2020, the credit allowed by this section may not exceed three hundred twenty million dollars.

(d) For tax year 2021, the credit allowed by this section may not exceed three hundred ninety million dollars.

(e) For all tax years after 2021, the credit allowed by this section may not exceed four hundred sixty-five million dollars.

On or before September 30, 2018 and by September thirtieth of each year thereafter, the Revenue and Fiscal Affairs Office shall estimate the number of taxpayers expected to claim the credit for the current tax year and the total amount expected to be claimed. In the event that the Revenue and Fiscal Affairs Office estimates that the total amount of credits claimed will exceed the maximum amount of aggregate credit allowed pursuant to this item, the Revenue and Fiscal Affairs Office shall certify to the Department of Revenue a pro rata adjustment to the credit otherwise provided.

(B)(1) In order to offset the credit allowed by the section, on or before January 31, 2019 and by January thirty-first of each year thereafter, the Department of Transportation shall transfer to the Department of Revenue an amount equal to the total amount of credits estimated by the Revenue and Fiscal Affairs Office to be claimed for the applicable tax year, not to exceed one hundred fifty million dollars. If the credit claimed by all taxpayers in a tax year is less than one hundred fifty million dollars, then the excess shall revert back from the Department of Revenue to the Department of Transportation as soon as practicable within the same year that the transfer occurred.

(2) If the transferred funds pursuant to item (B)(1) are not sufficient to completely offset the credit and if balances in the Capital Reserve Fund are available for appropriation by the General Assembly, then it is the intent of the General Assembly to offset the remaining credit amount from the Capital Reserve Fund as the first order of priority in appropriation from the Capital Reserve Fund.”

B. This SECTION takes effect upon approval by the Governor and applies to tax years after tax year 2017.

SECTION \_\_. A. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

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“Section 12-6-3632. There is allowed as a nonrefundable credit against the tax imposed pursuant to Section 12-6-510 on a full-year resident individual taxpayer an amount equal to two hundred and fifty percent of the federal earned income tax credit (EITC) allowed the taxpayer pursuant to Internal Revenue Code Section 32.”

B. Notwithstanding Section 12-6-3632 as added by this SECTION, the percentage of the federal earned income tax credit, for which the credit allowed by Section 12-6-3632 is based, must be phased-in in six equal installments of forty-one and sixty seven hundredths of a percent each tax year until it is fully phased-in in tax year 2023, with the first forty-one and sixty seven hundredths of a percent applying in tax year 2018.

C. This SECTION takes effect upon approval by the Governor and applies to tax years beginning after 2017.

SECTION \_\_. A. Section 12-6-3330(B)(1) of the 1976 Code is amended to read:

“(1) ~~thirty~~ fifty thousand dollars; or”

B. Notwithstanding the increased multiplier of fifty thousand dollars in Section 12-6-3330(B)(1) as amended in this SECTION, the increase must be phased-in in six equal installments of three thousand three hundred thirty three dollars each tax year until it is fully phased-in in tax year 2023, with the first increase occurring in tax year 2018.

C. This SECTION takes effect upon approval by the Governor and applies to tax years beginning after 2017.

SECTION \_\_. A. Section 12-6-3385(A)(1) of the 1976 Code is amended to read:

“Section 12-6-3385. (A)(1)(a) A student is allowed a refundable individual income tax credit ~~equal to twenty-five percent, not to exceed eight hundred fifty dollars in the case of both~~ four-year institutions and twenty-five percent, not to exceed three hundred fifty dollars in the case of two-year institutions, for tuition paid an institution of higher learning or a designated institution as provided in this section, during a taxable year. The amount of the tax credit claimed up to the limits authorized in this section for any taxable year may not exceed the amount of tuition paid during that taxable year. The maximum amount of credits allowed by this section for all taxpayers may not exceed seven million dollars in tax year 2018, fourteen million dollars in tax year 2019, twenty-one million dollars in tax year 2020, twenty-eight million dollars in tax year 2021, thirty-five million dollars in tax year 2022, and forty million dollars in tax year 2023. For all tax years after 2023, the maximum amount of credits for all taxpayers may not exceed the maximum amount

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in tax year 2023, plus a cumulative amount equal to the percentage increase in the Higher Education Price Index, not to exceed more than three percent a year. If the total amount of credits claimed in a tax year exceeds the maximum amount, then the amount of each credit must be reduced proportionately.

(b)(i) In tax year 2018, the amount of the credit is equal to thirty-five percent of the tuition paid, not to exceed one thousand five hundred dollars.

(ii) In tax year 2019, the amount of the credit is equal to forty-five percent of the tuition paid, not to exceed one thousand seven hundred dollars.

(iii) In tax year 2020, the amount of the credit is equal to fifty-five percent of the tuition paid, not to exceed one thousand nine hundred dollars.

(iv) In tax year 2021, the amount of the credit is equal to sixty-five percent of the tuition paid, not to exceed two thousand one hundred dollars.

(v) In tax year 2022, the amount of the credit is equal to seventy percent of the tuition paid, not to exceed two thousand three hundred dollars.

(vi) In all tax years after 2022, the amount of the credit is equal to seventy-five percent of the tuition paid, not to exceed two thousand five hundred dollars.

(c) In addition to the credit allowed pursuant to subitem (a), a student, including a student who is a dependent of a taxpayer as provided in item (3), that claims the earned income tax credit (EITC) allowed, pursuant to Internal Revenue Code Section 32, and attends a two-year institution may add an additional twenty-five percent to the percentage allowed in subitem (a), subject to the maximum amounts set forth in subitems (a) and (b).

(d) In addition to the credit allowed pursuant to subitems (a) and (c), an eligible student attending a four-year institution who is at least a sophomore and who is majoring in a science, technology, engineering, or mathematics (STEM) related discipline, as those terms are defined by the Commission on Higher Education pursuant to Section 59-149-15, may claim a credit of up to one thousand two hundred fifty dollars, not to exceed the cost of tuition paid and subject to the maximum amount set forth in subitem (a).

(e) In addition to the credit allowed pursuant to subitems (a) and (c), an eligible student attending a two-year institution who has earned

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enough credits to be considered a second year student and who is pursuing an associate degree in a STEM-related discipline, as those terms are defined by the Commission on Higher Education pursuant to Section 59-149-15, may claim an additional credit of up to one thousand two hundred fifty dollars, not to exceed the cost of tuition paid and subject to the maximum amount set forth in subitem (a).

(f) Notwithstanding any other provision of this section, the Revenue and Fiscal Affairs Office annually shall estimate a maximum credit that may be permitted under this section for a taxable year based on the number of taxpayers expected to claim the credit and the expected amount claimed. The Revenue and Fiscal Affairs Office shall certify the maximum credit to the Department of Revenue, and for the applicable taxable year, the maximum credit amount must not exceed the lesser of the certified estimate or the maximum amount set forth in subitem (a). If the certified estimate exceeds the maximum amount set forth in subitem (a), then the credits set forth in subitems (b), (c), (d), and (e) each must be reduced by the same percentage that the certified estimate exceeds the maximum set forth in subitem (a).

(g) The Commission on Higher Education, the State Board for Technical and Comprehensive Education, and each public institution of higher learning, as defined in Section 59-103-5, must develop a plan to notify each student of the tax credit allowed by this section and shall promote resources that may be available on campus, or in the community, that would assist students in applying for the tax credit as applicable.”

B.This SECTION takes effect upon approval by the Governor and applies to tax years beginning after 2017.

SECTION \_\_. A.Section 12-37-220(B) of the 1976 Code is amended by adding an item at the end to read:

“(52)(a) nineteen and five one-hundredths percent of the property tax value of manufacturing property assessed for property tax purposes pursuant to Section 12-43-220(a)(1). For purposes of this item, if the exemption is applied to real property, then it must be applied to the property tax value as it may be adjusted downward to reflect the limit imposed pursuant to Section 6, Article X of the South Carolina Constitution, 1895;

(b) nine and one-half percent of the property tax value of business personal property required to be reported and returned annually to the Department of Revenue or county auditors assessed for property tax purposes pursuant to Section 12-43-220(f);



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(i) The revenue loss resulting from the exemption allowed by this item must be reimbursed and allocated to the political subdivisions of this State, including school districts, in the same manner as the Trust Fund for Tax Relief, not to exceed eighty-five million dollars per year. In calculating estimated state individual and corporate income tax revenues for a fiscal year, the Board of Economic Advisors shall deduct amounts sufficient to account for the reimbursement required by this item.

(ii) Notwithstanding the exemption allowed by this item, in any year in which reimbursements are projected by the Revenue and Fiscal Affairs Office to exceed the reimbursement cap in sub-item (i), the exemption amounts shall be proportionally reduced so as not to exceed the reimbursement cap.

(iii) Notwithstanding any other provision of law, property exempted from property taxes in the manner provided in this item is considered taxable property for purposes of bonded indebtedness pursuant to Section 15, Article X of the Constitution of this State.”

B. Notwithstanding the exemption amount allowed pursuant to item (52)(a) added pursuant to subsection A of this SECTION, the percentage exemption amount is phased in in two equal and cumulative percentage installments, pursuant to subsection (B), applicable for property tax years beginning after 2018.

C. This SECTION takes effect upon approval by the Governor and first applies to property tax years beginning after 2018.

SECTION \_\_. Section 57-1-460 of the 1976 Code, relating to the Department of Transportation Secretary’s evaluation and approval of routine operation, maintenance, and emergency repairs, is repealed.

SECTION \_\_. Section 57-1-470 of the 1976 Code, relating to the Department of Transportation Commission’s review of routine maintenance and emergency repair requests approved by the Secretary, is repealed.

SECTION \_\_. Section 57-1-310(A) of the 1976 Code is amended to read:

“Section 57-1-310. (A) The congressional districts of this State are constituted and created Department of Transportation Districts of the State, designated by numbers corresponding to the numbers of the respective congressional districts. The Commission of the Department of Transportation shall be composed of one member from each transportation district and one member from the State at large, all appointed by the Governor, upon the advice and consent of the Senate,

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subject to the provisions of Section 57-1-325. In making appointments to the commission, the Governor shall take into account race, gender, and other demographic factors, such as residence in rural or urban areas, so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. The members of the commission shall represent the transportation needs of the State as a whole and may not subordinate the needs of the State to those of any particular area of the State.”

SECTION \_\_. Section 57-1-350 of the 1976 Code is amended to read:

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

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

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

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

(E) The commission shall hold a minimum of six regular meetings annually, and other meetings may be called by the chair upon giving at least one week’s notice to all members and the public. Emergency meetings may be held with twenty-four hours’ notice. Meeting materials for the regularly scheduled meetings shall be published at least twenty-four hours in advance of the meeting.

(F) The commission or a member thereof may not enter into the day-to-day operations of the department, except in an oversight role with the secretary, and is specifically prohibited from taking part in:

- (1) the awarding of contracts;
- (2) the selection of a consultant or contractor or the prequalification of any individual consultant or contractor;
- (3) the selection of a route for a specific project;
- (4) the specific location of a transportation facility;
- (5) the acquisition of rights-of-way or other properties necessary for a specific project or program; and
- (6) the granting, denial, suspension, or revocation of any permit issued by the department.

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(G) A member of the commission may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by the department during the term of his appointment and for one year after the termination of the appointment.”

SECTION \_\_. Section 57-1-360(B) of the 1976 Code is amended to read:

“(B)(1)The chief internal auditor must be a Certified Public Accountant and possess any other experience the State Auditor may require. The chief internal auditor must establish, implement, and maintain the exclusive internal audit function of all departmental activities. The State Auditor shall set the salary for the chief internal auditor as allowed by statute or applicable law.

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

(3) The State Auditor is vested with the exclusive management and control of the chief internal auditor.”

SECTION \_\_. Section 57-1-430 of the 1976 Code is amended to read:

“Section 57-1-430. (A) The secretary is charged with the affirmative duty to carry out the policies of the commission, to administer the day-to-day affairs of the department, to direct the implementation of the Statewide Transportation Improvement Program and the Statewide Mass Transit Plan, and to ensure the timely completion of all projects undertaken by the department, and routine operation and maintenance requests, and emergency repairs. He must represent the department in its dealings with other state agencies, local governments, special districts, and the federal government. The secretary must prepare an annual budget for the department that must be approved by the commission before becoming effective.

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(B) For each division, the secretary may employ such personnel and prescribe their duties, powers, and functions as he considers necessary and as may be authorized by statute and for which funds have been authorized in the annual general appropriations act.

(C) The secretary shall prepare and publish on the department's website an annual report outlining the department's annual expenditures. The report must include a statewide summary and a detailed expenditure report for each county.

(D) The secretary shall prepare and publish on the department's website an annual report that includes a list of all companies doing business with the department and the amount spent on these contracts."/

Renumber sections to conform.

Amend title to conform.

Senator GROOMS spoke on the amendment.

**ACTING PRESIDENT PRESIDES**

Senator CROMER assumed the Chair.

Senator GROOMS continued speaking on the amendment.

**Point of Quorum**

At 7:33 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Grooms	Hembree	Hutto
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Peeler	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen

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Talley	Timmons	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

Senator GROOMS continued speaking on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 16; Nays 26**

**AYES**

Bennett	Campsen	Climer
Corbin	Davis	Hembree
Martin	Massey	Peeler
Rice	Shealy	Talley
Timmons	Turner	Verdin
Young		

**Total--16**

**NAYS**

Alexander	Allen	Campbell
Cromer	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hutto	Kimpson	Leatherman
Malloy	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Rankin	Reese	Sabb
Scott	Senn	Setzler
Sheheen	Williams	

**Total--26**

The Senate refused to table the amendment.

**Recorded Vote**

Senator JACKSON desired to be recorded as voting against the motion to table the amendment.

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The question then was the adoption of the amendment.  
The amendment was adopted.

**Amendment No. 14**

Senator CORBIN proposed the following amendment (3516R043.SP.TDC), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_\_ . Article 2, Chapter 3, Title 57 is amended by adding:

“Section 57-3-205. The department must utilize all new revenue generated pursuant to Section 12-28-310(D) and (E) in a county for road and bridge maintenance and resurfacing projects within that county until conditions have reached a standard sufficient to provide for safe and efficient transit. The Department of Revenue shall report quarterly point-of-sale taxes generated by the motor fuel user fee by county to the department so that the department may appropriately allocate these funds.” /

Renumber sections to conform.

Amend title to conform.

Senator CORBIN spoke on the amendment.

The question then was the adoption of the amendment.

Senator CAMPBELL moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 26**

Senators CLIMER, MASSEY, RICE and DAVIS proposed the following amendment (3516R077.DR.WC), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION at the end to read:

/ SECTION \_\_\_\_ . A.Section 1-30-10(B)(1) of the 1976 Code is amended to read:

“(B)(1) The governing authority of each department shall be:

(i)a director or a secretary, who must be appointed by the Governor with the advice and consent of the Senate, subject to removal

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from office by the Governor pursuant to provisions of Section 1-3-240(B); or

(ii) a board to be appointed and constituted in a manner provided for by law; or

(iii) in the case of the Department of Agriculture and the Department of Education, the State Commissioner of Agriculture and the State Superintendent of Education, respectively, elected to office under the Constitution of this State; ~~or~~

(iv) in the case of the Department of Transportation, ~~a seven member commission constituted in a manner provided by law, and a~~ Secretary of Transportation appointed by and serving at the pleasure of the Governor.”

B. Section 57-1-10 of the 1976 Code is amended to read:

“Section 57-1-10. For the purposes of this title, the following words, phrases, and terms are defined as follows:

(1) ~~‘Commission’ means the administrative and governing authority of the Department of Transportation.~~

(2)(1) ‘Department’ means the Department of Transportation (DOT).

(3)(2) ‘Secretary of Transportation’ means the Chief Administrative Officer of the Department of Transportation appointed by the Governor as provided in Section 1-30-10(B)(1)(i).”

C. Section 57-1-20 of the 1976 Code is amended to read:

“Section 57-1-20. The Department of Transportation is established as an administrative agency of state government which is comprised of ~~a~~ the Division of Intermodal and Freight Programs, ~~a~~ the Division of Construction Engineering and Planning, ~~and a~~ the Division of Finance and Administration, ~~and other divisions established by the Secretary pursuant to Section 57-3-10(B).~~ Each division of the Department of Transportation shall have such functions and powers as provided for by law.”

D. Section 57-1-40 of the 1976 Code is amended to read:

“Section 57-1-40. (A) It is unlawful for ~~a member of the commission~~ ~~or~~ an engineer, agent, or other employee, acting for or on behalf of the department ~~or commission~~, to accept or agree to accept, receive or agree to receive, or ask or solicit, either directly or indirectly, with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

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(2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;

(3) political appointment or influence, present, or reward;

(4) employment; or

(5) other thing of value.

A person violating the provisions of subsection (A) is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(B) It is unlawful for a person to give or offer to give, promise, or cause or procure to be promised, offered, or given, either directly or indirectly, to ~~a member of the commission or~~ an engineer, agent, or other employee acting for or on behalf of the ~~commission or~~ department with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

(2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;

(3) political appointment or influence, present, or reward;

(4) employment; or

(5) other thing of value.

A person violating the provisions of subsection (B) is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(C) ~~The members and department's employees of the commission and employees of the department~~ are subject to the provisions of Chapter 13, Title 8, the State Ethics Act, and the provisions of Chapter 78, Title 15, the South Carolina Tort Claims Act."

E. Section 57-1-90(A) of the 1976 Code is amended to read:

"Section 57-1-90. (A) In formulating transportation policy, promulgating regulations, allocating funds, and planning, designing, constructing, equipping, operating and maintaining transportation facilities, no action ~~of the South Carolina Transportation Commission, or the South Carolina Department of Transportation taken by the~~ department shall have the effect of discriminating against motorcycles,



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motorcycle operators, or motorcycle passengers. No regulation or action of the ~~commission~~, or department shall have the effect of enacting a prohibition or imposing a requirement that applies only to motorcycles or motorcyclists, and the principal purpose of which is to restrict or inhibit access or motorcycles and motorcyclists to any highway, bridge, tunnel, or other transportation facility.”

F. Article 3, Chapter 1 of Title 57, relating to the Commission of the Department of Transportation, is repealed.

G. Section 57-1-410 of the 1976 Code is amended to read:

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

H. Section 57-1-430 of the 1976 Code is amended to read:

“Section 57-1-430. (A) The secretary ~~is charged with the affirmative duty to carry out the policies of the commission, to~~ must administer the day-to-day affairs of the department, ~~to~~ direct the development and implementation of the Statewide Transportation Improvement Program and the Statewide Mass Transit Plan; and to ensure the timely completion of all projects undertaken by the department, and routine operation and maintenance requests, and emergency repairs; and ensure that the department’s functions and purposes as provided by law are carried out in a timely, efficient manner. He must represent the department in its dealings with other state agencies, local governments, special districts, and the federal government. The secretary must prepare an annual budget for the department that must be approved by the ~~commission~~ General Assembly before becoming effective.

(B) For each division, the secretary may employ such personnel and prescribe their duties, powers, and functions as he considers necessary and as may be authorized by statute and for which funds have been authorized in the annual general appropriations act.”

I. Section 57-1-460 of the 1976 Code is amended to read:

“Section 57-1-460. (A)(1) ~~For purposes of this section ‘routine operation and maintenance’ includes, but is not limited to, signage of routes, pavement marking, replacement and installation of guard rails, repair and installation of signals, ‘chip seal’ of existing roads,~~

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enhancement projects such as streetscaping, adopt an interchange, bike lanes, curb cuts, installation of overhead message boards and cameras, research projects funded with federal aid, and pavement management system mapping.

(2) For purposes of this section 'emergency repairs' means, but is not limited to, unforeseen deterioration of roads, bridges, or equipment due to accidents, natural disasters, or other causes that could not have been expected or that pose an immediate danger to the public.

(B) The secretary is charged with evaluating and approving the routine operation and maintenance requests or emergency repairs that are needed for existing roads and bridges that are not included in the Statewide Transportation Improvement Program. However, requests made for resurfacing, installation of new signals, curb cuts on primary roads, bike lanes, or construction projects under ten million dollars must be approved by the commission pursuant to Section 57-1-370(N).

(A) The State Auditor shall employ an individual to serve as the chief internal auditor of the department and other professional, administrative, technical, and clerical personnel as the State Auditor determines to be necessary. The State Auditor also must provide professional, administrative, technical, and clerical personnel, as the State Auditor determines to be necessary, in order for the chief internal auditor to properly discharge his duties and responsibilities authorized by the State Auditor or provided by law. Except as otherwise provided, any employees hired pursuant to this section shall serve at the pleasure of the State Auditor.

(B)(1) The chief internal auditor must be a Certified Public Accountant and possess any other experience the State Auditor may require. The chief internal auditor must establish, implement, and maintain the exclusive internal audit function of all departmental activities. The State Auditor shall set the salary for the chief internal auditor as allowed by statute or applicable law.

(2) The audits performed by the chief internal auditor must comply with recognized governmental auditing standards. The department and any entity contracting with the department must fully cooperate with the chief internal auditor in the discharge of his duties and responsibilities and must timely produce all books, papers, correspondence, memoranda, and other records considered necessary in connection with an internal audit. All final audit reports must be submitted to the Governor, the Chairman of the Senate Transportation Committee, the Chairman of the Senate Finance Committee, the Chairman of the House of

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Representatives Education and Public Works Committee, and the Chairman of the House of Representatives Ways and Means Committee before being made public.

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

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

J. Section 57-1-470 of the 1976 Code is amended to read:

“Section 57-1-470. (A) ~~At each commission meeting the secretary must provide a detailed written report of all:~~

~~(1) requests that he has received since the last commission meeting for routine operation and maintenance or emergency repairs, his decision concerning those requests, and a status report on all approved requests; and~~

~~(2) pending projects approved by the commission pursuant to Section 57-1-370(N) and the status of those projects, if there has been any material change in the status since the last commission meeting.~~

~~(B) The commission must review the report and make findings as to whether the requests approved by the secretary meet the needs of the public based upon objective and quantifiable factors.~~

~~(C) The commission may question the secretary concerning the approval or denial of any request and the process the secretary employed to reach his decision. The commission also may request additional information concerning any request and further investigate any request, approval, or denial of a project by the secretary. The secretary must fully cooperate with any request made of him or his office by the commission regarding any further investigation undertaken by the commission.~~

~~(D) The text of the secretary’s written report and the findings made by the commission must be included in the commission meeting minutes. A list of all projects approved by the commission at its last meeting, together with its explanation of the objective and quantifiable factors used to justify its approval, also must be included in the commission meeting minutes.~~

(A) The department must develop the long-range Statewide Transportation Plan, with a minimum twenty-year forecast period at the time of adoption, which provides for the development and implementation of the multimodal transportation system for the State.

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The plan must be developed in a manner consistent with all federal laws or regulations and in consultation with all interested parties, particularly the metropolitan planning organizations and the nonmetropolitan planning organization area local officials. The plan may be revised from time to time as permitted by and in the manner required by federal laws or regulations.

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

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

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

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

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

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

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

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

(8) when selecting projects to be undertaken from nontransportation management area metropolitan planning

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

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

(b) public safety;

(c) potential for economic development;

(d) traffic volume and congestion;

(e) truck traffic;

(f) the pavement quality index;

(g) environmental impact;

(h) alternative transportation solutions; and

(i) consistency with local land use plans.

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

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

K. Section 57-1-490 of the 1976 Code is amended to read:

"Section 57-1-490. (A) The department shall be audited by a certified public accountant or firm of certified public accountants once each year to be designated by the State Auditor. The designated accountant or firm of accountants shall issue audited financial statements in accordance with generally accepted accounting principles, and such financial statements must be made available annually by October fifteenth to the General Assembly. The costs and expenses of the audit must be paid by the department out of its funds.

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(B) The Materials Management Office of the State Fiscal Accountability Authority annually must audit the department's internal procurement operation to ensure that the department has acted properly with regard to the department's exemptions contained in Section 11-35-710. The audit must be performed in accordance with applicable state law, including, but not limited to, administrative penalties for violations found as a result of the audit. The results of the audit must be made available by October fifteenth to the Department of Transportation ~~Secretary Commission~~, the State Auditor, the Governor, the Chairmen of the Senate Finance and Transportation Committees, and the Chairmen of the House of Representatives Ways and Means and Education and Public Works Committees. The costs and expenses of the audit must be paid by the department out of its funds.

(C) The Legislative Audit Council shall contract for an independent performance and compliance audit of the department's finance and administration division, mass transit division, and construction engineering and planning division. This audit must be completed by January 15, 2010. The Legislative Audit Council may contract for follow-up audits or conduct follow-up audits as needed based upon the audit's initial findings. The costs of these audits, including related administrative and management expenses of the Legislative Audit Council, are an operating expense of the department. The department shall pay directly to the Legislative Audit Council the cost of the audits.

(D) Copies of every audit conducted pursuant to this section must be made available to the ~~Department of Transportation Commission~~ Secretary, the State Auditor, the Governor, the Chairmen of the Senate Finance and Transportation Committees, and the Chairmen of the House of Representatives Ways and Means and Education and Public Works Committees."

L. Article 7, Chapter 1 of Title 57, relating to the Commission of the Department of Transportation, is repealed.

M. Section 57-3-20 of the 1976 Code is amended to read:

"Section 57-3-20. The responsibilities and duties of the following division deputy directors must include, but not be limited to, the following:

(1) division deputy director for finance and administration:

(a) financial planning and management;

(b) accounting systems necessary to comply with all federal and/or state laws and/or regulations as well as all policies established by the Comptroller General; and

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(c) administrative functions, including ~~recording proceedings of the commission~~ and developing policy and procedures to ensure compliance with these policies and procedures;

(2) division deputy director for construction, engineering, and planning:

(a) develop statewide strategic highway plans; and

(b) direct highway engineering activities, including construction, design, construction oversight, and maintenance of state highways;

(3) division deputy director for intermodal and freight programs:

(a) develop a statewide public transit system;

(b) coordinate the preservation and revitalization of existing rail corridors;

(c) develop and coordinate a statewide passenger and freight rail system, including the development of a comprehensive state rail plan for passenger and freight railroads and rail infrastructure services;

(d) plan, develop, and coordinate a comprehensive intermodal transportation program for the movement of passengers and freight through integrated highway, railroad, port, airport, and other transit systems;

(e) financial management of funding from federal, state, and local transit, rail, and other intermodal sources; and

(f) manage the Office of Railroads and the Office of Public Transit.”

N. Section 57-3-50 of the 1976 Code is amended to read:

“Section 57-3-50. The ~~commission~~ department may establish such highway districts as in its opinion shall be necessary for the proper and efficient performance of its duties. The ~~commission~~ department, every ten years, must review the number of highway districts and the territory embraced within the districts and make such changes as may be necessary for the proper and efficient operation of the districts.”

O. Section 57-3-210(A) of the 1976 Code is amended to read:

“(A) The department is authorized to utilize public transit funds to contract directly with private operators of public transit systems to provide service to the general public, provided that the private operators have established a plan of service that has been approved by the local governmental entity that has jurisdiction over the area to be served, the department, ~~the commission~~, and the federal government.”

P. Section 57-3-700 of the 1976 Code is amended to read:

“Section 57-3-700. With the approval of the ~~commission~~ department, the county officials may designate the department, acting through its

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agents and employees, as agents of the county in securing necessary rights-of-way and other lands.”

Q.The Code Commissioner is directed to change or correct all references to the “Commission,” “Department of Transportation Commission,” or the like in the 1976 Code to “Department of Transportation,” “Secretary,” or “Secretary of Transportation,” as appropriate, to reflect that the Commission’s authority is devolved upon the Secretary of Transportation unless otherwise provided. References to the Commission in the 1976 Code or other provisions of law are considered to be and must be construed to mean the Secretary unless otherwise provided. /

Renumber sections to conform.

Amend title to conform.

Senator CLIMER spoke on the amendment.

Senator DAVIS spoke on the amendment.

**PRESIDENT PRESIDES**

At 8:05 P.M., the PRESIDENT assumed the Chair.

Senator DAVIS continued speaking on the amendment.

Senator SHEHEEN moved to lay the amendment on the table.

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

**Ayes 23; Nays 18**

**AYES**

Alexander	Allen	Campbell
Cromer	Fanning	Gambrell
Goldfinch	Grooms	Hutto
Kimpson	Leatherman	Malloy
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Rankin
Reese	Sabb	Scott
Sheheen	Williams	

**Total--23**

**NAYS**

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Bennett	Campsen	Climer
Corbin	Davis	Gregory
Hembree	Martin	Massey
Peeler	Rice	Senn
Shealy	Talley	Timmons
Turner	Verdin	Young

**Total--18**

The amendment was laid on the table.

**Amendment No. 31**

Senator CLIMER proposed the following amendment (3516R053.DR.WC), which was tabled:

Amend the bill, as and if amended, SECTION 2. A, Section 12-28-310, by striking subsections (E)(1) and (2).

Amend the bill further, as and if amended, by striking SECTION 2. B.

ReNUMBER sections to conform.

Amend title to conform.

Senator CLIMER spoke on the amendment.

Senator CAMPBELL moved to lay the amendment on the table.

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

**Ayes 26; Nays 17**

**AYES**

Alexander	Allen	Campbell
Cromer	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hutto	Jackson	Kimpson
Leatherman	Malloy	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Rankin	Reese
Sabb	Scott	Setzler
Sheheen	Williams	

**Total--26**

**NAYS**

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Bennett	Campsen	Climer
Corbin	Davis	Hembree
Martin	Massey	Peeler
Rice	Senn	Shealy
Talley	Timmons	Turner
Verdin	Young	

**Total--17**

The amendment was laid on the table.

**Amendment No. 32**

Senator CLIMER proposed the following amendment (3516R054.DR.WC), which was tabled:

Amend the bill, as and if amended, by striking SECTION 4 in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER spoke on the amendment.

Senator SCOTT moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 33**

Senators CLIMER and BENNETT proposed the following amendment (3516R055.DR.WC):

Amend the bill, as and if amended, by striking SECTIONS 5 and 7 in their entirety.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER spoke on the amendment.

**Motion Adopted**

On motion of Senator CLIMER, under Rule 18, Amendment No. 33 was divided.

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**Amendment No. 33 - Part A**

Senators CLIMER and BENNETT proposed the following amendment (3516R055.DR.WC), which was tabled:

Amend the bill, as and if amended, by striking SECTIONS 5 in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER spoke on the amendment.

**ACTING PRESIDENT PRESIDES**

Senator CROMER assumed the Chair.

Senator CLIMER continued speaking on the amendment.

Senator SHEHEEN moved to lay the amendment on the table.

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

**Ayes 28; Nays 15**

**AYES**

Alexander	Allen	Campbell
Campsen	Cromer	Fanning
Goldfinch	Gregory	Grooms
Hutto	Jackson	Kimpson
Leatherman	Malloy	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Rankin	Reese
Sabb	Scott	Senn
Setzler	Sheheen	Talley
Williams		

**Total--28**

**NAYS**

Bennett	Climer	Corbin
Davis	Gambrell	Hembree
Martin	Massey	Peeler
Rice	Shealy	Timmons
Turner	Verdin	Young

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**Total--15**

The amendment was laid on the table.

**PRESIDENT PRESIDES**

The PRESIDENT assumed the Chair.

**Amendment No. 33 - Part B**

Senators CLIMER and BENNETT proposed the following amendment (3516R055.DR.WC), which was withdrawn:

Amend the bill, as and if amended, by striking SECTIONS 7 in its entirety.

Re-number sections to conform.

Amend title to conform.

On motion of Senator CLIMER, with unanimous consent, Amendment No. 33-Part B was withdrawn.

**Amendment No. 34**

Senators CLIMER and DAVIS proposed the following amendment (3516R056.DR.WC), which was carried over:

Amend the bill, as and if amended, by striking SECTION 9 in its entirety.

Re-number sections to conform.

Amend title to conform.

Senator CLIMER spoke on the amendment.

On motion of Senator GROOMS, the amendment was carried over.

**Amendment No. 36A**

Senator BENNETT proposed the following amendment (3516R093.SP.SB), which was tabled:

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:

“Section 57-11-20. (A)(1) All state revenues and state monies dedicated by statute to the operation of the department must be deposited

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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."

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

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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.

(F)(1) Notwithstanding any other provision of this section, beginning with the February 15, 2018, forecast by the Board of Economic Advisors of annual general fund revenue for the upcoming fiscal year, and annually thereafter, the scheduled July first user fee increase provided in subsection (D) takes effect only if general fund revenues are projected to increase by at least three percent. The next scheduled increase does not take effect until the February fifteenth forecast meets the requirements for an increase, *mutatis mutandis*. If the February fifteenth forecast meets the requirement for an increase, the Executive Director of the Revenue and Fiscal Affairs Office, or his designee, promptly shall certify this result in writing to the Department of Revenue. On the July first that the increase required by this subsection is fully implemented, the provisions of this item no longer apply.

(2) For purposes of this subsection, the percentage increase in general funds must be determined by the Revenue and Fiscal Affairs Office by comparing the current fiscal year's recurring general fund expenditure base with the Board of Economic Advisors' February fifteenth forecast of recurring general fund revenue for the upcoming fiscal year. The February fifteenth forecast is considered the final forecast for purposes of making the growth determination. The Revenue and Fiscal Affairs Office determines the current fiscal year's recurring general fund expenditure base, and determine any projected increase in general fund revenues.

(3) For purposes of this subsection:

(a) 'Recurring general fund revenue' means the forecast of recurring general fund revenues pursuant to Section 11-9-880 after the amount apportioned to the Trust Fund for Tax Relief, as required in Section 11-11-150, is deducted, and after any projected revenue loss resulting from amendments to Sections 12-6-510 and 12-37-220(B)(52)(a) contained within the South Carolina Infrastructure and Economic Development Reform Act is deducted.

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(b) ‘Recurring general fund expenditure base’ means the total recurring general fund appropriations authorized in the current general appropriations act less any reduced appropriations mandated by the General Assembly or the Executive Budget Office pursuant to Section 11-9-890B, and less any projected revenue loss resulting from amendments to Sections 12-6-510 and 12-37-220(B)(52)(a) contained within the South Carolina Infrastructure and Economic Development Reform Act.”

B. The first CPI adjustment made pursuant to this SECTION takes effect July 1, 2020, or the July first after the provisions of Section 12-28-310(D) are fully implemented, whichever occurs later.

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:

“Section 56-11-450. (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

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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.



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(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

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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

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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 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

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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

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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:

“( ) 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:

“Section 12-36-1710. (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, motorcycle,~~ 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, motorcycle,~~ airplane, boat, and motor.

(B) Excluded from the tax are:

- (1) ~~motor vehicles, motorcycles,~~ 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;

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

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

(4) ~~motor vehicles, motorcycles,~~ 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, motorcycle,~~ 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~~

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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.

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

~~(D)~~(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.

~~(E)~~(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

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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.~~



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(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.

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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

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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 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

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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~~

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~~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

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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).”

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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 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:

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“( ) 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~~



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~~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.”

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

“Section 12-37-2650. 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

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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.”

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:

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“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~~

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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. A. Section 12-6-510 of the 1976 Code is amended to read:

"Section 12-6-510. (A) For taxable years beginning after 1994, a tax is imposed on the South Carolina taxable income of individuals, estates, and trusts and any other entity except those taxed or exempted from taxation under Sections 12-6-530 through 12-6-550 computed at the following rates with the income brackets indexed in accordance with Section 12-6-520:

Not over \$2,220	2.5 percent of taxable income
Over \$2,220 but not over \$4,440	\$56 plus 3 percent of the excess over \$2,220;
Over \$4,440 but not over \$6,660	\$123 plus 4 percent of the excess over \$4,440;
Over \$6,660 but not over \$8,880	\$212 plus 5 percent of the excess of \$6,660;
Over \$8,880 but not over \$11,100	\$323 plus 6 percent of the excess over \$8,880;
Over \$11,100	\$456 plus 7 percent of the excess over \$11,100;

(B) Notwithstanding subsection (A), for tax year 2018, a tax is imposed on the South Carolina taxable income of individuals, estates, and trusts and any other entity except those taxed or exempted from taxation under Sections 12-6-530 through 12-6-550 computed at the following rates with the income brackets indexed in accordance with Section 12-6-520:

<u>OVER</u>	<u>BUT NOT</u> <u>OVER</u>	<u>--0--</u>
<u>\$ 0</u>	<u>\$ 2,970</u>	<u>0.00% Times the amount</u>
<u>2,970</u>	<u>5,940</u>	<u>2.90% Times the amount less \$86</u>
<u>5,940</u>	<u>8,910</u>	<u>4.00% Times the amount less \$205</u>
<u>8,910</u>	<u>11,880</u>	<u>5.00% Times the amount less \$354</u>
<u>11,880</u>	<u>14,850</u>	<u>6.00% Times the amount less \$532</u>
<u>14,850</u>		<u>6.90% Times the amount less \$737</u>

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(C) Notwithstanding subsection (A), and subject to subsection (F), for tax year 2019, a tax is imposed on the South Carolina taxable income of individuals, estates, and trusts and any other entity except those taxed or exempted from taxation under Sections 12-6-530 through 12-6-550 computed at the following rates with the income brackets indexed in accordance with Section 12-6-520:

<u>OVER</u>	<u>BUT NOT</u> <u>OVER</u>	<u>--0--</u>
\$ 0	\$ 3,300	0.00% Times the amount
3,300	6,600	2.90% Times the amount less \$96
6,600	9,900	4.00% Times the amount less \$228
9,900	13,200	5.00% Times the amount less \$393
13,200	16,500	6.00% Times the amount less \$591
16,500		6.90% Times the amount less \$819

(D) Notwithstanding subsection (A), and subject to subsection (F), for tax year 2020, a tax is imposed on the South Carolina taxable income of individuals, estates, and trusts and any other entity except those taxed or exempted from taxation under Sections 12-6-530 through 12-6-550 computed at the following rates with the income brackets indexed in accordance with Section 12-6-520:

<u>OVER</u>	<u>BUT NOT</u> <u>OVER</u>	<u>--0--</u>
\$ 0	\$ 3,600	0.00% Times the amount
3,600	7,200	2.90% Times the amount less \$105
7,200	10,800	4.00% Times the amount less \$249
10,800	14,400	5.00% Times the amount less \$429
14,400	18,000	6.00% Times the amount less \$645
18,000		6.90% Times the amount less \$893

(E) Notwithstanding subsection (A), and subject to subsection (F), for taxable years beginning after 2021, a tax is imposed on the South Carolina taxable income of individuals, estates, and trusts and any other entity except those taxed or exempted from taxation under Sections 12-6-530 through 12-6-550 computed at the following rates with the income brackets indexed in accordance with Section 12-6-520:

<u>OVER</u>	<u>BUT NOT</u> <u>OVER</u>	<u>--0--</u>
\$ 0	\$ 3,750	0.00% Times the amount
3,750	7,500	2.90% Times the amount less \$109
7,500	11,250	4.00% Times the amount less \$259
11,250	15,000	5.00% Times the amount less \$447
15,000	18,750	6.00% Times the amount less \$672
18,750		6.90% Times the amount less \$931

(F) Notwithstanding subsection (A), and subject to subsection (F), for taxable years beginning after 2022, a tax is imposed on the South Carolina taxable income of individuals, estates, and trusts and any other

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entity except those taxed or exempted from taxation under Sections 12-6-530 through 12-6-550 computed at the following rates with the income brackets indexed in accordance with Section 12-6-520:

<u>OVER</u>	<u>BUT NOT</u> <u>OVER</u>	<u>--0--</u>
\$ 0	\$ 3,890	0.00% Times the amount
3,890	7,780	2.90% Times the amount less \$113
7,780	11,670	4.00% Times the amount less \$269
11,670	15,560	5.00% Times the amount less \$464
15,560	19,450	6.00% Times the amount less \$697
19,450		6.90% Times the amount less \$965

(G) Notwithstanding subsection (A), and subject to subsection (F), for taxable years beginning after 2023, a tax is imposed on the South Carolina taxable income of individuals, estates, and trusts and any other entity except those taxed or exempted from taxation under Sections 12-6-530 through 12-6-550 computed at the following rates with the income brackets indexed in accordance with Section 12-6-520:

<u>OVER</u>	<u>BUT NOT</u> <u>OVER</u>	<u>--0--</u>
\$ 0	\$ 4,150	0.00% Times the amount
4,150	8,300	2.90% Times the amount less \$120
8,300	12,450	4.00% Times the amount less \$286
12,450	16,600	5.00% Times the amount less \$494
16,600	20,750	6.00% Times the amount less \$743
20,750		6.90% Times the amount less \$1,029

(H)(1) Notwithstanding any other provision of this section, the provisions of subsection (C) shall not apply until forecasted general fund growth meets the requirements of subsection (G), the provisions of subsection (D) shall not apply until forecasted general fund growth meets the requirements of subsection (G) twice, and the provisions of subsection (E) shall not apply until forecasted general fund growth meets the requirements of subsection (G) three times.

(2) Once income tax brackets and rates are applicable in a tax year, the same brackets and rates shall continue to apply until general fund growth meets the requirements of this subsection (G) causing new tax brackets and rates to be applicable. In any tax year in which new tax brackets and rates are not applicable, the department shall adjust the income tax brackets in accordance with Section 12-6-520. In the first year income tax brackets and rates become applicable, the income tax brackets must be at least as large as the previous tax year.

(3) The provisions of this subsection no longer apply once the provisions of subsection (E) are applicable; however, an amended return

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must use the applicable tax brackets and rates of the year for which the return was filed.

(I)(1) Forecasted general fund growth meets the requirements of this section if, beginning with the February 15, 2019 forecast by the Board of Economic Advisors of annual general fund revenue for the upcoming fiscal year, and annually thereafter, general fund revenues are projected to increase by at least three percent. If the February fifteenth forecast meets the requirement, the Executive Director of the Revenue and Fiscal Affairs Office, or his designee, promptly shall certify this result in writing to the Department of Revenue. The provisions of this subsection no longer apply once the tax brackets and rates in subsection (E) are applicable.

(2) For purposes of this subsection, the percentage increase in general funds must be determined by the Revenue and Fiscal Affairs Office by comparing the current fiscal year's recurring general fund expenditure base with the Board of Economic Advisors' February fifteenth forecast of recurring general fund revenue for the upcoming fiscal year. The February fifteenth forecast is considered the final forecast for purposes of making the growth determination. The Revenue and Fiscal Affairs Office shall determine the current fiscal year's recurring general fund expenditure base, and determine any projected increase in general fund revenues.

(3) For purposes of this subsection:

(a) 'Recurring general fund revenue' means the forecast of recurring general fund revenues pursuant to Section 11-9-880 after the amount apportioned to the Trust Fund for Tax Relief, as required in Section 11-11-150, is deducted, and after any projected revenue loss resulting from amendments to Sections 12-6-510 and 12-37-220(B)(52)(a) contained within the South Carolina Infrastructure and Economic Development Reform Act is deducted.

(b) 'Recurring general fund expenditure base' means the total recurring general fund appropriations authorized in the current general appropriations act less any reduced appropriations mandated by the General Assembly or the Executive Budget Office pursuant to Section 11-9-890B, and less any projected revenue loss resulting from amendments to Sections 12-6-510 and 12-37-220(B)(52)(a) contained within the South Carolina Infrastructure and Economic Development Reform Act.

(J) The department may prescribe tax tables consistent with the rates set pursuant to ~~subsection (A)~~ this section."

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B. Notwithstanding Section 12-6-520, the Department of Revenue shall not adjust the income tax brackets for any year in which new income tax brackets and rates, pursuant to Section 12-6-510, are first applicable.

SECTION 14. A. Section 12-6-520 of the 1976 Code is amended to read:

“Section 12-6-520. (A) Each December 15, the department shall cumulatively adjust the brackets in Section 12-6-510 in the same manner that brackets are adjusted in Internal Revenue Code Section (1)(f). However, the adjustment ~~is limited to one half of the adjustment determined by Internal Revenue Code Section (1)(f)~~, may not exceed four percent a year, and the rounding amount provided in (1)(f)(6) is ten dollars. The brackets, as adjusted, apply in lieu of those provided in Section 12-6-510 for taxable years beginning in the succeeding calendar year. Inflation adjustments must be made cumulatively to the income tax brackets.

(B) Notwithstanding the provisions of subsection (A), for tax years beginning after 2024, or tax years after which income tax brackets and rates set forth in Section 12-6-510(E) become applicable, whichever occurs later, the department shall make the adjustment required by this section using the tax year 2023 brackets as the base year.”

B. This SECTION takes effect upon approval by the Governor and applies to tax years beginning after 2018.

SECTION 15. A. Section 12-6-1140(6) of the 1976 Code is amended to read:

“(6) a subsistence allowance of ~~eight~~ nine dollars a day for federal, state, and local law enforcement officers paid by a political subdivision of this State, the government of this State, or the federal government, for each regular work day in a taxable year and full-time firefighters and emergency medical service personnel may deduct as a subsistence allowance ~~eight~~ nine dollars a day for each regular work day in a taxable year;”

B. This SECTION takes effect upon approval by the Governor and applies to tax years beginning after 2017.

SECTION 16. A. Section 12-6-3330(B)(1) of the 1976 Code is amended to read:

“(1) ~~thirty~~ forty-five thousand dollars; or”

B. This SECTION takes effect upon approval by the Governor and applies to tax years beginning after 2017.



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SECTION 17. A. Section 12-6-3385(A)(1) of the 1976 Code is amended to read:

“Section 12-6-3385. (A)(1) A student is allowed a refundable individual income tax credit equal to twenty-five percent, not to exceed ~~eight hundred fifty~~ one thousand five hundred dollars in the case of both four-year institutions and ~~twenty-five percent, not to exceed three hundred fifty dollars in the case of~~ two-year institutions for tuition paid an institution of higher learning or a designated institution as provided in this section during a taxable year. The amount of the tax credit claimed up to the limits authorized in this section for any taxable year may not exceed the amount of tuition paid during that taxable year.”

B. This SECTION takes effect upon approval by the Governor and applies to tax years beginning after 2017.

SECTION 18. A. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12-6-3632. There is allowed as a nonrefundable credit against the tax imposed pursuant to Section 12-6-510 on a full-year resident individual taxpayer an amount equal to one hundred and twenty percent of the earned income tax credit (EITC) allowed the taxpayer pursuant to Internal Revenue Code Section 32.”

B. This SECTION takes effect upon approval by the Governor and applies to tax years beginning after 2017.

SECTION 19. A. Section 12-37-220(B) of the 1976 Code, as last amended by Act 23 of 2015, is further amended by adding an item at the end to read:

“(52)(a) Nineteen and five one-hundredths percent of the property tax value of manufacturing property assessed for property tax purposes pursuant to Section 12-43-220(a)(1). For purposes of this item, when the exemption is applied to real property, it must be applied to the property tax value as it may be adjusted downward to reflect the limit imposed pursuant to Section 6, Article X, of the South Carolina Constitution, 1895.

(b) Nine and one-half percent of the property tax value of business personal property required to be reported and returned annually to the Department of Revenue or county auditors assessed for property tax purposes pursuant to Section 12-43-220(f).

(c) The revenue loss resulting from the exemption allowed by this item must be reimbursed and allocated to the political subdivisions of this State, including school districts, in the same manner as the Trust Fund for Tax Relief. In calculating estimated state individual and

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corporate income tax revenues for a fiscal year, the Board of Economic Advisors shall deduct amounts sufficient to account for the reimbursement required by this item.

(d) Notwithstanding any other provision of law, property exempted from property tax in the manner provided in this item is considered taxable property for purposes of bonded indebtedness pursuant to Section 15, Article X of the Constitution of this State.”

B.(A) Notwithstanding the exemption amount allowed pursuant to item (52)(a) added pursuant to subsection A of this SECTION, the percentage exemption amount is phased in in two equal and cumulative percentage installments, pursuant to subsection (B), applicable for property tax years beginning after 2018.

(B)(1) Notwithstanding any other provision of this SECTION, beginning with the February 15, 2019, forecast by the Board of Economic Advisors of annual general fund revenue for the upcoming fiscal year, and annually thereafter, the scheduled percentage exemption, set forth in subsection (A), shall take effect only if general fund revenues are projected to increase by at least three percent. The next scheduled percentage exemption shall not take effect until the February fifteenth forecast meets the requirements for an exemption, mutatis mutandis. If the February fifteenth forecast meets the requirement for an exemption, the Executive Director of the Revenue and Fiscal Affairs Office, or his designee, promptly shall certify this result in writing to the Department of Revenue. Once both installments required by subsection (A) have been made, the provisions of this item no longer apply.

(2) For purposes of this subsection, the percentage increase in general funds must be determined by the Revenue and Fiscal Affairs Office by comparing the current fiscal year’s recurring general fund expenditure base with the Board of Economic Advisors’ February fifteenth forecast of recurring general fund revenue for the upcoming fiscal year. The February fifteenth forecast is considered the final forecast for purposes of making the growth determination. The Revenue and Fiscal Affairs Office shall determine the current fiscal year’s recurring general fund expenditure base, and determine any projected increase in general fund revenues.

(3) For purposes of this subsection:

(a) ‘Recurring general fund revenue’ means the forecast of recurring general fund revenues pursuant to Section 11-9-880 after the amount apportioned to the Trust Fund for Tax Relief, as required in Section 11-11-150, is deducted, and after any projected revenue loss

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resulting from amendments to Sections 12-6-510 and 12-37-220(B)(52)(a) contained within the South Carolina Infrastructure and Economic Development Reform Act is deducted.

(b) 'Recurring general fund expenditure base' means the total recurring general fund appropriations authorized in the current general appropriations act less any reduced appropriations mandated by the General Assembly or the Executive Budget Office pursuant to Section 11-9-890B, and less any projected revenue loss resulting from amendments to Sections 12-6-510 and 12-37-220(B)(52)(a) contained within the South Carolina Infrastructure and Economic Development Reform Act.

C. This SECTION takes effect upon approval by the Governor and for purposes of item (52)(b) first applies to property tax years beginning after 2017, and for purposes of item (52)(a) first applies to property tax years beginning after 2018.

SECTION 20. 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.

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 21. 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 22. 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

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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 23. Except where specified otherwise, this act takes effect July 1, 2017.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT spoke on the amendment.

Senator GROOMS moved to lay the amendment on the table.

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

**Ayes 26; Nays 16**

**AYES**

Alexander	Allen	Campbell
Cromer	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hutto	Jackson	Kimpson
Leatherman	Malloy	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Reese	Sabb
Scott	Senn	Setzler
Sheheen	Williams	

**Total--26**

**NAYS**

Bennett	Campsen	Climer
Corbin	Davis	Hembree
Martin	Massey	Peeler
Rice	Shealy	Talley
Timmons	Turner	Verdin
Young		

**Total--16**

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The amendment was laid on the table.

**Amendment No. 40**

Senator CLIMER proposed the following amendment (3516R089.SP.WC), which was carried over:

Amend the bill, as and if amended, page 6, by striking lines 37-41 and inserting:

/ (2) This subsection does not apply if the owner of the item is serving on or was honorably discharged from 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 who is serving on or was honorably discharged from active duty in the armed forces of the United States. /

Renumber sections to conform.

Amend title to conform.

Senator CLIMER spoke on the amendment.

On motion of Senator SHEHEEN, the amendment was carried over.

**Amendment No. 41**

Senator ALEXANDER proposed the following amendment (3516R092.SP.TCA), which was carried over:

Amend the bill, as and if amended, SECTION 1, by striking Section 57-11-20(A)(2) and inserting:

/ (2) The Infrastructure Maintenance Trust Fund must be used exclusively for repairs, maintenance, and improvements to the existing transportation system. The fund may not be used to hire additional staff.”

/

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER spoke on the amendment.

On motion of Senator ALEXANDER, the amendment was carried over.

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**Amendment No. 42**

Senator CORBIN proposed the following amendment (3516R035.SP.TDC), which was tabled:

Amend the bill, as and if amended, page 28, line 7, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_. Section 57-1-410 of the 1976 Code is amended to read:

“Section 57-1-410. (A) The commission shall appoint, with the advice and consent of the Senate, a Secretary of Transportation who shall serve at the pleasure of the commission. A person appointed to this position shall possess practical and successful business and executive ability and be knowledgeable in the field of transportation. The Secretary of Transportation shall receive such compensation as may be established under the provisions of Section 8-11-160 and for which funds have been authorized in the general appropriations act.

(B) The commission may not remove the secretary without the consent of the Governor. In the event that the Governor does not consent to the removal, the commission may not appoint another candidate to the position.” /

Renumber sections to conform.

Amend title to conform.

Senator CORBIN spoke on the amendment.

The question then was the adoption of the amendment.

Senator GROOMS moved to lay the amendment on the table.

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

**Ayes 27; Nays 16**

**AYES**

Alexander	Allen	Campbell
Cromer	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hutto	Jackson	Kimpson
Leatherman	Malloy	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Rankin	Reese
Sabb	Scott	Senn

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Setzler

Sheheen

Williams

**Total--27**

**NAYS**

Bennett

Campsen

Climer

Corbin

Davis

Hembree

Martin

Massey

Peeler

Rice

Shealy

Talley

Timmons

Turner

Verdin

Young

**Total--16**

The amendment was laid on the table.

**Amendment No. 43**

Senator CORBIN proposed the following amendment (3516R039.SP.TDC), which was carried over:

Amend the bill, as and if amended, page 28, line 7, by adding an appropriately numbered new SECTION to read:

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

“Section 57-1-380. (A) For the purposes of this section, ‘interested party’ means the Secretary of the Department of Transportation, the State Highway Engineer, commissioners serving on the Department of Transportation Commission, or persons seeking appointment to the Department of Transportation Commission.

(B) No interested party may engage in a conflict of interest transaction prior to, during, or for five years following a term of service or employment.

(C) A conflict of interest transaction is a transaction with the Department of Transportation in which an interested party has a direct or indirect financial interest. A conflict of interest transaction is not voidable by the commission solely because of the interested party’s interest in the transaction if either one of the following is true:

(1) the material facts of the transaction and the interested party’s interest were disclosed or known to the commission or a committee of the commission, and the commission or a committee of the commission authorized, approved, or ratified the transaction; or

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(2) the transaction was fair to the department.

If item (1) has been accomplished, the burden of proving the unfairness of any transaction covered by this section is on the party claiming unfairness. If item (1) has not been accomplished, the party seeking to uphold the transaction maintains the burden of proving fairness.

(D) For purposes of this section, an interested party has an indirect interest in a transaction if:

(1) another entity in which he has a material financial interest or in which he is a general partner is a party to the transaction;

(2) another entity of which he is a director, officer, member, or trustee is a party to the transaction and the transaction is or should be considered by the commission; or

(3) another entity of which an immediate family member has a material financial interest, or in which an immediate family member is a general partner, director, officer, member, or trustee, is a party to the transaction and the transaction is or should be considered by the commission.

(E) For the purposes of item (C)(1), a conflict of interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the commissioners or committee members who have no direct or indirect interest in the transaction, but a transaction may not be authorized, approved, or ratified under this section by a single commissioner. If a majority of the commissioners who have no direct or indirect interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a commissioner with a direct or indirect interest in the transaction does not affect the validity of any action taken under item (C)(1) if the transaction is otherwise authorized, approved, or ratified as provided in that item.

(F) A person who violates this section is guilty of a felony and, upon conviction, must be fined not less than three thousand dollars or imprisoned not less than three years.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

Senator CORBIN spoke on the amendment.

Senator DAVIS spoke on the amendment.



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On motion of Senator CORBIN, the amendment was carried over.

**Motion Failed**

Senator MASSEY moved that the Senate stand adjourned.

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

**Ayes 15; Nays 28**

**AYES**

Campsen	Corbin	Davis
Fanning	Hembree	Jackson
Malloy	Martin	Massey
Peeler	Rice	Shealy
Talley	Verdin	Young

**Total--15**

**NAYS**

Alexander	Allen	Bennett
Campbell	Climer	Cromer
Gambrell	Goldfinch	Gregory
Grooms	Hutto	Kimpson
Leatherman	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Rankin	Reese	Sabb
Scott	Senn	Setzler
Sheheen	Timmons	Turner
Williams		

**Total--28**

The Senate refused to stand adjourned.

**Motion Adopted**

Senator LEATHERMAN moved that if and when the Senate stand adjourned, it stands adjourned to meet tomorrow at 11:00 A.M.

**Motion Adopted**

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

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Debate was interrupted by adjournment.

**LOCAL APPOINTMENTS**

**Confirmations**

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

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

Cheveron T. Scott, 434 West Broad Street, Darlington, SC 29532  
*VICE*: James Edward Thomas

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

Eleanor Duffy Cleary, 201 Glenbrooke Circle, Columbia, SC 29204

**MOTION ADOPTED**

On motion of Senators FANNING and RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Philip Wilkins of Winnsboro, S.C. Philip graduated Richard Winn Academy, earned an economics degree from the College of Charleston followed by a mechanical engineering degree. He pitched for the College of Charleston baseball team before playing for the Detroit Tigers. Philip lived in Virginia where he worked as an engineer. He was a member and lector of Holy Trinity Catholic Church. Philip was a loving husband, devoted father and cherished friend who will be dearly missed.

**ADJOURNMENT**

At 11:05 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*

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