

NO. 71

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

MONDAY, MAY 8, 2017

Monday, May 8, 2017
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 1:00 P.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:

Isaiah 40:31a

“But those who wait on the Lord shall renew their strength; they shall mount up with wings like eagles.”

Let us pray. Eternal God, we begin another week with the anxiety of knowing that our time here in the Senate is limited. We had so many goals and aspirations that just haven’t come to fruition. The wheels of legislation seem so slow and difficult to move.

Yet we will not become disheartened. We will not quit. For Your amazing grace is without limits and it restores our reserves. Give us the faith and the fortitude to be patient and wait upon You.

Empower us, O God, by Your Spirit; encouraged us by Your word and grant that we might soar like eagles when the time is right. Through the power of Your holy name we pray, Amen

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

MESSAGE FROM THE GOVERNOR

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

Statewide Appointment

Initial Appointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2015, and to expire June 30, 2019

1st Congressional District:

Cynthia C. Mosteller, 574 Needlerush Parkway, Mt. Pleasant, SC 29464 *VICE* Mark Lutz

Referred to the Committee on Medical Affairs.

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Local Appointment

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

Angel S. Underwood, 2240 Colvin Road, Chester, SC 29706

REGULATIONS RECEIVED

The following was received and referred to the appropriate committees for consideration:

Document No. 4746

Agency: Department of Health and Human Services

Chapter: 126

Statutory Authority: 1976 Code Section 44-6-90

SUBJECT: Articles 4, 5, 7 and 8 of Chapter 126

Received by Lieutenant Governor May 5, 2017

Referred to Committee Medical Affairs

Leave of Absence

At 6:14 P.M., Senator CROMER requested a leave of absence until 10:00 P.M.

RECOMMITTED

S. 689 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERM AND CONDITIONS FOR THE PUBLIC'S USE OF STATE LAKES AND PONDS OWNED OR LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4727, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CAMPSSEN, the Resolution was recommitted to Committee on Fish, Game and Forestry.

RECALLED

H. 4198 -- Reps. Pope, Delleney, Felder, King, D.C. Moss, V.S. Moss, B. Newton and Simrill: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF WEST SPRINGDALE ROAD IN YORK COUNTY FROM ITS INTERSECTION WITH FIRETOWER ROAD TO ITS INTERSECTION WITH LESSLIE HIGHWAY IN MEMORY

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OF ERIC LESSMEISTER AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "IN MEMORY OF ERIC LESSMEISTER, 'ONCE A BEARCAT, ALWAYS A BEARCAT'".

Senator CLIMER asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4175 -- Reps. Pope, D.C. Moss, Simrill, Felder, B. Newton, Delleney, V.S. Moss and King: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 5 IN YORK COUNTY FROM NORTHWESTERN HIGH SCHOOL TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 "VETERANS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

Senator CLIMER asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

RECALLED AND ADOPTED

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

Senator CORBIN asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

The Resolution was recalled from the Committee on Transportation.

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Senator CORBIN asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator CORBIN, the Resolution was adopted and ordered sent to the House.

OBJECTION

H. 3790 -- Reps. Erickson, Ballentine, Govan, Brown, Toole, Crosby and Whipper: A BILL TO AMEND SECTION 44-20-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE "SOUTH CAROLINA INTELLECTUAL DISABILITY, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT", SO AS TO ADD A DEFINITION FOR "AUTISM SPECTRUM DISORDER"; TO AMEND SECTION 38-71-280, RELATING TO HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDER, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 59-21-510, AS AMENDED, RELATING TO SPECIAL EDUCATION PROGRAMS, SO AS TO MAKE CONFORMING CHANGES.

Senator CORBIN asked unanimous consent to make a motion to recall the Bill from the Committee on Banking and Insurance.

Senator SCOTT objected.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 707 -- Senator Gambrell: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR KENDALL JOSEPH FROM ANDERSON COUNTY, VETERAN LINEBACKER FOR THE CLEMSON UNIVERSITY FOOTBALL TEAM, AND TO CONGRATULATE HIM FOR HIS SIGNIFICANT CONTRIBUTIONS TO THE HISTORIC SUCCESS OF THE CLEMSON TIGERS ON THE GRIDIRON.

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

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S. 708 -- Senator Bennett: A BILL TO AMEND SECTION 12-45-180, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DELINQUENT TAX PENALTIES AND COLLECTION, SO AS TO PROVIDE THAT A COUNTY TREASURER OR OFFICE AUTHORIZED TO COLLECT DELINQUENT TAXES MAY WAIVE LATE PENALTIES FOR CERTAIN GOOD CAUSES.

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

S. 709 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 23, TITLE 59 SO AS TO REQUIRE FIRE AND SAFETY INSPECTIONS AT ALL PUBLIC SCHOOL FACILITIES AT LEAST ANNUALLY, AND TO PROVIDE RELATED POWERS AND DUTIES OF THE OFFICE OF THE STATE FIRE MARSHAL.

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

S. 710 -- Senators Rankin, Hembree, Goldfinch, Williams and Sabb: A BILL TO AMEND ARTICLE 9, CHAPTER 5, TITLE 57, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TURNPIKE PROJECTS, SO AS TO INCLUDE NONTAX REVENUES MADE AVAILABLE WITHIN THE DEFINITION OF "TURNPIKE FACILITIES REVENUES", TO PROVIDE WHICH ROADS MAY BE DESIGNATED AS A TURNPIKE FACILITY, TO ALLOW CONTRACTS WITH POLITICAL SUBDIVISIONS, TO PROVIDE THE MANNER IN WHICH TOLL AMOUNTS ARE DETERMINED, TO CLARIFY THE MANNER IN WHICH TURNPIKE BONDS MAY BE AUTHORIZED, AND TO DEFINE "ELECTRONIC TOLL COLLECTION SYSTEM"; TO AMEND SECTION 57-3-615, RELATING TO HIGHWAY TOLLS, SO AS TO DELETE CERTAIN PROVISIONS RELATING TO TOLL REVENUES AND TOLL PROJECTS; AND TO AMEND SECTION 12-28-2920, RELATING TO THE CONSTRUCTION OF TOLL ROADS, SO AS TO ALLOW TOLL REVENUES TO BE RETAINED IN A SPECIAL ACCOUNT AND TO BE USED TO MAINTAIN THE TURNPIKE FACILITIES.

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

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S. 711 -- Senator Massey: A BILL TO AMEND ARTICLE 1, CHAPTER 111, TITLE 59 OF THE 1976 CODE, BY ADDING SECTION 59-111-190, TO PROVIDE THAT A SOUTH CAROLINA RESIDENT WHO OTHERWISE QUALIFIES FOR THE LIFE, HOPE, OR PALMETTO FELLOWS SCHOLARSHIP BUT WHO ATTENDS SCHOOL IN ANOTHER STATE BECAUSE NO PUBLIC COLLEGE OR UNIVERSITY OFFERS HIS CHOSEN MAJOR SHALL RECEIVE THE SCHOLARSHIP FOR WHICH HE QUALIFIES TO BE USED FOR PAYMENT OF TUITION AT THE OUT-OF-STATE INSTITUTION.

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

S. 712 -- Senator Goldfinch: A JOINT RESOLUTION TO PROVIDE THAT A STATEWIDE ADVISORY REFERENDUM MUST BE CONDUCTED BY THE STATE ELECTION COMMISSION AT THE SAME TIME AS THE 2018 PRIMARY ELECTION ON THE QUESTION OF WHETHER OR NOT THE DEVELOPMENT OF AN OFFSHORE OIL AND NATURAL GAS INDUSTRY SHOULD BE PERMITTED IF CONDUCTED IN A MANNER THAT USES THE HIGHEST STANDARDS OF SAFETY AND MOST ADVANCED AVAILABLE TECHNOLOGY TO VIGILANTLY PROTECT SOUTH CAROLINA'S PRECIOUS NATURAL RESOURCES, VITAL TOURISM INDUSTRY, AND UNIQUE QUALITY OF LIFE WHILE ADVANCING ECONOMIC GROWTH THROUGH THE CREATION OF ENERGY INDUSTRY JOBS AND THE USE OF INCREASED REVENUE TO THE STATE RESULTING IN A TANGIBLE BENEFIT TO THE TAXPAYERS.

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

S. 713 -- Senators Sabb, Jackson, Scott and McLeod: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF ALMA WEAVER BYRD AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

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S. 714 -- Senator Alexander: A SENATE RESOLUTION TO HONOR RETIRED MAJOR GEORGE MITCHELL FOR HIS DEDICATED SERVICE TO HIS STATE AND NATION AND TO CONGRATULATE HIM ON BEING AWARDED THE PURPLE HEART FOR COURAGEOUS SERVICE IN THE LINE OF DUTY.

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The Senate Resolution was adopted.

S. 715 -- Senator Climer: A CONCURRENT RESOLUTION TO CONGRATULATE MAYOR A. DOUGLAS ECHOLS UPON THE OCCASION OF HIS RETIREMENT AS MAYOR OF ROCK HILL, TO COMMEND HIM FOR HIS YEARS OF DISTINGUISHED PUBLIC SERVICE TO ROCK HILL AND THE STATE OF SOUTH CAROLINA, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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

S. 716 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE MR. RON K. PATTON UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS TWENTY-EIGHT YEARS OF DISTINGUISHED PUBLIC SERVICE TO THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE STATE OF SOUTH CAROLINA, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

H. 3019 -- Reps. Rutherford and Robinson-Simpson: A BILL TO AMEND SECTION 17-5-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CORONER QUALIFICATIONS, SO AS TO PROVIDE THAT A PERSON WHO IS ELECTED AS CORONER AND COMPLETES NECESSARY TRAINING IS QUALIFIED TO SERVE AS CORONER.

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

H. 3240 -- Reps. Clemmons, Lucas, Pope, Bannister, Rutherford, Delleney, White, Sandifer, Hiott, Allison, G. R. Smith, Bedingfield, W. Newton, Taylor, Yow, Murphy, Thayer, Finlay, D. C. Moss, Hayes, Crawford, Ryhal, Duckworth, Johnson, Fry, Hewitt, S. Rivers, Huggins,

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Chumley, Gagnon, Burns, Hill, Stringer, Loftis, Atwater, Clyburn, Elliott, Long, Magnuson, B. Newton, G. M. Smith, West, Whitmire, Hixon, Daning, Hamilton, Hardee, Crosby, Martin, V. S. Moss, Blackwell, Henderson, Herbkersman, Willis, Forrest and McCravy: A BILL TO AMEND SECTION 23-31-215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CONCEALED WEAPONS PERMITS, SO AS TO ENACT THE "NATIONAL CONCEALED WEAPONS PERMIT RECIPROCITY ACT" BY REVISING THE CONDITIONS THAT ALLOW A HOLDER OF AN OUT-OF-STATE WEAPONS PERMIT TO CARRY A WEAPON IN THIS STATE.

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

H. 3401 -- Rep. Clemmons: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS AND URGE THEM TO PROPOSE THE REGULATION FREEDOM AMENDMENT TO THE UNITED STATES CONSTITUTION.

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

H. 4175 -- Reps. Pope, D. C. Moss, Simrill, Felder, B. Newton, Delleney, V. S. Moss and King: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 5 IN YORK COUNTY FROM NORTHWESTERN HIGH SCHOOL TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 "VETERANS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

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

H. 4198 -- Reps. Pope, Delleney, Felder, King, D. C. Moss, V. S. Moss, B. Newton and Simrill: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF WEST SPRINGDALE ROAD IN YORK COUNTY FROM ITS INTERSECTION WITH FIRETOWER ROAD TO ITS INTERSECTION WITH LESSLIE HIGHWAY IN MEMORY OF ERIC LESSMEISTER AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE

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WORDS "IN MEMORY OF ERIC LESSMEISTER, 'ONCE A BEARCAT, ALWAYS A BEARCAT'".

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

H. 4204 -- Reps. Parks, Pitts and McCravy: A BILL TO AMEND SECTION 7-7-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO ADD THE ANGEL OAKS CROSSING AND GRAHAM'S GLEN PRECINCTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

H. 4205 -- Reps. Kirby and Atkinson: A BILL TO AMEND SECTION 7-7-400, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN MARION COUNTY, SO AS TO DESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

H. 4247 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERM AND CONDITIONS FOR THE PUBLIC'S USE OF STATE LAKES AND PONDS OWNED OR LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4727, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Read the first time and on motion of Senator CAMPSSEN with unanimous consent, was placed on the calendar without reference.

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Message from the House

Columbia, S.C., May 8, 2017

Mr. President and Senators:

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

S. 9 -- Senators Hutto and Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-380 SO AS TO PROVIDE THAT THE OPTIONAL INTOXICANTS AND NARCOTICS EXCLUSION PROVISION CONTAINED IN CERTAIN INSURANCE POLICIES THAT REQUIRE THE REPLICATION OF EXACT LANGUAGE AS PROVIDED IN SECTION 38-71-370 DOES NOT APPLY TO A MEDICAL EXPENSE POLICY, AND TO DEFINE MEDICAL EXPENSE POLICY.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 8, 2017

Mr. President and Senators:

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

S. 254 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "OWN RISK AND SOLVENCY ASSESSMENT ACT" BY ADDING ARTICLE 8 TO CHAPTER 13, TITLE 38 SO AS TO EXPRESS THE PURPOSE OF THIS ACT, TO DEFINE NECESSARY TERMS, TO REQUIRE AN INSURER TO MAINTAIN A RISK MANAGEMENT FRAMEWORK FOR CERTAIN PURPOSES, TO REQUIRE AN INSURER OR INSURANCE GROUP OF WHICH AN INSURER IS A MEMBER TO CONDUCT AN OWN RISK AND SOLVENCY ASSESSMENT (ORSA) ON NO LESS THAN AN ANNUAL BASIS, TO REQUIRE AN INSURER OR INSURANCE GROUP TO SUBMIT AN ORSA REPORT TO THE DIRECTOR OF THE DEPARTMENT OF INSURANCE AND TO DESCRIBE WHAT THE REPORT MUST CONTAIN, TO PROVIDE EXEMPTIONS FROM THE REPORTING

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PROVISIONS IN CERTAIN CIRCUMSTANCES AND TO ALLOW AN INSURER TO APPLY FOR A WAIVER UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH THAT THE ORSA REPORT BE PREPARED IN A MANNER CONSISTENT WITH THE ORSA GUIDANCE MANUAL, TO PROVIDE THAT ALL DOCUMENTS, MATERIALS, AND INFORMATION CREATED UNDER THE OWN RISK AND SOLVENCY ASSESSMENT ACT ARE CONFIDENTIAL, TO PROHIBIT THE DIRECTOR OR ANYONE WHO RECEIVES ORSA-RELATED INFORMATION FROM TESTIFYING IN A PRIVATE CIVIL ACTION CONCERNING THE CONFIDENTIAL INFORMATION, TO PERMIT THE DIRECTOR TO TAKE CERTAIN ACTIONS CONCERNING HIS REGULATORY DUTIES, TO PROVIDE A PENALTY FOR AN INSURER WHO FAILS TO FILE THE ORSA SUMMARY REPORT, AND TO SET AN EFFECTIVE DATE FOR THE PROVISIONS OF THIS ACT; AND TO AMEND SECTION 38-21-10, AS AMENDED, RELATING TO DEFINED TERMS FOR THE INSURANCE HOLDING COMPANY REGULATORY ACT, SO AS TO DEFINE THE TERM "SUPERVISORY COLLEGE".

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 8, 2017

Mr. President and Senators:

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

S. 353 -- Senator Massey: A BILL TO AMEND ACT 516 OF 1976, RELATING TO THE ELECTION OF COMMISSIONERS OF THE BATH, LANGLEY, AND CLEARWATER WATER AND SEWER DISTRICTS IN AIKEN COUNTY, TO CHANGE THE COMMENCEMENT OF EACH COMMISSIONER'S OFFICE TO JANUARY FIRST IN THE YEAR FOLLOWING THE COMMISSIONER'S ELECTION AND TO CHANGE THE TERM EXPIRATION DATE TO DECEMBER 31 OF EACH EVEN-NUMBERED YEAR; AND TO AMEND ACT 1006 OF 1958, RELATING TO THE ELECTION OF COMMISSIONERS OF THE

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BATH, LANGLEY, AND CLEARWATER WATER AND SEWER DISTRICTS IN AIKEN COUNTY, TO CHANGE THE COMMENCEMENT OF EACH COMMISSIONER'S TERM TO JANUARY FIRST IN THE YEAR FOLLOWING THE COMMISSIONER'S ELECTION AND TO CHANGE THE TERM EXPIRATION DATE TO DECEMBER 31 OF EACH EVEN-NUMBERED YEAR, TO CHANGE THE ELECTION DATE FOR COMMISSIONERS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER, AND TO CHANGE THE FILING PROCEDURE FOR COMMISSION CANDIDATES SO AS TO REQUIRE THEM TO FILE AN INTENTION OF CANDIDACY WITH THE AIKEN COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS AND TO SET A FILING DEADLINE.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 8, 2017

Mr. President and Senators:

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

S. 463 -- Senators Cromer and Gambrell: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38, SO AS TO INCLUDE CERTAIN FORMS OF DISABILITY INSURANCE IN THE DEFINITION FOR THE TERM "SURPLUS LINES INSURANCE".

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

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Message from the House

Columbia, S.C., May 4, 2017

Mr. President and Senators:

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

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 4, 2017

Mr. President and Senators:

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

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.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 4, 2017

Mr. President and Senators:

[SJ]

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

H. 3879 -- Reps. Davis, Yow, Thayer, Anderson and Gilliard: A BILL TO AMEND SECTION 42-9-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAXIMUM AMOUNT OF BURIAL EXPENSES PAYABLE UNDER WORKERS' COMPENSATION LAWS FOR ACCIDENTAL DEATH, SO AS TO INCREASE THE MAXIMUM PAYABLE AMOUNT TO SEVENTY-FIVE HUNDRED DOLLARS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 4, 2017

Mr. President and Senators:

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

H. 3531 -- Reps. Crawford, Clemmons, Fry, Duckworth, Hixon, Hardee, V.S. Moss, Forrest and Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 2 TO TITLE 47 SO AS TO DEFINE CERTAIN TERMS, TO PROHIBIT CERTAIN PERSONS FROM OWNING, POSSESSING, IMPORTING, PURCHASING, OR SELLING A LARGE WILD CAT, NON-NATIVE BEAR, OR GREAT APE, TO AUTHORIZE CONFISCATION OF THESE ANIMALS UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THAT LOCAL GOVERNMENTAL BODIES MAY ADOPT ORDINANCES THAT REGULATE THE POSSESSION OF THESE ANIMALS, TO REGULATE THE TREATMENT OF THESE ANIMALS, AND TO PROVIDE A PENALTY; AND TO AMEND SECTION 47-5-50, RELATING TO THE PROHIBITION OF THE SALE OF WILD CARNIVORES AS PETS AND THE SALE OF DOMESTICATED FERRETS, SO AS TO DELETE THE PROVISION THAT ALLOWS THE PUBLIC DISPLAY, SHOWING, OR EXHIBITION OF CERTAIN WILD CARNIVORES, PRIMATES, OR OTHER ANIMALS.

and has ordered the Bill enrolled for Ratification.

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Very respectfully,
Speaker of the House
Received as information.

Message from the House

Columbia, S.C., May 4, 2017

Mr. President and Senators:

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

H. 3559 -- Reps. Pitts, Ott, Putnam, Gagnon, Atkinson, Dillard, Martin, West, Hill, Bedingfield, Gilliard, Kirby, Davis, King, Whipper and Govan: A BILL TO AMEND CHAPTER 55, TITLE 46, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CULTIVATION OF INDUSTRIAL HEMP, SO AS TO REVISE THE DEFINITIONS OF TERMS CONTAINED IN THIS CHAPTER, TO PROVIDE A DEFINITION FOR THE TERM "HUMAN CONSUMPTION", TO CREATE THE SOUTH CAROLINA INDUSTRIAL HEMP PROGRAM, TO PROVIDE THAT INDUSTRIAL HEMP IS AN AGRICULTURAL CROP UPON WHICH AN INSTITUTION OF HIGHER EDUCATION MAY CONDUCT RESEARCH, TO PROVIDE THAT INDUSTRIAL HEMP OR HEMP PRODUCTS MAY NOT BE CONSIDERED AN ADULTERANT, TO PROVIDE PROVISIONS THAT REGULATE THE GROWING, SELLING, AND IMPORTATION OF INDUSTRIAL HEMP AND HEMP SEED, TO DELETE THE PROVISION THAT EXCLUDES INDUSTRIAL HEMP FROM THE DEFINITION OF MARIJUANA, TO REVISE THE PROVISION THAT SPECIFIES THAT CERTAIN CONDUCT REGARDING THE MANUFACTURING, DISTRIBUTION, PURCHASE, AND OTHER ACTIVITIES RELATING TO DISGUIISING MARIJUANA TO MAKE IT APPEAR TO BE INDUSTRIAL HEMP, AND TO PROVIDE FOR LABORATORY TESTING OF INDUSTRIAL HEMP. and has ordered the Bill enrolled for Ratification.

Very respectfully,
Speaker of the House
Received as information.

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

[SJ]

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ORDERED ENROLLED FOR RATIFICATION

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

H. 3220 -- Reps. Allison, West, Collins, Felder, B. Newton, Govan, Brown, Whipper, Davis, Anderson, Loftis and Burns: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-59-175 SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION AND ECONOMIC DEVELOPMENT COORDINATING COUNCIL AND TO PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND FUNCTIONS.

H. 3883 -- Reps. Sandifer and Pope: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "PYRAMID PROMOTIONAL SCHEME PROHIBITION ACT" BY ADDING ARTICLE 7 TO CHAPTER 5, TITLE 39 SO AS TO PROVIDE PYRAMID PROMOTIONAL SCHEMES CONSTITUTE UNFAIR TRADE PRACTICES UNDER THE SOUTH CAROLINA UNFAIR TRADE PRACTICES ACT, AND TO PROVIDE NECESSARY DEFINITIONS; AND TO REPEAL SECTION 39-5-30 RELATING TO PYRAMID CLUBS AND SIMILAR OPERATIONS.

HOUSE BILLS RETURNED

The following Bills were read the third time and ordered returned to the House with amendments.

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.

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H. 3927 -- Reps. Simrill, Herbkersman, J.E. Smith, Bernstein, G.M. Smith and Weeks: A BILL TO AMEND SECTION 41-43-100, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT THE STATE FISCAL ACCOUNTABILITY AUTHORITY APPROVE INTEREST RATES ON BONDS ISSUED TO FINANCE INDUSTRIAL DEVELOPMENT PROJECTS UNDER THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT FUND ACT, SO AS TO DELETE THE REQUIREMENT AND TO SPECIFY APPROVAL OF THESE INTEREST RATES BY THE SOUTH CAROLINA COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT IS NOT REQUIRED; AND TO AMEND SECTION 41-43-110, AS AMENDED, RELATING TO THE POWER OF THE AUTHORITY TO ISSUE CERTAIN BONDS, SO AS TO MAKE CONFORMING AND RELATED CHANGES.

REMOVED FROM CONSENT CALENDAR

H. 3055 -- Reps. Robinson-Simpson, Clyburn, Gilliard, Mack, King and Henegan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "STOP THE SCHOOL HOUSE TO JAIL HOUSE PIPELINE ACT" BY CREATING THE RESTORATIVE JUSTICE STUDY COMMITTEE TO REVIEW THE JUVENILE JUSTICE LAWS OF THE STATE AND MAKE RECOMMENDATIONS CONCERNING PROPOSED CHANGES TO FACILITATE AND ENCOURAGE DIVERSION OF JUVENILES FROM THE JUVENILE JUSTICE SYSTEM TO RESTORATIVE JUSTICE PRACTICES FOR SPECIFIC PURPOSES AND IN CERTAIN CIRCUMSTANCES, TO PROVIDE THE STUDY COMMITTEE SHALL MAKE RECOMMENDATIONS CONCERNING A RELATED PILOT PROGRAM, TO PROVIDE SPECIFIC REQUIREMENTS FOR THE PILOT PROGRAM, AND TO DEFINE A NECESSARY TERM; BY ADDING SECTION 59-63-212 SO AS TO PROVIDE THAT SCHOOL DISTRICTS SHALL ADOPT ZERO-TOLERANCE POLICIES THAT NOT BE RIGOROUSLY APPLIED TO PETTY ACTS OF MISCONDUCT AND MISDEMEANORS, MUST APPLY EQUALLY TO ALL STUDENTS REGARDLESS OF THEIR ECONOMIC STATUS, RACE, OR DISABILITY, AND THAT ARE INTENDED TO PROMOTE SAFE AND SUPPORTIVE LEARNING ENVIRONMENTS IN SCHOOLS, PROTECT STUDENTS AND STAFF FROM CONDUCT THAT

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POSES A SERIOUS THREAT TO SCHOOL SAFETY, ENCOURAGES SCHOOLS TO USE ALTERNATIVES TO EXPULSION OR REFERRAL, AMONG OTHER THINGS; BY ADDING SECTION 23-23-117 SO AS TO PROVIDE THAT THE CRIMINAL JUSTICE ACADEMY SHALL DEVELOP AND IMPLEMENT A CULTURAL COMPETENCY MODEL TRAINING PROGRAM CURRICULUM FOR SCHOOL RESOURCE OFFICERS, TO PROVIDE CONTENT REQUIREMENTS FOR THE CURRICULUM, AND TO REQUIRE SCHOOL RESOURCE OFFICERS TO COMPLETE TRAINING BASED ON THE CURRICULUM; AND TO REPEAL SECTIONS 59-63-235 AND 59-63-240 BOTH RELATING TO STUDENT EXPULSIONS.

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

REMOVED FROM CONSENT CALENDAR

H. 3231 -- Reps. Tallon, Cole and Mitchell: A BILL TO PROVIDE THAT CONSISTENT WITH CERTAIN PROVISIONS OF SECTION 34, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1865, CREATING A CIVIL SERVICE COMMISSION OF THE CITY OF SPARTANBURG FOR ITS POLICE AND FIRE DEPARTMENTS UNDER SUCH TERMS AND CONDITIONS AS THE GENERAL ASSEMBLY SHALL PROVIDE, THE GOVERNING BODY OF THE CITY OF SPARTANBURG BY ORDINANCE SHALL ESTABLISH THE TERMS, CONDITIONS, MEMBERSHIP, AND PROCEDURES OF THE CITY OF SPARTANBURG'S CIVIL SERVICE COMMISSION FOR THE BENEFIT OF THE POLICE AND FIRE DEPARTMENTS, AND TO REPEAL ACT 612 OF 1936 RELATING TO CIVIL SERVICE COMMISSIONS FOR MUNICIPALITIES OF A CERTAIN POPULATION THE SIZE OF THE CITY OF SPARTANBURG, AND ACT 345 OF 1965, ACT 991 OF 1966, AND ACT 618 OF 1992 RELATING TO A CIVIL SERVICE COMMISSION OF THE CITY OF SPARTANBURG FOR THE POLICE AND FIRE DEPARTMENTS.

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

REMOVED FROM CONSENT CALENDAR

H. 3234 -- Reps. McEachern and Sandifer: A BILL TO AMEND SECTION 27-40-120, CODE OF LAWS OF SOUTH CAROLINA,

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1976, RELATING TO EXEMPTIONS TO THE PROVISIONS OF THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO DELETE OCCUPANCY UNDER A RENTAL AGREEMENT COVERING THE PREMISES USED BY THE OCCUPANT PRIMARILY FOR AGRICULTURAL PURPOSES AS AN EXEMPTION UNDER THE ACT.

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

REMOVED FROM CONSENT CALENDAR

H. 3429 -- Reps. Clemmons and Norrell: A BILL TO AMEND SECTION 15-41-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY EXEMPT FROM BANKRUPTCY PROCEEDINGS OR ATTACHMENT, LEVY, AND SALE, SO AS TO REVISE EXEMPTIONS IN BANKRUPTCY.

The Senate proceeded to a consideration of the Bill.

The question being the adoption of the committee amendment.

Senator TURNER explained the committee amendment.

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

REMOVED FROM CONSENT CALENDAR

H. 3601 -- Reps. Clemmons, Pitts, Hiott, Hardee, Duckworth, Crawford, Yow, Delleney, Lowe, White, Hewitt and Hixon: A BILL TO AMEND SECTION 50-9-665, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF BEAR HUNTING TAGS BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO INCREASE THE NONRESIDENT FEE TO OBTAIN A BEAR TAG, TO DELETE THE PROVISION THAT PROVIDES FOR THE RANDOM DRAWING OF TAGS BY BEAR TAG APPLICANTS IN GAME ZONES OTHER THAN GAME ZONE 1, AND TO ELIMINATE THE APPLICATION FEE; AND TO AMEND SECTION 50-11-430, AS AMENDED, RELATING TO THE HUNTING OF BEARS, SO AS TO ESTABLISH AN OPEN SEASON FOR HUNTING AND TAKING BEAR FOR STILL GUN HUNTS IN GAME ZONE 4, TO DELETE THE PROVISION THAT ALLOWS THE DEPARTMENT TO ISSUE PERMITS TO ALLOW THE

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HUNTING AND TAKING OF BEAR, TO ESTABLISH A SEASON FOR THE HUNTING AND TAKING OF BEAR ON PRIVATE LANDS AND ALL LANDS UNDER THE DEPARTMENT'S CONTROL IN GAME ZONES 2, 3, AND 4, AND TO DELETE THE PROVISION THAT PROHIBITS THE HUNTING AND TAKING OF BEAR BY THE USE OR AID OF BAIT.

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

REMOVED FROM CONSENT CALENDAR

H. 3789 -- Reps. Govan, Yow, Henegan, J.E. Smith, Thigpen, Hart, Clemmons, Whipper and Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA YOUTH CHALLENGE ACADEMY AND SOUTH CAROLINA JOBS CHALLENGE PROGRAM EXPUNGEMENT ACT"; BY ADDING ARTICLE 10 TO CHAPTER 22, TITLE 17 SO AS TO PROVIDE THAT PERSONS ELIGIBLE FOR EXPUNGEMENT OF A CRIMINAL RECORD PURSUANT TO SECTION 17-22-910 WHO SUCCESSFULLY GRADUATE AND COMPLETE THE SOUTH CAROLINA YOUTH CHALLENGE ACADEMY AND SOUTH CAROLINA JOBS CHALLENGE PROGRAM ADMINISTERED BY THE SOUTH CAROLINA ARMY NATIONAL GUARD MAY APPLY TO HAVE THEIR RECORD EXPUNGED UPON SUCCESSFUL GRADUATION AND COMPLETION OF THE PROGRAMS UNDER CERTAIN DELINEATED CIRCUMSTANCES; AND TO AMEND SECTION 17-22-940, AS AMENDED, RELATING TO THE EXPUNGEMENT PROCESS, SO AS TO INCLUDE A REFERENCE TO THE DIRECTOR OF THE SOUTH CAROLINA YOUTH CHALLENGE ACADEMY ATTESTING TO THE ELIGIBILITY OF THE CHARGE FOR EXPUNGEMENT ON AN EXPUNGEMENT APPLICATION.

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

REMOVED FROM CONSENT CALENDAR

H. 3823 -- Reps. Henderson, Bedingfield, Fry, Huggins, Johnson, Hewitt, Crawford, Duckworth, Allison, Forrester, Arrington, Tallon, Hamilton, Felder, Elliott, G.R. Smith, Jordan, B. Newton, Martin, Erickson, V.S. Moss, Long, Bradley, Weeks, Taylor, Putnam and Cogswell: A BILL TO AMEND SECTION 63-7-310, AS AMENDED,

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CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATED REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO REQUIRE REPORTING WHEN AN INFANT OR FETUS IS EXPOSED TO ALCOHOL OR CONTROLLED SUBSTANCES.

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

TABLED

S. 664 -- Senator Timmons: A JOINT RESOLUTION TO CLARIFY AND AFFIRM THAT THE GREENVILLE HEALTH SYSTEM'S BOARD OF TRUSTEES HAS THE POWER AND AUTHORITY TO CREATE A HEALTH CARE SYSTEM THAT MEETS ITS OBLIGATIONS TO PROVIDE ACCESSIBLE, QUALITY, AND AFFORDABLE HEALTH CARE TO THE COMMUNITIES IT SERVES; TO ENTER INTO A CONTRACTUAL RELATIONSHIP WITH LEGAL ENTITIES FOR OPERATION AND STRATEGIC MANAGEMENT; AND TO TAKE STEPS NECESSARY TO INCORPORATE THE UPSTATE AFFILIATE ORGANIZATION AND THE STRATEGIC COORDINATING ORGANIZATION AND TO FILL VACANCIES ON THEIR BOARDS.

On motion of Senator TIMMONS, the Resolution was laid on the table.

READ THE SECOND TIME

S. 680 -- Senator Leatherman: A BILL TO AMEND SECTION 7-7-260, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN FLORENCE COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

Ayes 40; Nays 0

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AYES

Alexander	Bennett	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Massey
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

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

READ THE SECOND TIME

H. 3176 -- Reps. Clemmons, Daning, Pitts and Norrell: A BILL TO AMEND SECTION 15-41-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN INDIVIDUAL RETIREMENT ACCOUNT BEING EXEMPT FROM ATTACHMENT, LEVY, AND SALE, SO AS TO DELETE THE PROVISION THAT THE EXEMPTION APPLIES ONLY TO THE EXTENT THAT IS PERMITTED IN SECTION 522(d) OF THE FEDERAL BANKRUPTCY CODE.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

Senator TURNER explained the Bill.

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

Ayes 40; Nays 0

AYES

Alexander	Bennett	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Massey
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

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

READ THE SECOND TIME

H. 3665 -- Reps. Hixon, Kirby, Hewitt, Atkinson, Sottile, Cogswell, Yow, Wheeler and Forrest: A BILL TO AMEND SECTION 50-5-1710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SIZE LIMITS FOR CERTAIN FISH THAT MAY BE LAWFULLY TAKEN, POSSESSED, LANDED, SOLD, OR PURCHASED, SO AS TO INCREASE THE SIZE LIMIT FOR FLOUNDER THAT MAY BE LAWFULLY TAKEN, POSSESSED, LANDED, SOLD, OR PURCHASED.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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Senator CAMPSEN explained the Bill.

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

Ayes 40; Nays 0

AYES

Alexander	Bennett	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Massey
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

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

READ THE SECOND TIME

H. 3719 -- Reps. Burns, Hiott, Hixon, Chumley, Bannister and G.R. Smith: A BILL TO AMEND SECTION 48-35-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE FORESTER'S AUTHORITY TO DIRECT THAT CERTAIN FIRES NOT BE STARTED, SO AS TO PROVIDE THAT WHEN EXTREME CONDITIONS EXIST, THE STATE FORESTER MAY PROHIBIT ALL OPEN BURNING EXCEPT FIRES USED FOR NONRECREATIONAL PURPOSES; AND TO AMEND SECTION 48-35-60, RELATING TO PENALTIES ASSOCIATED WITH THE

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STARTING OF UNLAWFUL FIRES, SO AS TO REVISE THE PENALTIES.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

Senator CAMPSEN explained the Bill.

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

Ayes 40; Nays 0

AYES

Alexander	Bennett	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Massey
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

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

READ THE SECOND TIME

H. 4183 -- Reps. McKnight and Ridgeway: A BILL TO AMEND SECTION 7-7-190, AS AMENDED, CODE OF LAWS OF SOUTH

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CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN CLARENDON COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

Ayes 40; Nays 0

AYES

Alexander	Bennett	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Massey
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

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

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READ THE SECOND TIME

H. 4178 -- Rep. Martin: A BILL TO AMEND SECTION 7-7-420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN NEWBERRY COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

Ayes 40; Nays 0

AYES

Alexander	Bennett	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Massey
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

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

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AMENDED, READ THE SECOND TIME

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

The Senate proceeded to a consideration of the Bill.

Senator BENNETT proposed the following amendment (3289R001.DR.LKG), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 4-6 and inserting:

/ (D) This section does not apply to the operator of any nonleading commercial motor vehicle subject to Federal Motor Carrier Safety Regulations and traveling in a series of commercial vehicles using cooperative adaptive cruise control or any other automated driving technology.” /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 38; Nays 2

AYES

Alexander	Bennett	Campbell
Campsen	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto

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Johnson	Leatherman	Malloy
Massey	<i>Matthews, John</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--38

NAYS

Kimpson	<i>Matthews, Margie</i>
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Total--2

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

AMENDED, READ THE SECOND TIME

H. 3647 -- Reps. Sandifer, Clemmons, Bedingfield, Forrester, Rutherford, Duckworth, Ott, Williams, Atwater, McCravy, Erickson, Jefferson, King, Anderson, Simrill, Hixon, Bowers, Hewitt and Forrest: A BILL TO AMEND SECTION 27-32-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING VACATION TIME SHARING PLANS, SO AS TO DEFINE AND REDEFINE CERTAIN TERMS; TO AMEND SECTION 27-32-55, RELATING TO FEES FOR THE RESALE OF INTERESTS IN VACATION TIMESHARES, SO AS TO PROVIDE REQUIREMENTS OF RESALE VACATION TIMESHARE SERVICES AND PROVIDERS OF THESE SERVICES; AND TO AMEND SECTION 27-32-130, RELATING TO ENFORCEMENT AND IMPLEMENTATION PROVISIONS, SO AS TO MAKE THE PROVISIONS APPLICABLE TO VACATION TIME SHARING ASSOCIATIONS.

The Senate proceeded to a consideration of the Bill.

Senator HEMBREE proposed the following amendment (JUD3647.003), which was adopted:

[SJ]

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Amend the bill, as and if amended, page 8, by striking lines 1 through 16, in Section 27-32-55(C), as contained in SECTION 2, and inserting therein the following:

/ (C)(1) No person shall knowingly participate, for consideration or with the expectation of consideration, in any plan or scheme, a purpose of which is to transfer a resale vacation time sharing interest to a person or entity that the person knows or reasonably should know does not have the ability, means, or intent to pay all assessments and taxes associated with ownership of the resale vacation time sharing interest that are due or that come due during the transferee's ownership.

(2) Failure to pay assessments or taxes that are due or that come due within four years after acquisition of a resale vacation time sharing interest by a transferee who acquires the resale vacation time sharing interest for commercial purposes and not for personal use and enjoyment creates a rebuttable presumption of a violation of this section.

(3) Payment of all assessments and taxes for four years by or on behalf of a transferee shall satisfy subsection (2).

(4) It is considered a violation of this section if there is any transfer, series of transfers, or other action made or taken by any person for the purpose of circumventing this section. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Senator HEMBREE proposed the following amendment (JUD3647.002), which was adopted:

Amend the bill, as and if amended, page 9, by striking lines 1 through 5 in Section 27-32-55(H), as contained in SECTION 2, and inserting therein the following:

/ (H)(1) A person violating the provisions of this section has committed an unfair trade practice pursuant to Chapter 5, Title 39 of the Unfair Trade Practices Act and is subject to all civil penalties and remedies provided by law for this violation. The criminal penalty provisions of Chapter 5, Title 39 do not apply to this section.

(2) If a court, in its discretion, based upon the evidence presented by the parties, determines that a person's actions pursuant to this section were inadvertent, unintentional, and not an effort to violate the

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provisions of this section, the court may hold that the person's actions were nonmaterial, technical violations not subject to Chapter 5, Title 39 of the Unfair Trade Practices Act, and in lieu of all other penalties, the court may assess a technical violation penalty not exceeding two hundred dollars. The court's determination that a violation is a nonmaterial, technical violation in no way prevents the court from assessing full penalties under this section or Chapter 5, Title 39 of the Unfair Trade Practices Act for any other violations determined to be a plan or scheme./

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 41; Nays 0

AYES

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

Total--41

NAYS

Total--0

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

CARRIED OVER

H. 3488 -- Reps. Sandifer and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 55, TITLE 38 SO AS TO ALLOW AN INSURER TO DELIVER, STORE, OR PRESENT EVIDENCE OF INSURANCE COVERAGE BY ELECTRONIC MEANS, TO ESTABLISH CERTAIN CONDITIONS THAT MUST BE MET BEFORE A NOTICE OR DOCUMENT MAY BE DELIVERED BY ELECTRONIC MEANS, TO REQUIRE THE PARTY TO VERIFY OR ACKNOWLEDGE RECEIPT OF THE ELECTRONICALLY DELIVERED NOTICE OR DOCUMENT IN CERTAIN CIRCUMSTANCES, TO PROVIDE THAT A WITHDRAWAL OF CONSENT DOES NOT AFFECT THE LEGAL EFFECTIVENESS, VALIDITY, OR ENFORCEABILITY OF THE NOTICE OR DOCUMENT, TO REQUIRE AN INSURER TO NOTIFY THE PARTY OF CERTAIN PRIVILEGES BEFORE SENDING ADDITIONAL NOTICES OR DOCUMENTS SUBJECT TO CONSENT TO RECEIVE CERTAIN NOTICES OR DOCUMENTS, TO ALLOW FOR A PARTY TO ELECTRONICALLY SIGN ELECTRONICALLY DELIVERED DOCUMENTS, TO PROTECT A PRODUCER FROM CIVIL LIABILITY FOR ANY HARM OR INJURY THAT OCCURS AS A RESULT OF A PARTY'S ELECTION TO RECEIVE A NOTICE OR DOCUMENT BY ELECTRONIC MEANS, AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

On motion of Senator YOUNG, the Bill was 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 PROVISION AND PROVIDE A DEFINITION FOR THE TERMS "HIGHWAY WORK ZONE" AND "HIGHWAY WORKER", TO CREATE THE OFFENSE OF "ENDANGERMENT OF A HIGHWAY

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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.

**COMMITTEE AMENDMENT ADOPTED
CARRIED OVER**

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.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0324.004), which was adopted:

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

/ SECTION 1. Section 23-31-240 of the 1976 Code is amended to read:

“Section 23-31-240.(A) Notwithstanding any other provision contained in this article, the following persons who possess a valid permit pursuant to this article may carry a concealable weapon anywhere within this State, when carrying out the duties of their office:

- (1) active Supreme Court justices;
- (2) active judges of the court of appeals;
- (3) active circuit court judges;

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- (4) active family court judges;
- (5) active masters-in-equity;
- (6) active probate court judges;
- (7) active magistrates;
- (8) active municipal court judges;
- (9) active federal judges;
- (10) active administrative law judges;
- (11) active solicitors and assistant solicitors; ~~and~~
- (12) active circuit public defenders and assistant public defenders;
- ~~(12)~~(13) active workers' compensation commissioners; and
- (14) elected clerks of court.

(B) Notwithstanding any other provision contained in this article, the following persons who possess a valid permit pursuant to this article may carry a concealable weapon anywhere within this State:

- (1) retired Supreme Court justices;
- (2) retired judges of the court of appeals;
- (3) retired circuit court judges;
- (4) retired family court judges;
- (5) retired probate court judges;
- (6) retired federal judges;
- (7) retired solicitors and retired assistant solicitors with the consent of the solicitor;
- (8) retired circuit public defenders and retired assistant public defenders with the consent of the circuit public defender; and
- (9) retired elected clerks of court.

(C) For any person who obtains a concealed weapon permit pursuant to this section, SLED shall design and issue a concealed weapons permit identification card that clearly identifies the holder's current or former position for which the card was issued."

SECTION 2. This act takes effect upon approval by the Governor/
Renumber sections to conform.
Amend title to conform.

The committee amendment was adopted.

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

OBJECTION

S. 83 -- Senator Hembree: A BILL TO AMEND SECTION 16-3-60 OF THE 1976 CODE, RELATING TO INVOLUNTARY MANSLAUGHTER, TO INCLUDE WITHIN THE DEFINITION OF

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INVOLUNTARY MANSLAUGHTER THE SALE OR DELIVERY OF CONTROLLED SUBSTANCES, THEIR ANALOGUES, OR OTHER UNLAWFUL SUBSTANCES THAT CAUSE THE DEATH OF THE USER WHEN INGESTED, AND TO PROVIDE THAT A PERSON CONVICTED OF INVOLUNTARY MANSLAUGHTER MUST BE IMPRISONED NOT MORE THAN FIFTEEN YEARS.

Senator HEMBREE objected to consideration of the Bill.

**AMENDED, AMENDMENT PROPOSED
OBJECTION**

H. 3969 -- Reps. Felder and Allison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1940 SO AS TO PROVIDE THE EDUCATION OVERSIGHT COMMITTEE SHALL DESIGN AND PILOT CERTAIN DISTRICT ACCOUNTABILITY MODELS THAT FOCUS ON COMPETENCY-BASED EDUCATION; BY ADDING SECTION 59-18-1950 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF A STATE LONGITUDINAL DATA SYSTEM FOR MEASURING THE CONTINUOUS IMPROVEMENT OF PUBLIC EDUCATION AND THE COLLEGE READINESS AND CAREER READINESS OF PUBLIC SCHOOL GRADUATES, AND TO PROVIDE RELATED FINDINGS; BY ADDING SECTION 59-18-1960 SO AS TO PROVIDE THE MEASURING OF STUDENT PROGRESS OR GROWTH USING A VALUE-ADDED SYSTEM; TO AMEND SECTION 59-18-100, AS AMENDED, RELATING TO THE PURPOSE OF THE ACCOUNTABILITY SYSTEM IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO PROVIDE ADDITIONAL PURPOSES CONCERNING THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-120, AS AMENDED, RELATING TO DEFINITIONS IN THE EDUCATION ACCOUNTABILITY ACT, SO AS TO REVISE AND ADD DEFINED TERMS; TO AMEND SECTION 59-18-310, AS AMENDED, RELATING TO THE STATEWIDE ASSESSMENT PROGRAM FOR MEASURING STUDENT PERFORMANCE, SO AS TO DELETE OBSOLETE LANGUAGE AND TO DELETE PROVISIONS CONCERNING THE TIMING FOR ADMINISTERING CERTAIN ASSESSMENTS; TO AMEND SECTION 59-18-320, AS AMENDED, RELATING TO THE ADMINISTRATION OF CERTAIN STATEWIDE STANDARDS-BASED ASSESSMENTS, SO AS TO DELETE

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OBSOLETE PROVISIONS CONCERNING THE NO CHILD LEFT BEHIND ACT, AND TO DELETE PROVISIONS CONCERNING PERFORMANCE LEVEL RESULTS IN VARIOUS CORE SUBJECT AREAS; TO AMEND SECTION 59-18-325, AS AMENDED, RELATING TO COLLEGE AND CAREER READINESS SUMMATIVE ASSESSMENTS, SO AS TO REVISE PROCUREMENT AND ADMINISTRATION PROVISIONS AND THE TIME AFTER WHICH RESULTS OF SUCH ASSESSMENTS MAY BE INCLUDED IN SCHOOL RATINGS; TO AMEND SECTION 59-18-330, AS AMENDED, RELATING TO THE COORDINATION AND ADMINISTRATION OF THE NATIONAL ASSESSMENT OF EDUCATION PROGRESS, SO AS TO PROVIDE THE STATE SHALL PARTICIPATE AS AN INDIVIDUAL EDUCATION SYSTEM IN THE PROGRAM FOR INTERNATIONAL STUDENT ASSESSMENT AND TO PROVIDE ASSOCIATED RESPONSIBILITIES OF THE STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 59-18-340, AS AMENDED, RELATING TO THE MANDATORY PROVISION OF STATE-FUNDED ASSESSMENTS SO AS TO DELETE ONE SUCH ASSESSMENT AND INCLUDE TWO ADDITIONAL ASSESSMENTS; TO AMEND SECTION 59-18-900, AS AMENDED, RELATING TO THE COMPREHENSIVE ANNUAL REPORT CARD FOR SCHOOLS, SO AS TO PROVIDE IT IS WEB-BASED, TO REVISE THE PURPOSES OF THE REPORT CARD, TO REVISE AND DEFINE CATEGORIES OF ACADEMIC PERFORMANCE RATINGS, TO PROVIDE THE SAME CATEGORIES ALSO MUST BE ASSIGNED TO INDIVIDUAL INDICATORS USED TO MEASURE SCHOOL PERFORMANCE, TO MAKE THE USE OF STUDENT SCORES IN CALCULATING SCHOOL RATINGS BE OPTIONAL INSTEAD OF MANDATORY, TO DELETE STUDENT PERFORMANCE LEVELS, TO PROVIDE THE REPORT CARD MUST INCLUDE INDICATORS THAT MEET FEDERAL LAW REQUIREMENTS, TO INCLUDE DROPOUT RETENTION DATA AND ACCESS TO TECHNOLOGY AMONG THE TYPES OF INFORMATION THAT SHOULD BE INCLUDED IN REPORT CARDS, AND TO REVISE REQUIREMENTS FOR RELATED SCHOOL IMPROVEMENT COUNCIL REPORTS; TO AMEND SECTION 59-18-910, AS AMENDED, RELATING TO COMPREHENSIVE CYCLICAL REVIEWS OF THE ACCOUNTABILITY SYSTEM, SO AS TO REQUIRE THE

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INCLUSION OF CERTAIN RECOMMENDATIONS DETERMINING THE READINESS OF GRADUATING STUDENTS IN CERTAIN CATEGORIES RELATED TO THE PROFILE OF THE SOUTH CAROLINA GRADUATE; TO AMEND SECTION 59-18-920, AS AMENDED, RELATING TO CHARTER SCHOOLS, SO AS TO PROVIDE DATA REQUIRED OF A CHARTER SCHOOL MAY BE USED TO DEVELOP A RATING OF THE SCHOOL, TO DELETE EXISTING PROVISIONS CONCERNING THE CHARTER SCHOOL RATINGS, TO DELETE PROVISIONS PROHIBITING USE OF CHARTER SCHOOL STUDENT PERFORMANCE IN A DISTRICT'S OVERALL PERFORMANCE RATINGS; TO AMEND SECTION 59-18-930, AS AMENDED, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT ANNUALLY ISSUE AN EXECUTIVE SUMMARY OF THE REPORT CARD, SO AS TO PROVIDE THE DEPARTMENT INSTEAD MAY PUBLISH THE REPORT ON ITS WEBSITE IN A CERTAIN MANNER, AND TO PROVIDE CERTAIN NATIONAL ASSESSMENT SCORES MAY BE INCLUDED; AND TO REPEAL SECTION 59-18-950 RELATING TO CRITERIA FOR SCHOOL DISTRICT AND HIGH SCHOOL RATINGS.

The Senate proceeded to a consideration of the Bill.

Senators HEMBREE, YOUNG and FANNING proposed the following amendment(WAB\3969C006.AGM.WAB17), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 8 in its entirety and inserting:

/ SECTION 8. Section 59-18-325 of the 1976 Code, as last amended by Act 281 of 2016, is further amended to read:

“Section 59-18-325. (A) ~~All students entering the~~ Beginning in eleventh grade for the first time in School Year ~~2014-2015~~ 2017-2018 and subsequent years, ~~all students must be administered~~ offered a college and career readiness assessment as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act and entrance assessment that is from a provider secured by the department. In addition, all students entering the eleventh grade for the first time in School Year ~~2014-2015~~ 2017-2018 and subsequent years must be administered a ~~WorkKeys~~ career readiness assessment. The results of the assessments must be provided to each student, their respective schools, and to the State to:

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(1) assist students, parents, teachers, and guidance counselors in developing individual graduation plans and in selecting courses aligned with each student's future ambitions;

(2) promote South Carolina's Work Ready Communities initiative; and

(3) meet federal and state accountability requirements.

(B) Students subsequently may use the results of these assessments to apply to college or to enter careers. The results must be added as part of each student's permanent record and maintained at the department for at least ten years. The purpose of the results is to provide instructional information to assist students, parents, and teachers to plan for each student's course selection. This course selection might include remediation courses, dual-enrollment or dual-credit courses, advanced placement courses/International Baccalaureate, internships, career and technology courses that are aligned with appropriate industry credentials or certificates, or other options during the remaining semesters in high school.

(1) For purposes of this section, 'eleventh grade students' mean students in the third year of high school after their initial enrollment in the ninth grade.

(2) Valid accommodations must be provided according to the students' IEP or 504 plan. If a student also chooses to use the results of the college readiness assessment for post-secondary admission or placement, the student, his parent, or his guardian must indicate that choice in compliance with the testing vendor's deadline to ensure that the student may receive allowable accommodations consistent with the IEP or 504 plan that may yield a college reportable score.

(3) In the twelfth grade, and as aligned to the student's Individual Graduation Plan, if funds are available, the State shall provide all students the opportunity to take or retake a college readiness assessment, the career readiness assessment, and/or earn industry credentials or certifications at no cost to the students. The results of the assessments must be provided to each student, their respective schools, and to the State.

(4) A student with a disability, whose Individualized Education Program (IEP) team determines, and agrees in writing, that taking either of these assessments would not be aligned with the student's program of study and the student should not be administered either assessment, must not be administered either assessment.

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(C) To maintain a comprehensive and cohesive assessment system that signals a student's preparedness for the next educational level and ultimately culminates in a clear indication of a student's preparedness for postsecondary success in a college or career and to satisfy federal and state accountability purposes, the State Department of Education shall procure and maintain a summative assessment system.

(1) The summative assessment must be administered to all students in grades three through eight. The summative assessment must assess students in English/language arts and mathematics, including those students as required by the federal Individuals with Disabilities Education Act and by Title I of the Elementary and Secondary Education Act. For purposes of this subsection, 'English/language arts' includes English, reading, and writing skills as required by existing state standards. The assessment must be a rigorous, achievement assessment that measures student mastery of the state standards, that provides timely reporting of results to educators, parents, and students, and that measures each student's progress toward college and career readiness. Therefore, the assessment or assessments must meet all of the following minimum requirements:

(a) compares performance of students in South Carolina to other students' performance on comparable standards in other states with the ability to link the scales of the South Carolina assessment to the scales from other assessments measuring those comparable standards;

(b) be a vertically scaled, benchmarked, standards-based system of summative assessments;

(c) measures a student's preparedness for the next level of their educational matriculation and individual student performance against the state standards in English/language arts, reading, writing, mathematics, and student growth;

(d) documents student progress toward national college and career readiness benchmarks derived from empirical research and state standards;

(e) establishes at least four student achievement levels;

(f) includes various test questions including, but not limited to, multiple choice, constructed response, and selected response, that require students to demonstrate their understanding of the content;

(g) be administered to all students in a computer-based format except for students with disabilities as specified in the student's IEP or 504 plan, and unless the use of a computer by these students is prohibited

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due to the vendor's restrictions on computer-based test security, in which case the paper version must be made available; and

(h) assists school districts and schools in aligning assessment, curriculum, and instruction.

(2)(a) Beginning in the 2017-2018 School Year, each school district shall administer the statewide summative assessment, with the exception of alternate assessments, for grades three through eight during the last twenty days of school as determined by the district's regular instructional calendar, not including make-up days. If an extension to the twenty-day time period is needed, the school district or charter school may submit a request for an extension to the State Board of Education before December first of the school year for which the waiver is requested. The request must clearly document the scope and rationale for the extension. The request also must be accompanied by an action plan showing how the district or charter school will be able to comply with the twenty-day time frame for the following school year.

(b) Statewide summative testing for each student may not exceed eight days each school year, with the exception of students with disabilities as specified in their IEPs or 504 plans.

(c) The State Board of Education shall promulgate regulations outlining the procedures to be used during the testing process to ensure test security, including procedures for make-up days, and to comply with federal and state assessment requirements where necessary.

(d) In the event of school closure due to extreme weather or other disruptions that are not the responsibility of the district, or significant school or district technology disruptions that impede computer-based assessment administration, the school district or charter school may submit a request to the department to provide a paper-based administration to complete testing within the last twenty days of school. The request must clearly document the scope and cause of the disruption.

(3) ~~The department must procure and administer assessments in English/language arts and mathematics in grades three through eight, and administer assessments in science and social studies to all students in grades four through eight~~ Beginning with the 2017-2018 School Year, the department shall procure and administer the standards-based assessments of mathematics and English/language arts to students in grades three through eight. The department also shall procure and administer the standards-based assessment in science to students in grades four, six, and eight, and the standards based assessment in social studies to students in grades five and seven.

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~~(4)(a) For the 2016-2017, 2017-2018, and 2018-2019 School Years, the department is responsible for ensuring the procurement and administration of the ACT Plus Writing assessment. Following the 2018-2019 School Year, the department shall procure and administer a standardized national test that meets the requirements of subsection (A) that documents student progress toward national college and career readiness benchmarks derived from empirical research, and is widely accepted by higher education institutions for admissions purposes. The department is responsible for continuing to procure and administer the WorkKeys assessments.~~

~~(b) For the 2016-2017, 2017-2018, and 2018-2019 School Years, all public high schools and, where necessary, career centers, annually shall administer the WorkKeys assessment and the ACT Plus Writing college readiness assessment procured by the department to all eleventh grade students. Following the 2018-2019 School Year, all public high schools and, where necessary, career centers, annually shall administer the college readiness and WorkKeys assessments procured by the department to all eleventh grade students. For the purposes of this section, 'eleventh grade students' means students in the third year of high school after their initial enrollment in the ninth grade.~~

~~(c) Valid accommodations must be provided according to the students' IEP or 504 plan. If a student also chooses to use the results of the college readiness assessment for post-secondary admission or placement, the student, his parent, or his guardian must indicate that choice in compliance with the testing vendor's deadline to ensure that the student may receive allowable accommodations consistent with the IEP or 504 plan that may yield a college reportable score.~~

~~(5) If funds are available, the State shall provide a two year college or four year college readiness assessment or the WorkKeys assessment to twelfth grade students who did not meet benchmarks on the eleventh grade assessment for college and career readiness at no cost to the students.~~

~~(6) Formative assessments must continue to be adopted, selected, and administered pursuant to Section 59-18-310.~~

~~(75) Within thirty days after providing student performance data to the school districts as required by law, the department must provide to the Education Oversight Committee student performance results on assessments authorized in this subsection and end-of-course assessments in a format agreed upon by the department and the Oversight Committee. The Education Oversight Committee must use the results of these~~

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~~assessments in School Years 2014-2015, 2015-2016, and 2016-2017 to report on student academic performance in each school and district pursuant to Section 59-18-900. The committee may not determine state ratings for schools or districts, pursuant to Section 59-18-900, using the results of the assessments required by this subsection until after the conclusion of the 2016-2017 School Year; provided, however, state ratings must be determined by~~ The results of these assessments must be included in state ratings for each school beginning in the 2017-2018 School Year. The Oversight Committee also must develop and recommend a single accountability system that meets federal and state accountability requirements by the Fall of 2017. While developing the single accountability system that will be implemented in the 2017-2018 School Year, the Education Oversight Committee shall determine the format of a transitional report card released to the public in the Fall of 2016 and 2017 that will also identify underperforming schools and districts. These transitional reports will, at a minimum, include the following: (1) school, district, and statewide student assessment results in reading and mathematics in grades three through eight; (2) high school and district graduation rates; and (3) measures of student college and career readiness at the school, district, and statewide level. These transitional reports will inform schools and districts, the public, and the Department of Education of school and district general academic performance and assist in identifying potentially underperforming schools and districts and in targeting technical assistance support and interventions in the interim before ratings are issued.

(~~86~~) When standards are subsequently revised, the Department of Education, the State Board of Education, and the Education Oversight Committee shall approve assessments pursuant to Section 59-18-320.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

Senators SHEHEEN and FANNING proposed the following amendment (3969R006.SP.VAS):

Amend the bill, as and if amended, SECTION 6, by striking Section 59-18-310(B)(1) and inserting:

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/ (B)(1) The statewide assessment program must include, at a minimum, the subjects of English/language arts, mathematics, and science, ~~and social studies~~ in grades three through eight, as delineated in Section 59-18-320(B), ~~to be first administered in 2009~~, and end-of-course tests for gateway courses awarded units of credit in English/language arts, mathematics, and science, ~~and social studies~~. Student performance targets must be established ~~following the 2009 administration~~. The assessment program must be used for school and school district federal and state accountability purposes beginning with the ~~2008-2009~~ 2017-2018 school year. ~~The publication of the annual school and school district report card may be delayed for the 2008-2009 school year until no later than February 15, 2010.~~ A student's score on an end-of-year assessment may not be the sole criterion for placing the student on academic probation, retaining the student in his current grade, or requiring the student to attend summer school. Beginning with the graduating class of 2010, students are required to pass a high school credit course in science and a course in United States history in which end-of-course examinations are administered to receive the state high school diploma. Beginning with the graduating class of 2015, students are no longer required to meet the exit examination requirements set forth in this section and State Regulation to earn a South Carolina high school diploma. /

Amend the bill further, as and if amended, by striking SECTION 8 in its entirety and inserting:

/ SECTION 8. Section 59-18-325 of the 1976 Code is amended to read:

"Section 59-18-325. (A) Beginning in ~~All students entering the~~ eleventh grade for the first time in school year ~~2014-2015~~ 2017-18 and subsequent years, all students must be ~~administered~~ offered a college entrance assessment ~~and or a career readiness assessment as required by the federal Individuals with Disabilities Education Improvement Act and by Title 1 of the Elementary and Secondary Education Act and~~ that is from a provider secured by the department. ~~In addition, all students entering the eleventh grade for the first time in school year 2014-2015 and subsequent years must be administered a WorkKeys assessment.~~ The results of the assessments must be provided to each student, their respective schools, and to the State to:

(1) assist students, parents, teachers, and guidance counselors in developing individual graduation plans and in selecting courses aligned with each student's future ambitions;

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(2) promote South Carolina's Work Ready Communities initiative; and

(3) meet federal and state accountability requirements.

(B) Students subsequently may use the results of these assessments to apply to college or to enter careers. The results must be added as part of each student's permanent record and maintained at the department for at least ten years. The purpose of the results is to provide instructional information to assist students, parents, and teachers to plan for each student's course selection. This course selection might include remediation courses, dual-enrollment or dual-credit courses, advanced placement courses/International Baccalaureate, internships, career and technology courses that area aligned appropriate industry credentials or certificates, or other options during the remaining semesters in high school.

(1) For the purposes of this section, "eleventh grade students" means students in the third year of high school after their initial enrollment in the ninth grade.

(2) Valid accommodations must be provided according to the students' IEP or 504 plan. If a student also chooses to use the results of the college readiness assessment for post secondary admission or placement, the student, his parent, or his guardian must indicate that choice in compliance with the testing vendor's deadline to ensure that the student may receive allowable accommodations consistent with the IEP or 504 plan that may yield a college reportable score.

(3) In the twelfth grade, and as aligned to the student's Individual Graduation Plan, the State shall provide all students the opportunity to take or retake a college readiness assessment, a career readiness assessment and/or earn industry credentials or certifications at no cost to the students. The results of the assessments must be provided to each student, their respective schools, and to the State.

(4) A student whose parent or guardian completes, in writing, a form developed by the department and approved by the district, to enable the parent or guardian to opt the student out of either the college entrance assessment or career readiness assessment.

(5) A student with a disability, whose Individualized Education Program (IEP) team determines, and agrees in writing, that taking either of these assessments would not be aligned with the student's program of study and the student should not be administered either assessment.

(C) To maintain a comprehensive and cohesive assessment system that signals a student's preparedness for the next educational level and

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ultimately culminates in a clear indication of a student's preparedness for postsecondary success in a college or career and to satisfy federal and state accountability purposes, the State Department of Education shall procure and maintain a summative assessment system.

(1) The summative assessment must be administered to all students in grades three through eight and at least once in grades nine through twelve and must meet minimum federal assessment requirements. The summative assessment must assess students in English/language arts, ~~and~~ mathematics, and science, including those students as required by the federal Individuals with Disabilities Education Act and by Title I of the Elementary and Secondary Education Act. For purposes of this subsection, 'English/language arts' includes English, reading, and writing skills as required by existing state standards. The assessment must be a rigorous, achievement assessment that measures student mastery of the state standards, that provides timely reporting of results to educators, parents, and students, and that measures each student's progress toward college and career readiness. Therefore, the assessment or assessments must meet all of the following minimum requirements:

(a) compares performance of students in South Carolina to other students' performance on comparable standards in other states with the ability to link the scales of the South Carolina assessment to the scales from other assessments measuring those comparable standards;

(b) be a vertically scaled, benchmarked, standards-based system of summative assessments;

(c) measures a student's preparedness for the next level of their educational matriculation and individual student performance against the state standards in English/language arts, reading, writing, mathematics, and student growth;

(d) documents student progress toward national college and career readiness benchmarks derived from empirical research and state standards;

(e) establishes at least four student achievement levels;

(f) includes various test questions including, but not limited to, multiple choice, constructed response, and selected response, that require students to demonstrate their understanding of the content;

(g) be administered to all students in a computer-based format except for students with disabilities as specified in the student's IEP or 504 plan, and unless the use of a computer by these students is prohibited due to the vendor's restrictions on computer-based test security, in which case the paper version must be made available; and

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(h) assists school districts and schools in aligning assessment, curriculum, and instruction.

(2)(a) Beginning in the 2017-2018 school year, each school district shall administer the statewide summative assessment, with the exception of alternate assessments, for grades three through eight during the last twenty days of school as determined by the district's regular instructional calendar, not including make-up days. If an extension to the twenty-day time period is needed, the school district or charter school may submit a request for an extension to the State Board of Education before December first of the school year for which the waiver is requested. The request must clearly document the scope and rationale for the extension. The request also must be accompanied by an action plan showing how the district or charter school will be able to comply with the twenty-day time frame for the following school year.

(b) Statewide summative testing for each student may not exceed eight days each school year, with the exception of students with disabilities as specified in their IEPs or 504 plans.

(c) The State Board of Education shall promulgate regulations outlining the procedures to be used during the testing process to ensure test security, including procedures for make-up days, and to comply with federal and state assessment requirements where necessary.

(d) In the event of school closure due to extreme weather or other disruptions, or significant school or district technology disruptions that impede computer-based assessment administration, the school district or charter school may submit a request to the department to provide a paper-based administration to complete testing within the last twenty days of school. The request must clearly document the scope and cause of the disruption.

~~(3) The department must procure and administer assessments in English/language arts and mathematics in grades three through eight, and administer assessments in science and social studies to all students in grades four through eight.~~

~~(4)(a) For the 2016-2017, 2017-2018, and 2018-2019 school years, the department is responsible for ensuring the procurement and administration of the ACT Plus Writing assessment. Following the 2018-2019 school year, the department shall procure and administer a standardized national test that meets the requirements of subsection (A) that documents student progress toward national college and career readiness benchmarks derived from empirical research, and is widely accepted by higher education institutions for admissions purposes. The~~

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department is responsible for continuing to procure and administer the WorkKeys assessments.

~~(b) For the 2016-2017, 2017-2018, and 2018-2019 school years, all public high schools and, where necessary, career centers, annually shall administer the WorkKeys assessment and the ACT Plus Writing college readiness assessment procured by the department to all eleventh grade students. Following the 2018-2019 school year, all public high schools and, where necessary, career centers, annually shall administer the college readiness and WorkKeys assessments procured by the department to all eleventh grade students. For the purposes of this section, 'eleventh grade students' means students in the third year of high school after their initial enrollment in the ninth grade.~~

~~(c) Valid accommodations must be provided according to the students' IEP/504 plan. If a student also chooses to use the results of the college readiness assessment for post secondary admission or placement, the student, his parent, or his guardian must indicate that choice in compliance with the testing vendor's deadline to ensure that the student may receive allowable accommodations consistent with the IEP or 504 plan that may yield a college reportable score.~~

~~(5) If funds are available, the State shall provide a two year college or four year college readiness assessment or the WorkKeys assessment to twelfth grade students who did not meet benchmarks on the eleventh grade assessment for college and career readiness at no cost to the students.~~

~~(6)(D)~~ Formative assessments must continue to be adopted, selected, and administered pursuant to Section 59-18-310.

~~(7)(E)~~ Within thirty days after providing student performance data to the school districts as required by law, the department must provide to the Education Oversight Committee student performance results on assessments authorized in this subsection and end-of-course assessments in a format agreed upon by the department and the Oversight Committee. The Education Oversight Committee must use the results of these assessments in school years 2014-2015, 2015-2016, and 2016-2017 to report on student academic performance in each school and district pursuant to Section 59-18-900. The committee may not determine state ratings for schools or districts, pursuant to Section 59-18-900, using the results of the assessments required by this subsection until after the conclusion of the 2016-2017 school year; provided, however, state ratings must be determined by the results of these assessments beginning in the 2017-2018 school year. The Oversight Committee also must

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develop and recommend a single accountability system that meets federal and state accountability requirements by the Fall of 2017. While developing the single accountability system that will be implemented in the 2017-2018 school year, the Education Oversight Committee shall determine the format of a transitional report card released to the public in the Fall of 2016 and 2017 that will also identify underperforming schools and districts. These transitional reports will, at a minimum, include the following: (1) school, district, and statewide student assessment results in reading and mathematics in grades three through eight; (2) high school and district graduation rates; and (3) measures of student college and career readiness at the school, district, and statewide level. These transitional reports will inform schools and districts, the public, and the Department of Education of school and district general academic performance and assist in identifying potentially underperforming schools and districts and in targeting technical assistance support and interventions in the interim before ratings are issued.

~~(8)(F)~~ When standards are subsequently revised, the Department of Education, the State Board of Education, and the Education Oversight Committee shall approve assessments pursuant to Section 59-18-320.”/

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

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator HEMBREE spoke on the amendment.

Senator LEATHERMAN objected to further consideration of the Bill.

**THE SENATE PROCEEDED TO A CONSIDERATION OF
REPORTS OF COMMITTEES OF CONFERENCE AND FREE
CONFERENCE.**

**H. 3516--FREE CONFERENCE POWERS GRANTED
FREE CONFERENCE COMMITTEE APPOINTED
REPORT OF THE COMMITTEE OF FREE CONFERENCE
ADOPTED**

H. 3516 -- Reps. Simrill, Lucas, White, G.M. Smith, Pope, Stringer, W. Newton, Bales, Clary, Cole, Delleney, Herbkersman, Hixon,

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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, 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

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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.

On motion of Senator SHEHEEN, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator SHEHEEN spoke on the report.

Senator CAMPBELL spoke on the report.

Senator TURNER spoke on the report.

**H. 3516--Free Conference Powers Granted
Free Conference Committee Appointed**

Senator SHEHEEN moved that the Committee of Conference be granted Free Conference Powers.

The question then was granting of Free Conference Powers.

Senator MALLOY, with unanimous consent, spoke in opposition to the granting free conference powers.

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

Ayes 32; Nays 11

AYES

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

Total--32

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NAYS

Campsen	Climer	Corbin
Davis	Hembree	Massey
Peeler	Rice	Timmons
Verdin	Young	

Total--11

Free Conference Powers were granted.

Whereupon, Senators SHEHEEN, CAMPBELL and TURNER were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

The question then was adoption of the Report of the Committee of Free Conference.

Senator SHEHEEN spoke on the report.
Senator CAMPBELL spoke on the report.
Senator TURNER spoke on the report.

ACTING PRESIDENT PRESIDES

Senator GROOMS assumed the Chair.

Point of Order

Senator DAVIS raised the Point of Order that the Free Conference Committee Report could not be taken up for consideration since the House of Representatives had not yet granted free conference powers and appointed a Committee of Free Conference.

The PRESIDENT overruled the Point of Order and stated that there was a properly signed Free Conference Report on the desk.

Senator CAMPSSEN spoke against the adoption of the Free Conference Report.

Senator DAVIS spoke against the adoption of the Free Conference Report.

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PRESIDENT PRESIDES

At 4:30 P.M., the PRESIDENT assumed the Chair.

Point of Order

Senator DAVIS raised the Point of Order that the Free Conference Committee Report could not be taken up for consideration since the House of Representatives had not yet granted free conference powers and appointed a committee of free conference.

Senator SHEHEEN spoke against the Point of Order.
Senator DAVIS spoke in favor of the Point of Order.
Senator MALLOY spoke against the Point of Order.
Senator SETZLER spoke against the Point of Order
Senator SCOTT spoke against the Point of Order.

The PRESIDENT overruled the Point of Order and stated that there was a properly signed Free Conference Report on the desk.

ACTING PRESIDENT PRESIDES

Senator MALLOY assumed the Chair.

Point of Quorum

At 7:38 P.M., Senator MARTIN made the point that a quorum was not present. It was ascertained that a quorum was not present.

Motion Failed

Senator MARTIN moved that the Senate stand adjourned.

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

Ayes 0; Nays 39

AYES

Total--0

NAYS

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Davis	Fanning
Gambrell	Gregory	Grooms

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Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
McElveen	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

Total--39

The Senate refused to adjourn.

A quorum being present, the Senate resumed.

Senator DAVIS resumed speaking on the Free Conference Report.

Motion Under Rule 15A Adopted

At 8:35 P.M., Senator LEATHERMAN moved under the provisions of Rule 15A that the debate on the entire matter of H. 3516 be brought to a close.

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

Ayes 24; Nays 20

AYES

Alexander	Bennett	Campbell
Cromer	Gambrell	Goldfinch
Gregory	Grooms	Hembree
Hutto	Jackson	Johnson
Leatherman	<i>Matthews, John</i>	Nicholson
Reese	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Turner

Total--24

NAYS

Allen	Campsen	Climer
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Corbin	Davis	Fanning
Kimpson	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McElveen
McLeod	Peeler	Rankin
Rice	Timmons	Verdin
Williams	Young	

Total--20

Having received the necessary vote, the motion was adopted.

The question then was the adoption of the Report of Free Conference.

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

Ayes 32; Nays 12

AYES

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

Total--32

NAYS

Campsen	Climer	Corbin
Davis	Hembree	Martin
Massey	Peeler	Rice
Timmons	Verdin	Young

Total--12

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On motion of Senator SHEHEEN, the Report of the Committee of Free Conference to H. 3516 was adopted as follows:

H. 3516 -- Free Conference Report

The General Assembly, Columbia, S.C., May 5, 2017

The COMMITTEE OF CONFERENCE, to whom was referred:

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, 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

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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.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer's Version 04/26/17.)

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

/ 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

Whereas, 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,

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efficient delivery of services free from conflicts of interest that 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, by striking all after the enacting words and inserting:

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

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

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

SECTION 2. Section 12-28-310 of the 1976 Code is amended by adding a subsection 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.”

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

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

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

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

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

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

“Section 56-3-620. (A) For persons sixty-five years of age or older or persons who are handicapped, as defined in Section 56-3-1950, the

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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.

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(D)(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.

(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.

(3) Notwithstanding any other provision of this section, until after December 31, 2022, the revenue collected pursuant to this subsection must be credited to the Safety Maintenance Account established pursuant to Section 11-11-240. After December 31, 2022, the revenue collected pursuant to this subsection must be credited to the Infrastructure Maintenance Trust Fund.

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

(F)(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 shall not require a local match.

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

(H) 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:

“(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. 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:

“(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;

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

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(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 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

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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 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

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percentage depreciation allowance down to ten percent of the cost as follows:

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

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

Section 12-37-2830. The value of a motor carrier's large commercial motor vehicles and buses subject to property taxes road use fees in this State must be determined based on the ratio of total mileage operated within this State during the preceding calendar year to the total mileage of its fleet operated within and without this State during the same preceding calendar year according to the South Carolina apportionment factor for the fleet of which the commercial vehicle is a part.

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

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

~~(2) The tax shown in the proposed assessment must be paid in full by cashier's check, money order, or cash or appealed within thirty days of the issuance of the proposed assessment. The taxpayer may appeal the~~

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~~proposed assessment using the procedures provided in subarticle 1, Article 5, Chapter 60 of this title.~~

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

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

~~(E) If the motor carrier fails to remit the tax due within thirty days of receipt of the proposed assessment and the taxpayer fails to appeal the proposed assessment as provided in subsection (B), the department shall assess the tax. Tax due pursuant to this section is subject to the collection procedures provided in Chapter 54, of this title, except that the penalty provisions of Section 12-54-43 do not apply A motor carrier registering a large commercial motor vehicle or bus must pay the road use fee due on the vehicle at the time and in the manner the person pays the registration fees on the vehicle pursuant to Section 56-3-660. A person choosing to pay registration fees on a large commercial motor vehicle or bus in quarterly installments pursuant to Section 56-3-660 also must pay the road use fee on the vehicle in the same quarterly installments.~~

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

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

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

~~Section 12-37-2850. Beginning on January 1, 2019, the Department of Revenue Motor Vehicles shall assess annually the taxes road use fee due on large commercial motor vehicles and buses based on the value determined in Section 12-37-2820 and an average millage for all~~

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

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~~(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 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

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by the ~~payment in lieu of tax~~ fee revenue received pursuant to this section and that amount distributed to the general fund of the appropriate governmental entity. The distribution of taxes and fees paid must be made by the last day of the next month succeeding the month in which the taxes and fees were paid.

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

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

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

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

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

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

(D) ~~Before the reinstatement of a driver's license or vehicle registration suspended due to a violation of this section, a fee of fifty dollars must be paid to the Department of Motor Vehicles. The Department of Motor Vehicles may retain revenues generated by payment of the reinstatement fees pursuant to this section for use in defraying costs associated with suspension and reinstatement actions pursuant to this section. Fees collected in excess of actual departmental direct costs related to suspension and reinstatement actions pursuant to this section must be deposited to the credit of the general fund of the State at the end of each fiscal year.~~

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

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

(1) Classification (1). Vehicles for which the biennial registration fee is one-hundred sixty dollars or more. The Department of Motor Vehicles may register and license a vehicle for which the biennial registration fee is one-hundred sixty dollars or more or for a semiannual or one-half year upon application to the department by the owner and the payment of one-fourth of the specified biennial fee. Biennial registrations and licenses expire at midnight on the last day of the twenty-fourth month for the period for which they were issued. Semiannual or half-year registrations and licenses expire at midnight of the sixth month for the period for which they were issued and no person shall drive, move, or operate a vehicle upon a highway after the expiration of the registration and license until the vehicle is registered and licensed for the then current period. Trucks, truck tractors, or road tractors with an empty or unloaded weight of over five thousand pounds

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or less, or gross vehicle weight of eight thousand pounds or less also must be placed in this classification but may not be registered for less than a full biennial period.

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

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

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

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

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

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

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

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

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

“Section 56-3-660. (A) The determination of gross vehicle weight to register and license self-propelled property carrying vehicles is the empty weight of the vehicle or combination of vehicles and the heaviest

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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:

“() 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

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payment of one-half of this State's portion of the license and road fee for a vehicle whose portion of the license and road fee owed to this State exceeds ~~eight~~ four hundred dollars. The department may require any information necessary to complete the transaction."

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

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

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

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

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

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

"Section 12-37-2610. The tax year for licensed motor vehicles begins with the last day of the month in which a registration required by Section 56-3-110 is issued and ends on the last day of the month in which the registration expires or is due to expire. ~~No~~ A registration may not be issued for motor vehicles until the ad valorem tax is paid for the year for which the registration is to be issued. ~~Motor vehicles registered under the International Registration Plan may pay ad valorem property taxes on a semiannual basis~~ Large commercial motor vehicles and buses, as defined in Section 12-37-2810, must pay road use fees pursuant to Article 23, Chapter 37, Title 12 in lieu of ad valorem property taxes. The provisions of this section do not apply to the transfer of motor vehicle registrations as specified in Section 12-37-2675 or to sales of motor

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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:

“The auditor shall prepare a tax notice of all vehicles owned by the same person and licensed at the same time for each tax year within the two-year licensing period. A notice must describe the motor vehicle by name, model, and identification number. The notice must set forth the assessed value of the vehicle, the millage, the taxes due on each vehicle, and the license period or tax year. The notice must be delivered to the county treasurer who must collect or receive payment of the taxes. One copy of the notice must be in the form of a bill or statement for the taxes due on the motor vehicle and, when practical, the treasurer shall mail that copy to the owner or person having control of the vehicle. When the tax and all other charges included on the tax bill have been paid, the treasurer shall issue the taxpayer a paid receipt. The receipt or a copy may be delivered by the taxpayer to the Department of Motor Vehicles with the application for the motor vehicle registration. A record of the payment of the tax must be retained by the treasurer. The auditor shall maintain a separate duplicate for motor vehicles. ~~No~~ A registration may not be issued by the Department of Motor Vehicles unless the application is accompanied by the receipt, a copy of the notification required by Section 12-37-2610 or notice from the county treasurer, by other means satisfactory to the Department of Motor Vehicles, of payment of the tax. ~~Motor vehicles registered under the International Registration Plan may pay ad valorem property taxes on a semiannual basis, and a proportional receipt must be issued by the treasurer subject to penalties in Section 12-37-2730. Large commercial motor vehicles and buses, as defined in~~

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

SECTION 11. 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 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 12. 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

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establish fiscally constrained performance goals, including fifty million dollars 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 13. 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 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 14. A.Section11-43-167(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.”

B.1. Section 11-43-165 of the 1976 Code is repealed.

2. This subsection 14.B.1. takes effect upon approval by the Governor and first applies to Fiscal Year 2018-2019.

SECTION 15. A.Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12-6-3780. (A)(1) A resident taxpayer is allowed a refundable income tax credit 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 of the credit may not exceed the lesser of: (i) the resident taxpayer’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) or (ii) the amount the resident taxpayer expends on preventative

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maintenance. The resident taxpayer shall claim the credit allowed by this section on the resident taxpayer's income tax return in a manner prescribed by the department. The department may require any documentation it deems necessary to implement the provisions of this section. Notwithstanding any other provision of this section, a resident taxpayer may claim the credit for up to two 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.

(2) Notwithstanding any other provision of this section:

(a) For tax year 2018, the credit allowed by this section may not exceed forty million dollars for all taxpayers.

(b) For tax year 2019, the credit allowed by this section may not exceed sixty-five million dollars for all taxpayers.

(c) For tax year 2020, the credit allowed by this section may not exceed eighty-five million dollars for all taxpayers.

(d) For tax year 2021, the credit allowed by this section may not exceed one hundred ten million dollars for all taxpayers.

(e) For all tax years after 2021, the credit allowed by this section may not exceed one hundred fourteen million dollars for all taxpayers.

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, an amount of funds necessary to entirely offset the estimated credit as certified by the Revenue and Fiscal Affairs Office, must be transferred from the Safety Maintenance Account to the Department of Revenue. If any funds exist in the Safety Maintenance Fund after all the income tax credits are claimed for the year or if any transferred funds still exist after

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all the income tax credits are claimed for the year, the remainder must be credited to the Infrastructure Maintenance Trust Fund.

(2) If the transferred funds pursuant to item (1) are not sufficient to completely offset the credit, 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 minus any amounts transferred pursuant to item (1). If the credit claimed by all taxpayers in a tax year is less than the amounts transferred pursuant to this item, 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.

(C) Unless reauthorized by the General Assembly, the credit allowed by this section may not be claimed for any tax year beginning after 2022.”

B. Article 1, Chapter 11, Title 11 of the 1976 Code is amended by adding:

“Section 11-11-240. (A) There is created in the State Treasury the Safety Maintenance Account. This account is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year, subject to the provision of Section 12-6-3780(C). Notwithstanding Section 56-3-627, the account must be credited any funds collected pursuant to Section 56-3-627(D). The funds in the account must only be appropriated to offset the costs of the refundable income tax credit allowed pursuant to Section 12-6-3780.

(B) Notwithstanding subsection (A), after December 31, 2022, the Safety Maintenance Account shall no longer be credited funds collected pursuant to Section 56-3-627(D). Once the account has expended all its funds on the costs of the credit or are transferred to the Infrastructure Maintenance Trust Fund pursuant to Section 12-6-3780(C), this section is repealed.”

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

SECTION 16. 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 twenty-five

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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 twenty and eighty-three hundredths percent each tax year until it is fully phased-in in tax year 2023, with the twenty and eighty-three hundredths 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 17. 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 18. A. Section 12-6-3385(A)(1) of the 1976 Code is amended to read:

“(A)(1)(a) A student is allowed a refundable individual income tax credit equal to ~~twenty five~~ fifty 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) The maximum amount of credits allowed by this section for all taxpayers may not exceed forty million dollars in tax year 2018. For all tax years after 2018, the maximum amount of credits for all taxpayers may not exceed the maximum amount in tax year 2018, 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.

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(c) 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 (b), then the credit must be reduced by a pro-rata amount that the certified estimate exceeds the maximum set forth in subitem (b).

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

“(52)(a) 14.2857 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) 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.

(c) 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 subitem (b), the exemption amount shall be proportionally reduced so as not to exceed

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the reimbursement cap. (d) 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) added pursuant to subsection A of this SECTION, the percentage exemption amount is phased in in six equal and cumulative percentage installments, applicable for property tax years beginning after 2017.

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

SECTION 20. 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 21. 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 22. A. Section 57-1-310(A) and (B) of the 1976 Code is amended to read:

“(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:

(1) 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, subject to the provisions of Section 57-1-325; and

(2) two members from the State at large, both appointed by the Governor, upon the advice and consent of the General Assembly. Each house must hold a separate confirmation vote.

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

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whole and may not subordinate the needs of the State to those of any particular area of the State.

(B) The at-large ~~appointment~~ appointments made by the Governor must be transmitted to the ~~Joint Transportation Review Committee~~ Senate and the House of Representatives for confirmation.

B.Section 57-1-325 of the 1976 Code, as last amended by Act 275 of 2016, is further amended to read:

“Section 57-1-325. (A) The Governor shall submit his transportation district appointees to the Senate and the House of Representatives for referral, ~~to the appropriate legislative delegation. Legislative delegation for these purposes means legislators residing in the congressional district corresponding to the transportation district of the appointee.~~

(B) Upon receipt of a referral, the legislative delegation shall meet to approve or disapprove the Governor’s appointee. The question of whether to approve an appointee may be taken up in a full delegation meeting or it may be taken up separately by the Senators in the legislative delegation and the members of the House of Representatives in the legislative delegation. To approve an appointee, the appointee must receive a majority of the weighted vote of only the Senators in the legislative delegation and a majority of the weighted vote of only the members of the House of Representatives in the delegation. The legislative delegation shall report its findings to the Clerk of the House of Representatives, Clerk of the Senate, and the Governor whether the appointee was approved by the weighted vote of the members of the legislative delegation from both the House of Representatives and the Senate. ~~If the legislative delegation approves the Governor’s appointee, the appointment shall be referred to the Joint Transportation Review Committee.~~ If the delegation disapproves the appointee, the Governor shall make another appointment. If the legislative delegation fails to approve of the Governor’s appointee within forty-five days of the appointee’s referral to the delegation, the appointee is deemed to have been disapproved. An appointee must receive a majority of the weighted vote of the members of the legislative delegation from both the House of Representatives and the Senate prior to entering a term of office.

(C) For the purposes of this article, ‘legislative delegation’ means legislators representing any portion of the congressional district corresponding to the transportation district the appointee was appointed to represent.”

C.Section 57-1-340 of the 1976 Code, as last amended by Act 275 of 2016, is amended further to read:

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“Section 57-1-340. Each commission member, within thirty days after his appointment and confirmation, or approval by the appropriate legislative delegation, as the case may be, and before entering upon the discharge of the duties of his office, shall take, subscribe, and file with the Secretary of State the oath of office prescribed by the Constitution of the State.”

D.Article 7, Chapter 1, Title 57 of the 1976 Code, relating to the Joint Transportation Review Committee, is repealed.

SECTION 23. 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 of Transportation, 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 member's term of appointment and for one year after the termination of the appointment."

SECTION 24. 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 25. 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."

SECTION 26. Section 57-1-330(B) of the 1976 Code is amended to read:

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

Commission members may be removed from office at the discretion of the Governor ~~subject to the prior approval of the appropriate legislative delegation."~~

SECTION 27. 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 relating to the subject of the effects of inadequate 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 28. 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

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the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 29. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 30. Except where specified otherwise, this act takes effect July 1, 2017./

Amend title to conform.

/s/Sen. Paul G. Campbell, Jr.

/s/Sen. Clarence Ross Turner III

/s/Sen. Vincent A. Sheheen

On Part of the Senate.

/s/Rep. James Todd Rutherford

/s/Rep. J. Gary Simrill

/s/Rep. W. Brian White

On Part of the House.

, and a message was sent to the House accordingly.

Statement by Senator SENN

I still can't call the gas tax a user fee. It is a tax. And the one we are likely to pass is far from perfect especially since any tax stinks. But the roads need fixing, right?

What I don't like most about this Bill is that we raise taxes to repair roads but in the process we give away a bunch of freebies like college tuition breaks. I have two children who would benefit from the college tuition break. But, should other people pay for my children to go to college? No! That's robbing Peter to pay Paul. I have learned that all 12 cents of the gas tax will only go only to fix the roads and bridges. But, there are a lot of increased fees on other items such as cars, boats, driver's licenses, etc. The college tuition breaks will be funded by out-of-state people who move here. The entering residents could at one time register their cars here free of charge, but now there will be a \$250 tag transfer fee paid. It is this fee that will fund the tuition tax offset. I can stomach that a little better, but still, why are we raising a bunch of fees to address things not associated with roads?

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I don't like that there is no indexing for inflation as this means we will be dealing with this issue again in the future.

I don't like the rebate idea as originally drafted. I thought it was unwise to allow folks to get back 150% of what they paid in if they saved their gas and car repair receipts. Unlike some of my fellow Senators, I believed and argued that many people will indeed take the write-off as a line item on their income taxes because we don't really have to save receipts from the gas pumps. We can just put all gas and car repairs on our credit/debit cards. Those cards will suffice as the receipts. We can easily then figure out the amount of gallons we used. Thus, it will be easy enough to legitimately take the write-off. But, why would we get back more than we paid in? Thankfully that has now been changed. In the new version post conference citizens can only get back 100% of the gas tax paid on up to two cars. So, two car families will pay no gas tax if they keep some form of evidence of the money spent such as putting gas on a credit or debit card then determining the appropriate deduction. Thus, the full tax can be shifted to three categories of gas purchasers: (1) tourists or (2) those who don't bother doing the math and take the allowable deduction or (3) those who don't bother filing/paying income taxes at all and thus can't take the deduction as they aren't eligible for the deduction.

I don't like that the conferees chose to give a tax break to manufacturers verses lowering property taxes for businesses. I would prefer to see the common business person get a property tax break rather than the manufacturers getting a break.

I don't like taxing hybrids or electric vehicles even though they use the roads but that is because those cars are kinder to the environment.

But, I do love some things in the Bill. There is an increase in "C" Funds and increase in Donor County Bonus funds as well as other fees all of which translate into more money locally for the counties which have the most heavily used roads. I do take credit for negotiating the increase in local money because I believe that local governments can best determine how certain monies should be spent. For instance, in Charleston County, with this extra money our local government could commit to paying one or more of the following items: the permitting of I-526; a bike path to downtown; fix drainage issues which cause flooding; assist with burying the power lines in Riverland Terrace thereby saving huge grand oaks; build needed sidewalks in areas like Woodland Shores -- the wish list goes on and on. In Dorchester, many folks are in need of sound barriers due to increased traffic and roadways expanding into their own backyards not to mention the completion of the

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parkway. There is no shortage of worthy projects that our counties can chose to spend the money on. In short, if this Bill passes, I will be proud to have been instrumental into bringing more money home locally because locals know how that money should best be spent. For Dorchester County, the overall projected local money if this Bill is taxed, is between 4.9 and 5.9 million annually. For Charleston that amount is projected to be 12-14 million. I wish it would be more to the locals but this money can make a dent in some of the local problems.

I do like the DOT reform in the post conference Bill. No one can say we didn't get real reform for DOT. Now, our Governor can remove any (or all) commissioners at will. Thus, DOT now effectively answers to the Governor as he can fire any commissioner (or all of them) at any time. Further, we codified what the other freshman and I had requested in an earlier amendment which follows many of the Legislative Audit Council's recommendations. It will now be incumbent upon DOT to follow those codified changes. If accountability is lacking, the Governor will have the tools he needs to hold that agency accountable as ultimately the commissioners answer to him.

When I ran for office, I told folks that I could not vote for the gas tax as it had been presented in previous years because it was not fair to the counties with the most road usage and which sell the most gas. Because my concerns were addressed in this Bill and a split made it at least somewhat more fair, I am now persuaded to vote for this Bill because our roads are only going to get worse without action.

The whole goal of the tax was to put more of the costs on tourists. This Bill does a lot of that, but it isn't perfect. No Bill is perfect. None of our choices have been perfect. But, if we wait for what everyone thinks is perfect, we will all be risking our lives on terrible roads indefinitely.

Motion Adopted

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

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

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

Angel S. Underwood, 2240 Colvin Road, Chester, SC 29706

MOTION ADOPTED

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Erminie McKnight Nave of Greenwood, S.C. Ms. Nave retired from the Greenwood Rehabilitation Center in 1988. She was an active member at First Presbyterian Church, was a member of the American Legion Auxiliary, the Chrysanthemum and Daffodil Garden Clubs, a volunteer at Self Memorial Hospital, a board member for Habitat for Humanity and a member of the S.C. Commission on Aging. Ms. Nave was a loving mother and doting grandmother who will be dearly missed.

ADJOURNMENT

At 8:46 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 2:00 P.M.

* * *

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S. 715.....	7	H. 3927	17
S. 716.....	7	H. 3969	35
		H. 4033	32
H. 3019	7	H. 4175	8
H. 3055	17	H. 4175	3
H. 3176	22	H. 4178	27
H. 3220	16	H. 4183	26
H. 3231	18	H. 4198	8
H. 3234	18	H. 4198	2
H. 3240	8	H. 4204	9
H. 3289	28	H. 4205	9
H. 3349	13	H. 4247	9
H. 3401	8		