

NO. 47

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

WEDNESDAY, APRIL 15, 2015
(STATEWIDE SESSION)

Wednesday, April 15, 2015
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Psalm 18:2: "The Lord is my rock and my fortress."

Let us pray. God, our shield, keep us safe as the world around us is crumbling; You are our rock on which we can withstand the perils of life. As these Representatives and staff struggle to get their work accomplished, give them the assurance You are always with them. Gift them with wisdom and integrity. Bless our Nation, President, State, Governor, Speaker, staff, and all who labor in these Halls of Government. Protect our defenders of freedom. Heal the wounds, those seen and those hidden, of our brave warriors who suffer and sacrifice for our freedom. Lord, hear our prayers. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. BURNS moved that when the House adjourns, it adjourn in memory of Bessie Christine Cato, mother of former Representative Harry Cato of Travelers Rest, which was agreed to.

SILENT PRAYER

The House stood in silent prayer for former Columbia Mayor Bob Coble.

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Allison	Anderson	Anthony
Bales	Ballentine	Bamberg

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Bedingfield	Bernstein	Bingham
Bradley	Brannon	G. A. Brown
R. L. Brown	Burns	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Collins	Corley
H. A. Crawford	Crosby	Daning
Delleney	Dillard	Douglas
Duckworth	Erickson	Felder
Finlay	Forrester	Funderburk
Gagnon	Gambrell	George
Goldfinch	Hamilton	Hardwick
Hayes	Henderson	Hicks
Hiott	Hodges	Hosey
Howard	Huggins	Jefferson
Johnson	King	Kirby
Knight	Loftis	Long
Lucas	Mack	McCoy
McEachern	McKnight	W. J. McLeod
Merrill	D. C. Moss	V. S. Moss
Nanney	Norman	Norrell
Ott	Pitts	Pope
Putnam	Ridgeway	Riley
Rivers	Robinson-Simpson	Ryhal
Sandifer	Simrill	G. M. Smith
G. R. Smith	J. E. Smith	Sottile
Southard	Spires	Stavrinakis
Tallon	Taylor	Thayer
Tinkler	Toole	Weeks
Wells	Whitmire	Williams
Willis	Yow	

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Wednesday, April 15.

Terry Alexander	Todd Atwater
Bruce W. Bannister	William Bowers
Derham Cole, Jr.	Wendell Gilliard
Jerry Govan	Kevin Hardee
Chris Hart	William G. Herbkersman
Jonathon D. Hill	William "Bill" Hixon
Jenny A. Horne	Ralph Kennedy

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H. B. "Chip" Limehouse	Phillip Lowe
Mia S. McLeod	Weston Newton
Anne Parks	Richard "Rick" Quinn
Todd Rutherford	Tommy Stringer
Brian White	

Total Present--118

LEAVE OF ABSENCE

The SPEAKER granted Rep. HENEGAN a leave of absence for the day due to a speaking commitment.

LEAVE OF ABSENCE

The SPEAKER granted Rep. MURPHY a temporary leave of absence.

DOCTOR OF THE DAY

Announcement was made that Dr. Marc D. New of North Charleston was the Doctor of the Day for the General Assembly.

SPECIAL PRESENTATION

Rep. PUTNAM presented to the House the Powdersville High School Marching Band, directors, and other school officials.

SPECIAL PRESENTATION

Rep. ALLISON presented to the House Miss South Carolina 2014, Lanie Hudson, along with the contestants of the Miss South Carolina 2015 Pageant, and Miss South Carolina Teen 2014, Hope Harvard.

CO-SPONSORS ADDED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's

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or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

CO-SPONSOR ADDED

Bill Number: H. 3005
Date: ADD:
04/15/15 JOHNSON

CO-SPONSOR ADDED

Bill Number: H. 3147
Date: ADD:
04/15/15 JOHNSON and COLLINS

CO-SPONSOR ADDED

Bill Number: H. 3149
Date: ADD:
04/15/15 JOHNSON

CO-SPONSORS ADDED

Bill Number: H. 3211
Date: ADD:
04/15/15 HILL, THAYER, HERBKERSMAN, DUCKWORTH,
MERRILL, LOWE, YOW, NEWTON, SOUTHARD,
DANING, WILLIS, GAGNON, HAMILTON, HICKS,
NORMAN, G. M. SMITH and POPE

CO-SPONSORS ADDED

Bill Number: H. 3353
Date: ADD:
04/15/15 JOHNSON and GEORGE

CO-SPONSOR ADDED

Bill Number: H. 3568
Date: ADD:
04/15/15 DILLARD

CO-SPONSOR ADDED

Bill Number: H. 3549
Date: ADD:
04/15/15 JOHNSON

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CO-SPONSOR ADDED

Bill Number: H. 3579
Date: ADD:
04/15/15 ANDERSON

CO-SPONSOR ADDED

Bill Number: H. 3768
Date: ADD:
04/15/15 JOHNSON

CO-SPONSOR ADDED

Bill Number: H. 3880
Date: ADD:
04/15/15 JOHNSON

CO-SPONSORS ADDED

Bill Number: H. 3979
Date: ADD:
04/15/15 G. M. SMITH and PITTS

SENT TO THE SENATE

The following Bill and Joint Resolution were taken up, read the third time, and ordered sent to the Senate:

H. 3396 -- Reps. Sandifer, Horne, Bedingfield, Hamilton, Finlay, Merrill, Whitmire, Crosby, Hardwick, Duckworth, Allison, V. S. Moss, Norman, Quinn, Limehouse, Atwater, Willis, Spires, Sottile, Herbkersman, Clemmons, Henderson, Loftis, Taylor, Murphy, Tallon, Brannon, Erickson, Toole, Wells, D. C. Moss, Corley, Ryhal, Hardee, Simrill and G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 42-1-378 SO AS TO PROVIDE THAT AN EMPLOYEE COVERED BY THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT, OR ANY OF ITS EXTENSIONS, OR THE MERCHANT MARINE ACT IS EXEMPT FROM WORKERS' COMPENSATION LAWS.

H. 3915 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4554, PURSUANT TO THE

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PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 3348--DEBATE ADJOURNED

The following Bill was taken up:

H. 3348 -- Reps. Spires and Toole: A BILL TO AMEND SECTION 40-43-83, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IN-STATE FACILITIES DEALING WITH PRESCRIPTION DRUGS IN A CERTAIN CAPACITY, SO AS TO APPLY NOTICE PROVISIONS TO OUT-OF-STATE FACILITIES THAT SIMILARLY DEAL WITH PRESCRIPTION DRUGS, TO PROVIDE ALL SUCH FACILITIES PERMITTED IN THIS STATE MUST PROVIDE NOTICE OF DISCIPLINARY ACTION TO THE PHARMACY BOARD, TO REQUIRE INSPECTIONS OF OUT-OF-STATE FACILITIES BY THE BOARD, TO PROVIDE AN OUT-OF-STATE FACILITY SHALL PAY CERTAIN FEES RELATED TO INSPECTIONS, TO PROVIDE FOR THE USE OF OUT-OF-STATE FACILITY INSPECTION FEES COLLECTED BY THE BOARD, TO PROVIDE THE BOARD MAY ENTER INTO MEMORANDUM OF UNDERSTANDING AGREEMENTS WITH THE REGULATORY AUTHORITY OF THE STATE IN WHICH AN OUT-OF-STATE FACILITY IS LOCATED TO CONDUCT INSPECTIONS OF THESE FACILITIES, AND TO PROVIDE THE BOARD MAY CONTRACT WITH A THIRD-PARTY TO INSPECT FACILITIES OF A LICENSEE; AND TO AMEND SECTION 40-43-89, RELATING TO WHOLESALE DISTRIBUTOR PERMITS, SO AS TO REQUIRE A MINIMUM SURETY BOND OR LETTER OF CREDIT, TO REQUIRE A CRIMINAL BACKGROUND CHECK OF THE APPLICANT, TO PROVIDE REQUIREMENTS FOR THE CERTIFICATION AND CONDUCT OF A DESIGNATED REPRESENTATIVE OF A WHOLESALE DISTRIBUTOR.

Rep. SPIRES moved to adjourn debate on the Bill until Tuesday, April 21, which was agreed to.

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H. 3118--FREE CONFERENCE REPORT ADOPTED

FREE CONFERENCE REPORT

H. 3118

The General Assembly, Columbia, S.C., March 25, 2015

The COMMITTEE OF CONFERENCE, to whom was referred: (Doc. No. H:\LEGWORK\CONFREPORTS\MS\3118C001.MS.AH15.DOCX):

H. 3118 -- Reps. Pitts and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-525 SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO PROMULGATE REGULATIONS GOVERNING CERTAIN AREAS TO ESTABLISH SEASONS, DATES, AREAS, BAG LIMITS, AND OTHER RESTRICTIONS FOR HUNTING AND TAKING WILD TURKEY; BY ADDING SECTION 50-11-580 SO AS TO ESTABLISH MALE WILD TURKEY HUNTING SEASON AS MARCH 20 THROUGH MAY 5, DECLARE THE SATURDAY PRECEDING MARCH 20 OF EACH YEAR TO BE "SOUTH CAROLINA YOUTH TURKEY HUNTING DAY" AND PROVIDE A PROCEDURE FOR YOUTH TURKEY HUNTING ON THIS DAY, TO PROVIDE A WILD TURKEY BAG LIMIT, TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO REPORT TO THE GENERAL ASSEMBLY CERTAIN WILD TURKEY RESOURCES INFORMATION INCLUDING RECOMMENDATIONS REGARDING THE SEASON AND THE BAG LIMITS; TO AMEND SECTIONS 50-11-530, 50-11-540, AND 50-11-544, ALL RELATING TO THE DEPARTMENT OF NATURAL RESOURCES' REGULATION OF THE HUNTING OF WILD TURKEYS, SO AS TO REVISE THE DEPARTMENT'S AUTHORITY TO REGULATE THE HUNTING OF WILD TURKEYS, TO ALLOW IT TO PROMULGATE EMERGENCY REGULATIONS FOR THE PROPER CONTROL OF THE HARVESTING OF WILD TURKEYS, TO REVISE THE PENALTIES FOR VIOLATING THE PROVISIONS THAT REGULATE THE HUNTING OF WILD TURKEYS, AND TO PROVIDE THAT ALL WILD TURKEY TRANSPORTATION TAGS MUST BE VALIDATED AS PRESCRIBED BY THE DEPARTMENT BEFORE A TURKEY IS MOVED FROM THE POINT OF KILL; AND TO SUSPEND THE PROVISIONS OF SECTION 50-11-520 UPON THE

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EFFECTIVE DATE OF THE ACT UNTIL NOVEMBER 7, 2018,
WHEN SECTION 50-11-580 IS REPEALED.

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

That the same do pass with the following amendments:

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

/ SECTION 1. Article 3, Chapter 11, Title 50 of the 1976 Code is
amended by adding:

“Section 50-11-525. The department may promulgate regulations for
wildlife management areas, heritage trust lands, and other properties
owned or leased by the department to establish seasons, dates, areas, bag
limits, and other restrictions for hunting and taking wild turkey”.

SECTION 2. Article 3, Chapter 11, Title 50 of the 1976 Code is
amended by adding:

“Section 50-11-580. (A) Notwithstanding the provisions of Section
50-11-520 or any other provision of law or regulation, the season for
hunting and taking a male wild turkey is March 20 through May 5.

(B) The Saturday and Sunday preceding March 20 of each year is
declared to be ‘Youth Turkey Hunting Weekend’. A person less than
eighteen years of age shall be considered a youth hunter. The license and
permit requirements for hunting turkey are waived for youth hunters
during Youth Turkey Hunting Weekend; however, youth hunters must
still possess a set of turkey tags while hunting during Youth Turkey
Hunting Weekend. A licensed hunter at least twenty-one years of age
must accompany a youth hunter in the field and may not harvest or
attempt to harvest turkey during Youth Turkey Hunting Weekend, but is
permitted to call turkeys for the youth hunter. The licensed hunter that
accompanies the youth hunter must have a valid South Carolina hunting
license, big game permit, and wildlife management area permit if
applicable.

(C) The season bag limit per person for male wild turkeys is three,
which may be taken by any lawful means. The season bag limit
contained in this section is statewide.

(D) The daily bag limit per person for male wild turkeys is two, which
may be taken by any lawful means. The daily bag limit contained in this
section is statewide.

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(E) The department shall conduct an analysis of the wild turkey resources in South Carolina and issue a draft report recommending any changes to the wild turkey season and bag limits. This report shall be provided to the General Assembly within one hundred eighty days of the conclusion of the third turkey season following the effective date of this section.

(F) The department shall provide an annual report of the wild turkey resources in South Carolina to the Chairman of the Senate Fish, Game and Forestry Committee and the Chairman of the House Agriculture and Natural Resources Committee.”

SECTION 3. Section 50-11-530 of the 1976 Code is amended to read:

“Section 50-11-530. The department may, ~~at its discretion, prescribe methods by which turkeys may be taken in each game zone and may fix the specific areas of the zones in which turkeys have become numerous enough to be harvested.~~ The department may designate the sex of the turkeys that may be taken and may ~~prescribe any other~~ promulgate emergency regulations considered necessary and expedient for the proper control of the harvesting of wild turkeys in the game zones.”

SECTION 4. Section 50-11-540 of the 1976 Code is amended to read:

“Section 50-11-540. Any person taking, attempting to take, or having in his possession turkey illegally or taking, attempting to take, or killing turkey in any way not prescribed by the department is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than ~~one~~ five hundred dollars or imprisoned for not more than thirty days. In addition, a person taking a wild turkey unlawfully must be required to make restitution to the department in the amount of up to five hundred dollars for each bird taken. In addition, a person convicted of taking a wild turkey illegally forfeits hunting and fishing privileges for one year for each bird taken.”

SECTION 5. Section 50-11-544 of the 1976 Code is amended to read:

“Section 50-11-544. A person who hunts wild turkeys is required to possess a set of wild turkey transportation tags issued by the department at no cost. All turkeys taken must be tagged before being moved from the point of kill. All tags must be validated as prescribed by the

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department before a turkey is moved from the point of kill. No person may obtain or possess more than one set of turkey tags.”

SECTION 6. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 7. This act takes effect on June 30, 2015. Provided, upon the effective date of this act until November 7, 2018, the provisions of Section 50-11-520 are suspended. On November 7, 2018, the turkey hunting seasons and bag limits in effect for the respective counties prior to the effective date of this act and delineated in Section 50-11-520 are effective, and Section 50-11-580 is repealed. /

Amend title to conform.

Senator George E. Campsen	Representative Michael Pitts
Senator Creighton Coleman	Representative Russell L. Ott
Senator Shane Martin	Representative William Hixon
On Part of the Senate.	On Part of the House.

Rep. PITTS explained the Free Conference Report.

The yeas and nays were taken resulting as follows:
Yeas 100; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anthony
A twater	Bales	Ballentine
Bannister	Bedingfield	Bernstein
Bingham	Bowers	Bradley
Brannon	R. L. Brown	Burns

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Chumley	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
Corley	H. A. Crawford	Delleney
Dillard	Douglas	Duckworth
Erickson	Finlay	Forrester
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Govan	Hamilton	Hardwick
Hayes	Henderson	Herbkersman
Hicks	Hill	Hiott
Hixon	Hodges	Horne
Hosey	Huggins	Jefferson
Johnson	King	Kirby
Knight	Limehouse	Loftis
Long	Lowe	Lucas
Mack	McCoy	McEachern
M. S. McLeod	W. J. McLeod	Merrill
D. C. Moss	V. S. Moss	Nanney
Newton	Norman	Norrell
Ott	Parks	Pitts
Pope	Putnam	Quinn
Ridgeway	Riley	Robinson-Simpson
Rutherford	Ryhal	Sandifer
Simrill	G. R. Smith	J. E. Smith
Sottile	Spires	Stavrinakis
Stringer	Taylor	Thayer
Tinkler	Toole	Weeks
Wells	White	Whitmire
Willis		

Total--100

Those who voted in the negative are:

Total--0

The Free Conference Report was adopted and a message was ordered sent to the Senate accordingly.

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H. 3579--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3579 -- Reps. Simrill, White, Lucas, Allison, Henderson, Limehouse, Newton, Ott, Clary, Collins, Delleney, Forrester, Gambrell, Hardwick, Hiott, Horne, Merrill, D. C. Moss, V. S. Moss, Murphy, Pitts, Sandifer, G. M. Smith, Sottile, Spires, Wells, Whitmire, Yow, Jefferson, Erickson, Funderburk, Hosey, Hixon, Clyburn, Knight, Herbkersman, H. A. Crawford, Felder, Willis, McCoy, Bradley, Douglas, Norrell, Long, Bales, Daning, Loftis, Tallon, Anthony, Howard, Gagnon, Riley, Williams, Hayes, G. A. Brown, R. L. Brown, Hart, Weeks, Whipper, Pope, Tinkler, Hicks, Brannon, Corley, Clemmons, Johnson, George, Alexander, Anderson and Duckworth: A BILL TO AMEND SECTIONS 57-1-310, 57-1-320, 57-1-325, AND 57-1-330, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT ALL THE COMMISSIONERS MUST BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR, TO PROVIDE THAT APPOINTEES MUST BE SCREENED BY THE JOINT TRANSPORTATION REVIEW COMMITTEE, AND TO PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER FOR MORE THAN TWELVE YEARS AND NO COUNTY MAY HAVE A RESIDENT COMMISSIONER FOR MORE THAN TWELVE CONSECUTIVE YEARS; TO AMEND SECTION 57-1-410, AS AMENDED, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, INSTEAD OF THE GOVERNOR, SHALL APPOINT THE SECRETARY; TO AMEND SECTIONS 57-1-730 AND 57-1-740, AS AMENDED, RELATING RESPECTIVELY TO THE DUTIES OF THE JOINT TRANSPORTATION REVIEW COMMITTEE, BOTH SO AS TO REQUIRE THE COMMITTEE TO SCREEN APPOINTEES TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION IN A SIMILAR MANNER AS CURRENTLY ELECTED COMMISSIONERS ARE SCREENED; BY ADDING SECTION 57-1-95 SO AS TO PROHIBIT THE COMMENCEMENT OF ANY NEW ROAD CONSTRUCTION PROJECTS IN THIS STATE UNTIL JULY 1, 2020; TO AMEND SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION

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INFRASTRUCTURE BANK, SO AS TO INCREASE THE BOARD TO THIRTEEN MEMBERS AND TO SET FORTH THE MEMBERSHIP, AND TO PROVIDE THAT NO MEMBER MAY SERVE MORE THAN TWELVE YEARS; TO AMEND SECTION 11-43-180, RELATING TO FINANCIAL ASSISTANCE GIVEN BY THE INFRASTRUCTURE BANK, SO AS TO PROHIBIT THE BANK FROM PROVIDING ANY LOANS OR OTHER FINANCIAL ASSISTANCE TO ANY PROJECT UNLESS THE ELIGIBLE COSTS OF THE PROJECT ARE AT LEAST TWENTY FIVE MILLION DOLLARS; BY ADDING SECTION 11-43-265 SO AS TO REQUIRE THE INFRASTRUCTURE BANK TO PRIORITIZE ALL PROJECTS IN ACCORDANCE WITH THE PRIORITIZATION CRITERIA ESTABLISHED IN ACT 114 OF 2007, AND TO PROVIDE AN EXCEPTION; BY ADDING SECTION 57-1-100 SO AS TO SET FORTH THE OPTIONAL PROCESS BY WHICH THE DEPARTMENT OF TRANSPORTATION TRANSFERS CERTAIN STATE ROADS TO THE COUNTIES OF THIS STATE, TO INCREASE THE AMOUNT DISTRIBUTED TO THE PARTICIPATING COUNTIES OVER TIME, TO PROVIDE THAT EACH PARTICIPATING COUNTY MUST RECEIVE ONE MILLION DOLLARS BEFORE THE FUNDS ARE DISTRIBUTED BASED ON A FORMULA, TO AMEND SECTION 12-28-2740, RELATING TO THE DISTRIBUTION OF THE GASOLINE USER FEE TO THE COUNTIES OF THIS STATE, TO ABOLISH THE CURRENT COUNTY TRANSPORTATION COMMITTEES AND THEN RECONSTITUTE THEM WITH THE ADDITION OF MUNICIPAL REPRESENTATION, AND TO SPECIFY THE MANNER IN WHICH "C" FUNDS MUST BE EXPENDED; TO AMEND SECTION 12-28-310, RELATING TO THE USER FEE ON GASOLINE, SO AS TO REDUCE THE FEE TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-410, RELATING TO THE ROAD TAX, SO AS TO REDUCE THE TAX TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-450, RELATING TO THE CREDIT AGAINST ROAD TAX, SO AS TO REDUCE THE CREDIT TO TEN CENTS A GALLON; TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM TAX, SO AS TO INCREASE THE MAXIMUM TAX FROM THREE HUNDRED TO FIVE HUNDRED DOLLARS ON THE SALE OR LEASE OF A MOTOR VEHICLE; TO AMEND SECTION 12-36-2647, RELATING TO THE TAX REVENUES COLLECTED FROM THE SALE OR LEASE OF A MOTOR VEHICLE, SO AS TO CREDIT ALL THE REVENUES TO

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THE STATE HIGHWAY FUND EXCEPT FOR CERTAIN AMOUNTS THAT ARE USED FOR THE EDUCATION IMPROVEMENT ACT; BY ADDING ARTICLE 4 TO CHAPTER 28, TITLE 12 SO AS TO IMPOSE AN EXCISE TAX ON THE WHOLESALE PRICE OF MOTOR FUEL EQUAL TO THE CUMULATIVE STATE SALES TAX RATE, TO PROVIDE THAT THE REVENUE MUST BE CREDITED TO THE STATE HIGHWAY FUND, TO PROVIDE THAT THE EXCISE TAX MAY NOT EXCEED THE EQUIVALENT OF SIXTEEN CENTS A GALLON, AND TO PROVIDE THE MANNER IN WHICH THE EXCISE TAX IS CALCULATED AND ADMINISTERED; AND BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 57 SO AS TO IMPOSE AN EXCISE TAX ON MOTOR CARRIERS IN THE SAME MANNER AS THE EXCISE TAX ON MOTOR FUEL.

Reps. SIMRILL, G. R. SMITH, TALLON, MCCOY, BRANNON, HIOTT, CLARY, HODGES, STRINGER, MACK, FELDER, NORMAN, WEEKS, SPIRES, COLLINS, BRADLEY, ERICKSON, WHITMIRE and JEFFERSON requested debate on the Bill.

H. 3878--DEBATE ADJOURNED

The following Bill was taken up:

H. 3878 -- Reps. White, Pope, Clemmons, Duckworth, Goldfinch, Hardwick, Johnson, H. A. Crawford, George, Yow, Ryhal, Hardee, Hayes and Kirby: A BILL TO AMEND SECTION 12-6-510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12-6-520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

Rep. WHITE moved to adjourn debate on the Bill until tomorrow, which was agreed to.

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**H. 3877--SENATE AMENDMENTS CONCURRED IN AND
BILL ENROLLED**

The Senate Amendments to the following Joint Resolution were taken up for consideration:

H. 3877 -- Reps. Delleney, D. C. Moss and Douglas: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF TWO OR FEWER DAYS THAT SCHOOLS IN CHESTER COUNTY CLOSED IN FEBRUARY 2015 DUE TO INCLEMENT WEATHER FROM THE STATUTORY REQUIREMENT THAT SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP, AND TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO TIME MISSED DUE TO INCLEMENT WEATHER FROM THESE STORMS.

The yeas and nays were taken resulting as follows:

Yeas 72; Nays 2

Those who voted in the affirmative are:

Allison	Anthony	Atwater
Bales	Bannister	Bernstein
Bradley	Brannon	G. A. Brown
Clemmons	Clyburn	Delleney
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Hardwick	Henderson	Hiott
Hosey	Howard	Jefferson
Johnson	King	Kirby
Knight	Long	Lowe
Lucas	McCoy	McEachern
M. S. McLeod	Merrill	V. S. Moss
Nanney	Newton	Norman
Norrell	Ott	Parks
Pitts	Pope	Quinn
Ridgeway	Riley	Rivers
Rutherford	Ryhal	Sandifer
Simrill	G. R. Smith	Sottile
Southard	Spires	Stavrinakis
Taylor	Thayer	Tinkler

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Toole	Wells	White
Whitmire	Willis	Yow

Total--72

Those who voted in the negative are:

Cole	Tallon
------	--------

Total--2

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

H. 3877--RECONSIDERED AND POINT OF ORDER

Rep. ALLISON moved to reconsider the vote whereby the House concurred in the Senate amendments to the following Joint Resolution, which was agreed to:

H. 3877 -- Reps. Delleney, D. C. Moss and Douglas: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF TWO OR FEWER DAYS THAT SCHOOLS IN CHESTER COUNTY CLOSED IN FEBRUARY 2015 DUE TO INCLEMENT WEATHER FROM THE STATUTORY REQUIREMENT THAT SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP, AND TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO TIME MISSED DUE TO INCLEMENT WEATHER FROM THESE STORMS.

POINT OF ORDER

Rep. ALLISON made the Point of Order that the Senate Amendments were improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to such reading.

The SPEAKER sustained the Point of Order.

H. 3433--DEBATE ADJOURNED

The following Bill was taken up:

H. 3433 -- Reps. Erickson, Weeks, Cobb-Hunter, McCoy, Douglas, Kennedy, Long, Lucas, M. S. McLeod, Ridgeway, Tallon, Thayer,

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Felder, Pope, J. E. Smith, King, Howard, Parks, Ott, Jefferson, Bernstein, Rivers, Southard, Tinkler, Henegan, Kirby, Bales, Neal, Henderson, Herbkersman, Merrill, G. R. Smith, Bradley, Bannister, H. A. Crawford, Newton, Clemmons, Nanney, Wells, Quinn, Whitmire, Bingham, Stringer, Atwater, Hicks, Mitchell, Funderburk, Norrell, Knight, Sandifer, Gilliard, R. L. Brown, Whipper and W. J. McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "DOMESTIC VIOLENCE REFORM ACT"; TO AMEND SECTION 16-25-10, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF DOMESTIC VIOLENCE OFFENSES, SO AS TO DEFINE OTHER NECESSARY TERMS; TO AMEND SECTION 16-25-20, AS AMENDED, RELATING TO DOMESTIC VIOLENCE OFFENSES, SO AS TO RESTRUCTURE THE OFFENSES BY GRADUATING THE PENALTIES INTO DEGREES, DEFINE THE ELEMENTS OF EACH DEGREE, AND PROVIDE A NEW PENALTY STRUCTURE; TO AMEND SECTION 16-25-65, AS AMENDED, RELATING TO DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, SO AS TO RESTRUCTURE THE OFFENSE, REDEFINE THE ELEMENTS OF THE OFFENSE, TO RESTRUCTURE THE PENALTY, AND TO PROVIDE THAT AS A CONDITION OF BOND FOR THIS OFFENSE, THE JUDGE MAY PROVIDE THAT THE OFFENDER MAY NOT SHIP, TRANSPORT, POSSESS, OR RECEIVE A FIREARM OR AMMUNITION WHILE THE OFFENDER IS UNDER BOND; TO AMEND SECTION 16-1-60, AS AMENDED, RELATING TO CRIMES DEFINED AS VIOLENT, SO AS TO INCLUDE DOMESTIC VIOLENCE IN THE FIRST DEGREE AS A VIOLENT CRIME; TO AMEND SECTION 17-25-45, RELATING TO OFFENSES DEFINED AS "MOST SERIOUS" AND "SERIOUS", SO AS TO ADD THE OFFENSES OF DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE AND DOMESTIC VIOLENCE IN THE FIRST DEGREE TO THE LIST OF "SERIOUS" OFFENSES; TO AMEND SECTION 16-3-600, AS AMENDED, RELATING TO ASSAULT AND BATTERY OFFENSES, SO AS TO REVISE THE DEFINITION OF "MODERATE BODILY INJURY"; TO AMEND SECTION 22-3-546, RELATING TO THE AUTHORIZATION OF CIRCUIT SOLICITORS, IN THEIR DISCRETION, TO ESTABLISH A PROGRAM FOR PROSECUTION OF FIRST OFFENSE DOMESTIC VIOLENCE OFFENSES, SO AS TO EXPAND THE PROGRAMS TO INCLUDE ALL MISDEMEANOR DOMESTIC VIOLENCE OFFENSES; TO AMEND

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SECTION 22-5-530, AS AMENDED, RELATING TO DEPOSITS IN LIEU OF RECOGNIZANCE AND PAYMENT TO A JAIL OR CORRECTIONAL FACILITY TO SECURE IMMEDIATE RELEASE, SO AS TO PROVIDE THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO A PERSON CHARGED WITH A DOMESTIC VIOLENCE OFFENSE AND SUCH A PERSON IS EXPRESSLY PROHIBITED FROM MAKING A DEPOSIT IN LIEU OF RECOGNIZANCE TO SECURE IMMEDIATE RELEASE; TO AMEND SECTION 17-15-30 AND SECTION 22-5-510, BOTH AS AMENDED, RELATING TO MATTERS TO BE CONSIDERED WHEN DETERMINING CONDITIONS OF RELEASE ON BOND AND BOND HEARINGS AND INFORMATION TO BE PROVIDED TO THE COURT, RESPECTIVELY, BOTH SO AS TO REQUIRE THE COURT TO CONSIDER IF RELEASE ON BOND WOULD CONSTITUTE AN UNREASONABLE DANGER TO THE COMMUNITY OR AN INDIVIDUAL, TO PROVIDE THAT WHEN A PERSON IS CHARGED WITH A VIOLATION OF CERTAIN DOMESTIC VIOLENCE OFFENSES THAT A BOND HEARING MAY NOT PROCEED WITHOUT THE PERSON'S CRIMINAL RECORD AND INCIDENT REPORT, OR THE PRESENCE OF THE ARRESTING OFFICER, TO REQUIRE BOND HEARINGS FOR THESE VIOLATIONS TO BE HELD WITHIN TWENTY-FOUR HOURS AFTER ARREST, AND TO PROVIDE THAT FAILURE OF A PARTY TO ADHERE TO A CONDITION OF BOND MAY RESULT IN THE ISSUANCE OF A BENCH WARRANT FOR CONTEMPT; TO AMEND SECTION 17-15-10, RELATING TO PERSONS WHO MAY BE RELEASED PENDING TRIAL, SO AS TO REQUIRE THE COURT TO CONSIDER IF RELEASE ON BOND WOULD CONSTITUTE AN UNREASONABLE DANGER TO THE COMMUNITY OR AN INDIVIDUAL; TO AMEND SECTION 16-25-120, AS AMENDED, RELATING TO THE RELEASE OF A PERSON ON BOND WHO IS CHARGED WITH A VIOLENT OFFENSE OR WHEN THE VICTIM IS A HOUSEHOLD MEMBER, SO AS TO PROVIDE THAT THE COURT MUST CONSIDER CERTAIN FACTORS BEFORE RELEASING A PERSON ON BOND; TO AMEND SECTION 17-15-50, RELATING TO AMENDMENT OF AN ORDER RELATING TO BOND, SO AS TO CLARIFY THAT THE COURT WITH JURISDICTION OF THE OFFENSE MAY AMEND THE ORDER AT ANY TIME; TO AMEND SECTION 17-15-55, AS AMENDED, RELATING TO BOND AND THE AUTHORITY OF THE CIRCUIT COURT TO REVOKE BOND UNDER CERTAIN

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CIRCUMSTANCES, SO AS TO PROVIDE FOR THE PURPOSE OF BOND REVOCATION ONLY THAT A SUMMARY COURT HAS CONCURRENT JURISDICTION WITH THE CIRCUIT COURT FOR TEN DAYS FROM THE DATE BOND IS FIRST SET ON A CHARGE BY THE SUMMARY COURT TO DETERMINE IF BOND SHOULD BE REVOKED; TO AMEND SECTION 16-25-20, AS AMENDED, RELATING TO DOMESTIC VIOLENCE OFFENSES, SO AS TO AUTHORIZE A JUDGE TO PROCEED WITH THE PROSECUTION OF A DOMESTIC VIOLENCE OFFENSE WITHOUT THE VICTIM PRESENT AND TO REQUIRE A JUDGE TO MAKE CERTAIN INQUIRIES AND WRITTEN FINDINGS REGARDING WHETHER THE PROSECUTION IS READY TO PROCEED AND THE TYPE OF EVIDENCE THE PROSECUTION IS PREPARED TO PRESENT; TO AMEND SECTION 16-25-70, AS AMENDED, RELATING TO WARRANTLESS ARREST OR SEARCH FOR A DOMESTIC VIOLENCE OFFENSE, SO AS TO REQUIRE THAT THE MANDATED LAW ENFORCEMENT INVESTIGATION OF A DOMESTIC VIOLENCE OFFENSE MUST BE DOCUMENTED ON AN INCIDENT REPORT FORM WHICH MUST BE MAINTAINED BY THE INVESTIGATING AGENCY; TO DIRECT THE DEPARTMENT OF SOCIAL SERVICES IN CONSULTATION WITH THE SOUTH CAROLINA VOUCHER PROGRAM TO PROVIDE CERTAIN CHILDCARE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE TO ENCOURAGE PARTICIPATION IN COURT HEARINGS RELATING TO DOMESTIC VIOLENCE; TO AMEND SECTION 17-22-90, RELATING TO PRETRIAL INTERVENTION PROGRAMS, SO AS TO REQUIRE THE DOMESTIC VIOLENCE FATALITY ADVISORY COMMITTEE TO DEVELOP AND THE ATTORNEY GENERAL TO APPROVE A BATTERER'S TREATMENT PROGRAM FOR USE AS PART OF PRETRIAL INTERVENTION FOR CERTAIN DOMESTIC VIOLENCE OFFENSES AND TO ALLOW THE COURT TO DESIGNATE A SPECIFIC BATTERER'S TREATMENT PROGRAM; BY ADDING ARTICLE 3 TO CHAPTER 25, TITLE 16 SO AS TO CREATE THE DEPARTMENT OF DOMESTIC VIOLENCE FATALITIES OF THE OFFICE OF THE ATTORNEY GENERAL OF SOUTH CAROLINA WHOSE PURPOSE IS TO INVESTIGATE FATALITIES RESULTING FROM DOMESTIC VIOLENCE, TO REQUIRE THE ATTORNEY GENERAL TO OVERSEE THESE INVESTIGATIONS AND THE OVERALL OPERATION OF THE DEPARTMENT, AND TO PROVIDE FOR THE DEPARTMENT'S

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DUTIES AND POWERS; TO CREATE THE DOMESTIC VIOLENCE FATALITY ADVISORY COMMITTEE WHOSE PURPOSE IS TO DECREASE FATALITIES RESULTING FROM DOMESTIC VIOLENCE AND TO PROVIDE FOR THE COMMITTEE'S MEMBERSHIP, DUTIES, AND POWERS; AND TO EXEMPT CERTAIN MEETINGS AND INFORMATION FROM THE APPLICABILITY OF THE FREEDOM OF INFORMATION ACT AND PROVIDE FOR CONFIDENTIALITY OF CERTAIN INFORMATION RELATED TO THE INVESTIGATION AND REVIEW OF INCIDENCES OF DOMESTIC VIOLENCE BY THE DEPARTMENT AND COMMITTEE; BY ADDING ARTICLE 5 TO CHAPTER 25, TITLE 16 SO AS TO RECODIFY THE PROVISIONS OF SECTION 43-1-260, RELATING TO COMMUNITY DOMESTIC VIOLENCE COORDINATING COUNCILS, WITHIN ARTICLE 5; TO REPEAL SECTION 43-1-260 RELATING TO COMMUNITY DOMESTIC VIOLENCE COORDINATING COUNCILS; TO AMEND SECTION 59-32-30, AS AMENDED, RELATING TO SUBJECTS TAUGHT IN THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, SO AS TO ADD THE SUBJECT OF DOMESTIC VIOLENCE BEGINNING WITH THE 2016-2017 SCHOOL YEAR; AND TO STRIKE THE WORD "CRIMINAL" FROM REFERENCES TO CRIMINAL DOMESTIC VIOLENCE OFFENSES THROUGHOUT AS APPROPRIATE.

Rep. M. S. MCLEOD spoke in favor of the Bill.

Rep. DELLENEY moved to adjourn debate on the Bill until Thursday, April 16, which was agreed to.

S. 536--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

S. 536 -- Senator Hembree: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 57 IN HORRY COUNTY, FROM ITS INTERSECTION WITH GORE ROAD TO ITS INTERSECTION WITH BRIGHT ROAD "STALVEY BELLAMY MEMORIAL HIGHWAY" AND ERECT APPROPRIATE

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MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

The Concurrent Resolution was adopted and sent to the Senate.

S. 535--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

S. 535 -- Senators Hembree and Rankin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 410, KNOWN AS GREEN SEA ROAD SOUTH, IN HORRY COUNTY, FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 917 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 701 "DENNIS E. PHIPPS HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

The Concurrent Resolution was adopted and sent to the Senate.

H. 3905--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

H. 3905 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE LITTLE PEE DEE RIVER ALONG SOUTH CAROLINA HIGHWAY 57 IN DILLON COUNTY "MCINNIS BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THIS DESIGNATION.

The Concurrent Resolution was adopted and sent to the Senate.

H. 3896--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

H. 3896 -- Reps. Jefferson, Daning, Crosby, Merrill, Southard and Rivers: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 311 IN BERKELEY COUNTY

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FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 TO MUDVILLE ROAD "CALDWELL PINCKNEY, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

The Concurrent Resolution was adopted and sent to the Senate.

H. 3897--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

H. 3897 -- Reps. Jefferson, Daning, Crosby and Rivers: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 45 IN BERKELEY COUNTY FROM GETHERS FUNERAL HOME TO GREEN HILL ROAD "WILLIE G. GAMBLE HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

The Concurrent Resolution was adopted and sent to the Senate.

H. 3913--ADOPTED AND SENT TO SENATE

The following Concurrent Resolution was taken up:

H. 3913 -- Reps. Henegan and Hayes: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES DEPARTMENT OF COMMERCE TO URGE IT TO STUDY UNFAIR TRADE PRACTICES INVOLVING CERTAIN TYPES OF PAPER BEING SOLD AT LESS THAN FAIR MARKET VALUE IN UNITED STATES MARKETS BY SOME FOREIGN PRODUCERS, TO ESTIMATE THE IMPACT OF THESE UNFAIR TRADE PRACTICES ON DOMESTIC PRODUCERS, AND TO IMPOSE DUTIES ON PAPER PRODUCTS THAT ARE UNFAIRLY PRICED.

The Concurrent Resolution was adopted and sent to the Senate.

MOTION PERIOD

The motion period was dispensed with on motion of Rep. WELLS.

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H. 3025--DEBATE ADJOURNED

The following Bill was taken up:

H. 3025 -- Reps. Clemmons, Yow, Hixon, Kennedy, Loftis, Huggins, Rivers, Hill and Gagnon: 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 REVISE THE CONDITIONS THAT ALLOW A HOLDER OF AN OUT-OF-STATE CONCEALED WEAPONS PERMIT TO CARRY A WEAPON IN THIS STATE.

Rep. CLEMMONS moved to adjourn debate on the Bill until Thursday, April 16, which was agreed to.

LEAVE OF ABSENCE

The SPEAKER granted Rep. CROSBY a temporary leave of absence.

SPEAKER *PRO TEMPORE* IN CHAIR

H. 3579--POINT OF ORDER, AMENDED, AND INTERRUPTED DEBATE

The following Bill was taken up:

H. 3579 -- Reps. Simrill, White, Lucas, Allison, Henderson, Limehouse, Newton, Ott, Clary, Collins, Delleney, Forrester, Gambrell, Hardwick, Hiott, Horne, Merrill, D. C. Moss, V. S. Moss, Murphy, Pitts, Sandifer, G. M. Smith, Sottile, Spires, Wells, Whitmire, Yow, Jefferson, Erickson, Funderburk, Hosey, Hixon, Clyburn, Knight, Herbkersman, H. A. Crawford, Felder, Willis, McCoy, Bradley, Douglas, Norrell, Long, Bales, Daning, Loftis, Tallon, Anthony, Howard, Gagnon, Riley, Williams, Hayes, G. A. Brown, R. L. Brown, Hart, Weeks, Whipper, Pope, Tinkler, Hicks, Brannon, Corley, Clemmons, Johnson, George, Alexander, Anderson and Duckworth: A BILL TO AMEND SECTIONS 57-1-310, 57-1-320, 57-1-325, AND 57-1-330, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT ALL THE COMMISSIONERS MUST BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR, TO PROVIDE THAT APPOINTEES MUST BE SCREENED BY THE JOINT TRANSPORTATION REVIEW COMMITTEE, AND TO

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PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER FOR MORE THAN TWELVE YEARS AND NO COUNTY MAY HAVE A RESIDENT COMMISSIONER FOR MORE THAN TWELVE CONSECUTIVE YEARS; TO AMEND SECTION 57-1-410, AS AMENDED, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, INSTEAD OF THE GOVERNOR, SHALL APPOINT THE SECRETARY; TO AMEND SECTIONS 57-1-730 AND 57-1-740, AS AMENDED, RELATING RESPECTIVELY TO THE DUTIES OF THE JOINT TRANSPORTATION REVIEW COMMITTEE, BOTH SO AS TO REQUIRE THE COMMITTEE TO SCREEN APPOINTEES TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION IN A SIMILAR MANNER AS CURRENTLY ELECTED COMMISSIONERS ARE SCREENED; BY ADDING SECTION 57-1-95 SO AS TO PROHIBIT THE COMMENCEMENT OF ANY NEW ROAD CONSTRUCTION PROJECTS IN THIS STATE UNTIL JULY 1, 2020; TO AMEND SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO INCREASE THE BOARD TO THIRTEEN MEMBERS AND TO SET FORTH THE MEMBERSHIP, AND TO PROVIDE THAT NO MEMBER MAY SERVE MORE THAN TWELVE YEARS; TO AMEND SECTION 11-43-180, RELATING TO FINANCIAL ASSISTANCE GIVEN BY THE INFRASTRUCTURE BANK, SO AS TO PROHIBIT THE BANK FROM PROVIDING ANY LOANS OR OTHER FINANCIAL ASSISTANCE TO ANY PROJECT UNLESS THE ELIGIBLE COSTS OF THE PROJECT ARE AT LEAST TWENTY FIVE MILLION DOLLARS; BY ADDING SECTION 11-43-265 SO AS TO REQUIRE THE INFRASTRUCTURE BANK TO PRIORITIZE ALL PROJECTS IN ACCORDANCE WITH THE PRIORITIZATION CRITERIA ESTABLISHED IN ACT 114 OF 2007, AND TO PROVIDE AN EXCEPTION; BY ADDING SECTION 57-1-100 SO AS TO SET FORTH THE OPTIONAL PROCESS BY WHICH THE DEPARTMENT OF TRANSPORTATION TRANSFERS CERTAIN STATE ROADS TO THE COUNTIES OF THIS STATE, TO INCREASE THE AMOUNT DISTRIBUTED TO THE PARTICIPATING COUNTIES OVER TIME, TO PROVIDE THAT EACH PARTICIPATING COUNTY MUST RECEIVE ONE MILLION DOLLARS BEFORE THE FUNDS ARE DISTRIBUTED

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BASED ON A FORMULA, TO AMEND SECTION 12-28-2740, RELATING TO THE DISTRIBUTION OF THE GASOLINE USER FEE TO THE COUNTIES OF THIS STATE, TO ABOLISH THE CURRENT COUNTY TRANSPORTATION COMMITTEES AND THEN RECONSTITUTE THEM WITH THE ADDITION OF MUNICIPAL REPRESENTATION, AND TO SPECIFY THE MANNER IN WHICH "C" FUNDS MUST BE EXPENDED; TO AMEND SECTION 12-28-310, RELATING TO THE USER FEE ON GASOLINE, SO AS TO REDUCE THE FEE TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-410, RELATING TO THE ROAD TAX, SO AS TO REDUCE THE TAX TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-450, RELATING TO THE CREDIT AGAINST ROAD TAX, SO AS TO REDUCE THE CREDIT TO TEN CENTS A GALLON; TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM TAX, SO AS TO INCREASE THE MAXIMUM TAX FROM THREE HUNDRED TO FIVE HUNDRED DOLLARS ON THE SALE OR LEASE OF A MOTOR VEHICLE; TO AMEND SECTION 12-36-2647, RELATING TO THE TAX REVENUES COLLECTED FROM THE SALE OR LEASE OF A MOTOR VEHICLE, SO AS TO CREDIT ALL THE REVENUES TO THE STATE HIGHWAY FUND EXCEPT FOR CERTAIN AMOUNTS THAT ARE USED FOR THE EDUCATION IMPROVEMENT ACT; BY ADDING ARTICLE 4 TO CHAPTER 28, TITLE 12 SO AS TO IMPOSE AN EXCISE TAX ON THE WHOLESALE PRICE OF MOTOR FUEL EQUAL TO THE CUMULATIVE STATE SALES TAX RATE, TO PROVIDE THAT THE REVENUE MUST BE CREDITED TO THE STATE HIGHWAY FUND, TO PROVIDE THAT THE EXCISE TAX MAY NOT EXCEED THE EQUIVALENT OF SIXTEEN CENTS A GALLON, AND TO PROVIDE THE MANNER IN WHICH THE EXCISE TAX IS CALCULATED AND ADMINISTERED; AND BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 57 SO AS TO IMPOSE AN EXCISE TAX ON MOTOR CARRIERS IN THE SAME MANNER AS THE EXCISE TAX ON MOTOR FUEL.

POINT OF ORDER

Rep. QUINN made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER *PRO TEMPORE* sustained the Point of Order.

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RULE 5.10 WAIVED

Rep. SIMRILL moved to waive Rule 5.10, pursuant to Rule 5.15.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Atwater	Bales
Ballentine	Bannister	Bedingfield
Bernstein	Bowers	Bradley
Brannon	G. A. Brown	R. L. Brown
Burns	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	H. A. Crawford
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Govan	Hamilton	Hardwick
Hayes	Henderson	Herbkersman
Hicks	Hiott	Hixon
Hodges	Horne	Hosey
Howard	Huggins	Jefferson
King	Knight	Limehouse
Loftis	Long	Lowe
Lucas	McCoy	McEachern
M. S. McLeod	W. J. McLeod	D. C. Moss
V. S. Moss	Nanney	Newton
Norman	Norrell	Ott
Parks	Pitts	Pope
Putnam	Ridgeway	Riley
Rivers	Robinson-Simpson	Rutherford
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	J. E. Smith
Sottile	Southard	Spires
Stavrinakis	Stringer	Taylor
Thayer	Tinkler	Toole
Weeks	Wells	White

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Whitmire
Yow

Williams

Willis

Total--103

Those who voted in the negative are:

Total--0

So, Rule 5.10 was waived, pursuant to Rule 5.15.

SPEAKER IN CHAIR

The Committee on Ways and Means proposed the following Amendment No. 1 to H. 3579 (COUNCIL\BBM\3579C004.BBM.DG15), which was adopted:

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

/ A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA INFRASTRUCTURE FINANCE REFORM AND TAX RELIEF ACT"; TO AMEND SECTIONS 57-1-310, 57-1-320, 57-1-325, AND 57-1-330, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT ALL THE COMMISSIONERS MUST BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR, TO PROVIDE THAT APPOINTEES MUST BE SCREENED BY THE JOINT TRANSPORTATION REVIEW COMMITTEE, AND TO PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER FOR MORE THAN TWELVE YEARS AND NO COUNTY MAY HAVE A RESIDENT COMMISSIONER FOR MORE THAN TWELVE CONSECUTIVE YEARS; TO AMEND SECTION 57-1-410, AS AMENDED, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, INSTEAD OF THE GOVERNOR, SHALL APPOINT THE SECRETARY; TO AMEND SECTIONS 57-1-730 AND 57-1-740, AS AMENDED, RELATING RESPECTIVELY TO THE DUTIES OF THE JOINT TRANSPORTATION REVIEW

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COMMITTEE, BOTH SO AS TO REQUIRE THE COMMITTEE TO SCREEN APPOINTEES TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION IN A SIMILAR MANNER AS CURRENTLY ELECTED COMMISSIONERS ARE SCREENED; BY ADDING SECTION 57-1-95 SO AS TO PROHIBIT THE COMMENCEMENT OF ANY NEW ROAD CONSTRUCTION PROJECTS IN THIS STATE UNTIL JULY 1, 2020, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO INCREASE THE BOARD TO THIRTEEN MEMBERS AND TO SET FORTH THE MEMBERSHIP, AND TO PROVIDE THAT NO MEMBER MAY SERVE MORE THAN TWELVE YEARS; TO AMEND SECTION 11-43-180, RELATING TO FINANCIAL ASSISTANCE GIVEN BY THE INFRASTRUCTURE BANK, SO AS TO PROHIBIT THE BANK FROM PROVIDING ANY LOANS OR OTHER FINANCIAL ASSISTANCE TO ANY PROJECT UNLESS THE ELIGIBLE COSTS OF THE PROJECT ARE AT LEAST TWENTY-FIVE MILLION DOLLARS; BY ADDING SECTION 11-43-265 SO AS TO REQUIRE THE INFRASTRUCTURE BANK TO PRIORITIZE ALL PROJECTS IN ACCORDANCE WITH THE PRIORITIZATION CRITERIA ESTABLISHED IN ACT 114 OF 2007, AND TO PROVIDE AN EXCEPTION; BY ADDING SECTION 57-1-100 SO AS TO SET FORTH THE OPTIONAL PROCESS BY WHICH THE DEPARTMENT OF TRANSPORTATION TRANSFERS CERTAIN STATE ROADS TO THE COUNTIES OF THIS STATE, TO INCREASE THE AMOUNT DISTRIBUTED TO THE PARTICIPATING COUNTIES OVER TIME, TO PROVIDE THAT EACH PARTICIPATING COUNTY MUST RECEIVE ONE MILLION DOLLARS BEFORE THE FUNDS ARE DISTRIBUTED BASED ON A FORMULA, TO AMEND SECTION 12-28-2740, RELATING TO THE DISTRIBUTION OF THE GASOLINE USER FEE TO THE COUNTIES OF THIS STATE, TO ABOLISH THE CURRENT COUNTY TRANSPORTATION COMMITTEES AND THEN RECONSTITUTE THEM WITH THE ADDITION OF MUNICIPAL REPRESENTATION, AND TO SPECIFY THE MANNER IN WHICH "C" FUNDS MUST BE EXPENDED; TO AMEND SECTIONS 56-5-4210 AND 56-5-4220, BOTH RELATING TO ROAD RESTRICTIONS, SO AS TO SPECIFY CERTAIN RESTRICTIONS ON LOCALITIES; TO AMEND SECTION 12-28-310, RELATING TO THE USER FEE ON GASOLINE, SO AS

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TO REDUCE THE FEE TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-410, RELATING TO THE ROAD TAX, SO AS TO REDUCE THE TAX TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-450, RELATING TO THE CREDIT AGAINST ROAD TAX, SO AS TO REDUCE THE CREDIT TO TEN CENTS A GALLON; TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM TAX, SO AS TO INCREASE THE MAXIMUM TAX FROM THREE HUNDRED TO FIVE HUNDRED DOLLARS ON THE SALE OR LEASE OF A MOTOR VEHICLE; TO AMEND SECTION 12-36-2647, RELATING TO THE TAX REVENUES COLLECTED FROM THE SALE OR LEASE OF A MOTOR VEHICLE, SO AS TO CREDIT ALL THE REVENUES TO THE STATE HIGHWAY FUND EXCEPT FOR CERTAIN AMOUNTS THAT ARE USED FOR THE EDUCATION IMPROVEMENT ACT; BY ADDING ARTICLE 4 TO CHAPTER 28, TITLE 12 SO AS TO IMPOSE AN EXCISE TAX ON THE WHOLESALE PRICE OF MOTOR FUEL EQUAL TO THE CUMULATIVE STATE SALES TAX RATE, TO PROVIDE THAT THE REVENUE MUST BE CREDITED TO THE STATE HIGHWAY FUND, TO PROVIDE THAT THE EXCISE TAX MAY NOT EXCEED THE EQUIVALENT OF SIXTEEN CENTS A GALLON, AND TO PROVIDE THE MANNER IN WHICH THE EXCISE TAX IS CALCULATED AND ADMINISTERED; BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 57 SO AS TO IMPOSE AN EXCISE TAX ON MOTOR CARRIERS IN THE SAME MANNER AS THE EXCISE TAX ON MOTOR FUEL; AND TO AMEND SECTION 12-6-510, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12-6-520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

Be it enacted by the General Assembly of the State of South Carolina:

Part 1

Citation and Findings

SECTION 1. This act may be cited as the “South Carolina Infrastructure Finance Reform and Tax Relief Act”.

SECTION 2. (A) The General Assembly finds that the State of South Carolina’s transportation infrastructure is inexorably linked to its economic future and ability to recruit, retain, and promote businesses and that deterioration of the state’s transportation infrastructure creates

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direct costs to businesses and opportunity costs with respect to deferred business and employment growth.

(B) The General Assembly further finds that substantial improvements to the State Highway System cannot be realized without increasing the financial resources dedicated to the purpose of preserving, maintaining, and rebuilding the State Highway System.

(C) The General Assembly further finds that increasing revenues to the State Highway System through an increase of transportation-related user fees, such as those levied on motor fuels, would present an economic burden on South Carolina's citizens and that a complementary decrease in taxes would lessen the financial impact on taxpayers and further the goal of economic development through lower taxes.

(D) Finally, the General Assembly finds that maximizing the impact, and therefore economic development potential, of such additional revenues allocated to the State Highway System requires the restructuring of the governance and subject approval processes to refocus upon statewide interests.

Part 2

Commission of the Department of Transportation

SECTION 3. Sections 57-1-310 through Section 57-1-330 of the 1976 Code, all as last amended by Act 114 of 2007, are further amended to read:

“Section 57-1-310. (A) The congressional districts of this State are constituted and created Department of Transportation Districts of the State, designated by numbers corresponding to the numbers of the respective congressional districts. The Commission of the Department of Transportation shall be composed of one member from each transportation district ~~elected by the delegations of the congressional district~~ and one member ~~appointed by the Governor~~ from the State at large, all appointed by the Governor. ~~Such elections or appointment, as the case may be, Appointments shall take into account race and gender so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment or in an election in no way creates a cause of action or basis for an employee grievance for a person appointed or elected or for a person who fails to be appointed or elected.~~

~~(B)(1) Candidates for election to the commission must be screened by the Joint Transportation Review Committee, as provided in Article 7 of this chapter, and determined to meet the qualifications contained in subsection (C) in order to be eligible for election.~~

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~~(2) The at large appointment~~ All appointments made by the Governor must be transmitted to the Joint Transportation Review Committee. The Joint Transportation Review Committee must ~~determine whether the at large appointee meets the qualifications in subsection (C)~~ screen each appointee, as provided in Article 7, and report its findings to the General Assembly and the Governor. Until the Joint Transportation Review Committee finds a gubernatorial appointee qualified, the appointee must not take the oath of office and the full rights and privileges and powers of the office shall not vest. An appointee may not take the oath of office until the Joint Transportation Review Committee notifies the Clerk of the Senate and the Clerk of the House of Representatives that the appointee is qualified pursuant to Section 57-1-740(B)(2)(b).

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

(1) a baccalaureate or more advanced degree from:

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

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

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

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

(a) transportation;

(b) construction;

(c) finance;

(d) law;

(e) environmental issues;

(f) management; or

(g) engineering.

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

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

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

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

~~(B) No~~ A county within a Department of Transportation district shall may not have a resident commission member for more than ~~one~~ consecutive term twelve consecutive years and in no event shall any two persons from the same county serve as a commission member simultaneously except as provided hereinafter.

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

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

Section 57-1-330. (A) ~~For the purposes of electing a commission member, a legislator shall vote only in the congressional district in which he resides. All commission members are elected to a term of office of four years which expires on February fifteenth of the appropriate year. All commission members serve at the pleasure of the Governor, but a commission member may not serve more than twelve years, regardless of when the term was served. Commissioners shall continue to serve until their successors are elected~~ appointed and qualify, provided that a commissioner ~~may~~ may only may serve in a hold-over capacity for a period not to exceed six months. Any vacancy occurring in the office of commissioner shall be filled by ~~election or~~ appointment in the manner

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provided in this article for the unexpired term only. Except for the at-large member, ~~no~~ a person is not eligible to serve as a commission member who is not a resident of that district at the time of his appointment. Failure by ~~an elected~~ such commission member to maintain residency in the district for which he is ~~elected~~ appointed shall result in the forfeiture of his office.

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

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

SECTION 4. Section 57-1-410 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

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

SECTION 5. Section 57-1-730 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

"Section 57-1-730. The review committee has the following powers and duties:

(1) to screen ~~each candidate applying for election~~ each person appointed to the commission;

(2) in screening ~~candidates~~ appointees and making its findings, the review committee must give due consideration to:

(a) ability, area of expertise, dedication, compassion, common sense, and integrity of each ~~candidate~~ appointee; and

(b) the impact that each ~~candidate~~ appointee would have on the racial and gender composition of the commission, and each ~~candidate's~~ appointee's impact on other demographic factors represented on the commission, such as residence in rural or urban areas, to assure nondiscrimination to the greatest extent possible of all segments of the population of the State; and

(3) to determine if each ~~candidate~~ appointee is qualified and meets the requirements provided by law to serve as a member of the

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Department of Transportation Commission, make findings concerning whether each ~~candidate~~ appointee is qualified, and deliver its findings to the Clerk of the Senate, ~~and the Clerk of the House of Representatives,~~ and the Governor, and

~~(4) to submit the names of all qualified candidates to the congressional district delegation for election.”~~

SECTION 6. Section 57-1-740 of the 1976 Code, as last amended by Act 253 of 2010, is further amended to read:

“Section 57-1-740. (A) ~~For purposes of this section, a vacancy is created on the commission when a term expires, a new congressional district is created, or a commission member resigns, dies, or is removed from office as provided in Section 57-1-330(C). If known in advance, the review committee may provide notice of a vacancy and begin screening prior to the actual date of the vacancy.~~

~~(B) Whenever a commission member must be elected to fill a vacancy is appointed:~~

(1) The review committee must forward a notice of the ~~transportation commission district member vacancy~~ appointment to:

(a) a newspaper of general circulation within the congressional district from which a commission member ~~must be elected~~ is appointed with a request that it be published at least once a week for four consecutive weeks;

(b) any person who has informed the committee that he desires to be notified of the ~~vacancy~~ appointment; and

(c) to each member of the congressional district delegation.

The committee may provide such additional notice that it deems appropriate.

(2) The review committee may not ~~accept a notice of intention to seek the office from any candidate~~ conduct an investigation of an appointee until the review committee certifies to the Clerk of the Senate, ~~and the Clerk of the House of Representatives,~~ and the Governor that the proper notices, required by this section, have been requested to be published or provided as required in this subsection.

(3) The cost of the notification process required by this section must be absorbed and paid from the approved accounts of the Senate and the House of Representatives as contained in the annual appropriations act.

~~(C) Any person desiring to be a candidate for election to fill a vacancy on the commission must file a notice of intention with the review committee no later than five business days after the last date the published notice appeared in a newspaper of general circulation. Upon~~

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~~the expiration of the notice of intention filing period, the review committee must provide every member of the affected congressional district delegation with a complete list of the people who filed a notice.~~

~~(D)(B)~~(1) When the ~~notice of intention filing period closes~~ certifications are made pursuant to subsection (A)(2), the review committee shall begin to conduct an investigation of ~~candidates~~ an appointee, as it considers appropriate, and may utilize the services of any agency of state government to assist in the investigation. Upon request of the review committee for assistance, an agency shall cooperate fully.

(2)(a)(i) Upon completion of ~~the candidate~~ an appointee's investigations investigation, the chairman of the review committee shall schedule a public hearing concerning the qualifications of the ~~candidates~~ appointee. Any person who desires to testify at the hearing, including the ~~candidates~~ appointee, must furnish a written statement of his proposed testimony to the chairman of the review committee. This statement shall be furnished no later than forty-eight hours prior to the date and time set for the hearing. The review committee shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the review committee, shall be submitted under oath and persons knowingly furnishing false information either orally or in writing shall be subject to the penalties provided by law for perjury and false swearing.

(ii) During the course of the investigation, the review committee may schedule an executive session at which the ~~candidates~~ appointee, and other persons who the review committee wishes to interview, may be interviewed on matters pertinent to the ~~candidate's~~ appointee's qualification for the office to be filled.

(iii) The review committee shall render its tentative findings as to whether the ~~candidates are~~ appointee is qualified to serve on the commission as a district member and its reasons for making the findings within a reasonable time after the hearing. ~~If only one person applies to fill a vacancy or if the review committee concludes there are fewer candidates qualified for a vacancy than those who initially filed, it shall submit to the congressional district delegation for election only the names and qualifications of those who are considered to be qualified. The nominations of the review committee for any candidate for the election to the commission are binding on the congressional district delegation, and it shall not elect a person not nominated by the review committee. Nothing shall prevent the congressional district delegation from rejecting all persons nominated. In this event, the review committee shall submit another group of names and qualifications for that position.~~

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Further nominations in the manner required by this chapter must be made until the office is filled.

(b) As soon as possible after the completion of the hearing, a verbatim copy of the testimony, documents submitted at the hearing, and findings of fact, including whether the appointee is qualified, shall be delivered to the Clerk of the Senate and the Clerk of the House of Representatives to be transcribed and published in the journals of both houses or otherwise made available in a reasonable number of copies to the members of both houses and a copy must be furnished to each candidate the Governor and the appointee.

~~(c)(i) The review committee must transmit to the congressional district delegation the names of all qualified candidates.~~

~~(ii) No member of the congressional district delegation may pledge his vote to elect a candidate until the review committee has released its written report concerning the qualifications of the candidate to the members of the appropriate congressional district delegation. The release of the written report of qualifications shall occur no earlier than forty eight hours after the names of the qualified candidates have been initially released to members of the appropriate congressional district delegation.~~

~~(iii) No candidate may directly or indirectly seek the pledge of a vote from a member of the candidate's congressional delegation or, directly or indirectly, contact a statewide constitutional officer, a member of the General Assembly, or the Joint Transportation Review Committee regarding screening for the commission until the review committee has released its written report as to the qualifications of all candidates in a particular congressional district. For purposes of this section, "indirectly seek the pledge" means the candidate, or someone acting on behalf of and at the request of the candidate, requests another person to contact a member of the General Assembly, a statewide constitutional officer, or a member of the review committee on behalf of the candidate before the review committee's release of the written report of qualifications.~~

~~(iv) The prohibitions of this section do not extend to an announcement of candidacy by the candidate and statements by the candidate detailing the candidate's qualifications.~~

~~(d) A candidate~~ An appointee may withdraw at any stage of the proceedings, and in this event no further inquiry, report on, or consideration of his ~~candidacy~~ appointment shall be made.

(3) All records, information, and other material that the review committee has obtained or used to make its findings of fact, except

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materials, records, and information presented under oath at the public hearing, shall be kept strictly confidential. After the review committee has reported its findings of fact, or after ~~a candidate~~ an appointee withdraws his name from consideration, all records, information, and material required to be kept confidential must be destroyed.

(4)(a) The review committee may, in the discharge of its duties, administer oaths and affirmations, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records considered necessary in connection with the investigation of the review committee.

(b) ~~No~~ A person ~~shall~~ may not be excused from attending and testifying or from producing books, papers, correspondence, memoranda, or other records before the review committee on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. However, ~~no~~ an individual ~~shall~~ may not be prosecuted or subjected to any criminal penalty based upon testimony or evidence submitted or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury and false swearing committed during testimony.

(c) In case of contumacy by any person or refusal to obey a subpoena issued to any person, any circuit court of this State or circuit judge thereof within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, resides, or transacts business, upon application by the review committee, may issue to the person an order requiring him to appear before the review committee to produce evidence, if so ordered, or to give testimony concerning the matter under investigation. Any failure to obey an order of the court may be punished as contempt. Subpoenas shall be issued in the name of the review committee and shall be signed by the review committee chairman. Subpoenas shall be issued to those persons as the review committee may designate.

(5) The privilege of the floor in either house of the General Assembly may not be granted to ~~a candidate~~ an appointee, or any immediate family member of ~~a candidate~~ an appointee unless the family member is serving in the General Assembly, during the time the ~~candidate's~~ appointee's application is pending before the review

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committee and during the time the ~~candidate's~~ appointee's election is pending.”

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

“Section 57-1-95. (A) Notwithstanding any other provision of law, no new road construction projects may commence in this State until July 1, 2020. This section must not be construed to prohibit the expansion of roads that existed on June 30, 2015. This section applies to the department and any other entity authorized to construct roads in this State.

(B) This section does not apply to:

(1) any project for which preliminary engineering and design work has been initiated before January 1, 2016;

(2) large interstate projects for which matching funds are available;

(3) any project contained in a metropolitan planning organization's transportation improvement plan before January 1, 2016; and

(4) a new facility designed to be a toll road.”

SECTION 8. (A) Sections 3 and 4, as contained in this Part, take effect January 1, 2016, at which time the Commission of the Department of Transportation must be made up of members appointed pursuant to Section 57-1-310, as amended by this act. The members of the Commission of the Department of Transportation as of December 31, 2015, must no longer serve on the commission unless the member is reappointed pursuant to Section 57-1-310, as amended by this act, and found qualified by the Joint Transportation Review Committee, as set forth in Sections 57-1-325 and 57-1-330, as amended by this act.

(B) Sections 5 and 6, as contained in this Part, take effect upon approval by the Governor, and first apply to the screening of persons appointed to the Commission of the Department of Transportation thereafter. To ensure an efficient transition to the reconstituted Commission of the Department of Transportation on January 1, 2016, upon the effective date of this act, the Governor may begin making appointments to the Commission of the Department of Transportation for membership that takes effect January 1, 2016. These appointees must be screened pursuant to Sections 57-1-325 and 57-1-330, as amended by this act.

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Part 3

South Carolina Transportation Infrastructure Bank

SECTION 9. A. Section 11-43-140 of the 1976 Code is amended to read:

“Section 11-43-140. The board of directors is the governing board of the bank. The board consists of ~~seven~~ thirteen voting directors as follows: ~~the Chairman of the Department of Transportation Commission, ex officio; one director appointed by the Governor who shall serve as chairman; one director appointed by the Governor~~ the seven members of the Commission of the Department of Transportation that represent a transportation district, ex officio; one director two directors appointed by the Speaker of the House of Representatives; one member of the House of Representatives appointed by the Speaker, ex officio; ~~one director~~ two directors appointed by the President *Pro Tempore* of the Senate; and one member of the Senate appointed by the President *Pro Tempore* of the Senate, ex officio. All directors serve at the pleasure of the appointing authority. Directors appointed by ~~the Governor~~, the Speaker, and the President *Pro Tempore* shall serve terms coterminous with those of their appointing authority. The terms for the legislative members are coterminous with their terms of office. The Governor shall designate which member of the Commission of the Department of Transportation shall serve as chairman. The vice chairman must be elected by the board. A director may not serve more than twelve years, regardless of when the term was served. Any person appointed to fill a vacancy must be appointed in the same manner as the original appointee for the remainder of the unexpired term.”

B. This SECTION takes effect January 1, 2016, at which time the board of directors of the South Carolina Transportation Infrastructure Bank must be made up of members appointed pursuant to Section 11-43-140, as amended by this act. The members of the board of directors of the South Carolina Transportation Infrastructure Bank as of December 31, 2015, only may continue to serve on the board if they were legislatively appointed, and the legislative appointing authority, in writing, expresses the desire for the member to continue serving, and otherwise qualify. To ensure an efficient transition to the reconstituted board of trustees of the South Carolina Transportation Infrastructure Bank on January 1, 2016, upon the effective date of this act, the appointing authorities may begin making appointments to the board of trustees of the South Carolina Transportation Infrastructure Bank for membership that takes effect January 1, 2016.

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SECTION 10. A. Section 11-43-180 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

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

B. This SECTION takes effect upon approval by the Governor and only applies to projects selected by the bank thereafter.

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

“Section 11-43-265. (A) Notwithstanding any other provision of law and subject to the provisions of subsection (B), the bank must prioritize all projects in accordance with the prioritization criteria provided in Section 57-1-370(B)(8).

(B) The General Assembly may enact a joint resolution allowing the bank to fund a project without using the prioritization criteria provided in subsection (A). The joint resolution must be specific as to the project and the amount authorized to be funded.”

B. This SECTION takes effect upon approval by the Governor and only applies to projects selected by the bank thereafter.

Part 4

Transfer of Roads to Counties

SECTION 12. A. Article 1, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57-1-100. (A) This section is intended to set forth the process by which the Department of Transportation transfers certain state roads, or portions thereof, to the political subdivisions of this State.

(B) The department must determine which state roads to transfer to political subdivision control by selecting roads that are most appropriately considered local or rural routes. The department may not select more than a total of nineteen thousand centerline miles of road to transfer. By July 1, 2015, the department must notify each county transportation committee of the roads selected for transfer within the county. Also, the department must notify each municipality of the roads selected for transfer within its municipal limits. The department shall transfer the roads selected pursuant to the process set forth in subsection (C).

(C) Subject to subsections (E) and (F), on January 1, 2016, of the roads selected pursuant to subsection (B), the department must transfer at least one-third of the selected centerlines miles within each county to the political subdivisions of that respective county. However, if the county transportation committee notifies the department by November

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1, 2015, the county transportation committee may designate the specific local routes to be transferred. Also, the governing body of a municipality may designate the specific local routes within its municipal limit to be transferred by notifying the department by November 1, 2015. If the county transportation committee or a municipality does not notify the department or does not designate at least one-third of the centerline miles, or if the department administers the county's 'C' funds, then the department shall determine which local routes to transfer. However, the department may not transfer to a political subdivision more than one-third of the selected centerline miles within the political subdivision, unless the respective county transportation committee or municipality agrees to the transfer of the excess.

(D) On January 1, 2018, and on January 1, 2020, the department shall transfer the remaining local routes in the same manner as set forth in subsection (C), *mutatis mutandis*.

(E)(1) A county transportation committee may elect not to accept the transfer of any state roads on January 1, 2016, by notifying the department of its refusal by November 1, 2015. The provisions of this section do not apply to any county that refuses to participate pursuant to this subsection.

(2) A county's refusal pursuant to item (1) is considered permanent; however, if a county transportation committee wishes to participate in the subsequent transfers set forth in subsection (D), then the county transportation committee must notify the department by the September first immediately preceding the transfer. Upon notifying the department, the county transportation committee may designate the specific local routes to be transferred in the same manner as set forth in subsection (C).

(F)(1) The governing body of a municipality may elect not to accept the transfer of any state roads by notifying the department of its refusal by November 1, 2015. The provisions of this section do not apply to any municipality that refuses to participate pursuant to this subsection. If a municipality elects not to participate, but the county in which the municipality is located does participate, then the county must accept the roads inside municipal limits. If a municipality elects to participate, and the county in which the municipality is located also participates, then the municipality shall take control of the selected roads within its municipal limits.

(2) A municipality's refusal pursuant to item (1) is considered permanent; however, if the governing body of a municipality wishes to participate in the subsequent transfers set forth in subsection (D), then

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the municipality must notify the department by the September first immediately preceding the transfer. Upon notifying the department, the governing body of the municipality may designate the specific local routes to be transferred in the same manner as set forth in subsection (C).

(G)(1) Notwithstanding Section 12-28-2740, beginning July 1, 2016, for counties participating in the road transfer pursuant to this section, the proceeds from an additional one and thirty-four hundredths cents a gallon of the user fee on gasoline only as levied and provided for in this chapter must be deposited with the State Treasurer in a separate 'C' funds account and expended for purposes set in Section 12-28-2740. Beginning July 1, 2018, the proceeds credited to the State Treasurer for the purposes of this subsection must be increased to two and thirty-four hundredths cents a gallon. Also, the amount must be increased again beginning July 1, 2020, to three and thirty-four hundredths cents a gallon.

(2)(a) First, the monies in the separate fund must be distributed to each participating county based on the time the county began participating. For counties that participated in the 2016 transfer, each county shall receive one million dollars of distributions. For counties that began participating in the 2018 transfer, each county shall receive five hundred thousand dollars of distributions. For counties that began participating in the 2020 transfer, each county shall receive two hundred fifty thousand dollars of distributions. The monies distributed pursuant to this subitem shall be distributed pro rata based on the amount of distributions the county receives pursuant to this subitem.

(b) The remaining monies in the separate account must be apportioned among all the counties of the State in the same manner as provided in Section 12-28-2740(A), except that any money apportioned to a county that is not participating instead must be credited to the State Highway Fund.

(H) Notwithstanding Section 12-28-2740, for counties participating in the 2016 road transfer pursuant to this section, to account for the additional monies pursuant to subsection (G), beginning July 1, 2016, for any new 'C' fund allocations received on or after this date, the balance of uncommitted funds carried forward from one year into the next may not exceed three hundred percent of the county's total apportionment for the most recent year. Also, to account for the graduated increased monies pursuant to subsection (G) that begin on July 1, 2018, and July 1, 2020, the July 1, 2016, date in this subsection is deemed to be July 1, 2018 beginning on July 1, 2018, and July 1, 2020, beginning on July 1, 2020.

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(I) The department may promulgate regulations necessary to implement the provisions of this section, including emergency regulations for the transfer occurring on January 1, 2016.

(J) As used in this section:

(1) 'Centerline miles' means the length of the road, as measured by miles, so that the total length of the road is the same regardless of the numbers of lanes.

(2) 'County transportation committee' means the committee appointed by each county's legislative delegation to adopt a countywide transportation plan and administer 'C' funds pursuant to Section 12-28-2740.

(3) 'Political subdivision' means counties and municipalities.

(4) 'Road' has the same meaning as provided in Section 57-3-120."

B. This SECTION takes effect July 1, 2015, except that the amendment to Section 57-1-100(G), as contained in this SECTION, does not take effect until July 1, 2016.

SECTION 13. A. Section 12-28-2740(B), (C), and (O) of the 1976 Code is amended to read:

"(B) The funds expended must be approved by and used in furtherance of a countywide transportation plan adopted by a county transportation committee. The county transportation committee must be appointed by the county legislative delegation and must be made up of ~~fair~~ representation from municipalities within the county and unincorporated areas of the county. The municipal representation must include at least a mayor, a municipal council member, and a municipal employee, all representing different municipalities. Any mayor or municipal council member shall serve ex officio. County transportation committees may join in approving a regional transportation plan, and the funds must be used in furtherance of the regional transportation plan. This subsection does not prohibit the county legislative delegation from making project recommendations to the county transportation committee. A county transportation committee may expend from the funds allocated under this section an amount not to exceed two thousand dollars for reasonable administrative expenses directly related to the activities of the committee. Administrative expenses may include costs associated with copying, mailings, public notices, correspondence, and recordkeeping but do not include the payment of per diem or salaries for members of the committee.

(C) At least 'C' funds only may be used within the public right of way for paving, resurfacing, bridge construction or replacement, street

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and traffic signs, traffic signals, street lighting, and other road and bridge infrastructure projects. 'C' funds also may be used for labor, mowing, ditching, and other general maintenance. A maximum of twenty-five percent of a county's apportionment of 'C' funds, based on a biennial averaging of expenditures, must may be expended on the state highway system for construction, improvements, and maintenance. The Department of Transportation shall administer all funds expended on the state highway system unless the department has given explicit authority to a county or municipal government or other agent acting on behalf of the county transportation committee to design, engineer, construct, and inspect projects using their own personnel. The county transportation committee, at its discretion, may expend up to seventy five percent of 'C' construction funds for activities including other local paving or improving county roads, for street and traffic signs, and for other road and bridge projects.

(O) Notwithstanding other provisions of this section, the legislative delegation of a county may by delegation resolution abolish the county transportation committee and devolve its powers and duties on the governing body of the county. Upon the abolition, the governing body of the county must appoint a 'C' funds advisory committee that must include representation from municipalities within the county and unincorporated areas of the county. The municipal representation must include at least a mayor, a municipal council member, and a municipal employee, all representing different municipalities. The advisory committee shall make recommendations to the governing body of the county regarding the expenditure of the county's 'C' funds. This devolution may be reversed and the county transportation committee reestablished by a subsequent delegation resolution. The exercise of county transportation committee powers and duties by a county governing body is not deemed to constitute dual office holding.”

B. Effective July 1, 2015, all existing county transportation committees are abolished and the authority of each county transportation committee is devolved upon the legislative delegation of each county. Upon the authority being devolved, the legislative delegation of each county shall appoint a new county transportation committee pursuant to Section 12-28-2740(B), devolve the duties of the county transportation committee upon the local governing body of the county pursuant to Section 12-28-2740(O), or request the Department of Transportation to administer the county's 'C' funds. Nothing in this subsection prohibits a county legislative delegation from appointing a member to the county transportation committee that previously served on the committee.

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SECTION 14. Sections 56-5-4210 and 56-5-4220 of the 1976 Code are amended to read:

“Section 56-5-4210. (A) Anything in this article to the contrary notwithstanding, the Department of Transportation with respect to state highways and local authorities with respect to highways under their jurisdiction may prescribe, by notice as herein provided, loads and weights and speed limits lower than the limits prescribed in this chapter and other laws, whenever in their judgment any road or part thereof or any bridge or culvert shall by reason of its design, deterioration, rain or other climatic or natural causes be liable to be damaged or destroyed by motor vehicles, trailers or semitrailers, if the gross weight or speed limit thereof shall exceed the limits prescribed in such notice. And the Department of Transportation or such local authority may, by like notice, regulate or prohibit, in whole or in part, the operation of any specified class or size of motor vehicle, trailer or semitrailer on any highways or specified parts thereof under its jurisdiction, whenever in its judgment, such regulation or prohibition is necessary to provide for the public safety and convenience on such highways or parts thereof by reason of traffic density, intensive use thereof by the traveling public or other reasons of public safety and convenience. The notice or the substance thereof shall be posted at conspicuous places at terminals of and all intermediate cross-roads and road junctions with the section of highway to which such notice shall apply. After any such notice shall have been posted, the operation of any motor vehicle or combination contrary to its provisions shall constitute a violation of this chapter.

(B) The imposition of any restrictions pursuant to subsection (A) must be first approved by the Department of Transportation on any highways transferred to local authorities after 2015.

Section 56-5-4220. No limitation shall be established by any county, municipal or other local authority pursuant to the provisions of Section 56-5-4210 that would interfere with or interrupt traffic as authorized hereunder over ~~state~~ public highways, including officially established detours for such highways and cases where such traffic passes over roads, streets or thoroughfares within the sole jurisdiction of such county, municipal or other local authority, unless such limitations and further restrictions shall have first been approved by the Department of Transportation, except that with respect to county roads, other than such as are in use as state highway detours, the respective county road authorities shall have full power and authority to further limit the weights of vehicles upon bridges and culverts that have failed to meet National Bridge Inspection Standards as administered by the Department of

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Transportation upon such public notice as they deem sufficient, and existing laws applicable thereto shall not be affected by the terms of this article.”

Part 5

Funding for Roads

SECTION 15. Section 12-28-310(A) of the 1976 Code is amended to read:

“(A) Subject to the exemptions provided in this chapter, a user fee of ~~sixteen~~ ten cents a gallon is imposed on:

(1) all gasoline, gasohol, or blended fuels containing gasoline that are used or consumed for any purpose in this State; and

(2) all diesel fuel, substitute fuels, or alternative fuels, or blended fuels containing diesel fuel that are used or consumed in this State in producing or generating power for propelling motor vehicles.”

SECTION 16. Section 56-11-410 of the 1976 Code is amended to read:

“Section 56-11-410. 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~~ ten cents a gallon, 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.”

SECTION 17. 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~~ ten cents per gallon 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 18. Section 12-36-2110 of the 1976 Code is amended by adding a new subsection at the end to read:

“(F) Notwithstanding the provisions of subsection (A), after June 30, 2015, the maximum tax imposed pursuant to this chapter on the sale, lease, or registration of a motor vehicle is increased from three hundred dollars to five hundred dollars, mutatis mutandis.”

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SECTION 19. A. Section 12-36-2647 of the 1976 Code, as added by Act 98 of 2013, is amended to read:

“Section 12-36-2647. (A) Notwithstanding the provisions of Section 59-21-1010, fifty percent of the revenues of sales, use, and casual excise taxes derived pursuant to Sections 12-36-2620(1) and 12-36-2640(1) on the sale, use, or titling of a motor vehicle required to be licensed and registered by the South Carolina Department of Motor Vehicles, otherwise required to be credited as provided pursuant to Section 59-21-1010, instead must be credited to the State Non-Federal Aid Highway Fund established pursuant to Section 57-11-20 State Highway Fund and the general fund equally; however, each fiscal year, once the general fund receives fifty million dollars in these revenues, the State Highway Fund shall receive the entirety of the remainder. Revenues credited to the State Non-Federal Aid Highway Fund State Highway Fund pursuant to this section must be used exclusively for highway, road, and bridge maintenance, construction, and repair.

(B) Notwithstanding the provisions of Section 59-21-1010, any increase in revenue attributable to Section 12-36-2110(F) from the sales, use, and casual excise taxes derived pursuant to Sections 12-36-2620(2) and 12-36-2640(2) on the sale, use, or titling of a motor vehicle required to be licensed and registered by the South Carolina Department of Motor Vehicles, otherwise required to be credited as provided pursuant to Section 59-21-1010, instead must be credited the State Highway Fund. Revenues credited to the State Highway Fund pursuant to this section must be used exclusively for highway, road, and bridge maintenance, construction, and repair.

(C) Notwithstanding the provisions of this section, in Fiscal Year 2015-2016, the amount transferred to the State Highway Fund pursuant to this section may not exceed the amount transferred to the State Non-Federal Aid Highway Fund pursuant to this section in Fiscal Year 2014-2015 by more than fifty million dollars.”

B. Article 1, Chapter 43, Title 11 of the 1976 Code is amended by adding:

“Section 11-43-167. (A) In addition to all other entitlements, each fiscal year, the State Treasurer shall transfer fifty million dollars from nontax sources in the state general fund to the South Carolina Transportation Infrastructure Bank. The treasurer may transfer the total amount in one lump sum or the treasurer may transfer the amount quarterly in four equal installments. The transfer is exempt from any across-the-board reductions. The transferred funds must be used solely by the bank to finance bridge replacement, resurfacing and rehabilitation

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projects, and expansion and improvements to existing mainline interstates.

(B) The Department of Transportation shall submit a list of bridge and road projects to the bank for its consideration. Transferred funds may not be used for projects approved by the bank before July 1, 2015.

(C) The General Assembly may designate the source of nontax revenue from which the transfer must be made.”

SECTION 20. Chapter 28, Title 12 of the 1976 Code is amended by adding:

“Article 4
Excise Tax

Section 12-28-410. (A) There is imposed an excise tax on motor fuels subject to the user fee imposed pursuant to this chapter. The excise tax must be levied against the wholesale price of the motor fuels, as determined pursuant to subsection (B). The excise tax rate is equal to the cumulative sales tax rate imposed by the State.

(B)(1) Each calendar year is divided into two base periods. The department must determine the wholesale price for each base period based on the wholesale price of the motor fuels. The two base periods are six-month periods, with one ending on September thirtieth and one ending on March thirty-first. The wholesale price set by the department using information for the base period that ends on September thirtieth applies to the six-month period that begins the following January first. The wholesale price set by the department using information for the base period that ends on March thirty-first applies to the six-month period that begins the following July first.

(2) To determine the wholesale price of the motor fuels for each base period, the department must use information on refiner and gas plant operator sales prices of finished motor gasoline and diesel fuel for resale, published by the United States Department of Energy in the ‘Monthly Energy Review’, or equivalent data. The department must use a weighted average of the results for each motor fuel based on the proportion of excise tax collected on each pursuant to subsection (A) to the base period. The department must then convert the weighted average price to a cents-per-gallon price for all motor fuel and round the price to the nearest one-tenth of a cent. If the converted cents-per-gallon price is exactly between two-tenths of a cent, the department must round the price up to the higher of the two. Then, the department must round the cents-per-gallon price to the nearest whole cent.

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(3) Notwithstanding item (2), for purposes of this article, the wholesale price of the motor fuels may not change by more than twenty-five percent from one base period to the next.

(4) Notwithstanding any other provision of this section, the excise tax, when applied to the wholesale price of motor fuels for the applicable base period, must never exceed the equivalent of sixteen cents a gallon.

Section 12-28-420. All revenue collected pursuant to this article must be credited to the State Highway Fund.

Section 12-28-430. Except where specified otherwise, the excise tax imposed pursuant to this article shall be imposed, collected, and administered in the same manner as the user fee imposed pursuant to Section 12-28-310.

Section 12-28-440. The department may promulgate regulations necessary to implement the provisions of this article.”

SECTION 21. Chapter 11, Title 57 of the 1976 Code is amended by adding:

“Article 9
Excise Tax

Section 57-11-910. There is an excise tax for the privilege of using the streets and highways in this State imposed upon every motor carrier. The excise tax must be levied against the wholesale price of the motor fuels, as determined in the same manner as the excise tax imposed pursuant to Article 4, Chapter 28, Title 12. The excise tax rate is equal to the cumulative sales tax rate imposed by the State. The excise tax must be calculated on the amount of gasoline or other motor fuel used by the motor carrier in its operations within this State.

Section 57-11-920. All revenue collected pursuant to this article must be credited to the State Highway Fund.

Section 57-11-930. Except where specified otherwise, the excise imposed pursuant to this article shall be imposed, collected, and administered in the same manner as the road tax imposed pursuant to Section 56-11-410, including the credit provisions of Section 56-11-450, mutatis mutandis.

Section 57-11-940. The department may promulgate regulations necessary to implement the provisions of this article.”

SECTION 22. Section 12-6-510 of the 1976 Code is amended to read:

“Section 12-6-510. (A) For taxable years beginning after 1994, a tax is imposed on the South Carolina taxable income of individuals, estates, and trusts and any other entity except those taxed or exempted

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

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

(B) For taxable year 2016, a tax is imposed on the South Carolina taxable income of individuals, estates, and trusts and any other entity except those taxed or exempted from taxation under Sections 12-6-530 through 12-6-550 computed at the following rates with the income brackets indexed in accordance with Section 12-6-520:

BUT NOT

<u>OVER</u>	<u>OVER</u>	<u>--0--</u>
\$ 0	\$ 3,080	0% Times the amount
3,080	6,160	3% Times the amount less \$ 92
6,160	9,240	4% Times the amount less \$154
9,240	12,320	5% Times the amount less \$246
12,320	15,400	6% Times the amount less \$370
15,400		7% Times the amount less \$524

(C) For taxable years beginning after 2016, a tax is imposed on the South Carolina taxable income of individuals, estates, and trusts and any other entity except those taxed or exempted from taxation under Sections 12-6-530 through 12-6-550 computed at the following rates with the income brackets indexed in accordance with Section 12-6-520:

BUT NOT

<u>OVER</u>	<u>OVER</u>	<u>--0--</u>
\$ 0	\$ 3,270	0% Times the amount
3,270	6,540	3% Times the amount less \$ 98
6,540	9,810	4% Times the amount less \$164
9,810	13,080	5% Times the amount less \$262
13,080	16,350	6% Times the amount less \$392
16,350		7% Times the amount less \$556

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(D) The department may prescribe tax tables consistent with the rates set pursuant to subsection (A).”

SECTION 23. Section 12-6-520 of the 1976 Code is amended to read:

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

(B) Notwithstanding subsection (A), for income tax years 2016 and 2017, the department shall not adjust the brackets.”

Part 6

Miscellaneous Provisions and Effective Date

SECTION 24. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of infrastructure financing and oversight.

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

SECTION 25. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 26. If any part, subpart, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any

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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 part, subpart, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other parts, subparts, sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 27. Except where otherwise provided, this act takes effect July 1, 2015. /

Renumber sections to conform.

Amend title to conform.

Rep. SIMRILL explained the amendment.

Rep. SIMRILL spoke in favor of the amendment.

Rep. W. J. MCLEOD spoke in favor of the amendment.

Rep. W. J. MCLEOD spoke in favor of the amendment.

The amendment was then adopted.

Rep. COBB-HUNTER moved that the House recede until 1:30 p.m., which was agreed to.

Further proceedings were interrupted by the House receding, the pending question being consideration of amendments.

THE HOUSE RESUMES

At 1:30 p.m. the House resumed, the SPEAKER *PRO TEMPORE* in the Chair.

POINT OF QUORUM

The question of a quorum was raised.

A quorum was later present.

SPEAKER IN CHAIR

LEAVE OF ABSENCE

The SPEAKER granted Rep. NANNEY a leave of absence for the remainder of the day due to medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. KNIGHT a leave of absence for the remainder of the day due to a prior appointment.

[HJ]

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SPEAKER *PRO TEMPORE* IN CHAIR

H. 3579--AMENDED AND ORDERED TO THIRD READING

Debate was resumed on the following Bill, the pending question being the consideration of amendments:

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

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PROJECTS IN THIS STATE UNTIL JULY 1, 2020; TO AMEND SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO INCREASE THE BOARD TO THIRTEEN MEMBERS AND TO SET FORTH THE MEMBERSHIP, AND TO PROVIDE THAT NO MEMBER MAY SERVE MORE THAN TWELVE YEARS; TO AMEND SECTION 11-43-180, RELATING TO FINANCIAL ASSISTANCE GIVEN BY THE INFRASTRUCTURE BANK, SO AS TO PROHIBIT THE BANK FROM PROVIDING ANY LOANS OR OTHER FINANCIAL ASSISTANCE TO ANY PROJECT UNLESS THE ELIGIBLE COSTS OF THE PROJECT ARE AT LEAST TWENTY FIVE MILLION DOLLARS; BY ADDING SECTION 11-43-265 SO AS TO REQUIRE THE INFRASTRUCTURE BANK TO PRIORITIZE ALL PROJECTS IN ACCORDANCE WITH THE PRIORITIZATION CRITERIA ESTABLISHED IN ACT 114 OF 2007, AND TO PROVIDE AN EXCEPTION; BY ADDING SECTION 57-1-100 SO AS TO SET FORTH THE OPTIONAL PROCESS BY WHICH THE DEPARTMENT OF TRANSPORTATION TRANSFERS CERTAIN STATE ROADS TO THE COUNTIES OF THIS STATE, TO INCREASE THE AMOUNT DISTRIBUTED TO THE PARTICIPATING COUNTIES OVER TIME, TO PROVIDE THAT EACH PARTICIPATING COUNTY MUST RECEIVE ONE MILLION DOLLARS BEFORE THE FUNDS ARE DISTRIBUTED BASED ON A FORMULA, TO AMEND SECTION 12-28-2740, RELATING TO THE DISTRIBUTION OF THE GASOLINE USER FEE TO THE COUNTIES OF THIS STATE, TO ABOLISH THE CURRENT COUNTY TRANSPORTATION COMMITTEES AND THEN RECONSTITUTE THEM WITH THE ADDITION OF MUNICIPAL REPRESENTATION, AND TO SPECIFY THE MANNER IN WHICH "C" FUNDS MUST BE EXPENDED; TO AMEND SECTION 12-28-310, RELATING TO THE USER FEE ON GASOLINE, SO AS TO REDUCE THE FEE TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-410, RELATING TO THE ROAD TAX, SO AS TO REDUCE THE TAX TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-450, RELATING TO THE CREDIT AGAINST ROAD TAX, SO AS TO REDUCE THE CREDIT TO TEN CENTS A GALLON; TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM TAX, SO AS TO INCREASE THE MAXIMUM TAX FROM THREE HUNDRED TO FIVE HUNDRED DOLLARS ON THE SALE OR LEASE OF A MOTOR VEHICLE; TO

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AMEND SECTION 12-36-2647, RELATING TO THE TAX REVENUES COLLECTED FROM THE SALE OR LEASE OF A MOTOR VEHICLE, SO AS TO CREDIT ALL THE REVENUES TO THE STATE HIGHWAY FUND EXCEPT FOR CERTAIN AMOUNTS THAT ARE USED FOR THE EDUCATION IMPROVEMENT ACT; BY ADDING ARTICLE 4 TO CHAPTER 28, TITLE 12 SO AS TO IMPOSE AN EXCISE TAX ON THE WHOLESALE PRICE OF MOTOR FUEL EQUAL TO THE CUMULATIVE STATE SALES TAX RATE, TO PROVIDE THAT THE REVENUE MUST BE CREDITED TO THE STATE HIGHWAY FUND, TO PROVIDE THAT THE EXCISE TAX MAY NOT EXCEED THE EQUIVALENT OF SIXTEEN CENTS A GALLON, AND TO PROVIDE THE MANNER IN WHICH THE EXCISE TAX IS CALCULATED AND ADMINISTERED; AND BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 57 SO AS TO IMPOSE AN EXCISE TAX ON MOTOR CARRIERS IN THE SAME MANNER AS THE EXCISE TAX ON MOTOR FUEL.

Rep. SIMRILL proposed the following Amendment No. 2 to H. 3579 (COUNCIL\BBM\3579C024.BBM.DG15), which was adopted:

Amend the bill, as and if amended, by striking SECTION 8 and inserting:

/ SECTION 8. Sections 3, 4, 5, and 6 as contained in this Part, take effect July 1, 2015, except that the members of the Commission of the Department of Transportation serving on June 30, 2015, shall continue to serve until their current term expires, and until their successor is appointed and found qualified. If a vacancy occurs in the seat of a member serving on June 30, 2015, before the member's term otherwise expires, the vacancy must be filled in the same manner as the current member was elected or appointed, and the member filling the vacancy shall serve until the term expires. The members serving on June 30, 2015, may be reappointed pursuant to Section 57-1-310, as amended by this act. /

Amend the bill further, by striking SECTION 9.A. and inserting:

/ SECTION 9. A. Section 11-43-140 of the 1976 Code is amended to read:

“Section 11-43-140. The board of directors is the governing board of the bank. The board consists of ~~seven~~ thirteen voting directors as follows: ~~the Chairman of the Department of Transportation Commission, ex officio; one director appointed by the Governor who shall serve as chairman; one director appointed by the Governor~~ the

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seven members of the Commission of the Department of Transportation who represent a transportation district, ex officio; ~~one director~~ two directors appointed by the Speaker of the House of Representatives, at least one of whom resides in or represents all or some portion of the counties designated as distressed or least developed pursuant to Section 12-6-3360 for 2009 or a county designated as such at the time of appointment; one member of the House of Representatives appointed by the Speaker, ex officio; ~~one director~~ two directors appointed by the President *Pro Tempore* of the Senate, at least one of whom resides in or represents all or some portion of the counties designated as distressed or least developed pursuant to Section 12-6-3360 for 2009 or a county designated as such at the time of appointment; and one member of the Senate appointed by the President *Pro Tempore* of the Senate, ex officio. All directors serve at the pleasure of the appointing authority. Directors appointed by ~~the Governor~~, the Speaker, and the President *Pro Tempore* shall serve terms coterminous with those of their appointing authority. The terms for the legislative members are coterminous with their terms of office. The Governor shall designate which member of the Commission of the Department of Transportation shall serve as chairman. The vice chairman must be elected by the board. A director may not serve more than twelve years, regardless of when the term was served. Any person appointed to fill a vacancy must be appointed in the same manner as the original appointee for the remainder of the unexpired term.” /

Amend the bill, as and if amended, by striking Section 57-1-100, as contained in SECTION 12, and inserting:

/ “Section 57-1-100. (A) This section is intended to set forth the process by which the Department of Transportation transfers certain state roads, or portions thereof, to the political subdivisions of this State.

(B) The department shall determine which state roads to transfer to political subdivision control by selecting roads that are most appropriately considered local or rural routes. The department may not select more than a total of nineteen thousand centerline miles of road to transfer. By July 1, 2015, the department shall notify the governing body of each county of the roads selected for transfer within the county. Also, the department shall notify each municipality of the roads selected for transfer within its municipal limits. The department shall transfer the roads selected pursuant to the process set forth in subsection (C).

(C) Subject to subsections (E) and (F), on January 1, 2016, of the roads selected pursuant to subsection (B), the department shall transfer at least one-third of the selected centerlines miles within each county to

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the political subdivisions of that respective county. However, if the governing body of the county notifies the department by November 1, 2015, the governing body of the county may designate the specific local routes to be transferred. Also, the governing body of a municipality may designate the specific local routes within its municipal limit to be transferred by notifying the department by November 1, 2015. If the governing body of the county or a municipality does not notify the department or does not designate at least one-third of the centerline miles, then the department shall determine which local routes to transfer. However, the department may not transfer to a political subdivision more than one-third of the selected centerline miles within the political subdivision, unless the respective governing body of the political subdivision agrees to the transfer of the excess.

(D) On January 1, 2018, and on January 1, 2020, the department shall transfer the remaining local routes in the same manner as set forth in subsection (C), *mutatis mutandis*.

(E)(1) The governing body of the county may elect not to accept the transfer of any state roads on January 1, 2016, by notifying the department of its refusal by November 1, 2015. The provisions of this section do not apply to any county that refuses to participate pursuant to this subsection.

(2) A county's refusal pursuant to item (1) is considered permanent; however, if the governing body of the county wishes to participate in the subsequent transfers set forth in subsection (D), then the governing body of the county shall notify the department by the September first immediately preceding the transfer. Upon notifying the department, the governing body of the county may designate the specific local routes to be transferred in the same manner as set forth in subsection (C).

(F)(1) The governing body of a municipality may elect not to accept the transfer of any state roads by notifying the department of its refusal by November 1, 2015. The provisions of this section do not apply to any municipality that refuses to participate pursuant to this subsection. If a municipality elects not to participate, but the county in which the municipality is located does participate, then the county shall accept the roads inside municipal limits. If a municipality elects to participate, and the county in which the municipality is located also participates, then the municipality shall take control of the selected roads within its municipal limits.

(2) A municipality's refusal pursuant to item (1) is considered permanent; however, if the governing body of a municipality wishes to

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participate in the subsequent transfers set forth in subsection (D), then the municipality shall notify the department by the September first immediately preceding the transfer. Upon notifying the department, the governing body of the municipality may designate the specific local routes to be transferred in the same manner as set forth in subsection (C).

(G)(1) Notwithstanding Section 12-28-2740, beginning July 1, 2016, for counties participating in the road transfer pursuant to this section, the proceeds from an additional one and thirty-four hundredths cents a gallon of the user fee on gasoline only as levied and provided for in this chapter must be deposited with the State Treasurer in a separate 'C' funds account and expended for purposes set in Section 12-28-2740. Beginning July 1, 2018, the proceeds credited to the State Treasurer for the purposes of this subsection must be increased to two and thirty-four hundredths cents a gallon. Also, the amount must be increased again beginning July 1, 2020, to three and thirty-four hundredths cents a gallon.

(2)(a) First, the monies in the separate fund must be distributed to each participating county based on the time the county began participating. For counties that participated in the 2016 transfer, each county shall receive one million dollars of distributions. For counties that began participating in the 2018 transfer, each county shall receive five hundred thousand dollars of distributions. For counties that began participating in the 2020 transfer, each county shall receive two hundred fifty thousand dollars of distributions. The monies distributed pursuant to this subitem must be distributed pro rata based on the amount of distributions the county receives pursuant to this subitem.

(b) The remaining monies in the separate account must be apportioned among all the counties of the State in the same manner as provided in Section 12-28-2740(A), except that any money apportioned to a county that is not participating instead must be credited to the State Highway Fund.

(H) Notwithstanding Section 12-28-2740, for counties participating in the 2016 road transfer pursuant to this section, to account for the additional monies pursuant to subsection (G), beginning July 1, 2016, for any new 'C' fund allocations received on or after this date, the balance of uncommitted funds carried forward from one year into the next may not exceed three hundred percent of the county's total apportionment for the most recent year. Also, to account for the graduated increased monies pursuant to subsection (G) that begin on July 1, 2018, and July 1, 2020, the July 1, 2016, date in this subsection is

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deemed to be July 1, 2018 beginning on July 1, 2018, and July 1, 2020, beginning on July 1, 2020.

(I) The department may promulgate regulations necessary to implement the provisions of this section, including emergency regulations for the transfer occurring on January 1, 2016.

(J) As used in this section:

(1) 'Centerline miles' means the length of the road, as measured by miles, so that the total length of the road is the same regardless of the numbers of lanes.

(2) 'Political subdivision' means counties and municipalities.

(3) 'Road' has the same meaning as provided in Section 57-3-120." /

Amend the bill further, by striking Section 12-28-410(B), as contained in SECTION 20 and inserting:

/ (B)(1) The wholesale price determined by the department is effective for the entire calendar year. The department must determine the wholesale price for the upcoming calendar year based on the wholesale price of the motor fuels in the twelve month period from the September thirtieth immediately preceding the upcoming fiscal year and the September thirtieth of the preceding calendar year.

(2) To determine the wholesale price of the motor fuels for the upcoming calendar year, the department must use information on refiner and gas plant operator sales prices of finished motor gasoline and diesel fuel for resale, published by the Oil Price Information Service, or equivalent data. The department must use a weighted average of the results for each motor fuel based on the proportion of excise tax collected on each pursuant to subsection (A) to the base period. The department must then convert the weighted average price to a cents-per-gallon price for all motor fuel and round the price to the nearest one-tenth of a cent. If the converted cents-per-gallon price is exactly between two-tenths of a cent, the department must round the price up to the higher of the two. Then, the department must round the cents-per-gallon price to the nearest whole cent.

(3) Notwithstanding item (2), for purposes of this article, from one calendar year to the next, the wholesale price of the motor fuels may not change by more than an amount that would cause the excise tax, when applied, to yield a two-cent per gallon change.

(4) Notwithstanding any other provision of this section, the excise tax, when applied to the wholesale price of motor fuels for the applicable calendar year, must never exceed the equivalent of sixteen cents a gallon. /

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Amend the bill further, by striking Section 12-28-430, as contained in SECTION 20, and inserting:

/ Section 12-28-430. Except where specified otherwise, the excise tax imposed pursuant to this article shall be imposed, collected, and administered in the same manner as the user fee imposed pursuant to Section 12-28-310 including, but not limited to, that products exempt from the user fee pursuant to Section 12-28-710 are also exempt from the excise tax. /

Re-number sections to conform.

Amend title to conform.

Rep. SIMRILL explained the amendment.

The amendment was then adopted.

Reps. OTT and SIMRILL proposed the following Amendment No. 4 to H. 3579 (COUNCIL\BBM\3579C023.BBM.DG15), which was adopted.

Amend the bill, as and if amended, Part 2, by adding an appropriately numbered SECTION to read:

/ SECTION ____ . Article 2, Chapter 3, Title 57 of the 1976 Code is amended by adding:

“Section 57-3-275. By September 1, 2015, and each September first thereafter, the Department of Transportation shall transfer from the State Highway Fund twenty-five million dollars to the County Transportation Fund. The State Treasurer shall disburse the funds equally to the entity administering each county’s C-funds pursuant to Section 12-28-2740. This distribution must be expended solely on state-owned roads within the county, but this distribution shall not be counted as a distribution for any other purpose.” /

Re-number sections to conform.

Amend title to conform.

Rep. OTT explained the amendment.

Rep. G. R. SMITH spoke against the amendment.

Rep. NORMAN moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 26; Nays 70

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Those who voted in the affirmative are:

Atwater	Ballentine	Bannister
Bedingfield	Burns	Chumley
Cole	Collins	Daning
Finlay	Forrester	Goldfinch
Hamilton	Hardwick	Henderson
Limehouse	Loftis	Merrill
Norman	Rivers	G. R. Smith
Sottile	Southard	Stringer
Toole	Willis	

Total--26

Those who voted in the negative are:

Alexander	Allison	Anderson
Anthony	Bales	Bamberg
Bowers	Bradley	Brannon
R. L. Brown	Clary	Clemmons
Clyburn	Cobb-Hunter	H. A. Crawford
Delleney	Dillard	Douglas
Duckworth	Erickson	Felder
Funderburk	Gagnon	Gambrell
George	Govan	Hardee
Hart	Hayes	Herbkersman
Hicks	Hill	Hiott
Hixon	Hodges	Horne
Huggins	Jefferson	Johnson
King	Long	Lowe
Lucas	Mack	McEachern
McKnight	M. S. McLeod	W. J. McLeod
D. C. Moss	V. S. Moss	Newton
Norrell	Ott	Pope
Putnam	Quinn	Ridgeway
Riley	Robinson-Simpson	Ryhal
Sandifer	Simrill	G. M. Smith
Taylor	Thayer	Wells
White	Whitmire	Williams
Yow		

Total--70

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So, the House refused to table the amendment.

The question then recurred to the passage of the amendment.

The amendment was then adopted.

Rep. BRANNON proposed the following Amendment No. 5 to H. 3579 (COUNCIL\BBM\3579C040.BBM.DG15), which was tabled:

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

/ SECTION 1. This act may be cited as the “South Carolina Voluntary Infrastructure Funding Act”.

SECTION 2. Chapter 28, Title 12 of the 1976 Code is amended by adding:

“Article 4

Imposition of Additional User Fee

Section 12-28-410. In addition to the user fee imposed pursuant to Section 12-28-310, a user fee equal to twenty-one cents a gallon is imposed on:

(1) all gasoline, gasohol, or blended fuels containing gasoline that are used or consumed for any purpose in this State; and

(2) all diesel fuel, substitute fuels, or alternative fuels, or blended fuels containing diesel fuel that are used or consumed in this State in producing or generating power for propelling motor vehicles.

(3) Notwithstanding subsection (A), beginning July 1, 2015, and every July first thereafter, the user fee imposed by this section shall be adjusted to the national average of taxes and fees imposed by the states on a gallon of motor fuel. The Revenue and Fiscal Affairs Office shall determine the national average. However, the user fee imposed by this section may not be adjusted by more than two cents per gallon from one July first to the next.

Section 12-28-420. (A) All revenue collected pursuant to this article must be credited to the State Highway Fund, and only may be expended on transportation infrastructure repair and maintenance. The revenue collected pursuant to this article must not be used on new road construction projects.

(B) Once a transportation infrastructure project, funded by the user fee imposed by this article, is completed, the Department of Transportation (DOT) may offer ownership of the infrastructure to the county in which the project is located. If the local governing body of the county accepts the DOT’s offer, the DOT shall transfer ownership of the

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infrastructure and the county becomes responsible for maintaining the infrastructure. However, the county is not required to accept ownership of the transportation infrastructure.

Section 12-28-430. (A) Motor fuel exempt from the user fee imposed pursuant to Section 12-28-310 is also exempt from the user fee imposed by this article. Further, the provisions of Article 7 also apply to the additional user fee imposed pursuant to this article.

(B) A resident individual may elect to exempt himself from the additional user fee imposed by this article by providing proof of residency to the retailer. If the resident individual elects to exempt himself, the retailer must not collect the additional user fee.

Section 12-28-440. The retailer shall remit the additional user fee on its sales tax return. The department must amend the sales tax return so as to separate the additional user fee.

Section 12-28-450. The department may promulgate regulations necessary to implement the provisions of this article.”

SECTION 3. A. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12-6-3765. A resident individual may claim an income tax credit for the additional user fee paid pursuant to Section 12-28-410. The credit equals ten percent of the amount of additional user fee paid for which the resident individual elected not to exempt himself. The department may require the proof it determines necessary to prove the amount of additional user fee paid.”

B. This section takes effect upon approval by the Governor and first applies to tax years beginning after 2014.

SECTION 4. Unless reauthorized by the General Assembly, the provisions of this act shall no longer be effective on July 1, 2020.

SECTION 5. Except where provided otherwise, this act takes effect July 1, 2015. /

Renumber sections to conform.

Amend title to conform.

Rep. BRANNON explained the amendment.

Rep. BRANNON spoke in favor of the amendment.

Rep. SIMRILL moved to table the amendment.

Rep. BRANNON demanded the yeas and nays which were taken, resulting as follows:

Yeas 76; Nays 29

[HJ]

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Those who voted in the affirmative are:

Alexander	Allison	Bales
Ballentine	Bannister	G. A. Brown
R. L. Brown	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	Corley	Daning
Delleney	Dillard	Douglas
Duckworth	Erickson	Felder
Finlay	Forrester	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Hardee
Hardwick	Hart	Hayes
Henderson	Herbkersman	Hill
Hiott	Hodges	Horne
Huggins	Jefferson	Johnson
Limehouse	Long	Lucas
Mack	McEachern	W. J. McLeod
Merrill	V. S. Moss	Newton
Norrell	Ott	Parks
Pitts	Pope	Putnam
Quinn	Riley	Rivers
Robinson-Simpson	Ryhal	Sandifer
Simrill	G. M. Smith	Sottile
Spire	Stavrinakis	Stringer
Tinkler	Weeks	Wells
White	Whitmire	Williams
Yow		

Total--76

Those who voted in the negative are:

Anthony	Atwater	Bamberg
Bedingfield	Bowers	Bradley
Brannon	Burns	Chumley
H. A. Crawford	Govan	Hamilton
Hicks	Hixon	King
Lowe	McCoy	McKnight
M. S. McLeod	D. C. Moss	Norman
Ridgeway	G. R. Smith	Southard

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Tallon
Toole

Taylor
Willis

Thayer

Total--29

So, the amendment was tabled.

SPEAKER IN CHAIR

Rep. PUTNAM proposed the following Amendment No. 6 to H. 3579 (COUNCIL\BBM\3579C025.BBM.DG15), which was tabled:

Amend the bill, as and if amended, by striking Part 5 and inserting:

/ Part 5

Funding for Roads

SECTION 15. Article 21, Chapter 36, Title 12 of the 1976 Code is amended by adding:

“Section 12-36-2140. (A) Notwithstanding any other provision of law, the provisions of Section 12-36-2120 are not effective as of July 1, 2015, and all such previously exempt items are taxable, to the extent allowed by federal law, except item (15) relating to motor fuel.

(B) From the revenue generated pursuant to this section, the first five hundred million dollars must be transferred to the State Highway Fund. The remainder of the funds must be used to provide an individual income tax credit, with the credit being proportionate to the taxpayer’s income tax liability when compared to all taxpayers’ income tax liability. The Department of Revenue may promulgate regulations necessary to determine each taxpayer’s credit.” /

Re-number sections to conform.

Amend title to conform.

Rep. PUTNAM explained the amendment.

Rep. PUTNAM spoke in favor of the amendment.

Rep. HILL spoke against the amendment.

Rep. SIMRILL moved to table the amendment, which was agreed to.

Rep. BOWERS proposed the following Amendment No. 7 to H. 3579 (COUNCIL\BBM\3579C029.BBM.DG15), which was tabled:

Amend the bill, as and if amended, by striking Section 57-1-310(A), as contained in SECTION 3, and inserting:

[HJ]

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/ (A) The ~~congressional~~ judicial 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~~ judicial districts. The Commission of the Department of Transportation shall be composed of one member from each transportation district ~~elected by the delegations of the congressional district~~ and one member ~~appointed by the Governor~~ from the State at large, all appointed by the Governor. ~~Such elections or appointment, as the case may be, Appointments~~ shall take into account race and gender so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment ~~or in an election~~ in no way creates a cause of action or basis for an employee grievance for a person appointed or elected or for a person who fails to be appointed or elected. /

Amend the bill further, by striking Section 57-1-740(B)(1), as contained in SECTION 6, and inserting:

/ (1) The review committee must forward a notice of the ~~transportation commission district member vacancy~~ appointment to:

(a) a newspaper of general circulation within the ~~congressional~~ judicial district from which a commission member ~~must be elected~~ is appointed with a request that it be published at least once a week for four consecutive weeks;

(b) any person who has informed the committee that he desires to be notified of the ~~vacancy~~ appointment; and

(c) to each member ~~of the congressional district delegation that represents a portion of the judicial district.~~

The committee may provide such additional notice that it deems appropriate./

Amend the bill further, by striking SECTION 8 and inserting:

/ SECTION 8. Sections 3, 4, 5, and 6 as contained in this Part, take effect July 1, 2015, except that the members of the Commission of the Department of Transportation serving on June 30, 2015, shall continue to serve until their current term expires, and until their successor is appointed and found qualified. These commissioners are deemed to represent the judicial circuit in which they reside. If a vacancy occurs in the seat of a member serving on June 30, 2015, before the member's term otherwise expires, the vacancy must be filled in the same manner as the current member was elected or appointed, and the member filling the vacancy shall serve until the term expires. The members serving on June 30, 2015, may be reappointed pursuant to Section 57-1-310, as amended

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by this act. A new member shall be appointed to take office on July 1, 2015, in any judicial circuit in which a current member does not reside./

Amend the bill further, by striking SECTION 9.A. and inserting:

/ SECTION 9. A. Section 11-43-140 of the 1976 Code is amended to read:

“Section 11-43-140. The board of directors is the governing board of the bank. The board consists of ~~seven~~ thirteen voting directors as follows: ~~the Chairman of the Department of Transportation Commission, ex officio; one director appointed by the Governor who shall serve as chairman; one director appointed by the Governor~~ seven members appointed by the Governor that represent a transportation district on the Commission of the Department of Transportation, ex officio; one director two directors appointed by the Speaker of the House of Representatives; one member of the House of Representatives appointed by the Speaker, ex officio; ~~one director~~ two directors appointed by the President *Pro Tempore* of the Senate; and one member of the Senate appointed by the President *Pro Tempore* of the Senate, ex officio. All directors serve at the pleasure of the appointing authority. Directors appointed by the Governor, the Speaker, and the President *Pro Tempore* shall serve terms coterminous with those of their appointing authority. The terms for the legislative members are coterminous with their terms of office. The Governor shall designate which member of the Commission of the Department of Transportation shall serve as chairman. The vice chairman must be elected by the board. A director may not serve more than twelve years, regardless of when the term was served. Any person appointed to fill a vacancy must be appointed in the same manner as the original appointee for the remainder of the unexpired term.” /

Renumber sections to conform.

Amend title to conform.

Rep. BOWERS explained the amendment.

Rep. BOWERS spoke in favor of the amendment.

Rep. SIMRILL spoke against the amendment.

Rep. SIMRILL moved to table the amendment.

Rep. BOWERS demanded the yeas and nays which were taken, resulting as follows:

Yeas 51; Nays 48

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Those who voted in the affirmative are:

Alexander	Ballentine	Bradley
Brannon	Clary	Clemmons
Cole	Corley	H. A. Crawford
Delleney	Duckworth	Felder
Finlay	Gagnon	Gambrell
Goldfinch	Hardee	Hardwick
Henderson	Herbkersman	Hill
Hiott	Hixon	Hodges
Horne	Johnson	Long
Lucas	Merrill	V. S. Moss
Newton	Pitts	Pope
Putnam	Quinn	Riley
Rivers	Ryhal	Sandifer
Simrill	G. R. Smith	Sottile
Spires	Tallon	Taylor
Thayer	Wells	White
Whitmire	Willis	Yow

Total--51

Those who voted in the negative are:

Allison	Anderson	Anthony
Bales	Bamberg	Bannister
Bedingfield	Bowers	G. A. Brown
R. L. Brown	Burns	Chumley
Clyburn	Collins	Daning
Dillard	Douglas	Forrester
Funderburk	Gilliard	Govan
Hamilton	Hart	Hayes
Hicks	Huggins	Jefferson
King	Mack	McCoy
McEachern	McKnight	M. S. McLeod
W. J. McLeod	D. C. Moss	Norman
Norrell	Ott	Parks
Ridgeway	Robinson-Simpson	Southard
Stavrinakis	Stringer	Tinkler
Toole	Weeks	Williams

Total--48

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So, the amendment was tabled.

SPEAKER *PRO TEMPORE* IN CHAIR

Rep. NORMAN proposed the following Amendment No. 8 to H. 3579 (COUNCIL\MS\3579C003.MS.SA15), which was tabled:

Amend the bill, as and if amended, Page [3579-12], by deleting SECTION 7 in its entirety.

Re-number sections to conform.

Amend title to conform.

Rep. NORMAN explained the amendment.

Rep. NORMAN spoke in favor of the amendment.

Rep. WHITE moved to table the amendment.

Rep. NORMAN demanded the yeas and nays which were taken, resulting as follows:

Yeas 80; Nays 14

Those who voted in the affirmative are:

Alexander	Anderson	Anthony
Atwater	Bales	Bamberg
Bannister	Bradley	G. A. Brown
Clary	Clemmons	Clyburn
Cole	Collins	H. A. Crawford
Daning	Delleney	Dillard
Douglas	Duckworth	Finlay
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Govan	Hamilton	Hardee
Hardwick	Hart	Hayes
Henderson	Hicks	Hill
Hodges	Horne	Howard
Jefferson	Johnson	King
Loftis	Lowe	Lucas
Mack	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	D. C. Moss	V. S. Moss
Newton	Norrell	Ott
Pitts	Pope	Ridgeway

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Riley	Rivers	Robinson-Simpson
Rutherford	Ryhal	Sandifer
Simrill	G. R. Smith	Sottile
Spires	Stavrinakis	Tallon
Tinkler	Weeks	Wells
White	Whitmire	Williams
Willis	Yow	

Total--80

Those who voted in the negative are:

Allison	Ballentine	Bedingfield
Brannon	Burns	Chumley
Felder	Forrester	Hiott
Huggins	Long	Norman
G. M. Smith	Southard	

Total--14

So, the amendment was tabled.

SPEAKER IN CHAIR

Rep. ATWATER proposed the following Amendment No. 11 to H. 3579 (COUNCIL\MS\3579C006.MS.SA15), which was tabled:

Amend the bill, as and if amended, by striking Part 2 and inserting:
/ Part II

Abolishing the Commission of the Department of Transportation
SECTION 1. Section 1-30-10(B) of the 1976 Code, as last amended by Act 121 of 2014, is further amended to read:

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

(i) a director or a secretary, who must be appointed by the Governor with the advice and consent of the Senate, subject to removal from office by the Governor pursuant to provisions of Section 1-3-240(B); or

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

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

[HJ]

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

(2) In making an appointment for a governing authority of a department, race, gender, and other demographic factors should be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this State; however, consideration of these factors 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 Governor in making the appointments provided for by this section shall endeavor to appoint individuals who have demonstrated exemplary managerial skills in either the public or private sector.”

SECTION 2. Section 1-30-105 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 1-30-105. (A) Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Transportation to be initially divided into divisions for Mass Transit, Construction and Maintenance, Engineering and Planning, and Finance and Administration; however, the State Highway Commission as constituted on June 30, 1993, under the provisions of Title 56, shall be the governing authority for the department until February 15, 1994, or as soon as its successors are elected or appointed and qualified, whichever is later.

Department of Highways and Public Transportation, except the Motor Vehicle Division, which was established as the Department of Motor Vehicles by Section 56-1-5, and the State Highway Patrol, formerly provided for at Section 56-1-10, et seq.

(B) Notwithstanding another provision of law, effective July 1, 2015, the governing authority of the Department of Transportation is the Secretary of Transportation as provided in Section 57-1-410.”

SECTION 3. Section 1-3-240(C)(1) of the 1976 Code, as last amended by Act 224 of 2014, is further amended to read:

“(1) Persons appointed to the following offices of the State may be removed by the Governor for malfeasance, misfeasance, incompetency,

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absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity:

- (a) Workers' Compensation Commission;
- (b) ~~Department of Transportation Commission; Reserved;~~
- (c) Ethics Commission;
- (d) Election Commission;
- (e) Professional and Occupational Licensing Boards;
- (f) Juvenile Parole Board;
- (g) Probation, Parole and Pardon Board;
- (h) Director of the Department of Public Safety;
- (i) Board of the Department of Health and Environmental

Control, excepting the chairman;

- (j) Chief of State Law Enforcement Division;
- (k) South Carolina Lottery Commission;
- (l) Executive Director of the Office of Regulatory Staff;
- (m) Directors of the South Carolina Public Service Authority

appointed pursuant to Section 58-31-20. A director of the South Carolina Public Service Authority also may be removed for his breach of any duty arising under Section 58-31-55 or 58-31-56. The Governor must not request a director of the South Carolina Public Service Authority to resign unless cause for removal, as established by this subsection, exists. Removal of a director of the South Carolina Public Service Authority, except as is provided by this section or by Section 58-31-20(A), must be considered to be an irreparable injury for which no adequate remedy at law exists;

- (n) State Ports Authority; and
- (o) State Inspector General.

Subsection effective upon contingency.

- (p) State Adjutant General.”

SECTION 4. Section 11-43-140 of the 1976 Code is amended to read:

“Section 11-43-140. The board of directors is the governing board of the bank. The board consists of seven voting directors as follows: the ~~Chairman~~ Secretary of the Department of Transportation ~~Commission~~, ex officio; one director appointed by the Governor who shall serve as chairman; one director appointed by the Governor; one director appointed by the Speaker of the House of Representatives; one member of the House of Representatives appointed by the Speaker, ex officio; one director appointed by the President *Pro Tempore* of the Senate; and one member of the Senate appointed by the President *Pro Tempore* of the Senate, ex officio. Directors appointed by the Governor, the Speaker,

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and the President *Pro Tempore* shall serve terms coterminous with those of their appointing authority. The terms for the legislative members are coterminous with their terms of office. The vice chairman must be elected by the board. Any person appointed to fill a vacancy must be appointed in the same manner as the original appointee for the remainder of the unexpired term.”

SECTION 5. Section 57-1-10 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

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

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

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

~~(3)~~(2) ‘Secretary of Transportation’ means the Chief Administrative Officer of the Department of Transportation.”

SECTION 6. Section 57-1-40 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

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

(1) money;

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

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

(4) employment; or

(5) other thing of value.

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

(B) It is unlawful for a person to give or offer to give, promise, or cause or procure to be promised, offered, or given, either directly or indirectly, to ~~a member of the commission~~ or an engineer, agent, or other employee acting for or on behalf of the ~~commission or~~ department with the intent to have his decision or action on any question, matter, cause,

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or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

- (1) money;
- (2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;
- (3) political appointment or influence, present, or reward;
- (4) employment; or
- (5) other thing of value.

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

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

SECTION 7. Section 57-1-410 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

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

SECTION 8. Section 57-1-430 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57-1-430. (A) The secretary is charged with the affirmative duty to carry out the policies of the ~~commission~~ department, ~~and~~ and 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~~ and submit

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annually to the General Assembly an itemized project list to be funded for the fiscal year in which the General Assembly would enact in its annual general appropriations act.

(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.”

SECTION 9. Section 57-1-490 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

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

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

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

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The department shall pay directly to the Legislative Audit Council the cost of the audits.

~~(D)(C)~~ Copies of every audit conducted pursuant to this section must be made available to ~~the Department of Transportation Commission,~~ the Department of Transportation Transportation's chief internal auditor, the Governor, the Chairmen of the Senate Finance and Transportation Committees, and the Chairmen of the House of Representatives Ways and Means and Education and Public Works Committees.”

SECTION 10. Section 57-3-20(1) of the 1976 Code as last amended by Act 206 of 2010, is further amended to read:

“(1) division deputy director for finance and administration:

(a) financial planning and management;

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

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

SECTION 11. Section 57-3-50 of the 1976 Code is amended to read:

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

SECTION 12. Section 57-1-500 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

“Section 57-1-500. The secretary must provide for a workshop of at least two biennial contact hours concerning ethics and the Administrative Procedures Act for ~~the commissioners,~~ the secretary, the chief internal auditor, and senior management employees of the Department of Transportation; and a biennial ethics workshop of at least two contact hours for all other department employees.”

SECTION 13. Article 3, Chapter 1, Title 57, Section 57-1-460, Section 57-1-470, Article 7, Chapter 1, Title 57 and Sections 6, 7, and 8 of Act 114 of 2007 are repealed. /

Renumber sections to conform.

Amend title to conform.

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Rep. ATWATER explained the amendment.

Rep. W. J. MCLEOD spoke against the amendment.

Rep. BEDINGFIELD spoke in favor of the amendment.

Rep. BEDINGFIELD spoke in favor of the amendment.

Rep. JEFFERSON spoke against the amendment.

Rep. G. A. BROWN spoke against the amendment.

Rep. SIMRILL moved to table the amendment.

Rep. ATWATER demanded the yeas and nays which were taken,
resulting as follows:

Yeas 65; Nays 38

Those who voted in the affirmative are:

Alexander	Anderson	Anthony
Bales	Bowers	G. A. Brown
R. L. Brown	Clemmons	Clyburn
Cobb-Hunter	H. A. Crawford	Daning
Delleney	Dillard	Douglas
Duckworth	Finlay	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Hardee
Hardwick	Hayes	Herbkersman
Hiott	Hodges	Horne
Howard	Jefferson	Johnson
King	Loftis	Lowe
Lucas	Mack	McEachern
M. S. McLeod	W. J. McLeod	D. C. Moss
V. S. Moss	Newton	Norrell
Ott	Parks	Pope
Ridgeway	Riley	Robinson-Simpson
Rutherford	Ryhal	Sandifer
Simrill	Sottile	Southard
Spires	Stavrinakis	Tinkler
Weeks	White	Whitmire
Williams	Yow	

Total--65

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Those who voted in the negative are:

Allison	Atwater	Ballentine
Bannister	Bedingfield	Bradley
Brannon	Burns	Chumley
Clary	Cole	Collins
Corley	Forrester	Hamilton
Henderson	Hicks	Hill
Hixon	Huggins	Kennedy
Long	McCoy	Merrill
Norman	Pitts	Putnam
Quinn	Rivers	G. M. Smith
G. R. Smith	Stringer	Tallon
Taylor	Thayer	Toole
Wells	Willis	

Total--38

So, the amendment was tabled.

SPEAKER PRO TEMPORE IN CHAIR

Rep. TOOLE proposed the following Amendment No. 12 to H. 3579 (COUNCIL\BBM\3579C017.BBM.DG15), which was tabled:

Amend the bill, as and if amended, by striking Part 4 and inserting:

/ Part 4

C-Funds

SECTION 12. Before the first item of subsection (A) of Section 12-28-2740 of the 1976 Code is amended to read:

“(A) The proceeds from ~~two and sixty six one hundredths~~ three cents a gallon of the user fee on gasoline only as levied and provided for in this chapter must be deposited with the State Treasurer and expended for purposes set forth in this section. The monies must be apportioned among the counties of the State in the following manner:”

SECTION 13. A. Section 12-28-2740(B), (C), (D), and (O) of the 1976 Code is amended to read:

“(B) The funds expended must be approved by and used in furtherance of a countywide transportation plan adopted by a county transportation committee. The county transportation committee must be appointed by the county legislative delegation and must be made up of ~~fair~~ representation from municipalities within the county and unincorporated areas of the county. The municipal representation must

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include at least a mayor, a municipal council member, and a municipal employee, all representing different municipalities. Any mayor or municipal council member shall serve ex officio. County transportation committees may join in approving a regional transportation plan, and the funds must be used in furtherance of the regional transportation plan. This subsection does not prohibit the county legislative delegation from making project recommendations to the county transportation committee. A county transportation committee may expend from the funds allocated under this section an amount not to exceed two thousand dollars for reasonable administrative expenses directly related to the activities of the committee. Administrative expenses may include costs associated with copying, mailings, public notices, correspondence, and recordkeeping but do not include the payment of per diem or salaries for members of the committee.

~~(C) At least 'C' funds only may be used within the public right of way for paving, resurfacing, bridge construction or replacement, street and traffic signs, traffic signals, street lighting, and other road and bridge infrastructure projects. 'C' funds also may be used for labor, mowing, ditching, and other general maintenance. No portion twenty five percent of a county's apportionment of 'C' funds, based on a biennial averaging of expenditures, must may be expended on the state highway system for construction, improvements, and maintenance. The Department of Transportation shall administer all funds expended on the state highway system unless the department has given explicit authority to a county or municipal government or other agent acting on behalf of the county transportation committee to design, engineer, construct, and inspect projects using their own personnel. The county transportation committee, at its discretion, may expend up to seventy five percent of 'C' construction funds for activities including other local paving or improving county roads, for street and traffic signs, and for other road and bridge projects.~~

(D) The funds allocated to the county also may be used to issue county bonds or state highway bonds as provided in subsection (J), pay directly for appropriate highway projects, including engineering, contracting, and project supervision, and match federal funds available for appropriate projects. Beginning July 1, ~~2002~~ 2016, for any new "C" fund allocations received on or after this date, the balance of uncommitted funds carried forward from one year into the next may not exceed three hundred percent of the county's total apportionment for the most recent year. Expenditures must be documented on a per-project basis upon the completion of each project in reports to the respective

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county transportation committees. This documentation must be provided by the agency or local government actually expending the funds and it shall include a description of the completed project and a general accounting of all expenditures made in connection with the project summaries of these reports then must be forwarded by each county transportation committee to the department using guidelines established by the department and the department shall compile these reports into an annual statewide report to be submitted to the General Assembly by the second Tuesday of January of each year. The documentation and reporting requirements of this subsection apply only to counties administering their own "C" funds. For purposes of this section, "uncommitted funds" means funds held in the county's "C" fund account that have not been designated for specific projects.

(O) Notwithstanding other provisions of this section, the legislative delegation of a county may by delegation resolution abolish the county transportation committee and devolve its powers and duties on the governing body of the county. Upon the abolition, the governing body of the county must appoint a 'C' funds advisory committee that must include representation from municipalities within the county and unincorporated areas of the county. The municipal representation must include at least a mayor, a municipal council member, and a municipal employee, all representing different municipalities. The advisory committee shall make recommendations to the governing body of the county regarding the expenditure of the county's 'C' funds. This devolution may be reversed and the county transportation committee reestablished by a subsequent delegation resolution. The exercise of county transportation committee powers and duties by a county governing body is not deemed to constitute dual office holding."

B. Effective July 1, 2015, all existing county transportation committees are abolished and the authority of each county transportation committee is devolved upon the legislative delegation of each county. Upon the authority being devolved, the legislative delegation of each county shall appoint a new county transportation committee pursuant to Section 12-28-2740(B), devolve the duties of the county transportation committee upon the local governing body of the county pursuant to Section 12-28-2740(O), or request the Department of Transportation to administer the county's 'C' funds. Nothing in this subsection prohibits a county legislative delegation from appointing a member to the county transportation committee that previously served on the committee. /

Renumber sections to conform.

Amend title to conform.

[HJ]

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Rep. TOOLE explained the amendment.

Rep. SIMRILL moved to table the amendment.

Rep. TOOLE demanded the yeas and nays which were taken, resulting as follows:

Yeas 78; Nays 23

Those who voted in the affirmative are:

Alexander	Anderson	Anthony
Bales	Bedingfield	Brannon
G. A. Brown	R. L. Brown	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Corley	Daning
Delleney	Dillard	Douglas
Duckworth	Felder	Finlay
Forrester	Funderburk	Gagnon
Gambrell	Gilliard	Goldfinch
Hardee	Hardwick	Hayes
Herbkersman	Hicks	Hiott
Hixon	Hodges	Horne
Howard	Jefferson	Johnson
King	Loftis	Lowe
Lucas	Mack	McCoy
McEachern	M. S. McLeod	W. J. McLeod
Merrill	D. C. Moss	V. S. Moss
Newton	Norrell	Ott
Parks	Pitts	Pope
Putnam	Ridgeway	Riley
Rivers	Robinson-Simpson	Rutherford
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	J. E. Smith
Sottile	Stavrinakis	Thayer
Tinkler	Wells	White
Whitmire	Williams	Yow

Total--78

Those who voted in the negative are:

Allison	Atwater	Ballentine
Bowers	Bradley	Burns

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Chumley	Collins	George
Hamilton	Hill	Huggins
Kennedy	Long	Norman
Quinn	Southard	Spires
Stringer	Taylor	Toole
Weeks	Willis	

Total--23

So, the amendment was tabled.

Rep. TOOLE proposed the following Amendment No. 13 to H. 3579 (COUNCIL\BBM\3579C018.BBM.DG15), which was tabled:

Amend the bill, as and if amended, by striking SECTION 12 and inserting:

/ SECTION 12. Article 1, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57-1-100. (A) This section is intended to set forth the process by which the Department of Transportation shall fund certain state roads, or portions of them.

(B) The department must determine which state roads it most appropriately considers local or rural routes. The department shall select at least a total of nineteen thousand centerline miles. Beginning in Fiscal Year 2015-2016, and each fiscal year thereafter, the department must expend at least one hundred seventy six million dollars on the paving, resurfacing, and maintenance of the selected roads. The provisions of this section must be used to supplement, and not supplant, existing funding.” /

Re-number sections to conform.

Amend title to conform.

Rep. TOOLE explained the amendment.

Rep. SIMRILL moved to table the amendment.

Rep. TOOLE demanded the yeas and nays which were taken, resulting as follows:

Yeas 77; Nays 22

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Those who voted in the affirmative are:

Alexander	Anderson	Anthony
Bales	Bedingfield	Bowers
Brannon	G. A. Brown	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	Corley
H. A. Crawford	Daning	Delleney
Dillard	Douglas	Duckworth
Felder	Finlay	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Hardee
Hardwick	Hayes	Herbkersman
Hicks	Hixon	Hodges
Horne	Howard	Jefferson
Johnson	King	Loftis
Lowe	Lucas	Mack
McCoy	McEachern	M. S. McLeod
W. J. McLeod	Merrill	D. C. Moss
Newton	Norrell	Ott
Pitts	Pope	Putnam
Ridgeway	Riley	Robinson-Simpson
Rutherford	Ryhal	Sandifer
Simrill	G. M. Smith	G. R. Smith
J. E. Smith	Sottile	Stavrinakis
Thayer	Tinkler	Wells
White	Whitmire	Williams
Willis	Yow	

Total--77

Those who voted in the negative are:

Allison	Atwater	Ballentine
R. L. Brown	Burns	Chumley
Forrester	Hamilton	Hill
Huggins	Kennedy	Long
V. S. Moss	Norman	Quinn
Rivers	Southard	Spires
Stringer	Taylor	Toole
Weeks		

Total--22

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So, the amendment was tabled.

Rep. TOOLE proposed the following Amendment No. 14 to H. 3579 (COUNCIL\BBM\3579C019.BBM.DG15), which was tabled:

Amend the bill, as and if amended, by striking SECTION 19 and inserting:

/ SECTION 19. Section 12-36-2647 of the 1976 Code, as added by Act 98 of 2013, is amended to read:

“Section 12-36-2647. (A) Notwithstanding the provisions of Section 59-21-1010, ~~fifty percent of the revenues of sales, use, and casual excise taxes derived pursuant to Sections 12-36-2620(1) and 12-36-2640(1) on the sale, use, or titling of a motor vehicle required to be licensed and registered by the South Carolina Department of Motor Vehicles, otherwise required to be credited as provided pursuant to Section 59-21-1010, instead must be credited to the State Non-Federal Aid Highway Fund established pursuant to Section 57-11-20 State Highway Fund.~~ Revenues credited to the ~~State Non-Federal Aid Highway Fund~~ State Highway Fund pursuant to this section must be used exclusively for highway, road, and bridge maintenance, construction, and repair, except that sixty-one million dollars each year must be pledged for the repayment of bonds issued for paving, resurfacing, repairing, and maintaining interstates existing on July 1, 2015.

(B) Notwithstanding the provisions of Section 59-21-1010, any increase in revenue attributable to Section 12-36-2110(F) from the sales, use, and casual excise taxes derived pursuant to Sections 12-36-2620(2) and 12-36-2640(2) on the sale, use, or titling of a motor vehicle required to be licensed and registered by the South Carolina Department of Motor Vehicles, otherwise required to be credited as provided pursuant to Section 59-21-1010, instead must be credited to the State Highway Fund. Revenues credited to the State Highway Fund pursuant to this section must be used exclusively for highway, road, and bridge maintenance, construction, and repair.” /

Renumber sections to conform.

Amend title to conform.

Rep. TOOLE explained the amendment.

Rep. SIMRILL moved to table the amendment, which was agreed to.

SPEAKER IN CHAIR

[HJ]

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LEAVE OF ABSENCE

The SPEAKER granted Rep. KENNEDY a temporary leave of absence.

Rep. NORMAN proposed the following Amendment No. 18 to H. 3579 (COUNCIL\MS\3579C004.MS.SA15), which was tabled:

Amend the bill, as and if amended, Part 3, Page [3579-14], immediately after line 40, by adding an appropriately numbered SECTION to read:

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

“Section 11-43-267. Except with the approval of the General Assembly by joint resolution or statewide act approved by governor, the bank shall not approve full or partial funding for any highway projects unless reserves or bonding capacity for such projects have been provided out of either:

- (1) current balances in the bank; or
- (2) current bonding capacity of the bank.

The bank shall not prospectively approve any funding for projects contingent upon additional tax revenue legislation or upon the anticipated satisfaction of debts from previously issued bonds, unless approved by the general assembly. this section must be effective retroactively to August 16, 2012.”/

Renumber sections to conform.

Amend title to conform.

Rep. NORMAN explained the amendment.

Rep. SIMRILL moved to table the amendment.

Rep. NORMAN demanded the yeas and nays which were taken, resulting as follows:

Yeas 62; Nays 35

Those who voted in the affirmative are:

Alexander	Anderson	Anthony
Bales	Bamberg	Brannon
G. A. Brown	Clemmons	Cobb-Hunter
H. A. Crawford	Delleney	Dillard
Douglas	Duckworth	Felder
Finlay	Funderburk	Gagnon

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Gambrell	Gilliard	Goldfinch
Hardee	Hardwick	Hayes
Herbkersman	Hicks	Hodges
Horne	Howard	Jefferson
Johnson	King	Limehouse
Loftis	Lucas	McCoy
McEachern	M. S. McLeod	D. C. Moss
V. S. Moss	Newton	Norrell
Ott	Pitts	Pope
Ridgeway	Riley	Robinson-Simpson
Rutherford	Ryhal	Sandifer
Simrill	Sottile	Spires
Stavrinakis	Tinkler	Weeks
Wells	White	Whitmire
Williams	Yow	

Total--62

Those who voted in the negative are:

Allison	Atwater	Ballentine
Bedingfield	Bernstein	Bradley
R. L. Brown	Burns	Chumley
Clary	Cole	Collins
Corley	Daning	Forrester
Hamilton	Hill	Hiott
Hixon	Huggins	Long
W. J. McLeod	Norman	Putnam
Quinn	Rivers	G. M. Smith
G. R. Smith	J. E. Smith	Southard
Stringer	Taylor	Thayer
Toole	Willis	

Total--35

So, the amendment was tabled.

Rep. NORMAN proposed the following Amendment No. 19 to H. 3579 (COUNCIL\MS\3579C005.MS.SA15), which was tabled:

Amend the bill, as and if amended, Part 3, Page [3579-14], immediately after line 40, by adding an appropriately numbered section to read:

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/SECTION ____ Section 11-43-130(6) of the 1976 Code is amended to read:

“(6) ‘Eligible project’ means a highway, including bridges, or transit project which provides public benefits by either enhancing mobility and safety, promoting economic development, or increasing the quality of life and general welfare of the public. Eligible projects must be selected from the long-range Statewide Transportation Plan as defined in Section 57-1-370(A), and each project must be selected from a priority list of projects established by the Department of Transportation Commission pursuant to Section 57-1-370(B)(8) ‘Eligible project’ also includes mass transit including, but not limited to, monorail and monobeam mass transit systems.”/

Re-number sections to conform.

Amend title to conform.

Rep. NORMAN explained the amendment.

Rep. SIMRILL moved to table the amendment.

Rep. NORMAN demanded the yeas and nays which were taken, resulting as follows:

Yeas 70; Nays 29

Those who voted in the affirmative are:

Alexander	Anderson	Anthony
Bales	Bamberg	Brannon
Clemmons	Clyburn	Cobb-Hunter
H. A. Crawford	Daning	Delleney
Dillard	Douglas	Duckworth
Felder	Finlay	Gagnon
Gambrell	George	Gilliard
Goldfinch	Govan	Hardee
Hardwick	Hayes	Hicks
Hodges	Horne	Howard
Jefferson	Johnson	King
Limehouse	Lowe	Lucas
Mack	McCoy	McEachern
McKnight	M. S. McLeod	D. C. Moss
V. S. Moss	Newton	Norrell
Ott	Parks	Pitts
Pope	Putnam	Ridgeway

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Riley	Robinson-Simpson	Rutherford
Ryhal	Sandifer	Simrill
G. M. Smith	Sottile	Spires
Stavrinakis	Thayer	Tinkler
Weeks	Wells	White
Whitmire	Williams	Willis
Yow		

Total--70

Those who voted in the negative are:

Allison	Atwater	Ballentine
Bedingfield	Bradley	R. L. Brown
Burns	Chumley	Clary
Cole	Collins	Corley
Forrester	Funderburk	Hamilton
Hiott	Hixon	Huggins
Loftis	Long	Merrill
Norman	Quinn	Rivers
G. R. Smith	Southard	Stringer
Taylor	Toole	

Total--29

So, the amendment was tabled.

Rep. ATWATER proposed the following Amendment No. 25 to H. 3579 (COUNCIL\BBM\3579C050.BBM.DG15), which was tabled:

Amend the bill, as and if amended, Part 2, by striking Section 57-3-275, as added by the amendment bearing document number COUNCIL\BBM\3579C023.BBM.DG15, and inserting:

/ "Section 57-3-275. By September 1, 2015, and each September first thereafter, the Department of Transportation shall transfer from the State Highway Fund four hundred million dollars to the County Transportation Fund. The State Treasurer shall disburse the funds equally to the entity administering each county's C-funds pursuant to Section 12-28-2740. This distribution must be expended solely on state-owned roads within the county, but this distribution shall not be counted as a distribution for any other purpose." /

Re-number sections to conform.

Amend title to conform.

[HJ]

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Rep. ATWATER explained the amendment.

Rep. SIMRILL moved to table the amendment.

Rep. ATWATER demanded the yeas and nays which were taken, resulting as follows:

Yeas 80; Nays 20

Those who voted in the affirmative are:

Alexander	Anderson	Anthony
Bales	Ballentine	Bamberg
Bedingfield	Bowers	Brannon
R. L. Brown	Burns	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Corley	H. A. Crawford
Daning	Delleney	Dillard
Douglas	Duckworth	Felder
Finlay	Funderburk	Gagnon
Gambrell	Gilliard	Goldfinch
Govan	Hardwick	Hayes
Herbkersman	Hicks	Hiott
Hodges	Horne	Howard
Jefferson	Johnson	Limehouse
Loftis	Lowe	Lucas
Mack	McCoy	McEachern
M. S. McLeod	W. J. McLeod	Merrill
D. C. Moss	V. S. Moss	Newton
Norrell	Ott	Parks
Pitts	Pope	Ridgeway
Riley	Rivers	Robinson-Simpson
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	Sottile
Spires	Stavrinakis	Thayer
Tinkler	Weeks	Wells
White	Whitmire	Williams
Willis	Yow	

Total--80

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Those who voted in the negative are:

Allison	Atwater	Bradley
Chumley	Forrester	Hamilton
Hardee	Hill	Hixon
Huggins	King	Long
Norman	Putnam	Quinn
J. E. Smith	Southard	Stringer
Taylor	Toole	

Total--20

So, the amendment was tabled.

***SPEAKER PRO TEMPORE* IN CHAIR**

Rep. ATWATER proposed the following Amendment No. 26 to H. 3579 (COUNCIL\BBM\3579C047.BBM.DG15), which was tabled:

Amend the bill, as and if amended, Part 2, by striking Section 57-3-275, as added by the amendment bearing document number COUNCIL\BBM\3579C023.BBM.DG15, and inserting:

/ "Section 57-3-275. By September 1, 2015, and each September first thereafter, the Department of Transportation shall transfer from the State Highway Fund fifty million dollars to the County Transportation Fund. The State Treasurer shall disburse the funds equally to the entity administering each county's C-funds pursuant to Section 12-28-2740. This distribution must be expended solely on state-owned roads within the county, but this distribution shall not be counted as a distribution for any other purpose." /

Renumber sections to conform.

Amend title to conform.

Rep. ATWATER explained the amendment.

Rep. ATWATER moved to table the amendment, which was agreed to.

LEAVE OF ABSENCE

The *SPEAKER PRO TEMPORE* granted Rep. TALLON a temporary leave of absence.

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Reps. QUINN, STRINGER and ATWATER proposed the following Amendment No. 27 to H. 3579 (COUNCIL\BBM\3579C046.BBM.DG15), which was tabled:

Amend the bill, as and if amended, by striking SECTIONS 22 and 23 and inserting:

/ SECTION 22. Section 12-6-510 of the 1976 Code is amended to read:

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

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

(B)(1) Beginning with taxable year 2016, based on the tax rates and tax brackets that applied in tax year 2015, the rate of tax imposed pursuant to subsection (A)(6) on South Carolina taxable income in the seven percent bracket of South Carolina taxable income is reduced by 0.125% each year. The tax rate reduction required by this section shall continue until the seven percent bracket is reduced to 6%. Upon the seven percent bracket reaching 6%, the rate of tax imposed pursuant to subsections (A)(5) and (A)(6) on South Carolina taxable income in the former seven percent bracket and the six percent bracket of South Carolina taxable income is reduced by 0.125% until both brackets are reduced to 5.75%, at which time the reduction in each of the tax brackets shall be permanent.

(2) Notwithstanding item (1), if the Board of Economic Advisors' February fifteenth forecast of general fund revenue for the upcoming fiscal year does not exceed the Board of Economic Advisors' most recent general fund revenue estimate for the current fiscal year by one percent, then the reduction set forth pursuant to item (1) is suspended

for the next tax year. In any tax year in which the reduction is suspended, the tax rate in that tax year shall be the same tax rate in effect in the immediately previous tax year.

(3) In any tax year in which the reduction is suspended pursuant to item (2), the tax rate in that tax year shall be the same tax rate in effect in the immediately previous tax year. If the reduction is suspended, the suspension is lifted and the reductions must continue pursuant to item (1) in the first tax year for which the conditions for suspension set forth in item (2) are not met. Upon the reduction no longer being suspended, the applicable rates must be reduced by 0.125% each year in accordance with item (1).

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

Amend the bill further, Part 5, by adding an appropriately numbered SECTION to read:

/ SECTION ____ . Title 6 of the 1976 Code is amended by adding:

“CHAPTER 14

Local Option Motor Fuel User Fee

Section 6-14-10. This chapter may be cited as the ‘Local Option Motor Fuel User Fee Act’.

Section 6-14-20. For purposes of this chapter:

(1) ‘Motor fuel’ means:

(a) all gasoline, gasohol, or blended fuels containing gasoline that are used or consumed for any purpose in this State; and

(b) all diesel fuel, substitute fuels, or alternative fuels, or blended fuels containing diesel fuel that are used or consumed in this State in producing or generating power for propelling motor vehicles.

(2) ‘Retail sales’ has the same meaning as provided in Section 12-36-110.

(3) ‘Road improvement projects’ and ‘road maintenance’ consist of any work that is planned and performed to maintain and preserve the condition of the highway system or to respond to specific conditions and events that restore a roadway to an adequate level of service. Such activities include, but are not limited to:

- (a) cleaning of roadside ditches and structures;
- (b) crack filling;
- (c) pothole patching and isolated overlays;
- (d) chip seal;
- (e) signage of routes;
- (f) pavement marking;
- (g) pavement reconstruction; and

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(h) pavement resurfacing.

Section 6-14-30. Subject to the requirements of this chapter, a county may impose by ordinance, approved by referendum, a user fee of not more than six cents a gallon on retail sales of motor fuel for the sole purpose of road improvement projects and road maintenance to state secondary roads and county roads within the county, with at least fifty percent of the revenue being expended on state owned roads.

Section 6-14-40. (A) The local governing body of the county may vote to impose the user fee authorized by this chapter, subject to a referendum, by enacting an ordinance. The ordinance must specify:

(1) the specific road improvement projects for which the proceeds of the user fee are to be used and the total estimated capital costs associated with the projects;

(2) the maximum time, stated in calendar years or calendar quarters, or a combination thereof, not to exceed five years, for which the user fee may be imposed; and

(3) the time when the referendum shall be held. The referendum may be held on the first Tuesday ninety days after the adoption of the ordinance or on the first Tuesday following the first Monday in November of an even-numbered year so long as at least ninety days have passed since the adoption of the ordinance.

At least two weeks before second reading of an ordinance calling for a referendum, the local governing body of the county shall publish notice in a newspaper of general circulation within the jurisdiction a description of the ordinance and the time and place of the meeting to discuss the ordinance. The local governing body of the county also must publish the notice on its website in the same manner. The local governing body only may give second reading to the ordinance at a meeting for which notice has been given.

(B) Upon the adoption of an ordinance calling for a referendum, the county election commission shall conduct a referendum at the time specified in the ordinance on the question of implementing the motor fuel user fee within the county. The state election laws apply to the referendum, mutatis mutandis. The county election commission shall publish the results of the referendum and certify them to the local governing body. The user fee must not be imposed in the county unless a majority of the qualified electors voting in the referendum vote in favor of the referendum.

(C)(1) The ballot must read substantially as follows:

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‘Must a _____ cent a gallon motor fuel user fee on each gallon of motor fuel sold at retail be levied in _____ County for not more than _____ years for the purpose of road improvement projects?

Yes

No

(2) If the question is not approved at the initial referendum, the local governing body of the county may, by an ordinance meeting the requirements of this section, call for another referendum on the question. However, following the initial referendum, a referendum for this purpose must not be held more often than once in a twenty-four month period on the Tuesday following the first Monday in November in even-numbered years.

(3) Once a week for the four weeks immediately preceding the referendum, the local governing body of the county shall publish notice in a newspaper of general circulation within the jurisdiction a description of and the specific uses for the user fee. The local governing body must also publish notice on its website in the same manner.

(D) The imposition date of the user fee allowed pursuant to this chapter is the first day of the first month beginning more than sixty days after the local governing body files a certified copy of the ordinance and a certified copy of the results of the referendum with the South Carolina Department of Revenue.

(E) Once a certified copy of the ordinance and a certified copy of the results of the referendum are filed with the Department of Revenue, for the period of imposition provided in the ordinance, the department may not accept as filed any additional ordinance or referendum results from the county that in any way relate to the user fee allowed to be imposed pursuant to this chapter except an ordinance or the referendum results rescinding or reducing the existing user fee. The department shall accept for filing a certified copy of an ordinance and referendum results reducing or repealing the user fee and that reduction or repeal applies in the manner provided in subsection (D) for imposition.

(F) Pursuant to Section 6-14-50(C), revenues collected pursuant to the imposition of the user fee must be used only for the purpose stated in the imposition ordinance.

(G) Upon the completion of any road improvement project to a state owned road funded by the user fee authorized by this chapter, ownership of the road must be transferred to the county.

Section 6-14-50. (A) The user fee imposed pursuant to this chapter must be administered and collected by the Department of Revenue in the same manner that sales and use tax are collected. The department may

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prescribe amounts that may be added to the sales price because of the user fee. The sales tax return shall contain a line reporting gallons of gasoline sold for the purpose of calculating the user fee. Every establishment selling gasoline at retail in a jurisdiction imposing the user fee shall obtain a retail sales license.

(B) When the local motor fuel user fee is imposed for more than one project, the local governing body authorizing the referendum for the user fee shall determine the priority for the expenditure of the net proceeds of the user fee for the purposes stated in the referendum.

(C) The revenues of the user fee collected in each county pursuant to this chapter must be remitted to the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of refunds made and costs to the Department of Revenue of administering the user fee, not to exceed one percent of the revenues, the State Treasurer shall distribute the revenues quarterly to the county in which the user fee is imposed. These revenues must be used only for the purpose stated in the imposition ordinance. The State Treasurer may correct misallocation costs or refunds by adjusting subsequent distributions, but these adjustments must be made in the same fiscal year as the misallocation.

Section 6-14-60. The Department of Revenue shall furnish data to the State Treasurer and to the counties receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to the counties upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54-240. A person violating this section is subject to the penalties provided in Section 12-54-240.

Section 6-14-70. The Department of Revenue may promulgate regulations necessary to implement this chapter.” /

Renumber sections to conform.

Amend title to conform.

Rep. QUINN explained the amendment.

Rep. QUINN spoke in favor of the amendment.

Rep. STRINGER spoke in favor of the amendment.

Rep. STRINGER spoke in favor of the amendment.

Rep. WHITE spoke against the amendment.

Rep. WHITE spoke against the amendment.

Rep. WHITE moved to table the amendment.

[HJ]

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Rep. QUINN demanded the yeas and nays which were taken, resulting as follows:

Yeas 66; Nays 37

Those who voted in the affirmative are:

Alexander	Anderson	Anthony
Bales	Bamberg	Bowers
Brannon	G. A. Brown	R. L. Brown
Chumley	Clary	Clemmons
Cobb-Hunter	Delleney	Dillard
Douglas	Duckworth	Felder
Finlay	Gagnon	Gambrell
George	Gilliard	Goldfinch
Hardwick	Hayes	Herbkersman
Hicks	Hill	Hiott
Hodges	Howard	Jefferson
Johnson	King	Lowe
Lucas	Mack	McEachern
McKnight	M. S. McLeod	W. J. McLeod
D. C. Moss	V. S. Moss	Newton
Norrell	Ott	Parks
Pitts	Pope	Ridgeway
Riley	Robinson-Simpson	Sandifer
Simrill	G. M. Smith	Sottile
Southard	Spires	Tinkler
Weeks	Wells	White
Whitmire	Williams	Yow

Total--66

Those who voted in the negative are:

Allison	Atwater	Ballentine
Bannister	Bedingfield	Bernstein
Bradley	Burns	Cole
Collins	Corley	H. A. Crawford
Daning	Forrester	Hamilton
Hardee	Henderson	Hixon
Huggins	Limehouse	Loftis
Long	McCoy	Merrill
Norman	Putnam	Quinn
Rivers	Ryhal	G. R. Smith

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Stavrinakis	Stringer	Tallon
Taylor	Thayer	Toole
Willis		

Total--37

So, the amendment was tabled.

Reps. HIXON and CRAWFORD proposed the following Amendment No. 30 to H. 3579 (COUNCIL\MS\3579C007.MS.AHB15), which was tabled:

Amend the bill, as and if amended, Part II, page [3579-13], immediately after line 20, by inserting an appropriately numbered SECTION to read:

/ SECTION _____. The State Fiscal Accountability Authority is directed to conduct an independent audit of the Department of Transportation which shall include, but not be limited to, the management structure of the department, the internal controls of the department, and the financial structure of the department. The State Fiscal Accountability Authority is authorized to contract with private or public entities in conducting such audit. The audit required by the provisions of this section must be completed and the audit must be provided to the General Assembly no later than July 1, 2016. /

Renumber sections to conform.

Amend title to conform.

Rep. HIXON explained the amendment.

Rep. HIXON moved to table the amendment, which was agreed to.

Reps. HORNE, STAVRINAKIS and MERRILL proposed the following Amendment No. 32 to H. 3579 (COUNCIL\BBM\3579C051.BBM.DG15), which was tabled:

Amend the bill, as and if amended, by deleting Part 3 in its entirety.

Renumber sections to conform.

Amend title to conform.

Rep. HORNE explained the amendment.

Rep. SIMRILL spoke against the amendment.

Rep. STAVRINAKIS spoke in favor of the amendment.

Rep. MERRILL spoke in favor of the amendment.

[HJ]

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Rep. SIMRILL moved to table the amendment.

Rep. MERRILL demanded the yeas and nays which were taken,
resulting as follows:

Yeas 72; Nays 34

Those who voted in the affirmative are:

Alexander	Allison	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bowers	Bradley	Brannon
G. A. Brown	Burns	Chumley
Clary	Clyburn	Cobb-Hunter
Cole	Corley	Delleney
Dillard	Douglas	Felder
Forrester	Funderburk	Gagnon
Hardee	Hardwick	Hayes
Henderson	Herbkersman	Hicks
Hill	Hiott	Hixon
Hodges	Howard	Huggins
Jefferson	Loftis	Long
Lucas	D. C. Moss	V. S. Moss
Newton	Norman	Norrell
Ott	Parks	Pitts
Pope	Putnam	Ridgeway
Riley	Robinson-Simpson	Ryhal
Simrill	G. M. Smith	G. R. Smith
Spires	Tallon	Taylor
Thayer	Toole	Weeks
Wells	White	Whitmire
Williams	Willis	Yow

Total--72

Those who voted in the negative are:

Anderson	Bernstein	Clemmons
Collins	H. A. Crawford	Daning
Duckworth	Finlay	Gambrell
George	Gilliard	Goldfinch
Govan	Hamilton	Horne
Johnson	King	Limehouse

[HJ]

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Lowe	Mack	McCoy
McEachern	McKnight	M. S. McLeod
W. J. McLeod	Merrill	Quinn
Rivers	Sandifer	J. E. Smith
Sottile	Southard	Stavrinakis
Tinkler		

Total--34

So, the amendment was tabled.

Rep. COLLINS proposed the following Amendment No. 34 to H. 3579 (COUNCIL\BBM\3579C011.BBM.DG15), which was tabled:

Amend the bill, as and if amended, by striking SECTIONS 22 and 23 and inserting:

/ SECTION 22. Section 12-6-510 of the 1976 Code is amended to read:

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

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

(B) For taxable years beginning after 2015, a tax is imposed on the South Carolina taxable income of individuals, estates, and trusts and any other entity except those taxed or exempted from taxation under Sections 12-6-530 through 12-6-550 computed at the following rates with the income brackets indexed in accordance with Section 12-6-520:

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<u>OVER</u>	<u>BUT NOT</u>	
\$ 0	\$ 4,197	--0--
4,197	8,394	0% Times the amount
8,394	12,591	3% Times the amount less \$ 126
12,591	16,788	4% Times the amount less \$210
16,788	20,985	5% Times the amount less \$336
20,985		6% Times the amount less \$504
		7% Times the amount less \$713

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

SECTION 23. Section 12-6-520 of the 1976 Code is amended to read:

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

(B) Notwithstanding subsection (A), for income tax year 2016, the department shall not adjust the brackets.” /

Renumber sections to conform.

Amend title to conform.

Rep. COLLINS explained the amendment.

Rep. WHITE moved to table the amendment.

Rep. COLLINS demanded the yeas and nays which were taken, resulting as follows:

Yeas 71; Nays 31

Those who voted in the affirmative are:

Alexander	Anderson	Anthony
Bales	Bamberg	Bernstein
Bowers	Brannon	G. A. Brown
R. L. Brown	Clary	Clemmons
Clyburn	Cobb-Hunter	H. A. Crawford

[HJ]

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Delleney	Dillard	Douglas
Duckworth	Felder	Finlay
Funderburk	Gagnon	Gambrell
Gilliard	Goldfinch	Govan
Hardee	Hardwick	Hayes
Herbkersman	Hicks	Hiott
Hodges	Horne	Jefferson
Johnson	King	Limehouse
Lowe	Lucas	Mack
McEachern	M. S. McLeod	W. J. McLeod
D. C. Moss	V. S. Moss	Newton
Norrell	Ott	Parks
Pitts	Pope	Ridgeway
Riley	Robinson-Simpson	Ryhal
Sandifer	Simrill	G. M. Smith
J. E. Smith	Sottile	Southard
Spires	Stavrinakis	Tinkler
Weeks	White	Whitmire
Williams	Yow	

Total--71

Those who voted in the negative are:

Allison	Atwater	Ballentine
Bannister	Bedingfield	Bradley
Burns	Chumley	Cole
Collins	Corley	Daning
Forrester	Hamilton	Henderson
Hill	Hixon	Loftis
Long	Merrill	Norman
Putnam	Quinn	Rivers
G. R. Smith	Stringer	Tallon
Taylor	Toole	Wells
Willis		

Total--31

So, the amendment was tabled.

The question then recurred to the passage of the Bill.

[HJ]

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The yeas and nays were taken resulting as follows:

Yeas 87; Nays 20

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Bales	Ballentine
Bamberg	Bannister	Bernstein
Bowers	Bradley	Brannon
G. A. Brown	R. L. Brown	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Corley	H. A. Crawford
Daning	Delleney	Dillard
Douglas	Duckworth	Felder
Finlay	Forrester	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Govan
Hardee	Hardwick	Hayes
Henderson	Herbkersman	Hicks
Hiott	Hixon	Hodges
Howard	Jefferson	Johnson
King	Limehouse	Loftis
Lowe	Lucas	Mack
McCoy	McEachern	McKnight
M. S. McLeod	W. J. McLeod	D. C. Moss
V. S. Moss	Newton	Norman
Norrell	Ott	Parks
Pitts	Pope	Ridgeway
Riley	Rivers	Robinson-Simpson
Ryhal	Sandifer	Simrill
G. M. Smith	J. E. Smith	Sottile
Spires	Tallon	Tinkler
Weeks	Wells	White
Whitmire	Williams	Yow

Total--87

Those who voted in the negative are:

Atwater	Bedingfield	Burns
Chumley	Collins	Hamilton
Hill	Horne	Huggins
Long	Merrill	Putnam

[HJ]

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Quinn	G. R. Smith	Southard
Stavrinakis	Stringer	Taylor
Thayer	Willis	

Total--20

So, the Bill, as amended, was read the second time and ordered to third reading.

STATEMENT FOR HOUSE JOURNAL
Abstention from Voting
Based on Potential Conflict of Interest

I am notifying you that I will not participate in the debate or votes on H. 3579. In accordance with Section 8-13-700(B) of the S.C. Code, I recuse myself from voting on the Bill because of a potential conflict of interest.

While I know of no existing conflict, I am abstaining from voting on H. 3579, out of an overabundance of caution if a potential conflict of interest may arise in which an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected. I wish to have my recusal noted for the House Journal.

Rep. Kenneth A. Bingham

STATEMENT FOR HOUSE JOURNAL
Abstention from Voting
Based on Potential Conflict of Interest

I am notifying you that I will not participate in the debate or votes on H. 3579. In accordance with Section 8-13-700(B) of the S.C. Code, I recuse myself from voting on the Bill because of a potential conflict of interest.

My potential conflict involves my practice of real property appraisal for clients including the South Carolina Dept. of Transportation. I wish to have my recusal noted for the House Journal.

Rep. Roger K. Kirby

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RECORD FOR VOTING

I was out of the Chamber on personal family leave during the vote to give second reading of H. 3579. If I had been present, I would have voted in favor of the Bill, as a whole.

Rep. Shannon Erickson

STATEMENTS FOR THE JOURNAL

I feel fixing the roads is one of the most important issues facing the General Assembly. I attempted to give a local option gas tax to put before the voters county by county. I did this because while H. 3579 does increase funds for interstate highways, it does nothing to address funding for local roads that are in desperate need of repair.

Until such time as the funding problems for local roads is addressed, I cannot vote for this Bill. This is perhaps the only chance we will have in my lifetime to address the problems with roads. Unfortunately, this Bill does not go far enough.

Rep. Richard "Rick" Quinn

Rep. Todd K. Atwater

Rep. Chip Huggins

Rep. Neal A. Collins

STATEMENT FOR THE JOURNAL

I voted against H. 3579 only after supporting a number of amendments that offer better plans to address our road needs. H. 3579 does nothing to deal with the systemic problems in SCDOT or the need to fix local roads.

I supported an amendment that would have let local voters decide their road funding and tax rates and would have kept local officials in charge of making sure local roads are repaired. We have seen too many examples where SCDOT has not been able to meet those needs with the hundreds of millions of tax dollars they receive. It is time to try a new approach.

Rep. Leon Stavrinakis

SPEAKER IN CHAIR

Rep. COBB-HUNTER moved that the House do now adjourn, which was agreed to.

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RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 3962 -- Reps. Huggins, Ballentine, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Jefferson, Johnson, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE RUSSELL & JEFFCOAT REAL ESTATE AT THE CELEBRATION OF ITS FIFTIETH ANNIVERSARY AND TO CONGRATULATE THE AGENCY ON HALF A CENTURY OF OUTSTANDINGLY SUCCESSFUL ENTREPRENEURIAL ENDEAVORS.

H. 3966 -- Reps. G. R. Smith, Allison, Sandifer, Bedingfield, Bannister, Stringer, Alexander, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Simrill, G. M. Smith,

[HJ]

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J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE BASF CORPORATION AT THE CELEBRATION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY AND TO CONGRATULATE THE CORPORATION ON A CENTURY AND A HALF OF OUTSTANDINGLY SUCCESSFUL ENTREPRENEURIAL ENDEAVORS.

ADJOURNMENT

At 7:05 p.m. the House, in accordance with the motion of Rep. BURNS, adjourned in memory of Bessie Christine Cato, mother of former Representative Harry Cato of Travelers Rest, to meet at 10:00 a.m. tomorrow.

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H. 3149	4	H. 3880	5
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H. 3348	6	H. 3897	22
H. 3353	4	H. 3905	21
H. 3396	5	H. 3913	22
H. 3433	16	H. 3915	5
H. 3549	4	H. 3962	105
H. 3568	4	H. 3966	105
H. 3579	5, 12, 23, 27	H. 3979	5
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