NO. 41

JOURNAL

of the

HOUSE OF REPRESENTATIVES

of the

STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

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WEDNESDAY, APRIL 13, 2016

(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 97:1: “The Lord is King! Let the earth rejoice!”

Let us pray. Lord of all, bless these Representatives and staff as they work to accomplish the agenda set before them. Give them courage, wisdom, integrity, and strength to carry on what has been given to them. May all our words and deeds be acceptable in Your favor. Look in favor upon our Nation, President, State, Governor, Speaker, staff, and all who serve in this place. Protect our defenders of freedom at home and abroad as they protect us. Heal the wounds, those seen and those hidden, of those who suffer and sacrifice for our freedom. Lord, in Your mercy, 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.

**SPEAKER *PRO TEMPORE* IN CHAIR**

**MOTION ADOPTED**

Rep. RIDGEWAY moved that when the House adjourns, it adjourn in memory of Margaret Robinson House, which was agreed to.

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 12, 2016

Mr. Speaker and Members of the House of Representatives:

The Senate respectfully informs your Honorable Body that it has confirmed the Governor’s appointment of:

Master-in-Equity Appointment

Clarendon County Master-in Equity

Term Commencing: June 30, 2016

Term Expiring: June 30, 2022

Vice: William Coffey

Mr. Joseph K. Coffey

1742 Bethlehem Road

Manning, South Carolina 29102

Very respectfully,

President of the Senate

Received as information.

**REPORT OF STANDING COMMITTEE**

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4851 -- Reps. G. M. Smith and Weeks: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE OVERPASS LOCATED ALONG LAFAYETTE DRIVE IN THE CITY OF SUMTER "SCHP PATROLMAN JIMMY A. TRAYLOR MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

Ordered for consideration tomorrow.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 991 -- Senator Verdin: A CONCURRENT RESOLUTION DESIGNATING MAY 11, 2016, AS "DIFFUSE INTRINSIC PONTINE GLIOMA AWARENESS DAY" IN SOUTH CAROLINA.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**CONCURRENT RESOLUTION**

The Senate sent to the House the following:

S. 1225 -- Senators Corbin, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, J. Matthews, M. B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Sabb, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO DECLARE APRIL 2016 AS "HOMESCHOOL RECOGNITION MONTH" IN SOUTH CAROLINA, TO RECOGNIZE THE DILIGENT EFFORTS OF HOMESCHOOLING PARENTS AND THE ACADEMIC SUCCESS OF THEIR STUDENTS, AND TO EXPRESS SINCERE APPRECIATION FOR THEIR FOCUS ON THE WELL-BEING AND OVERALL ACHIEVEMENTS OF THEIR CHILDREN.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

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

Referred to Committee on Judiciary

S. 689 -- Senators Hembree and McElveen: A BILL TO AMEND SECTION 56-1-50(B)(2) AND (C) OF THE 1976 CODE, RELATING TO MOTOR VEHICLE BEGINNER'S PERMIT AND VEHICLE OPERATION, TO PROVIDE THAT A PERMITTEE MAY NOT OPERATE A MOTORCYCLE, MOTOR SCOOTER, OR LIGHT MOTOR-DRIVEN CYCLE AT ANY UNPERMITTED TIME UNLESS SUPERVISED BY A LICENSED MOTORCYCLE, MOTOR SCOOTER, OR LIGHT MOTOR-DRIVEN CYCLE OPERATOR AND TO PROVIDE THAT THE ACCOMPANYING DRIVER MUST BE WITHIN A SAFE VIEWING DISTANCE OF THE PERMITTEE WHEN THE PERMITTEE IS OPERATING A MOTORCYCLE OR A THREE-WHEEL VEHICLE.

Referred to Committee on Education and Public Works

S. 1064 -- Senators Young and Rankin: A BILL TO AMEND SECTION 38-73-525 OF THE 1976 CODE, RELATING TO THE REQUIREMENT THAT AN INSURER WRITING A WORKERS' COMPENSATION POLICY SHALL FILE CERTAIN INFORMATION ON WHICH IT RELIES TO SUPPORT ITS RATE REQUEST, TO PROVIDE THAT THE INSURER MUST ADOPT THE MOST RECENT LOSS COST WITHIN ONE HUNDRED TWENTY DAYS OF APPROVAL OF THE LOSS COSTS; AND TO AMEND SECTION 38-73-1210, RELATING TO THE REQUIREMENT THAT ITS OBLIGATION TO MAKE CERTAIN FILINGS MAY BE SATISFIED BY MAKING FILINGS AS A MEMBER OF, OR SUBSCRIBER TO, A LICENSED RATING ORGANIZATION THAT MAKES FILINGS, TO REQUIRE THE FILINGS BE RULE AND FORM FILINGS AND NOT LOSS COST ADOPTION FILINGS, AND REQUIRE THE INSURER TO FILE FOR CERTAIN APPROVAL IF THE RATING ORGANIZATION TO WHICH IT SUBSCRIBES HAS A RATE INCREASE WITHIN TWELVE MONTHS AFTER THE INSURER BECOMES A MEMBER.

Referred to Committee on Judiciary

S. 1073 -- Senators Setzler and Alexander: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2015 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

Referred to Committee on Ways and Means

S. 1075 -- Senators Campbell, Hayes and Grooms: A BILL TO AMEND SECTION 12-28-110 OF THE 1976 CODE, RELATING TO DEFINITIONS PERTAINING TO MOTOR FUELS, TO AMEND CERTAIN DEFINITIONS; TO AMEND SECTION 56-5-4160 OF THE 1976 CODE, RELATING TO VEHICLE WEIGHTS AND LOADS, TO PROVIDE ADDITIONAL WEIGHT ALLOWANCES FOR MOTOR VEHICLES FUELED BY ALTERNATIVE FUEL; TO AMEND SECTION 12-37-2820, RELATING TO THE ASSESSMENT OF MOTOR VEHICLES, TO CLARIFY A DEFINITION AS IT RELATES TO MOTOR VEHICLES FUELED BY ALTERNATIVE FUEL; TO ADD SECTION 12-6-3695, RELATING TO INCOME TAX CREDITS, TO ALLOW AN INCOME TAX CREDIT TO A TAXPAYER WHO PURCHASES OR CONSTRUCTS AND INSTALLS AND PLACES IN SERVICE IN THIS STATE ELIGIBLE PROPERTY THAT IS USED FOR DISTRIBUTION, DISPENSING, OR STORING ALTERNATIVE FUEL AT A NEW OR EXISTING FUEL DISTRIBUTION OR DISPENSING FACILITY, AND TO SPECIFY THE AMOUNT OF THE CREDIT AND THE REQUIREMENTS OF THE CREDIT; AND TO ADD SECTION 12-6-3697, RELATING TO INCOME TAX CREDITS, TO ALLOW FOR AN INCOME TAX CREDIT FOR THE INCREMENTAL COSTS OR CONVERSION COSTS OF THE AMOUNT EXPENDED TO PURCHASE OR CONVERT AN ALTERNATIVE FUEL HEAVY-DUTY VEHICLE, ALTERNATIVE FUEL VEHICLE, AND A BI-FUEL ALTERNATIVE FUEL VEHICLE, AND TO SPECIFY THE AMOUNT OF THE CREDITS AND THE REQUIREMENTS OF THE CREDIT.

Referred to Committee on Ways and Means

S. 1125 -- Senator Reese: A BILL TO AMEND SECTION 12-65-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEXTILES COMMUNITIES REVITALIZATION INCOME TAX CREDIT, SO AS TO DELETE A PROVISION THAT LIMITS THE CREDIT TO FIFTY PERCENT OF CERTAIN LIABILITY.

Referred to Committee on Ways and Means

S. 1136 -- Senators Malloy and Campsen: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE REQUIREMENT THAT THE GENERAL ASSEMBLY PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM OLDER CONFINED PERSONS, SO AS TO CHANGE THE AGE FOR WHICH THE GENERAL ASSEMBLY SHALL PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM "UNDER THE AGE OF SEVENTEEN" TO "UNDER THE AGE OF EIGHTEEN".

Referred to Committee on Judiciary

S. 1166 -- Senators Leatherman, Setzler, Allen, J. Matthews, Jackson, M. B. Matthews, Malloy, Lourie, Williams, Sheheen, Nicholson, Johnson, Scott, Sabb, Hutto and Kimpson: A JOINT RESOLUTION TO PROVIDE FOR ANNUAL INSTALLMENT PAYMENTS BY SOUTH CAROLINA STATE UNIVERSITY ON OUTSTANDING LOANS MADE TO THE UNIVERSITY BY THE STATE OF SOUTH CAROLINA AND LIABILITIES INCURRED PURSUANT TO SECTION 2-65-70, TO PROVIDE FOR WHEN THE INSTALLMENT PAYMENTS ARE DUE, TO PROVIDE FOR THE AMOUNT OF THE INSTALLMENT PAYMENTS, TO PROVIDE FOR A PROCESS THROUGH WHICH THE DEBT INCURRED MAY BE RELIEVED, AND TO EXTEND FLEXIBILITY RELATED TO FURLOUGHS AS PROVIDED IN ACT 120 OF 2015.

Referred to Committee on Ways and Means

S. 1178 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO ADDITIONAL REGULATIONS APPLICABLE TO SPECIFIC PROPERTIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4634, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Regulations and Administrative Procedures

S. 1179 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS; AND TURKEY HUNTING RULES AND SEASONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4635, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Regulations and Administrative Procedures

S. 1180 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF REGISTRATION FOR FORESTERS, RELATING TO FEES FOR REGISTRATION AND RENEWAL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4627, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Regulations and Administrative Procedures

**SPEAKER IN CHAIR**

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bernstein | Bowers | Bradley |
| Brannon | G. A. Brown | R. L. Brown |
| Chumley | Clary | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Collins | H. A. Crawford | Crosby |
| Daning | Delleney | Douglas |
| Duckworth | Erickson | Felder |
| Finlay | Forrester | Fry |
| Funderburk | Gambrell | Goldfinch |
| Govan | Hardee | Henderson |
| Henegan | Hixon | Hodges |
| Horne | Hosey | Huggins |
| Jefferson | Johnson | King |
| Kirby | Knight | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | Mitchell |
| D. C. Moss | Nanney | Newton |
| Norman | Ott | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | Robinson-Simpson | Rutherford |
| Ryhal | Sandifer | Simrill |
| G. R. Smith | J. E. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Tinkler |
| Wells | Willis | Yow |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Wednesday, April 13.

|  |  |
| --- | --- |
| Terry Alexander | Justin Bamberg |
| Bruce W. Bannister | Kenny Bingham |
| Mike Burns | Christopher A. Corley |
| Chandra Dillard | Craig Gagnon |
| Wayne George | Wendell Gilliard |
| Dan Hamilton | Chris Hart |
| Jackie Hayes | Donna Hicks |
| Jonathon D. Hill | Davey Hiott |
| Leon Howard | W. H. "Jay" Jordan |
| Ralph Kennedy | H. B. "Chip" Limehouse |
| Joe McEachern | Cezar McKnight |
| Mia S. McLeod | Walton J. McLeod |
| James Merrill | V. Stephen Moss |
| Chis Murphy | Joseph Neal |
| Anne Parks | Robert Riley |
| Samuel Rivers | G. Murrell Smith |
| Leon Stavrinakis | Anne Thayer |
| McLain R. "Mac" Toole | David Weeks |
| Jackson "Seth" Whipper | Brian White |
| William R. "Bill" Whitmire | Robert Williams |

**Total Present--121**

**STATEMENT OF ATTENDANCE**

Rep. LOWE signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Tuesday, April 12.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. NORRELL a leave of absence for the day due to a prior commitment.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BEDINGFIELD a leave of absence for the day for a family commitment.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Robert W. Todd of Greenwood was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Reps. HUGGINS and BALLENTINE presented to the House the Chapin High School Marching Band, directors, and other school officials.

**SPECIAL PRESENTATION**

Reps. BERNSTEIN, HOWARD and FINLAY presented to the House the Cardinal Newman School Wrestling Team, coaches, and other school officials.

**CO-SPONSORS ADDED AND REMOVED**

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 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. 3039 |
| Date: | ADD: |
| 04/13/16 | W. J. MCLEOD |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3692 |
| Date: | ADD: |
| 04/13/16 | LIMEHOUSE |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4093 |
| Date: | ADD: |
| 04/13/16 | LIMEHOUSE and QUINN |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4215 |
| Date: | ADD: |
| 04/13/16 | LIMEHOUSE, LOFTIS and BURNS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 4661 |
| Date: | ADD: |
| 04/13/16 | BALLENTINE |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 5055 |
| Date: | ADD: |
| 04/13/16 | RYHAL and THAYER |

**CO-SPONSOR REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 4206 |
| Date: | REMOVE: |
| 04/13/16 | GAGNON |

**CO-SPONSORS REMOVED**

|  |  |
| --- | --- |
| Bill Number: | H. 5090 |
| Date: | REMOVE: |
| 04/13/16 | ERICKSON and NEWTON |

**SENT TO THE SENATE**

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

H. 4932 -- Rep. Allison: A BILL TO AMEND SECTION 56-5-4070, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MAXIMUM LENGTHS OF VEHICLES THAT MAY BE OPERATED ALONG THE STATE'S HIGHWAYS, SO AS TO PROVIDE A MAXIMUM LENGTH FOR TRAILERS OR SEMITRAILERS USED TO TRANSPORT VEHICLES USED IN CONNECTION WITH MOTORSPORTS COMPETITION EVENTS; TO AMEND SECTION 56-5-4130, RELATING TO THE MAXIMUM GROSS WEIGHT UPON ANY WHEEL OF CERTAIN VEHICLES ALLOWED TO OPERATE ALONG THE HIGHWAYS OF THIS STATE, SO AS TO PROVIDE AN OVER-THE-ROAD BUS, MOTORHOME, OR CERTAIN VEHICLES USED AS INTRASTATE PUBLIC AGENCY TRANSIT PASSENGER BUSES ARE EXCLUDED FROM AXLE SPACING REQUIREMENTS BUT ARE LIMITED TO A MAXIMUM SINGLE AXLE WEIGHT LIMIT, AND TO PROVIDE THAT THESE VEHICLES MUST HAVE REASONABLE ACCESS TO CERTAIN HIGHWAY FACILITIES; TO AMEND SECTION 56-5-4140, AS AMENDED, RELATING TO THE MAXIMUM GROSS WEIGHT OF VEHICLES ALLOWED TO OPERATE ALONG THE STATE'S HIGHWAYS, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT AN OVER-THE-ROAD BUS, MOTORHOME, OR CERTAIN VEHICLES USED AS INTRASTATE PUBLIC AGENCY TRANSIT PASSENGER BUSES ARE EXCLUDED FROM CERTAIN AXLE SPACING REQUIREMENTS BUT ARE LIMITED TO A MAXIMUM SINGLE AXLE WEIGHT LIMIT, AND TO PROVIDE THAT THESE VEHICLES MUST HAVE REASONABLE ACCESS TO CERTAIN HIGHWAY FACILITIES; TO AMEND SECTION 56-5-4160, AS AMENDED, RELATING TO THE ENFORCEMENT OF PROVISIONS THAT ESTABLISH WEIGHT LIMITS FOR VEHICLES THAT OPERATE ALONG THE STATE'S HIGHWAYS, SO AS TO REVISE THE MAXIMUM WEIGHT LIMIT ALLOWED FOR A VEHICLE OR COMBINATION OF VEHICLES EQUIPPED WITH AN IDLE REDUCTION SYSTEM; AND TO AMEND SECTION 56-35-30, RELATING TO VEHICLES EQUIPPED WITH AUXILIARY POWER UNITS, SO AS TO REVISE THE ALLOWABLE GROSS WEIGHT OF THE VEHICLE USED TO DETERMINE WHETHER THE VEHICLE HAS VIOLATED PROVISIONS RELATING TO VEHICLE WEIGHT RESTRICTIONS.

H. 5024 -- Reps. Clary, Thayer, Collins, Funderburk, King, Felder, McCoy, Stavrinakis, Bannister, Hamilton, Henderson, Anthony and Govan: A JOINT RESOLUTION TO REQUIRE THAT BEFORE THE 2016-2017 SCHOOL YEAR, THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE ALL READING/LITERACY COACHES AND LITERACY TEACHERS WITH TRAINING ON DYSLEXIA, INCLUDING EVIDENCE-BASED DYSLEXIA SCREENING, INSTRUCTIONAL METHODS, AND INTERVENTIONS; AND TO IMPOSE RELATED REPORTING REQUIREMENTS ON THE DEPARTMENT.

H. 5144 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO CRABMEAT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4567, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 5145 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF DENTISTRY, RELATING TO CONTINUING EDUCATION IN STERILIZATION AND INFECTION CONTROL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4573, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 5146 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - COMMISSIONERS OF PILOTAGE, RELATING TO PILOT REGISTRATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4574, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 5147 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO SPECIAL EDUCATION, EDUCATION OF STUDENTS WITH DISABILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4586, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 5148 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF MEDICAL EXAMINERS, RELATING TO PATIENT MEDICAL RECORDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4588, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 5149 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE OFFICE OF THE GOVERNOR, RELATING TO STATE EMERGENCY PREPAREDNESS STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4585, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 5151 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO SOUTH CAROLINA TRAUMA CARE SYSTEMS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4578, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 5152 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - REAL ESTATE APPRAISERS BOARD, RELATING TO CONTINUING EDUCATION, PAYMENT OF FEES, APPRAISAL EXPERIENCE, AND APPRAISER APPRENTICE REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4589, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 5153 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO AIR POLLUTION CONTROL REGULATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4590, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 5154 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO PROGRAM APPROVAL STANDARDS FOR SOUTH CAROLINA TEACHER EDUCATION INSTITUTIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4593, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**H. 4029--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4029 -- Reps. Norman, Govan, King, Corley, Hixon, Simrill, Thayer and Alexander: A BILL TO AMEND SECTION 20-3-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALIMONY AWARDS, SO AS TO CREATE A PRESUMPTION FOR THE AWARD OF LUMP-SUM OR REIMBURSEMENT ALIMONY AND AGAINST THE AWARD OF PERIODIC OR REHABILITATIVE ALIMONY, TO ESTABLISH GUIDELINES FOR AWARDING ALIMONY BASED ON THE DURATION OF THE MARRIAGE, TO PROVIDE THAT THE COURT MAY FIND COHABITATION EVEN IF A PARTY MAINTAINS A RESIDENCE OR DWELLING IN ADDITION TO THE RESIDENCE OR DWELLING WHERE THE PARTY IS COHABITING, TO PROHIBIT THE COURT FROM TAKING INTO CONSIDERATION CERTAIN EARNINGS OR PROPERTIES WHEN DETERMINING A SUPPORTING SPOUSE'S ABILITY TO PAY, TO ALLOW THE COURT TO CONSIDER THE EXTENT TO WHICH ALIMONY PAID TO A PARTY WHO IS COHABITING IS USED TO CONTINUE OR SUPPORT THE COHABITATION, TO REQUIRE THE COURT TO CONSIDER SOCIAL SECURITY SPOUSAL RETIREMENT BENEFITS AND OTHER RETIREMENT INCOME TO WHICH A SUPPORTED SPOUSE IS ENTITLED WHEN MAKING OR MODIFYING AN ALIMONY AWARD, TO PROHIBIT THE COURT FROM TAKING INTO CONSIDERATION INCOME OR BENEFITS RELATED TO AN INJURY OR DISABILITY OF THE SUPPORTING SPOUSE WHEN DETERMINING THE SUPPORTING SPOUSE'S ABILITY TO PAY; AND TO AMEND SECTION 20-3-170, RELATING TO MODIFICATION, CONFIRMATION, AND TERMINATION OF ALIMONY, SO AS TO CREATE A PRESUMPTION THAT RETIREMENT IS A CHANGE OF CIRCUMSTANCE JUSTIFYING TERMINATION OF ALIMONY WHEN THE SUPPORTING SPOUSE IS ELIGIBLE TO RECEIVE SOCIAL SECURITY RETIREMENT BENEFITS, TO PROVIDE THAT THE COURT SHOULD DECREASE AN ALIMONY AWARD IF A SUPPORTED SPOUSE IS ENTITLED TO RECEIVE CERTAIN SPOUSAL SOCIAL SECURITY RETIREMENT BENEFITS, AND TO PROVIDE THAT THE COURT HAS THE DISCRETION TO MODIFY AN ALIMONY AWARD AT WHATEVER AGE THE SUPPORTING SPOUSE RETIRES.

Reps. BRANNON, DELLENEY, WHIPPER, MCCOY, G. R. SMITH, CROSBY, DANING, FINLAY, JEFFERSON and NANNEY requested debate on the Bill.

**H. 4394--REQUESTS FOR DEBATE**

The following Bill was taken up:

H. 4394 -- Reps. Chumley, Burns and Yow: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-1539 SO AS TO PROVIDE THAT A DRIVER OF A MOTOR VEHICLE APPROACHING A WRECKER OR A TOW TRUCK THAT IS DISPLAYING WARNING SIGNALS MUST PROCEED WITH CAUTION AND, IF POSSIBLE, YIELD THE RIGHT OF WAY BY MAKING A LANE CHANGE INTO A LANE THAT IS NOT ADJACENT TO THE WRECKER OR TOW TRUCK, AND TO PROVIDE PENALTIES.

Reps. BRANNON, DELLENEY, WHITE, BANNISTER, SIMRILL, G. R. SMITH, BALES, PUTNAM, THAYER, CLEMMONS, FINLAY, HILL, ANDERSON, COLLINS, STAVRINAKIS, MCCOY and KNIGHT requested debate on the Bill.

**H. 5155--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 5155 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO DISTRICT AND SCHOOL PLANNING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4605, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. WELLS explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 88; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Bernstein | Bowers |
| Brannon | G. A. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Collins |
| H. A. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Duckworth | Erickson | Felder |
| Finlay | Forrester | Fry |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Hardee | Hayes | Henderson |
| Henegan | Hodges | Huggins |
| Jefferson | Johnson | King |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McKnight |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | Murphy | Nanney |
| Neal | Norman | Parks |
| Pitts | Pope | Putnam |
| Ridgeway | Robinson-Simpson | Ryhal |
| Sandifer | G. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Tinkler | Toole |
| Weeks | Wells | Whipper |
| White | Whitmire | Willis |
| Yow |  |  |

**Total--88**

Those who voted in the negative are:

**Total--0**

So, the Joint Resolution was read the second time and ordered to third reading.

**H. 5156--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 5156 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO TEST SECURITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4606, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. WELLS explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 95; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Bannister |
| Bernstein | Bingham | Bowers |
| Bradley | Brannon | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clary | Clyburn | Cobb-Hunter |
| Cole | Collins | Corley |
| Crosby | Delleney | Douglas |
| Duckworth | Erickson | Felder |
| Finlay | Forrester | Fry |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Hamilton | Hardee | Hayes |
| Henderson | Henegan | Hill |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | Jordan | King |
| Knight | Limehouse | Loftis |
| Lucas | Mack | McCoy |
| McKnight | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| Murphy | Nanney | Newton |
| Norman | Parks | Pitts |
| Pope | Putnam | Ridgeway |
| Rivers | Robinson-Simpson | Ryhal |
| Simrill | G. R. Smith | J. E. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Tinkler |
| Toole | Weeks | Wells |
| Whipper | White | Whitmire |
| Willis | Yow |  |

**Total--95**

Those who voted in the negative are:

**Total--0**

So, the Joint Resolution was read the second time and ordered to third reading.

**H. 5157--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 5157 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO CHARGES FOR FAMILY PLANNING SERVICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4607, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. HUGGINS explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 82; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Bales | Ballentine | Bannister |
| Bernstein | Bingham | Bowers |
| Bradley | Brannon | G. A. Brown |
| R. L. Brown | Clary | Clemmons |
| Clyburn | Cole | Collins |
| Corley | H. A. Crawford | Crosby |
| Daning | Delleney | Douglas |
| Duckworth | Erickson | Finlay |
| Forrester | Fry | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Govan | Hamilton |
| Hardee | Hayes | Henegan |
| Hill | Hodges | Huggins |
| Jefferson | Johnson | Jordan |
| King | Knight | Loftis |
| Lowe | Lucas | Mack |
| McCoy | McKnight | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| Murphy | Nanney | Neal |
| Newton | Parks | Pitts |
| Pope | Putnam | Quinn |
| Rivers | Ryhal | Simrill |
| G. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Thayer | Tinkler | Weeks |
| Wells | Whitmire | Willis |
| Yow |  |  |

**Total--82**

Those who voted in the negative are:

**Total--0**

So, the Joint Resolution was read the second time and ordered to third reading.

**H. 5158--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 5158 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO CHARGES FOR MATERNAL AND CHILD HEALTH SERVICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4608, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. HUGGINS explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Anthony | Atwater |
| Bales | Ballentine | Bamberg |
| Bannister | Bernstein | Bingham |
| Bowers | Bradley | Brannon |
| R. L. Brown | Burns | Chumley |
| Clary | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| Crosby | Daning | Delleney |
| Douglas | Duckworth | Forrester |
| Fry | Funderburk | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Govan | Hamilton |
| Hardee | Hayes | Henderson |
| Henegan | Hicks | Hill |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Johnson | Jordan | King |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McKnight | M. S. McLeod |
| W. J. McLeod | Mitchell | D. C. Moss |
| Murphy | Nanney | Newton |
| Norman | Ott | Parks |
| Pope | Putnam | Quinn |
| Ridgeway | Rivers | Robinson-Simpson |
| Ryhal | Sandifer | Simrill |
| G. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Thayer | Tinkler |
| Wells | Whipper | Whitmire |
| Willis | Yow |  |

**Total--92**

Those who voted in the negative are:

**Total--0**

So, the Joint Resolution was read the second time and ordered to third reading.

**H. 5159--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

H. 5159 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO SEXUALLY TRANSMITTED DISEASES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4612, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Rep. HUGGINS explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 94; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Bernstein | Bingham |
| Bowers | Bradley | Brannon |
| Burns | Chumley | Clary |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | Collins | H. A. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Duckworth |
| Erickson | Finlay | Forrester |
| Fry | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hayes | Henderson | Henegan |
| Hicks | Hill | Hodges |
| Hosey | Howard | Huggins |
| Jefferson | Johnson | Jordan |
| Kennedy | King | Limehouse |
| Loftis | Long | Lucas |
| Mack | McCoy | McKnight |
| M. S. McLeod | W. J. McLeod | Mitchell |
| D. C. Moss | Murphy | Nanney |
| Neal | Newton | Norman |
| Pope | Putnam | Quinn |
| Ridgeway | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sandifer |
| Simrill | G. R. Smith | J. E. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Thayer | Tinkler | Wells |
| Whipper | Whitmire | Willis |
| Yow |  |  |

**Total--94**

Those who voted in the negative are:

**Total--0**

So, the Joint Resolution was read the second time and ordered to third reading.

**OBJECTION TO RECALL**

Rep. HUGGINS asked unanimous consent to recall H. 5193 from the Committee on Medical, Military, Public and Municipal Affairs.

Rep. HILL objected.

**H. 3579--SENATE AMENDMENTS AMENDED AND RETURNED TO THE SENATE**

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

H. 3579 -- Reps. Simrill, White, Lucas, Allison, Henderson, Limehouse, Newton, Ott, Clary, Collins, Delleney, Forrester, Gambrell, Hardwick, Hiott, Horne, Merrill, D. C. Moss, V. S. Moss, Murphy, Pitts, Sandifer, G. M. Smith, Sottile, Spires, Wells, Whitmire, Yow, Jefferson, Erickson, Funderburk, Hosey, Hixon, Clyburn, Knight, Herbkersman, H. A. Crawford, Felder, Willis, McCoy, Bradley, Douglas, Norrell, Long, Bales, Daning, Loftis, Tallon, Anthony, Howard, Gagnon, Riley, Williams, Hayes, G. A. Brown, R. L. Brown, Hart, Weeks, Whipper, Pope, Tinkler, Hicks, Brannon, Corley, Clemmons, Johnson, George, Alexander, Anderson and Duckworth: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA INFRASTRUCTURE FINANCE REFORM AND TAX RELIEF ACT"; TO AMEND SECTIONS 57-1-310, 57-1-320, 57-1-325, AND 57-1-330, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT ALL THE COMMISSIONERS MUST BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR, TO PROVIDE THAT APPOINTEES MUST BE SCREENED BY THE JOINT TRANSPORTATION REVIEW COMMITTEE, AND TO PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER FOR MORE THAN TWELVE YEARS AND NO COUNTY MAY HAVE A RESIDENT COMMISSIONER FOR MORE THAN TWELVE CONSECUTIVE YEARS; TO AMEND SECTION 57-1-410, AS AMENDED, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, INSTEAD OF THE GOVERNOR, SHALL APPOINT THE SECRETARY; TO AMEND SECTIONS 57-1-730 AND 57-1-740, AS AMENDED, RELATING RESPECTIVELY TO THE DUTIES OF THE JOINT TRANSPORTATION REVIEW COMMITTEE, BOTH SO AS TO REQUIRE THE COMMITTEE TO SCREEN APPOINTEES TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION IN A SIMILAR MANNER AS CURRENTLY ELECTED COMMISSIONERS ARE SCREENED; BY ADDING SECTION 57-1-95 SO AS TO PROHIBIT THE COMMENCEMENT OF ANY NEW ROAD CONSTRUCTION PROJECTS IN THIS STATE UNTIL JULY 1, 2020, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO INCREASE THE BOARD TO THIRTEEN MEMBERS AND TO SET FORTH THE MEMBERSHIP, AND TO PROVIDE THAT NO MEMBER MAY SERVE MORE THAN TWELVE YEARS; TO AMEND SECTION 11-43-180, RELATING TO FINANCIAL ASSISTANCE GIVEN BY THE INFRASTRUCTURE BANK, SO AS TO PROHIBIT THE BANK FROM PROVIDING ANY LOANS OR OTHER FINANCIAL ASSISTANCE TO ANY PROJECT UNLESS THE ELIGIBLE COSTS OF THE PROJECT ARE AT LEAST TWENTY FIVE MILLION DOLLARS; BY ADDING SECTION 11-43-265 SO AS TO REQUIRE THE INFRASTRUCTURE BANK TO PRIORITIZE ALL PROJECTS IN ACCORDANCE WITH THE PRIORITIZATION CRITERIA ESTABLISHED IN ACT 114 OF 2007, AND TO PROVIDE AN EXCEPTION; BY ADDING SECTION 57-1-100 SO AS TO SET FORTH THE OPTIONAL PROCESS BY WHICH THE DEPARTMENT OF TRANSPORTATION TRANSFERS CERTAIN STATE ROADS TO THE COUNTIES OF THIS STATE, TO INCREASE THE AMOUNT DISTRIBUTED TO THE PARTICIPATING COUNTIES OVER TIME, TO PROVIDE THAT EACH PARTICIPATING COUNTY MUST RECEIVE ONE MILLION DOLLARS BEFORE THE FUNDS ARE DISTRIBUTED BASED ON A FORMULA, TO AMEND SECTION 12-28-2740, RELATING TO THE DISTRIBUTION OF THE GASOLINE USER FEE TO THE COUNTIES OF THIS STATE, TO ABOLISH THE CURRENT COUNTY TRANSPORTATION COMMITTEES AND THEN RECONSTITUTE THEM WITH THE ADDITION OF MUNICIPAL REPRESENTATION, AND TO SPECIFY THE MANNER IN WHICH "C" FUNDS MUST BE EXPENDED; TO AMEND SECTIONS 56-5-4210 AND 56-5-4220, BOTH RELATING TO ROAD RESTRICTIONS, SO AS TO SPECIFY CERTAIN RESTRICTIONS ON LOCALITIES; TO AMEND SECTION 12-28-310, RELATING TO THE USER FEE ON GASOLINE, SO AS TO REDUCE THE FEE TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-410, RELATING TO THE ROAD TAX, SO AS TO REDUCE THE TAX TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-450, RELATING TO THE CREDIT AGAINST ROAD TAX, SO AS TO REDUCE THE CREDIT TO TEN CENTS A 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.

Reps. SIMRILL, WHITE, and LUCAS proposed the following Amendment No. 1A to H. 3579 (COUNCIL\BBM\3579C090.BBM. DG16), which was adopted:

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

/ SECTION 1. Sections 57‑1‑310 through Section 57‑1‑340 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, upon the advice and consent of the General Assembly, by a roll call vote in each house of the General Assembly. ~~Such elections or appointment, as the case may be,~~ In making appointments to the commission, the Governor shall take into account race, ~~and~~ gender, and other demographic factors, such as residence in rural or urban areas, so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment ~~or in an election~~ in no way creates a cause of action or basis for an employee grievance for a person appointed ~~or elected~~ or for a person who fails to be appointed.

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

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

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

(1) a baccalaureate or more advanced degree from:

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

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

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

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

(a) transportation;

(b) construction;

(c) finance;

(d) law;

(e) environmental issues;

(f) management; or

(g) engineering.

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

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

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

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

~~(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. However, a commission member may not serve more than two consecutive terms, and 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~~ confirmed, provided that a commissioner ~~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 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 57-1-340. Each commission member, within thirty days after his ~~election or~~ appointment, and before entering upon the discharge of the duties of his office, shall take, subscribe, and file with the Secretary of State the oath of office prescribed by the Constitution of the State.”

SECTION 2. 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~~ General Assembly by a roll call vote in each house, 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 3. A. Section 57-1-360 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

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

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

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

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

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

B. (A) The chief internal auditor of the Department of Transportation and all associated support staff, and all authorized appropriations associated with the chief internal auditor and associated support staff are transferred to and become part of the State Auditor’s Office, State Fiscal Accountability Authority. The chief internal auditor of the Department of Transportation and all associated support staff, whether classified or unclassified personnel, employed by the Department of Transportation on the effective date of this act, either by contract or by employment at will, shall become employees of the State Auditor’s Office, State Fiscal Accountability Authority, with the same compensation, classification, and grade level, as applicable.

(B) The chief internal auditor of the Department of Transportation on June 30, 2016, shall continue to serve until the State Auditor employs a successor. Nothing in this section shall prevent the State Auditor from retaining the chief internal auditor of the Department of Transportation as of June 30, 2016, pursuant to the provisions of this SECTION.

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

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

(B) The Materials Management Office of the Department of Administration 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~~ State Auditor, the Governor, the chairmen of the Senate Finance and Transportation Committees, and the chairmen of the House of Representatives Ways and Means and Education and Public Works Committees. The costs and expenses of the audit must be paid by the department out of its funds.

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

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

SECTION 4. Article 7, Chapter 1, Title 57 of the 1976 Code is repealed.

SECTION 5. Sections 1, 2, 3, and 4 take effect July 1, 2016, except that the members of the Commission of the Department of Transportation serving on June 30, 2016, shall continue to serve until their current term expires, and until their successor is appointed and confirmed. If a vacancy occurs in the seat of a member serving on June 30, 2016, before the member’s term otherwise expires, the vacancy must be filled in the manner specified in Chapter 1, Title 57 of the 1976 Code, as amended by this act, and the member filling the vacancy shall serve until the term expires. The members serving on June 30, 2016, if otherwise eligible, may be reappointed pursuant to Section 57‑1‑310, as amended by this act.

SECTION 6. Section 11‑43‑150 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

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

SECTION 7. 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 8. 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.

SECTION 9. Section 12‑36‑2647 of the 1976 Code, as added by Act 98 of 2013, is amended to read:

“Section 12‑36‑2647. 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~~ Department of Transportation. Revenues credited to the ~~State Non‑Federal Aid Highway Fund~~ Department of Transportation pursuant to this section must be used exclusively for highway, road, and bridge maintenance, construction, and repair.”

SECTION 10. Except where otherwise provided, this act takes effect July 1, 2016. /

Renumber sections to conform.

Amend title to conform.

Rep. SIMRILL explained the amendment.

Rep. SIMRILL spoke in favor of the amendment.

Rep. NEWTON spoke in favor of the amendment.

Rep. NEWTON spoke in favor of the amendment.

Rep. QUINN spoke against the amendment.

Rep. QUINN spoke against the amendment.

Rep. HILL spoke upon the amendment.

Rep. ATWATER spoke upon the amendment.

Rep. OTT spoke in favor of the amendment.

Rep. OTT spoke in favor of the amendment.

Rep. QUINN moved to table the amendment.

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

Yeas 7; Nays 112

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Collins | Hill |
| Huggins | W. J. McLeod | Merrill |
| Quinn |  |  |

**Total--7**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Bales | Ballentine |
| Bamberg | Bannister | Bernstein |
| Bowers | Bradley | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clary | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Corley | H. A. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Duckworth | Erickson |
| Felder | Finlay | Forrester |
| Fry | Funderburk | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Govan | Hamilton |
| Hardee | Hart | Hayes |
| Henderson | Henegan | Hicks |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Jefferson | Johnson | Jordan |
| Kennedy | King | Kirby |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| M. S. McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Neal | Newton | Norman |
| 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 |
| Tallon | Taylor | Thayer |
| Tinkler | Toole | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |
| Yow |  |  |

**Total--112**

So, the House refused to table the amendment.

The question then recurred to the adoption of the amendment.

The yeas and nays were taken resulting as follows:

Yeas 113; Nays 6

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 | Burns |
| Chumley | Clary | Clemmons |
| Clyburn | Cobb-Hunter | Cole |
| Corley | H. A. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Duckworth | Erickson |
| Felder | Finlay | Forrester |
| Fry | Funderburk | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Govan | Hamilton |
| Hardee | Hart | Hayes |
| Henderson | Henegan | Hicks |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Jefferson | Johnson | Jordan |
| Kennedy | King | Kirby |
| Knight | Limehouse | Loftis |
| Long | Lowe | Lucas |
| Mack | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Mitchell |
| D. C. Moss | V. S. Moss | Murphy |
| Nanney | Neal | Newton |
| Norman | 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 | Tallon | Taylor |
| Thayer | Tinkler | Toole |
| Weeks | Wells | Whipper |
| White | Whitmire | Williams |
| Willis | Yow |  |

**Total--113**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Collins | Hill |
| Huggins | Merrill | Quinn |

**Total--6**

So, the amendment was adopted.

Rep. HILL proposed the following Amendment No. 5A to H. 3579 (COUNCIL\BBM\3579C137.BBM.DG16), which was tabled:

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

Part I

Citation

SECTION 1. This act may be cited the “Department of Transportation Accountability Act”.

Part II

Abolishing the Commission of the Department of Transportation

SECTION 2. Effective July 1, 2016, the Commission of the Department of Transportation is abolished and its functions, powers, duties, responsibilities, and authority are devolved upon the Secretary of the Department of Transportation unless otherwise provided for in this act.

Part III

Governance and Accountability of Transportation Administration

SECTION 3. Section 1‑30‑10(B)(1)(iv) of the 1976 Code, as last amended by Part IV, Section 6, Act 121 of 2014, is further amended to read:

“(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.”

SECTION 4. 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, 2016, the governing authority of the Department of Transportation is the Secretary of Transportation as provided in Section 57‑1‑410.”

SECTION 5. Section 1‑3‑240(C)(1)(b) of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“(b) ~~Department of Transportation Commission~~ Reserved;”

SECTION 6. 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, 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 7. 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 8. 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 official, 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 official, an engineer, agent, or other employee acting for or on behalf of the ~~commission or~~ department with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

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

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

(4) employment; or

(5) other thing of value.

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

(C) ~~The members and employees of the commission and~~ ~~employees~~ Any official or employee of the department ~~are~~ is 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 9. A. Section 57‑1‑360 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

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

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

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

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

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

B. (A) The chief internal auditor of the Department of Transportation and all associated support staff, and all authorized appropriations associated with the chief internal auditor and associated support staff are transferred to and become part of the State Inspector General’s Office. The chief internal auditor of the Department of Transportation and all associated support staff, whether classified or unclassified personnel, employed by the Department of Transportation on the effective date of this act, either by contract or by employment at will, shall become employees of the State Inspector General’s Office, with the same compensation, classification, and grade level, as applicable.

(B) The chief internal auditor of the Department of Transportation on June 30, 2016, shall continue to serve until the State Inspector General employs a successor. Nothing in this section shall prevent the State Inspector General from retaining the chief internal auditor of the Department of Transportation as of June 30, 2016, pursuant to the provisions of this SECTION.

SECTION 10. Section 57‑1‑370 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(b) public safety;

(c) potential for economic development;

(d) traffic volume and congestion;

(e) truck traffic;

(f) the pavement quality index;

(g) environmental impact;

(h) alternative transportation solutions; and

(i) consistency with local land use plans.

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

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

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

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

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

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

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

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

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

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

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

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

~~(N)~~ ~~Any request made for resurfacing, installation of new signals, curb cuts on primary roads, bike lanes, or construction projects under ten million dollars must be reviewed and approved by the commission who certify that the request is needed based upon objective and quantifiable factors before work may proceed.~~

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

SECTION 11. Section 57‑1‑430(A) of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“(A) The secretary is charged with the affirmative duty to establish and carry out the policies of the ~~commission~~ department, 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~~ The secretary 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 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.”

SECTION 12. 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. 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 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 13. Section 57‑3‑20(1)(c) of the 1976 Code, as last amended by Act 206 of 2010, is further amended to read:

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

SECTION 14. 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 15. 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 16. Section 57‑1‑90(A) of the 1976 Code, as added by Act 148 of 2014, is amended to read:

“(A) In formulating transportation policy, promulgating regulations, allocating funds, and planning, designing, constructing, equipping, operating and maintaining transportation facilities, no action of the ~~South Carolina Transportation Commission~~ secretary, or the South Carolina Department of Transportation shall have the effect of discriminating against motorcycles, motorcycle operators, or motorcycle passengers. No regulation or action of the ~~commission~~ secretary, or department shall have the effect of enacting a prohibition or imposing a requirement that applies only to motorcycles or motorcyclists, and the principal purpose of which is to restrict or inhibit access or motorcycles and motorcyclists to any highway, bridge, tunnel, or other transportation facility.”

SECTION 17. Section 57‑3‑210(A) of the 1976 Code, as added by Act 206 of 2010, is amended to read:

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

SECTION 18. Section 57‑3‑700 of the 1976 Code is amended to read:

“Section 57‑3‑700. With the approval of the ~~commission~~ Secretary of Transportation, the county officials may designate the department, acting through its agents and employees, as agents of the county in securing necessary rights‑of‑way and other lands.”

SECTION 19. Section 57‑5‑10 of the 1976 Code, as last amended by Act 98 of 2013, is further amended to read:

“Section 57‑5‑10. The state highway system shall consist of a statewide system of connecting highways that shall be constructed to the Department of Transportation’s standards and that shall be maintained by the department in a safe and serviceable condition as state highways. The department may utilize funding sources including, but not limited to, the State Non‑Federal Aid Highway Fund and the State Highway Fund as established by Section 57‑11‑20 in carrying out the provisions of this section. The complete state highway system shall mean the system of state highways as now constituted, consisting of the roads, streets, and highways designated as state highways or designated for construction or maintenance by the department pursuant to law, together with the roads, streets, and highways added to the state highway system by the ~~Commission of the Department~~ Secretary of Transportation, and the roads, streets, and highways that may be added to the system pursuant to law. Roads and highways in the state highway system are classified into three classifications:

(1) interstate system of highways;

(2) state highway primary system; and

(3) state highway secondary system.”

SECTION 20. Section 57‑5‑50 of the 1976 Code is amended to read:

“Section 57‑5‑50. The ~~commission~~ Secretary of Transportation may transfer any route or section of route from the state highway secondary system to the state highway primary system, or vice versa, when, in ~~its~~ the secretary’s judgment, such transfer is advisable to better serve the traveling public.”

SECTION 21. Section 57‑5‑90 of the 1976 Code is amended to read:

“Section 57‑5‑90. The ~~commission~~ department may establish such belt lines or spurs as it deems proper and construct and maintain such belt lines and spurs from funds otherwise provided by law for the construction and maintenance of the state highway system, but the total length of such belt lines and spurs to be established or constructed in any county shall not exceed two miles in any one fiscal year; provided, that should the ~~commission~~ department fail to establish belt lines or spurs during a fiscal year the allocation to the counties shall be continued from year to year and the mileage shall be cumulative. Provided, further, that any mileage that accumulated prior to June 30, 1972, under this section shall remain to the credit of the county to which it accumulated.”

SECTION 22. Section 57‑5‑310 of the 1976 Code is amended to read:

“Section 57‑5‑310. The ~~commission and the~~ Department of Transportation may own such real estate, in fee simple or by lease, as shall be deemed necessary for the purpose of facilitating the proper operation of the department or for the building and maintenance of the public highways in the state highway system.”

SECTION 23. Section 57‑5‑340 of the 1976 Code is amended to read:

“Section 57‑5‑340. The department shall continuously inventory all of its real property. When, in the judgement of the department any real estate acquired as provided in this chapter is no longer necessary for the proper operation of the department or highway systems, the department shall vigorously attempt to sell the property by advertising for competitive bids in local newspapers or by direct negotiations, but in every case of the sale or transfer of any real estate by the ~~commission or the~~ department, the sale or transfer shall be made public by publishing notice of it ~~in the minutes of the next succeeding meeting of the commission~~ on the website maintained by the department. The ~~commission and the~~ department shall convey by deed, signed by the Secretary of the Department of Transportation and the Deputy Director of the Division of Finance and Administration, any real estate disposed of under this section. Any funds derived from the sale of surplus property by authority of this section shall be credited to the funding category from which funds were drawn to finance the department’s acquisition of the property. However, any funds derived from the sale of ~~right‑of‑way~~ right of way, which the department has purchased, in excess of the department’s cost shall be distributed among the counties as ‘C’ funds pursuant to Section 12‑28‑2740.”

SECTION 24. Section 57‑5‑1350 of the 1976 Code is amended to read:

“Section 57‑5‑1350. Whenever it becomes necessary that monies be raised for a turnpike facility, the ~~commission~~ Secretary of Transportation may make request to the state board for the issuance of turnpike bonds. ~~The request may be in the form of resolution adopted at any regular or special meeting of the commission.~~ The request shall set forth on the face thereof or by schedule attached thereto:

1. the turnpike facility proposed to be constructed;

2. the amount required for feasibility studies, planning, design, ~~right‑of‑way~~ right of way acquisition, and construction of the turnpike facility;

3. a tentative time schedule setting forth the period of time for which the sum request must be expended;

4. a debt service table showing the estimated annual principal and interest requirements for the requested turnpike bonds;

5. any feasibility study obtained by the ~~commission~~ department relating to the proposed turnpike facility;

6. the ~~commission’s~~ department’s recommendations relating to any covenant to be made in the bond resolution of the state board respecting competition between the proposed turnpike facility and possible future highways whose construction would have an adverse effect upon the turnpike revenues which would otherwise be derived by the proposed turnpike facility.”

SECTION 25. Sections 57‑13‑10 and 57‑13‑20 of the 1976 Code are amended to read:

“Section 57‑13‑10. The ~~commission~~ Secretary of Transportation may cooperate and negotiate with the proper authorities of adjoining states in the construction, purchase, acquisition and maintenance of bridges constructed or to be constructed across streams which constitute boundaries between this State and such adjoining states and may expend for such purposes not exceeding one half of the total cost of such bridges and approaches thereto and bear a proportionate part of the maintenance thereof, such expenditures to be made from the funds available for the construction and maintenance of highways and bridges in the state highway system.

Section 57‑13‑20. Any county may, with the approval of the ~~Commission~~ department, provide the funds necessary for participation in the construction, purchase or acquisition of any such bridge as is described in Section 57‑13‑10 and shall be entitled to reimbursement therefor under the provisions of Article 1, ~~of~~ Chapter 11 ~~of this Title~~.”

SECTION 26. Sections 57‑13‑40 and 57‑13‑50 of the 1976 Code are amended to read:

“Section 57‑13‑40. The ~~commission~~ department may permit any person, county or municipality, or any combination thereof, to construct toll bridges and appertaining structures suitable for highway traffic on any roads of the state highway system. But before any such permit is issued an agreement satisfactory to the Department of Transportation must be executed by the person receiving such permit fixing conditions under which the bridge is to be constructed, the character and design of the structure, the rate of toll to be charged traffic using it and the terms according to which it can be acquired by the State or counties concerned.

Section 57‑13‑50. No permit shall be issued by the ~~Commission~~ department under the authority of Section 57‑13‑40 except after advertisement of all the terms and conditions affecting such permit in at least five daily newspapers of this State and after the county legislative delegation of every county directly adjacent to the bridge has been given formal notice, describing such terms and conditions, and has approved such terms and conditions.”

SECTION 27. Section 57‑25‑120(4)(d) of the 1976 Code is amended to read:

“(d) land on the opposite side of a nonfreeway primary highway which is designated scenic by the ~~commission~~ department.”

SECTION 28. Section 57‑25‑140(D)(4) and (J) of the 1976 Code is amended to read:

“(4) scenic areas designated by the ~~commission~~ department or other state agency having and exercising that authority.

(J) Signs permitted under items (1), (2), (3), and (4) of subsection (A) must comply with the regulations promulgated by the ~~commission~~ department in accordance with uniform national standards.”

SECTION 29. Section 57‑25‑150(A) and (D) of the 1976 Code is amended to read:

“(A) The ~~commission~~ department shall issue permits for the erection and maintenance of outdoor advertising signs coming within the exceptions contained in items (1), (2), and (3) of subsection (A) of Section 57‑25‑140, consistent with the safety and welfare of the traveling public necessary to carry out the policy of the State declared in this article and consistent with the national standards promulgated by the Secretary of Transportation or other appropriate federal official pursuant to Title 23, United States Code.

The ~~commission~~ department also shall promulgate regulations governing the issuance of the permits and standards for size, spacing, and lighting of the signs and their messages.

(D) The ~~commission~~ department shall promulgate regulations governing the issuance of permits which must include mandatory maintenance to ensure that all signs are always in a good state of repair. Signs not in a good state of repair are illegal.”

SECTION 30. Section 57‑25‑170 of the 1976 Code is amended to read:

“Section 57‑25‑170. The ~~commission~~ department may provide within the right‑of‑way for areas at appropriate distances from interchanges on the interstate system and controlled access roads on the federal‑aid primary system on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained under standards and regulations authorized to be adopted and promulgated by the ~~commission~~ department. The standards and regulations may provide for cooperative agreements between the Department of Transportation and private interests for the use and display of names for FOOD, LODGING, and GAS information signs on the highway ~~right‑of‑way~~ right of way.”

SECTION 31. Section 57‑25‑200(A) of the 1976 Code is amended to read:

“(A) Within the requirements of this article the ~~commission~~ Secretary of Transportation may enter into agreements with other governmental authorities relating to the control of outdoor advertising in areas adjacent to the interstate and primary highway systems, including the establishment of information centers and safety rest areas and take action in the name of the State to comply with the terms of the agreements.”

SECTION 32. Section 57‑25‑210 of the 1976 Code is amended to read:

“Section 57‑25‑210. The ~~commission~~ department is not required to expend funds for the removal of outdoor advertising under this article until federal funds are made available to the State for the purpose of carrying out the provisions of this article and the ~~commission has entered into an agreement with the Secretary of Transportation as authorized by Section 57‑25‑200~~ department and as provided by the Highway Beautification Act of 1965.”

SECTION 33. Sections 57‑1‑310, 57‑1‑320, 57‑1‑325, 57‑1‑330, 57‑1‑340, 57‑1‑350, 57‑1‑460, 57‑1‑470, Article 7, Chapter 1, Title 57, and Sections 6, 7, and 8 of Act 114 of 2007 are repealed.

Part IV

Transparency of Transportation Administration

SECTION 34. Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Article 9

Disclosure of Finances of the Department of Transportation

Section 57‑1‑910. Each fiscal year, the Department of Transportation must post its detailed budget for the fiscal year on its website for the entirety of the fiscal year. The budget must include the number of employees, both full‑time and part‑time, and their salaries and duties. Notwithstanding Chapter 4, Title 30, each employee’s salary must be posted without regard to the amount. Also, the budget must contain all other projected expenditures and revenue sources. Revenue sources must specify whether matching funds are required, and any mandate associated with the funding.

Section 57‑1‑920. The Department of Transportation must post on its website each request for proposal it issues immediately upon its issuance. The department must update the posting with the details of the contract awarded pursuant to the request for proposal.

Section 57‑1‑930. (A) The Department of Transportation must post on its website a comprehensive project list, including each project’s costs, funding source, contractors, and timeline.

(B) A project only may be approved at a public meeting, and its approval, along with the criteria used for approval, must be posted on the website maintained by the department within twenty‑four hours of approval.

Section 57‑1‑940. The department shall develop and publish a written methodology to determine the scoring process by which projects are prioritized. The methodology must be posted on the website maintained by the department.

Section 57‑1‑950. (A) The department shall develop, maintain, and post a statewide unified project list for all projects within the state highway system. The list must include both construction and maintenance projects. The list must be ranked in priority order, and include the methodology, criteria, and raw data used to determine each project’s ranking. This list must contain the date the project was added to the list, and each date when the ranking was re‑evaluated, and the outcome of the re‑evaluation. Each project must contain a statement of the purpose and need for the project, the estimated cost, funding sources, status, timeline, and any request for proposals issued and associated contracts.

(B) The department shall re‑evaluate each project and its ranking no less than once a year.

(C) The list required by subsection (A) must be updated within twenty‑four hours of any change.

Section 57‑1‑960. The department must evaluate the feasibility and costs of developing a computerized model to automatically score and rank projects automatically in real‑time as new data becomes available.

Section 57‑1‑970. (A) Any information required to be posted pursuant to this article must be presented in a format accessible and understandable to the general public. Any codes, acronyms, or industry jargon must be explained clearly.

(B) Any information required to be posted pursuant to this article must be posted in a manner that is searchable.”

Part V

South Carolina Transportation Infrastructure Bank

SECTION 35. Article 1, Chapter 43, Title 11 of the 1976 Code is amended by adding:

“Section 11‑43‑290. (A) Notwithstanding any other provision of this chapter, the bank may not issue any bonds, loans, or other financial assistance after January 1, 2017.

(B) Upon the retirement of all outstanding bonds, and upon receipt of all outstanding debt owed by qualified borrowers, the bank is dissolved, and the provisions of this chapter are repealed. Any funds remaining in the bank at the time of its dissolution shall lapse to the state highway fund.”

SECTION 36. Section 11‑43‑165 of the 1976 Code, as added by Act 98 of 2013, is repealed.

Part VI

Conforming and Miscellaneous Provisions

SECTION 37. The Code Commissioner is directed to change or correct all references to the former Commission of the Department of Transportation in the 1976 Code and reflect that the Commission’s authority is devolved upon the Secretary of the Department of Transportation unless otherwise provided for in this act. References to the commission in the 1976 Code or other provisions of law are considered to be and must be construed to mean the secretary.

SECTION 38. 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 transportation administration.

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 39. 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 40. If any part, subpart, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every 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 41. This act takes effect July 1, 2016. /

Renumber sections to conform.

Amend title to conform.

Rep. HILL explained the amendment.

Rep. TAYLOR moved to table the amendment.

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

Yeas 101; Nays 16

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 | Cole |
| Collins | H. A. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Duckworth | Erickson |
| Felder | Finlay | Forrester |
| Fry | Funderburk | Gagnon |
| Gambrell | George | Gilliard |
| Goldfinch | Govan | Hamilton |
| Hardee | Hart | Hayes |
| Henderson | Hicks | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Jefferson |
| Johnson | Jordan | Kennedy |
| King | Kirby | Knight |
| Limehouse | Loftis | Long |
| Lowe | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Murphy | Neal |
| Newton | Ott | Parks |
| Pitts | Pope | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sandifer |
| Simrill | G. R. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Tallon | Taylor |
| Thayer | Tinkler | Wells |
| White | Whitmire | Williams |
| Willis | Yow |  |

**Total--101**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Burns | Chumley |
| Cobb-Hunter | Corley | Henegan |
| Hill | Huggins | Merrill |
| Nanney | Norman | Putnam |
| Quinn | G. M. Smith | Toole |
| Weeks |  |  |

**Total--16**

So, the amendment was tabled.

Rep. Quinn proposed the following Amendment No. 6A to H. 3579 (COUNCIL\BBM\3579C141.BBM.DG16), which was tabled:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. A. Effective July 1, 2016, the Commission of the Department of Transportation is abolished and its functions, powers, duties, responsibilities, and authority are devolved upon the Secretary of the Department of Transportation unless otherwise provided for in this act.

B. Section 1‑30‑10(B)(1)(iv) of the 1976 Code, as last amended by Part IV, Section 6, Act 121 of 2014, is further amended to read:

“(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.”

C. 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, 2016, the governing authority of the Department of Transportation is the Secretary of Transportation as provided in Section 57‑1‑410.”

D. Section 1‑3‑240(C)(1)(b) of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“(b) ~~Department of Transportation Commission~~ Reserved;”

E. 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, 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.”

F. 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.”

G. 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 official, 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 official, an engineer, agent, or other employee acting for or on behalf of the ~~commission or~~ department with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

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

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

(4) employment; or

(5) other thing of value.

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

(C) ~~The members and employees of the commission and~~ ~~employees~~ Any official or employee of the department ~~are~~ is 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.”

H. Section 57‑1‑360 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

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

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

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

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

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

I. Section 57‑1‑370 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(b) public safety;

(c) potential for economic development;

(d) traffic volume and congestion;

(e) truck traffic;

(f) the pavement quality index;

(g) environmental impact;

(h) alternative transportation solutions; and

(i) consistency with local land use plans.

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

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

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

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

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

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

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

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

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

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

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

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

~~(N)~~ ~~Any request made for resurfacing, installation of new signals, curb cuts on primary roads, bike lanes, or construction projects under ten million dollars must be reviewed and approved by the commission who certify that the request is needed based upon objective and quantifiable factors before work may proceed.~~

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

J. Section 57‑1‑430(A) of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“(A) The secretary is charged with the affirmative duty to establish and carry out the policies of the ~~commission~~ department, 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~~ The secretary 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 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.”

K. 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. 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 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.”

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

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

M. 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.”

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

“Section 57‑3‑50. The ~~commission~~ department may establish such highway districts as in its opinion ~~shall be~~ 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.”

O. Section 57‑1‑90(A) of the 1976 Code, as added by Act 148 of 2014, is amended to read:

“(A) In formulating transportation policy, promulgating regulations, allocating funds, and planning, designing, constructing, equipping, operating and maintaining transportation facilities, no action of the ~~South Carolina Transportation Commission~~ secretary, or the South Carolina Department of Transportation shall have the effect of discriminating against motorcycles, motorcycle operators, or motorcycle passengers. No regulation or action of the ~~commission~~ secretary, or department shall have the effect of enacting a prohibition or imposing a requirement that applies only to motorcycles or motorcyclists, and the principal purpose of which is to restrict or inhibit access or motorcycles and motorcyclists to any highway, bridge, tunnel, or other transportation facility.”

P. Section 57‑3‑210(A) of the 1976 Code, as added by Act 206 of 2010, is amended to read:

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

Q. Section 57‑3‑700 of the 1976 Code is amended to read:

“Section 57‑3‑700. With the approval of the ~~commission~~ Secretary of Transportation, the county officials may designate the department, acting through its agents and employees, as agents of the county in securing necessary rights‑of‑way and other lands.”

R. Section 57‑5‑10 of the 1976 Code, as last amended by Act 98 of 2013, is further amended to read:

“Section 57‑5‑10. The state highway system shall consist of a statewide system of connecting highways that shall be constructed to the Department of Transportation’s standards and that shall be maintained by the department in a safe and serviceable condition as state highways. The department may utilize funding sources including, but not limited to, the State Non‑Federal Aid Highway Fund and the State Highway Fund as established by Section 57‑11‑20 in carrying out the provisions of this section. The complete state highway system shall mean the system of state highways as now constituted, consisting of the roads, streets, and highways designated as state highways or designated for construction or maintenance by the department pursuant to law, together with the roads, streets, and highways added to the state highway system by the ~~Commission of the Department~~ Secretary of Transportation, and the roads, streets, and highways that may be added to the system pursuant to law. Roads and highways in the state highway system are classified into three classifications:

(1) interstate system of highways;

(2) state highway primary system; and

(3) state highway secondary system.”

S. Section 57‑5‑50 of the 1976 Code is amended to read:

“Section 57‑5‑50. The ~~commission~~ Secretary of Transportation may transfer any route or section of route from the state highway secondary system to the state highway primary system, or vice versa, when, in ~~it’s~~ the secretary’s judgment, such transfer is advisable to better serve the traveling public.”

T. Section 57‑5‑90 of the 1976 Code is amended to read:

“Section 57‑5‑90. The ~~commission~~ department may establish such belt lines or spurs as it deems proper and construct and maintain such belt lines and spurs from funds otherwise provided by law for the construction and maintenance of the state highway system, but the total length of such belt lines and spurs to be established or constructed in any county shall not exceed two miles in any one fiscal year; provided, that should the ~~commission~~ department fail to establish belt lines or spurs during a fiscal year the allocation to the counties shall be continued from year to year and the mileage shall be cumulative. Provided, further, that any mileage that accumulated prior to June 30, 1972, under this section shall remain to the credit of the county to which it accumulated.”

U. Section 57‑5‑310 of the 1976 Code is amended to read:

“Section 57‑5‑310. The ~~commission and the~~ Department of Transportation may own such real estate, in fee simple or by lease, as shall be deemed necessary for the purpose of facilitating the proper operation of the department or for the building and maintenance of the public highways in the state highway system.”

V. Section 57‑5‑340 of the 1976 Code is amended to read:

“Section 57‑5‑340. The department shall continuously inventory all of its real property. When, in the judgement of the department any real estate acquired as provided in this chapter is no longer necessary for the proper operation of the department or highway systems, the department shall vigorously attempt to sell the property by advertising for competitive bids in local newspapers or by direct negotiations, but in every case of the sale or transfer of any real estate by the ~~commission or the~~ department, the sale or transfer shall be made public by publishing notice of it ~~in the minutes of the next succeeding meeting of the commission~~ on the website maintained by the department. The ~~commission and the~~ department shall convey by deed, signed by the Secretary of the Department of Transportation and the Deputy Director of the Division of Finance and Administration, any real estate disposed of under this section. Any funds derived from the sale of surplus property by authority of this section shall be credited to the funding category from which funds were drawn to finance the department’s acquisition of the property. However, any funds derived from the sale of ~~right‑of‑way~~ right of way, which the department has purchased, in excess of the department’s cost shall be distributed among the counties as ‘C’ funds pursuant to Section 12‑28‑2740.”

W. Section 57‑5‑1350 of the 1976 Code is amended to read:

“Section 57‑5‑1350. Whenever it becomes necessary that monies be raised for a turnpike facility, the ~~commission~~ Secretary of Transportation may make request to the state board for the issuance of turnpike bonds. The request may be in the form of resolution adopted at any regular or special meeting of the commission. The request shall set forth on the face thereof or by schedule attached thereto:

1. the turnpike facility proposed to be constructed;

2. the amount required for feasibility studies, planning, design, ~~right‑of‑way~~ right of way acquisition, and construction of the turnpike facility;

3. a tentative time schedule setting forth the period of time for which the sum request must be expended;

4. a debt service table showing the estimated annual principal and interest requirements for the requested turnpike bonds;

5. any feasibility study obtained by the ~~commission~~ department relating to the proposed turnpike facility;

6. the ~~commission’s~~ department’s recommendations relating to any covenant to be made in the bond resolution of the state board respecting competition between the proposed turnpike facility and possible future highways whose construction would have an adverse effect upon the turnpike revenues which would otherwise be derived by the proposed turnpike facility.”

X. Sections 57‑13‑10 and 57‑13‑20 of the 1976 Code are amended to read:

“Section 57‑13‑10. The ~~commission~~ Secretary of Transportation may cooperate and negotiate with the proper authorities of adjoining states in the construction, purchase, acquisition and maintenance of bridges constructed or to be constructed across streams which constitute boundaries between this State and such adjoining states and may expend for such purposes not exceeding one half of the total cost of such bridges and approaches thereto and bear a proportionate part of the maintenance thereof, such expenditures to be made from the funds available for the construction and maintenance of highways and bridges in the state highway system.

Section 57‑13‑20. Any county may, with the approval of the ~~Commission~~ department, provide the funds necessary for participation in the construction, purchase or acquisition of any such bridge as is described in Section 57‑13‑10 and shall be entitled to reimbursement therefor under the provisions of Article 1, ~~of~~ Chapter 11 ~~of this Title~~.”

Y. Sections 57‑13‑40 and 57‑13‑50 of the 1976 Code are amended to read:

“Section 57‑13‑40. The ~~commission~~ department may permit any person, county or municipality, or any combination thereof, to construct toll bridges and appertaining structures suitable for highway traffic on any roads of the state highway system. But before any such permit is issued an agreement satisfactory to the Department of Transportation must be executed by the person receiving such permit fixing conditions under which the bridge is to be constructed, the character and design of the structure, the rate of toll to be charged traffic using it and the terms according to which it can be acquired by the State or counties concerned.

Section 57‑13‑50. No permit shall be issued by the ~~Commission~~ department under the authority of Section 57‑13‑40 except after advertisement of all the terms and conditions affecting such permit in at least five daily newspapers of this State and after the county legislative delegation of every county directly adjacent to the bridge has been given formal notice, describing such terms and conditions, and has approved such terms and conditions.”

Z. Section 57‑25‑120(4)(d) of the 1976 Code is amended to read:

“(d) land on the opposite side of a nonfreeway primary highway which is designated scenic by the ~~commission~~ department.”

AA. Section 57‑25‑140(D)(4) and (J) of the 1976 Code is amended to read:

“(4) scenic areas designated by the ~~commission~~ department or other state agency having and exercising that authority.

(J) Signs permitted under items (1), (2), (3), and (4) of subsection (A) must comply with the regulations promulgated by the ~~commission~~ department in accordance with uniform national standards.”

BB. Section 57‑25‑150(A) and (D) of the 1976 Code is amended to read:

“(A) The ~~commission~~ department shall issue permits for the erection and maintenance of outdoor advertising signs coming within the exceptions contained in items (1), (2), and (3) of subsection (A) of Section 57‑25‑140, consistent with the safety and welfare of the traveling public necessary to carry out the policy of the State declared in this article and consistent with the national standards promulgated by the Secretary of Transportation or other appropriate federal official pursuant to Title 23, United States Code.

The ~~commission~~ department also shall promulgate regulations governing the issuance of the permits and standards for size, spacing, and lighting of the signs and their messages.

(D) The ~~commission~~ department shall promulgate regulations governing the issuance of permits which must include mandatory maintenance to ensure that all signs are always in a good state of repair. Signs not in a good state of repair are illegal.”

CC. Section 57‑25‑170 of the 1976 Code is amended to read:

“Section 57‑25‑170. The ~~commission~~ department may provide within the right‑of‑way for areas at appropriate distances from interchanges on the interstate system and controlled access roads on the federal‑aid primary system on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained under standards and regulations authorized to be adopted and promulgated by the ~~commission~~ department. The standards and regulations may provide for cooperative agreements between the Department of Transportation and private interests for the use and display of names for FOOD, LODGING, and GAS information signs on the highway ~~right‑of‑way~~ right of way.”

DD. Section 57‑25‑200(A) of the 1976 Code is amended to read:

“(A) Within the requirements of this article the ~~commission~~ Secretary of Transportation may enter into agreements with other governmental authorities relating to the control of outdoor advertising in areas adjacent to the interstate and primary highway systems, including the establishment of information centers and safety rest areas and take action in the name of the State to comply with the terms of the agreements.”

EE. Section 57‑25‑210 of the 1976 Code is amended to read:

“Section 57‑25‑210. The ~~commission~~ department is not required to expend funds for the removal of outdoor advertising under this article until federal funds are made available to the State for the purpose of carrying out the provisions of this article and the ~~commission has entered into an agreement with the Secretary of Transportation as authorized by Section 57‑25‑200~~ department and as provided by the Highway Beautification Act of 1965.”

FF. Sections 57‑1‑310, 57‑1‑320, 57‑1‑325, 57‑1‑330, 57‑1‑340, 57‑1‑350, 57‑1‑460, 57‑1‑470, and Sections 6, 7, and 8 of Act 114 of 2007 are repealed. /

Amend the bill further by deleting SECTIONS 2 and 5.

Amend the bill further by striking SECTION 3 and inserting:

/ SECTION 3. A. Section 57‑1‑360 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

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

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

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

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

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

B. (A) The chief internal auditor of the Department of Transportation and all associated support staff, and all authorized appropriations associated with the chief internal auditor and associated support staff are transferred to and become part of the State Auditor’s Office, State Fiscal Accountability Authority. The chief internal auditor of the Department of Transportation and all associated support staff, whether classified or unclassified personnel, employed by the Department of Transportation on the effective date of this act, either by contract or by employment at will, shall become employees of the State Auditor’s Office, State Fiscal Accountability Authority, with the same compensation, classification, and grade level, as applicable.

(B) The chief internal auditor of the Department of Transportation on June 30, 2016, shall continue to serve until the State Auditor employs a successor. Nothing in this section shall prevent the State Auditor from retaining the chief internal auditor of the Department of Transportation as of June 30, 2016, pursuant to the provisions of this SECTION.

C. Section 57‑1‑490 of the 1976 Code, as amended by Act 114 of 2007, is further amended to read:

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

(B) The Materials Management Office of the Department of Administration 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~~ State Auditor, the Governor, the chairmen of the Senate Finance and Transportation Committees, and the chairmen of the House of Representatives Ways and Means and Education and Public Works Committees. The costs and expenses of the audit must be paid by the department out of its funds.

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

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

Amend the bill further by striking SECTION 6 and inserting:

/ SECTION 6. Section 11‑43‑150 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

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

Renumber sections to conform.

Amend title to conform.

Rep. QUINN explained the amendment.

Rep. OTT moved to table the amendment.

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

Yeas 94; Nays 18

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Anthony |
| Bales | Bannister | Bernstein |
| Bowers | Bradley | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Clary | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Collins |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Duckworth |
| Erickson | Felder | Finlay |
| Forrester | Fry | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Govan |
| Hardee | Hart | Hayes |
| Henderson | Henegan | Hicks |
| Hiott | Hixon | Hodges |
| Hosey | Jefferson | Johnson |
| Jordan | Kennedy | King |
| Kirby | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McEachern |
| M. S. McLeod | Mitchell | V. S. Moss |
| Neal | Newton | Ott |
| Parks | Pitts | Pope |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Rutherford | Ryhal |
| Sandifer | Simrill | G. R. Smith |
| J. E. Smith | Sottile | Southard |
| Spires | Stringer | Taylor |
| Thayer | Tinkler | Weeks |
| Wells | Whipper | White |
| Whitmire | Williams | Willis |
| Yow |  |  |

**Total--94**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Atwater | Ballentine | Hamilton |
| Hill | Horne | Huggins |
| McCoy | W. J. McLeod | Merrill |
| D. C. Moss | Murphy | Nanney |
| Norman | Putnam | Quinn |
| Stavrinakis | Tallon | Toole |

**Total--18**

So, the amendment was tabled.

The Senate Amendments were amended, and the Bill was ordered returned to the Senate.

**RECURRENCE TO THE MORNING HOUR**

Rep. HODGES moved that the House recur to the morning hour, which was agreed to.

**REPORTS OF STANDING COMMITTEES**

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 5091 -- Reps. King, M. S. McLeod, Henegan and Mack: A BILL TO AMEND SECTION 53-3-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF THE NINETEENTH OF JUNE OF EACH YEAR AS "JUNETEENTH CELEBRATION OF FREEDOM DAY", SO AS TO PROVIDE THAT IT IS ALSO RECOGNIZED AS "SICKLE CELL DAY IN SOUTH CAROLINA" IN COMMEMORATION OF "WORLD SICKLE CELL DAY".

Ordered for consideration tomorrow.

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 5087 -- Reps. Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, 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 REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF ALLIGATOR ROAD IN FLORENCE COUNTY FROM ITS INTERSECTION WITH SAVANNAH GROVE ROAD TO ITS INTERSECTION WITH WHIPPORWILL ROAD "DR. RALPH W. CANTY, SR. HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THIS DESIGNATION.

Ordered for consideration tomorrow.

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 1134 -- Senators Verdin and L. Martin: A CONCURRENT RESOLUTION TO RENAME THE PORTION OF SOUTH CAROLINA HIGHWAY 124 IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 123 TO THE GREENVILLE COUNTY LINE FROM "JOE ANDERS HIGHWAY" TO "JOE ANDERS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

Ordered for consideration tomorrow.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. LONG a leave of absence for the remainder of the day.

**H. 3204--SENATE AMENDMENTS CONCURRED IN AND BILL ENROLLED**

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

H. 3204 -- Reps. Bernstein, J. E. Smith, Cobb-Hunter, M. S. McLeod, Jefferson, Horne and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-29-185 SO AS TO ENACT THE "CERVICAL CANCER PREVENTION ACT", TO PROVIDE THAT BEGINNING WITH THE 2015-2016 SCHOOL YEAR, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY OFFER THE CERVICAL CANCER VACCINATION SERIES TO ADOLESCENT STUDENTS ENROLLING IN THE SEVENTH GRADE OF ANY PUBLIC OR PRIVATE SCHOOL IN THIS STATE, TO PROVIDE THAT NO STUDENT IS REQUIRED TO HAVE THE VACCINE BEFORE ENROLLING IN OR ATTENDING SCHOOL, TO PROVIDE THAT THE DEPARTMENT MAY DEVELOP AN INFORMATIONAL BROCHURE RELATED TO OFFERING THIS VACCINATION WITH SPECIFIC CONTENT REQUIREMENTS, TO DEFINE "CERVICAL CANCER VACCINATION SERIES", AND TO PROVIDE THAT IMPLEMENTATION OF THIS ACT IS CONTINGENT UPON RECEIPT OF FULL FUNDING BY STATE AND FEDERAL FUNDS.

Rep. BERNSTEIN explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anderson | Anthony |
| Atwater | Bales | Ballentine |
| Bamberg | Bannister | Bernstein |
| Bingham | Bowers | Bradley |
| Brannon | G. A. Brown | R. L. Brown |
| Clary | Clemmons | Clyburn |
| Cobb-Hunter | Cole | Collins |
| H. A. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Duckworth | Erickson | Finlay |
| Forrester | Fry | Funderburk |
| Gagnon | Gambrell | George |
| Gilliard | Goldfinch | Govan |
| Hamilton | Hardee | Hart |
| Hayes | Henegan | Hicks |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Johnson |
| Jordan | Kennedy | King |
| Kirby | Knight | Limehouse |
| Loftis | Lowe | Lucas |
| Mack | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Murphy | Neal | Newton |
| Norman | Ott | Parks |
| Pitts | Pope | Quinn |
| Ridgeway | Riley | Rivers |
| Rutherford | Ryhal | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| J. E. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Tinkler |
| Toole | Weeks | Wells |
| Whipper | Whitmire | Williams |
| Willis | Yow |  |

**Total--107**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Hill |  |  |

**Total--1**

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.

**RECURRENCE TO THE MORNING HOUR**

Rep. TAYLOR moved that the House recur to the morning hour, which was agreed to.

**REPORTS OF STANDING COMMITTEES**

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 4327 -- Rep. G. M. Smith: A BILL TO AMEND CHAPTER 71, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HOSPICE PROGRAMS, SO AS TO ADD DEFINITIONS; TO ESTABLISH CERTAIN LICENSING REQUIREMENTS; TO PROVIDE FOR THE REGISTRATION OF MULTIPLE OFFICE LOCATIONS OF LICENSED HOSPICES; TO PROVIDE FOR EXPANSION OF HOSPICE SERVICE AREAS; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO APPROVE APPLICATIONS FOR REGISTRATION OF MULTIPLE OFFICE LOCATIONS AND FOR EXPANSION OF HOSPICE SERVICE AREAS, WITH EXCEPTIONS; AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

H. 4773 -- Reps. Duckworth, Kirby, Jordan, Johnson, Collins, Hill, Brannon, Merrill and Tinkler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "MARGY'S LAW"; TO AMEND SECTION 44-78-15, RELATING TO DEFINITIONS IN THE EMERGENCY MEDICAL SERVICES DO NOT RESUSCITATE ORDER ACT, SO AS TO DEFINE THE TERM "DO NOT RESUSCITATE BRACELET"; TO AMEND SECTION 44-78-20, RELATING TO THE AVAILABILITY OF DO NOT RESUSCITATE ORDERS FOR EMERGENCY SERVICES TO THE TERMINALLY ILL, SO AS TO PROVIDE FOR THE AVAILABILITY OF DO NOT RESUSCITATE BRACELETS IN ADDITION TO WRITTEN ORDERS; AND TO AMEND SECTIONS 44-78-25, 44-78-30, 44-78-35, 44-78-40, 44-78-45, AND 44-78-60, ALL RELATING TO MISCELLANEOUS PROVISIONS IN THE ACT, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

H. 5100 -- Rep. Fry: A BILL TO AMEND SECTION 38-71-1520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE ACCESS TO EMERGENCY MEDICAL CARE ACT, SO AS TO REVISE THE DEFINITION OF "EMERGENCY MEDICAL PROVIDER" TO INCLUDE ORAL SURGEONS AND DENTISTS LICENSED BY THE STATE BOARD OF DENTISTRY; AND BY ADDING SECTION 38-71-1545 SO AS TO EXCLUDE APPLICATION OF THE ARTICLE TO CERTAIN INSURANCE POLICIES.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 4574 -- Reps. Spires, Herbkersman and Long: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ELECTROLOGY PRACTICE ACT" BY ADDING ARTICLE 3 TO CHAPTER 13, TITLE 40 SO AS TO PROVIDE A CITATION, TO PROVIDE PURPOSES, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONDUCT CONCERNING THE PRACTICE AND TEACHING OF ELECTROLOGY WITHOUT LICENSURE, TO CREATE THE ELECTROLOGY LICENSURE COMMITTEE AS AN ADVISORY BOARD UNDER THE AUSPICES OF THE COSMETOLOGY BOARD, TO PROVIDE FOR THE COMPOSITION AND ORGANIZATION OF THE COMMITTEE, TO PROVIDE THE POWERS AND DUTIES OF THE COMMITTEE, TO PROVIDE REQUIREMENTS FOR LICENSURE AS AN ELECTROLOGIST AND REQUIREMENTS FOR LICENSURE AS AN ELECTROLOGY INSTRUCTOR, TO PROVIDE REQUIREMENTS FOR THE CONDUCT OF LICENSEES, TO PROVIDE PROCEDURES FOR VOLUNTARY SURRENDER OF A LICENSE AND SUBSEQUENT REINSTATEMENT, TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO PROVIDE DISCIPLINARY PROCEDURES FOR VIOLATIONS, AMONG OTHER THINGS; TO AMEND SECTION 40-13-5, RELATING TO APPLICABILITY OF THE CHAPTER, SO AS TO MAKE A CONFORMING CHANGE; TO DESIGNATE EXISTING SECTIONS OF THE CHAPTER AS ARTICLE 1, ENTITLED "COSMETOLOGISTS, NAIL TECHNICIANS, AND ESTHETICIANS"; AND TO REDESIGNATE THE CHAPTER AS "COSMETOLOGY AND MISCELLANEOUS RELATED OCCUPATIONS".

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 4580 -- Reps. Jefferson and Hosey: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-263 SO AS TO PROVIDE THAT MEDICAL FOSTER HOMES APPROVED AND ANNUALLY REVIEWED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS PROVIDING CARE EXCLUSIVELY TO THREE OR FEWER VETERANS ARE EXEMPT FROM THE PROVISIONS OF CHAPTER 7, TITLE 44 IN REGARD TO HOSPITALS, NURSING HOMES, AND OTHER FACILITIES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

S. 339 -- Senators Lourie and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "HOPE'S LAW" BY ADDING SECTION 44-115-160 SO AS TO REQUIRE MAMMOGRAM PROVIDERS TO PROVIDE A MAMMOGRAM REPORT TO PATIENTS ABOUT BREAST DENSITY AND TO REQUIRE THESE PROVIDERS TO INCLUDE A CONSPICUOUS NOTICE WHEN A MAMMOGRAM SHOWS THE PRESENCE OF DENSE BREAST TISSUE.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

S. 849 -- Senators Cromer, Allen and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE PROCEDURES GOVERNING THE MAXIMUM ALLOWABLE COST REIMBURSEMENTS FOR GENERIC PRESCRIPTION DRUGS BY PHARMACY BENEFIT MANAGERS, TO PROVIDE NECESSARY DEFINITIONS, TO EXEMPT THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES IN THE PERFORMANCE OF ITS DUTIES IN ADMINISTERING MEDICAID UNDER TITLES XIX AND XXI OF THE SOCIAL SECURITY ACT, TO PROVIDE REQUIREMENTS FOR PLACING DRUGS ON MAXIMUM ALLOWABLE COST LISTS BY PHARMACY BENEFIT MANAGERS, AND TO PROVIDE VARIOUS REQUIREMENTS OF PHARMACY BENEFIT MANAGERS; TO PROVIDE CONTRACTS BETWEEN PHARMACIES AND PHARMACY BENEFIT MANAGERS THAT ARE ENTERED INTO, RENEWED, OR EXTENDED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JANUARY 1, 2016.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report on:

H. 4763 -- Reps. Pope, D. C. Moss, Yow, Hardee, Duckworth, Johnson, Goldfinch, Southard, Long, Felder, Taylor, George, Simrill, Jordan, Chumley, Clemmons, Sandifer, Wells, Whitmire, Funderburk and Tallon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-7-180 SO AS TO CREATE THE INTERNET CRIMES AGAINST CHILDREN FUND TO INVESTIGATE, PROSECUTE, AND PREVENT INTERNET CRIMES AGAINST CHILDREN; AND TO AMEND SECTIONS 14-1-206, 14-1-207, AND 14-1-208, ALL AS AMENDED, ALL RELATING TO ADDITIONAL ASSESSMENTS IMPOSED BY CERTAIN COURTS, SO AS TO REVISE THE AMOUNT OF AN ASSESSMENT THAT A PERSON MUST PAY.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4492 -- Reps. Putnam, Clyburn, Collins, Clary, Erickson, Long, Ryhal, Herbkersman, Newton, Tinkler, Jordan, Hicks, McCoy, M. S. McLeod, Douglas, Henegan, Allison, G. M. Smith, Funderburk and Finlay: A BILL TO AMEND SECTION 63-7-1630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE OF CHILD ABUSE AND NEGLECT HEARINGS, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE TEN DAYS NOTICE OF A HEARING TO, AMONG OTHERS, FOSTER PARENTS AND TO REQUIRE THE NOTICE TO INFORM FOSTER PARENTS OF THE RIGHT TO SUBMIT A REPORT TO THE COURT; TO AMEND SECTION 63-7-1700, AS AMENDED, RELATING TO PERMANENCY PLANNING FOR CHILDREN IN FOSTER CARE, SO AS TO REQUIRE THE DEPARTMENT TO PROVIDE NOTICE OF A PERMANENCY PLANNING HEARING TO FOSTER PARENTS AND OTHER PERSONS PROVIDING CARE FOR A CHILD; AND TO AMEND SECTION 63-11-720, RELATING TO FUNCTIONS OF THE FOSTER CARE REVIEW BOARD, SO AS TO REQUIRE THE FOSTER CARE REVIEW BOARD TO ADVISE FOSTER PARENTS ABOUT THE RIGHT TO SUBMIT A REPORT TO AND BE HEARD BY THE COURT AT A HEARING CONCERNING THE CHILD.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4398 -- Reps. Clemmons, Yow, Burns, Pitts, McCoy and Hicks: A BILL TO AMEND SECTION 15-41-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY EXEMPT FROM BANKRUPTCY PROCEEDINGS OR ATTACHMENT, LEVY, AND SALE, SO AS TO EXEMPT THREE FIREARMS OF ANY VALUE AND ONE THOUSAND ROUNDS OF AMMUNITION FOR EACH FIREARM OWNED BY THE DEBTOR.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3039 -- Reps. Daning, Cobb-Hunter, George, D. C. Moss, J. E. Smith, Weeks and W. J. McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 6 SO AS TO ENACT THE "DILAPIDATED BUILDINGS ACT", TO PROVIDE DEFINITIONS, TO PROVIDE THAT A COUNTY OR MUNICIPALITY MAY BRING A CAUSE OF ACTION AGAINST THE OWNER OF PROPERTY NOT IN SUBSTANTIAL COMPLIANCE WITH CERTAIN MUNICIPAL OR COUNTY ORDINANCES, TO IDENTIFY WHO MAY SERVE AS A COURT-APPOINTED RECEIVER FOR PROPERTY SUBJECT TO THIS CAUSE OF ACTION, TO DESIGNATE THE POWERS OF A COURT-APPOINTED RECEIVER, TO ESTABLISH REPORTING REQUIREMENTS OF THE COUNTY OR MUNICIPALITY CONCERNING A VIOLATION AGAINST WHICH THE COUNTY OR MUNICIPALITY MAY BRING A CAUSE OF ACTION UNDER THIS ACT, AND TO PROVIDE CERTAIN REMEDIES AND PROCEDURES.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report on:

H. 3167 -- Reps. Tallon, Long, G. R. Smith, Pitts, Toole, Pope, Simrill, Johnson, Felder, Kennedy, Jordan, Goldfinch, Clemmons, Duckworth, Fry, Hardee, Ryhal, Yow, Gagnon, Willis, Rutherford, Hixon, Taylor, Hill, Howard, Williams, Douglas, Dillard, Hayes, Daning, Crosby, George, Bales, Bradley, Murphy, Bannister, Delleney, Bingham, McKnight and Kirby: A BILL TO AMEND SECTION 7-13-710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ACCEPTABLE FORMS OF IDENTIFICATION REQUIRED OF A PERSON WHEN HE PRESENTS HIMSELF TO VOTE, SO AS TO INCLUDE A VALID AND CURRENT SOUTH CAROLINA RESIDENT CONCEALED WEAPON PERMIT AS AN AUTHORIZED FORM OF IDENTIFICATION.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3952 -- Rep. Bannister: A BILL TO AMEND SECTION 44-17-410, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EMERGENCY ADMISSION OF A PERSON LIKELY TO CAUSE SERIOUS HARM TO HIMSELF OR OTHERS, SO AS TO ADD A PERSON WHO MAY BECOME GRAVELY DISABLED IF NOT IMMEDIATELY HOSPITALIZED; TO AMEND SECTION 44-17-430, AS AMENDED, RELATING TO THE EXAMINATION UNDER CUSTODY OF A PERSON REQUIRING IMMEDIATE HOSPITALIZATION WHEN EXAMINATION IS NOT OTHERWISE POSSIBLE, SO AS TO ADD A PERSON WHO MAY BECOME GRAVELY DISABLED IF NOT IMMEDIATELY HOSPITALIZED; AND TO AMEND SECTION 44-17-440, RELATING TO THE CUSTODY AND TRANSPORT OF A PERSON REQUIRING IMMEDIATE CARE, SO AS TO REQUIRE A STATE OR LOCAL LAW ENFORCEMENT OFFICER WITH CRISIS INTERVENTION TRAINING AND DRESSED IN CIVILIAN CLOTHES OR AN EMERGENCY MEDICAL TECHNICIAN TO TAKE INTO CUSTODY AND TRANSPORT THE PERSON TO THE HOSPITAL.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 5197 -- Reps. Kirby, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, 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 HOUSE RESOLUTION TO CONGRATULATE EDDIE COOPER OF FLORENCE COUNTY ON THE OCCASION OF HIS NINETY-EIGHTH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5198 -- Reps. Parks, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, 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 HOUSE RESOLUTION TO CONGRATULATE MRS. LILLIE ALMA PATTON DEVLIN OF GREENWOOD COUNTY, ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND BEST WISHES FOR THE YEARS TO COME.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5199 -- Reps. Funderburk, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, 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 HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE CAMDEN COUNTRY CLUB TEN-AND-UNDER INTERMEDIATE TENNIS TEAM AND COACHES FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2015 UNITED STATES TENNIS ASSOCIATION JUNIOR TEAM TENNIS STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5200 -- Rep. Funderburk: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE CAMDEN COUNTRY CLUB TEN-AND-UNDER INTERMEDIATE TENNIS TEAM AND COACHES, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR WINNING THE 2015 UNITED STATES TENNIS ASSOCIATION JUNIOR TEAM TENNIS STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Camden Country Club ten‑and‑under intermediate tennis team and coaches, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for winning the 2015 United States Tennis Association Junior Team Tennis State Championship title.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 5201 -- Rep. Bowers: A HOUSE RESOLUTION TO CONGRATULATE HARRISON PEEPLES HEALTH CARE CENTER, NOW KNOWN AS BEAUFORT MEMORIAL HARRISON PEEPLES HEALTH CARE CENTER, ON THE CELEBRATION OF ITS TWENTY-FIFTH ANNIVERSARY AND TO EXPRESS APPRECIATION FOR ITS FIRST-QUALITY, COMPASSIONATE CARE OF HAMPTON COUNTY FAMILIES AND BEYOND.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 5202 -- Reps. Felder, Delleney, King, Long, D. C. Moss, V. S. Moss, Norman, Pope, Simrill, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Dillard, Douglas, Duckworth, Erickson, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, Kirby, Knight, Limehouse, Loftis, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, Murphy, Nanney, Neal, Newton, Norrell, Ott, Parks, Pitts, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE SIGNIFICANT SERVICE OF YORK ELECTRIC COOPERATIVE OF YORK COUNTY AND TO CONGRATULATE THE ORGANIZATION ON ITS SEVENTY-FIFTH ANNIVERSARY OF PROVIDING ELECTRICITY IN THE PALMETTO STATE.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

**INTRODUCTION OF BILLS**

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 5203 -- Rep. Putnam: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM THE SOUTH CAROLINA INDIVIDUAL INCOME TAX, SO AS TO PROVIDE A DEDUCTION EQUAL TO THE TAXPAYER'S INCOME FOR A TAXPAYER WHO IS THE SURVIVING SPOUSE OF A LAW ENFORCEMENT OFFICER WHO IS KILLED IN THE LINE OF DUTY FOR A PERIOD OF FIVE YEARS.

Referred to Committee on Ways and Means

H. 5204 -- Rep. Hill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "DEPARTMENT OF TRANSPORTATION ACCOUNTABILITY AND TRANSPARENCY ACT"; TO DEVOLVE THE DUTIES OF THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION UPON THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT AND THEIR GOVERNING BODIES, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT PART OF THE GOVERNING BODY OF THE DEPARTMENT OF TRANSPORTATION IS A SEVEN-MEMBER COMMISSION; TO AMEND SECTION 1-30-105, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE GOVERNING AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION IS THE SECRETARY OF TRANSPORTATION; TO AMEND SECTION 1-3-240, AS AMENDED, RELATING TO THE REMOVAL OF CERTAIN OFFICERS BY THE GOVERNOR, SO AS TO DELETE THE PROVISION THAT PROVIDES THE DEPARTMENT OF TRANSPORTATION COMMISSIONERS MAY BE REMOVED FROM OFFICE BY THE GOVERNOR UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO REMOVE THE CHAIRMAN OF THE DEPARTMENT OF TRANSPORTATION COMMISSION AS A DIRECTOR, AND TO PROVIDE THAT THE SECRETARY OF TRANSPORTATION IS A MEMBER OF THE BOARD; TO AMEND SECTIONS 57-1-10, AS AMENDED, 57-1-40, AS AMENDED, 57-1-360, 57-1-370, 57-1-430, AS AMENDED, 57-1-490, AS AMENDED, AND 57-3-20, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, AND ITS DUTIES AND RESPONSIBILITIES, SO AS TO ELIMINATE THE DEPARTMENT OF TRANSPORTATION COMMISSION AND ITS RESPONSIBILITIES, TO ALLOW THE GOVERNOR TO APPOINT THE SECRETARY OF TRANSPORTATION AND REQUIRE THE DEPARTMENT OF TRANSPORTATION SUBMIT TO THE GENERAL ASSEMBLY AN ITEMIZED PROJECT LIST TO BE FUNDED FOR THE FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY WOULD ENACT ITS ANNUAL GENERAL APPROPRIATIONS ACT; TO AMEND SECTION 57-1-500, RELATING TO A DEPARTMENT OF TRANSPORTATION ETHICS WORKSHOP, SO AS TO DELETE THE DEPARTMENT OF TRANSPORTATION COMMISSIONERS AS PARTICIPANTS IN THIS WORKSHOP; TO AMEND SECTION 57-3-50, RELATING TO THE ESTABLISHMENT OF HIGHWAY DISTRICTS, SO AS TO SUBSTITUTE THE TERM "DEPARTMENT" FOR THE TERM "COMMISSION"; TO AMEND SECTION 57-1-90, RELATING TO MOTORCYCLES, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 57-3-210, RELATING TO THE DEPARTMENT OF TRANSPORTATION CONTRACTING WITH PUBLIC TRANSIT SYSTEMS, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 57-3-700, RELATING TO THE DEPARTMENT OF TRANSPORTATION SERVING AS AN AGENT FOR COUNTIES, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 57-5-10, AS AMENDED, RELATING TO THE COMPOSITION OF THE STATE HIGHWAY SYSTEM, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 57-5-50, RELATING TO THE TRANSFER OF CERTAIN ROADS, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 57-5-90, RELATING TO BELT LINES AND SPURS, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 57-5-310, RELATING TO THE OWNERSHIP OF REAL ESTATE, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 57-5-340, RELATING TO THE DISPOSITION OF REAL ESTATE, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 57-5-1350, RELATING TO TURNPIKES, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTIONS 57-13-10, 57-13-20, 57-13-40, AND 57-13-50, ALL RELATING TO BRIDGES, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 57-25-120, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTIONS 57-25-140, 57-25-150, 57-25-170, 57-25-200, AND 57-25-210, ALL RELATING TO SIGNS ALONG THE HIGHWAYS, SO AS TO MAKE A CONFORMING CHANGE; AND TO REPEAL SECTIONS 57-1-310, 57-1-320, 57-1-325, 57-1-330, 57-1-340, 57-1-350, 57-1-460, 57-1-470, ARTICLE 7, CHAPTER 1, TITLE 57, AND SECTIONS 6, 7, AND 8 OF ACT 114 OF 2007 ALL RELATING TO THE CREATION AND FUNCTIONS OF THE DEPARTMENT OF TRANSPORTATION AND ITS COMMISSION; BY ADDING ARTICLE 9 TO CHAPTER 1, TITLE 57 SO AS TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO DISCLOSE CERTAIN FINANCIAL INFORMATION BY POSTING IT ON THE WEBSITE MAINTAINED BY THE DEPARTMENT; AND BY ADDING SECTION 11-43-290 SO AS TO PROVIDE THAT THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK MAY NOT ISSUE ANY BONDS, LOANS, OR OTHER FINANCIAL ASSISTANCE AFTER JANUARY 1, 2017, AND THAT UPON THE RETIREMENT OF ALL OUTSTANDING BONDS AND THE RECEIPT OF ALL OUTSTANDING DEBT OWED BY QUALIFIED BORROWERS, THE BANK IS DISSOLVED, AND THE PROVISIONS OF CHAPTER 43, TITLE 11 ARE REPEALED.

Referred to Committee on Ways and Means

H. 5205 -- Reps. Putnam and Thayer: A BILL TO AMEND SECTION 57-1-410, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPOINTMENT OF THE SECRETARY OF TRANSPORTATION BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, SO AS TO PROVIDE THAT THE APPOINTMENT OF THE SECRETARY MUST BE MADE WITH THE ADVICE AND CONSENT OF BOTH THE SENATE AND THE HOUSE OF REPRESENTATIVES; TO AMEND SECTION 57-1-10, AS AMENDED, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE DEPARTMENT OF TRANSPORTATION, SO AS TO DELETE THE TERM "COMMISSION" AND ITS DEFINITION; TO AMEND SECTION 57-1-90, RELATING TO MOTORCYCLES, SO AS TO DELETE THE TERM "SOUTH CAROLINA TRANSPORTATION COMMISSION"; TO AMEND SECTIONS 57-1-360 AND 57-1-370, RELATING TO THE APPOINTMENT OF THE DEPARTMENT OF TRANSPORTATION'S CHIEF INTERNAL AUDITOR BY THE DEPARTMENT OF TRANSPORTATION COMMISSION AND THE DEVELOPMENT OF THE LONG-RANGE STATEWIDE TRANSPORTATION PLAN, SO AS TO PROVIDE THAT THE APPOINTMENT OF THE INTERNAL AUDITOR MUST BE MADE BY THE SECRETARY OF TRANSPORTATION AND NO LONGER BY THE COMMISSION AND THE PLAN MUST BE DEVELOPED BY THE SECRETARY OF TRANSPORTATION AND NO LONGER BY THE COMMISSION; TO AMEND SECTIONS 57-1-430 AS AMENDED, AND 57-1-460, BOTH RELATING TO CERTAIN DUTIES AND POWERS OF THE SECRETARY OF TRANSPORTATION, SO AS TO DEVOLVE THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION COMMISSION UPON THE SECRETARY OF TRANSPORTATION; TO AMEND SECTION 57-1-490, AS AMENDED, RELATING TO ANNUAL AUDITS CONDUCTED BY THE DEPARTMENT OF TRANSPORTATION, SO AS TO DELETE THE TERM "DEPARTMENT OF TRANSPORTATION COMMISSION"; TO AMEND SECTION 57-3-20, AS AMENDED, RELATING TO THE RESPONSIBILITIES AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION'S DEPUTY DIRECTORS, SO AS TO DELETE THE DUTY TO RECORD PROCEEDINGS OF THE DEPARTMENT OF TRANSPORTATION COMMISSION; TO AMEND SECTION 57-3-50, RELATING TO THE ESTABLISHMENT OF HIGHWAY DISTRICTS BY THE COMMISSION, SO AS TO PROVIDE THAT THIS FUNCTION IS DEVOLVED UPON THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTIONS 57-3-210, AND 57-3-700, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION, BOTH SO AS TO DELETE THE TERM "COMMISSION" AND REPLACE IT WITH THE TERM "SECRETARY"; TO AMEND SECTION 57-5-10, AS AMENDED, SECTIONS 57-5-50, 57-5-90, 57-5-310, 57-5-340, 57-5-710, SECTION 57-5-720, AS AMENDED, SECTIONS 57-5-1350, 57-5-1450, 57-5-1620, SECTION 57-11-20, AS AMENDED, SECTIONS 57-11-210, 57-11-220, 57-11-250, 57-11-280, 57-13-10, 57-13-20, 57-13-40, 57-13-50, 57-13-110, SECTION 57-25-120, AS AMENDED, SECTIONS 57-25-140, 57-25-150, 57-25-170, 57-25-200, AND 57-25-210, RELATING TO THE STATE HIGHWAY PRIMARY SYSTEM, TRANSFERS BETWEEN SECONDARY AND PRIMARY HIGHWAY SYSTEMS, BELTLINES AND SPURS, OWNERSHIP AND SALE OF REAL ESTATE BY THE DEPARTMENT OF TRANSPORTATION, EQUITABLE CONSTRUCTION OF THE STATE HIGHWAY SYSTEM, STANDARDS OF HIGHWAY CONSTRUCTION, ISSUANCE OF TURNPIKE BONDS, THE ADVERTISEMENT AND AWARDING OF CONSTRUCTION CONTRACTS, THE STATE HIGHWAY FUND, STATE HIGHWAY BONDS, THE CONSTRUCTION AND MAINTENANCE OF BRIDGES, SCENIC HIGHWAYS, OUTDOOR ADVERTISING SIGNS, AND INFORMATIONAL SIGNS, SO AS TO DELETE THE TERM "COMMISSION" AND REPLACE IT WITH THE TERM "DEPARTMENT OF TRANSPORTATION", AND TO DEVOLVE UPON THE DEPARTMENT OF TRANSPORTATION OR SECRETARY OF TRANSPORTATION CERTAIN DUTIES AND RESPONSIBILITIES FORMALLY HELD BY THE DEPARTMENT OF TRANSPORTATION COMMISSION; TO REPEAL SECTIONS 57-1-310, 57-1-320, 57-1-325, 57-1-330, 57-1-340, 57-1-350, AND 57-1-470 RELATING TO THE DEPARTMENT OF TRANSPORTATION COMMISSION; AND TO REPEAL ARTICLE 7, CHAPTER 1, TITLE 57 RELATING TO THE JOINT TRANSPORTATION REVIEW COMMITTEE.

Referred to Committee on Judiciary

H. 5206 -- Reps. W. J. McLeod, Bales, Yow, Southard, Corley, Mitchell, King, Crosby, Daning, J. E. Smith, Anthony, Bernstein, G. A. Brown, Cole, Erickson, Finlay, Long and Tallon: A BILL TO AMEND SECTION 12-37-245, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE HOMESTEAD EXEMPTION ALLOWANCE INCREASE, SO AS TO RAISE THE ALLOWANCE FROM FIFTY THOUSAND DOLLARS TO SEVENTY-FIVE THOUSAND DOLLARS; AND TO AMEND SECTION 12-37-250, RELATING TO THE HOMESTEAD EXEMPTION FOR TAXPAYERS SIXTY-FIVE AND OVER OR THOSE TOTALLY AND PERMANENTLY DISABLED OR LEGALLY BLIND, SO AS TO MAKE A CONFORMING CHANGE.

Referred to Committee on Ways and Means

H. 5207 -- Reps. Pope and J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 97 TO TITLE 44 SO AS TO ENACT THE "SOUTH CAROLINA BEVERAGE CONTAINER RECYCLING ACT"; TO DEFINE NECESSARY TERMS; TO REQUIRE A DEPOSIT BEVERAGE DISTRIBUTOR OPERATING WITHIN THIS STATE TO REGISTER WITH THE DEPARTMENT OF REVENUE AND TO MAINTAIN CERTAIN RECORDS; TO PROHIBIT A LOCAL GOVERNMENT FROM IMPOSING AN ASSESSMENT OR FEE ON DEPOSIT BEVERAGE CONTAINERS FOR THE SAME PURPOSE AS THIS CHAPTER; TO REQUIRE A DEPOSIT BEVERAGE DISTRIBUTOR TO CHARGE A DEALER A DEPOSIT EQUAL TO THE REFUND VALUE ON EACH CONTAINER SOLD IN SOUTH CAROLINA AND TO REQUIRE A DEALER TO CHARGE THE CONSUMER AN AMOUNT EQUAL TO THE REFUND VALUE ON EACH CONTAINER AT THE TIME OF SALE; TO AUTHORIZE THE COMPTROLLER GENERAL TO CONDUCT A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPOSIT BEVERAGE CONTAINER PROGRAM; TO GRANT THE BUREAU OF LAND AND WASTE MANAGEMENT AND THE DEPARTMENT OF REVENUE THE AUTHORITY TO ADOPT RULES AND PROMULGATE REGULATIONS; TO REQUIRE THAT THE DEPOSIT BEVERAGE CONTAINER PROGRAM MUST BE FULLY IMPLEMENTED BY APRIL 1, 2017; TO REQUIRE A DEALER TO POST A SIGN IDENTIFYING THE CLOSEST CERTIFIED REDEMPTION CENTERS; TO REQUIRE THE BUREAU TO DEFINE AND IDENTIFY UNDERSERVED AREAS AND WORK TO PLACE CERTIFIED REDEMPTION CENTERS IN THESE AREAS; TO ESTABLISH REQUIREMENTS FOR A REDEMPTION CENTER THAT WISHES TO OPERATE IN SOUTH CAROLINA, TO DEFINE THE RESPONSIBILITIES OF A CERTIFIED REDEMPTION CENTER, AND TO GRANT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THE AUTHORITY TO ESTABLISH CRITERIA AND REVIEW CERTIFICATIONS; TO ALLOW A REVERSE VENDING MACHINE TO ACCEPT EMPTY DEPOSIT BEVERAGE CONTAINERS; TO PROVIDE CIRCUMSTANCES WHEN A REDEMPTION CENTER MAY REFUSE TO PAY THE REFUND VALUE ON A DEPOSIT BEVERAGE CONTAINER; TO REQUIRE THAT DEPOSIT BEVERAGE DISTRIBUTORS, CERTIFIED REDEMPTION CENTERS, AND CERTIFIED PROCESSORS SHALL MAKE THEIR RECORDS AVAILABLE UPON REQUEST OF THE DEPARTMENT OF REVENUE OR THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO REQUIRE THE BUREAU TO CONVENE AN ADVISORY COMMITTEE TO ASSIST IN DEVELOPING RULES UNDER THIS CHAPTER; TO PROSCRIBE A CIVIL PENALTY FOR A PERSON WHO VIOLATES A PROVISION OF THIS CHAPTER; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS CHAPTER; AND TO ESTABLISH A MISDEMEANOR FOR A PERSON WHO ATTEMPTS TO TENDER CONTAINERS ORIGINALLY SOLD OUTSIDE OF SOUTH CAROLINA TO A REDEMPTION CENTER AND TO PROVIDE PENALTIES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 5208 -- Rep. Quinn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 30-2-325 SO AS TO PROVIDE THAT PUBLIC LAW ENFORCEMENT AND CLERKS OF COURT IN THIS STATE SHALL DISCLOSE AND MAY NOT REDACT FULL NAMES AND BIRTH DATES THAT APPEAR ON ARREST WARRANTS AND INCIDENT REPORTS.

Referred to Committee on Judiciary

H. 5209 -- Rep. Funderburk: A BILL TO AMEND SECTION 4-10-470, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTIES IN WHICH THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX MAY BE IMPOSED, SO AS TO REVISE THE CRITERIA APPLICABLE TO CERTAIN COUNTIES IN ORDER FOR THEM TO PLACE THE QUESTION OF IMPOSING THIS SALES AND USE TAX ON A REFERENDUM BALLOT.

On motion of Rep. FUNDERBURK, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

Rep. NEAL moved that the House do now adjourn, which was agreed to.

**ADJOURNMENT**

At 1:49 p.m. the House, in accordance with the motion of Rep. RIDGEWAY, adjourned in memory of Margaret Robinson House, to meet at 10:00 a.m. tomorrow.

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