**Wednesday, March 5, 2014**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

The prophet Amos commanded:

“But let justice roll down like waters, and righteousness like an ever‑flowing stream.” (Amos 5:24)

Let us pray:

How challenging, O God, are these times in which we live. Yes, there are blessings which surround us, indeed. But there are also so many difficulties and problems which confront all of us day by day. This Senate knows of these things firsthand, Lord. Much of the time and energy of these leaders and their aides is consumed by their need to wrestle with these very realities. So we ask, Lord, that in all of their debates and their actions You will guide these leaders. And grant that justice and righteousness are ever the hallmarks of their decisions, to the betterment of all South Carolinians. In Your loving name we pray this. Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Statewide Appointments**

Initial Appointment, South Carolina Workers’ Compensation Commission, with the term to commence June 30, 2014, and to expire June 30, 2016

Chairman:

T. Scott Beck, 1022 Indian Fork Rd., Chapin, SC 29036

Referred to the Committee on Judiciary.

Reappointment, South Carolina Workers’ Compensation Commission, with the term to commence June 30, 2014, and to expire June 30, 2020

At-Large:

T. Scott Beck, 1022 Indian Fork Rd., Chapin, SC 29036

Referred to the Committee on Judiciary.

**Local Appointment**

Initial Appointment, South Carolina State Board for Technical and Comprehensive Education, with the term to commence July 1, 2012, and to expire July 1, 2018

7th Congressional District:

Daniel Philip Gray, 5410 Hampton Circle, Myrtle Beach, SC 29577 *VICE* Vacant Due To Redistricting

**Doctor of the Day**

Senator LEATHERMAN introduced Dr. Conyers O’Bryan of Florence, S.C., Doctor of the Day.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S. 839 Sen. Davis

S. 1010 Sen. Campsen

S. 1060 Sen. Alexander

S. 275 Sen. Malloy

S. 416 Sen. Larry Martin

S. 1032 Sen. Reese

**RECALLED**

H. 4467 -- Reps. Daning, Rivers, Crosby, Southard, Jefferson and Merrill: A BILL TO AMEND SECTION 7‑7‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO REDESIGNATE VARIOUS EXISTING PRECINCTS, TO ADD TEN PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

Senator LARRY MARTIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**Privilege of the Chamber**

    On motion of Senator BRYANT, on behalf of Senator McELVEEN, with unanimous consent, in accordance with the provisions of Rule 35, the Privilege of the Chamber, to that area behind the rail, was extended to Ms. Helen Munnerlyn.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1081 -- Senators McElveen, Jackson, Shealy, Setzler, Johnson, Lourie, Bennett, Gregory, Courson and Scott: A SENATE RESOLUTION TO CONGRATULATE ANDRE GOODMAN OF ELGIN ON HIS 2011 RETIREMENT FROM THE NFL AND TO WISH HIM CONTINUED SUCCESS IN HIS NEW JOB AS DIRECTOR OF FOOTBALL PLAYER DEVELOPMENT AT THE UNIVERSITY OF SOUTH CAROLINA, AS WELL AS MUCH PROSPERITY AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

l:\council\bills\rm\1497dg14.docx

The Senate Resolution was adopted.

S. 1082 -- Senator Lourie: A SENATE RESOLUTION TO CONGRATULATE BRITTONS OF COLUMBIA AND THE UNIVERSITY OF SOUTH CAROLINA DANCE MARATHON ON BREAKING A GUINNESS WORLD RECORD FOR THE MOST BOW TIES TIED IN FIVE MINUTES, AND TO RECOGNIZE THE UNIVERSITY OF SOUTH CAROLINA DANCE MARATHON FOR THEIR CONTRIBUTIONS TO THE PALMETTO HEALTH CHILDREN'S HOSPITAL.

l:\s-res\jl\003bow .mrh.jl.docx

The Senate Resolution was adopted.

S. 1083 -- Senators Jackson and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3790 SO AS TO PROVIDE AN INCOME TAX CREDIT TO A TAXPAYER THAT CLAIMS A DEDUCTION ON HIS FEDERAL RETURN FOR A CHARITABLE CONTRIBUTION OF APPARENTLY WHOLESOME FOOD FROM ANY TRADE OR BUSINESS OF THE TAXPAYER, AND TO PROVIDE THAT THE CREDIT EQUALS TEN PERCENT OF THE DEDUCTION.

l:\council\bills\bh\26099dg14.docx

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

S. 1084 -- Senators Nicholson, Scott, Williams, Hutto, Cromer, Campbell, O'Dell, Reese, Lourie, Coleman and Kimpson: A BILL TO AMEND SECTIONS 44-29-150 AND 44-29-160, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO PERSONS APPLYING FOR EMPLOYMENT IN SCHOOLS, KINDERGARTENS, NURSERY, OR DAYCARE CENTERS TO BE TESTED FOR AND FREE FROM ACTIVE TUBERCULOSIS AND PROVIDING THAT RETESTING OF CONSECUTIVELY RETURNING EMPLOYEES IS NOT REQUIRED, SO AS TO REQUIRE INDIVIDUALS RETURNING TO EMPLOYMENT IN CONSECUTIVE YEARS IN THESE SETTINGS TO BE TESTED AND FREE FROM TUBERCULOSIS IN AN ACTIVE STAGE.

l:\council\bills\nbd\11286ac14.docx

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

S. 1085 -- Senators Campbell, Grooms, Matthews, McGill and O'Dell: A BILL TO AMEND SECTION 4-37-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, RELATING TO THE USE OF LOCAL SALES AND USE TAX OR TOLL REVENUES TO FINANCE TRANSPORTATION INFRASTRUCTURE IN A COUNTY, SO AS TO PROVIDE A PROCEDURE FOR THE GOVERNING BODY OF A COUNTY IN WHICH THE TRANSPORTATION INFRASTRUCTURE LOCAL SALES AND USE TAX IS CURRENTLY IMPOSED FOR LESS THAN THE TWENTY-FIVE YEAR MAXIMUM IMPOSITION PERIOD, UPON REFERENDUM APPROVAL, MAY EXTEND WITHOUT INTERRUPTION THE INITIAL IMPOSITION FOR AN IMPOSITION PERIOD IN THE AGGREGATE NOT TO EXCEED TWENTY-FIVE YEARS, TO PROVIDE WHAT QUESTIONS MUST APPEAR ON THE REFERENDUM BALLOT, TO PROVIDE THAT A REFERENDUM FOR OTHER THAN THE INITIAL IMPOSITION OF THE TAX MAY BE HELD AT THE TIME OF EITHER A GENERAL OR SPECIAL ELECTION IN THE COUNTY, AS THE GOVERNING BODY OF THE COUNTY MAY DETERMINE, AND TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY IN WHICH THE TRANSPORTATION INFRASTRUCTURE LOCAL SALES AND USE TAX IS CURRENTLY IMPOSED, WITHIN TWO YEARS OF THE TERMINATION OF THE TAX OR THE ANTICIPATED TERMINATION OF THE TAX AND UPON REFERENDUM APPROVAL, MAY RENEW WITHOUT INTERRUPTION THE IMPOSITION OF THE TAX AND PROVIDE THAT NO MORE THAN ONE REFERENDUM RELATING TO THIS TAX BE HELD IN A CALENDAR YEAR.

l:\council\bills\bbm\9041htc14.docx

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

H. 3134 -- Reps. Nanney and Taylor: A BILL TO AMEND SECTION 29-3-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORDS, SO AS TO PROVIDE THAT THE MORTGAGEE OF RECORD, THE OWNER OR HOLDER OF THE DEBT INSTRUMENT SECURED BY THE MORTGAGE, THE TRUSTEE OR BENEFICIARY OF A DEED OF TRUST, OR THE LEGAL REPRESENTATIVE OR ATTORNEY-IN-FACT OF ANY OF THOSE PARTIES MAY EXECUTE A MORTGAGE SATISFACTION OR DEED OF TRUST RELEASE, AND TO PROVIDE A PROCEDURE AND FORM FOR USE IN THIS EXECUTION.

Read the first time and referred to the Committee on Banking and Insurance.

H. 3428 -- Reps. Allison, Erickson, M. S. McLeod, J. E. Smith, Spires, Hiott, Owens, Whitmire, Douglas, Hamilton, Bannister, Neal, Alexander, Weeks, Norrell, Bales, Anderson, Robinson-Simpson, Williams, Henderson, Sottile, Munnerlyn, Rutherford, Vick, R. L. Brown, Whipper, Branham, Govan, J. R. Smith, Hayes, George, Funderburk, W. J. McLeod, Bernstein, Felder, Wood, Patrick and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-152-25 SO AS TO DEFINE TERMS CONCERNING THE FIRST STEPS TO SCHOOL READINESS INITIATIVE; BY ADDING SECTION 59-152-32 SO AS TO PROVIDE THE FIRST STEPS BOARD OF TRUSTEES SHALL DEVELOP A COMPREHENSIVE LONG-RANGE INITIATIVE AND STRATEGY FOR SCHOOL READINESS; BY ADDING SECTION 59-152-33 SO AS TO PROVIDE A STATEWIDE ASSESSMENT OF STUDENT SCHOOL READINESS; BY ADDING SECTION 63-11-1725 SO AS TO PROVIDE FOR THE COMPOSITION, FUNCTION, AND DUTIES OF THE SOUTH CAROLINA EARLY CHILDHOOD ADVISORY COUNCIL; BY ADDING SECTION 63-11-1735 SO AS TO PROVIDE FIRST STEPS SHALL ENSURE THE COMPLIANCE OF BABYNET WITH FEDERAL MAINTENANCE OF EFFORT REQUIREMENTS, AND TO DEFINE CERTAIN TERMS; TO AMEND SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF FIRST STEPS, SO AS TO REDESIGNATE COUNTY FIRST STEPS PARTNERSHIPS AS LOCAL FIRST STEPS PARTNERSHIPS; TO AMEND SECTION 59-152-20, RELATING TO THE PURPOSE OF FIRST STEPS, SO AS TO REDESIGNATE COUNTY PARTNERSHIPS AS LOCAL PARTNERSHIPS; TO AMEND SECTION 59-152-30, RELATING TO THE GOALS OF FIRST STEPS, SO AS TO RESTATE CERTAIN GOALS OF STUDENT READINESS; TO AMEND SECTION 59-152-40, RELATING TO OVERSIGHT OF THE INITIATIVE BY THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO REQUIRE THE BOARD ALSO BE ACCOUNTABLE FOR THE INITIATIVE; TO AMEND SECTION 59-152-50, RELATING TO THE ESTABLISHMENT OF THE OFFICE OF FIRST STEPS TO SCHOOL READINESS, SO AS TO REVISE THE TIME FOR REQUIRED PERFORMANCE AUDITS AND TO CORRECT AN OBSOLETE REFERENCE; TO AMEND SECTION 59-152-60, RELATING TO FIRST STEPS PARTNERSHIPS, SO AS TO REQUIRE A LOCAL PARTNERSHIP IN EACH COUNTY, TO PROVIDE THAT MEETINGS AND ELECTIONS OF A LOCAL PARTNERSHIP ARE SUBJECT TO THE FREEDOM OF INFORMATION ACT AND CERTAIN DISCLOSURE REQUIREMENTS, TO SPECIFY AND REVISE REQUIREMENTS FOR THE COMPOSITION OF A LOCAL PARTNERSHIP BOARD AND TO CORRECT AN OBSOLETE REFERENCE; TO AMEND SECTION 59-152-70, RELATING TO THE POWERS AND DUTIES OF A LOCAL PARTNERSHIP BOARD, SO AS TO REVISE THE REQUIREMENTS CONCERNING COUNTY NEEDS ASSESSMENTS, RECORD KEEPING AND REPORTING, TO PROVIDE STAFFING PURSUANT TO LOCAL BYLAWS, AND TO PROVIDE MULTIPLE LOCAL PARTNERSHIPS MAY COLLABORATE TO MAXIMIZE EFFICIENT DELIVERY OF SERVICES AND THE EXECUTION OF THEIR DUTIES AND POWERS; TO AMEND SECTION 59-152-90, RELATING TO FIRST STEPS GRANTS, SO AS TO ESTABLISH THE GRANTS AS LOCAL PARTNERSHIP GRANTS, AND TO REVISE THE PROCESS FOR OBTAINING A GRANT AND THE METHOD OF ALLOCATING GRANT FUNDS; TO AMEND SECTION 59-152-100, RELATING TO USE OF FIRST STEPS GRANT FUNDS, SO AS TO PROVIDE THE SECTION APPLIES TO GRANTS EXPENDED BY A FIRST STEPS PARTNERSHIP, AND TO REVISE THE PERMISSIBLE USES OF GRANT FUNDS; TO AMEND SECTION 59-152-120, RELATING TO THE USE OF GRANT FUNDS FOR CAPITAL EXPENDITURES, SO AS TO REVISE THE PURPOSE FOR WHICH FUNDS MAY BE USED AND TO REQUIRE PRIOR APPROVAL OF THE BOARD OF TRUSTEES; TO AMEND SECTION 59-152-130, RELATING TO A MANDATORY MATCHING OF FUNDS BY LOCAL PARTNERSHIPS, SO AS TO REVISE THE MANDATORY AMOUNT, TO ENCOURAGE PRIVATE CONTRIBUTIONS TO HELP LOCAL PARTNERSHIPS MEET THEIR MANDATORY MATCHING REQUIREMENT, AND TO DELETE A PROVISION ALLOWING CERTAIN EXPENSES TO BE INCLUDED IN DETERMINING MATCHING FUNDS; TO AMEND SECTION 59-152-140, RELATING TO THE PERMISSIBILITY OF CARRY FORWARD FUNDS BY A LOCAL PARTNERSHIP, SECTION 59-152-150, RELATING TO ACCOUNTABILITY SYSTEMS, AND SECTION 59-152-160, RELATING TO PROGRESS EVALUATIONS, ALL SO AS TO DELETE OBSOLETE TERMS; TO AMEND SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO REVISE THE COMPOSITION OF THE BOARD; AND TO REPEAL SECTION 59-152-80 RELATING TO FIRST STEPS GRANTS AND SECTION 59-152-110 RELATING TO THE USE OF FIRST STEPS LOCAL PARTNERSHIP GRANT FUNDS.

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

H. 4347 -- Reps. Bannister, Cobb-Hunter, McCoy, Allison, Whipper and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM ACT" BY ADDING ARTICLE 4 TO CHAPTER 11, TITLE 63 SO AS TO CREATE THE SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM, A PROGRAM TO PROVIDE COORDINATION AND MEDICAL SERVICE RESOURCES STATEWIDE TO AGENCIES AND ENTITIES THAT RESPOND TO VICTIMS OF CHILD ABUSE AND NEGLECT, AND TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF THE PROGRAM; AND TO AMEND SECTION 63-11-310, RELATING TO RESPONSIBILITIES OF CHILDREN'S ADVOCACY CENTERS, SO AS TO REQUIRE THESE CENTERS TO COMPLY WITH REQUIREMENTS OF THE SOUTH CAROLINA CHILDREN'S MEDICAL RESPONSE SYSTEM AND OTHERWISE COORDINATE WITH THE PROGRAM.

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

H. 4364 -- Reps. Cobb-Hunter, Douglas, M. S. McLeod, Whipper and R. L. Brown: A BILL TO AMEND SECTION 7-3-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SELECTION AND DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR TO PUBLISH ON THE COMMISSION'S WEBSITE ACTS OR JOINT RESOLUTIONS OF THE GENERAL ASSEMBLY AFFECTING THE ELECTION LAWS OF THIS STATE TOGETHER WITH A BRIEF EXPLANATION, IF NECESSARY, OF EACH SUCH ENACTMENT, TO PROVIDE THE CRITERIA FOR THE SELECTION OF THE ENACTMENTS REQUIRED TO BE PUBLISHED, AND THE DURATION OF THE WEBSITE PUBLICATION.

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

H. 4403 -- Reps. Cobb-Hunter, Dillard, King, Knight, R. L. Brown, Atwater, Whipper, Gilliard, R. L. Ott, Jefferson and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-75 SO AS TO DECLARE JANUARY SEVENTEENTH OF EACH YEAR AS "EARTHA KITT DAY" IN SOUTH CAROLINA IN HONOR OF THE LATE EARTHA MAE KITT, NATIONALLY AND INTERNATIONALLY KNOWN ACTRESS, SINGER, AND NATIVE SOUTH CAROLINIAN AND TO PROMOTE CULTURAL TOURISM IN THE STATE IN ORDER TO ENHANCE THE ECONOMIC WELL-BEING AND IMPROVE THE QUALITY OF LIFE OF ALL SOUTH CAROLINIANS.

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

H. 4543 -- Reps. Southard, R. L. Ott, Jefferson, H. A. Crawford, M. S. McLeod, Vick, Hardwick, Williams, Robinson-Simpson, George, Daning, Munnerlyn, Long, Crosby, Felder, Gagnon, Hayes, Hixon, Howard, Norman, Stavrinakis, V. S. Moss and Knight: A BILL TO AMEND SECTION 50-13-640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL POSSESSION OF BLUE CATFISH, SO AS TO DECREASE THE MAXIMUM LENGTH OF A BLUE CATFISH THAT MAY BE TAKEN ON CERTAIN BODIES OF WATER, TO MAKE A TECHNICAL CHANGE, AND TO ESTABLISH THE DAILY POSSESSION LIMIT FOR BLUE CATFISH TAKEN FROM LAKE MARION AND LAKE MOULTRIE; AND TO AMEND SECTION 50-9-1120, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE POINT SYSTEM FOR VIOLATING CERTAIN PROVISIONS THAT REGULATE FISHING AND HUNTING, SO AS TO PROVIDE THAT TAKING OR POSSESSING MORE THAN THE LEGAL CREEL OR SIZE LIMIT OF BLUE CATFISH IS A FOURTEEN POINT VIOLATION.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 4551 -- Reps. Limehouse, Sottile and Hardwick: A BILL TO AMEND SECTION 50-5-1705, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH LIMITS FOR CERTAIN SPECIES OF FISH, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO TAKE OR POSSESS A GREAT WHITE SHARK (CARCHARODON CARCHARIAS), AND TO PROVIDE THAT ANY GREAT WHITE SHARK THAT IS CAUGHT MUST BE RELEASED IMMEDIATELY AND MUST REMAIN COMPLETELY IN THE WATER AT ALL TIMES WHILE BEING UNHOOKED AND RELEASED.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 4560 -- Reps. G. M. Smith and Weeks: A BILL TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DESTRUCTION OR EXPUNGEMENT OF CERTAIN ARREST AND BOOKING RECORDS UNDER CERTAIN CIRCUMSTANCES, SO AS TO PROVIDE FOR THE RETENTION OF EVIDENCE GATHERED, INCIDENT REPORTS, AND INVESTIGATIVE FILES PRODUCED AS A RESULT OF A LAW ENFORCEMENT ACTION, TO PROVIDE THAT THESE MATERIALS ARE NOT SUBJECT TO AN EXPUNGEMENT ORDER, AND AUTHORIZE REDACTION OF CERTAIN INFORMATION FOLLOWING A NO CONVICTION DISPOSITION OF THE CRIMINAL CHARGE.

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

H. 4561 -- Reps. Hixon, King, Hodges, Simrill, Huggins, Ballentine, Brannon, Hiott, Hardwick, Bales, Knight, Clyburn, Southard, Tallon, Skelton, Erickson, Sottile, Limehouse, Stavrinakis, McCoy, Parks, Crosby, Anthony, Mitchell, Bowen, H. A. Crawford, Robinson-Simpson, Toole, Kennedy, Patrick, Bowers, Atwater, Bedingfield, Williams, M. S. McLeod, G. R. Smith, George, Putnam, Allison, Burns, Chumley, Clemmons, Cobb-Hunter, Daning, Delleney, Dillard, Edge, Felder, Forrester, Funderburk, Gagnon, Hamilton, Hardee, Hart, Hayes, Henderson, Horne, Hosey, Jefferson, Loftis, Long, Lowe, Lucas, W. J. McLeod, V. S. Moss, Murphy, Newton, Norman, Owens, Pitts, Pope, Ridgeway, Riley, Rutherford, Sabb, Sandifer, J. R. Smith, Taylor, Thayer, Wells, White, Whitmire, Willis, Wood and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 20 TO TITLE 50 SO AS TO AUTHORIZE THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES TO ENTER INTO THE INTERSTATE BOATING VIOLATOR COMPACT.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 4574 -- Reps. Hardwick and W. J. McLeod: A BILL TO AMEND SECTION 40-23-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE ENVIRONMENTAL CERTIFICATION BOARD, SO AS TO REVISE AND ADD DEFINITIONS; TO AMEND SECTION 40-23-90, RELATING TO BOARD INVESTIGATIONS OF COMPLAINTS AGAINST LICENSEES, SO AS TO CHANGE THE MANNER IN WHICH AN INITIAL COMPLAINT MAY BE REFERRED TO AN INVESTIGATOR; TO AMEND SECTION 40-23-95, RELATING TO REFERRALS OF VIOLATIONS FROM THE DEPARTMENT OF LABOR, LICENSING AND REGULATION TO THE BOARD, SO AS TO ELIMINATE THE AUTHORITY OF THE BOARD WITH RESPECT TO REPORTS OF CERTAIN VIOLATIONS THAT DO NOT ALLEGE UNLICENSED PRACTICE; TO AMEND SECTION 40-23-230, RELATING TO LICENSEES, SO AS TO ELIMINATE A PROVISION THAT ENABLES CERTAIN LICENSEES FROM OBTAINING CLASS "A" OR CLASS "B" WELL DRILLER LICENSES WHEN MEETING CERTAIN CRITERIA; TO AMEND SECTION 40-23-300, RELATING TO CERTIFICATION CLASSES OF WATER TREATMENT OPERATORS, SO AS TO REVISE CRITERIA FOR TRAINEE WATER OPERATORS AND CLASS "E" WATER TREATMENT OPERATORS; TO AMEND SECTION 40-23-310, RELATING TO WATER DISTRIBUTION SYSTEM OPERATOR LICENSES, SO AS TO REVISE CRITERIA FOR TRAINEE WATER DISTRIBUTION SYSTEM OPERATOR AND A CLASS "D" WATER DISTRIBUTION SYSTEM OPERATOR; TO AMEND SECTION 40-23-320, RELATING TO LICENSURE AS A CLASS "C" ENVIRONMENTAL, COASTAL, OR ROCK WELL DRILLER, SO AS TO REPLACE THE REQUIREMENT OF HAVING AT LEAST ONE YEAR OF EXPERIENCE AS AN APPRENTICE WITH AT LEAST ONE YEAR OF EXPERIENCE AS A CLASS "D" WELL DRILLER; AND TO AMEND SECTION 40-23-340, RELATING TO RESTRICTIONS ON WELL DRILLERS ACCORDING TO CLASSIFICATION OF THE WELL DRILLER, SO AS TO REVISE RESTRICTIONS ON CLASS "D" AND CLASS "C" WELL DRILLERS.

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

H. 4578 -- Reps. Sandifer, Toole, Rivers, Erickson and Long: A BILL TO AMEND SECTION 23-43-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE SOUTH CAROLINA MODULAR BUILDINGS CONSTRUCTION ACT, SO AS TO REVISE THE DEFINITION OF THE TERM "APPROVED INSPECTION AGENCY" TO REQUIRE THAT AN APPROVED INSPECTION AGENCY RETAIN A BUILDING CONSTRUCTION-ORIENTED ENGINEER OR ARCHITECT TO ENSURE COMPLIANCE; AND TO AMEND SECTION 23-43-90, RELATING TO INSPECTION AND CERTIFICATION OF A MODULAR BUILDING, SO AS TO PROVIDE THAT FINAL PLAN APPROVAL FOR A SINGLE FAMILY RESIDENTIAL MODULAR BUILDING BE PERFORMED BY AN APPROVED INSPECTION AGENCY, AND TO PROVIDE THAT FINAL APPROVAL FOR A COMMERCIAL MODULAR BUILDING BE PERFORMED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

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

H. 4604 -- Reps. Sandifer, Mack and Toole: A BILL TO AMEND SECTION 40-22-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE LICENSURE REQUIREMENT TO PRACTICE ENGINEERING, SO AS TO PROVIDE AN EXEMPTION FOR CERTAIN ACTIVITIES PERFORMED BY FULL-TIME EMPLOYEES OR OTHER PERSONNEL OF A MANUFACTURING COMPANY, AND TO DEFINE NECESSARY TERMS.

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

H. 4643 -- Rep. Sandifer: A BILL TO REPEAL SECTION 40-11-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, AND SECTION 40-67-50 BOTH RELATING TO CERTAIN PROFESSIONAL LICENSING FEES.

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

H. 4644 -- Rep. Sandifer: A BILL TO AMEND SECTION 40-60-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, AND SECTIONS 40-60-31, 40-60-33, 40-60-34, 40-60-35, AS AMENDED, 40-60-36, 40-60-37, 40-60-38, 40-60-80, AND 40-60-220, ALL RELATING TO THE SOUTH CAROLINA REAL ESTATE APPRAISERS LICENSE AND CERTIFICATION ACT, SO AS TO CONFORM THE PROVISIONS TO CERTAIN REVISED NATIONAL UNIFORM STANDARDS FOR LICENSING, CERTIFYING, AND RECERTIFYING REAL ESTATE APPRAISERS.

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

H. 4749 -- Reps. Bingham, Allison, Anthony, Hayes, Erickson and Long: A JOINT RESOLUTION TO REQUIRE THAT THE STATE BOARD OF EDUCATION IMMEDIATELY SHALL, IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, THE OFFICE OF FIRST STEPS TO SCHOOL READINESS, THE EDUCATION OVERSIGHT COMMITTEE, AND OTHER STAKEHOLDERS AS APPROPRIATE, BEGIN TO CONSIDER WHICH ASSESSMENT MUST BE USED TO ANALYZE THE EARLY LITERACY COMPETENCIES OF CHILDREN IN STATE-FUNDED FULL-DAY AND HALF-DAY FOUR-YEAR-OLD KINDERGARTEN PROGRAMS AND OF ALL CHILDREN ENTERING KINDERGARTEN PROGRAMS IN PUBLIC SCHOOLS DURING THE 2014-2015 SCHOOL YEAR; TO PROVIDE THE ASSESSMENT MUST BE THE SAME OR ALIGNED TO ASSESSMENTS INTENDED TO PROVIDE DIAGNOSTIC INFORMATION TO TEACHERS AND MEASURE STUDENT GROWTH OVER TIME; TO REQUIRE THE BOARD TO PROVIDE A REPORT SUMMARIZING THE ASSESSMENT IT HAS SELECTED TO THE GENERAL ASSEMBLY BEFORE JUNE 1, 2015; AND TO PROVIDE SPECIFIC REQUIREMENTS FOR THE EARLY LITERACY MEASURE SELECTED BY THE BOARD.

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

H. 4783 -- Reps. Kennedy and Clyburn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF UNITED STATES HIGHWAY 378 AND DOUBLE BRIDGES ROAD IN SALUDA COUNTY "CORLEY CROSSROADS" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "CORLEY CROSSROADS".

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

H. 4804 -- Reps. Gambrell, Gagnon, Putnam, Thayer, White and Bowen: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF SEVEN OR FEWER DAYS THAT SCHOOLS IN THE ANDERSON COUNTY SCHOOL DISTRICT CLOSED IN 2014 DUE TO INCLEMENT WEATHER FROM WINTER STORM LEON AND WINTER STORM PAX FROM THE STATUTORY REQUIREMENT THAT SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP, AND TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO TIME MISSED DUE TO INCLEMENT WEATHER FROM THESE STORMS.

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

H. 4841 -- Reps. Owens, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO CONGRATULATE THE TWENTY-THREE SOUTH CAROLINA TECHNICAL COLLEGE STUDENTS NAMED TO SOUTH CAROLINA'S 2014 ALL-STATE ACADEMIC TEAM IN THE ALL-USA ACADEMIC TEAM COMPETITION SPONSORED BY THE PHI THETA KAPPA HONOR SOCIETY IN RECOGNITION OF THEIR SCHOLARLY ACCOMPLISHMENTS AND SERVICE TO THEIR COMMUNITIES.

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

H. 4854 -- Reps. J. E. Smith, Huggins, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR HEATHER BARNHART, DIRECTOR OF CAPITAL CITY DANCE AND FITNESS AND THE CAPITAL CITY CLOGGERS, FOR HER ILLUSTRIOUS CAREER IN CLOGGING AND TO CONGRATULATE HER FOR WINNING THE 2013 OPRY FEMALE AWARD AT THE 2013 AMERICA'S CLOGGING HALL OF FAME WORLD CHAMPIONSHIPS.

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

H. 4856 -- Reps. Jefferson, Crosby, Daning, Merrill, Rivers and Southard: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR BERNARD HARMON OF THE TIMBERLAND HIGH SCHOOL WRESTLING TEAM IN BERKELEY COUNTY FOR AN OUTSTANDING SEASON AND TO CONGRATULATE HIM FOR WINNING THE CLASS A/AA INDIVIDUAL STATE CHAMPIONSHIP TITLE.

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

**Expression of Personal Interest**

Senator SCOTT rose for an Expression of Personal Interest.

**Point of Order**

Senator DAVIS raised a Point of Order under Rule 13 that the time limitation for an Expression of Personal Interest had expired.

Senator MATTHEWS asked unanimous consent to allow Senator SCOTT an additional five minutes.

**REPORTS OF STANDING COMMITTEES**

Senator LEATHERMAN from the Committee on Finance submitted a majority favorable with amendment and Senator BRYANT a minority unfavorable report on:

S. 525 -- Senators Campbell, O’Dell, McGill, Coleman, Scott, Cleary, Matthews, Setzler and Pinckney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 13‑1‑390 SO AS TO ESTABLISH WITHIN THE DIVISION OF STATE DEVELOPMENT OF THE DEPARTMENT OF COMMERCE THE CLEAN ENERGY INDUSTRY MANUFACTURING MARKET DEVELOPMENT ADVISORY COUNCIL AND PROVIDE FOR ITS MEMBERSHIP AND FUNCTIONS; TO AMEND SECTION 12‑6‑3588, RELATING TO THE RENEWABLE ENERGY TAX CREDIT INCENTIVE PROGRAM, SO AS TO REDESIGNATE THE PROGRAM THE “SOUTH CAROLINA CLEAN ENERGY TAX INCENTIVE PROGRAM”, TO REVISE DEFINITIONS TO EXTEND THE CREDIT TO ADDITIONAL FORMS OF ENERGY PRODUCTION AND OPERATIONS, TO DECREASE INVESTMENT THRESHOLDS AND DECREASE JOB CREATION THRESHOLDS FOR QUALIFYING FOR THE CREDIT AND MAKE THE CREDIT, PREVIOUSLY DUE TO EXPIRE DECEMBER 31, 2015, AVAILABLE THROUGH 2019 AND TO REVISE CREDIT ADMINISTRATION PROCEDURES; AND TO AMEND SECTION 12‑6‑3600, AS AMENDED, RELATING TO THE INCOME TAX CREDIT FOR CORN‑BASED ETHANOL OR SOY‑BASED BIODIESEL PRODUCTION IN THIS STATE, SO AS TO EXTEND THE CREDIT TO ALL LIQUID FUELS DERIVED FROM RENEWABLE SOURCES, MAKE CONFORMING DEFINITIONS, REDUCE THE AMOUNT OF LIQUID FUEL ELIGIBLE FOR THE CREDIT, AND TO EXTEND THE PERIOD DURING WHICH THE CREDIT MAY BE CLAIMED THROUGH 2019.

Ordered for consideration tomorrow.

Senator HUTTO from the Committee on Judiciary submitted a favorable with amendment report on:

S. 561 -- Senator L. Martin: A BILL TO AMEND SECTION 16‑17‑680 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURCHASING, SELLING, AND TRANSPORTING OF NONFERROUS METALS, SO AS TO DEFINE THE TERM “COIL” AND PROVIDE THAT A SECONDARY METALS RECYCLER MUST NOT PURCHASE OR OTHERWISE ACQUIRE A COIL.

Ordered for consideration tomorrow.

Senator CAMPSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

S. 850 -- Senator Coleman: A BILL TO AMEND SECTION 50‑11‑510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL HUNTING OR TAKING OF WILD TURKEYS BY THE MEANS, AID, OR USE OF BAIT OR BAITING, SO AS TO REVISE THE DEFINITIONS OF THE TERMS “BAIT” OR “BAITING”, AND “BAITED AREAS”, AND TO PROVIDE NOTHING IN THIS ARTICLE PROHIBITS THE HUNTING AND TAKING OF WILD TURKEYS ON OR OVER LANDS OR AREAS THAT ARE NOT BAITED UNDER CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

Senator CAMPSEN from the Committee on Judiciary submitted a majority favorable with amendment and Senator SHANE MARTIN a minority unfavorable report on:

S. 866 -- Senator L. Martin: A BILL TO AMEND CHAPTER 5, TITLE 7, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO COUNTY ELECTION COMMISSIONS AND BOARDS OF VOTER REGISTRATION, TO REPLACE CURRENT COUNTY ELECTION COMMISSIONS AND REGISTRATION BOARDS, TO DEVOLVE THEIR RESPONSIBILITIES AND AUTHORITY TO A COMBINED BOARD OF VOTER REGISTRATION AND ELECTIONS FOR EACH COUNTY, TO PROVIDE FOR THE APPOINTMENT OF BOARD MEMBERS, AND TO ESTABLISH TERMS, DUTIES, AND AUTHORITY FOR THE BOARDS; TO REPEAL SECTION 7‑5‑35 AND SECTION 7‑13‑70; AND TO REPEAL CHAPTER 27, TITLE 7 RELATING TO INDIVIDUAL COUNTY BOARDS AND COMMISSIONS.

Ordered for consideration tomorrow.

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

S. 954 -- Senators Courson and Leatherman: A BILL TO AMEND SECTION 9‑4‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT, ORGANIZATION, MEMBERSHIP, AND DUTIES OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY (PEBA), SO AS TO NUMBER PEBA BOARD SEATS, TO PROVIDE FOR THREE‑YEAR TERMS FOR PEBA BOARD MEMBERS, TO STAGGER THE TERMS OF PEBA BOARD MEMBERS, TO PRESCRIBE QUARTERLY PEBA BOARD MEETINGS, AND TO PROVIDE THAT ALL OF PEBA’S ACTIVITIES ARE CARRIED OUT UNDER THE SUPERVISION OF AN EXECUTIVE DIRECTOR APPOINTED BY THE PEBA BOARD; TO AMEND SECTION 1‑11‑710, AS AMENDED, RELATING TO THE STATE INSURANCE PLAN, SO AS TO REQUIRE THE STATE BUDGET AND CONTROL BOARD TO APPROVE THE STATE HEALTH PLAN BY AUGUST FIFTEENTH OF EACH YEAR; TO AMEND SECTION 1‑11‑770, AS AMENDED, RELATING TO THE SOUTH CAROLINA 211 NETWORK, SO AS TO UPDATE A REFERENCE; TO AMEND SECTIONS 9‑1‑1135, 9‑8‑185, 9‑9‑175, AND 9‑11‑265, ALL AS AMENDED, ALL RELATING TO THE PAYMENT OF INTEREST ON INACTIVE RETIREMENT ACCOUNTS, SO AS TO PAY INTEREST ON INACTIVE ACCOUNTS IN THE VARIOUS RETIREMENT SYSTEMS IF A MEMBER IS PROHIBITED FROM WITHDRAWING THE MEMBER’S CONTRIBUTIONS BECAUSE OF ANOTHER PROVISION OF LAW; TO AMEND SECTION 9‑1‑640, AS AMENDED, RELATING TO THE CLASSES OF MEMBERS AND EMPLOYERS IN THE SOUTH CAROLINA RETIREMENT SYSTEM (SCRS), SO AS TO REFLECT CLASS THREE MEMBERSHIP IN SCRS; TO AMEND SECTION 9‑1‑1850, AS AMENDED, RELATING TO SERVICE CREDIT PURCHASES IN SCRS, SO AS TO CLARIFY THAT THE STATUTE ALLOWING THE ESTABLISHMENT OF THREE YEARS OF SERVICE CREDIT APPLIES TO CLASS TWO SCRS MEMBERS ONLY; TO AMEND SECTION 9‑1‑1770, AS AMENDED, RELATING TO THE SCRS DEATH BENEFITS, SO AS TO CONFORM THE INCIDENTAL DEATH BENEFITS STATUTE WITH NEW CLASS THREE ELIGIBILITY PROVISIONS IN SCRS; TO AMEND SECTION 9‑1‑10, AS AMENDED, RELATING TO SCRS DEFINITIONS, SO AS TO PROVIDE A DEFINITION FOR “EFFECTIVE DATE OF MEMBERSHIP” IN SCRS; TO AMEND SECTION 9‑11‑10, AS AMENDED, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM (SCPORS), SO AS TO REFLECT CLASS THREE MEMBERSHIP IN SCPORS AND TO PROVIDE A DEFINITION OF “EFFECTIVE DATE OF MEMBERSHIP”; TO AMEND SECTION 9‑11‑40, AS AMENDED, RELATING TO SCPORS MEMBERSHIP, SO AS TO PROVIDE FOR CLASS THREE SERVICE IN SCPORS AND TO CLARIFY THAT ANY SCPORS MEMBER WITH AN EFFECTIVE DATE OF MEMBERSHIP AFTER JUNE 30, 2012, IS A CLASS THREE MEMBER; TO AMEND SECTION 9‑11‑210, AS AMENDED, RELATING TO SCPORS CONTRIBUTIONS, SO AS TO CLARIFY A REFERENCE TO CLASS ONE SERVICE IN SCPORS; TO AMEND SECTION 1‑11‑703, AS AMENDED, RELATING TO EMPLOYEE AND RETIREE HEALTH INSURANCE, SO AS TO SUBSTITUTE “PEBA” FOR “EMPLOYEE INSURANCE PROGRAM” OR “EIP”; TO AMEND SECTION 1‑11‑705, RELATING TO THE RETIREE INSURANCE TRUST FUND, SO AS TO SUBSTITUTE “PEBA” FOR REFERENCES TO “EMPLOYEE INSURANCE PROGRAM” AND TO SUBSTITUTE “PEBA’S SELF‑FUNDED HEALTH PLANS” FOR “EMPLOYEE INSURANCE PROGRAM”; TO AMEND SECTION 1‑11‑707, RELATING TO THE LONG TERM DISABILITY INSURANCE TRUST FUND, SO AS TO SUBSTITUTE “PEBA” FOR “EMPLOYEE INSURANCE PROGRAM” AND TO SUBSTITUTE “PEBA’S SELF‑FUNDED LTD PLANS” FOR “EMPLOYEE INSURANCE PROGRAM”; TO AMEND SECTION 1‑11‑715, RELATING TO INCENTIVE PROGRAMS IN THE EMPLOYEE AND RETIREE HEALTH INSURANCE PLANS, SO AS TO SUBSTITUTE “PEBA” FOR “EMPLOYEE INSURANCE PROGRAM OF THE STATE BUDGET AND CONTROL BOARD” AND “EMPLOYEE INSURANCE PROGRAM”; TO AMEND SECTION 1‑11‑720, AS AMENDED, RELATING TO ENTITIES WHOSE EMPLOYEES AND RETIREES ARE ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH PLAN, SO AS TO SUBSTITUTE “PEBA” FOR “OFFICE OF INSURANCE SERVICES”; TO AMEND SECTION 1‑11‑725, AS AMENDED, RELATING TO THE RATING OF CERTAIN LOCAL GROUPS, SO AS TO SUBSTITUTE “STATE HEALTH PLAN” FOR “STATE EMPLOYEE HEALTH INSURANCE PROGRAM”; TO AMEND SECTION 1‑11‑730, AS AMENDED, RELATING TO ELIGIBILITY TO PARTICIPATE IN THE STATE HEALTH INSURANCE PLANS, SO AS TO SUBSTITUTE “PEBA” FOR “EIP”; TO AMEND SECTION 1‑11‑740, AS AMENDED, RELATING TO OPTIONAL LONG-TERM CARE INSURANCE, SO AS TO SUBSTITUTE “PEBA” FOR “DIVISION OF INSURANCE SERVICES OF THE BOARD”; AND TO AMEND SECTION 1‑11‑780, RELATING TO MENTAL HEALTH INSURANCE, SO AS TO SUBSTITUTE “PEBA’S SELF‑FUNDED HEALTH PLANS” FOR THE “STATE EMPLOYEE INSURANCE PROGRAM”.

Ordered for consideration tomorrow.

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

S. 985 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 6 TO CHAPTER 1, TITLE 6, TO ENACT THE “FAIRNESS IN LODGING ACT” SO AS TO ALLOW MUNICIPALITIES AND COUNTIES BY ORDINANCE TO IMPLEMENT ADDITIONAL ENFORCEMENT PROVISIONS FOR THE BUSINESS LICENSE TAX AND THE LOCAL ACCOMMODATIONS TAX AS THOSE PROVISIONS APPLY TO THE OWNERS OF RESIDENTIAL REAL PROPERTY WHO RENT THE PROPERTY TO TOURISTS, INCLUDING DATA SHARING WITH THE SOUTH CAROLINA DEPARTMENT OF REVENUE, SPECIFIC NOTICE TO PROPERTY OWNERS INCLUDED IN PROPERTY TAX BILLS, AN ADDITIONAL PENALTY THAT MAY BE IMPOSED FOR NONCOMPLIANCE AFTER THE RECEIPT OF SUCH A NOTICE, AND DIRECTIONS TO THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO IDENTIFY “RENTAL BY OWNER” WEBSITES ADVERTISING TOURISTS RENTALS AND REQUEST THEM TO POST ON THE WEBSITES A STATEMENT REGARDING THE LEGAL OBLIGATIONS OF THE OWNERS OF PROPERTY IN THIS STATE LISTED ON THE WEBSITE, TO PAY ALL APPLICABLE LOCAL AND STATE TAXES AND FEES WITH RESPECT TO SUCH RENTALS; AND TO AMEND SECTIONS 6‑1‑120, 12‑54‑240, AS AMENDED, AND 12‑4‑310, RELATING RESPECTIVELY TO THE CONFIDENTIALITY OF LOCAL AND STATE TAX DATA AND EXCEPTIONS THERETO, AND THE DUTIES OF THE SOUTH CAROLINA DEPARTMENT OF REVENUE, SO AS TO CONFORM THEM TO THE PROVISIONS OF THIS ACT.

Ordered for consideration tomorrow.

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

S. 1008 -- Senators Setzler and Lourie: A BILL TO AMEND SECTION 9‑8‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS PERTAINING TO THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, SO AS TO INCLUDE ADMINISTRATIVE LAW JUDGES IN THE DEFINITION OF “JUDGE”; AND TO AMEND SECTION 9‑8‑40, AS AMENDED, RELATING TO MEMBERSHIP IN THE SYSTEM, SO AS TO ALLOW ADMINISTRATIVE LAW JUDGES SERVING ON JULY 1, 2014, TO ELECT TO BECOME A MEMBER.

Ordered for consideration tomorrow.

Senator CAMPSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

S. 1010 -- Senators McGill and Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 10 TO CHAPTER 3, TITLE 50 SO AS TO CREATE THE TOM YAWKEY CENTER TRUST FUND.

Ordered for consideration tomorrow.

Senator CAMPSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

S. 1028 -- Senator Alexander: A BILL TO AMEND SECTION 50‑25‑1010, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WATERCRAFT ON TUGALO LAKE, SO AS TO INCREASE THE AMOUNT OF HORSEPOWER A WATERCRAFT MOTOR MAY USE ON TUGALO LAKE FROM TWENTY TO TWENTY‑FIVE HORSEPOWER.

Ordered for consideration tomorrow.

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

S. 1033 -- Senators Campbell, Leatherman, Setzler and O’Dell: A BILL TO AMEND CHAPTER 2, TITLE 12 OF THE 1976 CODE, RELATING TO TAXATION, BY ADDING SECTION 12‑2‑110, TO PROVIDE AN OUT‑OF‑STATE BUSINESS THAT CONDUCTS OPERATIONS WITHIN THIS STATE FOR THE PURPOSES OF PERFORMING WORK OR SERVICES RELATED TO A DECLARED STATE DISASTER OR EMERGENCY DURING A DISASTER PERIOD MUST NOT BE CONSIDERED TO HAVE ESTABLISHED A LEVEL OF PRESENCE THAT WOULD REQUIRE THAT BUSINESS TO REGISTER, FILE, AND REMIT STATE OR LOCAL TAXES OR THAT WOULD REQUIRE THAT BUSINESS OR ITS OUT‑OF‑STATE EMPLOYEES TO BE SUBJECT TO ANY STATE LICENSING OR REGISTRATION REQUIREMENTS OR ANY COMBINATION OF THESE ACTIONS.

Ordered for consideration tomorrow.

Senator CAMPSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 4541 -- Rep. Barfield: A BILL TO AMEND SECTION 50‑13‑325, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAKING OF CERTAIN NONGAME FISH IN GILL NETS AND SHAD NETS, SO AS TO REVISE THE RESTRICTIONS PLACED ON SETTING NETS ALONG THE LITTLE PEE DEE RIVER UPSTREAM OF PUNCH BOWL LANDING.

Ordered for consideration tomorrow.

**Appointments Reported**

Senator LARRY MARTIN from the Committee on Judiciary submitted a favorable report on:

**Statewide Appointments**

Initial Appointment, South Carolina State Ethics Commission, with the term to commence June 30, 2013, and to expire June 30, 2018

2nd Congressional District:

James H. Burns, 570 Eagles Rest Drive, Chapin, SC 29036 *VICE* E. Kay Beirmann Brohl

Received as information.

Initial Appointment, South Carolina State Ethics Commission, with the term to commence June 30, 2013, and to expire June 30, 2018

Regina H. Lewis, 306 Woodhaven Rd., Columbia, SC 29203 *VICE* Priscilla Tanner

Received as information.

Initial Appointment, South Carolina State Ethics Commission, with the term to commence June 30, 2013, and to expire June 30, 2018

3rd Congressional District:

Clisby “Sandy” P. Templeton, 1337 Millrock Church Rd., Gray Court, SC 29645 *VICE* E. Kay Beirmann Brohl

Received as information.

**Message from the House**

Columbia, S.C., February 26, 2014

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

STATEWIDE APPOINTMENT

Appointment, South Carolina State Board for Technical and Comprehensive Education, with term to commence July 1, 2012, and to expire July 1, 2018:

7th Congressional District:

Mr. Daniel Philip Gray, 5410 Hampton Circle, Myrtle Beach, SC 29577 *VICE* Vacant Due To Redistricting

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCES**

The following Resolutions were returned from the House with concurrence and received as information:

S. 682 -- Senator Hembree: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF SOUTH CAROLINA HIGHWAYS 9 AND 57 IN HORRY COUNTY “STALVEY BELLAMY INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “STALVEY BELLAMY INTERSECTION”.

S. 975 -- Senator Cleary: A CONCURRENT RESOLUTION TO RECOGNIZE THE LAST SATURDAY OF SEPTEMBER EACH YEAR AS GREEN APPLE DAY OF SERVICE IN SOUTH CAROLINA.

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

**HOUSE BILL RETURNED**

The following House Bill was read the third time and ordered returned to the House with amendments:

H. 3410 -- Reps. Forrester, Allison, Loftis, V.S. Moss, Cole, Tallon, Mitchell, Cobb‑Hunter and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 1, TITLE 13 SO AS TO TRANSFER THE REGIONAL EDUCATION CENTERS ESTABLISHED BY THE EDUCATION AND ECONOMIC DEVELOPMENT COORDINATING COUNCIL TO THE DEPARTMENT OF COMMERCE; TO AMEND SECTION 59‑59‑170, RELATING TO THE EDUCATION AND ECONOMIC DEVELOPMENT COORDINATING COUNCIL, AND SECTION 59‑59‑190, RELATING TO ASSISTANCE OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, THE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND THE COMMISSION ON HIGHER EDUCATION SHALL PROVIDE THE DEPARTMENT OF EDUCATION WITH RESPECT TO CERTAIN PROGRAMS UNDER THE SOUTH CAROLINA EDUCATION AND ECONOMIC DEVELOPMENT ACT, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 59‑59‑180 RELATING TO REGIONAL EDUCATION CENTERS.

**THIRD READING BILLS**

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

S. 611 -- Senator Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑31‑60, SO AS TO REQUIRE THAT THE COMMISSION FOR MINORITY AFFAIRS ELIMINATE ELIGIBILITY FOR A NATIVE AMERICAN INDIAN GROUP TO RECEIVE OFFICIAL RECOGNIZED STATUS IN THIS STATE, TO REPEAL ANY REGULATIONS PROVIDING FOR RECOGNITION AS A NATIVE AMERICAN INDIAN GROUP, AND TO REQUIRE THAT THE COMMISSION FOR MINORITY AFFAIRS REVISE ANY OF ITS REGULATIONS TO DELETE ANY REFERENCES OR ELIMINATE ANY PROCEDURES FOR RECOGNIZING A NATIVE AMERICAN INDIAN GROUP.

S. 275 -- Senators L. Martin, Hembree and Malloy: A BILL TO AMEND SECTION 23‑1‑210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEMPORARY TRANSFER OR ASSIGNMENT OF A MUNICIPAL OR COUNTY LAW ENFORCEMENT OFFICER TO A MULTIJURISDICTIONAL TASK FORCE, SO AS TO MAKE A TECHNICAL CHANGE, DELETE THE PROVISION THAT REQUIRES A COUNTY OR MUNICIPALITY THAT SENDS AN OFFICER TO ANOTHER COUNTY OR MUNICIPALITY TO BE REIMBURSED FOR SERVICES BY THE COUNTY OR MUNICIPALITY TO WHICH THE OFFICER IS TRANSFERRED OR ASSIGNED, AND TO PROVIDE THAT THE GOVERNING BODIES OF THE POLITICAL SUBDIVISIONS AFFECTED BY THIS PROVISION MUST BE NOTIFIED BY THEIR LAW ENFORCEMENT DIVISIONS OF ANY MULTIJURISDICTIONAL TASK FORCE AGREEMENT EXECUTION AND TERMINATION.

S. 687 -- Senator L. Martin: A BILL TO AMEND CHAPTER 15, TITLE 63, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO CHILD CUSTODY AND VISITATION, TO ENACT THE “SOUTH CAROLINA BLIND PERSON’S RIGHT TO PARENT ACT”, BY ADDING ARTICLE 4 TO THE CHAPTER SO AS TO PROVIDE THAT A COURT MAY NOT MAKE A DECISION ON GUARDIANSHIP, CUSTODY, OR VISITATION BASED UPON A SOLE CONSIDERATION OF THE BLINDNESS OF A CHILD’S PARENT OR GUARDIAN, AND THAT DECISIONS CONCERNING ADOPTIONS MAY NOT BE BASED UPON THE SOLE CONSIDERATION THAT THE PERSON SEEKING TO ADOPT A CHILD IS BLIND.

S. 826 -- Senator Rankin: A BILL TO AMEND SECTION 38-73-500(C) OF THE 1976 CODE, RELATING TO RANDOM DRUG AND ALCOHOL TESTING PROCEDURES CONCERNING MERIT RATING FOR WORKER’S COMPENSATION INSURANCE; TO PROVIDE THAT A SINGLE SAMPLE MAY BE USED FOR THE FIRST AND SECOND TESTS IF A SECOND TEST IS ADMINISTERED.

**AMENDED, READ THE THIRD TIME**

**SENT TO THE HOUSE**

S. 872 -- Senators Fair, Hutto, Jackson and L. Martin: A BILL TO AMEND SECTION 63‑1‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOINT CITIZENS AND LEGISLATIVE COMMITTEE ON CHILDREN, SO AS TO ESTABLISH IT AS A PERMANENT JOINT COMMITTEE AND TO DELETE OBSOLETE PROVISIONS.

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

Senator FAIR explained the Bill.

**Motion Under Rule 26B**

Senator SETZLER asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

Senator SETZLER proposed the following amendment (JUD0872.001), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 16 through 19, in Section 63-1-50(F), as contained in SECTION 1, and inserting therein the following:

/ (F) The committee shall terminate and shall cease to exist effective December 31, 2020, unless the General Assembly reauthorizes its continued existence beyond that date by legislation.” /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O’Dell Peeler

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--44**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

**READ THE SECOND TIME**

S. 828 -- Senators Fair and Turner: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11‑41‑75 SO AS TO EXEMPT CERTAIN BOND REIMBURSEMENT REQUIREMENTS IF A CONVENTION AND TRADE SHOW CENTER IS SOLD AND IS TO BE REPLACED WITH A NEW CONVENTION AND TRADE SHOW CENTER, AND TO SET FORTH EXEMPTION REQUIREMENTS; AND TO AMEND SECTION 11‑41‑70, AS AMENDED, RELATING TO REQUIREMENTS FOR ECONOMIC DEVELOPMENT BONDS, SO AS TO MAKE A CONFORMING CHANGE.

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

Senator O’DELL explained the Bill.

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

**Ayes 37; Nays 3**

**AYES**

Alexander Allen Bennett

Campbell Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Johnson Leatherman Malloy

*Martin, Larry* Massey Matthews

McElveen McGill Nicholson

O’Dell Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--37**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

The Bill was read the second time and ordered placed on the Third Reading Calendar.

**READ THE SECOND TIME**

S. 908 -- Senator Hayes: A BILL TO AMEND SECTION 38‑9‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING RISK‑BASED CAPITAL, SO AS TO REVISE EXISTING DEFINITIONS AND DEFINE ADDITIONAL TERMS; TO AMEND SECTION 38‑9‑320, RELATING TO PREPARING AND SUBMITTING A RISK‑BASED CAPITAL REPORT, SO AS TO PROVIDE FOR DETERMINING A HEALTH ORGANIZATION’S RISK‑BASED CAPITAL REPORT AND TO PROVIDE THAT EACH RISK FOR A LIFE AND HEALTH INSURER, PROPERTY AND CASUALTY INSURER, AND A HEALTH ORGANIZATION MUST BE DETERMINED IN A CERTAIN MANNER; TO AMEND SECTION 38‑9‑330, AS AMENDED, RELATING TO COMPANY ACTION LEVEL EVENTS, SO AS TO ADD AN ADDITIONAL EVENT CONCERNING A HEALTH ORGANIZATION, AMONG OTHER THINGS; TO AMEND SECTION 38‑9‑360, RELATING TO THE ROLE OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE WHEN A MANDATORY CONTROL LEVEL EVENT OCCURS, SO AS TO ADD PROVISIONS CONCERNING HEALTH ORGANIZATIONS; TO AMEND SECTION 38‑9‑370, RELATING TO HEARINGS AVAILABLE TO A LICENSEE TO CHALLENGE A DETERMINATION OR ACTION BY THE DIRECTOR IN RESPONSE TO A MANDATORY CONTROL LEVEL EVENT, SO AS TO PROVIDE A LICENSEE MAY HAVE THE HEARING CONFIDENTIALLY, ON THE RECORD, AND BEFORE THE DIRECTOR UPON PROVISION OF CERTAIN NOTICE, AND TO PROVIDE THE DIRECTOR SHALL SET A DATE FOR THE HEARING IN A CERTAIN MANNER; TO AMEND SECTION 38‑9‑380, RELATING TO THE CONFIDENTIALITY OF RISK‑BASED CAPITAL REPORTS AND ADJUSTED RISK‑BASED CAPITAL REPORTS, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH THE DIRECTOR MAY SHARE, RECEIVE, AND USE CERTAIN RELATED INFORMATION THAT IS CONFIDENTIAL AND PRIVILEGED; TO AMEND SECTION 38‑9‑430, RELATING TO EXEMPTIONS FROM REPORTING REQUIREMENTS, SO AS TO ADD PROVISIONS CONCERNING DOMESTIC HEALTH ORGANIZATIONS; AND TO AMEND SECTION 38‑9‑340, SECTION 38‑9‑350, SECTION 38‑9‑365, SECTION 38‑9‑390, SECTION 38‑9‑400, SECTION 38‑9‑440, AND SECTION 38‑9‑460, ALL RELATING TO CAPITAL, SURPLUS, RESERVES, AND OTHER FINANCIAL MATTERS, SO AS TO MAKE CONFORMING CHANGES.

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

Senator CROMER explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 43; Nays 1**

**AYES**

Alexander Allen Bennett

Bright Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

Bryant

**Total--1**

The Bill was read the second time and ordered placed on the Third Reading Calendar.

**READ THE SECOND TIME**

S. 1000 -- Senators Peeler and Reese: A JOINT RESOLUTION TO PROVIDE THAT IN 2015 AND 2016, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN THE MANUFACTURER’S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SEVEN HUNDRED FIFTY‑FOUR DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

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

Senator PEELER explained the Joint Resolution.

The question then was second reading of the Joint Resolution.

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

**Ayes 41; Nays 1**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Johnson Kimpson

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Turner Verdin

Williams Young

**Total--41**

**NAYS**

Thurmond

**Total--1**

The Joint Resolution was read the second time and ordered placed on the Third Reading Calendar.

**READ THE SECOND TIME**

S. 1074 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO HOMEMADE WATERCRAFT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4428, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator HUTTO explained the Joint Resolution.

The question then was second reading of the Joint Resolution.

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

**Ayes 42; Nays 0**

**AYES**

Allen Bennett Bright

Bryant Campbell Cleary

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

The Joint Resolution was read the second time and ordered placed on the Third Reading Calendar.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3561 -- Reps. White, Stavrinakis and Merrill: A BILL TO AMEND SECTION 12‑36‑920, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX ON ACCOMMODATIONS, SO AS TO DELETE CERTAIN ITEMS SUBJECT TO THE FIVE PERCENT TAX ON ADDITIONAL SURCHARGES.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Finance.

The Committee on Finance proposed the following amendment (BH\3561C001.BH.DG14), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. This act takes effect July 1, 2014. /

Renumber sections to conform.

Amend title to conform.

Senator O’DELL explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

O’Dell Peeler Pinckney

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--44**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1072 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF REGISTRATION FOR GEOLOGISTS, RELATING TO AMENDING REGULATIONS TO CONFORM TO THE CURRENT PRACTICE OF BIENNIAL RENEWAL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4423, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator MASSEY explained the Joint Resolution.

The question then was second reading of the Joint Resolution.

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

**Ayes 41; Nays 0**

**AYES**

Allen Bennett Bright

Bryant Campbell Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson Peeler Pinckney

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

The Joint Resolution was read the second time and ordered placed on the Third Reading Calendar.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1031 -- Senators Campsen and Reese: A BILL TO AMEND CHAPTER 39, TITLE 48 OF THE 1976 CODE, RELATING TO COASTAL TIDELANDS AND WETLANDS, TO PROVIDE THAT GOLF COURSES SEAWARD OF THE BASELINE THAT EXISTED PRIOR TO 1991 MAY BE PROTECTED WITH SANDBAGGING AND SAND SCRAPING UNDER EMERGENCY ORDERS ISSUED OR APPROVED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Agriculture and Natural Resources.

The Committee on Agriculture and Natural Resources proposed the following amendment (1031R002.DBV), which was adopted:

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

/ SECTION 1. Chapter 39, Title 48 of the 1976 Code is amended by adding:

“Section 48‑39‑135. Golf courses seaward of the baseline that existed prior to the effective date of the regulations promulgated in 1991 pursuant to the Beachfront Management Act may be protected under emergency orders issued or approved by the department using the same methodology that is used to protect structures pursuant to emergency orders.”

SECTION 2. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson Peeler

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--44**

**NAYS**

**Total--0**

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

**CARRIED OVER**

H. 3797 -- Reps. Sandifer and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑90‑165 SO AS TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF INSURANCE MAY DECLARE A CAPTIVE INSURANCE COMPANY INACTIVE IN CERTAIN CIRCUMSTANCES AND THAT THE DIRECTOR MAY MODIFY THE MINIMUM TAX PREMIUM APPLICABLE TO THE COMPANY DURING INACTIVITY; (Abbreviated Title)

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

S. 560 -- Senator L. Martin: A BILL TO AMEND SECTION 58‑15‑870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE WILFULL AND MALICIOUS INJURY TO A RAILROAD OR ELECTRIC RAILWAY, SO AS TO PROVIDE A TIER OF PENALTIES FOR VIOLATIONS; AND TO AMEND ARTICLE 9, CHAPTER 15, TITLE 58, RELATING TO RAILROADS, ELECTRIC RAILROADS, AND THE LIKE, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO PURCHASE, SELL, OR TRANSPORT RAILROAD TRACK MATERIALS, TO PROVIDE EXCEPTIONS, AND TO PROVIDE A TIER OF PENALTIES FOR VIOLATIONS.

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

H. 4020 -- Rep. Allison: A JOINT RESOLUTION TO PROVIDE THAT ACT 99 OF 1999, THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT, IS REAUTHORIZED UNTIL JULY 1, 2014.

On motion of Senator BRYANT, the Joint Resolution was carried over.

S. 909 -- Senator Hayes: A BILL TO AMEND SECTION 38‑90‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING CAPTIVE INSURANCE COMPANIES, SO AS TO DEFINE ‘RISK RETENTION GROUP’; TO AMEND SECTION 38‑90‑40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO INCLUDE CAPTIVE INSURANCE COMPANIES AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES FORMED AS A RISK RETENTION GROUP; TO AMEND SECTION 38‑90‑50, AS AMENDED, RELATING TO FREE SURPLUS REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO INCLUDE CAPTIVE INSURANCE COMPANIES AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES FORMED AS A RISK RETENTION GROUP; AND TO AMEND SECTION 38‑90‑70, AS AMENDED, SECTION 38‑90‑100, AS AMENDED, SECTION 38‑90‑110, AS AMENDED, AND SECTION 38‑90‑160, AS AMENDED, ALL RELATING TO MISCELLANEOUS REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO MAKE CONFORMING PROVISIONS FOR CAPTIVE INSURANCE COMPANIES FORMED AS RISK RETENTION GROUPS AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES FORMED AS RISK RETENTION GROUPS.

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

S. 862 -- Senators Shealy and Turner: A BILL TO AMEND SECTION 40‑59‑260 OF THE 1976 CODE, RELATING TO THE EXCEPTION FOR PROJECTS BY A PROPERTY OWNER FOR PERSONAL USE, TO PROVIDE THAT AN OWNER OF RESIDENTIAL PROPERTY WHO IMPROVES THE PROPERTY OR WHO BUILDS OR IMPROVES THE STRUCTURES OR APPURTENANCES ON THE PROPERTY AT A COST OF MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS SHALL NOT WITHIN TWO YEARS AFTER COMPLETION OR ISSUANCE OF A CERTIFICATE OFFER THE STRUCTURE FOR SALE OR RENT, AND CONSTRUCTION OR IMPROVEMENTS TO THE STRUCTURE, GROUP OF STRUCTURES, OR APPURTENANCES THAT COST THE OWNER‑BUILDER LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS ARE NOT EVIDENCE OF “SALE” OR “RENT” FOR THE PURPOSES OF THIS SECTION.

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

S. 1007 -- Senators Campbell and O’Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29‑3‑625 SO AS TO PROVIDE A PROCESS FOR EXPEDITING MORTGAGE FORECLOSURES AND TO DEFINE NECESSARY TERMINOLOGY.

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

S. 1032 -- Senators Campsen, Verdin and Reese: A BILL TO AMEND SECTION 48‑39‑130 OF THE 1976 CODE, RELATING TO PERMITS REQUIRED FOR COASTAL ZONE CRITICAL AREAS, TO INCLUDE TEMPORARY QUALIFIED WAVE DISSIPATION DEVICES AS A TECHNIQUE TO BE USED IN THE BEACH/DUNE CRITICAL AREA TO PROTECT THE PUBLIC HEALTH AND SAFETY; TO AMEND SECTION 48‑39‑270, RELATING TO TERMS PERTAINING TO COASTAL TIDELANDS AND WETLANDS, TO DEFINE QUALIFIED WAVE DISSIPATION DEVICE; AND TO AMEND SECTION 48‑39‑290, RELATING TO CONSTRUCTION RESTRICTIONS SEAWARD OF THE BASELINE, TO PROVIDE AN EXCEPTION FOR QUALIFIED WAVE DISSIPATION DEVICES.

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

S. 1073 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF ELEVATORS AND AMUSEMENT RIDES, RELATING TO QUALIFICATION OF SPECIAL INSPECTORS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4382, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator PEELER, the Joint Resolution was carried over.

S. 1075 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO OFFICE OF STATE FIRE MARSHAL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4378, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator BRIGHT, the Joint Resolution was carried over.

H. 4641 -- Rep. Delleney: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE ON FRIDAY, JUNE 13, 2014, FROM 11:30 A.M. TO 1:00 P.M. FOR ITS ANNUAL STATE HOUSE MEETING.

On motion of Senator BRYANT, the Concurrent Resolution was carried over.

**AMENDED, CARRIED OVER**

S. 839 -- Senators Bryant, Bright and Davis: A BILL TO AMEND TITLE 46 OF THE 1976 CODE, RELATING TO AGRICULTURE, BY ADDING CHAPTER 55 CONCERNING INDUSTRIAL HEMP; TO PROVIDE THAT IT IS LAWFUL TO GROW INDUSTRIAL HEMP IN THIS STATE; TO CLARIFY THAT INDUSTRIAL HEMP IS EXCLUDED FROM THE DEFINITION OF MARIJUANA; TO PROHIBIT GROWING INDUSTRIAL HEMP AND MARIJUANA ON THE SAME PROPERTY OR OTHERWISE GROWING MARIJUANA IN CLOSE PROXIMITY TO INDUSTRIAL HEMP TO DISGUISE THE MARIJUANA GROWTH; AND TO DEFINE NECESSARY TERMS.

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

Senator MALLOY proposed the following amendment (839R001.GM), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 40‑42 and inserting:

/ to its proximity to industrial hemp, is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than five years or fined not more than five thousand dollars, or both. The penalty provided /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

On motion of Senator PEELER, the Bill was carried over, as amended.

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN**

**AMENDMENT PROPOSED, CARRIED OVER**

S. 940 -- Senators Young, Massey, Setzler and Peeler: A BILL TO AMEND SECTION 4‑10‑470, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX, SO AS TO ALLOW A COUNTY THAT DOES NOT COLLECT A CERTAIN AMOUNT IN ACCOMMODATIONS TAX TO IMPOSE THE SALES TAX SO LONG AS NO PORTION OF THE COUNTY AREA IS SUBJECT TO MORE THAN TWO PERCENT TOTAL SALES TAX.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment.

Senator YOUNG asked unanimous consent to withdraw the previously proposed amendment.

There was no objection and the amendment was withdrawn.

Senator YOUNG proposed the following amendment (BH\940C009.BH.DG14):

Amend the bill, as and if amended, SECTION 1, Section 4-10-470, by adding an appropriately lettered subsection at the end to read:

/ ( ) Notwithstanding any other provision of this article, if the Education Capital Improvements Sales and Use Tax is imposed pursuant to subsection (B), then the total debt service on bonds issued by a school district resulting from the imposition, net of any premium or accrued interest, shall not exceed ninety percent of the total amount of Education Capital Improvements Sales and Use tax proceeds estimated to be allocated to the school district during the imposition, minus any amounts dedicated to property tax relief. The Board of Economic Advisors shall provide the estimate of the total amount. /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

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

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN**

**AMENDMENT PROPOSED, CARRIED OVER**

S. 986 -- Senator Campsen: A BILL TO AMEND SECTION 50‑1‑90 OF THE 1976 CODE, RELATING TO HUNTING, FISHING, OR TRAPPING WITHOUT CONSENT ON THE LAND OF OTHERS, TO INCREASE THE PENALTIES FOR THESE OFFENSES.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment.

Senator SHANE MARTIN proposed the following amendment (986R003.SRM), which was withdrawn:

Amend the bill, as and if amended, page 1, by striking line 42 and inserting:

/ offenses within the meaning of this section. The provisions of this section do not apply to a person raccoon hunting who enters upon the lands of another unarmed to retrieve his dog during the hours of eight thirty p.m. to three thirty a.m.” /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN asked unanimous consent to withdraw the previously proposed amendment.

There was no objection and the amendment was withdrawn.

Senator SHANE MARTIN proposed the following amendment (986R004.SRM):

Amend the bill, as and if amended, page 2, by striking line 3 and inserting:

/ offenses within the meaning of this section. A person hunting racoons shall not be prosecuted under this section if the person is unarmed and retrieving his dogs.” /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

On motion of Senator SHANE MARTIN, the Bill was carried over.

**AMENDMENT PROPOSED, OBJECTION**

H. 3978 -- Reps. White and G.M. Smith: A BILL TO AMEND ARTICLE 2, CHAPTER 7, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAID NURSING HOME PERMITS, TO DEFINE “MEDICAID PERMIT DAY”, TO SPECIFY THE MANNER IN WHICH ADDITIONAL MEDICAID PERMIT DAYS ARE ALLOCATED, TO SET FORTH COMPLIANCE STANDARDS AND PENALTIES FOR VIOLATIONS, AND TO PROVIDE CERTAIN REPORTING REQUIREMENTS.

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

Senator SCOTT proposed the following amendment (BH\3978C002.BH.DG14), which was withdrawn:

Amend the bill, as and if amended, page 2, by striking lines 13 - 19 and inserting:

/ Section 44‑7‑84. (A) In the annual appropriations act, the General Assembly shall establish the maximum number of Medicaid patient days for which the department is authorized to issue Medicaid nursing home permits. In order to maximize the number of Medicaid patient days for which the department may issue Medicaid nursing home permit, the Department of Health and Human Services must expand Medicaid coverage as authorized by the federal Patient Protection and Affordable Care Act to individuals under sixty‑five years of age with incomes at or below one hundred thirty‑eight percent of the federal poverty level, based on modified adjusted gross income. The State Department of Health and Human Services shall provide the number of Medicaid patient days available to the department within thirty days after the effective date of the annual appropriations act. /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

On motion of Senator SCOTT, the amendment was withdrawn.

The question then was second reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O’Dell Peeler

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--44**

**NAYS**

**Total--0**

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

**AMENDMENT PROPOSED, OBJECTION**

S. 459 -- Senators Sheheen and Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑55, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON WHO HOLDS A BEGINNER’S PERMIT OR A RESTRICTED DRIVER’S LICENSE TO DRIVE A MOTOR VEHICLE WHILE USING A CELLULAR TELEPHONE OR TEXT MESSAGING DEVICE; AND TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO DRIVE A MOTOR VEHICLE THROUGH A SCHOOL ZONE WHILE USING A CELLULAR TELEPHONE OR TEXT MESSAGING DEVICE WHEN THE SCHOOL ZONE’S WARNING LIGHTS HAVE BEEN ACTIVATED.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

Senator HEMBREE proposed the following amendment (JUD0459.007):

Amend the committee report, as and if amended, page [459-4], by striking lines 13-31, and inserting:

/ (E) A law enforcement officer shall not:

(1) stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer’s clear and unobstructed view of a person who is using a wireless electronic communication device while operating a motor vehicle on the public streets and highways of this State or when the officer has probable cause that a violation has occurred based on a person’s admission that the person was using a wireless electronic communication device while operating a motor vehicle on the public streets and highways of this State;

(2) search, seize, or require the forfeiture of a wireless electronic communication device because of a violation of this section;

(3) initiate a search or request to search a motor vehicle, driver, or passenger in a motor vehicle based solely on a violation of this section. However, nothing in this item must be construed as prohibiting a search or request to search a motor vehicle, driver, or passenger in a motor vehicle based upon evidence unrelated to a violation of this section; or

(4) make a custodial arrest for a violation of this section, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. /

Amend the committee report further, as and if amended, page [459‑4], by striking lines 39-43, and [459-5], by striking lines 1-37, and inserting:

/ SECTION 2. Section 56‑1‑720 of the 1976 Code is amended to read:

“Section 56‑1‑720. There is established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted and for the determination of the continuing qualifications of these persons for the privileges granted by the license to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

VIOLATION POINTS

Reckless driving………… 6

Passing stopped school bus6

Hit‑and‑run, property damages only 6

Driving too fast for conditions, or speeding:

(1) No more than 10 m.p.h. above the

posted limits…… 2

(2) More than 10 m.p.h. but less than 25

m.p.h. above the posted limits 4

(3) 25 m.p.h. or above the posted limits 6

Disobedience of any official traffic control device 4

Disobedience to officer directing traffic 4

Failing to yield right of way 4

Driving on wrong side of road 4

Passing unlawfully 4

Turning unlawfully 4

Driving through or within safety zone 4

Failing to give signal or giving improper

signal for stopping, turning, or suddenly

decreased speed………… 4

Shifting lanes without safety precaution 2

Improper dangerous parking 2

Following too closely 4

Failing to dim lights 2

Operating with improper lights 2

Operating with improper brakes 4

Operating a vehicle in unsafe condition 2

Driving in improper lane 2

Improper backing…. 2

Using a wireless electronic communication device

while operating a motor vehicle,

third or subsequent offense 2

Using a wireless electronic communication device

to compose, send, or read a text-based communication

while operating a motor vehicle,

third or subsequent offense 2.” /

Amend the committee report further, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3890. (A) For purposes of this section:

(1) ‘Hands‑free wireless electronic communication device’ means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text messaging device, or a computer, which allows a person to wirelessly communicate with another person without holding the device in either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands‑free wireless electronic communication device may require the use of either hand to activate or deactivate an internal feature or function of the device.

(2) ‘Text-based communication’ means a communication using text-based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

(3) ‘Wireless electronic communication device’ means an electronic device, including, but not limited to, a telephone, a personal digital assistant, a text messaging device, or a computer, which allows a person to wirelessly communicate with another person.

(B) It is unlawful for a person to use a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways of this State.

(C) This section does not apply to a person who is:

(1) lawfully parked or stopped;

(2) using a hands‑free wireless electronic communication device;

(3) summoning emergency assistance;

(4) transmitting or receiving data as part of a digital dispatch system;

(5) a public safety official while in the performance of the person’s official duties; or

(6) using a global positioning system device or an internal global positioning system feature or function of a wireless electronic communication device for the purpose of navigation or obtaining related traffic and road condition information.

(D)(1) A person who violates this section is guilty of a misdemeanor, and, upon conviction:

(a) for a first offense, must be fined seventy-five dollars. In addition, the person shall pay a twenty-five dollar Trauma Care Fund surcharge. The seventy-five dollar fine is subject to all applicable court costs, assessments, and surcharges, except as provided in item (2). The twenty-five dollar Trauma Care Fund surcharge must be deposited with the city or county treasurer, as applicable, for remittance to the State Treasurer. The State Treasurer shall deposit the surcharge in the South Carolina State Trauma Care Fund. The surcharge must not be used by the Department of Health and Environmental Control for the payment of the department’s administrative or operating expenses or for any purpose other than providing financial aid to participating trauma care providers and grants related to trauma care in this State. The surcharge is not subject to the provisions of Section 44‑61‑520(G);

(b) for a second offense within ten years of a prior offense, must be fined one hundred and seventy-five dollars. In addition, the person shall pay a twenty-five dollar Trauma Care Fund surcharge. The one hundred and seventy-five dollar fine is subject to all applicable court costs, assessments, and surcharges. The twenty-five dollar Trauma Care Fund surcharge must be deposited with the city or county treasurer, as applicable, for remittance to the State Treasurer. The State Treasurer shall deposit the surcharge in the South Carolina State Trauma Care Fund. The surcharge must not be used by the Department of Health and Environmental Control for the payment of the department’s administrative or operating expenses or for any purpose other than providing financial aid to participating trauma care providers and grants related to trauma care in this State. The surcharge is not subject to the provisions of Section 44‑61‑520(G); and

(c) for a third or subsequent offense within ten years of a prior offense, must be fined two hundred and seventy-five dollars. In addition, the person shall pay a twenty-five dollar Trauma Care Fund surcharge and have two points assessed against the person’s motor vehicle operating record. The two hundred and seventy-five dollar fine is subject to all applicable court costs, assessments, and surcharges. The twenty-five dollar Trauma Care Fund surcharge must be deposited with the city or county treasurer, as applicable, for remittance to the State Treasurer. The State Treasurer shall deposit the surcharge in the South Carolina State Trauma Care Fund. The surcharge must not be used by the Department of Health and Environmental Control for the payment of the department’s administrative or operating expenses or for any purpose other than providing financial aid to participating trauma care providers and grants related to trauma care in this State. The surcharge is not subject to the provisions of Section 44‑61‑520(G).

(2)(a) For a first offense, in lieu of the penalty, the person may successfully complete a driver’s education program within sixty days of the person’s conviction date, which specifically contains, in whole or in part, education regarding distracted driving.

(b) The person shall select a program approved by the Department of Public Safety’s Office of Highway Safety. The Office of Highway Safety may approve more than one program, and such programs may be conducted by classroom, computer, or Internet. The Office of Highway Safety shall post information regarding the approved programs on its website.

(c) The person shall indicate to the judge at the time of conviction that the person intends to successfully complete a program instead of the penalty. The judge shall instruct the person as to how the person is to comply with the requirements of this item. Notwithstanding Section 56-7-30, the court shall retain the records and audit copy of the traffic ticket for the violation until the judge has made a determination as to whether the person has successfully completed the program.

(d) The person shall return to the court within sixty days of the conviction date. At that time, the person shall present an original certificate from the program indicating that the person has successfully completed the program. Also, the person shall sign an affidavit provided by the court swearing or affirming that the person has successfully completed the program.

(e) If the judge determines that the person has successfully completed the program, the judge shall waive the penalty and all applicable court costs, assessments, and surcharges, except ten dollars that shall be used exclusively by the court to offset the costs associated with administering the person’s compliance with this item. The court shall remit the records and audit copy of the traffic ticket to the Department of Motor Vehicles within ten days indicating a violation of this section. The Department of Motor Vehicles shall indicate the violation on the person’s motor vehicle operating record. An insurance company shall not increase a person’s insurance premium based solely on a violation of this section, if the person completes a program in lieu of a penalty.

(f) If the judge determines that the person has failed to successfully complete the program, the judge shall impose the penalty, and all other applicable court costs, assessments, and surcharges. The court shall remit the records and audit copy of the traffic ticket to the Department of Motor Vehicles within ten days indicating a violation of this section. The Department of Motor Vehicles shall indicate the violation on the person’s motor vehicle operating record.

(g) A person is not permitted to complete a program in lieu of a penalty if the person has been convicted of a prior violation of this section. Only those violations that occurred within a period of ten years, including and immediately preceding the date of the last violation, constitute prior violations within the meaning of this subsection.

(3) During the first one hundred eighty days after this section’s effective date, law enforcement officers shall issue only warnings for violations of this section.

(E) A law enforcement officer shall not:

(1) stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer’s clear and unobstructed view of a person who is using a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways of this State or when the officer has probable cause that a violation has occurred based on a person’s admission that the person was using a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways of this State;

(2) search, seize, or require the forfeiture of a wireless electronic communication device because of a violation of this section;

(3) initiate a search or request to search a motor vehicle, driver, or passenger in a motor vehicle based solely on a violation of this section. However, nothing in this item must be construed as prohibiting a search or request to search a motor vehicle, driver, or passenger in a motor vehicle based upon evidence unrelated to a violation of this section; or

(4) make a custodial arrest for a violation of this section, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine.

(F) The Department of Public Safety shall maintain statistical information regarding citations issued pursuant to this section.

(G) This section preempts local ordinances, regulations, and resolutions adopted by municipalities, counties, and other local government entities regarding persons using wireless electronic communication devices while operating motor vehicles on the public streets and highways of this State.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

Senator BRIGHT objected to further consideration of the Bill.

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

**Motion Adopted**

Senator PEELER moved to dispense with the balance of the Motion Period.

Senator SETZLER moved to table the motion to dispense with the balance of the motion period.

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

**Ayes 18; Nays 25**

**AYES**

Allen Bright Hutto

Jackson Johnson Kimpson

Lourie Malloy *Martin, Shane*

Matthews McElveen McGill

Nicholson Pinckney Reese

Scott Setzler Williams

**Total--18**

**NAYS**

Alexander Bennett Bryant

Campbell Campsen Cleary

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Leatherman

*Martin, Larry* Massey O’Dell

Peeler Rankin Shealy

Thurmond Turner Verdin

Young

**Total--25**

The Senate refused to table the motion to dispense the balance of the motion period.

The Senate agreed to dispense with the balance of the motion period.

**Expression of Personal Interest**

Senator SCOTT rose for an Expression of Personal Interest*.*

**Remarks by Senator SCOTT**

Members of the Senate, there are times in this body it pains me to come to this podium and to share with you some of the burning things that are going through my mind as I look at South Carolina as a whole. This morning in Transportation we listened to the Department of Transportation as they talked about 603 million dollars they spent last year. The new interim director introduced her staff, and not one African-American was in her cabinet. That’s sad. I thought about that and where we are in this body and I say that we have some very, very fine staff who do a lot of good work. But, it pains me also to stand here to tell you in all of the standing committees, and I am looking at all the information we have here, there is not one African-American in our own staff. So it makes it painful and difficult as I look at Agriculture and Natural Resources, Banking and Insurance, Correction, Education, Ethics, Finance, Fish, Game and Forestry, General, Invitations, Judiciary, Labor, Commerce and Industry, Medical Affairs, Rules and Transportation, and not one African-American in those committees. I talked with my committee chairman of Judiciary yesterday and I walked away still having a lot of pain from even the conversation. Now, when we changed rules before I got here, let me say this as painful as it may be, we went from seniority to party. There is not one Democrat on this side of the room over any standing committees. I would say to my colleagues, and you are my colleagues, I depend upon you to do what’s right for the State. I depend on us to be an example for state agencies. If we don’t do it in this body, you can count on state agencies not to do it as well. If not for Senators and the Democratic Caucus having African-Americans, there would not be any in this building. Let me say that the clerk, Jeff, does have African-Americans on his staff and I applaud him for at least having someone of color there. But, I say to us, we can do better. This is not meant to embarrass you; this is not meant to put you in a negative position. I am hoping this is a wake up call.

We are going to just show up here and deal with nullification and in my opinion we are wasting time. 151 years ago Lincoln did the Emancipation Proclamation. 51 years ago, we buried Martin Luther King, and I would think that this country at some point, after going through almost two terms as a president, we would get passed some of our own tension. Let me not call it racial tension but, tension, and use party behavior as a vehicle to keep this thing going. I am going to listen to some of this nullification and we have much more to do for this State but, we are going to go through the extra sides of this. But, I say before this - I am not going to take any questions so you can sit down. Thank you, and again like I said to my friend on the back row, it’s reality. That’s all I want to deal with this body, and I’m hoping that we are moving in a direction to grow. I don’t know where we are going to be after we finish nullification. I don’t know and I’m not sure the message we are sending to people out there. I would hope that before we go to far in some of what’s going to be said, some may be good and a bunch of it I think is going to be foolishness, that we first think about where we are in the State and what we are trying to accomplish as a State as she tries to heal, as she tries to grow, and as we try to educate our children. Thank you.

On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator SCOTT were ordered printed in the Journal.

**Expression of Personal Interest**

Senator CLEARY rose for an Expression of Personal Interest*.*

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 13 that the time limitation for an Expression of Personal Interest had expired.

The PRESIDENT sustained the Point of Order.

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

**AMENDMENT PROPOSED**

**DEBATE INTERRUPTED**

H. 3101 -- Reps. Chumley, Taylor, G.R. Smith, Huggins, Wells, Henderson, Crosby, Atwater, Long, Wood, Toole, Willis, Clemmons, Hardwick, Hardee, Goldfinch, Bedingfield, D.C. Moss, Loftis, Nanney, Pitts, Putnam, V.S. Moss, Owens, Barfield, H.A. Crawford, Stringer, Hamilton, Burns, Tallon, Kennedy, Allison, Murphy, Delleney, Horne, Daning and Brannon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA FREEDOM OF HEALTH CARE PROTECTION ACT” BY ADDING ARTICLE 21 TO CHAPTER 71, TITLE 38 SO AS TO RENDER NULL AND VOID CERTAIN UNCONSTITUTIONAL LAWS ENACTED BY THE CONGRESS OF THE UNITED STATES TAKING CONTROL OVER THE HEALTH INSURANCE INDUSTRY AND MANDATING THAT INDIVIDUALS PURCHASE HEALTH INSURANCE UNDER THREAT OF PENALTY; TO PROHIBIT CERTAIN INDIVIDUALS FROM ENFORCING OR ATTEMPTING TO ENFORCE SUCH UNCONSTITUTIONAL LAWS; AND TO ESTABLISH CRIMINAL PENALTIES AND CIVIL LIABILITY FOR VIOLATING THIS ARTICLE.

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

**Amendment No. P1-2**

Senator HUTTO proposed the following amendment (3101MW.BH.1):

Amend the amendment with the document path 3101R013.TD, as and if amended, by striking Section 38-71-3060(B)(3) and inserting the following:

/ (3) provide evidence that the individual has not been convicted of a violent crime as defined in Section 16-1-60, has not been convicted during the previous five years of a felony directly related to the practice of the profession, or has not been convicted during the previous seven years of a felony, an essential element of which is dishonesty, reasonably related to the practice of the profession, or pleading guilty or nolo contendere to any such offense in a court of competent jurisdiction of this State, any other state, or any federal court; /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the perfecting amendment.

Senator KIMPSON spoke on the perfecting amendment.

**Point of Order**

Senator SHANE MARTIN raised a Point of Order that the Senator was not speaking on the amendment.

The PRESIDENT overruled the Point of Order.

Senator BRIGHT spoke on the perfecting amendment.

Debate was interrupted by adjournment.

**LOCAL APPOINTMENT**

**Confirmation**

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

Initial Appointment, South Carolina State Board for Technical and Comprehensive Education, with the term to commence July 1, 2012, and to expire July 1, 2018

7th Congressional District:

Daniel Philip Gray, 5410 Hampton Circle, Myrtle Beach, SC 29577 *VICE* Vacant Due To Redistricting

**MOTION ADOPTED**

On motion of Senator GROOMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Bernard Warshaw of Walterboro, S.C. Mr. Warshaw served during World War II and upon his honorable discharge, he partnered with his father at Warshaw’s Clothing Store. Mr. Warshaw served the State of South Carolina in numerous capacities for the past 55 years. He was appointed to the South Carolina Development Board, the South Carolina Mental Health Commission and served as Chairman of the Board for the Colleton Medical Center. Mr. Warshaw was a former director of the Farmers and Merchants Bank of Walterboro and St. George, board member of the Colleton County Farmers Home Administration, member of the Shrine Club, Elks Club, Lions Club and Masons. He received an Honorary Degree of Doctor of Business Administration from The Citadel, was awarded the Order of the Silver Crescent in 1999 and the Order of the Palmetto in 1973. He was a loving husband and devoted father who will be dearly missed.

**ADJOURNMENT**

At 5:16 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

Senators BRIGHT and BRYANT desired to be recorded as voting against the motion to adjourn.

*\* \* \**