**Thursday, March 6, 2014**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

In the writings of Ezekiel we read:

“A new heart I will give you, and a new spirit I will put within you...” (Ezekiel 36:26a)

Bow with me as we pray, if you will:

We humbly pray, O Lord, that You will renew within each of these Senators a sense of hope and promise. Encourage these leaders as You alone can, dear God, particularly in the face of what often seems to be an uphill climb toward many of the goals this Senate wants -- and needs -- to achieve. May these servants genuinely experience increased passion and greater determination to do what is right and just. And, as always, O God, we ask for Your blessing upon our troops, wherever they happen to serve. All of this we pray in Your loving name, dear Lord. Amen.

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

**Doctor of the Day**

Senator LOURIE introduced Dr. Chris Yeakel, MD, FAAP of Columbia, S.C., Doctor of the Day.

**RECALLED AND COMMITTED**

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.

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

There was no objection and the Bill was recalled from the Committee on Judiciary.

On motion of Senator LARRY MARTIN, with unanimous consent, the Bill was committed to the Committee on Labor, Commerce and Industry.

**RECALLED**

H. 4396 -- Rep. Bowen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME EXIT 19 ALONG INTERSTATE HIGHWAY 85 IN ANDERSON COUNTY “T. ED GARRISON INTERCHANGE”, AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS EXIT THAT CONTAIN THE WORDS “T. ED GARRISON INTERCHANGE”.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1086 -- Senators Hayes and L. Martin: A BILL TO AMEND SECTION 1-11-490, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROVIDING NOTICE OF A BREACH OF SECURITY OF STATE AGENCY DATA, SO AS TO REQUIRE THAT THE NOTICE DESCRIBE THE BREACH AND PROVIDE CONTACT INFORMATION WHERE ASSISTANCE MAY BE OBTAINED, INCLUDING THE DEPARTMENT OF CONSUMER AFFAIRS, AND TO DELETE A PROVISION ALLOWING AN AGENCY TO ADHERE TO ITS OWN POLICY; AND TO AMEND SECTION 39-1-90, RELATING TO PROVIDING NOTICE OF A BREACH OF SECURITY OF BUSINESS DATA, SO AS TO PROVIDE THE SAME NOTICE REQUIREMENTS AND TO DELETE THE SAME PROVISION.

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

S. 1087 -- Senator Allen: A BILL TO AMEND SECTION 16-11-440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF DEADLY FORCE AGAINST ANOTHER PERSON WHO UNLAWFULLY ENTERS A RESIDENCE, OCCUPIED VEHICLE, OR PLACE OF BUSINESS, SO AS TO DELETE THE REFERENCE TO THE AUTHORIZED USE OF DEADLY FORCE IN A PLACE WHERE A PERSON HAS A RIGHT TO BE, AND TO ADD TO THE LIST OF PERSONS WHO MAY NOT CLAIM THE PRESUMPTION OF REASONABLE FEAR OF IMMINENT PERIL OF DEATH OR GREAT BODILY INJURY WHEN USING DEADLY FORCE THOSE PERSONS WHO ACTED WITH RECKLESS DISREGARD FOR THE SAFETY OF OTHERS.

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

S. 1088 -- Senators Verdin and Turner: A BILL TO AMEND SECTION 44-2-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUPERB ACCOUNT AND THE SUPERB FINANCIAL RESPONSIBILITY FUND ESTABLISHED TO ASSIST IN CARRYING OUT THE PURPOSES OF THE STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE BANK ACT, SO AS TO DEFINE "USUAL, CUSTOMARY, AND REASONABLE COSTS", OF SITE REHABILITATION OF RELEASES FROM UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM, AS PAYMENTS NOT LESS THAN THE JULY 1, 2011, SUPERB ALLOWABLE COST REIMBURSEMENT SCHEDULE AND TO FURTHER PROVIDE FOR THE USE AND APPLICATION OF THIS REIMBURSEMENT SCHEDULE.

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

S. 1089 -- Senators Davis and Campsen: A BILL TO AMEND SECTION 54-3-700 OF THE 1976 CODE, RELATING TO THE CESSATION OF MARINE TERMINAL OPERATIONS AND THE SALE OF PROPERTY AT PORT ROYAL, TO RECOGNIZE THAT THE STATE PORTS AUTHORITY HAS CEASED OPERATIONS AT PORT ROYAL, TO DIRECT THE STATE PORTS AUTHORITY TO SELL THE PORT ROYAL PROPERTY AS SOON AS PRACTICABLE ON OR BEFORE JUNE 30, 2015, AND TO PROVIDE FLEXIBILITY IN THE MANNER OF SALE, TO PROVIDE FOR CERTAIN CIRCUMSTANCES WHERE THE SALE MAY BE CLOSED AFTER JUNE 30, 2015, TO PROVIDE THAT IF THE PROPERTY IS NOT SOLD BY JUNE 30, 2015, SUBJECT TO THE IDENTIFIED EXCEPTIONS, THE AUTHORITY MUST IRREVOCABLY TRANSFER THE PROPERTY TO THE GENERAL SERVICES DIVISION TO BE SOLD AT AUCTION, TO PROVIDE THAT IF THE PROPERTY DOES NOT SELL AT AUCTION AS PROVIDED, GENERAL SERVICES SHALL MARKET AND SELL THE PROPERTY IN A COMMERCIALLY REASONABLE MANNER; TO PROVIDE FOR AN APPRAISAL OF THE PROPERTY PRIOR TO SALE, TO PROVIDE THAT THE PROPERTY MAY BE SOLD BY THE STATE PORTS AUTHORITY OR GENERAL SERVICES FOR EIGHTY PERCENT OR MORE OF THE APPRAISED VALUE; TO PROVIDE THAT ALL SALES MUST BE MADE ACCORDING TO STATE PROCEDURES, TO PROVIDE FOR THE DISTRIBUTION OF SALES PROCEEDS, AND TO PROVIDE THAT A SALE OF THE PROPERTY PURSUANT TO THIS ACT SATISFIES THE STATE PORTS AUTHORITY BOARD'S FIDUCIARY DUTIES TO THE AUTHORITY AND TO THE AUTHORITY'S BOND HOLDERS.

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

S. 1090 -- Senators Hembree, Shealy and Courson: A SENATE RESOLUTION TO RECOGNIZE THE DEVASTATING EFFECTS OF DIABETES AND TO PROCLAIM THURSDAY, MARCH 20, 2014, AS "DIABETES AWARENESS DAY" IN SOUTH CAROLINA, COINCIDING WITH SOUTH CAROLINA'S "DIABETES UNDER THE DOME DAY" SPONSORED BY THE DIABETES INITIATIVE OF SOUTH CAROLINA.

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Senator HEMBREE spoke on the Resolution.

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

S. 1091 -- Senators Setzler and Rankin: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. VIPUL PATEL FOR HIS WORLD-RENOWNED WORK IN PROSTATE CANCER AND FOR FOUNDING THE INTERNATIONAL PROSTATE CANCER FOUNDATION.

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The Senate Resolution was adopted.

H. 4813 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF WEST CALHOUN STREET IN THE TOWN OF DILLON FROM ITS INTERSECTION WITH SOUTH FIRST AVENUE TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 "BILL COWARD, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "BILL COWARD, SR. MEMORIAL HIGHWAY".

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

H. 4867 -- Reps. Allison, Bannister, Bedingfield, Burns, Chumley, Dillard, Hamilton, Henderson, Loftis, Nanney, Putnam, Robinson-Simpson, G. R. Smith, Stringer, Willis, Brannon, Cole, Forrester, Mitchell, Tallon, Wood, Alexander, Anderson, Anthony, Atwater, Bales, Ballentine, Barfield, Bernstein, Bingham, Bowen, Bowers, Branham, G. A. Brown, R. L. Brown, Clemmons, Clyburn, Cobb-Hunter, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Douglas, Edge, Erickson, Felder, Finlay, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hardee, Hardwick, Harrell, Hart, Hayes, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Quinn, Ridgeway, Riley, Rivers, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire and Williams: A CONCURRENT RESOLUTION TO REMEMBER AND CELEBRATE THE LIFE OF KEISHA KIRKLAND, FORMER METEOROLOGIST FOR WYFF-TV IN GREENVILLE AND PHILANTHROPIC CHAMPION FOR LUNG CANCER AWARENESS.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 511 -- Senator Campsen: A BILL TO AMEND SECTION 12‑43‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FOUR PERCENT SPECIAL ASSESSMENT RATIO, SO AS TO PROVIDE THAT AN ELIGIBILITY PROVISION REQUIRING A CERTAIN OWNERSHIP PERCENTAGE DOES NOT APPLY IF THE PROPERTY IS HELD BY A TRUST, FAMILY LIMITED PARTNERSHIP, OR LIMITED LIABILITY COMPANY UNDER CERTAIN SITUATIONS.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 998 -- Senators Shealy, Malloy, Turner, Massey and Corbin: A BILL TO AMEND SECTION 56‑16‑140 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF MOTORCYCLE DEALER AND WHOLESALER LICENSES BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE FOR THE ISSUANCE OF A DEALER’S EXHIBITION LICENSE THAT ALLOWS A HOLDER TO EXHIBIT MOTORCYCLES AND THEIR RELATED PRODUCTS AT FAIRS, RECREATIONAL OR SPORTS SHOWS, VACATION SHOWS, AND OTHER SIMILAR EVENTS OR SHOWS.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 999 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑218 SO AS TO PROVIDE THAT A MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHOSE DRIVER’S LICENSE EXPIRES WHILE THE MEMBER IS SERVING OUTSIDE OF THIS STATE MAY APPLY FOR AN EXTENSION THAT LASTS UNTIL NINETY DAYS AFTER THE MEMBER RETURNS TO THE STATE OR THE TIME THE MEMBER IS DISCHARGED FROM THE ARMED FORCES, WHICHEVER OCCURS FIRST, TO PROVIDE THE APPLICATION PROCESS, AND TO SPECIFY TO WHOM EXTENSION ELIGIBILITY APPLIES.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 1016 -- Senators Pinckney and Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 17 IN JASPER COUNTY FROM ITS INTERSECTION WITH CROWFIELD ROAD TO ITS INTERSECTION WITH HIGHWAY S‑27‑29 “THOMAS E. MILLER BOULEVARD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “THOMAS E. MILLER BOULEVARD”.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

H. 3231 -- Reps. Atwater, Huggins, Toole, Ballentine, Taylor, Bingham, Pitts and Wood: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57‑1‑90 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL NOT DISCRIMINATE AGAINST MOTORCYCLES, MOTORCYCLE OPERATORS, OR MOTORCYCLE PASSENGERS.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

H. 4395 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF UNITED STATES HIGHWAY 601 AND REYNOLDS ROAD IN THE TOWN OF EASTOVER IN HONOR OF ELIZABETH WORKMAN DEVEAUX, AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS INTERSECTION THAT CONTAIN THE WORDS “ELIZABETH WORKMAN DEVEAUX INTERSECTION”.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

H. 4484 -- Reps. Hodges, R.L. Brown and Knight: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF AUGUSTA HIGHWAY (SC 61) AND SIDNEY’S ROAD (S‑21) IN COLLETON COUNTY “GRUBER’S CROSSROADS”, AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “GRUBER’S CROSSROADS”.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources polled out H. 4603 favorable:

H. 4603 -- Reps. Sottile, Harrell, Goldfinch, Crosby, McCoy, Erickson, Murphy, Stavrinakis, Bowen and Forrester: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ISSUE OR APPROVE ORDERS ALLOWING SAND SCRAPING AND SANDBAGGING FOR THE PROTECTION OF GOLF COURSES.

**Poll of the Agriculture and Natural Resources Committee**

**Polled 16; Ayes 16; Nays 0; Not Voting 1**

**AYES**

Verdin Matthews McGill

Grooms Bryant Williams

Campbell Gregory Massey

Coleman Corbin Hembree

Johnson McElveen Shealy

Young

**Total--16**

**NAYS**

**Total--0**

**NOT VOTING**

Sheheen

**Total--1**

Ordered for consideration tomorrow.

**Appointments Reported**

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

**Statewide Appointments**

Initial Appointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence July 31, 2012, and to expire July 31, 2016

7th Congressional District:

William Lee Hewitt III, 360 Little Tony Avenue, Murrells Inlet, SC 29576 *VICE* Vacant Due To Redistricting

Received as information.

Initial Appointment, South Carolina State Board of Medical Examiners, with the term to commence June 30, 2010, and to expire June 30, 2014

At-Large - General Public:

Mary Elizabeth Phillips, 507 Hamilton Street, Beaufort, SC 29902 *VICE* Jackie D. Black

Received as information.

Reappointment, South Carolina State Board of Medical Examiners, with the term to commence June 30, 2014, and to expire June 30, 2018

At-Large - General Public:

Mary Elizabeth Phillips, 507 Hamilton Street, Beaufort, SC 29902

Received as information.

Initial Appointment, South Carolina State Board of Medical Examiners, with the term to commence December 31, 2010, and to expire December 31, 2014

At-Large - Gubernatorial:

Daniel F. Sadd, 112 Strathmoore Dr., Greer, SC 29650 *VICE* Dr. Louis E. Costa

Received as information.

Initial Appointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 1, 2010, and to expire June 1, 2014

Audiologist:

Kelly A. Long, 116 South Shields Rd., Columbia, SC 29223 *VICE* Alan Smith

Received as information.

**Message from the House**

Columbia, S.C., March 5, 2014

Mr. President and Senators:

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

H. 4576 -- Reps. Anderson, Harrell, Hosey, Hardwick, Spires, Gilliard, King, Parks, Williams, Anthony, Clyburn, Gambrell, Jefferson, Bowen, Brannon, R.L. Brown, George, Hayes, Hixon, Lowe, Mack, W.J. McLeod, D.C. Moss, Munnerlyn, Norman, Putnam, Robinson‑Simpson, Tallon and Thayer: A JOINT RESOLUTION TO PROVIDE THAT THE GOVERNING BODY OF A SCHOOL DISTRICT MAY WAIVE THE REQUIREMENT THAT SCHOOLS MAKE UP FULL DAYS MISSED DUE TO INCLEMENT WEATHER FOR UP TO FIVE FULL SCHOOL DAYS THAT STUDENTS WHO ATTEND A SCHOOL, CHARTER SCHOOL, OR APPROVED HOME SCHOOL PROGRAM IN THE DISTRICT MISSED DUE TO INCLEMENT WEATHER DURING THE 2013‑2014 SCHOOL YEAR.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., March 5, 2014

Mr. President and Senators:

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

H. 3027 -- Reps. G.M. Smith, Pitts, Ballentine, J.E. Smith, Bernstein, Harrell, Cobb‑Hunter, Whipper and R.L. Brown: A BILL TO AMEND SECTION 12‑43‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX ASSESSMENT RATIOS, SO AS TO PROVIDE THAT, IN CERTAIN SITUATIONS, AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES MAY CLAIM THE FOUR PERCENT ASSESSMENT RATIO REGARDLESS OF THE OWNER’S RELOCATION AND REGARDLESS OF ANY RENTAL INCOME, AND TO PROVIDE THAT AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES, IN CERTAIN SITUATIONS, MAY CLAIM THE FOUR PERCENT ASSESSMENT RATIO ON TWO RESIDENTIAL PROPERTIES SO LONG AS THE OWNER ATTEMPTS TO SELL THE FIRST RESIDENCE WITHIN THIRTY DAYS OF ACQUIRING THE SECOND RESIDENCE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., March 5, 2014

Mr. President and Senators:

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

H. 3089 -- Reps. Pope, Tallon, Hixon, Wells, McCoy and Daning: A BILL TO AMEND SECTION 12‑6‑1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS ALLOWED FROM SOUTH CAROLINA TAXABLE INCOME OF AN INDIVIDUAL FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO ALLOW A MAXIMUM THREE THOUSAND DOLLAR A YEAR DEDUCTION FOR VOLUNTEER STATE CONSTABLES DESIGNATED BY THE STATE LAW ENFORCEMENT DIVISION AS STATE CONSTABLES AND TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR THIS DEDUCTION.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., March 5, 2014

Mr. President and Senators:

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

H. 3563 -- Reps. Delleney, J.E. Smith and Lucas: A BILL TO AMEND CHAPTER 20, TITLE 39, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SELF‑SERVICE STORAGE FACILITIES, SO AS TO DEFINE “ELECTRONIC MAIL”, TO PROVIDE THAT WHEN RENT IS SEVEN OR MORE CALENDAR DAYS PAST DUE THE OWNER MAY DENY THE OCCUPANT ACCESS TO THE PERSONAL PROPERTY AND THE OCCUPANT IS CONSIDERED IN DEFAULT, TO PROVIDE THAT WHEN RENT IS FOURTEEN OR MORE DAYS PAST DUE THE OCCUPANT MUST BE NOTIFIED, AND TO PROVIDE THE PROCESS BY WHICH A DEFAULTING OCCUPANT’S PERSONAL PROPERTY MAY BE DESTROYED OR SOLD.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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

**HOUSE BILL RETURNED**

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

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.

**THIRD READING BILLS**

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

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.

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.

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.

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.

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.

**AMENDED, READ THE THIRD TIME**

**SENT TO THE HOUSE**

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.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator LEATHERMAN proposed the following amendment (JUD0560.003), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 26-42, and page 3, by striking lines 1-12, and inserting:

/ SECTION 2. Article 9, Chapter 15, Title 58 of the 1976 Code is amended by adding:

“Section 58‑15‑875. (A) It is unlawful to purchase, sell, or transport railroad track materials for the purpose of recycling.

(B) This section does not apply to:

(1) a railroad company or a railroad company’s authorized agent;

(2) a business that owns a railroad spur;

(3) an independent railroad contractor; or

(4) a person or business with a letter of authorization from a special agent of a railroad company class 1 or shortline. An entity removing or authorizing the removal of railroad track materials from private property must obtain a letter of authorization from the railroad company servicing the property.

(C) Payment for railroad track materials must only be made to the railroad company or the company’s principals, the business that owns the railroad spur or the businesses’ principals, the independent railroad contractor or the contractor’s principals, or the person or business authorized by the railroad company or the businesses’ principals.

(D) A person who violates this section:

(1) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than two hundred and fifty dollars, or imprisoned not more than one year, or both;

(2) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five hundred dollars, or imprisoned not more than three years, or both; and

(3) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than one thousand dollars, or imprisoned not more than five years, or both.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN 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 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Kimpson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Reese Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**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. 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.

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

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

Pinckney Rankin Reese

Scott Setzler Shealy

Thurmond Turner Verdin

Williams Young

**Total--44**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

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 previously proposed amendment.

Senator HEMBREE asked unanimous consent to withdraw his previously proposed amendment.

There was no objection and the amendment was withdrawn.

Senator HEMBREE proposed the following amendment (JUD0459.009), which was adopted:

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. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the perfecting amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD0459.001), which was adopted:

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

/ SECTION 1. Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56‑1‑183. (A) For purposes of this section, ‘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 with a beginner’s permit, conditional driver’s license, or special restricted driver’s license to use a wireless electronic communication device 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; or

(2) summoning emergency assistance.

(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 seventy-five dollars. In addition, the person shall pay a twenty-five dollar Trauma Care Fund surcharge. The one hundred 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 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 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 while operating a motor vehicle on the public streets and highways of this State. A law enforcement officer may issue a citation to a person who admits 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) search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of 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.”

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 bus 6

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.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE 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 41; Nays 1**

**AYES**

Alexander 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 McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Turner Verdin

Williams Young

**Total--41**

**NAYS**

Thurmond

**Total--1**

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

**PREVIOUSLY PROPOSED AMENDMENT TABLED**

**AMENDED, READ THE SECOND TIME**

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 as follows.

Senator SHANE MARTIN proposed the following amendment (986R004.SRM), which was tabled:

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 CAMPSEN moved to lay the amendment on the table.

The amendment was laid on the table.

Senator CAMPSEN proposed the following amendment (986R005.GEC), which was adopted:

Amend the bill, as and if amended, page 2, line 4, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. Section 50‑9‑1120 of the 1976 Code is amended to read:

“Section 50‑9‑1120. There is established the following point system for violations of certain provisions of law:

(1) Common violations:

(a) resisting arrest by the use of force, violence, or weapons against an employee of the department while engaged in his duties, a law enforcement officer aiding in the work of the department, or a federally commissioned employee engaged in like or similar employment: 18;

(b) attempting escape after lawful arrest: 14;

(c) hunting or fishing in a state sanctuary at any time: 14;

(d) hunting, fishing, or trapping out of season, except in a state sanctuary: 10;

(e) selling game or game fish: 14;

(f) taking game or fish in an illegal manner not mentioned specifically elsewhere in this section. However, no points may be assessed pursuant to this subitem for fish taken on the seaward side of the saltwater‑freshwater dividing lines as provided in Section 50‑17‑30: 8;

(g) using a borrowed or altered hunting or fishing license: 10;

(h) taking more than the legal limit of game or fish: 8;

(i) hunting or fishing without a license in possession: 6;

(j) trespassing to hunt, fish, or trap: ~~10~~14;

(k) violating game management area regulations: 8;

(l) hunting, taking, possessing, or selling alligators in violation of law or department regulations: 14.

(2) Hunting violations:

(a) killing or attempting to kill or molest deer from a motorboat: 14;

(b) night hunting deer or bear: 18;

(c) illegally transporting furs or hides and possessing untagged hides: 10;

(d) trapping quail or wild turkeys: 10;

(e) hunting over bait: 8;

(f) killing or possessing antlerless deer, except as expressly provided by law: 14;

(g) illegally night hunting other game, except deer, or hunting game in prohibited hours: 8;

(h) possessing buckshot illegally: 5;

(i) possessing unplugged gun while hunting, violation of Section 50‑11‑10: 4;

1. killing or possessing a wild turkey during the closed season: 18;

2. killing or possessing a wild turkey hen during the spring gobbler season: 14;

(j) roost shooting wild turkeys between official sunset and official sunrise: 18;

(k) shooting wild turkeys over bait: 18;

(l) hunting wild turkeys over bait: 10;

(m) trespassing to hunt waterfowl: 18;

(n) hunting waterfowl over bait: 10;

(o) shooting waterfowl over bait: 10;

(p) hunting waterfowl out of posted season: 15;

(q) taking more than one waterfowl over the legal limit: 15;

(r) illegally possessing, taking, or attempting to take raccoons during the season for hunting without weapons: 14.

(3) Fishing violations:

(a) trapping, netting, or seining game fish illegally: 10;

(b) taking or possessing more than the legal limit of striped bass: 14;

(c) taking or possessing an undersized striped bass: 14.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Johnson Kimpson Leatherman

*Martin, Larry Martin, Shane* Massey

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

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

**AMENDED, AMENDMENT PROPOSED, 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 (839R002.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 three years or fined not more than three thousand dollars, or both. The penalty /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Senator HUTTO proposed the following amendment (JUD0839.001):

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

/ SECTION \_\_. Section 44-53-450(A) of the 1976 Code is amended to read:

“(A) Whenever any person who has not previously been convicted of any offense under this article or any offense under any state or federal statute relating to marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under Section 44‑53‑370(c) and (d), or Section 44‑53‑375(A), or manufacturing marijuana on property used for industrial hemp production under Section 46-55-40, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions as it requires, including the requirement that such person cooperate in a treatment and rehabilitation program of a state‑supported facility or a facility approved by the commission, if available. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without court adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions. However, a nonpublic record shall be forwarded to and retained by the Department of Narcotic and Dangerous Drugs under the South Carolina Law Enforcement Division solely for the purpose of use by the courts in determining whether or not a person has committed a subsequent offense under this article. Discharge and dismissal under this section may occur only once with respect to any person.” /

Renumber sections to conform.

Amend title to conform.

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

**AMENDMENT PROPOSED, 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.

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

Senators SCOTT, CAMPSEN and SHEALY proposed the following amendment (862R005.JLS):

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

/ SECTION 1. Section 40‑59‑260 of the 1976 Code is amended to read:

“Section 40‑59‑260. (A) This chapter does not apply to an owner of residential property who improves the property or who builds or improves structures or appurtenances on the property if:

(1) the owner does the work himself, with his own employees, ~~or~~ with ~~licensed~~ contractors, or registered entities or individuals and the work is done under the owner’s supervision;

~~(2)~~ ~~the structure, group of structures, or appurtenances, including the improvements, are~~ ~~intended for the owner’s sole occupancy or occupancy by the owner’s family and are not intended for sale or rent~~; and

~~(3)~~(2) the general public does not have access to this structure.

~~(B)~~ ~~In an action brought under this chapter, proof of the sale or rent or the offering for sale or rent of the structure by the owner‑builder within two years after completion or issuance of a certificate or occupancy is prima facie evidence that the project was undertaken for the purpose of sale or rent, unless otherwise approved by the commission, and is subject to the penalties provided in this chapter. As used in this section, ‘sale’ or ‘rent’ includes an arrangement by which an owner receives compensation in money, provisions, chattel, or labor from the occupancy, or the transfer of the property or the structures on the property. This section does not exempt a person who is employed by the owner and who acts in the capacity of a builder or a specialty contractor of any kind.~~

~~(C)~~(B) To qualify for exemption under this section, an owner must personally appear and sign the building permit application. The local permitting agency shall provide the person with a disclosure statement, provided by the department, in substantially the following form:

‘Disclosure Statement

State law requires residential construction to be done by licensed residential builders and specialty contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own builder even though you do not have a license. You must supervise the construction yourself. ~~You may build or improve a one‑family or two‑family residence. The building must be for your own use and occupancy. It may not be built for sale or rent. If you sell or rent a building you have built yourself within two years after the construction is complete, the law will presume that you built it for sale or rent, which is a violation of this exemption. You may not hire an unlicensed person as your residential builder or specialty contractor. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.~~ Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.’

~~(D)~~(C) At the time an owner personally appears and signs the building permit application as required by subsection ~~(C)~~ (B) of this section, the local permitting agency shall provide the owner with all forms necessary to comply with subsection ~~(E)~~ (D) of this section.

~~(E)~~(D) If a residential building or structure has been constructed by an owner under the exemption provided for in this section, the owner of the residential building or structure must promptly file as a matter of public record a notice with the register of deeds, indexed under the owner’s name in the grantor’s index, stating that the residential building or structure was constructed by the owner as an unlicensed builder. Failure to do so revokes the statutory exemption.

~~(F)~~ ~~Nothing in this chapter may be construed to authorize an owner of a residential building or structure to hire a person or entity that is not licensed or registered in accordance with this chapter.~~”

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

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

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

**Point of Order**

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.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**Point of Order**

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.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**Point of Order**

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”.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**Point of Order**

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.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**Point of Order**

S. 1010 -- Senators McGill, Cleary and Campsen: 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.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**Point of Order**

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.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**Point of Order**

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.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**Point of Order**

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.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**Point of Order**

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 SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**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. 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 SCOTT, 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 MALLOY, the Bill 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 BRYANT, the Joint Resolution was carried over.

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.

On motion of Senator MALLOY, the Bill was 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; BY ADDING SECTION 38‑90‑215 SO AS TO PROVIDE A PROTECTED CELL MAY BE EITHER INCORPORATED OR UNINCORPORATED, AND TO PROVIDE REQUIREMENTS FOR EACH;

On motion of Senator MALLOY, 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. 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.

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

**ADOPTED**

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.

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

**OBJECTION**

S. 266 -- Senators Gregory, Hayes, Davis, Sheheen, Lourie, Hembree, Fair and Bennett: A JOINT RESOLUTION TO PROVIDE THAT UNTIL JUNE 30, 2016, THE COMMISSION ON HIGHER EDUCATION AND THE PRESIDENTS OF PUBLIC COLLEGES AND UNIVERSITIES SHALL SUPPORT THE EFFORTS OF THE GENERAL ASSEMBLY TO ESTABLISH ACCOUNTABILITY‑BASED FUNDING FOR PUBLIC COLLEGES AND UNIVERSITIES.

Senator GREGORY asked unanimous consent to take the Joint Resolution up for immediate consideration.

Senator LEATHERMAN objected.

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

**MOTION ADOPTED**

On motion of Senator PEELER, the Senate agreed to dispense with the balance of the Motion Period.

**Expression of Personal Interest**

Senator HEMBREE rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator CAMPSEN rose for an Expression of Personal Interest.

**MOTION ADOPTED**

On motion of Senators PEELER and SHANE MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Kyle Neely Davis of Gaffney, S.C. Kyle was employed with J.D. Motorsports. He had a great love for racing, especially for go-cart racing. Kyle was a loving son, brother and friend who will be dearly missed.

**ADJOURNMENT**

At 12:31 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against adjournment.

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