**Wednesday, March 12, 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 Psalmist calls upon us to:

 “Shout with joy to God, all the earth. Sing the glory of his name; make his praise glorious!” (Psalm 66:1-2)

 Let us pray:

 Glorious and Loving God, we are indeed blessed in so many ways here in South Carolina. In spite of occasional difficulties and despair on the part of some, there are so many reasons for us to “shout with joy.” This is not Pollyanna-ism. Rather, Lord, it is simply the recognition that this Senate -- and all South Carolinians -- are the beneficiaries of so many of Your gifts. We are truly thankful. Continue to lead these Senators and their aides as they together work to enhance our blessings all the more -- to the benefit of every citizen, and to Your glory. We offer this prayer in Your blessed name, Lord. 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**

Reappointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 1, 2014, and to expire June 1, 2018

Audiologist:

Kelly A. Long, 116 South Shields Rd., Columbia, SC 29223

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina State Board of Medical Examiners, with the term to commence December 31, 2014, and to expire December 31, 2018

At-Large - Gubernatorial:

Daniel F. Sadd, 112 Strathmoore Dr., Greer, SC 29650

Referred to the Committee on Medical Affairs.

**REGULATION WITHDRAWN AND RESUBMITTED**

 The following was received:

Document No. 4437

Agency: Department of Labor, Licensing and Regulation

Chapter: 10

Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70

SUBJECT: Establish and Amend Schedules of Fees for Certain Professional and Occupational Licensing Boards and Commissions

Received by Lieutenant Governor January 23, 2014

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 23, 2014

03/12/2014 Withdrawn and Resubmitted

**Doctor of the Day**

 Senator SETZLER introduced Dr. Patricia Witherspoon of Columbia, S.C., Doctor of the Day. She is president-elect of the South Carolina Academy of Family Physicians. Joining her today is 1st year resident, Dr. Nithya Natrajan.

**CO-SPONSORS ADDED**

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

S. 865 Sen. Fair

S. 866 Sen. Campsen

**Privilege of the Chamber**

 On motion of Senator BRYANT, on behalf of Senator NICHOLSON, with unanimous consent, the Privilege of the Chamber, to that area behind the rail, was extended to Kelcy Quarles of the University of South Carolina.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 1110 -- Senators McElveen and Johnson: A CONCURRENT RESOLUTION TO WELCOME THE SUMTER SCHOOL DISTRICT TEACHER FORUM TO THE SOUTH CAROLINA STATE HOUSE AND TO PROCLAIM APRIL 7, 2014, "SUMTER TEACHER FORUM CELEBRATION OF EXCELLENCE DAY" IN SOUTH CAROLINA.

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

 S. 1111 -- Senators Alexander, O'Dell, Pinckney and Lourie: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF MAY 2014 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA AND TO RAISE AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESS.

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

 S. 1112 -- Senator Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE INDEPENDENT COLLEGES AND UNIVERSITIES IN SOUTH CAROLINA DURING "INDEPENDENT COLLEGE AND UNIVERSITY WEEK", APRIL 7 THROUGH 11, 2014, AND ON "INDEPENDENT COLLEGE AND UNIVERSITY DAY", APRIL 9, 2014, FOR THEIR OUTSTANDING CONTRIBUTIONS IN EDUCATING THE YOUNG ADULTS OF OUR STATE AND NATION.

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

 S. 1113 -- Senators Bright, Bryant and Cromer: A BILL TO AMEND SECTION 40-43-83(A) OF THE 1976 CODE, RELATING TO PERMIT REQUIREMENTS FOR OUT-OF-STATE PHARMACIES, TO PROVIDE THAT PHARMACIES LICENSED IN CERTAIN NAMED COUNTRIES MAY EXPORT PRESCRIPTION DRUGS TO RESIDENTS OF THIS STATE WITHOUT A STATE PHARMACY LICENSE AND TO PROVIDE THAT A DOMESTIC ENTITY MAY FACILITATE THE DELIVERY OF THE PRESCRIPTION DRUGS WITHOUT A PHARMACY LICENSE; TO AMEND ARTICLE 15, CHAPTER 53, TITLE 44 TO PROVIDE THAT CERTAIN ENTITIES AND PHARMACIES ARE EXEMPT FROM THE PRESCRIPTION MONITORING PROGRAM; AND TO AMEND CHAPTER 53, TITLE 44, BY ADDING ARTICLE 17 TO PROVIDE THAT RESIDENTS MAY ORDER, RECEIVE, AND POSSESS PRESCRIPTION DRUGS FROM CERTAIN ENTITIES AND FOREIGN PHARMACIES AND TO PROVIDE THAT CERTAIN ENTITIES AND FOREIGN PHARMACIES MAY EXPORT AND DISPENSE PRESCRIPTION DRUGS TO RESIDENTS OF THIS STATE.

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

 S. 1114 -- Senator Campbell: A SENATE RESOLUTION TO DECLARE THE WEEK OF MARCH 9 THROUGH 15, 2014, AS "GIRL SCOUT WEEK" IN SOUTH CAROLINA AND TO RECOGNIZE THE WORK OF GIRL SCOUTS OF THE USA ON EMPOWERING GIRLS TO MAKE THE WORLD A BETTER PLACE BY DISCOVERING, CONNECTING, AND TAKING ACTION IN THEIR LOCAL COMMUNITIES.

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 Senator CAMPBELL spoke on the Resolution.

 The Senate Resolution was adopted.

 S. 1115 -- Senator Jackson: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND HEYWARD BANNISTER FOR HIS LIFETIME OF ACCOMPLISHMENTS AND TO CONGRATULATE HIM ON HIS INDUCTION INTO THE RICHLAND ONE HALL OF FAME, CLASS OF 2014.

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 The Senate Resolution was adopted.

 S. 1116 -- Senators Corbin, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE TRAVELERS REST HIGH SCHOOL GIRLS TENNIS TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2013 CLASS AAA STATE CHAMPIONSHIP TITLE.

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 The Senate Resolution was adopted.

 S. 1117 -- Senators Corbin, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE BLUE RIDGE HIGH SCHOOL CORPS OF CADETS MARCHING BAND, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2013 CLASS AAA STATE CHAMPIONSHIP TITLE.

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 The Senate Resolution was adopted.

 S. 1118 -- Senator Jackson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR AXEL D. ADAMS, A NOTED NATIONAL CIVIC, BUSINESS, AND POLITICAL LEADER AND NATIVE SOUTH CAROLINIAN, FOR HIS SIGNIFICANT CONTRIBUTIONS AND MANY OUTSTANDING ACHIEVEMENTS IN THE FIELDS OF POLITICS, BUSINESS, AND COMMUNITY OUTREACH.

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 The Senate Resolution was adopted.

 H. 4701 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

 H. 4702 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2013-2014, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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

 H. 4902 -- Reps. Norrell, 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, 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. 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 RECOGNIZE THE IMPORTANCE OF MIDDLE-LEVEL EDUCATION, TO HONOR THE CONTRIBUTIONS OF THOSE WHO EDUCATE THIS UNIQUE AGE GROUP, AND TO DECLARE MARCH 2014 "MIDDLE-LEVEL EDUCATION MONTH" IN SOUTH CAROLINA.

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

 H. 4918 -- Reps. Hodges, 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, 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, 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. 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 EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF BERNARD WARSHAW OF COLLETON COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

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

**Privilege of the Chamber**

 On motion of Senator BRYANT, on behalf of Senators LARRY MARTIN and KIMPSON, with unanimous consent, the Privilege of the Chamber, to that area behind the rail, was extended to the James Jamerson Family to honor his contributions to the music industry on the occasion of his birthday.

**Expression of Personal Interest**

 Senator LARRY MARTIN rose for an Expression of Personal Interest.

**REPORTS OF STANDING COMMITTEES**

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

 S. 343 -- Senator Hayes: A BILL TO AMEND CHAPTER 7, TITLE 36, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ARTICLE 7 OF THE UNIFORM COMMERCIAL CODE, SO AS TO REVISE THE CHAPTER IN ITS ENTIRETY IN ORDER TO PROVIDE FOR THE USE OF ELECTRONIC DOCUMENTS OF TITLE AND TO MAKE CONFORMING CHANGES.

 Ordered for consideration tomorrow.

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

 S. 841 -- Senator Cleary: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 63, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE REGULATION OF CHILDCARE FACILITIES, BY ADDING SECTION 63-13-185, SO AS TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD BY AN EMPLOYEE OR VOLUNTEER OF A CHILDCARE FACILITY WITHOUT PARENTAL PERMISSION, AND TO INCLUDE EXCEPTIONS IN CIRCUMSTANCES OF EMERGENCIES, AND TO PROVIDE PENALTIES.

 Ordered for consideration tomorrow.

 Senator McELVEEN from the Committee on Judiciary submitted a majority favorable with amendment and Senator HUTTO a minority unfavorable report on:

 S. 857 -- Senators McElveen, Lourie and Campsen: A BILL TO AMEND CHAPTER 1, TITLE 16 OF THE 1976 CODE, RELATING TO FELONIES AND MISDEMEANORS; BY ADDING SECTION 16‑1‑140 TO ENHANCE THE SENTENCE FOR INDIVIDUALS CONVICTED OF A SERIOUS OR MOST SERIOUS OFFENSE THAT HE COMMITTED WHILE HE WAS RELEASED ON BOND FOR A SERIOUS OR MOST SERIOUS OFFENSE FOR WHICH HE WAS ALSO CONVICTED.

 Ordered for consideration tomorrow.

 Senator CAMPSEN from the Committee on Judiciary submitted a majority favorable and Senators HUTTO and MALLOY a minority unfavorable report on:

 S. 887 -- Senator Campsen: A BILL TO AMEND SECTION 17‑25‑326, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ALTERATION, MODIFICATION, OR RESCISSION OF A COURT ORDER, SO AS TO PROVIDE THAT A COURT SHALL NOT ALTER, MODIFY, OR RESCIND A DEFENDANT’S CRIMINAL SENTENCE, UNLESS THE COURT HAS HELD A HEARING ALLOWING THE DEFENDANT, ATTORNEY GENERAL OR SOLICITOR, AND THE VICTIM TO TESTIFY REGARDING THE DECISION TO ALTER, MODIFY, OR RESCIND THE SENTENCE.

 Ordered for consideration tomorrow.

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

 S. 1034 -- Senator L. Martin: A JOINT RESOLUTION TO ADOPT REVISED CODE VOLUMES 5 AND 8 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2014.

 Ordered for consideration tomorrow.

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

 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.

 Ordered for consideration tomorrow.

**Appointments Reported**

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

**Statewide Appointments**

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

5th Congressional District:

Twana N. Burris-Alcide, 591 Lakeside Drive, Rock Hill, SC 29730

Received as information.

Initial Appointment, South Carolina State Ethics Commission, with the term to commence June 30, 2012, and to expire June 30, 2017

7th Congressional District:

Julie S. Jeffords-Moose, 1630 Cherokee Road, Florence, SC 29501 *VICE* Vacant Due To Redistricting

Received as information.

Initial Appointment, South Carolina State Ethics Commission, with the term to commence June 30, 2011, and to expire June 30, 2016

At-Large:

 Sherri A. Lydon, 2530 Canterbury Rd., Columbia, SC 29204 *VICE* Philip Florence

Received as information.

**Appointments Reported**

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

**Statewide Appointments**

Reappointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 1, 2014, and to expire June 1, 2018

Audiologist:

Kelly A. Long, 116 South Shields Rd., Columbia, SC 29223

 Received as information.

Reappointment, South Carolina State Board of Medical Examiners, with the term to commence December 31, 2014, and to expire December 31, 2018

At-Large - Gubernatorial:

Daniel F. Sadd, 112 Strathmoore Dr., Greer, SC 29650

 Received as information.

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

**CARRIED OVER**

 H. 3459 -- Reps. Sandifer, Bales, J.E. Smith and Erickson: A BILL TO AMEND SECTION 40‑2‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA BOARD OF ACCOUNTANCY, SO AS TO PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL DESIGNATE CERTAIN PERSONNEL FOR THE EXCLUSIVE USE OF THE BOARD, TO PROHIBIT THE DEPARTMENT FROM ASSIGNING OTHER WORK TO THESE PERSONNEL WITHOUT APPROVAL OF THE BOARD, AND TO PROVIDE THESE PERSONNEL MAY BE TERMINATED BY THE DIRECTOR OF A MAJORITY OF THE BOARD; TO AMEND SECTION 40‑2‑30, RELATING TO THE PRACTICE OF ACCOUNTANCY, SO AS TO PROVIDE A CERTIFIED PUBLIC ACCOUNTANT LICENSED BY THE BOARD IS EXEMPT FROM LICENSURE REQUIREMENTS OF PRIVATE SECURITY AND INVESTIGATION AGENCIES; AND TO AMEND SECTION 40‑2‑70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD MAY CONDUCT PERIODIC INSPECTIONS OF LICENSEES OR FIRMS; AND TO AMEND SECTION 40‑2‑80, RELATING TO INVESTIGATIONS OF ALLEGED VIOLATIONS, SO AS TO PROVIDE THE DEPARTMENT SHALL DIRECT THE INVESTIGATOR ASSIGNED TO THE BOARD TO INVESTIGATE AN ALLEGED VIOLATION TO DETERMINE THE EXISTENCE OF PROBABLE CAUSE MERITING FURTHER PROCEEDINGS.

 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; AND MAKE CERTAIN OTHER CHANGES RELATED TO CAPTIVE INSURANCE COMPANIES. (Abbreviated Title)

 On motion of Senator MALLOY, the Bill 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.

 Senator HAYES explained the Bill.

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

 S. 211 -- Senator Leatherman: A BILL TO ENACT THE “BUDGET PROVISO CODIFICATION ACT OF 2013”. (Abbreviated Title)

 Senator O’DELL explained the Bill.

 On motion of Senator O’DELL, the Bill 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. 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 CLEARY explained the Bill.

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

 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.

 On motion of Senator O’DELL, 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 HUTTO, 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.

 Senator CROMER explained the Bill.

 On motion of Senator SCOTT, 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. 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.

 Senator HAYES explained the Bill.

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

**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 second reading of the Bill.

 Senator YOUNG proposed the following amendment (BH\940C015.BH.DG14):

 Amend the bill, as and if amended, SECTION, page 2, by striking lines 1 - 6 and inserting:

 / (c) the county collected at least seven hundred fifty thousand dollars in state accommodations taxes as imposed pursuant to Section 12‑36‑920(A) in Fiscal Year 2012-2013. /

 Renumber sections to conform.

 Amend title to conform.

 Senator YOUNG explained the amendment.

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

**AMENDMENT PROPOSED, OBJECTION TO THE BILL**

 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 third reading of the Bill.

**Motion Under Rule 26B**

 Senator THURMOND moved to take up further amendments pursuant to the provisions of Rule 26B.

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

**Ayes 37; Nays 4**

**AYES**

Alexander Allen Bennett

Campbell Cleary Coleman

Courson Cromer Davis

Fair Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--37**

**NAYS**

Bright Bryant Corbin

*Martin, Shane*

**Total--4**

 The amendment was taken up for consideration as follows.

 Senators SHEHEEN and THURMOND proposed the following amendment (JUD0459.010):

 Amend the bill, as and if amended, page 5, by striking lines 5-43, and page 6, by striking lines 1-4, 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 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

 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 bill 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 THURMOND explained the amendment.

 Senator SHANE MARTIN objected to further consideration of the Bill.

**ORDERED ENROLLED FOR RATIFICATION**

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

 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.

**HOUSE BILL RETURNED**

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

 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.

**THIRD READING BILLS**

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

 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.

 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.

 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.

 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.

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN**

**READ THE SECOND TIME**

 S. 839 -- Senators Bryant and Bright: 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 adoption of the previously proposed amendment as printed in the Journal of March 11, 2014.

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

 There was no objection and 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 42; 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 Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Reese Scott Setzler

Shealy Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**AMENDED, READ THE SECOND TIME**

 S. 561 -- Senator Larry 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.

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

 Senator MALLOY proposed the following amendment (JUD0561.004), which was adopted:

 Amend the committee report, as and if amended, page [561-1], by striking lines 32-40, and inserting:

 / (3) a coil, unless the seller is an exempted entity pursuant to subsection (J)(1)(e) or the seller presents a bill of sale from a company licensed pursuant to Chapter 11, Title 40 indicating that the seller acquired the coil as the result of a unit replacement or repair. The bill of sale is sufficient proof of ownership and serves the same purpose as a permit to transport and sell nonferrous metals. A person who presents a falsified bill of sale is guilty of a misdemeanor, and, upon conviction, must be fined in the discretion of the court or imprisoned not more three years, or both.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator MALLOY explained the perfecting amendment.

 The perfecting amendment was adopted.

 The Committee on Judiciary proposed the following amendment (JUD0561.001), which was adopted:

 Amend the bill, as and if amended, page 2, by striking lines 10-17, and inserting:

 / SECTION 2. Section 16‑17‑680(I) of the 1976 Code is amended to read:

 “(I) A secondary metals recycler ~~must~~ shall not purchase or otherwise acquire ~~an iron or steel~~:

 (1) an iron or steel manhole cover; ~~or~~

 (2) an iron or steel drainage grate; or

 (3) a coil, unless the seller is an exempted entity pursuant to subsection (J)(1)(e) or the seller presents a bill of sale from a company licensed pursuant to Chapter 11, Title 40 indicating that the seller acquired the coil as the result of a unit replacement or repair. The bill of sale is sufficient proof of ownership and serves the same purpose as a permit to transport and sell nonferrous metals. A person who presents a falsified bill of sale is guilty of a felony, and, upon conviction, must be fined in the discretion of the court or imprisoned not more ten years, or both.” /

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

 / SECTION \_\_. Section 16-17-680(D)(4) of the 1976 Code is amended to read:

 “(4) A secondary metals recycler shall not enter into a cash transaction in payment for the purchase of copper, catalytic converters, ~~and~~ or beer kegs, which totals twenty-five dollars or more. Payment for the purchase of copper, catalytic converters, ~~and~~ or beer kegs, which totals twenty-five dollars or more must be made by check alone issued and made payable to the seller. A secondary metals recycler shall neither cash a check issued pursuant to this item nor use an automated teller machine (ATM) or other cash card system in lieu of a check. A secondary metals recycler shall not enter into more than one cash transaction per day per seller in payment for the purchase of copper, catalytic converters, or beer kegs.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator MALLOY explained the committee amendment.

 The committee amendment was adopted.

 Senator SCOTT proposed the following amendment (JUD0561.005), which was adopted:

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

 / SECTION \_\_. Section 16-17-680(J) of the 1976 Code is amended to read:

 “(J)(1) Except as provided in item (2), the provisions of this section do not apply to:

 (a) the purchase or sale of aluminum cans;

 (b) a transaction between a secondary metals recycler and another secondary metals recycler;

 (c) a governmental entity;

 (d) a manufacturing or industrial vendor that generates or sells regulated metals in the ordinary course of its business;

 (e) a seller who is a holder of a retail license, an authorized wholesaler, an automobile demolisher as defined in Section 56‑5‑5810(d), a contractor licensed pursuant to Chapter 11, Title 40, a real estate broker or property manager licensed pursuant to Chapter 57, Title 40, a residential home builder licensed pursuant to Chapter 59, Title 40, a demolition contractor, a provider of gas service, electric service, communications service, water service, plumbing service, electrical service, climate conditioning service, core recycling service, appliance repair service, automotive repair service, or electronics repair service; or

 (f) ~~organizations, corporations, or associations~~ a seller that is an organization, a corporation, or an association registered with the State as ~~charitable organizations or any nonprofit corporation~~ a charitable organization or a nonprofit corporation.

 (2) An exempted entity listed in item (1) is subject to the provisions of subsection (C)(10) and subsection (G)(5).

 A secondary metals recycler shall maintain a record of transactions involving exempted entities listed in item (1) pursuant to subsection (D) and is subject to the penalty provisions of subsection (D)(6). Any item of nonferrous metals acquired from an exempted entity listed in item (1) is subject to a hold notice pursuant to subsection (F).” /

 Renumber sections to conform.

 Amend title to conform.

 Senator SCOTT 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 2**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman 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 Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

Bright Bryant

**Total--2**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

 S. 714 -- Senator Hutto: A BILL TO AMEND CHAPTER 15, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NONGAME AND ENDANGERED SPECIES CONSERVATION ACT, SO AS TO RENAME THIS CHAPTER “NONGAME AND ENDANGERED SPECIES”, TO DESIGNATE THE CHAPTER’S EXISTING SECTIONS AS “ARTICLE 1 NONGAME AND ENDANGERED WILDLIFE SPECIES”, TO DELETE THE SECTION THAT REGULATES ALLIGATOR HUNTING, CONTROL, AND MANAGEMENT, AND TO ADD ARTICLE 3 TO THIS CHAPTER WHICH IS ENTITLED THE “SOUTH CAROLINA CAPTIVE ALLIGATOR PROPAGATION ACT” WHICH ALLOWS THE DEPARTMENT OF NATURAL RESOURCES TO REGULATE THE BUSINESS OF PROPAGATING ALLIGATORS FOR COMMERCIAL PURPOSES AND THE HUNTING, CONTROL, AND MANAGEMENT OF ALLIGATORS.

 The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Fish, Game and Forestry.

 The Committee on Fish, Game and Forestry proposed the following amendment (NL\714C002.NL.SD14), which was adopted:

 Amend the bill, as and if amended, beginning on page 10, by deleting Article 3, Chapter 15, Title 50 of the 1976 Code, as contained in SECTION 1 and inserting:

 / “Article 3

 South Carolina Captive Alligator Propagation Act

 Section 50‑15‑310. As contained in this article:

 (1) ‘Alligator’ means the species Alligator mississippiensis.

 (2) ‘Alligator propagation facility’ means an enclosed area not located on public lands or waters, constructed so as to prevent the ingress and egress of alligators from surrounding public or private lands or waters where alligators are bred or raised as captive animals.

 (3) ‘Alligator propagator’ means a person who raises captive alligators under controlled conditions which prohibit free movement of the animals onto and off of the facility, and who may harvest alligators under a permit from the department.

 (4) ‘Alligator part’ means any part of an alligator.

 (5) ‘Commercial purposes’ means to derive income or with the intent to derive income.

 (6) ‘Department’ means the South Carolina Department of Natural Resources.

 (7) ‘Transport’ means, in its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water or by any manner.

 Section 50‑15‑320. (A) Any person may apply to the department for a permit to engage in the business of propagating alligators for commercial purposes. A permit allows the purchase of live alligators or alligator eggs from legal sources, the sale of live alligators within the State to other department‑permitted alligator propagators only, the sale of live alligators to other states where the purchase of those animals is lawful, the sale of the carcasses, raw parts, or skins of captive‑raised alligators to any person for resale or processing into finished products, including sale for food, and the exhibition of live alligators.

 (B) The capture, use, purchase, or sale of wild alligators or wild alligator eggs within this State for the purpose of alligator propagation is prohibited.

 (C) Except as provided in subsection (A), the sale of alligator eggs is prohibited.

 Section 50‑15‑330. (A) Upon payment of a nonrefundable application fee for applicants seeking a permit for the first time, the department shall investigate the applicant and the proposed facility. The department must prescribe applicant, facility, and operating requirements to applicants and may deny the application in its discretion after review. A person exhibiting alligators in a circus or zoo or in a similar animal, reptile, or wildlife show at a place or location other than on a captive alligator propagation facility is exempt from the permit and fee requirements of this article.

 (B) Upon approval of an application and payment of the permit fee, the department shall issue an alligator propagation facility permit.

 (C) A valid permit shall expire twelve months after the date of issuance and may be renewed not more than forty‑five days prior to expiration upon payment of a renewal fee.

 (D) Alligator propagation facilities located on noncontiguous parcels of land must be permitted separately.

 Section 50‑15‑340. (A) It is unlawful to possess, buy, sell, barter, ship, transport, or offer to buy, sell, barter, ship, or transfer alligator carcasses, skins, or parts unless tagged or labeled according to department regulations.

 (B) A person applying for an alligator propagator permit must first secure a bond to insure faithful performance naming the department as beneficiary in the amount of one hundred thousand dollars. The bond must be renewed as a condition of the permit. In the event the facility is closed, abandoned, or destroyed, or the permit is revoked, the department may use the proceeds of the bond to clean up and close the facility.

 Section 50‑15‑350. (A) Permittees must maintain records related to the possession, source, and disposition of alligators and alligator eggs as prescribed by department regulations. These records must be kept on‑site and are subject to inspection at any time by department personnel during reasonable hours.

 (B) Department personnel may, during reasonable hours, enter and inspect all alligator facilities permitted under provisions of law different from this article and all alligator propagators’ places of business, farm buildings, farm lands, vessels, and motor vehicles that are used or are of a type that could be used in the production, storage, sale, or transportation of any alligators, meat, parts, or skins, and conduct partial or complete inventories to determine whether the permitee is in compliance with applicable laws and regulations.

 (C) Any alligator tags that have been issued to an alligator propagator in excess of the number of harvestable alligators actually present on a farm, as revealed by inventory or records, may be seized by department personnel.

 Section 50‑15‑360. Any retailer, including retail food businesses, possessing, buying, or selling alligator parts must maintain an invoice or bill of sale for each purchase or sale for a period of six months. These records must be made available for inspection at any and all reasonable hours by the department.

 Section 50‑15‑370. (A) It is unlawful to alter or compromise the locking mechanism on any alligator tag. The possession of altered or fraudulent tags is unlawful. The possession of any alligator hide or carcass not tagged as prescribed by the department or any unskinned, untagged, frozen alligator carcass is unlawful and is considered contraband and subject to seizure and forfeiture by the department. Forfeited animals and parts must be disposed of by law and the proceeds deposited according to law.

 (B) All alligator propagators must submit annual reports as prescribed by the department, on forms provided by the department, no later than January thirty‑first of each year. This report must accompany any unused alligator tags from the previous year. No additional permits or tags shall be issued until this report is submitted. It is a violation of this section for any person to possess any unused alligator tags from the previous year after January thirty‑first.

 Section 50‑15‑380. (A) All raw alligator skins shipped within this State must be tagged. The accompanying bill of lading must show the number of skins in the shipment, the consignor, shipping point, consignee, and destination. The department must supply suitable tags to all shippers at a cost of ten dollars per tag requiring them for actual shipments. No alligator skin intended for shipment within this State may be accepted by any post office, express company, or agent, or the agent of any common carrier, unless the shipment complies with this section.

 (B) A person who violates any provision of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not more than thirty days, or both.

 Section 50‑15‑390. (A) It is unlawful for a person to take or possess the eggs of alligators, alligators, or their parts or skins in this State except as provided for in this article. The provisions of this section do not apply to legal finished products, alligators or their parts legally acquired before the effective date of this article, alligators or their parts legally acquired from other legal sources, or alligators harvested or collected under a permit from the department.

 (B) It is unlawful to release any captive alligator.

 (C) It is unlawful for an alligator propagation facility to offer for barter, sale, or trade the opportunity for a person to hunt or take an alligator at the facility except that a permitted facility may contract with an outside contractor to assist with the normal processing of alligators.

 Section 50‑15‑400. Notwithstanding the provisions of this article to the contrary, in the event federal or state law regulations or designations allowed by law places the alligator in the endangered species status, all permits issued pursuant to this article are null and void.

 Section 50‑15‑410. (A) Any alligator propagation facility that fails to renew the required permits or ceases operation for any reason shall have a period of three months in which to legally dispose of any remaining alligators in the facility. After three months, any remaining alligators in the facility must be forfeited to the State and disposed of. Forfeited animals and parts must be disposed of by law and the proceeds from them deposited according to law. The owner of the facility is liable for any costs associated with the disposal of the remaining alligators.

 (B) If an alligator propagation facility is abandoned, or the alligator propagator fails to adequately maintain the enclosure after notification by the department, or in the case of wilful neglect of the facility, or the lack of proper care, feeding or humane handling of alligators in the facility, the alligator propagator is considered in violation of this article and any alligators or alligator parts in the facility must be forfeited to the department. Forfeited animals and parts must be disposed of by law and the proceeds from them deposited according to law. The owner of the facility is liable for any costs associated with the disposal of the remaining alligators.

 Section 50‑15‑420. (A) Unless otherwise provided for, a person who violates the provisions of this article or implementing regulations is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than five thousand dollars, or imprisoned for not more than thirty days, or both. The magistrates court retains concurrent jurisdiction for offenses contained in this article.

 (B) Any alligator, alligator part, alligator eggs, or alligator skins unlawfully possessed, purchased, sold, bartered, shipped, or transported are contraband and are forfeited to the department. Forfeited animals and parts must be disposed of by law and the proceeds from them deposited according to law.

 (C) Any person permitted as an alligator propagator convicted of violating any of the provisions of this article or regulations related to the unlawful taking, purchasing, selling, or bartering of a wild alligator, wild alligator part, or wild alligator eggs, or the unlawful shipping or transporting of those items, forfeits his permit upon conviction for one year, and all alligators, alligator parts, and alligator skins in his possession are forfeited to the State. Forfeited animals and parts must be disposed of by law and the proceeds from them deposited according to law.

 Section 50‑15‑430. (A) To the extent not provided for in other law or by other agency, the department may adopt regulations for the placement, construction, operation, and maintenance of alligator propagation facilities, to include the following:

 (1) the minimum distance among alligator propagation facilities, other alligator propagation facilities, and residences;

 (2) the secure and humane confinement of the alligators; and

 (3) the maximum number of alligators that may be present, in total and for propagation, on an alligator propagation facility at any one time.

 (B) Water quality and waste impacts caused by alligator farms shall be subject to regulations issued by the Department of Health and Environmental Control.” /

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

 / SECTION \_\_. Chapter 15, Title 50 of the 1976 Code is amended by adding:

 “Article 5

 Alligator Management Program

 Section 50-15-500. (A) The General Assembly finds that the American alligator (Alligator mississippiensis) was reclassified by the United States Fish and Wildlife Service from endangered or threatened to ‘threatened due to similarity of appearance throughout the remainder of its range’ pursuant to the federal Endangered Species Act (16 U.S.C. 1531) and the regulations issued to implement that act. American alligators may now be taken under federal law in compliance with 50 C.F.R. 17.42(a)(2)(ii). Therefore, in order to create more opportunity for hunting and for the controlled harvest of the alligator, the General Assembly finds it in the best interest of the State to allow the taking of the alligator under strictly controlled conditions and circumstances and in compliance with federal law.

 (B)(1) The department must establish an alligator management program that allows for hunting and for selective removal of alligators in order to provide for the sound management of the animals and to ensure the continued viability of the species. The department must set the conditions for taking, including the size, methods of take, areas, times and seasons, disposition of the parts, and other conditions to properly control the harvest of alligators and the disposition of parts. The department may allow alligators to be taken at any time of the year, in any area, including sanctuaries, as part of its alligator management program. All alligators taken under the alligator management program must be taken pursuant to permits and tags and under conditions established by the department in accordance with state and federal law. All alligators taken must be tagged. Except for those persons operating under authority of depredation permits, a person who hunts, takes, or attempts to take an alligator must have a hunting license. It is unlawful for a depredation permit holder or his or her designee to sell, barter, or trade or offer to sell, barter, or trade the privilege to take an alligator under the authority of a depredation permit.

 (2) The department may establish an alligator hunting season. The department may issue alligator permits and tags to allow hunting and taking of alligators in any game zone where alligators occur. A person desiring to hunt and take alligators must apply to the department.

 (3) A landowner or lessee of property on which alligators occur may apply to the department for a permit to participate in the Private Lands Alligator Program. On those private lands, the season for hunting and taking alligators is from September first through May thirty‑first. On those lands in the private lands program only, unsecured alligators may be taken by firearms, provided no alligator may be taken by use of rim fire weapons or shotguns. Unsecured alligators may be taken only by firearms from thirty minutes before sunrise until thirty minutes after sunset. A person who takes an alligator by use of firearms must make a reasonable effort to recover the carcass at the time of taking or for the next ensuing forty‑eight hours. A person using a firearm to take an alligator must have a gaff or grappling hook or other similar device to immediately locate and recover the carcass.

 (4) The department may designate alligator control agents who demonstrate by training and experience that they possess the skills to remove alligators. Those persons designated serve at the discretion of the department. The department may require periodic demonstrations of skill or require periodic training. Alligator control agents function under the general guidance and supervision of the department for the capture and removal of nuisance alligators including the disposition of the alligator or its parts.

 (C) It is unlawful to feed, entice, or molest an alligator except as permitted under state and federal law. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than one hundred fifty dollars or imprisoned for up to thirty days, or both. The magistrates court retains jurisdiction over this offense.

 (D) A person who hunts or takes an alligator, or allows an alligator to be hunted or taken, or possesses or disposes of alligator parts, except as allowed by this section and the implementing regulations, is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than two thousand five hundred dollars or imprisoned for up to thirty days, or both. The magistrates court retains jurisdiction over this offense. In addition, the court may order restitution for any animal or part of an animal taken, possessed, or transferred in violation of this section.” /

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

 / SECTION \_\_. Chapter 9, Title 50 of the 1976 Code is amended by adding:

 “Section 50‑9‑460. (A) An applicant for an alligator propagation facility permit must remit a nonrefundable fee of five hundred dollars with the application.

 (B) Upon approval of an alligator propagation facility permit, the applicant must remit a fee of one hundred dollars to obtain the permit.

 (C) Before renewal of a valid alligator propagation facility permit, the permittee must remit a fee of one hundred dollars to renew the permit.” /

 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 40; Nays 1**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Johnson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--40**

**NAYS**

Kimpson

**Total--1**

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

**READ THE SECOND TIME**

 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.

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

 Senator COLEMAN explained the Bill.

 The question then was second reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Cromer Davis

Fair Gregory Grooms

Hayes Hutto 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--40**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

 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”.

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

 Senator SETZLER explained the Bill.

 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 Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Johnson

Kimpson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney 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.

**ADOPTED**

 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.

 The Senate Resolution was adopted.

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

**MOTION ADOPTED**

 At 4:10 P.M., on motion of Senator PEELER, the Senate agreed to dispense with the balance of the Motion Period.

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CARRIED OVER**

S. 19 -- Senators Ford, Campsen and Shealy: A BILL TO AMEND SECTION 17-15-55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BOND AND THE AUTHORITY OF THE CIRCUIT COURT TO REVOKE BOND UNDER CERTAIN CIRCUMSTANCES, SO AS TO INCLUDE THE COMMISSION OF A SUBSEQUENT VIOLENT CRIME BY A PERSON RELEASED ON BOND IN THE PURVIEW OF THE STATUTE AND TO ADD AN ADDITIONAL PENALTY IF A PERSON COMMITS A GENERAL SESSIONS COURT OFFENSE WHILE ON RELEASE ON BOND.

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

**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. P5-2**

 Senator SCOTT proposed the following amendment (MS\3101C048.MS.AHB14), which was tabled:

 Amend the amendment bearing document number S‑RES\Amend\3101R013.TD, as and if amended, by deleting Section 1-1-1915(A)(3), as contained in SECTION 1.

 Renumber sections to conform.

 Amend title to conform.

 Senator SCOTT explained the perfecting amendment.

 Senator DAVIS moved to lay the amendment on the table.

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

**Ayes 25; Nays 13**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Shealy

Thurmond Turner Verdin

Young

**Total--25**

**NAYS**

Allen Hutto Johnson

Kimpson Malloy McElveen

McGill Nicholson Pinckney

Reese Scott Setzler

Williams

**Total--13**

 The amendment was laid on the table.

**Amendment No. P8-2**

 Senator NICHOLSON proposed the following amendment (MS\3101C045.MS.AHB14):

 Amend the amendment bearing document number S‑RES\Amend\3101R013.TD, as and if amended, by deleting Section 1-1-1915(A)(1), as contained in SECTION 1, and inserting:

 / (1) implement or participate in the establishment of a health insurance exchange by the State or a political subdivision of the State, or assist in the enrollment of any person in any health insurance exchange with or to a federal agency or employee, or any other person acting on behalf of, in conjunction with, or in support of, any health insurance exchange offering health insurance to employers or residents of this State in order to facilitate any portion of Section 1501 and 1513 of the ACA, commonly known as the ACA’s individual mandate to purchase insurance coverage and the ACA’s employer mandate to provide health insurance coverage, respectively; /

 Renumber sections to conform.

 Amend title to conform.

 Senator NICHOLSON explained the perfecting amendment.

 Debate was interrupted by adjournment.

**Motion Adopted**

 Senator COURSON moved that the Senate stand adjourned.

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

**Ayes 30; Nays 13**

**AYES**

Alexander Allen Campbell

Campsen Cleary Coleman

Courson Fair Gregory

Hayes Hembree Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McElveen McGill Nicholson

Peeler Pinckney Reese

Scott Setzler Williams

**Total--30**

**NAYS**

Bennett Bright Bryant

Corbin Cromer Davis

Grooms *Martin, Shane* Shealy

Thurmond Turner Verdin

Young

**Total--13**

 The Senate agreed to stand adjourned.

**MOTION ADOPTED**

 On motion of Senator HEMBREE, with unanimous consent, the Senate stood adjourned out of respect to the memory of former Senator Gene Carmichael of Lakeview, S.C. Senator Carmichael was a graduate of The Citadel and served in the U.S. Army during World War II. He operated numerous businesses in Lake View and Dillon during his lifetime and worked every day until recent months when he retired. He was most proud of serving the citizens of Dillon, Marlboro, Lee and Chesterfield counties as their State Senator for three terms.

and

**MOTION ADOPTED**

 On motion of Senator GREGORY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Georgianna Duke of Lancaster, S.C. Georgianna’s greatest accomplishment was the raising and nurturing of her four children and spending time with her grandchildren. She was a devoted mother and doting grandmother who will be dearly missed.

**ADJOURNMENT**

 At 5:31 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*