

NO. 25

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

TUESDAY, FEBRUARY 22, 2022

**Tuesday, February 22, 2022
(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, 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:

Ecclesiastes 3:4

We read in Ecclesiastes that there is: “. . . a time to weep, and a time to laugh; a time to mourn, and a time to dance . . .”

Bow in prayer with me, if you will: Glorious and ever-loving Lord, we fully realize that life presents us with all sorts of twists and turns as we make our way along day by day, week by week, and year by year. The variety of our life experiences are so richly varied. We quickly shift from reminiscing about Presidents to reflecting upon how elusive world peace seems to be, from wringing our hands over Covid issues to worrying about Ukraine. Still, in spite of the demands upon all of us, O God, one constant continues: that being our need to remain faithful to You, whether it is indeed a time to weep or laugh or mourn or dance. Therefore, we ask You today to bless these Senators and their aides as they together work for the betterment and safety of every one of our citizens. Bless and lead these leaders, dear Lord. So we pray in Your loving name. Amen.

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

Point of Quorum

At 12:03 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Bennett
Cash	Climer	Corbin
Cromer	Davis	Fanning
Garrett	Goldfinch	Gustafson

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Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Malloy	Martin	Massey
Peeler	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

Doctor of the Day

Senator SCOTT introduced Dr. Patricia Seal of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SETZLER, at 12:08 P.M., Senator HARPOOTLIAN was granted a leave of absence for February 22, 2022, through February 28, 2022.

Expression of Personal Interest

Senator GUSTAFSON rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator GUSTAFSON, when reduced to writing and made available to the Desk, would be printed in the Journal.

Expression of Personal Interest

Senator STEPHENS rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator KIMPSON, with unanimous consent, the remarks of Senator STEPHENS, when reduced to writing and made available to the Desk, would be printed in the Journal.

Expression of Personal Interest

Senator SCOTT rose for an Expression of Personal Interest.

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Remarks to be Printed

On motion of Senator GUSTAFSON, with unanimous consent, the remarks of Senator SCOTT, when reduced to writing and made available to the Desk, would be printed in the Journal.

CO-SPONSORS ADDED

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

S. 1077 Sens. M. Johnson, Kimpson and Hutto

RECALLED AND COMMITTED

H. 4766 -- Reps. Allison, Lucas, Felder and Alexander: A BILL TO AMEND SECTION 13-1-2030, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT, SO AS TO DELETE REFERENCES TO DESIGNEES ON THE COORDINATING COUNCIL.

On motion of Senator HEMBREE, with unanimous consent, the Bill was recalled from the Committee on Labor, Commerce and Industry and committed to the Committee on Education.

RECALLED AND COMMITTED

H. 3623 -- Reps. Murphy, Stavrinakis, Kimmons, Hart, Rutherford, Lucas, Dillard, Erickson, Hyde, W. Newton, Thigpen, Wheeler, R. Williams, Murray, Gilliard, Rivers, Brawley, Anderson, S. Williams, King, Alexander, McDaniel, Henderson-Myers and Govan: A BILL TO AMEND SECTION 24-13-150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EARLY RELEASE OF AN INMATE, SO AS TO REDUCE THE PERCENTAGE OF TIME AN INMATE WHO HAS COMMITTED A "NO PAROLE OFFENSE" MUST SERVE BEFORE HE MAY BECOME ELIGIBLE FOR EARLY RELEASE, DISCHARGE, OR COMMUNITY SUPERVISION FROM EIGHTY-FIVE PERCENT TO SIXTY-FIVE PERCENT FOR CERTAIN DRUG OFFENSES, AND TO PROVIDE THIS REDUCTION APPLIES TO INMATES CURRENTLY INCARCERATED UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 44-53-370, RELATING TO THE UNLAWFUL POSSESSION, MANUFACTURE, AND TRAFFICKING OF CONTROLLED SUBSTANCES, SO AS TO REVISE THE PENALTIES AND WEIGHT PRESUMPTIONS, AND ELIMINATE MANDATORY MINIMUM SENTENCES; AND TO AMEND

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SECTION 44-53-375, RELATING TO THE UNLAWFUL POSSESSION, MANUFACTURE, AND TRAFFICKING OF METHAMPHETAMINE, COCAINE BASE, OR OTHER CONTROLLED SUBSTANCES, SO AS TO REVISE THE PENALTIES AND WEIGHT PRESUMPTIONS, AND ELIMINATE MANDATORY MINIMUM SENTENCES.

On motion of Senator MARTIN, with unanimous consent, the Bill was recalled from the Committee on Corrections and Penology and committed to the Committee on Judiciary.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1088 -- Senator Campsen: A SENATE RESOLUTION TO CONGRATULATE THE WANDO HIGH SCHOOL MARCHING BAND, DIRECTORS, AND SCHOOL OFFICIALS ON AN OUTSTANDING SEASON AND TO HONOR THEM FOR WINNING THE BAND'S THIRTEENTH SOUTH CAROLINA 5A STATE CHAMPIONSHIP.

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The Senate Resolution was adopted.

S. 1089 -- Senator Bennett: A SENATE RESOLUTION TO HONOR AND CONGRATULATE THE ROTARY CLUB OF SUMMERVILLE UPON THE COMMEMORATION OF THE CLUB'S SEVENTY-FIFTH ANNIVERSARY OF SERVICE TO THE SUMMERVILLE COMMUNITY AND BEYOND.

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The Senate Resolution was adopted.

S. 1090 -- Senator Massey: A BILL TO AMEND SECTION 41-35-40 OF THE 1976 CODE, RELATING TO AN INSURED WORKER'S WEEKLY BENEFIT AMOUNT, TO PROVIDE THAT THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE MUST ANNUALLY ADJUST THE MAXIMUM WEEKLY BENEFIT AMOUNT BY AN AMOUNT BY THE RATE OF INFLATION AND TO RETROACTIVELY RATIFY AND AFFIRM THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE'S INTERPRETATION AND EXECUTION OF SECTION 41-35-40 OF THE 1976 CODE.

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

S. 1091 -- Senators Martin and Fanning: A BILL TO AMEND SECTION 41-31-60(A) OF THE 1976 CODE, RELATING TO THE UNEMPLOYMENT TAX RATE WHEN A DELINQUENT REPORT IS RECEIVED, TO PROVIDE THAT THE TAX CLASS TWENTY RATE MUST BE ASSIGNED TO THE EMPLOYER UNTIL THE NEXT COMPUTATION DATE OR UNTIL ALL OUTSTANDING TAX REPORTS HAVE BEEN FILED.

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Senator MARTIN spoke on the Bill.

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

S. 1092 -- Senator Martin: A BILL TO AMEND SECTION 23-23-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CERTIFICATES OF COMPLIANCE AND QUALIFICATION TO LAW ENFORCEMENT OFFICERS AND PERSONS TRAINED BY THE CRIMINAL JUSTICE ACADEMY, AND THE LAW ENFORCEMENT TRAINING COUNCIL'S AUTHORITY TO OVERSEE THE OPERATION OF THE TRAINING OF LAW ENFORCEMENT OFFICERS AND RECEIPT OF CERTAIN INFORMATION FROM GOVERNING BODIES ABOUT CANDIDATES SEEKING CERTIFICATION, SO AS TO PROVIDE DETENTION AND CORRECTIONAL OFFICER CANDIDATES MUST BE AT LEAST EIGHTEEN YEARS OF AGE.

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Senator MARTIN spoke on the Bill.

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

S. 1093 -- Senator Cash: A SENATE RESOLUTION TO CONGRATULATE COLONEL JAMES RONALD FINLEY UPON THE OCCASION OF HIS RETIREMENT AS NATIONAL GUARD BUREAU UNITED STATES PROPERTY AND FISCAL OFFICER, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE UNITED STATES ARMY, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

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The Senate Resolution was adopted.

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S. 1094 -- Senators Scott and Kimpson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR BISHOP SAMUEL GREEN, SR. AND REVEREND SAMUEL GREEN, JR. FOR THEIR ADVOCACY ON BEHALF OF THE WE ARE SHARING HOPE SC ORGANIZATION AND FOR THEIR MANY CONTRIBUTIONS TO EDUCATING THE CHARLESTON COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA ON THE MISSION OF ORGAN, EYE, AND TISSUE DONATION.

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The Senate Resolution was adopted.

S. 1095 -- Senators Climer, Massey, Verdin, Kimbrell, M. Johnson, McElveen and Fanning: A BILL TO AMEND ARTICLE 1, CHAPTER 119, TITLE 59 OF THE 1976 CODE, RELATING TO CLEMSON UNIVERSITY'S ORGANIZATION, POWERS, PROPERTY, INCOME AND THE LIKE, TO PROVIDE THAT ALL OF THE REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND SECTIONS 46-1-140, 46-9-50, 46-10-30, 46-13-30, 46-23-90, 46-25-40, 46-25-45, 46-26-160, 46-35-10, 46-37-20, AND 46-37-25 TO CONFORM TO THE REQUIREMENT THAT ALL REGULATIONS PROMULGATED BY THE DIVISION OF REGULATORY AND PUBLIC SERVICE PROGRAMS MUST BE PROMULGATED IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT.

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Read the first time and referred to the Committee on Agriculture and Natural Resources.

H. 3348 -- Reprs. Daning, Robinson, Pope, J. L. Johnson, Jefferson, M. M. Smith, Dillard, Hill, Erickson, Bradley, R. Williams, Gilliard, Murray, Weeks, Brawley, W. Newton and Kirby: A BILL TO AMEND THE CODE OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 12-6-3710 AND 12-6-3720 SO AS TO ALLOW A TAX CREDIT TO ANY TAXPAYER THAT EMPLOYS A FORMERLY INCARCERATED INDIVIDUAL IN AN APPRENTICESHIP PROGRAM, OR A VETERAN OF THE ARMED FORCES IN AN APPRENTICESHIP PROGRAM, TO SPECIFY THE TAXES FOR

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WHICH THE CREDIT MAY BE APPLIED, AND SPECIFY ELIGIBILITY REQUIREMENTS.

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

Message from the House

Columbia, S.C., February 22, 2022

Mr. President and Senators:

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

MASTER-IN-EQUITY

Local appointment, Horry County Master-In-Equity, with term to commence July 31, 2021 and to expire July 31, 2027:

The Honorable Alan Clemmons, 1411 SC Hwy 15, Myrtle Beach, SC 29577 *VICE* Cynthia Graham Howe (resigned)

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCES

S. 915 -- Senators Jackson and McLeod: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF CUSHMAN DRIVE AND BALDWIN ROAD IN RICHLAND COUNTY "DEPUTY DARRAL KEITH LANE, SR. MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THIS DESIGNATION.

Returned with concurrence.

Received as information.

S. 916 -- Senators Jackson and McLeod: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF PERCIVAL ROAD AND FAIRLAMB AVENUE IN RICHLAND COUNTY "DEPUTY JERRY LEE HURD, JR. MEMORIAL INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

Returned with concurrence.

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Received as information.

S. 917 -- Senator Goldfinch: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE US 701 BRIDGE OVER THE GREAT PEE DEE RIVER THE "CHARLES A. HINSON MEMORIAL BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

S. 950 -- Senator Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION RENAME THE PORTION OF UNITED STATES HIGHWAY 501 BUSINESS FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 41/ARIELS CROSSROADS TO THE 41A/UNITED STATES HIGHWAY 501 BUSINESS INTERSECTION IN MARION COUNTY FROM ITS PREVIOUS DESIGNATION OF "THE MARVIN STEVENSON, COUNTY COUNCILMAN, COMMISSIONER HIGHWAY" TO "THE HONORABLE MARVIN STEVENSON HIGHWAY" AND AMEND APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION TO CONTAIN THIS DESIGNATION.

Returned with concurrence.

Received as information.

S. 955 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE JUNCTION OF ROSS CANNON STREET AND EAST MADISON STREET IN THE CITY OF YORK IN YORK COUNTY "JOHN HENRY HARDIN, JR. INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 1001 -- Senators Scott, Harpootlian, Jackson, McElveen and McLeod: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 215 (MONTICELLO ROAD) IN RICHLAND COUNTY FROM ITS INTERSECTION WITH ELLIOTT

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AVENUE TO ITS INTERSECTION WITH COLUMBIA COLLEGE DRIVE "GEORGE E. GLYMPH MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

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

SECOND READING BILL

H. 4800 -- Reps. McGarry and Crawford: A BILL TO AMEND ACT 777 OF 1988, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE LANCASTER COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE FOR THE ELECTION OF SCHOOL TRUSTEES IN PARTISAN INSTEAD OF NONPARTISAN ELECTIONS BEGINNING IN 2024 AND FOR THE NOMINATION, TERMS, AND ELECTION PROCEDURES OF CANDIDATES FOR THESE OFFICES.

Om motion of Senator M. JOHNSON.

OBJECTION

S. 230 -- Senators Shealy, Hutto, Jackson and Gustafson: A BILL TO AMEND SECTION 16-3-2020(G) OF THE 1976 CODE, RELATING TO TRAFFICKING VICTIMS WHO ARE MINORS, TO PROVIDE THAT MINORS ENGAGED IN COMMERCIAL SEXUAL ACTIVITY OR TRAFFICKING ARE PRESUMED TO BE DOING SO UNDER COERCION OR AS THE RESULT OF A REASONABLE FEAR OF A THREAT, TO PROVIDE FOR AN AFFIRMATIVE DEFENSE OF THESE VICTIMS, AND TO PROVIDE FOR EXPUNGEMENT FOR THESE VICTIMS.

Senator HEMBREE objected to consideration of the Bill.

OBJECTION

H. 3466 -- Reps. Long, McGarry, Pope, Forrest, Magnuson and Jones: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-80-65 SO AS TO PROVIDE PROCEDURES THROUGH WHICH A FIRE DEPARTMENT THAT ASSUMES THE COST OF TRAINING A FIREFIGHTER MAY BE REIMBURSED FOR THESE COSTS BY OTHER FIRE

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DEPARTMENTS THAT SUBSEQUENTLY HIRE THE FIREFIGHTER WITHIN A CERTAIN PERIOD OF TIME.

Senator GAMBRELL objected to consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
CARRIED OVER**

S. 248 -- Senators Young, Hembree, Turner, McElveen and Bennett: A BILL TO ENACT THE “SOUTH CAROLINA HANDS-FREE ACT”; TO AMEND SECTION 56-5-3890 OF THE 1976 CODE, RELATING TO THE UNLAWFUL USE OF A WIRELESS TELECOMMUNICATIONS DEVICE WHILE OPERATING A MOTOR VEHICLE, TO REVISE THE CIRCUMSTANCES UNDER WHICH IT IS UNLAWFUL TO USE A WIRELESS TELECOMMUNICATIONS DEVICE, TO CREATE THE OFFENSE OF DISTRACTED DRIVING AND PROVIDE PENALTIES, AND TO MAKE TECHNICAL REVISIONS; TO AMEND SECTION 56-1-720 OF THE 1976 CODE, RELATING TO POINTS THAT MAY BE ASSESSED AGAINST A PERSON’S DRIVING RECORD FOR MOTOR VEHICLE DRIVING VIOLATIONS, TO PROVIDE THAT A SECOND OR SUBSEQUENT OFFENSE OF DISTRACTED DRIVING IS A TWO-POINT VIOLATION; TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL NOTIFY MOTORISTS OF THE HANDS-FREE REQUIREMENTS AT CERTAIN POINTS ALONG THE STATE’S INTERSTATE HIGHWAYS; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (248R002.KMM.LKG), which was adopted:

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

/ SECTION 1. This act may be referred to and cited as the “South Carolina Hands Free and Distracted Driving Act”.

SECTION 2. Section 56-5-3890 of the 1976 Code is amended to read:

“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~~

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~~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.~~
'Mobile electronic device' means a cellular telephone, portable computer, GPS receiver, electronic game, or any substantially similar stand-alone electronic device used to communicate, display, or record digital content. 'Mobile electronic device' does not include a citizens band radio, amateur radio, ham radio, commercial two way radio or its functional equivalent, subscription based emergency communication device, or prescribed medical 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. While operating a motor vehicle on any public highway of this State, a person shall not:~~

~~(1) hold or support, with any part of the body, a mobile electronic device. This provision does not prohibit the use of an earpiece or device worn on a wrist to conduct voice based communication;~~

~~(2) read, compose, or transmit any text, including, but not limited to, a text message, email, application interaction, or website information on a mobile electronic device.~~

~~(3) watch motion, including, but not limited to, a video, movie, game, or video call on a mobile electronic device.~~

~~(C) This section does not apply to a ~~person~~ motor vehicle operator who is:~~

~~(1) lawfully parked or stopped;~~

~~(2) using a hands free wireless electronic communication device initiating a voice-based communication that is automatically converted by the device and sent as text, provided that the device is not held by the operator;~~

~~(3) summoning emergency assistance reporting an accident, emergency, or safety hazard to a public safety official~~

~~(4) transmitting or receiving data as part of a digital dispatch system while performing occupational duties;~~

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(5) a public safety official while in the performance of the person's a first responder while performing 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; viewing information related to the navigation of the vehicle, provided that the device is not held by the operator;

(7) using a mobile electronic device in a voice-activated or hands-free mode to initiate or participate in a cellular call, provided that the device is not held by the operator; or

(8) using equipment or services installed by the original manufacturer of the vehicle.

(D)(1) A person who is adjudicated to be in violation of the provisions of this section is guilty of distracted driving and, upon conviction:

(a) for a first offense, must be fined not more than twenty-five one hundred fifty dollars, no part of which may be suspended; and

(b) for a second or subsequent offense, must be fined not more than three hundred dollars, no part of which may be suspended, and must have two points assessed against his motor vehicle operating record.

(2) Only those offenses which occurred within three years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this subsection. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A person must not be fined more than fifty dollars for any one incident of one or more violations of the provisions of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56-1-640, a violation of this section must not be:

(a) included in the offender's motor vehicle records maintained by the Department of Motor Vehicles or in the criminal records maintained by SLED; or

(b) reported to the offender's motor vehicle insurer.

(2)(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. The Department of Public Safety must receive twenty five percent of the fines imposed for violations of this section. Funds provided to the department pursuant to this section must be used

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to educate the public on the dangers of distracted driving and the provisions of this act.

(E) A law enforcement officer shall not:

(1) stop a person for a violation of this section except when the officer has ~~probable cause~~ reasonable suspicion 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;~~

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

(3) search or request to search a motor vehicle, ~~driver~~ operator, or passenger in a motor vehicle, solely because of a violation of this section; or

(4) make a custodial arrest ~~for~~ solely because of 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 Motor Vehicles shall maintain and provide citation information pursuant to this section to the Department of Public Safety. 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 governmental entities~~ political subdivisions regarding persons using ~~wireless~~ mobile electronic ~~communication~~ devices while operating motor vehicles on the public streets and highways of this State.”

SECTION 3. 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:	

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(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
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
<u>Distracted driving (second or subsequent offense)</u>	<u>2</u>
Operating a vehicle in unsafe condition	2
Driving in improper lane	2
Improper backing	2
Endangerment of a highway worker, no injury	2
Endangerment of a highway worker, injury results	4”

SECTION 4. At every interstate highway ingress, the Department of Transportation shall erect a sign advising motorists of this act.

SECTION 5. During the first sixty days after the effective date of this act, law enforcement officers shall only issue warnings for violations of Section 56-5-3890, as amended by this act.

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

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SECTION 7. This act takes effect ninety days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

Senator MALLOY spoke on the amendment.

The amendment was adopted.

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

CARRIED OVER

S. 908 -- Senators Rankin and Grooms: A BILL TO AMEND SECTION 56-5-4445 OF THE 1976 CODE, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE, TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER.

The Senate proceeded to a consideration of the Bill.

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

CARRIED OVER

S. 961 -- Senators Senn, Campsen, Bennett, Alexander and Fanning: A BILL TO AMEND SECTION 39-25-20(T) OF THE 1976 CODE, RELATING TO THE DEFINITION OF "HONEY," TO PROVIDE THAT BEEKEEPERS PRODUCING NO MORE THAN FOUR HUNDRED GALLONS OF HONEY MAY FILE FOR AN EXEMPTION FROM INSPECTIONS AND REGULATIONS REQUIRING HONEY TO BE PROCESSED, EXTRACTED, AND PACKAGED IN AN INSPECTED FOOD PROCESSING ESTABLISHMENT, OR FROM BEING REQUIRED TO OBTAIN A REGISTRATION VERIFICATION CERTIFICATE FROM THE DEPARTMENT OF AGRICULTURE; AND TO PROVIDE THAT BEEKEEPERS WHO FILE FOR AND OBTAIN THE EXEMPTION CERTIFICATE FROM THE DEPARTMENT OF AGRICULTURE MAY SELL DIRECTLY TO INSPECTED FOOD PROCESSING ESTABLISHMENTS THAT MAINTAIN A REGISTRATION

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VERIFICATION CERTIFICATE FOR SUBSEQUENT WHOLESALE OR RESALE SALES.

The Senate proceeded to a consideration of the Bill.

On motion of Senator KIMBRELL the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 934 -- Senator Davis: A BILL TO AMEND SECTION 6-9-63, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE SOUTH CAROLINA BUILDING CODES COUNCIL, SO AS TO REQUIRE THAT THE MEMBER WHO IS AN ARCHITECT LICENSED IN SOUTH CAROLINA MUST BE SELECTED FROM A LIST OF QUALIFIED CANDIDATES SUBMITTED TO THE GOVERNOR BY THE SOUTH CAROLINA CHAPTER OF THE AMERICAN INSTITUTE OF ARCHITECTS.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (DG\934C001.NBD.DG22), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 1, by striking lines 27 - 30 and inserting:

/ "(A)Each member of the council must be appointed by the Governor for a term of four years and until a successor is appointed and qualifies. Each member of the council must be resident of this State.

The council consists of sixteen members composed of: /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill as amended.

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

Ayes 41; Nays 0

AYES

Adams

Alexander

Allen

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Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	McElveen	McLeod
Peeler	Rankin	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
CARRIED OVER**

S. 460 -- Senator Alexander: A BILL TO AMEND SECTION 23-9-10 OF THE 1976 CODE, RELATING TO THE TRANSFER OF THE OFFICE OF THE STATE FIRE MARSHAL TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND THE STATE FIRE MARSHAL'S DUTIES AND RESPONSIBILITIES, TO DELETE CERTAIN OBSOLETE LANGUAGE, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THE DIVISION OF FIRE AND LIFE SAFETY'S PROGRAM AREAS; TO AMEND SECTION 23-9-20 OF THE 1976 CODE, RELATING TO THE DUTIES OF THE STATE FIRE MARSHAL, TO REVISE HIS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 23-9-25(F)(2) AND (5) OF THE 1976 CODE, RELATING TO THE VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM, TO REVISE GRANT APPLICATION AND FUNDING PROCEDURES; TO AMEND SECTION 23-9-30 OF THE 1976 CODE, RELATING TO RESIDENT

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FIRE MARSHALS, TO REVISE THEIR DUTIES AND WHO MAY EXERCISE THESE DUTIES, AND TO PROVIDE THAT THE STATE FIRE MARSHAL MAY PROMULGATE REGULATIONS REGARDING A FIRE MARSHAL'S TRAINING AND CERTIFICATION; TO AMEND SECTION 23-9-45 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF A CLASS D FIRE EQUIPMENT DEALER LICENSE OR A FIRE EQUIPMENT PERMIT, TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL CLASSES OF LICENSES AND QUALIFICATIONS TO OBTAIN THESE LICENSES; TO AMEND SECTION 23-9-50 OF THE 1976 CODE, RELATING TO THE STATE FIRE MARSHAL'S AUTHORITY TO INSPECT CERTAIN BUILDINGS OR PREMISES, TO REVISE THE CIRCUMSTANCES UPON WHICH HE MAY ENTER A BUILDING OR PREMISES; TO AMEND ARTICLE 1, CHAPTER 9, TITLE 23 OF THE 1976 CODE, RELATING TO THE STATE FIRE MARSHAL, BY ADDING SECTION 23-9-125, TO PROVIDE THAT THESE PROVISIONS MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE STATE BOARD OF PYROTECHNIC SAFETY OR THE REGULATION OF FIREWORKS; TO AMEND CHAPTER 10, TITLE 23 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA FIRE ACADEMY, TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-49-120(B) OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA FORESTRY COMMISSION'S ACCEPTANCE OF DONATIONS OF FIRE EQUIPMENT, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, DIVISION OF FIRE AND LIFE SAFETY, MAY ALSO ACCEPT DONATIONS OF FIRE EQUIPMENT; TO AMEND SECTION 40-80-30(D) OF THE 1976 CODE, RELATING TO A FIREFIGHTER REGISTERING WITH THE STATE FIRE MARSHAL, TO REVISE THE COST AND PROCESS OF OBTAINING CERTAIN INDIVIDUAL FIGHTER RECORDS; AND TO REPEAL SECTIONS 23-9-35, 23-9-40, 23-9-60, 23-9-110, AND 23-9-130 OF THE 1976 CODE, ALL RELATING TO DUTIES OF THE STATE FIRE MARSHAL.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (CM460C004.GT.CM22), which was adopted:

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

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/SECTION 2. Section 23-9-20 of the 1976 Code is amended to read:

“Section 23-9-20. (A) The State Fire Marshal shall have jurisdiction and authority statewide, on behalf of the State, in matters including, but not limited to, the following functions and activities provided the aforementioned jurisdiction and authority does not, and is not intended to supersede the authority granted to the State Board of Pyrotechnic Safety relating to the manufacture, sale and storage of fireworks described in Sections 40-56-1 et., seq.:

(1) ~~supervise enforcement of the laws and regulations of the Liquefied Petroleum Gas Board and the South Carolina Hydrogen Permitting Program~~ the enforcement of all laws and ordinances of the State with reference to the following:

(a) the prevention of fires; and

(b) the storage, sale, and use of combustibles and explosives;

(c) the installation and maintenance of fire alarm systems and fire extinguishing systems and equipment;

(d) the means of egress from all buildings, except for one-family and two-family dwellings, unless otherwise required or permitted through law or regulation;

(e) the investigation of the cause, origin, and circumstances of a fire;

(f) conformance with fire prevention and protection codes and standards, based upon nationally recognized codes and standards, as may be prescribed by law or regulation for the prevention of fires and the protection of life and property;

(g) the facilitation of the reporting of fires through the National Fire Incident Reporting System;

(h) the collection of information concerning the causes, prevention, and reduction of damage from fire and other forms of community loss. The Office of the State Fire Marshal, from time to time, may disseminate this information in an appropriate manner as needed to aid in public protection or the training of firefighters; and

(i) other fire-related activities not inconsistent with the mission of State Fire or otherwise prescribed by law; and

(2) ~~shall employ and supervise personnel necessary to carry out the duties of his office~~ the enforcement of the laws and regulations of the Liquefied Petroleum Gas Board and the South Carolina Hydrogen Permitting Program;

(3) the employment and supervision of personnel necessary to carry out the duties of his office;

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(4) the implementation of licensing, permitting, and certification programs, based upon nationally recognized codes and standards, and the promulgation of regulations, not to include the manufacture, sale or storage of fireworks as regulated by the State Board of Pyrotechnic Safety, for:

(a) explosives in accordance with Chapter 36, Title 23;

(b) pyrotechnic displays and shooters;

(c) fire protection systems and all classes of equipment; and

(d) persons performing fire inspections under the authority of Section 23-9-30;

(5) the promulgation of fire prevention and protection regulations, based upon nationally recognized codes and standards, for the protection of the life and property of the residents of this State from fire; and

(6) the administrative and operational responsibilities for all program areas of State Fire, including the Office of the State Fire Marshal, the State Fire Academy, and the Emergency Response Task Force.

(B) The Office of the State Fire Marshal may issue an administrative citation for any violation of this chapter or the fire code. Service of the citation may be in person or by certified mail. Except that, the Office of the State Fire Marshall shall not issue a separate administrative citation, under the authority of this chapter, for violations of the licensing requirements and regulations promulgated by the State Board of Pyrotechnic Safety regarding the manufacture, sale, and storage of fireworks.

(C) The Office of the State Fire Marshal may issue separate citations for each violation. However, no more than one thousand dollars in administrative penalties may be assessed for each violation. For a first offense, a written order specifying the code violations that need to be corrected and specifying a time frame for the corrections must be issued. The time frame to complete the corrections is thirty days, unless a finding is made that the violation impacts the health, safety, or welfare of the public and that an imminent threat of harm exists if the violation is not immediately abated. If the violations are not corrected within the time allotted, then an administrative penalty may be assessed.

(D) An entity or individual assessed an administrative penalty by the Office of the State Fire Marshal may appeal the penalty to the State Fire Marshal, or his designee, within ten days of the receipt of the citation. If no appeal is filed, then the citation is deemed a final order, and the penalties must be paid within thirty days of the receipt of the citation. The State Fire Marshal may enforce any order by filing a civil action

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through the administrative law court, in the name of the State, for injunctive relief against a person who violates this article, a regulation promulgated under this article, or a final order.

(E) All fines collected under this section by the Office of the State Fire Marshal must be remitted by the Office of the State Fire Marshal and deposited in a special fund established for State Fire to defray the administrative costs associated with this article.

(F) Nothing in this section prohibits the State Fire Marshal from exercising the statutory authority outlined in Section 23-9-70.” /

Amend the bill further by striking SECTION 8 in its entirety and inserting:

/SECTION 8. Article 1, Chapter 9, Title 23 of the 1976 Code is amended by adding:

“Section 23-9-125. This chapter does not repeal, amend, or otherwise affect the authority of the State Board of Pyrotechnic Safety or the regulation of fireworks, pursuant to Chapter 56, Title 40.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 980 -- Senators Goldfinch and Campsen: A BILL TO AMEND SECTION 50-5-1705 OF THE 1976 CODE, RELATING TO CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, TO PROHIBIT A PERSON TO TAKE OR HAVE IN POSSESSION MORE THAN TWO RED SNAPPER IN ANY ONE DAY; AND TO AMEND SECTION 50-5-1710(B) OF THE 1976 CODE, RELATING TO SIZE LIMITS FOR ESTUARINE AND SALTWATER FINFISH, TO PROHIBIT TAKING, POSSESSING, LANDING, SELLING, PURCHASING, OR ATTEMPTING TO SELL OR PURCHASE RED SNAPPER OF LESS THAN TWENTY INCHES IN TOTAL LENGTH.

The Senate proceeded to a consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (980R001.GEC), which was adopted:

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

/SECTION 1. Section 50-5-2730 of the 1976 Code is amended to read:

“(A) Unless otherwise provided by law, any regulations promulgated by the federal government under the Fishery Conservation and Management Act (PL 94-265) or the Atlantic Tuna Conservation Act (PL 94-70) which establishes seasons, fishing periods, gear restrictions, sales restrictions, or bag, catch, size, or possession limits on fish are declared to be the law of this State and apply statewide including in state waters.

(B) This provision does not apply to:

(1) black sea bass (*Centropristis striata*) whose lawful catch limit is five fish per person per day or the same as the federal limit for black sea bass, whichever is higher. The lawful minimum size for black sea bass is thirteen inches total length. Additionally, and there is no closed season on the catching of black sea bass (*Centropristis striata*); or

(2) red snapper (*Lutjanus campechanus*) whose lawful catch limit is two fish per person per day. The lawful minimum size for red snapper is twenty inches total length and there is no closed season.”

SECTION 2. This act takes effect on July 1, 2022. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill as amended.

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

Ayes 42; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Gustafson	Hembree	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell

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Kimpson	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

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

OBJECTION

H. 3055 -- Reps. Hixon, Forrest, W. Newton and Ligon: A BILL TO AMEND SECTION 48-4-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO UPDATE THE NAMES OF THE DIVISIONS OF THE DEPARTMENT; TO AMEND SECTION 48-4-30, RELATING TO THE GOVERNING BOARD OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO REMOVE THE AT-LARGE BOARD MEMBER FROM THE BOARD; TO AMEND SECTION 48-4-70, RELATING TO THE GENERAL DUTIES OF THE BOARD, SO AS TO REMOVE THE BOND REQUIREMENT; TO AMEND SECTION 50-1-220, RELATING TO THE APPLICATION OF THE PROVISIONS OF SECTIONS 50-1-180 TO 50-1-230 TO CERTAIN LANDS, SO AS TO REMOVE A REFERENCE TO A REPEALED STATUTE; TO AMEND SECTION 50-3-90, RELATING TO GAME AND FISH CULTURE OPERATIONS AND INVESTIGATIONS, SO AS TO REMOVE CERTAIN REQUIREMENTS BEFORE AN INVESTIGATION MAY BE CONDUCTED; TO AMEND SECTION 50-3-110, RELATING TO THE SUPERVISION OF ENFORCEMENT OFFICERS, SO AS TO UPDATE THE AGENCY NAME AND DELETE A REFERENCE TO A DISCONTINUED PRACTICE; TO AMEND SECTION 50-3-130, RELATING TO UNIFORMS AND EMBLEMS OF ENFORCEMENT OFFICERS, SO AS TO GRANT

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AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES TO PRESCRIBE THE OFFICIAL UNIFORM; TO AMEND SECTION 50-3-315, RELATING TO DEPUTY ENFORCEMENT OFFICERS, SO AS TO DELETE AN EXPIRED DIRECTIVE TO ESTABLISH A TRAINING PROGRAM; TO AMEND SECTION 50-3-320, RELATING TO THE TRANSMITTAL AND DELIVERY OF COMMISSIONS OF ENFORCEMENT OFFICERS, SO AS TO PROVIDE THE DEPARTMENT IS RESPONSIBLE TO MAINTAIN THE COMMISSIONS OF ENFORCEMENT OFFICERS AND TO DELETE A BOND REQUIREMENT; TO AMEND SECTION 50-3-350, RELATING TO THE OFFICIAL BADGE OF ENFORCEMENT OFFICERS, SO AS TO UPDATE THE AGENCY NAME FOR AN ENFORCEMENT OFFICER'S OFFICIAL BADGE; TO AMEND SECTION 50-3-395, RELATING TO THE AUTHORITY OF ENFORCEMENT OFFICERS TO ISSUE WARNING TICKETS, SO AS TO ALLOW THE DEPARTMENT TO ESTABLISH CERTAIN PROCEDURES WITHOUT PROMULGATING REGULATIONS; TO AMEND SECTION 50-11-980, RELATING TO THE DESIGNATED WILDLIFE SANCTUARY IN CERTAIN AREAS OF CHARLESTON HARBOR, SO AS TO UPDATE THE BOUNDARIES OF THE WILDLIFE SANCTUARY; TO AMEND SECTION 50-15-10, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO PROVISIONS PROTECTING NONGAME AND ENDANGERED WILDLIFE SPECIES, SO AS TO UPDATE THE CITATION OF THE FEDERAL LIST OF ENDANGERED SPECIES; AND TO AMEND SECTION 50-15-30, RELATING TO THE LIST OF ENDANGERED SPECIES, SO AS TO UPDATE THE CITATION TO THE FEDERAL REGULATION AND TO MOVE CERTAIN DUTIES TO THE DEPARTMENT OF NATURAL RESOURCES.

Senator SETZLER objected to consideration of the Bill.

POINT OF ORDER

S. 1059 -- Senator Verdin: A BILL TO AMEND SECTION 40-33-43, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZED PROVISION OF MEDICATIONS BY UNLICENSED PERSONS IN CERTAIN FACILITIES, SO AS TO EXTEND THIS AUTHORIZATION TO INTERMEDIATE CARE FACILITIES FOR PERSONS WITH INTELLECTUAL DISABILITY.

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Point of Order

Senator 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. 1076 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION OF FORESTRY, RELATING TO PRICE CHANGES FOR FOREST TREE SEEDLINGS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5043, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution 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. 1079 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION OF FORESTRY, RELATING TO ALLOCATION OF FOREST TREE SEEDLINGS IN SHORT SUPPLY, DESIGNATED AS REGULATION DOCUMENT NUMBER 5046, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution 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. 1080 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO USE OF WARNING TICKETS, DESIGNATED AS REGULATION

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DOCUMENT NUMBER 5067, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution 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. 1081 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO FIELD TRIAL REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5071, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution 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. 1082 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO COMMERCIAL PERMIT DURATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 5096, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution 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. 1083 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE

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DEPARTMENT OF NATURAL RESOURCES, RELATING TO RULE AND REGULATION ADOPTING CERTAIN FEDERAL RULES AND REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5079, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Point of Order

Senator MARTIN raised a Point of Order under Rule 39 that the Resolution 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. 1084 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO DISPLAY OF DECALS BEARING TITLE NUMBER, DESIGNATED AS REGULATION DOCUMENT NUMBER 5080, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Point of Order

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

The PRESIDENT sustained the Point of Order.

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

MADE SPECIAL ORDER

S. 248 -- Senators Young, Hembree, Turner, McElveen, Bennett, Massey, Rankin, M. Johnson, Shealy and Jackson: A BILL TO ENACT THE "SOUTH CAROLINA HANDS-FREE ACT"; TO AMEND SECTION 56-5-3890 OF THE 1976 CODE, RELATING TO THE UNLAWFUL USE OF A WIRELESS TELECOMMUNICATIONS DEVICE WHILE OPERATING A MOTOR VEHICLE, TO REVISE THE CIRCUMSTANCES UNDER WHICH IT IS UNLAWFUL TO USE A WIRELESS TELECOMMUNICATIONS DEVICE, TO CREATE THE OFFENSE OF DISTRACTED DRIVING AND

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PROVIDE PENALTIES, AND TO MAKE TECHNICAL REVISIONS; TO AMEND SECTION 56-1-720 OF THE 1976 CODE, RELATING TO POINTS THAT MAY BE ASSESSED AGAINST A PERSON'S DRIVING RECORD FOR MOTOR VEHICLE DRIVING VIOLATIONS, TO PROVIDE THAT A SECOND OR SUBSEQUENT OFFENSE OF DISTRACTED DRIVING IS A TWO-POINT VIOLATION; TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL NOTIFY MOTORISTS OF THE HANDS-FREE REQUIREMENTS AT CERTAIN POINTS ALONG THE STATE'S INTERSTATE HIGHWAYS; AND TO DEFINE NECESSARY TERMS.

Senator MASSEY moved that the Bill be set for Special Order.

Senator MALLOY spoke against the motion.

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

Ayes 32; Nays 9

AYES

Adams	Alexander	Allen
Bennett	Climer	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Hembree
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Malloy	Massey
McElveen	McLeod	Peeler
Rankin	Sabb	Scott
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--32

NAYS

Campsen	Corbin	Goldfinch
Gustafson	Kimpson	Loftis
Martin	Rice	Senn

Total--9

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The Bill was made a Special Order.

MOTION ADOPTED

At 1:20 P.M., on motion of Senator MASSEY, 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.

NONCONCURRENCE

S. 16 -- Senators Rankin, Hembree, Malloy, Fanning, Grooms, Young, Bennett, Scott, Stephens, Peeler and Sabb: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-29-17 SO AS TO REQUIRE COMPLETION OF CERTAIN BASIC PERSONAL FINANCE COURSEWORK FOR HIGH SCHOOL GRADUATION INSTEAD OF EXISTING ECONOMICS COURSEWORK REQUIREMENTS, TO PROVIDE HIGH SCHOOLS MAY CONTINUE TO OFFER SUCH COURSEWORK, TO PROVIDE FOR THE DEVELOPMENT AND CONTENT OF RELATED STANDARDS, TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL DEVELOP RELATED MEASURING AND REPORTING REQUIREMENTS AND SHALL MAKE RELATED RECOMMENDATIONS, AND TO MAKE THESE PROVISIONS APPLICABLE TO STUDENTS ENTERING NINTH GRADE BEGINNING WITH THE 2022-2023 SCHOOL YEAR; AND TO REPEAL SECTION 59-29-165 RELATING TO REQUIRED INSTRUCTION IN PERSONAL FINANCE.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator HEMBREE explained the amendments.

On motion of Senator HEMBREE, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

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MOTION ADOPTED

On motion of Senator RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. John L. Breeden III of Little River, S.C. John was the Vice President of Commercial Banking at First Palmetto Bank in Myrtle Beach, S.C. He was a member of the North Myrtle Beach Rotary Club and Chamber of Commerce, North Strand Ducks Unlimited and Surf Club. John was an avid outdoorsman who enjoyed spending time with his family. John was a loving son, devoted husband and doting father who will be dearly missed.

ADJOURNMENT

At 2:04 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

* * *

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