**Wednesday, February 13, 2013**

**(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 declares:

“Have mercy on me, O God, according to your unfailing love; according to your great compassion blot out my transgressions. Wash away all my iniquity and cleanse me from my sin.” (Psalm 51:1-2)

Let us pray:

Compassionate and Caring Lord, each one of us knows how weak and sinful we happen to be.

Things that we often do not want to do are what we do, and those very things we know we should do are typically not what we do. The challenges of life are so great, Lord -- and complex. Time and again we all demonstrate our tendency to make poor choices. Holy God, on this Ash Wednesday we turn to You for forgiveness, for renewed opportunities to “try again.” Allow everyone within this Senate Chamber to embrace Your teachings and to live as You call us to live: made new by Your gracious love. And may South Carolina be a better place as a result. In Your loving name we pray, dear 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 Appointment**

Initial Appointment, South Carolina State Ethics Commission, with the term to commence June 30, 2008, and to expire June 30, 2013

5th Congressional District:

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

Referred to the Committee on Judiciary.

**Local Appointments**

Reappointment, Newberry County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Ronald C. Halfacre, 1810 Harper Street, Newberry, SC 29108

Reappointment, Newberry County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Aurther Lecester Jayroe, Post Office Box 95, Little Mountain, SC 29075

Reappointment, Newberry County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Gordon Johnson, 1916 Harrington Street, Newberry, SC 29108

Reappointment, Newberry County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Richard C. Lail, 1723 Broad River Road, Pomaria, SC 29126

Initial Appointment, Orangeburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Robert N. Clariday, 1045 Edisto Ave., Orangeburg, SC 29115 *VICE* Cecil Moore (deceased)

Initial Appointment, Orangeburg County Master-in-Equity, with the term to commence August 14, 2009, and to expire August 14, 2015

James Benjamin Jackson, Jr., 133 Wateree Drive, Santee, SC 29142 *VICE* Olen Burgdorf

**Leave of Absence**

At 2:05 P.M., Senator FAIR requested a leave of absence beginning at 3:00 P.M. and lasting until 11:00 A.M. in the morning.

**Leave of Absence**

On motion of Senator COURSON, at 2:05 P.M., Senator HAYES was granted a leave of absence for today and tomorrow.

**Doctor of the Day**

Senator VERDIN introduced Dr. Wendell James of Greenville, S.C., Doctor of the Day.

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 157 Sen. Cromer

S. 209 Sen. Davis

S. 249 Sen. Larry Martin

S. 308 Sen. Shane Martin

S. 362 Sen. Cleary

S. 375 Sen. Johnson

S. 382 Sen. Cleary

**RECALLED AND ADOPTED**

H. 3524 -- Rep. Daning: A CONCURRENT RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 13, 2013, AS “CITIES MEAN BUSINESS DAY” TO RECOGNIZE AND HONOR THE VALUABLE CONTRIBUTIONS SOUTH CAROLINA CITIES AND TOWNS MAKE TO THE ECONOMIC PROSPERITY OF SOUTH CAROLINA THROUGH THEIR RELATIONSHIP WITH LOCAL BUSINESSES.

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

The Concurrent Resolution was recalled from the Committee on Invitations.

Senator McELVEEN asked unanimous consent to make a motion to take the Concurrent Resolution up for immediate consideration.

There was no objection.

On motion of Senator McELVEEN, with unanimous consent, the Concurrent Resolution was adopted, ordered returned to the House with concurrence.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 378 -- Senator Cleary: A SENATE RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 20, 2013, AS “SOUTH CAROLINA RECYCLERS DAY” AND TO COMMEND AND RECOGNIZE SOUTH CAROLINA’S RECYCLERS FOR THEIR CONTRIBUTIONS TO OUR STATE’S ECONOMY, FOR THEIR EFFORTS TO PROMOTE ENERGY EFFICIENCY, AND FOR THEIR LEADERSHIP IN PROVIDING SUSTAINABLE MATERIAL MANAGEMENT OPTIONS.

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On motion of Senator CLEARY, with unanimous consent, the Senate Resolution was introduced and ordered placed on the Calendar without reference.

S. 379 -- Senator Sheheen: A BILL TO AMEND ACT 930 OF 1970, AS AMENDED, RELATING TO THE SCHOOL DISTRICT BOARD OF TRUSTEES FOR KERSHAW COUNTY, SO AS TO REVISE THE SPECIFIC ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE KERSHAW COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES SHALL BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2014, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 380 -- Senator L. Martin: A BILL TO AMEND SECTION 15-78-60, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO EXCEPTIONS TO WAIVER OF IMMUNITY, SO AS TO INCLUDE EMERGENCY MEDICAL SERVICES.

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

S. 381 -- Senators Bryant, Bright, Sheheen, Courson and Coleman: A BILL TO AMEND CHAPTER 29, TITLE 41 OF THE 1976 CODE, RELATING TO THE DEPARMENT OF EMPLOYMENT AND WORKFORCE, BY ADDING SECTION 41-29-85 TO REQUIRE A PERCENTAGE REDUCTION IN THE SALARIES AND WAGES OF THE EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE, THE DEPARTMENT’S DIVISION DIRECTORS, AND OTHER MANAGEMENT EMPLOYEES EQUAL TO THE PERCENTAGE CALCULATED BY THE OVERPAYMENT RATE AND UNDERPAYMENT RATE FOR THE UNEMPLOYMENT INSURANCE PROGRAM.

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Senator BRYANT spoke on the Bill.

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

S. 382 -- Senators Grooms, Alexander, L. Martin, Campbell, Davis, McGill, Nicholson, O'Dell, Reese, Shealy, Johnson, Verdin and Williams: A BILL TO AMEND SECTION 56-15-10, RELATING TO DEFINITIONS FOR REGULATING MANUFACTURERS, DISTRIBUTORS, AND DEALERS, TO DEFINE THE TERMS “DUE CAUSE” AND “MATERIAL BREACH”; TO AMEND SECTION 56-15-40, RELATING TO SPECIFIC ACTS DEEMED UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES, TO PROVIDE THAT A MANUFACTURER, DISTRIBUTOR, WHOLESALER, DISTRIBUTOR BRANCH OR DIVISION, FACTORY BRANCH OR DIVISION, WHOLESALE BRANCH OR DIVISION, OR FINANCIAL ARM, OFFICER, AGENT OR OTHER REPRESENTATIVE THEREOF, MAY NOT REQUIRE OR COERCE A MOTOR VEHICLE DEALER TO OFFER TO SELL OR SELL ANY EXTENDED SERVICE CONTRACT, EXTENDED MAINTENANCE PLAN, FINANCIAL PRODUCT, OR INSURANCE PRODUCT OFFERED, SOLD, OR SPONSORED BY THE MANUFACTURER OR TO SELL, ASSIGN, OR TRANSFER ANY RETAIL INSTALLMENT SALES CONTRACT OR LEASE OBTAINED BY THE MOTOR VEHICLE DEALER IN CONNECTION WITH THE SALE OR LEASE OF A NEW MOTOR VEHICLE MANUFACTURED BY THE MANUFACTURER TO A SPECIFIED FINANCE COMPANY, CLASS OF FINANCE COMPANIES, LEASING COMPANY, CLASS OF LEASING COMPANIES, OR TO ANY OTHER SPECIFIED PERSON; TO AMEND CHAPTER 15, TITLE 56, BY ADDING SECTION 56‑15‑47, TO PROVIDE THAT A MANUFACTURER MAY NOT PREVENT A MOTOR VEHICLE DEALER FROM DESIGNATING A SUCCESSOR TO THE DEALERSHIP IN THE EVENT OF DEATH OR INCAPACITY OF THE MOTOR VEHICLE DEALER; TO AMEND SECTION 56-15-60, RELATING TO MOTOR VEHICLE DEALER’S CLAIMS FOR COMPENSATION, TO PROVIDE THAT ALL WARRANTY CLAIMS, SERVICE CLAIMS, OR INCENTIVE CLAIMS NOT SPECIFICALLY DISAPPROVED IN WRITING WITHIN THIRTY DAYS OF RECEIPT SHALL BE CONSTRUED AS APPROVED AND PAYMENT MUST FOLLOW WITHIN THIRTY DAYS, AND A MANUFACTURER SHALL NOT UNREASONABLY DISAPPROVE A CLAIM THAT RESULTS IN A CLERICAL OR ADMINISTRATIVE ERROR AND THAT CLAIM DISAPPROVAL MUST BE BASED ON A MATERIAL DEFECT; TO AMEND CHAPTER 15, TITLE 56 BY ADDING SECTION 56-15-95, TO PROVIDE THAT A MANUFACTURER MAY NOT TERMINATE OR CANCEL A FRANCHISE OR SELLING AGREEMENT OF A MOTOR VEHICLE DEALER WITHOUT DUE CAUSE, AND TO DETERMINE WHETHER DUE CAUSE EXISTS, THE COURT SHALL TAKE INTO CONSIDERATION CERTAIN FACTORS PROVIDED IN THE SECTION; BY ADDING SECTION 56-15-96, TO PROVIDE THAT A PERFORMANCE STANDARD, SALES EFFECTIVENESS STANDARD, SALES OBJECTIVE, OR PROGRAM FOR MEASURING DEALERSHIP PERFORMANCE THAT MAY HAVE A MATERIAL EFFECT ON A MOTOR VEHICLE DEALER SHALL BE FAIR, REASONABLE, EQUITABLE, BASED ON ACCURATE INFORMATION, AND UNIFORMLY APPLIED TO OTHER SIMILARLY SITUATED MOTOR VEHICLE DEALERS; AND BY ADDING SECTION 56-15-98, TO PROVIDE A MANUFACTURER OR DISTRIBUTOR, OFFICER, AGENT, OR ANY REPRESENTATIVE OF A MANUFACTURER OR DISTRIBUTOR MAY NOT UNREASONABLY ALTER A NEW MOTOR VEHICLE DEALER’S AREA OF RESPONSIBILITY, AND TO PROVIDE PROCEDURE TO ALTER A NEW MOTOR VEHICLE DEALER'S AREA OF RESPONSIBILITY.

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

S. 383 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE THE TOWN OF IRMO ON BEING NAMED A 2012 SOUTH CAROLINA OUTSTANDING TRAFFIC SAFE COMMUNITY BY THE AAA CAROLINAS FOUNDATION FOR TRAFFIC SAFETY, AND TO HONOR THE IRMO POLICE DEPARTMENT FOR ITS ESSENTIAL ROLE IN ACHIEVING THIS RECOGNITION.

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

S. 384 -- Senators Shealy and Massey: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE BATESBURG-LEESVILLE HIGH SCHOOL PANTHER BAND FOR AN OUTSTANDING PERFORMING SEASON AND TO WISH THEM SUCCESS AS THEY TRAVEL TO ENGLAND FOR THE LONDON NEW YEAR’S DAY PARADE.

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The Senate Resolution was adopted.

**REPORTS OF STANDING COMMITTEES**

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

S. 92 -- Senators Davis, S. Martin, Verdin, Grooms, Bryant and Bright: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “NDAA NULLIFICATION ACT OF 2013”, BY ADDING SECTION 8‑1‑15, RELATING TO PUBLIC OFFICERS AND EMPLOYEES, TO PROHIBIT ANY OFFICER OR EMPLOYEE OF THE STATE OR ANY OFFICER OR EMPLOYEE OF A POLITICAL SUBDIVISION FROM AIDING THE DETENTION OF ANY UNITED STATES CITIZEN WITHOUT TRIAL BY THE UNITED STATES ARMED FORCES IN VIOLATION OF THE CONSTITUTION OF SOUTH CAROLINA.

Ordered for consideration tomorrow.

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

S. 137 -- Senators Lourie and L. Martin: A BILL TO AMEND SECTION 56‑1‑286, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OF A DRIVER’S LICENSE OF A PERSON UNDER THE AGE OF TWENTY‑ONE FOR HAVING AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO REVISE THE PENALTIES TO INCLUDE REQUIRING AN OFFENDER WHO OPERATES A VEHICLE TO HAVE AN IGNITION INTERLOCK DEVICE INSTALLED ON THE VEHICLE; TO AMEND SECTION 56‑1‑400, AS AMENDED, RELATING TO THE SUSPENSION OF A LICENSE, A LICENSE RENEWAL OR ITS RETURN, AND ISSUANCE OF A LICENSE THAT RESTRICTS THE DRIVER TO ONLY OPERATING A VEHICLE WITH AN IGNITION INTERLOCK DEVICE INSTALLED, SO AS TO PROVIDE FOR THE ISSUANCE OF AN INTERLOCK RESTRICTED LICENSE AND ITS CONTENTS, TO PROVIDE FOR THE CONTENTS OF A DRIVER’S LICENSE ISSUED TO A PERSON WHOSE VEHICLE IS INSTALLED WITH AN IGNITION INTERLOCK DEVISE AND TO PROVIDE ADDITIONAL OFFENSES THAT REQUIRE THE INSTALLATION OF AN IGNITION INTERLOCK RESTRICTED DEVICE AS A PENALTY, TO REVISE THE DRIVER’S LICENSE SUSPENSION PERIOD FOR A PERSON WHO CHOOSES TO OR NOT TO HAVE AN INTERLOCK DEVICE INSTALLED ON HIS VEHICLE, AND TO PROVIDE ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS WHO CHOOSE NOT TO HAVE AN INTERLOCK DEVISE INSTALLED ON THEIR VEHICLES AFTER BEING CONVICTED OF CERTAIN DRIVING OFFENSES; TO AMEND SECTION 56‑1‑748, RELATING TO THE ISSUANCE OF A RESTRICTED DRIVER’S LICENSE TO PERSON’S WHO ARE INELIGIBLE TO OBTAIN A SPECIAL RESTRICTED DRIVER’S LICENSE, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56‑1‑1320, RELATING TO THE ISSUANCE OF A PROVISIONAL DRIVER’S LICENSE, SO AS TO MAKE TECHNICAL CHANGES, AND TO DELETE THE PROVISION THAT GIVES CERTAIN PERSONS AUTHORITY TO ISSUE A PROVISIONAL DRIVER’S LICENSE AND REVIEW CANCELLATIONS AND SUSPENSION OF DRIVER’S LICENSES; TO AMEND SECTION 56‑5‑2941, RELATING TO PENALTIES THAT MAY BE IMPOSED FOR DRIVING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, SO AS TO PROVIDE DURING THE OFFENSES THAT REQUIRE THE INSTALLATION OF AN IGNITION INTERLOCK DEVICE AS A PENALTY, TO PROVIDE A PENALTY FOR A PERSON WHO IS INCAPABLE OF OPERATING AN IGNITION INTERLOCK DEVICE, TO REVISE CERTAIN PENALTIES CONTAINED IN THIS SECTION; THE LENGTH OF TIME AN INTERLOCK DEVICE MUST BE AFFIXED TO A VEHICLE, TO REVISE THE PENALTY FOR AN OFFENDER WHO HAS ACCUMULATED FOUR POINTS UNDER THE INTERLOCK DEVICE POINT SYSTEM, TO PROVIDE FOR THE USE OF FUNDS REMITTED TO THE INTERLOCK DEVICE FUND, TO REVISE THE FEES THAT MUST BE COLLECTED AND REMITTED TO THE INTERLOCK DEVICE FUND, AND TO PROVIDE THAT AN INTERLOCK DEVICE MUST CAPTURE A PHOTOGRAPHIC IMAGE OF A DRIVER AS HE OPERATES THE DEVICE; TO AMEND SECTION 56‑5‑2942, AS AMENDED, RELATING TO THE IMMOBILIZATION OF A PERSON’S VEHICLE UPON HIS CONVICTION OF AN ALCOHOL‑RELATED DRIVING OFFENSE, SO AS TO PROVIDE THAT AS LONG AS A PERSON HOLDS A VALID IGNITION INTERLOCK LICENSE, HE IS NOT REQUIRED TO SURRENDER HIS LICENSE PLATES AND VEHICLE REGISTRATIONS; TO AMEND SECTION 56‑5‑2945, RELATING TO THE OPERATION OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL AND GREAT BODILY INJURY OR DEATH OCCURS, SO AS TO PROVIDE THAT A PERSON CONVICTED PURSUANT TO THIS SECTION MAY ENROLL IN THE IGNITION INTERLOCK DEVISE PROGRAM UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56‑5‑2950, AS AMENDED, RELATING TO A PERSON WHO OPERATES A MOTOR VEHICLE GIVING IMPLIED CONSENT TO CHEMICAL TESTS TO DETERMINE THE PRESENCE OF ALCOHOL OR DRUGS, SO AS TO REVISE THE PENALTY IMPOSED UPON A PERSON WHO REFUSES TO BE SUBJECTED TO A CHEMICAL TEST, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 56‑5‑2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON’S DRIVER’S LICENSE WHO REFUSES TO SUBMIT TO BE TESTED TO DETERMINE HIS ALCOHOL CONCENTRATION, SO AS TO REVISE THE OFFENSES THAT ARE AFFECTED BY THIS SECTION, TO PROVIDE THAT A PERSON MAY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AS A ALTERNATE IN LIEU OF OTHER PENALTIES PROVIDED IN THIS SECTION; AND TO AMEND SECTION 56‑5‑2990, RELATING TO THE SUSPENSION OF A PERSON’S DRIVER’S LICENSE FOR A VIOLATION OF CERTAIN ALCOHOL AND DRUG RELATED DRIVING OFFENSES, SO AS TO REVISE THE PENALTIES, AND TO INCLUDE REQUIRING CERTAIN PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICES PROGRAM.

Ordered for consideration tomorrow.

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

S. 213 -- Senators Cleary, Davis, L. Martin, Peeler, Williams, Campbell, Cromer, Rankin, Shealy, Alexander, Gregory, Bryant, Bennett, Nicholson and Johnson: A BILL TO AMEND TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 57, SO AS TO AUTHORIZE QUALIFIED NONPROFIT ORGANIZATIONS TO OPERATE AND CONDUCT RAFFLES THROUGH REGISTRATION WITH THE SOUTH CAROLINA SECRETARY OF STATE, TO PROVIDE STANDARDS FOR THESE EVENTS, TO REQUIRE PROCEEDS TO BE USED FOR CHARITABLE PURPOSES, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 239 -- Senators Cleary, Davis, L. Martin, Campbell and Cromer: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY AUTHORIZE RAFFLES TO BE OPERATED AND CONDUCTED BY RELIGIOUS, CHARITABLE, OR NONPROFIT ORGANIZATIONS FOR RELIGIOUS, CHARITABLE, OR ELEEMOSYNARY PURPOSES, AND BY GENERAL LAW MUST DEFINE THE TYPE OF ORGANIZATION AUTHORIZED TO CONDUCT RAFFLES, PROVIDE THE STANDARDS FOR THEIR CONDUCT AND MANAGEMENT, PROVIDE PENALTIES FOR VIOLATIONS, AND PROVIDE FOR ANY OTHER LAW NECESSARY TO ENSURE THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLES ARE CONDUCTED.

Ordered for consideration tomorrow.

**Appointment Reported**

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

Initial Appointment, South Carolina State Ethics Commission, with the term to commence May 31, 2010, and to expire May 31, 2015

4th Congressional District:

James I. Warren, 119 Meyers Drive, Greenville, SC 29605 *VICE* J. B. Holeman

Received as information.

**RECESS**

At 2:28 P.M., on motion of Senator COURSON, the Senate receded from business subject to the call of the PRESIDENT.

At 3:11 P.M., the Senate resumed.

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

**THIRD READING BILL**

The following Joint Resolution was read the third time and ordered sent to the House of Representatives:

S. 354 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO SIGN REQUIREMENTS FOR PETITIONS TO CLOSE ROAD, DESIGNATED AS REGULATION DOCUMENT NUMBER 4311, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**CARRIED OVER**

S. 297 -- Senators Grooms and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑222 TO EXPAND VISION STANDARDS AND TRAINING REQUIREMENTS TO ALLOW CERTAIN PERSONS WHO WEAR BIOPTIC TELESCOPIC LENSES FOR VISION ASSISTANCE TO OBTAIN A DRIVER’S LICENSE.

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

S. 142 -- Senator Malloy: A BILL TO AMEND THE “OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010”, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 16‑11‑110, RELATING TO ARSON, SO AS TO RESTRUCTURE THE DEGREES OF ARSON; BY AMENDING SECTION 16‑23‑500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM OR AMMUNITION BY A PERSON CONVICTED OF A VIOLENT CRIME CLASSIFIED AS A FELONY, SO AS TO PROVIDE THAT IT IS A VIOLATION OF PROBATION, PAROLE, COMMUNITY SUPERVISION, OR ANY OTHER SUPERVISION PROGRAM OPERATED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR AN OFFENDER TO PURCHASE OR POSSESS A FIREARM, AMMUNITION, OR ANY OTHER DANGEROUS WEAPON; BY AMENDING SECTION 22‑3‑560, RELATING TO THE ABILITY OF MAGISTRATES TO PUNISH BREACHES OF THE PEACE, SO AS TO PROVIDE THAT MAGISTRATES MAY PUNISH BREACHES OF THE PEACE BY A FINE NOT EXCEEDING FIVE HUNDRED DOLLARS OR IMPRISONMENT FOR A TERM NOT EXCEEDING THIRTY DAYS, OR BOTH; BY AMENDING SECTION 22‑5‑920, RELATING TO THE EXPUNGEMENT OF YOUTHFUL OFFENDERS’ RECORDS, SO AS TO PROVIDE THAT EXPUNGEMENT DOES NOT APPLY TO OFFENSES IN WHICH REGISTRATION ON THE SEXUAL OFFENDER REGISTRY IS REQUIRED, EXCEPT IN CASES IN WHICH A DETERMINATION IS MADE BY THE SENTENCING COURT THAT THE SEXUAL CONDUCT WITH A VICTIM OF AT LEAST FOURTEEN YEARS OF AGE WAS CONSENSUAL; BY AMENDING SECTION 24‑19‑10, RELATING TO THE DEFINITION OF A “YOUTHFUL OFFENDER”, SO AS TO PROVIDE THAT IF THE OFFENDER COMMITTED BURGLARY IN THE SECOND DEGREE PURSUANT TO SECTION 16‑11‑312(B), THE OFFENDER MUST RECEIVE AND SERVE A MINIMUM SENTENCE OF AT LEAST THREE YEARS, NO PART OF WHICH MAY BE SUSPENDED, AND THE PERSON IS NOT ELIGIBLE FOR CONDITIONAL RELEASE UNTIL THE PERSON HAS SERVED THE THREE‑YEAR MINIMUM SENTENCE; BY AMENDING SECTION 24‑21‑5 AND SECTION 24‑21‑100, RELATING TO ADMINISTRATIVE MONITORING BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THE PROCEDURES THE DEPARTMENT SHALL FOLLOW WHEN NOTIFYING PERSONS UNDER ADMINISTRATIVE MONITORING; BY AMENDING SECTION 24‑21‑280, RELATING TO COMPLIANCE CREDITS OF PERSONS UNDER THE SUPERVISION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT AN INDIVIDUAL MAY EARN UP TO TWENTY DAYS OF COMPLIANCE CREDITS FOR EACH THIRTY‑DAY PERIOD IN WHICH THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL HAS SUBSTANTIALLY FULFILLED ALL OF THE CONDITIONS OF SUPERVISION; BY AMENDING SECTION 44‑53‑370 AND SECTION 44‑53‑375, RELATING TO CONTROLLED SUBSTANCE OFFENSES, SO AS TO REMOVE CERTAIN PROVISIONS PERTAINING TO PRIOR AND SUBSEQUENT CONTROLLED SUBSTANCE CONVICTIONS; BY AMENDING SECTION 44‑53‑470, RELATING TO WHEN A CONTROLLED SUBSTANCE OFFENSE IS CONSIDERED A SECOND OR SUBSEQUENT OFFENSE, SO AS TO PROVIDE THAT A CONVICTION FOR TRAFFICKING IN CONTROLLED SUBSTANCES MUST BE CONSIDERED A PRIOR OFFENSE FOR PURPOSES OF ANY CONTROLLED SUBSTANCE PROSECUTION; BY AMENDING SECTION 56‑1‑396, RELATING TO THE DRIVER’S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO PROVIDE THAT QUALIFYING SUSPENSIONS DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56‑5‑2990 OR SECTION 56‑5‑2945, AND DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56‑1‑460, IF THE PERSON DRIVES A MOTOR VEHICLE WHEN THE PERSON’S LICENSE HAS BEEN SUSPENDED OR REVOKED PURSUANT TO SECTION 56‑5‑2990 OR SECTION 56‑5‑2945; AND BY AMENDING SECTION 56‑1‑460, RELATING TO THE OFFENSE OF DRIVING UNDER SUSPENSION, SO AS TO PROVIDE THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON MUST BE FINED ONE THOUSAND DOLLARS, AND IMPRISONED FOR UP TO NINETY DAYS OR CONFINED TO THE PERSON’S PLACE OF RESIDENCE PURSUANT TO THE HOME DETENTION ACT FOR UP TO NINETY DAYS.

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

**Motion Adopted**

On motion of Senator COURSON, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment, and upon lifting of the veil, the Senate would stand adjourned.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Newberry County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Ronald C. Halfacre, 1810 Harper Street, Newberry, SC 29108

Reappointment, Newberry County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Aurther Lecester Jayroe, Post Office Box 95, Little Mountain, SC 29075

Initial Appointment, Orangeburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Robert N. Clariday, 1045 Edisto Ave., Orangeburg, SC 29115 *VICE* Cecil Moore (deceased)

Reappointment, Newberry County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Richard C. Lail, 1723 Broad River Road, Pomaria, SC 29126

Initial Appointment, Orangeburg County Master-in-Equity, with the term to commence August 14, 2009, and to expire August 14, 2015

James Benjamin Jackson, Jr., 133 Wateree Drive, Santee, SC 29142 *VICE* Olen Burgdorf

Reappointment, Newberry County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Gordon Johnson, 1916 Harrington Street, Newberry, SC 29108

**MOTION ADOPTED**

On motion of Senator MALLOY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. William Lee Youngblood, Sr. of Pageland, S.C. An attorney, he was the beloved husband of Elisabeth, devoted father, doting grandfather and wonderful companion to Princess, his faithful dog. He was an assistant solicitor and deputy solicitor for the 4th Judicial Circuit for 10 years. He was a pillar of the community and will be missed by family and friends.

**ADJOURNMENT**

At 3:21 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M.

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