

South Carolina General Assembly
119th Session, 2011-2012
Journal of the Senate

NO. 87

JOURNAL

OF THE

SENATE

OF THE

STATE OF SOUTH CAROLINA

REGULAR SESSION BEGINNING TUESDAY, JANUARY 11, 2011

TUESDAY, JUNE 21, 2011

Tuesday, June 21, 2011
(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:

We read in Genesis that:

"When the dove returned to him in the evening, there was in its beak a freshly plucked olive leaf! Then Noah knew that the water had receded from the earth." (Genesis 8:11)

Please, bow with me as we pray:

Holy God, what an incredible feeling of relief had to sweep over Noah as he realized that the flood-waters had subsided. After a period of great adversity and challenge, for all on the ark to come suddenly to a hope-filled moment: such a blessing!

And so blessed also are we, having been led by these Senators through a myriad of present-day challenges. We give You thanks, O God, for the steadfastness of these leaders as they seek still to do their very best for the people of South Carolina.

In addition, we ask Your blessings and Your peace upon the Lourie family in the death yesterday of Bernie Baum, Senator LOURIE's father-in-law. All this we pray in Your loving name, dear Lord.
Amen.

ADDENDUM TO THE JOURNAL

The remarks by Senator SHANE MARTIN were ordered printed in the Journal of March 15, 2011:

Remarks by Senator SHANE MARTIN

Gentlemen of the Senate, I rise today to talk to all of you.

I was telling the PRESIDENT *Pro Tem* that I was going to oppose any changes to our Senate schedules. We already have made appointment times with constituents and have scheduled subcommittee meetings when we have time available. Coming in at five o'clock in the evening and making changes to the schedule when you can't contact people and you have to leave them hanging for the day is why I oppose changing the Senate schedule.

I wish the Senate would consider that when they make changes on the fly -- where we could stay here tonight and work on this legislation. We waste a lot of time in this Senate and we could already get a lot of things done. So, I will ask the Senate to be sensitive to the schedules that are published before we make changes. If we know we are going to come in at eleven o'clock we could have known that today or yesterday and let everybody know that information. So, that is why I did what I did and I ask the Senate be sensitive to others' schedules. We were sensitive when the Senator from Orangeburg had an event with the Boy Scouts the other night -- very sensitive -- and I'd do it again, but I think on the flip side we also need to be sensitive to people who do meet with business owners, teachers and people in their communities that they represent. So, we know what we need to do down here and that's all I wanted to say.

* * *

ADDENDUM TO THE JOURNAL

The following remarks by Senator MALLOY were ordered printed in the Journal of June 16, 2011:

Remarks by Senator MALLOY

Thank you, Mr. PRESIDENT. I'd like to get everyone's attention real briefly, not that you have to listen to everything that I say, but because this is a very important matter. What we have done is to congratulate some members of our body and we have had some other introductions on some very important matters as well.

But what I'm talking about is the Redistricting Bill we just passed. Yesterday we got second reading. We had 33 members present that voted. And I think that some had gone to the Journal thereafter to acknowledge their support.

First, I want to say I was very honored and privileged to be on this committee. In 2002, when I got elected to the Senate, one of the first things that happened after I got here was redistricting. And in 2003, we passed Senate Bill 591. It is an unusual and complex exercise to get 46 people together to make certain they can pass a Bill that's so important. It's important to each one of you because you go back to your constituents and you want to make certain that you are in compliance with the Constitution. You have one person and one vote. That matters to make this society work and make it run. The PRESIDENT *Pro Tempore*, Senator McCONNELL asked us to serve on this committee.

I would speak, first of all, to the staff. Mr. Terreni and the rest of the staff, Debbie and Katherine and the rest of the folks -- you all did a tremendous job. You all were so prepared at every meeting. You were there when we went to all the public meetings around the State. And we heard the people and heard their voices. We even added another site because someone wanted to get some rural testimony in. So, I want to say that as we traveled around the State -- we went to all of the corners of the State and throughout -- and heard from everyone in full.

And so I speak first to say that in the selection of the committee, it was very fair. It was diverse geographically. We had the Senator from Greenville. We had the Senator from Georgetown. We had the Senator from Pickens. We had the PRESIDENT *Pro Tempore* who is from Charleston and the senior member from the Judiciary Committee and Senator FORD from Charleston. You also had the Senator from Orangeburg, Senator HUTTO and me from Darlington County. So I think that the selection was very diverse geographically. We had minority representation. We had three members of the minority party, four members of the majority party, similar to the way we have the standing committees set here. First of all I want to congratulate this Senate on having a fair and open process. The open process

that I want to end up talking about -- I don't know how the staff was able to take it all in, but they did. The offices were open. I went to the office and saw many Senators sitting down. Some of you were there more than others, but some were with staff for hours on end looking at your communities of interest.

I just wanted to end up just speaking -- one, that because my job and my responsibility partly was to report back to our caucus, Senator from Clarendon, as to what was going on. And the Senator from Charleston, our senior member, gave me that opportunity to do that. So I would come back and report. And I know that the Senator from Horry, Senator ELLIOTT and I have had numerous meetings and conversations. He had his lawyer here and several folks and they had great access -- more so than I have seen from many others. The Senator from Greenville, Senator ANDERSON -- I had the great pleasure of meeting Mr. Askew who was a professor of sorts who came in and was granted access to the map room. He, in fact, congratulated us on the district and wanted to say that we looked at the district. The only response that I would make is that this district has never been a majority district. And I have some of the same issues in Darlington County in the areas that we represent. But they had full and fair access to it.

I would say with the body as it is now and with the difficulty that we have in passing legislation or whatever the issues may be, it was a tremendous bipartisan approach. I feel that we had complete access to the map room, the opportunity to review plans with staff and to make certain that we understood and that was not easy. We had to comply with the Voting Rights Act. I have been practicing law well over 20 years. I submit to you that we did comply. I think that the deviations that we came up with set the criteria. It was voted unanimously by the committee whenever we were setting the criteria. Everyone had the opportunity. And so when we set it forth, there were no objections from anyone and no objections given to any as we set the criteria in the committee.

I say that we respected all of the traditional redistricting principles. The Senators that were here that weighed in recognized their communities of interest. You saw that the fact that we had very few amendments that everyone was pretty much satisfied because they were able to bring their interest in, had their issues discussed, had the opportunity to bring them back here to the staff and had the opportunity to get amendments drafted. We had a very fair process.

So, I rise just very briefly because we are almost to third reading, to likewise thank the PRESIDENT *Pro Tempore* for going beyond the call of duty to try to have a fair and open process. Is it perfect? I don't know that you can ever get anything perfect. But can you do the best you can with what you've got? I think that we can take this piece across the Hall with the compromise that was made, the openness in the process, the bipartisan approach attempted compliance to the Voting Rights Act, the maintenance of the nine majority districts that we had and to respect the traditional redistricting processes that we have, that we were able to satisfy that to the best of our ability.

I would encourage all of you to support the plan, which I plan to. And I am requesting that we would have a roll call vote on third reading as well. So with that, if there's nothing else, Mr. PRESIDENT, I would move adoption of S.815 for third reading.

* * *

ADDENDUM TO THE JOURNAL

The following remarks by Senator COURSON were ordered printed in the Journal of April 26, 2011:

Remarks by Senator COURSON

Mr. PRESIDENT, members of the Senate, Senator YANCEY MCGILL is in a meeting and, therefore, I will now present a report from the Higher Education Subcommittee.

The members of the subcommittee are Senator DARRELL JACKSON, Senator DICK ELLIOTT and Senator DANNY VERDIN. I can encapsulate this fairly briefly.

Our recommendation is very similar to that of the House of Representatives. The total funding is \$782 million which includes scholarships and grants. We are providing \$330 million for scholarships and grants - the same amount

appropriated in our current budget.

Our technical colleges funding is the same as 2010 - 2011 totaling around \$130 million. The four year and two-year institutions will receive \$432 million which excluding stimulus funding is \$20 million less than the current budget.

Again, the technical colleges were held harmless. If one looks at the higher educational structure in South Carolina, this fiscal year we have roughly 200,000 South Carolinians in higher education. This year, there will be 205,000 students in higher education in the Palmetto State. The increase is primarily in our technical colleges. One component of this I thought was very interesting. After the last recession in 2001, the average tuition increase was approximately 15%. For the last three years, primarily due to Senator HUGH LEATHERMAN'S admonitions, the institutions kept the tuition increase down to 6.5%. I think this institutional policy decision is very admirable.

There have been strong accomplishments in higher education. Let me just bring you two. One, Clemson University's goal has primarily been to be in the top 25 of the "U.S. News and World Report" public institutions in the United States. They are again part of this elite group. The University of South Carolina is rated by Kiplinger as the 32nd best value out of 500 colleges rated.

A special thanks needs to be given to Senator MIKE ROSE on his persistent efforts on transparency -- it will happen this year.

Thank you.

* * *

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:

Local Appointments

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Ava Bryant Ayers, Post Office Box 6122, Moncks Corner, SC 29461

Initial Appointment, Berkeley County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Whilden Baggett, 155 Decatur Drive, Summerville, SC 29483

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Ervin Brown, 1158 South Main Street, St. Stephen, SC 29479

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Rad Stuart Deaton, 1312 Lark Lane, Hanahan, SC 29410

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Paula Fechhelm McElvogue, Post Office Box 6122, Moncks Corner, SC 29461

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
James A. Polk, 1111 Hollybrooke Drive, Moncks Corner, SC 29461

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Edward Larue Sessions, 1064 Dominion Drive, Hanahan, SC 29410

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

Gwendolyn R. McNeil, Post Office Box 694, Andrews, SC 29510 *VICE* Benjamin Dunn

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

Samuel A. Daily, Post Office Box 154, Holly Hill, SC 29059

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

Derrick Dash, 740 Linwood Street, Elloree, SC 29047

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

Peggy D. Doremus, 1951 Forest Drive, Orangeburg, SC 29116

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

Jacob Gillens, Post Office Box 154, Holly Hill, SC 29059

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

John Moore, 1110 Creek Mill Road, North, SC 29112

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

Richard Murray, Post Office Box 9000, Orangeburg, SC 29116

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

Willie Robinson, Jr., 866 New Hope Road, Orangeburg, SC 29118

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

Donald R. West, Post Office Box 9000, Orangeburg, SC 29116

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

Meree Williamson, Post Office Box 310, Norway, SC 29113

Leave of Absence

On motion of Senator PEELER, at 12:05 P.M., Senator LEATHERMAN was granted a leave of absence for today.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

[S. 970 \(Word version\)](#) -- Senator Courson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE BUCKNER FAMILY REUNION AND TO CONGRATULATE THE FAMILY MEMBERS UPON THE OCCASION OF THEIR THIRTIETH ANNUAL GATHERING.

I:\council\bills\rm\1232ahb11.docx

The Senate Resolution was adopted.

[S. 971](#) ([Word](#) version) -- Senator Coleman: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE DEATH OF ROGER ELMER JERMYN OF YORK COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.
I:\council\bill\rm\1278ahb11.docx

The Senate Resolution was adopted.

[S. 972](#) ([Word](#) version) -- Senator Coleman: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE JENKINSVILLE-MONTICELLO-HOREB FIRE DEPARTMENT, UPON THE CLOSING OF ITS ORIGINAL STATION AFTER THIRTY-TWO YEARS OF SERVICE IN THE COMMUNITY, AND TO CONGRATULATE THE MEMBERS OF THE DEPARTMENT AS THEY MOVE TO THEIR NEW LOCATION.
I:\council\bill\gm\24887zw11.docx

The Senate Resolution was adopted.

HOUSE CONCURRENCES

[S. 965](#) ([Word](#) version) -- Senators O'Dell and Land: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR RUSSELL C. MUNN OF COLUMBIA FOR HIS MANY YEARS OF SERVICE TO THE PALMETTO STATE AND TO THE CLIENTS HE PASSIONATELY REPRESENTED BEFORE THE GENERAL ASSEMBLY.

Returned with concurrence.

Received as information.

[S. 966](#) ([Word](#) version) -- Senator Knotts: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, JUNE 22, 2011, AS THE TIME TO ELECT A SUCCESSOR TO FILL THE UNEXPIRED TERM OF THE SIXTH JUDICIAL CIRCUIT SEAT ON THE UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES.

Returned with concurrence.

Received as information.

[S. 968](#) ([Word](#) version) -- Senator Grooms: A CONCURRENT RESOLUTION TO EXPRESS THE THANKS OF THE SOUTH CAROLINA SENATE FOR CARNIVAL CRUISE LINES' CONTRIBUTIONS TO THE ECONOMIC WELL-BEING OF SOUTH CAROLINA AND FOR THE COMPANY'S COMMITMENT TO OPERATING IN A BALANCED MANNER THAT IS SENSITIVE TO THE ENVIRONMENT.

Returned with concurrence.

Received as information.

MOTION FOR THIRD READING RECONSIDERED

[H. 4275](#) ([Word](#) version) -- Rep. G.A. Brown: A BILL TO AMEND ACT 426 OF 2006, THE "SCHOOL DISTRICT OF LEE COUNTY SCHOOL BOND PROPERTY TAX RELIEF ACT", RELATING TO AUTHORIZATION FOR THE IMPOSITION OF A ONE CENT SALES AND USE TAX IN LEE COUNTY, THE REVENUES OF WHICH MUST BE USED FOR SCHOOL CONSTRUCTION AND RENOVATION, SO AS TO EXTEND FROM FIVE TO EIGHT YEARS THE TIME THE TAX MAY BE IMPOSED.

Having voted on the prevailing side, Senator MALLOY asked unanimous consent to make a motion to reconsider the vote whereby the Bill was to be given a third reading on the next legislative day.

There was no objection and the motion to give the Bill a third reading on the next legislative day was reconsidered.

MOTION UNDER RULE 24B

H. 3700--GENERAL APPROPRIATIONS BILL

Proviso 39.13

39.13. (PRT: Additional Motion Picture Bonus-Rebate) In addition to the fifteen percent rebate authorized pursuant to Section 12-62-50, the South Carolina Film Commission may provide an additional Bonus-rebate to a motion picture production company of up to five percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. In addition to the fifteen percent rebate authorized pursuant to Section 12-62-60, the South Carolina Film Commission may provide an additional bonus-rebate to a motion picture production company of up to fifteen percent of the expenditures made by the motion picture production company in the State.

Having voted on the prevailing side, Senator COLEMAN moved to reconsider the vote which failed under Rule 24B to allow the inclusion of Section 39, Proviso 39.13 in the Report of the Committee of Conference.

The motion to reconsider was adopted.

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

Ayes 28; Nays 9

AYES

Alexander	Anderson	Campbell
Campsen	Cleary	Coleman
Ford	Gregory	Hayes
Jackson	Knotts	Land
Leventis	Lourie	Malloy
<i>Martin, Larry</i>	Matthews	McConnell
McGill	Nicholson	O'Dell
Pinckney	Rose	Scott
Setzler	Sheheen	Thomas
Williams		

Total--28

NAYS

Bright	Bryant	Courson
Davis	Fair	Massey
Peeler	Ryberg	Verdin

Total--9

Having received the necessary three-fifths vote of those present and voting, the motion under Rule 24B to include Proviso 39.13 into the Report of the Committee of Conference in the General Appropriations Bill was adopted.

Proviso 89.96

89.96. (GP: Second Amendment Weekend - Sales Tax Exemption for Certain Firearms) The gross proceeds of sales or sales price of handguns as defined pursuant to Section 16-23-10(1) of the 1976 Code, rifles, and shot guns is exempt from the taxes imposed pursuant to Chapter 36, Title 12 of the 1976 Code and Chapter 10, Title 4 of the 1976 Code for sales occurring from 12:01 a.m., ~~Friday, November 26, 2010~~, the Friday after Thanksgiving through twelve midnight, ~~Saturday, November 27, 2010~~ the Saturday after Thanksgiving for the current fiscal year.

Having voted on the prevailing side, Senator REESE moved to reconsider the vote which failed under Rule 24B to allow inclusion of Section 89, Proviso 89.96 in the Report of the Committee of Conference.

The motion to reconsider was adopted.

Senator LOURIE spoke on the motion.

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

Ayes 22; Nays 22

AYES

Alexander	Bright	Bryant
Campbell	Campsen	Courson
Davis	Elliott	Fair
Grooms	Knotts	<i>Martin, Larry</i>
<i>Martin, Shane</i>	McConnell	McGill
O'Dell	Peeler	Ryberg
Setzler	Shoopman	Thomas
Verdin		

Total--22

NAYS

Anderson	Cleary	Coleman
Ford	Gregory	Hayes
Hutto	Jackson	Land
Leventis	Lourie	Malloy
Massey	Matthews	Nicholson
Pinckney	Rankin	Reese
Rose	Scott	Sheheen
Williams		

Total--22

Having failed to receive the necessary three-fifths vote of those present and voting, the motion under Rule 24B to include Proviso 89.96 into the Report of the Committee of Conference on the General Appropriations Bill failed.

MOTION ADOPTED

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 10:00 A.M. on Wednesday, June 22, 2011.

MOTION ADOPTED

Senator McCONNELL asked unanimous consent to make a motion that, when the Senate has completed its business today, the Senate would stand in recess no later than 7:00 P.M. this evening to receive the committee reports of the Senate Judiciary Committee on H. 3992 and S. 814, Congressional Redistricting.

There was no objection and the motion was adopted.

THE SENATE PROCEEDED TO THE SINE DIE RESOLUTION.

ADOPTION FAILED

[S. 962](#) ([Word](#) version) -- Senators McConnell, Hayes, L. Martin, Alexander, Ryberg, Campsen, Courson, Bright, Bryant, Rose, S. Martin, Thomas, Leatherman and Peeler: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III, OF THE CONSTITUTION OF THIS STATE, 1895, EACH HOUSE AGREES, BY THE VOTE REQUIRED BY THIS CONSTITUTIONAL PROVISION, TO RECEDE FROM THE OTHER HOUSE FOR LESS THAN OR MORE THAN THIRTY DAYS AS THE CASE MAY BE, THAT EACH HOUSE AGREES TO EXTEND THE 2011 REGULAR SESSION TO CONSIDER CERTAIN MATTERS DURING CERTAIN TIME PERIODS, AS PROVIDED BY THIS RESOLUTION, AND IF NOT ADJOURNED EARLIER,

EACH HOUSE SHALL STAND ADJOURNED SINE DIE DECEMBER 1, 2011.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of the Resolution.

Parliamentary Inquiry

Senator JACKSON made a Parliamentary Inquiry as to whether or not thirty-one votes would be needed to adopt the Resolution.

The PRESIDENT stated that thirty-one votes would be needed to adopt the Resolution.

Senator MALLOY spoke on the Resolution.

Senator LARRY MARTIN spoke on the Resolution.

Senator CAMPSSEN spoke on the Resolution.

Senator LEVENTIS spoke on the Resolution.

Senator GREGORY spoke on the Resolution.

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

Ayes 25; Nays 17

AYES

Alexander	Bright	Bryant
Campbell	Campsen	Cleary
Courson	Davis	Elliott
Fair	Gregory	Grooms
Hayes	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	McConnell	McGill
O'Dell	Peeler	Rose
Ryberg	Shoopman	Thomas
Verdin		

Total--25

NAYS

Anderson	Coleman	Ford
Hutto	Jackson	Knotts
Land	Leventis	Lourie
Malloy	Matthews	Nicholson
Reese	Scott	Setzler
Sheheen	Williams	

Total--17

Having failed to receive the necessary vote, adoption of the Resolution failed.

Statement by Senator KNOTTS

I voted not to add H. 3066 to the Sine Die Resolution because a Bill of this magnitude needs to be fully studied in order to ensure that when it is passed, it will help the citizens of South Carolina and not create more problems by creating more bureaucracy. When it is passed into law, it must be a workable solution and I will support it at that time. January is not too long to wait on a matter of this significance.

Statement by Senator LEATHERMAN

I was not in the Chamber for the vote on S-962 the *Sine Die* Resolution which would have added H-3066 to the list of those items that the General Assembly could act upon during this period. I believe that the time has come for South Carolina to have a Department of Administration overseen by the Governor. I have worked closely with Governor Haley to create the DOA. I was not in the Chamber because I was with Governor Haley and others on an industry recruitment trip in Paris trying to get jobs in the aerospace industry for our people.

THE SENATE PROCEEDED TO THE REAPPORTIONMENT BILL.

READ THE SECOND TIME

[H. 3991](#) ([Word](#) version) -- Reps. Harrell, Lucas, Harrison, Clemmons, Barfield, Cooper, Hardwick, Owens, Sandifer, G.R. Smith, J.R. Smith, White, Bingham and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ADOPT THE UNITED STATES CENSUS OF 2010 AS OFFICIAL; BY ADDING SECTION 2-1-35 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE HOUSE OF REPRESENTATIVES ARE ELECTED BEGINNING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 2-1-45 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE HOUSE OF REPRESENTATIVES WERE FORMERLY ELECTED; AND TO DESIGNATE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE HOUSE OF REPRESENTATIVES REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

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

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

Ayes 37; Nays 5; Present 1

AYES

Alexander	Bright	Bryant
Campbell	Campsen	Cleary
Coleman	Courson	Davis
Fair	Gregory	Grooms
Hayes	Hutto	Jackson
Knotts	Land	Leventis
Lourie	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Matthews	McConnell
McGill	Nicholson	O'Dell
Peeler	Pinckney	Reese
Rose	Ryberg	Setzler
Shoopman	Thomas	Verdin
Williams		

Total--37

NAYS

Anderson	Elliott	Ford
Scott	Sheheen	

Total--5

PRESENT

Malloy

Total--1

The Bill was read the second time, passed and ordered to a third reading.

THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

On motion of Senator LARRY MARTIN, the Senate agreed to dispense with the Motion Period.

THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.

CARRIED OVER

(R72, [S877 \(Word version\)](#)) -- Senator Pinckney: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF HAMPTON COUNTY SCHOOL DISTRICT NO. 2 OF HAMPTON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

The veto of the Governor was taken up for immediate consideration.

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

CARRIED OVER

(R79, [H4149 \(Word version\)](#)) -- Reps. Hodges and R.L. Brown: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF COLLETON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

The veto of the Governor was taken up for immediate consideration.

On motion of Senator JACKSON, the veto was carried over.

MESSAGE FROM THE GOVERNOR

State of South Carolina
Office of the Governor
P. O. Box 11369
Columbia, SC 29211

The Honorable Ken Ard
President of the Senate
State House, First Floor, East Wing
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate,

I am vetoing [S.588 \(Word version\)](#), R81, a bill that creates a statewide system for acute stroke management and a process for identifying, classifying, and certifying hospitals as primary stroke centers.

I am vetoing S.588, R81, because this bill's narrow focus both grows government ineffectively and falls short of providing a comprehensive care network for acute cardiac and vascular emergencies. The South Carolina

Department of Health and Environmental Control (DHEC) already regulates the capabilities of hospitals and manages programs focused at heart health and stroke prevention. The South Carolina Department of Health and Human Services (SCDHHS) already received funding to encourage rural development of both prevention and acute care treatment. Therefore, **state agencies have existing mechanisms to develop and implement a state plan for acute care and prevention, not just stroke care as this bill narrowly addresses, and should not need an additional half-million dollars in recurring appropriations to do so.**

I am in support of a broad-based seamless emergency response network thoughtfully designed to provide life saving care to victims of stroke, trauma, heart attack and other time sensitive illnesses. **This is especially critical in rural areas** where travel distances to trauma and specialty centers are greater. To this end, I am directing the SCDHHS to work closely with stakeholders statewide to review our prevention and treatment systems for time sensitive illnesses to develop an integrated prevention and treatment model.

For the reasons stated above, I am vetoing S.588, R81.

Sincerely,
Nikki R. Haley

VETO OVERRIDDEN

(R81, [S588 \(Word version\)](#)) -- Senators Jackson, Hayes, O'Dell, Rose, Ford and Knotts: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "STROKE PREVENTION ACT OF 2011" BY ADDING ARTICLE 6 TO CHAPTER 61, TITLE 44 SO AS TO ESTABLISH A STATEWIDE SYSTEM OF STROKE CARE; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO RECOGNIZE HOSPITALS THAT ARE CERTIFIED TO BE PRIMARY STROKE CENTERS AND TO AUTHORIZE RECOGNITION OF ACUTE STROKE CAPABLE CENTERS; TO ESTABLISH A STROKE SYSTEM OF CARE ADVISORY COUNCIL AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES; TO REQUIRE THE DEPARTMENT TO DISTRIBUTE TO EMERGENCY MEDICAL SERVICES PROVIDERS A LIST OF PRIMARY STROKE CENTERS, STROKE ENABLED CENTERS THROUGH TELEMEDICINE, AND OTHER CERTIFIED PROGRAMS, AS THEY COME AVAILABLE, AND TO POST THIS LIST ON THE DEPARTMENT'S WEBSITE; TO REQUIRE THE DEPARTMENT TO ADOPT AND DISTRIBUTE A NATIONALLY STANDARDIZED STROKE-TRIAGE ASSESSMENT TOOL TO EMERGENCY MEDICAL SERVICES PROVIDERS AND TO POST THIS LIST ON THE DEPARTMENT'S WEBSITE; TO REQUIRE THE DEPARTMENT TO FACILITATE DATA COLLECTION AND ANALYSIS FOR THE IMPROVEMENT OF STROKE CARE IN THIS STATE, INCLUDING ESTABLISHING A STROKE REGISTRY TASK FORCE AS A SUBCOMMITTEE OF THE ADVISORY COUNCIL; TO PROVIDE THAT THIS ARTICLE MAY NOT BE USED TO RESTRICT A HOSPITAL'S AUTHORITY TO PROVIDE SERVICES; AND TO PROVIDE THAT THE DEPARTMENT'S RESPONSIBILITIES PURSUANT TO THIS ARTICLE ARE CONTINGENT UPON ADEQUATE FUNDING.

The veto of the Governor was taken up for immediate consideration.

Senator JACKSON spoke on the veto.

Senator JACKSON moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

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

Ayes 42; Nays 1

AYES

Alexander
Campbell
Coleman

Anderson
Campsen
Courson

Bright
Cleary
Davis

Elliott
Gregory
Hutto
Land
Malloy
Massey
McGill
Peeler
Rose
Setzler
Thomas

Fair
Grooms
Jackson
Leventis
Martin, Larry
Matthews
Nicholson
Pinckney
Ryberg
Sheheen
Verdin

Ford
Hayes
Knotts
Lourie
Martin, Shane
McConnell
O'Dell
Reese
Scott
Shoopman
Williams

Total--42

NAYS

Bryant

Total--1

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

Statement by Senator CAMPSEN

I voted to override the veto of S.588 because of requests from constituents who have been impacted by strokes, and the compelling phone and written communication from Dr. Edward Jauch, Research Director for the Division of Emergency Medicine & Department of Neurosciences at the Medical University of South Carolina, which I have attached below.

Senator Campsen,

My name is Edward Jauch and I am an Emergency Medicine physician and stroke team member at MUSC. I also served as the Co-chair for the SC Stroke Systems of Care Study Committee, representing the American Heart Association and American Stroke Association. I am also the chair of the Leadership Committee of the ASA, responsible for leading the AHA Stroke Council in all issues related to stroke. I am the primary author on the ASA Acute Stroke Guidelines and serve on the writing committees for the ASA Stroke Systems of Care, Comprehensive Stroke Center, Telemedicine in Stroke, Emergency Medical Services in Acute Stroke, and Primary Prevention guidelines. I also am also on the Board of Directors for the SC College of Emergency Physicians and serve as the national Research Committee Chair for the American College of Emergency Physicians. The purpose of detailing my background is to hopefully convey to you my extensive background in developing stroke systems of care at the national, state, and regional level, and my absolute passion for stroke spanning the past 20 years. I hope to convey this same passion to you as I describe the state of stroke care in South Carolina and our great opportunity to impact the health and welfare of South Carolinians.

The current version of the bill was uniformly supported and passed through the SC Senate and House only to be vetoed. It is critical that this veto be overcome.

You are well aware of the enormous burden of stroke in SC as well as the great opportunities for treating acute stroke when regional stroke systems of care are established through partnerships with health care facilities in a region. A recent example from New York State who implemented a similar stroke system of care in 2007, as proposed here, not only showed increased rates of tPA use but most importantly significantly lower mortality rates - lives were saved! We have the same unparalleled opportunity here today, here now, to save our neighbor's lives across the state. Currently we face many of the barriers other states have identified and overcome with similar legislation. We have learned from the numerous examples across the country and integrated these lessons into the "The Stroke System of Care Act of 2011". This legislation is not dictating to hospitals how to treat stroke care, it is not introducing new, invalidated standards of care, and it is not focusing on a singular form of therapy. Rather it addresses many of the barriers to optimal stroke treatment by focusing on 3 key recommendations with the bill:

- * Identifying Primary Stroke Hospitals and hospitals who have achieved national accreditation for being acute stroke capable, with oversight by DHEC. Obtaining these national accreditations is completely voluntary although to reach more patients across the state we clearly support helping hospitals reach this higher level of stroke care;*
- * Allowing hospitals that do not have primary stroke center certification, but use telemedicine to be integrated into a statewide stroke system of care to allow rapid diagnosis and treatment for patients in underserved rural areas;*
- * Work with regional EMS in implementing national validated stroke tools and triage protocols to transport stroke patients to the nearest most appropriate stroke capable facility, which may or may not be the closest hospital. **

Again, this is a first step in reducing the major burden of stroke in our great state. Delaying this first step will frankly result in unnecessary death and disability. This bill is a message of empowerment and hope, with the tools already in place, we can come together and make a real impact in the quality of life for all South Carolinians. I am more than happy to discuss this further or provide more background from my positions at the national level. I appreciate you taking the time to read my email, hopefully my brief statement conveys the passion this committee brought to crafting this legislation and the importance of overriding the veto. I am always available to answers any questions you may have.

*Best regards,
Edward C. Jauch, MD MS, FAHA FACEP
Professor, Research Director
Division of Emergency Medicine & Department of Neurosciences
Medical University of South Carolina
Chair, American Stroke Association*

MESSAGE FROM THE GOVERNOR

State of South Carolina
Office of the Governor
P. O. Box 11369
Columbia, SC 29211
June 14, 2011

The Honorable Ken Ard
President of the Senate
State House, First Floor, East Wing
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate,

I am vetoing S.785 (Word version), R84, a bill that would allow the Florence County School District No. 4 to issue general obligation bonds for school operation expenses to defray the loss of stimulus funds.

As stated in my letter to the General Assembly on May 17, 2011, my objection to this type of legislation is based on basic principles of finance - **we should not fund short-term operational costs with long-term debt backed by taxpayers. Having disastrous effects in other states, like California, such financing schemes are simply unsustainable** in that they turn debt-service into a back-door education tax that allows local school districts to live outside of their means. Rather than relying on a finite stream of one-time stimulus funds for recurring expenses, school districts should have better managed their budgets and prepared for the end of this funding source.

While we are sympathetic to schools and local governments struggling through tough economic times, we cannot support further burdening taxpayers who are also struggling to make ends meet.

For these reasons, I am vetoing S.785, R84.

Sincerely,
Nikki R. Haley

VETO SUSTAINED

(R84, [S785 \(Word version\)](#)) -- Senator Land: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF FLORENCE COUNTY SCHOOL DISTRICT FOUR TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, IN A TOTAL AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS, TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

The veto of the Governor was taken up for immediate consideration.

Senator LAND spoke on the veto.

Senator SHANE MARTIN spoke on the veto.

Senator BRYANT spoke on the veto.

Senator ROSE spoke on the veto.

Senator LARRY MARTIN spoke on the veto.

Senator CAMPSSEN spoke on the veto.

Senator LAND spoke on the veto.

Senator McCONNELL spoke on the veto.

Parliamentary Inquiry

Senator THOMAS made a Parliamentary Inquiry as to the necessary vote required to override the veto of the Governor.

The PRESIDENT stated that two-thirds of those present and voting would be required to override the veto of the Governor.

Parliamentary Inquiry

Senator THOMAS made a Parliamentary Inquiry as to whether a vote by a member of "present" would be included in the total of those present and voting.

The PRESIDENT stated that a vote of "present" would not be included in the total of those present and voting.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

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

Ayes 17; Nays 18; Present 9

AYES

Anderson
Ford
Knotts
Lourie
Nicholson
Scott

Coleman
Hutto
Land
Matthews
Pinckney
Williams

Elliott
Jackson
Leventis
McGill
Reese

Total--17

NAYS

Bright
Campsen
Davis
Grooms
Peeler
Shoopman

Bryant
Cleary
Fair
Martin, Shane
Rose
Thomas

Campbell
Courson
Gregory
Massey
Ryberg
Verdin

Total--18

PRESENT

Alexander Hayes Malloy
Martin, Larry McConnell O'Dell
Rankin Setzler Sheheen

Total--9

Having failed to receive the necessary two-thirds vote, the veto of the Governor was sustained, and a message was sent to the House accordingly.

Statement by Senators McCONNELL, LARRY MARTIN, O'DELL, HAYES and ALEXANDER

We very reluctantly voted "present" on the question of whether to override the Governor's veto on a Bill that would allow a school district to issue bonds to cover operating deficits from a prior fiscal year. The Bill also states that the General Assembly makes findings regarding the need to issue these bonds.

Since the General Assembly made no such findings and since we believe that issuing debt to pay for a deficit is a bad policy, we would have liked to have voted to sustain the veto.

However, there are two lawsuits currently pending on how to handle these very types of school Bills. Until the Supreme Court has ruled and the General Assembly has an opportunity to address the manner in which we deal with school district Bills, we voted "present" to allow the tradition and courtesy of the Senate to continue.

This process must change and it is our hope that these vetoes will be the impetus for that change.

Message from the House

Columbia, S.C., June 15, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.47, S. 232 by a vote of 112 to 1:

(R47, [S232 \(Word version\)](#)) -- Senators Cleary and Ford: AN ACT TO AMEND SECTION 44-7-130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE STATE CERTIFICATION OF NEED AND HEALTH CARE FACILITY ACT, SO AS TO REVISE THE DEFINITION OF HEALTH CARE FACILITY.

Very respectfully,
Speaker of the House

Received as information.

Expression of Personal Interest

Senator GROOMS rose for an Expression of Personal Interest.

LOCAL APPOINTMENTS Confirmations

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

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Ava Bryant Ayers, Post Office Box 6122, Moncks Corner, SC 29461

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Jacob Gillens, Post Office Box 154, Holly Hill, SC 29059

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Ervin Brown, 1158 South Main Street, St. Stephen, SC 29479

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Rad Stuart Deaton, 1312 Lark Lane, Hanahan, SC 29410

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Paula Fechhelm McElvogue, Post Office Box 6122, Moncks Corner, SC 29461

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
James A. Polk, 1111 Hollybrooke Drive, Moncks Corner, SC 29461

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Edward Larue Sessions, 1064 Dominion Drive, Hanahan, SC 29410

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Samuel A. Daily, Post Office Box 154, Holly Hill, SC 29059

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Donald R. West, Post Office Box 9000, Orangeburg, SC 29116

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Richard Murray, Post Office Box 9000, Orangeburg, SC 29116

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Peggy D. Doremus, 1951 Forest Drive, Orangeburg, SC 29116

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Willie Robinson, Jr., 866 New Hope Road, Orangeburg, SC 29118

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015
Meree Williamson, Post Office Box 310, Norway, SC 29113

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

Gwendolyn R. McNeil, Post Office Box 694, Andrews, SC 29510 *VICE* Benjamin Dunn

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

Derrick Dash, 740 Linwood Street, Elloree, SC 29047

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

John Moore, 1110 Creek Mill Road, North, SC 29112

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

Whilden Baggett, 155 Decatur Drive, Summerville, SC 29483

RECESS

At 2:55 P.M., on motion of Senator McCONNELL, the Senate recessed from business until 7:00 P.M.

At 4:55 P.M., the Senate resumed.

REPORTS OF STANDING COMMITTEE

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

[S. 814 \(Word version\)](#) -- Senators McConnell, Ford, L. Martin, Hutto, Malloy, Cleary and Shoopman: A BILL TO AMEND SECTION 1-1-715, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADOPTION OF THE UNITED STATES CENSUS, SO AS TO ADOPT THE UNITED STATES CENSUS OF 2010 AS THE TRUE AND CORRECT ENUMERATION OF INHABITANTS OF THIS STATE; TO ADD SECTION 7-19-35, SO AS TO ESTABLISH SEVEN ELECTION DISTRICTS FROM WHICH MEMBERS OF CONGRESS FOR SOUTH CAROLINA ARE ELECTED COMMENCING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 7-19-40, AS AMENDED, RELATING TO CONGRESSIONAL DISTRICTS FROM WHICH SOUTH CAROLINA MEMBERS OF CONGRESS WERE FORMERLY ELECTED; AND TO JOINTLY DESIGNATE THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE APPROPRIATE OFFICIALS OF THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE CONGRESSIONAL REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

Ordered for consideration tomorrow.

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

[H. 3992 \(Word version\)](#) -- Reps. Harrell, Lucas, Harrison, Clemmons, Barfield, Cooper, Hardwick, Owens, Sandifer, G.R. Smith, J.R. Smith, White, Bingham and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-19-45 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE CONGRESSIONAL DISTRICTS ARE ELECTED BEGINNING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 7-19-40 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE CONGRESSIONAL DISTRICTS WERE FORMERLY ELECTED; AND TO JOINTLY DESIGNATE THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE APPROPRIATE OFFICIALS OF THE SUBMITTING AUTHORITY

TO MAKE THE REQUIRED SUBMISSION OF THE CONGRESSIONAL REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

Ordered for consideration tomorrow.

MOTION ADOPTED

On motion of Senator FAIR, with unanimous consent, the Senate stood adjourned out of respect to the memory of former Mayor Max Heller of Greenville, S.C. Mayor Heller escaped Nazi-occupied Austria at age 19 in 1938, and, after coming to America, worked as a janitor and eventually founded his own shirt company. He worked tirelessly to improve Greenville and was an asset to the community.

and

MOTION ADOPTED

On motion of Senator GROOMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of former Berkeley High School football running back standout, Rahkeem White, 19, of Pinopolis, S.C., who drowned in a tragic accident.

and

MOTION ADOPTED

On motion of Senators ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSER, CLEARY, COLEMAN, COURSON, CROMER, DAVIS, ELLIOTT, FAIR, FORD, GREGORY, GROOMS, HAYES, HUTTO, JACKSON, KNOTTS, LAND, LEATHERMAN, LEVENTIS, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, MATTHEWS, McCONNELL, McGILL, NICHOLSON, O'DELL, PEELER, PINCKNEY, RANKIN, REESE, ROSE, RYBERG, SCOTT, SETZLER, SHEHEEN, SHOOPMAN, THOMAS, VERDIN and WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Bernard "Bernie" Harry Baum, 81, of Columbia, S.C., beloved father-in-law to our colleague and friend, Senator Joel Lourie. Mr. Baum was the beloved husband of Ann for 57 years, a devoted father of four children and doting grandfather.

ADJOURNMENT

At 5:05 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 10:00 A.M.

* * *

This web page was last updated on Wednesday, June 22, 2011 at 5:04 P.M.

South Carolina General Assembly
119th Session, 2011-2012
Journal of the Senate

NO. 88

JOURNAL

OF THE

SENATE

OF THE

STATE OF SOUTH CAROLINA

REGULAR SESSION BEGINNING TUESDAY, JANUARY 11, 2011

WEDNESDAY, JUNE 22, 2011

Wednesday, June 22, 2011
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

We are reminded that in the ancient world:

"King Solomon was greater in riches and wisdom than all the other kings of the earth." (II Chronicles 9:22)

Let us pray:

Glorious Lord, none of us would ever claim to possess the wisdom--much less the wealth--of King Solomon of old. Nonetheless, we are grateful to these Senators and to their able staff members for the collective wisdom and the incredible wealth of talent they bring to current issues and problems. May each of these leaders know how greatly we value their gifts and their continuing hard-work for the betterment of everyone in South Carolina. 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 Appointments

Initial Appointment, Director of South Carolina Law-Enforcement Division, with the term to commence January 31, 2011, and to expire January 31, 2012

Mark A. Keel, 513 Bookman Mill Road, Irmo, SC 29063 *VICE* Reginald I. Lloyd

Referred to the Committee on Judiciary.

Reappointment, Director of South Carolina Law-Enforcement Division, with the term to commence January 31, 2012, and to expire January 31, 2018

Mark A. Keel, 513 Bookman Mill Road, Irmo, SC 29063

Referred to the Committee on Judiciary.

Initial Appointment, Medical Dicipinary Commission of the State Board of Medical Examiners, with the term to commence July 1, 2011, and to expire July 1, 2014

4th Congressional District:

Patricia Jane Bock, 110 Creekwood Drive, Spartanburg, SC 29302

Referred to the Committee on Medical Affairs.

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

2nd Congressional District:

Amanda E. Baker, 141 Montrose Drive, Lexington, SC 29072 *VICE* Rose Kearney-Nunnery

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2009, and to expire December 31, 2013

Public:

Anne Smoak Crook, 717 H. C. Raysor Drive, St. Matthews, SC 29135

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2009, and to expire December 31, 2013

Public:

James Edward Mallory, 117 Summercourt Drive, Summerville, SC 29485 *VICE* Trey Pennington

Referred to the Committee on Medical Affairs.

Local Appointment

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

John P. Moore, 446 Tangleridge Court, Inman, SC 29349

Leave of Absence

On motion of Senator VERDIN, at 10:05 A.M., Senator GROOMS was granted a leave until 1:30 P.M.

Leave of Absence

At 10:05 A.M., Senator CLEARY requested a leave of absence beginning at 2:00 P.M. on Wednesday, June 29, 2011,

and lasting until Tuesday, July 5, 2011.

Leave of Absence

On motion of Senator LARRY MARTIN, at 1:30 P.M., Senator COURSON was granted a leave of absence until 2:15 P.M.

Leave of Absence

At 4:05 P.M., Senator LOURIE requested a leave of absence until Noon on Tuesday.

Leave of Absence

At 5:45 P.M., Senator SCOTT requested a leave of absence beginning tomorrow, June 23, 2011, at 10:00 A.M. until 12:30 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

[S. 973 \(Word version\)](#) -- Senator Setzler: A SENATE RESOLUTION TO HONOR AND CONGRATULATE MR. AND MRS. OTIS DARR FRICK OF LEXINGTON COUNTY, UPON THE OCCASION OF THEIR SIXTY-FIFTH WEDDING ANNIVERSARY, AND TO EXTEND BEST WISHES FOR CONTINUED BLESSING AND FULFILLMENT TOGETHER.

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The Senate Resolution was adopted.

[S. 974 \(Word version\)](#) -- Senator Pinckney: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF HAMPTON COUNTY SCHOOL DISTRICT NO. 2 TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT NOT TO EXCEED ONE MILLION DOLLARS, IN ONE OR MORE SERIES, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

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

[S. 975 \(Word version\)](#) -- Senators Pinckney and Matthews: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF COLLETON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS, IN ONE OR MORE SERIES, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

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

[S. 976 \(Word version\)](#) -- Senator Matthews: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE JONES FAMILY REUNION, AND TO CONGRATULATE THE FAMILY MEMBERS UPON THE OCCASION OF THEIR FORTY-FIFTH ANNUAL GATHERING.

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The Senate Resolution was adopted.

[S. 977 \(Word version\)](#) -- Senator Matthews: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE 2011 RITTER FAMILY REUNION AND TO CONGRATULATE THE FAMILY MEMBERS UPON THE OCCASION OF THEIR FIFTY-EIGHTH ANNUAL GATHERING.

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The Senate Resolution was adopted.

[S. 978 \(Word version\)](#) -- Senator Land: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF FLORENCE COUNTY SCHOOL DISTRICT FOUR TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, IN A TOTAL AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS, TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS AND REQUIREMENTS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

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

[S. 979 \(Word version\)](#) -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE MOON'S DRUG STORE IN WESTMINSTER, SOUTH CAROLINA FOR ONE HUNDRED TEN YEARS OF SERVICE TO THE COMMUNITY AND TO WISH MANY MORE YEARS OF SUCCESS.

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The Senate Resolution was adopted.

[S. 980 \(Word version\)](#) -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR WILBUR LEE JEFFCOAT OF LEXINGTON COUNTY, AND TO COMMEND HIM FOR HIS LIFE OF DEDICATION AND SERVICE TO THE CITIZENS OF THE PALMETTO STATE.

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The Senate Resolution was adopted.

[S. 981 \(Word version\)](#) -- Senator Alexander: A SENATE RESOLUTION TO CELEBRATE THE BIRTH OF JEFFERSON VERNE SMITH OLMERT. GREAT-GRANDSON OF THE LATE SENATOR J. VERNE SMITH.

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The Senate Resolution was adopted.

REPORTS OF STANDING COMMITTEES

Appointments Reported

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

Statewide Appointment

Initial Appointment, Director of South Carolina Law Enforcement Division, with the term to commence January 31, 2011, and to expire January 31, 2012

Mark A. Keel, 513 Bookman Mill Road, Irmo, SC 29063
VICE Reginald "Reggie" Lloyd

Received as information.

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina Real Estate Commission, with the term to commence June 30, 2010, and to expire June 30, 2014

Public:

G. Hamlin O'Kelley III, 104 Mary Ellen Drive, Charleston, SC 29403 *VICE* Daniel J. Ballou

Received as information.

Initial Appointment, South Carolina Real Estate Commission, with the term to commence June 30, 2011, and to expire June 30, 2015

Public:

Jonathan Stackhouse, 1080 Coatsdale Road, Columbia, SC 29209 *VICE* R. Scott Moseley

Received as information.

Message from the House

Columbia, S.C., June 21, 2011

Mr. President and Senators:

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

[S. 20 \(Word version\)](#) -- Senators Grooms, McConnell, Thomas, Alexander, Leatherman, Knotts, Bryant, Hayes, Rose, Verdin, S. Martin, Peeler, L. Martin, Fair, Ryberg, Cromer, Campsen, Davis, Shoopman, Rankin and Bright: A BILL TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, BY ADDING SECTION 23-1-250 TO PROVIDE THAT WHERE A LAW ENFORCEMENT OFFICER HAS REASONABLE SUSPICION THAT A PERSON STOPPED, DETAINED, OR ARRESTED BY LAW ENFORCEMENT IS AN ALIEN UNLAWFULLY IN THE UNITED STATES, THE OFFICER OR HIS AGENCY MUST FOLLOW CERTAIN PROCEDURES TO VERIFY HIS IMMIGRATION STATUS; AND TO AMEND ARTICLE 5, CHAPTER 9, TITLE 16, BY ADDING SECTION 16-9-480 TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON UNLAWFULLY IN THE UNITED STATES TO SOLICIT OR ATTEMPT TO SOLICIT WORK, AND TO PROVIDE PROCEDURES FOR VERIFYING IMMIGRATION STATUS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., June 21, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.81, S. 588 by a vote of 106 to 1:

(R81, [S588 \(Word version\)](#)) -- Senators Jackson, Hayes, O'Dell, Rose, Ford and Knotts: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "STROKE PREVENTION ACT OF 2011"

BY ADDING ARTICLE 6 TO CHAPTER 61, TITLE 44 SO AS TO ESTABLISH A STATEWIDE SYSTEM OF STROKE CARE; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO RECOGNIZE HOSPITALS THAT ARE CERTIFIED TO BE PRIMARY STROKE CENTERS AND TO AUTHORIZE RECOGNITION OF ACUTE STROKE CAPABLE CENTERS; TO ESTABLISH A STROKE SYSTEM OF CARE ADVISORY COUNCIL AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES; TO REQUIRE THE DEPARTMENT TO DISTRIBUTE TO EMERGENCY MEDICAL SERVICES PROVIDERS A LIST OF PRIMARY STROKE CENTERS, STROKE ENABLED CENTERS THROUGH TELEMEDICINE, AND OTHER CERTIFIED PROGRAMS, AS THEY COME AVAILABLE, AND TO POST THIS LIST ON THE DEPARTMENT'S WEBSITE; TO REQUIRE THE DEPARTMENT TO ADOPT AND DISTRIBUTE A NATIONALLY STANDARDIZED STROKE-TRIAGE ASSESSMENT TOOL TO EMERGENCY MEDICAL SERVICES PROVIDERS AND TO POST THIS LIST ON THE DEPARTMENT'S WEBSITE; TO REQUIRE THE DEPARTMENT TO FACILITATE DATA COLLECTION AND ANALYSIS FOR THE IMPROVEMENT OF STROKE CARE IN THIS STATE, INCLUDING ESTABLISHING A STROKE REGISTRY TASK FORCE AS A SUBCOMMITTEE OF THE ADVISORY COUNCIL; TO PROVIDE THAT THIS ARTICLE MAY NOT BE USED TO RESTRICT A HOSPITAL'S AUTHORITY TO PROVIDE SERVICES; AND TO PROVIDE THAT THE DEPARTMENT'S RESPONSIBILITIES PURSUANT TO THIS ARTICLE ARE CONTINGENT UPON ADEQUATE FUNDING.

Very respectfully,
Speaker of the House

Received as information.

Motion to Ratify Adopted

At 10:32 A.M., Senator LARRY MARTIN asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually agreeable time.

There was no objection and a message was sent to the House accordingly.

Motion Adopted

On motion of Senator HUTTO, with unanimous consent, Senators SHOOPMAN, MASSEY and HUTTO were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

THE SENATE PROCEEDED TO THE REAPPORTIONMENT BILLS.

AMENDED, READ THE THIRD TIME RETURNED TO THE HOUSE WITH AMENDMENTS

[H. 3991 \(Word version\)](#) -- Reps. Harrell, Lucas, Harrison, Clemmons, Barfield, Cooper, Hardwick, Owens, Sandifer, G.R. Smith, J.R. Smith, White, Bingham and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ADOPT THE UNITED STATES CENSUS OF 2010 AS OFFICIAL; BY ADDING SECTION 2-1-35 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE HOUSE OF REPRESENTATIVES ARE ELECTED BEGINNING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 2-1-45 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE HOUSE OF REPRESENTATIVES WERE FORMERLY ELECTED; AND TO DESIGNATE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE HOUSE OF REPRESENTATIVES REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

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

Senator McCONNELL spoke on the Bill.

On motion of Senator McCONNELL, with unanimous consent, the following communication from Speaker Harrell was ordered printed in the Journal:

June 21, 2011

The Honorable Glenn F. McConnell
President *Pro Tempore* of the Senate
Room 101 Gressette
P.O. Box 142
Columbia, South Carolina 29202

Dear Senator McConnell:

The purpose of this letter is to respectfully request your assistance in getting H. 3991, the South Carolina House of Representatives redistricting plan, returned to the House so that the House has an opportunity to make some additional minor changes to the House plan.

As you know, H. 3991 was passed by the House on June 15, 2011, and sent to the South Carolina Senate. In order to assist the House in having an opportunity to again address H. 3991, it will be necessary for the Senate to make a technical, non-substantive amendment to the bill so that it can be returned to the House with an opportunity for the House to make an amendment. Thus, I respectfully request your assistance in getting the Senate to make such an amendment and return H. 3991 to the House.

Thank you for your assistance in this matter and feel free to contact me if I can provide any additional information.
Sincerely,

/s/ Robert W. Harrell, Jr.
Speaker of the House

Motion Under Rule 26B

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

There was no objection.

Senator McCONNELL proposed the following amendment (3991R001.GFM), which was adopted:

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

/ SECTION _____. The South Carolina Senate takes no position on the contents of this legislation except as is necessary to provide it with the three readings required by the state constitution. /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

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

CARRIED OVER

[H. 3992 \(Word version\)](#) -- Reps. Harrell, Lucas, Harrison, Clemmons, Barfield, Cooper, Hardwick, Owens, Sandifer, G.R. Smith, J.R. Smith, White, Bingham and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH

CAROLINA, 1976, BY ADDING SECTION 7-19-45 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE CONGRESSIONAL DISTRICTS ARE ELECTED BEGINNING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 7-19-40 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE CONGRESSIONAL DISTRICTS WERE FORMERLY ELECTED; AND TO JOINTLY DESIGNATE THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE APPROPRIATE OFFICIALS OF THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE CONGRESSIONAL REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

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

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

CARRIED OVER

[S. 814 \(Word version\)](#) -- Senators McConnell, Ford, L. Martin, Hutto, Malloy, Cleary and Shoopman: A BILL TO AMEND SECTION 1-1-715, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADOPTION OF THE UNITED STATES CENSUS, SO AS TO ADOPT THE UNITED STATES CENSUS OF 2010 AS THE TRUE AND CORRECT ENUMERATION OF INHABITANTS OF THIS STATE; TO ADD SECTION 7-19-35, SO AS TO ESTABLISH SEVEN ELECTION DISTRICTS FROM WHICH MEMBERS OF CONGRESS FOR SOUTH CAROLINA ARE ELECTED COMMENCING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 7-19-40, AS AMENDED, RELATING TO CONGRESSIONAL DISTRICTS FROM WHICH SOUTH CAROLINA MEMBERS OF CONGRESS WERE FORMERLY ELECTED; AND TO JOINTLY DESIGNATE THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE APPROPRIATE OFFICIALS OF THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE CONGRESSIONAL REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

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

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

THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

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

THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.

CARRIED OVER

(R72, [S877 \(Word version\)](#)) -- Senator Pinckney: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF HAMPTON COUNTY SCHOOL DISTRICT NO. 2 OF HAMPTON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

The veto of the Governor was taken up for immediate consideration.

On motion of Senator LARRY MARTIN, the veto was carried over.

CARRIED OVER

(R79, [H4149](#) ([Word](#) version)) -- Reps. Hodges and R.L. Brown: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF COLLETON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

The veto of the Governor was taken up for immediate consideration.

On motion of Senator MATTHEWS, the veto was carried over.

Expression of Personal Interest

Senator LEATHERMAN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator ELLIOTT rose for an Expression of Personal Interest.

Motion Adopted

At 11:05 A.M., on motion of Senator McCONNELL, the Senate agreed to recess until 11:50 A.M. at which time the Senate would stand in recess for the purpose of attending the Joint Assembly and, at the conclusion of the Joint Assembly, the Senate would stand in recess until 1:30 P.M.

RECESS

At 11:05 A.M., on motion of Senator McCONNELL, the Senate recessed from business until 11:50 A.M.

At 11:50 A.M., the Senate resumed.

RECESS

At 11:55 A.M., on motion of Senator McCONNELL, the Senate recessed from business for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY
Elections**

At Twelve O'clock Noon the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of S. 966, a Concurrent Resolution adopted by both Houses.

**Election of a Successor to the Board of Trustees
for the University of South Carolina, 6th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to an at-large position on the Board of Trustees for the University of South Carolina, 6th Judicial Circuit.

Senator KNOTTS, Chairman of the Committee to Screen candidates for State Colleges and Universities, indicated that

Mr. Hubert F. "Hugh" Mobley had been screened and found qualified to serve.

Senator KNOTTS placed the name of Mr. Hubert F. "Hugh" Mobley in nomination, moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Hubert F. "Hugh" Mobley was duly elected to the at-large position on the Board of Trustees for the University of South Carolina, 6th Judicial Circuit for the term prescribed by law.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

RECESS

At 12:06 P.M., on motion of Senator McCONNELL, the Senate recessed from business until 1:30 P.M.

AFTERNOON SESSION

The Senate reassembled at 1:55 P.M. and was called to order by the PRESIDENT.

Privilege of the Chamber

On motion of Senators KNOTTS and SETZLER, with unanimous consent, the Privilege of the Chamber to that area behind the rail was extended to Mr. Ed Barnes of Lexington County and to commend him on his induction into the National Barber Hall of Fame.

MESSAGE FROM THE GOVERNOR

Columbia, S.C., June 22, 2011

Mr. President and Senators:

I am vetoing and returning without my approval S. 913 , R98:

(R98, [S913 \(Word version\)](#)) -- Senator Sheheen: A JOINT RESOLUTION TO ESTABLISH THE KERSHAW COUNTY HOUSING AUTHORITY; TO PROVIDE THAT POWERS AND DUTIES OF THE AUTHORITY ARE VESTED IN THE KERSHAW COUNTY HOUSING AUTHORITY COMMISSION AND TO ESTABLISH TERMS FOR THE COMMISSIONERS; TO PROVIDE FOR THE HOUSING AUTHORITY'S FUNCTIONS, RIGHTS, POWERS, DUTIES, AND LIABILITIES; AND TO PROVIDE THAT THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY SHALL REMAIN THE LOCAL HOUSING AGENCY IN KERSHAW COUNTY FOR THE PURPOSE OF ADMINISTERING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOUSING CHOICE VOUCHER PROGRAM.

Respectfully submitted,
Nikki R. Haley
Governor

Received as information.

The veto was ordered placed on the Calendar for consideration tomorrow.

THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.

**S. 30--REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

[S. 30 \(Word version\)](#) -- Senators McConnell, Leventis and Ford: A BILL TO AMEND SECTION 22-5-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES' POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

On motion of Senator HUTTO, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator HUTTO spoke on the report.

The question then was adoption of the Conference Committee Report.

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

Ayes 43; Nays 0

AYES

Alexander	Anderson	Bright
Bryant	Campbell	Campsen
Cleary	Coleman	Courson
Davis	Elliott	Fair
Ford	Gregory	Grooms
Hayes	Hutto	Jackson
Knotts	Land	Leatherman
Leventis	Malloy	<i>Martin, Larry</i>
<i>Martin, Shane</i>	Massey	Matthews
McConnell	McGill	Nicholson
O'Dell	Peeler	Rankin
Reese	Rose	Ryberg
Scott	Setzler	Sheheen
Shoopman	Thomas	Verdin
Williams		

Total--43

NAYS

Total--0

On motion of Senator HUTTO, the Report of the Committee of Conference to S. 30 was adopted as follows:

S. 30--Conference Report

The General Assembly, Columbia, S.C., June 22, 2011

The Committee of Conference, to whom was referred:

[S. 30 \(Word version\)](#) -- Senators McConnell, Leventis, and Ford: A BILL TO AMEND SECTION 22-5-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES' POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A

BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Section 22-5-110 of the 1976 Code is amended to read:

"Section 22-5-110.(A) Magistrates shall:

- (1) cause to be arrested all persons found within their counties charged with any offense and persons who after committing any offense within the county ~~escape~~ flee out of it, the county;
- (2) examine into treasons, felonies, grand larcenies, high crimes, and misdemeanors;
- (3) commit or bind over for trial those who appear to be guilty of crimes or offenses not within their jurisdiction; and
- (4) punish those guilty of such offenses within their jurisdiction.

~~(B) Notwithstanding another provision of law, a person charged with any misdemeanor offense requiring a warrant signed by nonlaw enforcement personnel to ensure the arrest of a person must be given a courtesy summons.~~

(B)(1) An arrest warrant may not be issued for the arrest of a person unless sought by a law enforcement officer acting in their official capacity.

(2) If an arrest warrant is sought by someone other than a law enforcement officer, the court must issue a courtesy summons.

(3) If a defendant named in a courtesy summons fails to appear before the court pursuant to the summons, the court must issue an arrest warrant for the underlying offense based upon the original sworn statement of the affiant who sought the courtesy summons, provided the sworn statement establishes probable cause that the underlying offense was committed."

SECTION 2. The first sentence of Section 22-1-10(A) of the 1976 Code is amended to read:

"Section 22-1-10(A). The Governor, by and with the advice and consent of the Senate, may appoint magistrates in each county of the State for a term of four years and until their successors are appointed and qualified, or their positions are terminated as provided in subsection (B), Section 22-1-30, or Section 22-2-40."

SECTION 3. Section 22-1-30 of the 1976 Code is amended to read:

"Section 22-1-30.(A) A magistrate may be suspended or removed by order of the Supreme Court pursuant to its rules for incapacity, misconduct, or neglect of duty. A magistrate's failure to retire in accordance with Section 22-1-25 or a magistrate's failure to comply with the training and examination requirements of Section 22-1-10(C) may subject the magistrate to suspension or removal by order of the Supreme Court.

(B) If a senatorial delegation recommends that the Governor not reappoint a magistrate upon completion of his term of office, the Governor may send a message to the Senate that the magistrate is not reappointed. Upon receipt of the message, the Senate must ratify the message not to reappoint by the confirmation process. If the ratification takes place, the magistrate's service is terminated at the end of his term and the magistrate does not continue to serve until a

successor is appointed. Notice of the ratification must be sent to the Supreme Court."

SECTION 4. Section 22-2-40(C) of the 1976 Code is amended to read:

"(C) Notwithstanding the provisions of subsection (A), Section 22-1-10(A), or Section 22-8-40(C) and (D), the number, location, and full-time or part-time status of magistrates in the county may be increased or decreased from the required and permissive provisions in Section 22-8-40(C) and (D) as provided in Section 22-1-30(B), or by filing with court administration a written agreement between the members of the Senate delegation for the county and the county governing body; however, a magistrate's compensation must not be decreased during his term in office."

SECTION 5. This act takes effect upon approval by the Governor./

Amend title to conform.

/s/Sen. C. Bradley Hutto
/s/Sen. A. Shane Massey
/s/Sen. Phillip W. Shoopman
On Part of the Senate.

/s/Rep. Bruce W. Bannister
/s/Rep. J. Todd Rutherford
/s/Rep. Edward R. Tallon, Sr.
On Part of the House.

, and a message was sent to the House accordingly.

S. 30--Message from the House

Columbia, S.C., June 22, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

[S. 30 \(Word version\)](#) -- Senators McConnell, Leventis and Ford: A BILL TO AMEND SECTION 22-5-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES' POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

Very respectfully,
Speaker of the House

Received as information.

S. 172--REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

[S. 172 \(Word version\)](#) -- Senators Rose, Fair, Leatherman, Bright, Bryant, Campsen, Knotts, O'Dell, S. Martin, Ford and McGill: A BILL TO AMEND ARTICLE 2, CHAPTER 101, TITLE 59 OF THE 1976 CODE, RELATING TO PUBLIC INSTITUTIONS OF HIGHER LEARNING, BY ADDING SECTION 59-101-670 TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE, AND TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST POST ONLINE ALL OF ITS CREDIT CARD STATEMENTS AND THE CREDIT CARD STATEMENTS FOR CREDIT CARDS ISSUED TO PUBLIC OFFICIALS AND EMPLOYEES FOR PUBLIC USE; AND TO AMEND ARTICLE 15, CHAPTER 1,

TITLE 1, RELATING TO REPORTING OF EXPENDITURES OF STATE APPROPRIATED FUNDS BY STATE AGENCIES, PERSONAL DATA AND THE LIKE, BY ADDING SECTION 1-1-1040 TO PROVIDE THAT ALL STATE AGENCIES MUST HAVE A LINK ON THEIR INTERNET WEBSITE TO THE STATE AGENCY RESPONSIBLE FOR POSTING ON ITS INTERNET WEBSITE THE AGENCY'S, DEPARTMENT'S, OR INSTITUTION'S MONTHLY STATE PROCUREMENT CARD STATEMENTS OR MONTHLY REPORTS CONTAINING ALL OR SUBSTANTIALLY ALL THE SAME INFORMATION CONTAINED IN THE MONTHLY STATE PROCUREMENT CARD STATEMENTS.

On motion of Senator COURSON, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator COURSON spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

Ayes 42; Nays 1

AYES

Alexander	Anderson	Bryant
Campbell	Campsen	Cleary
Coleman	Courson	Davis
Elliott	Fair	Ford
Gregory	Grooms	Hayes
Hutto	Jackson	Knotts
Land	Leatherman	Leventis
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Matthews	McConnell
McGill	Nicholson	O'Dell
Peeler	Rankin	Reese
Rose	Ryberg	Scott
Setzler	Sheheen	Shoopman
Thomas	Verdin	Williams

Total--42

NAYS

Bright

Total--1

S. 172--Conference Report

The General Assembly, Columbia, S.C., June 22, 2011

The Committee of Conference, to whom was referred:

[S. 172 \(Word version\)](#) -- Senators Rose, Fair, Leatherman, Bright, Bryant, Campsen, Knotts, O'Dell, S. Martin, Ford and McGill: A BILL TO ENACT THE "SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2011", BY ADDING SECTION 59-101-670 SO AS TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE; BY ADDING SECTION 1-1-1040 SO AS TO PROVIDE THAT ALL STATE AGENCIES MUST HAVE A LINK ON THEIR INTERNET WEBSITE TO THE STATE AGENCY RESPONSIBLE FOR POSTING ON ITS INTERNET WEBSITE THE AGENCY'S, DEPARTMENT'S, OR INSTITUTION'S MONTHLY STATE PROCUREMENT CARD STATEMENTS, TO DIRECT THE BUDGET AND CONTROL BOARD'S STATE OFFICE OF HUMAN

RESOURCES TO PARTICIPATE WITH FIVE REPRESENTATIVES SELECTED BY THE RESPECTIVE PRESIDENTS OF THE PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TECHNICAL COLLEGES TO STUDY, DEVELOP, AND RECOMMEND A SEPARATE, COMPREHENSIVE HUMAN RESOURCES SYSTEM FOR THE PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TECHNICAL COLLEGES; BY AMENDING SECTION 2-47-50, AS AMENDED, RELATING TO PERMANENT IMPROVEMENT PROJECTS, SO AS TO DEFINE 'PERMANENT IMPROVEMENT PROJECT'; TO AMEND SECTION 1-11-65, RELATING TO APPROVAL OF REAL PROPERTY TRANSACTIONS INVOLVING GOVERNMENTAL BODIES, SO AS TO PROVIDE THAT WITH APPROVAL OF THE BUDGET AND CONTROL BOARD, CERTAIN INSTITUTIONS OF HIGHER LEARNING MAY ENTER INTO GROUND LEASE AGREEMENTS WITH A PRIVATE ENTITY WHEREBY THE PRIVATE ENTITY WILL PROVIDE ALL SERVICES NECESSARY FOR THE CREATION AND OPERATION OF ON-CAMPUS INFRASTRUCTURE, AND TO PROVIDE THAT UPON THE EXPIRATION OF THE GROUND LEASE AGREEMENT, THE PRIVATE ENTITY SHALL SURRENDER THE PREMISES TO THE INSTITUTION; TO AMEND SECTION 11-35-1210, RELATING TO THE BUDGET AND CONTROL BOARD'S REVIEW OF DOLLAR LIMITS FOR A GOVERNMENTAL BODY'S PROCUREMENT, SO AS TO PROVIDE THAT THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, IN COORDINATION WITH THE APPROPRIATE CHIEF PROCUREMENT OFFICER, MAY APPROVE A CUMULATIVE TOTAL OF UP TO FIFTY THOUSAND DOLLARS IN ADDITIONAL PROCUREMENT AUTHORITY FOR TECHNICAL COLLEGES; TO AMEND SECTION 11-35-1550, RELATING TO BID PROCEDURES, SO AS TO PROVIDE THAT IN CERTAIN SITUATIONS, A PUBLIC INSTITUTION OF HIGHER LEARNING AND TECHNICAL COLLEGE MAY MAKE SMALL PURCHASES NOT EXCEEDING TEN THOUSAND DOLLARS WITHOUT CERTAIN PROVISIONS OF THE PROCUREMENT CODE APPLYING; TO AMEND SECTION 11-35-3310, RELATING TO INDEFINITE DELIVERY CONTRACTS, SO AS TO INCREASE CERTAIN DOLLAR LIMITS FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TECHNICAL COLLEGES; TO AMEND SECTION 11-35-4810 RELATING TO COOPERATIVE PURCHASING, SO AS TO EXEMPT PUBLIC INSTITUTIONS OF HIGHER LEARNING FROM THE REQUIREMENT OF THIRTY DAYS' NOTICE OF A MULTI-STATE SOLICITATION IF A COST SAVINGS IS DEMONSTRATED TO THE OFFICE OF STATE PROCUREMENT; TO AMEND SECTION 1-7-170, RELATING TO ENGAGING AN ATTORNEY ON A FEE BASIS, SO AS TO PROVIDE THAT A PUBLIC INSTITUTION OF HIGHER LEARNING SHALL ENGAGE AND COMPENSATE OUTSIDE COUNSEL IN ACCORDANCE WITH POLICIES AND PROCEDURES ADOPTED BY THE STATE BUDGET AND CONTROL BOARD FOR MATTERS OF BONDED INDEBTEDNESS, PUBLIC FINANCE, BORROWING, AND RELATED FINANCIAL MATTERS; BY ADDING SECTION 59-101-55, SO AS TO PROHIBIT STATE APPROPRIATED FUNDS FROM BEING USED TO PROVIDE OUT-OF-STATE SUBSIDIES TO STUDENTS ATTENDING STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 59-101-620, RELATING TO EDUCATIONAL FEE WAIVERS, SO AS TO REQUIRE THAT ANY FEE WAIVERS ABOVE FOUR PERCENT MUST BE USED FOR IN-STATE STUDENTS; BY ADDING SECTION 59-112-115, SO AS TO PROVIDE THAT WHEN THE GOVERNING BOARD OF A PUBLIC INSTITUTION OF HIGHER LEARNING OR TECHNICAL COLLEGE ADOPTS A CHANGE TO THE TUITION OR FEES IMPOSED ON STUDENTS, THE CHANGE MAY BE IMPLEMENTED ONLY AFTER A PUBLIC VOTE WITH THE NUMBER OF TRUSTEES OR LOCAL AREA COMMISSIONERS VOTING FOR AND AGAINST THE CHANGE BEING COUNTED; BY ADDING SECTION 8-11-162, SO AS TO PROVIDE THAT TECHNICAL COLLEGE PRESIDENTS ARE COVERED BY THE AUTHORITY OF THE AGENCY HEAD SALARY COMMISSION; TO AMEND SECTION 1-11-55 RELATING TO THE LEASING OF REAL PROPERTY FOR GOVERNMENTAL BODIES, SO AS TO PROVIDE THAT A TECHNICAL COLLEGE, WITH THE APPROVAL BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND A PUBLIC INSTITUTION OF HIGHER LEARNING, MAY ENTER INTO ANY LEASE AGREEMENT OR RENEW ANY LEASE AGREEMENT UP TO ONE HUNDRED THOUSAND DOLLARS ANNUALLY FOR EACH PROPERTY OR FACILITY WITHOUT NOTIFYING THE OFFICE OF GENERAL SERVICES FOR AN INVESTIGATION OF AVAILABLE SPACE; BY ADDING SECTION 59-53-168 SO AS TO AUTHORIZE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO EMPLOY AND ADMINISTER CERTAIN ADMINISTRATIVE EFFICIENCY PROVISIONS, AND TO ESTABLISH AN ADVISORY BOARD; BY ADDING SECTION 59-112-140 SO AS TO ALLOW THE AREA COMMISSION FOR THE FLORENCE-DARLINGTON TECHNICAL COLLEGE TO WAIVE CERTAIN REQUIREMENTS FOR STUDENT PARTICIPANTS IN THE CATERPILLAR DEALER ACADEMY OPERATED BY FLORENCE-DARLINGTON TECHNICAL COLLEGE; TO AMEND SECTION 2-77-20, RELATING TO THE SOUTH CAROLINA HIGHER

EDUCATION EXCELLENCE ENHANCEMENT PROGRAM, SO AS TO REQUIRE THAT ALL THE FUNDS APPROPRIATED TO THE PROGRAM MUST BE ALLOCATED EQUALLY AMONG THE ELIGIBLE INSTITUTIONS; AND TO AMEND SECTION 59-142-40, RELATING TO STUDENTS FIRST FINANCIAL RESOURCES FOR SCHOLARSHIPS AND TUITION, SO AS TO UPDATE REFERENCES AND TO PROVIDE THAT FUNDS FOR THE NEED BASED GRANT MUST BE ALLOCATED IN A GIVEN YEAR TO INSTITUTIONS USING A METHODOLOGY THAT CONSIDERS STATE RESIDENT PELL GRANT RECIPIENTS SO THAT EACH PUBLIC INSTITUTION SHALL RECEIVE AN AMOUNT SUFFICIENT TO PROVIDE A SIMILAR LEVEL OF SUPPORT PER STATE RESIDENT PELL RECIPIENT WHEN COMPARED TO TUITION AND REQUIRED FEES, BUT THAT NO INSTITUTION SHALL RECEIVE A SMALLER PROPORTION OF FUNDING THAN WOULD BE PROVIDED UNDER THE STUDENT ENROLLMENT METHODOLOGY USED IN YEARS PRIOR TO FISCAL YEAR 2008-09.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ Part I
Citation

SECTION 1. This act is known and may be cited as the "South Carolina Higher Education Efficiency and Administrative Policies Act of 2011".

Part II
Transaction Register

SECTION 2. A. Article 2, Chapter 101, Title 59 of the 1976 Code is amended by adding:

"Section 59-101-670. (A) Each public institution of higher learning shall maintain a transaction register that includes a complete record of all funds expended, from whatever source for whatever purpose. The register must be prominently posted on the institution's Internet website and made available for public viewing and downloading.

(1)(a) The register must include for each expenditure:

(i) the transaction amount;

(ii) the name of the payee;

(iii) the identification number of the transaction; and

(iv) a description of the expenditure, including the source of funds, a category title, and an object title for the expenditure.

(b) The register must include all reimbursements for expenses, but must not include an entry for salary, wages, or other compensation paid to individual employees.

(c) The register must not include a social security number.

(d) The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure.

(e) At the option of the public institution, the register may exclude any information that can be used to identify an individual employee or student.

(f) This section does not require the posting of any information that is not required to be disclosed under Chapter 4, Title 30.

(2) The register must be searchable and updated at least once a month. Each monthly register must be maintained on the Internet website for at least three years.

(B) Each public institution of higher learning shall be responsible for providing on its Internet website a link to the Internet website of any agency, other than the individual institution, that posts on its Internet website the institution's monthly state procurement card statements or monthly reports containing all or substantially all of the same information contained in the monthly state procurement card statements. The link must be to the specific webpage or section on the website of the agency where the state procurement card information for the institution can be found. The information posted may not contain the state procurement card number.

(C) Any information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting required by this section.

(D) In the event any public institution of higher learning has a question or issue relating to technical aspects of complying with the requirements of this section or the disclosure of public information under this section, it shall consult with the Comptroller General's Office, which may provide guidance to the public institution."

B. Article 15, Chapter 1, Title 1 of the 1976 Code is amended by adding:

"Section 1-1-1040. All agencies, departments, and institutions of state government must be responsible for providing on their Internet websites a link to the Internet website of any agency, other than the individual agency, department, or institution, that posts on its Internet website that agency's, department's, or institution's monthly state procurement card statements or monthly reports containing all or substantially all the same information contained in the monthly state procurement card statements. The link must be to the specific webpage or section on the website of the agency where the state procurement card information for the state agency, department, or institution can be found. The information posted may not contain the state procurement card number. Any information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting required by this section."

C. This SECTION takes effect upon approval by the Governor, and public institutions of higher learning to which this SECTION applies shall have one year from the effective date of this act to comply with its requirements.

Part III Human Resources

SECTION 3. The Budget and Control Board's State Office of Human Resources shall participate with five representatives selected by the respective presidents of the public institutions of higher learning and technical colleges to represent all of the public institutions of higher learning and technical colleges to study, develop, and recommend a separate, comprehensive human resources system for the public institutions of higher learning and technical colleges. The recommendation shall include, but not be limited to, prescription of a methodology to establish a uniform compensation and classification plan among the public institutions of higher learning and technical colleges. The recommendations must provide for necessary accountability to the Budget and Control Board, including a process for reporting human resources data. The recommendation must be submitted to the State Budget and Control Board for its review no later than July 1, 2012, and shall not be implemented until approved by the Budget and Control Board pursuant to Section 8-11-230.

Part IV Facilities and Capital Expenditure Revisions

SECTION 4. Section 2-47-50 of the 1976 Code, as last amended by Act 143 of 2005, is further amended to read:

"Section 2-47-50. The board shall establish formally each permanent improvement project before actions of any sort which implement the project in any way may be undertaken and no expenditure of any funds for any services or for any other project purpose contracted for, delivered, or otherwise provided prior to the date of the formal action of the board to establish the project shall be approved. State agencies and institutions may advertise and interview for project architectural and engineering services for a pending project so long as the architectural and engineering contract is not awarded until after a state project number is assigned. After the committee has reviewed the form to be used to request the establishment of permanent improvement projects and has reviewed the time schedule for considering such requests as proposed by the board, requests to establish permanent improvement projects shall be made in such form and at such times as the board may require.

Any proposal to finance all or any part of any project using any funds not previously authorized specifically for the project by the General Assembly or using any funds not previously approved for the project by the board and reviewed by the committee shall be referred to the committee for review prior to approval by the board.

Any proposed revision of the scope or of the budget of an established permanent improvement project deemed by the board to be substantial shall be referred to the committee for its review prior to any final action by the board. In making their determinations regarding changes in project scope, the board and the committee shall utilize the permanent improvement project proposal and justification statements, together with any supporting documentation, considered at the time the project was authorized or established originally. Any proposal to increase the budget of a previously approved project using any funds not previously approved for the project by the board and reviewed by the committee shall in all cases be deemed to be a substantial revision of a project budget which shall be referred to the committee for review. The committee shall be advised promptly of all actions taken by the board which approve revisions in the scope of or the budget of any previously established permanent improvement project not deemed substantial by the board.

For purposes of this chapter, with regard to all institutions of higher learning, permanent improvement project is defined as:

- (1) acquisition of land, regardless of cost, with staff level review of the committee and the Budget and Control Board, Capital Budget Office, up to two hundred fifty thousand dollars;
- (2) acquisition, as opposed to the construction, of buildings or other structures, regardless of cost, with staff level review of the committee and the Budget and Control Board, Capital Budget Office, up to two hundred fifty thousand dollars;
- (3) ~~construction of additional facilities and~~ work on existing facilities for any given project including their renovation, repair, maintenance, alteration, or demolition in those instances in which the total cost of all work involved is ~~five hundred thousand~~ one million dollars or more;
- (4) architectural and engineering and other types of planning and design work, regardless of cost, which is intended to result in a permanent improvement project. Master plans and feasibility studies are not permanent improvement projects and are not to be included;
- (5) capital lease purchase of a facility acquisition or construction in which the total cost is one million dollars or more; and
- (6) equipment that either becomes a permanent fixture of a facility or does not become permanent but is included in the construction contract shall be included as a part of a project in which the total cost is one million dollars or more; and
- (7) new construction of a facility that exceeds a total cost of five hundred thousand dollars.

Any permanent improvement project that meets the above definition must become a project, regardless of the source of funds. However, an institution of higher learning that has been authorized or appropriated capital improvement bond

funds, capital reserve fund or state appropriated funds, or state infrastructure bond funds by the General Assembly for capital improvements shall process a permanent improvement project, regardless of the amount.

For purposes of establishing permanent improvement projects, Clemson University Public Service Activities (Clemson-PSA) and South Carolina State University Public Service Activities (SC State-PSA) are subject to the provisions of this chapter."

SECTION 5. Section 1-11-65 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

"() With approval of the Budget and Control Board, any four-year public institution of higher learning, graduate level public institution of higher learning, two-year branch campus of a graduate level public institution of higher learning in this State, and any technical college, upon initial approval by the State Board for Technical and Comprehensive Education, may enter into one or more ground lease agreements with a private entity whereby the private entity will provide all services necessary for the creation and operation of on-campus infrastructure including, but not limited to, financing which is subject to review and approval of the State Treasurer, designing, constructing, managing, operating, maintaining, and related services. Upon expiration of the ground lease agreement term, the private entity shall surrender to the institution such premises with the existing buildings, other structures, and improvements constructed and located thereon and therein, in the same condition as when the construction of the buildings, other structures, and improvements were completed, only natural and normal wear and tear excepted. The Budget and Control Board shall approve all ground lease agreement terms and conditions including the consideration involved. The full faith and credit of the State toward the lease obligations must not be pledged, and any statement to the contrary is deemed null and void as a matter of public policy. The private entity may be a nonprofit organization. Budget and Control Board approval required is instead of or a substitute for any other approval required by any other provision of law or regulation in connection with the undertaking of the private entity and the subject institution; however, the private entity and the subject institution shall adhere to fire, life, and safety codes as required by the Office of State Engineer. This section and the approval required by this section does not exempt any transaction or entity from complying with Chapter 35, Title 11."

Part V Procurement Code Revisions

SECTION 6. Section 11-35-1210 of the 1976 Code is amended by adding an appropriately numbered subsection at the end to read:

"() Subject to subsection (1), the State Board for Technical and Comprehensive Education, in coordination with the appropriate Chief Procurement Officer, may approve a cumulative total of up to fifty thousand dollars in additional procurement authority for technical colleges, provided that the designated board office makes no material audit findings concerning procurement. As provided by regulation, any authority granted pursuant to this paragraph is effective when certified in writing by the designated board office."

SECTION 7. Section 11-35-1550 of the 1976 Code is amended to read:

"Section 11-35-1550. (1) Authority. The following small purchase procedures may be utilized only in conducting procurements for governmental bodies that are up to fifty thousand dollars in actual or potential value. A governmental body may conduct its own procurement up to fifty thousand dollars in actual or potential value, and a governmental body that has received procurement certification pursuant to Section 11-35-1210 to handle the type and estimated value of the procurement may conduct the procurement under its own authority in accordance with this code. Procurement requirements must not be artificially divided by governmental bodies so as to constitute a small purchase pursuant to this section.

(2) Competition and Price Reasonableness.

(a) Purchases not in excess of two thousand five hundred dollars. Except as provided in subitem (d) below, small purchases not exceeding two thousand five hundred dollars may be accomplished without securing competitive quotations if the prices are considered reasonable. The purchasing office must annotate the purchase requisition: 'Price is fair and reasonable' and sign. The purchases must be distributed equitably among qualified suppliers. When practical, a quotation must be solicited from other than the previous supplier before placing a repeat order. The administrative cost of verifying the reasonableness of the price of purchase 'not in excess of' may more than offset potential savings in detecting instances of overpricing. Action to verify the reasonableness of the price need be taken only when the procurement officer of the governmental body suspects that the price may not be reasonable, comparison to previous price paid, or personal knowledge of the item involved.

(b) Purchases over two thousand five hundred dollars to ten thousand dollars. Except as provided in subitem (d) below, solicitation of written quotes from a minimum of three qualified sources of supply must be made and documentation of the quotes attached to the purchase requisition for a small purchase over two thousand five hundred dollars but not in excess of ten thousand dollars. The award must be made to the lowest responsive and responsible sources.

(c) Purchases over ten thousand dollars up to fifty thousand dollars. Written solicitation of written quotes, bids, or proposals must be made for a small purchase over ten thousand dollars but not in excess of fifty thousand dollars. The procurement must be advertised at least once in the South Carolina Business Opportunities publication or through a means of central electronic advertising as approved by the designated board office. A copy of the written solicitation and written quotes must be attached to the purchase requisition. The award must be made to the lowest responsive and responsible source or, when a request for proposal process is used, the highest ranking offeror.

(d) For public institutions of higher learning in this State excluding technical colleges, small purchase amounts to which the provisions of subitem (a) apply are those purchases not exceeding ten thousand dollars, and for these purchases subitem (b) above does not apply. In addition, purchasing cards of the institution for these purchases also may be used by officials or employees of the institution as the governing board approves.

(3) All competitive procurements above ten thousand dollars must be advertised at least once in the South Carolina Business Opportunities publication or through a means of central electronic advertising as approved by the designated board office. Governmental bodies may charge vendors the cost incurred for copying and mailing bid or proposal documents requested in response to a procurement.

(4) The Division of Aeronautics of the Department of Commerce may act as its own purchasing agency for all procurements of maintenance services for aircraft and these procurements may be conducted pursuant to subsection (2)(b).

(5) For a technical college authorized by the State Board for Technical and Comprehensive Education, small purchase amounts to which the provisions of subsection (2)(a) apply are those purchases up to an amount not to exceed ten thousand dollars. If authority is approved, a technical college may use purchasing cards for these purchases up to the amount approved by the State Board for Technical and Comprehensive Education."

SECTION 8. Section 11-35-3310 of the 1976 Code is amended to read:

"Section 11-35-3310. (1) General Applicability. Indefinite delivery contracts may be awarded on an as-needed basis for construction services pursuant to the procedures in Section 11-35-3015(2)(b) and for architectural-engineering and land surveying services pursuant to Section 11-35-3220.

(a) Construction Services. When construction services contracts are awarded, each contract ~~shall~~ must be limited to a total expenditure of seven hundred fifty thousand dollars for a two-year period with individual project expenditures not to exceed one hundred fifty thousand dollars; however, for public institutions of higher learning, and for technical college service contracts authorized by the State Board for Technical and Comprehensive Education, these limits shall be one million dollars for total expenditures and two hundred fifty thousand dollars for individual expenditures within the time periods specified.

(b) Architectural-Engineering and Land-Surveying Services. When architectural-engineering and land-surveying services contracts are awarded, each contract ~~shall must~~ be limited to a total expenditure of three hundred thousand dollars for a two-year period with individual project expenditures not to exceed one hundred thousand dollars; however, for public institutions of higher learning, and for technical college service contracts authorized by the State Board for Technical and Comprehensive Education, these limits shall be five hundred thousand dollars for total expenditures and two hundred thousand dollars for individual expenditures within the time periods specified.

(2) Small Indefinite Delivery Contracts. Small indefinite delivery contracts for architectural-engineering and land-surveying services may be procured as provided in Section 11-35-3230. A contract established under this section ~~shall must~~ be subject to Section 11-35-3230, and any regulations promulgated ~~thereunder~~ except that for public institutions of higher learning, and for technical college delivery contracts authorized by the State Board for Technical and Comprehensive Education, the individual and total contract limits shall be fifty thousand and one hundred fifty thousand dollars, respectively."

SECTION 9. Section 11-35-4810 of the 1976 Code is amended to read:

"Section 11-35-4810. Any public procurement unit may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of any supplies, services, or construction with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between public procurement units and open-ended state public procurement unit contracts which shall be made available to local public procurement units, except as provided in Section 11-35-4820 or except as may otherwise be limited by the board through regulations.

However, thirty days' notice of a proposed multi-state solicitation ~~shall~~ must be provided through central advertising and such contracts may be only awarded to manufacturers who will be distributing the products to South Carolina governmental bodies through South Carolina vendors; provided, however, that the provisions of this paragraph do not apply to public institutions of higher learning if the institution demonstrates a cost savings to the Office of State Procurement in regard to the multistate solicitation and procurement."

Part VI Miscellaneous Provisions

SECTION 10. Section 1-7-170 of the 1976 Code, as added by Act 353 of 2008, is amended to read:

"Section 1-7-170. (A) A department or agency of state government may not engage on a fee basis an attorney at law except upon the written approval of the Attorney General and upon a fee as must be approved by him. This section does not apply to the employment of attorneys in special cases in inferior courts when the fee to be paid does not exceed two hundred fifty dollars or exceptions approved by the State Budget and Control Board. This section does not apply to an attorney hired by the General Assembly or the judicial department.

(B) A public institution of higher learning shall engage and compensate outside counsel in accordance with policies and procedures adopted by the State Budget and Control Board for matters of bonded indebtedness, public finance, borrowing, and related financial matters."

SECTION 11. Article 1, Chapter 101, Title 59 of the 1976 Code is amended by adding:

"Section 59-101-55. State appropriated funds shall not be used to provide out-of-state subsidies to students attending state-supported institutions of higher learning."

SECTION 12. Section 59-101-620 of the 1976 Code, as added by Act 143 of 2005, is amended to read:

"Section 59-101-620. (A) A public institution of higher learning may offer educational fee waivers to no more than ~~four~~ eight percent of the undergraduate student body. Any fee waivers above four percent must be used for in-state students. For the purposes of fee waivers, an in-state student must be defined by Section 59-112-20(A).

(B) State-supported institutions of higher learning to which this subsection applies annually shall report to the Commission on Higher Education the amount of such waivers provided during that fiscal year and such other information as the commission may require in regard to these waivers."

SECTION 13. Chapter 112, Title 59 of the 1976 Code is amended by adding:

"Section 59-112-115. When the governing board of a public institution of higher learning, excluding technical colleges, adopts a change to the tuition or fees imposed on students, the change may be implemented by the institution only after a public vote with the number of trustees voting for and against the change being counted. A majority vote is required to implement any change to the tuition or fees. For technical colleges, when the local area commission of a technical college adopts a change to the tuition or fees imposed on students, the change may be implemented by the technical college only after a public vote with the number of local area commissioners voting for and against the change being counted. A majority vote is required to implement any change to the tuition or fees. A change to tuition or fees adopted by the local area commission must be reported to the State Board for Technical and Comprehensive Education within five business days."

SECTION 14. Article 1, Chapter 11, Title 8 of the 1976 Code is amended by adding:

"Section 8-11-162. For purposes of Section 8-11-160 and the other provisions related to the authority of the Agency Head Salary Commission, Technical College Presidents are covered by the authority of the commission."

SECTION 15. Section 1-11-55(2) of the 1976 Code is amended to read:

"(2) The Budget and Control Board is hereby designated as the single central broker for the leasing of real property for governmental bodies. No governmental body shall enter into any lease agreement or renew any existing lease except in accordance with the provisions of this section. However, a technical college, with the approval by the State Board for Technical and Comprehensive Education, and a public institution of higher learning, may enter into any lease agreement or renew any lease agreement up to one hundred thousand dollars annually for each property or facility."

SECTION 16. Article 2, Chapter 53, Title 59 of the 1976 Code is amended by adding:

"Section 59-53-168. (A) The State Board for Technical and Comprehensive Education (state board) is granted the authority to employ and administer certain administrative efficiency provisions provided in Sections 11-35-1210, 11-35-1550(2), 11-35-3310, 11-35-4810, 1-7-170, 59-101-620, and 1-11-55(2) of the 1976 Code. The state board shall establish a tiered system for categorizing technical colleges with respect to their financial strength and ability to manage day-to-day operations. Technical colleges, by way of application from their area commissions, may request the state board apply these administrative efficiency provisions to their respective institutions. The state board shall review the technical college's request and determine the proper category for the technical college.

(B) The state board shall establish an advisory board to provide oversight and review of the provisions of this chapter. The state board shall submit an annual report on oversight to the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee by November fifteenth of each year and shall submit a report every two years to include how changes have benefitted the agency to the Governor and the Chairmen of the House Ways and Means Committee, the Senate Finance Committee, the House Education and Public Works Committee, and the Senate Education Committee."

SECTION 17. Chapter 112, Title 59 of the 1976 Code is amended by adding:

"Section 59-112-140. The area commission for the Florence-Darlington Technical College may waive the requirements of this chapter for student participants in the Caterpillar Dealer Academy operated by Florence-Darlington Technical College."

SECTION 18. Section 2-77-20(C) of the 1976 Code is amended to read:

"(C) An institution seeking to qualify as an eligible institution must submit an annual application to the commission. The commission must certify the eligibility of institutions seeking contracts pursuant to this section. ~~Of the~~ The funds appropriated for this program, ~~one-half~~ must be allocated equally among the eligible institutions. ~~The remainder of the appropriated funds shall be awarded to eligible institutions based upon merit, through criteria developed by the Commission on Higher Education.~~"

SECTION 19. Section 59-142-40 of the 1976 Code is amended to read:

~~"The provisions of this chapter apply to eligible students beginning in the 1996-97 academic year. Funds must be allocated in a given year to institutions using a methodology that considers state resident Pell Grant recipients so that each public institution shall receive an amount sufficient to provide a similar level of support per state resident Pell recipient when compared to tuition and required fees. However, no institution shall receive a smaller proportion of funding than would be provided under the student enrollment methodology used in years prior to fiscal year 2008-09 based on the percentage of the state full-time enrollment enrolled at the institutions in the preceding year. Funds must be awarded to eligible students according to the financial need of the student."~~

Part VII Severability and Time Effective

SECTION 20. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 21. Unless otherwise provided, this act takes effect upon approval by the Governor.

/s/Sen. John E. Courson
/s/Sen. Darrell Jackson
/s/Sen. Michael T. Rose
On Part of the Senate.

/s/Rep. Phillip D. Owens
/s/Rep. Lester P. Branham
Rep. Rick Quinn
On Part of the House.

, and a message was sent to the House accordingly.

REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED H. 3700 --GENERAL APPROPRIATIONS BILL

On motion of Senator LEATHERMAN, the Report of the Committee of Conference was taken up for immediate consideration.

Senator LEATHERMAN explained the Report of the Committee of Conference.

Senator SHEHEEN spoke on the report.

Senator MASSEY spoke on the report.

Senator MASSEY moved to table the Report of the Committee of Conference.

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

Ayes 14; Nays 27

AYES

Bright
Davis
Martin, Shane
Rose
Shoopman

Bryant
Gregory
Massey
Ryberg
Verdin

Campsen
Grooms
McConnell
Sheheen

Total--14

NAYS

Alexander
Cleary
Fair
Jackson
Leatherman
Malloy
McGill
Peeler
Scott

Anderson
Coleman
Hayes
Knotts
Leventis
Martin, Larry
Nicholson
Rankin
Setzler

Campbell
Elliott
Hutto
Land
Lourie
Matthews
O'Dell
Reese
Williams

Total--27

The Senate refused to table the report.

The question then was the adoption of the Report of the Committee of Conference on H. 3700 incorporated herein by reference in Doc. No. H:\Legwork\Senate\amend\BBM\10389HTC11.docx.

Senator MASSEY was recognized to speak on the report.

Objection

At 5:20 P.M., Senator SHANE MARTIN asked unanimous consent to recede for five minutes, with Senator MASSEY retaining the floor.

Senator HUTTO objected.

Senator MASSEY resumed speaking on the report.

Objection

At 5:24 P.M., Senator SHANE MARTIN asked unanimous consent to recede for five minutes, with Senator MASSEY retaining the floor.

Senator HUTTO objected.

Senator MASSEY resumed speaking on the report.

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

Ayes 24; Nays 17

AYES

Alexander
Courson
Hayes

Anderson
Fair
Hutto

Campbell
Ford
Jackson

Knotts
Leventis
McGill
Peeler
Scott

Land
Martin, Larry
Nicholson
Rankin
Setzler

Leatherman
Matthews
O'Dell
Reese
Williams

Total--24

NAYS

Bright
Cleary
Gregory
Martin, Shane
Rose
Shoopman

Bryant
Davis
Grooms
Massey
Ryberg
Verdin

Campsen
Elliott
Malloy
McConnell
Sheheen

Total--17

The Report of the Committee of Conference was adopted.

, and a message was sent to the House accordingly.

Expression of Personal Interest

Senator LEVENTIS rose for an Expression of Personal Interest.

Message from the House

Columbia, S.C., June 22, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

H. 3700--GENERAL APPROPRIATIONS BILL

Very respectfully,
Speaker of the House

Received as information.

ENROLLED FOR RATIFICATION

H. 3700--GENERAL APPROPRIATIONS BILL

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

Motion Adopted

On motion of Senator McCONNELL, the Senate agreed that, when the Senate adjourned today, it stand adjourned to meet tomorrow at 10:00 A.M.

REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED

[H. 3701 \(Word version\)](#) -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010-2011.

On motion of Senator LEATHERMAN, the Report of the Committee of Conference was taken up for immediate consideration.

Senator LEATHERMAN explained the Report of the Committee of Conference.

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

Ayes 34; Nays 7

AYES

Alexander	Anderson	Campbell
Cleary	Coleman	Courson
Fair	Ford	Gregory
Grooms	Hayes	Hutto
Jackson	Knotts	Land
Leatherman	Leventis	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Matthews
McConnell	McGill	Nicholson
O'Dell	Peeler	Rankin
Reese	Scott	Setzler
Sheheen	Shoopman	Verdin
Williams		

Total--34

NAYS

Bright	Bryant	Campsen
Davis	Massey	Rose
Ryberg		

Total--7

The Report of the Committee of Conference was adopted as follows:

H. 3701--Conference Report

The General Assembly, Columbia, S.C., June 13, 2011

The Committee of Conference, to whom was referred:

[H. 3701 \(Word version\)](#) -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010-2011.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. In accordance with the provisions of Article III, Section 36(B)(2) and (3), Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2010-2011 the following amounts:

(1) P32-Department of Commerce

Deal Closing Fund \$ 5,000,000

(2) H59-State Board for Technical
and Comprehensive Education

CATT Program \$ 13,000,000

(3) J02-Department of Health
and Human Services

Medicaid Technology

Federal Mandates \$ 1,771,692

(4) P28-Department of Parks,
Recreation and Tourism

Destination Specific \$ 5,400,000

(5) J12-Department of Mental Health
Bryan Psychiatric

Roof Replacement \$ 6,572,388

(6) P12-Forestry Commission

Forestry Equipment Replacement \$ 3,000,000

(7) E28-Election Commission

2012 Statewide Primary Election \$ 3,800,000

(8) H73-Vocational Rehabilitation

Durable Medical Equipment \$ 2,500,000

(9) B04-Judicial Department

Statewide Implementation of

Electronic Filing \$ 5,000,000

(10) H75-School for the Deaf and the Blind
Vocational Education Center

Renovation \$ 4,401,240

(11) H71-Wil Lou Gray Opportunity School

Bus Replacement and Computer

Replacement \$ 195,000

(12) E23-Commission on Indigent Defense

Technology for Docket Management,

Electronic Filing and

Case Management \$ 450,000

(13) D17-Governor's Office of Executive

Policy and Programs

Veterans' Cemetery \$ 750,000

(14) H63-Department of Education

Governor's School for the Arts

and the Humanities

Desktop Computer Replacement \$ 75,000

(15) H63-Department of Education

Governor's School for the Arts

And the Humanities

Replacement of Classroom

Equipment and Furnishings \$ 85,000

(16) A17-Legislative Printing and

Information Technology Systems

Information Technology \$ 900,000

(17) H75-School for the Deaf and the Blind

Technology Infrastructure \$ 1,600,000

(18) U30-Division of Aeronautics

Aeronautics Parts and Fuel \$ 600,000

(19) P28-Department of Parks, Recreation

and Tourism

Regional Tourism Promotion \$ 100,000

(20) J12-Department of Mental Health

Campbell Veterans Nursing Home

Deferred Maintenance \$ 750,000
(21) J12-Department of Mental Health
Stone Veterans Nursing Home
Deferred Maintenance \$ 1,330,000
(22) D10-State Law Enforcement Division
Law Enforcement Equipment \$ 1,000,000
(23) K05-Department of Public Safety
Law Enforcement Equipment \$ 1,000,000
(24) E20-Office of Attorney General
Information Technology \$ 1,000,000
(25) H59-State Board for Technical and
Comprehensive Education
Training Equipment-Trident
Technical College \$ 500,000
(26) N08-Department of Probation,
Parole and Pardon Services
Agent Equipment \$ 500,000
(27) P24-Department of Natural Resources
Law Enforcement Equipment \$ 1,000,000
(28) P32-Department of Commerce
Economic Development
Organizations \$ 5,000,000
(29) H59-State Board for Technical and
Comprehensive Education
Deferred Maintenance \$ 9,593,651
(30) H75-School for the Deaf and the Blind
Deferred Maintenance \$ 1,550,000
(31) H09-The Citadel

Deferred Maintenance \$ 811,439
(32) H12-Clemson University
Deferred Maintenance \$ 6,195,597
(33) H15-University of Charleston
Deferred Maintenance \$ 1,712,207
(34) H17-Coastal Carolina University
Deferred Maintenance \$ 831,612
(35) H18-Francis Marion University
Deferred Maintenance \$ 965,801
(36) H21-Lander University
Deferred Maintenance \$ 547,427
(37) H24-South Carolina State University
Deferred Maintenance \$ 1,073,693
(38) H27-University of South Carolina
Columbia Campus
Deferred Maintenance \$ 9,115,505
(39) H29-University of South Carolina
Aiken Campus
Deferred Maintenance \$ 560,133
(40) H34-University of South Carolina
Upstate Campus
Deferred Maintenance \$ 730,319
(41) H36-University of South Carolina
Beaufort Campus
Deferred Maintenance \$ 131,893
(42) H37-University of South Carolina
Lancaster Campus
Deferred Maintenance \$ 139,228
(43) H38-University of South Carolina

Salkehatchie Campus

Deferred Maintenance \$ 118,639

(44) H39-University of South Carolina

Sumter Campus

Deferred Maintenance \$ 220,518

(45) H40-University of South Carolina

Union Campus

Deferred Maintenance \$ 53,817

(46) H47-Winthrop University

Deferred Maintenance \$ 1,174,145

(47) H51-Medical University of South Carolina

Deferred Maintenance \$ 4,877,511

Total \$ 107,683,455

SECTION 2. The Budget and Control Board is directed not to implement and complete the SCEIS Budget Module until funds are appropriated for that specific purpose.

SECTION 3. The Comptroller General shall post the appropriations contained in this joint resolution as provided in Section 11-11-320(D) of the 1976 Code. Unexpended funds appropriated pursuant to this joint resolution may be carried forward to succeeding fiscal years and expended for the same purpose.

SECTION 4. This joint resolution takes effect thirty days after the completion of the 2010-2011 fiscal year in accordance with the provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(D)(1) of the 1976 Code. /

Amend title to conform.

/s/Sen. Hugh K. Leatherman, Sr.	/s/Rep. Daniel T. Cooper
/s/Sen. Harvey S. Peeler, Jr.	/s/Rep. W. Brian White
/s/Sen. John W. Matthews	/s/Rep. James A. Battle, Jr.
On Part of the Senate.	On Part of the House.

, and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., June 22, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

[H. 3701](#) ([Word](#) version) -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010-2011.

Very respectfully,
Speaker of the House

Received as information.

H. 3701--ENROLLED FOR RATIFICATION

[H. 3701](#) ([Word](#) version) -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010-2011.

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

, and a message was sent to the House accordingly.

CONCURRENCE

[H. 3991](#) ([Word](#) version) -- Reps. Harrell, Lucas, Harrison, Clemmons, Barfield, Cooper, Hardwick, Owens, Sandifer, G.R. Smith, J.R. Smith, White, Bingham and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ADOPT THE UNITED STATES CENSUS OF 2010 AS OFFICIAL; BY ADDING SECTION 2-1-35 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE HOUSE OF REPRESENTATIVES ARE ELECTED BEGINNING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 2-1-45 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE HOUSE OF REPRESENTATIVES WERE FORMERLY ELECTED; AND TO DESIGNATE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE HOUSE OF REPRESENTATIVES REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

The House returned the Bill with amendments.

Senator McCONNELL explained the amendments.

The question then was concurrence with the House amendments.

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

Ayes 35; Nays 1

AYES

Alexander	Anderson	Bright
Bryant	Campbell	Campsen
Cleary	Coleman	Davis
Fair	Gregory	Grooms
Hayes	Hutto	Knotts
Leatherman	Leventis	Lourie
Malloy	<i>Martin, Larry</i>	Massey
Matthews	McConnell	McGill
Nicholson	O'Dell	Peeler
Rankin	Rose	Ryberg
Scott	Setzler	Thomas
Verdin	Williams	

Total--35

NAYS

Sheheen

Total--1

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

Message from the House

Columbia, S.C., June 22, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification:

(R104, [104 \(Word version\)](#), S30)) -- Senators McConnell, Leventis and Ford: AN ACT TO AMEND SECTION 22-5-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES' POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN HIS OFFICIAL CAPACITY, CERTAIN BUSINESSES SEEKING AN ARREST WARRANT FOR AN OFFENSE AGAINST THE BUSINESS, AND PERSONS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK OR OFFENSES INVOLVING CRIMINAL DOMESTIC VIOLENCE, HARASSMENT, OR ASSAULT AND BATTERY, TO PROVIDE THAT A COURTESY SUMMONS MUST BE ISSUED WHEN AN ARREST WARRANT IS SOUGHT BY ANY OTHER PERSON, AND TO PROVIDE THAT AN ARREST WARRANT MAY BE ISSUED WHEN A PERSON FAILS TO APPEAR BEFORE THE COURT PURSUANT TO A COURTESY SUMMONS; TO AMEND SECTION 22-1-10, RELATING TO THE APPOINTMENT OF MAGISTRATES, THEIR TERMS AND JURISDICTION, SO AS TO PROVIDE THAT THE GOVERNOR MAY APPOINT A MAGISTRATE TO A POSITION THAT BECOMES VACANT ONCE THE TERM OF A SITTING MAGISTRATE IS TERMINATED UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 22-1-30, RELATING TO THE SUSPENSION OR REMOVAL OF A MAGISTRATE, SO AS TO PROVIDE A PROCEDURE TO END A MAGISTRATE'S TERM OF OFFICE AND NOT ALLOW HIM TO CONTINUE TO SERVE UNTIL HIS SUCCESSOR IS APPOINTED; AND TO AMEND SECTION 22-2-40, RELATING TO THE NUMBER AND LOCATION OF MAGISTRATES THAT MAY SERVE IN A COUNTY, SO AS TO PROVIDE AN ADDITIONAL PROVISION THAT WOULD ALLOW THE NUMBER AND LOCATION OF MAGISTRATES TO BE INCREASED OR DECREASED.

Very respectfully,
Speaker of the House

Received as information.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 22, 2011, at 5:55 P.M. and the following Acts and Joint Resolutions were ratified:

(R103, [S. 20 \(Word version\)](#)) -- Senators Grooms, McConnell, Thomas, Alexander, Leatherman, Knotts, Bryant, Hayes, Rose, Verdin, S. Martin, Peeler, L. Martin, Fair, Ryberg, Cromer, Campsen, Davis, Shoopman, Rankin and Bright: AN ACT TO AMEND SECTION 6-1-170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PREEMPTION OF LOCAL ORDINANCES REGARDING IMMIGRATION, SO AS TO ALLOW A CIVIL

ACTION TO BE BROUGHT UNDER CERTAIN CIRCUMSTANCES WHEN A POLITICAL SUBDIVISION LIMITS OR PROHIBITS A LOCAL OFFICIAL FROM SEEKING TO ENFORCE A FEDERAL OR STATE LAW WITH REGARD TO IMMIGRATION OR THE UNLAWFUL IMMIGRATION STATUS OF A PERSON; TO AMEND SECTION 8-14-10, RELATING TO DEFINITIONS FOR THE PURPOSES OF UNAUTHORIZED ALIENS AND PUBLIC EMPLOYMENT, SO AS TO EXPAND THE DEFINITION OF "PRIVATE EMPLOYER"; TO AMEND SECTION 8-14-20, RELATING TO PUBLIC EMPLOYER PARTICIPATION IN THE FEDERAL WORK AUTHORIZATION PROGRAM AND SERVICE CONTRACTORS, SO AS TO DELETE PROVISIONS REGARDING CERTAIN TYPES OF IDENTIFICATIONS PREVIOUSLY ALLOWED FOR VERIFICATION OTHER THAN E-VERIFY AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 16-9-460, RELATING TO AIDING ILLEGAL ENTRY OR HARBORING AN UNLAWFUL ALIEN, SO AS TO INCLUDE IN THE PURVIEW OF THE STATUTE THE PERSON WHO ENTERED THE COUNTRY, REMAINED, OR SHELTERED THEMSELVES FROM DETECTION ILLEGALLY; BY ADDING SECTION 16-17-750 SO AS TO CREATE THE OFFENSE OF FAILURE TO CARRY A CERTIFICATE OF ALIEN REGISTRATION ISSUED TO THE PERSON AND TO PROVIDE A PENALTY; BY ADDING SECTION 17-13-170 SO AS TO REQUIRE LAW ENFORCEMENT UNDER CERTAIN CIRCUMSTANCES AND WITH REASONABLE SUSPICION TO DETERMINE WHETHER A PERSON IS LAWFULLY PRESENT IN THE UNITED STATES, TO DELINEATE INFORMATION THAT MAY BE PROVIDED TO PRESUME THE PERSON IS LEGALLY PRESENT IN THE UNITED STATES, TO PROVIDE FOR THE OFFENSE OF PROVIDING FALSE INFORMATION AND TO PROVIDE PENALTIES, TO PROVIDE PROCEDURES FOR VERIFICATION OF STATUS AND EXCEPTIONS, AND TO PROVIDE FOR THE COLLECTION OF DATA ON MOTOR VEHICLES STOPPED WITHOUT A CITATION ISSUED; TO AMEND SECTION 23-3-1100, RELATING TO THE VERIFICATION OF THE STATUS OF PRISONERS, NOTIFICATION OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, AND HOUSING AND MAINTENANCE EXPENSES, SO AS TO PROVIDE FOR TRANSPORTATION OF A PRISONER WHO IS AN ALIEN UNLAWFULLY PRESENT IN THE UNITED STATES TO A FEDERAL FACILITY OR OTHER FORM OF FEDERAL CUSTODY AND FOR NOTIFICATION TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY; TO AMEND SECTION 41-8-10, RELATING TO DEFINITIONS FOR PURPOSES OF ILLEGAL ALIENS AND PRIVATE EMPLOYMENT, SO AS TO REDEFINE THE TERMS "LICENSE" AND "PRIVATE EMPLOYER" AND DEFINE THE TERM "UNAUTHORIZED ALIEN"; TO AMEND SECTION 41-8-20, RELATING TO THE REQUIREMENTS OF COMPLETION AND MAINTENANCE OF FEDERAL EMPLOYMENT ELIGIBILITY VERIFICATION FORMS OR E-VERIFY, SO AS TO REQUIRE AUTHORIZATION OF EVERY NEW EMPLOYEE WITHIN THREE, RATHER THAN FIVE, DAYS AND REQUIRE CONTRACTORS TO MAINTAIN CONTACT PHONE NUMBERS OF ALL SUBCONTRACTORS AND SUB-SUBCONTRACTORS PERFORMING SERVICES FOR THE CONTRACTOR AND PROVIDE THIS INFORMATION UPON REQUEST; TO AMEND SECTION 41-8-30, RELATING TO EMPLOYMENT OF UNAUTHORIZED ALIENS, SO AS TO PROVIDE THAT A PRIVATE EMPLOYER VIOLATES THE PRIVATE EMPLOYER LICENSE IF HE KNOWINGLY AND INTENTIONALLY EMPLOYS AN UNAUTHORIZED ALIEN; TO AMEND SECTION 41-8-40, RELATING TO A PRIVATE EMPLOYER'S PRESUMPTION OF COMPLIANCE WITH THE LAW, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 41-8-50, RELATING TO PENALTIES FOR FAILING TO COMPLY WITH E-VERIFY REQUIREMENTS, SO AS TO ALLOW ACTION AGAINST A PRIVATE EMPLOYER TO BE BROUGHT AFTER A RANDOM AUDIT OR AN INSPECTION REGARDING AN EMPLOYEE WHO HAS BEEN EMPLOYED THREE, RATHER THAN FIVE, DAYS AND TO PROVIDE FURTHER PROCEDURES FOR A PRIVATE EMPLOYER'S COMPLIANCE, TO PROVIDE FOR SUSPENSION AND REVOCATION OF THE PRIVATE EMPLOYER'S LICENSE UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 41-8-60, RELATING TO ACTIONS TO COLLECT CIVIL PENALTIES AGAINST A PRIVATE EMPLOYER, AND 41-8-120, RELATING TO THE PROMULGATION OF REGULATIONS AND STATEWIDE RANDOM AUDITS, BOTH SO AS TO DELETE REFERENCES TO CIVIL PENALTIES AND MAKE CONFORMING CHANGES REGARDING DISCIPLINARY ACTION AGAINST A PRIVATE EMPLOYER; BY ADDING SECTION 16-13-480 SO AS TO CREATE THE OFFENSE OF PROVIDING A FALSE PICTURE IDENTIFICATION FOR USE BY AN ALIEN UNLAWFULLY PRESENT IN THE UNITED STATES AND TO PROVIDE A PENALTY; TO REPEAL SECTION 23-3-80 RELATING TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION'S AUTHORIZATION TO NEGOTIATE A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES DEPARTMENT OF JUSTICE OR THE DEPARTMENT OF HOMELAND SECURITY REGARDING UNLAWFUL ALIENS; AND BY ADDING SECTION 23-6-60 SO AS TO CREATE THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT

WITHIN THE DEPARTMENT OF PUBLIC SAFETY, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE A MEMORANDUM OF AGREEMENT WITH UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.

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(R104, [S. 30](#) ([Word](#) version)) -- Senators McConnell, Leventis and Ford: AN ACT TO AMEND SECTION 22-5-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES' POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN HIS OFFICIAL CAPACITY, CERTAIN BUSINESSES SEEKING AN ARREST WARRANT FOR AN OFFENSE AGAINST THE BUSINESS, AND PERSONS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK OR OFFENSES INVOLVING CRIMINAL DOMESTIC VIOLENCE, HARASSMENT, OR ASSAULT AND BATTERY, TO PROVIDE THAT A COURTESY SUMMONS MUST BE ISSUED WHEN AN ARREST WARRANT IS SOUGHT BY ANY OTHER PERSON, AND TO PROVIDE THAT AN ARREST WARRANT MAY BE ISSUED WHEN A PERSON FAILS TO APPEAR BEFORE THE COURT PURSUANT TO A COURTESY SUMMONS; TO AMEND SECTION 22-1-10, RELATING TO THE APPOINTMENT OF MAGISTRATES, THEIR TERMS AND JURISDICTION, SO AS TO PROVIDE THAT THE GOVERNOR MAY APPOINT A MAGISTRATE TO A POSITION THAT BECOMES VACANT ONCE THE TERM OF A SITTING MAGISTRATE IS TERMINATED UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 22-1-30, RELATING TO THE SUSPENSION OR REMOVAL OF A MAGISTRATE, SO AS TO PROVIDE A PROCEDURE TO END A MAGISTRATE'S TERM OF OFFICE AND NOT ALLOW HIM TO CONTINUE TO SERVE UNTIL HIS SUCCESSOR IS APPOINTED; AND TO AMEND SECTION 22-2-40, RELATING TO THE NUMBER AND LOCATION OF MAGISTRATES THAT MAY SERVE IN A COUNTY, SO AS TO PROVIDE AN ADDITIONAL PROVISION THAT WOULD ALLOW THE NUMBER AND LOCATION OF MAGISTRATES TO BE INCREASED OR DECREASED.

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(R105, [S. 815](#) ([Word](#) version)) -- Senators McConnell, Ford, L. Martin, Hutto, Malloy, Cleary and Shoopman: AN ACT TO AMEND SECTION 1-1-715, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADOPTION OF THE UNITED STATES CENSUS, SO AS TO ADOPT THE UNITED STATES CENSUS OF 2010 AS THE TRUE AND CORRECT ENUMERATION OF INHABITANTS OF THIS STATE; BY ADDING SECTION 2-1-70 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SOUTH CAROLINA SENATE ARE ELECTED COMMENCING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 2-1-75 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SENATE WERE FORMERLY ELECTED; AND TO DESIGNATE THE PRESIDENT PRO TEMPORE OF THE SENATE AS THE APPROPRIATE OFFICIAL OF THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE SENATE REAPPORTIONMENT PLAN UNDER THE VOTING RIGHTS ACT.

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(R106, [H. 3700](#)) -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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(R107, [H. 3701](#) ([Word](#) version)) -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010-2011.

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(R108, [H. 3991](#) ([Word](#) version)) -- Reps. Harrell, Lucas, Harrison, Clemmons, Barfield, Cooper, Hardwick, Owens,

Sandifer, G.R. Smith, J.R. Smith, White, Bingham and Erickson: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ADOPT THE UNITED STATES CENSUS OF 2010 AS OFFICIAL; BY ADDING SECTION 2-1-35 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE HOUSE OF REPRESENTATIVES ARE ELECTED BEGINNING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 2-1-45 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE HOUSE OF REPRESENTATIVES WERE FORMERLY ELECTED; AND TO DESIGNATE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE HOUSE OF REPRESENTATIVES REAPPORTIONMENT PLAN UNDER THE VOTING RIGHTS ACT.

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**LOCAL APPOINTMENT
Confirmation**

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

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

John P. Moore, 446 Tangleridge Court, Inman, SC 29349

MOTION ADOPTED

On motion of Senator SHOOPMAN , with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Richard A. Ashmore, Sr. of Greer, S.C. He was a beloved husband of 53 years to Mary Jane McCuen Ashmore, devoted father and grandfather. A civil engineer, he was involved in the community as President of Ashmore Brothers, Inc. and various construction associations. He was a role model, outstanding businessman and vitally interested in community and charitable institutions.

ADJOURNMENT

At 6:00 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 10:00 A.M.

* * *

This web page was last updated on Thursday, June 23, 2011 at 2:54 P.M.