**Wednesday, May 11, 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:

As Samuel sought whom to anoint among Jesse’s sons, the Lord said to him:

“ ‘Do not look on his appearance or on the height of his stature... for the Lord does not see as mortals see; they look on the outward appearance, but the Lord looks on the heart.’ ”

(I Samuel 16:7)

Join me as we bow in prayer:

We confess, O God, that more often than not we’re guilty of “judging a book by its cover.” Forgive us for the times we’ve done so, dear Lord. Lead us to be far more discerning in those moments when we find ourselves called upon to make judgments about individuals around us. And in that same manner, may the heart of each of these faithful Senators always reflect the greatest care and concern for the people they are called to serve. This we pray in Your loving name, 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:

**Local Appointments**

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

Linda Dudley-Graham, 516 Agnew Road, Starr, SC 29684

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

William E. Gilmer, 306 Elizabeth Street, Honea Path, SC 29654

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

Samuel Matthew Lollis, 29 Austin Street, Williamston, SC 29697

Reappointment, Bamberg County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Richard Craig Thrett, Post Office Box 210, Bamberg, SC 29003

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

Robert Cooper, 2204 Willis Pond Road, Williston, SC 29853 *VICE* Alfred Flynn (retired)

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

Jimmy Wade Gantt, 3772 Dexter Street, Blackville, SC 29817

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

Lawson Jordon Holland, Post Office Box 929, Barnwell, SC 29812

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Jacquetta Porter Jones, 5868 Octavia Avenue, Ravenel, SC 29470 *VICE* Mary Holmes (deceased)

Initial Appointment, Chesterfield County Magistrate, with term to commence April 30, 2010, and to expire April 30, 2014

John A. Davis, Post Office Box 723, Chesterfield, SC 29709 *VICE* Elizabeth Gulledge

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

Katrina Lynn Patton, 117 Colleton Ave., Summerville, SC 29483

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

Edward Gendron Palmer VI, 115 - B South Congress Street, Winnsboro, SC 29180

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

William Fredric Pope, 10323 Jackson Creek Road, Winnsboro, SC 29180

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

Russell Durant Price, 394 Loblolly Ave., Winnsboro, SC 29180

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

Jerry Reed, 664 Loch Lane, Jenkinsville, SC 29065

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

Michael Swearingen, 4402 Newberry Road, Winnsboro, SC 29180

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

Carol Ann Tolen, 120 West Washington Street, Winnsboro, SC 29180

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

John Chappel Benso, 4990 Fulton Place, Murrells Inlet, SC 29576 *VICE* William P. Moeller

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

Leisa Riggs Hotchkiss, 716 Wingert Road, Greenwood, SC 29649

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

Christopher Ryan Johnson, 220 McGhee Ave., Greenwood, SC 29649

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

Walter Rutledge Martin, 106 Sheffield Rd., Greenwood, SC 29646

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

Bart Stephen McGuire, 119 Pucketts Cove, Greenwood, SC 29649

Initial Appointment, Jasper County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Ashley M. Brown, Post Office Box 1292, Hardeeville, SC 29927 *VICE* Calvert R. Brantley

Initial Appointment, Lancaster County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Douglas M. Vecchio, 206 W. Stevens Drive, Kershaw, SC 29067 *VICE* Lee Deese

Initial Appointment, Pickens County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Stanley Michael Gillespie, 129 Faith Drive, Easley, SC 29640 *VICE* Phillip Snow

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

Patrick Barber, 103 Audubon Oak Way, Irmo, SC 29083 *VICE* Clevette L. Hudnell

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

Michelle Branch-Howard, 2364 Lang Road, Columbia, SC 29204

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

Benjamin Byrd, 13 Chasewood Court, Columbia, SC 29203

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

Harold Cuff, 516 Motley Road, Hopkins, SC 29061

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

Michael Davis, 123 Saddlemount Drive, Hopkins, SC 29061

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

Mel Maurer, 161 Midhurst Court, Irmo, SC 29063

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

Rita Metts, 124 Preston Hills Drive, Columbia, SC 29210 *VICE* Tomothy Edmond

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

Phil Newsom, 211 Polo Hill Road, Columbia, SC 29223

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

Josef Robinson, 300 Brook Hollow Drive, Columbia, SC 29229 *VICE* Willie H. Womble, Jr.

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

Kirby Shealy, 230 Latonea Drive, Columbia, SC 29210

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

Donald Simons, Post Office Box 9246, Columbia, SC 29209

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

Caroline Streater, 12 Lakecrest Dr., Columbia, SC 29206

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

Valerie Stroman, 430 Eastover Road, Eastover, SC 29044

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

Andy Surles, 113 Bostwick Ridge, Columbia, SC 29229

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

Tomothy Edmond, 261 Business Park Boulevard, Columbia, SC 29203 *VICE* Hon. Samuel Peay

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

Clayburn S. Barnette, Jr., 3131 Oak Park Road, Rock Hill, SC 29730

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

Lynne Horton Benfield, 1675-D York Highway, York, SC 29745

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

Clifford E. Berinsky, 529 South Cherry Road, Rock Hill, SC 29730

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

Johnny Hicks Grayson, Post Office Box 165, Clover, SC 29710

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

Herman Melvin Howell, Post Office Box 38, Hickory Grove, SC 29717

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

Lewis Daniel Malphrus, 1675-3C York Highway, York, SC 29745

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

Norman Richard Watkins, Jr., 1675 - 3C York Highway, York, SC 29745

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

Leon E. Yard, 1675 - 1D York Highway, York, SC 29745

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

Mandrile Hose Young, 1675 - 1D York Highway, York, SC 29745

**Doctor of the Day**

Senators CROMER and COURSON introduced Dr. Patricia Witherspoon of Columbia, S.C., instructor at USC, Doctor of the Day and Kelly Oglesby, first year resident.

**Leave of Absence**

At 10:30 A.M., Senator SETZLER requested a leave of absence beginning at 5:15 P.M. this evening and lasting until 9:00 A.M. in the morning.

**Leave of Absence**

At 10:30 A.M., Senator SETZLER requested a leave of absence for Friday, beginning at 8:00 A.M and lasting until 5:00 P.M.

**Leave of Absence**

At 1:35 A.M., Senator FAIR requested a leave of absence beginning at 5:00 P.M. this evening and lasting until 8:00 P.M.

**Leave of Absence**

At 10:35 A.M., Senator KNOTTS requested a leave of absence beginning at 8:00 A.M. Friday morning and lasting until 12:00 midnight.

**Leave of Absence**

At 10:40 A.M., Senator RYBERG requested a leave of absence beginning at 8:00 A.M. on Friday and lasting until 8:00 P.M. that evening.

**Leave of Absence**

At 10:45 A.M., Senator SHANE MARTIN requested a leave of absence beginning at 12:00 Noon on Friday and lasting until 12:00 Noon on Tuesday, May 17, 2011.

**Leave of Absence**

At 10:45 A.M., Senator VERDIN requested a leave of absence beginning at 6:00 A.M. Friday morning and lasting until 7:00 P.M. that evening.

**Leave of Absence**

At 10:50 A.M., Senator HUTTO requested a leave of absence beginning at 12:00 midnight on Thursday and lasting until 12:00 Noon on Tuesday, May 17, 2011.

**Leave of Absence**

At 5:45 P.M., Senator CLEARY requested a leave of absence beginning at 8:00 P.M. on Thursday evening and lasting until Sunday morning.

**Leave of Absence**

At 7:55 P.M., Senator LOURIE requested a leave of absence until 10:00 A.M. in the morning.

**Leave of Absence**

At 7:55 P.M., Senator JACKSON requested a leave of absence until 10:00 A.M. in the morning.

**Leave of Absence**

At 8:15 P.M., Senator GROOMS requested a leave of absence beginning at 11:30 A.M. tomorrow morning and lasting until 6:30 P.M. in the evening.

**Leave of Absence**

At 8:30 P.M., Senator KNOTTS requested a leave of absence from 10:00 - 11:00 A.M. in the morning.

**CO-SPONSORS ADDED**

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

S. 264 Sen. Leventis

S. 732 Sen. Lourie

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 876 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY, STATE CROP PEST COMMISSION, RELATING TO SOUTH CAROLINA PESTICIDE CONTROL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4126, WITH THE EXCEPTION OF REGULATION 27-1079 WHICH IS DISAPPROVED, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 877 -- Senator Pinckney: A BILL 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.

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

S. 878 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4161, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 879 -- Senator Scott: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CURTIS R. WATSON, UPON THE OCCASION OF HIS RETIREMENT, AFTER THIRTY-NINE YEARS AS AN EDUCATOR, AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 880 -- Senator Massey: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND JERRY ROBINSON, FORMERLY OF EDGEFIELD COUNTY, FOR HIS MANY YEARS OF OUTSTANDING COMMUNITY SERVICE, ESPECIALLY HIS LABORS ON BEHALF OF THE YOUNG MEN AND WOMEN OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

H. 3059 -- Reps. Merrill, Stavrinakis, J. E. Smith and Whipper: A BILL TO AMEND SECTION 12-6-3376, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INCOME TAX CREDIT FOR PLUG-IN HYBRID VEHICLES, SO AS TO REVISE THE DEFINITION OF “PLUG-IN HYBRID VEHICLE”, TO RAISE THE AGGREGATE AMOUNT OF THE CREDIT AVAILABLE EACH FISCAL YEAR AND DELETE ITS EXPIRATION DATE, AND TO PROVIDE THAT THE CREDIT MUST BE ALLOCATED TO ELIGIBLE CLAIMANTS DURING A FISCAL YEAR ON A FIRST-COME, FIRST-SERVE BASIS.

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

H. 3111 -- Reps. Young, Sandifer, Hayes and D. C. Moss: A BILL TO AMEND SECTION 38-73-525, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT AN INSURER WRITING A WORKERS’ COMPENSATION POLICY SHALL FILE CERTAIN INFORMATION ON WHICH IT RELIES TO SUPPORT ITS RATE REQUEST, SO AS TO REQUIRE THE INSURER TO ADOPT THE MOST RECENT LOSS COST WITHIN ONE HUNDRED TWENTY DAYS OF APPROVAL OF THE LOSS COSTS; AND TO AMEND SECTION 38-73-1210, RELATING TO THE REQUIREMENT THAT ITS OBLIGATION TO MAKE CERTAIN FILINGS MAY BE SATISFIED BY MAKING FILINGS AS A MEMBER OF, OR SUBSCRIBER TO, A LICENSED RATING ORGANIZATION THAT MAKES FILINGS, SO AS TO REQUIRE THESE FILINGS BE RULE AND FORM FILINGS AND NOT LOSS COST ADOPTION FILINGS, AND REQUIRE THE INSURER TO FILE FOR CERTAIN APPROVAL IF THE RATING ORGANIZATION TO WHICH IT SUBSCRIBES HAS A RATE INCREASE WITHIN TWELVE MONTHS AFTER THE INSURER BECOMES A MEMBER.

Read the first time and referred to the Committee on Banking and Insurance.

H. 3660 -- Reps. Ott, Bales, McLeod, Brantley, Battle, Whipper, G. A. Brown, Parker, Anderson, J. M. Neal, Hodges, Bowers, Hosey, Alexander, Branham, Funderburk, Harrison, King, Dillard, Butler Garrick and Jefferson: A BILL TO AMEND SECTION 16-11-523, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OBTAINING NONFERROUS METALS UNLAWFULLY, SO AS TO REVISE THE PENALTIES FOR VIOLATIONS OF THIS PROVISION; TO AMEND SECTION 16‑17-680, AS AMENDED, RELATING TO THE PURCHASE OF NONFERROUS METALS, PROCEDURES AND REQUIREMENTS FOR PURCHASE OF NONFERROUS METALS, AND EXCEPTIONS, SO AS TO PROVIDE ADDITIONAL RESTRICTIONS RELATED TO THE SALE OF COPPER; TO AMEND SECTION 16-17-685, RELATING TO THE UNLAWFUL TRANSPORTATION OF NONFERROUS METALS, SO AS TO INCREASE THE PENALTIES FOR CERTAIN VIOLATIONS OF THIS PROVISION; AND BY ADDING CHAPTER 40 TO TITLE 40 SO AS TO REQUIRE SECONDARY METALS RECYCLERS TO REGISTER WITH THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, AND TO PROVIDE REGISTRATION AND RENEWAL REQUIREMENTS.

Senator PINCKNEY spoke on the Bill.

Read the first time and, on motion of Senator PINCKNEY, with unanimous consent, H. 3660 was ordered placed on the Calendar without reference.

H. 3934 -- Reps. Bingham, Lowe, Atwater, Huggins, Bales, Pinson, Toole, Barfield, Clemmons, Norman, Owens, Lucas, Delleney, Loftis, Corbin, Simrill, Hixon, Taylor, D. C. Moss, J. R. Smith, Limehouse, Sottile, Bikas, Hiott, Parker, Allison, Long, Erickson, Patrick, Herbkersman, Merrill, Cole, Sellers, Ott, Hardwick, Hearn, Tallon, Stringer, Ryan, White, Pope, Henderson, Nanney, Sandifer, V. S. Moss, Horne, Neilson, Edge, Crawford, Viers, Quinn, Tribble, Willis, Parks, King, Ballentine, Bannister, Butler Garrick, J. E. Smith, Brannon, Bowen and Mitchell: A BILL TO AMEND SECTION 12‑43-224, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSESSMENT OF UNDEVELOPED ACREAGE SUBDIVIDED INTO LOTS, SO AS TO PROVIDE THAT THE DISCOUNT APPLIES TO A DEVELOPER THAT HAS FIVE LOTS INSTEAD OF TEN LOTS, AND TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATE COMES AFTER MAY FIRST, BUT BEFORE JUNE FIRST, THE OWNER SHALL RECEIVE THE DISCOUNTED RATE BUT THE DISCOUNT SHALL BE REDUCED; AND TO AMEND SECTION 12-43-225, AS AMENDED, RELATING TO MULTIPLE LOT DISCOUNTS, SO AS TO PROVIDE THAT THE DISCOUNT APPLIES TO A DEVELOPER THAT HAS FIVE LOTS INSTEAD OF TEN LOTS, TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATES COMES AT A CERTAIN TIME AFTER MAY FIRST, THE ASSESSOR STILL SHALL GRANT THE DISCOUNT IF ALL OTHER REQUIREMENTS ARE MET, TO PROVIDE THAT APPLICATION FOR THE DISCOUNTED RATE ONLY MUST BE MADE IN THE FIRST YEAR, AND TO TOLL TIME LIMITATIONS FOR CERTAIN PROPERTY.

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

H. 4119 -- Rep. G. A. Brown: A BILL TO AMEND SECTION 39‑5-38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DECEPTIVE OR MISLEADING ADVERTISEMENT OF A LIVE MUSICAL PERFORMANCE, SO AS TO DEFINE A SOUND RECORDING, AND TO PROVIDE CERTAIN EXEMPTIONS, REMEDIES, AND A FINE.

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

H. 4145 -- Reps. Long, Harrell, Butler Garrick, Viers and Knight: A BILL TO AMEND SECTION 2-1-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADJOURNMENT OF THE GENERAL ASSEMBLY, SO AS TO CHANGE THE DATE FOR THE MANDATORY ADJOURNMENT OF THE GENERAL ASSEMBLY FROM THE FIRST THURSDAY IN JUNE TO THE LAST THURSDAY IN MAY PRECEDING THE NATIONAL MEMORIAL DAY HOLIDAY.

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

H. 4150 -- Rep. White: A CONCURRENT RESOLUTION TO ENCOURAGE PRIVATE INSURERS, THAT COVER INFLUENZA VACCINATIONS, TO COVER THE COST AND ADMINISTRATION OF THE VACCINE WHEN IT IS ADMINISTERED IN SCHOOL SETTINGS, AND OTHER RELATED SETTINGS, IN ORDER TO MAKE THIS VACCINE MORE READILY AVAILABLE TO CHILDREN, A HIGH RISK POPULATION FOR CONTRACTING AND TRANSMITTING INFLUENZA, AND TO ENCOURAGE THE PUBLIC HEALTH COMMUNITY AND VACCINE STAKEHOLDERS TO PROMOTE SCHOOL LOCATED VACCINATION PROGRAMS AND HELP EDUCATE PRIVATE INSURERS ABOUT THE PUBLIC HEALTH BENEFITS OF THESE ALTERNATIVE VACCINATION LOCATIONS.

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

H. 4195 -- Rep. Harrell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III, OF THE CONSTITUTION OF THIS STATE, 1895, AND SECTION 2-1-180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 2, 2011, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT NOON ON TUESDAY, JUNE 14, 2011, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON FRIDAY, JULY 1, 2011, FOR THE CONSIDERATION OF CERTAIN MATTERS, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN 5:00 P.M. ON FRIDAY, JULY 1, 2011, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

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

**REPORTS OF STANDING COMMITTEES**

Senator FAIR from the Committee on Corrections and Penology submitted a favorable report on:

S. 119 -- Senators Campsen, Rose, McConnell and Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑21‑705 SO AS TO PROVIDE THAT, UPON RECEIPT OF THE NOTICE OF A PAROLE HEARING, THE VICTIM AND MEMBERS OF THE VICTIM’S IMMEDIATE FAMILY MAY SUBMIT WRITTEN STATEMENTS TO THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, AND TO PROVIDE THAT THE STATEMENTS MUST BE CONSIDERED BY THE BOARD IN MAKING ITS DETERMINATION OF PAROLE, AND TO PROVIDE THAT THE STATEMENTS MUST BE RETAINED BY THE BOARD AND MUST BE SUBMITTED AT SUBSEQUENT PAROLE HEARINGS.

Ordered for consideration tomorrow.

Senator FAIR from the Committee on Corrections and Penology submitted a favorable with amendment report on:

H. 3267 -- Reps. Sellers, G.M. Smith and Pitts: A BILL TO AMEND CHAPTER 21, TITLE 24, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND OPERATION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO TRANSFER ALL FUNCTIONS, POWERS, DUTIES, RESPONSIBILITIES AND AUTHORITY STATUTORILY EXERCISED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO THE DEPARTMENT OF CORRECTIONS, DIVISION OF PROBATION, PAROLE AND PARDON SERVICES.

Ordered for consideration tomorrow.

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

H. 3295 -- Rep. Herbkersman: A BILL TO AMEND SECTION 61‑6‑1820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRITERIA FOR A NONPROFIT ORGANIZATION TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO PROVIDE THAT UNDER CERTAIN CONDITIONS A HOMEOWNER’S ASSOCIATION, CHARTERED AS A NONPROFIT ORGANIZATION BY THE SECRETARY OF STATE, WHOSE MEMBERSHIP IS LIMITED TO INDIVIDUALS WHO OWN PROPERTY IN THE RESIDENTIAL COMMUNITY AND WHOSE AFFAIRS ARE GOVERNED BY A BOARD OF DIRECTORS ELECTED BY THE MEMBERSHIP, IS ALSO ELIGIBLE FOR SUCH A LICENSE.

Ordered for consideration tomorrow.

**Appointments Reported**

Senator FAIR from the Committee on Corrections and Penology submitted a favorable report on:

**Statewide Appointments**

Initial Appointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2011, and to expire March 15, 2017

2nd Congressional District:

Norris G. Ashford, 437 North Royal Tower Drive, Irmo, SC 29063 *VICE* Mr. James A. Gordon (resigned)

Received as information.

Initial Appointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2009, and to expire March 15, 2015

3rd Congressional District:

Beverly R. McAdams, 508 Cathey Road, Anderson, SC 29621 *VICE* James H. Williams (resigned)

Received as information.

Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2011, and to expire March 15, 2017

6th Congressional District:

Marvin Stevenson, 3768 Marvins Court, Marion, SC 29571

Received as information.

**CONCURRENCE**

S. 586 -- Senators Hayes, O’Dell, Verdin, Shoopman, Nicholson, Elliott, L. Martin, Coleman, Ford, Cromer, Alexander and Knotts: A BILL TO AMEND SECTION 1‑11‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES WHOSE EMPLOYEES, RETIREES, AND THEIR DEPENDENTS ARE ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO EXTEND THIS ELIGIBILITY TO JOINT AGENCIES ESTABLISHED PURSUANT TO CHAPTER 23, TITLE 6.

The House returned the Bill with amendments.

Senator HAYES asked unanimous consent to take the Bill up for immediate consideration.

There was no objection.

The question then was concurrence with the House amendments.

Senator HAYES explained the amendments.

**Ayes 27; Nays 6**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Hayes Hutto

Leatherman Leventis *Martin, Larry*

*Martin, Shane* Massey McGill

O’Dell Peeler Pinckney

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--27**

**NAYS**

Bright Grooms Knotts

McConnell Rose Ryberg

**Total--6**

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.

**Statement by Senator McCONNELL**

I voted against this Bill, S. 586, because it expands the State Health Plan to new groups. We cannot afford what we have in this plan without adding new dollars. This is not the time to expand the program.

**HOUSE CONCURRENCES**

S. 821 -- Senators Cleary and McGill: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 17 BUSINESS FROM ITS INTERSECTION WITH OCEAN HIGHWAY IN GEORGETOWN COUNTY TO ITS INTERSECTION WITH THE GEORGETOWN/HORRY COUNTY LINE “MICKEY SPILLANE WATERFRONT 17 HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “MICKEY SPILLANE WATERFRONT 17 HIGHWAY”.

Returned with concurrence.

Received as information.

S. 871 -- Senator Anderson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 25 FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 291 TO ITS INTERSECTION WITH LENHART ROAD IN GREENVILLE COUNTY “DR. S. C. CURETON MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “DR. S. C. CURETON MEMORIAL HIGHWAY”.

Returned with concurrence.

Received as information.

**Message from the House**

Columbia, S.C., May 11, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 431 -- Senators McConnell, Rankin, Setzler, Campbell, Shoopman, Reese, Bright, Alexander, S. Martin, Fair, Cromer, Bryant, Elliott, O’Dell, Campsen, Ford, Rose, Lourie, Cleary, Verdin, McGill, Williams, Nicholson, Knotts, Land and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑61‑70 SO AS TO PROVIDE THAT A LIABILITY INSURANCE POLICY ISSUED BY AN INSURER AND COVERING A CONSTRUCTION PROFESSIONAL IN THIS STATE MUST BE BROADLY CONSTRUED IN FAVOR OF COVERAGE, AND TO PROVIDE THAT WORK OF A CONSTRUCTION PROFESSIONAL RESULTING IN PROPERTY DAMAGE IN CERTAIN CIRCUMSTANCES CONSTITUTES AN OCCURRENCE AS COMMONLY DEFINED IN LIABILITY INSURANCE AND IS NOT THE INTENDED OR EXPECTED CONSEQUENCE OF THE WORK OF THE CONSTRUCTION PROFESSIONAL.

Respectfully submitted,

Speaker of the House

Received as information.

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

**Message from the House**

Columbia, S.C., May 5, 2011

Mr. President and Senators:

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

H. 3642 -- Reps. Cooper, Bingham, Allison, Harrell and Owens: A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN FISCAL YEAR 2010‑2011 WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION; TO REQUIRE THAT PAYMENT ACCORDING TO THE 2010‑2011 DATA BE APPLIED UNIFORMLY; TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR SCHOOL ADMINISTRATORS MORE THAN THEY RECEIVED IN FISCAL YEAR 2010‑2011; TO REQUIRE A LOCAL SCHOOL DISTRICT TO PAY TEACHERS AND SCHOOL ADMINISTRATORS FOR CHANGES IN THEIR EDUCATION LEVELS; AND TO DEFINE CERTAIN TERMS.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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

**CARRIED OVER**

H. 3897 -- Reps. Stringer and Ballentine: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ENVIRONMENTAL PROTECTION FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4132, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator VERDIN, the Joint Resolution was carried over.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO A CONSIDERATION OF H. 3700, THE GENERAL APPROPRIATION BILL.**

**READ THE SECOND TIME**

**H. 3700--GENERAL APPROPRIATIONS BILL**

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

**Parliamentary Inquiry**

Senator PEELER made a Parliamentary Inquiry that according to the motion by Senator RYBERG adopted on Wednesday, May 4, 2011, the Senate should proceed to a consideration of H. 3762 which was in the status of Interrupted Debate instead of going to the General Appropriations Bill which was in the masthead position.

Senator McCONNELL spoke on the Parliamentary Inquiry and stated that notwithstanding the motion adopted on May 4, 2011, the Rules provide that upon completion of a Call of the Uncontested Local and Statewide Calendar, the Senate would proceed to a consideration of the General Appropriations Bill which is in the masthead position on the Calendar.

Senator LEVENTIS spoke on the Parliamentary Inquiry and stated that the motion was not made to the exclusion of all other matters.

Senator PEELER withdrew the Parliamentary Inquiry.

**Parliamentary Inquiry**

Senator SHANE MARTIN made a Parliamentary Inquiry as to whether or not any Points of Order were outstanding.

The PRESIDENT stated that there were four remaining Points of Order.

**Point of Order**

Senator BRYANT raised a Point of Order that proviso 18.4 of the General Appropriations Bill was out of order inasmuch as it was violative of Rule 24A.

**18.4.** (TEC: Caterpillar Dealer Academy) The area commission for the Florence-Darlington Technical College may waive the requirements of Chapter 112, Title 59 for student participants in the Caterpillar Dealer Academy operated by Florence-Darlington Technical College.

**Point of Order**

Senator HUTTO raised a Point of Order that a Point of Order had already been raised on proviso 18.4.

The PRESIDENT stated that the Point of Order had been withdrawn and the Point would be taken under advisement.

**Parliamentary Inquiry**

Senator KNOTTS made a Parliamentary Inquiry as to whether or not Rule 15A was still in effect.

The PRESIDENT stated that cloture under Rule 15A was no longer in effect inasmuch as the motion was only in effect on the day it was made and adopted.

**Objection**

Senator PEELER asked unanimous consent to make a motion that the Senate proceed to a consideration of H. 3762 which was in the status of Interrupted Debate.

Senator McCONNELL objected.

**Statement by Senator McCONNELL**

I objected to the unanimous consent request for several reasons:

1. The Bill, H. 3762, was set for Interrupted Debate and was not placed in the masthead position at the front of the Calendar;

2. If we went to H. 3762 in the status of Interrupted Debate, it would be in front of the General Appropriations Bill and Voter ID;

3. By getting second reading on the budget today, we can go to Voter ID next and then to H. 3762 which is the correct order of proceedings.

Senator DAVIS argued contra to the second reading of the Bill.

Senator BRYANT argued contra to the second reading of the Bill.

**Objection**

With Senator BRYANT retaining the floor, Senator SHANE MARTIN asked unanimous consent to make a motion to immediately proceed to take a roll call vote on the adoption of the Conference Report on H. 3003, the Voter ID Bill.

Senator FORD objected.

Senator BRYANT argued contra to the second reading of the Bill.

**RECESS**

At 12:55 P.M., with Senator BRYANT retaining the floor, on motion of Senator McCONNELL, with unanimous consent, the Senate receded from business until 2:00 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 2:22 P.M. and was called to order by the PRESIDENT.

Senator BRYANT argued contra to the second reading of the Bill.

**Point of Order**

Senator BRIGHT raised a Point of Order that proviso 15.2 of the General Appropriations Bill was out of order inasmuch as it was violative of Rule 24A.

**15.2.** (USC: Indirect Cost Recovery Waiver for Summer Food Service Program) The University of South Carolina is granted partial waiver of the remittance of indirect cost recoveries for the Summer Food Service Program supported by the Federal Department of Agriculture through the Department of Social Services. The waiver may not exceed the amount of direct administrative cost for the program.

The PRESIDENT took the Point of Order under advisement.

Senator GROOMS argued contra to the second reading of the Bill.

**Statement by Senator GROOMS**

Education funding formulas are broken and inequities grow larger. Another year has passed and the funding disparity between our schools continues to grow.  This year the McCormick District is projected to have per student funding levels of $20,310 while the Dillon 2 District is to receive $8,327.  This $11,983 difference from the highest to the lowest is not acceptable.  I represent students who attend the schools in Berkeley, Charleston, Colleton and Dorchester Counties.  Respectively they are to receive $10,399 for Berkeley; $13,778 for Charleston; $13,096 for Colleton; $8,631 for Dorchester 2; and $15,033 for Dorchester 4. It is difficult to vote on a budget that sends significantly more money to other districts.  I cannot understand how members of the General Assembly can continue to accept this kind of failure to fix what we all know to be broken.

Senator BRIGHT argued contra to the second reading of the Bill.

Senator McCONNELL was recognized to address brief remarks to the body.

**Remarks by Senator McCONNELL**

Mr. PRESIDENT, members of the Senate.

I’m going to be brief, but I want to set the record straight, since some propaganda pumps attempted over the weekend to lay some blame on this so-called cloture and cutting off spending on the so-called leadership -- and my name was, of course, injected into there.

Let me take you back to the events of last week, because they have been conveniently lightly touched on. For almost a day and a half of debate we sat here and listened to whether or not victims of rape and incest, who were state employees or who had children who were victims of rape and incest, could have medical insurance coverage.

If you don’t remember the issue, let me refresh your memory about it. One Senator, as I recall -- I won’t call the name, because I can’t quote him verbatim -- stood here and indicated to this Senate he would hold us up over that issue. We had already spent five days on debate. We were on the sixth day of debate. On the fifth day, this Senate was being held up -- not for amendments that were on this Desk to cut spending. I checked. I was up there presiding. There was not one single amendment left on that Desk to cut $1 out of this Bill -- not one amendment. We were hung up on one amendment, and the amendment was over incest and rape.

I’m going to repeat it and repeat it -- an attempt to cut off state employees and their dependents from health services to victims of rape and incest. I’ve had some people talk to me about it, and they can’t believe this Senate would want to cut off medical coverage to somebody who is a victim of incest and rape. None of us have walked in those shoes. None of us have been the victim. None of us have been the people with tears running down their faces -- living with that. All of a sudden, here in this Senate, we know better than the victims. We are going to impose our way -- not a government funded abortion -- that’s illegal in South Carolina for this State to use tax money to fund abortions except in three places: life of the mother, incest and rape. All of a sudden, we couldn’t get the votes for the three except on the life of the mother. But still, whether it was a child or a woman who’s a victim of incest or rape, we’re just going to coldly cut off the benefits. And if you don’t have the money, you are stuck with it. If you are fortunate enough to have the money, then you can have it. That was the reality, Senator NICHOLSON, of where we were headed. And this Senate had enough, because we had soundly defeated that position on several situations.

Then we had the situation with Senator HUTTO attempting to settle it. We voted overwhelming, more than once in this Senate, to go with the Reagan exceptions or the Hyde amendments, Senator COURSON. That’s what the debate was about. I can’t remember all this budget cutting debate last Wednesday, when I was standing up there. I can’t remember all of that budget cutting on Thursday, until we came up with the adjournment. Whenever the adjournment passed and the reality set in, this thing was unfurling. Some people got excited, I understand, out in the countryside of South Carolina -- particularly on our side of the aisle about the Voter ID Bill. I’ll tell y’all -- if we had gotten second reading on the budget, we would have gone straight to Voter ID. We were within five minutes of it -- the big issue over on our side of the aisle -- a giant issue. We had the slip between the cup and the lip last Thursday, so we have to get back to it. How are we going to get back to it? We have to get past this budget -- second reading on this budget.

Do I like this budget? No. But the debate I have heard today hasn’t touched on the things that, just today, I was trying to find out. Fortunately, some of the folks got the message. Why didn’t Senator McCONNELL vote to adjourn? Why didn’t you all want to stay there and take up the debate on the budget? Let me remind you. You agreed to the motion -- every single one of you in this Chamber -- after we had had not only 72 hours to look at the Bill but days and days of debate. When we came back on that Tuesday, I think it was 3:00 or 4:00, you couldn’t put any more amendments up on that Desk. If you wanted to deal with spending -- if you wanted to amend this budget -- it was in your best interests to go to third reading, because at least you could get amendments up there by a 60% vote. You had to have unanimous consent to put them up on second. Common sense tells me you would have wanted to go to third reading, if the objective was to get the amendments on spending. I’m flabbergasted some people in here don’t understand these Rules better. It is what it is.

I just want to make it clear that we’re going to go and eventually get second reading on this Bill. We’re going to, hopefully, eventually get the conference report up. And I want to tell you, I took a rap on that one -- not from over here on this side of the aisle, because I was against concurring. When I get finished with that conference report -- those of you who voted to concur with that House amendment are going to really be happy with your vote. And I say that very sarcastically, because the House amendment did away with the birth certificate, and you would have voted for it -- to do away with the birth certificate and the picture ID. To get a South Carolina ID -- that was in the House Bill, Senator LAND -- I don’t think anybody on y’all’s side of the aisle want that either; but that was in the Bill that the stampede was to get. And I’m up here because we have spent another day on budget debate and we’re running out of weeks.

I have other issues in reapportionment I have to deal with -- where this Senate is going with *Sine Die*, and everything. I look today at 31 of the people that emailed me said, “Why didn’t you help them with the debate over the spending?” Well, I did. Of course, nobody told them. My Point of Order that was sustained over at the Budget and Control Board stopped that stampede that’s going on with that bookkeeping system, that gave her the authority to move over $7 million -- and I thought we were into transparent government -- $7 million plus for a bookkeeping system. Today, Senator KNOTTS provided me with some documents that indicate that for the year 2008-2009, we have spent on this SCEIS contractor expenditures, $18,055,864. For the fiscal year 2009-2010, $18,352,340. For 2010-2011, the projection is $12,804,000 -- a very expensive bookkeeping system.

I guess the point I’m trying to make is, if as much time was spent on reforming this budget as was spent on trying to compress the rights of victims of rape and incest, we would have had some amendments on that Desk and maybe had some other debates. But this Senate spent its time on that -- more time on that than any other issue I can recall in this budget. And I can tell you, I’m up-front about it. I’ll not vote to cut off the medical benefits to a child or a woman who is a state employee who is raped or is the victim of incest. I think it’s an outrage. I know we can get to that abortion issue, but when you start to make exceptions, those three exceptions have been recognized. So, the debate was cut off in the Senate, as I recall, so we didn’t get hung up on a filibuster over that issue. It wasn’t an attempt to cut off about expenditures. If there had been other amendments to go to, I think it would have been a different result; but there were no more amendments.

I want the people to hear this who are out there, because I had to send some emails out and explain it to them. You couldn’t put any amendments up, because we had unanimously agreed to cut them off and had given everybody plenty of time. Could I find fault with this budget? Could I find some additional amendments to put up? Yes, but that’ll go on and on and maybe with the conference report, too. But I just wanted to be heard very briefly on it, because I know how the spin is done, and the spin was that somehow I -- in my vote against adjourning -- didn’t want people to be heard on the spending in this Bill.

I was up there presiding, and I’m telling you, there was not a stampeding herd headed for this podium last Thursday to be heard. Y’all all know we were hung up on that one amendment. Think about it. So I’m just saying, if some of you were offended that you think we tried to cut off debate on spending -- No. But, what we did is we had had enough. A group of us were up to here with the same issue over and over -- over this medical insurance. I don’t even believe the House put it in there this year, as I look at it. We’re back where they are, but that’s what we got hung up on. And the people of this State -- I had some people tell me they couldn’t believe we were debating this and debating it this long. What business is it of yours? It’s horrible enough when somebody is raped and the victim of incest, and they have got to go through that. You’re telling me their medical insurance -- state employees work for that medical insurance. Our state employees have not had pay increases. That health insurance is a benefit -- like it’s given in private business. We have been very restrictive about abortion. There’s no abortion on demand and coverage in that policy, but there are those three exceptions -- incest, rape, and the health of the mother. And what we got hung up on was trying to make the decision for one of those poor victims and to force it down them, particularly if they didn’t have the money or if their families didn’t have the money. Because if you have the money, you can get it done. None of us have walked in their shoes. Not one of you has been a victim like that, and I just wanted to say it, because I am fed up with it.

We should have had a more substantive debate on this budget, but you can’t when we sit here for a day and a half over whether or not the victim of incest or rape gets access to the state health plan, and it has to do with the complexities of the law. To me, it’s a troubling debate. It’s one of those gotcha votes, like you are pro-abortion. It isn’t over that. I have been recognized for a long time on the pro-life side, but I can never embrace just closing the door to a victim of rape and incest. I can’t vote with you, and I will not vote with you; and you can stand here and talk and talk, but I’m not going to vote with you. If I get a chance, I’ll vote cloture after you have had a reasonable amount of time to speak, because I voted to impose cloture. And I voted against adjournment, because from my point of view, there were two things we needed -- to give the Appropriations Bill a reading and to get to Voter ID.

We only have two weeks left. We had the chance to get to Voter ID, but we didn’t get there. We have to go back to third reading on this. We have other things to do. But this budget bill -- you know, the energy in this Bill should have been on weeding out some of this. I’m concerned, Senators, about the spending. I have stood up here about Medicaid. It is literally consuming us. It’s consuming the trust account this year. It’s consuming the money that’s coming in on the trust account next year. It consumes the new dollars that are ahead; and then I see us buying these expensive bookkeeping systems -- expensive. I didn’t hear a lot of hollering about the fact to give the Executive Director of the Budget and Control Board what amounts to a blank check, a minimum, it said, to go in there and pull money from accounts. How many accounts have they got over there? How much money is bubbling in the pots? Maybe we need to go find out where all those candy jars are over there at the Budget and Control Board.

Anyway, I wanted to have my say very quickly, because I was one of the recipients of the emails and the representations because of my vote last week -- and I wanted to explain it again. I voted cloture on this Bill, because there were no more amendments up there. And we were hung up -- I say it to the people of South Carolina -- over whether or not victims of incest and rape who are children of state employees or state employees themselves could have access to the health plan over that question of that abortion. That’s what it was about. Let’s put it back in the perspective of where we were at that particular hour. I voted cloture, and I was ready to vote the Bill up or down one way or another and move on. If you had amendments and you couldn’t get unanimous consent, you at least had a chance at a 60% vote of getting it considered. If the Bill doesn’t make it to third reading, you can always recommit it. If it gets recommitted, everything is undone; and it goes back to the committee. But when I saw this Bill was going to be held up over that question of medical coverage, I didn’t see this Senate voting any differently.

Let me close by saying that you use extended debate for two things -- either try to convince the group to get a deal or stop a whole Bill. Whether we like this budget or not, this State’s got to have an operating budget before we leave here. So if the new budget is not passed, we opt to go without one. That was one of the reasons we took the permanent law out to keep this Bill from being hung up that way. Because if we got into permanent law, we were going to have some people who very philosophically might hold the budget up. And if you recall, Senator PEELER, Senator LAND, Senator LEATHERMAN, Senator KNOTTS, Senator LEVENTIS -- six of us when we were here -- you couldn’t invoke cloture unless you had the floor, and you couldn’t do it for two weeks. It took 31 votes back then. Votes backed you in those days. So things have changed over the years. But, you know, ultimately, I don’t like what’s in some of this Bill. I’m real concerned about some of what I call one-time monies being used, but I am not on the Finance Committee. I don’t see all the stuff in depth.

I’ve got enough to consider over in the Judiciary Committee; and when I’m out here, I try to look at it, learn something about it, and do my part. I just want to close by saying to the people, particularly in my district, hear this, because I had to send out emails to clarify why I voted and how I voted and the circumstances before this body. There were no amendments left to cut spending in all of the debate, and the Senator who was up here -- when the time came to speak against the Bill -- was speaking on the abortion issue. But, I don’t call it the abortion issue. I call it the victims of incest and rape. That’s how I see it. At some point, somebody, instead of tiptoeing around this thing -- and I salute Senator HUTTO and Senator COURSON for standing up, and Senator KNOTTS. We’ve got to stand up and speak for those victims of incest and rape. And so, I have no apologies for having voted cloture. I stand fully accountable for my vote which, as I explained it, was against adjourning, because I wanted to vote this Bill up or down. I knew, under our Rules, what would happen if we adjourned and undid cloture. They couldn’t amend. All we could do was talk about it. And, at the end of the day, where are we? We’ve got three weeks left in the regular session and I’ll just close by telling you that.

The House sent over a *Sine Die* Resolution today, and it’s very troubling for several different reasons and I’ll have to go talk with them about it. We have got to try to get that or we’re going to find ourselves in some difficulties beyond what some of you can imagine that are coming. So with that, I know you want to go to a vote, and I yield to any questions.

Senator COURSON: I concur with your remarks. I think Senator LEATHERMAN mentioned that this morning, over the past 10 years, we have returned over $1 billion in tax relief to the citizens of this State. Are you aware of that?

Senator McCONNELL: Yes, sir. I think about $17 billion. If I recall, you and I voted for those tax cuts. Yes, sir. Yes, sir, and the thing I know, recalling it, is we’ve got surplus funds, but we don’t. The way I read this Bill -- and I could be wrong -- but I read it that the Medicaid trust fund has already been hit for money.

Senator COURSON: Senator, are you aware -- and I think this has come up -- there is no tax increase for the citizens of the Palmetto State?

Senator McCONNELL: There are none. There are no tax increases. There may be some fee increases, and I have seen some of those; but generally, there are none. Am I defending the Bill? No. You make up your mind to vote pro or con on the Bill. I’m not up here on that. I’ve got my own concerns, and I’ll vote in accordance. If I decide to vote for it, it will be procedural to move it to the next level for the reason that it needs to be done. But, Senator, I don’t want the people back home to think that I voted cloture to choke off a debate on excessive spending, when that wasn’t the debate. The debate was about victims of incest and rape. I don’t know how long I heard it up here on that, and it was killing. I’m telling you. None of us have walked in their shoes. That’s something they have got to handle. They may be able to live with it. They may not be able to live with it, but I don’t think that’s a decision for those of us to make for those victims of incest and rape on this floor. I’m delighted this Senate took the strong stand that it took, and I thank Senator HUTTO again for trying to stand up for those people.

Senator COURSON: Senator, were you aware there is roughly a $100 million tax decrease for businesses in the Palmetto State in this budget?

Senator McCONNELL: That is correct. There is a whopping tax break in there. Not enough for school buses…

Senator COURSON: But we’re trying. We’re working hard on that. Are you aware, Senator, that we are one of the few states, a handful of states to still have the AAA bonding rating?

Senator McCONNELL: Yes, sir. We’re one of the few, and we’ve taken steps to tighten that up.

Senator COURSON: Were you aware that the slight increase in state appropriation spending -- would you agree that education is the core responsibility of state government? Funding education?

Senator McCONNELL: Yes, sir. We probably -- years ago when we had the chance on property tax relief was to roll it back. I think I voted with Senator GROOMS who had an amendment to roll the component back. He and Senator HUTTO, I recall, voted to roll those components back. and it’s a shame we missed that vote; but we did.

Senator COURSON: Senator, are you aware we are still funding higher education and K-12 education less amount of dollars than we were four years ago, even though the number of people involved -- the number of students in higher education -- has increased dramatically over the past four years?

Senator McCONNELL: Yes.

Senator COURSON: They start with K-12. Are you aware we are still not funding at levels we were funding four years ago for education in the Palmetto State?

Senator McCONNELL: We are not, Senator. There are folks not eligible for those scholarships. They are good, hardworking students, but they are not the most gifted. Tuitions have gone up, up and up. We need some reforms in that area, and those reforms have got to be done in other Bills. Less and less money proportionately has gone to them; but, you know, of course, you and I are believers. People have said we get a spending limitation in the statute. Well, you know, those are meaningless, because the courts have ruled that all the General Assembly has to do is act contra to it in the Appropriations Bill, and it is suspended for one year.

Senator HUTTO: Senator, at the end of every day, when the Journal gets ready to be printed, everybody has a right to put a statement in the Journal if they want to explain something that occurred. Is that correct?

Senator McCONNELL: That is correct.

Senator HUTTO: Did you get a chance to look at the statement placed in the Journal after the adjournment vote last week?

Senator McCONNELL: I looked at it today.

Senator HUTTO: Did you know what it told about that cloture vote was, “invoked to stop our efforts to fix what we think are some very bad spending habits?” Were there any amendments on the Desk at that time?

Senator McCONNELL: Not a one, Senator. The only amendment pending was the amendment that you had amended with the perfecting amendment which restored the Hyde amendment or the Reagan exceptions back to the insurance policies of this State.

Senator HUTTO: Did you know when somebody read that over the weekend and they posted -- they said, “You know, it’s a good thing there are cameras in the Chamber because if you just read the Journal, you’d think one thing. But if you looked at it on TV, you’d know what really happened?”

Senator McCONNELL: That is correct, Senator, and some folks when I told them what was being said -- I replied, “That’s what was being debated.” Enough was enough. We had voted overwhelmingly. That vote wasn’t going to be reversed in here. It’s time to move on. That issue is over for this year.

On motion of Senator LOURIE, with unanimous consent, the remarks of Senator McCONNELL were ordered printed in the Journal.

Senator LEATHERMAN was recognized to address brief remarks to the body.

Senator BRIGHT moved to recommit the Bill to the Committee on Finance.

Senator LEATHERMAN moved to table the motion to recommit the Bill.

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

**Ayes 38; Nays 8**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

O’Dell Peeler Pinckney

Rankin Reese Ryberg

Scott Setzler Sheheen

Verdin Williams

**Total--38**

**NAYS**

Bright Bryant Campsen

Davis *Martin, Shane* Rose

Shoopman Thomas

**Total--8**

The motion to recommit was laid on the table.

Senator SHEHEEN spoke on the Bill.

Senator HUTTO spoke on the Bill.

**Point of Order**

Senator BRIGHT raised a Point of Order that proviso 9.1 of the General Appropriations Bill was out of order inasmuch as it was violative of Rule 24A.

**9.1.** (CU: Travel Advances and Subsistence Expenses) Clemson University may advance travel and subsistence expense monies to its employees for the financing of ordinary and necessary travel required in the conducting of the business of the institution. Clemson University may develop and publish rules and regulations pertaining to the advancing of travel expenses. All advances for travel and subsistence monies shall be repaid within 30 days after the end of the trip.

The PRESIDENT took the Point of Order under advisement.

Senator MALLOY spoke on the Bill.

Senator MALLOY moved to take a roll call vote on Section 21 of Part 1A of the General Appropriations Bill.

**Point of Order**

Senator GROOMS raised a Point of Order that a section by section vote was only required prior to third reading and the question before the body was the second reading of the Bill.

Senator SHEHEEN spoke on the Point of Order.

Senator LEATHERMAN spoke on the Point of Order.

Senator MALLOY spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

**Point of Order**

Senator BRIGHT raised a Point of Order that proviso 6.20 of the General Appropriations Bill was out of order inasmuch as it was violative of Rule 24A.

**6.20.** (CHE: Need-Based Grant Allocation Methodology) Need‑based grant funds for public institutions must be allocated using a methodology that considers state resident Pell Grant recipients such 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 public institution shall receive a smaller proportion of funding than would be provided under the student enrollment methodology used in past years.

The PRESIDENT took the Point of Order under advisement.

**Motion Adopted**

Senator PEELER moved that when the Senate adjourns today, it stand adjourned to meet at 10:00 A.M. on Thursday, May 12, 2011.

The motion was adopted.

**Motion Tabled**

Senator MALLOY moved under Rule 18 to divide the question and take a roll call vote on Section 21 of Part 1A of the General Appropriations Bill.

Senator CROMER argued contra to the motion to divide the question.

Senator LARRY MARTIN argued contra to the motion to divide the question.

**Point of Order**

Senator BRIGHT raised a Point of Order that proviso 6.24 of the General Appropriations Bill was out of order inasmuch as it was violative of Rule 24A.

**6.24.** (CHE: Scholarships Funded From Unclaimed Capital Credits) For the current fiscal year, businesses identified in Section 27-18-30(C) of the 1976 Code who have contributed to a scholarship program at an institution of higher education in South Carolina from unclaimed capital credits for the last five consecutive years may continue to fund the scholarships for those students who were awarded scholarships prior to August 31, ~~2010~~ *2011*, and such funds are exempt from the provisions of Section 27-18-30(C) provided that the reporting requirements of Section 27-18-180 are met.

The PRESIDENT took the Point of Order under advisement.

Senator LARRY MARTIN argued contra to the motion to divide the question.

Senator LARRY MARTIN moved to table the motion to divide the question.

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

**Ayes 32; Nays 9**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Fair Gregory

Grooms Hayes Knotts

Land Leatherman *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Rankin Rose

Ryberg Shoopman Thomas

Verdin Williams

**Total--32**

**NAYS**

Ford Hutto Leventis

Lourie Malloy Matthews

Reese Scott Sheheen

**Total--9**

The motion to divide the question was tabled.

**Point of Order**

Senator BRIGHT raised a Point of Order that proviso 21.11 of the General Appropriations Bill was out of order inasmuch as it was violative of Rule 24A.

**21.11.** (DHHS: Chiropractic Services) From the funds appropriated herein, the department is directed to provide coverage for medically necessary chiropractic services for Medicaid eligible recipients.

The PRESIDENT took the Point of Order under advisement.

**Motion Tabled**

Senator SHEHEEN moved to proceed to a roll call vote on each of the sections of the General Appropriations Bill.

**Point of Order**

Senator GROOMS raised a Point of Order that the motion was out of order inasmuch as a specific section could be requested to be divided but not voting on all the sections as a group.

The PRESIDENT overruled the Point of Order.

Senator LARRY MARTIN spoke on the motion.

Senator McCONNELL spoke on the motion.

Senator LARRY MARTIN moved to table the motion to proceed to a roll call vote on each section of the General Appropriations Bill.

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

**Ayes 33; Nays 7**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Ford Gregory

Grooms Hayes Knotts

Land Leatherman *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Rose Ryberg Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

Hutto Leventis Lourie

Malloy Reese Scott

Sheheen

**Total--7**

The motion to proceed to a roll call vote on each section of the General Appropriations Bill was tabled.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on April 27, 2011, that proviso 39.13 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on May 3, 2011, that proviso 6.4 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on May 3, 2011, that proviso 6.18 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on May 3, 2011, that proviso 2.6 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on May 3, 2011, that proviso 18.4 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT that proviso 15.2 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT that proviso 9.1 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT that proviso 6.20 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT that proviso 6.24 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT that proviso 21.11 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT stated that the Point of Order was moot inasmuch as the proviso was removed by Amendment No. 19.

The question then was the second reading of the Bill.

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

**Ayes 24; Nays 16**

**AYES**

Alexander Campbell Cleary

Courson Cromer Elliott

Gregory Hayes Knotts

Land Leatherman Lourie

*Martin, Larry* Matthews McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Ryberg Williams

**Total--24**

**NAYS**

Bright Bryant Campsen

Davis Grooms Hutto

Leventis Malloy *Martin, Shane*

Massey Rose Scott

Sheheen Shoopman Thomas

Verdin

**Total--16**

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

**Statement by Senator RYBERG**

I voted to give second reading to H. 3700, the General Appropriations Bill, in order to move it forward to its next status, that of third reading, in order that I might support further amendments to the Bill. Amendments on second reading of the Bill have been out of order for more than one week, and therefore the Bill cannot be improved in this stage. I believe that the Appropriations Bill might be improved after further amendments.

**Statement by Senator McCONNELL**

While there are many portions of the budget that I disagree with, both in expenditures and actions undertaken within provisos, I voted “aye” for second reading as a simple procedural vote to move the Bill forward to third reading. By going to third reading, the Senate can consider meritorious amendments again since Senators could not offer these on second reading after they were cut off. This is the only way to improve the Bill, and we have to have a budget whether we like it or not.

**Statement by Senator CAMPSEN**

I wish the Journal to reflect that I am recusing myself from consideration of and voting on Section 42 of Part 1A.

**Statement by Senator SETZLER**

I had leave from the Senate and was not present to vote on the second reading of H. 3700. Had I been present, I would have voted in favor of second reading.

**S. 431--Objection**

Senator RANKIN asked unanimous consent to make a motion to take up S. 431 for immediate consideration.

Senator KNOTTS objected.

**THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

Senator LARRY MARTIN moved to dispense with the Motion Period.

The Senate agreed to dispense with the Motion Period.

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**Message from the House--H. 3003 Voter ID Bll**

Columbia, S.C., April 26, 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. 3003 -- Reps. Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Delleney, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V.S. Moss, Norman, Parker, G.M. Smith, G.R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J.R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D.C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE “SOUTH CAROLINA ELECTION REFORM ACT”; TO AMEND SECTION 7‑13‑710 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED, AND TO PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 7‑5‑125, SO AS TO PROVIDE THAT AN ELECTOR MAY OBTAIN A DUPLICATE REGISTRATION NOTIFICATION; TO AMEND SECTION 56‑1‑3350, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST FOR PERSONS AGED SEVENTEEN YEARS OR OLDER; TO AMEND SECTION 7‑13‑25, SO AS TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING FIFTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7‑3‑20, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7‑15‑320, SO AS TO REFERENCE THE EARLY VOTING PERIOD PURSUANT TO SECTION 7‑13‑25 AND TO PROVIDE FOR CASTING OF AN ABSENTEE BALLOT BY PAPER OR BY A VOTING MACHINE AND ABSENTEE BALLOT CENTERS; TO AMEND SECTION 7‑1‑25, SO AS TO LIST FACTORS TO CONSIDER FOR DOMICILE; TO ADD SECTION 7‑5‑675, SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION WILL IMPLEMENT A SYSTEM TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE VOTER; TO PROVIDE FOR A VOTER EDUCATION PROGRAM CONCERNING THE REQUIREMENTS OF THIS BILL; AND TO AMEND SECTIONS 7‑15‑330, 7‑15‑385, AND 7‑5‑230, ALL RELATING TO ELECTION LAWS, SO AS TO MAKE TECHNICAL CHANGES.

Very respectfully,

Speaker of the House

Received as information.

**H. 3003--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

H. 3003 -- Reps. Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Delleney, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V.S. Moss, Norman, Parker, G.M. Smith, G.R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J.R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D.C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE “SOUTH CAROLINA ELECTION REFORM ACT”; TO AMEND SECTION 7‑13‑710 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED, AND TO PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 7‑5‑125, SO AS TO PROVIDE THAT AN ELECTOR MAY OBTAIN A DUPLICATE REGISTRATION NOTIFICATION; TO AMEND SECTION 56‑1‑3350, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST FOR PERSONS AGED SEVENTEEN YEARS OR OLDER; TO AMEND SECTION 7‑13‑25, SO AS TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING FIFTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7‑3‑20, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7‑15‑320, SO AS TO REFERENCE THE EARLY VOTING PERIOD PURSUANT TO SECTION 7‑13‑25 AND TO PROVIDE FOR CASTING OF AN ABSENTEE BALLOT BY PAPER OR BY A VOTING MACHINE AND ABSENTEE BALLOT CENTERS; TO AMEND SECTION 7‑1‑25, SO AS TO LIST FACTORS TO CONSIDER FOR DOMICILE; TO ADD SECTION 7‑5‑675, SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION WILL IMPLEMENT A SYSTEM TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE VOTER; TO PROVIDE FOR A VOTER EDUCATION PROGRAM CONCERNING THE REQUIREMENTS OF THIS BILL; AND TO AMEND SECTIONS 7‑15‑330, 7‑15‑385, AND 7‑5‑230, ALL RELATING TO ELECTION LAWS, SO AS TO MAKE TECHNICAL CHANGES.

The Report of the Committee of Conference was taken up for immediate consideration.

Senator McCONNELL spoke on the report.

**Remarks by Senator McCONNELL**

I will try to give you the history of what happened with this Voter ID Bill -- where we went, how we ended up in conference, what was done before we got to conference, what we got out of conference, what the Senate has done and where we are.

For those of you who didn’t want this Bill, some of the things the House refused to take may have well-played into your hands. On the other hand, those of us who wanted the Bill are getting something out of it. Senator LAND, one of the things y’all were very opposed to from the start after it left the Senate -- I went over to the Speaker of the House to tell him of our concerns. I told him absolutely and unequivocally, if they sent us a Bill that had that absentee precinct eliminated, the Bill was in mortal trouble. I said, “Please do not put that in this Bill.” To their credit, they didn’t put that back in and took that out. None of this limitation on absentee voting precinct is in the Bill.

However, let me tell you what they did do. I’m going to lay all the cards out, because I have gotten beaten up. Senator CAMPSEN got beaten up. Senator SCOTT got beaten up. Here is what happened and how we approached conference. The House kept the Bill for something like five to six weeks. We didn’t hear any more communication but communicated back to the Speaker we needed something on early voting in the Bill -- that provision we needed for early voting in the Bill. I said, if you don’t want to go to a day, put zero in it. The Speaker said, “We’ll go back and talk to my caucus.” He did. Apparently, they were not persuaded. So, let me stop and say that we couldn’t get that early voting provision in here; but, we have done the best we could do to preserve the Senate position. We have taken the Senate Bill and have put early voting in it and sent it over to the House. We will do our best to keep heat on that part, and, I think, it passed the Senate unanimously. Here is what I want -- particularly the Democratic members to hear what happened -- to thank you for your nonconcurrence vote, because you kept something very bad from happening to the State with this Bill. Those of you who stampeded to concur -- I want you to hear this, because I want you to see what you almost inflicted on this State and would have been blamed for back home.

After the Bill went back to the House, there was apparently a media campaign. I suspect it had to have been coordinated with our state party. In either case, the propaganda pumps began Monday with the language to vote for the clean Voter ID Bill -- vote to concur with the clean Bill. Our state party put out an email publication to call us to vote for a clean Bill. As you know, then the propaganda pumps at the House of Representatives also began spitting forth their jargon, which was that they had provided a clean Bill. We didn’t have very long to look at it. But what we were able to see in the Bill, when I got Senator CAMPSEN and staff, Ms. Anderson, and others to look at it to see what was in here, we found there had been language inserted in the Bill that is not clean.

I’m going to go over that with you, because we had to argue -- and I want to tell you Senator SCOTT did an excellent job of trying to sell it. He just didn’t have takers. I don’t want anybody on this side not to think that he didn’t speak up and he didn’t forcefully try to nail the points. He argued and helped in improving other parts of the Bill on which we could improve, but this campaign on this so-called “clean Bill” that the House of Representatives had passed was so bad and it was orchestrated. Senator CAMPSEN and I had to appear before our county convention and get up and explain why we voted to nonconcur. Now, in retrospect, this is the second time that two major pieces of legislation in this Senate have almost gotten stampeded by either emails or blogs or whatever.

We almost made the same mistake with the Immigration Bill; we were warned was unconstitutional. If we hadn’t nonconcurred, we wouldn’t have had a good illegal Immigration Bill. Now, we are faced with a similar thing. Let me tell you -- all of you who voted to nonconcur -- what you stopped. In the House Bill, they became concerned as they were writing this. Senator SCOTT and Senator CAMPSEN, if I get this wrong, please correct me. They were concerned that the requirement of a birth certificate would amount to a poll tax. For that, they went in and put in the following language. Then, I want to tell you what this language did, Senator RANKIN, so you can go back and tell your party chairman what would have occurred if you had not voted the way you voted. “For the purposes of meeting requirements of this Item 2, the Department of Motor Vehicles may receive and shall accept, no discretion, from the Bureau of Vital Statistics, Department of Health and Environmental Control, suitable information verifying the applicant’s name and date of birth.” What they did was repeal the requirement “in South Carolina for South Carolina ID that you had to have a birth certificate and a picture ID”. What good is a South Carolina ID if you don’t have to prove the birth and the picture to match the face? They put it in. They put it in as an alternative to requiring a birth certificate to get a South Carolina ID.

So, where is the clean House Bill? Where is the clean Bill? It was in two places. When we checked with DHEC, they said what? “The birth date and notify the parents?” You open South Carolina wide up. If you are worried about fraud, you have opened the grand doors to fraud, to the identity thieves and illegal immigrants or anyone else who could go in with two pieces of information without a birth certificate and get a South Carolina ID and access benefits and everything else. Why? Because we were to give the stamp of approval to the House version. I think if any member of the Senate has read this Bill and seen that language, no one would have voted for it. It had occurred. They put it in there under the South Carolina ID, then went back and repeated the mistake again -- and said on the State Registrar -- and goes through the same thing again -- then says shall accept, giving DMV no discretion. They had to accept from DHEC. I will tell you, Senator CAMPSEN and I had our state party attempt to make it appear that we were not loyal Republicans -- that we were not looking out for our side of the question, because we voted to nonconcur along with another group of you. I saw the press release that said only 15 of us were true Republicans and that the other group of us who voted to nonconcur were not.

I wanted y’all to have the backdrop to what was going on before we ever approached the conference table; but, now, let me tell you about this so-called clean Bill of theirs and what else they did. They added in here a section. I think Senator SCOTT brought this to my attention -- that they were involved in poll-watcher amendments. This was supposed to be a clean Voter ID Bill and there’s a new section of the law and I won’t even read it. I will just tell you what it effectually did. The poll-watcher couldn’t stand behind the table -- couldn’t stand to the side of the person and look -- had to sit directly behind them. How can you see when you’ve got to sit directly behind somebody? When we argued the point, they said, “Oh, no.” I said, “No.” I’m quoting it to you. I thought you said this was a clean Bill. What did that have to do with Voter ID? It didn’t have a thing to do with it, but it is so-called out on the blogs and with the emails that it was a clean Voter ID Bill.

Then, in their zeal to write their Bill -- they had certain portions of the Bill going into effect before Section 5 review. The problem was the sections that would go in effect on Section 5 review aren’t subject to Section 5 review. If they never got approved, how could they ever go into effect? I hope all of you who voted to concur listen to this, so it is a good lesson for future complex legislation not to stampede it in and to look at it, because another section of the Bill made everything go into effect on an effective date which would have been before we got the approval of the Justice Department.

Now, what items would the House not accept of our version? They would not accept our government ID section. We tried and tried. They would not accept that. They would not accept our early voting. They accepted and we got them to agree to all of our language on early voting. This is something Senator CAMPSEN worked very hard on, which was the language that set up the residency issues that would have to be judged on the question of an illegal ballot. The House agreed to put that into the Bill. We had to pick up -- I believe it was language from our section of the Bill on severability. We straightened out the language. The House picked up most of our language on the written procedures at the polls -- we made sure that people’s rights on a challenged ballot were protected, and we did everything we could. We have the outreach in the Bill, the education programs. We had to accept House language on the South Carolina ID, because we were wrong on seven years. They were right on the five-year time period. We picked up their interests because those interested told us they wanted early voting. We put their provisions in the Bill and sent them back, so the people of South Carolina could have an opportunity to have early voting. All the other stuff on Voter ID is in here.

I know some of you are not going to vote for it. I understand that. We have debated this thing and debated it. We have tried, in good faith, to extend the olive branch. We went forward. We didn’t object at all to early voting. We have tried to push our case forward; but, particularly to the Republicans that are out there who look at this group of us who voted to nonconcur to try to straighten this Bill up, I wanted to make sure that the story was told, because we were subjected, in my opinion, to a propaganda campaign aimed at trying to make us look weak-kneed and all of that when most legislation goes through the process. It is just an unhealthy environment when you are trying to battle the House to have somebody come in and undermine your position. That is what was happening. We should have been able to go to that table with a more united front and said, ‘This is what our Senate position is.” They knew some of the weaknesses we had on this. We did the best we could under the circumstances. Anyway, when we face off on reapportionment, it will be easier.

I’m wrapping up. Again, I want to say I know the Bill didn’t come out like you wanted it, but I wanted to make sure you were aware that Senator SCOTT did an excellent job articulating his position. He was very knowledgeable and very firm about it. He was very up-front. He wouldn’t sign the report. I respect that, and he warned them of some things they put in this Bill that may come back to haunt them that should have been put in from the Senate side, but we did the best we could do. Senator CAMPSEN, I want to thank you. We worked very hard on this Bill. Both of you were very active participants in the debate with the House members. I want to thank you for hanging in there, despite the political roughness on this to get a good Bill. Had we not nonconcurred and gone to conference, we would have ended up with a flawed law. Instead of making sure we don’t have fraud in this State, it would have opened it to fraud, because we would have removed a requirement for a birth certificate and a photo ID on a South Carolina ID. I know not one of you intended it to happen, but it should be a good lesson to you about having cheerleaders from the House and outside on the street telling you to blindly vote for a Bill and not find out what is in that Bill. It was a terrible provision along with the poll watchers. The record is absolutely clear. It was not a clean Voter ID Bill. It is their language -- their amendment. It was never in the Senate Bill and it was their mistake. Thank you for helping us to clean that up.

Senator KNOTTS: Can you tell me what ID’s can be used at the poll?

Senator McCONNELL: I will read them out. They are in the conference report. I would direct your attention to page three of the conference report -- South Carolina driver’s license -- other form of identification containing a photograph issued by DMV, which is the South Carolina ID. So, had the House language prevailed, this law would have been a farce, because they could have gone in there and gotten ID’s without a picture ID and a birth certificate, a passport, a military ID containing a photograph issued by the government or a voter card pursuant to relevant sections. Was there any attempt to allow law enforcement to use their ID’s -- I can tell you, Senator SCOTT, Senator CAMPSEN and I argued that it is wrong to not accept SLED officers’ ID’s. I think they weaken the Bill by not accepting police officers’ ID’s. We went through that with them. They claim -- and I think it was Senator SCOTT who made the point that we are limited to city, county, and state government. It wasn’t down to all political subdivisions or whatever. Every time we would argue with them that we want a clean Bill, that is when we said, what is this stuff on the poll watcher?

Senator KNOTTS: Senator, thank you for all the work the conference committee did on this; but, with all this that you have done, do you think this Bill will pass the Justice Department?

Senator McCONNELL: Senator, I’m going to defer an answer on that. I’ll talk with you privately on my opinion on that. I will say this. I thought the Senate Bill had the best chance of getting approval. I think to lose the provisions contained in the Senate Bill, they went in the wrong direction.

Senator KNOTTS: Knowing you and your straightforwardness in the past ten years, your answer is “no”.

Senator ROSE: I want clarification, please. When you say the House language would have allowed a South Carolina ID to be obtained without a photograph or a birth certificate, what does this mean?

Senator McCONNELL: Official ID given out by DMV.

Senator ROSE: The driver’s license is what you are talking about?

Senator McCONNELL: No, sir. There is something you can get from DMV that’s not a driver’s license.

Senator ROSE: That is different?

Senator McCONNELL: Yes, sir. One uses it to vote.

Senator ROSE: Are you also including in that a driver’s license?

Senator McCONNELL: Yes, sir. We made it very clear to the House. I was very emphatic, and Senator SCOTT and Senator CAMPSEN will back me up. I looked at them and told them there will not be a Bill, if that is in there. I called it a ticket to fraud, and I stand by what I said.

Thank you.

On motion of Senator ROSE, with unanimous consent, the remarks of Senator McCONNELL were ordered printed in the Journal.

Senator SCOTT spoke on the report.

Senator HUTTO spoke on the report.

**Remarks by Senator HUTTO**

I echo the sentiments of the Senator from Richland, who did an excellent job of serving on the Conference Committee. I also appreciate the service of the two Senators from Charleston. You took the position of the Senate and tried to fight for things that would have made this a much better Bill. But as it stands, I think that this is a bad Bill and I am not planning to vote for it. What this Bill does, pure and simple, is institutionalize voter suppression.

We have always said in this country, we wish more people would participate. We wish more voters would go to the polls. We look to European countries that have voter turnout in the 80 and 90 percent range. Why can we not get turnouts like that? What happened in 2008? We had record turnouts -- record turnout of senior citizens, record turnout of young people, record turnout of Latinos and African Americans. When does a Bill like this come along? As soon as we get those people to the polls that some do not want voting, this Bill comes along. It institutionalizes voter suppression. That is what this is about.

We know there are 178,000 people in South Carolina that do not have picture identification that will meet the requirements of this Bill. We also know that this Bill is a big invasion of privacy, because it not only authorizes but directs the Department of Motor Vehicles to prepare a list of those people in South Carolina that do not have picture identification. And that list opens those people to financial theft of their identity. This will make it easy to steal their identification. Because they do not have identification, a thief can use their own picture with another’s name for fraudulent identification purposes.

It opens up great potential for an attempt to search the voter lists for people that are ineligible to vote due to identification problems. The first thing that is going to happen is that they will assert that since these people do not have identification, they cannot possibly stay on the voter rolls, and they will be taken off. That has happened in other states. It is one of the reasons I do not believe the Justice Department is going to approve this.

There have been attempts in other states to use all types of lists -- including foreclosure lists and divorce lists. The rationale being, if their house is foreclosed, they cannot possibly have picture identification for that address on a home they no longer live in, so they take them off the rolls. Divorce records are another means that may be used. Once a person is divorced and their name is changed, the rationale that they are not registered properly may be used to take them off the rolls. I can tell you instance after instance will be used to try to remove people and purge the voter rolls.

This Bill erodes the right of every person in this State to vote. Right now what it takes to vote is a voter registration card, and I like the fact that voter registration cards in the future will have photographs. I think that is the solution to this whole dilemma, but it should have been grandfathered in or should have been instituted over time. There should have been a mechanism put in place whereby we all could get cards reissued. But it will take time. It will not happen before this next election, and I think that this next election is what people who supported this Bill are so concerned about.

This Bill acts as a hidden tax. You can call it a poll tax if you want, but you have to get your birth certificate which costs $12 or $17 if you request it by mail and then your driver’s license to get picture identification. The fees have been waived for state ID’s, but the identification expires or needs re-registration every five years. Currently when you register, that is valid forever, assuming you live in that precinct and don’t move.

If you have a valid South Carolina driver’s license, that can be used for identification. However, if you have the misfortune of your license being suspended for failure to pay a traffic ticket or not having an insurance card or if, more innocently, you just forgot that it was the year you were supposed to get your driver’s license renewed, and it is not valid when you get to the polls, there will be problems. They will assess that this is your driver’s license, it is obviously you, but your license has expired. You cannot vote.

It is simple. This is voter suppression at its worst. Passports costs $135. They have to be renewed every ten years. Military identification can be used but apparently it cannot be used for getting a job in South Carolina.

Guess who cannot walk up to the poll and vote? Those include a United States Marshal, a Federal Bureau of Investigation (FBI) agent, a United States Treasury Agent or a Secret Service Agent. People that guard the President and leaders of this country have official identification issued by that agency of the United States government, but they cannot use that identification to vote. Bringing it closer to home. A SLED agent who has the power to arrest you cannot use that identification to vote. Under the terms of this agreement the Bureau of Protective Services, who protects us in this Chamber, cannot use their identification to vote.

What is the purpose of creating a list of people who do not have identification, if not for mischief? There is no real need to know who those 178,000 people are unless you are going to do one or two things -- use the list to try to scrub voter rolls or use the list to steal their identification. One of those two will happen. We have empowered those people who want to do those things.

Early voting helps everybody -- those who want to vote on Election Day and those who do not, because they have some conflict. It allows those who want to vote early to avoid lines or because it is more convenient. Maybe they have a day off and would rather vote on a Monday rather than on Tuesday. Maybe Tuesday is the worst day of the week for that individual. But we have taken early voting out. Of course, you can always say some of those can vote absentee.

There is a lot wrong with this Bill and many of us believe this will receive close scrutiny from the Justice Department. Whether it is the hidden taxes and burdens placed in this Bill, whether it be because you did not have a valid and current picture identification, whether you had to go back and pay for identification over and over again, or whether you are a woman who has just gone through a divorce or marriage with a name change; there is a lot wrong with this Bill.

There will be challenges if things do not match exactly. I live on a funny sounding street, Tolly Ganly. Half of the residents on the street think they live on Tolly Ganly -- T-O-L-L-Y G-A-N-L-Y -- and the other half, think they live on Tolley Ganley -- T-O-L-L-E-Y G‑A‑N‑L‑E-Y. Depending on which DOT employee types the name in when they order the signs dictates, the spelling of the road. Does this discrepancy deny me the right to vote based on my identification? It is absolute nonsense.

There are plenty of people who will have problems, and I will use my wife as an example. Her name is Tracy. I bet if I asked all 46 of you how to spell her name, I would get Traci, Tracey, Tracy. You know what? That is not even her name. Her name is Teresa. If I asked you to spell that, half of you would say it is spelled T-h-e-r-e-s-a with an “h” and half T-e-r-e-s-a without an “h”. So, is she going to be denied the right to vote because everybody knows she is Tracy and her driver’s license says Tracy and passport says Teresa? I do not know.

Why are we setting people up for challenges when there are no cases in South Carolina of anyone showing up to vote and impersonating somebody else. If you really wanted to go to an extent to effect the outcome of an election by voting, you could utilize your time much more wisely by getting numerous family members or neighbors and taking them to the polls than by standing in line to vote twice and subjecting yourself to a penalty already in the law.

So we, on our Democratic side, are going to vote against this Bill. On your Republican side of the aisle, you will vote for this Bill. There will be no doubt about it that this is a partisan-infused voter suppression Bill. We have already been in touch with the Justice Department. We will continue to be in touch. Challenges also will be made, lawsuits will follow, and, I believe, South Carolina will also be sued for invasion of privacy for the release of the names of people.

There are people in South Carolina who are not required to get identification, and no one can make them get identification. We, in this Bill, are saying the department has to release those names of people that do not have identification, and that is wrong. That is an invasion of privacy, pure and simple. This erodes people’s right to vote and puts higher burden to cast your vote than it does to register.

Once you register to vote you have established your eligibility to vote. That is your right to vote. Any restrictions put on your right to vote are problematic under our Constitution. I believe that through the Justice Department or courts, we are going to have challenges to this law over and over again.

You can say there are other states that had their Voter Identification Bill approved, but theirs are not as restrictive as this one is. There is not a one that is as restrictive as this one. I predict this will not be approved, and I plan to vote against it.

Senator CAMPSEN: Senator, did you know that I do like the Senate Bill better than the House version. I like early voting as a part of the other things. You made one statement that it will restrict voting. The evidence we saw in subcommittee is when Georgia and Indiana put those in, there was an increase of minority and senior voting. Senator, your statement that it is going to restrict voting is actually inconclusive to the facts that occurred.

Senator HUTTO: I believe people will get so mad at us for passing this that they will vote in record numbers, but that still does not take away from the fact that there is a core of people who do not have this identification and are not going to have it in time to vote. It is going to be problematic, and I will have to make special arrangements for my 98-year-old grandmother -- who has no valid driver’s license because she can’t drive at her age and her passport has long been expired -- to vote. It is sad that I am going to have to take my grandmother to the Department of Motor Vehicles for that DMV experience. The DMV experience is better than it used to be, but my grandmother doesn’t deserve this.

Thank you.

On motion of Senator LOURIE, with unanimous consent, the remarks of Senator HUTTO were ordered printed in the Journal.

Senator CAMPSEN spoke on the report.

**Remarks by Senator CAMPSEN**

Thank you, Mr. PRESIDENT.

I want to be brief, but I think it is important to set the record straight on some issues that were raised by the Senator from Orangeburg. I’m going to first address the notion that Voter ID legislation was introduced in response to the turnout or outcome of the 2008 Election.

I authored the Senate version of the Election Reform Act, so I know a thing or two about the timing and reason for its introduction. I didn’t introduce it because of the turnout or outcome of the 2008 Election. I introduced it because federal courts had recently given clear guidance on the constitutionality of Voter ID legislation in other states. The first case was Crawford v. Marion County Election Board, where the United States Supreme Court upheld Indiana’s photo ID requirement. This decision was issued April 28, 2008. It was issued so late in our legislative session that there was no time to digest the very complex constitutional issues addressed in the opinion, and draft a Bill before the Session ended in early June of 2008.

The second federal court decision was issued on January 14, 2009. In Common Cause of Georgia v. Billups, the 11th Circuit upheld Georgia’s photo ID requirement. When this decision was handed down, I was in the process of researching and drafting the first iteration of the Election Reform Act based upon the Crawford decision. I, therefore, incorporated conclusions and guidance drawn from Common Cause, and introduced the first version of the Election Reform Act on January 28, 2009, which carefully reflected important elements from these two decisions.

You see, Senators, the Photo ID Bill was introduced in response to recent federal court guidance on the issue, not the outcome of the 2008 Election. It had nothing to do with the 2008 Election, and everything to do with recent guidance on the issue from the federal courts.

The second issue I would like to address is the Senator from Orangeburg’s assertion that making a list of registered voters who do not have a driver’s license or state issued ID is somehow an invasion of privacy. First of all, I don’t buy this argument, because all of this information is publically available now. Secondly, this provision was placed in the Bill upon the insistence of the Senate Democratic leadership. The Democrats wanted to be able to assist voters without ID’s obtain one. The Republican leadership accepted this proposal, which was initiated by the Democrats, in the spirit of accommodation and compromise.

The third issue I would like to address is the notion that this legislation constitutes some kind of poll tax or voter suppression. As indicated previously, the provisions of this legislation closely mirror legislation in Indiana and Georgia that have been upheld by the U.S. Supreme Court and 11th Circuit Court of Appeals. It is important to note that Georgia, like South Carolina, is a voting rights state.

In the Crawford decision the Supreme Court held, “the application of [a photo id requirement] to the vast majority of Indiana voters is amply justified by the valid interest in protecting the integrity and reliability of the electoral process.” In Common Cause, the 11th Circuit held, “The burden imposed by the requirement of photo identification is outweighed by the interests of Georgia in safeguarding the right to vote.” Photo identification requirements like those contained in this conference report have been fully vetted and upheld by the federal courts. They do not unduly suppress voters or constitute a poll tax.

This is not just the opinion of the federal courts. The bipartisan commission, co-chaired by Jimmy Carter and James Baker, evaluated the electoral process in the United States and issued its report in 2005. You all know Jimmy Carter, the former Democratic President who travels the world trying to ensure elections are open, fair and just. He co-chaired the commission with former Republican Secretary of State James Baker. The commission concluded that a photo ID should be a requirement for all elections in the United States.

Now, I would like to address some matters touched upon by the other Senator from Charleston, Senator McCONNELL, regarding the issue of whether we should have concurred or nonconcurred in the House amendment to this Bill when it came back to us from the House last month. I know I can’t ask a question from the podium, but if I could ask a question this is what I would ask -- “Senators, do you know what this is? Do you know what I am holding in my hand?” All of you have seen them. We call them side-by-sides. It is a document that compares the Senate version of a Bill to a House version of a Bill. It compares House and Senate versions of a Bill, section by section, line by line, and word by word. As you know this what we prepare as our primary analytical tool in order to make a well reasoned decision as to whether we should concur with a House amendment to a Bill that we have passed, or nonconcur and go to conference committee to negotiate the differences in the House and Senate versions. Typically, before we decide how to vote on a House amendment -- on any complex legislation such as this, the first order of business is to evaluate the differences with a side-by-side.

If you think that substance, policy and what the law ought to be, should have primacy over political posturing, you should care about what I am about to say. As someone who has spent years working on this voter ID issue -- evaluating federal court decisions and analyzing complex law in this area -- before I vote to concur on a House amendment, I want to actually read the amendment and evaluate the side-by-side so that I know what I am voting on. However, the fact is when we voted on the motion to concur in the House amendment, the side-by-side did not even exist. The House amendment had not been analyzed by me, the subcommittee chairman, or my fine and capable legal staff, because the primary analytical tool we utilize -- the side-by-side -- had not even been prepared yet.

Did you hear what I said? We voted on the House amendment without a meaningful opportunity to read and analyze it. Why did we do that? We gave in to political pressure and House tactics that delayed the amendment getting to us in time to evaluate it properly.

This is a major reason I voted to nonconcur in the House amendment. I wasn’t going to concur in a House amendment I had not analyzed. I don’t cave in to political pressure, not when it requires me to vote on something before reading it. Isn’t that the same criticism many on my side of the aisle levied against Congressional House Democrats when they voted for President Obama’s Healthcare Bill without reading it? Remember when House Speaker Nancy Pelosi infamously said, “We have to pass the Bill so that we can know what’s in it.” This is exactly what we were asked to do when we received political pressure to concur in the House amendment to the Voter ID legislation.

However, not having an opportunity to analyze the House amendment was not the only reason I voted not to concur in it. I also voted to nonconcur in the House amendment because some major deficiencies in the House Bill needed to be fixed. The only way to correct these deficiencies was to do it in conference committee. I voted to send the Bill to conference committee to make the Bill better. The House did a disservice to fair elections when they removed my domicile checklist language from the Bill. It needed to be put back in the Bill in conference committee, and in conference committee the House quickly saw the error of their ways. The House conferees unanimously agreed to put my domicile checklist back in the Bill after I made my case for it, and a read a letter from former Justice Department Attorney J. Christian Adams.

What is the domicile checklist I’ve been referring to? It is a provision I placed in the Bill that establishes objective criteria that may be used to determine a voter’s residence or domicile for voting purposes. Currently, without this domicile checklist, election officials have to take a voter’s statement of intent regarding domicile at face value. With the new domicile checklist where a voter actually resides, not where he says he intends to reside, will now control. This will help assure that only people who actually live in South Carolina, get to vote in South Carolina.

If you don’t think this is a problem, then consider this: A recent *Charlotte Observer* study found that over 40,000 people registered to vote in both South and North Carolina. And some of these people actually received ballots from both states. We don’t know if they actually voted in both states because the two states don’t cross check their voter rolls. That is frightening in and of itself because it means there has been no meaningful effort to stop this illegal activity -- except for my domicile checklist which we were able to adopt by going to conference committee. Georgia and Florida have had similar problems. An investigation by the Georgia Secretary of State found over 60,000 people registered in both Florida and Georgia. In that case some double voting was actually uncovered.

J. Christian Adams, who I referred to above, refers to this phenomenon as strategic voting. Strategic voting is when a person who actually is not domiciled in our State -- an out-of-state college student for example -- votes in both South Carolina and his home state. I’ve distributed a letter from Mr. Adams that explains strategic selective voting, and how important my domicile checklist is to stopping this practice. Mr. Adams was the Chief Litigator for the Voting Rights Division at the Justice Department. You may recall he is the man who resigned his position at justice because Attorney General Holder prevented him from testifying in the new Black Panther Case. I invite you to read that letter.

Election Law Center

6862 Elm Street, Suite 800

McLean, VA 22101

April 18, 2011

The Hon. George E. Campsen III

South Carolina Senate

604 Gressette Building

Columbia, South Carolina

RE: Senate Amendments to H. B. 3003, Photo Identification Bill.

Dear Senator Campsen:

I am writing to support passage of objective requirements to define residency and domicile for voters in South Carolina. Ideally, such requirements will be effective well before the 2012 primaries in South Carolina and will include both photo identification as well as the objective standards for defining domicile. The Senate Amendments to H.B. 3003 include objective domicile standards which will help prevent a growing problem with fraudulent registrations and ineligible voters.

After leaving the Voting Section at the United States Department of Justice, I have monitored election issues around the country at Pajamas Media.com, and my own website, ElectionLawCenter.com as well as representing clients in private practice in election matters. One of the most disturbing trends in the 2008 election was the strategic use of transient voter registrations. In other words, people who really did not live in a jurisdiction registered to vote in that jurisdiction merely to participate strategically in the election.

In Ohio, multiple individuals entered guilty pleas to illegal strategic voting outside their true residence in the 2008 election. Daniel Hausman, Amy Little and Yolanda Hippensteele all registered and voted in Ohio in 2008 even though they truly lived in New York. Because Ohio enforced no clear objective standards regarding where a voter is properly domiciled, this fraud was facilitated. Deliberate efforts are underway to encourage individuals to register to vote in places where they do not possess genuine long term intent to remain. National organizations have threatened to sue local registrars who have sought to enforce reasonable objective standards regarding domicile. The campaigns to disregard genuine domicile are part of a nationwide effort to break down perfectly legitimate rules which ensure that only genuine residents participate in elections. Make no mistake, the crimes in Ohio were part of this national effort.

Virginia provides another example of a trend to disregard genuine long term residency. Just before the 2008 election, the Secretary of the Virginia State Board of Elections, a position similar to your Election Commission Executive Director, instructed local voting registrars to disregard longstanding, and constitutional, domicile guidelines and essentially open up Virginia elections to anyone without any showing of genuine domicile. The Secretary was a partisan political appointment by then Virginia Governor Tim Kaine.

The domicile guidelines in the Senate amendment to H.B. 3003 provide an important counterweight to this national trend. It is my understanding that South Carolina currently has no procedures to cross reference the information in the “Help America Vote Act” mandated statewide database with voter registrations in the other forty-nine states. Even if some limited cross referencing occurs, failing to cross reference registrations with large states such as Ohio, Pennsylvania, Virginia, New York and New Jersey jeopardizes the integrity of elections, absent some objective and enforced residency and domicile criteria.

In my view, if the South Carolina Election Commission conducted a real-time cross reference with voter registration records in other states to ensure voters were not participating in elections in more than one state, the need for the Senate amendments regarding domicile would be lessened. Unfortunately, such a procedure is nowhere close to implementation in South Carolina. Given the trends arising out of the 2008 election, and the aggressive attacks by advocacy groups who regularly oppose efforts at voter integrity, I would urge the South Carolina Legislature to pass both photo identification requirements as well as objective standards to define domicile this session.

Finally, it is my hope that whatever emerges from the session is not submitted to the Department of Justice for preclearance under Section 5 of the Voting Rights Act, but rather approval will be sought in the United States District Court. Other states, including Georgia and Texas, have begun to realize that such approval is quicker, cheaper, and most importantly, more certain given this particular Justice Department. I am happy to share any further thoughts or suggestions upon your request or the request of your colleagues.

Sincerely,

/s/ J. Christian Adams

In it Mr. Adams encourages us to insist upon the Senate domicile checklist to stop what he describes as a growing and disturbing intentional trend of people voting in two states, or a state in which they do not live because it is a battleground state. This is the kind of substance we need to take it into consideration in our deliberations instead of blindly succumbing to political pressure to pass legislation without reading it.

Yet another important factor in this whole issue is that the vote to nonconcur was necessary to fulfill a commitment made by the President *Pro Tempore* to go to conference committee, and serve on the conference committee. He made this commitment to stop a filibuster of the Bill earlier this year. The Bill never would have made it out of the Senate in the first place if this commitment had not been made. And once the commitment was made, it had to be honored. The only way it could be honored is to nonconcur in the House amendment, and go to conference committee to get as much of the Senate version of the Bill as possible.

The *Pro Tempore* did this because it was the only way we could move the Bill forward earlier this year. We did not have the votes to shut down debate by invoking cloture, and even if we did, the Democrats had 484 amendments on the desk. Taking up and debating each of those amendments could have consumed the rest of the legislative session -- and the Bill would have failed -- if the agreement had not been made.

In addition to the domicile checklist, we were able to straighten out other problems with the House language in conference committee. We straightened out effective date problems, and removed the Houses’ “pseudo birth certificate” -- a ticket to fraud, as the President *Pro Tempore* calls it. The bottom line is that by nonconcurring in the House amendment we went to conference committee, improved the Bill, and honored a commitment previously made that got the Bill passed through the Senate in the first place. It was the right thing to do.

Thank you.

On motion of Senator FORD, with unanimous consent, the remarks of Senator CAMPSEN were ordered printed in the Journal.

Senator LEVENTIS 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 26; Nays 16**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Gregory Grooms Hayes

Knotts Leatherman *Martin, Larry*

*Martin, Shane* Massey McConnell

O’Dell Peeler Rankin

Rose Ryberg Shoopman

Thomas Verdin

**Total--26**

**NAYS**

Elliott Ford Hutto

Jackson Land Leventis

Lourie Malloy Matthews

McGill Nicholson Pinckney

Reese Scott Sheheen

Williams

**Total--16**

**Statement by Senator LAND**

I have worked most of my adult life in pursuit of expanding and improving access to the right to vote. I learned at an early age that the full measure of benefits that we enjoy through our democratic form of government come only with an unfettered right to the franchise, for every single person.

I sadly cannot support the Conference Report on H. 3003 in its current form inasmuch as the changes which have been incorporated, since the Bill was passed by the Senate, in fact, impede the right to vote for the citizens of South Carolina. We do a disservice to our citizens when we pass legislation which, intentionally or otherwise, interferes with an individual’s right to vote.

This legislation as currently written will have a racially discriminatory impact in the conduct of our future elections. The conference report strips away early voting provisions which had the potential to eliminate long lines at the polls, make voting more accessible for elderly residents and help mitigate some of the negative impacts of the photo identification requirements. The conferees’ unwillingness to include early voting affirms the validity of my misgivings about the legislation.

Unfortunately, there are persons and organizations which seek to dilute the vote of minority citizens in our State; this Bill would further that aim. We set out to build on the record turnout in the 2008 election cycle and now we have instead “reacted” to this very positive event in such a manner so as to reverse and/or impede and diminish voter participation.

I oppose the conference report on H. 3003 and have voted accordingly.

The Report of the Committee of Conference to H. 3003 was adopted as follows:

**H. 3003--Conference Report**

The General Assembly, Columbia, S.C., April 20, 2011

The Committtee of Conference, to whom was referred:

H. 3003 -- Reps. Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Delleney, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V.S. Moss, Norman, Parker, G.M. Smith, G.R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J.R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D.C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire: TO AMEND SECTION 7‑1‑25 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO LIST FACTORS TO CONSIDER FOR DOMICILE; TO AMEND SECTION 7‑5‑125, SO AS TO PROVIDE THAT AN ELECTOR MAY OBTAIN A DUPLICATE REGISTRATION NOTIFICATION; TO AMEND SECTION 7‑5‑230, RELATING TO ELECTION LAWS, SO AS TO MAKE TECHNICAL CHANGES; TO ADD SECTION 7‑5‑675, SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION WILL IMPLEMENT A SYSTEM TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE VOTER; TO AMEND SECTION 7‑13‑710 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED, AND TO PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 56‑1‑3350, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST FOR PERSONS AGED SEVENTEEN YEARS OR OLDER; TO PROVIDE FOR A VOTER EDUCATION PROGRAM CONCERNING THE REQUIREMENTS OF THIS BILL; AND TO PROVIDE THAT THE STATE ELECTION COMMISSION CREATE A LIST OF ALL REGISTERED VOTERS WHO DO NOT HAVE A SOUTH CAROLINA DRIVER’S LICENSE OR OTHER FORM OF IDENTIFICATION CONTAINING A PHOTOGRAPH ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES.

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 7‑1‑25 of the 1976 Code is amended to

read:

“Section 7-1-25. (A) A person’s residence is his domicile. ‘Domicile’ means a person’s fixed home where he has an intention of returning when he is absent. A person has only one domicile.

(B) For voting purposes, a person has changed his domicile if he (1) has abandoned his prior home and (2) has established a new home, has a present intention to make that place his home, and has no present intention to leave that place.

(C) For voting purposes, a spouse may establish a separate domicile.

(D) For voting purposes*,* factors to consider in determining a person’s intention regarding his domicile include, but are not limited to:

(1) a voter’s address reported on income tax returns;

(2) a voter’s real estate interests, including the address for which the legal residence tax assessment ratio is claimed pursuant to Section 12‑43‑220(C);

(3) a voter’s physical mailing address;

(4) a voter’s address on driver’s license or other identification issued by the Department of Motor Vehicles;

(5) a voter’s address on legal and financial documents;

(6) a voter’s address utilized for educational purposes, such as public school assignment and determination of tuition at institutions of higher education;

(7) a voter’s address on an automobile registration;

(8) a voter’s address utilized for membership in clubs and organizations;

(9) the location of a voter’s personal property;

(10) residence of a voter’s parents, spouse, and children; and

(11) whether a voter temporarily relocated due to medical care for the voter or for a member of the voter’s immediate family.”

SECTION 2. Section 7‑5‑125 of the 1976 Code is amended to read:

“Section 7-5-125. (A) Any person who applies for registration to vote and is found to be qualified by the county board of registration to whom application is made must be issued a written notification of registration. This notification must be on a form prescribed and provided by the State Election Commission.

(B) If an elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail.”

SECTION 3. Section 7‑5‑230 of the 1976 Code is amended to read:

“Section 7-5-230. (A) The boards of registration to be appointed under Section 7‑5‑10 shall be the judges of the legal qualifications of all applicants for registration. The board is empowered to require proof of these qualifications as it considers necessary.

Once a person is registered, challenges of the qualifications of any elector, except for challenges issued at the polls pursuant to Sections 7‑13‑810, 7‑13‑820, and 7‑15‑420 must be made in writing to the board of registration in the county of registration. The board must, within ten days following the challenge and after first giving notice to the elector and the challenger, hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications set forth in Section 7‑5‑120.

(B) When a challenge is made regarding the residence or domicile of an elector, the board ~~may~~ must consider the provisions of Section 7‑1‑25(D) ~~following proof to establish residence including, but not limited to, income tax returns; real estate interests; mailing address; address on driver’s license; official papers and documents requiring the statement of residence address; automobile registration; checking and savings accounts; past voting record; membership in clubs and organizations; location of personal property; and the elector’s statements as to his intent~~.

(C) Any person denied registration or restoration of his name on the registration books shall have the right of appeal from the decision of the board of registration denying him registration or such restoration to the court of common pleas of the county or any judge thereof and subsequently to the Supreme Court.”

SECTION 4. Article 7, Chapter 5, Title 7 of the 1976 Code is amended by adding:

“Section 7‑5‑675. The State Elections Commission shall implement a system in order to issue voter registration cards with a photograph of the elector. This voter registration card may be used for voting purposes only.”

SECTION 5. Section 7‑13‑710 of the 1976 Code, as last amended by Act 459 of 1996, is further amended to read:

“Section 7‑13‑710. (A) When ~~any~~ a person presents himself to vote, he shall produce ~~his~~ a valid and current:

(1) South Carolina driver’s license; or

(2) other form of identification containing a photograph issued by the Department of Motor Vehicles~~, if he is not licensed to drive, or the written notification of registration provided for by Sections 7‑5‑125 and 7‑5‑180 if the notification has been signed by the elector.~~; or

(3) passport; or

(4) military identification containing a photograph issued by the federal government; or

(5) South Carolina voter registration card containing a photograph of the voter pursuant to Section 7‑5‑675.

~~If the elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail.~~

(B) After presentation of the required identification described in subsection (A), ~~his~~ the elector’s name must be checked by one of the managers on the margin of the page opposite his name upon the registration books, or copy of the books, furnished by the board of registration. One of the managers also shall compare the photograph contained on the required identification with the person presenting himself to vote. The manager shall verify that the photograph is that of the person seeking to vote. The managers shall keep a poll list which must contain one column headed ‘Names of Voters’. Before ~~any~~ a ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page the voter’s oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter’s driver’s license, registration notification, or other identification and may require further identification of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers.

(C)(1) If the elector cannot produce the identification as required in subsection (A), he may cast a provisional ballot that is counted only if the elector brings a valid and current photo identification to the county board of registration and elections before certification of the election by the county board of canvassers.

(2) If the manager disputes that the photograph contained on the required identification is the person presenting himself to vote, the elector may cast a provisional ballot. A determination of that provisional ballot must be made in accordance with Section 7‑13‑830.

(D)(1)(a) If an elector does not produce a valid and current photograph identification due to a religious objection to being photographed, he may complete an affidavit under penalty of perjury at the polling place and affirm that the elector: (i) is the same individual who personally appeared at the polling place; (ii) cast the provisional ballot on election day; and (iii) has a religious objection to being photographed. Upon completion of the affidavit, the elector may cast a provisional ballot. The affidavit must be submitted with the provisional ballot envelope and be filed with the county board of registration and elections before certification of the election by the county board of canvassers.

(b) If an elector does not produce a valid and current photograph identification because the elector suffers from a reasonable impediment that prevents the elector from obtaining photograph identification, he may complete an affidavit under the penalty of perjury at the pollingplace and affirm that the elector: (i) is the same individual who personally appeared at the polling place; (ii) cast the provisional ballot on election day; and (iii) the elector suffers from a reasonable impediment that prevents him from obtaining photograph identification. The elector also shall list the impediment, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the elector may cast a provisional ballot. The affidavit must be submitted with the provisional ballot envelope and be filed with the county board of registration and elections before certification of the election by the county board of canvassers.

(2) If the county board of registration and elections determines that the voter was challenged only for the inability to provide proof of identification and the required affidavit is submitted, the county board of registration and elections shall find that the provisional ballot is valid unless the board has grounds to believe the affidavit is false.

(3) If the county board of registration and elections determines that the voter has been challenged for a cause other than the inability to provide proof of identification as required by subsection (A), the county board of registration and elections shall:

(a) note on the envelope containing the provisional ballot that the voter complied with the proof of identification requirement; and

(b) proceed to determine the validity of the remaining challenges before ruling on the validity of the provisional ballot.”

(E) The purpose of the identification required pursuant to subsection (A) is to confirm the person presenting himself to vote is the elector on the poll list. Any address listed on the identification is not determinative of an elector’s domicile for the purpose of voting. An elector’s domicile for the purpose of voting is determined pursuant to the provisions of Section 7-1-25.

SECTION 6. “Section 56‑1‑3350. (A) Upon application by a person ~~ten~~ five years of age or older who is a resident of South Carolina, the department shall issue a special identification card as long as:

(1) the application is made on a form approved and furnished by the department; and

(2) the applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the department of his name and date of birth.

(B)(1) The fee for the issuance of the special identification card is five dollars~~, and~~ for a person between the ages of five and sixteen years.

(2) An identification card must be free to a person aged seventeen years or older.

(C) The identification card expires five years from the date of issuance. ~~The renewal fee is also five dollars. Issuance and renewal fees are waived for indigent persons who are mentally ill, mentally retarded, homeless, or who are on public assistance as the sole source of income. As used in this section ‘indigent’ means a person who is qualified for legal assistance which is paid for with public funds. For purposes of this section, a homeless person is an individual who lacks a fixed and regular nighttime residence or an individual who has a primary nighttime residence that is:~~

~~(a)~~ ~~a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including congregated shelters and transitional housing;~~

~~(b)~~ ~~an institution that provides a temporary residence for individuals intended to be institutionalized; or~~

~~(c)~~ ~~a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.~~

~~The term does not include any individual imprisoned or otherwise detained pursuant to an act of Congress. Annually, the director of a facility which provides care or shelter to homeless persons must certify this fact to the department. The department must maintain a list of facilities which are approved by the department, and only letters from the directors of these approved facilities are considered to comply with the provisions of this section. To have the issuance or renewal fee waived for an identification card, a homeless person must present a letter to the department from the director of a facility that provides care or shelter to homeless persons certifying that the person named in the letter is homeless. The letter may not be older than thirty days.~~

(D) Special identification cards issued to persons under the age of twenty‑one must be marked, stamped, or printed to readily indicate that the person to whom the card is issued is under the age of twenty‑one.

(E) The fees collected pursuant to this section must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund ~~as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:~~

~~Fees and Penalties~~ ~~General Fund~~ ~~Department of~~

~~Collected After~~ ~~of the State~~ ~~Transportation~~

~~State Non‑Federal~~

~~Aid Highway Fund~~

~~June 30, 2005~~ ~~60 percent~~ ~~40 percent~~

~~June 30, 2006~~ ~~20 percent~~ ~~80 percent~~

~~June 30, 2007~~ ~~0 percent~~ ~~100 percent~~.”

SECTION 7. The State Elections Commission must establish an aggressive voter education program concerning the provisions contained in this legislation. The State Elections Commission must educate the public as follows:

(1) Post information concerning changes contained in this legislation in a conspicuous location at each county board of registration and elections, each satellite office, the State Elections Commission office, and their respective websites.

(2) Train poll managers and poll workers at their mandatory training sessions to answer questions by electors concerning the changes in this legislation.

(3) Require documentation describing the changes in this legislation to be disseminated by poll managers and poll workers at every election held following preclearance by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first.

(4) Coordinate with each county board of registration and elections so that at least two seminars are conducted in each county prior to December 15, 2011.

(5) Coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level.

(6) Place an advertisement describing the changes in this legislation in South Carolina newspapers of general circulation by no later than December 15, 2011.

(7) Coordinate with local media outlets to disseminate information concerning the changes in this legislation.

(8) Notify each registered elector who does not have a South Carolina issued driver’s license or identification card a notice of the provisions of this act by no later than December 1, 2011. This notice must include the requirements to vote absentee, early, or on election day and a description of voting by provisional ballot. It must also state the availability of a free South Carolina identification card pursuant to Section 56-1-3350.

In addition to the items above, the State Elections Commission may implement additional educational programs in its discretion.

SECTION 8. The State Election Commission is directed to create a list containing all registered voters of South Carolina who are otherwise qualified to vote but do not have a South Carolina driver’s license or other form of identification containing a photograph issued by the Department of Motor Vehicles as of December 1, 2011. The list must be made available to any registered voter upon request. The Department of Motor Vehicles must provide the list of persons with a South Carolina driver’s license or other form of identification containing a photograph issued by the Department of Motor Vehicles at no cost to the commission. The commission may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list.

SECTION 9. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Article III, Section 17 of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of election reform as stated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

SECTION 10. Except for SECTION 4, the provisions of this act are effective upon approval by the Governor.

SECTION 11. SECTION 4 takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first. However, the implementation of the procedures provided for in this SECTION is contingent upon the State Election Commission’s receipt of funds necessary to implement these provisions. Until the provisions of this SECTION are fully funded and executed, implementation of the provisions of this SECTION shall not prohibit the State Election Commission from issuing voter registration cards by the methods allowed prior to the implementation of this SECTION. /

Amend title to conform.

/s/ Sen. Glenn F. McConnell /s/ Rep. Alan D. Clemmons

/s/ Sen. George E. Campsen III /s/ Rep. James H. Merrill

Sen. John L. Scott, Jr. /s/ Rep. James H. Lucas

On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

**H. 3003--ENROLLED FOR RATIFICATION**

H. 3003 -- Reps. Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Delleney, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V.S. Moss, Norman, Parker, G.M. Smith, G.R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J.R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D.C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE “SOUTH CAROLINA ELECTION REFORM ACT”; TO AMEND SECTION 7‑13‑710 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED, AND TO PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 7‑5‑125, SO AS TO PROVIDE THAT AN ELECTOR MAY OBTAIN A DUPLICATE REGISTRATION NOTIFICATION; TO AMEND SECTION 56‑1‑3350, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST FOR PERSONS AGED SEVENTEEN YEARS OR OLDER; TO AMEND SECTION 7‑13‑25, SO AS TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING FIFTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7‑3‑20, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7‑15‑320, SO AS TO REFERENCE THE EARLY VOTING PERIOD PURSUANT TO SECTION 7‑13‑25 AND TO PROVIDE FOR CASTING OF AN ABSENTEE BALLOT BY PAPER OR BY A VOTING MACHINE AND ABSENTEE BALLOT CENTERS; TO AMEND SECTION 7‑1‑25, SO AS TO LIST FACTORS TO CONSIDER FOR DOMICILE; TO ADD SECTION 7‑5‑675, SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION WILL IMPLEMENT A SYSTEM TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE VOTER; TO PROVIDE FOR A VOTER EDUCATION PROGRAM CONCERNING THE REQUIREMENTS OF THIS BILL; AND TO AMEND SECTIONS 7‑15‑330, 7‑15‑385, AND 7‑5‑230, ALL RELATING TO ELECTION LAWS, SO AS TO MAKE TECHNICAL CHANGES.

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.

At 7:53 P.M., Senator McCONNELL moved that the Senate stand adjourned.

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

**Ayes 17; Nays 24**

**AYES**

Ford Hutto Jackson

Land Leventis Lourie

Malloy Matthews McConnell

McGill Nicholson Pinckney

Rankin Reese Scott

Sheheen Williams

**Total--17**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Gregory Grooms

Hayes Knotts Leatherman

*Martin, Larry Martin, Shane* Massey

O’Dell Peeler Rose

Shoopman Thomas Verdin

**Total--24**

The Senate refused to adjourn.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**AMENDED, READ THE SECOND TIME**

H. 3762 -- Reps. Cooper, White, Bowen, Gambrell, Thayer, Sandifer, D.C. Moss, McLeod, Viers and Clemmons: A BILL TO AMEND SECTION 41‑31‑5 OF THE 1976 CODE, RELATING TO DEFINITIONS CONCERNING THE RATE OF CONTRIBUTIONS TO THE UNEMPLOYMENT TRUST FUND, TO MODIFY THE METHOD OF COMPUTATION;

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

Senator RYBERG spoke on the Bill.

Senator RYBERG proposed the following amendment (3762R002.WGR), which was adopted:

Amend the bill, as and if amended, page 16, by striking lines 15-43, and on page 17, by striking lines 1-6 and inserting:

/ (F) Benefits paid as a result of declaration of emergency declared by the Governor must not be charged to an employer.

(G) The provisions of subsections (A) through ~~(D)~~ (E), all inclusive, with respect to the noncharging of benefits paid must be applicable only to an employer subject to the payment of contributions.

~~(F)~~(H) A benefit paid to a claimant during an extended benefit period, as defined in Article 3, Chapter 35, must not be charged to an employer; except that a ~~non-profit~~ nonprofit organization electing to become liable for payments in lieu of contributions in accordance with Section 41‑31‑620 must reimburse fifty percent of extended benefits attributable to services performed in its employ and that after January 1, 1979, the State or a political subdivision or instrumentality of it as defined in Section 41‑27‑230(2)(b) electing to become liable for payment in lieu of contributions in accordance with Section 41‑31‑620 must reimburse all extended benefits attributable to services performed in its employ.

~~(G)~~(I) A nonprofit organization that elects to make a payment in lieu of a contribution to the unemployment compensation fund as provided in Section 41‑31‑620(2) or Section 41‑31‑810 is not liable to make those payments with respect to the benefits paid to an individual whose base period wages include wages for previously uncovered services as defined in Section 41‑35‑65 to the extent that the unemployment compensation fund is reimbursed for those benefits pursuant to Section 121 of P.L. 94‑566.

~~(H)~~(J) A benefit paid to an individual whose base period wages include wages for previously uncovered services as defined in Section 41‑35‑65 must not be charged against the account of an employer to the extent that the unemployment compensation fund is reimbursed for those benefits pursuant to Section 121 of P.L. 94‑566.

~~(I)~~(K) A benefit paid to an individual pursuant to Section 41‑35‑125 must not be charged to the account of a contributing employer.

~~(J)~~(L) A benefit paid to an individual pursuant to Section 41‑35‑126 must not be charged to the account of a contributing employer.” /

Amend the bill further, as and if amended, page 22, after line 4, by adding appropriately numbered new SECTIONS to read:

/ SECTION \_\_\_. Section 41‑35‑50 of the 1976 Code is amended to read:

“Section 41‑35‑50. The maximum potential benefits of any insured worker in a benefit year are the lesser of:

(1) ~~Twenty‑six~~ twenty times his weekly benefit amount~~.~~;

(2) ~~One‑third~~ one-third of his wages for insured work paid during his base period.

If the resulting amount is not a multiple of one dollar, the amount must be reduced to the next lower multiple of one dollar, except that no insured worker may receive benefits in a benefit year unless, subsequent to the beginning of the next preceding benefit year during which he received benefits, he performed ‘insured work’ as defined in Section 41‑27‑300 and earned wages in the employ of a single employer in an amount equal to not less than eight times the weekly benefit amount established for the individual in the preceding benefit year.” /

SECTION \_\_\_. (A) As soon as practicable after the effective date of this act, the Department of Employment and Workforce is directed to recalculate premium rates. The recalculated premium rates shall be retroactive to January 1, 2011. Employers must be notified of changes in the premiums due and employer accounts must be credited and adjusted as appropriate.

(B) The Department of Employment and Workforce must apply all funds directly appropriated to the department pursuant to Act \_\_\_, R \_\_\_, H. 3700, in such a manner to reduce the amount of income that must be raised pursuant to Section 41-31-45(A)(3) and Section 41-31-45(B).

Amend the bill further, as and if amended, by striking SECTION 10 in its entirety. /

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Fair Ford

Gregory Hayes Hutto

Knotts Leatherman Leventis

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**Objection**

Senator SHANE MARTIN asked unanimous consent to make a motion that H. 3762 be given a third reading on Thursday, May 12, 2011.

Senator McCONNELL objected.

**Statement by Senator SETZLER**

I had leave from the Senate and was not present for the votes taken on H. 3762. Had I been present, I would have boted in favor of the adoption of the amendment proposed by Senator RYBERG and for second reading of the Bill.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**DEBATE INTERRUPTED**

H. 3375 -- Reps. Harrell, Lucas, Cooper, Hardwick, Harrison, Owens, Sandifer, White, Bingham, Atwater, Parker, Crawford, Loftis, Bowen, G.R. Smith, Bedingfield, Toole, Sottile, V.S. Moss, Forrester, Bikas, Huggins, Brady, Allison, Pinson, Frye, Whitmire, Skelton, Nanney, Henderson, Limehouse, Corbin, Barfield, Battle, Clemmons, Cole, Crosby, Daning, Gambrell, Hamilton, Hiott, Hixon, Horne, Lowe, D.C. Moss, Murphy, Norman, Patrick, Simrill, G.M. Smith, J.R. Smith, Spires, Taylor, Willis, Young, Herbkersman, Ballentine, Thayer, Bannister, McCoy, Tallon, Stringer, Long, Hayes, Ott, J.M. Neal, Vick, G.A. Brown, Branham, Anthony, Bowers, Sellers, Quinn, Hearn, Edge, Anderson, Erickson, Knight, Chumley, Butler Garrick and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2011” BY AMENDING ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, SO AS TO PROVIDE LIMITS ON THE AWARD OF PUNITIVE DAMAGES AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTIONS 1‑7‑750 AND 1-7-760 SO AS TO ENACT THE “PRIVATE ATTORNEY RETENTION SUNSHINE ACT” TO GOVERN THE RETENTION OF PRIVATE ATTORNEYS BY THE ATTORNEY GENERAL OR A SOLICITOR AND TO PROVIDE TERMS AND CONDITIONS GOVERNING THE RETAINER AGREEMENT INCLUDING LIMITS ON THE COMPENSATION OF OUTSIDE COUNSEL IN CONTINGENCY FEE CASES, AND TO PROVIDE FOR THE SUSPENSION OF THE LIMITATIONS UNDER CERTAIN EXCEPTIONAL CIRCUMSTANCES; TO AMEND SECTION 15‑3‑670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, SO AS TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS BUT MAY BE ADMISSIBLE AS EVIDENCE; TO AMEND SECTION 18‑9‑130, AS AMENDED, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, SO AS TO PROVIDE LIMITS FOR APPEAL BONDS; AND TO AMEND SECTION 56‑5‑6540, AS AMENDED, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, SO AS TO DELETE THE PROVISION THAT PROVIDED THAT A VIOLATION FOR FAILURE TO WEAR A SEATBELT IS NOT NEGLIGENCE PER SE OR COMPARATIVE NEGLIGENCE AND IS NOT ADMISSIBLE IN A CIVIL ACTION.

The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment No. P1A (JUD3375.048) proposed by Senators LARRY MARTIN and PEELER and printed in the Journal of Wednesday, April 6, 2011.

At 8:16 P.M., Senator LARRY MARTIN moved that the Senate stand adjourned.

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

**Ayes 23; Nays 14**

**AYES**

Alexander Campbell Courson

Fair Ford Gregory

Hayes Hutto Leatherman

Leventis Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson O’Dell

Pinckney Reese Ryberg

Scott Williams

**Total--23**

**NAYS**

Bright Bryant Campsen

Cromer Davis Elliott

Grooms Knotts *Martin, Shane*

Peeler Rose Shoopman

Thomas Verdin

**Total--14**

Debate was interrupted by adjournment.

**LOCAL APPOINTMENTS**

**Confirmations**

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

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

Linda Dudley-Graham, 516 Agnew Road, Starr, SC 29684

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

William E. Gilmer, 306 Elizabeth Street, Honea Path, SC 29654

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

Samuel Matthew Lollis, 29 Austin Street, Williamston, SC 29697

Reappointment, Bamberg County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Richard Craig Thrett, Post Office Box 210, Bamberg, SC 29003

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

Robert Cooper, 2204 Willis Pond Road, Williston, SC 29853 *VICE* Alfred Flynn (retired)

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

Jimmy Wade Gantt, 3772 Dexter Street, Blackville, SC 29817

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

Lawson Jordon Holland, Post Office Box 929, Barnwell, SC 29812

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Jacquetta Porter Jones, 5868 Octavia Avenue, Ravenel, SC 29470 *VICE* Mary Holmes (deceased)

Initial Appointment, Chesterfield County Magistrate, with term to commence April 30, 2010, and to expire April 30, 2014

John A. Davis, Post Office Box 723, Chesterfield, SC 29709 *VICE* Elizabeth Gulledge

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

Katrina Lynn Patton, 117 Colleton Ave., Summerville, SC 29483

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

Edward Gendron Palmer VI, 115 - B South Congress Street, Winnsboro, SC 29180

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

William Fredric Pope, 10323 Jackson Creek Road, Winnsboro, SC 29180

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

Russell Durant Price, 394 Loblolly Ave., Winnsboro, SC 29180

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

Jerry Reed, 664 Loch Lane, Jenkinsville, SC 29065

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

Michael Swearingen, 4402 Newberry Road, Winnsboro, SC 29180

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

Carol Ann Tolen, 120 West Washington Street, Winnsboro, SC 29180

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

John Chappel Benso, 4990 Fulton Place, Murrells Inlet, SC 29576 *VICE* William P. Moeller

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

Leisa Riggs Hotchkiss, 716 Wingert Road, Greenwood, SC 29649

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

Christopher Ryan Johnson, 220 McGhee Ave., Greenwood, SC 29649

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

Walter Rutledge Martin, 106 Sheffield Rd., Greenwood, SC 29646

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

Bart Stephen McGuire, 119 Pucketts Cove, Greenwood, SC 29649

Initial Appointment, Jasper County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Ashley M. Brown, Post Office Box 1292, Hardeeville, SC 29927 *VICE* Calvert R. Brantley

Initial Appointment, Lancaster County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Douglas M. Vecchio, 206 W. Stevens Drive, Kershaw, SC 29067 *VICE* Lee Deese

Initial Appointment, Pickens County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Stanley Michael Gillespie, 129 Faith Drive, Easley, SC 29640 *VICE* Phillip Snow

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

Patrick Barber, 103 Audubon Oak Way, Irmo, SC 29083 *VICE* Clevette L. Hudnell

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

Michelle Branch-Howard, 2364 Lang Road, Columbia, SC 29204

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

Benjamin Byrd, 13 Chasewood Court, Columbia, SC 29203

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

Harold Cuff, 516 Motley Road, Hopkins, SC 29061

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

Michael Davis, 123 Saddlemount Drive, Hopkins, SC 29061

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

Mel Maurer, 161 Midhurst Court, Irmo, SC 29063

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

Rita Metts, 124 Preston Hills Drive, Columbia, SC 29210 *VICE* Tomothy Edmond

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

Phil Newsom, 211 Polo Hill Road, Columbia, SC 29223

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

Josef Robinson, 300 Brook Hollow Drive, Columbia, SC 29229 *VICE* Willie H. Womble, Jr.

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

Kirby Shealy, 230 Latonea Drive, Columbia, SC 29210

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

Donald Simons, Post Office Box 9246, Columbia, SC 29209

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

Caroline Streater, 12 Lakecrest Dr., Columbia, SC 29206

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

Valerie Stroman, 430 Eastover Road, Eastover, SC 29044

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

Andy Surles, 113 Bostwick Ridge, Columbia, SC 29229

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

Tomothy Edmond, 261 Business Park Boulevard, Columbia, SC 29203 *VICE* Hon. Samuel Peay

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

Clayburn S. Barnette, Jr., 3131 Oak Park Road, Rock Hill, SC 29730

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

Lynne Horton Benfield, 1675-D York Highway, York, SC 29745

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

Clifford E. Berinsky, 529 South Cherry Road, Rock Hill, SC 29730

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

Johnny Hicks Grayson, Post Office Box 165, Clover, SC 29710

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

Herman Melvin Howell, Post Office Box 38, Hickory Grove, SC 29717

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

Lewis Daniel Malphrus, 1675-3C York Highway, York, SC 29745

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

Norman Richard Watkins, Jr., 1675 - 3C York Highway, York, SC 29745

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

Leon E. Yard, 1675 - 1D York Highway, York, SC 29745

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

Mandrile Hose Young, 1675 - 1D York Highway, York, SC 29745

**MOTION ADOPTED**

On motion of Senator PINCKNEY, with unanimous consent, the Senate stood adjourned out of respect to the memory of former Representative Juanita White of Hardeeville, S.C., our former colleague and friend who passed away May 6, 2011.

**ADJOURNMENT**

At 8:18 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 10:00 A.M.

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