**Wednesday, June 22, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

We are reminded that in the ancient world:

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

Let us pray:

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

Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Statewide Appointments**

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

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

Referred to the Committee on Judiciary.

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

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

Referred to the Committee on Judiciary.

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

4th Congressional District:

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

Referred to the Committee on Medical Affairs.

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

2nd Congressional District:

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

Referred to the Committee on Medical Affairs.

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

Public:

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

Referred to the Committee on Medical Affairs.

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

Public:

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

Referred to the Committee on Medical Affairs.

**Local Appointment**

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

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

**Leave of Absence**

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

**Leave of Absence**

At 10:05 A.M., Senator CLEARY requested a leave of absence beginning at 2:00 P.M. on Wednesday, June 29, 2011, and lasting until Tuesday, July 5, 2011.

**Leave of Absence**

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

**Leave of Absence**

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

**Leave of Absence**

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

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

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The Senate Resolution was adopted.

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

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

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

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

S. 976 -- Senator Matthews: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE JONES FAMILY REUNION, AND TO CONGRATULATE THE FAMILY MEMBERS UPON THE OCCASION OF THEIR FORTY-FIFTH ANNUAL GATHERING.

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The Senate Resolution was adopted.

S. 977 -- Senator Matthews: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE 2011 RITTER FAMILY REUNION AND TO CONGRATULATE THE FAMILY MEMBERS UPON THE OCCASION OF THEIR FIFTY-EIGHTH ANNUAL GATHERING.

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The Senate Resolution was adopted.

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

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

S. 979 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE MOON’S DRUG STORE IN WESTMINSTER, SOUTH CAROLINA, FOR ONE HUNDRED TEN YEARS OF SERVICE TO THE COMMUNITY AND TO WISH MANY MORE YEARS OF SUCCESS.

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The Senate Resolution was adopted.

S. 980 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR WILBUR LEE JEFFCOAT OF LEXINGTON COUNTY AND TO COMMEND HIM FOR HIS LIFE OF DEDICATION AND SERVICE TO THE CITIZENS OF THE PALMETTO STATE.

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The Senate Resolution was adopted.

S. 981 -- Senator Alexander: A SENATE RESOLUTION TO CELEBRATE THE BIRTH OF JEFFERSON VERNE SMITH OLMERT, GREAT-GRANDSON OF THE LATE SENATOR J. VERNE SMITH.

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The Senate Resolution was adopted.

**REPORTS OF STANDING COMMITTEES**

**Appointments Reported**

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

**Statewide Appointment**

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

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

Received as information.

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

**Statewide Appointments**

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

Public:

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

Received as information.

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

Public:

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

Received as information.

**Message from the House**

Columbia, S.C., June 21, 2011

Mr. President and Senators:

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

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

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 21, 2011

Mr. President and Senators:

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

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

Very respectfully,

Speaker of the House

Received as information.

**Motion to Ratify Adopted**

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

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

**Motion Adopted**

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

**THE SENATE PROCEEDED TO THE REAPPORTIONMENT BILLS.**

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

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

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

Senator McCONNELL spoke on the Bill.

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

June 21, 2011

The Honorable Glenn F. McConnell

President *Pro Tempore* of the Senate

Room 101 Gressette

P.O. Box 142

Columbia, South Carolina 29202

Dear Senator McConnell:

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

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

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

Sincerely,

/s/ Robert W. Harrell, Jr.

Speaker of the House

**Motion Under Rule 26B**

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

There was no objection.

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

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

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

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

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

**CARRIED OVER**

H. 3992 -- Reps. Harrell, Lucas, Harrison, Clemmons, Barfield, Cooper, Hardwick, Owens, Sandifer, G.R. Smith, J.R. Smith, White, Bingham and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑19‑45 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE CONGRESSIONAL DISTRICTS ARE ELECTED BEGINNING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 7‑19‑40 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE CONGRESSIONAL DISTRICTS WERE FORMERLY ELECTED; AND TO JOINTLY DESIGNATE THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE APPROPRIATE OFFICIALS OF THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE CONGRESSIONAL REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

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

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

**CARRIED OVER**

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

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

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

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

**MOTION ADOPTED**

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

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.**

**CARRIED OVER**

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

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

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

**CARRIED OVER**

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

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

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

**Expression of Personal Interest**

Senator LEATHERMAN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator ELLIOTT rose for an Expression of Personal Interest.

**Motion Adopted**

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

**RECESS**

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

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

**RECESS**

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

**JOINT ASSEMBLY**

**Elections**

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

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

**Election of a Successor to the Board of Trustees**

**for the University of South Carolina, 6th Judicial Circuit**

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

Senator KNOTTS, Chairman of the Committee to Screen candidates for State Colleges and Universities, indicated that Mr. Hubert F. “Hugh” Mobley had been screened and found qualified to serve.

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

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

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

**RECESS**

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

**AFTERNOON SESSION**

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

**Privilege of the Chamber**

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

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., June 22, 2011

Mr. President and Senators:

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

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

Respectfully submitted,

Nikki R. Haley

Governor

Received as information.

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

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

**S. 30--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

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

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

Senator HUTTO spoke on the report.

The question then was adoption of the Conference Committee Report.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O’Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

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

**S. 30--Conference Report**

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

The Committee of Conference, to whom was referred:

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

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

That the same do pass with the following amendments:

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

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

“Section 22‑5‑110.(A) Magistrates shall:

(1) cause to be arrested all persons found within their counties charged with any offense and persons who after committing any offense within the county ~~escape~~ flee out of ~~it,~~ the county;

(2) examine into treasons, felonies, grand larcenies, high crimes, and misdemeanors~~,~~;

(3) commit or bind over for trial those who appear to be guilty of crimes or offenses not within their jurisdiction~~,~~; and

(4) punish those guilty of such offenses within their jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

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

Amend title to conform.

/s/Sen. C. Bradley Hutto /s/Rep. Bruce W. Bannister

/s/Sen. A. Shane Massey /s/Rep. J. Todd Rutherford

/s/Sen. Phillip W. Shoopman /s/Rep. Edward R. Tallon, Sr.

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

, and a message was sent to the House accordingly.

**S. 30--Message from the House**

Columbia, S.C., June 22, 2011

Mr. President and Senators:

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

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

Very respectfully,

Speaker of the House

Received as information.

**S. 172--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

S. 172 -- Senators Rose, Fair, Leatherman, Bright, Bryant, Campsen, Knotts, O’Dell, S. Martin, Ford and McGill: A BILL TO AMEND ARTICLE 2, CHAPTER 101, TITLE 59 OF THE 1976 CODE, RELATING TO PUBLIC INSTITUTIONS OF HIGHER LEARNING, BY ADDING SECTION 59‑101‑670 TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE, AND TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST POST ONLINE ALL OF ITS CREDIT CARD STATEMENTS AND THE CREDIT CARD STATEMENTS FOR CREDIT CARDS ISSUED TO PUBLIC OFFICIALS AND EMPLOYEES FOR PUBLIC USE; AND TO AMEND ARTICLE 15, CHAPTER 1, TITLE 1, RELATING TO REPORTING OF EXPENDITURES OF STATE APPROPRIATED FUNDS BY STATE AGENCIES, PERSONAL DATA AND THE LIKE, BY ADDING SECTION 1‑1‑1040 TO PROVIDE THAT ALL STATE AGENCIES MUST HAVE A LINK ON THEIR INTERNET WEBSITE TO THE STATE AGENCY RESPONSIBLE FOR POSTING ON ITS INTERNET WEBSITE THE AGENCY’S, DEPARTMENT’S, OR INSTITUTION’S MONTHLY STATE PROCUREMENT CARD STATEMENTS OR MONTHLY REPORTS CONTAINING ALL OR SUBSTANTIALLY ALL THE SAME INFORMATION CONTAINED IN THE MONTHLY STATE PROCUREMENT CARD STATEMENTS.

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

Senator COURSON spoke on the report.

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

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

**Ayes 42; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Courson Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O’Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

Bright

**Total--1**

**S. 172--Conference Report**

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

The Committee of Conference, to whom was referred:

S. 172 -- Senators Rose, Fair, Leatherman, Bright, Bryant, Campsen, Knotts, O’Dell, S. Martin, Ford and McGill: A BILL TO ENACT THE “SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2011”, BY ADDING SECTION 59-101-670 SO AS TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE; BY ADDING SECTION 1‑1‑1040 SO AS TO PROVIDE THAT ALL STATE AGENCIES MUST HAVE A LINK ON THEIR INTERNET WEBSITE TO THE STATE AGENCY RESPONSIBLE FOR POSTING ON ITS INTERNET WEBSITE THE AGENCY’S, DEPARTMENT’S, OR INSTITUTION’S MONTHLY STATE PROCUREMENT CARD STATEMENTS, TO DIRECT THE BUDGET AND CONTROL BOARD’S STATE OFFICE OF HUMAN RESOURCES TO PARTICIPATE WITH FIVE REPRESENTATIVES SELECTED BY THE RESPECTIVE PRESIDENTS OF THE PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TECHNICAL COLLEGES TO STUDY, DEVELOP, AND RECOMMEND A SEPARATE, COMPREHENSIVE HUMAN RESOURCES SYSTEM FOR THE PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TECHNICAL COLLEGES; BY AMENDING SECTION 2-47-50, AS AMENDED, RELATING TO PERMANENT IMPROVEMENT PROJECTS, SO AS TO DEFINE ‘PERMANENT IMPROVEMENT PROJECT’; TO AMEND SECTION 1-11-65, RELATING TO APPROVAL OF REAL PROPERTY TRANSACTIONS INVOLVING GOVERNMENTAL BODIES, SO AS TO PROVIDE THAT WITH APPROVAL OF THE BUDGET AND CONTROL BOARD, CERTAIN INSTITUTIONS OF HIGHER LEARNING MAY ENTER INTO GROUND LEASE AGREEMENTS WITH A PRIVATE ENTITY WHEREBY THE PRIVATE ENTITY WILL PROVIDE ALL SERVICES NECESSARY FOR THE CREATION AND OPERATION OF ON‑CAMPUS INFRASTRUCTURE, AND TO PROVIDE THAT UPON THE EXPIRATION OF THE GROUND LEASE AGREEMENT, THE PRIVATE ENTITY SHALL SURRENDER THE PREMISES TO THE INSTITUTION; TO AMEND SECTION 11-35-1210, RELATING TO THE BUDGET AND CONTROL BOARD’S REVIEW OF DOLLAR LIMITS FOR A GOVERNMENTAL BODY’S PROCUREMENT, SO AS TO PROVIDE THAT THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, IN COORDINATION WITH THE APPROPRIATE CHIEF PROCUREMENT OFFICER, MAY APPROVE A CUMULATIVE TOTAL OF UP TO FIFTY THOUSAND DOLLARS IN ADDITIONAL PROCUREMENT AUTHORITY FOR TECHNICAL COLLEGES; TO AMEND SECTION 11-35-1550, RELATING TO BID PROCEDURES, SO AS TO PROVIDE THAT IN CERTAIN SITUATIONS, A PUBLIC INSTITUTION OF HIGHER LEARNING AND TECHNICAL COLLEGE MAY MAKE SMALL PURCHASES NOT EXCEEDING TEN THOUSAND DOLLARS WITHOUT CERTAIN PROVISIONS OF THE PROCUREMENT CODE APPLYING; TO AMEND SECTION 11‑35‑3310, RELATING TO INDEFINITE DELIVERY CONTRACTS, SO AS TO INCREASE CERTAIN DOLLAR LIMITS FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TECHNICAL COLLEGES; TO AMEND SECTION 11‑35‑4810 RELATING TO COOPERATIVE PURCHASING, SO AS TO EXEMPT PUBLIC INSTITUTIONS OF HIGHER LEARNING FROM THE REQUIREMENT OF THIRTY DAYS’ NOTICE OF A MULTI-STATE SOLICITATION IF A COST SAVINGS IS DEMONSTRATED TO THE OFFICE OF STATE PROCUREMENT; TO AMEND SECTION 1‑7‑170, RELATING TO ENGAGING AN ATTORNEY ON A FEE BASIS, SO AS TO PROVIDE THAT A PUBLIC INSTITUTION OF HIGHER LEARNING SHALL ENGAGE AND COMPENSATE OUTSIDE COUNSEL IN ACCORDANCE WITH POLICIES AND PROCEDURES ADOPTED BY THE STATE BUDGET AND CONTROL BOARD FOR MATTERS OF BONDED INDEBTEDNESS, PUBLIC FINANCE, BORROWING, AND RELATED FINANCIAL MATTERS; BY ADDING SECTION 59‑101‑55, SO AS TO PROHIBIT STATE APPROPRIATED FUNDS FROM BEING USED TO PROVIDE OUT‑OF‑STATE SUBSIDIES TO STUDENTS ATTENDING STATE‑SUPPORTED INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 59‑101‑620, RELATING TO EDUCATIONAL FEE WAIVERS, SO AS TO REQUIRE THAT ANY FEE WAIVERS ABOVE FOUR PERCENT MUST BE USED FOR IN‑STATE STUDENTS; BY ADDING SECTION 59‑112‑115, SO AS TO PROVIDE THAT WHEN THE GOVERNING BOARD OF A PUBLIC INSTITUTION OF HIGHER LEARNING OR TECHNICAL COLLEGE ADOPTS A CHANGE TO THE TUITION OR FEES IMPOSED ON STUDENTS, THE CHANGE MAY BE IMPLEMENTED ONLY AFTER A PUBLIC VOTE WITH THE NUMBER OF TRUSTEES OR LOCAL AREA COMMISSIONERS VOTING FOR AND AGAINST THE CHANGE BEING COUNTED; BY ADDING SECTION 8‑11‑162, SO AS TO PROVIDE THAT TECHNICAL COLLEGE PRESIDENTS ARE COVERED BY THE AUTHORITY OF THE AGENCY HEAD SALARY COMMISSION; TO AMEND SECTION 1‑11‑55 RELATING TO THE LEASING OF REAL PROPERTY FOR GOVERNMENTAL BODIES, SO AS TO PROVIDE THAT A TECHNICAL COLLEGE, WITH THE APPROVAL BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND A PUBLIC INSTITUTION OF HIGHER LEARNING, MAY ENTER INTO ANY LEASE AGREEMENT OR RENEW ANY LEASE AGREEMENT UP TO ONE HUNDRED THOUSAND DOLLARS ANNUALLY FOR EACH PROPERTY OR FACILITY WITHOUT NOTIFYING THE OFFICE OF GENERAL SERVICES FOR AN INVESTIGATION OF AVAILABLE SPACE; BY ADDING SECTION 59-53-168 SO AS TO AUTHORIZE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO EMPLOY AND ADMINISTER CERTAIN ADMINISTRATIVE EFFICIENCY PROVISIONS, AND TO ESTABLISH AN ADVISORY BOARD; BY ADDING SECTION 59‑112‑140 SO AS TO ALLOW THE AREA COMMISSION FOR THE FLORENCE‑DARLINGTON TECHNICAL COLLEGE TO WAIVE CERTAIN REQUIREMENTS FOR STUDENT PARTICIPANTS IN THE CATERPILLAR DEALER ACADEMY OPERATED BY FLORENCE‑DARLINGTON TECHNICAL COLLEGE; TO AMEND SECTION 2‑77‑20, RELATING TO THE SOUTH CAROLINA HIGHER EDUCATION EXCELLENCE ENHANCEMENT PROGRAM, SO AS TO REQUIRE THAT ALL THE FUNDS APPROPRIATED TO THE PROGRAM MUST BE ALLOCATED EQUALLY AMONG THE ELIGIBLE INSTITUTIONS; AND TO AMEND SECTION 59‑142‑40, RELATING TO STUDENTS FIRST FINANCIAL RESOURCES FOR SCHOLARSHIPS AND TUITION, SO AS TO UPDATE REFERENCES AND TO PROVIDE THAT FUNDS FOR THE NEED BASED GRANT MUST BE ALLOCATED IN A GIVEN YEAR TO INSTITUTIONS USING A METHODOLOGY THAT CONSIDERS STATE RESIDENT PELL GRANT RECIPIENTS SO THAT EACH PUBLIC INSTITUTION SHALL RECEIVE AN AMOUNT SUFFICIENT TO PROVIDE A SIMILAR LEVEL OF SUPPORT PER STATE RESIDENT PELL RECIPIENT WHEN COMPARED TO TUITION AND REQUIRED FEES, BUT THAT NO INSTITUTION SHALL RECEIVE A SMALLER PROPORTION OF FUNDING THAN WOULD BE PROVIDED UNDER THE STUDENT ENROLLMENT METHODOLOGY USED IN YEARS PRIOR TO FISCAL YEAR 2008‑09.

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

That the same do pass with the following amendments:

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

/ Part I

Citation

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

Part II

Transaction Register

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

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

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

(i) the transaction amount;

(ii) the name of the payee;

(iii) the identification number of the transaction; and

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

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

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

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

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

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

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

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

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

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

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

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

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

Part III

Human Resources

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

Part IV

Facilities and Capital Expenditure Revisions

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

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

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

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

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

(1) acquisition of land, regardless of cost, with staff level review of the committee and the Budget and Control Board, Capital Budget Office, up to two hundred fifty thousand dollars;

(2) acquisition, as opposed to the construction, of buildings or other structures, regardless of cost, with staff level review of the committee and the Budget and Control Board, Capital Budget Office, up to two hundred fifty thousand dollars;

(3) ~~construction of additional facilities and~~ work on existing facilities for any given project including their renovation, repair, maintenance, alteration, or demolition in those instances in which the total cost of all work involved is ~~five hundred thousand~~ one million dollars or more;

(4) architectural and engineering and other types of planning and design work, regardless of cost, which is intended to result in a permanent improvement project. Master plans and feasibility studies are not permanent improvement projects and are not to be included;

(5) capital lease purchase of a facility acquisition or construction in which the total cost is one million dollars or more; ~~and~~

(6) equipment that either becomes a permanent fixture of a facility or does not become permanent but is included in the construction contract shall be included as a part of a project in which the total cost is one million dollars or more; and

(7) new construction of a facility that exceeds a total cost of five hundred thousand dollars.

Any permanent improvement project that meets the above definition must become a project, regardless of the source of funds. However, an institution of higher learning that has been authorized or appropriated capital improvement bond funds, capital reserve fund or state appropriated funds, or state infrastructure bond funds by the General Assembly for capital improvements shall process a permanent improvement project, regardless of the amount.

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

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

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

Part V

Procurement Code Revisions

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

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

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

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

(2) Competition and Price Reasonableness.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part VI

Miscellaneous Provisions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Part VII

Severability and Time Effective

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

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

/s/Sen. John E. Courson /s/Rep. Phillip D. Owens

/s/Sen. Darrell Jackson /s/Rep. Lester P. Branham

/s/Sen. Michael T. Rose Rep. Rick Quinn

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

, and a message was sent to the House accordingly.

**REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED**

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

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

Senator LEATHERMAN explained the Report of the Committee of Conference.

Senator SHEHEEN spoke on the report.

Senator MASSEY spoke on the report.

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

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

**Ayes 14; Nays 27**

**AYES**

Bright Bryant Campsen

Davis Gregory Grooms

*Martin, Shane* Massey McConnell

Rose Ryberg Sheheen

Shoopman Verdin

**Total--14**

**NAYS**

Alexander Anderson Campbell

Cleary Coleman Elliott

Fair Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Matthews

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Williams

**Total--27**

The Senate refused to table the report.

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

Senator MASSEY was recognized to speak on the report.

**Objection**

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

Senator HUTTO objected.

Senator MASSEY resumed speaking on the report.

**Objection**

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

Senator HUTTO objected.

Senator MASSEY resumed speaking on the report.

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

**Ayes 24; Nays 17**

**AYES**

Alexander Anderson Campbell

Courson Fair Ford

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis *Martin, Larry* Matthews

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Williams

**Total--24**

**NAYS**

Bright Bryant Campsen

Cleary Davis Elliott

Gregory Grooms Malloy

*Martin, Shane* Massey McConnell

Rose Ryberg Sheheen

Shoopman Verdin

**Total--17**

The Report of the Committee of Conference was adopted.

, and a message was sent to the House accordingly.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Message from the House**

Columbia, S.C., June 22, 2011

Mr. President and Senators:

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

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

Very respectfully,

Speaker of the House

Received as information.

**ENROLLED FOR RATIFICATION**

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

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

A message was sent to the House accordingly.

**Motion Adopted**

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

**REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED**

H. 3701 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010‑2011.

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

Senator LEATHERMAN explained the Report of the Committee of Conference.

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

**Ayes 34; Nays 7**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Malloy

*Martin, Larry Martin, Shane* Matthews

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--34**

**NAYS**

Bright Bryant Campsen

Davis Massey Rose

Ryberg

**Total--7**

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

**H. 3701--Conference Report**

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

The Committee of Conference, to whom was referred:

H. 3701 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010‑2011.

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

That the same do pass with the following amendments:

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

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

(1) P32‑Department of Commerce

Deal Closing Fund $ 5,000,000

(2) H59‑State Board for Technical

and Comprehensive Education

CATT Program $ 13,000,000

(3) J02‑Department of Health

and Human Services

Medicaid Technology

Federal Mandates $ 1,771,692

(4) P28‑Department of Parks,

Recreation and Tourism

Destination Specific $ 5,400,000

(5) J12‑Department of Mental Health

Bryan Psychiatric

Roof Replacement $ 6,572,388

(6) P12‑Forestry Commission

Forestry Equipment Replacement $ 3,000,000

(7) E28‑Election Commission

2012 Statewide Primary Election $ 3,800,000

(8) H73‑Vocational Rehabilitation

Durable Medical Equipment $ 2,500,000

(9) B04‑Judicial Department

Statewide Implementation of

Electronic Filing $ 5,000,000

(10) H75‑School for the Deaf and the Blind

Vocational Education Center

Renovation $ 4,401,240

(11) H71‑Wil Lou Gray Opportunity School

Bus Replacement and Computer

Replacement $ 195,000

(12) E23‑Commission on Indigent Defense

Technology for Docket Management,

Electronic Filing and

Case Management $ 450,000

(13) D17‑Governor’s Office of Executive

Policy and Programs

Veterans’ Cemetery $ 750,000

(14) H63‑Department of Education

Governor’s School for the Arts

and the Humanities

Desktop Computer Replacement $ 75,000

(15) H63‑Department of Education

Governor’s School for the Arts

And the Humanities

Replacement of Classroom

Equipment and Furnishings $ 85,000

(16) A17‑Legislative Printing and

Information Technology Systems

Information Technology $ 900,000

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

Technology Infrastructure $ 1,600,000

(18) U30‑Division of Aeronautics

Aeronautics Parts and Fuel $ 600,000

(19) P28‑Department of Parks, Recreation

and Tourism

Regional Tourism Promotion $ 100,000

(20) J12‑Department of Mental Health

Campbell Veterans Nursing Home

Deferred Maintenance $ 750,000

(21) J12‑Department of Mental Health

Stone Veterans Nursing Home

Deferred Maintenance $ 1,330,000

(22) D10‑State Law Enforcement Division

Law Enforcement Equipment $ 1,000,000

(23) K05‑Department of Public Safety

Law Enforcement Equipment $ 1,000,000

(24) E20‑Office of Attorney General

Information Technology $ 1,000,000

(25) H59‑State Board for Technical and

Comprehensive Education

Training Equipment‑Trident

Technical College $ 500,000

(26) N08‑Department of Probation,

Parole and Pardon Services

Agent Equipment $ 500,000

(27) P24‑Department of Natural Resources

Law Enforcement Equipment $ 1,000,000

(28) P32‑Department of Commerce

Economic Development

Organizations $ 5,000,000

(29) H59‑State Board for Technical and

Comprehensive Education

Deferred Maintenance $ 9,593,651

(30) H75‑School for the Deaf and the Blind

Deferred Maintenance $ 1,550,000

(31) H09‑The Citadel

Deferred Maintenance $ 811,439

(32) H12‑Clemson University

Deferred Maintenance $ 6,195,597

(33) H15‑University of Charleston

Deferred Maintenance $ 1,712,207

(34) H17‑Coastal Carolina University

Deferred Maintenance $ 831,612

(35) H18‑Francis Marion University

Deferred Maintenance $ 965,801

(36) H21‑Lander University

Deferred Maintenance $ 547,427

(37) H24‑South Carolina State University

Deferred Maintenance $ 1,073,693

(38) H27‑University of South Carolina

Columbia Campus

Deferred Maintenance $ 9,115,505

(39) H29‑University of South Carolina

Aiken Campus

Deferred Maintenance $ 560,133

(40) H34‑University of South Carolina

Upstate Campus

Deferred Maintenance $ 730,319

(41) H36‑University of South Carolina

Beaufort Campus

Deferred Maintenance $ 131,893

(42) H37‑University of South Carolina

Lancaster Campus

Deferred Maintenance $ 139,228

(43) H38‑University of South Carolina

Salkehatchie Campus

Deferred Maintenance $ 118,639

(44) H39‑University of South Carolina

Sumter Campus

Deferred Maintenance $ 220,518

(45) H40‑University of South Carolina

Union Campus

Deferred Maintenance $ 53,817

(46) H47‑Winthrop University

Deferred Maintenance $ 1,174,145

(47) H51‑Medical University of South Carolina

Deferred Maintenance $ 4,877,511

Total $ 107,683,455

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

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

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

Amend title to conform.

/s/Sen. Hugh K. Leatherman, Sr. /s/Rep. Daniel T. Cooper

/s/Sen. Harvey S. Peeler, Jr. /s/Rep. W. Brian White

/s/Sen. John W. Matthews /s/Rep. James A. Battle, Jr.

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

, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 22, 2011

Mr. President and Senators:

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

H. 3701 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010‑2011.

Very respectfully,

Speaker of the House

Received as information.

**H. 3701--ENROLLED FOR RATIFICATION**

H. 3701 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010‑2011.

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

, and a message was sent to the House accordingly.

**CONCURRENCE**

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

The House returned the Bill with amendments.

Senator McCONNELL explained the amendments.

The question then was concurrence with the House amendments.

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

**Ayes 35; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Davis

Fair Gregory Grooms

Hayes Hutto Knotts

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

Matthews McConnell McGill

Nicholson O’Dell Peeler

Rankin Rose Ryberg

Scott Setzler Thomas

Verdin Williams

**Total--35**

**NAYS**

Sheheen

**Total--1**

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

**RATIFICATION OF ACTS**

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

(R103, S. 20) -- Senators Grooms, McConnell, Thomas, Alexander, Leatherman, Knotts, Bryant, Hayes, Rose, Verdin, S. Martin, Peeler, L. Martin, Fair, Ryberg, Cromer, Campsen, Davis, Shoopman, Rankin and Bright: AN ACT TO AMEND SECTION 6‑1‑170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PREEMPTION OF LOCAL ORDINANCES REGARDING IMMIGRATION, SO AS TO ALLOW A CIVIL ACTION TO BE BROUGHT UNDER CERTAIN CIRCUMSTANCES WHEN A POLITICAL SUBDIVISION LIMITS OR PROHIBITS A LOCAL OFFICIAL FROM SEEKING TO ENFORCE A FEDERAL OR STATE LAW WITH REGARD TO IMMIGRATION OR THE UNLAWFUL IMMIGRATION STATUS OF A PERSON; TO AMEND SECTION 8‑14‑10, RELATING TO DEFINITIONS FOR THE PURPOSES OF UNAUTHORIZED ALIENS AND PUBLIC EMPLOYMENT, SO AS TO EXPAND THE DEFINITION OF “PRIVATE EMPLOYER”; TO AMEND SECTION 8‑14‑20, RELATING TO PUBLIC EMPLOYER PARTICIPATION IN THE FEDERAL WORK AUTHORIZATION PROGRAM AND SERVICE CONTRACTORS, SO AS TO DELETE PROVISIONS REGARDING CERTAIN TYPES OF IDENTIFICATIONS PREVIOUSLY ALLOWED FOR VERIFICATION OTHER THAN E‑VERIFY AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 16‑9‑460, RELATING TO AIDING ILLEGAL ENTRY OR HARBORING AN UNLAWFUL ALIEN, SO AS TO INCLUDE IN THE PURVIEW OF THE STATUTE THE PERSON WHO ENTERED THE COUNTRY, REMAINED, OR SHELTERED THEMSELVES FROM DETECTION ILLEGALLY; BY ADDING SECTION 16‑17‑750 SO AS TO CREATE THE OFFENSE OF FAILURE TO CARRY A CERTIFICATE OF ALIEN REGISTRATION ISSUED TO THE PERSON AND TO PROVIDE A PENALTY; BY ADDING SECTION 17‑13‑170 SO AS TO REQUIRE LAW ENFORCEMENT UNDER CERTAIN CIRCUMSTANCES AND WITH REASONABLE SUSPICION TO DETERMINE WHETHER A PERSON IS LAWFULLY PRESENT IN THE UNITED STATES, TO DELINEATE INFORMATION THAT MAY BE PROVIDED TO PRESUME THE PERSON IS LEGALLY PRESENT IN THE UNITED STATES, TO PROVIDE FOR THE OFFENSE OF PROVIDING FALSE INFORMATION AND TO PROVIDE PENALTIES, TO PROVIDE PROCEDURES FOR VERIFICATION OF STATUS AND EXCEPTIONS, AND TO PROVIDE FOR THE COLLECTION OF DATA ON MOTOR VEHICLES STOPPED WITHOUT A CITATION ISSUED; TO AMEND SECTION 23‑3‑1100, RELATING TO THE VERIFICATION OF THE STATUS OF PRISONERS, NOTIFICATION OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, AND HOUSING AND MAINTENANCE EXPENSES, SO AS TO PROVIDE FOR TRANSPORTATION OF A PRISONER WHO IS AN ALIEN UNLAWFULLY PRESENT IN THE UNITED STATES TO A FEDERAL FACILITY OR OTHER FORM OF FEDERAL CUSTODY AND FOR NOTIFICATION TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY; TO AMEND SECTION 41‑8‑10, RELATING TO DEFINITIONS FOR PURPOSES OF ILLEGAL ALIENS AND PRIVATE EMPLOYMENT, SO AS TO REDEFINE THE TERMS “LICENSE” AND “PRIVATE EMPLOYER” AND DEFINE THE TERM “UNAUTHORIZED ALIEN”; TO AMEND SECTION 41‑8‑20, RELATING TO THE REQUIREMENTS OF COMPLETION AND MAINTENANCE OF FEDERAL EMPLOYMENT ELIGIBILITY VERIFICATION FORMS OR E‑VERIFY, SO AS TO REQUIRE AUTHORIZATION OF EVERY NEW EMPLOYEE WITHIN THREE, RATHER THAN FIVE, DAYS AND REQUIRE CONTRACTORS TO MAINTAIN CONTACT PHONE NUMBERS OF ALL SUBCONTRACTORS AND SUB‑SUBCONTRACTORS PERFORMING SERVICES FOR THE CONTRACTOR AND PROVIDE THIS INFORMATION UPON REQUEST; TO AMEND SECTION 41‑8‑30, RELATING TO EMPLOYMENT OF UNAUTHORIZED ALIENS, SO AS TO PROVIDE THAT A PRIVATE EMPLOYER VIOLATES THE PRIVATE EMPLOYER LICENSE IF HE KNOWINGLY AND INTENTIONALLY EMPLOYS AN UNAUTHORIZED ALIEN; TO AMEND SECTION 41‑8‑40, RELATING TO A PRIVATE EMPLOYER’S PRESUMPTION OF COMPLIANCE WITH THE LAW, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 41‑8‑50, RELATING TO PENALTIES FOR FAILING TO COMPLY WITH E‑VERIFY REQUIREMENTS, SO AS TO ALLOW ACTION AGAINST A PRIVATE EMPLOYER TO BE BROUGHT AFTER A RANDOM AUDIT OR AN INSPECTION REGARDING AN EMPLOYEE WHO HAS BEEN EMPLOYED THREE, RATHER THAN FIVE, DAYS AND TO PROVIDE FURTHER PROCEDURES FOR A PRIVATE EMPLOYER’S COMPLIANCE, TO PROVIDE FOR SUSPENSION AND REVOCATION OF THE PRIVATE EMPLOYER’S LICENSE UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 41‑8‑60, RELATING TO ACTIONS TO COLLECT CIVIL PENALTIES AGAINST A PRIVATE EMPLOYER, AND 41‑8‑120, RELATING TO THE PROMULGATION OF REGULATIONS AND STATEWIDE RANDOM AUDITS, BOTH SO AS TO DELETE REFERENCES TO CIVIL PENALTIES AND MAKE CONFORMING CHANGES REGARDING DISCIPLINARY ACTION AGAINST A PRIVATE EMPLOYER; BY ADDING SECTION 16‑13‑480 SO AS TO CREATE THE OFFENSE OF PROVIDING A FALSE PICTURE IDENTIFICATION FOR USE BY AN ALIEN UNLAWFULLY PRESENT IN THE UNITED STATES AND TO PROVIDE A PENALTY; TO REPEAL SECTION 23‑3‑80 RELATING TO THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION’S AUTHORIZATION TO NEGOTIATE A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES DEPARTMENT OF JUSTICE OR THE DEPARTMENT OF HOMELAND SECURITY REGARDING UNLAWFUL ALIENS; AND BY ADDING SECTION 23‑6‑60 SO AS TO CREATE THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE A MEMORANDUM OF AGREEMENT WITH UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.

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

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

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

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

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(R108, H. 3991) -- Reps. Harrell, Lucas, Harrison, Clemmons, Barfield, Cooper, Hardwick, Owens, Sandifer, G.R. Smith, J.R. Smith, White, Bingham and Erickson: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ADOPT THE UNITED STATES CENSUS OF 2010 AS OFFICIAL; BY ADDING SECTION 2-1-35 SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE HOUSE OF REPRESENTATIVES ARE ELECTED BEGINNING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 2-1-45 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE HOUSE OF REPRESENTATIVES WERE FORMERLY ELECTED; AND TO DESIGNATE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE HOUSE OF REPRESENTATIVES REAPPORTIONMENT PLAN UNDER THE VOTING RIGHTS ACT.

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**LOCAL APPOINTMENT**

**Confirmation**

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

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

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

**MOTION ADOPTED**

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

**ADJOURNMENT**

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

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