**Wednesday, March 2, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:45 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:

In Ecclesiastes the Teacher reminds us that, along with all else, there is:

“... a time to weep, and a time to laugh; a time to mourn, and a time to dance ...” (Ecclesiastes 3:4)

Let us pray:

It is clear, O God, that the pressures of our day—the enormously difficult issues before this body—the needs of South Carolinians throughout this State—all demand incredible time and energy from these dedicated servants. But, Lord, rather than merely weeping and mourning in the face of challenges, fill each Senator and every staff member with the desire to charge ahead, solving problems, preparing for the future—getting us all ready once more to laugh, and to dance. In Your hopeful name we pray, dear Lord.

Amen.

**Committee to Escort**

The PRESIDENT appointed Senators McCONNELL, COLEMAN, MALLOY, LARRY MARTIN and SHEHEEN to escort the Honorable Jean Hoefer Toal, Chief Justice of the South Carolina Supreme Court, and members of her party to the House of Representatives for the Joint Assembly.

**RECESS**

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

**JOINT ASSEMBLY**

**Chief Justice of the South Carolina Supreme Court**

At 12:00 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 H. 3514, a Concurrent Resolution adopted by both Houses.

The Honorable Jean Hoefer Toal, Chief Justice of the South Carolina Supreme Court, and members of her party, were escorted to the rostrum by Senators McCONNELL, COLEMAN, MALLOY, LARRY MARTIN and SHEHEEN and Representatives Munnerlyn, Pope, Murphy, Hart and Bannister.

The PRESIDENT introduced the Honorable Jean Hoefer Toal, Chief Justice of the South Carolina Supreme Court.

Chief Justice Toal addressed the Joint Assembly as follows:

**State of the Judiciary**

Address by the Honorable Jean Hoefer Toal

Chief Justice of South Carolina

*It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, we were all going direct to heaven, we were all going direct the other way— in short, the period was so far like the present period, that some of its noisiest authorities insisted on its being received, for good or for evil, in the superlative degree of comparison only.*

Charles Dickens opened his immortal Tale of Two Cities with these words. From the hindsight of 85 years, he was describing opinions in 1775 France of the state of the world during the French Revolution then occurring.

As we now look in the hindsight of 236 years, we know that there have been many more horrific times and many more glorious times since 1775. Are we again looking at the best and worst of times? I believe that these times of economic crisis present those of us in government with an unparalleled opportunity to rethink the way we do the people’s business.

The South Carolina Judicial Branch looks at tough times as a challenge to concentrate on four areas:

1. Management Techniques. How do we manage court business—are there new ideas?
2. Business Models. What are the business models we could use?
3. Processes. Can we modernize our processes?
4. Technology. How can we use technology to effect change?

The results we have targeted are:

1. Development of consistent standards for all 46 counties in which court is conducted and for all levels of court
2. Achievement of greater efficiency in the use of existing resources
3. More logical organization of court structure

New management techniques include a hard look at our trial courts. Declining court resources and exploding court filings have continued to create backlogs in our three largest trial courts in South Carolina. We have determined to examine each of these big dockets in depth. Justice Kaye Hearn will head up our Docket Management Task Force. Each trial division will have a subcommittee examining its current functioning. The Circuit Court Common Pleas, the civil trial docket, will be co-chaired by Court of Appeals Judge Danny Pieper of Berkeley and Richland/Williamsburg Circuit Court Judge Cliff Newman. Circuit Court General Sessions, the criminal trial docket, will be co-chaired by Justice Costa Pleicones of Richland and Spartanburg Circuit Court Judge Roger Couch. The Family Court subcommittee will be co-chaired by Court of Appeals Judge Aphrodite Konduros of Greenville and Richland Family Court Judge Dottie Mobley Jones. Each subcommittee has members from all parts of the South Carolina Court system.

My charge to this Task Force is that nothing is off the table. We want to take an accelerated look at short-term improvements that could quickly be implemented by administrative orders from my office, as well as long term improvements that may entail rules changes and statutory changes.

Among the topics that will be addressed are:

1. Use of court time. How are judges using their time? Does court breakdown because dockets are not effectively managed?
2. Staffing. Are we correctly staffing judges with the traditional structure of administrative assistant, law clerk, and court reporter? Can these personnel positions be redefined to be more effective?
3. Scheduling of cases. In civil and family court, the Clerk of Court and the judges schedule as a team. Are there better and more uniform ways to schedule across the 46 counties? In criminal court, the Solicitors schedule the cases. Now that each circuit solicitor has the state court technology system, can they do a better job of attacking the very large backlog of criminal cases?
4. How do other states and the federal courts manage their court calendars?
5. Can we use the National Center for State Courts' expertise to design a better system for managing our dockets?
6. What ideas do those who use the courts everyday have about what works and what does not work?
7. How can we improve predictability, consistency, uniformity, and effectiveness of the South Carolina courts?

The Task Force, all three subcommittees, met in its first plenary session on February 17, 2011. I have asked for a preliminary report from each subcommittee within four months.

Why is the Docket Management Task Force necessary? South Carolina does more court business with fewer state trial judges than any state or territory in the nation. We have the lowest number of judges per 100,000 of population and the highest case filing per judge. The national average for filing per judge is 1,755 cases per annum. In South Carolina, the average is a crushing 4,842 cases per judge per year. These aren’t just the statistics, these are individual cases—criminal, civil, and family—which deeply affect the lives of individual civil litigants, individual defendants charged with a crime, individual victims, individual children, mothers, fathers, and grandparents. In better times, we will have to revisit the issue of additional trial judge positions. But, for the present, we at the Judicial Branch are determined to bring the best thinking to bear on the issue of improving management of cases with our current assets.

Our business model is to put the people who come to our courts first and combine modernized processes with the use of technology to get their cases heard and decided quickly. Use of modern technology to automate court processes has been the centerpiece of my administration as your Chief Justice. In South Carolina, the Chief Justice is not just the presiding judge for the Supreme Court. By Constitution, the Chief Justice is also the CEO of the third branch of government. When I was elected Chief Justice twelve years ago, my challenge was to develop a plan for making our largely paper-based system run more effectively. Each of the 46 county Clerks of Court are the gatekeepers for our court system. They are the keepers of all records pertaining to the initiation and the progress of state level cases.

As I became Chief, each Clerk tried to manage the enormous volume of documents, money, time deadlines and notification of all persons involved in a case with their own system – sometimes automated, sometimes completely paper based. There were general guidelines but without a real statewide system Clerks were left to find vendors, money and system designs strictly on their own.

My first look at state automation convinced me that we could not afford a big mainframe computer system, with expensive hardware, software and maintenance cost.

The Internet was brand new 12 years ago. It was not much used by business or government as a records management tool. But it was cheaper and a lot more user friendly.

Our approach was to use an Internet-based platform as a basis for managing court operations.

Our five (5) fundamentals were:

1. Create high-speed connectivity everywhere in South Carolina that the courts do business – all the counties, all magistrates offices
2. Create statewide uniform case management software
3. Create websites for each county Clerk’s office and for the state Judicial Branch
4. Create a 24/7 call center providing on-going support for each county
5. Provide a standardized imaging system for putting paper documents into an automated system

It’s taken 10 years. We started with nothing in 2000. By 2005, word began to spread nationally about South Carolina’s effort to automate the whole State with an Internet-based system. We started to get calls from huge states like California and Massachusetts. By 2010, we are recognized as a national model.

Our biggest challenge for a web-based system was connectivity. Many rural areas of South Carolina didn't even have dial-up Internet service, nor cable TV service, when we started. We started with the main courthouse in each county. We cajoled, we begged, we partnered with large telephone companies, cable TV providers, and Mom and Pop telcos. Today, all 46 counties have reliable high-speed Internet connectivity to every courthouse and magistrate office. All have wide area high-speed networks. We have wired and built many of them with our own personnel. Twenty nine (29) counties, who have limited or no local IT departments, are hosted by the S.C. Judicial Department. We have become their IT for court business, and we maintain their records on our server farm here in Columbia.

As of last Friday, we are now 96 percent deployed. By this summer, Chesterfield, Darlington and Lee counties will come on line and our Statewide Court Case Management System will be 100 percent deployed.

How did we do it with no state money available? I show you this chart to illustrate what the use of federal technology funds accomplished. That blue column illustrates how we funded this project. Over 75 percent of the federal funds we received were spent in the counties providing wiring, expertise, software, hardware, continuing support and maintenance for this system. No single Clerk and no vendor-based system could ever have achieved the quality or efficiency this system has created.

But this raised the question, how can we sustain this system when the federal funds run out in 18 months? We have to replace this funding with a sustainable source, and we know neither the state nor the federal government can provide continuing funding.

Let’s pause for a moment to reflect on what a viable, working court system means to economic development in South Carolina.

The business community rallied to the side of the Judicial Branch last year as you seriously debated Judicial funding. Their message was clear. The ability of a state court system to fairly and timely resolve disputes is a highly important consideration in attracting new businesses to South Carolina. When court funding was in peril, Boeing representatives publically stepped forward to emphasize that a stable court system and such innovations as the business court docket were key considerations in Boeing's decision to make a major investment in South Carolina.

Revenue generation is an important aspect of smooth court functions. The court system is a large revenue generator, providing more than $109 million to state government and more than $26 million to local government. We do more with less than any court system in the nation.

Technology innovation is obviously a key to our continued effectiveness, so how do we provide sustainable funding?

At present, we have made a beginning. We provide the case management software, data conversion and training to set up the system into each county at no cost. They would pay hundreds of thousands of dollars to buy a similar system. After deployment, we provide on-going support 24/7 through our call center. We also provide on-going software support, maintenance and updates to our application.

Because the Judicial Branch owns the system, at present, the counties pay annual fees for software support and hosting to the Judicial Branch. It is a fraction of what they would and were paying as they automated with county-purchased, vendor-owned systems. All these funds are plowed back into our system to maintain and upgrade.

How will we replace the rest of the federal funds? Our business plan is to create a state-owned electronic filing system. It would not be required to electronically file. One could still file just as all do now with paper-based filing. If one wanted to electronically file, an electronic per document fee would be charged. Our model is based on a minimal fee, less than the federal fees or any other state.

We calculate we can build such a system for approximately $5 million. We believe it would generate about $7 million a year when operational. The Ways and Means Committee will recommend this project to the House floor when the FY 2011-12 Budget is debated. This would sustain the entire technology system and, over time, reduce current county charges, and the court document would be available on computers 24/7.

We use electronic banking, bill paying, shopping and many other processes because they are convenient and because of the integrity of storage of data.

So, summarizing, for the Good of the Order. Your Judicial Branch views the current crisis as an opportunity we may not have for years to come to create a new business model for the courts which will:

1. Streamline operations
2. Increase the efficiency and effectiveness of what we do have
3. Look at alternative sustainable funding sources
4. Increase public access to the courts

Our foundational principle is to be good stewards of the public trust and scarce taxpayer dollars by being innovative leaders.

It takes all of us in state government to rethink how we operate and how we fund the public business. The only business model that really works is collaboration among all three branches – the Executive, the Legislative and the Judicial. Together, we can achieve the vision of a brighter future for our beloved State.

Well, you know, I always conclude with my grandson, Patrick. But before I do that – what is the court system doing for the children of South Carolina? I am humbled to announce that your Judicial Branch and your Chief have been awarded the National Center for State Court's Sandra Day O’Connor Award for a state court's advancement of Civics Education.

We are the national pilot for the use of Justice O’Connor’s iCivics web-based, interactive civics education program for students; for our Class Action Program, bringing middle and high school students to the Supreme Court to hear oral arguments; for our Case of the Month program providing streaming video of a case argued before our court where students receive and study the briefs before hearing the argument; and for the South Carolina Supreme Court Institute, a summer program for middle and high school Social Studies teachers to demonstrate how to bring the law to life for their students.

This is a wonderful national honor for South Carolina.

And finally, here's my grandson, Patrick. He skied with his Big Momma and Pop for three (3) days after Christmas, and we all lived to tell the tale.

This is what we all work for. So I’m pretty clear on whether it is the best of times or the worst of times. You are sacrificing every day to make it the best of times for your fellow South Carolinians. It is the honor of my life to lead your partners – the judges of South Carolina – in achieving greatness for our people.

God Speed.

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.

At 12:35 P.M., the Senate resumed.

At 12:36 P.M., by prior motion of Senator McCONNELL, the Senate receded until 2:00 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 2:05 P.M. and was called to order by the PRESIDENT.

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

Elaine C. Elliott, 3613 Old Pee Dee Road, Hemingway, SC 29554

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

Isaac L. Pyatt, P. O. Box 807, Georgetown, SC 29442

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

Alan W. Walters, 333 Cleland Street, Georgetown, SC 29440

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

Tina G. McMillan, 25 Groce Road, Lyman, SC 29365

**Doctor of the Day**

Senator LEVENTIS introduced Dr. Chis Mahr of Sumter, S.C., Doctor of the Day.

**CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bill:

S. 96 Sen. Bright

**Privilege of the Chamber**

On motion of Senator MALLOY, with unanimous consent, Mrs. Willie Saleeby, wife of our colleague and friend, former Senator Ed Saleeby, was granted the Privilege of the Chamber, to that area behind the rail.

**Expression of Personal Interest**

Senator ELLIOTT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator RYBERG rose for an Expression of Personal Interest.

Senator LARRY MARTIN asked unanimous consent to make a motion that the time limitation for Expressions of Personal Interest be extended in order that the Senator from Aiken could complete his remarks.

There was no objection.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator ALEXANDER rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator SETZLER rose for an Expression of Personal Interest.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 633 -- Senator Sheheen: A BILL TO AMEND CHAPTER 13, TITLE 8 OF THE 1976 CODE BY ADDING SECTION 8-13-1339 TO PROHIBIT A POLITICAL ACTION COMMITTEE ORGANIZED BY OR ON BEHALF OF CERTAIN STATEWIDE OFFICIALS; AND TO AMEND SECTION 8-13-1340 TO DELETE REFERENCES TO A COMMITTEE ORGANIZED DIRECTLY OR INDIRECTLY ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A CANDIDATE OR PUBLIC OFFICIAL.

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Senator SHEHEEN spoke on the Bill.

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

S. 634 -- Senator Sheheen: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND M. ANDREW “ANDY” JAMES, FORMER KERSHAW COUNTY EDUCATOR AND SCHOOL BOARD MEMBER, FOR HIS THIRTY-FOUR YEARS OF OUTSTANDING PUBLIC SERVICE TO THE PEOPLE OF SOUTH CAROLINA.

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

S. 635 -- Senators L. Martin and Alexander: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE DR. DAVID SPITTAL UPON HIS RETIREMENT AS PRESIDENT OFSOUTHERN WESLEYAN UNIVERSITY AND TO WISH HIM ALL THE BEST IN HIS FUTURE ENDEAVORS.

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

S. 636 -- Senator Land: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-523 SO AS TO PROVIDE THAT A NONRESIDENT DURING A SPECIFIED PERIOD MAY OBTAIN A LIFETIME COMBINATION LICENSE FROM THE DEPARTMENT OF NATURAL RESOURCES UNDER CONDITIONS WHICH GRANT THE SAME PRIVILEGES AS A STATEWIDE COMBINATION LICENSE.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 637 -- Senator Alexander: A BILL TO AMEND THE 1976 CODE BY ADDING ARTICLE 108 TO CHAPTER 3, TITLE 56, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE SOUTH CAROLINA HIGHWAY PATROL-RETIRED LICENSE PLATES.

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

S. 638 -- Senators Fair, Grooms and Bryant: A BILL TO AMEND SECTION 7-5-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT OF REGISTRATION IN ORDER TO VOTE, SO AS TO PROVIDE THAT A PERSON IS NOT ALLOWED TO VOTE IN A PARTISAN PRIMARY ELECTION OR PARTISAN ADVISORY REFERENDUM UNLESS THE PERSON HAS REGISTERED AS BEING A MEMBER OF THAT PARTY; TO AMEND SECTION 7-5-170, AS AMENDED, RELATING TO THE REQUIREMENTS FOR VOTER REGISTRATION, SO AS TO PROVIDE THE REQUIREMENT OF STATING POLITICAL PARTY AFFILIATION, IF ANY, ON THE FORM AND INCLUDING IT IN THE OATH; AND TO REQUIRE THE STATE ELECTION COMMISSION TO ASSIST IN CAPTURING THIS DATA; AND TO AMEND SECTION 7-9-20, RELATING TO THE QUALIFICATIONS FOR VOTING IN PRIMARY ELECTIONS, SO AS TO INCLUDE, AS A REQUIREMENT, REGISTERING AS A MEMBER OF THE PARTY AND TO PROVIDE A PROCEDURE FOR CHANGING POLITICAL PARTY AFFILIATION OR NONAFFILIATION AFTER A SELECTION HAS BEEN MADE.

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

S. 639 -- Senators Lourie, Courson, Scott and Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE HEATHWOOD HALL EPISCOPAL SCHOOL BASKETBALL TEAM FOR A SUCCESSFUL SEASON, AND TO CONGRATULATE THE PLAYERS AND THEIR COACHES FOR CAPTURING THE 2011 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION STATE CHAMPIONSHIP TITLE.

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

S. 640 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR THE SACRIFICE MADE BY LANCE CORPORAL KYLE CARPENTER OF THE UNITED STATES MARINE CORPS, SERIOUSLY WOUNDED WHILE SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO THIS COURAGEOUS SERVICEMAN THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION.

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

S. 641 -- Senators O'Dell and Nicholson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE ABBEVILLE HIGH SCHOOL FOOTBALL TEAM, AND TO CONGRATULATE THE TEAM MEMBERS, COACHES, AND SCHOOL OFFICIALS FOR A STELLAR SEASON AND FOR CAPTURING THE UPPER STATE CHAMPIONSHIP AND THE 2010 CLASS A DIVISION I STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

H. 3776 -- Reps. Hardwick, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO CELEBRATE SIXTY-FIVE YEARS OF TREE FARMING IN THE PALMETTO STATE AND SALUTE THE SOUTH CAROLINA TREE FARM PROGRAM.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 225 -- Senator Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS WHO ARE OPERATING A MOTOR VEHICLE TO USE A WIRELESS ELECTRONIC COMMUNICATION DEVICE TO COMPOSE, SEND, OR READ A TEXT‑BASED COMMUNICATION AND TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION; AND TO AMEND SECTION 56‑1‑720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON’S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT ONE POINT MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF USING A WIRELESS ELECTRONIC COMMUNICATION DEVICE TO COMPOSE, SEND, OR READ A TEXT‑BASED COMMUNICATION WHILE OPERATING A MOTOR VEHICLE.

Ordered for consideration tomorrow.

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

H. 3178 -- Reps. Pitts, Limehouse, Hixon and Long: A BILL TO AMEND SECTION 61‑4‑550, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR THE SALE OF BEER AND WINE, SO AS TO REMOVE SPECIFIC REFERENCES TO NONPROFIT ORGANIZATIONS.

Ordered for consideration tomorrow.

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

**READ THE SECOND TIME**

S. 628 -- Senators Rose and Matthews: A BILL TO AMEND SECTION 3, ACT 267 OF 1987, RELATING TO THE AUTHORITY OF THE DORCHESTER COUNTY SCHOOL DISTRICTS TO SET THE TAX MILLAGE FOR EACH RESPECTIVE DISTRICT’S ANNUAL OPERATING BUDGET, TO PROVIDE THAT EACH DISTRICT MAY NOT EXCEED THE MILLAGE CAP IMPOSED BY SECTION 6-1-320 WITHOUT THE APPROVAL OF THE DORCHESTER COUNTY COUNCIL; AND TO AMEND ACT 593 OF 1992, RELATING TO THE LIMIT ON CASH RESERVES THAT MAY BE MAINTAINED BY DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4, TO CHANGE THE LIMIT FROM FIVE PERCENT TO FIFTEEN PERCENT.

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

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

**Ayes 3; Nays 0**

**AYES**

Grooms Matthews Rose

**Total--3**

**NAYS**

**Total--0**

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

**OBJECTION**

Senator SHEHEEN objected to the uncontested Bills on the Statewide Calendar.

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

**MADE SPECIAL ORDER**

H. 3004 -- Reps. Ballentine, Norman, Viers, Lucas, Simrill, Huggins, G.M. Smith, G.R. Smith, Loftis, Bedingfield, Hamilton, Stringer, Nanney, Lowe, Young, Willis, Bowen, D.C. Moss, Agnew, Pope, Daning, Thayer, Harrison, Allison, Taylor, Ryan, McCoy, Hixon, Bingham, Long, Whipper, R.L. Brown, Atwater, Henderson, Horne and Harrell: A BILL TO ENACT THE “SPENDING ACCOUNTABILITY ACT OF 2011”; AND TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑7‑125 SO AS TO REQUIRE CERTAIN BILLS AND JOINT RESOLUTIONS TO RECEIVE A RECORDED ROLL CALL VOTE AT VARIOUS STAGES OF THEIR PASSAGE BY THE HOUSE OF REPRESENTATIVES AND THE SENATE.

Senator LARRY MARTIN moved that the Bill be made a Special Order.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

The Bill was made a Special Order.

**MOTION ADOPTED**

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

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

**DEBATE INTERRUPTED**

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.

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

Senator LARRY MARTIN, chairman of the subcommittee, explained the Bill.

**Point of Order**

Senator KNOTTS raised a Point of Order that the order of business was an explanation of the Bill and not a debate on the merits of the Bill.

The PRESIDENT stated that the Rules allowed for the subcommittee chairman to make explanatory comments on the Bill.

Senator LARRY MARTIN resumed explaining the Bill.

**Amendment No. P1**

Senator HUTTO proposed the following amendment (20R001.CBH), which was tabled:

Amend the committee amendment, as and if amended, page [20-1], by striking lines 29-42, and page [20-2], by striking lines 1-6 and inserting:

/ SECTION 1. Section 6-1-170 of the 1976 Code is amended by adding subsection (E) to read:

“(E) Notwithstanding any other provision of law, the Attorney General may bring a civil action in the circuit court to enjoin any enactment, action, policy, or practice intentionally taken by the political subdivision in violation of this section. If the court finds that the political subdivision has intentionally violated this section, the court shall enjoin the enactment, action, policy, or practice. An injunction shall be the sole remedy against a political subdivision that violates this section.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator LARRY MARTIN argued contra to the adoption of the amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

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

**Ayes 32; Nays 10**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Grooms Hayes

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O’Dell Peeler

Rankin Rose Ryberg

Setzler Shoopman Thomas

Verdin Williams

**Total--32**

**NAYS**

Coleman Elliott Ford

Hutto Jackson Leventis

Lourie Reese Scott

Sheheen

**Total--10**

The amendment was laid on the table.

On motion of Senator McCONNELL, 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, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Tina G. McMillan, 25 Groce Road, Lyman, SC 29365

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

Isaac L. Pyatt, P. O. Box 807, Georgetown, SC 29442

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

Alan W. Walters, 333 Cleland Street, Georgetown, SC 29440

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

Elaine C. Elliott, 3613 Old Pee Dee Road, Hemingway, SC 29554

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Acy William Snipes, Sr. of Andrews, S.C., who passed away February 21, 2011. Mr. Snipes taught school for 34 years.

**ADJOURNMENT**

At 5:31 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

Senators BRIGHT, SHANE MARTIN and BRYANT desired to be recorded as voting against the motion to adjourn.

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