**Tuesday, March 1, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

The Lord called upon Joshua, urging him to: “Be strong and courageous ...” (Joshua 1:6a)

Please join me as we pray:

Holy God, it is now more than 20 years since the winds of Hugo roared upon the South Carolina coast and across this State. Yet for many, memories of that event continue to be vivid and real. Today winds of a different sort howl around us, especially there in the gap between needs and resources. O Father, truly empower these Senators to be strong and even courageous as they wrestle with issues that cry out for resolution. May they all feel Your power and Your grace as they lead Your people. In Your loving name we pray, dear Lord.

Amen.

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

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4137

Agency: Public Service Commission

Chapter: 103

Statutory Authority: 1976 Code Section 58-3-140

SUBJECT: Customer Deposits and Deposit Retention

Received by Lieutenant Governor January 24, 2011

Referred to Judiciary Committee

Withdrawn and Resubmitted February 25, 2011

**Doctor of the Day**

Senator SETZLER introduced Dr. March Seabrook of West Columbia, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator GROOMS, at 12:05 P.M., Senator VERDIN was granted a leave of absence until 3:00 P.M. today.

**CO-SPONSORS ADDED**

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

S. 503 Sen. Reese

S. 578 Sen. Rose

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 627 -- Senators Cromer, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, 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 SENATE RESOLUTION TO RECOGNIZE AND HONOR ROBERT R. SCOTT, PRESIDENT OF THE SOUTH CAROLINA FORESTRY ASSOCIATION, UPON THE OCCASION OF HIS RETIREMENT AFTER FORTY-ONE YEARS OF SERVICE, AND TO WISH HIM HAPPINESS AND SUCCESS IN THE YEARS AHEAD AFTER FOUR DECADES OF DEDICATION TO THE FORESTRY INDUSTRY AND THE CITIZENS OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

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.

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

S. 629 -- Senators Sheheen, Setzler, Lourie, Coleman, Malloy, Reese, Anderson, Hayes, Courson, Matthews, Land and Nicholson: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2011-2012 SCHOOL YEAR BY MAY 15, 2011; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

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

S. 630 -- Senators Knotts, Massey, Peeler, Reese, Davis, Hutto, Fair, Hayes, Verdin, Sheheen, Leventis, Malloy, Rose, McConnell, L. Martin, Rankin, Ryberg, Scott, Setzler, Cromer, Coleman, Ford, Campbell, Land, Courson, McGill, Jackson, Williams, Matthews, Lourie, O'Dell, Cleary, Nicholson, Alexander, Anderson, Leatherman, Pinckney, Thomas, Campsen and Shoopman: A SENATE RESOLUTION TO AMEND THE RULES OF THE SENATE BY ADDING RULE 54, THE "PROHIBITION ON NONCANDIDATE COMMITTEES", SO AS TO PROHIBIT A MEMBER OF THE SENATE FROM, DIRECTLY OR INDIRECTLY, ESTABLISHING, FINANCING, MAINTAINING, OR CONTROLLING A NONCANDIDATE COMMITTEE.

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Senators KNOTTS and SHEHEEN spoke on the Resolution.

The Senate Resolution was introduced and referred to the Committee on Rules.

S. 631 -- Senators Anderson and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-135 SO AS TO PROVIDE THAT THE SOUTH CAROLINA MEDICAL SERVICES AREA IS THE AREA WITHIN THE LEGAL BOUNDARIES OF THIS STATE; TO PROVIDE THAT MEDICAID RECIPIENTS AND PROVIDERS MUST UTILIZE HEALTH CARE FACILITIES WITHIN THIS AREA; AND TO PROVIDE THAT A MEDICAID RECIPIENT ONLY MAY BY TRANSFERRED FOR SERVICES OUTSIDE THIS AREA UNDER CERTAIN CONDITIONS.

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Senator ANDERSON spoke on the Bill.

Read the first time and referred to the Committee on Medical Affairs.

S. 632 -- Senator Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-101-440 SO AS TO PROVIDE THAT NO MORE THAN TWENTY-FIVE PERCENT OF THE ENTERING CLASS OF A PUBLIC INSTITUTION OF HIGHER LEARNING OF THIS STATE MAY BE COMPRISED OF STUDENTS WHO RESIDE OUTSIDE THE STATE, AND TO EXCLUDE TECHNICAL COLLEGES FROM THIS PROVISION.

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

H. 3241 -- Reps. Owens, Stringer, G. R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D. C. Moss, Sandifer, Harrell, Erickson, Norman, Barfield and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59-40-175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM FOR THE CONSTRUCTION, PURCHASE, RENOVATION, AND MAINTENANCE OF PUBLIC CHARTER SCHOOL FACILITIES; TO AMEND SECTION 59-40-20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59-40-40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59-40-50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO ALLOW FOR THE APPLICATION TO CREATE A SINGLE GENDER CHARTER SCHOOL, REVISE PRIORITY ENROLLMENT LIMITS, PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, PROVIDE FOR BOARD MEETING NOTICE REQUIREMENTS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE SHALL DETERMINE APPLICATION COMPLIANCE AND THE TIME IN WHICH A LOCAL SCHOOL DISTRICT SHALL RULE ON THE APPLICATION; TO AMEND SECTION 59-40-100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS PROVIDING FOR PAPER BALLOTS, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, AND TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59-40-110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59-40-140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59-40-190, AS AMENDED, RELATING TO LIABILITY OF A GOVERNING BODY OF A CHARTER SCHOOL, SO AS TO PROVIDE IMMUNITY TO A LOCAL SCHOOL DISTRICT FOR CRIMINAL OR CIVIL LIABILITY REGARDING ACTIVITIES RELATED TO A SPONSORED CHARTER SCHOOL; TO AMEND SECTION 59-40-230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP; AND TO AMEND SECTION 59-40-130, AS AMENDED, RELATING TO LEAVE TO BE EMPLOYED AT A CHARTER SCHOOL, SO AS TO PROVIDE THAT A CHARTER SCHOOL IS A COVERED EMPLOYER WITH RESPECT TO THE SOUTH CAROLINA RETIREMENT SYSTEMS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

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

H. 3516 -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT THE PROVISIONS OF SECTION 6-27-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON AMENDING OR REPEALING PROVISIONS IN THE STATE AID TO SUBDIVISIONS ACT ARE SUSPENDED FOR FISCAL YEAR 2011-2012, AND TO PROVIDE THAT FOR FISCAL YEAR 2011-2012 COUNTIES MAY TRANSFER AMONG APPROPRIATED STATE REVENUES AS NEEDED TO ENSURE THE DELIVERY OF SERVICES.

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

H. 3734 -- Rep. Knight: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10 AND 11, 2011, BY THE STUDENTS OF DORCHESTER COUNTY SCHOOL DISTRICT TWO WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

**REPORTS OF STANDING COMMITTEES**

**Invitations Accepted**

The following invitations were polled favorably from the Invitations Committee and the members voted as follows:

**Poll of the Invitations Committee**

**Polled 11; Ayes 7; Nays 0; Not Voting 4**

**AYES**

Knotts McGill O’Dell

Elliott Verdin Campsen

Cromer

**Total-- 7**

**NAYS**

**Total-- 0**

**NOT VOTING**

Alexander Reese Ford

Malloy

**Total-- 4**

Tuesday, March 1, 2011 - 6:00 p.m. - 8:00 p.m.

Members of the Senate, Reception, Capital City Club, by the SC Economic Developers’ Association

Wednesday, March 2, 2011 - 12:00 - 2:00 p.m.

Members of the Senate and Staff, Luncheon, Room 112 of the Blatt Building, by the sc Kidney Foundation

Wednesday, March 2, 2011 - 6:00 p.m. - 7:30 p.m.

Members of the Senate, Reception, Columbia Museum of Art, by the SC BANKERS ASSOCIATION

Thursday, March 3, 2011- 8:00 a.m. - 10:00 a.m.

Members of the Senate and Staff, Breakfast, Room 112 of the Blatt Building, by AMIKIDS

Tuesday, March 8, 2011 - 6:00 p.m. - 8:00 p.m.

Members of the Senate, Reception, Clarion Town House Hotel, by the SC Association of technical college commissioners

Wednesday, March 9, 2011 - 7:30 a.m.

Members of the Senate, Prayer Breakfast, Radisson Hotel & Conference Center, by the SC PRAYER FELLOWSHIP

Wednesday, March 9, 2011 - 12:00 Noon

Members of the Senate and Staff, Luncheon, Room 112 of the Blatt Building, by the CAROLINA RECYCLING ASSOCIATION

Wednesday, March 9, 2011 - 6:00 p.m.

Members of the Senate, 19th Annual Townes Award Dinner honoring Senator Leatherman, Columbia Marriott Hotel, by the SC GOVERNOR’S SCHOOL for SCIENCE and MATHEMATICS FOUNDATION

Wednesday, March 9, 2011 - 6:00 p.m. - 9:00 p.m.

Members of the Senate, Reception, Seawell’s Restaurant, by the SC SUMMARY COURT JUDGES ASSOCIATION

Thursday, March 10, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate, Breakfast, Room 112 of the Blatt Building, by the SC AVIATION ASSOCIATION

Wednesday, March 30, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate and Staff, Breakfast, Room 112 of the Blatt Building, by the SC CORONER’S ASSOCIATION

Wednesday, March 30, 2011 11:30 a.m. - 1:30 p.m.

Members of the SC Senate and Staff, Luncheon, State House Grounds, by the SC STATE FIREFIGHTERS’ ASSOCIATION

Wednesday, March 30, 2011 - 6:30 p.m. - 9:00 p.m.

Members of the Senate, 43rd Annual Bird Supper, Columbia Marriott Hotel, by the HOME BUILDERS ASSOCIATION OF SC

Thursday, March 31, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate and Staff, Breakfast, Room 112 of the Blatt Building, by the PIEDMONT MUNICIPAL POWER AGENCY

Senator ALEXANDER from the General Committee polled out H. 3622 favorable:

H. 3622 -- Reps. J.E. Smith, Pitts and Sottile: A JOINT RESOLUTION TO EXTEND THE DEADLINE FOR THE VETERANS’ ISSUES STUDY COMMITTEE TO SUBMIT ITS WRITTEN REPORT FROM SEPTEMBER 1, 2010, TO JANUARY 31, 2012.

**Polled 17; Ayes 17; Nays 0; Not Voting 0**

**AYES**

Alexander O’Dell *Martin, Larry*

Knotts Ford Sheheen

Reese Lourie Bryant

Bright Cleary Coleman

Cromer Hayes Jackson

Scott Shoopman

**Total--17**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

Senator ALEXANDER from the General Committee polled out H. 3714 favorable:

H. 3714 -- Reps. Gilliard, Stavrinakis, McCoy, Clyburn, Anderson, Daning, McEachern, Crosby, Limehouse, Sottile, R.L. Brown, Clemmons, Dillard, Herbkersman, Hosey, Mack, Patrick and Whipper: A CONCURRENT RESOLUTION TO COMMEMORATE THE UNION OF THE CHARLESTON AIR FORCE BASE AND NAVAL WEAPONS STATION CHARLESTON, RENAMED JOINT BASE CHARLESTON, AND TO COMMEND JOINT BASE CHARLESTON FOR ITS OVERALL IMPORTANCE TO THE STATE AND OUR NATIONAL SECURITY, AND TO COMMEND THE DEDICATED MEN AND WOMEN THERE SERVING THE STATE OF SOUTH CAROLINA AND THE UNITED STATES OF AMERICA.

**Poll of the General Committee**

**Polled 17; Ayes 17; Nays 0; Not Voting 0**

**AYES**

Alexander O’Dell *Martin, Larry*

Knotts Ford Sheheen

Reese Lourie Bryant

Bright Cleary Coleman

Cromer Hayes Jackson

Scott Shoopman

**Total--17**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

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

**OBJECTION**

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

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

**MADE SPECIAL ORDER**

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.

On behalf of the Rules Committee, Senator LARRY MARTIN, as Chairman of the Committee on Rules, moved to make the Bill a Special Order pursuant to Rule 33B.

The motion to make the Bill a Special Order was polled out of the Committee on Rules as follows:

**Poll of the Rules Committee**

**Polled 14; Ayes 10; Nays 4; Not Voting 3**

**AYES**

*Martin, Larry* McConnell Knotts

Cromer Leatherman Massey

Davis *Martin, Shane* Rose

Shoopman

**Total--10**

**NAYS**

Land Hutto Matthews

Nicholson

**Total--4**

**NOT VOTING**

Reese Malloy Elliott

**Total--3**

The question then was the motion to make the Bill a Special Order.

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

**Ayes 27; Nays 8**

**AYES**

Alexander Bright Bryant

Campbell Cleary Courson

Cromer Davis Elliott

Fair Grooms Hayes

Leatherman *Martin, Larry Martin, Shane*

Massey McConnell McGill

O'Dell Peeler Rankin

Rose Ryberg Setzler

Shoopman Thomas Williams

**Total--27**

**NAYS**

Anderson Land Malloy

Matthews Nicholson Pinckney

Scott Sheheen

**Total--8**

Having received the necessary vote, the Bill was set for Special Order.

On motion of Senator PEELER, the Senate proceeded to a consideration of S. 434.

**CONSIDERATION INTERRUPTED**

S. 434 -- Senators Peeler, Bryant, Bright and Campsen: A JOINT RESOLUTION TO SUSPEND PROVISOS 21.11, 21.15, AND 21.20 OF PART IB, ACT 291 OF 2010, THE FISCAL YEAR 2010-2011 GENERAL APPROPRIATIONS BILL, AND TO SUSPEND A PORTION OF PROVISO 89.87 PROHIBITING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FROM REDUCING PROVIDER RATES.

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

Senator SHEHEEN argued contra to the third reading of the Joint Resolution.

Consideration was interrupted by the Joint Assembly, with Senator SHEHEEN retaining the floor.

**Committee to Escort**

The PRESIDENT appointed Senators PEELER, ALEXANDER and CAMPBELL to escort the Honorable Jimmie Foster, National Commander of the American Legion, and members of his party to the House of Representatives for the Joint Assembly.

**RECESS**

At 12:25 P.M., on motion of Senator LARRY MARTIN, the Senate receded from business for the purpose of attending the Joint Assembly.

**Address by the National Commander of the American Legion**

The PRESIDENT of the Senate announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses, S. 343.

The Honorable Jimmie Foster and members of his party were escorted to the rostrum by Senators PEELER, ALEXANDER and CAMPBELL and Representatives Butler Garrick, Tallon and Patrick.

The PRESIDENT of the Senate introduced the Honorable Jimmie Foster, National Commander of the American Legion.

Commander Foster addressed the Joint Assembly.

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 12:53 P.M., the Senate resumed.

**READ THE THIRD TIME, SENT TO THE HOUSE**

S. 434 -- Senators Peeler, Bryant, Bright and Campsen: A JOINT RESOLUTION TO SUSPEND PROVISOS 21.11, 21.15, AND 21.20 OF PART IB, ACT 291 OF 2010, THE FISCAL YEAR 2010-2011 GENERAL APPROPRIATIONS BILL, AND TO SUSPEND A PORTION OF PROVISO 89.87 PROHIBITING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FROM REDUCING PROVIDER RATES.

The Senate resumed consideration of the Joint Resolution, the question being the third reading of the Resolution.

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

**Ayes 24; Nays 8**

**AYES**

Alexander Bryant Campbell

Cleary Courson Cromer

Davis Fair Grooms

Hayes Knotts Leatherman

*Martin, Larry Martin, Shane* Massey

McConnell McGill O’Dell

Peeler Rankin Rose

Ryberg Shoopman Thomas

**Total--24**

**NAYS**

Anderson Coleman Ford

Land Matthews Nicholson

Reese Setzler

**Total--8**

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

**Statement by Senator BRIGHT**

Had I been present in the Chamber at the time the vote was taken, I would have voted in favor of third reading of the Joint Resolution.

**Statement by Senator SCOTT**

Had I been present in the Chamber at the time the vote was taken, I would have voted against third reading of the Joint Resolution.

**Statement by Senator MALLOY**

I was present but temporarily out of the Senate Chamber during the vote on S. 434. I voted against this measure on second reading. Consistent with that action, I would have voted against the legislation had I been in the Chamber. It is ill-advised during these difficult financial times to take action to cut rates to our hospitals, doctors and other medical providers when the State is receiving an increased reimbursement from the federal government for Medicaid. This action potentially pulls millions of dollars out of our state’s health care system because for every dollar South Carolina invests in Medicaid, the State receives around three or four dollars. In addition, I am concerned about how such provider cuts will impact access to medical care in South Carolina, particularly in poor, rural areas and other communities impacted by Medicaid.

**Expression of Personal Interest**

Senator McCONNELL rose for an Expression of Personal Interest.

**Statement by Senator McCONNELL**

**Concerning Redistricting**

Members of the Senate - I want to update you today on the upcoming redistricting process. I have been notified that South Carolina should receive the official results of the 2010 Census by the end of the month, probably sooner. Once the census results are received, we will begin the redistricting process. We know already our State will receive an additional congressional seat as the result of our population growth. The more detailed population data we receive this month will tell us the extent to which our Senate districts are malapportioned. As you are aware, the Senate has the responsibility of proposing and passing legislation to draw the boundaries of South Carolina’s Congressional Districts and the State Senate’s 46 districts.

We do a lot of important work in this Chamber. Along with these important tasks, we must work conscientiously to ensure that the people of South Carolina receive fair and equitable representation in their state and federal governments. To accomplish this, we must devote our attention to listening to our constituents and making wise decisions about how these districts should be drawn.

District boundaries must accommodate the needs of our constituents and meet the requirements of federal law. Specifically, South Carolina is a “covered jurisdiction” under Section 5 of the Voting Rights Act, which means that prior to a change in a voting practice being implemented, it must be submitted to either the United States Attorney General, or the United States District Court for the District of Columbia, for preclearance. For example, when we pass a law changing precinct lines or polling places, it must be precleared before the new precinct boundaries or polling places may be used in an election. Similarly, the redistricting plans we pass must be precleared before candidates may file and run for election in the new districts.

As you may know, the Constitution requires that districts have approximately equal population and they must also comply with the Voting Rights Act. The courts have also recognized the importance of “traditional redistricting principles,” or reasonable state policies which may be followed in drawing district lines. In the past, the Senate has sought input from citizens, interest groups, and government officials to determine the criteria and state policies to follow in drawing district lines. These criteria will guide us and help us justify our redistricting decisions. I advise that we should again implement a process to establish these criteria for ourselves and for those wishing to submit plans for our consideration.

As has been done in previous redistricting cycles, I have appointed and will rely on a subcommittee to begin our work on the redistricting process. The focus of this subcommittee’s efforts will be to:

(1) receive information in public forums about what traditional redistricting principles should be used and what areas are perceived as communities of interest;

(2) adopt the standards to be used as criteria and the procedures by which plans may be submitted for consideration;

(3) hold additional hearings later to receive plan proposals; and

(4) recommend proposed Senate and congressional plans to the Judiciary Committee.

I have directed my staff to schedule eight public hearings to be conducted throughout the State during the months of March and April. At these forums, the subcommittee will gather information about how citizens see themselves and the areas in which they live, and about the factors they feel are important in how their districts are redrawn. In particular, the subcommittee will be seeking specific information about existing “communities of interest” which should be taken into consideration when drawing districts. This information will be important for the preclearance submission and may be relied upon if the plans are challenged in court.

The first public hearing is tentatively scheduled to take place on Monday, March 28, in Myrtle Beach. The other hearings will be held in Aiken, Rock Hill, Greenville, Beaufort, Columbia, Florence, and Charleston. All of the hearings, except for the one in Columbia and the one in Greenville, will be held at local technical colleges. The Columbia hearing will be held in the Gressette Building.

Additional information about the hearings and the redistricting process will be posted to the Senate’s redistricting website, which is now online and is linked to the Senate’s legislative website. We will also use our website to make announcements about the process, make data publicly available, and provide other useful information.

I hope that you all will take an active part in the redistricting process. We need every member’s involvement, and this is how you may help!

First, please assist the staff in locating your residence. By now, a staff member should have given each of you a map which asks you to verify where you live in your district. If you have not already responded to this request, please do so as soon as possible.

Second, encourage your constituents to become involved in the process. My office will be notifying the media and statewide groups that have expressed an interest in the process, but we also need your help to get the message out to local groups about the hearings. I hope that each member will be able to attend the public hearing in your area so that you can listen to the concerns of your constituents.

We have a unique opportunity to show the people of South Carolina that the Senate cares about their concerns and will focus on drawing fair and representative Senate and congressional districts. We must work together on these plans and not allow the task to become mired in controversy or caught up in partisan backbiting. You are all my friends. At times we may disagree, but at the end of the day we must still be friends. Therefore, we must conduct this process with grace and respect.

The 2011 redistricting process will be a superb opportunity to show other jurisdictions how this difficult task should be handled. I want us to provide an example of civility and thoughtfulness and show that, here in the Senate, we truly place the best interests of South Carolinians over partisan politics.

Mr. President, I would ask unanimous consent to hand out the tentative public hearing schedule I mentioned in my remarks that will be posted on the website.

**Redistricting Public Hearing Schedule for 2011**

(tentative)

Monday, March 28, 6:30 p.m.

Horry-Georgetown Technical College, Myrtle Beach

(To receive information about Dillon, Georgetown, Horry, Marion, Marlboro and Williamsburg Counties)

Tuesday, March 29, 6:30 p.m.

Aiken Technical College, Aiken

(To receive information about Aiken, Allendale, Bamberg, Barnwell, Hampton, Lexington, Edgefield, McCormick, Orangeburg and Saluda Counties)

Wednesday, March 30, 6:30 p.m.

York Technical College, Rock Hill

(To receive information about Cherokee, Chester, Chesterfield, Fairfield, Kershaw, Lancaster, Newberry, Union and York Counties)

Thursday, March 31, 6:30 p.m.

Greenville County Council Chambers, Greenville

(To receive information about Abbeville, Anderson, Cherokee, Greenville, Greenwood, Laurens, Oconee, Pickens, Spartanburg and Union Counties)

Monday, April 4, 6:30 p.m.

Technical College of the Low Country, Beaufort

(To receive information about Beaufort, Colleton, Hampton and Jasper Counties)

Tuesday, April 5, 6:30 p.m.

105 Gressette Senate Office Building, Columbia

(To receive information about Calhoun, Clarendon, Fairfield, Kershaw, Lexington, Newberry, Orangeburg, Saluda, Richland and Sumter Counties)

Wednesday, April 6, 6:30 p.m.

Florence-Darlington Technical College, Florence

(To receive information about Chesterfield, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Lee, Marion, Marlboro, Sumter and Williamsburg Counties)

Thursday, April 7, 6:30 p.m.

Trident Technical College, Charleston

(To receive information about Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Hampton, Jasper and Orangeburg Counties)

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

**Motion Adopted**

Senator McCONNELL asked unanimous consent to make a motion that when the Senate adjourned, it stand adjourned to meet tomorrow at 11:45 A.M. for the purpose of attending the Joint Assembly, and, at the conclusion of the Joint Assembly, the Senate would stand in recess until 2:00 P.M.

There was no objection

**MOTION ADOPTED**

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. James E. “Bub” Lollis, Sr. of Greenwood, S.C.

and

**MOTION ADOPTED**

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Charles F. Crews, M.D. of Lexington, S.C. Dr. Crews served in the military, having earned the rank of Captain in the U.S. Army during the Korean War. Dr. Crews was a loving husband of 63 years to Dorothy, devoted father of four and doting grandfather of ten and great-grandfather of four.

**ADJOURNMENT**

At 1:35 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:45 A.M.

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