**Tuesday, June 21, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

We read in Genesis that:

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

 Please, bow with me as we pray:

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

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

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

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

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

Ava Bryant Ayers, Post Office Box 6122, Moncks Corner, SC 29461

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

Whilden Baggett, 155 Decatur Drive, Summerville, SC 29483

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

Ervin Brown, 1158 South Main Street, St. Stephen, SC 29479

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

Rad Stuart Deaton, 1312 Lark Lane, Hanahan, SC 29410

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

Paula Fechhelm McElvogue, Post Office Box 6122, Moncks Corner, SC 29461

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

James A. Polk, 1111 Hollybrooke Drive, Moncks Corner, SC 29461

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

Edward Larue Sessions, 1064 Dominion Drive, Hanahan, SC 29410

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

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

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

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

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

Derrick Dash, 740 Linwood Street, Elloree, SC 29047

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Leave of Absence**

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 970 -- Senator Courson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE BUCKNER FAMILY REUNION AND TO CONGRATULATE THE FAMILY MEMBERS UPON THE OCCASION OF THEIR THIRTIETH ANNUAL GATHERING.

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 The Senate Resolution was adopted.

 S. 971 -- Senator Coleman: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE DEATH OF ROGER ELMER JERMYN OF YORK COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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 The Senate Resolution was adopted.

 S. 972 -- Senator Coleman: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE JENKINSVILLE-MONTICELLO-HOREB FIRE DEPARTMENT, UPON THE CLOSING OF ITS ORIGINAL STATION AFTER THIRTY-TWO YEARS OF SERVICE IN THE COMMUNITY, AND TO CONGRATULATE THE MEMBERS OF THE DEPARTMENT AS THEY MOVE TO THEIR NEW LOCATION.

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 The Senate Resolution was adopted.

**HOUSE CONCURRENCES**

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

 Returned with concurrence.

 Received as information.

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

 Returned with concurrence.

 Received as information.

 S. 968 -- Senator Grooms: A CONCURRENT RESOLUTION TO EXPRESS THE THANKS OF THE SOUTH CAROLINA SENATE FOR CARNIVAL CRUISE LINES’ CONTRIBUTIONS TO THE ECONOMIC WELL‑BEING OF SOUTH CAROLINA AND FOR THE COMPANY’S COMMITMENT TO OPERATING IN A BALANCED MANNER THAT IS SENSITIVE TO THE ENVIRONMENT.

 Returned with concurrence.

 Received as information.

**MOTION FOR THIRD READING RECONSIDERED**

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

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

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

**MOTION UNDER RULE 24B**

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

**Proviso 39.13**

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

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

 The motion to reconsider was adopted.

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

**Ayes 28; Nays 9**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Ford Gregory Hayes

Jackson Knotts Land

Leventis Lourie Malloy

*Martin, Larry* Matthews McConnell

McGill Nicholson O'Dell

Pinckney Rose Scott

Setzler Sheheen Thomas

Williams

**Total--28**

**NAYS**

Bright Bryant Courson

Davis Fair Massey

Peeler Ryberg Verdin

**Total--9**

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

**Proviso 89.96**

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

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

 The motion to reconsider was adopted.

 Senator LOURIE spoke on the motion.

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

**Ayes 22; Nays 22**

**AYES**

Alexander Bright Bryant

Campbell Campsen Courson

Davis Elliott Fair

Grooms Knotts *Martin, Larry*

*Martin, Shane* McConnell McGill

O'Dell Peeler Ryberg

Setzler Shoopman Thomas

Verdin

**Total--22**

**NAYS**

Anderson Cleary Coleman

Ford Gregory Hayes

Hutto Jackson Land

Leventis Lourie Malloy

Massey Matthews Nicholson

Pinckney Rankin Reese

Rose Scott Sheheen

Williams

**Total--22**

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

**MOTION ADOPTED**

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

**MOTION ADOPTED**

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

 There was no objection and the motion was adopted.

**THE SENATE PROCEEDED TO THE SINE DIE RESOLUTION.**

**ADOPTION FAILED**

 S. 962 -- Senators McConnell, Hayes, L. Martin, Alexander, Ryberg, Campsen, Courson, Bright, Bryant, Rose, S. Martin, Thomas, Leatherman and Peeler: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III, OF THE CONSTITUTION OF THIS STATE, 1895, EACH HOUSE AGREES, BY THE VOTE REQUIRED BY THIS CONSTITUTIONAL PROVISION, TO RECEDE FROM THE OTHER HOUSE FOR LESS THAN OR MORE THAN THIRTY DAYS AS THE CASE MAY BE, THAT EACH HOUSE AGREES TO EXTEND THE 2011 REGULAR SESSION TO CONSIDER CERTAIN MATTERS DURING CERTAIN TIME PERIODS, AS PROVIDED BY THIS RESOLUTION, AND IF NOT ADJOURNED EARLIER, EACH HOUSE SHALL STAND ADJOURNED SINE DIE DECEMBER 1, 2011.

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

**Parliamentary Inquiry**

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

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

 Senator MALLOY spoke on the Resolution.

 Senator LARRY MARTIN spoke on the Resolution.

 Senator CAMPSEN spoke on the Resolution.

 Senator LEVENTIS spoke on the Resolution.

 Senator GREGORY spoke on the Resolution.

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

**Ayes 25; Nays 17**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Davis Elliott

Fair Gregory Grooms

Hayes *Martin, Larry Martin, Shane*

Massey McConnell McGill

O'Dell Peeler Rose

Ryberg Shoopman Thomas

Verdin

**Total--25**

**NAYS**

Anderson Coleman Ford

Hutto Jackson Knotts

Land Leventis Lourie

Malloy Matthews Nicholson

Reese Scott Setzler

Sheheen Williams

**Total--17**

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

**Statement by Senator KNOTTS**

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

**Statement by Senator LEATHERMAN**

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

**THE SENATE PROCEEDED TO THE REAPPORTIONMENT BILL.**

**READ THE SECOND TIME**

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

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

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

**Ayes 37; Nays 5; Present 1**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Davis

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leventis

Lourie *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Ryberg Setzler

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Anderson Elliott Ford

Scott Sheheen

**Total--5**

**PRESENT**

Malloy

**Total--1**

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

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

**MOTION ADOPTED**

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

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

**CARRIED OVER**

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

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

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

**CARRIED OVER**

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

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

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

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P.O. Box 11369

Columbia, SC 29211

June 15, 2011

The Honorable Ken Ard

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate,

 I am vetoing S.588, R81, a Bill that creates a statewide system for acute stroke management and a process for identifying, classifying, and certifying hospitals as primary stroke centers.

 **I am vetoing S.588, R81, because this Bill’s narrow focus both grows government ineffectively and falls short of providing a comprehensive care network** for acute cardiac and vascular emergencies. The South Carolina Department of Health and Environmental Control (DHEC) already regulates the capabilities of hospitals and manages programs focused at heart health and stroke prevention. The South Carolina Department of Health and Human Services (SCDHHS) already received funding to encourage rural development of both prevention and acute care treatment. Therefore, **state agencies have existing mechanisms to develop and implement a state plan for acute care and prevention, not just stroke care as this Bill narrowly addresses, and should not need an additional half-million dollars in recurring appropriations to do so**.

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

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

Sincerely,

Nikki R. Haley

**VETO OVERRIDDEN**

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

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

 Senator JACKSON spoke on the veto.

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

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

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

**Ayes 42; Nays 1**

**AYES**

Alexander Anderson Bright

Campbell Campsen Cleary

Coleman Courson Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

Bryant

**Total--1**

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

**Statement by Senator CAMPSEN**

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

*Senator Campsen,*

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

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

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

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

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

*Best regards,*

*Edward C. Jauch, MD MS, FAHA FACEP*

*Professor, Research Director*

*Division of Emergency Medicine & Department of Neurosciences*

*Medical University of South Carolina*

*Chair, American Stroke Association*

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

June 14, 2011

The Honorable Ken Ard

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate,

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

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

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

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

Sincerely,

Nikki R. Haley

**VETO SUSTAINED**

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

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

 Senator LAND spoke on the veto.

 Senator SHANE MARTIN spoke on the veto.

 Senator BRYANT spoke on the veto.

 Senator ROSE spoke on the veto.

 Senator LARRY MARTIN spoke on the veto.

 Senator CAMPSEN spoke on the veto.

 Senator LAND spoke on the veto.

 Senator McCONNELL spoke on the veto.

**Parliamentary Inquiry**

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

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

**Parliamentary Inquiry**

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

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

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

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

**Ayes 17; Nays 18; Present 9**

**AYES**

Anderson Coleman Elliott

Ford Hutto Jackson

Knotts Land Leventis

Lourie Matthews McGill

Nicholson Pinckney Reese

Scott Williams

**Total--17**

**NAYS**

Bright Bryant Campbell

Campsen Cleary Courson

Davis Fair Gregory

Grooms *Martin, Shane* Massey

Peeler Rose Ryberg

Shoopman Thomas Verdin

**Total--18**

**PRESENT**

Alexander Hayes Malloy

*Martin, Larry* McConnell O'Dell

Rankin Setzler Sheheen

**Total--9**

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

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

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

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

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

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

**Message from the House**

Columbia, S.C., June 15, 2011

Mr. President and Senators:

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

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

Very respectfully,

Speaker of the House

 Received as information.

**Expression of Personal Interest**

 Senator GROOMS rose for an Expression of Personal Interest.

**LOCAL APPOINTMENTS**

**Confirmations**

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

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

Ava Bryant Ayers, Post Office Box 6122, Moncks Corner, SC 29461

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

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

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

Ervin Brown, 1158 South Main Street, St. Stephen, SC 29479

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

Rad Stuart Deaton, 1312 Lark Lane, Hanahan, SC 29410

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

Paula Fechhelm McElvogue, Post Office Box 6122, Moncks Corner, SC 29461

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

James A. Polk, 1111 Hollybrooke Drive, Moncks Corner, SC 29461

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

Edward Larue Sessions, 1064 Dominion Drive, Hanahan, SC 29410

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Derrick Dash, 740 Linwood Street, Elloree, SC 29047

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

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

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

Whilden Baggett, 155 Decatur Drive, Summerville, SC 29483

**RECESS**

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

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

**REPORTS OF STANDING COMMITTEE**

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

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

 Ordered for consideration tomorrow.

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

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

 Ordered for consideration tomorrow.

**MOTION ADOPTED**

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

and

**MOTION ADOPTED**

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

and

**MOTION ADOPTED**

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

**ADJOURNMENT**

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

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