**Thursday, February 17, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Joshua commanded his people to:

“... love the Lord Your God, to walk in all his ways, to obey his commands, to hold fast to him and to serve him with all your heart and all your soul!” (Joshua 22:15b)

Join me as we bow in prayer:

O Lord, we pray today for each individual who labors here in the South Carolina Senate. Lead our Senate President, every Senator, and each staff member truly to serve You and the people of this State with all their heart and soul. Let high principles and noble desires dictate what is done and not done by these, Your servants. Moreover, we also pray this morning that You will be with and keep safe all of our women and men around the globe as they themselves serve the causes of freedom. In Your loving name we pray, O Lord.

Amen.

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

**Doctor of the Day**

Senator CROMER introduced Dr. Robert Livingston of Newberry, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator McGILL, at 11:05 A.M., Senator RANKIN was granted a leave of absence for the balance of the day.

**Leave of Absence**

At 11:10 A.M., Senator CLEARY requested a leave of absence beginning at 1:00 P.M.

**Leave of Absence**

On motion of Senator SHOOPMAN, at 11:05 A.M., Senator SHANE MARTIN was granted a leave of absence for today.

**Expression of Personal Interest**

Senator NICHOLSON rose for an Expression of Personal Interest.

**Remarks by Senator NICHOLSON**

Members of the Senate, I just want to take a few minutes to discuss something that’s very dear to me. You know in a few minutes, we’ll be taking up the Voter ID Bill again, and I think it’s very good that we’re doing that at this time because, as you all know, this is Black History Month here in the nation, and Black History Month is a time when you think about the contributions that blacks have made, not only to our State, but to our country as well.

During this time, we spend a lot of time reminiscing about the great contributions that have been made. But one of the key issues of which I am sure all of you know is about Dr. Martin Luther King, the great Civil Rights leader -- what he did and what he fought for. One of the main things he fought for was equal rights and the right to vote. As you think about that, how many of you know who Dr. King’s mentor was? Anyone ever heard of Dr. Benjamin E. Mays? How many of you know where Dr. Mays was from? He was from Greenwood -- from a small community called Epworth, South Carolina. How many of you know Dr. Mays was the one who put Morehouse University on the map? He was the President of Morehouse for twenty-something years and was able to get great funding for that school. How many of you know that while he was President there, Dr. King used to go to him after speeches to get encouragement regarding the paths he was going to take? How many of you know that Dr. Mays did the eulogy at Dr. King’s funeral? An individual from a little small community in Greenwood, South Carolina, who was an advisor to several Presidents, and his key component was education. Education holds the key. Had it not been for Dr. Mays, Dr. King would not have achieved the ideals he stood for, and I think as I reminisce back, many of the members in here are under sixty years of age. They don’t know what went on in the sixties -- all of the lives that were lost because they wanted an opportunity to cast their ballots. They wanted an opportunity to be able to vote in the democratic process. A lot of you don’t know how many dogs were released on them; how many ax handles were handed out to people to keep blacks from voting. What should have been a right for everybody, but when you have been denied certain rights, and all of the sudden get a chance to have a right to do certain things, you don’t want to relinquish it. I think it’s important that we make it possible for everybody to vote. We don’t want to go back where people are denied the right to vote because I just think it would be a disgrace to think of all of the lives that were lost because people just wanted the right to vote.

I remember my mother telling me about an incident in Greenwood in 1898, where certain blacks tried to vote at a store, which lead to an incident called the Phoenix Riot. A white individual was killed in the yard at that store and what did the white community do? They went around and rounded up about eight blacks, whoever they saw. They took them to this church, Rehoboth Baptist Church, and they hanged them in the yard at this church. The message they sent was if you try to vote, this is what’s going to happen to you. And it was just because they wanted a right to vote.

So are we trying to go back now and make it where individuals who are citizens of this State and who are entitled to their rights like everyone else -- that they be denied the right to cast their ballot for whoever they choose? It’s important that we, as members of this Senate, do everything we can to make sure that all citizens have equal rights.

I think that’s something that is very important because growing up in the sixties in my community, knowing certain things that I could not do that other individuals were allowed to do, and seeing the progress that we’ve made over the years -- do we want to go backwards? So, when we think about passing legislation, dealing with Voter ID, let’s make sure that we pass something that makes it fair for all citizens, because a lot of our senior citizens, when they acquired this right to vote, were so happy. Why do we want to make it harder for them to vote now?

Thank you.

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

**Expression of Personal Interest**

Senator ELLIOTT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator DAVIS rose for an Expression of Personal Interest.

**Remarks by Senator DAVIS**

In my other life, when I am not working as a State Senator, I’m a practicing attorney and I believe in the due process of law. Whenever someone is accused of something, before they’re subjected to public ridicule, before they’re written about in the newspaper and, quite frankly, before they’re talked about on the Senate floor, they should have had the chance to respond to what the allegations were. I’m talking in particular about what the Senator from Kershaw reported to this body yesterday regarding the Medicaid budget, and regarding Scott English, who I have had the pleasure of working with the last ten years, and who I know to be one of the finest public servants the State of South Carolina has ever had.

What I want to do today, just briefly, because I know we want to get to the Voter ID Bill, is provide a little bit more context, to talk about what takes place when the executive branch interacts with the legislature during the appropriation process. I come to this with a bit of unique knowledge because I served in the executive branch. I was a policy advisor, I was a Deputy Chief of Staff, I was a liaison to this body, and I was the Governor’s Chief of Staff. I’ve been involved in the drafting of several Executive Budgets, I’ve been involved in briefing agency directors, I’ve accompanied those directors to Finance Committee meetings, and I know what transpires.

I’m going to tell you what transpired in this particular case. The Executive Budget that Governor Sanford issued in January 2010, did, in fact, call for a 4% increase in the Medicaid budget, an increase of about $344 million. You may want to write those figures down -- 4% growth, $344 million. Governor Sanford was of the opinion that we could not continue sustaining Medicaid growth at 10% -- that such a rate of growth would bankrupt us. I think he was correct in that assumption that if Medicaid continues to grow at 10%, it will bankrupt us. So, yes, he called for a 4% increase in his Executive Budget, but he noted, time and again, that in order to limit this increase to 4%, some legislative changes needed to be made.

For instance, the DHHS Director must be given the ability to cut optional programs. The DHHS Director must not be restricted by provisos protecting the amount of reimbursement to health care providers.

So, let’s start with that. We then move forward from the Executive Budget -- which is the first step in the budget process -- to agency directors testifying before the House Ways and Means subcommittees, the full committee, and then to the Senate Finance subcommittees and the full committee. This was all documented as a matter of record and, if due process had been observed, you’d have heard about that testimony yesterday instead of being presented with that one-sided story that you actually got. But since it wasn’t given to you yesterday, I’m going to give it to you today so you guys don’t go home this weekend and face a lot of questions that I think are unfounded.

At the end of January, Ms. Forkner appeared before the Ways and Means subcommittee that handles Medicaid and said, “Based on the numbers that we now have” -- and I’m now talking about the end of January 2010 -- “Based on the numbers that we now have, I don’t think a 4% increase is enough. Now I’m going to ask for a 5% increase.” In other words, instead of asking for another $344 million, at the end of January 2010, she was asking for $379 million, a 5% increase in Medicaid expenditures.

Next, move forward another couple of months, when the budget has crossed over to the Senate, to April 2010. Then, looking at the numbers, looking at the population patterns, looking at the demographics, looking at the growth in health care expenditures, Emma Forkner told a Senate Finance subcommittee that she was going to need another $69 million, which would increase the total new money requested by her to $446 million. This was reported in the newspaper. This is a fact.

So, let’s review. Initially, in the Executive Budget, the requested increase in Medicaid expenditures was $344 million. A month later the DHHS Director said, “The numbers now show it’s going to be more -- that we’re going to need $379 million, a 5% increase.” Then two months later, looking at what was actually happening with the program, Senator from Greenville, Ms. Forkner then said, “$446 million in new money was needed” -- a 7% increase.

So, in April 2010, Ms. Forkner was asking a Senate Finance subcommittee for $446 million in new money, a 7% increase. The budget was passed by the Senate, was sent back over to the House, there’s a conference committee, and the conference committee ended up giving DHHS a $354 million increase -- a $354 million increase. So, in the Executive Budget, the Governor asked for $344 million in new money. A month later, the DHHS Director testified to the House Ways and Means subcommittee that the agency needed $379 million in new money. Two months later she told a Senate Finance subcommittee that DHHS needed $446 million in new money, and then the conference committee ends up giving $354 million.

Okay, so the money actually appropriated was $92 million less, Senator from Kershaw, than she said DHHS needed. This body passed a budget that appropriated to DHHS $92 million less than she told Senate Finance she needed in order to run DHHS.

Something else about yesterday -- you were told that after a veto of DHHS money was sustained, that Ms. Forkner was told by Mr. English that “everything was going to be ok,” the implication being that something nefarious had happened. Well, let’s give a little bit of a back story on that, too. Of the $354 million in new DHHS money appropriated in the budget -- again, $92 million less than the DHHS Director had asked for -- $171 million was FMAP money that had not yet been approved by Congress. The Governor vetoed that appropriation, which was in Part 4 of the budget, because Governor Sanford took the position -- and I think a right one -- that this General Assembly ought not to be in the business of appropriating federal dollars that aren’t there yet.

When Ms. Forkner talked to Scott English after that veto, he said, “Don’t worry. FMAP money will probably be available in the future and it isn’t necessary for it to be in the state budget for DHHS to get it.” And six months later it was available and DHHS did get it. So, when Mr. English said, “Don’t worry about it,” he was saying that the veto didn’t have any practical effect on whether DHHS would get the FMAP money, and he was correct. It didn’t.

So, that’s some of the context you would have had before you yesterday if due process had been provided. Is there anybody in this Chamber that would stand up at this podium and say something that they had heard about another member of this Senate, without first going to that member of the Senate and hearing the other side of the story? If I heard something about you, Senator THOMAS, I wouldn’t come up to this podium and recite it verbatim if it weren’t true. I would come to you first. I would find out if it were true. Because I know that when I stand in front of this Senate and reporters are looking at me, that it might be reported in the newspaper, and it isn’t going to be fair if only one tenth of the story is reported.

I’ve sat back for the last month and let accusations such as we heard yesterday pass because I’ve always been confident -- and that’s why I signed the Senator from Anderson’s Legislative Audit Council letter -- I’ve always been confident that when the truth comes out and all the facts are known that people will understand what happened. But when a train really starts rolling down the track and gets a head of steam, when people are being smeared and public impressions are starting to form based on a scintilla of the facts out there, then I’ve got to speak up. I’ve got to correct the record.

Now, let’s go back a little bit to the initial projections in the Executive Budget. Yes, Governor Sanford wanted to limit the growth of Medicaid expenditures, and he did project initially a 4% increase because he concluded -- correctly -- that we couldn’t continue to grow at 9%. So, he asked this legislature to give the DHHS Director flexibility on reimbursement rates in regard to optional programs, in regard to pharmaceutical reimbursements, generic drugs and a whole host of things. He asked that the DHHS Director be given these fundamental cost control measures. And in every case this legislature said “no.” So, now we’re upset with DHHS for having a deficit. Well, that’s like tying someone up, pushing her off the Empire State Building and then arresting her for jaywalking. You can’t do that.

Now, a separate question has also been raised in regard to when agency deficits are reported. What’s the oversight procedure? What’s the role of the Comptroller General and the state budget office? I agree that question should be taken up and that’s why I’m a sponsor of that Bill. That’s good budgeting. But what I can’t abide is the declaration yesterday, that the Governor’s Chief of Staff instructed the DHHS Director to lie to this General Assembly. That is not true and the undisputed facts show it is not true. It is very clear the Executive Budget initially asked for 4% increase; that a month later the DHHS Director told a House Ways and Means subcommitee that DHHS needed a 5% increase, and then a couple of months later testified before a Senate Finance subcommittee and said, based on the actual growth rates the agency was experiencing, “I’m sorry, the cost is more than I thought. It’s going to take a 7% increase or $446 million.”

I rise today to provide a modicum of due process and to speak for someone who doesn’t have the ability to come here and speak for himself. And I’m glad that the Senator from Lexington is going to hold hearings. I can’t wait until Scott English gets before that subcommittee and explains the budgeting process. And I will say this, bring your A-game that day because this man has put together Executive Budgets and his interest in Medicaid isn’t “newfound” like it is for some Senators in this Chamber. Some Senators have recently said, “I’m going to start looking at this Medicaid budget; I’m going to start spending some time finding out about that.” Well I would hope so. That’s 20% of the General Fund’s budget. Why haven’t you been looking at it before now?

Senator LEATHERMAN: Your comment is very interesting to me. If I understood correctly, the DHHS Director came before Senate Finance and asked for a 4% increase? Did I understand that correctly?

Senator DAVIS: No sir, the Executive Budget initially called for a 4% increase. About a month later the DHHS Director appeared before a House Ways and Means subcommittee and said, “I need a 5% increase,” and then in April 2010, she appeared before Senate Finance and asked for a $446 million increase which is 7%.

Senator LEATHERMAN: I don’t recall her coming before Senate Finance. Can you give me the dates she came before Senate Finance?

Senator DAVIS: The Senate Finance subcommittee, sir. I hurriedly went to Mr. English and to his budget directors and the people involved in the Medicaid portion of that, and I’m told that it was some time in April 2010. If you want an exact date and names of the people that were before the committee, I’m sure I can get that for you.

Senator LEATHERMAN: Senator ALEXANDER, the chairman of that subcommittee, I’m sure can speak to this. But it would be interesting to hear what his recall of these events are.

Senator DAVIS: And I think that is right. The overriding point I want to make here is, there are a lot of players in this process, you’ve got Senator ALEXANDER who is the subcommittee chair, yourself who is the Finance chair, you have your corresponding peers over in the House, you’ve got the Governor’s office, we have a whole number of players in this Medicaid budget process. And the summary provided to this Senate yesterday was based on a quick, cursory examination of one individual. We had someone come to this podium and say the evidence shows the Governor’s office instructed its DHHS Director to lie, to mislead. And that’s wrong. That’s not what any one of us would do in regard to an allegation being made. It’s not what due process calls for and is not what common human decency dictates.

Senator LEATHERMAN: I wasn’t in that hearing yesterday but I’m assuming you’re talking about Mrs. Forkner; is that who you are talking about?

Senator DAVIS: Yes, sir.

Senator LEATHERMAN: Was she there under oath?

Senator DAVIS: She was sworn under oath.

Senator LEATHERMAN: If I’m sworn under oath and I make a false statement, aren’t there pretty severe penalties for that?

Senator DAVIS: There are. But, Senator, let me say this. Look at the statement that was reportedly made; it was that she came in initially and said, “Our growth rate is 9%” and that Scott English said, “Our Executive Budget says 4% and I want you to go forward on that basis.” That’s fair enough. A Governor’s job is to look at historically what growth rates have been and try to reign in those costs. An Executive Budget was put forth stating a 4% growth rate and setting forth the conditions upon which that growth rate can be obtained. That’s an Executive Budget. It’s what a Governor does all the time. It doesn’t mean that the Chief of Staff said, “I don’t care if you think it’s 9%. I want you to go out there and lie and say 4%.” That is a complete misconstruction of what the budget process is.

Senator LEATHERMAN: I understand. But that’s not my question. My question was if Ms. Forkner was under oath, if she made a false statement, aren’t there pretty serious consequences for that?

Senator DAVIS: That’s a fair statement.

Senator LEATHERMAN: So, do we think Ms. Forkner deliberately did this?

Senator DAVIS: No, I think what Ms. Forkner said has been misrepresented to this body. And that’s why I think that when public opinions are being formed and you don’t have the ability to have the other side heard, I had to step up and do the best I could to provide the context. Now, I understand the point made yesterday was that Emma Forkner said, “Our increases had historically been 9%, but Scott English said he didn’t care about that, that he wanted her to go forward with 4%.” Strictly speaking, that’s true. But I’ve given you the context in which that instruction was given. Any Governor is going to look at what the historical expenditure rate of what agencies has been and any Governor who wants to control the growth of government is going to figure out ways you can control that growth and is going to put forth in the Executive Budget that, if you do A, B, C, and D, you can limit the growth in spending.

Now, to the credit of the Governor’s office and the DHHS Director as the process moved forward, they realized that even with these cost controls in place, even if the legislature would allow the DHHS Director to do her job, the agency’s growth rate was going to be higher than initially thought. That’s why you saw at the end of January, Ms. Forkner saying, “Well, the budget says 4%, but really it is going to be 5%.” And that’s why you saw even further down the road her saying we wanted to make it 4%, then we said it was 5%, but now we’re pretty sure it is going to be 7%, so we need $446 million.” It’s a matter of record that she asked for that. And if the DHHS Director ends up saying, as she did, “I need $446 million in order to keep Medicaid solvent,” then why in the world did the budget coming out of conference give her $92 million less?

Senator LEATHERMAN: Did you know that I have worked with Ms. Forkner for a number of years? Did you know that I think she is a very honorable person? And I think I heard yesterday that she is very straight-forward and responded to any question that was aimed at her. So, I hope that we really don’t degrade Ms. Forkner’s integrity.

Senator DAVIS: And I would never do that. My point isn’t that she is untruthful. My point is that, a good cross-examiner in a criminal trial will often elicit testimony that is helpful to his client’s case, and then the prosecutor comes back up and puts the question in context. You need to hear the other side, and we haven’t heard that other side. So I’m not impugning Ms. Forkner’s credibility at all.

Senator ALEXANDER: We need to clarify. If I understand correctly, you’re talking about the initial projection and then you said something about $69 million?

Senator DAVIS: The $69 million is the figure I’m told by the former Governor’s budgeting people was told to Senate Finance. Whether it’s in front of a subcommittee or a full committee -- I’ll go back and find out the forum in which the statement was made -- but what I was told and what I believe, because these men are hard-working people, is that at that particular point in time, in April, there was a communication by the DHHS Director that, yes, we started by saying we needed $344 million in new money, a 4% increase, and yes, we then increased that request to a 5% projection and $379 million in new money, and yes, in April then we realized that it was going to be even higher and we had to increase it by another $69 million to get to $446 million.

Senator ALEXANDER: And that is what I wanted to clarify. Because I believe my understanding of the way things were at that particular time that actually the director came in on March 24th, somewhere along through there, and that was the only time that she appeared before the subcommittee. And that was in the morning, I think. I want to clarify about that $69 million saying there was going to be an additional need for $69 million. In the morning they testified that the maintenance of effort firm was probably going to be around $190 million. That afternoon -- and it was provided to the committee staff -- that actually that was not going to be $190 million coming in from that. It was going to be $129 million, so there was actually a reduction of $67 million rather than an increase as far as funds that were going to be available from the funds coming in under the FMAP increase that would have been utilized not only by that agency but as appropriated to other departments. I’m wondering if those are the same dollars that you’re talking about because I can assure you that I don’t think you appeared before the subcommittee.

Senator DAVIS: Let me say this, with 100% confidence. Having worked with Scott English, having worked with Jeff Schilz -- and I know you don’t share the opinion expressed yesterday that these gentlemen would lie to the General Assembly -- do you, Senator ALEXANDER? I know I’m not allowed to ask you a question, but at the end of the day, when the Legislative Council completes its audit and when the subcommittee I now sit on completes its investigation, I believe with 100% certainty -- because I trust these gentlemen -- that you’re going to find the communications, whether by Ms. Forkner or by DHHS staff or by someone authorized to speak on behalf of DHHS on what the agency’s needs were going to be right before the budget went to conference, is that DHHS was going to need a 7% increase, up to $446 million of new money, and that DHHS then got a $92 million cut in the conference committee. I believe that.

Now one last thing before I forget. There are three cost-drivers in Medicaid. You’ve got the size of the population; you’ve got the type of services provided; and you’ve got the reimbursements to providers. I stood up here my very first session and said, “Don’t take the FMAP money and use it to grow Medicaid,” and I can remember some Senators saying, “Senator DAVIS, my constituents understand one thing; if you spend a dollar and get three dollars back, that’s a darn good deal. They can understand that.” Well it was a darn bad deal, because what happened by taking that FMAP money -- and I stood up here and said it time and again in amendment after amendment that got voted down time after time after time -- that if we take the FMAP money, we lock ourselves into a population; that we lose the ability to whittle down the number of people in the Medicaid program. But we took the money and we are now locked in.

I will also say this: that we must give the DHHS Director the ability to decide what benefits and programs will be of best service to our indigent population. That is the second category of cost-drivers. And, yet again, the legislature meddled in this. No, you can’t reduce pharmacy reimbursements; no, you can’t restrict the use of brand name drugs; no, you must let chiropractors provide services -- no, you have to do this; no, you have to do that, all because this legislature listened to the lobbying groups outside and buckled and put handcuffs on the DHHS Director.

Now let’s talk about the third cost-driver, the most egregious one. We are the only state in the nation that has a legislative proviso that says to the DHHS Director, while you’re out there trying to control costs, while you are out there trying to deliver the best services you can with the money we have, you can’t lower reimbursement rates to providers, even though we are higher than the national average. You cannot eat of the fruit from that sacred tree. That is why I say lambasting the former DHHS Director for not being able to hold costs down is like putting someone in a strait jacket, pushing them off the top of the Empire State Building, and then arresting them for jaywalking.

Senator ROSE: Senator, to make sure I understand your central point, are you saying that there’s often two or more sides to the same story and that it is fundamentally unfair and in violation of due process to publicize to the press, publicize to the people an allegation of lying without getting the other person’s side of the story?

Senator DAVIS: Yes, I am saying that, Senator ROSE. Quite frankly, I was shocked. I realize there are two sides to every story and I realize that there is rightful review being exercised by the legislature to the executive branch. And I believe in the checks and balances system that the Senator from Charleston likes to talk about and that is an essisential function of the legislature -- to serve as a check on the executive power. I do not begrudge the Senator from Lexington looking into this. I do not begrudge the Legislative Audit Council from looking into this. I think that should happen. But what I am saying is that to take something yesterday that was said earlier that day, in a way that I think was misrepresenting what was actually said, and then telling this body that it is an example of how a cabinet director lied to the legislature at the direction of the Governor’s Chief of Staff, that is wrong.

Senator ROSE: All right, Senator, let me asked you this last question. Just like you have heard people in this body right now confirm their belief in Ms. Forkner’s integrity and being forthright and upright -- are you telling us based on your knowledge and experience of Scott English that you share that same opinion of him?

Senator DAVIS: There is no question, Senator ROSE, and let me just say this. I hope that Scott English has the opportunity to testify before Senator KNOTTS’ subcommittee. And I will reiterate what I said earlier -- bring your “A” game, gentlemen, because this man understands the Executive Budget, and based on my two years in the legislature, maybe only two or three legislators can match that understanding. So be ready, and as the old saying goes, Senator ROSE, be careful what you wish for, because you just may get it.

We have a DHHS department that ran a deficit and no one thinks that is a good practice. There is an excellent Bill filed by the Senator from Kershaw and supported by the Senator from Charleston that will implement procedures to help ensure it doesn’t happen again. But let’s be honest about how this happened. Let’s be honest about the role the legislature played. Let’s be honest about the provisos that say you cannot reduce provider reimbursement rates. Let’s be honest that certain provisos mandating certain optional services and the role they played in creating the deficit instead of demonizing the executive branch and using the phrase “cabinet form of government” as if that is some sort of pejorative term. Let’s move beyond that and drill down to the real problem, and if we do that, we will have done some good for the people of South Carolina.

I stood up here today because I saw a good man who works hard, 18 to 19 hours a day at times, who has done his best and done great things for South Carolina, get slandered and I couldn’t sit by and let that happen.

Thank you.

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

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Expression of Personal Privilege**

Senator SHEHEEN rose for an Expression of Personal Privilege.

**Expression of Personal Interest**

Senator McCONNELL rose for an Expression of Personal Interest.

**Remarks by Senator McCONNELL**

I will be brief. But with all due respect, Senator from Beaufort, I felt like you referenced me as one who wanted to learn more about Medicaid.

I can’t know everything about every subject. I have to depend on the reports that are given to me, Senator, and so does the Finance Committee in this whole process. I want to share with you -- before you go home for the weekend -- that, as President *Pro Tempore,* I am going to ask for a legislative audit of DHHS.

I did not sign the letter, Senator from Anderson. I appreciate what he put in there, but it doesn’t go far enough. I want to know how much those administrative fees were and who approved them over there at DHHS. I also want to know how much we are paying for administrative fees in pharmaceuticals. I want to know about the health care delivery systems and if we are using the most efficient model. Those are legitimate areas, and above all, I want to know who is responsible for this deficit, when they knew it, and how it got here, because the taxpayers I represent are getting stuck with the bill. All these bureaucrats can point fingers at one another, but the fingers that are going in the taxpayers’ wallets are the ones they are going to feel, and it’s this deficit. It is inconceivable to me that we can have a budgeting process and one agency can go hundreds of millions of dollars into debt and stick the bill on the taxpayers and tie the hands of this General Assembly into the next year, because somebody’s got to cover the debt.

I hope that this will encourage you. If you have not signed for an audit, I hope you will consider doing so. But, first, let me give you a couple of benchmarks. Go to the minutes of the Medical Care Advisory Committee meeting dated November 17, 2009, not in 2010, but in 2009. A presentation was made there on the October fiscal report -- growth rate. If you go and look at it, 10.7 percent -- not some of the stuff I’m hearing -- not five percent, not four percent, not seven percent, but 10.7 percent. Go to the minutes of the February 16, 2009, Medical Care Advisory Committee meeting. There was a presentation made there. Look at those medical expenditures and see if you don’t come out at about where I am -- not four percent, not five percent, not seven percent, but 10.8 percent, but don’t stop there. Visit the spring, the 2010 March meeting. Look at the figures there -- not four percent, not five percent and not seven percent. Based on the calculations that I have, this indicates a 12 percent growth rate, but please don’t stop there. Go to the May meeting and look at the expenditures there -- not four percent, not five percent, not seven percent, but 13.4 percent, and the excuse given is, “Oh, there’s an extra week in there.” Now, I ask you to go back and look at the historical growth rates for 2008 -- not four percent, not five percent, not seven percent, but 8.9 percent. Look at the 2009 growth rate -- not four percent, not five percent, not seven percent, but 13.2 percent.

The point I am making to you is, yes, there needs to be an audit. We need to know what figures we can rely on. We need a reporting system that allows us to understand what is going on over there. It is a very complicated program. It is not something within the easy grasp of any one of us. Maybe some in here know more than some others. But, I would encourage you to sign on for an audit. I am going to ask for a whole bunch of additional stuff that I want the Audit Council to look at, but one of the things that troubles me is the enrollment numbers that I continue to have -- 981,376 back in 2006 and the estimates and at least figures that I have for 2010, indicate 980,929. So, between 2006 and 2009, we had a dip down and we had a climb back up. Now, I have seen all of these explanations. Oh, we have tremendous growth and all of that. You do the numbers on this, but what it tells me is that none of us, at this point, have an accurate picture of exactly what all went on over there; but common sense tells me one thing, and that is that there has been an overspend -- too much spending and too much finger pointing.

What we need now are the facts. I want to know who told the Senator from Oconee’s subcommittee what and what did they tell them. My records indicate that event occurred on March 24 -- the same afternoon that the $67 million event occurred. I am also interested in the claw back, the credits that came from that, and what happened to that. But I am telling you right now, yes, I’ve been up here, and it’s not an issue that I asked for. Let me read one more sentence that I hope will convince you to join in this audit request.

I just got Mr. Keck’s communication to the Audit Council, which I think is excellent. It does not cover the administrative fees and stuff, but it is an excellent blueprint. Let me read you what I got on August 11th, and I’ll never to this day understand why I got this letter and no one else did. I am not the Chairman of the Finance Committee, and I am not the Chairman of the Ways and Means, but it goes through here taking all of these additional funds into account. DHHS still faces a potential budget shortfall this fiscal year. This was back in August. We are in February of the fiscal year, so the debt now becomes more and more real with greater catastrophic consequences, if something is not done. But here was the sentence that peaked my interest -- “Part of that figure includes liabilities from FY 2010 that were shifted into State Fiscal Year 2011.” Let me tell you if that practice is going on by proviso or whatever, Senator from Beaufort, we all need to know how it has happened. In the years that I have been here, I never knew of last year’s liability in this year’s budget; and as a result, I called my staff counsel and asked them to see if there had been an anticipation note or bonds given to DHHS. They got neither, so my question became by what authority could they shift the liability from one fiscal year to the next fiscal year? It’s my opinion -- criticize me if you want to -- but that smacks and smells like nothing more than deficit financing which is rolling an obligation that you can’t pay for from one year to the next year; and members of the Senate, in my opinion, it’s red ink. It’s deficit financing, and it cannot be tolerated. It should not be tolerated, and we need to know who is responsible for this and to get to the bottom of it.

I can tell you that I am going to ask for an audit, but it will not stop the Senate Judiciary Committee from moving forward to try to get some answers. I hope that y’all on that committee continue to go forward, but I can tell you now, I am not going to accept from some of these in the executive branch that it’s the General Assembly’s responsibility for the red ink. The executive branch cannot stand more than we appropriate. And the Budget and Control Board, the way I read the law -- and the Senator from Edgefield, I think, agrees with me -- is they can’t recognize a deficit unless it’s unavoidable. So, I think what we need to hear from the Audit Council is who knew what, and when, and was this deficit avoidable, or was it not. So, I just wanted to close, on the weekend, and say that while my name will not appear on the Senator from Anderson’s letter, it will reference that I support everything he’s asking for and support everything that Mr. Keck is asking for.

But I want to know more. I want to know about administrative fees. I want to know about delivery systems. I want to know where the savings are. I want to know who knew what and when so that we can depend on the information in the future. I don’t know how we are going to budget here if we don’t know what is occurring. I can tell you that the Senator from Edgefield and I talked -- and I am almost borrowing his language -- but the bottom line is that somebody needs to be looking out for the taxpayer. There can be a lot of finger pointing in all of these agencies, but it’s the taxpayer who deserves an answer, and we are going to get it.

If it becomes necessary, I understand from Senator KNOTTS that they have asked for information. I hope it’s forthcoming in a timely fashion, so that the committee can continue to do its work. We need an answer to this, and we need to know how we got where we are, because the taxpayer is getting stuck. That’s who’s getting stuck. Thank you.

Senator DAVIS: Were you aware that I applaud the leadership that you are now showing on this issue? That is something that quite frankly needed to be brought to the floor, and I think it has been brought to the floor by you locking down on it.

Senator McCONNELL: Yes, I am aware of it. Based on your statement, part of the objective of this is to try to put into place an oversight mechanism with this agency or any other agency. The Senator from Kershaw had articulated it in proposals. Several years ago, it was brought to my attention that the General Assembly needs to be more into oversight.

Senator DAVIS: Were you aware that I join with what I think the Senator from Kershaw has said or articulated in his Bill that the legislature probably needs to be more muscular and active in terms of oversight of the executive branch? Did you know that I agree with you in that regard?

Senator McCONNELL: Thank you, sir.

Senator DAVIS: Were you aware and again, I tried to make it clear when I was at the podium that the Governor’s projections in regard to four percent, five percent, seven percent… Were you aware that those projections were predicated upon certain changes being made and how we conduct our Medicaid policy in certain handcuffs and restrictions being taken off the DHHS Director?

Senator McCONNELL: Senator, I can’t say. I really was not that deeply involved in that budget -- in the process -- particularly his Executive Budget, but I was glad to hear that. And, I am going to try to learn what those cost-cutting measures were and why we did not do them.

Senator DAVIS: And did you know that I don’t dispute the fact that you have literature or letters there that say nine percent, ten percent, twelve percent -- I don’t dispute that. Those are financial numbers that are documented and really cannot be caught in the dispute. Were you aware of that fact?

Senator McCONNELL: I’m aware of it now.

Senator DAVIS: Were you aware of the fact that when I was in the Governor’s Office and Scott English was looking at Medicaid -- he was also aware of those historical growth patterns of nine percent and ten percent? Were you aware of that fact?

Senator McCONNELL: I would not know if he was or was not aware of those figures.

Senator DAVIS: Okay. And, did you know that when presented with those historical growth factors that what the executive branch then does is sit down and says, “Okay, we can’t sustain this. So, therefore, we need to propose certain reforms, certain provisos need to be removed, or certain other things need to be done.” And that is what they used to compute the four or five percent growth rate that Ms. Forkner testified to. Were you aware that when she does that, it is based on these other reforms in the executive branch being adopted? Were you aware of that fact?

Senator McCONNELL: Well, Senator, if that’s what they based or predicated their request on, then they wanted those things to occur.

Senator DAVIS: And do you agree with me that a proviso that was passed last year in the budget -- and you, like me, joined in not voting for that budget, so, I’m not really directing this toward you. But, would you agree with me that when you take one of the three cost drivers in regard to Medicaid provider reimbursement, that should be the authority you give to the DHHS Director to exercise as best as he sees fit?

Senator McCONNELL: Would you repeat that, please.

Senator DAVIS: The provider reimbursement rate -- the ability to reduce the rates that you give providers -- isn’t that something that should be determined by the DHHS Director out in the marketplace?

Senator McCONNELL: I have no problem with that because they also had the ability to decide on those administrative fees, and that’s one of the things I want to go take a look at, because I’ve heard disturbing rumors about how high those things have gone.

Senator DAVIS: Were you aware, and I’ll finish with this, that I think that as a result of this renewed focus by you as President *Pro Tempore* and by the Senate Finance Chairman and the hearings being conducted by Senator KNOTTS -- which I know will be full and fair -- that I think coming out of this, we are going to have a much better idea of how Medicaid operates and I think that the legislature will actually be performing the oversight function that we so vitally need to perform.

Senator McCONNELL: Yes, sir. Let me say this to you. The Senator from Richland, Senator COURSON, warned us several years ago on this floor that if we were on an unsustainable path and that if it were not checked, it would eat up every available dollar for education and higher education and everything else. And, what is very disturbing to me is that now $237 million has got to go toward the deficit -- which is money that this General Assembly now has no choice to vote on as to whether or not that money should have been spent somewhere else -- and that’s what I really find disturbing. The other thing I want to know in this audit is if there is a float debt in there, because if last year’s liabilities are moving forward in the next year, what is the size of that float debt? Is this $237 million just a hard cold deficit or is there some float deficit over there?

Senator DAVIS: Were you aware that I think you are absolutely right in regard to recognition of deficits that ought to be handled by this legislative branch? I join with you in thinking that it is perhaps an unconstitutional delegation of the appropriation power in giving it to the Budget and Control Board which, by definition, is comprised of executive branch officers. Were you aware of that fact?

Senator McCONNELL: I’m aware of it now, and I just want to say that you and I share the same opinion regarding that. I do not think this legislature can delegate the power of appropriation to the Executive branch.

Senator DAVIS: And did you know, and I’ll close with this, that I share Senator COURSON’s concern about a nine, ten, eleven percent growth rate in regard to Medicaid swallowing us up and taking away from law enforcement and education? Were you aware that I agree with that?

Senator McCONNELL: I am now.

Senator DAVIS: And were you aware that Governor Sanford agreed with that, which is why when he proposed his Executive Budget, certain reforms would trim that growth rate down to four percent? Were you aware that was his motivation? When he went ahead and put forward a budget request, it was actually to try to accomplish what the Senator from Richland and you just reminded us is so essential to our budgeting process. Were you aware of that?

Senator McCONNELL: Well, I can’t read Governor Sanford’s mind, so I’ll have to assume that what you told me is what he was thinking.

Senator DAVIS: Thank you, sir.

Senator McCONNELL: But I did not have that conversation with him. The concern I have is that it just appears to me on the landscape that all of the warning flags have been there since at least October 2009, and this State has just glided right on in to a big old deficit and the taxpayers back home are now stuck with the bill. And, that’s unacceptable.

Senator DAVIS: Senator from Charleston, would you agree with me that if the warning signs were there in 2009, that we should not have adopted those provisos in last year’s budget that handcuffed the ability from the DHHS Director to avoid that catastrophe?

Senator McCONNELL: Yes, sir. There are some other warning signs, too. But I am waiting to get the information from the other group before I assert my conclusion. The other thing I’m concerned about is that in 2008, the growth in population and the growth in expenditures didn’t seem to correspond to one another. Why did that happen? I’ve got a good idea, but I want to wait and see. If it were, there were management decisions that caused that.

Senator COURSON: Senator, you alluded to our previous conversations concerning Medicaid expenditures in South Carolina and the effect it would have not only to taxpayers but also funding the educational structure in this State. You mentioned that earlier in your remarks. You received this letter from Ms. Forkner, I believe, August 9th of last year?

Senator McCONNELL: August, I think, the 11th.

Senator COURSON: When you received the letter, you were surprised. Am I correct?

Senator McCONNELL: Very surprised, because in the letter, it references my financial staff. I don’t have any financial staff. I called the Senator from Florence to find out if he had gotten the letter. He told me that he didn’t have that letter. I said, “Well, it’s addressed to me.” I said I’ve got no financial staff. It’s like the letter was putting me on notice. Well, I didn’t just fall off a turnip truck. I could see up the road. “Oh, we’ve got a deficit. We notified the President *Pro Tem* back in August.” And they aren’t going to pull that on me. I’ll tell you that right now.

Senator COURSON: Senator, when you received that letter, not only did you call, I think, the Chairman of the Finance Committee, but you also called me because of my concern about the Medicaid expenditures.

Senator McCONNELL: Yes, sir.

Senator COURSON: Senator, once you received the letter in an act of due diligence and in a very cautious manner, you got on this issue and stayed on it until the revelations had just come out and you proceeded with it the way that a Senator should proceed with it -- not being accusatory toward anyone, but trying to get to the facts and staying on it. Senator, we have conversations once a week or once every couple of weeks and sometimes private conversations on the weekend. In every single conversation I have had with you since August of last year --every one of them -- you have brought this issue up. It’s a primary concern and one that you are going to get to the bottom of.

Senator McCONNELL: That is correct, Senator. You and I did have conversations regarding that deficit and I reminded you of what you had told me about this particular program, and I said it is occurring. I responded to that August 11th letter, and I got a response back with a whole bunch of DHHS “is doing this and they’re doing that.” I had to write a letter back, and I said, “Let me be blunt. You cannot run a deficit, and you had best begin cost-cutting measures at that point or head to the Budget and Control Board.” Of course, apparently that did not happen until two days after the General Election.

Senator LEATHERMAN: Senator, I have been listening very carefully to the comments, and I’m having difficulty understanding. Maybe you can help me understand it.

Senator McCONNELL: Oh, I doubt I could help you, but I’ll try.

Senator LEATHERMAN: I think what I heard -- and correct me if I did not hear correctly -- on figures, was that the reason for a four percent or five percent -- I think the word I heard was predicated upon certain things happening. I think I heard that correctly, and I think I also heard that maybe the reason for the shortfall came about because the hands of the agency were tied by the General Assembly. Senator, what I am trying to understand is that no matter what someone thought was going to happen, it was the law of the land at the time and that a proviso was in place that says you can’t do that. So, if I’m the one that’s creating the growth projection, wouldn’t I have to do that in compliance with what the law in this State is at the time?

Senator McCONNELL: Whatever the law of the land, is what they have to comply with, and they have to expend the money in line with whatever the law is or the temporary law is as contained in the proviso.

Senator LEATHERMAN: Senator, shouldn’t that be taken into account when I do my projection as to what the deficit is going to be -- what the growth is going to be?

Senator McCONNELL: Senator, let me just take it one step further. The law of the land is a balanced budget and you can’t run a deficit. You can’t run a deficit. If your hands are tied and you can’t make a decision here, you still can’t make the decision to run the deficit, and that’s the problem that I’ve got with the deficit. We either got backed into it, manipulated into it, or we just got overspent into it, but something happened here, and we’ve got a right to know who knew what and when.

Senator KNOTTS: Senator, I want to move this away from DHHS just a minute, and that’s what you’ve been talking about. Did you know -- and I commend first of all the new Governor and her cabinet heads for what has occurred with deficits -- but when we came for the Inauguration with a new Governor, did we not have two other agencies, one which said they had a $7.5 million dollar deficit and another one which said they had a $29 million deficit?

Senator McCONNELL: Yes, sir. It could go as high as $50 million.

Senator KNOTTS: And had they not both submitted requests to the Budget and Control Board to recognize those deficits?

Senator McCONNELL: I’m not on the board so I will have to look to my friend from Florence on that but I read that, yes, they were going to ask to have deficits recognized.

Senator KNOTTS: But do you find it curious as to why two agencies could wipe out those deficits in 30 days and have told this legislature that they had huge deficits and they were running deficits, one of which had had deficits for five or six years?

Senator McCONNELL: That’s why we need the rest of the story.

Senator KNOTTS: And, Senator, I would suggest to you that maybe the Chairman of Finance, Senator LEATHERMAN, would like to bring the two new directors in and tell us what they did so that we can learn and then get the other agencies to do what they did in 30 days to save the people of this State money?

Senator McCONNELL: I think that is an excellent observation. Maybe some of that could be applied over at DHHS. Whatever those cost-cutting measures were could be implemented over at DHHS.

Senator SHOOPMAN: Senator, you mentioned that you were notified last August? Is that correct?

Senator McCONNELL: That is correct.

Senator SHOOPMAN: I’m trying to correlate that notification with what I read in the statute, 111495, Section…

Senator McCONNELL: And I got a letter, I believe, from the Governor way back in January. I think everybody did, about Medicaid. Something rings in my head that there was a letter back in January, but go ahead.

Senator SHOOPMAN: But, Senator, again, I’m on that subcommittee. I know you are aware …

Senator McCONNELL: Yes, sir.

Senator SHOOPMAN: Senator, as I have told you, I am using this statute as my guideline to investigate who knew what and when. Were you aware of that? Well I am looking at this specifically in paragraph B of this statute of 111-4-95, and there are -- what I’ve broken down into four steps -- the fourth step being that when a deficit is considered unavoidable due to factors which are outside the control of the agency, then the board may determine that the recognition is necessary. You know, Senator, that is the fourth step -- not the first -- the fourth.

Senator McCONNELL: Yes, sir. It says a reporting requirement and everything…

Senator SHOOPMAN: And, I’m looking through this, and I see that the first step is when the Comptroller General or the Office of the State Budget makes reports to the board as they consider advisable that an agency is expending appropriations at a rate which predicts or projects the General Fund deficit of the agency. To me, it strikes of trying to snip something off at the bud as opposed to waiting until after the fact. Does that language strike you the same way?

Senator McCONNELL: Yes, sir. It strikes me the same way.

Senator SHOOPMAN: Okay, we’re looking at that.

Senator McCONNELL: And, I hope y’all do. It’s a very good subcommittee. I believe it’s you and Senator DAVIS on that along with the Senators from Kershaw, Lexington and Darlington.

Senator SHOOPMAN: So that’s Step No. 1. Step No. 2 is the quarterly allocation plans are developed in order to restrict the rate of expenditures of the agency, department or institution if the board determines that a deficit may occur. So that’s the second protection barrier. A deficit has not occurred yet, so we put a plan in place to prevent it from occurring.

Senator McCONNELL: Exactly. That’s the way I read that statute, too, Senator.

Senator SHOOPMAN: Then, Step No. 3 says it is the responsibility of the agency to develop a plan in consultation with the board which eliminates or reduces the deficit. Sounds to me like Step No. 3 should take the issue off the table. Right?

Senator McCONNELL: Yes, sir. It sure does, Senator.

Senator SHOOPMAN: And then, Step 4 is when all of those steps have been exhausted and something is unavoidable -- that’s the word “unavoidable” -- then we get to the point of recognizing deficits. Is that how you read the sequence?

Senator McCONNELL: Yes, sir, that’s how I read it. And, that’s why I wonder about based on that letter I got what happened back in June and July?

Senator SHOOPMAN: Well, Senator, what I’m reading is the Comptroller General’s Office of the Budget and Control Board and the affected agency -- but I didn’t read the President *Pro Tempore* of the Senate.

Senator McCONNELL: No, I’m not on that checklist. Thank you, but I got the letter.

Senator BRIGHT: I just have a quick question. I’ve been listening to the discussion and who knew what and when, and I think that’s all important, but do you think that it is really necessary for us to continue to be the only state with a Budget and Control Board? Can we not do that through the legislature? Are we not ceding some of the authority that we have as a legislature to the board?

Senator McCONNELL: Senator, over the years, more and more got dumped over here and dumped over there. I found out about this and some other provisos, so my response to you is, I think too much is dumped over there. I think we need to reform it, and I agree with Senator DAVIS that some of it is an unconstitutional delegation of legislative authority.

Senator BRIGHT: Do you think possibly it needs to be audited and compared with other states as to how they administer the same functions?

Senator McCONNELL: Yes, sir. But you know when you start looking at some of the other states, they’ve got powerfully high deficits over what we’ve got. Somebody the other day was extolling the virtues of Texas and their system; but based on what I’ve heard, they’ve got a big deficit over there. I have never been one of those enamored with modeling South Carolina’s government after Washington, D. C., and turning this into little Washington on the Congaree.

Senator BRIGHT: Senator, I just wanted to see you if you believed it was good to really have this quasi-fourth level of government instead of the three-branch?

Senator McCONNELL: No, sir. There are parts of that budget and substantial parts of that Budget and Control Board to go to the Executive branch or some to the Legislative branch and get them out of that hybrid.

Senator BRIGHT: Are we the only state with a Budget and Control Board?

Senator McCONNELL: Well, I think we are one that’s calling it that. Yes, sir.

Senator BRIGHT: Thank you, Senator.

Senator McCONNELL: Yes, sir. Thank y’all for your attention.

Senator LEATHERMAN: Would you yield for one or two questions?

Senator McCONNELL: Absolutely. I’m not going to say “no” to the Chairman of Finance.

Senator LEATHERMAN: Thank you, Senator. Senator, again, I am trying to understand this -- the last comment from the Senator from Spartanburg. Is he by chance advocating more power to the Executive branch and in the Governor’s hands? If so, I wonder if he has evaluated that the cabinet agencies under discussion are where our problems lie. I wonder if that’s what he’s advocating?

Senator McCONNELL: With the Senator from Spartanburg, I certainly don’t want to classify him; but at this point, I’m looking to see if he’s in for centralization -- if he’s more of a Lincoln Republican. I’ll have to wait and see if he’s a disciple of centralized government or not.

Senator BRIGHT: My question is if the legislative branch has the power to appropriate -- which I believe we do. I know that I’ve heard you many times talk about centralized power and would you not feel that we should all share the power equally in the Senate since we are all representing the same amount of constituency?

Senator McCONNELL: Well, Senator we do. Each one of our votes is equal.

Senator BRIGHT: Senator, we don’t have votes on the Budget and Control Board, do we?

Senator McCONNELL: No, sir.

Senator BRIGHT: So, actually, it’s not equal then.

Senator McCONNELL: Well, that’s a different thing. The Budget and Control Board is not part of the Senate. It’s an executive agency.

Senator BRIGHT: So, obviously you believe it should have less power because we want to have the power of the legislature -- but if it’s an executive agency, obviously it’s a lot of power to be in an executive agency.

Senator McCONNELL: Thank you.

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

**CO-SPONSORS ADDED**

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

S. 31 Sen. Reese

S. 51 Sen. Campsen

S. 385 Sen. Campsen

S. 404 Sen. Shoopman

S. 520 Sen. Rankin

**CO-SPONSORS REMOVED**

The following co-sponsors were removed from the respective Bills:

S. 253 Sen. Rose

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

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

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

S. 587 -- Senator Sheheen: A BILL TO AMEND SECTION 17-22-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELIGIBILITY FOR A TRAFFIC EDUCATION PROGRAM, SO AS TO PROVIDE THAT A PERSON MAY BE CONSIDERED FOR THE PROGRAM IF HE HAS NO SIGNIFICANT HISTORY OF TRAFFIC VIOLATIONS.

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

S. 588 -- Senators Jackson, Hayes and O'Dell: A BILL 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, WHICH REQUIRES THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO RECOGNIZE AND DESIGNATE HOSPITALS THAT ARE CERTIFIED TO BE PRIMARY STROKE CENTERS AND ACUTE STROKE CAPABLE CENTERS, TO DISTRIBUTE A LIST OF PRIMARY STROKE CENTERS AND ACUTE STROKE CAPABLE CENTERS TO EACH EMERGENCY MEDICAL SERVICES PROVIDER AND TO POST THIS LIST ON ITS WEBSITE, TO ADOPT AND DISTRIBUTE A NATIONALLY STANDARDIZED STROKE-TRIAGE ASSESSMENT TOOL TO EACH EMERGENCY MEDICAL SERVICES PROVIDER, TO ESTABLISH PRE-HOSPITAL CARE PROTOCOLS FOR THE CARE AND TRANSPORT OF STROKE PATIENTS BY EMERGENCY MEDICAL SERVICE PROVIDERS, TO ESTABLISH A STROKE REGISTRY TASK FORCE TO ANALYZE AND IMPROVE STROKE CARE IN THIS STATE, AND TO ENSURE CONFIDENTIALITY IN SHARING HEALTH CARE INFORMATION; AND TO PROVIDE THAT THE DEPARTMENT'S RESPONSIBILITIES PURSUANT TO THIS ARTICLE ARE CONTINGENT UPON ADEQUATE FUNDING.

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

S. 589 -- Senators Lourie, Jackson and Courson: A CONCURRENT RESOLUTION TO CONGRATULATE DESA, INC. IN RICHLAND COUNTY ON THE OCCASION OF ITS TWENTY-FIFTH ANNIVERSARY, AND TO COMMEND ITS FOUNDER, PRESIDENT, AND CEO, DIANE E. SUMPTER, FOR HER MANY YEARS OF DEDICATED ADVOCACY ON BEHALF OF SMALL, MINORITY-OWNED, AND WOMEN-OWNED BUSINESSES AND FOR HER EXTENSIVE COMMUNITY SERVICE.

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

S. 590 -- Senator McGill: A JOINT RESOLUTION TO EXEMPT THE ESTABLISHMENT OF A GEROPSYCHIATRIC DISTINCT PART UNIT FOR PROSPECTIVE PAYMENT SYSTEM EXCLUSION OF UP TO TEN BEDS FROM THE REQUIREMENT OF OBTAINING A CERTIFICATE OF NEED.

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

S. 591 -- Senators Peeler, Ryberg, Bryant and Massey: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3765, SO AS TO ALLOW A STATE TAX CREDIT FOR EMPLOYERS HIRING AN UNEMPLOYED INDIVIDUAL RECEIVING UNEMPLOYMENT COMPENSATION BENEFITS, TO PROVIDE THE AMOUNT OF THE CREDIT, THOSE TAXES AGAINST WHICH THE CREDIT IS ALLOWED, AND THE ELIGIBILITY REQUIREMENTS FOR CREDITABLE EMPLOYEES, TO PROVIDE FOR THE ADMINISTRATION OF THE CREDIT, AND TO PROVIDE THAT THE CREDIT IS ALLOWED FOR ELIGIBLE INDIVIDUALS HIRED AFTER JUNE 30, 2011, AND BEFORE JULY 1, 2013, AND EXTENDS FOR TWENTY-FOUR MONTHS FOR EACH CREDITABLE EMPLOYEE.

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Senator PEELER spoke on the Bill.

**S. 591--Objection**

Senator SHEHEEN asked unanimous consent to make a motion that the Bill be placed on the Calendar without reference and that the Bill be made a Special Order.

Senator McCONNELL objected.

**S. 591--Objection**

Senator BRYANT asked unanimous consent to make a motion that the Bill be placed on the Calendar without reference.

Senator HUTTO objected.

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

H. 3673 -- Reps. Tribble, Pitts and Willis: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, 12, AND 13, 2011, BY THE STUDENTS OF LAURENS COUNTY SCHOOL DISTRICT FIFTY-SIX 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.

H. 3684 -- Reps. Rutherford and Bales: A BILL TO AMEND SECTION 7-27-405, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RICHLAND COUNTY ELECTION COMMISSION AND RICHLAND COUNTY BOARD OF REGISTRATION, SO AS TO PROVIDE THAT COUNTY EMPLOYMENT DOES NOT PRECLUDE A MEMBER'S SERVICE ON THE BOARD.

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

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.

The Concurrent Resolution was introduced and referred to the General Committee.

**REPORT OF STANDING COMMITTEE**

**Appointment Reported**

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

**Statewide Appointment**

Initial Appointment, South Carolina Department of Probation, Parole and Pardon with the term coterminous with the Governor

Director:

Mrs. Kela Evans Thomas, 22 Sunturf Circle, Columbia, SC 29223 *VICE* Mr. Samuel Glover

Received as information.

**HOUSE CONCURRENCES**

S. 571 -- Senator Knotts: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE SECOND ANNUAL SOUTH CAROLINA EMERGENCY MEDICAL MEMORIAL BIKE RIDE FOR HONORING THOSE WHO HAVE GIVEN OF THEMSELVES WHILE RENDERING AID TO THE CITIZENS OF THE GREAT STATE OF SOUTH CAROLINA.

Returned with concurrence.

Received as information.

S. 585 -- Senator Elliott: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE MARY ELLEN GREENE OF HORRY COUNTY FOR TWELVE YEARS OF DEDICATED SERVICE TO THE HORRY COUNTY SCHOOL BOARD AND FOR HER SERVICE TO THE SOUTH CAROLINA SCHOOL BOARD ASSOCIATION.

Returned with concurrence.

Received as information.

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

**THIRD READING BILL**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 563 -- Senators Rose and Matthews: A BILL TO AMEND ACT 1627 OF 1972, AS AMENDED, RELATING TO THE DORCHESTER COUNTY CAREER AND TECHNOLOGY CENTER BOARD OF TRUSTEES, TO PROVIDE THAT THE DORCHESTER COUNTY COUNCIL SHALL APPOINT ALL MEMBERS OF THE BOARD OF TRUSTEES.

On motion of Senator ROSE, the Bill was read the third time.

**READ THE SECOND TIME**

S. 391 -- Senators Campsen, Scott and Rose: A BILL TO AMEND SECTION 7‑13‑35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO CHANGE THE TIME IN WHICH ABSENTEE BALLOTS MAY BE OPENED FROM 2:00 P.M. TO 9:00 A.M., AND TO PROVIDE FOR A DATE ON WHICH AN ELECTION WILL BE HELD IN THE EVENT THAT IT IS POSTPONED; TO AMEND SECTION 7‑13‑40, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES’ QUALIFICATIONS, AND THE FILING FEE, SO AS TO CHANGE THE DATE FROM APRIL NINTH TO APRIL FIFTH; TO AMEND SECTION 7‑13‑190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO ADD A SUBSECTION THAT PROVIDES FOR THE DATE OF AN ELECTION WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR A JURISDICTION; AND TO AMEND SECTION 7‑13‑350, RELATING TO THE CERTIFICATION OF CANDIDATES AND VERIFICATION OF QUALIFICATIONS, SO AS TO CHANGE THE CERTIFICATION DATE FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT FROM SEPTEMBER TENTH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF SEPTEMBER.

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 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

The Bill was read the second time and ordered placed on the Third Reading Calendar.

**OBJECTION**

S. 231 -- Senators Campsen, Davis and Rose: 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.

Senator SCOTT objected.

**POINT OF ORDER**

S. 404 -- Senators Campsen, McConnell, Land, Peeler, Alexander, Bryant, Campbell, Cleary, Coleman, Cromer, Davis, Elliott, Fair, Grooms, Hayes, Hutto, Jackson, Knotts, Leventis, Matthews, L. Martin, Massey, McGill, O’Dell, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Thomas, Verdin, Williams, Lourie, Scott, Leatherman and Shoopman: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE “SOUTH CAROLINA UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT”; TO AMEND SECTION 7‑15‑400, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATIONS AND ISSUANCE OF WRITE‑IN ABSENTEE BALLOTS, SO AS TO ALLOW A VOTER TO MAKE A STATEMENT ON A FEDERAL WRITE‑IN ABSENTEE BALLOT THAT HE IS UNABLE TO VOTE BY REGULAR ABSENTEE BALLOT OR IN PERSON DUE TO THE REQUIREMENTS OF MILITARY SERVICE, LIVING IN AN ISOLATED AREA, OR AN EXTREMELY REMOTE AREA OF THE WORLD, AND TO ADD THAT A QUALIFIED ABSENTEE ELECTOR MAY ALTERNATIVELY SUBMIT A FEDERAL WRITE‑IN ABSENTEE BALLOT FOR ANY FEDERAL, STATE, OR LOCAL OFFICE OR BALLOT INITIATIVE; TO ADD SECTION 7‑15‑406 TO ARTICLE 5, CHAPTER 13, TITLE 7, SO AS TO REQUIRE ALL ABSENTEE BALLOTS MUST BE MAILED TO THE ELECTOR AT LEAST FORTY‑FIVE DAYS PRIOR TO ANY ELECTION; TO AMEND SECTION 7‑15‑460, RELATING TO ABSENTEE BALLOTS AS PROVIDED BY THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT, SO AS TO MAKE THE PROVISIONS APPLICABLE TO FEDERAL, STATE, AND LOCAL OFFICES, AND TO REQUIRE THAT AN ELECTRONIC FREE ACCESS BALLOT TRACKING SYSTEM IS AVAILABLE TO ELECTORS; AND TO AMEND SECTION 7‑15‑220, RELATING TO THE SIGNING AND WITNESSING OF THE OATH BY THE ABSENTEE BALLOT APPLICANT, SO AS TO PROVIDE AN EXCEPTION FOR WITNESS REQUIREMENTS FOR VOTERS QUALIFIED UNDER THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT.

**Point of Order**

Senator LOURIE raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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

**CARRIED OVER IN THE STATUS OF INTERRUPTED DEBATE**

H. 3003 -- Reps. Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Delleney, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V.S. Moss, Norman, Parker, G.M. Smith, G.R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J.R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D.C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑3‑70 SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO CREATE A LIST CONTAINING ALL REGISTERED VOTERS WHO ARE QUALIFIED TO VOTE, BUT DO NOT HAVE A SOUTH CAROLINA DRIVER’S LICENSE OR OTHER FORM OF IDENTIFICATION CONTAINING A PHOTOGRAPH ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES AS OF JANUARY 1, 2013, AND TO REQUIRE THE DEPARTMENT TO FURNISH A LIST OF PERSONS WITH A SOUTH CAROLINA DRIVER’S LICENSE OR OTHER FORM OF IDENTIFICATION CONTAINING A PHOTOGRAPH ISSUED BY THE DEPARTMENT AT NO CHARGE TO THE COMMISSION; BY ADDING SECTION 7‑5‑675 SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO IMPLEMENT A SYSTEM IN ORDER TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE ELECTOR; TO REQUIRE THE STATE ELECTION COMMISSION TO ESTABLISH AN AGGRESSIVE VOTER EDUCATION PROGRAM CONCERNING THE PROVISIONS OF THIS ACT; TO AMEND SECTION 7‑1‑25, RELATING TO THE DEFINITION OF “DOMICILE”, SO AS TO PROVIDE FACTORS TO CONSIDER IN DETERMINING A PERSON’S INTENTION REGARDING HIS DOMICILE; TO AMEND SECTION 7‑3‑20, AS AMENDED, RELATING TO THE RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR TO MAINTAIN IN A MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTING IN A GENERAL ELECTION; TO AMEND SECTION 7‑5‑125, RELATING TO THE ISSUANCE OF A WRITTEN NOTIFICATION OF REGISTRATION TO VOTE, SO AS TO PROVIDE FOR THE ISSUANCE OF A DUPLICATE NOTIFICATION IF THE ELECTOR TO WHOM IT WAS ORIGINALLY ISSUED LOSES OR DEFACES IT; TO AMEND SECTION 7‑5‑230, AS AMENDED, RELATING TO THE BOARDS OF REGISTRATION BEING THE JUDGES OF THE LEGAL QUALIFICATIONS OF ALL APPLICANTS FOR REGISTRATION, SO AS TO ADD A REFERENCE TO SECTION 7‑1‑25 AND DELETE CERTAIN CRITERIA USED WHEN CONSIDERING A CHALLENGE REGARDING THE RESIDENCE OF AN ELECTOR; TO AMEND SECTION 7‑13‑710, AS AMENDED, RELATING TO THE PRESENTATION OF A PERSON’S PROOF OF HIS RIGHT TO VOTE, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PROVIDING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED AND PROVIDE FOR CERTAIN EXCEPTIONS, TO REQUIRE A POLL MANAGER TO COMPARE THE PHOTOGRAPH ON THE REQUIRED IDENTIFICATION WITH THE PERSON PRESENTING HIMSELF TO VOTE AND VERIFY THAT THE PHOTOGRAPH IS THAT OF THE PERSON SEEKING TO VOTE; TO AMEND SECTION 7‑15‑330, AS AMENDED, RELATING TO THE TIME OF APPLICATION FOR AN ABSENTEE BALLOT, SO AS TO DELETE REFERENCES TO AN AUTHORIZED REPRESENTATIVE REQUESTING AN APPLICATION FOR A QUALIFIED ELECTOR; TO AMEND SECTION 7‑15‑385, AS AMENDED, RELATING TO THE MARKING AND RETURNING OF THE ABSENTEE BALLOT, SO AS TO REQUIRE THE BOARD OF REGISTRATION TO RECORD, INSTEAD OF NOTE, CERTAIN PROCEDURES REGARDING THE RETURN OF THE ABSENTEE BALLOT; TO AMEND SECTION 56‑1‑3350, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST UNDER CERTAIN CIRCUMSTANCES; AND TO REPEAL SECTION 7‑15‑470 RELATING TO THE PROHIBITION OF VOTING ON A VOTING MACHINE FOR IN‑PERSON ABSENTEE VOTING.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment (SWB/6045SCM11) proposed by Senator SCOTT and previously printed in the Journal of Wednesday, February 16, 2011.

**Motion Adopted**

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed to carry over H. 3003 in the status of Interrupted Debate with cloture status in effect, go into Executive Session and at the conclusion of the Executive Session, the Senate would take up the confirmations and then stand adjourned.

On motion of Senator McCONNELL, debate was interrupted by Executive Session followed by adjournment.

**EXECUTIVE SESSION**

On motion of Senator McCONNELL, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

**STATEWIDE APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Fish, Game and Forestry Committee, the following appointment was confirmed in open session:

Initial Appointment, Director of Department of Parks, Recreation & Tourism, with term coterminous with Governor

Duane Niles Parrish, 1528 Clark Sound Circle, Charleston, SC 29412 *VICE* Chad Prosser

On motion of Senator LARRY MARTIN, the question was confirmation of Mr. Parrish.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson O’Dell

Peeler Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

The appointment of Mr. Parrish was confirmed.

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

Initial Appointment, Seventh Circuit Solicitor, with the term to commence December 31, 2010, and to expire January 9, 2013

Barry J. Barnette, 115 Beechwood Drive, Spartanburg, SC 29307

On motion of Senator LARRY MARTIN, the question was confirmation of Mr. Barnette.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson O’Dell

Peeler Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

The appointment of Mr. Barnette was confirmed.

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

Initial Appointment, Director of Department of Juvenile Justice, with term coterminous with Governor

Margaret H. Barber, 600 Sutton Rd., Fort Mill, SC 29715 *VICE* William R. Byars, Jr.

On motion of Senator LARRY MARTIN, the question was confirmation of Ms. Barber.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson O’Dell

Peeler Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

The appointment of Ms. Barber was confirmed.

On motion of Senator McCONNELL, the Senate stood adjourned.

**MOTION ADOPTED**

On motion of Senators VERDIN and CAMPSEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Charles F. “Dusty” Rhodes, Jr. of Mt. Pleasant, S.C. Mr. Rhodes was the beloved husband of Kelly Lynch Rhodes, devoted father and doting grandfather.

**ADJOURNMENT**

At 1:27 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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