

NO. 22

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

WEDNESDAY, FEBRUARY 24, 2016
(STATEWIDE SESSION)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Psalm 147:5: "Great is our Lord, and abundant in power."

Let us pray. Holy God, Creator, Redeemer, and Comforter, uphold those who serve in this Assembly. Give them courage, wisdom, and integrity as they struggle to pass legislation that will be good for the people they serve. For those in positions of authority who lead and direct us in our way of life, give them Your blessings, especially our President, Governor, Judges, Law Enforcement officers, Speaker and the defenders of freedom who keep us safe. Heal the wounds, those seen and those hidden, of our brave warriors who suffer and sacrifice for our freedom. Lord, in Your mercy, hear our prayer. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. DILLARD moved that when the House adjourns, it adjourn in memory of Tomie Gaines, Sr., of Greenville, which was agreed to.

REPORT OF STANDING COMMITTEE

Rep. CLYBURN, from the Aiken Delegation, submitted a favorable report on:

S. 937 -- Senator Young: A BILL TO AMEND SECTION 7-7-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN AIKEN COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THE AIKEN COUNTY VOTING

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PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 4973 -- Rep. Ott: A HOUSE RESOLUTION TO CELEBRATE THE DECLARATION OF INDEPENDENCE AND THE UNITED STATES CONSTITUTION, WHICH TOGETHER ENUMERATE OUR UNALIENABLE RIGHTS AND LIBERTIES, AND TO PROCLAIM WEDNESDAY, MARCH 16, 2016, AS "LIBERTY DAY" IN SOUTH CAROLINA.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4975 -- Reps. Felder, D. C. Moss, Pope, King, Long, Norman, Delleney and Simrill: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR LIEUTENANT RAYMOND DIXON OF THE FORT MILL POLICE DEPARTMENT, UPON THE OCCASION OF HIS RETIREMENT AFTER TWENTY YEARS OF EXEMPLARY SERVICE IN LAW ENFORCEMENT, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 4976 -- Reps. Clary, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill,

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Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO CONGRATULATE CLEMSON UNIVERSITY ON ITS OUTSTANDING ACHIEVEMENTS, TO HONOR THE INSTITUTION'S COMMITMENT TO QUALITY EDUCATION, TO WISH CONTINUED SUCCESS IN ALL OF THE SCHOOL'S FUTURE ENDEAVORS, AND TO DECLARE TUESDAY, MARCH 1, 2016, AS "CLEMSON DAY" IN SOUTH CAROLINA.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 4974 -- Rep. Pope: A CONCURRENT RESOLUTION TO DECLARE SATURDAY, MAY 21, 2016, AS "SOUTH CAROLINA DAY OF SERVICE" AND ENCOURAGE ALL SOUTH CAROLINIANS TO ROLL UP THEIR SLEEVES AND LEND A HAND TO MAKE A POSITIVE DIFFERENCE IN OUR GREAT STATE.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 927 -- Senator Bryant: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE DALE BARNETT, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF

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REPRESENTATIVES AT 12:00 P.M. ON WEDNESDAY, MARCH 2, 2016.

Whereas, Commander Barnett is a retired military officer. Commissioned in the U.S. Army in 1974 after his graduation from the United States Military Academy at West Point, he has over twenty-two years of commissioned service both stateside and overseas; and

Whereas, Commander Barnett served in the First Gulf War as a battalion executive officer in a mechanized infantry unit, earning a Bronze Star. His military decorations also include a Legion of Merit, combat infantryman, and three meritorious service medals. Commander Barnett retired in August 1996 as a Lieutenant Colonel and became a high school teacher and coach; and

Whereas, Commander Barnett is a National Board Certified Social Studies Teacher. He was selected as Creekside High School's Teacher of the Year for the 2005-2006 school year. He also coached varsity baseball, junior varsity basketball, and varsity boys and girls cross country during his teacher career. He led his cross country teams to win a region championship in 2010. Commander Barnett retired from teaching at the end of the 2011 school year; and

Whereas, Commander Barnett is an active American Legion member, and has served in many leadership positions. He was the Georgia State Commander in 2007-2008 and has served as National Chairman for both the Membership and Post Activities Commission and as the National Economic Commission Chairman. He is active in a variety of youth development programs; and

Whereas, with more than 32,000 members in South Carolina, and 2.4 million members nationally, the American Legion is one of the most influential and prestigious organizations in the United States; and

Whereas, speaking before a joint session of the General Assembly is an honor reserved for leaders of national prominence. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the members of the South Carolina General Assembly, by this resolution, invite the commander of the American Legion, the Honorable

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Dale Barnett, to address the General Assembly in joint session in the chamber of the South Carolina House of Representatives at 12:00 p.m. on Wednesday, March 2, 2016.

Be it further resolved that a copy of this resolution be forwarded to the Honorable Dale Barnett.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 1079 -- Senators Shealy and Alexander: A CONCURRENT RESOLUTION TO HONOR OUR SENIOR NUTRITION PROGRAMS, THE SENIORS THEY SERVE, AND THE VOLUNTEERS WHO CARE FOR THEM AND TO DECLARE MARCH 2016 AS "MARCH FOR MEALS MONTH" IN SOUTH CAROLINA.

Whereas, President Richard Nixon in March 1972 signed into law a national nutrition program for seniors sixty years and older. Appropriately, in March 2002, the Meals on Wheels Association of America established the National March for Meals Campaign to celebrate the importance of Older Americans Act senior nutrition programs and to raise awareness about senior hunger in America; and

Whereas, joining the 2016 observance of the March for Meals Campaign offers an especially suitable occasion for supporting senior nutrition programs that deliver vital and critical services through donation, volunteer work, and the raising of awareness about senior hunger; and

Whereas, in the more than four decades that senior nutrition programs have benefitted South Carolina communities, volunteer drivers for Meals on Wheels programs throughout this great State have been the backbone of the program. These dedicated friends deliver not just nutritious meals to homebound seniors and individuals with disabilities but also caring, concern, and attention to their welfare; and

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Whereas, these volunteer services help seniors avoid premature or unnecessary institutionalization and provide powerful socialization opportunities for millions of seniors as they combat loneliness and isolation; and

Whereas, exemplifying the fine work of the Palmetto State's senior nutrition programs, the Lexington County Recreation and Aging Commission Meals on Wheels Program has served its seniors admirably for over forty years, offering services, including delivery of more than 144,000 meals annually in Lexington County, to over twelve hundred older individuals. The General Assembly is grateful for the excellent work of this and all such committed volunteer programs that seek to improve the nutrition of South Carolina's seniors. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the members of the South Carolina General Assembly, by this resolution, honor our senior nutrition programs, the seniors they serve, and the volunteers who care for them and declare March 2016 as "March for Meals Month" in South Carolina.

Be it further resolved that a copy of this resolution be provided to the Lexington County Recreation and Aging Commission Meals on Wheels Program.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 1108 -- Senators Setzler, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, J. Matthews, M. B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Sabb, Scott, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO HONOR MR. DAN EARL JONES, VICE PRESIDENT OF GOVERNMENT RELATIONS FOR TIME WARNER CABLE OF SOUTH CAROLINA, ON THE OCCASION OF HIS RETIREMENT, TO EXTEND DEEP APPRECIATION FOR HIS FIFTY YEARS OF

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DISTINGUISHED SERVICE, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

INTRODUCTION OF BILLS

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 4977 -- Reps. Mitchell, Cobb-Hunter, Mack and Howard: A BILL TO AMEND SECTION 40-15-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRACTICE OF DENTAL HYGIENE, SO AS TO REVISE THE TREATMENTS THAT HYGIENISTS MAY PROVIDE IN VARIOUS SETTINGS AND THE DEGREE OF SUPERVISION, IF ANY, REQUIRED FOR THEIR PERFORMANCE OF THESE TREATMENTS, AND TO PROVIDE DENTAL HYGIENISTS ARE ELIGIBLE FOR DIRECT REIMBURSEMENT FOR TREATMENTS PROVIDED IN SETTINGS OUTSIDE A PRIVATE PRACTICE DENTAL OFFICE; AND TO REPEAL SECTION 40-15-102 RELATING TO SUPERVISION RESTRICTIONS ON DENTAL TREATMENT PROVIDED BY DENTAL HYGIENISTS IN SCHOOLS OR NURSING HOMES.

Referred to Committee on Medical, Military, Public and Municipal Affairs

S. 1076 -- Senator Hembree: A BILL TO PERMIT MAINTENANCE DREDGING BY INDIVIDUALS OF CERTAIN EXISTING NAVIGATIONAL CANAL COMMUNITY DEVELOPMENTS AUTHORIZED BY A PERMIT FROM THE UNITED STATES ARMY CORPS OF ENGINEERS PURSUANT TO THE FEDERAL CLEAN WATER ACT, AS AMENDED, OR THE RIVERS AND HARBORS ACT.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

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ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bamberg	Bernstein	Bingham
Brannon	G. A. Brown	R. L. Brown
Burns	Chumley	Clary
Clyburn	Cobb-Hunter	Cole
Collins	Corley	Crosby
Danig	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
George	Gilliard	Goldfinch
Govan	Hardee	Hayes
Henderson	Henegan	Hicks
Hill	Hiott	Hixon
Hodges	Horne	Hosey
Howard	Huggins	Jefferson
Johnson	Jordan	Kennedy
King	Kirby	Knight
Limehouse	Loftis	Long
Lowe	Lucas	Mack
McCoy	McEachern	McKnight
W. J. McLeod	Mitchell	D. C. Moss
V. S. Moss	Nanney	Neal
Norman	Ott	Parks
Pitts	Pope	Putnam
Quinn	Ridgeway	Riley
Robinson-Simpson	Ryhal	Sandifer
G. M. Smith	G. R. Smith	J. E. Smith
Sottile	Southard	Spires
Stavrinakis	Stringer	Tallon
Taylor	Thayer	Tinkler
Weeks	Wells	Whipper
Williams	Yow	

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STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Wednesday, February 24.

Terry Alexander	William Bowers
Jeffrey A. Bradley	Alan D. Clemmons
Mike Gambrell	Dan Hamilton
William G. Herbkersman	Mia S. McLeod
James Merrill	Chis Murphy
Weston Newton	Todd Rutherford
Gary Simrill	McLain R. "Mac" Toole
William R. "Bill" Whitmire	Mark Willis

Total Present--117

STATEMENT OF ATTENDANCE

Rep. MITCHELL signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Tuesday, February 23.

LEAVE OF ABSENCE

The SPEAKER granted Rep. BEDINGFIELD a leave of absence for the day due to family medical leave.

LEAVE OF ABSENCE

The SPEAKER granted Rep. H. A. CRAWFORD a leave of absence for the day due to medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. RIVERS a leave of absence for the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. NORRELL a temporary leave of absence.

SPEAKER *PRO TEMPORE* IN CHAIR

DOCTOR OF THE DAY

Announcement was made that Dr. Steven W. Samoya of Greenville was the Doctor of the Day for the General Assembly.

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ACTING SPEAKER MACK IN CHAIR

CO-SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

CO-SPONSOR ADDED

Bill Number: H. 3133
Date: ADD:
02/24/16 ALEXANDER

CO-SPONSOR ADDED

Bill Number: H. 3928
Date: ADD:
02/24/16 PUTNAM

CO-SPONSOR ADDED

Bill Number: H. 3706
Date: ADD:
02/24/16 FRY

CO-SPONSOR ADDED

Bill Number: H. 3993
Date: ADD:
02/24/16 MITCHELL

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CO-SPONSOR ADDED

Bill Number: H. 4510
Date: ADD:
02/24/16 HICKS

CO-SPONSOR ADDED

Bill Number: H. 4701
Date: ADD:
02/24/16 HICKS

CO-SPONSOR REMOVED

Bill Number: H. 4537
Date: REMOVE:
02/24/16 SOTTILE

SPEAKER IN CHAIR

S. 1000--DEBATE ADJOURNED

The following Bill was taken up:

S. 1000 -- Senator Sheheen: A BILL TO PERMIT THE TOWN OF CAMDEN TO ANNEX CERTAIN REAL PROPERTY BY ORDINANCE UPON FINDING THAT THE PROPERTY IS BLIGHTED.

Rep. FUNDERBURK moved to adjourn debate on the Bill, which was adopted.

LEAVE OF ABSENCE

The SPEAKER granted Rep. THAYER a leave of absence for the remainder of the day.

SENT TO THE SENATE

The following Bills were taken up, read the third time, and ordered sent to the Senate:

H. 4328 -- Rep. White: A BILL TO AMEND SECTION 12-8-1530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUARTERLY INCOME TAX WITHHOLDINGS, SO AS TO CHANGE THE DUE DATE OF THE FOURTH QUARTER RETURN FROM THE LAST DAY OF FEBRUARY TO THE LAST DAY OF

[HJ]

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JANUARY; AND TO AMEND SECTION 12-8-1550, RELATING TO THE DUE DATE FOR FILING STATEMENTS REGARDING INCOME TAX WITHHOLDINGS WITH THE DEPARTMENT OF REVENUE, SO AS TO CHANGE THE DUE DATE FROM THE LAST DAY OF FEBRUARY TO THE LAST DAY OF JANUARY.

H. 4577 -- Reprs. White, Bales, Merrill, D. C. Moss, G. R. Smith and Cobb-Hunter: A BILL TO AMEND SECTION 12-37-2460, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREDITING OF AIRCRAFT PROPERTY TAXES, SO AS TO CREDIT THE PROCEEDS OF THE TAX TO THE STATE AVIATION FUND; AND TO AMEND SECTION 55-5-280, AS AMENDED, RELATING TO THE STATE AVIATION FUND, SO AS TO MAKE A CONFORMING CHANGE.

H. 4092 -- Reprs. Loftis, H. A. Crawford, Allison, Burns, Chumley, Hardwick, Long, Kirby, Brannon, Goldfinch, Southard, Erickson, Johnson, Hill, Kennedy, Horne, Murphy, Spires, Limehouse, Anderson, Bedingfield, Clemmons, Delleney, Finlay, Forrester, Hayes, Herbkersman, Hicks, Hosey, Lowe, V. S. Moss, Newton, Norrell, Pope, Putnam, Rivers, Simrill, G. M. Smith, G. R. Smith, Sottile, Taylor, Thayer, Tinkler, Toole, Weeks, Willis, Bowers, Stavrinakis, Knight and Bales: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSESSMENT RATIOS, SO AS TO PROVIDE THAT WHEN AN OWNER RECEIVING THE FOUR PERCENT ASSESSMENT RATIO DIES, THE PROPERTY SHALL CONTINUE TO RECEIVE THE SPECIAL ASSESSMENT RATE UNTIL THE DECEASED'S ESTATE IS CLOSED, SO LONG AS THE PROPERTY IS NOT RENTED OR OCCUPIED.

H. 4712--ORDERED TO THIRD READING

The following Bill was taken up:

H. 4712 -- Reprs. White, Bannister, Rutherford, G. R. Smith, Lowe, Pitts, Hiott, Erickson, Clemmons, Loftis, G. M. Smith, Hayes, Sandifer, Whitmire, Cole, Simrill, Allison, Cobb-Hunter, Long, Huggins, Delleney, Pope and Bales: A BILL TO AMEND SECTION 12-43-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TREATMENT OF AGRICULTURAL REAL PROPERTY, MOBILE HOME, AND LESSEE IMPROVEMENTS TO REAL

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PROPERTY, SO AS TO CLASSIFY OFF-PREMISES OUTDOOR ADVERTISING SIGNS AS PERSONAL PROPERTY AND TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES AN OFF-PREMISES SIGN SITE MUST BE TAXED AT ITS VALUE WHICH EXISTED BEFORE THE ERECTION OF THE SIGN.

Rep. G. R. SMITH spoke in favor of the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 105; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bernstein
Bingham	Bradley	Brannon
G. A. Brown	Burns	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	Corley
Crosby	Daning	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard
Goldfinch	Govan	Hamilton
Hardee	Hart	Hayes
Henderson	Henegan	Herbkersman
Hicks	Hill	Hiott
Hixon	Hodges	Horne
Hosey	Huggins	Jefferson
Johnson	Jordan	Kennedy
King	Kirby	Knight
Loftis	Long	Lowe
Lucas	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	Mitchell	D. C. Moss
V. S. Moss	Nanney	Neal
Newton	Norman	Parks
Pitts	Pope	Putnam

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Quinn	Ridgeway	Riley
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	J. E. Smith
Sottile	Spires	Stavrinakis
Stringer	Tallon	Taylor
Tinkler	Toole	Weeks
Wells	Whipper	White
Williams	Willis	Yow

Total--105

Those who voted in the negative are:

Total--0

So, the Bill, as amended, was read the second time and ordered to third reading.

H. 4537--DEBATE ADJOURNED

The following Bill was taken up:

H. 4537 -- Reps. Henderson, Atwater, Horne, Allison, Clary, Daning, Forrester, Collins, Hiott, Duckworth, Yow, Clemmons, Fry, Johnson, Rivers, Goldfinch, Hicks, Whitmire, Sandifer, Huggins, Toole, Newton, Hixon, Crosby, Southard, Hamilton, Simrill, Kennedy, Erickson and Long: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3685 SO AS TO ALLOW AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO A SCHOLARSHIP FUNDING ORGANIZATION THAT PROVIDES GRANTS FOR STUDENTS TO ATTEND CERTAIN INDEPENDENT SCHOOLS, TO SPECIFY THE MANNER IN WHICH THE CREDIT IS CLAIMED, TO SPECIFY THE PROCESS BY WHICH CERTAIN ORGANIZATIONS AND SCHOOLS BECOME ELIGIBLE, TO SPECIFY CERTAIN INFORMATION WHICH MUST BE MADE PUBLIC, AND TO ALLOW THE DEPARTMENT OF REVENUE TO ENFORCE THE PROVISIONS OF THE CREDIT.

Rep. HENDERSON moved to adjourn debate on the Bill until Thursday, February 25, which was agreed to.

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H. 4936--ORDERED TO THIRD READING

The following Bill was taken up:

H. 4936 -- Education and Public Works Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-50 SO AS TO PROVIDE FOR EDUCATIONAL GOALS FOR ALL SOUTH CAROLINA HIGH SCHOOL GRADUATES AND THE STANDARDS AND AREAS OF LEARNING BY WHICH THESE GOALS ARE MEASURED.

Rep. STRINGER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 2

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bernstein
Bingham	Bradley	Brannon
G. A. Brown	R. L. Brown	Burns
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
Crosby	Daning	Delleney
Dillard	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard
Goldfinch	Govan	Hamilton
Hardee	Hart	Hayes
Henegan	Hicks	Hiott
Hixon	Hodges	Horne
Hosey	Huggins	Jefferson
Johnson	Jordan	Kennedy
King	Kirby	Limehouse
Loftis	Long	Lowe
Lucas	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	Mitchell	D. C. Moss
V. S. Moss	Nanney	Neal
Norman	Parks	Pitts

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Pope	Putnam	Quinn
Ridgeway	Riley	Rutherford
Ryhal	Sandifer	Simrill
G. M. Smith	G. R. Smith	J. E. Smith
Sottile	Southard	Spires
Stavrinakis	Stringer	Tallon
Taylor	Tinkler	Toole
Weeks	Wells	Whipper
White	Whitmire	Willis
Yow		

Total--103

Those who voted in the negative are:

Hill Robinson-Simpson

Total--2

So, the Bill was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber meeting on Administrative Oversight Committee business and missed the vote on H. 4936. If I had been present, I would have voted in favor of the Bill.

Rep. Wm. Weston J. Newton

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 4936. If I had been present, I would have voted in favor of the Bill.

Rep. Patsy G. Knight

SPEAKER *PRO TEMPORE* IN CHAIR

H. 4937--ORDERED TO THIRD READING

The following Bill was taken up:

H. 4937 -- Education and Public Works Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-59-175 SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION AND ECONOMIC DEVELOPMENT

[HJ]

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COORDINATING COUNCIL AND TO PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND FUNCTIONS.

Rep. STRINGER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 2

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bamberg	Bernstein	Bingham
Bradley	Brannon	R. L. Brown
Clary	Clemmons	Cobb-Hunter
Cole	Collins	Corley
Crosby	Daning	Delleney
Dillard	Duckworth	Erickson
Felder	Finlay	Fry
Funderburk	Gagnon	Gambrell
George	Goldfinch	Govan
Hamilton	Hardee	Hart
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hixon
Hodges	Horne	Howard
Huggins	Johnson	Jordan
Kennedy	King	Kirby
Limehouse	Loftis	Long
Lowe	Lucas	Mack
McCoy	McEachern	McKnight
M. S. McLeod	W. J. McLeod	Merrill
D. C. Moss	V. S. Moss	Murphy
Nanney	Neal	Newton
Norman	Parks	Pitts
Pope	Putnam	Quinn
Ridgeway	Riley	Ryhal
Sandifer	G. M. Smith	J. E. Smith
Sottile	Southard	Spires
Stavrinakis	Stringer	Tallon
Taylor	Tinkler	Toole
Weeks	Wells	Whipper

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White	Whitmire	Williams
Willis	Yow	

Total--98

Those who voted in the negative are:

Hill	Robinson-Simpson
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Total--2

So, the Bill was read the second time and ordered to third reading.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

RECURRENCE TO THE MORNING HOUR

Rep. DILLARD moved that the House recur to the morning hour, which was agreed to.

SPEAKER IN CHAIR

S. 1000--DEBATE ADJOURNED

The following Bill was taken up:

S. 1000 -- Senator Sheheen: A BILL TO PERMIT THE TOWN OF CAMDEN TO ANNEX CERTAIN REAL PROPERTY BY ORDINANCE UPON FINDING THAT THE PROPERTY IS BLIGHTED.

Rep. FUNDERBURK moved to adjourn debate on the Bill until Thursday, February 25, which was adopted.

H. 4938--ORDERED TO THIRD READING

The following Joint Resolution was taken up:

H. 4938 -- Education and Public Works Committee: A JOINT RESOLUTION TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION, WITH THE ASSISTANCE OF OTHER ENTITIES, SHALL SURVEY STUDENTS ENROLLED IN THE STATE'S COLLEGES OF EDUCATION AND INCLUDE QUESTIONS INQUIRING AS TO WHETHER THE STUDENTS HAVE EVER

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CONSIDERED TEACHING IN A RURAL AND ECONOMICALLY CHALLENGED SCHOOL DISTRICT AND WHAT INCENTIVES, IF ANY, WOULD CAUSE THEM TO CONSIDER WORKING IN SUCH A DISTRICT.

Rep. STRINGER explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bannister	Bernstein	Bingham
Bradley	Brannon	G. A. Brown
R. L. Brown	Burns	Chumley
Clary	Clemmons	Cole
Collins	Corley	Crosby
Delleney	Dillard	Douglas
Duckworth	Felder	Finlay
Forrester	Fry	Funderburk
Gagnon	George	Gilliard
Goldfinch	Govan	Hamilton
Hardee	Hayes	Henderson
Henegan	Hicks	Hill
Hixon	Hodges	Horne
Hosey	Howard	Huggins
Jefferson	Jordan	Kennedy
Kirby	Knight	Loftis
Long	Lowe	Lucas
McCoy	McEachern	McKnight
M. S. McLeod	W. J. McLeod	Merrill
D. C. Moss	V. S. Moss	Murphy
Nanney	Neal	Newton
Norman	Pitts	Pope
Putnam	Quinn	Ridgeway
Riley	Robinson-Simpson	Ryhal
Sandifer	G. M. Smith	G. R. Smith
Sottile	Southard	Spires
Stavrinakis	Stringer	Tallon
Taylor	Tinkler	Toole

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Weeks	Wells	Whipper
White	Whitmire	Williams
Willis	Yow	

Total--98

Those who voted in the negative are:

Total--0

So, the Joint Resolution was read the second time and ordered to third reading.

H. 4939--ORDERED TO THIRD READING

The following Bill was taken up:

H. 4939 -- Education and Public Works Committee: A BILL TO ESTABLISH A COMMITTEE COMPOSED OF SPECIFIED MEMBERS TO REVIEW ALL EXISTING STATE EDUCATION STATUTES AND REPORT TO THE GENERAL ASSEMBLY THOSE WHICH ARE OBSOLETE OR NO LONGER APPLICABLE; AND TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL DEVELOP THE SYSTEM FOR PROVIDING SERVICES AND TECHNICAL ASSISTANCE FOR SCHOOL DISTRICTS ON A REGIONAL BASIS TO INCLUDE ACADEMIC ASSISTANCE AND ASSISTANCE WITH FINANCES, AND TO PROVIDE THAT THE SUPERINTENDENT OF EDUCATION SHALL REPORT THE DESIGN OF THE SYSTEM TO THE GENERAL ASSEMBLY NO LATER THAN DECEMBER 31, 2016, AND EVERY YEAR THEREAFTER REPORT THE PROGRESS OF THE SYSTEM IN REGARD TO ASSISTANCE PROVIDED TO LOCAL SCHOOL DISTRICTS, AND ALSO TO REQUIRE THAT THE DEPARTMENT OF EDUCATION SHALL MONITOR THE OPERATIONS OF SCHOOL BOARDS IN UNDERPERFORMING DISTRICTS TO DETERMINE IF THEY ARE OPERATING EFFICIENTLY AND EFFECTIVELY AND TO PROVIDE THAT THE DEPARTMENT SHALL MONITOR THE PROFESSIONAL DEVELOPMENT OF TEACHERS, STAFF, AND ADMINISTRATORS IN DISTRICTS IT DETERMINES ARE

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UNDERPERFORMING TO ASCERTAIN WHAT IMPROVEMENTS
AND CHANGES ARE NECESSARY.

Rep. STRINGER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 94; Nays 0

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bannister	Bernstein	Bingham
Bradley	Brannon	G. A. Brown
Burns	Chumley	Clary
Clyburn	Cole	Collins
Corley	Crosby	Daning
Delleney	Douglas	Duckworth
Erickson	Felder	Finlay
Forrester	Fry	Funderburk
George	Goldfinch	Govan
Hamilton	Hardee	Hart
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hill
Hixon	Hosey	Huggins
Johnson	Jordan	Kennedy
Kirby	Knight	Limehouse
Loftis	Long	Lowe
Lucas	McCoy	McEachern
W. J. McLeod	Merrill	D. C. Moss
V. S. Moss	Murphy	Nanney
Neal	Newton	Norman
Ott	Parks	Pitts
Pope	Putnam	Quinn
Ridgeway	Riley	Robinson-Simpson
Ryhal	Sandifer	G. M. Smith
G. R. Smith	J. E. Smith	Sottile
Southard	Stavrinakis	Stringer
Tallon	Taylor	Tinkler
Toole	Wells	White

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Whitmire
Yow

Williams

Willis

Total--94

Those who voted in the negative are:

Total--0

So, the Bill was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 4939. I had intended to vote in favor of the Bill.

Rep. Craig Gagnon

H. 4940--REJECTED

The following Bill was taken up:

H. 4940 -- Education and Public Works Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-3-110 SO AS TO PROVIDE FOR THE DUTIES, FUNCTIONS, AND RESPONSIBILITIES OF THE OFFICE OF TRANSFORMATION WITHIN THE SOUTH CAROLINA DEPARTMENT OF EDUCATION.

Rep. STRINGER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 42; Nays 56

Those who voted in the affirmative are:

Allison	Anderson	Bannister
Bernstein	Bingham	Bradley
R. L. Brown	Clary	Cole
Collins	Crosby	Daning
Felder	Gagnon	George
Govan	Hayes	Henderson
Hicks	Hixon	Hodges
Hosey	Jefferson	Kennedy
Kirby	Lucas	V. S. Moss

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Neal	Ott	Parks
Pitts	Pope	Quinn
Rutherford	J. E. Smith	Spires
Stringer	Tallon	Taylor
Wells	Williams	Willis

Total--42

Those who voted in the negative are:

Anthony	Bales	Ballentine
G. A. Brown	Burns	Clemmons
Corley	Delleney	Douglas
Duckworth	Erickson	Finlay
Forrester	Fry	Funderburk
Gambrell	Gilliard	Goldfinch
Hamilton	Hardee	Hart
Herbkersman	Hill	Horne
Huggins	Johnson	Jordan
Knight	Limehouse	Loftis
Long	Lowe	McCoy
McEachern	W. J. McLeod	Merrill
D. C. Moss	Murphy	Nanney
Newton	Norman	Putnam
Ridgeway	Riley	Robinson-Simpson
Ryhal	Sandifer	G. M. Smith
G. R. Smith	Sottile	Southard
Tinkler	Toole	White
Whitmire	Yow	

Total--56

So, the Bill was rejected.

H. 4941--DEBATE ADJOURNED

The following Bill was taken up:

H. 4941 -- Education and Public Works Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-20-90 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP AND ADOPT A STATEWIDE PROGRAM FOR IDENTIFYING FISCAL

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PRACTICES AND BUDGETARY CONDITIONS THAT, IF UNCORRECTED, COULD COMPROMISE THE FISCAL INTEGRITY OF A SCHOOL DISTRICT AND FOR ADVISING THE DISTRICT ON HOW TO TAKE APPROPRIATE CORRECTIVE ACTIONS, AND TO DIRECT THE DEPARTMENT TO PROMULGATE EMERGENCY REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION; AND BY ADDING SECTION 59-20-95 SO AS TO REQUIRE THE STATE AUDITOR TO ADOPT THE STATEWIDE PROGRAM CREATED BY THE DEPARTMENT OF EDUCATION IN SECTION 59-20-90 AND USE IT TO IDENTIFY FISCAL PRACTICES AND BUDGETARY CONDITIONS THAT, IF UNCORRECTED, COULD COMPROMISE THE FISCAL INTEGRITY OF A STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY AND TO ADVISE THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY ON HOW TO TAKE APPROPRIATE CORRECTIVE ACTIONS, AND TO PROVIDE EXCEPTIONS TO ENABLE THE STATE AUDITOR TO DIRECT THE DEPARTMENT TO IMMEDIATELY ASSUME EMERGENCY MANAGEMENT OF THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY FOR WHICH IT HAS MADE A DECLARATION OF FISCAL CAUTION OR FISCAL EMERGENCY, TO CONTINUE THIS EMERGENCY MANAGEMENT OF THE LOCAL EDUCATION AGENCY UNTIL THE STATE AUDITOR RELEASES THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY FROM THE DECLARATION OF FISCAL CAUTION OR FISCAL EMERGENCY, AS APPLICABLE, AND TO DIRECT THE STATE AUDITOR TO PROMULGATE EMERGENCY REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

Rep. STRINGER explained the Bill.

Rep. ALLISON moved to adjourn debate on the Bill until Thursday, February 25, which was agreed to.

Further proceedings were interrupted by the House standing at ease.

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JOINT ASSEMBLY

At 12:00 noon the Senate appeared in the Hall of the House. The President of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

H. 4824 -- Rep. Delleney: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE COSTA PLEICONES, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 12:00 NOON ON WEDNESDAY, FEBRUARY 24, 2016.

The Honorable Costa Pleicones and his distinguished party were escorted to the rostrum by Senators Fair, Nicholson, Peeler, Sabb and Shealy and REPRESENTATIVES DELLENEY, RUTHERFORD, W. J. MCLEOD, COLE and POPE.

State of the Judiciary Address
By the Honorable Costa Pleicones
Chief Justice of South Carolina

Mr. President, Mr. Speaker, distinguished members of the General Assembly. I appear before you today to present a broad overview of the current state of the least powerful, most vulnerable, co-equal branch of government. Least powerful because we have no purse, no police, and no veto pen. Most vulnerable, because given the aforementioned absence of power, there always exists the possibility of a threat to our independence. The only thing that legitimates the authority of the Judicial Branch is its credibility which I pledge to you will be maintained during my tenure as your Chief Justice, as it should be.

I know that you share my concern that we observe and maintain the constitutionally mandated separation of powers, a doctrine fundamental to our form of government. I look forward to working with you to insure that the judiciary remains an independent coequal branch.

I thank you for bestowing upon me the greatest honor of my professional career, the privilege of serving our great State as Chief Justice, and I begin with the inescapable observation that the Supreme Court is an institution in transition. Less than two months ago we said goodbye to a long-serving member of the Court, and only three weeks ago you elected our newest member. Soon you will elect my successor

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as well as a justice to fill the vacancy created by my departure. Thus, we will experience a 40% turnover in the composition of the Court in just over the space of one year.

Through it all, the institution abides. The men and women who serve the institution come and go, and it is vital that you continue to elect people of character, possessed of intellectual honesty, not those who may simply pass an ideological purity test.

No less a sage than the late Antonin Scalia observed, "The judge who always likes the result he reaches is a bad judge." Scalia was himself an ideologue, but a brilliant one who knew that a judge must subordinate personal biases to the dictates of the law. I agree. In America, judicial systems are purposefully designed to be the non-political branch and we are committed to insuring that our branch remains an evenhanded, nonpartisan dispenser of justice both in perception and in practice. The turnover on the Court is not a cause for concern because of the stability of the institution itself. That institution, and indeed the entire judicial system of South Carolina, endures and succeeds owing to the commitment to justice on the part of our judges and the staff who support us.

I am extremely proud of the successes achieved by our State's hard working and talented judiciary in the recent past. As we are all aware, our court system remains the most out of balance nationally in terms of ratio of judges to case filings. Since that is a circumstance unlikely to change in the foreseeable future, I have determined to put it aside and stop dwelling on it, and instead redouble our efforts to utilize our existing human and technical resources in the most efficient manner possible.

In that regard, it has been estimated that thousands of new domestic violence cases will soon be adjudicated in circuit court. I am wholeheartedly committed to supporting Governor Haley's laudable initiative regarding the processing of these cases. This will require the Judicial Department to devote more circuit court resources to these cases, a task we will accomplish in the short-term with or without additional judicial resources. Why? Because that is our job. I will see to it that our courts fully meet the requirements of this new program in a manner that is fair to victim and defendant alike.

Recent Programs and Accomplishments

I would now call to your attention a number of programs and projects that we have implemented in order to deliver justice to the citizens of South Carolina more expeditiously, while maintaining the fairness that undergirds the legitimacy of any court system:

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- Alternative Dispute Resolution was recently made mandatory in circuit court civil cases statewide. While this program is not a perfect solution, its expanded reach will serve to further reduce stressors on our adjudicative process.
- The Docket Management Task Force, under the overall direction of Justice Hearn, has made great progress, resulting in significant improvement in the percentage of trial courts which are meeting their case disposition benchmarks. In the Family Courts, whose docketing subcommittee is chaired by Judge Aphrodite Konduros with the assistance of Judge Dottie Mobley Jones, all 16 circuits have achieved a processing time benchmark of disposing of at least 80% of cases within 365 days of filing. This is a phenomenal achievement when one considers how far we had to come. While recognizing this success, we continue to seek refinements that will enhance the quality of justice delivered by our hardworking Family Court judges, compatible with enhanced processing times.
- Improvements have likewise been experienced in general sessions' benchmarks, whose docketing subcommittee is led by Justice Don Beatty. General Sessions continues to be the most problematic area for improving processing times because of complicating systemic components, such as prisoner transport, over which we have no control. Nonetheless, over the past year we have doubled the number of circuits, albeit only from 2 to 4, which are hitting their 80% benchmarks.
- In Common Pleas, processing times continue to improve, with 15 of the 16 circuits at the 80% mark. Credit is due to subcommittee chair Judge Cliff Newman.
- For our part, my colleagues on the Supreme Court gave special emphasis during the past year to reducing pending petitions for review. As a result of the hard work done by the Court and our staff, we were able to reduce pending post-conviction relief petitions by 27% and pending Court of Appeals petitions by 44%. We continue our efforts to further pare down the time between when certiorari petitions are ready to be considered, and their disposition by the Court.
- Another initiative, which helps to deliver justice more efficiently, is our business court program. We have expanded that program statewide. Further, I issued an order on January 1, which appointed Judge Roger Young of Charleston as CJAP of the business court, and which named 7 additional judges on a

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regional basis to hear business court cases. Notably, one of those judges, Clifton Newman, is president-elect of the American Congress and Business Court Judges, by virtue of which our State will host the annual meeting of that organization in 2017. My order also streamlined the processing of requests for business court designation. Business courts are a key consideration to the location and expansion of economic development in our State. The more confidence business has in a state's court system, the more likely they are to locate there.

In addition to these concrete achievements, we have instituted a number of pilot programs. I would like to emphasize the pilot nature of these programs, as it is my intent to conduct a thorough review of each pilot program before expanding it beyond the original impact area. While this review may slow "progress," I hope it will also give us time to reflect on the value of the project, and to consider changes to address issues exposed during pilot status.

- In October 2015, a Civil Motions Pilot Program began in the 3rd and 15th Circuits. This pilot requires that parties file and serve supporting memoranda contemporaneous with written motions, and authorizes the resolution of motions in civil actions without a hearing. We are in the process of gathering data to assess the merits of this pilot.
- In order to expedite consideration of post-conviction relief cases, we have instituted a pilot docket management program in the 5th and 11th Circuits aimed at establishing a streamlined process for dealing with PCR applications. These PCR applications are of the type that increases exponentially every year. We anticipate that the current pilot program will allow us to assess ways in which to process this growing caseload.

Turning from docket management successes and pilot programs, I wish to recognize a number of significant achievements during the past year beginning with several attributable to the work of the Chief Justice's Commission on the Profession, led by Justice John Kittredge. Most relevant to my own situation as I approach the age of presumptive senility, is the Court's adoption of Rule 428, SCACR, which is intended to achieve more sensitive handling of cases in which cognitive impairment of attorneys or judges may be at issue. It provides for interventions not unlike those currently in place for substance abuse issues. The desired end is to keep cases out of the disciplinary process if assistance to the impaired person can be brought about in a more compassionate manner.

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- Also adopted on recommendation of the Commission is Rule 429, SCACR, which establishes a certification program for paralegals. Last month I signed an order establishing the first Board of Paralegal Certification, which will administer the program, with support from the South Carolina Bar. The Board is composed of five attorneys and four paralegals, all of whom are currently certified by national organizations. This program will recognize the professional status of paralegals and the important work they do.
- The Commission of the Profession has also had a significant impact on the quality of legal services received by the citizens of South Carolina, owing to the success story of our mentoring program. I was initially skeptical about this program, conceived by the legendary Dewey Oxner, but I am now a believer. You will be pleased to learn that disciplinary sanctions imposed upon lawyers admitted to practice for 5 years or less have been reduced from an average of 29 in the five years preceding implementation of the program, to one per year from 2012-2014. I am happy to announce that figure was reduced to zero in 2015! A remarkable result!
- On another front, we are all aware of the pervasive and insidious evil that human trafficking presents in our society. We applaud Attorney General Wilson's efforts to combat this blight, and our Court Administration will convene a human trafficking summit in August 2016 for judges, prosecutors, social workers, and other stakeholders with interest in combatting this problem area.

Technical Accomplishments

Turning from the human side to the technical, our IT department continues its exemplary performance. Just before her retirement, Chief Justice Toal saw her career-long goal of e-filing reach fruition in December 2015, when Clarendon County's pilot program was initiated. Since then, the other counties of the Third Circuit, Lee, Sumter, and Williamsburg have come on line. And just last Friday, our IT team appeared before an audience of well over a hundred attorneys, paralegals, and court personnel to announce the roll out on March 22, of e-filing in Greenville County, our first large county endeavor.

I emphasize the pilot nature of this e-filing program which presents an enormous learning curve for lawyers, judges, clerks of court and their staffs, as well as significant technological challenges. E-filing is finally

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here, and it is here to stay, but it will be years before it is expanded statewide.

- As for future technical programs, we are planning to expand public access to our appellate case management system. Of course, this expansion carries with it a requirement for security measures to restrict access to sensitive family court and other confidential matters. We are working diligently on this balance between transparency and privacy.

New Initiative

A major initiative undertaken by our Court is our adoption in January, of the Uniform Bar Exam, components of which are already used in all 54 American jurisdictions, including South Carolina.

Under the UBE:

- We maintain strict control over who takes our exam, and how many times that person may take it.
- We maintain our own character and fitness requirements.
- We set our own passing score.
- We will have our own state -specific component, which is currently under development, to insure familiarity with South Carolina specific legal concepts.
- Our law schools will have an additional recruiting tool, in that...
- The UBE allows greater portability of a certificate -- not reciprocity -- for persons who take the UBE in South Carolina, and we may restrict the time limits for those seeking to transfer into South Carolina. In short, we protect our borders while expanding opportunities for our lawyers.

Fiscal Matters

Turning now to the absence of the purse I mentioned at the beginning of this talk, I have submitted a budget for the upcoming fiscal year which is in keeping with the responsible fiscal stewardship traditionally observed by our branch.

With regard to the future, I respectfully commend to your thoughtful consideration, the proposition that the court system be funded by a more stable mechanism than is currently the case. I'll be gone soon, but I am deeply concerned about our heavy dependence upon fines and fees, and though a greater dollar amount, relatively modest general fund revenues. I realize this is a condition that will not change this year, but I again respectfully suggest that you begin the dialogue on a formula-based

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method of funding the judiciary that reduces our heavy dependency on fines and fees.

Regarding fines and fees, and to illustrate the disparate impact of the court system upon the fisc of the state, *vis a vis* its funding level; the most recent figures reported by the Treasurer's Office reveal that in 2015, fines and fees collected by all levels of the court system was \$96.1 million, of which the Judicial Branch received \$14.5 million, while \$12.1 million went to the general fund, and \$69.5 million was distributed to other state agencies. Please note that collections were down year over year, in 2015, demonstrating the unstable financial foundation upon which the budgetary needs of your court system in part rests. In short, I am suggesting exploration into the desirability of formula-based funding from general fund revenues.

- Anyone looking at our budget will quickly understand that our system is labor intensive with more than 80% of our expenditures being consumed by personnel costs. Thus if fees and fines do not generate sufficient funds, we have little capacity in our budget to absorb such a downturn.

With regard to personnel costs, in fiscal 2015, our Finance and Personnel Department conducted a comprehensive review of salaries of our non-judicial staff, comparing their work to that of other employees in the state system with similar responsibilities. This study resulted in a significant, long overdue, and much deserved pay raise for 400 employees. With that accomplished, I have included a proposal -- modest in relative terms -- for a fair increase in judicial compensation. I respectfully submit to you that the evidence is irrefutable that, as with our staff, the time for such a readjustment is merited and overdue.

A comprehensive review of judicial salaries in South Carolina has not been undertaken since 1995. While there have been minor incremental increases in the ensuing twenty years, judicial salaries have not kept pace with the economy, and pale in comparison percentage wise to the respective, and I would hasten to add, well-deserved, raises given to teachers, police, and general state employees. Think of our compensation request as a matter of deferred maintenance, to remedy years of gradual deterioration.

Why should you, as representatives of the citizens of our great State, be concerned about the low level of judicial compensation? Substantial financial rewards have always been more available to seasoned practitioners - the pool from which we traditionally attracted judicial candidates, and the pool from which we should continue to attract judicial candidates. The disparity in compensation between that pool

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and current judicial compensation is perilously close to being so great as to discourage the highest caliber of candidates. While no one believes that judicial pay should be on par with the compensation earned by private practitioners, it should be sufficient to encourage an experienced, civic-minded practitioner to opt for public service. Please keep in mind that unlike members of the two political branches of government, judicial officials may not, with limited exceptions, have outside sources of compensation. Further, and importantly, judges typically do not have careers following their judicial service.

As I mentioned earlier, the only thing the judicial branch has to legitimate its authority is its credibility. The better the candidate pool, the greater the confidence of the business community and the person on the street. The business community, as you know, considers a state's court system -- a core function of government -- a key component of location and expansion. The competence level engendered by fair compensation will lift the confidence in our court system in both the loftiest industrial giants, and that of the ordinary citizen. I urge your thoughtful consideration of my proposal and I am happy to provide any detailed information you may require as you weigh the merits of this proposal.

Judicial Selection

Before I end my first and last address to you, I feel compelled to address the method we use to select judicial candidates. With regard to the composition of the judiciary, I have long been on record as favoring the current legislative election of judges. To paraphrase Winston Churchill, it is the worst of all methods of judicial selection . . . except for all the others.

One of the primary virtues of our system is the absence of the influence of money, and the unseemly media campaigns that attend popular election of judges. Thank you for maintaining it, and thank you too for considering refinements that could improve the system. Thanks too for continuing measures designed to maintain a judiciary independent of political influence, by not countenancing pledge or promise requirements which poison the process in those states that popularly elect judges.

Conclusion

Finally, let me again thank the General Assembly for the opportunity you have given me to serve our State. I know you join me and our court in steadfast adherence to the separation of powers which the framers of

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our national constitution provided as a template for our own system. As long as we each continue to observe that wholly salutary dichotomy, we will continue to have a system in which all of our citizens may be confident.

My heartfelt thanks to the members of this honorable body for affording me the privilege of addressing you. God bless our State and all of you.

Upon conclusion of his address, Chief Justice Pleicones and his escort party retired from the Chamber.

JOINT ASSEMBLY RECEDES

The purposes of the Joint Assembly having been accomplished, the PRESIDENT announced that under the terms of the Concurrent Resolution the Joint Assembly would recede from business.

The Senate accordingly retired to its Chamber.

THE HOUSE RESUMES

At 12:30 p.m. the House resumed, the SPEAKER in the Chair.

Rep. SPIRES moved that the House do now adjourn, which was agreed to.

MOTION NOTED

Rep. WHITE moved to reconsider the vote whereby H. 4940 was rejected and the motion was noted.

ADJOURNMENT

At 12:32 p.m. the House, in accordance with the motion of Rep. DILLARD, adjourned in memory of Tomie Gains, Sr., of Greenville, to meet at 10:00 a.m. tomorrow.

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H. 3133	10	H. 4939	20, 22
H. 3706	10	H. 4940	22, 33
H. 3928	10	H. 4941	23
H. 3993	10	H. 4973	2
H. 4092	12	H. 4974	3
H. 4328	11	H. 4975	2
H. 4510	11	H. 4976	2
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H. 4577	12		
H. 4701	11	S. 927	3
H. 4712	12	S. 937	1
H. 4824	25	S. 1000	11, 18
H. 4936	15, 16	S. 1076	7
H. 4937	16	S. 1079	5
H. 4938	18	S. 1108	6