NO. 45

JOURNAL

of the

HOUSE OF REPRESENTATIVES

of the

STATE OF SOUTH CAROLINA

REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

WEDNESDAY, APRIL 20, 2016
(STATEWIDE SESSION)

Wednesday, April 20, 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 27:8: "Come," my heart says, "seek His face!" your face, Lord, do I seek."

Let us pray. God of mercy and grace, establish in each of us the desire to seek Your guidance and understanding. Lord, as we continue to serve the people You have called us to represent, give us a heart full of love and caring to do the right thing. Bless our Nation, President, State, Governor, Speaker, staff, and all who contribute to this great cause of governing and freedom with compassion. Protect our defenders of freedom at home and abroad as they protect us. Heal the wounds, those seen and those hidden, of those who suffer and sacrifice for our freedom. Lord, in Your mercy, hear our prayers. 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. TAYLOR moved that when the House adjourns, it adjourn in memory of Elizabeth "Lisa" Chesser Hosang, which was agreed to.

ACTING SPEAKER TAYLOR IN CHAIR

REPORT RECEIVED

The following was received:

REPORT OF THE JOINT LEGISLATIVE COMMITTEE TO SCREEN CANDIDATES FOR COLLEGE AND UNIVERSITY BOARD OF TRUSTEES
April 19, 2016

WEDNESDAY, APRIL 20, 2016

The Joint Legislative Committee to Screen Candidates for College and University Boards of Trustees found the following candidates qualified to stand for election to their respective Boards:

The Citadel	**Letters of Intent received from:**
One (1) at-large seat	Lauren Fleming-Melton, Columbia
(term expires June 30, 2022)	*Dylan Goff, Columbia*
-- must be a graduate of The Citadel	

Clemson University

Three (3) at-large seats	*Ronald D. Lee, Aiken*
(term expires June 30, 2020)	*Louis B. Lynn, Columbia*
	Robert L. Peeler, Lexington

College of Charleston/University of Charleston

1st Congressional District - Seat 2	*L. Cherry Daniel, Charleston*
(term expires June 30, 2020)	
2nd Congressional District - Seat 4	Brian Jeffrey Stern, Columbia
(term expires June 30, 2020)	
3rd Congressional District - Seat 6	*Edward L Thomas, Jr., Anderson*
(term expires June 30, 2020)	
4th Congressional District - Seat 8	*Renee Romberger, Greenville*
(term expires June 30, 2020)	
5th Congressional District - Seat 10	R. Laurin Burch, Camden
(term expires June 30, 2020)	Michael Todd Warrick, Sumter

College of Charleston/University of Charleston (continued)

6th Congressional District - Seat 12	*Ricci Land Welch, Manning*
(term expires June 30, 2020)	
7th Congressional District - Seat 14	Penelope S. Rosner, Myrtle Beach
(term expires June 30, 2020)	
At-large - Seat 16	*David Mikell Hay, Charleston*
(term expires June 30, 2020)	

WEDNESDAY, APRIL 20, 2016

Francis Marion University

2nd Congressional District - Seat 2 (term expires June 30, 2020)	Benjamin I. Duncan II, Columbia
3rd Congressional District - Seat 3 (term expires June 30, 2020)	*Patricia Hartung, Greenwood*
4th Congressional District - Seat 4 (term expires June 30, 2020)	*Jody Bryson, Greenville*
7th Congressional District - Seat 7 (term expires June 30, 2020)	*George C. McIntyre, Bennettsville*
At-large - Seat 9 (term expires June 30, 2020)	*Mary M. Finklea, Florence* Karen A. Leatherman, Florence
At-large - Seat 11 (term expires June 30, 2020)	*H. Randall Dozier, Murrells Inlet* ~~Tim Geddings, Florence withdrawn~~
At-large - Seat 15 (term expires June 30, 2020)	*William W. Coleman, Jr., Florence*

Lander University

1st Congressional District - Seat 1 (term expires June 30, 2020)	*Cary C. Corbitt, Hilton Head Island*
2nd Congressional District - Seat 2 (term expires June 30, 2020)	Angela G. Strickland, Columbia
3rd Congressional District - Seat 3 (term expires June 30, 2020)	*Linda Dolny, Greenwood*

Lander University (continued)

4th Congressional District - Seat 4 (term expires June 30, 2020)	*Jack W. Lawrence, Spartanburg*
5th Congressional District - Seat 5 (term expires June 30, 2020)	Hester Booker, Union *S. Anne Walker, Sumter*
6th Congressional District - Seat 6 (term expires June 30, 2020)	*Robert F. Sabalis, Orangeburg*

7th Congressional District - Seat 7 *Catherine Frederick, Florence*
(term expires June 30, 2020)

Medical University of South Carolina
1st Congressional District - lay member *Michael Stavrinakis, Charleston*
(term expires June 30, 2020)

2nd Congressional District - lay member *William H. Bingham, Cayce*
(term expires June 30, 2020)

3rd Congressional District - lay member *Charles W. Schulze, Greenwood*
(term expires June 30, 2020)

4th Congressional District - medical member David Mitchell, Spartanburg
(term expires June 30, 2020) *Charles Thomas, Jr., Greenville*

5th Congressional District - medical member *Murrell Smith, Sumter*
(term expires June 30, 2020)

6th Congressional District - lay member *Barbara Johnson-Williams, Orangeburg*
(term expires June 30, 2020)

7th Congressional Dist. - medical member *E. Conyers O'Bryan, Florence*
(term expires June 30, 2020)

University of South Carolina
2nd Judicial Circuit *Miles Loadholt, Barnwell*
(term expires June 30, 2020)
(*Aiken, Bamberg or Barnwell counties)*

4th Judicial Circuit *Eugene P. Warr, Jr., Lamar*
(term expires June 30, 2020)
(*Chesterfield, Darlington, Dillon and Marlboro counties)*

6th Judicial Circuit *Hugh Mobley, Lancaster*
(term expires June 30, 2020)
(*Chester, Fairfield and Lancaster counties)*

University of South Carolina (continued)

8th Judicial Circuit *A.C."Bubba" Fennell III, Greenwood*
(term expires June 30, 2020)
(Abbeville, Greenwood, Laurens and Newberry counties)

10th Judicial Circuit *Chuck Allen, Anderson*
(term expires June 30, 2020)
(Anderson and Oconee counties)

14th Judicial Circuit *William W. Jones, Jr., Bluffton*
(term expires June 30, 2020)
(Allendale, Beaufort, Colleton, Hampton and Jasper counties)

15th Judicial Circuit *James E. Burroughs, Murrells Inlet*
(term expires June 30, 2020)
(Georgetown and Horry counties)

16th Judicial Circuit *Leah B. Moody, Rock Hill*
(term expires June 30, 2020)
(Union and York counties)

Winthrop University

3rd Congressional District - Seat 3 *Janet R. Smalley, Walhalla*
(term expires June 30, 2022)

4th Congressional District - Seat 4 Shane Duncan, Simpsonville
(term expires June 30, 2022)

Wil Lou Gray Opportunity School

One (1) at-large seat Angela Hanyak, N. Charleston
(term expires June 30, 2017)

Three (3) at-large seats *Doris M. Adams, Columbia*
(term expires June 30, 2020) *Bryan B. England, Georgetown*
Reginald J. Thomas, Spartanburg

* *Incumbents are italicized.*

The Candidates are released to seek the vote of members of the General Assembly at 10:00 a.m. on Thursday, April 21, 2016. In addition, members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy or statements

detailing a candidate's qualifications on behalf of a candidate, and are not permitted to offer a pledge to vote for a candidate until 10:00 a.m. on April 21, 2016.

Transcripts of the screening hearings are available Wednesday, April 20, 2016 under Screening Reports on the following website: http://www.scstatehouse.gov/committeeinfo/Universities&CollegesScreeningCommittee/Univ&CollScreening.php

In accordance with S. 1198, the date for the election to these seats is Wednesday, April 27, 2016 at 12:00 noon in the House Chamber.

JOINT LEGISLATIVE COMMITTEE
TO SCREEN CANDIDATES
FOR COLLEGE AND UNIVERSITIES BOARD OF TRUSTEES

Date: Monday, March 14, 2016
Time: 9:55 a.m.
Location: Gressette Senate Building
1101 Pendleton Street
Room 209
Columbia, South Carolina

Committee Members Present:
Chairman Senator Harvey S. Peeler, Jr.
Senator Thomas C. Alexander
Senator Robert W. Hayes, Jr.
Senator John L. Scott, Jr.
Representative William R. "Bill" Whitmire
Representative Phyllis J. Henderson
Representative Mia S. McLeod

Also Present:
Martha Casto, Staff
Julie Price, Staff

Proceeding 10:01 a.m.
CHAIRMAN SENATOR PEELER: I'd like to go ahead and get started. I'll call the meeting to order. This is the Joint Legislative Committee to Screen Candidates for College and University Boards of Trustees. I'd like to welcome everyone.

We've got some members coming on in. If there's no objection, we'll go ahead and get started for the interest of time.

How many candidates do we have, Martha, to screen this week?

MS. CASTO: Fifty-two.

CHAIRMAN SENATOR PEELER: We have 52 candidates to screen. As always, any committees that I chair, brevity is a plus.

Now, if there's no objection, we have Clemson University. First up will be Ronnie Lee, Dr. Lee, from Aiken, at-large seat, expires 2020. He's an incumbent; been on the board for six years.

Dr. Lee, if you would come forward.

DR. LEE: (Complying.)

CHAIRMAN SENATOR PEELER: Take a seat, and make sure your light is burning green.

DR. LEE: It is green.

CHAIRMAN SENATOR PEELER: Good.

Good morning.

DR. LEE: Good morning.

CHAIRMAN SENATOR PEELER: I need to swear you in first.

DR. LEE: Okay.

CHAIRMAN SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. LEE: I do.

CHAIRMAN SENATOR PEELER: Thank you. Would you like to make a brief statement to the Committee on why you'd like to continue to serve on the Clemson Board of Trustees?

DR. LEE: Sure.

First of all, I want to thank the legislature for giving me the opportunity to serve for the last six years, probably for the same reasons you serve the state. It is a labor of love to serve Clemson.

So I had a wonderful Clemson experience, you know. It was instrumental, and my professional career path prepared me well for post-Clemson degrees. It allowed me to provide for my family, and to be able to afford them an education so they didn't have to graduate with student debt, which they were appreciative of, as I was to my father who worked hard so that I could go to Clemson.

So it's a fun job. It takes a good bit of time, but it also allows me to be on campus at a place that I love, and I loved her.

CHAIRMAN SENATOR PEELER: Thank you.

Members, you have a skinny in front of you. Any questions of Dr. Lee?

REPRESENTATIVE WHITMIRE: I'll just make a quick statement, if that's all right.
CHAIRMAN SENATOR PEELER: Representative Whitmire.
REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

Dr. Lee, I just want to thank you and the other trustee candidates here. You've got a wonderful school up in our part of the world. I've got two Clemson graduates here, and, of course, I didn't graduate from Clemson, but I've been a huge fan all my life.

You know, how many applications, do you know, that are in?
DR. LEE: Over 22,000.
REPRESENTATIVE WHITMIRE: For what, thirty --
DR. LEE: Thirty-four hundred positions.
REPRESENTATIVE WHITMIRE: I was reading that you liked a 65:35 ratio in state and out of state. That's been a concern of mine for Clemson. I mean, they offer such a wonderful education. I know a lot of out-of-state students.

How does the administration or the trustees go about ensuring that some of our in-state students won't be left by the wayside?
DR. LEE: That's a good question, and it is a widely discussed issue. I think the benefits of the one-third being from out of state is it does help with a more diverse student population, which is, I think, also important for the educational process. Quite frankly, it also helps the business model, obviously, because out-of-state people pay more.

At Clemson, our answer in recent years has been the Bridge program, which allows another 850 in this coming class to matriculate to Tri-County Tech, and then upon if they do well there -- and well is like a 2.6 -- I think. And they're guaranteed to be a sophomore at Clemson.

So that's allowed us to add another 850 South Carolina students to be able to graduate from Clemson.
REPRESENTATIVE WHITMIRE: How many credits transfer with the Bridge?
DR. LEE: All of them.
REPRESENTATIVE WHITMIRE: All of them.
DR. LEE: Right.

So they actually -- their on-time graduation rate is actually better than a conventional Clemson student.
REPRESENTATIVE WHITMIRE: So this might be a student who doesn't necessarily score high on the ACT, SAT, but, you know, a good student otherwise. Would that --
DR. LEE: That's exactly right.

It is actually quite competitive, the Bridge program, because there are 3,000 letters sent out to Bridge students, and they take 850, and it's first-come, first-served. So those letters go out, and they are paying their own line, $750 deposit immediately, to ensure a spot. So it's quite popular.

And, you know, as you might expect, I'm sure there's a lot of getting the same calls from parents who are upset that Little Johnny didn't get in. And it's usually Little Johnny and Little Susie who would get in. But Little Johnny didn't get into Clemson, so the Bridge program is a good option for them, and they do quite well.

REPRESENTATIVE WHITMIRE: Well, thank you for your service.

DR. LEE: And thank you for your loyalty to Clemson.

(Representative Henderson enters the room.)

CHAIRMAN SENATOR PEELER: Good morning, Representative Henderson.

REPRESENTATIVE HENDERSON: Good morning.

CHAIRMAN SENATOR PEELER: You're lucky. I'm doing the first ones.

SENATOR ALEXANDER: Could I ask --

CHAIRMAN SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good morning, Dr. Lee. I certainly appreciate your service and echo the comments from the representative about, you know, an outstanding institution for serving South Carolina so well at Clemson University.

What is the biggest challenge that you see -- briefly, the biggest challenge you see facing the university today?

DR. LEE: For me, it is affordability, maintaining the value of the Clemson degree and with all that goes into making a Clemson degree so valuable and yet being mindful of the financial burden it places on parents and the student.

SENATOR ALEXANDER: And if I heard you correctly, roughly, it's two-thirds in-state students and one-third out. Is that --

DR. LEE: Correct.

SENATOR ALEXANDER: Okay. Well, and I do also want to commend the board of trustees for the excellent selection of Dr. Jim Clements as the president of the university. I think he's doing a great job for us, so I appreciate that.

CHAIRMAN SENATOR PEELER: Absolutely. We're pleased with the president. He's doing a great job and has a great eye.

DR. LEE: Yeah, and, you know, the hiring the trustees make is hiring the president, and I think we're pretty fortunate, and, Dr. Clements, he's doing a great job.

CHAIRMAN SENATOR PEELER: Dr. Lee, you know my background in agricultural, and, as a matter of fact, people asked me when I was going to college -- they said, "What are you doing going to that cow college?"

And I said, "Well, I'm majoring in dairy science."

But, as you know, the emphasis on the agricultural of our community is diminishing some. But thank you for your interest in trying to look into the possibility of a vet school at Clemson, and I appreciate you working with us on that. I very much think that we need one in this state, and Clemson makes -- it makes all the sense for it to be at Clemson, I think.

DR. LEE: Well, I agree. You know, the will of Thomas Green Clemson talks about educating farmers and mechanics. So we've got the land. I'm not smart enough to understand, I guess, the whole business model and the economics of it, but if, you know, Mississippi can have a vet school, I think Clemson, South Carolina, should find a way to have one.

I know I tell people all the time, people spend a lot more money on their dog's teeth than their own teeth. So I think there are plenty of people wanting to be veterinarians.

CHAIRMAN SENATOR PEELER: Any other questions or comments?

Now, what's the desire of the Committee?

SENATOR ALEXANDER: Favorable.

CHAIRMAN SENATOR PEELER: Motion is a favorable report.

All in favor, say aye.

ALL MEMBERS: Aye.

CHAIRMAN SENATOR PEELER: Opposed, no; and the ayes have it.

Thank you.

DR. LEE: Thank you very much.

CHAIRMAN SENATOR PEELER: We appreciate your willingness to serve.

And up next, Louis Lynn from Columbia, incumbent, and on the board since 1988, 28 years.

MR. LYNN: Yes, sir.

CHAIRMAN SENATOR PEELER: Good morning, Dr. Lynn.

MR. LYNN: Good morning.

CHAIRMAN SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. LYNN: I do.

CHAIRMAN SENATOR PEELER: Would you like to make a brief statement?

MR. LYNN: Yes.

As you said, I've served on the board for 28 years. And like Ronnie and everyone else, it's a labor of love, but for me, as a South Carolina citizen and a Clemson grad, it's a way for me to pay my civic grant to give back to what's given so much to me.

I'm that dad that my child -- I live here in Columbia. My child wanted to go to USC. I'm that dad that said the check is going to Clemson. So she went to Clemson.

But I support all the universities in the state, but Clemson has been good for me and my family, and this is what I can pay back.

CHAIRMAN SENATOR PEELER: Any questions or comments?

Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman. I see that you state the diversity of faculty is the biggest weakness. What is the percentages now, and what would you like to see it become?

MR. LYNN: Diversity is about 6. It's less than 7 percent.

And so I mentioned my daughter going to Clemson. And for my -- there's still classes that don't have minority students, and diversity at Clemson -- I don't know if I could get into Clemson today. We've raised our standards, and smart African-American kids can go a lot of places, and diversity is an issue because of scholarships.

You know, in the circles I run in, my church for instance, black youngsters are just given scholarships to go to other schools, and, frankly, parents follow the money. So we just need more scholarships to increase that.

Folks love wearing the Clemson ring. For me, as I've been around the world, the Clemson ring has been an asset, but for families, they follow the money. And we just don't have enough scholarship money to be competitive, and we have a very valuable degree.

REPRESENTATIVE WHITMIRE: So you're saying that along with the lottery scholarship money, you would like to have some type of scholarship that would allow them to fully fund their education?

MR. LYNN: Right, right. Because we lose a lot of those kids to other schools.

REPRESENTATIVE WHITMIRE: Okay.

MR. LYNN: We end for South Carolina State University. We're losing them to other states. And once they go, they don't come back many times.

REPRESENTATIVE WHITMIRE: You definitely would like to see minority students from the state stay in the state.
MR. LYNN: Correct, yes.
REPRESENTATIVE WHITMIRE: Thank you.
CHAIRMAN PEELER: Senator Alexander.
SENATOR ALEXANDER: Thank you, Mr. Chairman.
Good morning.
MR. LYNN: Good morning, sir.
SENATOR ALEXANDER: These years have gone by in a hurry.
MR. LYNN: Yes, sir. Yes, sir.
SENATOR ALEXANDER: What's the biggest change that you've seen at Clemson University since being on the board of trustees?
MR. LYNN: In my 28 years, one is, we speak economic development as a university. You know, we bragged about our academic prowess -- which we have -- the research universities have the prowess -- but we speak economic development. So that matters a lot to the state, that we're part of the economic engine and we're part of what attracts businesses to come to Clemson.

So, you know, I'm the ad guy, but -- so we sell service to cows and plows guys -- excuse me, Senator -- the cows and plows guys, but we also service industry. And we've attracted from my -- it was almost an embarrassment to talk about business 28 years ago in the university, but now we partner a lot with industry, and we take credit for bringing the BMWs -- for being a part of the BMW's decisions to come to South Carolina.
SENATOR ALEXANDER: Keep up the good work.
MR. LYNN: Thank you, sir.
CHAIRMAN PEELER: Representative Henderson.
REPRESENTATIVE HENDERSON: Thank you, Mr. Chairman. I appreciate being here. While I do not have -- I do have children in Carolina. I'm wearing my Carolina colors today, Clemson supporter, from Greenville.

I want to ask a question --
CHAIRMAN PEELER: If you're going to like Clemson, you've got to be a Tiger.
REPRESENTATIVE HENDERSON: Yeah, sorry. I also have a Bulldog in my family.

Let me ask about the board. How many members are on the board?

I should know this, but I don't.

MR. LYNN: There are 13 of us, and 6 of us are elected, and 7 are part of the -- are members through like the vote of Thomas Green Clemson. But six of us are elected.

REPRESENTATIVE HENDERSON: So what about board diversity? What's the makeup of your boards as far as minorities and women and --

MR. LYNN: We have two women and I have the best tan of the men. I'm the minority, male minority.

REPRESENTATIVE HENDERSON: I ask just because it's something that I -- Clemson is actually better than some of the other boards. I'd like to see more women and minorities get involved in all of the boards, but I do appreciate your service. I just wanted to ask you about that.

Thank you.

CHAIRMAN PEELER: Dr. Lynn, I saw you shaking your head when I mentioned vet school. What do you think about vet school?

MR. LYNN: I think it's a great idea. We're losing -- our kids are having to compete for slots through the Academic Common Market. They're having to compete for slots.

And so then that applies to large animals too. I know that the pets -- but the large animals. And as Ronnie said, there's no need for -- you know, there's no need for those kids to have to compete to go to other schools. And, again, once they leave, it's tough to get them back home.

And there's a big need, both large animal and small animal. We shouldn't have to try to put our kids off to other states.

CHAIRMAN PEELER: Like I mentioned before, don't tell us how we can't; tell us how we can --

MR. LYNN: Yes, sir.

CHAIRMAN PEELER: -- do what we need to do. I think we need to do it.

MR. LYNN: Yes, sir.

CHAIRMAN PEELER: And now, you and I and Dick Harpootlian are classmates. Do you remember that?

MR. LYNN: Yes, sir. Yes, sir.

CHAIRMAN PEELER: That was a long, long way to go, but people can't believe that.

MR. LYNN: All of our classmates either have gray hair or no hair.

CHAIRMAN PEELER: And I appreciate you not bringing up any of your memories. They're all good.

MR. LYNN: Let's keep that between ourselves.

CHAIRMAN PEELER: What's the desire of the Committee?

SENATOR ALEXANDER: Favorable.

CHAIRMAN PEELER: Motion is a favorable report.
All in favor, say aye.
ALL MEMBERS: Aye.
CHAIRMAN PEELER: Opposed, no; and the ayes have it.
Thank you for your service, Doctor.
MR. LYNN: Thank you. Go Tigers.
CHAIRMAN PEELER: Thank you.
Bob Peeler, incumbent, 13 years' service on the board.
MR. PEELER: Good morning.
CHAIRMAN PEELER: Good morning.
Does the committee want to swear me in and let me testify on his behalf?
MR. PEELER: Can I say something?
SENATOR ALEXANDER: I've got a -- actually, a sheet of questions.
CHAIRMAN PEELER: Thank you.
Good morning, Bob. If you would -- do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MR. PEELER: I do.
CHAIRMAN PEELER: Would you like to make a brief statement?
MR. PEELER: First of all, thank you for -- back in May of 2003, after I had left office as lieutenant governor and served as chairman of my school board in Cherokee County and served as chairman of the State Board of Education and served two terms as lieutenant governor and left the office in January of 2003, and then May, within that year, that spring, Allen Wood retired as an active trustee. So we had an open seat, and I think there were 15 of us running for that open seat, and I was fortunate to be elected by you all. And first of all, I want to thank you for that.

And I have served over a decade on the Clemson Board of Trustees, and I think I bring a common-sense perspective to the board. I think Ronnie and Louis will tell you maybe too much sometimes.

But I graduated from Clemson, my two brothers graduated from Clemson, and my sister graduated from Clemson and my two children have. And I feel like it's a way to give back. We were raised to be involved in public service, and I can't think of a better way to serve the public, to serve the families of South Carolina, than serving my alma mater.
CHAIRMAN PEELER: Thank you.
Any questions or comments?
Representative Whitmire.
REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

What challenges do you think Clemson is going to be facing in the near and distant future?

MR. PEELER: I think to have an affordable opportunity for a high-quality education in South Carolina, especially to the working families of South Carolina, and we have to keep an eye on that. Tuition has increased. I have probably voted against more increases in tuition over my 12, almost 13 years, than anybody.

But Clemson is like a big family, and I think that's one of our attributes. But I think, frankly, sometimes we kind of forget that, and we need to focus on that and do our part to keep it affordable for working families in South Carolina. I think that was Thomas Green Clemson's intent, and I think that's what drives us today and that's what should drive us today.

REPRESENTATIVE WHITMIRE: You know, I -- the one thing I think that sets -- I won't say sets them apart, but is a big part of Clemson, is the camaraderie, especially of the older graduating classes. Do we still have that with the new ones since we are so -- got such a wide range of people now coming to Clemson; do you know? You know what I'm talking about.

MR. PEELER: I do. It's a good point. It's a challenge sometimes, but I think Clemson does a good job of maintaining that.

You mentioned Dr. Clements, our new president. He's doing a very good job. He gets the land grant mission that is our challenge. And I grew up in an agriculture family and am proud of that.

And I remind my fellow board members from time to time that we don't need to lose focus of agricultural too, and I think Dr. Clements is doing an outstanding job of focusing and refocusing on that part of our mission.

CHAIRMAN PEELER: Last question.

REPRESENTATIVE WHITMIRE: What was the chairman like growing up? Was he a bully to you younger guys?

MS. CASTO: That was a good one.

MR. PEELER: You can only imagine. With all due respect, the chairman tells people, "Well, I was here last week and somebody thought I was Senator Peeler. And told him that I will tell Senator Peeler that they paid him a compliment."

And they said, "Well, how will he take it?"

I said, "Not that good."

And I have a twin brother, Bill, and Senator Peeler said it took two of us to make one of him.

SENATOR ALEXANDER: I've heard that a few times.

REPRESENTATIVE WHITMIRE: Thank you for your service.
MR. PEELER: Thank you.
CHAIRMAN PEELER: A true story, when Bob was lieutenant governor, the press asked me and said, "Well, what are you going to do when -- the first time he moves you out of order?"

I said, "I'm going to call mama."

MR. PEELER: Quickly, I can tell you -- it's off the subject, but David Wilkins and I were George W. Bush's co-chairmen in 2000 when he ran for president, and, of course, David and I take full credit for him winning the South Carolina primary.

Well, later on, after I left office and president -- then-President Bush came back to address the joint assembly, Harvey was on the escort committee. And from what I understand, President Bush called me Bobby. Not that he and I called each other that often, but he asked Harvey -- he said, "What's Bobby doing?"

He said, "Bobby's doing the same thing your brother Jeb's doing."

He said, "What's that?"

He said, "Wishing they were us."

I said, "Can't you picture Harvey saying it?" I said, "I'm afraid I can."

CHAIRMAN PEELER: Well, actually what I said is, "What's your little brother been doing?" I said, "The same thing your little brother's been doing."

He said, "What's that?"

I said, "Wishing he was his big brother."

He said, "I'm going to call mama right after this meeting."

MR. PEELER: But I love serving Clemson, and it's a way to give back. And believe me, I don't take it for granted.
CHAIRMAN PEELER: Any other questions?

Ms. Henderson.

REPRESENTATIVE HENDERSON: Thank you.

Well, thank you for your service. I think I was actually thinking I probably have an old Peeler, you know, T-shirt somewhere in a drawer somewhere. I saved all those old campaign things.

MR. PEELER: Well, that might be worth something one day.
REPRESENTATIVE HENDERSON: I wanted to ask a question about tuition and scholarships too related to what Dr. Lynn was saying; and that is, one of my concerns about Clemson, not only is the cost, but the fact that so few of our in-state students are actually given scholarships in Clemson. My daughter is a chemical engineering major, actually, here, and one of the reasons is that she received a significant amount of money here and not Clemson. And I remember, you know, when you

take the SAT or the ACT, and you put your schools on there, when you get the scores back, on the back of the form are statistics about the universities that you had your scores sent to. And one of the statistics has to do with scholarships: the proportion of students that are awarded scholarships, the portion of students that are awarded merit scholarships.

And to my dismay, Clemson is on the very, very low end of giving merit scholarships to students. And I know some of it is very competitive, and you're doing real well, you know, to get in these days, but that's a little of a concern to me because I just feel like you may be losing a lot of in-state kids who are going other places because they're getting more money.

MR. PEELER: It concerns me too. We need to do an even better job of that. I know when you look at LIFE scholarships and Palmetto Fellows and others, I think over 90 percent of incoming freshmen qualify for some scholarship. But to look at, not only merit-based scholarships, but more need-based scholarships too, to have a good mixture of that, it's a challenge in the twenty-first century. We need to be very watchful of it.

CHAIRMAN PEELER: I agree.

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Kind of following up in that area, are you comfortable with where we are from the standpoint of the in state/out of state? I mean, is that a good match? Is that kind of where we've been?

And certainly Clemson has, I think, a better track record than many of our state institutions do, but, I mean, I guess it gets back to accepting South Carolina students.

MR. PEELER: We have to be very mindful of it. And, again, I'm not a numbers person. I'm not going to sit here and make it look -- I think I'd put -- 70:30, I think would be, in my mind, a good one.

SENATOR ALEXANDER: A good rule of thumb?

MR. PEELER: Right now, I think, overall, it's 69:31. That is something -- one time I remember there was a study done at a major university right after I got on the board at Clemson, and I think they had paid like a-half-a-million dollars to get back a consultant study to tell them that they needed to be more human. And it reminded me, at Clemson, we need to be very mindful. We're plenty human. We need to not fall into the trap of being less human and keep Clemson what it is.

And people say all the time there's just something about Clemson you can't quite put your finger on. And if you've ever been on campus, ever attended Clemson, there is something about Clemson. And when all the

things that we think about and all the details that we work on, the most important thing, I think, is that we keep Clemson, Clemson.
SENATOR ALEXANDER: Thank you. And one follow-up, one observation, if I would, is -- and it kind of reminds me of what you were saying there just then, the number of Carolina graduates that I hear today, that their children are now students at Clemson University. So I think that the future is bright for the state of South Carolina, that those students realize they're getting a good education at Clemson University.
MR. PEELER: And that's good that they've studied real hard and made good grades so they can go to Clemson.
CHAIRMAN PEELER: Senator Scott.
SENATOR SCOTT: Thank you, Mr. Chairman.
Good morning.
MR. PEELER: Good morning, Senator Scott.
SENATOR SCOTT: If you'll help me a little bit, what's the African-American ratio?
MR. PEELER: It has increased over -- that's the 7.4 percent, and I think it's about a 75 student increase this year over last year. But we have much work --
SENATOR SCOTT: Seventy-five is what you're saying?
MR. PEELER: Yes.
We have more work to do in that, and one of the things that we are focusing continuously on and should, and it's one thing that our president, Jim Clements, is certainly focused on, Max Allen, the chief of staff, has been working as the interim diversity officer, and we have a new diversity officer coming on board. We're looking at everything from Emerging Scholars to Call Me MISTER, some of the things we can build on and to go into the areas that we need to work on, and we're committed to do that, and we should be.
SENATOR SCOTT: I noted that last year we had some real issues with some of the African-American students with some of the building names on campus, and I know that the first response from some of the members of the boards of trustees was kind of harsh. And I noticed it kind of softened up. Can you update me to where we are with that and making sure we get the student body back involved?
MR. PEELER: We are. And, again, we've worked on that. We've just completed a task force report. Dr. Lynn and I served on that task force, David Wilkins chaired, with some recommendations that I think are going to make a difference. And as most things that I tend to focus on, we need to look at ways that are actually going to make a difference, not only today, but live longer than we do.

And I think we're doing a good job of that. We need to do a better job of that, and I think the recommendations from the task force are going to lead that, not only in the short term and the middle term, but in the long term. And it's not something that -- it's not a book that's going to gather dust on the shelf somewhere. We're committed to doing it better.
CHAIRMAN PEELER: Any other questions?
Senator Alexander.
SENATOR ALEXANDER: I was just recommending that we move to favorable.
CHAIRMAN PEELER: Move to a favorable report.
All in favor, say aye.
ALL MEMBERS: Aye.
CHAIRMAN PEELER: Opposed, no; and the ayes have it. Thank you, sir. I appreciate your service.
MR. PEELER: Yes, sir.
CHAIRMAN PEELER: And if someone would please go check in on Nicky McCarter and see where he is, because I can't believe we screened three trustees and he's not here.
MR. PEELER: They must need him somewhere. He'll be calling in to the phone.
CHAIRMAN PEELER: Okay.
MR. PEELER: It's a little early yet.
CHAIRMAN PEELER: Okay.
MR. PEELER: Thank you.
CHAIRMAN PEELER: Thank you, gentlemen.
Next, College of Charleston. First up, Cherry Daniel, Charleston, Seat 2, expires 2020. She's been on the board 20 years. It's hard to believe.
MS. DANIEL: I know. You make me feel old.
CHAIRMAN PEELER: Good morning.
MS. DANIEL: Good morning. Thank you very much. Pleasure to be here.
CHAIRMAN PEELER: Let me swear you in.
MS. DANIEL: Sure.
CHAIRMAN PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MS. DANIEL: I do.
CHAIRMAN PEELER: Welcome. Would you like to make a brief statement?
MS. DANIEL: Yeah.
I just -- very briefly, I want to thank the support that y'all have given the College of Charleston over the years that I've served on the board.

There's been a lot of tough decisions made by the General Assembly, but you've been very, very supportive of our school in the Lowcountry, and we all very much appreciate the many efforts you've gone to.

I've thoroughly enjoyed serving my 20 years on the board. It's been a pleasure. Again, it's giving back. I'm an alum at the College of Charleston, and during my tenure we've added many majors that -- what I would call enhanced workforce development, economic development in our area.

There are majors such as professional studies, supply chain management, accounting, literacy education, sports medicine, African-American studies. The list goes on and on. And those majors direct -- will be able to place a student, once they finish, into a very nice-paying job. And that's what it's all about, is to educate our workforce, particularly in the Tri-County area because it's booming, as y'all know, with the Boeing, with the Volvo.

And really it's enhanced our community a great deal. We're now, I think, a key player in our community.

CHAIRMAN PEELER: Ms. Daniel, how about the financial health of the College of Charleston? Are you financially healthy?

MS. DANIEL: Yeah, very much so. As a matter of fact, we're going through and having some very serious budget second looks to make sure that we're spending their money, the taxpayers' money, wisely.

And so we're going through that. As painful as it is, we want to make sure we have no fluff and that we're spending money wisely and reasonable.

And so we have to keep our costs down. And I think all the gentlemen from Clemson -- well, I think it's all of -- everybody has a say in the tuition and the health of the school, and that's one way you can look at it, is to make sure that we keep that tuition down and so it's not prohibitively expensive for students to attend there. And we don't want to see the students coming to our school and walking out the door with $100,000 debt. So we are a lot more aggressive in the areas of development, the scholarships and such.

But I think our school is very healthy. I really do. And it's getting healthier.

CHAIRMAN PEELER: Mr. Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

Having two -- two of my children are graduates --

MS. DANIEL: Yes, sir.

REPRESENTATIVE WHITMIRE: -- of the College of Charleston. I'm very aware of when we tried to move them in, there was no place to park. I mean, it's --

MS. DANIEL: And that is a challenge.

REPRESENTATIVE WHITMIRE: -- really tough. Tell me something about this North Campus, where it's located and --

MS. DANIEL: There again, thank you. Thank you.

I serve on the Lowcountry Graduate Center Board, which is two trustees from each school in the Tri-County area. But the College of Charleston North Campus is to serve people in the upper part of the counties, like Colleton County, Berkeley County, Beaufort, or wherever. It is conveniently located off of I-26. 526, actually.

And what we aim to do is parking is not a problem. You'd be glad to hear that.

And so we have a lot of programs that are being -- particularly for the adult learner, you know, being pushed and being placed on that campus so that we won't have a lot of -- well, mitigate the parking problem a little bit down in Charleston.

REPRESENTATIVE WHITMIRE: How many students are at the North Campus?

MS. DANIEL: Gosh, I'd say, you know, it depends. It's about maybe 300, but they're nontraditional students. So they're taking up two courses here, two courses there. So we don't have like a -- it's more for the nontraditional programs, continuing ed programs, and some are for teacher ed.

REPRESENTATIVE WHITMIRE: Okay. I think I'm still paying for my son's traffic tickets down there.

MS. DANIEL: That is a challenge. No kidding. It's with everybody, you know, and it's tough. It's tough for us as board members to find a parking spot.

REPRESENTATIVE WHITMIRE: You're in a -- just a -- I mean, you're just closed in.

MS. DANIEL: I know. We're landlocked.

REPRESENTATIVE WHITMIRE: Yes.

MS. DANIEL: And that's -- so that's why we have to, you know, push out to the north area. And I think that, you know, we've been there a couple of years, and I really believe that it's going to explode. That school is really going to help us a good bit with the -- with the grow out, continuing-ed programs and these certificate programs, as well as master's degrees for teachers.

REPRESENTATIVE WHITMIRE: Yeah. I've sure got a soft spot in my heart. Not only did my kids graduate --
MS. DANIEL: Yeah.
REPRESENTATIVE WHITMIRE: -- my relative wrote the charter, John Rutledge --
MS. DANIEL: Oh.
REPRESENTATIVE WHITMIRE: -- back in the 1770's, so...
MS. DANIEL: I didn't know that.
REPRESENTATIVE WHITMIRE: Yeah. So I'm going to vote for whatever you want. Thank you.
MS. DANIEL: Thanks. Thank you.
CHAIRMAN PEELER: Senator Scott.
MS. DANIEL: Senator, yes, sir.
SENATOR SCOTT: Dr. Daniel --
MS. DANIEL: Yes, sir.
SENATOR SCOTT: -- I notice your educational career has been in many, many different settings.
MS. DANIEL: Yes.
REPRESENTATIVE WHITMIRE: Alma mater to The Citadel to South Carolina State with your doctorate.
MS. DANIEL: Yes, sir.
SENATOR SCOTT: In going in and dealing with different generations of young people, what did you take away from all of that that really helps your decision-making process --
MS. DANIEL: I really think that --
SENATOR SCOTT: -- at the College of Charleston?
MS. DANIEL: I think all of those institutions that you mentioned have a unique mission.
SENATOR SCOTT: Correct.
MS. DANIEL: And I think the big takeaway is to really get involved and to listen to the students that are enrolled, and I think we do a nice job of that, and that, I think I can say, as a result, we have improved and enhanced several majors. And we've offered some things that, you know, maybe the regular tenured professor isn't real crazy about offering, but I think we've got to better our students and better our community.
SENATOR SCOTT: I just made it into the task force --
MS. DANIEL: Yes, sir.
SENATOR SCOTT: -- and looking at how the college can work within itself in more diversified efforts, and one of the things I picked up was a level that some of the staff was really not comfortable all the way

representing; different departments really telling it like it really was on the campus. This was last year. I did not -- couldn't finish the whole process. I was way too busy.

That level of comfort -- and you may want to go back and talk to some staff. That level of comfort doesn't help the school to get to where it really needs to be. People were careful in how and what they said rather than kind of laying it on the line for what it is.

It's a good school. It's a great school.

MS. DANIEL: It's a great school.

SENATOR SCOTT: And if it's going to grow, it's got to embrace people of color and allow them to be a part of that process --

MS. DANIEL: Exactly.

SENATOR SCOTT: -- in growth.

What do you think can be done to improve that, and in looking at where the college is in terms of terms of its racial mix, especially with African-American students?

MS. DANIEL: Thank you for asking that.

Since I've been on the board for 20 years -- we were 3 or 4 percent when I got on the board. Now we're 7 or 8. What we're trying to do is, of course, get scholarship money -- you know, scholarship money for the diversity, to increase the diversity, and that is a tough thing. It's a process, not an event, so it's going to take a while.

We also have a diversity department. We also have a diversity task force that's working on that right now, and it's going to bring some suggestions, some doable suggestions, to the president and to the board. And I think their report is due -- I believe it's in the summer, if not sooner.

But I think that, you know, a big thing is to not only increase the diversity of the student body, which I think is improving, another issue that our president has implemented -- and we will see the fruits of that labor probably this year -- is that if you're in the Tri-County area and if you're at the top 10 percent in your graduating class as a senior, you will automatically become enrolled in the college. And I think that's a big, big step forward, and I do believe that's going to yield some very positive results in helping increase that diversity.

But it's not only with students that I'm concerned, our facility, you know, I think that we -- you know, it's tough. I mean, you know, it's not like it's a -- they're millionaires down there, I mean, in Charleston. The diversity of the faculty, it's improved. And I see that we can do better, and I think our president -- well, I know our president is very committed to that, very much so.

So we're making some -- a lot more progress in the last two years than we've had probably in the last eight.
SENATOR SCOTT: Let me say, any kid who is in the top 10 of his class is going away; doesn't want to go to the country.
And so unless you bring some numbers --
MS. DANIEL: Yeah.
SENATOR SCOTT: -- within the top --
MS. DANIEL: Right.
SENATOR SCOTT: -- 10 to the top 25 percent, it is almost near that of how the lottery --
MS. DANIEL: Right.
SENATOR SCOTT: -- is written. When that kid walks in -- or the student walks in with $5,000 upfront in the top 10, you're coming in with 7,500. So --
MS. DANIEL: Right, right.
SENATOR SCOTT: So in looking at an initiative like that, if you're serious about recruiting, the top 25, those kids are still going to have more than a 3-point.
MS. DANIEL: Right, right.
SENATOR SCOTT: And now, most of the schools, USC, Clemson -- see, those schools that are looking for kids who are in the top 25 who has a 3-point grade point average and has a good SAT score --
MS. DANIEL: Right. Sure.
SENATOR SCOTT: -- but this letter was the fiftieth.
And so to become really competitive --
MS. DANIEL: Right.
SENATOR SCOTT: -- if you're really serious about that recruitment -- it still doesn't mean you're going to get those students --
MS. DANIEL: Correct.
SENATOR SCOTT: -- because they can go just about anywhere they want to go.
MS. DANIEL: Right. Exactly.
SENATOR SCOTT: But I think if you get a little more serious about really recruiting --
MS. DANIEL: Right.
Well, you know, we also have a very aggressive campaign going on, the Boundless Campaign --
SENATOR SCOTT: Right.
MS. DANIEL: -- where we've raised a lot of money. But more importantly, we're very serious about raising money for scholarships to help keep them and recruit them. You have to have money to be able to

offer these students or they're going to walk somewhere else. It's very competitive out there, much more so than it was 15 years ago.

So, yeah, thank you. Thanks for sharing that.

CHAIRMAN PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

MS. DANIEL: Senator Alexander, what's up?

SENATOR ALEXANDER: Good to see you this morning.

MS. DANIEL: Good to see you too.

SENATOR ALEXANDER: And we did swear you under oath. I was just wondering if you would briefly characterize the job that your president at the College of Charleston is doing for you.

MS. DANIEL: Thank you very much for giving me that opportunity to brag on him.

He's done a terrific job. He's just what we needed at the time we needed him. He has allowed people, staff members, faculty staff, for their input. He's very open.

He helps. He has them, which is great, come before him to talk about budget. Before, they never really had a big say-so in budgets. So he's really opened the lines of communication tremendously on budget.

He's a good, sound manager. He's just -- he's got a lot of common sense, and he's smart. All of his decisions are very strategic, and he listens to the board, and the board listens to him, and he's been a jewel. He's probably one of the best presidents we've had since I've been on the board.

SENATOR ALEXANDER: Thank you.

MS. DANIEL: Thank you for asking that about him.

CHAIRMAN PEELER: Any other questions or comments?

What's the desire of the Committee?

SENATOR ALEXANDER: Favorable.

CHAIRMAN PEELER: The motion is a favorable report.

MS. DANIEL: Thank you very much, sir.

CHAIRMAN PEELER: All in favor, say aye.

ALL MEMBERS: Aye.

CHAIRMAN PEELER: Opposed no; and the ayes have it.

Thank you for your willingness to serve, Cherry.

MS. DANIEL: Thank you for having me, sir.

CHAIRMAN PEELER: Next, Mr. Brian Stern from Columbia, running for an open seat.

Good morning, sir.

MR. STERN: Good morning.

CHAIRMAN PEELER: Let me swear you in.

MR. STERN: Certainly.
CHAIRMAN PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth?
MR. STERN: I do.
CHAIRMAN PEELER: Thank you. Would you like to make a brief statement on why --
MR. STERN: I would.
CHAIRMAN PEELER: -- you would like to be on the College of Charleston Board of Trustees?
MR. STERN: I'd first like to thank the -- good morning. I'd like to thank the Committee for giving me the opportunity to speak today. It's an honor to be here.

Serving on the board of trustees will enable me to give back to my alma mater, which has given so much to me. My parents instilled in me the virtue of working to improve, not only my personal welfare, but also the general welfare of my community. Personally, as an alumnus of the College of Charleston, I cannot think of a form of public service more important to improving my community than to seek the opportunity to make a difference in moving the college forward in a positive direction necessary to improve the future of my state and my community. Thank you.
CHAIRMAN PEELER: Thank you.

Any questions or comments for Mr. Stern?
REPRESENTATIVE WHITMIRE: I'm still reading all this.
SENATOR ALEXANDER: Mr. Chairman.
CHAIRMAN PEELER: Senator Alexander.
SENATOR ALEXANDER: Thank you, if I could -- and thank you for your willingness to serve. If I read this correctly, are you currently -- and just for the record -- at Columbia Planning Commission; is that correct?
MR. STERN: Yes, sir.
SENATOR ALEXANDER: So if he's elected to this, would that be something --
MS. CASTO: The Columbia Planning Commission, you're appointed by whom?
MR. STERN: That's --
SENATOR SCOTT: City council?
MR. STERN: Yes, city council.
MS. CASTO: City council.

So no, it would not --
SENATOR ALEXANDER: That would be appropriate. So you would -- your job would allow you the opportunity to continue to be engaged.

Do you have the time to commit as a member of the board of trustees?
MR. STERN: I do. You know, I was told that it would not be a conflict. I have, I believe, a perfect attendance at the planning commission. I've enjoyed serving there, and I definitely will allow the time to serve the College of Charleston as well.
SENATOR ALEXANDER: Okay. Thank you.
CHAIRMAN PEELER: Mr. Whitmire.
REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.
Welcome, Mr. Stern.
MR. STERN: Thank you.
REPRESENTATIVE WHITMIRE: I notice you say the biggest weakness is the lack of funding, and a strategic plan has been put in place. Would you expound on what that plan does or is going to be?
MR. STERN: Well, sure.
You know, I think the first day that, you know, when I answered that question on my application, it was tough for me to find a weakness right off the bat for the College of Charleston. It's somewhere that is dear to my heart, and I have the chance to really dive into, you know, the problems, the pros and cons of the school, to sit down and learn from the other board members and get better acquainted.
So when looking at that question, I thought a weakness might be in order to raise funds would be to tap into the younger generation, such as myself, and get them more involved and also to get them more excited about the college and giving back to the college.
REPRESENTATIVE WHITMIRE: That's it.
CHAIRMAN PEELER: Senator Scott.
SENATOR SCOTT: On that same note, are you an annual giver to the institution? Of the previous board members, that's one of the biggest issues they have, that in raising the funds so they can begin to attract whether young people come to the school. Are you a giver to the institution?
MR. STERN: You know, I have never -- I have not given to the College of Charleston before.
SENATOR SCOTT: Thank you, Mr. Chairman.
CHAIRMAN PEELER: Senator Hayes.
SENATOR HAYES: Thank you.
What involvement, if any, have you had with the school since you graduated?
MR. STERN: I've been involved as an alumni, and I attend alumni events when I'm in town and able to. I make it an annual tradition that we go to the Charleston Affair, which is in May, which is welcoming the

new students each year from the graduating class and then a chance to get together with all the alumni and the past students.

I lived in New York City for a brief time, and I was involved with a very small alumni program up there, but, you know, other than attending alumni events, I haven't had the chance to yet, but look forward to the opportunity.

SENATOR HAYES: What type of business is Stern & Stern?

MR. STERN: We're commercial real estate developers. We primarily do retail development directly in the Southeast.

CHAIRMAN PEELER: Okay. Do you know a fellow named Bill Stern?

MR. STERN: I do. That is my father.

CHAIRMAN PEELER: He's a fellow -- a good, fine gentleman.

MR. STERN: I appreciate you saying that.

CHAIRMAN PEELER: Any other questions?

Senator Scott.

SENATOR SCOTT: I move -- if there aren't any other questions, a favorable report.

CHAIRMAN PEELER: Motion is a favorable report.

All in favor, say aye.

ALL MEMBERS: Aye.

CHAIRMAN PEELER: Opposed, no; and the ayes have it.

Thank you for your willingness to serve and --

MR. STERN: Thank you for your time.

MR. PEELER: -- bringing the youth to the board. It hasn't been that long since you've graduated.

MR. STERN: I appreciate your time. Thank you so much.

SENATOR SCOTT: Mr. Chairman.

CHAIRMAN PEELER: Senator Scott.

SENATOR SCOTT: And I hope that since you point out the weaknesses in the funding --

MR. STERN: Certainly.

SENATOR SCOTT: -- you, along with some of your friends, will get together and change that weakness and start giving.

MR. STERN: I'm looking forward to starting that initiative.

SENATOR SCOTT: Okay. Thank you.

MR. STERN: Thank you. Thank you very much.

CHAIRMAN PEELER: Next, Edward L. Thomas Jr. from Anderson, incumbent running unopposed. They say there's only two ways to run: unopposed and scared.

DR. THOMAS: Well, I still don't like to get called in front of the class. I remember that in the first grade. I'm still some nervous, but thank you all for being here.

CHAIRMAN PEELER: Mr. Thomas, I'll swear you in.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. THOMAS: I do.

CHAIRMAN PEELER: Thank you. Would you like to make a brief statement?

DR. THOMAS: Yes, sir.

I've enjoyed serving my one time on the board. I had a daughter that went to the college and graduated. I think a lot of the good things that have happened to me in my life are a direct result of the college experience and the education, and I'd just like to give back now and try to preserve the college as I know it. I think there's a lot of pressure on it to change in different ways, but I'd like to preserve it.

CHAIRMAN PEELER: Thank you, Dr. Thomas.

Any questions?

Senator Alexander.

SENATOR ALEXANDER: Thank you.

I want to be consistent for any of the trustees on their -- in the standpoint of giving the assessment of characterization of the job that the president at the university is doing.

DR. THOMAS: I think he's doing a great job. I had a -- my term is only three years. It was short because of the -- I think the lawsuit with the 7th Congressional District.

SENATOR ALEXANDER: Right.

DR. THOMAS: And the two years that President McConnell has been there, it's been like night and day. When I first came on, I actually asked the board chair -- I said, "Is this the way the board is supposed to run?"

And I think it's actually running a lot better now.

CHAIRMAN PEELER: Mr. Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

I know when ex-Senator McConnell and Lieutenant Governor McConnell was first elected, there was a lot of -- I don't want to say animosity, but there was some anger involved. Has that kind of gone by the wayside now or --

DR. THOMAS: I think so. At one of the board meetings -- at all of the board meetings, I stay in a guesthouse, and the guy that was in charge of the guesthouse, six months after President McConnell was on the job, he said that all of the discontent has just quieted down.

He does an excellent job of listening to people, and I think that -- and he really focuses on the problem and he handles it. And I can't say in words -- anything can be said, but I'll let you know how happy I am with his job. Just consider that said, because it's been great.

REPRESENTATIVE WHITMIRE: Well, I'm glad the trustee board chose to select him, and --

DR. THOMAS: I am too.

REPRESENTATIVE WHITMIRE: -- we think a lot of him up this way.

DR. THOMAS: Thank you.

CHAIRMAN PEELER: Senator Scott.

SENATOR SCOTT: Mr. Thomas, given the makeup of African Americans on the College of Charleston's campus, what are your plans to help increase African Americans so they begin to attend the school and become a part of the balance as it relates to students remaining in South Carolina wanting to go to South Carolina schools?

DR. THOMAS: Well, I don't know what else we have in the pipeline to do. When you were asking that question earlier, there are four things that came to mind that help with that.

SENATOR SCOTT: Okay.

DR. THOMAS: There's a Coca-Cola First Generation Scholars. There's a SPECTRA Program, which is sort of a bridge program in the summer for first-generation and minority students. There's a -- I think, it's a SCAMP program, which is for first-generation and minority students majoring in sciences. It's sort of a four-year enrichment program, as they need any help through their time there.

And Cherry mentioned the Top Ten Percent Program. I think that's in seven counties. She said the Tri-County area, but I think it includes Orangeburg and Williamsburg and -- I can't think of the others.

SENATOR SCOTT: I would hope in your tenure on the board, you would continue to put a little more thought into it. The top 10 students can go anywhere they want to go in the country.

DR. THOMAS: Right.

SENATOR SCOTT: That's not an issue. If you're a top 10 student and you've got the high SAT scores, everybody's offering you some kind of scholarship to come to their school. You're a South Carolina-based school, and our goal is to pick the best and the brightest here, especially if you plan to increase the teacher pool along with areas of math and science with doctors and others in the state, engineers and others in the state.

I didn't ask whether or not that 7 or 8 percent or what percentage of that was out-of-state students. I anticipated that probably a good percent of it was out-of-state students. Or do you even know that answer?
DR. THOMAS: I don't even know that one.
SENATOR SCOTT: Okay. Well, I'm hoping you can, you know, begin to look at the dynamics of how we make some of those changes.

When I hear -- and y'all were the second -- Clemson said the same thing. College of Charleston said the same thing. Francis Marion is a little different. Their numbers are a lot larger, but when I hear that, my question is, What are they doing different that the College of Charleston is not doing to be able to keep the students here?

Is it SAT scores? Is it what the school offers in terms of curriculum? Is it the way your recruiters recruit them? Are you recruiting in the same places? Is it lack of diversification that relates to staff?

I mean, what is the real issues in that we can make some changes so our students begin to look at South Carolina schools, other than athletics?
DR. THOMAS: Okay.
SENATOR SCOTT: Thank you.
CHAIRMAN PEELER: Thank you.

Senator Hayes.
SENATOR HAYES: Thank you.

I understand you're a dentist; is that correct?
DR. THOMAS: Yes, sir.
SENATOR HAYES: Is there any coordination going on between the College of Charleston and the Medical University as far as doing things, activities in the college?
DR. THOMAS: There is, and I can't name exactly what it is. I know when I was in school in the early to mid-'70s, the nursing students were bused over. But there's some collaboration between the research department, different programs, and I can't name what they are. But there is collaboration.
CHAIRMAN PEELER: Any other questions or comments?

What's the desire of the Committee?
SENATOR ALEXANDER: Favorable.
CHAIRMAN PEELER: Motion is a favorable report.

All in favor, say aye.
ALL MEMBERS: Aye.
CHAIRMAN PEELER: Opposed, no; and the ayes have it.

Thank you for your willingness to serve, Doctor.
DR. THOMAS: Thank you for being here.

[HJ]

CHAIRMAN PEELER: Renee Romberger from Greenville. You've been on the board for three years, it says.
MS. ROMBERGER: Good morning.
ALL MEMBERS: Good morning.
CHAIRMAN PEELER: Let me swear you in.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MS. ROMBERGER: I do.
CHAIRMAN PEELER: Did you move? I thought you lived in Spartanburg.
MS. ROMBERGER: I put my head on the pillow in Greenville, and I live most of my life in Spartanburg.
CHAIRMAN PEELER: Sorry to interrupt. Would you like to make a brief statement?
MS. ROMBERGER: Yes, I would.

I'm a proud graduate of the College of Charleston and a firm believer in the value of public service. And I believe if you're going to serve publicly, then you've got to make sure that you have a passion for the cause. And I have two passions in my life: one is health care, and one is education. And I've been very blessed to have the opportunity to spend my professional career in health care and to spend my volunteer service supporting higher education in South Carolina.

I have been a loyal supporter and contributor to the college since I graduated in 1981, both in volunteering from a leadership standpoint and philanthropically in giving to the college.

And so I really feel very blessed to have been given the opportunity to serve as a trustee three years ago, and it has been an extremely rewarding experience for me. It's a lot more complicated and complex than I thought it was going to be, to be quite frank, but it has been a great three years, and I look forward to serving a second term if given the opportunity.
CHAIRMAN PEELER: Questions for this incumbent?

Mr. Whitmire.
REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

I notice you say that funding, obviously, is an issue, or lack of. Now, you say, "The college needs to expand its student base to attract the nontraditional student."

Give me your definition of the nontraditional student.
MS. ROMBERGER: Nontraditional students, to me, are students like adults who maybe didn't finish their college degree, and so now they're out in the working world, but they really want to go back and spend that

two years getting that college degree. That's one I would consider a nontraditional student. I think adults who didn't go to college at all and decide that they want to get adult education, senior citizens who want to go back and get an extra degree.

I think there's huge potential for the nontraditional student to be able to expand any moment at the College of Charleston without degrading the integrity of our undergraduate program downtown. You mentioned earlier that we're squeezed into the downtown city of Charleston with very little parking.

And so one easy answer would be to let's grow undergraduate enrollment, and that will feed the pipeline financially. But I think we need to preserve the integrity of our school, and our school is not meant to be a 40,000-student school. I think we are a liberal arts school, and we need to preserve that, and we need make sure that we give folks the opportunity to have that close-knit relationship that they have with the faculty and the students of a smaller-type campus.

REPRESENTATIVE WHITMIRE: I completely agree. You've got a unique school, and I hope you keep it that way.

MS. ROMBERGER: Thank you.

REPRESENTATIVE WHITMIRE: How are you working to expand this nontraditional student approach?

MS. ROMBERGER: We've hired an incredible dean, Godfrey Gibbison, who is the dean of our North Campus, as Cherry and others have mentioned. And he is leading our School of Professional Studies.

And so his focus is really around marketing. In fact, he just introduced a new program for men and women who serve as practice managers in physician practices to go back and get an advanced certificate in practice management, which is huge in my health-care world, and it's a great opportunity. And he has a marketing mind, and I think what he's trying to do is understand what the needs are in our community and in our state and then build programs to match that.

REPRESENTATIVE WHITMIRE: Thank you for being open in searching for other ways to serve the people of our state.

MS. ROMBERGER: Thank --

REPRESENTATIVE WHITMIRE: Thank you for your service.

MS. ROMBERGER: Thank you.

CHAIRMAN PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Good morning.

MS. ROMBERGER: Good morning.

SENATOR ALEXANDER: It's good to see you. Thank you for your work that you also do in health care. You do a fantastic job, and I appreciate your service in that regard.

Again, being consistent, I know there were some -- as Representative Whitmire said earlier, I mean, the concern of a new president coming on board. Would you give me your assessment of the job that your president is doing?

MS. ROMBERGER: Absolutely.

I had the opportunity to chair the Institutional Advancement Committee for the college. And so I serve on the foundation board as well as on the board of trustees. And I was asked to speak to what the president was doing at the college because there was some unrest when he was elected. And the comment I made to them as to, you know, what I think about the president, I think 3 "L's."

Number one, he loves the college. And when you have a president who loves the university -- he's a graduate; he's loves it -- it shows through in his work.

Secondly, I think what he did when he came in day one was listen, and that was really important because we had a lot of people who had issues and concerns and fears. And what he did was spent his initial time as president of the college listening to not only staff, but students and faculty, community leaders, around what are the biggest needs for the College of Charleston. He met with each of us individually as board of trustees members and said, "You tell me what your biggest concerns are and what your biggest goals are." And he took notes, and he allowed us as long as each one of us wanted individually to express that to him, and I appreciate that.

And then, lastly, I think he's been a very visible leader, and we needed a leader. I think those of you who have seen the college over the past ten years maybe have commented or sensed a little lack of direction at the college, and we needed somebody to come in and be a strong leader, and he's done exactly that.

SENATOR ALEXANDER: So being a graduate of the College of Charleston, you're seen as an asset and not a liability for it.

MS. ROMBERGER: Absolutely.

SENATOR ALEXANDER: Okay.

MS. ROMBERGER: Absolutely.

CHAIRMAN PEELER: Senator Hayes.

SENATOR HAYES: Well, I noted you worked with Spartanburg Regional Healthcare System.

MS. ROMBERGER: Yes, sir.

SENATOR HAYES: My daughter graduated from the College of Charleston, and she is now an occupational therapist.
MS. ROMBERGER: Wow.
SENATOR HAYES: So I have a special place for the health-care training that -- she had the undergraduate that helped her, obviously, go on to graduate school for that.

What's going on in the health-care area as far as the College of Charleston?
MS. ROMBERGER: One of the fastest-growing majors we have at the College of Charleston is in the School of Education, Health, and Human Performance. It's in the area of public health. I've had the opportunity to go down and speak to some of the classes down there, and it is really exciting to see kids who understand that if you're going to have a healthy South Carolina and a South Carolina that is driven by economic development, that the health very much intersects with education.

And so we have a lot of kids in college right now majoring in public health and health and human performance, and our dean, Fran Welch, is doing a great job advancing that program and leading those efforts.
CHAIRMAN PEELER: Senator Scott.
SENATOR SCOTT: Good morning.
MS. ROMBERGER: Good morning.
SENATOR SCOTT: I want to go back and ask you the same question I've asked the other board members.
MS. ROMBERGER: I'm so glad.
SENATOR SCOTT: I saw you kind of move your head in the back. It sounds like you've put a lot of thought into this question.

The question again, Your plans for increasing both African-American students, as well as the staff ratio there at the college? Since you're 7 -- 7, 8 means there's about 7.4 or 7.2 when they hear the 7 or 7, 8. They always push the ratio up a little more than --
MS. ROMBERGER: Yeah.

So the numbers I have show that we're at 8 percent, and that's not nearly what it needs to be.
SENATOR SCOTT: Right.
MS. ROMBERGER: In South Carolina, 28 percent of our population is African American, and we need -- I believe that as a public institution, the student body of the College of Charleston needs to represent the demographic in which we live, and we're not there yet. Interestingly enough, if you look at where we were with African-American students three years ago when I came on the board and where we are now, we've actually increased 32 percent in three years. Three years ago, we were

at -- four years ago we were at 600 African-American students, and now we're up over 800.

So I think it is because there was an understanding and a commitment, because once you identify something as being an issue and something you want to make improvement on, then I think you're going to see movement. And I think it is very much a commitment at the college, and we've got to continue to stay --

SENATOR SCOTT: What's the population of the college?

MS. ROMBERGER: The population of the college, there are about 10,500 undergraduate students.

SENATOR SCOTT: You know, as I indicated earlier, everybody wants the best and brightest students.

MS. ROMBERGER: Yep.

SENATOR SCOTT: There are some other students that are not the best and brightest --

MS. ROMBERGER: Yeah.

SENATOR SCOTT: -- who can develop to be great students. What efforts are being made to recruit some of -- average students?

MS. ROMBERGER: Yeah.

SENATOR SCOTT: And not every student is an honor student.

MS. ROMBERGER: No.

SENATOR SCOTT: So what efforts are being made to do that?

MS. ROMBERGER: Yeah.

And I think that's -- as a public institution, I think we have a responsibility to educate people in South Carolina.

SENATOR SCOTT: Right.

MS. ROMBERGER: And you're right. Everybody can't be a Rhodes Scholar.

And so I think -- twofold. One is, we've got to increase our recruitment efforts throughout the state. And secondly, we've got to focus on soaring retention. I'm equally concerned.

I had the opportunity last year to mentor a young lady, an African-American first-generation student in business. And she was a Schottland Scholar, first African-American Schottland Scholar that we've had at the College of Charleston.

And so I spent a lot of time with her just listening. "Tell me the struggles that you're facing at the College of Charleston as an African-American student." And she talked not only about increasing the number of African-American students, but also building a network where it's safe and exciting for African Americans to want to be on that campus.

And so it does require us to increase our recruitment efforts. I like your opportunity of going from top 10 percent to 25 percent --
SENATOR SCOTT: Right.
MS. ROMBERGER: -- but I also think we've got to make sure that the culture on your campus is an acceptable culture that allows people to want to be at the college and want to stay at the college, because I'm deeply concerned about the ones who come and then transfer.
SENATOR SCOTT: I think the culture and diversity starts with the staff --
MS. ROMBERGER: It absolutely does.
SENATOR SCOTT: -- and where you get your staff from. If you're recruiting in the North, you get a northern type of behavior with the southern --
MS. ROMBERGER: Yeah.
SENATOR SCOTT: -- professors and you get a different mix. But the beauty of that, you get to attract other students out of the southern region who would be interested in coming to your school.

The other part is the 600-or-so-odd students. With that group moving from 6- to 800, whatever your number is now, it's most likely other members of the family will attend the school.
MS. ROMBERGER: Right.
SENATOR SCOTT: And so if you don't ever open the door and take some chances with your ratios, you'll never recruit.
MS. ROMBERGER: I agree. And I think we've got to increase the diversity of our faculty, but also, I mean, I was concerned to hear your concern about staff and feeling like they don't have that welcoming environment. I think we've got to make sure -- I shadow every semester. I shadow a faculty member, and I shadow a student.

I shadowed an African-American young lady last year, and I shadowed an African-American professor this past fall. We need to make sure that we're talking to staff too, because as trustees, we don't always hear what's going on on the frontlines.
SENATOR SCOTT: The staff you shadow, do you think they were honest about all with you in telling you what the college wants?
MS. ROMBERGER: Yeah. It was really interesting.

I mean, I've not had anybody that I've -- and I've shadowed every single year, both semesters, but I have not had anybody who wasn't -- who didn't feel comfortable being honest. And I'll be honest with them. They ask open questions about trustees, because oftentimes when you're elected to an office, there's this wall that seems to exist between you and everybody else.

And so I'm an open book. Ask me any question. And so we've had really good conversation, and I think that's important for us as trustees. We've got to be listening.

SENATOR SCOTT: Did you walk away with something that gave you a point to begin a building block for staff overall?

MS. ROMBERGER: So with staff, I don't know. I think we've got to make sure we stay focused on that. I've shadowed faculty members and students. I haven't shadowed a staff member yet.

SENATOR SCOTT: Even faculty.

MS. ROMBERGER: Yeah. We --

SENATOR SCOTT: Because I think it starts there anyway.

MS. ROMBERGER: It absolutely does. It absolutely does.

With the Avery Institute, they are doing an awesome job and with the school of diversity -- I mean, the program, the diversity office increasing the number of programs, the conversations that we have, and we just have to stay focused on it.

I think Cherry mentioned that we do have a diversity committee. The board of trustees right now is looking at what we need to do to expand diversity, and they're going to be coming out with recommendations.

CHAIRMAN PEELER: Ms. Henderson.

REPRESENTATIVE HENDERSON: Thank you, Mr. Chairman.

Thank you, Ms. Romberger, for your service.

Ms. Romberger is actually a constituent and a friend of mine. So I really appreciate all of her input and work. She works very hard.

Let me ask you a question going back to the conversation earlier about, you know, some of the issues last year and the year before when y'all chose a new president. And I know that there was a lot of concern that there would be an impact on fundraising and the endowment and all that. Has any of that really actually come to, you know, really -- has there been an impact in that regard?

MS. ROMBERGER: Short term, there was. There were some folks who really felt strongly that they wanted a particular candidate to be selected.

And so we had a couple of folks who dropped off the foundation board, and we had some folks who retracted their commitments to the college. But now we're back to where we were before and even beyond that, and I think that's important.

You know, it's not easy. I mean, you're in the same position. You've got to do the right thing, and you've got to make the right decisions, and sometimes 100 percent of the people aren't going to support that. And I think the foundation has grown beyond that.

We've got great leadership in the foundation right now, and we just capped off a $125 million capital campaign and have exceeded that goal. So I think that is -- and President McConnell and Bill -- I mean, Steve Swanson co-chaired that capital campaign, and I think it really speaks to the fact that people believe in the leadership of the college right now.

REPRESENTATIVE HENDERSON: So you have 16 seats on the board of trustees?

MS. ROMBERGER: We have 20.

REPRESENTATIVE HENDERSON: Twenty.

MS. ROMBERGER: We're up to 20.

REPRESENTATIVE HENDERSON: And speaking of -- going back to the diversity question, how many -- do you have African Americans on the board?

MS. ROMBERGER: Demetria Clemons has been on the board for quite some time. Pansy King-Reid is also on the board, although I received word this morning that she's not going to be running for reelection. So without Pansy, that leaves us with only one African-American female. We're pretty diverse when it comes to male/female. I think we're pretty diverse from a religious standpoint, but not from an ethnic standpoint.

REPRESENTATIVE HENDERSON: I just think overall for all our boards, it's really important --

MS. ROMBERGER: Absolutely.

REPRESENTATIVE HENDERSON: -- not only to seek for diversity male/female, black/white, all -- you know, with student population, but also on our commissions too.

But thanks for your service.

MS. ROMBERGER: Thank you.

REPRESENTATIVE HENDERSON: And at the appropriate time, I would like to make a motion for her to be given a favorable report.

CHAIRMAN PEELER: There's no other questions?

Motion is a favorable report.

All in favor, say aye.

ALL MEMBERS: Aye.

CHAIRMAN PEELER: Opposed, no; and the ayes have it.

MS. ROMBERGER: Thank you.

CHAIRMAN PEELER: Thank you so much.

MS. ROMBERGER: Thank you.

MS. CASTO: Mr. Chairman, the next one we had under schedule was Pansy King-Reid. We received an e-mail Friday, late Friday afternoon, from her that she was withdrawing. So that's a vacancy that we'll have to post and hopefully we can get elected before y'all leave in June.

SENATOR HAYES: I'd hate to see the northern counties not have a 5th District representative, but we'll have to work on that.
CHAIRMAN PEELER: All right. Next, Ricci Land Welch, incumbent running unopposed, been on the board for three years.
MS. WELCH: Good morning.
CHAIRMAN PEELER: Good morning.

Let me swear you in.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MS. WELCH: I do.
CHAIRMAN PEELER: Would you like to make a brief statement?
MS. WELCH: I would.

Good morning, everyone. Thank you for all that you do. I know it's a Monday and y'all are here, so we do recognize the hard work that you put into this, screening all the candidates for all state institutions.

And my background is in law, but I also have a real desire and an interest in education because I believe that is the answer to many of our culture's problems. And I've enjoyed my three years on the College of Charleston board.

Before that, I was on the Lander board for eight years, and I really did enjoy that. But it's very difficult to get from Manning to Greenwood. It was a lot of zigzagging and time involved.

And so I always wanted to get back to the College of Charleston, and when my mother retired from this seat that she had held there, I had the opportunity, and thankfully you all elected me. So it is my desire and it would be my honor to be reelected in this position.
CHAIRMAN PEELER: Okay. A question or comments?

Senator Hayes.
SENATOR HAYES: I want to support you in spite of the fact I know your dad and your mom, but your mom was a huge asset. Your dad --
MS. WELCH: Not so much.
SENATOR HAYES: No, no. No, no. No, no. I think the world of both of them, and the both of them loved the college.

And I know you're going a great job, so I just wanted to poke a little fun at you. But give my regards to both of them, if you would.
MS. WELCH: I will. Thank you.
CHAIRMAN PEELER: Mr. Scott.
SENATOR SCOTT: Ms. Land Welch --
MS. WELCH: Yes, sir.
SENATOR SCOTT: -- you represent the largest portion of the African American --

MS. WELCH: I do, don't I?
SENATOR SCOTT: Yes, you do, the 6th Congressional District.

Tell me about your plans for the College of Charleston. You've been there three years.
MS. WELCH: I have.
SENATOR SCOTT: You've had a chance to really take a look at what's going on.
MS. WELCH: I will speak to that. The Top Ten Program, I just wanted to say a few more things about it. I believe it is six or seven counties, two of which are Clarendon and Williamsburg, so I think that's very important to mention.
SENATOR SCOTT: Okay.
MS. WELCH: But those two, by counties, are in that. It is a little bit more than just an acceptance program. It is automatic acceptance. They still need to apply, just as any other student would, but it is a streamlined system.

That's wonderful. That's great. You're right, because those kids could basically go anywhere. But the other thing that is part of that pilot program that will just start in this fall -- so the application process is going on now, but the acceptance process and all that. The students would come in in the fall.

There is a large mentorship portion program of that pilot program, so it's not just to get the minority African-American students there. It is to get them there and keep them there. Because what we have discussed -- I don't know that there's been a study on it, but several of the board members have had the opportunity to get to know young African-American high school students and really try to promote the college to them and do things and make calls and try to get additional funds for them. But even when you get maybe even more money for them, they're still going to choose to go to Carolina or other schools where there are more African Americans there because it stands to reason, they want to be with other people who are of their same race.

And so that is something we need to address hoping that this program will allow us to move up from, I think, a 7.7 percent. We're rounding it up to 8. But that will allow more students to come and then more students to come and more students to come.

The same is true for staff and faculty. I think we're at 33 percent African American for faculty -- I'm sorry. I mean staff. And 13 percent for faculty. Those numbers need to rise so the African-American students and the minority students that come in to the college are taught by people who they are familiar with.

So it is something that we are definitely looking into. One of our board members, John Bush, is the chairman of a new committee that we have that is looking into diversity, not just African American, but the whole gamut. He had the opportunity to go to the Furman Diversity Initiative program. I have done that and also has Trustee Romberger.

It is a really enlightening program. It's a really neat program that Furman does, and we are focused on that. It is discussed at every board meeting. He has a report at every board meeting.

But as one of the board members mentioned earlier, it's not something that is going to happen overnight. It's is going to be a gradual thing where minorities feel welcome and want to come.

SENATOR SCOTT: I'm just hoping y'all move from that 10 percent --

MS. WELCH: I know.

SENATOR SCOTT: -- to 25 percent, because what you're asking for is larger than what the state actually offers for scholarships. And that's basically that you've got a student who comes in the top 10 percent. No matter what program that they have to follow, they're going to excel. These are exceptional children.

And so I'm hoping you guys just kind of rethink this process if you're really serious about recruiting and getting some students in there. Thank you so much.

CHAIRMAN PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Good morning.

MS. WELCH: Good morning.

SENATOR ALEXANDER: I appreciate your service.

Two things. I'm going to go with, first, having been on the Lander Board and now at the college of Charleston, what is the biggest takeaway, or has there been anything that you've been able to bring to that experience from that experience at Lander?

MS. WELCH: There are many things. One of the first things about --

SENATOR ALEXANDER: Brevity, I know we used --

MS. WELCH: I know.

SENATOR ALEXANDER: Earlier when the chairman mentioned it, brevity is --

CHAIRMAN PEELER: It's a plus.

SENATOR ALEXANDER: -- a plus.

MS. WELCH: That's right. I'll just mention the one. When I was at the --

CHAIRMAN PEELER: And will someone remind Senator Scott of that?

SENATOR SCOTT: Mr. Chairman, you're doing well. It's not 12 o'clock. We're still doing good.
CHAIRMAN PEELER: Sorry for the interruption, Senator.
SENATOR ALEXANDER: That's all right.
MS. WELCH: When I was on the Lander Board, Dan Ball was our president. He just retired a couple of years ago. And he was a very strong person who really had all of the information of the school in his head. And that is what I expected when I came to the College of Charleston. And not to speak ill of the former president, the leadership was different.

And so that was something that took me a while to get used to, and now we're back with a strong leadership in Governor McConnell. President McConnell came in. It was not the easiest thing for the board, but sometimes the best thing is not the easiest thing to do.

He has come in and worked very hard to establish relationships, because nothing is going to happen unless you establish relationships. And that's what he's worked very hard to do. So we're back where it was just like at Lander.
SENATOR ALEXANDER: And I guess to my second question, as far as your assessment -- and you mentioned there is some disharmony with -- how would you characterize that aspect in working with the president?
MS. WELCH: We have actually had a very good relationship. I think we were worried for him when he first became president. He certainly did not come with full open arms from every part of the campus.

One of the opportunities I've had is to shadow a faculty member who was a female faculty member in the education department. And she was one of the most vocal critics of the president and wrote several editorials that were -- while well-written, they were rather harsh.

And so I worried so that that would never come to have a relationship between the two of them. Now they're great friends. They have open lines of communication, and she's one of his supporters.

So, like I said, when you listen and you have an open mind, good things will come from that.
SENATOR ALEXANDER: Thank you.

Thank you, Mr. Chairman.
CHAIRMAN PEELER: The fall enrollment has dipped; is that correct?
MS. WELCH: We did have a dip in enrollment, and especially with out-of-state students. And as our tuition for in state is around ten-nine, the out of state is 28,000. So we use a lot of the out-of-state money to support the school, and I think we had just 38 or 39 students from out of

state who said they would come, and they didn't come, which that resulted in us having to make an adjustment to our budget.

We have a really well-thought-through budget. It was less than a 1 percent change, but 38 or 39 out-of-state students that don't come when they say they're going to come makes it difficult for us to make our figures work.

CHAIRMAN PEELER: Cost prohibitive, is that the reason they gave, or do we know?

MS. WELCH: I believe that the amount that is required to save your spot was lower than what the typical northern out-of-state students saw.

And so they probably posted those larger -- what I believe is a large deposit at several schools and then chose to go to other schools.

CHAIRMAN PEELER: Any other questions or comments?

What's the desire --

SENATOR SCOTT: Favorable.

CHAIRMAN PEELER: Motion is a favorable report.

All in favor, say aye.

ALL MEMBERS: Aye.

CHAIRMAN PEELER: Opposed, no; and the ayes have it.

Please give my regards to your mother and your father.

MS. WELCH: I will do so. Thank you very much for the opportunity.

CHAIRMAN PEELER: Next one up must be Penny Rosner.

MS. ROSNER: Yes.

CHAIRMAN PEELER: Let's call you Penny.

MS. ROSNER: That's perfect.

CHAIRMAN PEELER: From Myrtle Beach and unopposed for an open seat.

MS. ROSNER: I am a South Carolinian and my mother gave me a lot of names, a lot of syllables.

CHAIRMAN PEELER: Let me swear you in.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. ROSNER: (Nodding head.)

CHAIRMAN PEELER: Thank you. Would you like to make a brief statement on why you'd like to serve?

MS. ROSNER: Yes.

I am so honored to be here and to be given this chance to be on the board for the College of Charleston. My first passion is education. I have taught college English for 22 years.

I started teaching at Trident Technical College in Charleston, and I had the nontraditional student. And I also taught at The Citadel. I'm not

quite sure what we say about the cadets, but it was a good experience. And then we moved to Horry County, where I taught for 19 years.

My passion, like I said, is education. It is helping students. And I find that I am in Charleston a lot more. So I'm very thrilled at this opportunity.

I also grew up -- my father and grandfather were dairy farmers on the Stono River on the Church Flats right around the corner from where Dixie is. So I'm very thrilled that the college has that property.

CHAIRMAN PEELER: Did y'all produce for Coburg?

MS. ROSNER: Yes, he did. Yes, he did. My father died when I was five years old in 1969. Mother never remarried.

So I understand how -- the importance of hard work, and I understand how difficult it can be for students to go to school and to come from rural areas. Even though I consider myself a Charlestonian, I'm a country girl, and I understand how difficult that is.

I had a professor tell me right when I started teaching that if you can get a post-adolescence, a high school student to an early college student -- and they don't have to be a Rhodes Scholar, as we discussed, but if you have confidence in them and a relationship and encourage them, that student will soar. And that has been my philosophy for 22 years with teaching.

CHAIRMAN PEELER: Mr. Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

Welcome. I noticed just about every one of the trustees mentioned being landlocked is pretty much a major problem, and I certainly understand that when I was getting my two children enrolled.

MS. ROSNER: Yes.

REPRESENTATIVE WHITMIRE: What are the trustees doing to try to address the lack of parking, if anything? I mean, have they considered building a type of parking garage or --

MS. ROSNER: I'm not sure what the trustees are considering since I'm new, but that is something that we will have to work on definitely.

REPRESENTATIVE WHITMIRE: What would you do?

MS. ROSNERI: What would I do? There has to be a situation of more -- I believe the city is building -- they're building more garages, and that will be a help discouraging -- and part of the problem too -- well, it's a great problem, because we're educating South Carolinians.

But when the student is from South Carolina, they want their car. More northern students don't bring their cars down. At least that's what I found when I taught at Coastal. So that makes for a bigger problem.

There is parking on the Battery, which is free parking for students. And I know that that neighborhood tried to stop the parking there because it's -- you know, it's cars that are constantly there, but Mayor Riley didn't allow that. So there is free parking there; otherwise, it's a garage.

And street parking is a problem. I have a house in downtown Charleston, and I pay parking tickets too.

REPRESENTATIVE WHITMIRE: I don't see any real solution.

MS. ROSNER: And I don't either, sir.

REPRESENTATIVE WHITMIRE: So you just don't have any access, and I'm sure the college doesn't want to go to the costly -- of condemning other land.

MS. ROSNER: It is very expensive. The north end of Charleston is expanding. What I mean by that, north towards King Street, and there is land there. And I do know that -- I believe -- I won't say I know. But I believe there will be some parking garages there.

REPRESENTATIVE WHITMIRE: Okay. Thank you.

CHAIRMAN PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good morning and thank you for your willingness to serve.

Two things that you've mentioned here on your -- why you'd like to serve on the board. And one of -- the second one you referred to is the importance of a positive relationship between the school and the surrounding communities, and you've talked about owning property there. Is there not now a good working relationship or positive relationship between the community property owners and the college?

MS. ROSNER: I've seen a massive improvement. I moved to Horry County, to Myrtle Beach, 20 years ago, and I lived more in the Harleston neighborhood, if you're familiar with that. It's still closer. It's really where the college is.

And there were issues. I've been back in Charleston part-time for about three years, and I think it is much improved.

SENATOR ALEXANDER: And then, too, I see, in your career, you've taught college English for 22 years. Are you teaching now?

MS. ROSNER: No, sir. Believe it or not, I'm doing a little farming. I'm helping my mother with the farm --

SENATOR ALEXANDER: Oh, okay.

MS. ROSNER: -- so I can keep my 84-year-old mother off the John Deere.

SENATOR ALEXANDER: Well, good luck on that.

So where did you teach college English?

MS. ROSNER: I taught at Trident Technical College when I first graduated --
SENATOR ALEXANDER: You started at Trident, right.
MS. ROSNER: -- and at The Citadel.
SENATOR ALEXANDER: At The Citadel.
MS. ROSNER: And then for 19 years at Coastal Carolina University.
SENATOR ALEXANDER: Coastal.

Okay. Thank you. Thank you for that work as well.
CHAIRMAN PEELER: Senator Scott.
SENATOR SCOTT: Thank you, Mr. Chairman.

I notice some of my colleagues don't quite understand important diversity as it relates to colleges and universities and what it does overall just outside of just the college itself when young people go into the world of work and how easy it is to get them to adjust quickly.

The area of English, math, and science is always an issue as it relates to recruitment. What do you think you bring to the table to really help the real discussion at the school to improve diversity, as well as recruiting new students to come to your campus?
MS. ROSNER: I think the most important part, and particularly when we talk about the Ten Percent Program, which I am very much a fan of, I think is to have a personal-type relationship with those students. They have to feel comfortable. They have to understand and their parents need to know what is there. They need to understand the first-year programs. They need to understand mentoring and what the college can do to make them comfortable.

And that comes with openness and making them feel a part of it by encouragement, like I said, giving them confidence that they will succeed there.
SENATOR SCOTT: Do you think that takes the top 10 students, or can that ratio be extended to the top 25 students?
MS. ROSNER: I believe it can be extended.
SENATOR SCOTT: Thank you.
CHAIRMAN PEELER: Congratulations, Senator.
SENATOR SCOTT: You learn. You learn.
CHAIRMAN PEELER: Any other questions?
REPRESENTATIVE McLEOD: I do have one question.
CHAIRMAN PEELER: Representative McLeod.
REPRESENTATIVE McLEOD: Mr. Rosner, thank you so much.

Just to kind of expound on what Senator Scott just asked about diversity, one of the things that Ms. Land Welch also mentioned was the Riley Institute and the DLI program, which I have also been a part of.

And I'm just curious about the number. I'm not sure if she mentioned that other board members have also gone through that program, I think. Have you?
MS. ROSNER: No, I haven't, but I am very open to it. I would look forward to doing that.
REPRESENTATIVE McLEOD: Okay. And is that something that you think would be beneficial to the majority, if not all, members of your board considering --
MS. ROSNER: I think in time you can learn and can be introduced if -- you know, and we open our minds and we learn. I think absolutely, yes.
REPRESENTATIVE McLEOD: Thank you. I appreciate that.
MS. ROSNER: I have a liberal arts degree, and, of course, I think it's very important, but we also have to be able to put the liberal arts degree into the business world, and we need to improve South Carolina.
REPRESENTATIVE McLEOD: Absolutely.
And I believe --
MS. ROSNER: Educationally.
REPRESENTATIVE McLEOD: Right.
And I'm a firm believer that diversity is key when it comes to improving South Carolina. So I appreciate that.
And is that something that you would be willing to recommend, that your colleagues on the board kind of go through that program and experience that process? I think it would be beneficial.
MS. ROSNER: Yes, I would. So I would like to do it first, and then I can be excited about it.
REPRESENTATIVE McLEOD: Right.
Okay. All right. Thank you.
CHAIRMAN PEELER: Any other questions or comments?
SENATOR SCOTT: Favorable report.
CHAIRMAN PEELER: Motion is a favorable report.
All in favor, say aye.
ALL MEMBERS: Aye.
CHAIRMAN PEELER: Opposed, no; and the ayes have it.
Thank you for your willingness to serve.
MS. ROSNER: Thank you so much for being here. Thank you.
CHAIRMAN PEELER: David Mikell Hay.
MR. HAY: Good morning.
CHAIRMAN PEELER: Good morning, sir.
I'm going to swear you in.
MR. HAY: Okay.

CHAIRMAN PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MR. HAY: I do.
CHAIRMAN PEELER: Would you like to make a brief statement on why you'd like to serve?
MR. HAY: Sure.

I don't know if y'all have this circumstance in your life, but I had a very strong mother-in-law who was an alumni of the College of Charleston, as I am, my wife, and two of my brothers are all alumnus. And she, my mother-in-law, volunteered me many years ago to serve on the alumni board, and I was grateful that she did. So I served on the alumni board, eventually served as president, and I served several terms on the foundation board. I was vice president when I resigned to serve on the board of trustees.

Now I serve on the board of trustees. So I've seen a lot of what's going on at the College of Charleston. A lot of my success in life is directly attributable to my experience at the college, and I am very fortunate to be able to serve and give back to our community, as well as to my alma mater.
CHAIRMAN PEELER: Questions or comments?

Senator Scott.
SENATOR SCOTT: I noticed that of all trustees thus far interviewed, most of y'all are from Charleston.
MR. HAY: Well, I'm running for an at-large seat, but I am --
SENATOR SCOTT: But from Charleston.
MR. HAY: Yes, sir.
SENATOR SCOTT: Is a major problem in recruiting students from Charleston -- since most of the three, at least three of the members we've interviewed thus far have been from Charleston that -- how is your Charleston recruiting? Let me rephrase the question.

In terms of recruiting, Charleston has a tremendous African-American population --
MR. HAY: Sure.
SENATOR SCOTT: -- which means those students can commute to school and save on meal tickets and room and board. What efforts are being made to recruit more students from Charleston and the surrounding area? Y'all have got one of the better mass transit systems in Charleston.
MR. HAY: Wando and West Ashley High School are two of our biggest percentage of students. So my feeling is that in our community, we recruit very well. To answer your question as well as Representative

Whitmire's, we do have a transportation program where all students, with their College of Charleston ID, as well as faculty and staff, are allowed free rides on their CARTA system. I'm chair of the facility's committee, and one of the things I'm very interested in is expanding on a program I heard about on Your Day on public radio a couple of years ago that Clemson is doing, where they have a very aggressive Park-N-Ride system. Their whole transportation program is very forward-thinking.

And we, for example, two weeks ago, the College of Charleston bid on property near Tecklenburg. It opened up property underneath the overpasses that would allow us to park under there. We haven't heard the results of that bid yet, but that would be another opportunity where we would be able to relieve the pressure on parking, which if there is an issue in the community that I live and work in, it probably is parking.

Our relationship with the citizens of Charleston has improved tremendously over the years. I believe that a large part of that can be further improved through a Park-N-Ride system.

I was a day student when I went to the college. I worked in the afternoons. I drove in every day. If I had the ability to park at Patriots Point and ride a bus to work and probably do my homework on the way there, I think that's a great program that we can expand on and do very well.

We have remote sites in Summerville and West Ashley. So it's a program that's working but could be expanded on.

SENATOR SCOTT: Well, Charleston is the third largest county in South Carolina and probably the largest alumni association for the colleges in Charleston as well, and Charleston has more than two high schools. And with 6- to 7-, 6- to 800 students, African-American students, my question again, what do you think the Charleston group can do to further expand the recruitment ranking in Charleston since you have that large population to be able to pull from and bring those students in?

MR. HAY: You know, the real answer, I believe, starting with President Benson -- and really having President McConnell has really ramped up. I believe that although we did not have a great minority representation on campus, and that includes faculty, staff, and students, I do believe that we have demonstrated very good success. Renee Romberger mentioned a percentage from 600 to 800 students, African-American only, but if you look at total minority, which is really what we're serving, the total population, our total minority representation in the last four years has gone from 13.6 to 18.3 percent of our student body.

So that's a demonstrated consistent line of improvement, and I think everything that you've heard my fellow trustees speak about, coupled with really aggressive effort by President McConnell, I believe we are making great strides. We're committed to it. I mean, you've heard it from all of us.

SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN PEELER: Mr. Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Good morning, sir.

MR. HAY: Good morning.

SENATOR ALEXANDER: A couple of things. One observation on the parking and stuff in having, I think, dare I say, that every probably college and university, even with Clemson with the good track record it has with the CAT system, still has its challenge with parking. So it's not unique to y'all at the College of Charleston.

Again, your assessment, having been there, and the opportunity to have to work with basically your relatively new president in the job and assessment of his work for the students and the board?

MR. HAY: I was on the foundation board when President Benson announced he was retiring, and I served on the foundation board with a Harvard Business School professor, Jody Encarnation. And I supported him as candidate for president. I knew him, and I was very impressed with his work ethic.

So from the start I was supporting Dr. Encarnation. Eventually we elected President McConnell, and many, many people told me during the process, "Please elect him. You'll be so amazed at what a great job he'll do for y'all." And he truly has.

I have met with him, as we all did, and told him of my support for Dr. Encarnation so there wouldn't be any kind of confusion. I said, "You're the man now, and I'm willing to work with the man." And I've been very pleased.

And he really has been open and committed not only to diversity, but also bringing a small businessman's approach to the finances of higher education. We do have challenges with enrollment and budgetary challenges, but he is approaching it as a businessman would and realizing sometimes cuts have to be made that can be painful. But a small cut is not too big a price to pay when you're looking at the institution at a whole.

SENATOR ALEXANDER: The impact of his interaction with the students, I mean, do you get feedback from that standpoint as far as his ability to -- with the student body?

MR. HAY: One of the trustees also spoke about that, and, you know, I do see dramatic improvement. We talk to students. We've actually employed a fair number of students over the years as runners at our small business, so we get to get that perspective from them. And they're impressed with the leadership of President McConnell.

SENATOR ALEXANDER: One final question. And you mentioned students that you hire as runners. I notice too that I think you -- just for the record, that you sell tires through the Fleet Management; is that correct?

MR. HAY: Yes, sir.

SENATOR ALEXANDER: And that's a bid process, or there's prices that are established so that you comply? I mean, that's within the confines from that standpoint?

MR. HAY: That's correct. We respond to the bid that's put out probably every three or four years. It's a competitive bid. And if you're successful and you are able to do work, we do that on a set price schedule.

State Fleet manages the vehicles and -- for the College of Charleston. So whether it's The Citadel, College of Charleston, MUSC, and countless other agencies, we do work for them.

SENATOR ALEXANDER: Basically, as long as you're willing to accept that rate that's been established, then certainly you're a provider that they can utilize.

MR. HAY: That's correct.

SENATOR ALEXANDER: Thank you.

MR. HAY: Thank you.

CHAIRMAN PEELER: Mr. Hay, what's the difference between the College of Charleston and the University of Charleston? What is that?

MR. HAY: Well, the number 8 on my personal data questions asked about what I think is one of the biggest challenges that the college faces, and certainly enrollment, budget, those are challenges. But one of the unique challenges that I think we're dealing with is the ability to respond to the changing demands of our students or potential students and whether we're able to offer programs in computer science and logistics and supply chain management. Those are programs within the College of Charleston, but there are examples where, you know, we may need to offer programs at a university level.

We had the founder of PeopleMatter speak at our Rotary Club a while back and he said he could take 200 computer science graduates a year. Again, this is within our regular college, and at the time we were only producing I think 23 or 24. And the ability to recognize needs within

our community and respond to that by adding professors, adding classes, demonstrates a flexibility that I wish we had more of, and within the university, the ability to offer graduate degrees that are -- sometimes we may not even know about them yet, but there's a changing demand, and I think that allows us to respond to that demand.

CHAIRMAN PEELER: All right. There's some talk about keeping the College of Charleston liberal arts, but then there's also -- it seemed like that most would turn it into a research university. There's some talk of a law school and there's some chatter about that. Do you see a -- what's the future?

MR. HAY: I don't ever see us leaving liberal arts. I mean, that's our core. That is what we're founded on, and I do believe that that is our future, demonstrating that commitment to liberal arts.

The law school would make sense if it made sense for all parties. If the legislature said we need y'all to do this for us, if the law school said we need a partner, and then if the College of Charleston said we need that, then I think that's an interesting thing to consider. It didn't come to pass.

But, you know, when you have the Medical University, you have the College of Charleston, you have The Citadel, all great institutions, it seems to me that there should be more opportunities for synergy and cooperation. And those would be the kind of areas that I think we should really expand the study to see, you know, how can we cooperate better to provide a better quality education for the citizens of South Carolina.

CHAIRMAN PEELER: You aren't involved in the discussion about the possibility of merging or taking on Charleston School of Law?

MR. HAY: No, sir. I know lots of the professors and faculty, and it seems like it would have been a logical thing if we needed it, but it didn't come to pass.

CHAIRMAN PEELER: Any other questions?

Senator Scott.

SENATOR SCOTT: You chair the board of faculty committee?

MR. HAY: Facilities.

SENATOR SCOTT: Facilities?

MR. HAY: Yes, sir.

SENATOR SCOTT: Okay. No questions. I'm good.

CHAIRMAN PEELER: Any other questions?

What's the desire of the Committee?

SENATOR SCOTT: Favorable.

CHAIRMAN PEELER: The motion is a favorable report.

All in favor, say aye.

ALL MEMBERS: Aye.
CHAIRMAN PEELER: Opposed, no; and the ayes have it.
Thank you for your willingness to serve.
MR. HAY: Thank you, sir.
(Discussion off the record.)
CHAIRMAN PEELER: We'll crank back up.
Now we have Winthrop. Janet Smalley from Walhalla.
MS. SMALLEY: Yes, sir.
CHAIRMAN PEELER: Come up. Are you coming? Come on in.
MS. SMALLEY: Thank you.
CHAIRMAN PEELER: Make sure your light is burning green. Is it burning?
MS. SMALLEY: Excuse me?
CHAIRMAN PEELER: The light right in front of you, is it burning green?
MS. SMALLEY: Yes.
CHAIRMAN PEELER: Okay. That speaker is on.
I'd like to swear you in. Will you please raise your right hand.
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MS. SMALLEY: I do.
CHAIRMAN PEELER: Thank you very much.
Would you like to make a brief statement on why you would like to serve on the Winthrop board?
MS. SMALLEY: Well, I take the job very seriously. I have since I was fortunate enough to be elected by the legislative body running for my first term.
I'm deeply committed to public education. I was a public educator for 35 years and then did consulting for the Department of Education here and for the U.S. Department of Education.
CHAIRMAN PEELER: Any questions or comments from members of the Committee?
Mr. Whitmire.
REPRESENTATIVE WHITMIRE: Welcome, Ms. Smalley.
I'd just like to say that I have personal knowledge that Ms. Smalley has done an outstanding job as trustee. My eldest daughter graduated from there, as did my mother. It's an outstanding school, and thank you for your service.
CHAIRMAN PEELER: Any other questions or comments?
Senator Scott.

SENATOR SCOTT: I'll give you a chance to kind of breathe again because I think we kind of caught you off guard. Are you okay?
MS. SMALLEY: Well, I am fine. Because I was here early --
SENATOR SCOTT: Okay.
MS. SMALLEY: So...
SENATOR SCOTT: We appreciate that.
MS. SMALLEY: The only thing I was doing when I got a call from Julie was getting some more coins for the meters.
SENATOR SCOTT: Okay. Let me ask a little -- a couple of questions about Winthrop.
MS. SMALLEY: Yes, sir.
SENATOR SCOTT: What is its African-American population there?
MS. SMALLEY: Our minority population is around 30 percent, the largest percentage of that is African American. We are dedicated to serving a diverse student body and working real hard to find a diverse faculty and staff.
SENATOR SCOTT: What are y'all doing that you think that some of the other schools are not doing? All I've heard all morning is 7 percent, 8 percent, and we've got all these plans. It appears they've had plans for a long time, but they're just kind of just plans.

What are y'all doing that the other schools are not doing to attract students who want to come to Winthrop?
MS. SMALLEY: That's a great question, but I truly think quality wins, and Winthrop University is a quality institution. And under the leadership of President DiGiorgio, who led our university for 24 years, that was one of his goals, and that's one he achieved at a remarkable level. One of the chief questions we asked the new president, Dr. Dan Mahoney, during the presidential search was for him to share ideas about how do you recruit diversity. And one of the first things he did was to establish working groups, and one of those working groups is the Working Group on Diversity.
SENATOR SCOTT: Is scholarships the answer or just better recruiting? I've heard we want the top 10. We're going to give them a full ride. But a top 10 student can go anywhere they want to go in the country.

When you look at scholarship and spreading the scholarships among those students that's coming to Winthrop, has scholarships been the big issue or just recruiting good students who want to come to Winthrop?
MS. SMALLEY: Most answers to any questions are a blend, different tactics, different strategies, and I would certainly say this one is no different. In terms of financial aid, Winthrop is very, very aggressive in

that capacity. Winthrop is a very family-oriented university, and I think that appeals to minority students who tend to be first-generation students.

And so I think that's another part of it. So that's a recruitment and retention issue in that particular task.

But we do have a lot of need-based scholarships. In fact, I have one that is geared toward first-generation students, which I am, and to students with financial need, which I certainly did.

SENATOR SCOTT: Thank you so much.

CHAIRMAN PEELER: Thank you.

Senator Alexander.

SENATOR ALEXANDER: Thank you.

Good morning.

MS. SMALLEY: Good morning.

SENATOR ALEXANDER: Good to see you and appreciate your outstanding service to Winthrop.

I've noticed here you're talking about the biggest weakness is the blending, I guess you would call that, of the liberal arts education versus the career market economy. Are you making strides in that regard? Have y'all had a lot of economic development up in the Winthrop area? Are y'all partnering with those opportunities?

MS. SMALLEY: That's a great question, Senator Alexander. It is a great challenge if you have a traditional liberal arts identity to be able to transform yourself to address current economic issues, job market demands, those sort of things. As early as my first term during 2008, Dr. DiGiorgio was already doing some of that. He was looking at blended majors, for example, and I'll give you art as an example of that.

Traditionally Winthrop has been a strong art school, but with the rise in digital media, he saw the need for a blended major in media arts. And that was one of the first ones that I had the privilege of, you know, being a part of and working with and having some oversight into.

Since that time, Winthrop has expanded its science program tremendously. Winthrop does more undergraduate research than any university in the Southeast, and truly that was one of the reasons that Dan Mahoney was interested in Winthrop when he applied. The amount of undergraduate research is unbelievable down in Sims Science Building.

Business, the same thing. We have a trading floor, an actual trading floor, in the business building at Winthrop University. We recently, at the last board meeting, which was Friday, passed a consortium agreement with some of the area universities that are in the bordering area of South Carolina into North Carolina to be more collaborative

about what we do so that we can address the economic needs of that immediately area.

And then the last thing I would say, that another strategic working group that Dr. Mahoney established was called a Program Mix working group, and what they're looking at is exactly -- pointed to your question, they're looking at what are the economic needs of South Carolina, what kind of jobs are available, how can we link with community colleges and community-based needs to respond to those needs.

And, again, that group ended up with about seven recommendations of programs for Winthrop to look at that we already have the facility for that we would have to not do a great deal of financial investment in to be able to put forth programs that are cutting edge and kind of things that really will prepare our graduates for the future.

SENATOR ALEXANDER: Thank you. Keep up the good work.

CHAIRMAN PEELER: With closeness to Charlotte, I've heard comments about the desire of so many students around the Charlotte area that having to pay the out-of-state tuition seemed to be a problem. Have y'all looked into that and if that really is a challenge for you, or is that just a myth?

MS. SMALLEY: No. That conversation has been going on. It's a blessing and a curse, perhaps. You know, there's positives and negatives to be able to look at, being able to step across that state line in terms of tuition and recruitment and that kind of thing and still protect the taxpayer interest of South Carolina. But the consortium agreement that I just referenced is a little bit of putting the toes in the water and seeing how collaborative we can be as public universities, to that degree.

We do have a lot of students, you know, who are so close to the state line of North Carolina. We do have a lot of students who come in for -- an example is Winthrop has a collaborative agreement with ROTC at UNCA -- or UNCC. Excuse me. Those students do some work on our campus and back, you know, in the other direction as well.

CHAIRMAN PEELER: Kind of along that same line, I've heard some people around my area who would like to see Winthrop get into the football program. Are y'all looking into that? Because the closeness of Charlotte, that draw would help. How far down the road are you with that?

I know Coastal Carolina is doing a great job with it.

MS. SMALLEY: That is --

CHAIRMAN PEELER: Do you have an opinion?

MS. SMALLEY: You know, we still have the T-shirt, "Winthrop Football, Still Undefeated."

CHAIRMAN PEELER: Okay.
MS. SMALLEY: Our previous president, Dr. DiGiorgio, actually did a study that was kind of a first glance at that and looking at facilities and whether or not there were facilities in the area that we would share or purchase for not a big investment. That was about as far as that study went.

And then, Jamie, our president who is no longer at our university, she did a full-blown study on that. That was the charge of our athletic director, and it was: What's the cost if you go scholarship? What's the cost if you go non-scholarship? What's the cost of salary, and what's the cost of uniforms? I mean, it was very, very detailed.

That study is ongoing. We have recently learned that one of our issues will be -- if Winthrop started football next year, it would be Title IX, because we have about 65:35 female to male. If we instituted a football program, we would be out of alignment with Title IX guidelines.

So it's not quite as simple as it might seem. There's a lot of things that impact on this.
CHAIRMAN PEELER: It never is. It never is.
MS. SMALLEY: And if anyone anywhere that you know or any of you would like to step forward with several million dollars to help us, you know, look at that and institute other programs, we would love that. I do think it's something that the students are always interested in, and I can see it as, in these days of recruitment, an important issue in a lot of ways. So...

But these days the latest thing we've looked at that is problematic is that Title IX issue.
CHAIRMAN PEELER: Thank you.

Senator Scott, do you want to offer a couple million?
SENATOR SCOTT: No, but I think the program is probably about $10 million probably because of all of the scholarships that you have to give to get that going. And I look at tuition, you know, about 7,000. Clemson's at 14. The College of Charleston is at 10. I think that's probably why Winthrop is so affordable in allowing you a larger opportunity as well to be able to recruit.

I would say to you the most important thing is to educate, and I think y'all are doing a good job looking at what your percentages are. And to walk in this room and say you're doing 33 percent when the other schools are much, much, much larger than you and their percentage is for recruiting a faculty, staff, and students so low, you guys are just being commended for what you're doing.
MS. SMALLEY: Thank you. Thank you.

CHAIRMAN PEELER: Senator Hayes.
SENATOR HAYES: Thank you.
You know, you're very dear to my heart, and I appreciate the good work you're doing, literally.
MS. SMALLEY: You're very dear to Winthrop's heart.
CHAIRMAN PEELER: Thank you.
How do you think Dr. Mahoney is doing, the new president, at Winthrop?
MS. SMALLEY: I should have brought a letter of the Johnsonian that was just put out. This was an open letter to the student body about Dr. Mahoney, about how transparent he is, about how active he is on campus, about how he has calmed our campus and how he is building relationships among students, faculty, staff, the community, all those sorts of things. Really, he's a very measured individual.
During his interview, one of the most impressive statements he made was that it was always his goal to be the calmest person in the room, and I loved that. I thought, you know, that's exactly what we need.
CHAIRMAN PEELER: That's my goal too.
SENATOR HAYES: That feels like Senator Peeler over here.
CHAIRMAN PEELER: Sorry to interrupt.
MS. SMALLEY: We do. We do. We're very, very pleased.
He's very, very -- his background is accounting and then education. He was Dean of the College of Education at Penn State. The college that he managed there is actually larger than Winthrop, 8,000 versus 6,000. So he's well versed, and we're very, very pleased.
He's very, very methodical, analytical, and positive about what he's doing. Thank you.
SENATOR SCOTT: Favorable report.
CHAIRMAN PEELER: Representative Whitmire has a --
REPRESENTATIVE WHITMIRE: It's kind of important, Mr. Chairman.
Concerning your Winthrop Eagle football team, it's never going to fly because USC is against -- we're already behind The Citadel, and they're not going to fall behind Winthrop also and --
CHAIRMAN PEELER: You can put that in Gaffanese for me.
SENATOR ALEXANDER: That's it.
SENATOR SCOTT: Favorable report.
CHAIRMAN PEELER: The motion is a favorable report.
Seconded.
REPRESENTATIVE WHITMIRE: Seconded by me.
CHAIRMAN PEELER: All in favor, say aye.

ALL MEMBERS: Aye.
CHAIRMAN PEELER: Opposed, no; and the ayes have it.
Thank you for your willingness to serve.
MS. SMALLEY: Thank you, Senator Peeler.
CHAIRMAN PEELER: Shane Neil Duncan.
MR. DUNCAN: Good morning.
CHAIRMAN PEELER: Good morning.
MR. DUNCAN: The green light is still on.
CHAIRMAN PEELER: It's still on.
Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MR. DUNCAN: I do. Thank you.
CHAIRMAN PEELER: You learn from -- that it says we're kind of -- how to handle these questions and --
MR. DUNCAN: I think so.
CHAIRMAN PEELER: Okay.
MR. DUNCAN: It's my first time in here, so I appreciate you guys having me.
CHAIRMAN PEELER: Do you have a brief statement?
MR. DUNCAN: Yes. Serving on the board, this is new for me. I was asked to step forward, and currently I serve on the executive board for the alumni association. So a little bit of a step below the board of trustees. The second vice president there is in line for that presidency in a couple of years as we progress through our normal routine.
In addition to that, I serve as the president of our alumni association for a fraternity there. We have about 850 alumni. So my major value, or what I'd like to bring to the board in general is, one, my alumni engagement. My feelers, my tentacles, and my reach is on the alumni side and getting those folks.
Senator Scott asked a question about, you know, recruitment of diversity and whatnot. I think Winthrop's brand and that each student becomes an ambassador, I think, that tells our story. And I think our alumni, our undergraduates, enjoy telling their Winthrop story.
And so we're just looking forward to getting that brand in front of more people and through that invest students.
CHAIRMAN PEELER: Senator Alexander.
SENATOR ALEXANDER: Well, just thank you for your willingness to serve. I was just wondering with your work that you've been doing with the alumni association board, what would be the greatest ability that that experience will help transform you into a member of the board?
MR. DUNCAN: That's a great question, Senator Alexander.

I don't have all the answers. To be honest, I'm a little bit new to this process of the board of trustees, but I can tell you that the alumni engagement for the university, good or bad, is low. I think we had about a 4 percent engagement when we measured that, and we need to get more people under the tent and have more events.

And Dr. Mahoney's been great. Jamie Comstock did a similar tour, but getting the president out in front of people and allowing him to engage with parents and alumni and students in general will bring more people into the circle. He's coming to an event we have in about three weeks at the City Club of Rock Hill. Senator Hayes knows where that is, surely, from Rock Hill.

He's committed to attend that, and we're going to have a hundred parents, probably 40 or 50 alumni that are some of your more influential alumni who sit on our board of trustees, Scott Middleton and Jimmie Williamson and some others that are part of our alumni group. And I think the recent experience that I have there engaging and getting people collected and getting to a central area, an essential gathering spot, will allow the university to bring in key leadership, like Dr. Mahoney in the development office and Danny Nicholson, that group, who get those guys in front of the right people to engage the right alumni.

CHAIRMAN PEELER: Thank you.

Any other questions or comments?

SENATOR SCOTT: Favorable report.

MR. DUNCAN: I'm standing between you guys and lunch, right?

CHAIRMAN PEELER: The motion is a favorable report.

All in favor, say aye.

ALL MEMBERS: Aye.

CHAIRMAN PEELER: Opposed, no; and the ayes have it.

Thank you for your willingness to serve. Thank you for your patience.

MR. DUNCAN: Thank you, guys. I appreciate you inviting me down.

CHAIRMAN PEELER: Thank you.

That takes us to our lunch break. If y'all show up around 2:00, we'll try to get the thing done early enough and hopefully get out of here on time.

(The lunch recess transpired at 12:13 p.m.)

SENATOR PEELER: All right. We have everyone back. This is the afternoon session of the Joint Legislative Committee to Screen Candidates for the College and Universities Board of Trustees.

Starting off with the Board of Trustees for Francis Marion University. Mr. William W. Coleman Jr. from Florence. Come forward. Make sure your light is burning green.

Have a seat and get comfortable.

Let me swear you in first.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. COLEMAN: Yes, sir.

SENATOR PEELER: Would you like to make a brief statement?

MR. COLEMAN: I'm just -- my name is William W. Coleman. I'm from Florence. Originally from Pamplico. I'm a graduate of Francis Marion. The first graduating class. And been on board since 1988.

SENATOR PEELER: You've seen a lot.

MR. COLEMAN: A lot.

SENATOR PEELER: All right. Any questions or comments for Mr. Coleman?

Senator Scott.

SENATOR SCOTT: Mr. Coleman, good to have you today.

MR. COLEMAN: Thank you.

SENATOR SCOTT: Tell me a little bit about Francis Marion and what we're doing to recruit minority students, the number of student population we have there, a little bit about minority faculty and staff.

MR. COLEMAN: All right. I just got a few notes. I figured that would be a question. We have --

SENATOR SCOTT: That's experience for you.

MR. COLEMAN: We have about almost a 50/50 ratio of minorities. And I think the -- I do not have the breakdown of the faculty and staff as far as ratios, but I can assure you that it's very equitable. That's one thing that our president is very conscious of and does a real good job.

SENATOR SCOTT: Give the president my regards.

MR. COLEMAN: I sure will. Yes, sir. Thank you.

SENATOR SCOTT: What's the total population there now?

MR. COLEMAN: It's a little over -- we fluctuate around 4,000 students. I think we have probably 33-, 3400 undergraduate and 3- or 400 graduate students and a good many part-time students. But it's around 4,000.

SENATOR SCOTT: What do you think contributes to the success of Francis Marion being able to recruit that many minority students? I've heard a lot of schools who the board of trustee members come in and say they're struggling to get students. They've got 7 percent and some say as high as 8 percent. I'm trying to figure out how to make it work. What's working for Francis Marion?

MR. COLEMAN: I think it has a lot to do with our location, being rural and in the Pee Dee. And I think it's a lot of hard work on the faculty and trustees and the recruiting in the high schools.
SENATOR SCOTT: You think a lot of your students come from your immediate area?
MR. COLEMAN: Thank you.
SENATOR SCOTT: Thank you, Mr. Chairman.
SENATOR PEELER: Thank you. Senator Alexander.
SENATOR ALEXANDER: Thank you, Mr. Chairman.

Good afternoon. Thank you for your service. As far as -- and you've been on the board for a while, so I appreciate that -- your involvement with the board, attendance of meetings, how would you classify, are you a hundred percenter? 90 percenter?
MR. COLEMAN: I'd like to say a hundred percenter. If I had to miss, it's been for an illness.
SENATOR ALEXANDER: Okay. Thank you, sir.
SENATOR PEELER: Senator Hayes.
SENATOR HAYES: I think I probably know the answer to this one, but I thought I would just check. How is the leadership at the college, the president, is he doing a good job with that?
MR. COLEMAN: Absolutely, Senator Hayes. We're very lucky. That's all I can tell you. He's for the student first, and he's -- he's just fantastic.
SENATOR HAYES: Any new initiatives going on with the college that you're taking on?
MR. COLEMAN: In the last couple of years we've added an engineering degree that we're working with Florence-Darlington Technical, in conjunction with them. We've got one of the best nursing programs in the state that's fairly new. Fixing to implement the nurse practitioner degree and physician's assistant. Some other health-related fields. And thanks to the state, we've got a new $15 million health sciences building.
SENATOR HAYES: Thank you.
SENATOR PEELER: Any other questions or comments?

You've been on the board, what, 25 years?
SENATOR ALEXANDER: 28.
MR. COLEMAN: Yes, sir.
SENATOR PEELER: All right. Mr. Coleman, anything else you want to -- you feel like we need to know?
MR. COLEMAN: We just appreciate your support for our university.
SENATOR PEELER: Thank you.

SENATOR HAYES: Favorable.
SENATOR PEELER: The motion is a favorable report.
All in favor say "aye."
(Members respond.)
Opposed, no.
And the ayes have it.
Thank you so much for your continued support of the school.
MR. COLEMAN: Thank you.
SENATOR PEELER: Thank you.
Next is Patricia Hartung. Help me with that pronunciation.
MS. HARTUNG: Good afternoon, sir.
SENATOR PEELER: How do you pronounce your name?
MS. HARTUNG: Hartung.
SENATOR PEELER: Hartung. Okay.
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MS. HARTUNG: I do.
SENATOR PEELER: Do you have a brief statement for the committee?
MS. HARTUNG: It's been my pleasure to serve on the board since 1999. I represent the Third District, Seat Number 3. I'm based out of Greenwood, South Carolina. I think I have a general understanding of the workforce needs in that area, and I would like to believe that that's the contribution I bring to the university. Understanding the career choices available to students and how we can develop the curriculums to meet those careers in the future.
SENATOR PEELER: Any questions?
Senator Alexander.
SENATOR ALEXANDER: Thank you. Appreciate your service in both capacities
And talking about workforce development, do you -- are you seeing the university meet that mission of preparing the students, the ability of them having employment once they get that outstanding education at Francis Marion?
MS. HARTUNG: I do, Senator. As you know, Council of Governments, where I work, we run the Six-County Workforce Development Program in that area. And that region is very similar to the other span of region based around Greenwood, South Carolina, in that probably the major employer is the hospital system. I think they have some diversification in other industries as well.
But we see the health sciences field as the -- probably the fastest growing area for jobs in the future. And our board of trustees, under the

direction and leadership of Fred Carter, has seen the same thing and has moved diligently to meet those needs in that region.

SENATOR ALEXANDER: And one final question, if I could, Mr. Chairman.

SENATOR PEELER: Sure.

SENATOR ALEXANDER: As far as your attendance at meetings and things, are you a hundred percenter? What -- how would you classify your attendance and participation?

MS. HARTUNG: I, like Mr. Coleman, like to think I'm a hundred percenter. The only time I've missed, not because it was my illnesses, but I have seven-year-old twins and they catch everything that goes around. So I try my best, and I would say probably at 90, 95 percent.

SENATOR ALEXANDER: Thank you.

SENATOR PEELER: Mr. Hayes.

SENATOR HAYES: On the health sciences, what -- you mentioned some -- what degrees do you all plan to offer?

MS. HARTUNG: Well, when the new building opens, I believe right now it's scheduled for August of this year, there will be three masters programs. A master in nursing, in nursing administration, and applied psychology, I believe; a nurse practitioner; and then there's a physician's assistant program that's going to be coming on board as well. Very relevant for that area.

SENATOR HAYES: My daughter is an occupational therapist, and the only program in that in South Carolina is at MUSC and she had to go down to St. Augustine to find a school to get that. It would be nice for her to be able to stay in the state.

MS. HARTUNG: That's right.

SENATOR HAYES: But that's the only program they have. There's some other states that have them, but I just didn't know if that's something that you all had in mind.

MS. HARTUNG: In fact, they are looking at partnering. They are partnering with -- under the physician's assistant program with the Medical University and the University of South Carolina, so they're looking at other things as well. That will be coming up in the future.

SENATOR PEELER: All right. That's a new center or something?

MS. HARTUNG: It's actually not that new. It's about seven years old. And I have worked with the individuals at that center for quite some time. That's a passion of mine. We run a revolving loan program in our area, and we help small businesses. And it seems as they all have great ideas. A lot of them lack capital, but they lack the expertise in actually making a business thrive.

And to my knowledge, there are the SBDC programs around the state, but that's the only center for entrepreneurship. And I've asked Fred to let me borrow some of the people and come down to my region and do a dog-and-pony show to try and at least expand the reach of their -- the services that they offer into other parts of South Carolina as well.

SENATOR PEELER: How long have you been on the Upper Savannah COG?

MS. HARTUNG: As a director since 1990, and before that since '76.

SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Tell me a little bit about the program that you all are working with the tech school. I thought I heard a comment about that.

MS. HARTUNG: The bridge program.

SENATOR SCOTT: The bridge program.

MS. HARTUNG: The bridge program? That's actually an excellent program for graduates from high school who may not be quite mature enough to enter a four-year curriculum or maybe not have the correct enough or sufficient GPA to get into the university. So they, in their freshman year, attend a technical college. And I think there's six or seven regional technical college systems that -- or programs that partner with the university.

And they have to declare a major in the first year and they work and they have access -- full access to the campus. And they work with guidance counselors and professors in helping prepare them to enter as a freshman in their -- after they complete their first year.

SENATOR SCOTT: So most of that first year is with you all?

MS. HARTUNG: No. The first year is with the technical school, and then they transfer in. And it can be two years as well.

SENATOR SCOTT: Do you all offer an engineering program?

MS. HARTUNG: We offer an engineering technology program, but not under that program.

SENATOR SCOTT: Okay. Thank you.

SENATOR PEELER: Mr. Whitmire.

REPRESENTATIVE WHITMIRE: Thank you.

I may have missed it, what is your percentage of in state versus out of state?

MS. HARTUNG: Right now it's 94 percent in -- 94 percent in South Carolina; 6 percent out of state; and 85 percent, I believe, in the Pee Dee region. That's pretty strong.

REPRESENTATIVE WHITMIRE: I commend you for reaching out to South Carolinians. I wish we had some other schools that were so committed.

And I like what you answered to Chairman Peeler about entrepreneurship. That's something that seems to be missing in a lot of other schools. I had two daughters who got a wonderful liberal arts education and had to go wait tables for a couple of years to try to find a job. So it's good that you're emphasizing that.

My last question, I notice you're from Greenwood.

MS. HARTUNG: Yes, sir.

REPRESENTATIVE WHITMIRE: Do you happen to know Gene Pinson?

MS. HARTUNG: Yes, sir. Who doesn't know Gene Pinson?

In fact, talking about entrepreneurship, he came to us under our revolving loan program, he's working with somebody to do a new project in Abbeville County right now.

REPRESENTATIVE WHITMIRE: Well, even though you know him, I'll still vote you favorably.

SENATOR SCOTT: One last question.

SENATOR PEELER: Senator Scott.

SENATOR SCOTT: I noticed you're from Munich, Germany.

MS. HARTUNG: I was born there. My mother is from there as well.

SENATOR SCOTT: Have you expanded your international connections back to the school for recruiting international students?

MS. HARTUNG: Actually, that's a long, long answer. Yes, sir, we have. And that's how my relationship with Fred Carter first began. And we do have partner schools. We have a sister state relationship, and many of you have participated in programs in the past, with Rhineland-Palatinate. Started out with the state of Brandenburg. But we have a number of schools in Rhineland-Palatinate partnered. Not in Bavaria because interestingly enough, Munich and Bavaria prefer California. I can't imagine why from South Carolina.

But we partner with the state that has the highest percentage of retired U.S. military in Germany. And we have three schools right now that are partners there.

SENATOR SCOTT: Thank you.

SENATOR PEELER: Any other questions or comments?

SENATOR ALEXANDER: Move favorable.

SENATOR PEELER: Favorable report.

All in favor say "aye."

(Members respond.)

[HJ]

SENATOR PEELER: Opposed, no.

Thank you for your willingness to serve.

SENATOR HAYES: Good to see you.

MS. HARTUNG: Thank you.

SENATOR PEELER: Next, Mr. George McIntyre.

MR. MCINTYRE: Yes, sir.

SENATOR PEELER: Good afternoon, sir.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. MCINTYRE: Yes, sir.

SENATOR PEELER: Do you have a brief opening statement?

MR. MCINTYRE: Yes, sir. It's good to be back with you. I've been a member of the Board of Trustees at Francis Marion since 1999 as well.

SENATOR PEELER: We can't get rid of you all.

MR. MCINTYRE: You got a good thing going, it's hard to get rid of it.

But I graduated from there in 1978. It's been a pleasure and an honor for me to be back as a trustee and see that school grow as opposed to the early days when I was there. It was a small, you know, regional university and college. And to be a part of it now for the last 10 or 15 years and see the things that have been able to be accomplished were the things we dreamed of back in the 1970's. So it's been very exciting. I've enjoyed it. It's been a good ride, as you said, and we just look forward to the future.

SENATOR PEELER: Good. Questions or comments?

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman. To be consistent here, as far as your attendance at board meetings, how would you --

MR. MCINTYRE: I've missed one meeting in 17 years.

SENATOR ALEXANDER: Okay. Did I read this correctly, you used to serve in an elective capacity?

MR. MCINTYRE: Yes, sir. I hope that's a positive.

SENATOR ALEXANDER: It is. I was just wondering. Made me think, what type of support relationship does Francis Marion have there with the counties that are surrounding there? Are they supportive --

MR. MCINTYRE: Yes.

SENATOR ALEXANDER: -- of you all?

MR. MCINTYRE: Yes. The answer is yes. And the part of the mission statement of Francis Marion is outreach programs and to get out into the communities and offer expertise and personnel to bring programs out in

the community. So we've had a very good relationship with pretty much all the counties in the Pee Dee region. And in particular Florence County. Just recently, Florence County budgeted us money.
SENATOR ALEXANDER: That's kind of where I was going.
MR. MCINTYRE: Yeah.
SENATOR ALEXANDER: So you get from financial help from them?
MR. MCINTYRE: We do. Yes, sir.
SENATOR ALEXANDER: Thank you.
SENATOR PEELER: Thank you.
SENATOR Scott.
SENATOR SCOTT: Favorable report.
SENATOR PEELER: The motion is favorable report.
All in favor say "aye."
(Members respond.)
SENATOR PEELER: Opposed, no.
And the ayes have it.
MR. MCINTYRE: Thank you very much, sir.
SENATOR PEELER: Seriously, thank you for your willingness to serve.
MR. MCINTYRE: Thank you, sir. I appreciate it.
SENATOR PEELER: Benjamin Duncan.
Good afternoon, sir.
MR. DUNCAN: Good afternoon to you.
SENATOR PEELER: I'll swear you in.
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MR. DUNCAN: I do.
SENATOR PEELER: Thank you.
Do you have a brief statement you would like to make?
MR. DUNCAN: Just a brief statement about my background. I was born in Barnwell, South Carolina. I grew up in Sumter. A graduate of Benedict College and received my masters in public administration at the University of South Carolina, and work for various state agencies in -- for the state of South Carolina.
SENATOR PEELER: Some of those state agencies, I think you worked with Dr. Carter, didn't you?
MR. DUNCAN: Briefly, yes, sir.
SENATOR PEELER: Okay. Is he as rough as they say he is sometimes when he needs to be?
MR. DUNCAN: Well --
SENATOR PEELER: I see a lot of shaking heads.

MR. DUNCAN: This is off the record, right?
SENATOR PEELER: No. No. You're on the record. Better hush.
Senator Scott.
SENATOR SCOTT: I don't have any questions. I know him quite well.
MR. DUNCAN: Thank you, Senator.
SENATOR PEELER: Senator Alexander.
SENATOR ALEXANDER: We thank you for your service. So you said that -- who is your current employer?
MR. DUNCAN: South Carolina Department of Insurance.
SENATOR ALEXANDER: So would there be any issues with your ability to attend the meetings and things of that nature from a time constraint, or do you envision being able to be involved as a member of the board?
MR. DUNCAN: This should not have any conflicts with what I'm doing now, sir.
SENATOR ALEXANDER: Okay. Thank you, sir.
SENATOR PEELER: Any other questions?
REPRESENTATIVE MCLEOD: I have a comment.
SENATOR PEELER: Representative McLeod.
REPRESENTATIVE MCLEOD: Mr. Duncan, I have known you for many years and have had an opportunity to work with you over the course of a few of those years.
MR. DUNCAN: You don't want to say how many years.
REPRESENTATIVE MCLEOD: We won't talk about that. But I just want to thank you for your willingness to serve and look forward to giving you a favorable report.
MR. DUNCAN: Thank you.
SENATOR SCOTT: Go ahead.
REPRESENTATIVE MCLEOD: I move for a favorable report.
SENATOR PEELER: All in favor say "aye."
Opposed, no.
And the ayes have it.
MR. DUNCAN: Thank you.
SENATOR PEELER: Thank you so much for your willingness to serve.
Next, Karen A. Leatherman, Florence, At-Large, Seat 9.
Good afternoon. I'll swear you in.
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MS. LEATHERMAN: Yes.
SENATOR PEELER: Would you like to make a brief statement?

MS. LEATHERMAN: Yeah. My name is Karen Leatherman. I'm from Florence. I've been there my entire life pretty much. I am a Francis Marion grad. I graduated in 1980 with a biology degree and I came on to the great University of South Carolina to get my masters.
SENATOR PEELER: That would be Clemson, wouldn't it?
MS. LEATHERMAN: I threw that in for that reason. I knew I couldn't offend everybody.
SENATOR PEELER: That would be a great one.
MS. LEATHERMAN: That's right. I knew when I did that, I would be okay.

I've been involved with Francis Marion from that point forward. I actually played basketball there. I continue to support the athletic programs that are there, as well.

I am a business owner in downtown Florence. For six years I was on the Florence Downtown Development Corporation Board and chaired the last three years that I was there. So I've seen Francis Marion's direction of moving downtown, investing in downtown, being a partner in downtown and growing their programs there.

In fact, you mentioned earlier the entrepreneur program. A committee off of the FDDC, Florence Downtown Development Corporation, was a North Dargan incubation -- or Innovation Center. And we utilized Francis Marion's Entrepreneurial Program to be there to help with those resources. And, in fact, it worked out so well, Francis Marion has taken over operating that facility for Florence downtown.
SENATOR SCOTT: That's excellent.
SENATOR PEELER: Fitness Forum, is that like a gym?
MS. LEATHERMAN: Yeah. I opened that facility with the hospital. Bruce Hospital it was at that time in 1984. I came in and opened that facility. I started cardiac coronary rehab programs. I worked for the hospital administration.

I never lost my love for the fitness business. I bought the business from the hospital in the year 2000. We do other things, as well. We do the occupational testing services throughout the state.
SENATOR ALEXANDER: Can I follow up on that?
SENATOR PEELER: Senator Alexander.
SENATOR ALEXANDER: So you do occupational services throughout the state, is that where you're tied in with the annual firefighter test?
MS. LEATHERMAN: Right. Firefighters are required to get annual testing. One of the state schools and I put that in my answer so there

wouldn't be anything that's not apparent there. But that's one of my clients, the great University of South Carolina, Clemson University --
SENATOR SCOTT: There you go.
MS. LEATHERMAN: -- is one of my clients. And we annually go up there, take a physician, someone to draw blood, and I do the stress testing, exercise/phys part of it.
SENATOR ALEXANDER: So you stay busy. I guess you wouldn't have any issues with meetings?
MS. LEATHERMAN: No. I'm at a point in my life where I feel like I can -- we've grown that aspect of the business, as well. And the reason I really started looking at this and joining this board was I was approached by a board member at the College of Charleston about three or four years ago. And I seriously gave it some thought and never went through this process, obviously. And we had several conversations back and forth. But I was chair the Florence Downtown Development Corporation. This other aspect of my business was growing more and more. So I didn't feel I honestly could give them -- traveling to Charleston especially.

But in my mind I said, I wouldn't mind being on Francis Marion's board. I never really thought about it until that person approached me and talked to me a little bit about it. So that's why I feel like I'm at a point now that I could make that commitment.
SENATOR ALEXANDER: All right.
SENATOR PEELER: Mr. Whitmire.
REPRESENTATIVE WHITMIRE: Thank you.

Question 8, the biggest weakness, I'm looking at that 15 percent four-year graduation rate. That's very concerning to me. If you're on the board or elected to the board, how would you address that because we need to get that up obviously.
MS. LEATHERMAN: Yeah. And it's hard for me to give you a specific answer on that. As I said, that's also a strength in that Francis Marion does have a very large minority background, low-income group of students that come in there. 40 percent of all the students that come in there are first-year college for their families.

So, you know, it's a regional university. There's addressing the needs of kids who no longer -- who couldn't get in anywhere else possibly. So it's a tough crowd from that standpoint.

So, you know, without kind of knowing the ins and out of everything that's going on, it's hard to say how I would address that specifically or how we would address that specifically other than trying to maybe -- you know, you don't want to necessarily screen a reason it's low

compared to others is because they're not addressing and they have -- College of Charleston has 37 percent of the students from out of state. Francis Marion has more like 5 or 6, I think.

So, again, we're addressing that need in that region where kids would no longer be able to go to school. So it's hard. You want to up that up, but it's not as easy as it sounds, so ...

REPRESENTATIVE WHITMIRE: It kind of mirrors our education issues we have, you know, throughout the state almost.

MS. LEATHERMAN: Right. Right.

REPRESENTATIVE WHITMIRE: I wish I had known this, I would have asked the other trustee candidates beforehand on this percentage. Thank you for bringing this up. Because you're right. You know, you bring in a lot more in-state people who have maybe less -- not as high SAT and ACT and maybe they didn't do as well in high school, they're not going to be as successful in college.

MS. LEATHERMAN: Right. But you gave them that opportunity, which is really what it's about.

REPRESENTATIVE WHITMIRE: What a lot of other schools don't do.

MS. LEATHERMAN: Right.

REPRESENTATIVE WHITMIRE: Okay.

MS. LEATHERMAN: Thank you.

SENATOR PEELER: Senator Scott.

SENATOR SCOTT: So in essence, a lot of those students have to take remedial courses to get ready for the regular curriculum. I trust that some of your curriculum as well as the things they -- some of their majors require five-year programs anyway.

MS. LEATHERMAN: Right.

SENATOR SCOTT: The field of accountants, you want to get them through it in four years.

MS. LEATHERMAN: Right.

SENATOR SCOTT: I know it's a five-year program.

MS. LEATHERMAN: Right.

SENATOR PEELER: So with that weighting in, you will have that.

MS. LEATHERMAN: Right.

SENATOR SCOTT: 50 percent is not great, but it's not as bad as I've seen some of the schools who take in first-generation students coming to the school.

MS. LEATHERMAN: Right. Thank you, Senator.

SENATOR PEELER: Any other questions or comments?

SENATOR SCOTT: Favorable report.

SENATOR PEELER: The motion is a favorable report.

All in favor say "aye."

(Members respond.)

Opposed, no.

And the ayes have it.

MS. LEATHERMAN: Thank you.

SENATOR PEELER: Thank you.

Mary Finklea, Florence.

MS. FINLEA: Good afternoon.

SENATOR PEELER: Good afternoon.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. FINKLEA: I do.

SENATOR PEELER: Would you like to make a brief statement?

MS. FINKLEA: I will be glad to.

Good afternoon. My name is Mary Finklea. And as you've gathered, I do serve as the pastor of Cross and Crown Lutheran Church there in Florence. I grew up in Charleston and have been the pastor of Cross and Crown for just at 11 years and have enjoyed calling Florence my new home.

I know you might sit there and think, well, there's just a young preacher girl sitting there, but my previous board service was on behalf of Lutheran Services - Carolina, a nonprofit with an annual budget over a hundred million dollars and 900 employees. So I hope to bring some of that experience.

And Francis Marion, of course, does work very well with the nonprofit community. We've got several different programs, including World Leadership and things like that to help others that are involved in community agencies. And I try to serve as a link between the university and the local community.

SENATOR PEELER: Okay. Questions or comments?

SENATOR SCOTT: Tell me about your education experience in London.

MS. FINKLEA: Oh, sure. Okay. So I was a graduate of Winthrop University, and I participated in the study abroad program and did a semester overseas. And actually after I graduated from Winthrop, I moved back to London and worked there on behalf of the Lutheran church doing youth and family work. And it was from there that I received a call and applied to seminary back here in the United States.

You mentioned with Patricia the international program, one of the things we're excited about is hopefully a new honor center, which will

house both the international program as well as the honors as well as the McNair Scholarship recipients. So that's a real exciting possibility.

You know, obviously we've got a range of students with a lot of experiences. But we also have some really wonderful students with bright minds that are really doing a lot of good work right here in Florence.

SENATOR SCOTT: Thank you.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Good afternoon. How are you?

MS. FINKLEA: Fine. Thank you.

SENATOR ALEXANDER: Your attendance at meetings or involvement with the university since being on the board, could you share that with us?

MS. FINKLEA: Certainly. I'm, of course, one of the newest and definitely one of the youngest. So I've just been doing this for just at two years. I don't quite have the experience as some of my brothers and sisters up here. But in the past two years, I've made every meeting. I did miss part of one retreat activity, but have been every single meeting.

SENATOR ALEXANDER: Thank you.

MS. FINKLEA: But eight doesn't sound as impressive as some of the rest of them. But it's been a joy. I look forward to attending them. It's really remarkable to hear and share in the good work of the university. I think people sometimes think of it as just a little local, regional, small town, you know, outreach, but it really is living up to its mission of producing good quality graduates for the state of South Carolina.

So many of our alumni remain right here in South Carolina. So many of our alumni are right there in the Pee Dee. So we really do get the benefit of providing a reasonable cost education that's high quality.

SENATOR ALEXANDER: Thank you.

SENATOR PEELER: Thank you. Mr. Whitmire.

REPRESENTATIVE WHITMIRE: Thank you.

Just going off what you were just saying, I was noticing 82 percent of your alumni who live in South Carolina. Do you know the percent that lives in the Pee Dee area?

MS. FINKLEA: I think it's 60.

REPRESENTATIVE WHITMIRE: Wow.

MS. FINKLEA: It's really a lot. And that's, like I say, I mean, I hope 50 years from now when I'm going into a nursing home, you know, that whoever is my speech pathologist who's helping me recover from that

stroke has been trained had been given resources through Francis Marion.
REPRESENTATIVE WHITMIRE: Yes.
MS. FINKLEA: These are folks that are right here in our community.
REPRESENTATIVE WHITMIRE: Right. They're giving back and then their work and their tax dollars also.
MS. FINKLEA: That's right.

And to your question earlier about the graduation rate, I would also like to lift up that one of the things we struggle with is having students stay on campus. Right? So many of them are from the area, they're all going home on the weekend and they're doing other things. But so many of our students are actually employed, you know. This is -- they have to work. They're taking care of their parents. They're taking care of children. So for many of these students, their extracurricular activities is work. You know, they're having to work to be able to get this degree.

So sometimes it's a real tension between what can we do to strengthen the on-campus community, but so many of them are also working. Of course, some on campus, but many of them out in the community are back home in Dillon or Marion or what have you.
REPRESENTATIVE WHITMIRE: And I would imagine a large percentage are first -- are first in their families too.
MS. FINKLEA: That's right. And that's the 37 percent that you heard earlier. That's right.
REPRESENTATIVE WHITMIRE: It's really serving a good purpose in the Pee Dee. So thank you.
MS. FINKLEA: And over 70 percent of our students are women, are female. And statistics have shown once you have a college-educated mama in the family, that statistic shows that that raises the educational opportunities for the whole family. So we really are doing some good work, and I'm proud to be associated with it.
REPRESENTATIVE WHITMIRE: Thank you.
SENATOR SCOTT: Favorable report.
SENATOR PEELER: Favorable report.

All in favor say "aye."
(Members respond.)
SENATOR PEELER: Opposed, no.

And the ayes have it.
MS. FINKLEA: Thank you.

SENATOR PEELER: I must point out, I think this is the first contested race we have today. So Senator Leatherman's daughter and a pastor. Our job never gets easier, does it?

Thank you both for your willingness to serve.

Next, Randall Dozier.

Good afternoon, sir.

MR. DOZIER: Good afternoon.

SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. DOZIER: I do.

SENATOR PEELER: Do you have a brief statement you would like to make?

MR. DOZIER: Thank you, Senator. Members of the committee, thank you for taking time out of your busy schedule today. I'm a 1977 graduate of Francis Marion University. I guess W and I are, like, the oldest of the group.

I've served on the board of trustees since 1991 when I was appointed by Governor Campbell. I served consecutively until I moved to Georgetown in 2000. At that point I resigned due to change in congressional districts. I was reelected and have served on the board since that time.

I'd love to continue the work we've started with the medical program, nursing program, and other programs. A long-time involvement of Francis Marion, I have an endowed scholarship in the family name that I would like to continue to increase.

Presently, I serve as superintendent of Georgetown County School District, which helps me direct students toward Francis Marion University.

SENATOR PEELER: Questions or comments?

SENATOR Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Just for the record, as far as how could you describe your attendance and involvement as a member of the board and with your other duties?

MR. DOZIER: Thank you, sir.

You ask that question, I can't remember missing a meeting. I guess my age. I was chairman for three years. Certainly when you have a responsibility, you can't miss. I've been chairman of the finance committee. But it's not just attending meetings, as you well know. Being within an hour of the university, I go to awards, dinners, graduations, homecoming. I went to the Pee Dee Fiction Festival this year. Staff awards luncheon. Just a variety of activities. I try to attend

one or two a month to make sure that I'm there and accessible and all to the faculty and staff and the students that I've sent to that university or directed to that university.

SENATOR ALEXANDER: Thank you, sir.

SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Mr. Superintendent, how many of your students do you send to Francis Marion every year?

MR. DOZIER: You know, I don't take a headcount, but I want to say a few years ago one of the top students from Andrews High School, was a graduate of Georgetown County School System was a top graduate of Francis Marion. We are very proud of that.

Presently, I've had a number of students that I network with and send. And I would say also many of those are minority students, too, sir.

SENATOR SCOTT: Thank you.

SENATOR PEELER: Senator Hayes.

SENATOR HAYES: As the superintendent, you probably are aware, do they have a teaching program on how to teach in poverty schools and things of that sort or nature at Francis Marion?

MR. DOZIER: They do. The Pee Dee consortium certainly works with a variety of school districts in that area. For some reason, Georgetown wasn't included in the Pee Dee. I still would be able -- I to try to push my way in there. I think we're part of the Pee Dee.

They do. They have workshops, in-services for our teachers that we send and network with. And Francis Marion provides a continuing education for Georgetown and some of my teachers and it's in close proximity for our staff, less than an hour for them to go to.

And presently I have to tell you from a personal standpoint, my son is enrolled in the MBA program where I can keep tabs on him a little better. He's working on his second masters since he didn't finish his first. That's a whole other story.

SENATOR PEELER: Anyone else?

SENATOR SCOTT: Favorable report.

SENATOR PEELER: Let me ask you, how long have you been with Georgetown County schools?

MR. DOZIER: Actually, I was with Greenville for almost 21 and a half years. Made a lot of good friend up there. I'm actually from Marion County and Horry County, grew up in that area. Francis Marion was an opportunity for me. I probably wouldn't have gone to school otherwise. I moved back in 1999 as deputy superintendent. I've been superintendent since 2003.

SENATOR PEELER: Were you the superintendent of schools at Greenville?
MR. DOZIER: No, sir. I was -- started deputy assistant associate and executive director, principal. Somebody said I couldn't hold a job, but I had a lot of opportunity there because the largeness of the school district, 60-something thousand students, 7,000 employees. It was a big job.
SENATOR PEELER: Motion is a favorable report.
All in favor say "aye."
(Members respond.)
Opposed, no.
And the ayes have it.
MR. DOZIER: Thank you.
SENATOR PEELER: Thank you for your willingness to serve.
That completes Francis Marion.
MS. CASTO: Can we have a break?
(A recess transpired.)
SENATOR PEELER: I call the meeting back to record.
Dylan Goff from Columbia. At-Large seat for The Citadel.
MR. GOFF: Thank you, Mr. Chairman.
SENATOR PEELER: Take a seat and let me swear you in.
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MR. GOFF: Yes, sir, I do.
SENATOR PEELER: Would you like to make a brief statement on why you would like to continue to serve on The Citadel?
MR. GOFF: I would. Thank you, Mr. Chairman.
I've served now six years on The Citadel Board of Visitors. It's been a singular pleasure and honor. I certainly got to know some of the best people I've met in my life, and I've really enjoyed every minute of it. And it's a way to give back to the college that I feel like I owe a lifetime's worth of debt and gratitude to.
I was the first generation in my family to attend college. My father is a cabinetmaker in Lexington County. Very important to me that The Citadel treat you the same no matter who your father is, who your mother is. I roomed with a young man from New Jersey whose family owned all the Buffalo Wild Wings chains, and we got treated just the same.
It's an exciting time to be on The Citadel board. The Citadel is doing very, very well. U.S. News and World Report's number one college in the South for the fifth year running. We just received our SACS

reaccreditation with no recommendations for improvement. Which, as we're told, is pretty unprecedented. So SACS has actually been sending colleges who are going through reaccreditation this cycle down to The Citadel to see what right looks like.

We've been bumped out of our first place four-year graduation rate by I think a tenth of a percent or some small percent and we're fighting to get back. We're still leading the state. I think Clemson edged us out. I think it was Clemson. I can't say for certain. But I know for many, many years we were number one four-year graduation rate in the state. We got edged out very narrowly.

Our engineering program is ranked number 22 in the nation. That's something we are very proud of for a school our size to have an engineering program of that caliber. We have roughly 2700 young people in the corps. Most of our engineering students are in the corps of cadets. We do have some active duty Marine, Navy that attend class at The Citadel as well as some veteran students. But engineering is taking up a larger and larger percentage of our undergraduate program. We think that's happening for two reasons: One, the kids know they can get a job as an engineer. I was a history major, but that was different times. And I think it's meeting an economic need at that the state has.

We're -- we also continue to be a leader in commissioning Army officers and officers for all the services, in particular Army officers. We commission more Army officers than anybody else except for West Point.

It's a great time to be a bulldog. It's been an incredible six years, and I look forward to hopefully continuing for another six.

SENATOR PEELER: Okay. You are a combat veteran. Where were you stationed?

MR. GOFF: Yes, sir. From 2007, 2008, I was attached to the Seventh and Third Special Forces groups in Helmand Province in Kandahar, Afghanistan, along with Representative Smith. We left South Carolina as National Guardsmen and got to do a mission that I don't think either one of us ever imagined we would get to do as guardsmen. I know the two of you spent some time doing that. We had an incredible time. We are very lucky to have had the opportunity.

SENATOR PEELER: Were you at his law firm then?

MR. GOFF: No, sir. I was actually in my last year of law school when we got the orders to go to Afghanistan. So I finished my first semester, and USC was very gracious to me and they let me lock in that year's tuition rate before they hiked it 14 percent.

SENATOR PEELER: Thank you for your service.

SENATOR Hayes.
SENATOR HAYES: I appreciate it as well.
Are you still with the guard?
MR. GOFF: Yes, I am. I'm the executive officer for -- excuse me. I'm now the S3 operations officer for combined arms battalion in Union, South Carolina.
Yes, sir.
SENATOR HAYES: It used to be the Fourth Battalion up in Union, but now it's the Combined Arms up there in Union?
MR. GOFF: Yes, sir. It's actually the Fourth Battalion again. When we came back from Afghanistan, the separate brigade went away and we retained the lighter battalion on the fourth -- the fourth battalion became the combined arms battalion. We lost the armored battalion. So we have two armor companies, two entry companies, and they're right there in Union. And they are once again the Fourth Battalion.
SENATOR HAYES: I got you. The brigade headquarters in Charleston doesn't exist any longer?
MR. GOFF: The brigade headquarters exist. It's a maneuver enhancement brigade. They don't have any combat arms soldiers. We, as I understand it, will very shortly align with the 30th brigade out of North Carolina.
SENATOR HAYES: Getting a little far afield from The Citadel. I did want to say that four-year graduation rate, The Citadel has a little bit advantage on that because nobody wants to go that fifth year at The Citadel whereas at Clemson sometimes they do want to get that additional football season. So I know at the academy, nobody stayed for a fifth year unless they flunked out or they had to.
MR. GOFF: That's right.
SENATOR HAYES: We used to count the days till graduation. I don't know if you all counted those days or not.
MR. GOFF: Oh, absolutely.
SENATOR HAYES: I would have to point that out, Mr. Chairman. That gives them an advantage.
MR. GOFF: I certainly wouldn't dispute with you that it is a feature of the system. We don't intentionally make them uncomfortable, but there is a lot of pressure to want to graduate and finish with those young men and women that you started with.
SENATOR HAYES: Thank you.
SENATOR PEELER: Senator Scott.
SENATOR SCOTT: First, it's good to have you here.
MR. GOFF: Thank you, sir.

SENATOR SCOTT: Tell me a little bit about your recruitment program for African-American students coming to The Citadel. I know it has improved a lot. Tell me a little about it, what you're doing and what your percentages are.

MR. GOFF: You know, really, we've tried a number of things over the years. We had recently James McQuillan was on our board and it started out right after graduation as a minority recruiting officer and he's going into unrepresented schools in state of South Carolina and doing that. And we continue to grow that program.

We've gotten a lot -- we've been able to leverage technology in order to be a lot more targeted in our marketing overall. And that's doing two things: One it is allowing us to target minorities, target women. Both are --

SENATOR SCOTT: ROTC programs?

MR. GOFF: For the ROTC programs, we've got a proposal up before the CHE to staff the nursing program, which we believe would help recruit a group of minorities and women.

The marketing program enabled us to increase our yield rates. That means we're spending -- we're not spending any less money, but we're able to get a higher yield and be smarter about, you know, who we recruit and how we recruit them and those that we recruit. And those we have down at the campus and invite to attend The Citadel, we're getting much higher yield rate.

SENATOR SCOTT: What's your minority percentage for students and also for women?

MR. GOFF: I've got my little smart card right here.

SENATOR SCOTT: I figured you would.

MR. GOFF: I want to stay it's 12 percent off the top of my head.

Women make up 7 percent of the corps. Minorities make up 22 percent of the corps. Now, if Representative Gilda Cobb-Hunter was here today, she would dispute with me those numbers.

SENATOR SCOTT: 7.7 percent of the corps are women?

MR. GOFF: Yes, sir.

SENATOR SCOTT: 22 percent --

MR. GOFF: 22 are minorities.

REPRESENTATIVE HENDERSON: We thought you said 77.

MR. GOFF: No. No. No. 7 percent. 7 percent. So in interest of full disclosure, Representative Cobb-Hunter would dispute with me about that 22 percent.

We count, I think she would say it was only non-Asian minorities. So I believe that 22 percent includes Asian minorities. I know it

includes native Americans, includes Hispanics and African-Americans. It also includes international students. So if you look at our diversity reporting numbers, you'll see both African-American and black. We have the African students. We had -- in my time there, we had a young man from Malawi. Well, we have students from all over the world, 22 countries. So our reporting is a little bit different.

SENATOR SCOTT: But your African-American percentage is about how much?

MR. GOFF: I would say 12 percent, if you broke it out. And that's not on my card. That's just off the top of my head.

SENATOR SCOTT: I'm hoping that you're developing a bigger plan. I think most of the high schools down across South Carolina are larger and larger opportunities for you to recruit.

MR. GOFF: Yeah.

SENATOR SCOTT: I hope we're taking advantage of that so you can get some students. Thank you, sir.

MR. GOFF: Thank you.

SENATOR PEELER: Representative McLeod.

REPRESENTATIVE MCLEOD: Thank you, Chairman Peeler.

Mr. Goff, thank you for your willingness to serve. I just have a couple of quick questions. In light of some of the recent -- more recent developments and incidents that have occurred at The Citadel with the students in costume and with the confederate flag, what efforts is the board making to focus more on diversity? And I've got some other questions after you answer that one.

MR. GOFF: All right. Well, I think first and foremost, because my position is vice chair, I sit as a liaison to the Commandant and somewhat involved in those disciplinary reviews and disciplinary proceedings more than a lot of board members would be. I don't have a vote. I don't sit at the table. I don't sit on Commandant's boards, but I do liaise with the Commandant's office and kind of go through the report.

What I understand about that particular incident is -- and when I heard it, I found it somewhat incredulous. But as I read the cadet's testimony, as I talked with the officers who were conducting the interviews, I came to believe that they were telling the truth. I think that those young men simply did not realize what that -- what image that was portraying.

That is, that the intent really was they were dressing up as ghosts to sing carols. That there is a tradition in Charlie Company that they do "twelve nights of Christmas" and they sing different carols and dress up in different costumes. And those kids thought they looked like ghosts.

Of course, in hindsight they were punished for very poor judgment because they should have realized that, hey, this could be taken as something else. And certainly in this day where everything we do, there's no such thing as private. And you can't put everything in context. You don't get to choose the context with an image sometimes. It was very unfortunate.

But I do believe those young men, that they did not appreciate and that certainly was not their intent to look like they were clansmen. They were supposed to be ghosts.

You know, the issue with the flag, I think, is an issue that the board has addressed. The Citadel's position on that is that we, as an institution, don't get to pick and choose what laws we follow. It is solely within this body to address that flag or not address that flag. We, as The Citadel, have taken a position on it and we took the position on it at the time. And it was a very charged -- charged issue with everything that was going on with the flag here on these grounds.

And I think ultimately -- well, I know ultimately our position is we had to follow the law.

REPRESENTATIVE MCLEOD: Right. More than -- more than the specifics --

MR. GOFF: Yeah.

REPRESENTATIVE MCLEOD: -- as it relates to those particular incidents, I am more concerned about the board's vision and direction when it comes to diversity and sensitivity, university inclusion and of course sensitivity.

MR. GOFF: You know, I'm very comfortable with what we're doing down there. I would invite you to come down to campus and see what we're doing. We have a diversity officer, chief diversity officer. She holds a J.D., very sharp lady. We conduct an immense amount of training, not just diversity training but it's part of our leadership curriculum for all four years.

REPRESENTATIVE MCLEOD: Are you doing that in conjunction with, say, I'm a graduate of the Diversity Leaders Initiative through Furman -- through the Riley Institute at Furman, are you working in tandem with them, or are you guys doing something in-house?

MR. GOFF: Both. Both. And I don't want to say specifically we're working with the Riley initiative at Riley Institute because I don't know that that's the case. Although, of course, you know Governor Riley or Mayor Riley now on our staff, but --

SENATOR SCOTT: It's Dick Riley. He works at --

MR. GOFF: Dick Riley. I'm sorry, Governor Riley. Not Mayor Riley.

But we do things both in-house as part of their four-year training. Those young men and women go every Tuesday for an hour -- an hour class on leadership and whatever topic it may be that week. And that's a heavy portion of that topic. That's a heavy portion of that training.

REPRESENTATIVE MCLEOD: Is it limited to just them, or are you talking about the greater student population that would be included in that training?

MR. GOFF: You mean including graduate students and ...

REPRESENTATIVE MCLEOD: No. Just undergrad. I mean, just your entire student population. I'm asking is it limited to the students who were involved in those incidents?

MR. GOFF: Oh, no, no, no. I'm sorry. Yeah. And that's -- we have several populations. Right? We have the corps of cadets, we have veteran students, we have active duty students, and we have graduate students.

But you were asking me, is it limited just to the cadets that were involved in the incident, and the answer to that is, no, absolutely no. That's part of the four-year leadership model from day one all the way through when they graduate as seniors.

And we have to be -- you know, those individuals that were involved have had some regional training. I think there's going to be some regional training for the entire corps of cadets. We're going to be briefed on that at our April meeting by the president. But that certainly was our understanding in the aftermath report from the incident in December.

But, you know, one thing we do have to be very careful about is we ask a lot of these young men and women on a 24-hour schedule. We're always very cognizant when we start filling the plate up with another -- another requirement. I think the intent is to include that as part of the leadership instruction that occurs on Tuesdays before lunch. It's an hour structure.

REPRESENTATIVE MCLEOD: Okay. Thank you.

SENATOR PEELER: Mr. Whitmire.

REPRESENTATIVE WHITMIRE: First off, thank you, Mr. Goff, for your service to our state and our country.

MR. GOFF: Thank you.

REPRESENTATIVE WHITMIRE: We are very fortunate to have you.

One quick thing on the guard, do you still have your summer camps two weeks?

MR. GOFF: We do, but we're not allowed to call them summer camps anymore. We have to call them annual trainings. It's very serious these days.
REPRESENTATIVE WHITMIRE: I got you.
MR. GOFF: Yes, sir, we do.
REPRESENTATIVE WHITMIRE: Okay. I remember those, maybe not so fondly. But always at Fort Jackson and about 118 degrees when I was up there.
MR. GOFF: Ours are generally at Fort Stewart and they're –
REPRESENTATIVE WHITMIRE: That's no better.
MR. GOFF: It's even worse. Camp Soggy. So yeah.
REPRESENTATIVE WHITMIRE: I noticed you're saying greatest weakness is a perception that military education value based is outdated. Where is that perception coming from? Have you heard that from outside sources or what?
MR. GOFF: I think we get that in some of our feedback. From, you know, Senator Scott's question earlier about our recruiting efforts, you know, we -- when we sit down with people who we admitted, that chose not to attend The Citadel, we send out a questionnaire asking them why they chose not to attend The Citadel, a very small portion of them actually take the time to answer that. But that's one of the answers we get.
REPRESENTATIVE WHITMIRE: It's not for everybody, obviously.
MR. GOFF: That's right. It isn't for everybody, and can't be. If it were for everybody, it would be a completely different program. When you're competing against something like USC, it's a beautiful campus with a lot of wonderful amenities and great, fun city and all that kind of stuff, and you're saying, "Hey, you come out to The Citadel and live in these barracks and live a very a Spartan lifestyle."
REPRESENTATIVE WHITMIRE: All the drill and everything else.
MR. GOFF: They say, "Well, why would I want to do that?"

And that's when you have to explain, Look, this is a model to deliver a certain model of education. And we believe it is something that's sorely needed in today's world is a values-based education. And quite frankly, that also means that sometimes we discipline young people for things that they would not be disciplined for at other colleges. And that's part and parcel, Representative McLeod, of the package.

You know, I think unfortunately had some of these instances occurred at some of these other schools, they wouldn't have even been disciplined. At The Citadel, it's very clear and we have three corps values: honor, duty, and respect. And if you're going through the ranks,

you want to graduate and be a Citadel graduate, then you're going to be held to that mold.

REPRESENTATIVE WHITMIRE: Because of men like you and women who serve us, we're able to have, you know, discourse, disagree or agree in the political arena or anywhere else, so we are very fortunate.

I do want one -- the last thing, Mr. Chairman.

SENATOR PEELER: Yes, sir, Mr. Whitmire.

REPRESENTATIVE WHITMIRE: I want to congratulate you on your football season. Basically, one win was very pleasing to me.

MR. GOFF: It was very.

REPRESENTATIVE WHITMIRE: I wish you luck again.

MR. GOFF: Thank you, sir.

SENATOR SCOTT: Mr. Chairman.

SENATOR PEELER: Any other questions or comments?

Senator Scott.

SENATOR SCOTT: Back on the recruiting part. An average student who will go for an ROTC program has some intent to be involved in the military or some type of military training, advance or just enlisted.

MR. GOFF: Yes, sir.

SENATOR SCOTT: I just think you're flying the flag, those issues at the institution, in particular Dixie, I think creates more harm than anything else, especially when you're talking about a school that's supposed to represent training of men who are going into the military.

MR. GOFF: Yes.

SENATOR SCOTT: I think it's a major issue. I think it -- I really and truly think it hurts your recruitment. How we fix those issues, I mean, it challenges whether or not what we do in this state affect what the military says under the section 600. Tells us exactly what we're doing. Even deals with it as militia.

And so those are some of the concerns I would say to you. You may want to get something back from the military department that may give you clearance because you guys are set getting some -- getting the bulk of military support as well as the commission and whether or not that goes against -- goes against code. And so I would strongly encourage you to do that.

I think once we solve some of that, I think you may see your enrollment go up. It is a military institution.

MR. GOFF: That's right.

SENATOR SCOTT: It's not a college or university. It's a military training institution.

MR. GOFF: That's right. And I certainly wouldn't disagree with you. I think that is part of our -- remains part of our recruiting problem. I think VMI has the same problem. To some degree you are bound to -- you are bound to your record on that. But we -- one of the struggles we're having right now is with our recruiting -- not with our recruiting, with our contracts is we only have as many contracts as the Army gives us.

SENATOR SCOTT: Correct.

MR. GOFF: And we're currently experiencing a drawdown. So people say, "Well, I see last year you only commissioned 30 percent of your graduating class."

I say, "Look, we commission --" "We meet the goals the Army, the Navy, and the Air Force gave us."

That raises some very interesting ideas about ...

SENATOR SCOTT: Thank you, Chairman.

SENATOR PEELER: Any other questions or comments?

Being none, what is the desire of the committee?

SENATOR SCOTT: Favorable report.

SENATOR PEELER: There's a favorable report. All in favor say "aye."

(Members respond.)

Opposed, no.

And the ayes have it.

Thank you again for your service.

MR. GOFF: Thank you, ladies and gentlemen. I appreciate it.

MS. CASTO: Cary Corbitt.

SENATOR PEELER: Mr. Corbitt, you want to come forward. Lander University. Cary C. Corbitt, Hilton Head, First Congressional District.

MS. CASTO: We just screened him two years ago.

MR. CORBITT: Yes, you did.

MS. CASTO: He's filling an unexpired seat.

MR. CORBITT: That's right.

SENATOR PEELER: I'll swear you in.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. CORBITT: I do.

SENATOR PEELER: Would you like to make a brief statement?

MR. CORBITT: Well, like it has been said, I have been on the board for, I guess, getting close to two years now. Learned a lot. We have some exciting times going on at Lander University with the upcoming inauguration of our new President, Rich Cosentino, which is going to

be a very dynamic new president with a lot of initiatives and energy. And which our university is -- needs to concentrate a little bit more on enrollment. And we are certainly are doing that with the appointment of a new vice president for enrollment that -- enrollment and management, which has really helped with gaining some additional students.

I've enjoyed being on the board, and it's certainly very different than what I do every day. So it's been interesting.

SENATOR PEELER: Questions or comments?

Do you remember what we asked you three years ago?

MR. CORBITT: I'm sorry?

SENATOR PEELER: Do you remember what we asked you two years ago? When you came here two years ago?

MR. CORBITT: Well, the -- I know that --

SENATOR PEELER: You want to change your answers between then and now?

MR. CORBITT: No. No. I think everything is probably about -- what I put down is about correct. The school is a very affordable school for the residents of South Carolina. And my son -- I went there, of course, and then my son went there. Granted, he's got one more year left. But it's a great school, and it's improving all the time.

SENATOR PEELER: Mr. Whitmire has a question.

REPRESENTATIVE WHITMIRE: What's the percentage of in-state versus out-of-state students?

MR. CORBITT: I can tell you that in just a second here. In state, we have 91 percent of our students are in state.

REPRESENTATIVE WHITMIRE: Very good.

SENATOR SCOTT: Mr. Chairman.

REPRESENTATIVE WHITMIRE: That's all I've got.

SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Thank you. Thank you for coming and thank you for serving.

MR. CORBITT: Yes.

SENATOR SCOTT: What's your percentage of minority students in that you serve in I guess we call "Green's country" over there?

MR. CORBITT: That question was asked last time I was here. It was about 80/20. 20 percent with minorities. And I think that is growing each year, and we're certainly looking at increasing that. When I walk the campus, I certainly see a great diversity of students. And so I think it's a ...

SENATOR SCOTT: What's your total student population?

MR. CORBITT: We are right now at 2,703 students, and that is down by 85 students from last year. That's why we really need to start concentrating on additional students. We'd love to be around 3,700. Our new goals are trying to look about 15 years out to get to around 5,000. That's a lofty goal. But we certainly feel that we have the capacity, the acreage and so forth to accommodate and support that many students.
SENATOR SCOTT: What's the largest student body you've had, 2700, reaching for 2700?
MR. CORBITT: I think 3500 might have been maybe the tops, but I could be a little bit lofty on that.
SENATOR SCOTT: How long ago was that? Do you remember?
MR. CORBITT: I do not.
SENATOR SCOTT: Okay.
SENATOR PEELER: Senator Hayes.
SENATOR HAYES: I just wanted to kind of get this for comparison purpose. What is your four-year graduation rate? Do you have any idea on that?
MR. CORBITT: Enrollment, I do not.
SENATOR HAYES: I want to kind of see how it stacked up with some of the other schools.
MR. CORBITT: I understand. Thank you.
SENATOR PEELER: Thank you.
Any other questions or comments?
REPRESENTATIVE WHITMIRE: No. Move for favorable.
SENATOR PEELER: Motion is a favorable report. All in favor say "aye."
(Members respond.)
SENATOR PEELER: Opposed, no.
And the ayes have it.
Thank you for your willingness to serve.
MR. CORBITT: Thank you very much. Thank you all.
(Off the record.)
SENATOR PEELER: Mr. Sabalis, you want to come forward and we'll take you out of order. A little ahead of schedule, but we'll go ahead and get you, if you like. Crank back up.
Robert Sabalis.
MR. SABALIS: That's right.
SENATOR PEELER: Robert Sabalis from Orangeburg, Sixth Congressional District, Seat 6.
Let me swear you in.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MR. SABALIS: I do.
SENATOR PEELER: Do you have a brief statement you would like to make to the committee?
MR. SABALIS: I've been on the Lander University board now for about seven months. I was elected to fill a one-year term from the vacancy that had come available when a prior board member died. And I have been impressed -- as impressed with the school as I expected to be.

We have a new president, who I think is going to lead us in good directions. He understands the challenges facing the institution. He's already taking steps -- taken steps to expand the roles of people associated with student retention and graduation rates. And I'm optimistic for the institution, and I hopefully will have the opportunity to continue to provide some leadership.
SENATOR PEELER: Senator Scott, do you have a question?
SENATOR SCOTT: Yes, sir.

Thank you for your service and thank you for taking time to come and visit and talk with us.

Tell me about your plan to help Lander increase in its minority students given the dynamics of its location geographically in multiple small counties.
MR. SABALIS: A similar question was asked at the budget hearings in the House by Representative Cobb-Hunter, my representative.

I think that Lander already does a reasonable job. They are accepting students who may need assistance in college, but the school has put forward a significant effort in its retention programs to ensure that the students that it does accept prosper and are able to graduate. The school has just recently hired a enrollment -- an enrollment management person and admissions person. And enhancing diversity is part of her role and part of her responsibilities.
SENATOR SCOTT: When I look at it, what's the size of the school? The population size of Lander. Student life size.
MR. SABALIS: Full-time students is about 3,000 students.
SENATOR SCOTT: Looking at schools like Francis Marion, 50/50. Looking at other schools that have come in 33 percent, 20, 20 percent. Not bad but still more room for improvement.
MR. SABALIS: Uh-huh.
SENATOR SCOTT: Given the geographical location, you are kind out there by yourself with a good size population to be able to choose from

here as well as bringing in out-of-state students from Georgia, which is pretty close to you as well, and North Carolina when you get, I guess, around Jackson and on the north side of Clemson.

Do you anticipate some of those students to include -- to increase your out-of-state students becoming an issue, or do you think it's far better for Lander to focus on recruiting more in-state students, especially minority students to bring those up?

MR. SABALIS: The discussions that I've been a part of over the last seven months have kind of continued to focus on in-state students. Especially students who would be helped to make the transition from technical colleges to a four-year institution as they complete their associate's degrees.

We have already a good relationship with the technical college in Greenwood, and we're developing relationships with other technical colleges so that students know about the advantage of coming to a place like Lander. But there is no significant intention of increasing the enrollment of out-of-state students.

SENATOR SCOTT: Thank you.

SENATOR PEELER: Any other questions, comments?

REPRESENTATIVE WHITMIRE: Move favorable.

SENATOR PEELER: Motion is favorable.

All in favor say "aye."

(Members respond.)

SENATOR PEELER: Oppose, no.

And the ayes have it.

MR. SABALIS: Thank you very much.

SENATOR PEELER: When did we screen you before? 15 months ago?

MR. SABALIS: Actually, it was just about a year ago.

SENATOR PEELER: Okay. All right.

MR. SABALIS: I was on I-26 at the farmer's market 25 minutes ago, and I got a call that said "Come now."

SENATOR PEELER: Thank you.

MR. SABALIS: I didn't know how you all were going to do with staying till 7:00 this evening, so good luck.

MS. CASTO: Thank you.

MR. SABALIS: Thank you very much. I appreciate it.

SENATOR PEELER: Have a safe trip back. Appreciate your service.

(Off the record.)

SENATOR PEELER: Good afternoon.

MS. FLEMING-MELTON: Good afternoon, Mr. Chairman.

SENATOR PEELER: Is your speaker working?
MS. FLEMING-MELTON: Can you hear me?
SENATOR PEELER: Pull it to you just a little bit.
MS. FLEMING-MELTON: I apologize. I'm a little short.
SENATOR PEELER: That's okay. Let me swear you in.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MS. FLEMING-MELTON: I do.
SENATOR PEELER: Thank you.

Would you like to make a brief statement to the committee?
MS. FLEMING-MELTON: Yes, Mr. Chairman.

My name is Lauren Fleming-Melton. I was born in Bamberg, South Carolina, and I've had the privilege of living across the state. I grew up with a nurse as a mother and a professor as a father, so my interest in higher education as well as my passion for serving others has been engrained in me my entire life.

I attended The Citadel on athletic and academic scholarships and immediately found myself in love with the institution. As a senior, I was the highest ranking female in the corps. I'm sorry -- second highest ranking in the corps and served as the captain of the track team. I was also the first female in school history to receive the Wade Hampton Saber, which is an award given to the senior cadet who demonstrates outstanding leadership and who makes the greatest contribution to The Citadel while a cadet.

Following my graduation, I moved to Dallas, Texas, and developed a startup durable medical equipment company there. We achieved early accreditation and the business has since flourished.

In the fall of 2014, after the birth of our first child, I decided that I should take time away from my professional career for her while we also made plans to return back to South Carolina.

Never in The Citadel's history has a female graduate from the corps of cadets served on its board of visitors. Consequently, this perspective has never been represented on the schools board, and I feel as if this can impede the school from reaching its true potential.

While I received an award in my senior year for my contribution to the school, it is my hope that my contribution does not end there. The Citadel has enhanced my life in many ways, and it's time for me to give back. I want to serve the institution and not have the institution serve me.

SENATOR PEELER: Thank you.

Questions? Comments?

REPRESENTATIVE WHITMIRE: I'll start.
SENATOR PEELER: Mr. Whitmire.
REPRESENTATIVE WHITMIRE: Very impressive resume.
MS. FLEMING-MELTON: Thank you, sir.
REPRESENTATIVE WHITMIRE: And we do need more female and minorities on our boards throughout not only The Citadel but throughout the state.

I'm just now getting to your biggest weakness. You're talking about the enrollment has decreased by 60 percent. Do you have any thoughts on why that has happened?
MS. FLEMING-MELTON: This is on the graduate level.
REPRESENTATIVE WHITMIRE: Right.
MS. FLEMING-MELTON: Yes, sir. I know that we've put a lot of our resources towards improving the undergraduate population, both in the corps and then outside of the corps as well. While I haven't been serving on the board, I don't know the reason for why this sharp decrease in enrollment has occurred at the graduate level; however, I feel as though maybe that's where we have been spending most of our resources. And if we start using those resources towards the graduate school, I think we can benefit greatly.

We don't need to lose our market share towards competing institutions. And at this point, I feel as though that's the biggest problem for us as far as a revenue generation.
REPRESENTATIVE WHITMIRE: Being a female, do you think you were treated fairly at The Citadel?
MS. FLEMING-MELTON: Absolutely. I had a great experience at The Citadel. You know, it's a microcosm so there were individuals who may not have treated me as fairly. But when it all comes down to it, if you prove yourself worthy, you earn the respect that you deserve. And I feel as though I received that treatment while I was there.
REPRESENTATIVE WHITMIRE: What year did you matriculate there?
MS. FLEMING-MELTON: That was in the fall of 2006.
REPRESENTATIVE WHITMIRE: We remember the Shannon Faulkner of 1994, I believe. So we've come a long way in about 12 years.
MS. FLEMING-MELTON: Yes, sir.
REPRESENTATIVE WHITMIRE: Once, again, just very impressive resume. Thank you for being willing to serve.
MS. FLEMING-MELTON: Thank you very much, sir.
SENATOR PEELER: Mr. Scott.

SENATOR SCOTT: Two very important issues. All colleges and universities -- I don't want you to think I'm treating you any different than anybody else -- and that is enrollment of both minority students, in this case women at The Citadel will be considered to be minority population. What plans do you have to increase female minorities -- females at The Citadel as well as recruiting minority students to come to The Citadel?

MS. FLEMING-MELTON: I think one of the biggest things that we can do is -- actually, Harvard released a report in January, so just a couple of months ago, regarding the admissions process in colleges across the country. And this report indicates that our admissions process is dated. We ask students who are applying to our schools to simply list out the quantity of clubs and organizations that they're participating in. We're not giving them the ability to write a narrative to fully describe the quality of the experiences that they are engaging in during those high school years.

So we're missing a lot of students from different socioeconomic backgrounds in that regard. Because there's plenty of students in high school that they're not able to participate in, say, the Key Club because they have to go to work after school to help supplement their family's income or maybe they have to take care of their grandmother who is living at home with them.

These are valuable experiences that they are participating in, but they don't qualify very well on college applications. So one thing that we can easily do is revamp our admissions application so that we can gain access and insight as to who these students are and help them by letting them attend The Citadel because The Citadel has a lot to offer these students. And if we're missing them at the admissions process, you know --

SENATOR SCOTT: Talk a little bit about how we get more females interested in being a part of The Citadel experience.

MS. FLEMING-MELTON: Well, currently, we have our female student application rate has increased greatly. My biggest concern at this point is the yield. So currently about 20 to 30 percent of females that are accepted to The Citadel then enroll.

So that's a big concern for me because I want to know why are these students interested in attending The Citadel, we accept them because we want them to come, and then they choose not to. So I think we need to help support them in their decision.

SENATOR SCOTT: You think it's because of the lateness of the letter sending out telling them they are accepted and they've already gone someplace else? What do you think might be the barrier?

MS. FLEMING-MELTON: The Citadel is a unique institution, obviously, for many reasons. You're always going to miss some students because they decide that that's not the environment they want to attend. So I'm certainly not expecting a hundred percent of the females to then enroll. It is quite intimidating. I've had that personal experience myself.

With that being said, I think that if we help support them, give them -- I would like to evaluate the process on their end. What are they receiving from us to give them that support? Certainly we have, you know, more alumni, more female alumni than ever who can -- who are living across the state who can also support them in that. So we have a lot of alumni who want to do something for The Citadel, they just don't quite know what to do. We need to be employing our resources on the alumni front as well.

SENATOR SCOTT: Thank you.

MS. FLEMING-MELTON: Yes, sir.

SENATOR PEELER: I'm sure you do your homework, and it's been asked of me, before I noticed you're running against an incumbent, and more times than not an incumbent board of trustee, especially, very seldom has opposition and just asked of me just recently about people that are running unopposed, people that challenge an incumbent. What went through your thought process, did you -- obviously going to The Citadel, you don't mind competition.

MS. FLEMING-MELTON: Yes, sir.

SENATOR PEELER: Can you share with us your thought process about offering for this position knowing there's an incumbent that's obviously doing a good job.

MS. FLEMING-MELTON: Well, one of the reasons that this year was the year that I decided to, you know, do this was because this is my first year back from Texas and you have to be a South Carolina resident in order to run for the board. This has been something I've been considering for years but wasn't able to do prior.

With that being said, I think that board diversity is essential to an organization's success and while I appreciate all the members' efforts, I feel as though a different perspective being offered can encourage the development and improvements to the school. And I'd like to help in that initiative.

SENATOR PEELER: So it's nothing against the incumbent?

MS. FLEMING-MELTON: Absolutely not. We don't have a personal relationship at all. This is simply just I want to do what's best for the school, and I have the ability right now to serve the school. And that's what I would like to do.
SENATOR PEELER: We were just talking earlier about at one time we had a husband and wife team running against each other, so I don't think it gets any more unique than that one.
MS. FLEMING-MELTON: No, sir.
SENATOR PEELER: Thank you.
Any other questions?
Ms. Henderson.
REPRESENTATIVE HENDERSON: Thank you, Mr. Chairman.
I appreciate your application and really in your written narrative that you included was very well done and I could tell that you spent a lot of time on it. I really appreciate that.
I just wanted to ask you, and it is difficult, I know as the Senator said because both of you are fantastic. And we talk about we have so many seats that are left either open, nobody applies or, you know, it's the same people for 30 or 40 years. You know, we never get any new people and then we have two really great people running for one seat.
But so are there any women on the board right now?
MS. FLEMING-MELTON: There is currently one female member of the board, and she graduated from the graduate college.
REPRESENTATIVE HENDERSON: Okay. And that's it?
MS. FLEMING-MELTON: Yes, ma'am.
REPRESENTATIVE HENDERSON: Out of how many -- do you know how many there are total?
MS. FLEMING-MELTON: How many board members?
REPRESENTATIVE HENDERSON: Yes.
MS. FLEMING-MELTON: 11.
REPRESENTATIVE HENDERSON: Are there any minorities on the board?
MS. FLEMING-MELTON: There's one. So big reason for why I'm doing this is to, once again, increase board diversity, which has been proven to improve organization success.
REPRESENTATIVE HENDERSON: Thank you very much. I appreciate you.
MS. FLEMING-MELTON: Thank you.
SENATOR PEELER: Any other questions? Comments?
SENATOR SCOTT: Favorable report.
REPRESENTATIVE MCLEOD: I have a comment.

SENATOR PEELER: Ms. McLeod.
REPRESENTATIVE MCLEOD: Ms. Fleming-Melton, I have been looking at your application, and I, too, am very impressed with the time that you took and your reasons for wanting to run. And I just want to thank you for your willingness to serve.
MS. FLEMING-MELTON: Thank you for your service to the state, Representative McLeod.
SENATOR PEELER: Okay. Motion is favorable report.
All in favor say "aye."
(Members respond.)
SENATOR PEELER: Opposed, no.
And the ayes have it.
Thank you for your willingness to serve.
REPRESENTATIVE WHITMIRE: Good luck.
MS. FLEMING-MELTON: Thank you.
SENATOR PEELER: That completes The Citadel.
MS. CASTO: Angela Strickland is from -- this is the Lander board. She is behind tab Y in your notebooks in the Second Congressional District.
SENATOR PEELER: Welcome.
MS. STRICKLAND: Hello.
SENATOR PEELER: Let me swear you in.
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MS. STRICKLAND: I do.
SENATOR PEELER: Thank you.
Would you like to make a brief statement to the committee on why you would like to serve?
MS. STRICKLAND: Sure. I would be happy to.
As she mentioned, my name is Angela Strickland. I graduated from Lander University in 2002. Lander was a huge important part of my life, not only whenever I was there as a student, but afterwards when I went to law school and then throughout my time since being a student there.
I have participated in alumni events on the alumni board, our local chapter. I met my husband at Lander. I have lifelong friends from that institution. And it's just very close to my heart. It's just a place that's, you know, just held to such a significance to me.
And now that I'm a partner in my firm, I don't want to say I have more free time, because I definitely don't have more free time, but I feel like I'm at a place in my life where I can now look to doing something

like this type of service on the board and hopefully give back with my talents to Lander University.

SENATOR PEELER: Questions or comments for the committee?

What did you major in at Lander?

MS. STRICKLAND: Political science and a business minor and law school. So prelaw as well.

SENATOR PEELER: I see where you were born in Panama City. What made you choose Lander?

MS. STRICKLAND: Well, we moved to South Carolina when I was in middle school. So my family still lives in Wagner in Aiken County. So I went to a very small high school. I graduated with about 62 students. And part of it, it obviously was nice to get a full scholarship to Lander. And that's one of the things I try to give back is the scholarship funds. But it was the size of the school that made me want to go to Lander. I didn't want to go to a huge school. I really enjoyed being at a smaller -- like in high school, I was able to be the head of a lot of different organizations, really work on my leadership skills. And I wanted to do the same thing at Lander.

When I went to Lander, that's what I did. I made sure I worked on campus. And I served in different leadership roles in different organizations.

SENATOR PEELER: Was your scholarship for athletic or academic?

MS. STRICKLAND: It was academic. I had the Palmetto Fellow Scholarship and then Lander matched that with full tuition, as well. So I had a completely full academic scholarship at Lander. All four years.

SENATOR PEELER: Good. Mr. Whitmire.

REPRESENTATIVE WHITMIRE: I see your husband's an English soccer player?

MS. STRICKLAND: Yeah. Yeah.

REPRESENTATIVE WHITMIRE: Your kids play soccer, obviously.

MS. STRICKLAND: They do. I have a four-year-old and a six-year-old, and they both play soccer. My youngest, my daughter, actually looks like she may be the one with the real talent. But my son is good, as well.

But my husband came over from England, actually went to Lynn University in Florida for one year and then transferred to Lander and stayed there the rest of his soccer career and graduated from Lander a semester after I did.

SENATOR PEELER: They have a very good soccer program.

MS. STRICKLAND: They do have a very good -- a very good international athletic sort of population at the school. So we ended up with friends from just about every country you could think of.

REPRESENTATIVE WHITMIRE: Now you're talking about the biggest weakness is it's small, but isn't that really a strength?

MS. STRICKLAND: Yes. I would say the small is a -- is definitely a strength. I think it's a big strength. I think the small recognition that the school has in the state, I feel like a lot of students don't really know about Lander. And so whenever I said that, that's really what I mean is that I feel like its reputation doesn't go as far as I wish it would.

I know whenever I was looking at colleges, it was definitely one that at my smaller high school was mentioned to us, but I don't know at some of the bigger high schools if it's one of the top schools that is mentioned to students as a potential. And I think it's a great university.

REPRESENTATIVE WHITMIRE: Well, you know, Lander also, like Francis Marion, serve the people of South Carolina much better than some of our, quote, larger institutions.

MS. STRICKLAND: I agree.

REPRESENTATIVE WHITMIRE: So that's very good. Anyway, good luck to you.

MS. STRICKLAND: Thank you.

SENATOR PEELER: Questions? Comments?

Ms. Henderson.

REPRESENTATIVE HENDERSON: Thank you, Ms. Strickland, for your application. I meant to ask some of the other Lander folks if -- I might be wrong in this, but I recall last year, maybe year before when we were screening, one of the challenges that Lander was having was a declining enrollment and really kind of a trying to define how they fit into the whole, you know -- I mean higher education offerings in the state.

What do you think are some of the things that the institution can do to try -- well, with Francis Marion, we have heard them talk about they have created this whole niche market with health care and nurse practitioners and PAs and specialized degrees that are helping them boost their enrollment.

What do you think are some things that the school could do to kind of define their special area, you know, within the state and attract more students?

MS. STRICKLAND: Sure. This is actually something I've thought about for a long time. When I was a student at Lander, in my second year I was actually on a committee that was trying to look at why Lander

was having a problem with retention. So not only getting students there, but then they were having students after the freshman year were leaving a lot.

And I think one of the things that Lander has done that I think has helped a lot actually revolves around some of their athletics programs. They have the wonderful new sports athletic center. Because a big problem with Lander was it was always referred to as a suitcase college and everyone would go home on the weekends. And I think a lot of times when students go to a college and then leave every single weekend, sometimes after that first year they decide not to come back at all. But I think that was a move in the right direction.

Also, Lander has, I guess like Francis Marion, they've also had a wonderful nursing program for many years. And I know we still get a lot of students that are coming there for education and for nursing. So I think that's already a strong area.

I think to the extent that Lander can work to sort of raise up some of the other subject areas, I think would be a very positive development. I don't think by any means it would be, you know, somebody would say, "Oh, I'm going to major in political science," like I did, "I have to go the Lander." They may think, "I have to go to Furman," or somewhere like that. But it would be nice for people to start thinking of it in that way.

Because I do know the students that have gone through other programs at Lander, the business program, political science, that sort of thing, have come out of it feeling like they had a wonderful education. And in particular, prepare them beyond for medical school or graduate school, MBA, law degrees, that sort of thing.

REPRESENTATIVE HENDERSON: Thank you very much.

SENATOR PEELER: Yes, sir. Comments?

What's the desire of the committee?

REPRESENTATIVE WHITMIRE: Favorable report.

SENATOR PEELER: Favorable report.

All in favor say "aye."

(Members respond.)

SENATOR PEELER: Opposed, no.

And the ayes have it.

Thank you for your willingness to serve.

MS. STRICKLAND: Thank you so much.

SENATOR PEELER: Mr. Lawrence, you want to come forward?

MS. CASTO: His information is behind tab 1 in the back of your notebook.

SENATOR PEELER: Good afternoon, sir.
MR. LAWRENCE: Good afternoon, Senator.
Can you hear me?
SENATOR PEELER: I do. Let me swear you in.
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MR. LAWRENCE: I do.
SENATOR PEELER: Thank you.
Would you like to make a brief statement?
MR. LAWRENCE: Just briefly. And from what the questions I heard you ask of Ms. Strickland, we are doing some things -- Representative Henderson brought up. We have recently changed presidents as of July, and Lander is going to be taking a new path. We are going to be zeroing in on the students. Everything we do is going to be student oriented.

Ms. Strickland talked about Lander being a suitcase school. We've already started working on that. We started a Habitat program to have Lander students build a Habitat house on campus, and then we are moving it to a Habitat location in Greenwood.

I just talked to the president, President Cosentino today. There's a building on campus known as the Sproles Building. We are turning that into a students' center. We've already got pretty much a student center, but we're going to have a separate student center where we put in pool tables and ping pong tables, those kind of things to try to keep the students on campus on the weekends. So we -- that, of course, is what we are zeroing in on.

And I can answer questions, but we are also looking at the financial side. We want to figure out a way that we can make this education affordable. We are affordable right now, but we want to make it even more affordable. Student debt scares us, and we want to try to figure out a way to take care of the -- President Cosentino called it the gap -- the gap between loans, scholarships, endowments, and the cost of going to Lander. It's about 4,000, $4,400 right now. That's what the students have been coming out of their pockets and their parents have been coming out of their pockets to go there. We've got to figure out a way to do that.

Ms. Strickland was able to get a full scholarship. We would love it if we could give every one of our students a similar kind of arrangement we started an honors program about two or three years ago. And it's our effort right now to try to make sure every student that's in that honors program doesn't pay to go to school at Lander. We're working on that right now.

So we are incrementally trying to take care of some of things that we have expressed to you in the past that were of concern to us.

We've got an exciting president, and he's making a lot of contacts in the community and in the state. He's come to know Fred Carter very, very well. And I think he's gotten a lot of guidance from President Carter. I think he's got a budgetary mind. He comes from that kind of background, so he can help the Board of Trustees understand some of the figures that we are speaking and try to use those figures to help push Lander forward. So we're really excited about Lander's future.

SENATOR PEELER: Thank you.

Yes, sir, Senator Scott.

SENATOR SCOTT: Mr. Chairman.

Would you elaborate a little bit on the plan that you all have put together for recruiting of minority students to come to Lander. What are you all at, about 20 percent?

MR. LAWRENCE: We're at 30 percent, I believe, now, Senator Scott. I believe that's -- I talked to Cosentino the other day, and I believe that's the figure.

We believe that we match with the population of South Carolina with our minority and majority students. The women there, I think it's about 60 percent female and 40 percent male. That doesn't particularly concern us, but we want to make sure we keep our minority ratios high. So I'm not sure if that fully answers your question.

SENATOR SCOTT: But your percentages do sound reasonable.

MR. LAWRENCE: Yes, sir. We try -- that started with Larry Jackson who was president there years ago, and he really did a fantastic job moving Lander forward in that area.

SENATOR SCOTT: What about your military student life? See you're former military person, served in the U.S. Army, served in Vietnam.

MR. LAWRENCE: Oh, me?

SENATOR SCOTT: You have a large percentage of military students, military families because we made some -- we made some exceptions for some of them to be able to go to school in South Carolina which may take care of some of the concerns that you've had with ...

MR. LAWRENCE: Yes, sir. And under President Ball, we started a program for vets in the area. And we established an office to try to make sure that returning vets could come to Lander because of this program that you folks passed.

And that is going to be enhanced by our new president. We want to make sure that those veterans -- I mean, first off, look what they've done for our country, but secondly, we want to make sure that we provide

the education and it's available at Lander. I mean, that would be a great draw for us. So, yes, we're enhancing that program.
SENATOR SCOTT: Thank you.
SENATOR PEELER: Thank you.
Mr. Lawrence, I understand you're the current chair. Do you all rotate that chairmanship?
MR. LAWRENCE: Sure. It's a two-year elected. Every two years the offices are. You can only repeat yourself once. So I'm in my third year and if reelected by you folks, I will serve one more year, be gone July of 2017.
SENATOR PEELER: Any other questions or comments?
What's the desire of the committee?
SENATOR SCOTT: Favorable report.
SENATOR PEELER: All in favor say "aye."
(Members respond.)
SENATOR PEELER: Opposed, no.
And the ayes have it.
Thank you, sir.
MR. LAWRENCE: Thank you, sir.
SENATOR PEELER: We have Ms. Anne Walker from Sumter, Congressional District, Seat 5.
Ms. Walker, is your light burning? Is it green?
MS. WALKER: Yes, sir, it is.
SENATOR PEELER: Let me swear you in.
MS. WALKER: Yes, sir.
SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MS. WALKER: I do.
SENATOR PEELER: Would you like to make a brief statement on why you would like to serve?
MS. WALKER: First of all, I thank you all for spending the time that you all are spending. I appreciate it.
Secondly, I've been on the Lander board since the legislation was changed some years back. As you know, it used to be one board for Lander, Francis Marion, College of Charleston. And so I've been on the board since then. I think in that time I might have missed two meetings when I was out of the country at different times.
I'm a Lander graduate. I'm a member of a family that has a number of Lander graduates in it. I have a real commitment not only to Lander but to higher education in the state and would love to have the

opportunity to continue to serve. And I think anything I would say is already on here, so I don't need to repeat myself.
SENATOR PEELER: Good. Thank you.
Any questions, comments for the committee?
SENATOR Scott.
SENATOR SCOTT: Thank you, Ms. Walker, for coming.
MS. WALKER: Yes, sir.
SENATOR SCOTT: Tell me a little bit about your tenure on the board, what you've done to help with the recruitment of the minority students and especially students within the area of the college.
MS. WALKER: Well, for the time I've been on the board, I've chaired academic affairs. I've chaired -- I think I've chaired every committee. I'm a past chair of the board.
And so far as recruitment, I talked to all students that I run into. And I have -- I don't -- just depends on who I come in to contact with. For me personally, I'm always recruiting for Lander. We pay attention, I think we have about a 30 percent minority student body at Lander. And so we have paid attention to the fact that we want to educate as many citizens as we can, not only in the state but, of course, out of state. The majority of our students are in state.
I hope that answer your questions.
SENATOR SCOTT: Yes, ma'am. Thank you.
SENATOR PEELER: Ms. Henderson.
REPRESENTATIVE HENDERSON: Thank you, Ms. Walker, for your service for the number of years.
MS. WALKER: Yes, ma'am.
REPRESENTATIVE HENDERSON: I'm just curious -- this is really totally unrelated to the board. I'm not familiar with the Alston Wilkes Society. I wanted to ask you.
MS. WALKER: Okay. We were started in 1962 by a Methodist minister, Reverend Eli Alston Wilkes. And he started taking care of -- trying to help folks who were coming out of state prison. And he died about a year and a half after he started the South Carolina Therapeutic Association. And volunteers kept it going to '66, and then they hired Parker Evatt.
Parker was a member of the House for 13 years, and he was named Commissioner of Corrections in '87. And that's when I had the opportunity to apply for the position and come back. And we have -- we work with adult and youth offenders, former offenders, homeless veterans and children at risk.

So we have competitive contracts with the Federal Bureau of Prisons for reentry services for people in the federal prisons. We had our first facility in South Carolina. We have those in Columbia; Charleston; Florence; Fayetteville, North Carolina. And we opened the first facility specifically for formerly homeless veterans in South Carolina in '97.

We also have a children's division, a youth division, where we have a high management group home and we have a clinical day school in concert with Richland One. And then we also have people that go into the state prisons and local jails and do what I call the hard work. Helping people get their lives back together. We're not the bleeding hearts of South Carolina.

In fact, I'm on this because someone tried to rob me in 2002. So we believe you commit a crime, you should do some form of time. But we believe that folks are willing to head in the right direction, and we want to try to help them become tax-paying citizens.

REPRESENTATIVE HENDERSON: Very good. I have learned something new today.

Thank you for that service also.

MS. WALKER: Thank you.

SENATOR PEELER: Mr. Whitmire.

REPRESENTATIVE WHITMIRE: What would you say is the biggest problem facing returning veterans? We read about this all the time.

MS. WALKER: Returning veterans?

REPRESENTATIVE WHITMIRE: Yes.

MS. WALKER: You know, we run into so many -- there are so many that are homeless and alcohol and drug addiction issues that lead to homelessness. And mental health issues. A lot of mental health issues.

REPRESENTATIVE WHITMIRE: So they just have a hard time readjusting to ...

MS. WALKER: Yes, sir. They might come back and then they're out of the military and then they're home. It may be a man or a woman with their spouse and children, and it all goes -- excuse me -- to hell in a handbasket so far as their mental health or there might be an addiction issue. And some -- you've got somebody that's out on the street looking for a place to live. Or we actually have outreach people that go underneath bridges and there are people that don't want to come out from underneath the bridges.

REPRESENTATIVE WHITMIRE: That's what some people, including me, find rather unique. You know, you want to help these people, and they really don't want to be helped.

MS. WALKER: And it's related to mental health issues and addiction issues. Those are your two. And years ago we did away with all the mental health facilities and now we have people that are in prisons that probably should be in mental health facilities.
REPRESENTATIVE WHITMIRE: Right. That is one of our major problems here in South Carolina.
MS. WALKER: Yes, sir. And I am a born and bred South Carolinian, so I believe in the state. But I know -- but I'm aware of the history. I know I only look 45, but I'm not.
REPRESENTATIVE WHITMIRE: Thank you.
MS. WALKER: Thank you.
SENATOR PEELER: Any other questions? Comments?
REPRESENTATIVE HENDERSON: Favorable report.
SENATOR PEELER: Motion is for favorable.
All in favor say "aye."
(Members respond.)
SENATOR PEELER: Opposed, no.
And the ayes have it.
I sure appreciate your willingness to serve the state.
MS. WALKER: Thank you. I appreciate it. And, Senator, you might not remember, the guy I dated in college you all were in the same fraternity.
SENATOR PEELER: I wasn't going to bring that up.
MS. WALKER: I know --
SENATOR PEELER: I notice you didn't until after we confirmed you.
MS. WALKER: Thank you. Thank you all.
MS. CASTO: Go back to tab Z. Linda Dolny.
SENATOR PEELER: Good afternoon.
MS. DOLNY: Good afternoon.
SENATOR PEELER: Let me swear you in.
This is Linda Dolny from Greenwood. Third Congressional District, Seat 3.
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MS. DOLNY: Yes, I do.
SENATOR PEELER: Would you like to make a brief statement?
MS. DOLNY: I think I've said it all, that I would add, I think the first thing I'd say is just as Anne, thank you and thank all of you for your time and attention.
And I guess the statement that I would like to say is I think it's a very exciting time for Lander. You know, any time leadership changes, there

are exciting things. And I think that for me, at least, increases my desire to be on the board and part of this change process that we're under.

SENATOR PEELER: Questions? Comments?

Ms. Henderson.

REPRESENTATIVE HENDERSON: Thank you for your service.

How long have you served on the board?

MS. DOLNY: Six years. Seven years.

REPRESENTATIVE HENDERSON: Very good. Thank you. It wasn't on here.

What do you think is the -- you know, I haven't had a chance to read, pardon me, all of our written material here. What are the biggest challenges Lander faces from your perspective?

MS. DOLNY: Well, I think recruiting is a large challenge. That we got to make sure that we have adequate students. We have -- we provide good opportunity for those students. We help our students to meet their personal goals and their educational goals. So I think that's a challenge for Lander. I also think it's a challenge for us to keep moving forward, to adapt to the changes that we need to incorporate and yet at the same time stay true to our traditions.

REPRESENTATIVE HENDERSON: Thank you.

SENATOR PEELER: Any other questions? Comments?

You served on the Federal Reserve Board?

MS. DOLNY: Yes, sir.

SENATOR PEELER: That's impressive.

MS. DOLNY: It was the Charlotte Bank, which is close. And it was a wonderful service. It was wonderful. One of the most pleasurable experiences I've had, especially since I was there at the same time Ben Bernanke was there. So it was kind of interesting to have a South Carolina person there and to be a part of that.

SENATOR PEELER: Ms. McLeod.

REPRESENTATIVE MCLEOD: Thank you, Chairman Peeler.

Ms. Dolny, I think I read that you said that one of the challenges that Lander has is that enrollment is not on track. Can you expand on that and tell me what you mean.

MS. DOLNY: We need more students, of course. We need to focus on creating the kind of university that students want to be at, that prepares them for a life of work, of service, of citizenship. And that's something that I think we're doing. That we are accepting that challenge, I guess, to become better at doing those things.

REPRESENTATIVE MCLEOD: Okay. And your brief time on the board, I think you said you've been on the board for six years?

MS. DOLNY: Yes.
REPRESENTATIVE MCLEOD: What -- can you give me an example of specific things that you guys are doing to change that?
MS. DOLNY: Well, I think there's a lot of work with identifying student needs. Meetings with students. I, myself, was part of a team that did a SWOT analysis immediately prior to our current president coming on board. And on that committee we had student representation. We tried to represent all stakeholders in the area, to give him the information that he needed to help him sort of know where we were and what people's opinions were. What were our strengths, weaknesses, opportunities, and threats as a broad-based committee of people understood them to be.

And that also included professors and administrative people, but we made sure that we had students on there. In fact, on the committee, the search committee, we had student representation on that committee as well.
REPRESENTATIVE MCLEOD: Okay. Thank you.
SENATOR SCOTT: When you say you had students on the search committee, that's all aspects of the search committee or that's just --
MS. DOLNY: What do you mean all aspects?
SENATOR SCOTT: Well, you've got screening of applications. You've got the screening of the individuals who are going to be running for the presidency. You've got the presentation back to the board. I mean, the whole process. When you said you had them on the committee, what role did they actually play?
MS. DOLNY: Well, they were as active on the committee and exposed to the same things we were. We used a search firm to do the initial screening of applications and speaking with candidates and helping us narrow down the list of candidates. So once -- and they were certainly involved in the interview process and in the process to bring them to the campus. But they were as involved as I was as a board member.
SENATOR SCOTT: Okay. Thank you.
SENATOR PEELER: Is this information correct? You graduated from seminary since the last time we screened you?
MS. DOLNY: Yes.
SENATOR PEELER: What happened?
MS. DOLNY: I'd like to know what happened. That would be a real good question.
SENATOR PEELER: Federal Reserve Bank and then Lander Trustee.
SENATOR SCOTT: Favorable report.
SENATOR PEELER: Yeah, before I get started.

Favorable report.

All in favor say "aye."

(Members respond.)

SENATOR PEELER: Opposed, no.

And the ayes have it.

sure appreciate your service. It's a pleasure meeting you.

MS. DOLNY: Thank you. It's a pleasure being here.

MS. CASTO: Next we'll go --

Catherine Frederick, she's the last tab in your notebook. Catherine Frederick from Florence.

SENATOR PEELER: Catherine Frederick from Florence. Seventh Congressional District, Seat 7.

MS. FREDERICK: Good afternoon.

SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. FREDERICK: I do.

SENATOR PEELER: Would you like to make a brief statement?

MS. FREDERICK: I guess briefly I would say it's been an honor and a privilege to serve to this extent with Lander University on the Board of Trustees.

Representing the Florence area has allowed me to actually really kind of help Florence and my people there understand what Lander brings to the table. Fred Carter and I are good friends, and he knows that these universities, the smaller universities play an important role in our state. So it's been a real privilege to get that opportunity.

SENATOR PEELER: Okay. Questions or comments?

You've been on the board for eight years?

MS. FREDERICK: Yes, sir.

SENATOR PEELER: And what do you do with McLeod Health?

MS. FREDERICK: Vice president for patient experience. And basically that means I help oversee the design of the experience so that it is patient centered.

SENATOR PEELER: Do you interact with the Francis Marion's efforts with their health initiative and all?

MS. FREDERICK: You mean as a McLeod person?

SENATOR PEELER: Yes.

MS. FREDERICK: Yes. We have a relationship with Francis Marion. Although I'm not personally involved in that, we provide services there. Also, very heavily involved in their -- in learning -- in engaging in their learning, bringing their students on to our campus, things of that nature.

SENATOR PEELER: Lander has a reputation for a pretty good nursing school.
MS. FREDERICK: Absolutely. In fact, we --
SENATOR PEELER: Isn't that kind of your --
MS. FREDERICK: At McLeod we are eager to get Lander graduates. It's a star in our cap when we have a Lander graduate come to us.
SENATOR PEELER: Good. Questions? Comments?
Ms. Henderson.
REPRESENTATIVE HENDERSON: Favorable report.
REPRESENTATIVE WHITMIRE: I don't have any questions.
SENATOR PEELER: Favorable report.
All in favor say "aye."
(Members respond.)
SENATOR PEELER: Opposed, no.
And the ayes have it.
MS. FREDERICK: Thank you.
SENATOR PEELER: Thank you.
(A recess transpired.)
SENATOR PEELER: Hester L. Booker from Union.
MS. BOOKER: Yes, sir.
SENATOR PEELER: Congressional District, Seat 5. New candidate running for the Lander Board, Fifth Congressional District.
And, Ms. Booker, if you would, let me swear you in.
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MS. BOOKER: I do.
SENATOR PEELER: Thank you.
Would you like to make a brief statement on why you would like to serve on the board?
MS. BOOKER: Well, I'm retired. I'm not doing much of anything right now. I used to substitute in the school system, but I decided not to do that anymore. So when I saw this ad in the paper, I decided to send in a letter of intent.
SENATOR PEELER: Okay. That's why we put ads in the paper.
MS. BOOKER: That's why I luckily read it that day.
REPRESENTATIVE HENDERSON: Mr. Chairman.
SENATOR PEELER: Ms. Henderson.
REPRESENTATIVE HENDERSON: Ms. Booker, thank you so much. And I don't count myself in this category, but this is a pretty heavily Clemson dominated group here. Am I right that your sons Trevor, and what is his name, Devin?

MS. BOOKER: No, they are not. They're cousins, but ...
REPRESENTATIVE HENDERSON: Okay. Because I knew they were from Union. My kids went to Eastside High School, so I used to remember watching them play when they were in high school.
MS. BOOKER: All right.
REPRESENTATIVE HENDERSON: Very good. Thank you for your offer to serve.
MS. BOOKER: Thank you.
SENATOR PEELER: Do you have a question?
MR. Whitmire.
REPRESENTATIVE WHITMIRE: Welcome, Ms. Booker.
MS. BOOKER: Thank you.
REPRESENTATIVE WHITMIRE: I appreciate, as Ms. Henderson said, your willingness to serve. We need more folks willing to come out.
Have you ever thought about the location as a weakness of the university? To me, that seems like we need to have schools in these type of locations. I know you don't consider Greenwood small, but, you know, it does serve many outlining areas in there.

That, to me, is I think one of their strengths where they're located. Do you have a different opinion on that or what?
MS. BOOKER: No, I don't once I -- well, looking at the map in Union, you see Union, Laurens, Greenwood, which made me assume that it was backwoods, you know. If you've never been there. But when I came to Greenwood, hey, this is the city compared to Union, you know.

But I talked to some of the kids in Union or in that area, "I don't want to go to Lander, that's the country," you know. But I tell them now it's not the country. And if it is the country, you can get what you need there.
REPRESENTATIVE WHITMIRE: Okay. All right. Thank you.
SENATOR PEELER: Mr. Scott.
MS. BOOKER: I graduated from USC Union, so it's kind of backwoodsy, too, but I got what I needed there.
REPRESENTATIVE WHITMIRE: Actually, Union is large compared to where I'm from.
MS. BOOKER: Where is that?
REPRESENTATIVE WHITMIRE: Walhalla.
MS. BOOKER: Walhalla? Where is that?
REPRESENTATIVE WHITMIRE: It's so far out that way, it's almost in Georgia and North Carolina.
MS. BOOKER: Okay.

SENATOR PEELER: Union's got a real good senator, don't they?
MS. BOOKER: Yes, sir. There's no conceit in that remark. I'm pleased to meet you, Mr. Peeler.
SENATOR PEELER: Thank you.
Any other questions or comments for Ms. Booker?
REPRESENTATIVE WHITMIRE: Move for favorable.
SENATOR SCOTT: Favorable report.
SENATOR PEELER: All in favor say "aye."
(Members respond.)
SENATOR PEELER: Opposed, no.
The ayes have it.
Thank you for your willingness to serve. Thank you for your willingness to come in here this quick. I knew we had you scheduled for later.
MS. BOOKER: Yes, sir.
SENATOR PEELER: I know you had to --
MS. BOOKER: But I put on my application, I'm qualified and available. So my availability had to show up today.
SENATOR SCOTT: Thank you so much.
MS. BOOKER: All right. I'm finished.
SENATOR PEELER: Yes, ma'am.
MS. BOOKER: Thank you all very much. Been my pleasure.
SENATOR PEELER: That's the agenda for today. We will be back tomorrow at 9:00.
(The hearing adjourned at 5:13 p.m.)

JOINT LEGISLATIVE COMMITTEE
TO SCREEN CANDIDATES
FOR COLLEGE AND UNIVERSITIES BOARD OF TRUSTEES
PUBLIC HEARINGS

Date: Tuesday, March 15, 2016
Time: 9:10 a.m.
Location: Gressette Senate Building
1101 Pendleton Street
Room 209
Columbia, South Carolina

Committee Members Present:
Senator Harvey S. Peeler, Jr., Chairman
Representative William R. "Bill" Whitmire, Vice-Chairman

Senator Thomas Alexander
Senator John L. Scott, Jr.
Senator Robert W. Hayes, Jr.
Representative Mia S. McLeod
Representative Phyllis J. Henderson

Also Present:
Martha Casto, Staff
Julie Price, Staff

SENATOR PEELER: If there's no objection, we'll go ahead and get started.

This is a Joint Legislative Committee to Screen Candidates for Colleges and University Board of Trustees.

We have some members on the way. They're coming in. But out of interest of time, we'll go ahead and get started.

First under tab A is Miles Loadholt from Barnwell. Second Judicial. Aiken, Bamberg, and Barnwell counties.

Mr. Loadholt. Make sure your green light is burning. The speaker, is it on? The green light?

MR. LOADHOLT: Yes.

SENATOR PEELER: Good morning, sir.

MR. LOADHOLT: Good morning.

SENATOR PEELER: Let me swear you in.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. LOADHOLT: I do.

SENATOR PEELER: Thank you.

Would you like to make a brief statement?

MR. LOADHOLT: I'm Miles Loadholt. I'm from Barnwell, South Carolina. I graduated from the University of South Carolina Business School in 1965. Law school in 1968. Since that time, I have practiced law in Barnwell, South Carolina.

I have served the university in many capacities, serving on the USC Salkehatchie Board. And before being elected to this board almost 20 years ago, I've been on -- served on this board for 20 years. I served as chairman of some major committees. Served four years as vice chairman, four years as chairman, and almost four years as chairman emeritus.

And I would appreciate your consideration and this committee's consideration for allowing me to serve four additional years.

SENATOR PEELER: Thank you, sir.
Any questions or comments?
Mr. Whitmire.
REPRESENTATIVE WHITMIRE: Good morning, Mr. Loadholt.
I notice you mention the biggest strength is Palmetto College, Honors College. Can you tell me a little bit about each one of those, please, since I'm from the upper part of the state.
MR. LOADHOLT: Well, it allows, you know, students, you know, to stay at home and have a four-year education, you know, without really, you know, having to leave, you know, their hometowns and travel and, you know, to Columbia and everything. I think it's a great asset, and we just started it. And Susan Elkins is -- heads this up, and I think she does a wonderful job with it.
REPRESENTATIVE WHITMIRE: How many students are in the colleges, do you know?
MR. LOADHOLT: You know, I -- can't tell you off the top of my head, but I've got the data here, you know. I can't tell you exactly how many.
REPRESENTATIVE WHITMIRE: I just -- I was interested since I, you know, have not heard of Palmetto College.
MR. LOADHOLT: I think it's a wonderful idea. Success particularly for the rural counties that -- you know, the small counties but we have our regional campuses.
REPRESENTATIVE WHITMIRE: Right. I notice you said the biggest weakness is -- well, about everybody says we don't give you enough funding. What do you think is adequate as opposed to what we're giving you now?
MR. LOADHOLT: Well, when I was a student at the University of South Carolina, I believe we had about 70 or 80 percent state funding when I was a student. That was in the '60s.
REPRESENTATIVE WHITMIRE: Right.
MR. LOADHOLT: I believe we have around 10 percent now. I think it's somewhere between the two.
REPRESENTATIVE WHITMIRE: Right. And I don't disagree with you. Unfortunately, you know, we've got a lot of other areas that are tugging at us, also, for funding.
MR. LOADHOLT: I'm aware of that. Yes, sir.
REPRESENTATIVE WHITMIRE: It's very difficult to try to come up with everything everybody wants. So thank you.
SENATOR PEELER: Thank you. Senator Alexander, do you have a question?
SENATOR ALEXANDER: Yes, sir, a couple.

Good morning. Appreciate you being here.
MR. LOADHOLT: Good morning.
SENATOR ALEXANDER: And I hope you all went over this before I got here. Please excuse. As far as your attendance and involvement, how would you classify your involvement as a member of the board?
MR. LOADHOLT: I've been a member of the board almost 20 years, and I can remember one meeting that I missed. But I think probably it might have been two.
SENATOR ALEXANDER: Okay. Thank you.
MR. LOADHOLT: And I'm very involved and I don't miss meetings and I'm involved. I visit the campus, you know, when we don't have meetings.
SENATOR ALEXANDER: And following up, and I heard your response to Representative Whitmire and don't disagree, but at the same time, do you include in those funds coming from the state the lottery scholarships?
MR. LOADHOLT: Did I include that?
SENATOR ALEXANDER: Yes, sir.
MR. LOADHOLT: No, sir, I did not.
SENATOR PEELER: Thank you, Senator.
Any other questions or comments?
You always hear the rivalry between Clemson and USC on the football field. In your experience, what do you think the relationship of a successful athletics program, what's the relationship between the success in athletics and academics? Have you seen or is it just ...
MR. LOADHOLT: I don't think that there's any question that if you have a successful athletic program, it benefits your academic program. I don't think there's any question about it. From the numbers that I have seen. And, I mean, I get it out of the paper, you know. And, I mean, articles in the Wall Street Journal and things of that nature. But I think that a successful athletic department benefits academics.
SENATOR PEELER: I would tend to agree with you. I think we have some complaints that we put too much emphasis on athletics, but I think that helps sell the school. I'm hearing that from you, too.
MR. LOADHOLT: Yes, sir.
SENATOR PEELER: Thank you.
Any other questions? What is the desire of the committee?
REPRESENTATIVE WHITMIRE: Move for favorable.
SENATOR PEELER: Favorable report.
All in favor say "aye."
(Members respond.)

SENATOR PEELER: Opposed, no.

And the ayes have it.

Thank you. Appreciate your willingness to continue to serve the university.

MR. LOADHOLT: Thank you.

SENATOR PEELER: Next, Mr. Eugene P. Warr, Jr. from Lamar.

Good morning, sir.

MR. WARR: Good morning.

SENATOR PEELER: Let me swear you in.

MR. WARR: Yes, sir.

SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. WARR: I do.

SENATOR PEELER: Would you like to make a brief statement?

MR. WARR: Yes, sir. Thank you, Senator.

I'm Gene Warr. I've lived all my life in the small town of Lamar in Darlington County. I attended school here at USC from 1977 to 1981 and graduated in accounting. Came back a year later and went to law school. My dad knew that one year back on the farm trying to make a living would send me back to school, and it did. So I graduated from here in 1985 from law school and have been practicing law for over 30 years now in the Darlington County, Florence County area primarily.

In 2003, our Fourth Judicial Circuit trustee, Dupree Miller, who long served as a solicitor there in our circuit died and that seat that -- the seat that I hold was open in May of 2003. I was elected to this seat so I served a little over 12 years now, almost 13 years in this seat.

While I've on the board, I have done my best to attend and be involved. I presently serve as chairman. I will soon be finished with my four-year term as chairman. In the time before that, I served as chairman of a couple committees. And my attendance at committee meetings of all sorts has been good. I think it's been many years since I've been missed any meeting of any sort. I am here asking to be approved to serve another term.

I think that all and all, I'm sure I've not been a perfect trustee or the best trustee that you might find somewhere, but I've done my best. And I've worked hard, and I spent a lot of time and energy in being a trustee at USC.

SENATOR PEELER: Mr. Ward, we know exactly where Lamar is. It produces some mighty linebackers for Clemson.

MR. WARR: Yes, sir. And good young men, too.

SENATOR PEELER: Thank you, sir.

Any question or comments? Mr. Whitmire.
REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.
Good morning, Mr. Warr.
MR. WARR: Good morning.
REPRESENTATIVE WHITMIRE: Question for you about the branch campuses. Do you think they serve their purpose, or would you prefer to have it all under one umbrella here in Columbia? It is expensive to run those campuses, you know.
MR. WARR: I think they do serve their purpose and here's why. So many folks that go to those schools could not go anywhere else. They wouldn't be able to come to Columbia. Being at home a lot of times, they're married with children or they're working a job and they have the opportunity to realize later on, hey, I need that college degree. And these regional campuses give them the opportunity.

When you go to graduations on the regional campuses and see these folks and see the joy in the faces, a lot of times it's the first person in that family to get a college degree. It's a big thing. I think the regional campuses make a huge difference where they are. I really do.
REPRESENTATIVE WHITMIRE: I agree with you that on that. Even though I don't have one in my county yet, we've got one in the upstate also.

One other thing. If you would please pass on to your law partner that I think a lot of him, please. And I voted for him.
MR. WARR: I wish that you could be available to handle some of his late night phone calls, Carolina's got a tough loss at a ballgame. I might call on you sometime to help me with that.
REPRESENTATIVE WHITMIRE: I'll will pass on that one.
SENATOR PEELER: Also kind of get him to go easy on Senate's road plan.
MR. WARR: I'll speak to him about that.
SENATOR PEELER: Any other questions or comments? What's the desire of the committee?
REPRESENTATIVE HENDERSON: Can I ask a question?
SENATOR PEELER: Ms. Henderson.
REPRESENTATIVE HENDERSON: Let me ask you a question. Is there 17 trustees on the board? How many are on the board?
MR. WARR: Well, really, I would say there's 20. There are sixteen judicial circuits and then the governor appoints one and has one sitting in, really two. And the president of the alumni association and the secretary of education for the state. So I count it really as 20, I think, Representative Henderson.

REPRESENTATIVE HENDERSON: All right. So there are 16 that we elect?
MR. WARR: Yes, ma'am.
REPRESENTATIVE HENDERSON: And what is -- am I correct in that Ms. Moody is the only woman and/or minority on that board?
MR. WARR: She is the only minority right now. Paula Harper Bethea also serves because she's president of the alumni association. So actually two women on the board right now.
REPRESENTATIVE HENDERSON: In your opinion, would it not serve your university better to have a more diverse board?
MR. WARR: I thought I would get asked that question today. So I should have a good answer, right? When you look at it and we look across our board and it's mostly white males like me, yeah, I mean, that doesn't represent the state. We know that. And I think that probably over the next few years there will be more interest in people running. Others realizing that there's a need for that.

Leah Moody is certainly an outstanding trustee, and we are glad to have her. But we are all aware, "Leah, you're there kind of on your own."

Of course, Paula is being president of the alumni association is on the board. And our secretary of education is female. But I understand what you're saying.

But people across the state that love USC and are willing to spend the time and energy it takes, have to be willing to go, say, "Here I am, I'll do it."
REPRESENTATIVE HENDERSON: Why do you think more people don't apply? We were just talking about this yesterday because we've had so many great candidates at some of these smaller colleges, and I just don't understand why at the bigger universities they don't apply. I don't know if it's because many of you have served for 10, 20, 30 years that they feel like they don't have a chance. I'm just trying to figure out why more people don't apply.
MR. WARR: That's a question I wish I could give you a good answer for, but I can't.
REPRESENTATIVE HENDERSON: Well, anyway, thank you for your service.
MR. WARR: Thank you.
SENATOR PEELER: Any other questions or comments?
REPRESENTATIVE MCLEOD: I have a question.
SENATOR PEELER: Senator McLeod.

REPRESENTATIVE MCLEOD: It's related to the question that Representative Henderson just asked about diversity. What efforts is the university taking to diversify the board, or are there any efforts that you're aware of?

MR. WARR: Well, we spend a lot of time how can we increase the diversity of the student body? And I think we do good at that at USC. In fact, very good at that. We've spent a lot of time in recent years on increasing the diversity of our professors, people in administration. I think we've done good with that.

When it comes to the university making efforts to the board, it's difficult as who at the university is going to go out and take a position as to who should be on the board? That gets kind of sticky, you might say. So it comes down to board members, do we go out and say to the legislature, to you folks, "Elect someone else"? It gets -- that's a difficult thing.

We're aware of it. We know that it needs to be more representative of the state. But when I come to you and say, "Hey, I'm the Fourth Judicial Circuit Trustee, I think I can do a good job serving another term." Here I am a white male. There's not much I can -- I can't personally change that other than to say, well, there's a time that comes when I don't need to serve anymore.

In other words, I'm not one who looks to spend my life on the board. If the Lord allows me to live to be an older fellow, I don't see myself as being on the board at that time. But for us to go and say, well, let's in any way affect the makeup of the board as board members, that's something that we just don't tread into.

For me to go into another part of the state and say, for instance, I'll see Hugh Mobley sitting here and say, Ms. So and So, or whoever, you should run against Hugh Mobley, my close friend. Knowing he's a good trustee, it's just not something I think I can go do.

REPRESENTATIVE MCLEOD: Well, I'm certainly not suggesting that. But what I am asking is, I mean, University of South Carolina is my alma mater twice, and I think it's incumbent upon the university in whatever capacity, when there are opportunities to, you know, diversify the board. And clearly there's a need to do that. I would hope that there is some effort to figure out the best way to kind of -- to make that happen.

I don't think that sitting back and saying -- and certainly not going into your colleagues circuits and saying, you know, "Why don't you run against so and so," that's not what I'm suggesting at all. But I think where there are opportunities, there needs to be a focus or a, you know, a plan for doing that. And I'm just not hearing that there is one.

MR. WARR: We would welcome anyone that's -- any female, any minority that wants to serve on the board, if they're elected to the board, we would welcome, Representative McLeod. As you know, it's up to you and your fellow House members and fellow Senators here to make that decision.

And I understand what you're saying to me, but for us to come up with a plan and then come to you and say, for instance, here's what we suggest that you do, I just wouldn't feel like I could come do that. I wouldn't walk in your office and say that. I just don't think I could do it. I don't have the nerve, quite frankly, to do that.

REPRESENTATIVE MCLEOD: Right. And I may not be articulating that in the best way. That's not at all what I'm suggesting.

MR. WARR: Okay.

REPRESENTATIVE MCLEOD: And you've acknowledged that there is a need.

MR. WARR: Yes, ma'am.

REPRESENTATIVE MCLEOD: I would just like to see more of a focus on diversity. And I know who your chief diversity officer is, and I think he's amazing. But I do think the university could stand to do better with regard to the board and every other aspect of the university.

MR. WARR: And anything that you might ask me about today or any of you folks might ask me about, I'm sure we could do better. But I want to say again, I really believe it's the diversity of the student body and the professors and these things that we can go and do something about. There's been a focus, and I think we've done a good job on it. Not that we can't continue to do better.

REPRESENTATIVE MCLEOD: We're not trying to beat up on you.

MR. WARR: I didn't take it that way.

REPRESENTATIVE MCLEOD: I just wanted to ask that question because I didn't hear it in your answer.

Thank you.

MR. WARR: Thank you.

SENATOR PEELER: Mr. Warr, similar questions were asked of almost every candidate yesterday, trustee candidates also. And you made a good point. And, Representative McLeod, I hear where you're coming from. But maybe you all need to be asking us, I think it's a point well taken that maybe we need to take the initiative --

REPRESENTATIVE MCLEOD: Right.

SENATOR PEELER: -- on the committee. Because I hear it loud and clear. It's all our responsibility, but maybe more ours than yours. And I understand what you're saying, and I agree.

REPRESENTATIVE MCLEOD: Thank you.
SENATOR PEELER: Any other questions or comments?
What's the desire of the --
REPRESENTATIVE WHITMIRE: Move favorable.
SENATOR PEELER: Move favorable report. All in favor say "aye."
(Members respond.)
SENATOR PEELER: Opposed, no.
The ayes have it.
Thank you sir.
MR. WARR: Thank you, sir.
SENATOR PEELER: Hugh Mobley from Lancaster. Sixth Judicial Circuit.
MR. MOBLEY: Good morning.
SENATOR PEELER: Good morning, sir.
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MR. MOBLEY: Yes, sir. I do.
SENATOR PEELER: Would you like to make a brief statement?
MR. MOBLEY: Yes, sir. I want to thank you for the opportunity to serve. I feel like in some way that our service is a partnership with the legislature. It gives us the opportunity to continue to dialogue about ways that we can improve the state of South Carolina. Using education is one of the things to build economic base in South Carolina.
When I ran back in 2011, I pledged to be here. To be accessible. I've tried to do that without being a burden. I'm usually in the area for most people when they want to ask questions or seek service from university trustees.
I've been fortunate enough to serve on three separate committees, academic affairs, audit compliance, and currently I'm chairman of the Health Affairs Committee. Which I think is very important focus in the state of South Carolina for us going forward from a job-base standpoint as well as addressing primary care issues.
I would like to continue the opportunity to serve. Be happy to answer any of your questions.
SENATOR PEELER: Thank you. Questions or comments?
Representative Whitmire.
REPRESENTATIVE WHITMIRE: Good morning, sir.
What's the in-state versus out-of-state ratio you've got?
MR. MOBLEY: I think if you look at the system, it's one thing. If you're looking in Columbia specifically, Columbia is a little bit more than 60 percent in-state. The rest of them are out of state.

When you get into the regional and the local areas, some of the comprehensive ratio becomes higher because has been stated before, people are closer to home, more accessible. People don't have the economic wherewithal to go and stay somewhere for four years, and they can eliminate that cost. So it depends on whether you're looking solely at Columbia or if you're looking at the system.

One of the things I think that makes Columbia the number that it is is the fact that we're a research institution as is MUSC and Clemson. And as a research institution, you're going to draw people from a wide area that are looking to get into a graduate area or a program with a high profile like the Honors College or Darla Moore International School of Business.

REPRESENTATIVE WHITMIRE: Well, this is a complaint I hear a good bit especially since I'm in the Clemson area where, you know, graduates won't send their sons or daughters there and they don't have the opportunity and they feel like they're being pushed out because of out-of-state students coming in. I don't know if it's as strong at Carolina as Clemson, but ...

MR. MOBLEY: Well, and both schools are really good schools and they offer a great education, a great pathway for a higher education degree. The access points at USC offered around the state gives more to local or in-state students an opportunity to see the pathway. And some of those, especially as you have alluded to, the two-year schools that are regional campuses, provide a pathway for people to go into school and then they can transfer to Columbia.

You'd be surprised, though, Senator Peeler, Lancaster sends a lot of students to Clemson because they're seeking a pathway there. They can't get in on the first admission, but they can get a year under their belt, settle in, grow up a lot and they can transfer to a lot of these other comprehensive universities.

REPRESENTATIVE WHITMIRE: I would imagine that your regional campuses, those students who graduate have more of a tendency to stay in the state afterwards.

MR. MOBLEY: I believe they do. A lot of it is economically driven, but I do believe they do. And we're really proud in Lancaster to have the university there. It's been a great asset for the community. It's been a great resource for the local economy.

We have a nursing program there that gives opportunity for us to educate RNs with a four-year degree. Most of those students will either stay in Lancaster or they'll go to the Rock Hill area. So that pretty much emphasizes your point.

REPRESENTATIVE WHITMIRE: How many students attend Lancaster?
MR. MOBLEY: Total head count is about 1769, I believe. It's down a little bit, but so is the high school graduate pool.
REPRESENTATIVE WHITMIRE: All right. Thank you.
SENATOR PEELER: Senator Alexander.
SENATOR ALEXANDER: A couple of questions.
Good morning. Good to see you.
MR. MOBLEY: Good morning. Good to see you.
SENATOR ALEXANDER: Your involvement, if you would, is kind of consistent? You make all the board meetings? From that standpoint, how would you classify your attendance?
MR. MOBLEY: My memory serves me correct, I missed one meeting and I participated by phone.
SENATOR ALEXANDER: Okay. And following up on enrollments stuff, roughly what is the enrollment at the main campus here at Carolina?
MR. MOBLEY: I believe we're about 30,000. Maybe a little bit more.
SENATOR ALEXANDER: Is that all undergraduate, or does that include graduate and everything?
MR. MOBLEY: That would be a mix. That would be a mix. Total system's got about 49,000.
SENATOR ALEXANDER: So 30,000 here.
Do you know how many is in your undergraduate program?
MR. MOBLEY: I'll be glad to pull that data. I don't have it right now.
SENATOR ALEXANDER: That's all right.
MR. MOBLEY: But I'll be glad to get it for you.
SENATOR ALEXANDER: Thank you.
MR. MOBLEY: Thank you.
SENATOR PEELER: Representative Henderson.
REPRESENTATIVE HENDERSON: Good morning. Thank you, Mr. Mobley, for your service.
Let me ask you a question. You know, rising tuition is always an issue at all these schools and as a parent of two here, they're both in the Honors College, so I'm fortunate that they're pretty heavily scholarshipped so I don't have to pay tuition every year. But I know that it goes up about the maximum about 3 and a half every single year.
MR. MOBLEY: It does.
REPRESENTATIVE HENDERSON: What do you think can be done to keep from having to raise tuition every single year?

MR. MOBLEY: Well, we've got to look at the unit cost. And when I say "unit cost," you get down into the different units of the school. Whether that's the actual individual colleges or whether that's the administrative units. You've got to kind of get down in there and see where your costs are, what can be eliminated, and how you can hold those things down.

I run a small business and have for over 30 years, so I'm well aware of the cost control. And that is one of the main things we can do.

Obviously, we could volley back to you folks and say, "Hey, more funding would fix that." But we know what the dynamics are, and we understand where we are in this. And we know and we're appreciative of the funding you give us. We're appreciative of the lottery scholarships that are portable with the students and allow us to meet those needs.

But, you know, I would love to sit here and say, "We've got to have a zero tuition increase year after year after year. But the fact of the matter is, we can't be irresponsible. We have to have a balanced budget to maintain the state's credit rating. And, you know, I don't know that there is a hard-and-fast answer to eliminate. I think it has been minimized. I think we were 2.9 percent last year, which is near the figure you represent. But still I think there's more work to be done in that area. Looking at administrative costs just as much as anything.

REPRESENTATIVE HENDERSON: What about buildings? I mean, there's always about a half a dozen new things under construction every year.

MR. MOBLEY: You know, when I went to school there in the early '70s, we were in a very old, delapidated building. And they built a new building for us, for the pharmacy school. We went into that building, and it was a state-of-the-art building. It was very nice and all. Now, believe it or not, that is a delapidated building. Things age. They have to be replaced.

It's a competitive environment that we live in. And to attract the students we need, provide the education we need, we do need facilities. Is it too much? You know, that's always outside looking in. But just, for instance, Darla Moore School of Business, beautiful facility on Assembly Street we just built. It was expensive, but we did do a number of private monies to help fund that and anticipate possibly some more to help offset some of the costs of that. But believe it or not, we're out of space because the students are coming.

If you look at the higher education, commissioner report and the projection of the need of higher education degrees, we're going to have

to have something to address that. All of us are. Clemson, USC, MUSC, Winthrop, all schools are going to need those facilities. Fortunately, we've got the access via the Palmetto Colleges for technology, which doesn't require a building. It gives us the opportunity to address the students' need without a facility.

REPRESENTATIVE HENDERSON: Thank you, Mr. Chairman.

SENATOR PEELER: Representative McLeod.

REPRESENTATIVE MCLEOD: Thank you, Mr. Mobley, for your service.

I have a question about all the new dormitory -- well, not dorms but all of the new apartments. The housing for students. It's very different now than when I was at USC.

MR. MOBLEY: It is.

REPRESENTATIVE MCLEOD: And I'm concerned about the sense of community not remaining intact as it was when I was there. Of course, I stayed on campus all four years and, you know, I knew my classmates and -- you know, we just had a strong sense of community there. Not -- I think it's very much unlike the way it is now. I had friends who have students who are at the university now, and they describe something very differently.

What -- has the board given any thought to the impact -- I know that, you know, obviously there are economic considerations and other considerations that you guys think appropriate for doing it that way. But has there been any thought given to what that does to that sense of community that we had by living on campus since the students -- it's my understanding that they cannot live on campus after the first year.

MR. MOBLEY: Well, that was because probably more likely because of capacity, being able to address the capacity of those students past that first year. Now, with that being said, if you talk to students who are now residing in 650 Lincoln, which is directly behind the old coliseum, you may get a different perspective on that community basis. There's a strong, strong desire for people to live there in that community and basically a walk-based community rather than a commuter campus where they can live. And that, I think, has a lot to do with the explosion of downtown, private investment housing in here.

If you think about the fact that a student at the university brings over $20,000 locally to the impact of the economy, and you look at the number of housing, you can see where Columbia is going with that. And I think the mayor would really fight us hard if we said we're not going -- you know, if the housing downtown was not going to continue to grow.

With that being said, I think we do need to create opportunities in the housing environment for students to get to know each other and to live in a closer environment.

When I was in school, we had rotary dial phones. We couldn't text anybody. We did things a lot differently. And it has changed. The world has changed there. But that is a strong consideration.

I think USC is becoming more and more bonded towards that. The alumni center is bringing a lot of alum back together in a cohesive or community-type environment. I know you've been in that place. It's very nice and built with private money.

REPRESENTATIVE MCLEOD: Okay.

SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Good morning.

MR. MOBLEY: Good morning.

SENATOR SCOTT: Tell me a little bit about percentage of minority students, undergraduate students at the university right now. Where are we percentagewise?

MR. MOBLEY: Are you talking in reference to the system or just to Columbia?

SENATOR SCOTT: Columbia -- the total system.

MR. MOBLEY: Okay. When you look at the outlying areas, and prior to your arrival we talked about the fact that these local system campuses --

SENATOR SCOTT: Right.

MR. MOBLEY: -- community campuses, if you will, provide a lot of students an access point that are unavailable to a lot of other students and some of them are economically trapped and unable to go places. Specifically and unfortunately that affects minorities more than anybody else.

SENATOR SCOTT: Right.

MR. MOBLEY: So those schools will have a higher percent of minorities -- Salkehatchie, Sumter, Upstate, areas like that. Even Lancaster, where I'm from, has a high percentage of minorities.

When you come to the Columbia campus, the overall rate of all minorities in the Columbia campus is probably around 22 percent.

SENATOR SCOTT: African-American?

MR. MOBLEY: African-Americans are probably about 10 percent of that. So a lot of people fall into that category of minorities, and some of them don't report. You understand. So although you can't get direct, exact numbers -- and I can get you a data sheet as a breakdown campus

by campus, if you would like it, that would show you which categories minorities are there and actually those that consider themselves white.
SENATOR SCOTT: I know in most cases, freshman class coming in it's a tough job.
MR. MOBLEY: It is.
SENATOR SCOTT: So many folk apply at the Columbia campus and some end up going to other campuses.
MR. MOBLEY: They do. They do.
SENATOR SCOTT: But I'm always concerned, and it's not a question that I just ask you and that's it.
MR. MOBLEY: No, no, no. That's fine.
SENATOR SCOTT: I've asked all of you that come in because it is important that we maintain African-American students at these campus and so some of the best and brightest don't get away from us and go elsewhere.
MR. MOBLEY: I agree. And one of those advantages is having those multiple access points. Because as we discussed earlier, you will get a student who will go to a local campus for a year or maybe even two years then migrates to Columbia to finish out. So those numbers don't really reflect out in the freshman class.
SENATOR SCOTT: So when you go up and looking at all the other outlying campus you have, your percentage goes up is what you're -- what do you think that percentage is?
MR. MOBLEY: Well, there's some of them -- I think Upstate is in the high 30s.
SENATOR SCOTT: Okay.
MR. MOBLEY: And Salkehatchie is in the high 30s. And if you ever go to a Salkehatchie graduation, it looks greater than that because there's a lot of pride. Those people have never had a chance to get a degree before.
SENATOR SCOTT: What do you think overall for the USC family would be?
MR. MOBLEY: Well, that's what -- we alluded to that earlier. The system is probably around 15 percent, but that's on approximately 50,000 students.
SENATOR SCOTT: Okay. Thank you.
MR. MOBLEY: You're welcome.
SENATOR PEELER: Mr. Mobley, you mentioned the pharmacy school earlier. Do you still serve on the Board of Pharmacy?
MR. MOBLEY: No, no, no. You can't have dual degree -- I mean dual office. I'm sorry.

SENATOR PEELER: But you did.
MR. MOBLEY: I do some work for them screening disciplinary cases prior to their going to the board, but that's not a state position.
SENATOR PEELER: Okay. I don't know why I thought you were still on the board.
MR. MOBLEY: I don't think you would let me do that, would you?
SENATOR PEELER: Well, I didn't know.

I see the Senator from Newberry here. Is he here to speak in favor or against you?
MR. MOBLEY: I'm sure he would want to do that in executive session.
SENATOR PEELER: And you brought your House member from Lancaster. I tell you what, this ain't your first rodeo, is it?
MR. MOBLEY: Well, I believe in transparency.
SENATOR PEELER: Any other questions?
SENATOR Scott.
SENATOR SCOTT: My final question. Tell me a little bit about African-American staff and faculty at the university.
MR. MOBLEY: I can't give you the actual number of the African-American staff. I can tell you that the minority in the professors is probably about 35 percent. Out of that 35 -- and also in those professors, about 53 or so percent are female now. With that being said, there's two legs to a diversity approach in that. One is -- and I'm sure you've met Bobby Gist, who is -- who does a great job. He participates in higher --
SENATOR SCOTT: I know them both.
MR. MOBLEY: And Mr. Dozier. And they are there to facilitate that. We recently had a retreat in January and one of the points of that retreat was to -- for the university to become more inclusive and diverse. It's on the radar, and we do need to be more --
SENATOR SCOTT: Is that the net result of the students having some issues and your diversity officer getting involved in talking with them? Is that the net result that came from that --
MR. MOBLEY: Right.
SENATOR SCOTT: -- came from that?
MR. MOBLEY: And if you look at the way the situations in South Carolina have happened, I think South Carolina as a whole has done a better job than most of the rest of the country handling issues related to diversity. And a lot of it is intervention in the early stages. And as you alluded, having those people present gives an opportunity for dialogue so that people with concerns whether African --

SENATOR SCOTT: Well, if you're going to be an international business school and looking at the students being involved worldwide, I do strongly encourage as many minority students as you can.
MR. MOBLEY: I agree.
SENATOR SCOTT: Because the rest of the world is going to be different when they leave South Carolina.
MR. MOBLEY: I agree.
SENATOR SCOTT: And looking at as many minority professors as you can who will, in fact, come. And certain areas it's tough to get those faculty. They can go anywhere in the country they want to go.
MR. MOBLEY: It's a competitive environment.
SENATOR SCOTT: No question. Some of my schools have been 30 percent, 50 percent. I always ask the question of any major university: Can we do better?
MR. MOBLEY: Always.
SENATOR SCOTT: Can we do better?
MR. MOBLEY: Always.
SENATOR SCOTT: And if so, tell me about the plan that we have moving us in that direction so that we are doing better.
MR. MOBLEY: Yes.
SENATOR SCOTT: If the board has a plan, share with me what the plan is in terms of its recruitment to recruit more African-American students. I know the freshman process, like I said, I know it's a tough job. And a lot of students are well-qualified to come to the institution.
MR. MOBLEY: Right.
SENATOR SCOTT: And has the board put a plan in place to look at where we are in recruiting students and faculty and staff, and if so, share that with the committee.
MR. MOBLEY: Well, there's several programs that are available. You've got a Gamecock Gateway, which is a program to take students who may not have another pathway. There's a higher percent of minorities and African-Americans in Gamecock Gateway. Opportunity scholars, Gamecock Guarantee. These are a number of programs that are available that are actually active programs.

If you look at the higher education report again, I think the minorities in the South Carolina high school pool are around 40 percent. So we're getting almost a third of those coming to the university.
SENATOR SCOTT: So that's your plan?
MR. MOBLEY: Not completely.
SENATOR SCOTT: Thank you. Thank you.
SENATOR PEELER: Any other questions? Comments?

SENATOR ALEXANDER: Move favorable.
SENATOR PEELER: Motion is favorable.
All in favor say "aye."
(Members respond.)
SENATOR PEELER: Opposed, no.
And the ayes have it.
Thank you for your willingness to serve.
MR. MOBLEY: Thank you very much.
SENATOR PEELER: Next, A.C. "Bubba" Fennell. Eighth Judicial Circuit.
Good morning, sir.
MR. FENNELL: Good morning.
SENATOR PEELER: Let me swear you in.
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MR. FENNELL: I do.
SENATOR PEELER: Would you like to make a brief statement?
MR. FENNELL: Yes. I'm Bubba Fennell from Greenwood, South Carolina. I grew up in Greenwood. Went to the university, graduated in 1972 with a B.S. degree in accounting. I was in public accounting for 40 years and retired June 30, '12, to go on the board July 1, '12. I would also been president of the USC Alumni Association back from 2000-2002 when I was also on the Board of Trustees. I've been chairman of the Board of Visitors.

As far as my service on the board, this is my second four-year term, I'm asking. And I really appreciate the opportunity to serve, and I really enjoyed it and hope you all consider me for another four-year term.

As far as my service on the board, I have -- I've only missed one meeting in my four years. And I was out of the country then and unfortunately couldn't even attend by telephone. I serve as chairman of the Student Trustee Liaison Committee, which I think is what we're all about, the students. And I really enjoy that. Brought it to a higher level as far as participation by the student body presidents. I'm also serving on the academic affairs and health affairs committee for the board.
SENATOR PEELER: Okay. Thank you.
Questions, comments from members of the committee?
SENATOR Scott.
SENATOR SCOTT: Thank you for your service.
I want to go back again and which is a major concern that I've asked every school that's come before us. Tell me about your outlook in bringing more minority students to the USC family. And since you're

working with the student body presidents and others, their outlook in whether or not you guys are beginning to build some additional intake system until we get our numbers up.

15 percent overall is fair, but I know we can do a whole lot better. I know that we're losing a lot of good students to out-of-state, and the key is to bring them in.

The other issue, too, once you finish that, tell me what your numbers are of out-of-state students that are coming to university.

MR. FENNELL: Okay. As far as minority, we work really hard on that. The president and the board. We've -- as Mr. Mobley mentioned --

SENATOR SCOTT: Right.

MR. FENNELL: -- the Gateway Program has been good. For those who don't get accepted and can go to Midlands Tech, 35 percent of those students are minorities and have an opportunity to go to Midlands Tech, which helps them transition. Which is a really good program.

The other program Mr. Mobley mentioned is the Gateway -- I mean Gamecock Guarantee program where first generation students from low-income South Carolina families can get a lot of financial assistance to attend the university. For those particularly, you know, first generation that possibly couldn't afford to come otherwise.

Our faculty has become more diverse over the years. John Dozier, our diversity officer, is working -- he's working really hard to try to get us more and good students.

As Mr. Mobley alluded to, though, the South Carolina pool is shrinking and it's less people there. And it's just we're trying to attract the best and brightest and give as many as we can opportunities to attend the university. Because we do -- would love to mirror the demographics of the state, and we're working on that.

And actually our graduation rates, minorities, African-Americans, Hispanics and all are pretty high relative to the rest of the state. And we did graduate more -- I think we awarded 838 degrees in 2004. Which was about as many as South Carolina State and Clemson graduated. So I think South Carolina State graduation 630. Clemson only 254. So we are graduating a lot of those that start in the program and feel real good about that.

SENATOR SCOTT: Okay.

SENATOR PEELER: Thank you.

SENATOR Alexander.

SENATOR ALEXANDER: Thank you.

Briefly, if you would, picking up on Senator from Richland and with Mr. Mobley, I believe it was said that roughly 35 percent of the

professors at the campuses is minority, if I heard that correct. How many of those are graduate students or are minorities that are teaching? Do you have that information? Are they full-time? When we say 35 percent, is that full-time or adjunct and other graduate students? That I've heard complaints, not just at USC but at other institutions, including Clemson, where it's been a problem in the past.

MR. FENNELL: I'm not sure of that percentage. I hate to quote something and be wrong. I'm sorry.

SENATOR ALEXANDER: We'll get some information on that.

SENATOR PEELER: Any other questions or comments?

What's the desire of the committee?

SENATOR SCOTT: Favorable report.

SENATOR PEELER: Motion is favorable report.

All in favor say "aye."

(Members respond.)

SENATOR PEELER: Opposed, no.

The ayes have it.

Thank you for your service.

Next, Chuck Allen, Tenth Judicial Circuit.

MR. ALLEN: Good morning.

SENATOR PEELER: Good morning. Let me swear you in.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. ALLEN: I do.

SENATOR PEELER: Would you like to make a brief statement?

MR. ALLEN: Yes, sir. Thank you, Mr. Chairman and members of the committee.

My actual name is Donald Everett Allen, but most people know me as Chuck. I thought I would point that out for the record.

I came to the University of South Carolina, enrolled in 1977. I was fortunate enough to be recruited to come here, and I attended on a full football scholarship. I had an athletic career here for four years. I finished my undergraduate studies in 1982 with a bachelor's degree in government and international studies. I was also fortunate enough to subsequently be admitted to law school. I attended law school the entire three years here and graduated from law school in 1985. Took the bar exam in 1986. And then I had a kind of a diversion on my career path.

I had coached football at Brookland-Cayce while I was in law school. And Brookland-Cayce was kind enough, the administration there, to pay my tuition and books for law school.

But I, thereafter, was kind of wooed to go to Furman University and coach. And I coached there under the head coach Jimmy Satterfield. Bobby Johnson was our defensive coordinator. And so I coached football a little while.

But after that, I practiced law for 29 years. I'm the senior managing partner and the Allen & Allen Law Firm in Anderson, South Carolina. Allen & Allen, of course, is yours truly here as well as my son. My only son. He practices with me.

I was elected to the Board of Trustees in 2008. I have served continuously since that time. I have served on the Health Affairs Committee, the Academic Affairs Committee, the Intercollegiate Athletics Committee. I have been -- I would submit I have been diligent in my service. I have maybe in an eight-year period, I've maybe missed three or four meeting for whatever reason. I do have professional and work obligations that sometimes conflict with our meetings and -- but like I say, I have missed three or four meeting over a period of eight years.

I'm sincerely committed to the betterment of the university. I also served a term in the House of Representatives back in the day. And I'm committed to public service. I'm committed to this state. I'm insincerely committed to the University of South Carolina and the betterment of the University of South Carolina, again, and the betterment of this state. And it's been a pleasure to serve.

I appreciate the opportunity to be here this morning and make a brief presentation and statement here and would be happy to answer any questions at this time.

SENATOR PEELER: Thank you.

Any questions or comments?

SENATOR Scott.

SENATOR SCOTT: Thank you.

Chuck, Donald. Joe and I served in the House together. Good to see you again.

MR. ALLEN: Good to see you.

SENATOR SCOTT: I want to go back to the question I've asked some of your colleagues. A minute ago, the last example of what you guys were doing for graduation rates with African-American students, the comparison was made with the 250 students from Clemson, 400 students from South Carolina State. The way the formula put need-based tuition is done by population and not by the most needs of students. So that means that USC, given the total percentage of students who actually go

to the part of USC family, of course, receive the largest proportion of the need-based funding.

The question again, your take as a member of the board, the best method, best practice to recruit more African-American students on your campus? I know that the pool for African-Americans who applied to the school and some do not need to go the route of technical school in order to get in, they just don't get in because the pool is so large and, of course, every student that comes, who's basically in the intake system, automatically qualify for the lottery scholarship money and in most cases get a larger percentage.

What's your take on the best method for recruiting to bring more African-American students to the university?

MR. ALLEN: Let me just say this, excuse me, in general terms, and I think you know me well enough to know that I've always been committed to diversity. I've always been committed to fairness. That's very important to me. I've made that very clear to the administration at University of South Carolina. Made it very, very clear to the president that that's something I'm very committed to.

Just in point of fact and by way of example, my personal commitment to diversity and the diversity of this university is that, you know, we appoint a Board of Visitors at the university, and I think it's about two dozen that are on the Board of Visitors. Each elected -- I'll say elected trustee from the Sixteenth Judicial Circuits has one appointment for the board of visitors. And I appointed Moe Brown, who was an alumnus of this university and is from Anderson. And he's the first African-American to serve from the Tenth Judicial Circuit.

Particularly, you know, we're not involved in the day-to-day administration and the running of the university and those programs, but I would just say, again, that it requires a commitment to it. It requires good faith. And I think that as best we can, we should reflect the diversity and the population and mirror the population of this state. And, again, I'm committed to that.

SENATOR SCOTT: Let my say this to you, Chuck, and I'm going to move on and let some other folk ask some questions. And I understand you don't get the day-to-day, but you all, as the policymakers, and one of the policies that in talking to other trustees that come through and other board members is this has been our plan, this has been our policy, this has been our direction for recruiting more African-American students to come to each university we have talked to.

And we drilled a lot of people yesterday from many different, different schools. And so if you have not looked at it as a board at large, you guys

need to begin to look at that. Those kinds of questions are not -- they're not going to go away. And at some point it's going to become whether or not you get certain growth as it relates to competitive in the international world.

You've got an have an international school of business. Clemson has an international school for engineering. And it's important that we have those kind of relationships and we demonstrate to the state, in fact, that we are trying to bring qualified minority students so they don't go to other schools in South Carolina.

Tell me a little bit about the percentage of out-of-state students that are recruited at the university.

MR. ALLEN: In Columbia -- it moves around a little bit, of course, year to year. But we're generally 60 to 65 percent in state and the balance would be out of state. That's Columbia now. It's a greater percentage at satellite campuses. And like I say, it moves around a little bit. But typically it's between 60 and 65 percent in state.

SENATOR SCOTT: Thank you.

MR. ALLEN: Your point is well taken, Senator Scott. I hear you loud and clear.

SENATOR PEELER: Questions or comments?

SENATOR Alexander.

SENATOR ALEXANDER: Thank you.

Good morning. Good to see you.

MR. ALLEN: Yes, sir. Same to you.

SENATOR ALEXANDER: You said you missed several meetings. How often does the board meet?

MR. ALLEN: We probably have general six scheduled meetings a year. Maybe a few more. We have -- typically have an annual retreat at various places. And then sometimes in our meetings we move around. This week we have a meeting at the USC Beaufort campus. But typically six scheduled meetings. We have call meetings sometimes, as well. And we have committee meetings in addition to that.

SENATOR ALEXANDER: Okay. You said here as far as how to improve USC's accessibility. We looked at your other. What briefly -- what are you referring to when you say "accessibility"?

MR. ALLEN: Well, accessibility --

SENATOR ALEXANDER: You've got the different campuses throughout the state, so ...

MR. ALLEN: I'm speaking generally. I came from a very blue collar background. Limited educational opportunities in my family. And by accessibility, I mean more particularly the financial ability to access

higher education. That's very important to me that we remain affordable. Maybe I should have included that. Affordable and accessible. That's very important to me.

And, again, I mean, the opportunity and the development and the betterment that's available through higher education is -- everyone understands that. But if it's not accessible or affordable, then it's -- it's the opportunity is really not there. So that's -- I probably should have mentioned affordability as well.

SENATOR ALEXANDER: Thank you, sir.

SENATOR PEELER: Yes, sir.

Questions? Comments?

What's the desire of the committee?

REPRESENTATIVE WHITMIRE: Favorable report.

SENATOR PEELER: Motion is for favorable report.

All in favor say "aye."

(Members respond.)

SENATOR PEELER: Opposed, no.

And the ayes have it.

Thank you. Good to see you.

MR. ALLEN: Thank you, Mr. Chairman. Good to see you, Senator Alexander.

SENATOR PEELER: William J. Jones, Jr., Bluffton, Fourteenth Judicial Circuit.

Good morning, sir.

MR. JONES: Mr. Chairman. I trust you can see me over the bench. I have a problem with being short.

SENATOR PEELER: I understand.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. JONES: I do.

SENATOR PEELER: Thank you. Would you like to make a brief statement.

MR. JONES: Yes, sir. Thank you.

It is my privilege to appear before you seeking a fourth term on the Board of Trustees again for the Fourteen Judicial Circuit.

It is my intention in seeking to serve on the board to become engaged in policy decisions for the university, and I am pleased to report that I have been successful in doing so by having been elected to serve as chairman of the Academic Affairs and Faculty Liaison Committee, chairman of the Ad Hoc Committee on Strategic Development, and member of the Buildings and Grounds Committee, Intercollegiate

Athletics Committee, and Ad Hoc Committee on Strategic Planning. I have also elected unanimous -- also been elected unanimously by the Board of Trustees to be the representative on the University of South Carolina Educational Foundation Board, on which I presently serve.

Serving as chairman of and as a member of so many committees is very time consuming, but I have found it is worth the time commitment and very rewarding to me to be able to serve in so many capacities.

I continue to share your concern with the ever-growing cost of tuition. And it is my belief that the administration also understands that our university must be affordable to all qualified South Carolinians, and we must conduct our business, set our goals, and understand our limitations accordingly.

It has been my extreme honor to serve on the USC Board for the past 12 years. And I would respectfully request your requalification in order that I might be able to serve for another term.

Thank you very much.

SENATOR PEELER: Thank you. Questions or comments?

Mr. Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

I notice that you say USC's biggest weakness is keeping students at the regional campus. Can you explain that to me a little bit?

MR. JONES: Well, I think that my concern there has been in the past and continues to be -- I have spoken about this with the president of the administration. -- that we want to make sure that we have adequate students in each one of the regional campuses to make them work from a financial perspective.

We have -- I have noticed and I'm sure each of you have noticed that we have a tendency to seek, open up avenues for students to be able to come to Columbia though they may not otherwise be qualified.

The problem with that, to me, is it's good for Columbia, but it's not great for the regional campuses where a young student can go and be closer to home and in the case of some of these -- some of the regional campuses actually be able to have a job and have a family. So I am -- that's been one of my concerns. That we make sure that we don't take students out of the regional system just for the sake of putting them in Columbia.

I understand that -- I understand the desire and the need, being the flagship school, but I am interested in making sure that there is a balance and that the balance includes those regional campuses at a smaller but still need to keep their growth up and still need to keep their populations up so that they can succeed and be able to perform as we expect them to.

REPRESENTATIVE WHITMIRE: I have heard through the grapevine, this may or may not be true, that Columbia administration isn't necessarily all in. I hate to use that phrase with the Carolina folks, but with the regional campuses. Is that true or is that just something that's floating out there?

MR. JONES: I would not -- I would not go that far. I would think that based on the discussions that I have had with President Pastides and the other members, his senior staff, that there is a strong desire to make sure that the all -- everybody is covered.

I remember when Dr. Pastides was -- I would happen to be on the selection committee. He made the comment that all -- when he talked about the University of South Carolina, he was talking about all of the university, all the comprehensive branches and the regional campuses. I believe that's still the case.

I think, however, as things have changed, you know, we have gone through a period, which is my group, the baby boomers, where most of our children have passed through school and now we're -- the pie has shrunk a bit. We expect that the -- as the millennials come through, we will have the opportunity to have a bigger pie. And it will be an opportunity for each school in the state, not just university campuses or regional campuses, to be able to get more qualified students.

And I'm hoping that will come sooner rather than later. I've been told in the next couple of years, and I can tell you different numbers based on the number of millennials that will have students that are at the university.

REPRESENTATIVE WHITMIRE: You know, we're limited statewide in funding here. And it seems to me that the Columbia campus feels that they're not getting adequate funding, and part of it's because it's being disbursed to the outlying campuses.

Do you agree or disagree with that?

MR. JONES: Let me -- if you don't mind, say that again to make sure I'm clear with your question.

REPRESENTATIVE WHITMIRE: You know, just about all of your colleagues have said there's not enough state funding from us coming to USC.

MR. JONES: Right.

REPRESENTATIVE WHITMIRE: And obviously if you didn't have the outlying campuses, probably more money would be coming to the Columbia campus. So what's your position on that?

MR. JONES: Well, I'm convinced that -- and it kind of goes back to what we were talking about a minute ago. I'm interested in making sure

that the regional campuses and some of the other comprehensive campuses, Aiken and USC Beaufort, have the opportunity to bring in students that are in that -- their regional areas of operation. USCB, for an example, that's where I'm close to being living in the Lowcountry.

To make sure that there are adequate students, and they are not necessarily enticed in to coming to Columbia even though it's a -- I think most of the students that apply to USC would like to go to Columbia but some are not quite as qualified as others, as we would normally expect.

REPRESENTATIVE WHITMIRE: Right.

MR. JONES: I think those students should be encouraged to go to the -- go to regional campus and spend as much time as necessary to qualify themselves to move on to Columbia, if that's what their goal in life is.

REPRESENTATIVE WHITMIRE: Okay.

MR. JONES: So that's -- that -- this whole issue of the problem that we have, of course, is -- one of the issues that we have is our business plan, and our business plan is really not a sustainable business plan. And that is a result of students -- in order to -- in order to keep things with the reduction in the amount of funds that we get from the state, we have to obviously make that up some way. And when we go through the process of making it up, it means more students. More students means just exactly what I said, more students.

And as a result of that, I think we are in a situation where that business plan is not going -- it's not sustainable. It's not going to work forever. It's kind of like a waterfall. It goes for a while. Because each one of those new students has to have housing and we're working on that now. USCB, as an example, we're working on housing there and certainly working on housing here in Columbia. So I'm concerned with that and how long we can sustain that. And I'm hoping that we will be able to come up with a formula that will allow us -- I'm hesitant in using the word "parody," so I won't.

But it is important to me to make sure that there is a -- there's equity in each one of -- each one of one of the schools being -- having the opportunity to, based on some standard established by the legislature, that we would have the opportunity to ...

REPRESENTATIVE WHITMIRE: Well, you know, it seems to me when you have an entire system about to grow to 50,000 students, I don't know if that's sustainable in a very small state with limited resources.

MR. JONES: That's a problem.

REPRESENTATIVE WHITMIRE: Yes. We would love to fully fund every public college in this state, but with all our other, you know, restraints, that's not going to happen. And so I do know that we had a

previous governor who was advocating closing down a lot of the branches. But then, again, there are a lot of young people in this state who would not be served if they weren't open.

MR. JONES: There is -- there is a philosophy, whether it's true or whether it's not, that as time goes by, unless we get these millennials into the process, that we're going to see the smaller schools, not necessarily part of the USC system, begin to merge and begin to come together. And it's all about money.

REPRESENTATIVE WHITMIRE: Right.

MR. JONES: And I think that probably makes some sense. I think that perhaps as an alternative to some of these -- this business model we're trying to follow now by bringing as many young people, because all of the campuses, all of the universities throughout our state are looking for qualified students just as hard as they can. So there's this competition that's going on.

REPRESENTATIVE WHITMIRE: We see that with S.C. State.

MR. JONES: Absolutely.

REPRESENTATIVE WHITMIRE: They don't have the students they used to have, and consequently, they are struggling.

MR. JONES: Absolutely.

REPRESENTATIVE WHITMIRE: And they are not the only ones.

MR. JONES: I agree with you a hundred percent. And I think -- I'm hoping that we will be able to work through this sooner rather than later because I don't want to see -- perhaps the argument could be made that we have too many colleges in South Carolina. And that's a perhaps.

REPRESENTATIVE WHITMIRE: Yes.

MR. JONES: And I understand that. I hate to see some schools -- smaller schools that can't sustain themselves have to merge together. And that troubles me a little bit because I think each school has its own unique background, its own unique type program. Which I think is very healthy. But I do think that from a dollars-and-cents standpoint things are going to have to change a little bit, and it perhaps may be that some of these schools do have to get together and work together.

REPRESENTATIVE WHITMIRE: I totally agree. We hate to see it, but that's the reality it looks like of the future.

Thank you for your response.

MR. JONES: Thank you.

SENATOR PEELER: Senator Scott.

SENATOR SCOTT: Let me -- very good discussion, but let me also share with you the ideology of merging. A lot of these schools are founded on different missions by the different schools, Episcopal

Church, Lutheran Church, AME Church, Baptist Church, and the likelihood of a smaller school merging, I don't think we're going to see that, not in your lifetime and my life, based on some of these schools have multiple schools that are funded across this country.

The other part is these schools play a different role than the normal state-supported schools. In many cases when you all don't take those students, those other schools accept those students and they become graduates and tax-paying citizens.

To that, the quality of education, when you talked about your outlying schools, there's a quality education in the outlying schools, but in Columbia I think I heard you say that they would work and then they could come to Columbia to maybe join the larger campus.

So persons seeking a degree in accounting, same courses, 101 courses, advanced, intermediate, is the quality of education different because they're in outlying versus that in the Columbia campus?

MR. JONES: Perhaps I think the issue is in most cases most of the university -- most of the schools, not the universities, but most of the schools will start in the first two years as having the same curriculum -- reading, writing, and arithmetic, for lack of a better word.

SENATOR SCOTT: Soft courses is what we should call it.

MR. JONES: Exactly. Then as you move into -- major into Columbia or if stay in another school and stay and finish there, your array of opportunities and classes and majors, of course, broadens because then you're getting into the phase of your education where you are looking down the road and saying, well, I better get serious about this because I want to be a doctor, a lawyer, engineer, or whatever. Whatever you may want to be.

So I do think there's a -- I do think for the first couple of years things are going to stay the same in most schools with some degree of difference, of course. Because each school is a little different. But once you get through the first two years, I think you are going to find there's more opportunity, more diversity, more opportunity to be able to take your degree on to -- into something that you would like to succeed in and --

SENATOR SCOTT: Major.

MR. JONES: -- and major in something that makes you feel more -- completes your education. And then, of course, you could take it on from there.

SENATOR SCOTT: What is your take as a member of the board in recruiting plan for the university -- I'm pretty sure you get a lot of

discussion on that. -- of recruiting more African-American students to the university?

MR. JONES: I don't think there's any question about it, there's a strong desire to have African-American minority students and South Carolinians. And we talk about that on a regular basis. And every time we have a strategic planning session, we talk about ways to increase those students.

Now, back to what I was referring to a minute ago, the pie, which used to be this big around to enable us to reach out and get qualified students from both the minority area and also the --

SENATOR SCOTT: Majority area.

MR. JONES: -- the powers that be, the pie now is that big. So everybody is -- because of the issue of the baby boomers, "we" being the baby boomer -- me being a baby boomer, my children have already finished. So the number, and I can't give you the exact size of the number that have reduced, but it is to the point now where we've got about another four or five years before the millennials start getting their students involved in college. At that point in time, the pie will begin to grow again. And at that point in time, I think we'll be able to be more selective and we'll be able to get more -- attract more minorities and attract more qualified students.

And that's what -- that's what our goal is and that's what my hope is, that we're able to do that before we get into a situation where, as I was explaining a minute ago, we find ourselves in a situation statewide, not just university, but we're having to merge schools. Put schools together. And I don't want to use any particular two, but there's been talk about various and sundry smaller schools coming together and whether that will occur or not, I just don't know.

SENATOR SCOTT: Well, you know, as the state grows, last ten years we grew about 600,000 people, which means at some point at least a third or a fourth of those we're going to have to educate.

MR. JONES: That's right.

SENATOR SCOTT: The flagship schools do have a responsibility, that's why they call themselves the flagship schools, to try to help us make the intake. And the smaller schools, which are private schools, do the best they can. Those that don't go to the flagship schools, we are to take them in. Funding is always an issue.

I didn't quite understand your concept with the shrinking and millennia, but I do hope that you guys develop a plan to look at how we make our flagship schools look like South Carolina.

MR. JONES: It's interesting to me. Living over near Salkehatchie, where -- and I always try to make a point of going to each of those graduations that I can because it's very, very meaningful to me to see the difference in the graduates. In most cases -- that's a two-year school.
SENATOR SCOTT: Right.
MR. JONES: In most cases you will see at the end of the line where the parents all gather around and hug the graduate, you will see grandmothers, you will see fathers, you will see folks that you will see a greater diversity of people. Most -- most of the students that have attended there have attended there because they needed to work, they needed to -- they needed -- they've got children. And it's very heartwarming, to me, to go to that particular graduation and see the opportunities that they have taken advantage of and to see how they have worked their way -- they've raised children, they've got a family and at the same time they've gone to college and they've got a degree. Some of them have a two-year degree and a lot have a four-year degree but most of them have a two-year degree.
SENATOR SCOTT: But that's the new wave of graduation, that the graduate is older.
MR. JONES: Yes, it is.
SENATOR SCOTT: I'm just hoping that we take a real big look and that's why right now South Carolina has so many online campuses coming in. I don't think we've done the best job we can to try to take care of students.
Thank you, Chairman.
SENATOR PEELER: Thank you.
What's the desire of the committee?
SENATOR ALEXANDER: Can I have two brief -- and I'll emphasize "brief" questions, please.
SENATOR PEELER: Hopefully the answers will be brief, also. Thank you.
SENATOR Alexander.
SENATOR ALEXANDER: Thank you. How long have you been -- it's good to see you this morning.
MR. JONES: Good to see you.
SENATOR ALEXANDER: Appreciate your service.
How long have you been on the board now?
MR. JONES: I've been on this -- this will be -- I'm --
SENATOR ALEXANDER: How many years are you completing?
MR. JONES: Eight years.
SENATOR ALEXANDER: Thank you, sir.

So you were on when you brought on the new president?
MR. JONES: Yes.
SENATOR ALEXANDER: And I see that as one of the strengths, and I think we've been remiss in saying early on I think that the board did a fantastic job.
MR. JONES: Thank you.
SENATOR ALEXANDER: And you have a very outstanding president at USC.
MR. JONES: I would agree with that.
SENATOR ALEXANDER: I think that -- how is your involvement in those eight years, have you -- just briefly characterize if you've made majority all the meetings, give me an impact there of your investment.
MR. JONES: Yes. I've made a point of going to as -- to make as many meetings as I possibly can. Unfortunately, year before last I was involved in a hunting accident and as a result of that, I missed some several --
SENATOR ALEXANDER: We understand health reasons thing. But when health is good, you know, over the years we've had some folks on these boards not just -- I mean not USC necessarily, but on boards that have not -- they ask to serve but then they don't serve when given the opportunity. So how would you characterize your service as being -- how would you characterize it?
MR. JONES: I have served as chairman of virtually every standing committee that the university has as enunciated in the constitution and bylaws -- constitution of the university.
SENATOR ALEXANDER: Thank you, sir. Thank you.
SENATOR PEELER: Any other questions or comments?
REPRESENTATIVE WHITMIRE: Favorable.
SENATOR PEELER: The motion is a favorable report.
All in favor say "aye."
(Members respond.)
SENATOR PEELER: Opposed, no.
And the ayes have it.
Thank you very much for your service.
Next, J. Egerton Burroughs, Fifteen Judicial Circuit.
SENATOR PEELER: Good morning, sir.
MR. BURROUGHS: Good morning.
SENATOR PEELER: Let me swear you in.
MR. BURROUGHS: My name is Egerton Burroughs.
SENATOR PEELER: First -- let me swear you in first. I know it's cumbersome, but I have to do it.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MR. BURROUGHS: Yes, sir.
SENATOR PEELER: Now, would you like to make a brief statement?
MR. BURROUGHS: Yes, sir.

My name is Egerton Burroughs. I've lived in Conway and Horry County and Georgetown County most of my life. I was a student at the University of South Carolina in the graduate program. I had to leave there and go to work at Jerry Cox Company, a retail store in Conway, when my father died. But I've been a merchant and involved in real estate most of my life in Horry and Georgetown counties.

This would be going on my third term, if you all are so kind to allow me to run again as a trustee. I was on the board for when Dr. Pastides was elected. It was my first meeting.

My attendance has been good. The worst time I've had was when I had a bout with cancer, which I've whipped, and my health is in good shape. If I'm elected, I should be able to serve without a problem.

I have chaired the governance committee. What we call governance, I guess. It's the audit committee. And as you will see in my resume, one of the things that I hope to serve if I'm elected to serve is maybe one day we can get a governance committee at the University of South Carolina.

But I have been on the Audit and Compliance Committee, the Student Affairs and Medical Affairs, and I've been engaged in those committees during my time as a trustee.
SENATOR PEELER: Thank you.

Questions or comments from the committee?
SENATOR Scott.
SENATOR SCOTT: I want to be fair to you as I've been with the rest of them.
MR. BURROUGHS: Yes, sir.
SENATOR SCOTT: Tell me a little bit about your outlook in recruiting minority students and staff and faculty at the university. What plan has the board -- you've been involved with in your eight years with this board in carrying out the plan?
MR. BURROUGHS: I'll try to answer that as fairly as I can. I think if you look at the composition of our board and you look at the composition of the administrative staff at the University of South Carolina, it's primarily white males.
SENATOR SCOTT: Correct.
MR. BURROUGHS: And that's part of the system. Is that the best system? I don't think it's reflective totally of our state. We are working

on making changes in that system. I hope we can get our staff, particularly faculty and administration, to be more representative across the board of the minorities in our state. We are not there yet. So I think you lead from the top, and we are working on that. We're addressing that issue.

The regional campuses play an integral part of educating of the people of the state of all diversities and races. And that's kind of where we are. We have a diversity officer. We work on this at retreats, and we discuss it. It's an area we know we need to address, and I think we are making every effort as a board and the administration.

Dr. Pastides has particularly worked on this, and I have seen more hires for females in the systems of all races. I think that's a beginning also.

We worked to get the internal auditor through the hiring process. She was a lady, which I thought was a very positive thing. The internal auditor is a high profile position at the University of South Carolina, and to see lady in that position I think is excellent.

SENATOR SCOTT: Thank you. And I really appreciate your honest answer on that.

MR. BURROUGHS: Yes, sir.

SENATOR SCOTT: Because it's -- I'm looking at the makeup of the board on the Sixteenth Circuit and we've got one African-American on the board. And in looking at most who today average age of those who we interviewed is over 65. And that is -- that does raise some real concern that the board is getting older. Not saying that you don't have good qualified people out there. The challenge is can that group meet the needs and meet the needs of the state and where do we go from there and we begin to look at their time coming to a close and new people coming on to address some of the issues in the state, especially with both segments of the population.

MR. BURROUGHS: I think you're right on target, and that's one of the things I think you'll see in my statement. If I'm kind enough to -- lucky enough, if you all feel fit enough to send me back, this will be my last time. I will be 74 at the end of my term if I'm elected and live out. I think it's time for some fresh blood, some fresh meat. And if you all don't want to send me back this time, you'll get some earlier perhaps.

SENATOR SCOTT: Thank you, Mr. Chairman.

SENATOR PEELER: Thank you.

SENATOR Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman. A couple of brief questions. Good morning. Good to see you this morning.

MR. BURROUGHS: It's good to see you, sir.
SENATOR SCOTT: How would you characterize your service on the board? I you know you mentioned some illness, but overall attendance, how long would you --
MR. BURROUGHS: I think mine's been pretty good. I had said I had a bout of cancer. I try to be active on the committees as a board member by telephone, if necessary. Any other jobs that they send me on to do as a trustee, if it's talking to people in the community, helping where I may, I'm always available.
SENATOR ALEXANDER: Thank you, sir.

One final question, if you could give me a brief answer. It says under the biggest weaknesses of the university is the current rise of enrollment, and, of course, you go on to say "and rise of tuition." We understand -- I think we've heard numerous times about the rise in tuition.

How is the -- is the enrollment too large at USC? Is that the weakness from that standpoint and has that been driven by the board or by the president?
MR. BURROUGHS: This is a personal opinion.
SENATOR ALEXANDER: I understand.
MR. BURROUGHS: I think each trustee hopefully is an individual, and I certainly am noted for that. I think we are building too much. Our costs of tuition, I think, is too high. The burden on the student when they leave the facility on the debt, not only USC but other schools, I think is high. I think we have got to address our spending habits. It's not a very popular thing to say. We can't blame it all on not having enough income because we're certainly raising the tuition to get the income.

But I think our cost of operation -- we have a study underway now. Hopefully we'll get it back very soon. For the first time since I've been here, will give us a true operating cost on each of the units to understand the programs that break even have to be subsidized by other programs. Very similar to what you all see in your own businesses. I think this will help us as a management tool to see the programs maybe that we can't afford to do.
SENATOR ALEXANDER: Thank you.
MR. BURROUGHS: That's just me.
SENATOR ALEXANDER: Thank you, sir.

Thank you, Mr. Chairman.
SENATOR SCOTT: Favorable report.
SENATOR PEELER: Motion is for a favorable report.

All in favor say "aye."

(Members respond.)

[HJ]

SENATOR PEELER: Opposed, no.
And the ayes have it.
MR. BURROUGHS: Thank you so much.
SENATOR PEELER: Thank you for your service.
Next, my trustee, Leah Moody. Sixteenth Judicial Circuit.
MS. MOODY: Good morning.
SENATOR PEELER: Good morning.
Let me swear you in.
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MS. MOODY: I do.
SENATOR PEELER: Would like to make a brief statement?
MS. MOODY: No. Other than thank you for having me. I don't know if I can be brief, but thank you for having me and allowing me to serve.
SENATOR PEELER: All right.
MS. MOODY: That's --
SENATOR PEELER: That's all?
MS. MOODY: Yes, sir.
SENATOR PEELER: Like I said, that's my trustee right there. Maybe I started off wrong. Brevity is a plus in my committee. And I was feeling pretty good this morning when I got here, but after hearing all these questions being white, male, and over 65, I think the end of time is coming.
SENATOR SCOTT: I don't know.
SENATOR PEELER: Thank you. Thank you for your service.
Any questions or comments for Ms. Moody?
SENATOR Scott.
SENATOR SCOTT: Ms. Moody, how are you this morning?
MS. MOODY: I'm well. And yourself?
SENATOR SCOTT: I'm going to ask you some of the same questions I've asked some of your colleagues and maybe you have a little different perspective than what I've heard from them.
First, you're surrounded by a much, much older group who has run the university for a long, long period of time.
MS. MOODY: Thank you.
SENATOR SCOTT: And my issue has been, and even in looking at Sixteenth Circuit, you're the only African-American member on the board. And I can't remember one time the board ever having more than one. And I don't like the terminology that they use when they say "You just got one."

The reality is recruiting of African-American students to the university, I've got numbers, average about 15 percent. The outlying area's a little large. What is your take in terms of the board policy and the direction the board is going in to try to improve those numbers?

And for this reason. We've got other schools that we've interviewed, and they had numbers as high as 50 percent. 30 has been a pretty decent number that's reflective of what the state actually looks like. Since you've been there, and I think this is the third term?

MS. MOODY: Half of one. This will my third term.

SENATOR SCOTT: Yeah. Tell me, what do you take back from this group because at some point, if you continue to serve on the board, because you're the youngest member of the board, you will probably be the senior member of the board if you continue to serve on this board for any long length of time because I guess your average age of those who we interviewed this morning is over 65.

MS. MOODY: Okay.

SENATOR SCOTT: So most of them are 20 years your senior, plus or minus. Tell me about your take in terms of what this board policy has been, in terms of recruiting, identifying, especially in the intake system, the freshmen coming in to make sure the university meet and recruit a number of good African-American students. Because not all of them need remedial to come in.

MS. MOODY: Right.

SENATOR SCOTT: They just don't get selected, they end up going elsewhere.

MS. MOODY: Well, I think since I've been there, I came on the board in 2009 and I was appointed to fill Sam Foster's unexpired term. And looking at the numbers, I know that the numbers probably look like we've gone down, but when you look at the number of students we have started accepting -- so, like, in my questionnaire, I talked about how the enrollment has increased at a steady rate of about 2 percent since over the last 25 years. And that's based on the study from the commission on higher education, and that is a 2015 study. We will continue to have growth. And that growth will be for research universities, not just the University of South Carolina, to a tune of about 16 percent.

So we're steadily increasing the number of students that we bring in. So when you increase on the number of students that we bring in, the percentages are going to change. So you have to look at the raw number.

I do have copies of our percentages for enrollment by the campuses. I taught a class this morning, so I have some sheets for you.

But I think we're making great strides. I think we've done some things that are new for the university, and I think that's with the vision of President Pastides as well as the board members.

And I think the board is truly committed to having a diverse group of students. And the reason I why I say that is because in the overall picture of having a diverse group of students, not just racial composition, but gender as well as, you know, socioeconomic, rural versus urban areas, that helps our students' experience at the University of South Carolina to be one of the best. And so it prepares them for, you know, work outside of the university.

So I think our policies are in place and that we are -- it's a slow track to get where we want to be.

I recently spoke to the South Carolina -- excuse me, the University of South Carolina Black Alumni Council, and that was one of the questions that they had. They were concerned about the enrollment of African-American students and, yes, our numbers have gone down. Particularly looking at male -- African-American males. And you really have to look at the numbers because the numbers change based on, you know, how many students we have overall and then the choices that they make.

So when you talk about what students are -- where students are coming to school and what their parents decide, most of the students that I come in contact with, it has been economics. It has been, you know, they have family situations that cause them to want to stay near. Particularly at that forum that I spoke at on February 17th, they talked about why they came to the university. They came to the University of South Carolina because of the money. They came to the University of South Carolina because their grandparent was ill, and they wanted to stay close.

One student came because their brother was coming -- getting ready to come to college, but they were in high school. They wanted to have -- still have some kind of hands-on experience with their brother as they grow up.

When I talk to some students and some of the students said -- I taught in children's church here in Columbia when I lived in Columbia, they are qualified to get into honors program, but they want to leave Columbia or they don't want the rigors of the honors college. So they just want to be, as one student said to me, a regular student.

So I think that has some impact on it. I think the university can do everything as far as like recruiting. I see all our billboards. I know that we have people in different places. I hosted the -- I can't remember what we exactly called it, but it was all the freshmen coming to the university.

And I hosted along with different alumni to get students to come. And I tried to get students to come out and ask all the questions.

So it's part personal choice, but I think the university is on the right track and does as much as it possibly can do to recruit African-American students or diverse groups of students.

SENATOR SCOTT: I appreciate your service.

MS. MOODY: Thank you.

SENATOR PEELER: Thank you.

SENATOR Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

One brief question. And thank you for your observation. Appreciate your continued service that you're providing to the university.

Your involvement, and obviously as I've heard the response to the Senator from Richland, you've been heavily engaged in different things on behalf of the university, how would you characterize your service as a member of the board as far as attendance at board meetings and things of that nature?

MS. MOODY: I smile because they probably feel like, "Please be quiet, Leah." But I participate, you know. I participate heavily. I'm very engaged. I think that everybody attends all the meetings. I attend all the meetings that I can but for court, which is, you know, I get continuances in my cases and I get protection so I can --

SENATOR ALEXANDER: So there are some meetings you have to miss as a result of your work?

MS. MOODY: I think since 2009, I've missed two meetings.

SENATOR ALEXANDER: Thank you. Thank you.

SENATOR PEELER: Thank you.

Any other questions or comments?

SENATOR from Rock Hill, I'm sure you have an opinion.

SENATOR HAYES: I think you've done an outstanding job on the board, and I'm honored to have her represent the Sixteenth Circuit. And I would like to move a favorable report.

SENATOR PEELER: I'll second it.

All in favor say "aye."

(Members respond.)

SENATOR PEELER: Opposed, no.

And the ayes have it.

Thank you for your service.

SENATOR SCOTT: Representative McLeod.

SENATOR PEELER: I'm sorry.

REPRESENTATIVE MCLEOD: It's all right.

SENATOR PEELER: Representative McLeod.
REPRESENTATIVE MCLEOD: Well, I wanted to thank Ms. Moody for her service and to also ask a question that I asked earlier about just the make-up of the board. And I think our chairman addressed a very good issue or a very strong -- made a strong recommendation, I think, about just our ability to impact the diversity of the board.

What are your thoughts on that?
MS. MOODY: Well, I will say since I've been there, I think my first board meeting there might have been one lady sitting around the table, and she was there by virtue of her position as the president for the alumni association. When she left, then there was me.

Since then we hired a female secretary, in which I was involved in that and very proud to be involved in that. And we have a new provost, Joan Gable, who is from Missouri. And she's an added addition this year. And I think that -- while I don't know how you address that, I think I got asked that question by The Post and Courier. And I was misquoted. And I had to call the lady back and talk to her about it because I was misquoted and I --
SENATOR PEELER: Welcome to our world.
MS. MOODY: I got beat up by a lot of women because I presented to her what my experience was. I have the time to offer to serve. Of course, you all probably are familiar with my mother and that was instilled in us. And so I have the time to offer. I'm not married, and I don't have any kids so I don't have those -- and I'm not saying that someone who is married and has kids, they cannot do it, it's just a time commitment. Like if you have to come down here and you have to run, you have to offer yourself up. And I think outside of that, you have to get beyond any kind of fear that you might not be able to do the job. So ...
REPRESENTATIVE MCLEOD: Do you think it would be helpful if the General Assembly began to address some of those issues? Not just with the University of South Carolina but with some of our larger public institutions.
MS. MOODY: It wouldn't hurt. I think it definitely wouldn't hurt, but I don't know how you accomplish that without -- you know, Senator Peeler made the comment, "I feel like it was the end of time." It's not the end of time. And so like when you talk about diversity, most people think about race and we have those conversations at our board meeting. We have on our metrics diversity. And I think that, you know, everybody's aware of it.

But talk about diversity, you have to make sure that you do not alienate any other group of people. So I don't know whether that's you make the

board larger. I don't know that that's necessarily a good thing. And then people have the -- I don't know how you survey to find out whether people really want to run. Because, you know, you have to have a job that would allow you to come down here and, you know, miss work. Because we have some -- sometimes marathon meetings. It's important issues where you're talking about a system. So it's kind of -- it's kind of hard to evaluate. You have to --

REPRESENTATIVE MCLEOD: Right. I just want to know how we -- what your thoughts are about how we move beyond just acknowledging that there's a need to diversify the board and other aspects of the university. And, you know --

MS. MOODY: Well, I think that's something that the university has -- I don't think it is just incumbent upon you all as legislators because you can't do everything. You have your constituents that you're having to deal with. I'm quite sure you're having to deal with the students that call you who are at the University of South Carolina. And so that's a lot.

So when you talk about the university's role in this, that's something that we have to be cognizant of. And I think I applaud the efforts that Pastides and his administration has taken in terms of adding the metrics to our metrics overall. Because we look at everything. We compare ourselves to our peers. We want to know what other people are doing. And by the way we added the metrics and taking the steps to, like, address those issues, not just having a body come over and tell a group that's getting ready to make a hire what diversity is, but adding it. And people are understanding that that's what we're watching, I think that is a positive step forward.

Because if you don't pay attention to it, it's kind of like out of sight, out of mind. We get our metrics on a regular basis. We're going to see that. And I think the board as a whole wants to have the best plan that we possibly can have and we're going to ask those questions as to why this is -- why haven't we improved in this category? What are our peers doing? We ask those questions constantly.

REPRESENTATIVE MCLEOD: Okay. Thank you.

SENATOR PEELER: Ms. Moody, the word of the day is "commitment," and we sure appreciate yours and the commitment of the entire Board of Trustees at USC.

MS. MOODY: Thank you.

SENATOR PEELER: Thank you.

All in favor say "aye."

(Members respond.)

SENATOR PEELER: Opposed, no.

And the ayes have it.
MS. MOODY: I'll give you all these sheets for the information.
SENATOR PEELER: That completes our meeting for this morning. When do we start back?
MS. CASTO: 9:00 in the morning.
SENATOR PEELER: 9:00 in the morning. Adjourn.
(The hearing adjourned at 10:50 a.m.)

JOINT LEGISLATIVE COMMITTEE TO SCREEN CANDIDATES FOR COLLEGE AND UNIVERSITIES BOARD OF TRUSTEES SCREENINGS

Date: Wednesday, March 16, 2016
Time: 8:55 a.m.
Location: Gressette Building
1101 Pendleton Street
Room 407
Columbia, South Carolina

Committee Members Present:
Chairman Senator Harvey S. Peeler, Jr.
Senator John L. Scott, Jr.
Representative William R. "Bill" Whitmire
Representative Phyllis J. Henderson

Also Present:
Martha Casto, Staff
Julie Price, Staff

Proceeding 9:13 a.m.
CHAIRMAN PEELER, JR.: Let's go ahead and get started. Some members are having other meetings and couldn't come along.
This is the Joint Legislative Committee to Screen Candidates for College and University Boards of Trustees. I'll call the meeting to order.
First up is Wil Lou Gray Opportunity School. Angela Hanyak?
MS. HANYAK: Yes, Hanyak.
CHAIRMAN PEELER, JR.: Hanyak, from North Charleston.
Make sure your speaker is on and burning green.
MS. HANYAK: Good morning.
SENATOR SCOTT: Good morning.

MS. HANYAK: Can y'all hear me?
MS. CASTO: Yes.
CHAIRMAN PEELER, JR.: I can.
Let me swear you in first.
MS. HANYAK: Absolutely.
CHAIRMAN PEELER, JR.: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MS. HANYAK: I do.
CHAIRMAN PEELER, JR.: Would you like to make a brief statement on why you'd like to serve?
MS. HANYAK: Absolutely.
I have a passion for helping at-risk adolescents. In the Charleston area, I have been a mentor with an organization called Be a Mentor, and I'm seeking this board seat in the hopes of making a more systematic impact on the at-risk adolescent population in the state of South Carolina.
CHAIRMAN PEELER, JR.: Good. Thank you.
Members, you have the information in front of you. Any questions or comments?
REPRESENTATIVE WHITMIRE: How much do you know about Wil Lou Gray?
MS. HANYAK: I know a good bit about both the founder and the school. I visited the campus on January 22nd this year. I was very graciously shown around by Director Smith. He gave me a wonderful sort of history, a recent history of the school. He told me a little bit about the profile of a typical student, the challenges that the school may face, and the successes that the school has faced.
So I do believe that I have a good understanding of the school, its mission, and what needs to be happening for the school in the future for it to be successful.
REPRESENTATIVE WHITMIRE: Well, I've never visited Wil Lou Gray. I need to, but I've heard nothing but good things about the students. And the young men and women who visit with us, I'm just highly impressed. So somebody's doing a great job. So I hope that you will, you know, continue that.
MS. HANYAK: Yes. I think it's quite an impressive school for the state to boast, and I'm really excited about the opportunity to contribute in any way to it.
REPRESENTATIVE WHITMIRE: Great.
Speaking for Ms. Henderson and Ms. McLeod, who are not here, we're glad to have some diversity coming on the board. So thank you.

MS. HANYAK: Wonderful. Thank you.
CHAIRMAN PEELER, JR.: Mr. Scott?
SENATOR SCOTT: (Shaking head.)
CHAIRMAN PEELER, JR.: Thank you.
Any other questions or comments?
REPRESENTATIVE WHITMIRE: Move for favorable.
SENATOR SCOTT: Favorable report.
CHAIRMAN PEELER, JR.: All in favor, say aye.
ALL MEMBERS: Aye.
CHAIRMAN PEELER, JR.: Opposed, no; and the ayes have it.
Good luck to you.
MS. HANYAK: Thank you.
CHAIRMAN PEELER, JR.: Next, Reginald J. Thomas from Spartanburg, at-large seat.
MR. THOMAS: Good morning.
CHAIRMAN PEELER, JR.: Good morning.
SENATOR SCOTT: Good morning, Mr. Thomas.
CHAIRMAN PEELER, JR.: Let me swear you in.
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MR. THOMAS: I do.
CHAIRMAN PEELER, JR.: Thank you. Would you like to make a brief statement on why you'd like to serve?
MR. THOMAS: Yes, sir. It's an honor for me to even sit here and be considered to be a board member for Wil Lou Gray Opportunity School because this is something that I've been doing all of my life. When I read all about what Dr. Gray's legacy was all about, I surely would like to continue her legacy. Looking at what the school does and what she did runs parallel with my DNA.
I'm one who will and has always been providing service to mankind, especially our youth, our teens, our young adults. And I just think that my strength of what I do and can do can be offered, and I'm honored to even be considered.
CHAIRMAN PEELER, JR.: Mr. Whitmire.
REPRESENTATIVE WHITMIRE: Welcome, sir. I'm glad that you're willing to serve.
I'm reading here that you said that it's 30 percent in state versus out of state. How many out-of-state students are served by Wil Lou Gray?
MR. THOMAS: I don't know. But in answering that question, I did not know whether they had out-of-state students or not.
REPRESENTATIVE WHITMIRE: I wouldn't think there would be.

MR. THOMAS: I know -- yeah. Most of our institutions around the state have out-of-school -- out-of-state students, but I wouldn't think that Wil Lou Gray Opportunity School would, knowing the kind of students they take in from around the state. I was just generally answering the question. I did not know it at that time whether they did or not.

So had they taken any students, that would have been my answer.

REPRESENTATIVE WHITMIRE: I'd be interested to know also. Maybe someone coming after you could answer that.

MR. THOMAS: Since reading the information and following up on the history of the school, no, sir, they don't.

REPRESENTATIVE WHITMIRE: Okay. Well, thank you, sir. Good luck.

CHAIRMAN PEELER, JR.: Mr. Scott, do you have a question?

SENATOR SCOTT: No.

CHAIRMAN PEELER, JR.: What's the desire of the Committee?

REPRESENTATIVE WHITMIRE: Favorable.

SENATOR SCOTT: Favorable report.

CHAIRMAN PEELER, JR.: Motion is a favorable report.

All in favor, say aye.

ALL MEMBERS: Aye.

CHAIRMAN PEELER, JR.: Opposed, no; and the ayes have it.

Thank you for your service, and I know you'll do a great job.

MR. THOMAS: Have a blessed day.

CHAIRMAN PEELER, JR.: Thank you. You too.

Doris McAdams, at-large seat. She's an incumbent.

SENATOR SCOTT: Adams. It's Adams.

CHAIRMAN PEELER, JR.: How do you do, ma'am?

MS. ADAMS: Good morning.

CHAIRMAN PEELER, JR.: Let me swear you in. Raise your right hand.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MS. ADAMS: I do.

CHAIRMAN PEELER, JR.: Thank you.

Would you like to make a brief statement?

MS. ADAMS: Well, I have served on the board -- this would be my third time, and I started serving in 2008. We all know about Dr. Wil Lou Gray, "Why stop learning?" I'm a former educator. I've always worked with children, and it's always a pleasure to see children that are at risk, having problems being able to be successful and to find employment.

And this is what her mission was. When she started out 95 years ago, she was interested in the undereducated adult. We're working with at-risk youth between the ages of 16 and 19, and it is always a pleasure to see them experience success again in the workforce and be productive.

SENATOR SCOTT: Mr. Chairman --

CHAIRMAN PEELER, JR.: Ms. McAdams, your institutional motto is going to help us a lot. I hear great things about Wil Lou Gray. Wil Lou Gray's mission, is it similar to John de la Howe? What's the difference between the mission of Wil Lou Gray and the success of Wil Lou Gray that I hear is just the opposite about John de la Howe, funding and so forth? Do you know?

MS. ADAMS: You know, I think the stakeholders have a lot to do with success, whether one has success and whether or not one does not have success. When we have the right students with Wil Lou Gray and we have the right staff, that is very important. When we have families that are supportive and when we have a director and a board and, of course, I cannot forget you legislators -- when we have you on our side, I think that's the reason there's a big difference.

CHAIRMAN PEELER, JR.: Thank you, Ms. Adams. I called you Ms. McAdams.

MS. ADAMS: When you said McAdams, I said, Where is she?

MS. CASTO: It's Doris M. Adams.

MS. ADAMS: Doris M. Adams.

MS. CASTO: I'm sorry.

CHAIRMAN PEELER, JR.: Senator Scott has a question.

SENATOR SCOTT: I can only say good things about Ms. McBride Adams. Ms. McBride at the time I first graduated from the college, she was one of my earlier teachers in elementary school.

And so she's been an educator all of her life, always an excellent teacher, professional, and no nonsense. And I can say that she's a wonderful person to be on that board.

And at the appropriate time, I would be more than happy to move her forward.

CHAIRMAN PEELER, JR.: I've been wanting this moment for a long, long time. I have you under oath about Senator Scott.

SENATOR SCOTT: And she has my permission to be honest.

CHAIRMAN PEELER, JR.: How many times did you send him to the principal?

SENATOR SCOTT: They didn't do that at that time. That would be in class.

MS. ADAMS: I'm sure that you all have heard that the students were a little different, and coming from homes where the parents put their foot down, that made a difference, and the encouragement that you had from the parents.

And I see this a lot with some of the letters that our director receives from parents, and they are just elated. I mean, they are so happy when their children get on the right track and be productive, and that is our mission. That's our mission.

CHAIRMAN PEELER, JR.: Thank you. I can see now why you're such a good board member.

SENATOR Scott moved for a favorable report.

SENATOR SCOTT: Favorable report.

CHAIRMAN PEELER, JR.: Wait.

REPRESENTATIVE Whitmire.

REPRESENTATIVE WHITMIRE: Thank you.

A pleasure to meet you, Ms. Adams.

MS. ADAMS: Thank you.

REPRESENTATIVE WHITMIRE: I notice that you said that you're concerned about turnover of staff. Is it prevalent or just a small amount?

MS. ADAMS: No. You know, I felt like I had to mention it because whenever we get information at the board meetings, we look over the hires and the resignations. And I noticed that in the human specialist II area, it seemed like it was a large turnover. Not a large turnover; maybe one or two each time.

And I began to wonder. I said, Well, I wonder what the problem is there. You know, maybe it's salary, employment, problems at home. I just don't know, but --

REPRESENTATIVE WHITMIRE: Is the staff on the same pay scale as, say, public education or a different one?

MS. ADAMS: No, I'm not too sure about that.

REPRESENTATIVE WHITMIRE: And I wonder if that's --

MS. ADAMS: If that is the reason?

REPRESENTATIVE WHITMIRE: Maybe it could be, because I'm sure it's stressful in some ways.

MS. ADAMS: Yes, definitely.

REPRESENTATIVE WHITMIRE: Thank you.

CHAIRMAN PEELER, JR.: Motion is a favorable report on Doris M. Adams.

All in favor, say aye.

ALL MEMBERS: Aye.

CHAIRMAN PEELER, JR.: Opposed, no; and the ayes have it.

Thank you for your service.
MS. ADAMS: Thank you. And thank you for aiding and helping the Wil Lou Gray School because we really need the funding and everything, and we really appreciate that.
REPRESENTATIVE WHITMIRE: Mr. Chairman, if I may, you were mentioning de la Howe. You know, we don't get to screen the de la Howe candidates. I'm wondering if that's -- if they came before us, maybe -- but who knows.
MS. CASTO: Next.
CHAIRMAN PEELER, JR.: Bryan B. England, at large.
MR. ENGLAND: Good morning.
CHAIRMAN PEELER, JR.: Good morning, sir.
MR. ENGLAND: Good morning, sir.
CHAIRMAN PEELER, JR.: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MR. ENGLAND: I do.
CHAIRMAN PEELER, JR.: Would you like to make a brief statement?
MR. ENGLAND: I would only say that it's been an honor to be on the board for the -- I guess about the past 12 years. I got on this board because I believe in what they do. I still believe in it, and I think it provides a great service to the citizens of this state. And I'm just honored to be a part of the board and to help it out in any way I can.
Thank you.
CHAIRMAN PEELER, JR.: Questions or comments?
REPRESENTATIVE Whitmire.
REPRESENTATIVE WHITMIRE: Good morning, sir.
MR. ENGLAND: Good morning.
REPRESENTATIVE WHITMIRE: I'm a former educator, so I can identify with Ms. Adams.
That structured environment you mentioned, that's obviously the key. That's, unfortunately, why we're having so many problems, in my opinion, in public education today. We've just gotten way too many children who don't have parents or anyone. If they do have parents, they're not much of a parent.
So that's why I think Wil Lou Gray is such a godsend to some of these children. I know you're not going to reach all of them, but, you know, if you reach one, that's a success story.
So thank you -- for all four of you -- for your willingness to serve.
(Ms. Henderson enters the room.)
CHAIRMAN PEELER, JR.: Senator Scott, any questions from you?
SENATOR SCOTT: Favorable report.

CHAIRMAN PEELER, JR.: Ms. Henderson, welcome.
REPRESENTATIVE HENDERSON: Thank you. I'm sorry.
CHAIRMAN PEELER, JR.: Any other questions for Wil Lou Gray?

We're done.

Let me ask you, with your experience, what's the common denominator of the student or child that comes to Wil Lou Gray? What's the trigger and who does -- the administrators of different school systems or parents or --
MR. ENGLAND: You know, I --
CHAIRMAN PEELER, JR.: -- how do they know? How does my constituent know that there is a Wil Lou Gray?
MR. ENGLAND: Well, we definitely increased our advertisement and communication with the school system and just to the general public. And, you know, one thing I just -- this is a side answer, but I like having my car sticker that says Wil Lou Gray, because when they see it, you'd be surprised, you know, when people ask you a question. "Well, tell me about Wil Lou Gray." My father knew about Wil Lou Gray because he was an old law enforcement guy way, way back, and he thought the world of Wil Lou Gray, and he'd be happy that I'm on this board.

But, you know, coming up here this morning, I heard something on the radio that said that -- you asked about common denominators. Forty-one percent of the children born in America today are born in a single-family environment. That's an awful lot.
REPRESENTATIVE WHITMIRE: And it's growing.
MR. ENGLAND: And it's growing.

And when I think about homes and stability in the homes and kids that I know, I kind of go back to that; and not only with that, but the stability in that home. Is there one of those parents on drugs, for instance, or do they have a criminal background? If you know those kids, you know there's a lot of these kind of factors that enter into it. But I don't think there's really one; I think there's a multitude of them.
REPRESENTATIVE WHITMIRE: One more question. How many students do you serve?
MR. ENGLAND: We probably, on a quarter system, are somewhere around 600 a year, something like that. Pat could tell you exactly.
REPRESENTATIVE WHITMIRE: How long do they stay?
MR. ENGLAND: They are on a quarter system, about 14 weeks a quarter. I think that's right, something like that. Now, they may stay longer than that, and some will stay --
SENATOR ALEXANDER: They finish the quarter then go back --

MR. ENGLAND: It depends on, I think, whether they've gotten their GED and made the progress that they need to make. And some of them, they're allowed to come back to stay longer to get it.

REPRESENTATIVE WHITMIRE: As Chairman Peeler said, we're trying to wrap our hands around this issue we have with de la Howe. And to be quite frank, they aren't succeeding. And then we see your school, and it's a success. I wonder if we maybe can incorporate some of your practices, you know.

MR. ENGLAND: Well, the structure, like I told you, the disciplined environment --

SENATOR ALEXANDER: The military -- yeah.

MR. ENGLAND: -- getting good quality administrators all throughout in those classrooms and then a principal in the school, you've got to have strong people there that are interfacing with these kids. They are a special challenge, and it takes top-quality people. You can hire a few weak links, and it can hurt you.

REPRESENTATIVE WHITMIRE: That's true.

As Chairman Peeler also said, how do you hear about it? I've been an educator for 30 years, but I'm 150 miles away. I haven't heard anything about it. I've heard of the school, but I knew nothing about it.

So it seems to me that maybe we can outreach toward outer parts of the state a little better, because it's such a wonderful opportunity. We've got students with the same problems.

MR. ENGLAND: We do. Chairman Smith, now he publicizes a statewide map which shows where each one of the kids are coming from, what county. It's always interesting to look at, you know, where the kids are coming from.

REPRESENTATIVE WHITMIRE: Who makes the recommendation to send them?

MR. ENGLAND: Well, I think it can come from a variety. They have to apply. They have an application process, and they'll call the school, and they'll go through an admissions process.

Now, they might be notified by -- someone at the school about them. They might have a friend that's told them about it. They can hear about Wil Lou Gray a lot of ways.

REPRESENTATIVE WHITMIRE: I just wondered if they've gotten in trouble with the law or something like that, and that was there instead of incarceration possibly, you know --

MR. ENGLAND: You know, I would --

REPRESENTATIVE WHITMIRE: -- DJJ, they go through Wil Lou Gray.

MR. ENGLAND: I don't know exactly, but I do know -- I would think that we would have probably stronger relationships with law enforcement, some counties that may recommend more than others and -- but I think word of mouth. Nothing beats word of mouth, and kids know if they've got a friend that went down there, and all of a sudden they turned themselves around and is making progress and they tell somebody else. You can't beat word of mouth.

REPRESENTATIVE WHITMIRE: Well, thank you. Discipline and structure, that's the key, obviously. So thank you.

MR. ENGLAND: Thank you.

CHAIRMAN PEELER, JR.: Any other questions?

Motion is a favorable report.

All in favor, say aye.

ALL MEMBERS: Aye.

CHAIRMAN PEELER, JR.: Opposed, no; and the ayes have it. Thank you, sir.

SENATOR SCOTT: Mr. Chairman.

CHAIRMAN PEELER, JR.: Yes, Senator Scott.

SENATOR SCOTT: And I know before we take a break, I just wanted to add a little something to the conversation, but I didn't want it to interfere with getting these last questions.

There are about three to four mainstream programs out there: Wil Lou Gray, Youth Challenge, and the program we all have some concerns about over in McCormick, and I don't know how the House is dealing with and looking at the structure. Youth Challenge has been so successful for a long time because of military relationships, but it's more military structured. I've not had a chance to go and look at the other school that's mentioned several times again to see in my evaluating what may be the problem.

But you've got to remember these other two programs are urban programs, and trying to design a program and a rule of structure is a difficult program. Even if we get Youth Challenge with Wil Lou Gray, Youth Challenge has also been set on the Clemson University, and Aiken had a little different twist to it.

And so we may need to look at the program structure in what we ask the program to do and can the school actually be given manuals and some other tools we need to give the program, because at the end result of it is can we move these children forward and get them a GED, get them back in the mainstream. And I know that we created alternative schools, and these schools are dumping these kids either back in the street or they don't make it, and some families are trying to give them a tool by going

to these different programs and trying saving these children. But, I mean, it's worth looking at and really having some real conversation.

And if maybe restructuring the board might be an answer, I don't know, or just looking at what the actual program is. I think the House looks somewhat at it, but it hasn't had a real -- a lot of communication --

REPRESENTATIVE WHITMIRE: Right.

SENATOR SCOTT: -- from what I've gotten from it.

REPRESENTATIVE WHITMIRE: Well, Senator, I believe de la Howe has been around since 1797, so it would be a real shame if we had to close it because they're having problems. I can tell you that Representative Bingham, who is over public education, has mentioned Clemson taking it over. But I'm not sure that would be the best. That's my opinion.

SENATOR SCOTT: But I don't think you fix programs talking about programs. They can fix programs with institutional knowledge and also looking at --

REPRESENTATIVE WHITMIRE: Yes, and you're right. It's in a rural area.

SENATOR SCOTT: -- educational programs to tell you how you fix the --

REPRESENTATIVE WHITMIRE: Way in a rural area.

SENATOR SCOTT: No question.

REPRESENTATIVE WHITMIRE: So they have different challenges, that it's not military.

SENATOR SCOTT: Right.

REPRESENTATIVE HENDERSON: So I'm sure the discipline is not nearly as, you know, in place as it is at Wil Lou Gray. I just don't want to see it close. And that's my worry.

SENATOR SCOTT: You have my commitment to whatever I can to help to look at that program and bring it --

REPRESENTATIVE WHITMIRE: We're working on that to definitely see what we can do.

SENATOR SCOTT: Thank you so much.

CHAIRMAN PEELER, JR.: Thank you.

That completes our agenda for this morning. We'll break until 4 o'clock. At that time we'll take the Medical University of South Carolina incumbents.

(The screenings adjourned at 9:37 a.m. and will reconvene at a later date.)

WEDNESDAY, APRIL 20, 2016

JOINT LEGISLATIVE COMMITTEE
TO SCREEN CANDIDATES
FOR COLLEGE AND UNIVERSITIES BOARD OF TRUSTEES
PUBLIC HEARINGS

Date: Monday, April 11, 2016
Time: 3:06 p.m.
Location: Gressette Senate Building
1101 Pendleton Street
Room 209
Columbia, South Carolina

Committee Members Present:
Senator Harvey S. Peeler, Jr., Chairman
Representative William R. "Bill" Whitmire, Vice-Chairman
Senator Thomas C. Alexander
Senator John L. Scott, Jr.
Senator Robert W. Hayes, Jr.
Representative Mia S. McLeod

Also Present:
Martha Casto, Staff
Julie Price, Staff

SENATOR PEELER: If there's no objection, we'll go ahead and get started. We would like to welcome everyone. This is the Joint Legislative Committee to Screen Candidates for Colleges and University Boards of Trustees.

First, we have Francis Marion University. Mr. Benny Joe "Jody" Bryson from Greenville.

Would you come forward.

Take a seat and make sure your light is burning green.

MR. BRYSON: I see a green light, Mr. Chairman.

SENATOR PEELER: I can hear you. Okay.

For the record, if you would state your name.

MR. BRYSON: My name is Benny Joe Bryson, otherwise known as Jody.

SENATOR PEELER: Thank you, sir.

Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. BRYSON: I do.

SENATOR PEELER: Do you have a brief statement on why you would like to serve on the Francis Marion board?
MR. BRYSON: Yes, sir. I'm a longtime supporter of our higher education here in South Carolina. I think it fills a vital role for our citizens, especially when it comes to raising the level of income and economic development opportunities for our citizenry.

I've been very privileged to be able to serve the last four years on the Francis Marion board. I believe they do an exceptional job of combining education opportunities and economic development in the Pee Dee area and the entire state.
SENATOR PEELER: Thank you, sir.

Any questions or comments from members of the committee?

Mr. Bryson, you've been the board since 2013?
MR. BRYSON: Yes, sir.
SENATOR PEELER: 90 percent in-state. How many instate students do you have?
MR. BRYSON: I think the average is about 92, 93 percent, the last report we received from staff, so it's a very high percentage.
SENATOR PEELER: I see where you said the biggest strength is Fred Carter.
MR. BRYSON: He does an exceptional job. Under his leadership, I think the university has really expanded into a number of private and public partnerships that have benefited the students and the local community.
SENATOR PEELER: Definitely an asset to the university.
Senator Scott.
SENATOR SCOTT: Thank you. Thank you for serving.

Tell me a little bit about your diversity program at Francis Marion.
MR. BRYSON: Yes, sir. We have a diversity initiative and an office with dedicated staff. In fact, this year I have the privilege of serving as chair of our Athletics and Student Affairs Committee, so we receive a very detailed report each quarter at our board meetings from the head of those departments.

I think they do a very nice job. And they've really engaged the student body in those initiatives over the last several years, and I think that has produced excellent results.
SENATOR SCOTT: Tell me about the makeup of the student body population.
MR. BRYSON: It's roughly 45 percent minority, 55 percent other. And I think that's been a very healthy mix for the school.
SENATOR SCOTT: Thank you, Mr. Chairman.

MR. BRYSON: Thank you, sir.
SENATOR PEELER: Senator Hayes.
SENATOR HAYES: I notice where your full-time job is with the South Carolina Technology and Aviation Center.
MR. BRYSON: Yes, sir.
SENATOR HAYES: How does that work that you do regularly tie in to your service on the board?
MR. BRYSON: We are a big believer in partnerships. The South Carolina Technology and Aviation Center is a 51-year-old business and aviation park, but we work with multiple partners such as Clemson University ICAR, such as Greenville Technical Colleges to try to identify opportunities for not only the employees who work at the park but their dependents and those who might be looking for job opportunities in the future.

And so I understand the value of public/private partnerships, and I try to apply that thinking to the things that I'm involved with at Francis Marion because I think that's a model that can be replicated. And they do a fine job of partnering with industry in the Pee Dee, so a lot of similarities, and I just try to lend my experience when I feel like it can help in that area.
SENATOR PEELER: Senator Alexander, did you have a question?
SENATOR ALEXANDER: Thank you, Mr. Chairman.

I just wanted to clarify the fact that having been on the board for a few years and appreciate your service. How would you classify your ability to be involved at the university during that period of time as far as attending board meetings and functions from that standpoint?
MR. BRYSON: If I'm not mistaken, I have perfect attendance at all of our board meetings, and I have attended all commencement exercises with the exception of one, if I'm not mistaken. And I really enjoy the commencement exercises where the students and the families are there for the graduation. It is a real honor to be a part of that ceremony twice a year.
SENATOR ALEXANDER: Thank you, sir.

Thank you, Mr. Chairman.
SENATOR PEELER: Mr. Scott, did you have an additional question?
SENATOR SCOTT: Yes, sir. There was an article this morning in the paper that talks about the teacher shortage. Tell me a little bit about your teaching program and the contribution that you, as a board member, can get the school to make to help us make up the teacher shortage.
MR. BRYSON: I think we need to continue to focus on raising awareness of the -- of Francis Marion University statewide and really

make certain that we're making any student who might be interested in their excellent education program, making them aware of that and bringing those opportunities to the school in terms of new student enrollment.

So I think they do a nice job with that program. I haven't been directly involved with that in my first term, but I do think it's headed in the right direction from all the reports that I've received.

SENATOR SCOTT: I was going to ask you, were there any incentive programs that you have. If not, I think you clarified you haven't been on long enough and in looking at the next go around --

MR. BRYSON: I'll try to keep an eye on that.

SENATOR SCOTT: -- try to focus on that.

MR. BRYSON: Yes.

SENATOR SCOTT: That's going to be a major issue for the college and universities. Thank you so much.

MR. BRYSON: Thank you.

SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

Welcome, Mr. Bryson.

MR. BRYSON: Thank you.

REPRESENTATIVE WHITMIRE: I want to commend you and your fellow board members on emphasis on instate first. I wish we could say that about every one of our schools, but we can't.

What is your graduation rate? Do you have any idea on that?

MR. BRYSON: I believe I have that note here. I know it's -- I know it's -- I know it's very good. I would have to get back to you on that. I just don't have that number off the top of my head at this time, but I do believe it's above average. But I apologize, I just don't have that specific number in my notes here.

REPRESENTATIVE WHITMIRE: Okay. That's fine.

I guess speaking from having two liberal arts daughters who graduated from instate schools and having to struggle to find a job. They had to go back and get their masters and so forth. Do you feel like Francis Marion prepares these young people once they do graduate to go out into the real world?

MR. BRYSON: I do. I graduated from an instate school with a liberal arts degree, so I understand. It can be difficult. I was a political science major, and there aren't a lot of job openings for political scientists out there.

I think what our graduates receive is excellent communications training, and I think what I hear in my daily work is that employers,

industry, technology companies, they're all looking for students who can communicate, write well, speak, understand how to write contracts and communicate in all different types of business matters.

I think Francis Marion is doing a good job, and then we're adding some pre-professional and professional programs that allow the students to take that liberal arts, I guess, foundation and funnel that or really move that into more of a professional program like our new school of health sciences, for example.

REPRESENTATIVE WHITMIRE: Okay. Thank you.

MR. BRYSON: Thank you.

SENATOR PEELER: Mr. Bryson, you mentioned school of health sciences. Is there an effort at Francis Marion to create a new med school at Francis Marion?

MR. BRYSON: Not to my knowledge, Mr. Chairman. The school of health sciences includes the nursing school, the nursing program, the clinical psychology program, and a physician assistant program. Trying to meet specific needs in the state's health care industry.

SENATOR PEELER: We have several candidates from the Medical University coming after you. Would that be a duplication of what you're doing now or trying to do?

MR. BRYSON: I don't believe so. I think Dr. Carter and his staff have been very strategic about trying to identify those areas that would support the healthcare industry and the medical community. Such as having good, qualified trained nurses who will stay in-state and work in our area hospitals.

The physician assistant program I think is another similar type of program where you're providing trained professionals who can help our medical doctors, you know, be more productive and have more success with their patients. So I think it's looking for those niches and trying to produce graduates who can fill those needs as that industry grows.

SENATOR PEELER: You view it more as a partnership and not a competition?

MR. BRYSON: I do. I believe it's a partnership, yes, sir.

SENATOR PEELER: Any other questions or comments?

What's the desire of the committee?

SENATOR SCOTT: Favorable report.

SENATOR PEELER: Is there a second?

SENATOR HAYES: Second.

SENATOR PEELER: All in favor say "aye."

(Members respond.)

Opposed, no.

And the ayes have it.

Thank you. We appreciate your willingness to serve.

MR. BRYSON: Thank you very much. I really appreciate your time today.

SENATOR PEELER: Thank you.

And while the folks are here, I want to thank you for coming back. I know most of you, if not all of you, were here before, but we were locked down on some issues on the floor of the Senate and couldn't make it. So I surely do appreciate you coming back, and we'll note that as a star. Thank you.

Next, Medical University of South Carolina. First up, Michael Stavrinakis. Charleston, 1st Congressional District lay member.

MR. STAVRINAKIS: Good evening.

SENATOR PEELER: Good afternoon. For the record, if you would give us your full name.

MR. STAVRINAKIS: Michael Stavrinakis.

SENATOR PEELER: Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. STAVRINAKIS: I do.

SENATOR PEELER: Would you like to make a brief statement?

MR. STAVRINAKIS: I would first like to thank you for coming in on a Monday. I know it is tough for you guys, and I was working with Julie on this day. My wife is expecting a baby here in a couple of weeks. So I was like don't do it during her due date, but I appreciate you working through that.

As a resident of Charleston, MUSC is such a woven part of the community and to serve on it is just an absolute honor. They give so much not only to the whole state but to the community of Charleston, and for me to be able to give back, I'm just honored, honored to do it.

SENATOR PEELER: Questions, comments?

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Good afternoon, sir. As well as I asked earlier, being on the board, and of course, I know you are in the Charleston area, but still I would like for the record to have some feel for your involvement and participation in the events there at the Medical University of South Carolina.

MR. STAVRINAKIS: Yes, sir. I volunteer on a lot of subcommittees. I've made it clear to Dr. Cole, Dr. Cawley, Mr. Sweatman that any time that they need a board member at any event in Charleston to please call

on me. I'm a short drive away. I'm anxious to serve. I'm just as excited today to serve if you give me that opportunity as I was three years ago.

I have had a nearly perfect attendance record. I missed half of a meeting, a half of a day. My daughter was riding in the equestrian regional finals in Atlanta, and I got permission from our chairman to take a half day off, so I did that and drove my daughter to Atlanta.

I'm very honored to serve on a lot of subcommittees, including the Diversity and Inclusion Committee with Anton Gunn and the team that Dr. Cole has put together. I think that MUSC has done a huge, huge increase in effort to satisfy the diversity and inclusion needs of the state.

SENATOR ALEXANDER: One other question, if I could, Mr. Chairman.

SENATOR PEELER: Certainly.

SENATOR ALEXANDER: You mention here basically what the cost is for instate students. Do you have a comparison? Have you all looked at that from the standpoint of other states to see where we compare? Are we about where the other states are, or are we low, high?

MR. STAVRINAKIS: I think we're either -- on the medical side, I think we're either in line or a touch above in some cases. On the dental school, we're probably very high. But I think we're in line as far as the medical college goes.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

SENATOR PEELER: Mr. Whitmire.

REPRESENTATIVE WHITMIRE: Thank you.

Following up on what Senator Alexander said, why is the dental school higher than the medical school? That doesn't make any sense to me.

MR. STAVRINAKIS: I think there's a funding issue for the dental school. We have some debt. It's the only dental school in the state, and tuition is about the only way we can -- hopefully, the Senate will help us with some of our dental school debt coming up this year. I'm sure it's been requested by Mr. Sweatman and the team.

I think that has a lot to do with it the way the dental school was put together. There was anticipation of a bond bill that kind of didn't happen, and we just got stuck with a lot of debt.

REPRESENTATIVE WHITMIRE: I remember that.

Now I understand when doctors say, you know, heck, I've got to pay off all my debts.

MR. STAVRINAKIS: It is expensive to educate medically.

REPRESENTATIVE WHITMIRE: That's just tuition, that's not counting everything else you have going on. You could be talking 3- or $400,000 almost.
MR. STAVRINAKIS: By the time you graduate, yes, sir.
SENATOR PEELER: Senator Hayes.
SENATOR HAYES: Just very briefly, there was some talk about doing some programs in common with College of Charleston. Is there anything moving on that?
MR. STAVRINAKIS: I think that Dr. Cole and Senator McConnell have a lot of dialogue about putting some things together. I'm not sure where they are. It kind of just came up in our last meeting. There was nothing really significant to report. I think there's more of a chance of some collaboration with Clemson going on between the two presidents and the deans at this point.
SENATOR HAYES: Okay.
SENATOR PEELER: Senator Scott.
SENATOR SCOTT: You mentioned the diversity program. Tell us about what's going on in your diversity program, what your numbers actually look like as it relates to minority students.
MR. STAVRINAKIS: Yes, sir. We have a very good minority presentation, and our college of medicine is either -- I won't give you the wrong stat, but it's either at the top or very close to the top in African American male graduation of any college in the country outside of a predominantly black college. So Dr. Cole and Anton Gunn have put together a tremendous, aggressive program.
SENATOR SCOTT: So what are your percentages?
MR. STAVRINAKIS: I'm not real sure the percentages on the college side. I know on the hospital side, as far as employment, it is over 30 percent, which is basically in line with the county. I can't tell you the exact number on the college side, but it's pretty good.
SENATOR SCOTT: Thank you.
SENATOR PEELER: Any other questions, comments?
SENATOR SCOTT: Favorable report.
REPRESENTATIVE WHITMIRE: Second.
SENATOR PEELER: All in favor say "aye."
(Members respond.)
Opposed, no.
And the ayes have it.
Thank you so much.
MR. STAVRINAKIS: Thank you for your time.

SENATOR PEELER: Next is William Bingham from Cayce. Incumbent 2nd Congressional District lay member.

Good afternoon, sir.

MR. BINGHAM: Thank you, Mr. Chairman.

SENATOR PEELER: For the record, if you would give us your name.

MR. BINGHAM: My name is William Harold Bingham Sr.

SENATOR PEELER: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MR. BINGHAM: I do sir.

SENATOR PEELER: Would you like to make a brief statement.

MR. BINGHAM: Yes, sir. I want to thank you all for allowing me to serve on this board for 14 years. And I hope and trust that I can get your trust to allow me to serve four more years.

I've been proud to serve on the Board of Trustees at MUSC since 2002, working to make the University of South Carolina a university the state of South Carolina would be proud of. After more than a decade of leadership, I have helped to grow and expand the mission of MUSC.

I worked to create a ten-year master plan for the university as an engineer from 2006 to 2016. At present time, we are -- I'm in the process of working on another ten-year master plan that we can follow.

I need to complete the rest of those projects, if I'm allowed to. And I can say that for the past 14 years, I have successfully mirrored the mission of MUSC's statement of changing what's possible. I look forward to continuing the mission for the future years if the board -- at your pleasure.

SENATOR PEELER: Questions, comments from members of the committee.

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Good afternoon. Good to see you.

MR. BINGHAM: Thank you, sir.

SENATOR ALEXANDER: A couple of things. For those years of service, would you characterize your time of attending board meetings, what kind of attendance record do you have during that time?

MR. BINGHAM: Sir, I have a hundred percent attendance record, not only on the board of trustees but all the committee meetings and subcommittees that I have been on. I've been in a lot of -- helping with the -- as the people ask, I try not to interfere with any day-to-day operation, which is not my job as a trustee. However, if they need my assistance, I will volunteer and go do that.

And during that past time, I have been chairman of the facility committee for the last 12 years of those 14. I've been vice chairman for the last three years or close to four years now as the Board of Trustees vice chairman.

SENATOR ALEXANDER: One last question. During those years of service and you mentioned during your comments, what would you characterize as the biggest change that you've seen at MUSC?

MR. BINGHAM: The entire campus, sir, because the first thing that when I went on board in trying to set up the master plan with all of the administrative staff, we set a master plan so that we could create a campus, one that you could go down to Charleston and recognize and make it understood that that institution is a statewide institution, located in Charleston. We respect all the Charleston rules, and we wanted to make sure that that happened.

And so since then, you can see the new dental building has been built. The new art building has been built. The bioengineering building has been built, the discovery building. All of those are buildings that have enhanced the university, and it has made us be way up higher than we were when I first went on there as far as nationally recognized.

I'm not sure of the numbers, but we are recognized in the NIH higher than we have ever been before. And that is accomplishment, not only you allowing us to do what we've done but allowing us to make yet one of the best places that a person needing medical can come as far as the students we graduate. We graduate with a high number of -- well, all of our medical students just about graduate. Almost a hundred percent of who we accept graduate. I don't have that specific number, but that's what we've been told during our period of time.

SENATOR ALEXANDER: Thank you, sir.

Thank you, Mr. Chairman.

SENATOR PEELER: Senator Hayes.

SENATOR HAYES: Thank you, sir. I appreciate your service. I was wondering in the next plan, do you anticipate any of the programs at MUSC expanding because of demand, not only demand about students getting in the programs but also demand in hospitals and medical providers for people that have those qualifications? Do you anticipate anything expanding?

MR. BINGHAM: We're trying to, sir, but you -- in the medical field, if we don't have a residency spot, we can't accept them because we've got so many medical schools opening up that don't have a place in order to give them residencies. And when they get through with the debt they

have with the schools they've got, they can't find residencies, so they don't have an income in order to pay off the debt they got.
SENATOR HAYES: I understand, but I was talking mainly about some others such as occupational therapy, physical therapy, things of this sort, some of those related healthcare professionals other than medical or dental students that may not have any type of residency.
MR. BINGHAM: Yes, sir. I think we're graduating all of the ones we can right now. We've got application -- we've got about 10 to 1 applications received to acceptance because we don't have the places to do it. We don't have the facilities to do it. And the facilities we've expanded is the improvement and make us be where we're at today, which is a lot further along than we have in a ten-year master plan we got. We're trying to do the Shawn Jenkins Hospital, the Women's Pavilion and Children's Pavilion Hospital. And we just finished up the art, which was art within the first plan. And we've got phase 3 for art, which is scheduled in the next ten years.

But to graduate people in the fields you've just mentioned, it takes more than just adding numbers, and our present president, Dr. Cole, is doing all he can right now. He understands that, and we're working very close with him in trying to make sure that happens. So the plan is being done now for the next ten years, and so I mean, we've got a lot of people working on that issue.
SENATOR HAYES: All right.
SENATOR PEELER: Senator Scott.
SENATOR SCOTT: Thank you, Mr. Bingham, for the 14 years that you've served on this board.

Tell me about your long-range plan. Does it increase the number of students, more of diverse students coming in? You've had a chance in 14 years to see a lot of different things.
MR. BINGHAM: Yeah.
SENATOR SCOTT: Share with me how that works within the plan, especially with the issues we're having with rural hospitals and rural hospital closings for lack of doctors.
MR. BINGHAM: I don't want to give you the wrong impression, but from what I understand from where we've been and where we're at now, we have steadily went up on the diversity part of it. And we have set up a direct plan now with the people that my predecessor just spoke of that we're doing all we can in order to make the diversity part of it happen as far as percentagewise, as far as trying to keep the debt down that they've got to pay to go and that kind of stuff.
SENATOR SCOTT: Okay.

SENATOR PEELER: Any other questions?
Representatives Whitmire.
REPRESENTATIVE WHITMIRE: Thank you.
Welcome, Mr. Bingham.
MR. BINGHAM: Thank you, sir.
REPRESENTATIVE WHITMIRE: First off, I'm going to say, I'm going to miss Kenny. He's been an outstanding member of the House, and I've served with him on Ways and Means for quite a number of years. And so we'll miss him.
MR. BINGHAM: Thank you, sir.
REPRESENTATIVE WHITMIRE: I like what you said about how to improve MUSC, align education programs with the state and economic needs.
MR. BINGHAM: Yes, sir.
REPRESENTATIVE WHITMIRE: Can you expand a little bit on that for me and tell me what you have in mind. That would under your -- I forgot where it is. I saw it under bullet points, so I don't know.
MR. BINGHAM: Yes, sir, that's what I was looking at because at my age, you want to make sure you look at the right spot so you concentrate on the right item.
REPRESENTATIVE WHITMIRE: I got you.
MR. BINGHAM: What areas I think the college and universities can improve, is that what you said?
REPRESENTATIVE WHITMIRE: Yeah, how to improve MUSC, and you said somewhere align education programs with the state's economic needs beginning a B.S. in health care studies.
MR. BINGHAM: Yes, sir. Well, that's the -- B.S. in health care studies would be trying to work with the people that the gentleman over here I think while ago asked about what we're doing with the College of Charleston, is that right now the Bachelor of Science degrees, if I'm staying on the right question you asked, is that the College of Charleston, I think they can't issue a basic -- they have a bachelor of arts. Am I not correct on that, sir?
REPRESENTATIVE WHITMIRE: I don't know.
MR. BINGHAM: I think I'm correct on that. But that's why we went to Clemson University because they can issue a Bachelor of Science, in other words. And so the medical school has to have certain prerequisite courses, and so we don't want to get into doing that. We want to be able to split the work with either Clemson, USC, College of Charleston, whoever provides those undergraduate degrees.

REPRESENTATIVE WHITMIRE: You want to partner with these other schools?
MR. BINGHAM: Yes, sir. We've been trying that.
REPRESENTATIVE WHITMIRE: Do you think it has worked so far?
MR. BINGHAM: Well, if I might say, you have to -- let me see if I'll say it right without embarrassing or saying something about somebody else that's misunderstood.
REPRESENTATIVE WHITMIRE: As long as it's not Clemson, go ahead.
MR. BINGHAM: You have people that try to protect their turf. I'll use that word. You call it silos, if you want, and we're trying to break down silos. I recognize as a board member that the University of -- the Medical University of South Carolina is located in Charleston. However, it is a statewide place. That's why you elect people from all over the state to make sure that that institution receives and collaborates with all other schools in the state that we support.

And so as my part of the Medical University, I have tried -- my whole experience has been as a professional engineer doing buildings as far as planning and running a business of my own, is trying to do one thing: Give my time and energy to better serve the state of South Carolina in my days after I retire, so to speak.
REPRESENTATIVE WHITMIRE: Okay. Thank you, sir.
SENATOR PEELER: Thank you.
Mr. Bingham, I've been told that employee morale has improved significantly in recent years. Have you found that to be the case?
MR. BINGHAM: Yes, sir. Yes, sir. At MUSC, I'm speaking of, yes, sir.
SENATOR PEELER: Yes.
MR. BINGHAM: Yes, sir.
SENATOR PEELER: Good.
Any other questions? Comments? What's the desire of the committee?
SENATOR HAYES: Favorable report.
SENATOR SCOTT: Second.
SENATOR PEELER: All in favor say "aye."
(Members respond.)

Opposed, no.

And the ayes have it.

Thank you, Mr. Bingham.
MR. BINGHAM: Thank you, sir.
SENATOR PEELER: Next we have Charles Schulze. Greenwood, 3rd Congressional lay member.

MR. SCHULZE: Good afternoon.
SENATOR PEELER: Good afternoon, sir. If you would say your name.
MR. SCHULZE: My name is Charles Warren Schulze.
SENATOR PEELER: Thank you, sir. Let me swear you in.
Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God.
MR. SCHULZE: I do.
SENATOR PEELER: Would you like to make a brief statement.
MR. SCHULZE: Mike, Mr. Bingham and I, we came on the board at the same time in 2002. I've had 14 years on the board. Of those 14, 13 of those have been as the chairman of the finance committee, as a CPA. That's my expertise. I have no expertise in the medical area, but I'm a good listener, and I've learned a lot about medicine.

But in those 14 years, I think the thing that I've helped with and improved is we have completely revamped our accounting and reporting system, and we can now -- we now have a better handle on the finances. As you can imagine, when I first came on that board, we had an $800-million budget and today the enterprise is over $2.2 billion. So it was a good thing we revised it in the nick of name before we had that tremendous growth. So I've enjoyed those 14 years, and I hope to have a few more to serve the Medical University of South Carolina.
SENATOR PEELER: Questions, comments.
Senator Scott.
SENATOR SCOTT: Mr. Schulze, thank you for your service and for your time.
MR. SCHULZE: Yes, sir.
SENATOR SCOTT: You said you revised the system. You want to tell me a little bit about what you did. The revision, is it on the intake of grants and scholarships and that kind of issue or is it just a basic financial, part of financial management of the school within itself?
MR. SCHULZE: Senator Scott, it was primarily the management of the finances. We had -- as an enterprise at large, you can imagine, we probably had three or four different systems floating around. This department did something one way and another reported a different way, but we got a better handle on that. We do a much better job of what I call cost accounting. We know now everybody gets their fair share of the utility bill, those type things, so we now know where we -- I don't want to use the word make money, but where we're not losing money. And it's -- and we can identify that in a very accurate manner, and that's been huge given the way we've grown.

SENATOR SCOTT: You talk a little bit about your budgeting and accounting that you did also. I'm pretty sure you either did an indirect cost proposal or you did some kind of a sharing proposal, but also when it came down to the actual budgeting and budgeting forecast now you have gained more control departmental wise in terms of how the spending was actually taking place.
MR. SCHULZE: Senator Scott, we were decentralized.
SENATOR SCOTT: Okay.
MR. SCHULZE: As you know, an enterprise that big cannot afford to be decentralized. We have become much more centralized, much more formal. We can make decisions much better than we ever could in the past because we have a real numbers and real profitability to back that up.
SENATOR SCOTT: Thank you, Mr. Chairman.
SENATOR PEELER: Senator Alexander.
SENATOR ALEXANDER: Thank you, Mr. Chairman.
Good afternoon. Good to see you again.
MR. SCHULZE: Good to see you, sir.
SENATOR ALEXANDER: I appreciate your continued service and willingness to continue to serve. And if you could really, I guess two questions in one as far as -- and I know this is a busy time of year for you.
MR. SCHULZE: Yes. I'm going back to work when I leave here.
SENATOR ALEXANDER: We appreciate you being here. But your involvement at MUSC, what do you see on the horizon briefly?
MR. SCHULZE: And I know you've asked this question in a little bit different way, but I've been very involved. Out of approximately 84 board meetings and probably another 30 or 40 committee meetings, I've missed one meeting in that time. I've been very involved.
SENATOR ALEXANDER: Good.
MR. SCHULZE: I believe -- we have a real working board. We don't have an executive committee. Everybody's in it together. That's by design. We're not bashful when it comes to asking new members to jump in and do things. It takes a good bit of time, but, you know, people seem to find that time.

I can't recall anybody consistently not showing up, the board members to meetings and not showing up for committee meetings and such. We've got a real -- let me just put it this way. It's the best board I've ever served on, and I've been on a lot of boards in 40 something years.
SENATOR ALEXANDER: I appreciate that comment. That's a great vote of confidence there. Thank you, sir.

SENATOR PEELER: Representative Whitmire.
REPRESENTATIVE WHITMIRE: Thank you.
Welcome, sir.
MR. SCHULZE: Thank you.
REPRESENTATIVE WHITMIRE: First off, I just want to make a statement. Thank you for your service to our country.
MR. SCHULZE: Thank you, sir.
REPRESENTATIVE WHITMIRE: I noticed that we're kind of in the same generation.
MR. SCHULZE: Yes, sir.
REPRESENTATIVE WHITMIRE: And you were Air Force and I was Army. I was a little luckier than you, so thank you.
MR. SCHULZE: I'd do it again, sir.
REPRESENTATIVE WHITMIRE: Me, too.
The satellite campuses, tell me a little bit about -- since I'm close to Anderson, about this AnMed third- and fourth-year program, if you don't mind.
MR. SCHULZE: That's a great introduction. I know you've asked some of these other folks about adding PA schools and med schools. It's a real issue. You can add all the med schools and all the PA schools and all the nurse practitioner programs, but you're not going to gain a whole lot in the end because those folks have to have residencies plus clinical rotations.

And the reason AnMed branch campus is out there is because we ran out of spaces for clinical rotation on campus. I mean, you can imagine, I mean, we're the second largest hospital, but it takes patients and doctors and with the number of students, we could not grow anymore without expanding outward. And this is pretty much a trend across the United States that you're starting to see right now.

But the problem, the real problem is when you see these new medical schools, the number of residencies are governed not by the state but by the fed. By the GME, the graduate medical education levels. Those numbers have not changed since 1990 I think '6, so they there are no new residency slots out there.

So if you allow additional med schools to come online, a big problem is where are they going to go when they graduate? You're starting to see some graduates coming out this year or next year, and it's a real issue. It's going to put a burden on a lot of hospitals that are connected or affiliated with these medical universities because they're going to have to fund residency slots, which are going to cost them about $80,000 a year.

So on the one hand, we need more doctors. On the other hand, we have a real impediment of getting those doctors to where they can pay off debt through the residency slots.

You know, it's a real dilemma, and as we expand these programs in the state, there are a few good things that come from it, but, you know, what are you going to tell that student at the end of the four years when he has $300,000 worth of debt and can't get a residency slot?

REPRESENTATIVE WHITMIRE: You got any ideas on what to do about this problem?

MR. SCHULZE: We had board meetings last week, and this came up. You know, it is looking more and more like -- and we do it also, because we don't have enough slots in Charleston, is we're going to have to start funding more and more residency slots so, you know, and that's not going to come from state dollars.

We've been through -- I've been on this thing 14 years and where we were getting $110 million a year down to 40 million as the financial crisis hit. So, you know, that's not something -- that's not a high priority, I don't think right now, with the state. So it's going to have to come from the institutions and their foundations or whatever they can find. But it's a problem, so ...

REPRESENTATIVE WHITMIRE: And I'm assuming if we don't come through with more money, the price of tuition could go up also.

MR. SCHULZE: You know, that's a good question, but I don't think necessarily. We just voted on our increases, and I think most all of them were zero. I know med school was zero, and maybe one or two had a 2 to 3 percent increase, but, you know, you just got to find new ways to bring in revenue.

And one of our biggest ways is our practice plan in our hospital. Those have turned out pretty good. But our hospital is a -- let me use the right word, it does more than its fair share for indigent and charity care than any other hospital in the state and makes it tougher on us because our margin that we could use to help alleviate some of these problems isn't there. Where a Greenville or a Columbia hospital system might make a margin of 6 or 7, 8 percent, you know, we're lucky to get a couple percent out of it, that it even shows up.

REPRESENTATIVE WHITMIRE: Speaking of your hospital, I will give you some kudos. I've had several colleagues who had to go down to the hospital and they've come back with nothing but rave renews.

MR. SCHULZE: Thank you.

REPRESENTATIVE WHITMIRE: I've instructed my wife, even though I'm 250 miles away, if something happens to me, come on down to the hospital.
MR. SCHULZE: Same here, sir.
REPRESENTATIVE WHITMIRE: Thank you so much for your service.
SENATOR PEELER: Good.
Any other questions or comments?
SENATOR ALEXANDER: Favorable report.
SENATOR PEELER: The motion is a favorable report.
SENATOR SCOTT: Second.
SENATOR PEELER: All in favor say "aye."
(Members respond.)
Opposed, no.
And the ayes have it.
Let's let you get back to work. We need the money.
SENATOR ALEXANDER: Well said.
SENATOR PEELER: Next is David Mitchell from Spartanburg. 4th Congressional medical member.
Dr. Mitchell, good afternoon.
DR. MITCHELL: Good afternoon.
SENATOR PEELER: For the record, if you will give us your full name.
DR. MITCHELL: Michael David Mitchell.
SENATOR PEELER: Let me swear you in.
Do you swear to tell the truth, the whole truth, nothing but the truth, so help you God?
DR. MITCHELL: I do.
SENATOR PEELER: Would you like to make a brief statement on why you would like to serve?
DR. MITCHELL: Yes. Thank you. I attended medical school at MUSC and finished my orthopedic residency at MUSC. I would be proud to be able to give back to the university that has given me so much. I feel that I have a lot to offer in terms of leadership roles in statewide medical societies and my experience from being on the DHEC board.

I also live and work in the District 4. This is the area of the state up in Greenville/Spartanburg that presently has two new medical schools. I feel that District 4 would have an improved relationship with MUSC and those new medical schools as well as the physicians in this area.

Also, over the past ten years I've been able to form an orthopedic research spine group that has formed a company. We've been through research and development and have developed some products for the

orthopedic industry, and that's an area that I'm very proud to see Dr. Cole look at and improve MUSC as the foundation for research and development. And I look forward to being a part of that as well as their continued clinical expertise. Thank you.

SENATOR PEELER: Thank you. Questions or comments?

Senator Scott.

SENATOR SCOTT: Dr. Mitchell, tell me a little bit about being able to recruit young students to become doctors who are interested in rural medicine. What has been your experience as a board member, what plan or strategy has the board implemented to do that?

DR. MITCHELL: I have not been on the board before, but I think a very big part of getting physicians in to medical school is the tuition price. The medical schools in my area are much higher in cost, and we need to keep that cost down or have a way of paying them back if they go into an area that needs physicians that's not normally very well populated.

That would be an area that I think that the state and the medical school could look at, is how to keep the cost down or has some type of reimbursement for those students.

SENATOR SCOTT: Okay.

SENATOR PEELER: Thank you.

Any other questions or comments?

Senator Alexander.

SENATOR ALEXANDER: Thank you. A couple of things. Your interest in seeking the board, is there anything in your profession -- obviously, if you've been on the DHEC board, you had to attend meetings. But have you looked at the schedule as far as your ability to be engaged in meeting those responsibilities if you were selected?

DR. MITCHELL: I've talked to some of the board members. I grew up with a uncle that was on the MUSC board, so from my teenage years, I've heard about the board day in and day out. And I think I would be very available. You know, I learned that from the DHEC board. I understand the meetings are every other month, but certainly, if they were every month or there was a working board, I could certainly clear my own schedule. I'm in the private practice of medicine, so I can arrange my schedule a little bit more than somebody who is working for somebody.

SENATOR ALEXANDER: One of your -- thank you. One of your questions here, you're talking about obviously strong educational advances and excellent research and talking about the Piedmont and mountain regions where obviously there is underserved areas from the physician standpoint. You're talking about collaboration from that. Is

there a model that's out there that you're aware of that you would look to from that standpoint?

DR. MITCHELL: The model has been the reimbursement for some of the expenses. If they come out of medical school with a debt of, you know, $200,000 over 25 years, at 6 to 7 percent, they're paying over half a million dollars for that education. If we could somehow use the model that's been used to help reimburse people like the -- some of the Indian reservations, you were able to go to an Indian reservation and they would help you pay off some of your tuition debt.

SENATOR ALEXANDER: Thank you.

SENATOR PEELER: Thank you.

Representative McLeod has a question.

REPRESENTATIVE MCLEOD: Hi, Dr. Mitchell. I see that you referenced the diversity of out-of-state students coming in to MUSC through regional and cultural, well, the differences that they bring to the university.

DR. MITCHELL: Yes.

REPRESENTATIVE MCLEOD: What is your perspective on the -- what is the diversity of the student population currently, do you know?

DR. MITCHELL: I believe the instate is 70 percent or so, and the minority students I believe were classified at approximately 22 percent.

REPRESENTATIVE MCLEOD: Okay. Is there an effort to increase diversity within the Medical University?

DR. MITCHELL: Not being on the board, I don't know that for sure, but I know that when I was there and the people I've talked to, there is an effort always, some special programs, some special recruitment techniques for all types of students and even residents that are looking for people to make MUSC a very diverse, very inclusive campus.

REPRESENTATIVE MCLEOD: Your reference to diversity just caught my attention when you referenced out-of-state students and the diversity they bring because of the cultural and regional differences, so I just thought I would ask that question.

DR. MITCHELL: Okay.

REPRESENTATIVE MCLEOD: Thank you.

SENATOR PEELER: Senator Scott.

SENATOR SCOTT: I want to expand on that, are you talking about students from other countries who come to the United States to go to school? Are you talking about different nationalities of students? What group when you talk about out-of-state communities with the university or just minority students in general?

DR. MITCHELL: In this instance I was speaking mainly of minority students in general.
SENATOR SCOTT: Okay.
Thank you, Mr. Chairman.
SENATOR PEELER: Questions, comments?
What's the desire of the committee?
SENATOR SCOTT: Favorable report.
SENATOR PEELER: The motion is a favorable report. Second?
SENATOR ALEXANDER: Second.
SENATOR PEELER: All in favor say "aye."
(Members respond.)
Opposed, no.
And the ayes have it.
Thank you for your willingness to serve.
DR. MITCHELL: Thank you.
SENATOR PEELER: Next we have Charles Thomas. Greenville, 4th Congressional medical member. Incumbent. Good afternoon, sir.
DR. THOMAS: Good afternoon.
SENATOR PEELER: For the record, state your full name.
DR. THOMAS: Charles Branham Thomas Jr.
SENATOR PEELER: Let me swear you in.
Do you swear to tell the truth, the whole truth, nothing but the truth, so help you God?
DR. THOMAS: I do.
SENATOR PEELER: Would you like to make a brief statement?
DR. THOMAS: Yes, sir. I've served on the Medical University board 4th Congressional District medical position. This is my 20th year now. Every time I come to the screening I get asked that. In that particular year, it was in '97, the Balanced Budget Act, which put enormous pressure on our finances and of course the ACA, Obama Care.

Currently this year, the big thing we got going is try to get the Shawn Jenkins Women's and Children's Hospital funded. We have $25 million from you all, and we also got $25 million from Mr. Jenkins, which allowed us to get our HUD loan. That was a down payment on that. So the cost of the hospital is additionally was $450 million. Now it's a $480 million, you know how those things go.

So we still have a pretty steep hill to climb here. I'm chairman of the development committee, so we've been working furiously and feverishly to get this money raised so we can build this 260-bed facility for the children and women of this state.

If you ask the -- well, you can't ask other people that come forward, but if you ask the people that are down there, it takes 8, 10, 12, 15 years to get up to speed. It's a very big organization. For example, there's over 37 advisory boards down there, so it takes a long time to get your finger on the pulse and find out where the skeletons are buried.

I served as the chairman of the board from 2006 to 2010, and so I do have -- I'm part of the institutional memory, the collective memory of this institution that is so necessary in something that's big and this diverse. So I think that's what I bring to the table, is that.

SENATOR PEELER: Representative Whitmire has a question.

REPRESENTATIVE WHITMIRE: I do. Thank you for your service for 20 years.

I'm looking at the bullet points that are provided to us, and it says under credit report address discrepancy, saying an address was Awendaw. Can you tell us for the record where you live.

DR. THOMAS: Yes, sir. I live in Greenville, South Carolina. I have an apartment in Greenville. I also have a farm in Laurens County where I pay 4 percent and also agricultural tax on that. I have a vacation home in Awendaw where I pay 6 percent. I have those documents, if you would like to see it.

REPRESENTATIVE WHITMIRE: Awendaw, is that the way you pronounce it?

DR. THOMAS: Yes, sir. It's about ten miles north of Wild Dunes Marina on the waterway.

REPRESENTATIVE WHITMIRE: I have seen it when I've gone up toward McClellanville.

DR. THOMAS: It's a state of mind.

REPRESENTATIVE WHITMIRE: Yeah. Okay. So you are Greenville?

DR. THOMAS: Yes, sir.

REPRESENTATIVE WHITMIRE: Just to get that cleared up. That's all I wanted to ask you. Thank you.

SENATOR PEELER: Senator Scott has a question.

SENATOR SCOTT: Thank you first for your 20 years of service. You made a comment about Obama Care, which is the Affordable Care Act is what you're talking about, that it has weighed in heavily on the school or health care. I didn't quite catch all of the comment, all of your comment. And if so, tell me how it's done that.

DR. THOMAS: Well, the way it impacted us was we had a lot more people who were insured and it put tremendous stress on the system. You know, it also helped the system to some degree because people who

heretofore weren't insured have now become insured. But what I meant when I said that was that the increase in demands on the system by virtue of an increase number of patients.
SENATOR SCOTT: Okay. Tell me, you've been here long enough to watch your diversity program grow as well. Tell me what's been the key to being able to drive more minority students to come to --
DR. THOMAS: Mentoring at an early age. That's how you get them in there. You can't go to them when they're in college and --
SENATOR SCOTT: Mentoring an early age.
DR. THOMAS: Yeah.
SENATOR SCOTT: High school or --
DR. THOMAS: Or earlier. Earlier.
SENATOR SCOTT: You all have an outreach program that's doing it in the high school?
DR. THOMAS: No, we don't.
SENATOR SCOTT: Tell me what the college is doing to promote its diversity program for minority students to be able to come -- who want to come to MUSC.
DR. THOMAS: Right. As somebody pointed out, the diversity inclusion has expanded greatly under the leadership of Dr. Cole. These are the statistics. There have been some numbers banted around here. But the numbers are 25 percent minority, of which approximately 13 or 14 percent are African American, a lesser percentage are Asian American, and then the rest of them are different nationalities.

The Medical University of South Carolina is in the top 10 of medical schools in this country for graduating black males which is no lean feat.
SENATOR SCOTT: African-American males, correct.
DR. THOMAS: Yes. Yes. And so there's been a lot of attention paid to that, a lot of time and money spent on that, which has paid off. Our efforts have paid off in that respect.
SENATOR SCOTT: Thank you, Mr. Chairman.
SENATOR PEELER: Thank you.

Senator Alexander.
SENATOR ALEXANDER: Thank you, Mr. Chairman.

Good afternoon. Good to see you, sir.

You mentioned you had a time that you were chairman, and obviously, that takes a lot of your time, and I'm sure you had attendance there. Since that period of time, how would you characterize your involvement with MUSC during your tenure on the board since --
DR. THOMAS: It's been extensive. In the 20 years, I missed one meeting for a death. I'm currently retired, and I do short-term medical

missionary work. I just returned from the Dominican Republic, and I am going in May to West Africa. I try to do three or four of those a year. So other than my travels, I have ample time to devote to the Medical University, and I do.

SENATOR ALEXANDER: Okay. Thank you for your service in the missionary field as well.

What is the biggest achievement do you think during that 20 years at MUSC?

DR. THOMAS: Well, you know, diversity would have to be one of them. 20 years ago, you know, you didn't see African-Americans down there -- African-Americans down there. So that would be at the top of the list. The expansion of the physical plant, as Mr. Bingham listed, and all the new buildings that we have built down there. And the synergy and the energy that's been developed down there.

Twenty years ago, we were still a fairly sleepy little medical school in South Carolina. Now we're at the top quartile. In most of the metrics, we're top third in NIH funding I believe this year, and that's -- you know, which puts us in the top 50 medical schools, and that's come from way down the line. We were 120 or 130 something like that.

So there's been a lot of stuff going on down there. It started with Ray Greenberg, and now David Cole is a different kind of guy but he's just dynamic, just as committed, and I see a continuing pace.

SENATOR ALEXANDER: Thank you, sir.

Thank you, Mr. Chairman.

SENATOR PEELER: Questions or comments?

Hearing none, what's the desire of the committee?

SENATOR ALEXANDER: Favorable report.

SENATOR PEELER: A motion for a favorable report. Second?

SENATOR SCOTT: Second.

SENATOR PEELER: All in favor say "aye."

(Members respond.)

Opposed, no.

And the ayes have it.

Thank you, Doctor.

DR. THOMAS: Thank you. I appreciate it.

SENATOR PEELER: Next is Barbara Johnson-Williams from Orangeburg. 6th Congressional lay member.

First off, I like that orange jacket. It reminds me of the Tigers.

For the record, if you could give us your full name.

MS. JOHNSON-WILLIAMS: My name is Barbara Johnson-Williams.

SENATOR PEELER: If you will, let me swear you in.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
MS. JOHNSON-WILLIAMS: Yes, I do.
SENATOR PEELER: Would you like to make a brief statement?
MS. JOHNSON-WILLIAMS: First of all, thank you all for allowing me to serve the last three years. I have truly enjoyed being a part of such a great institution. I am still a neophyte, so still learning some of the things that are going on with the institution. And hopefully, I'll be around -- I'm not sure if it's 14 or 20 years, as some of the others, but be around long enough to help make a difference with within the community and the state as well.
SENATOR PEELER: Good. Thank you.
Questions or comments?
Senator Alexander.
SENATOR ALEXANDER: Thank you.
And good afternoon. It's nice to see you today.
MS. JOHNSON-WILLIAMS: Thank you.
SENATOR ALEXANDER: In being consistent, please characterize for me your service and time commitments and involvement with the board, please.
MS. JOHNSON-WILLIAMS: I, too, as some of the others, have been given a chance to serve on some of the other subcommittees.
SENATOR ALEXANDER: And your attendance, I mean, is it 90 percent, a hundred percent, 75 percent? What would be your -- how would you describe --
MS. JOHNSON-WILLIAMS: If you could --
SENATOR ALEXANDER: The board meetings.
MS. JOHNSON-WILLIAMS: I would say a hundred percent with the exception of one time we could not get there because of, I think it was ice or snow.
SENATOR ALEXANDER: Sure.
MS. JOHNSON-WILLIAMS: A storm we had a couple of years ago.
SENATOR ALEXANDER: Okay. Thank you.
SENATOR PEELER: Representative Whitmire.
REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.
I was looking at your bullet points, and you're saying the biggest weakness -- I mean, I'm sorry -- talking about tuition is not reasonable for moderate-to-low income families. I couldn't agree with you more, but how would MUSC go about bringing in, you know, folks who are of limited means, so to speak? They already get scholarships, I'm assuming.

MS. JOHNSON-WILLIAMS: Well, I guess in order to attract more, as pertains to funding, would probably come more from you all. You say that we now get scholarships to help with that, so I would presume more funding coming from this level.

REPRESENTATIVE WHITMIRE: Well, you know, Senator Scott mentioned earlier about, you know, the offering, you know, forgiveness on student loans as far as education, in the public education field in the schools. I wonder if there might be something that we could look at in order to have people of limited income, say, in poverty areas, if they're going to become doctors, may be willing to go back into those areas where they obviously are needed. Just a thought. I don't know if that's something that could possibly be done or not.

MS. JOHNSON-WILLIAMS: I would concur with that. I think in some areas wherein you may have those who may have graduated, if they're willing to go back to rural areas and work and maybe their loans are forgiven, that too could probably -- that would help the college.

REPRESENTATIVE WHITMIRE: That seems to be an underlying theme to the whole state. Industry won't come to the poverty areas until you get the educated people in there, and they're not going to come until you have the jobs. So it is kind of like the chicken and the egg. It is very difficult to get movement in to these high-poverty areas. It's kind of a real slow process, it seems like, unfortunately, whether it's medical or public education or what. It's just my little soliloquy there.

I noticed that you belong to the National Association of Elementary and Secondary Administrators. Were you a principal at one time?

MS. JOHNSON-WILLIAMS: No. I was in special education.

REPRESENTATIVE WHITMIRE: Were you?

MS. JOHNSON-WILLIAMS: Yes.

REPRESENTATIVE WHITMIRE: I was in education myself. My wife was in special education, teachers starting out. I appreciate what you did in that field.

MS. JOHNSON-WILLIAMS: Thank you.

REPRESENTATIVE WHITMIRE: Thank you for your service on the board.

MS. JOHNSON-WILLIAMS: Thank you.

SENATOR PEELER: Thank you.

Any more questions or comments?

Representative McLeod has a question.

REPRESENTATIVE MCLEOD: Thank you.

Ms. Johnson-Williams, thank you for your service.

MS. JOHNSON-WILLIAMS: Thank you.

REPRESENTATIVE MCLEOD: I want to ask you a couple of questions actually. The first is, are you the only woman on the board?
MS. JOHNSON-WILLIAMS: No.
REPRESENTATIVE MCLEOD: Okay. And are you the only African-American on the board?
MS. JOHNSON-WILLIAMS: No, there are two.
REPRESENTATIVE MCLEOD: Okay. There are two.

The second question -- well, the third question then is, I see that you have recommended partnerships within public education to increase diversity and in positions of authority. Are you aware of any partnerships or opportunities or plans to implement something like that?

I think that's a great idea, but I see that you're from Orangeburg and I was just curious about whether that is currently being implemented or is that something that you would just recommend or propose that the board look into doing when it comes to partnerships and mentorships?
MS. JOHNSON-WILLIAMS: I'm sure there is some of that that's going on right now, and it is a proposal, would be a proposal as well. Because -- well, I'm retired and I went back to work, and because I don't get a chance to get to Charleston as often as I did in the -- you know, would like to. Hopefully, I'll get a chance to go down and see some of the things that are going on and end up getting involved with those things.
REPRESENTATIVE MCLEOD: Right. But are you aware of any plans to implement these kind of initiatives, say, in Orangeburg or places like Orangeburg? I'm from small-town South Carolina, too, so I know the importance and value of, you know, kind of expanding that outreach.
Is there an effort to do that in Orangeburg or in other smaller communities?
MS. JOHNSON-WILLIAMS: Right now, that's what we are doing.
REPRESENTATIVE MCLEOD: That is what you are doing?
MS. JOHNSON-WILLIAMS: Yeah, we have programs involved in the Orangeburg area wherein we do an outreach to the community because all persons are stakeholders as it pertains to -- when it comes to the educational system. We need the parents, we need the businesses, industry, and so forth.
REPRESENTATIVE MCLEOD: Okay. What age groups are you targeting?
MS. JOHNSON-WILLIAMS: High school.
REPRESENTATIVE MCLEOD: Okay. And are you seeing any benefits? I know I'm asking a lot of questions, but each time you respond I think of something else.

MS. JOHNSON-WILLIAMS: Yes. I think we are making some inroads, yes.
REPRESENTATIVE MCLEOD: Okay. Thank you very much.
SENATOR PEELER: Good.
Any other questions or comments?
What's the desire of the committee?
SENATOR SCOTT: Favorable report.
SENATOR ALEXANDER: Second.
SENATOR PEELER: The motion is a favorable report. All in favor say "aye."
(Members respond.)
Opposed, no.
And the ayes have it.
Thank you very much.
MS. JOHNSON-WILLIAMS: Thank you. Thank you.
SENATOR PEELER: Next we have Conyers O'Bryan. Florence, 7th Congressional medical member.
Good afternoon.
DR. O'BRYAN: Thank you, sir.
SENATOR PEELER: For the record, if you could give us your full name, not that we don't know.
DR. O'BRYAN: Edward Conyers O'Bryan Jr.
SENATOR PEELER: Thank you, sir. Let me swear you in.
Do you swear to tell the truth, the whole truth, nothing but the truth, so help you God?
DR. O'BRYAN: I do.
SENATOR PEELER: Did you find your way here okay? Over 40 years, I wonder how many times you have been here. Doctor of the day and so forth.
DR. O'BRYAN: Lots of times. Yes, sir.
SENATOR PEELER: Dr. O'Bryan, would you like to make a brief statement?
DR. O'BRYAN: It's a continuing pleasure and an honor to serve as a trustee of the Medical University of South Carolina. Particularly, as it has continuously obtained and progressively so, international recognition.
SENATOR PEELER: I feel like you ought to be asking us questions instead of us asking you, but any questions for Dr. O'Bryan?
Senator Alexander.
SENATOR ALEXANDER: Thank you. I'm like you, I think he needs to be asking us the questions, and I'm confident that your distinguished

service over all these years that you have been so involved in the university in so many different ways, the medical school, so I'm sure you're there for all the meetings.

What do you -- and I saw under your questions the biggest weakness -- or biggest challenge, I guess, is the funding. Obviously, there's limited resources from that standpoint, so is the university being proactive in finding ways to make sure they're cutting costs as well as looking for additional funding? Being in business, there is only two ways, you need to sell more or you cut your cost. That's the only two ways I've found to make things work from that standpoint.

Do you have any thoughts?

DR. O'BRYAN: We've been very proactive, basically, learning to survive. When I first came on the board, we got 56 percent of our budget from the state. Now we're about 1.5 percent. So survival is dependent on us being totally proactive in those areas.

SENATOR ALEXANDER: Thank you. Thank you for your leadership from that standpoint.

SENATOR PEELER: Senator Scott has a question.

SENATOR SCOTT: Doctor, you've had the opportunity to work with a lot of different presidents, I guess all the way from Governor Edwards going to the president that you have. What would have been the difference in those presidents as it relates to the growth of the institution? And it relates to back to a comment that you made, the state became a lot leaner and put it upon the institution to find ways to fund itself. Styles of leadership, as well as knowledge based, and most of -- I think all your presidents in your tenure have been doctors.

You want to elaborate a little bit on that, because you've had an upfront, close look at coming out of the medical field yourself and having a doctor who needs to both be a good manager, a good leader, and a good planner and create direction for the hospital.

DR. O'BRYAN: I think the Medical University really took off in Dr. Jim Edwards' tenure because he surrounded himself with people like Dr. Ray Greenberg, Dr. Layton McCurdy, so he had geniuses in every particular part of the administration. His genius was being an organizer and a leader. After that time, Dr. Ray Greenberg and now Dr. David Cole has continued that same plan.

SENATOR SCOTT: Okay.

SENATOR PEELER: Any other questions or comments for Dr. O'Bryan?

SENATOR ALEXANDER: Move favorable.

SENATOR SCOTT: Second.

SENATOR PEELER: Move for a favorable report and second.

All in favor say "aye."

(Members respond.)

Opposed, no.

The ayes have it. Thank you, sir.

Next we move to College of Charleston. Laurin Burch from Camden. 5th Congressional seat 10.

Good afternoon, sir. For the record, if you could give us your full name.

MR. BURCH: Robert McLaurin Burch III.

SENATOR PEELER: Thank you. Let me swear you in.

Do you swear to tell the truth, the whole truth, nothing but the truth, so help you God?

MR. BURCH: Yes.

SENATOR PEELER: Would you like to make a brief statement?

MR. BURCH: Thank you, Mr. Chairman. As the first of three siblings to attend the College of Charleston, the school means a lot to me. It was there I received a top-notch education, prepared to enter the real world, and even met my wife.

Needless to say, as I said, the school means a lot, and I would like to continue that service that I show in other areas that I'm involved with the Kershaw County hospital board, the Jaycees, the Kiwanis, and several other civic organizations. And so I'd like to continue that service to the College of Charleston because I firmly believe that if you're able to serve and give back, you need to do that.

Also, as a licensed CPA in state of South Carolina, I firmly believe that my business and accounting background could bring a lot to the table. I would like to see us strive to keep the cost of attendance as low as possible and increase the overall value of the diploma.

I'm also concerned that at some point the cost of a four-year degree will just be too much for graduating college students to handle.

I also think the college has a great opportunity to improve retention and diversity in the student body.

I will take any questions you might have.

SENATOR PEELER: Let me give you a hint. Next time you give a list, make sure to say that's where you met your wife first.

MR. BURCH: Yes, sir.

SENATOR PEELER: Questions, comments?

Senator Scott.

SENATOR SCOTT: Thank you. Thank you. Let me thank you for your service. I know with the new president that you have, your gain is our

loss. Lieutenant Governor McConnell, *Pro Tempore* McConnell, Chairman of the Judiciary Committee McConnell was a good leader here.

I know the institution and the board went through a rugged period in the transitional period with him coming to the university. Tell me what has happened now since he's gotten there and things have kind of settled down with the student body, the faculty, and now the community as a result of some type of plan, that along with the president, that the board has put together so that you all begin to grow together as a total community.

MR. BURCH: Yes, sir. Well, I'm not currently on the board, so I can't speak to specifics of --

SENATOR SCOTT: As an alumnus.

MR. BURCH: Yes, sir. Obviously, there was some tension at first, and I think that has subsided. I think everybody's main goal is what's best for the university and moving in that direction. So I feel confident that he's a very smart man, a good leader, and so that's who the current board has decided to place in there as president, and we need to stand behind him and all be on the same page.

SENATOR SCOTT: Are you comfortable with that?

MR. BURCH: Yes, sir.

SENATOR SCOTT: Okay. Thank you, Mr. Chairman.

SENATOR PEELER: Questions, comments?

Senator Alexander.

SENATOR ALEXANDER: I believe, if my memory serves me correct, you're in the construction business; is that correct?

MR. BURCH: Yes, sir.

SENATOR ALEXANDER: Yes, sir. And so is there anything in your work that would preclude you to carry out the duties and responsibilities if you are elected to the board?

MR. BURCH: No, sir. I'd say I'm involved in several other, on boards and organizations, and if I make a commitment to do it, I give it my full commitment.

SENATOR ALEXANDER: Thank you.

SENATOR PEELER: Any other questions, comments?

SENATOR ALEXANDER: Favorable report.

SENATOR PEELER: The move is a favorable report. Second?

SENATOR SCOTT: Second.

SENATOR PEELER: All in favor say "aye."

(Members respond.)

Opposed, no.

And the ayes have it.

Michael Todd Warrick. Sumter, 5th Congressional seat 10.

DR. WARRICK: Looks like I'm the only thing between you guys and dinner, so ...

SENATOR PEELER: Brevity is a plus in this committee.

DR. WARRICK: Yes, sir.

SENATOR PEELER: For the record, give us your full name.

DR. WARRICK: Michael Todd Warrick.

SENATOR PEELER: Thank you. Let me swear you in.

Do you swear to tell the truth, the whole truth, nothing but the truth, so help you God?

DR. WARRICK: I do.

SENATOR PEELER: Would you like to make a brief statement?

DR. WARRICK: Brief, yes, sir. As an alumnus of the College of Charleston, second-generation alumnus, I'm proud of the college. I'm proud of my education. As a physician, I use my math and science background every day, but in a lot of my extracurricular pursuits, I use the broad-based, well-rounded liberal arts education I think is the cornerstone of what makes the College of Charleston graduate something to be proud of. And I look forward, if given the opportunity, to serve my alma mater in that capacity.

SENATOR PEELER: Doctor, you don't look a day older than you did the last time you were here.

DR. WARRICK: I was wondering when you would refer to me as Doogie Howser again.

SENATOR PEELER: That's right. Yes, sir.

DR. WARRICK: Well, thank you.

SENATOR PEELER: Do they still call you Doogie?

DR. WARRICK: Yes, sir. I'll just say yes.

SENATOR PEELER: Thank you.

Any questions or comments?

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

How would you classify as far as your ability to be involved with the college and fulfilling those duties and responsibilities?

DR. WARRICK: I think that I'd do an excellent job, sir.

SENATOR ALEXANDER: I mean, timewise, do you have anything from a time commitment aspect that would make it an issue for you?

DR. WARRICK: No, sir. I work banker's hours.

SENATOR ALEXANDER: Good.

DR. WARRICK: I know. Yes, sir.

SENATOR ALEXANDER: Thank you, sir.
SENATOR PEELER: How did you work that out?
DR. WARRICK: Careful selection.
SENATOR PEELER: Any other questions or comments?
Hearing none, what's the desire of the committee?
REPRESENTATIVE WHITMIRE: Favorable.
SENATOR ALEXANDER: Second.
SENATOR PEELER: All in favor say "aye."
(Members respond.)
Opposed, no.
And the ayes have it.
Thank you, sir.
DR. WARRICK: Thank you.
SENATOR PEELER: And thank all the candidates today for being willing to serve. And like I said, I apologize for the inconvenience, but I appreciate you all coming back. Thank you.

(The hearing adjourned at 4:24 p.m.)

JOINT LEGISLATIVE COMMITTEE
TO SCREEN CANDIDATES
FOR COLLEGE AND UNIVERSITIES BOARD OF TRUSTEES
PUBLIC HEARINGS

Date: Tuesday, April 19, 2016
Time: 10:40 a.m.
Location: Gressette Senate Building
1101 Pendleton Street
Room 209
Columbia, South Carolina

Committee Members Present:
Senator Harvey S. Peeler, Jr., Chairman
Representative William R. "Bill" Whitmire, Vice-Chairman
Senator Thomas C. Alexander
Senator John L. Scott, Jr.
Senator Robert W. Hayes, Jr.
Representative Mia S. McLeod
Representative Phyllis J. Henderson

Also Present:

Martha Casto, Staff
Julie Price, Staff

SENATOR PEELER: Good morning. I would like to call the meeting to order.

Good morning, everyone. This is a meeting of the Joint Legislative Committee to Screen Candidates for Colleges and University Boards of Trustees.

Members, you have an agenda in front of you.

First off, we have Medical University of South Carolina, Dr. G. Murrell Smith of Sumter, representing the 5th Congressional District, medical member, expires 2020.

Dr. Smith, if you would like to come forward. Have a seat. Get comfortable. Make sure that green light is burning. I think you have to push that light.

Good morning, sir.

DR. SMITH: Good morning.

SENATOR PEELER: First, let me swear you in. Do you swear to tell the truth, the whole truth, nothing but the truth, so help you God?

DR. SMITH: I do.

SENATOR PEELER: Would you like to make a brief statement on why you would like to continue to serve on the Medical University board?

DR. SMITH: Sir?

SENATOR PEELER: I said, would you like to make a brief statement on why you would like to continue to serve on the Medical University board?

DR. SMITH: I'm sorry, I lost my hearing in one ear, so I'm running on one ear. So I apologize.

SENATOR PEELER: My wife says I don't have a hearing problem, I have a listening problem.

DR. SMITH: I might too.

I've served on the board for the last four years, and I feel like that the Medical University is very important to this state, and I think it's a big asset for the community and the state of South Carolina, and I think anything that I can do to be in the position and having spent nine years at the Medical University in my training in medical school, I think I have certainly -- my interest lies in the Medical University and making it a wonderful place to educate our young people as well as produce physicians and others to serve the state of South Carolina.

SENATOR PEELER: Okay. Thank you.

Any members have any questions or comments?

Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

Welcome, Dr. Smith. I know your son real well. We serve on the same committee.

I notice you say MUSC's biggest weakness is multifaceted which makes it difficult to control. Could you expand on that a little bit?

DR. SMITH: Yes, the medical university, you know, when I was there, I looked at it as medical school. Now, being on the board, it's just massive schools integrated into one umbrella, and it is very difficult for at least board members to keep a finger on each one of those facets and each one of those schools.

So to me, it really is a challenge, as a board member, to keep up with all the colleges and dental schools and medical schools and nursing schools, pharmacy schools, so I think it really makes a challenge for board members. That's probably the hardest thing we deal with.

REPRESENTATIVE WHITMIRE: Would you make any changes to the present staff?

DR. SMITH: I think that Dave Cole has really tried to reorganize to get a handle on all that. Obviously, I've been on boards and you have to depend on your people who are running things to keep you informed and try to do the best to make us understand what's important. But on the other hand, you don't want to be led down the road that you're not paying attention and just listening to the administrators.

But I think that Dave Cole is really making great strides to keeping it organized. I see a change in the last four years.

REPRESENTATIVE WHITMIRE: Where did he come from?

DR. SMITH: Dave Cole?

REPRESENTATIVE WHITMIRE: Yeah. Was he part of MUSC, or was he brought from outside?

DR. SMITH: Dave has been what they call an oncology surgeon, a general surgeon, mainly liver and bowel surgery. I think he's been there, some of the medical university people could correct me, 18 years. He's been there a long time. So it was in-house.

REPRESENTATIVE WHITMIRE: So he has an understanding of the whole school?

DR. SMITH: I think that's what was helpful. He's been there, and he's been in a leadership role at the medical university even before he became president.

REPRESENTATIVE WHITMIRE: Okay. Thank you for your willingness to serve.

SENATOR PEELER: Senator Scott has a question.

SENATOR SCOTT: Yes, sir. Dr. Smith, you and I came up in the elevator together this morning.
DR. SMITH: We did.
SENATOR SCOTT: In looking at your concern with the multiple different areas of the school as it grows, the medical field, I don't need to tell you, it is becoming more and more specialized. And as you bring different people on the board, they come with a little different kind of expertise. You no longer can just rely on the president to know it all. So the normally, they invite themselves into committees and those committees come back and give those reports, and that's what you go off of.

When you look at that as a structure and the difficulty that you have outlined as relates to so many different schools, tell me a little bit about your thinking on diversity, just male, female, people of color, and others, so MUSC can continue to be not only just a great school but a school that's very open to attract people, not only from South Carolina but all across the world and be a more diversified community. But especially in educating a lot of South Carolinian people of color and trying to get them into the Medical University.

Talk with me about what you've seen and how you've been working on to try to make that better, if that's been part of your plan.
DR. SMITH: I think it's very important that we include the people of South Carolina --
SENATOR SCOTT: Right.
DR. SMITH: -- and train. That's a big point of my being on that board. I feel like the Medical University of South Carolina is the Medical University of South Carolina. And I think we ought to be producing individuals that are going to stay in this state and serve this state. That's not always a hundred percent but as much as you can.

In that, you have to look at your population. And if your population is such, you want to keep -- you want that to reflect at that level.

I will tell you, 1968, I'm a freshman medical student, so I've been there and I've been -- I was there for nine years, and I saw the medical university even in 1968, you might not believe what I'm going to tell you, they strived to bring diversity to the medical university.

Our OB/GYN was just constantly trying to get, believe it or not, females into OB/GYN. Dr. Hester just went out of the way to come to us residents to go and recruit to get females.

We had, you know, African-Americans, we had females. There weren't but two females in my class. You talk about diversity. Look at what what's changed in the world.

So I see -- and I know some of the reference might be to some of the difficulty we've had recently at the Medical University, but I firmly believe Dave Cole is the most committed person to diversity. I think every day we try to address it with the community, but it's not just -- the Medical University just shouldn't be addressing just Charleston.

SENATOR SCOTT: Right.

DR. SMITH: This is a state. And so I think we should always strive to make sure we are not denying anybody a position that they're qualified for. But I also believe, and I'll just have to say what I believe, you have to be qualified, folks. Don't be doing my heart surgery if you're not qualified, and don't be doing my dental work if you're not qualified.

If you're qualified, there should be no barrier. There should be nothing that would be on that chart that should stop you. And I really firmly believe at the medical university, I really believe that we are trying and I know our board is just supporting Dave Cole and I can't -- he has just gone out of his way to see to it.

But are we perfect? You know, you can see North Carolina, what they're into, how do you make -- those are difficult things you get into. There's a lot of diversity. You know, they gave us a list of diversities, doesn't just mean African-American and females. It's a list of 25 people. I might have gone on more than you wanted me to.

SENATOR SCOTT: You're fine.

I'm fine, Mr. Chairman.

SENATOR PEELER: Thank you.

Senator Alexander.

SENATOR ALEXANDER: Thank you, and good morning.

DR. SMITH: Good morning.

SENATOR ALEXANDER: If you could just briefly, since being on the board, tell me your involvement. You have made how many of the meetings, 90 percent, 100 percent?

DR. SMITH: I could say probably 90 percent, just simply because I had to leave when my father-in-law died, but I'm there at all the meetings.

The Medical University does things a little different. We meet, have committees, and we all do the committee. So we all are there on Thursdays for all the committee meetings. And that's a little different than a lot of boards.

Now, I'm on the Medical Advisory Board, which is with Dr. Stan Baker, so I go down Wednesday at lunchtime and meet with --

SENATOR ALEXANDER: But you've been committed to it. Thank you, sir.

DR. SMITH: Maybe I'm talking too much.

SENATOR PEELER: Any other questions or comments?
SENATOR SCOTT: Move for favorable report.
SENATOR PEELER: Motion is a favorable report. Second.
SENATOR ALEXANDER: Second.
SENATOR PEELER: Any further discussion?
We'll take it to a vote. All in favor, say "aye."
(Members respond.)
Opposed, no.
The ayes have it unanimously.
Thank you, Dr. Smith. Thank you for your patience with us.
DR. SMITH: Thank you all.
SENATOR PEELER: All right. Now, members, we have some old business we need to tend to.
Martha, would you fill us in?
MS. CASTO: Yes, sir. The first one, there are two things. You all received probably last week a letter from Louis Lynn for the Clemson board. Mr. Lynn in the letter asked for your commitment, and it is highlighted in orange on his letter to you.
In accordance with Section 8-13-930, he is not allowed to ask for a commitment until the joint screening -- the screening report has been issued. The screening report will not be issued until the earliest tomorrow.
So Dr. Lynn, when he realized he shouldn't have done it, he called and talked with Julie. Julie came and got us out of finance and talked to us. We, in the meantime, talked to Lyn Odom, the attorney for the Senate Ethics Committee. Lyn said because of the statute, you know, it was up to the committee to do what needed to be done.
After we talked with Senator Peeler, Julie called Mr. Lyn back, Louis Lyn back. He said he was going to send a retraction letter.
The second page of yours is the retraction letter that apparently he mailed out on Saturday. Julie confirmed that this morning. As of yesterday, Senator Peeler had not received his, and I think Representative Whitmire had not received his. So they may come in the mail today.
All the retraction does is say "retraction" at the top. It's the same letter that he mailed out on April the 11th. So the question to the committee is, what do you want to do?
SENATOR PEELER: You've heard the situation.
Senator Hayes.
SENATOR HAYES: I'm just thinking out loud, I think, obviously, you know, shouldn't have been in here, but I think kind of what they're trying

to avoid is people locking people down on commitments, asking can you support me and checking them off on the list or whoever else.

I think this was a slip. I think he used the wrong wording, but I don't see this as violating the intent which was trying to lock people down on commitments.

I think the retraction probably could have been worded a little better as far as the retraction, but I don't see, you know, necessarily taking adverse action. But that's just my opinion.

SENATOR SCOTT: Mr. Chairman.

SENATOR PEELER: Thank you.

Senator Hayes is my dean of ethics.

So thank you, Senator Hayes.

Senator Scott.

SENATOR SCOTT: Dr. Lyn, does he have opposition in the Senate?

MS. CASTO: There are three. These are all at-large seats. There are three at-large seats up for election and three candidates.

SENATOR SCOTT: So he'll get a seat anyway. Evidently, it was either a staff person who probably typed it, and he just sent it out. He runs a pretty big operation.

Normally, Dr. Lynn, since I've been here, he's always a top vote getter even when he has somebody. So just knowing him, he's a genuine person. This has got to just be an error of some administrative person who he told to send a letter and probably just pulled the file and wrote the letter from the file, just updated it from the file.

I don't foresee it being a problem. Really there's no -- there really is no votes to collect.

SENATOR HAYES: I don't mean to interrupt, had he put a comma, "at the appropriate time".

SENATOR SCOTT: That's all.

SENATOR HAYES: That's just the type of thing that I think we need to obviously censure him and he has been censured and done a retraction, but I don't know that that's --

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you. I was going to follow up, had it been a contested case, I think it would put us in a different light. But I think at the same time I would like for him to go a little bit further than the retraction or the way that it's worded, if possible. He may want to take that last out, but I'm fine with leaving him in.

But I do think maybe before we start doing screening in the future for us to maybe have the candidates sign some type of a form to make sure they understand that if they do this, that certainly puts them at jeopardy

of being disqualified from that standpoint. Because this is not something I want to see start becoming the norm.
SENATOR SCOTT: Right.
SENATOR HAYES: True.
SENATOR ALEXANDER: So I take it very seriously that we would go to that point. But I think that saving grace for him is that it is a non-contested case.
SENATOR PEELER: Representative Whitmire.
REPRESENTATIVE WHITMIRE: I hate to say I'm agreeing with the senators, but I do. It is not a contested case, but if it was, we would be in a pickle. That's where we talked about rules. We need to have some set guidelines if this happens in the future, that we toss it out and let people reapply, even if it's a non-contested election or what.

That's my feeling that, you know, because sometime in the future, we're going to be faced with a situation that may come up that might not be this easy to resolve. I hope we can come up with something, you know, at least for next year.
SENATOR PEELER: Thank you.
SENATOR SCOTT: On that same vein.
SENATOR PEELER: Senator Scott.
SENATOR SCOTT: Once these candidates complete, I think the committee, we, as a whole, kind of got relaxed too. We need to tell them, those of you who -- I know probably gave them in writing, but just as a reminder, you all, until the screening report come out, please don't solicit. I think in this particular case, he knew the statute. I just think it was an error that was made.
SENATOR PEELER: Senator Scott, our staff -- no offense to you candidates -- holds their hand, babies them like three-year-olds.
SENATOR SCOTT: I got you.
SENATOR PEELER: I mean, these people that are in charge of our universities, our higher education, it's scary. It's scary how you have to hold their hands.
SENATOR SCOTT: They're afraid when they come into this process. That's all.
SENATOR PEELER: Representative Whitmire made a good point. We need some more strict rules. We try to have some, but a certain senator blocked it last time. Maybe he'll support it this time.
SENATOR SCOTT: Maybe.
SENATOR PEELER: Thank you.

But that's why -- I know Dr. Lyn. I have utmost respect for him. We were at Clemson at the same time. He should have known better. He

should have known better. And I think he definitely knows better now, but I hear what all the members, the comments you all have said. Thank goodness, it is an unopposed case.
SENATOR HAYES: I have a question, Mr. Chairman.
SENATOR PEELER: Senator Hayes.
SENATOR HAYES: You want to complete what needs to be done on this? I'm sorry.
SENATOR PEELER: Any action we need to take?
REPRESENTATIVE WHITMIRE: No action.
SENATOR SCOTT: No action.
SENATOR PEELER: Okay. So is that a motion there's no action?
REPRESENTATIVE WHITMIRE: No action.
SENATOR HAYES: Second.
SENATOR PEELER: Motion and a second.

Any other discussion on that?

If you would, let Dr. Lynn know what we talked about what was suggested and any other candidates.

Okay. That settles that.

All in favor of that, say "aye."
(Members respond.)

Opposed, no.

And the ayes have it. Thank you.

Senator Hayes.

SENATOR HAYES: I got here late, and I didn't know if the question was asked, but on this last candidate, is his residency situation worked out?
MS. CASTO: Yes, sir. His residency is worked out. We checked tax records for the last four years, and they have remained in Sumter County, his 4 percent. And voter registration and driver's license.
SENATOR HAYES: I didn't potentially want to make it a point, but I did want to make sure it's taken care of.
MS. CASTO: Yes, sir.
SENATOR SCOTT: I'm going to take the heat of you say not letting the rules pass. Are you talking about on the ethics bill, you had something in the ethics bill, rules to clean this up that unconsciously I may not have been aware of that this allowed or disallowed certain things.
MS. CASTO: There was a bill in 2013 that passed out of Judiciary Committee that would have added some meat to the screening committee for this, and you signed a minority.

SENATOR SCOTT: And it is probably because I wasn't sitting on this committee.
SENATOR PEELER: So will you co-sponsor that bill this time?
SENATOR SCOTT: Let me take a look at that and see what I'm getting myself into. I'll be happy to look at it, on a serious note.
SENATOR PEELER: Is the Dr. Lynn question is satisfied?
MS. CASTO: The next one Wil Lou Gray. You may remember, we had four vacancies for Wil Lou Gray, and we had four candidates that applied.

On December the 15th, Pat Smith, the head of Wil Lou Gray, hand-delivered a letter of intent for a Ms. Newman from Cayce. She never -- at that time Julie had mailed and we have documentation that she mailed her application packet to her the same day.

Ms. Newman never completed the application packet and did not get it in. Last Thursday, she realized she wasn't going to be on the board. She's an incumbent on the board.

Pat Smith called to say that she was going to be prepared to contact every member of the Lexington County delegation. So just to make you all aware, if anybody from Lexington County contacts you that you're kicking Ms. Newman off the board, she did not fill out the paperwork.
SENATOR PEELER: Well, kicking her off the board might be a little strong. The fact is, she didn't apply.
MS. CASTO: Right.
SENATOR SCOTT: Mr. Chairman, at the time that the vacancy occurred, because a vacancy can be filled, she can apply at that point in time.
MS. CASTO: Yes.
SENATOR SCOTT: But she passed her time. Like some of us, if we don't file, you can't back up the date.
MS. CASTO: And we call them and remind them when to send -- the packet is coming due in the next couple weeks. She did not leave us a telephone number. We had no contact information and had contacted the school, and if they got in touch with her, we don't know.
SENATOR PEELER: That's just for our information.
MS. CASTO: Yes, sir.
SENATOR PEELER: Okay. Next subject.
MS. CASTO: The next subject is MUSC. Julie has some folders.

You may remember, two candidates have applied for the MUSC Congressional District 4, the medical board seat. Dr. Thomas is the incumbent, and Dr. Mitchell is running for that seat.

He has sent the chairman some information regarding Dr. Thomas' residency in the 4th Congressional District, so the packet you just got is from Dr. Mitchell.

SENATOR PEELER: Dr. Mitchell is here and he has requested an audience of the committee.

Dr. Mitchell, would you still like to speak to the committee?

DR. MITCHELL: Yes, sir.

SENATOR PEELER: Come forward.

Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

DR. MITCHELL: I do.

I would like to thank the committee for listening to me today. I'm a very poor speaker to a group like this, but I hope that I may speak to my patients better.

I am an orthopedic spine surgeon, not a private investigator or someone that knows all the rules of the committee.

I'm running for the board of the Medical University of South Carolina Board of Trustees, District 4, medical seat. I was encouraged by people on the board to do this because they know I've had a desire to serve on this board for many years.

It is actually a well-known fact that the current faculty members feel that the -- some of the current faculty members feel the integrity of the board is compromised due to the known fact that Charlie Thomas has lived in Charleston for several years and continues to pose as a resident of District 4, which includes Greenville and Spartanburg counties.

During Dr. Thomas' testimony last week, which I was at, on April 11, 2016, he stated that he paid 4 percent taxes on my farm in Laurens County. I feel this information is erroneous. And according to a Ms. West at the tax office in Charleston -- in Laurens County, he paid a 6 percent rate on his farm and Laurens County is entirely in District 3. This would make it not fulfill one of the four requirements of the residency of Greenville County.

It is my feeling that the board members should consider this as new information.

In looking at other -- if you look at the just the continuation of this over the past three years I've been considering this run, driver's license is something that you have checked. I haven't seen, but I assume that says Greenville.

His application and his voter registration listed his address as a private residential address, what appears to be a relative of his, 110 East Prentiss Avenue.

He swore last week that he rented an apartment in Greenville County, and I don't see a listing of an apartment as an address. And if he rented that apartment two weeks ago or two years ago, I don't know, but I would think that would be something that we need to know. Why do the addresses differ from his voter registration, his application registration? Why is that a private residence of what appears to be a relative and not his apartment?

His income tax filing, I have no concerns about that. The 4 percent tax, we discussed that it appears he didn't pay 4 percent from Mrs. Lynn West of the Laurens County tax assessor. It was at the rate of 6 percent, and it was in a district other than District 4.

I would like to point out also, I put in that packet a legal notice from the South Carolina Medical Practice Act that said that you should change your address when you change addresses. Well, he did indeed change his address when he left Greenville County to Awendaw in Charleston County. I made a printout of that February 3rd, 2016, and he listed the hospital affiliations.

He's no longer affiliated with any of those hospitals which -- and he put the correct address, 391 Bulls Island road, Awendaw, South Carolina, in Charleston County.

I checked the medical board last night, so sometime within the last week, he has changed that medical license to 110 East Prentiss Avenue, which is not the apartment he says he's rented but is a private residence of one of these relatives, I believe. So in the past week or two he's changed his license, which just appears to me as though he's gaming the system.

A personal note. This is hearsay. I was at a meeting with a lot of the faculty and some of the board, and they say that his votes have been influenced somewhat by the fact that they know that he's not a resident of Greenville, and so they just need to remind him that maybe we will turn you in if you don't straighten up and vote our way. I think that compromises his voting ability, and that's my opinion only.

But my real questions are, is he trying to comply, when did he comply, and how long will it last? I don't know if there's a rule you must comply before you fill out your application or can you fill it out any time before the vote and comply with the registration -- with the restrictions on being a resident in District 4.

That's all I have to say. I'll answer any questions. I wasn't trying to be mean. I'm not trying to be malicious. I've known Charlie for 30 years. He's a fine person. But if you don't live in Greenville, I don't think you should say you do.

SENATOR PEELER: Thank you.
Senator Hayes.
SENATOR HAYES: If he's living down on the island, whatever the name --
DR. MITCHELL: Awendaw.
SENATOR HAYES: Is he paying 4 percent down there?
DR. MITCHELL: He pays 6 percent, according to him.
SENATOR HAYES: He pays 6 percent there.
MS. CASTO: Yes, we have checked his tax records for the last three years or four years, and he has paid 6 percent all this time.
SENATOR HAYES: Is he paying 4 percent anywhere?
MS. CASTO: He's not paying 4 percent anywhere.
SENATOR PEELER: The farm in Laurens, does that make any difference? First of all, I'm assuming he pays ag use.
REPRESENTATIVE HENDERSON: That's what it says.
SENATOR PEELER: That's not 6 percent.
SENATOR SCOTT: They have a different assessment, how they formulate it. It's not like the way --
SENATOR PEELER: He doesn't claim the farm as his residence, does he?
MS. CASTO: No, sir.
DR. MITCHELL: His sworn testimony was that satisfied his 4 percent.
REPRESENTATIVE WHITMIRE: That's what he said. I remember 4 percent.
SENATOR PEELER: So what did staff use, what criteria do we use? Because we've had this question to come up on other candidates in the past. What this committee uses as a definition of place of residence.
MS. CASTO: What this committee chose to do with the last candidate that was before you all this morning came, you will remember all of the testimony then was that if it was their intent to live at that address, you needed to have your driver's license and your voter registration. From the time that Dr. Thomas applied or sent his letter of intent in, it has been on the Prentiss Avenue address in Greenville.
SENATOR PEELER: That's his voter registration?
MS. CASTO: His voter registration, his driver's license, and now his medical license.
SENATOR PEELER: When you register to vote, is that -- isn't that a legal document that that's where you reside?
MS. CASTO: Yes, sir.
SENATOR SCOTT: What does the statute say? Because the statute gives us a definition of residency too.

MS. CASTO: The statute varies from board to board, and so it has been whatever this committee has determined as residency.
SENATOR PEELER: Representative Henderson.
REPRESENTATIVE HENDERSON: So this document right here, it's got the statement here, "It is required by law that any person who wishes to offer," where did that wording come from?
DR. MITCHELL: That's off the document that the board sent me.
MS. CASTO: This is off the -- the first sentence is off of -- I mean, it is from the information that this committee sends out.
REPRESENTATIVE HENDERSON: Okay. So this is our committee's definition?
MS. CASTO: Correct.
REPRESENTATIVE HENDERSON: Is there anything that says you have to meet all four of these, or these are just the things that we consider in deciding?
MS. CASTO: There is nothing that says you have to meet all four of them.
REPRESENTATIVE HENDERSON: Because honestly, not to necessarily get in the middle of these two candidates, but, you know, that would mean a person who actually didn't own a home could never be on this board.
MS. CASTO: Correct.
REPRESENTATIVE HENDERSON: And that, obviously, is not the intention of -- I would hope, of this body that would outlaw anybody who just doesn't happen to be able to own a piece of property.

And I have talked to Dr. Thomas in trying to weed through all of this with our delegations. He does travel a lot, and he does do a lot of medical mission work. He travels a lot, says he lives in Greenville. I'm sure that he spends a lot of time all over the state, to be honest with you, from what I'm picking up between the vacation home and the farm and the place that he rents.
SENATOR SCOTT: Mr. Chairman.
SENATOR PEELER: Senator Scott.
SENATOR SCOTT: I'm not so hot on the 4 percent personal property tax for this reason. Some people have recreation homes, they live six months in one place and six months in the other place, but their legal residence, where they get their mail, file their income tax, driver's license, voter registration, could be in another place. It is just all of which -- the law says you can only get one 4 percent assessment on property. It didn't say which one I had to take it off. I don't think the

law says that if you don't live there all the time, you can't take it, but it says you only get one 4 percent assessment.

Given the nature of each property, lake property and others, and after Act 388, I'm pretty sure you probably saw some shift in what people decide they want to take the 4 percent. But the real question is, what is his legal residence? If I'm running for Congress, running for the House, State Senate, local government, what is my actual residency? That's why I ask the question about does the statute tie us down specifically. It says you must live and reside in the district which you are running for and remain in it after you're elected. It didn't say that you can't have recreation property that you cannot enjoy and do other things such as ag, if that's what you like.

So the 4 percent doesn't really give me a lot of heartburn. Driver's license, voter registration, tax returns, I think those are the kind of things you can tie yourself down to. And even if you decide on your rec property to get the 4 percent on it and get 6 where you live at, you may not go to rec probably but once a year, twice a year. So I'm just trying to tie that 4 percent to something that really proves whether or not that's where I live or don't live.

And that 4 percent, like I say, doesn't give me a lot of heartburn.

SENATOR PEELER: Well, Senator, the 4 percent would have come into play for me, this is how I feel, if Dr. Thomas was claiming 4 percent at his beach home and 6 percent in Greenville.

SENATOR SCOTT: Right.

SENATOR PEELER: Similar to what we've had before. That's where the 4 percent would come into play. But he's been paying 4 percent on his beach home.

SENATOR SCOTT: 6 percent.

SENATOR PEELER: 6 percent on his beach home for how long? How long has he --

MS. CASTO: The 6 percent?

SENATOR PEELER: On his beach home.

MS. CASTO: We looked back as far as three years, and he was paying a 6 percent then. We didn't look any further.

SENATOR PEELER: So, Dr. Mitchell, I think that's where the 4 percent would have come into play. If he was paying 4 percent on his beach home, that would come into play. But because of questions we've had before, his driver's license shows 4th Congressional District, his voter registration shows in the 4th Congressional District.

REPRESENTATIVE HENDERSON: Did we check the tax return?

MS. CASTO: The tax return, we have asked for a court order because of privacy. We have not contacted Dr. Thomas, but yes, we are waiting on that.

SENATOR PEELER: Mr. Whitmire.

REPRESENTATIVE WHITMIRE: You know, after hearing the testimony from Dr. Thomas last time, just common sense to me seems that he has established his voter, his registration in Greenville in order to be on the board from Greenville. Obviously, he spends probably most of his time living down on the coast or at his farm.

Our question is, you know, he swore that, you know, he is in Greenville, and I don't know any way to dispute that. I mean, unless there's some proof that he doesn't live there, and he may live there just part of the time.

But I'm convinced that it's because he wants to serve on the board that he's established there in Greenville and probably spends most of his time somewhere else. But we don't have rules to change that. So I don't know how we can disqualify him just on what we've heard so far.

DR. MITCHELL: He did swear that he paid 4 percent in Laurens County.

REPRESENTATIVE WHITMIRE: Yeah, he did that.

DR. MITCHELL: Which is District 3.

REPRESENTATIVE WHITMIRE: Right.

DR. MITCHELL: That would help him out being a candidate in District 3.

REPRESENTATIVE WHITMIRE: But why would he say that at the time because he wasn't -- he may have mistakenly said. I think he may have been thinking, like you said, you know, the agricultural.

SENATOR PEELER: Yeah.

REPRESENTATIVE WHITMIRE: Anyway, that's just my thought on it. I don't know how we can disqualify him because I don't see enough proof otherwise.

SENATOR PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: Mr. Chairman, I agree, the purpose of this committee is to determine someone's qualifications. We have been through this issue before. I can't believe it was four years ago actually that we went through that with Dr. Smith.

But on the basis of that, you know, I don't think that we should change the recommendations that we've made and allow our delegations to get together and figure out how we're going to address this appointment because it's raised a lot of questions. But I don't believe this committee should find either unqualified on the basis of that.

REPRESENTATIVE WHITMIRE: There's still an election to be held.
SENATOR PEELER: Both have been found qualified.
If you can take some advice, Dr. Mitchell.
DR. MITCHELL: Yes.
SENATOR PEELER: Campaign with equal vigor.
DR. MITCHELL: Okay.
SENATOR PEELER: If you will spend as much time paying attention to running for the race as you have with this, I'll just give you that advice.
DR. MITCHELL: Thank you very much for listening to me.
SENATOR PEELER: Thank you.
Anything else to come before us?
MS. CASTO: That's it.
SENATOR SCOTT: I want to review that legislation.
SENATOR PEELER: Please do. And quite frankly, this is not the first time the residency questions have come up, and it may not be the last.
REPRESENTATIVE HENDERSON: We need to address it.
SENATOR PEELER: This is a difficult subject, and we need to nail it out.
Nothing else?
We stand adjourned.
(EXHIBIT 1, Letter Dated April 11, 2016, was marked for identification.)
(EXHIBIT 2, Retraction Letter, was marked for identification.)
(The hearing adjourned at 11:19 a.m.)

Received as information.

REPORTS OF STANDING COMMITTEES

Rep. ALLISON, from the Committee on Education and Public Works, submitted a favorable report on:

H. 5021 -- Reps. Collins, Clary and Felder: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ADULT STUDENTS WITH DISABILITIES EDUCATIONAL RIGHTS CONSENT ACT" BY ADDING ARTICLE 3 TO CHAPTER 33, TITLE 59 SO AS TO PROVIDE PROCEDURES AND POLICIES THROUGH WHICH STUDENTS WHO ARE ELIGIBLE FOR SPECIAL EDUCATION UNDER THE INDIVIDUALS WITH DISABILITIES ACT AND WHO HAVE NOT BEEN DETERMINED TO BE INCAPACITATED IN PROBATE COURT MAY BE IDENTIFIED AS UNABLE TO PROVIDE INFORMED CONSENT

WITH RESPECT TO HIS EDUCATIONAL PROGRAM AND DELEGATE THE AUTHORITY TO MAKE SUCH DECISIONS TO AN AGENT OR REPRESENTATIVE; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 33, TITLE 59 AS ARTICLE 1 ENTITLED "GENERAL PROVISIONS".

Ordered for consideration tomorrow.

Rep. ALLISON, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 5089 -- Rep. Daning: A BILL TO AMEND SECTION 56-19-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE PROTECTION OF TITLES TO AND INTEREST IN MOTOR VEHICLES, SO AS TO ADD ADDITIONAL TERMS AND THEIR DEFINITIONS TO THIS SECTION; AND TO AMEND SECTION 56-19-265, AS AMENDED, RELATING TO LIENS RECORDED AGAINST MOTOR VEHICLES AND MOBILE HOMES, SO AS TO PROVIDE THAT A LIEN OR ENCUMBRANCE ON A MOTOR VEHICLE OR TITLED MOBILE HOME MUST BE NOTED ON THE PRINTED TITLE OR ELECTRONICALLY THROUGH THE DEPARTMENT OF MOTOR VEHICLES' ELECTRONIC TITLE AND LIEN SYSTEM, TO PROVIDE THAT THE TRANSMITTAL MUST BE DONE ELECTRONICALLY FOR BUSINESS ENTITIES, TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT BUSINESS ENTITIES ARE SUBJECT TO CERTAIN FEES, TO PROVIDE THAT THE TRANSMITTAL AND RETRIEVAL OF DATA FEES ARE "OFFICIAL FEES", TO PROVIDE THAT CERTAIN BUSINESSES AND COMMERCIAL LIENHOLDERS MUST UTILIZE THE ELECTRONIC LIEN SYSTEM TO TRANSMIT AND RECEIVE ELECTRONIC LIEN INFORMATION, TO PROVIDE THE EFFECTIVE DATE AND LAPSE DATE FOR CERTAIN LIENS, TO PROVIDE THAT THE DEPARTMENT SHALL PUBLISH FORMS FOR THE PURPOSE OF FILING A LIEN CONTINUATION STATEMENT, AND TO PROVIDE THE PROCESS FOR FILING A LIEN CONTINUATION STATEMENT AND THE PERIOD FOR WHICH THE LIEN REMAINS IN EFFECT.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 5238 -- Reps. G. M. Smith, Weeks, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, 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, 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. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR THE DEDICATION, HEROISM, AND IMPORTANCE OF FIREFIGHTERS IN THE PALMETTO STATE AND TO DECLARE MAY 4, 2016, AS "FIREFIGHTERS' DAY" IN SOUTH CAROLINA.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5239 -- Reps. G. M. Smith, Weeks, McKnight, Ridgeway, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, 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, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson,

Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, 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, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR SOUTH CAROLINA HIGHWAY PATROL TROOPER FIRST CLASS JAMES CAMERON WELSH OF FLORENCE COUNTY, UPON BEING NAMED THE 2015 TROOPER OF THE YEAR FOR DUI ARRESTS, AND TO EXPRESS DEEP GRATITUDE FOR HIS MERITORIOUS SERVICE TO THE CITIZENS OF HIS COMMUNITY.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5240 -- Reps. Govan, Cobb-Hunter, Hosey, Ott, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, 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, 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 EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE DEATH OF WILLIAM CAPERS COOK OF ORANGEBURG AND

TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5241 -- Reps. Willis, Bedingfield, Pitts, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, 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, 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, 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 and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR FOUNTAIN INN WESLEYAN CHURCH OF GREENVILLE COUNTY AND TO CONGRATULATE THE CONGREGATION AND PASTOR FOR ONE HUNDRED YEARS OF CONTINUOUS MINISTRY IN THE COMMUNITY.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5242 -- Reps. Gambrell, Gagnon, White, Hill, Putnam and Thayer: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR VETERANS OF THE BELTON AREA UPON THE OPENING OF

THE BELTON AREA MUSEUM ASSOCIATION'S EXHIBIT WAR STORIES AT THE HISTORIC BELTON TRAIN DEPOT.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 5243 -- Reps. Clemmons, Hayes, Goldfinch, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, 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, Govan, Hamilton, Hardee, Hart, Henderson, Henegan, Herbkersman, 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, 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 CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR MAJOR WILLIAM POOLE OF FLORENCE UPON THE OCCASION OF HIS RETIREMENT FROM THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES, TO THANK HIM FOR HIS TWENTY-FIVE YEARS OF OUTSTANDING PUBLIC SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

WEDNESDAY, APRIL 20, 2016

CONCURRENT RESOLUTION

The following was introduced:

H. 5244 -- Reps. Alexander and Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF PINE STREET (STATE ROAD S-21-1380) FROM ITS INTERSECTION WITH SOUTH CHURCH STREET TO ITS INTERSECTION WITH SOUTH JEFFORDS STREET IN THE CITY OF FLORENCE "EDWARD 'ED' ROBINSON WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY CONTAINING THIS DESIGNATION.

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

INTRODUCTION OF BILLS

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

H. 5245 -- Reps. Tallon, Bannister, J. E. Smith, Finlay, Anthony, Bernstein, Bales, Bingham, Clary, Cole, Delleney, Forrester, Henderson, Herbkersman, Pope and G. M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-945 SO AS TO PROVIDE THAT A MANUFACTURER, BREWER, IMPORTER, OR RETAILER MAY OFFER OR SPONSOR CERTAIN COUPONS AND REBATES TO A CONSUMER FOR THE PURCHASE OF BEER, TO PROVIDE THAT A WHOLESALER IS PROHIBITED FROM PARTICIPATING IN THE PROCUREMENT, REDEMPTION, OR OTHER COSTS ASSOCIATED FOR ANY COUPON OR REBATE FOR BEER, AND TO PROVIDE THAT A BEER MANUFACTURER OR WHOLESALER IS PROHIBITED FROM OFFERING PAPER INSTANT REDEEMABLE COUPONS AND SCANBACK COUPONS FOR BEER IN THIS STATE.

Referred to Committee on Judiciary

H. 5246 -- Reps. Long and Tinkler: A BILL TO AMEND SECTION 47-1-40, AS AMENDED, CODES OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ILL-TREATMENT OF ANIMALS AND PENALTIES ASSOCIATED WITH VIOLATING THIS PROVISION, SO AS TO PROVIDE THAT A PERSON

CONVICTED OF VIOLATING THIS SECTION MUST UNDERGO A MENTAL HEALTH EVALUATION.

Referred to Committee on Judiciary

H. 5247 -- Reps. Gambrell, Gagnon and Putnam: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-61-170 SO AS TO ESTABLISH REQUIREMENTS FOR EMERGENCY SERVICE SYSTEM BILLING AND INSURANCE COVERAGE PRACTICES APPLICABLE TO NONNETWORK EMERGENCY MEDICAL SERVICE PROVIDERS; AND TO AMEND SECTION 44-61-20, AS AMENDED, RELATING TO DEFINITIONS USED IN THE EMERGENCY MEDICAL SERVICES ACT, SO AS TO ADD A DEFINITION FOR "INSURER".

Referred to Committee on Labor, Commerce and Industry

S. 1233 -- Senator Sheheen: A BILL TO AMEND SECTION 4-10-470, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTIES IN WHICH THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX MAY BE IMPOSED, SO AS TO REVISE THE CRITERIA APPLICABLE TO CERTAIN COUNTIES IN ORDER FOR THEM TO PLACE THE QUESTION OF IMPOSING THIS SALES AND USE TAX ON A REFERENDUM BALLOT.

Referred to Committee on Ways and Means

S. 1238 -- Senator Leatherman: A BILL TO AMEND ACT 806 OF 1952, AS AMENDED, RELATING TO THE ANNUAL BUDGET FOR FLORENCE COUNTY SCHOOL DISTRICT TWO, SO AS TO ONLY REQUIRE A SEPARATE MEETING OF THE CITIZENS IF THE PROPOSED BUDGET REQUIRES A MILLAGE INCREASE.

Referred to Florence Delegation

SPEAKER IN CHAIR

ROLL CALL

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

Alexander	Allison	Anderson
Anthony	Atwater	Bales
Ballentine	Bamberg	Bannister

Bedingfield	Bernstein	Bingham
Bowers	Bradley	Brannon
G. A. Brown	R. L. Brown	Burns
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	Crosby	Daning
Delleney	Dillard	Douglas
Duckworth	Erickson	Felder
Forrester	Fry	Funderburk
Gagnon	George	Gilliard
Goldfinch	Govan	Hamilton
Hardee	Hayes	Henderson
Henegan	Hicks	Hill
Hiott	Hixon	Hodges
Horne	Howard	Huggins
Jefferson	Johnson	Jordan
King	Kirby	Knight
Long	Lucas	Mack
McEachern	McKnight	W. J. McLeod
Mitchell	D. C. Moss	Nanney
Newton	Pitts	Pope
Riley	Rivers	Rutherford
Sandifer	Simrill	G. R. Smith
J. E. Smith	Sottile	Southard
Spires	Stringer	Tallon
Taylor	Wells	Whipper
White	Williams	

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Wednesday, April 20.

Heather Crawford	Kirkman Finlay
Mike Gambrell	William G. Herbkersman
Lonnie Hosey	Ralph Kennedy
H. B. "Chip" Limehouse	Dwight Loftis
Peter McCoy, Jr.	Mia S. McLeod
James Merrill	Chris Murphy
Joseph Neal	Mandy Powers Norrell
Russell Ott	Anne Parks
Richard "Rick" Quinn	G. Murrell Smith
Leon Stavrinakis	Mary E. Tinkler

McLain R. "Mac" Toole	David Weeks
Mark Willis	Richie Yow
Leola Robinson-Simpson	

Total Present--114

LEAVE OF ABSENCE

The SPEAKER granted Rep. RIDGEWAY a leave of absence for the day due to a prior commitment.

LEAVE OF ABSENCE

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

LEAVE OF ABSENCE

The SPEAKER granted Rep. PUTNAM a leave of absence for the day due to business reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. V. S. MOSS a leave of absence for the day due to family medical reasons.

LEAVE OF ABSENCE

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

LEAVE OF ABSENCE

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

LEAVE OF ABSENCE

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

STATEMENT FOR THE JOURNAL

I have a mandatory court appearance the morning of April 20, 2016, and will be late arriving for Session in the House Chambers.

Rep. Leon Stavrinakis

DOCTOR OF THE DAY

Announcement was made that Dr. Suzanne L. Schwab of Lexington was the Doctor of the Day for the General Assembly.

WEDNESDAY, APRIL 20, 2016

SPECIAL PRESENTATION

Rep. ALLISON presented to the House Miss South Carolina 2015, Daja Dial, and Miss South Carolina Teen 2015, Sarah Hamrick, along with the 2016 Miss South Carolina contestants.

CO-SPONSORS ADDED

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. 3039
Date:	ADD:
04/20/16	WHIPPER

CO-SPONSOR ADDED

Bill Number:	H. 4395
Date:	ADD:
04/20/16	BEDINGFIELD

CO-SPONSORS ADDED

Bill Number:	H. 4661
Date:	ADD:
04/20/16	HICKS and RIVERS

CO-SPONSOR ADDED

Bill Number:	H. 4765
Date:	ADD:
04/20/16	KING

CO-SPONSOR ADDED

Bill Number:	H. 4774
Date:	ADD:
04/20/16	WHIPPER

CO-SPONSOR ADDED

Bill Number:	H. 4776
Date:	ADD:
04/20/16	WHITE

CO-SPONSOR ADDED

Bill Number:	H. 5006
Date:	ADD:
04/20/16	KING

CO-SPONSOR ADDED

Bill Number:	H. 5007
Date:	ADD:
04/20/16	KING

CO-SPONSOR ADDED

Bill Number:	H. 5009
Date:	ADD:
04/20/16	KING

CO-SPONSOR ADDED

Bill Number:	H. 5237
Date:	ADD:
04/20/16	KENNEDY

CO-SPONSOR ADDED

Bill Number:	H. 5109
Date:	ADD:
04/20/16	KNIGHT

WEDNESDAY, APRIL 20, 2016

CO-SPONSORS ADDED

Bill Number:	H. 5140
Date:	ADD:
04/20/16	GAMBRELL, GAGNON, ERICKSON, CLARY, TALLON and HENDERSON

SENT TO THE SENATE

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

H. 4574 -- Reps. Spires, Herbkersman and Long: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ELECTROLOGY PRACTICE ACT" BY ADDING ARTICLE 3 TO CHAPTER 13, TITLE 40 SO AS TO PROVIDE A CITATION, TO PROVIDE PURPOSES, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONDUCT CONCERNING THE PRACTICE AND TEACHING OF ELECTROLOGY WITHOUT LICENSURE, TO CREATE THE ELECTROLOGY LICENSURE COMMITTEE AS AN ADVISORY BOARD UNDER THE AUSPICES OF THE COSMETOLOGY BOARD, TO PROVIDE FOR THE COMPOSITION AND ORGANIZATION OF THE COMMITTEE, TO PROVIDE THE POWERS AND DUTIES OF THE COMMITTEE, TO PROVIDE REQUIREMENTS FOR LICENSURE AS AN ELECTROLOGIST AND REQUIREMENTS FOR LICENSURE AS AN ELECTROLOGY INSTRUCTOR, TO PROVIDE REQUIREMENTS FOR THE CONDUCT OF LICENSEES, TO PROVIDE PROCEDURES FOR VOLUNTARY SURRENDER OF A LICENSE AND SUBSEQUENT REINSTATEMENT, TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO PROVIDE DISCIPLINARY PROCEDURES FOR VIOLATIONS, AMONG OTHER THINGS; TO AMEND SECTION 40-13-5, RELATING TO APPLICABILITY OF THE CHAPTER, SO AS TO MAKE A CONFORMING CHANGE; TO DESIGNATE EXISTING SECTIONS OF THE CHAPTER AS ARTICLE 1, ENTITLED "COSMETOLOGISTS, NAIL TECHNICIANS, AND ESTHETICIANS"; AND TO REDESIGNATE THE CHAPTER AS "COSMETOLOGY AND MISCELLANEOUS RELATED OCCUPATIONS".

H. 4763 -- Reps. Pope, D. C. Moss, Yow, Hardee, Duckworth, Johnson, Goldfinch, Southard, Long, Felder, Taylor, George, Simrill,

Jordan, Chumley, Clemmons, Sandifer, Wells, Whitmire, Funderburk and Tallon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-7-180 SO AS TO CREATE THE INTERNET CRIMES AGAINST CHILDREN FUND TO INVESTIGATE, PROSECUTE, AND PREVENT INTERNET CRIMES AGAINST CHILDREN; AND TO AMEND SECTIONS 14-1-206, 14-1-207, AND 14-1-208, ALL AS AMENDED, ALL RELATING TO ADDITIONAL ASSESSMENTS IMPOSED BY CERTAIN COURTS, SO AS TO REVISE THE AMOUNT OF AN ASSESSMENT THAT A PERSON MUST PAY.

H. 4492 -- Reps. Putnam, Clyburn, Collins, Clary, Erickson, Long, Ryhal, Herbkersman, Newton, Tinkler, Jordan, Hicks, McCoy, M. S. McLeod, Douglas, Henegan, Allison, G. M. Smith, Funderburk, Finlay and Pitts: A BILL TO AMEND SECTION 63-7-1630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE OF CHILD ABUSE AND NEGLECT HEARINGS, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE TEN DAYS NOTICE OF A HEARING TO, AMONG OTHERS, FOSTER PARENTS AND TO REQUIRE THE NOTICE TO INFORM FOSTER PARENTS OF THE RIGHT TO SUBMIT A REPORT TO THE COURT; TO AMEND SECTION 63-7-1700, AS AMENDED, RELATING TO PERMANENCY PLANNING FOR CHILDREN IN FOSTER CARE, SO AS TO REQUIRE THE DEPARTMENT TO PROVIDE NOTICE OF A PERMANENCY PLANNING HEARING TO FOSTER PARENTS AND OTHER PERSONS PROVIDING CARE FOR A CHILD; AND TO AMEND SECTION 63-11-720, RELATING TO FUNCTIONS OF THE FOSTER CARE REVIEW BOARD, SO AS TO REQUIRE THE FOSTER CARE REVIEW BOARD TO ADVISE FOSTER PARENTS ABOUT THE RIGHT TO SUBMIT A REPORT TO AND BE HEARD BY THE COURT AT A HEARING CONCERNING THE CHILD.

H. 4398 -- Reps. Clemmons, Yow, Burns, Pitts, McCoy and Hicks: A BILL TO AMEND SECTION 15-41-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY EXEMPT FROM BANKRUPTCY PROCEEDINGS OR ATTACHMENT, LEVY, AND SALE, SO AS TO EXEMPT THREE FIREARMS OF ANY VALUE AND ONE THOUSAND ROUNDS OF AMMUNITION FOR EACH FIREARM OWNED BY THE DEBTOR.

WEDNESDAY, APRIL 20, 2016

RETURNED TO THE SENATE WITH AMENDMENTS

The following Bill was taken up, read the third time, and ordered returned to the Senate with amendments:

S. 339 -- Senators Lourie and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "HOPE'S LAW" BY ADDING SECTION 44-115-160 SO AS TO REQUIRE MAMMOGRAM PROVIDERS TO PROVIDE A MAMMOGRAM REPORT TO PATIENTS ABOUT BREAST DENSITY AND TO REQUIRE THESE PROVIDERS TO INCLUDE A CONSPICUOUS NOTICE WHEN A MAMMOGRAM SHOWS THE PRESENCE OF DENSE BREAST TISSUE.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time, passed and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification:

S. 849 -- Senators Cromer, Allen and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE PROCEDURES GOVERNING THE MAXIMUM ALLOWABLE COST REIMBURSEMENTS FOR GENERIC PRESCRIPTION DRUGS BY PHARMACY BENEFIT MANAGERS, TO PROVIDE NECESSARY DEFINITIONS, TO EXEMPT THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES IN THE PERFORMANCE OF ITS DUTIES IN ADMINISTERING MEDICAID UNDER TITLES XIX AND XXI OF THE SOCIAL SECURITY ACT, TO PROVIDE REQUIREMENTS FOR PLACING DRUGS ON MAXIMUM ALLOWABLE COST LISTS BY PHARMACY BENEFIT MANAGERS, AND TO PROVIDE VARIOUS REQUIREMENTS OF PHARMACY BENEFIT MANAGERS; TO PROVIDE CONTRACTS BETWEEN PHARMACIES AND PHARMACY BENEFIT MANAGERS THAT ARE ENTERED INTO, RENEWED, OR EXTENDED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JANUARY 1, 2016.

RECURRENCE TO THE MORNING HOUR

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

H. 3167--REQUESTS FOR DEBATE

Debate was resumed on the following Bill, the pending question being the consideration of Amendment No. 1:

H. 3167 -- Reps. Tallon, Long, G. R. Smith, Pitts, Toole, Pope, Simrill, Johnson, Felder, Kennedy, Jordan, Goldfinch, Clemmons, Duckworth, Fry, Hardee, Ryhal, Yow, Gagnon, Willis, Rutherford, Hixon, Taylor, Hill, Howard, Williams, Douglas, Dillard, Hayes, Daning, Crosby, George, Bales, Bradley, Murphy, Bannister, Delleney, Bingham, McKnight and Kirby: A BILL TO AMEND SECTION 7-13-710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ACCEPTABLE FORMS OF IDENTIFICATION REQUIRED OF A PERSON WHEN HE PRESENTS HIMSELF TO VOTE, SO AS TO INCLUDE A VALID AND CURRENT SOUTH CAROLINA RESIDENT CONCEALED WEAPON PERMIT AS AN AUTHORIZED FORM OF IDENTIFICATION.

Rep. RUTHERFORD proposed the following Amendment No. 1 to H. 3167 (COUNCIL\GGS\3167C001.GGS.ZW16), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 7-13-710(A) of the 1976 Code, as last amended by Act 27 of 2011, is further amended to read:

"(A) When a person presents himself to vote, he shall produce a valid and current:

(1) South Carolina driver's license; or

(2) other form of identification containing a photograph issued by the Department of Motor Vehicles<u>, including a State of South Carolina employee identification card or a student identification card issued by one of the South Carolina colleges or universities enumerated in Section 59-101-10</u>; or

(3) passport; or

(4) military identification containing a photograph issued by the federal government; or

(5) South Carolina voter registration card containing a photograph of the voter pursuant to Section 7-5-675<u>; or</u>

<u>(6) South Carolina resident concealed weapon permit issued pursuant to Article 4, Chapter 31, Title 23</u>."

SECTION 2. Section 7-13-710 of the 1976 Code, as last amended by Act 27 of 2011, is further amended by adding an appropriately designated subsection at the end to read:

"( )(1) For purposes of this section, 'designated entity' or 'designated entities' means:

(a) those state agencies, boards, commissions, councils, or departments that issue photo identification cards to their employees; and

(b) the South Carolina colleges or universities enumerated in Section 59-101-10.

(2) To enhance the security of photo identification cards issued to employees of the State of South Carolina and to students enrolled in a South Carolina public college or university, the South Carolina Department of Motor Vehicles ('SCDMV') shall enter into appropriate memoranda of agreement with the designated entities.

(3) Pursuant to the memoranda of agreement required by this subsection, upon a designated entity's specific, by name request, the SCDMV shall furnish or make available to the designated entity, an electronic or digitally formatted version of the requested individual's driver's license or state identification card photograph.

(4) Designated entities may request SCDMV issued photographs only to produce and issue State of South Carolina employee identification cards and student identification cards.

(a) State of South Carolina employee identification cards may not be made valid for a period exceeding ten years from the date of issuance.

(b) Student identification cards issued by a designated entity are valid for the period listed on the identification card, provided the period does not exceed ten years.

(5) If an individual does not have a valid South Carolina driver's license or identification card photograph issued by the SCDMV, then the designated entity shall print on that individual's identification card in a font equal in size to the individual's printed name, 'Photo not issued by the SCDMV'.

(6) Unless a designated entity requires an earlier expiration date, an identification card issued by a designated entity expires coterminously with the individual's driver's license or SCDMV issued state identification card, and a new identification card must be issued in the manner prescribed by this subsection following the renewal of the individual's driver's license or SCDMV issued state identification card."

SECTION 3. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Rep. RUTHERFORD spoke in favor of the amendment.

Rep. TALLON moved to table the amendment.

Rep. HAYES demanded the yeas and nays which were taken, resulting as follows:

Yeas 71; Nays 40

Those who voted in the affirmative are:

Allison	Anthony	Atwater
Ballentine	Bannister	Bedingfield
Bingham	Bradley	Brannon
Burns	Chumley	Clary
Clemmons	Cole	Collins
H. A. Crawford	Crosby	Daning
Delleney	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Gagnon	Gambrell
Goldfinch	Hamilton	Hardee
Henderson	Herbkersman	Hicks
Hill	Hiott	Hixon
Horne	Huggins	Johnson
Jordan	Kennedy	Limehouse
Loftis	Long	Lucas
McCoy	Merrill	D. C. Moss
Murphy	Nanney	Newton
Pitts	Pope	Quinn
Riley	Rivers	Sandifer
Simrill	G. M. Smith	G. R. Smith
Sottile	Southard	Spires
Stringer	Tallon	Taylor
Toole	Wells	White
Whitmire	Yow	

Total--71

Those who voted in the negative are:

Alexander	Anderson	Bales
Bamberg	Bernstein	Bowers
G. A. Brown	R. L. Brown	Clyburn
Cobb-Hunter	Dillard	Douglas
Funderburk	George	Gilliard
Govan	Hayes	Henegan
Hodges	Hosey	Howard
Jefferson	King	Kirby
Knight	Mack	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Mitchell	Norrell	Ott
Parks	Rutherford	J. E. Smith
Tinkler	Weeks	Whipper
Williams		

Total--40

So, the amendment was tabled.

LEAVE OF ABSENCE

The SPEAKER granted Rep. J. E. SMITH a temporary leave of absence.

Reps. WEEKS, WHIPPER, MACK, ANDERSON, R. L. BROWN, GOVAN, HOSEY, GILLIARD, HENEGAN, MITCHELL, MCKNIGHT, CLEMMONS, WHITE, JOHNSON, FINLAY, TALLON, LOFTIS, KIRBY, BEDINGFIELD, G. R. SMITH, FUNDERBURK, ALEXANDER, CLYBURN, KING, GAGNON, GAMBRELL, DILLARD, TINKLER, WILLIAMS, RUTHERFORD, MERRILL and PITTS requested debate on the Bill.

LEAVE OF ABSENCE

The SPEAKER granted Rep. G. R. SMITH a temporary leave of absence.

RECURRENCE TO THE MORNING HOUR

Rep. G. M. SMITH moved that the House recur to the morning hour, which was agreed to.

H. 5140--AMENDED AND DEBATE ADJOURNED

The following Bill was taken up:

H. 5140 -- Reps. Pope, Felder, King, Gambrell, Gagnon, Erickson, Clary, Tallon and Henderson: A BILL TO AMEND SECTION 59-1-425, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPENING DATE FOR THE PUBLIC SCHOOL YEAR, SO AS TO PROVIDE THE OPENING DATE FOR STUDENTS MUST NOT BE BEFORE AUGUST FIFTEENTH BEGINNING WITH THE 2017-2018 SCHOOL YEAR; TO AMEND SECTION 59-18-325, AS AMENDED, RELATING TO CERTAIN ASSESSMENTS OF VARIOUS PUBLIC SCHOOL STUDENTS BASED ON GRADE LEVEL, SO AS TO REVISE THE MANNER OF PROCUREMENT AND ADMINISTRATION OF THESE ASSESSMENTS, AMONG OTHER THINGS; AND TO AMEND SECTION 59-25-410, RELATING TO THE DATE BY WHICH PUBLIC SCHOOL TEACHERS MUST BE NOTIFIED OF THEIR TENTATIVE ASSIGNMENTS FOR THE UPCOMING SCHOOL YEAR, SO AS TO CHANGE THIS DATE FROM AUGUST FIFTEENTH TO AUGUST EIGHTH.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 5140 (COUNCIL\AGM\5140C001.AGM.AB16), which was adopted:

Amend the bill, as and if amended, Section 59-18-325(C)(7), as contained in SECTION 2, page 6, lines 1-18, by deleting the item in its entirety and inserting:

/ (~~6~~7) Within thirty days after providing student performance data to the school districts as required by law, the department must provide to the Education Oversight Committee student performance results on assessments authorized in this subsection and end-of-course assessments in a format agreed upon by the department and the Oversight Committee. The Education Oversight Committee must use the results of these assessments in school years 2014-2015 ~~and~~, 2015-2016, and 2016-2017 to report on student academic performance in each school and district pursuant to Section 59-18-900. The committee may not determine state ratings for schools or districts, pursuant to Section 59-18-900, using the results of the assessments required by this subsection until after the conclusion of the ~~2015-2016~~ 2016-2017 school year; provided, however, state ratings must be determined by the results of these assessments beginning in the ~~2016-2017~~ 2017-2018 school year. The Oversight

Committee also must develop and recommend a single accountability system that meets federal and state accountability requirements by the Fall of ~~2016~~ 2017. While developing the single accountability system that will be implemented in the 2017-2018 school year, the Education Oversight Committee shall determine the format of a transitional report card released to the public in the fall of 2016 and 2017 that will also identify underperforming schools and districts. These transitional reports will, at a minimum, include the following: (1) school, district and statewide student assessment results in reading and mathematics in grades 3 through 8; (2) high school and district graduation rates; and (3) measures of student college and career readiness at the school, district, and statewide level. These transitional reports will inform schools and districts, the public, and the Department of Education of school and district general academic performance and assist in identifying potentially underperforming schools and districts and in targeting technical assistance support and interventions in the interim before ratings are issued. /

Renumber sections to conform.

Amend title to conform.

Rep. STRINGER explained the amendment.

The amendment was then adopted.

Rep. BRANNON moved to adjourn debate on the Bill, which was agreed to.

H. 4774--AMENDED AND DEBATE ADJOURNED

The following Bill was taken up:

H. 4774 -- Reps. Govan, Parks, King, Erickson, Cobb-Hunter, Clyburn, J. E. Smith, H. A. Crawford, Yow, M. S. McLeod, Ott, Henegan, Kirby, R. L. Brown, Gilliard, Loftis, Burns, Hosey, Williams, Howard, Neal, Douglas, Mack, Tinkler, Newton, Bamberg, Jefferson, Putnam, Hamilton, G. A. Brown, Clemmons, Dillard, Duckworth, Hicks, Hodges, W. J. McLeod, G. R. Smith, Nanney, Bales, Lowe, Norrell, Bowers, Sandifer, McEachern, Weeks, Gambrell, Rivers, Bernstein, McCoy, Anderson and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-152-15 SO AS TO PROVIDE THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS IS REAUTHORIZED UNTIL JULY 1, 2021, AND WILL AUTOMATICALLY BE

REAUTHORIZED FOR FIVE-YEAR PERIODS AT FIVE-YEAR INTERVALS THEREAFTER.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 4774 (COUNCIL\AGM\4774C004. AGM.AB16), which was adopted:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Chapter 152, Title 59 of the 1976 Code is amended by adding:

"Section 59-152-15. The South Carolina First Steps to School Readiness is reauthorized until July 1, 2017."

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. STRINGER explained the amendment.

The amendment was then adopted.

Rep. W. J. MCLEOD moved to adjourn debate on the Bill, which was agreed to.

H. 4795--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4795 -- Rep. Norrell: A BILL TO AMEND SECTION 59-104-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PALMETTO FELLOWS SCHOLARSHIP PROGRAM, SO AS TO PROVIDE STUDENTS ELIGIBLE FOR THE AWARD MAY ELECT TO DEFER ENROLLMENT IN AN ELIGIBLE FOUR-YEAR INSTITUTION FOR ONE YEAR, UNTIL THE FALL TERM OF THE YEAR FOLLOWING THE YEAR OF GRADUATION, WITHOUT DECLINING THE AWARD; AND TO PROVIDE THAT THE PROVISIONS OF THIS ACT, REGARDLESS OF ITS EFFECTIVE DATE, MUST BE CONSTRUED TO APPLY TO STUDENTS WHO GRADUATE IN THE SPRING OF 2016.

The Committee on Education and Public Works proposed the following Amendment No. 1 to H. 4795 (COUNCIL\AGM\4795C001. AGM.AB16), which was adopted:

Amend the bill, as and if amended, Section 59-104-20(H), as contained in SECTION 1, by deleting the section in its entirety and inserting:

/ "(H) Notwithstanding another provision of law, a student who met the initial eligibility requirements to receive a Palmetto Fellows Scholarship Award as a senior in high school and has met the continuing eligibility requirements shall receive the award. A student selected as a Palmetto Fellow may elect to defer post-secondary enrollment for one year, until the fall term of the year following the year of graduation, without declining the award. A student who received a Palmetto Fellows Scholarship Award as a senior in high school but declined the award is eligible to reapply for the annual scholarship, providing he meets all of the initial and continuing academic eligibility requirements of the Palmetto Fellows program, if he transfers to ~~a qualifying~~ an eligible South Carolina institution of higher learning. The number of semesters or academic years a student attended an out-of-state institution are to be deducted from the number of semesters or academic years a student is eligible for the scholarship. All funding provided for Palmetto Fellows Scholarships regardless of its source or allocation must be used to implement the provisions of this subsection." /

Renumber sections to conform.

Amend title to conform.

Rep. TAYLOR explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 1

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bernstein	Bingham	Bowers
Bradley	Brannon	G. A. Brown
R. L. Brown	Burns	Clary
Clemmons	Cobb-Hunter	Cole
Collins	H. A. Crawford	Crosby
Daning	Delleney	Dillard

Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard
Goldfinch	Govan	Hamilton
Hardee	Hayes	Henderson
Henegan	Herbkersman	Hill
Hiott	Hixon	Hodges
Horne	Hosey	Howard
Huggins	Jefferson	Johnson
Jordan	Kennedy	King
Kirby	Loftis	Long
Lucas	Mack	McCoy
McEachern	McKnight	M. S. McLeod
W. J. McLeod	Merrill	Mitchell
D. C. Moss	Murphy	Nanney
Neal	Newton	Norrell
Ott	Parks	Pope
Quinn	Riley	Rivers
Rutherford	Sandifer	Simrill
G. M. Smith	Sottile	Southard
Spires	Stringer	Tallon
Taylor	Tinkler	Toole
Weeks	Wells	Whipper
Whitmire	Williams	Yow

Total--102

Those who voted in the negative are:
White

Total--1

So, the Bill, as amended, 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. 4795. If I had been present, I would have voted in favor of the Bill.

Rep. Patsy Knight

WEDNESDAY, APRIL 20, 2016

LEAVE OF ABSENCE

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

H. 4391--ORDERED TO THIRD READING

The following Bill was taken up:

H. 4391 -- Reps. Burns, Yow, Chumley, Felder, Loftis, Bradley and Collins: A BILL TO AMEND SECTION 44-43-305, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE REVISED UNIFORM ANATOMICAL GIFT ACT, SO AS TO CHANGE THE DEFINITION OF "TISSUE" TO INCLUDE BRAIN TISSUE IN CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 44-43-350, AS AMENDED, RELATING TO AUTHORIZED RECIPIENTS OF ANATOMICAL GIFTS, SO AS TO CLARIFY THAT GIFTS OF BRAIN TISSUE MAY BE USED ONLY FOR RESEARCH OR EDUCATION.

Rep. BURNS explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 84; Nays 1

Those who voted in the affirmative are:

Anderson	Bales	Ballentine
Bedingfield	Bernstein	Bingham
Bowers	Bradley	R. L. Brown
Burns	Clary	Clyburn
Cobb-Hunter	Collins	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Douglas	Duckworth
Erickson	Felder	Finlay
Forrester	Fry	Funderburk
Gagnon	Gambrell	George
Gilliard	Goldfinch	Govan
Hardee	Hayes	Henegan
Hicks	Hill	Hiott
Hixon	Hodges	Hosey
Jefferson	Johnson	Jordan
Kennedy	King	Kirby
Long	Lucas	Mack

McCoy	McKnight	W. J. McLeod
Merrill	D. C. Moss	Murphy
Neal	Norrell	Ott
Parks	Pitts	Pope
Quinn	Riley	Rivers
Sandifer	Simrill	G. M. Smith
J. E. Smith	Sottile	Southard
Spires	Stavrinakis	Stringer
Tallon	Taylor	Tinkler
Weeks	Wells	Whipper
Whitmire	Williams	Yow

Total--84

Those who voted in the negative are:
White

Total--1

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. 4391. If I had been present, I would have voted in favor of the Bill.

Rep. Wm. Weston Newton

RECORD FOR VOTING

I was temporarily out of the Chamber with a constituent and missed the vote on H. 4391. If I had been present, I would have voted in favor of the Bill.

Rep. Patsy Knight

H. 5040--ORDERED TO THIRD READING

The following Bill was taken up:

H. 5040 -- Reps. Mack and Sandifer: A BILL TO AMEND SECTION 37-1-201, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERRITORIAL APPLICATION OF THE CONSUMER PROTECTION CODE, SO AS TO EXPAND HOW A CREDITOR MAY INDUCE A CONSUMER TO ENTER INTO A

TRANSACTION; TO AMEND SECTION 37-1-203, RELATING TO JURISDICTION AND SERVICE OF PROCESS, SO AS TO REPLACE THE TERM "CREDITOR" WITH THE TERM "PERSON"; TO AMEND SECTION 37-1-302, RELATING TO THE DEFINITION OF THE "FEDERAL CONSUMER CREDIT PROTECTION ACT", SO AS TO REMOVE THE REFERENCE TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM; TO AMEND SECTION 37-2-102, RELATING TO THE SCOPE OF CHAPTER 2 OF THE CONSUMER PROTECTION CODE, SO AS TO APPLY CERTAIN PROVISIONS TO THE SALE OF MOTOR VEHICLES; TO AMEND SECTION 37-2-305, RELATING TO FILING AND POSTING THE MAXIMUM RATE SCHEDULE, SO AS TO REMOVE THE PROVISION REQUIRING THE DEPARTMENT OF CONSUMER AFFAIRS TO MAINTAIN A FILE FOR EACH CREDITOR'S ORIGINAL AND ALL REVISED MAXIMUM RATE SCHEDULES, AMONG OTHER THINGS; TO AMEND SECTION 37-3-305, RELATING TO FILING AND POSTING A MAXIMUM RATE SCHEDULE, SO AS TO REMOVE THE PROVISION REQUIRING THE DEPARTMENT OF CONSUMER AFFAIRS TO MAINTAIN A FILE FOR EACH CREDITOR'S ORIGINAL AND ALL REVISED MAXIMUM RATE SCHEDULES, AMONG OTHER THINGS; TO AMEND SECTION 37-5-102, RELATING TO THE SCOPE OF CHAPTER 5 OF THE CONSUMER PROTECTION CODE, SO AS TO EXTEND THE PROVISIONS OF THE CHAPTER TO OTHER TRANSACTIONS GOVERNED BY TITLE 37; TO AMEND SECTION 37-6-102, RELATING TO THE APPLICABILITY OF CHAPTER 6, TITLE 37, SO AS TO APPLY THE PROVISIONS OF THE CHAPTER TO A PERSON WHO IS SUBJECT TO TITLE 37 OR AN ACTION OF THE ADMINISTRATOR; TO AMEND SECTION 37-6-107, RELATING TO THE APPLICATION OF CHAPTER 6 TO ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW, SO AS TO REMOVE THE REFERENCE TO PART FOUR OF CHAPTER 6 AND INSERT THAT THE ADMINISTRATIVE PROCEDURES ACT APPLIES TO AND GOVERNS ALL ADMINISTRATIVE ACTIONS TAKEN PURSUANT TO THE CHAPTER; TO AMEND SECTION 37-6-108, RELATING TO ADMINISTRATIVE ENFORCEMENT ORDERS, SO AS TO REMOVE LANGUAGE REQUIRING AN ADMINISTRATOR TO BRING AN ACTION BEFORE THE ADMINISTRATIVE LAW COURT; TO AMEND SECTION 37-6-110, RELATING TO INJUNCTIONS AGAINST VIOLATIONS OF THE CONSUMER

PROTECTION CODE, SO AS TO REPLACE THE TERM "CREDITOR" WITH THE TERM "PERSON"; TO AMEND SECTION 37-6-113, RELATING TO CIVIL ACTIONS BY THE ADMINISTRATOR, SO AS TO REPLACE THE TERM "CREDITOR" WITH THE TERM "RESPONDENT"; TO AMEND SECTION 37-6-115, RELATING TO REMEDIES AVAILABLE UNDER THE CONSUMER PROTECTION CODE, SO AS TO REPLACE THE TERM "DEBTORS" WITH THE TERM "CONSUMERS"; AND TO AMEND SECTION 37-6-118, RELATING TO INVESTIGATION OF UNFAIR TRADE PRACTICES IN CONSUMER TRANSACTIONS, SO AS TO UPDATE THE PROCEDURES AVAILABLE TO A PERSON AGGRIEVED BY AN ORDER OF THE ADMINISTRATOR.

Rep. MACK explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Bales	Ballentine	Bamberg
Bannister	Bedingfield	Bernstein
Bingham	Bowers	Bradley
Brannon	G. A. Brown	R. L. Brown
Burns	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard
Goldfinch	Govan	Hamilton
Hardee	Hayes	Henderson
Henegan	Herbkersman	Hicks
Hill	Hiott	Hixon
Hodges	Horne	Hosey
Jefferson	Johnson	Jordan
Kennedy	King	Kirby
Loftis	Long	Lucas

Mack	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	Mitchell	D. C. Moss
Murphy	Nanney	Neal
Newton	Norrell	Ott
Parks	Pitts	Pope
Quinn	Riley	Rivers
Rutherford	Sandifer	Simrill
G. M. Smith	J. E. Smith	Sottile
Southard	Spires	Stavrinakis
Stringer	Tallon	Taylor
Tinkler	Weeks	Wells
Whipper	White	Whitmire
Williams	Yow	

Total--104

Those who voted in the negative are:

Total--0

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

H. 5140--ORDERED TO THIRD READING

The following Bill was taken up:

H. 5140 -- Reps. Pope, Felder, King, Gambrell, Gagnon, Erickson, Clary, Tallon and Henderson: A BILL TO AMEND SECTION 59-1-425, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPENING DATE FOR THE PUBLIC SCHOOL YEAR, SO AS TO PROVIDE THE OPENING DATE FOR STUDENTS MUST NOT BE BEFORE AUGUST FIFTEENTH BEGINNING WITH THE 2017-2018 SCHOOL YEAR; TO AMEND SECTION 59-18-325, AS AMENDED, RELATING TO CERTAIN

ASSESSMENTS OF VARIOUS PUBLIC SCHOOL STUDENTS BASED ON GRADE LEVEL, SO AS TO REVISE THE MANNER OF PROCUREMENT AND ADMINISTRATION OF THESE ASSESSMENTS, AMONG OTHER THINGS; AND TO AMEND SECTION 59-25-410, RELATING TO THE DATE BY WHICH PUBLIC SCHOOL TEACHERS MUST BE NOTIFIED OF THEIR TENTATIVE ASSIGNMENTS FOR THE UPCOMING SCHOOL YEAR, SO AS TO CHANGE THIS DATE FROM AUGUST FIFTEENTH TO AUGUST EIGHTH.

Reps. BRANNON, OTT and W. J. McLeod proposed the following Amendment No. 2 to H. 5140 (COUNCIL\NBD\5140C001.NBD.CZ16), which was tabled:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 59-1-425(A) of the 1976, as added by Act 260 of 2006, is amended to read:

"(A) ~~Each~~ A local school district board of trustees of the State ~~shall have~~ has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and ~~shall~~ must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. However, beginning with the 2007-2008 school year the opening date for students must not be before the third Monday in August, except for schools operating on a year-round modified school calendar. However, notwithstanding the provisions of Section 59-1-425(B), to provide districts with an increased ability to schedule ninety instructional days prior to the winter holiday, school boards of trustees must be given the flexibility to begin school for students no more than five instructional days prior to August fifteenth. Prior to exercising this flexibility, a majority vote by the school board must be taken and notification of the approved beginning date for students must be submitted to the State Department of Education. Three days must be used for collegial professional development based upon the educational standards as required by Section 59-18-300. The professional development ~~shall~~ must address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day may vary according

to local board policy and does not have to be uniform among the schools in the district." /

Renumber sections to conform.

Amend title to conform.

Rep. BRANNON explained the amendment.

Rep. CLEMMONS spoke against the amendment.

Rep. FELDER moved to table the amendment.

Rep. CLEMMONS demanded the yeas and nays which were taken, resulting as follows:

Yeas 68; Nays 36

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atwater	Bales	Ballentine
Bannister	Bingham	Bowers
Bradley	G. A. Brown	R. L. Brown
Burns	Chumley	Clary
Clemmons	Cole	Collins
H. A. Crawford	Crosby	Daning
Delleney	Duckworth	Erickson
Felder	Forrester	Fry
Gagnon	Gambrell	George
Goldfinch	Hamilton	Hardee
Hayes	Henderson	Hicks
Hill	Hiott	Hixon
Huggins	Johnson	Jordan
Kennedy	Kirby	Loftis
Long	Lucas	Merrill
Murphy	Nanney	Newton
Pitts	Pope	Quinn
Rivers	Sandifer	Simrill
Sottile	Southard	Spires
Stringer	Tallon	Taylor
Toole	Wells	Whipper
White	Whitmire	

Total--68

Those who voted in the negative are:

Bamberg	Bedingfield	Bernstein
Brannon	Cobb-Hunter	Dillard
Douglas	Finlay	Funderburk
Gilliard	Govan	Henegan
Hodges	Hosey	Jefferson
King	Mack	McCoy
McEachern	McKnight	M. S. McLeod
W. J. McLeod	Mitchell	D. C. Moss
Neal	Norrell	Ott
Parks	Riley	Rutherford
G. M. Smith	J. E. Smith	Stavrinakis
Weeks	Williams	Yow

Total--36

So, the amendment was tabled.

Reps. BRANNON, OTT and W. J. McLeod proposed the following Amendment No. 3 to H. 5140 (COUNCIL\NBD\5140C002.NBD. CZ16), which was tabled:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 59-1-425(A) of the 1976, as added by Act 260 of 2006, is amended to read:

"(A) ~~Each~~ A local school district board of trustees of the State ~~shall have~~ has the authority to establish an annual school calendar for teachers, staff, and students. The statutory school term is one hundred ninety days annually and ~~shall~~ must consist of a minimum of one hundred eighty days of instruction covering at least nine calendar months. ~~However, beginning with the 2007-2008 school year the opening date for students must not be before the third Monday in August, except for schools operating on a year-round modified school calendar.~~ Three days must be used for collegial professional development based upon the educational standards as required by Section 59-18-300. The professional development ~~shall~~ must address, at a minimum, academic achievement standards including strengthening teachers' knowledge in their content area, teaching techniques, and assessment. No more than two days may be used for preparation of opening of schools and the remaining five days may be used for teacher planning, academic plans, and parent conferences. The number of instructional hours in an instructional day

may vary according to local board policy and does not have to be uniform among the schools in the district." /

Renumber sections to conform.

Amend title to conform.

Rep. BRANNON explained the amendment.

Rep. GOLDFINCH moved to table the amendment.

Rep. BRANNON demanded the yeas and nays which were taken, resulting as follows:

Yeas 73; Nays 33

Those who voted in the affirmative are:

Alexander	Allison	Atwater
Bales	Ballentine	Bannister
Bedingfield	Bingham	Bowers
G. A. Brown	R. L. Brown	Burns
Chumley	Clary	Clemmons
Cole	Collins	H. A. Crawford
Crosby	Daning	Delleney
Duckworth	Erickson	Felder
Forrester	Fry	Gagnon
Gambrell	George	Goldfinch
Hamilton	Hardee	Hayes
Henderson	Herbkersman	Hicks
Hill	Hiott	Hixon
Huggins	Johnson	Jordan
Kennedy	Kirby	Loftis
Long	Lucas	M. S. McLeod
Merrill	D. C. Moss	Murphy
Nanney	Newton	Pitts
Pope	Quinn	Riley
Rivers	Sandifer	Simrill
G. M. Smith	Sottile	Southard
Spires	Stringer	Tallon
Taylor	Toole	Wells
Whipper	White	Whitmire
Williams		

Total--73

Those who voted in the negative are:

Anderson	Bamberg	Bernstein
Brannon	Clyburn	Cobb-Hunter
Dillard	Douglas	Finlay
Funderburk	Gilliard	Govan
Henegan	Hodges	Hosey
Howard	Jefferson	King
Mack	McCoy	McEachern
McKnight	W. J. McLeod	Mitchell
Neal	Norrell	Ott
Parks	J. E. Smith	Stavrinakis
Tinkler	Weeks	Yow

Total--33

So, the amendment was tabled.

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	Atwater
Bales	Ballentine	Bamberg
Bannister	Bedingfield	Bernstein
Bingham	Bowers	Brannon
G. A. Brown	R. L. Brown	Burns
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cole
Collins	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Fry	Funderburk	Gagnon
Gambrell	George	Gilliard
Goldfinch	Govan	Hamilton
Hardee	Hayes	Henderson
Henegan	Herbkersman	Hicks
Hill	Hiott	Hixon
Hodges	Hosey	Howard

Huggins	Jefferson	Johnson
Jordan	King	Kirby
Loftis	Long	Lucas
Mack	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	Mitchell	D. C. Moss
Murphy	Nanney	Neal
Newton	Norrell	Ott
Parks	Pitts	Pope
Quinn	Riley	Rivers
Rutherford	Sandifer	Simrill
G. M. Smith	J. E. Smith	Sottile
Southard	Spires	Stavrinakis
Stringer	Tallon	Taylor
Tinkler	Toole	Weeks
Wells	Whipper	White
Whitmire	Williams	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.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 5140. If I had been present, I would have voted in favor of the Bill.

Rep. Patsy Knight

H. 4774--DEBATE ADJOURNED

The following Bill was taken up:

H. 4774 -- Reps. Govan, Parks, King, Erickson, Cobb-Hunter, Clyburn, J. E. Smith, H. A. Crawford, Yow, M. S. McLeod, Ott, Henegan, Kirby, R. L. Brown, Gilliard, Loftis, Burns, Hosey, Williams, Howard, Neal, Douglas, Mack, Tinkler, Newton, Bamberg, Jefferson, Putnam, Hamilton, G. A. Brown, Clemmons, Dillard, Duckworth,

Hicks, Hodges, W. J. McLeod, G. R. Smith, Nanney, Bales, Lowe, Norrell, Bowers, Sandifer, McEachern, Weeks, Gambrell, Rivers, Bernstein, McCoy, Anderson and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-152-15 SO AS TO PROVIDE THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS IS REAUTHORIZED UNTIL JULY 1, 2021, AND WILL AUTOMATICALLY BE REAUTHORIZED FOR FIVE-YEAR PERIODS AT FIVE-YEAR INTERVALS THEREAFTER.

Rep. ALLISON moved to adjourn debate on the Bill until Thursday, April 21, which was agreed to.

H. 5023--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 5023 -- Reps. Sottile and Sandifer: A BILL TO AMEND SECTION 40-60-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA REAL ESTATE APPRAISER LICENSE AND CERTIFICATION ACT, SO AS TO DELETE AND REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 40-60-30, RELATING TO ACTIVITIES REQUIRING LICENSURE AS A REAL ESTATE APPRAISER, SO AS TO REVISE EXCEPTIONS; TO AMEND SECTION 40-60-34, AS AMENDED, RELATING TO MISCELLANEOUS REQUIREMENTS FOR LICENSES, CERTIFICATIONS, AND PERMITS ISSUED BY THE SOUTH CAROLINA REAL ESTATE APPRAISERS BOARD, SO AS TO REVISE REQUIREMENTS CONCERNING EXPIRED AND REVOKED LICENSES, CERTIFICATIONS, AND PERMITS; TO AMEND SECTION 40-60-50, RELATING TO FEES, SO AS TO DELETE THE REQUIREMENT THAT CERTAIN FEES BE PAID BY CERTIFIED FUNDS; TO AMEND SECTION 40-60-80, AS AMENDED, RELATING TO INVESTIGATIONS OF COMPLAINTS AND VIOLATIONS, SO AS TO DELETE THE SIX-MONTH LIMIT ON STAYS AND SUPERSEDEAS OF CERTAIN BOARD ORDERS PENDING APPEAL, AND TO PROVIDE PARTIES AGGRIEVED BY FINAL DECISIONS OF THE BOARD MAY APPEAL PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND SECTION 40-60-120, RELATING TO THE EFFECTIVE TIME OF CERTAIN ORDERS OF THE BOARD, SO AS

TO DELETE A PROVISION STATING PETITIONS FOR REVIEW DO NOT OPERATE AS SUPERSEDEAS OR STAYS.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 5023 (COUNCIL\AGM\5023C001. AGM.AB16), which was adopted:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Section 40-60-10(B)(4) of the 1976 Code is amended to read:

"(4) Four members must be licensed or certified appraisers, actively engaged in real estate appraisal for at least three years, at least two of whom must be certified general appraisers <u>and at least one of whom must be a certified residential appraiser</u>. In appointing real estate appraisers to the board, the Governor, while not automatically excluding other appraisers, shall give preference to real estate appraisers whose primary source of income is derived from appraising real estate and not real estate brokerage."

SECTION 2. Section 40-60-20 of the 1976 Code, as last amended by Act 180 of 2014, is further amended to read:

"Section 40-60-20. As used in this chapter unless the context requires otherwise:

(1) 'Analysis' means a study of real estate or real property other than one estimating value.

(2) 'Appraisal', as a noun, means the act or process of developing an opinion of value; as an adjective, 'appraisal' means of or pertaining to appraising and related functions including, but not limited to, appraisal practice and appraisal services.

(3) 'Appraisal assignment' or 'valuation assignment' means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion that estimates the value of real estate.

(4) 'Appraisal Foundation' means the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois, containing the Appraisal Standards Board (ASB), Appraiser Qualifications Board (AQB), a board of trustees, and other advisory bodies.

(5) 'Appraisal report' means any communication, written or oral, of an appraisal. The testimony of an individual dealing with the analyses,

conclusions, or opinions concerning identified real estate or real property ~~is~~ may be considered to be an oral appraisal report.

(6) 'Appraisal subcommittee' means the designees of the heads of the federal financial institutions regulatory agencies established by the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. Section 3301, et seq.), as amended, as well as the Secretary of the Department of Housing and Urban Development, or his designee, under the Department of Housing and Urban Development Reform Act of 1989 (12 U.S.C. Section 1708(e)).

(7) 'Appraiser' means a person who holds a permit, license, or certification issued by the board that allows the person to appraise real property.

(8) 'Apprentice appraiser' means an individual authorized by permit to assist a state certified appraiser in the performance of an appraisal if the apprentice is actively and personally supervised by the certified appraiser.

(9) 'Board' means the South Carolina Real Estate Appraisers Board established pursuant to the provisions of this chapter.

(10) 'Complex residential property appraisal' means one in which the property to be appraised, the form of ownership, or market conditions are atypical.

(11) ~~'Evaluation' means an analysis, opinion, or conclusion that relates to the nature, quality, or utility of identified real estate and does not estimate value.~~

~~(12)~~ 'Federally related transaction' means any real estate-related financial transaction which a federal financial institution regulatory agency engages in, contracts for, or regulates.

(~~13~~12) 'Market analysis' means a study of real estate market conditions for a specific type of property.

(~~14~~13) 'Mass appraisal' means the process of valuing a universe of properties as of a given date using standard methodology, employing common data, and allowing for statistical testing.

(~~15~~14) 'Mass appraiser' means any appraiser who is employed in the office of a tax assessor to appraise real property for ad valorem tax purposes and who is licensed or certified as a mass appraiser.

(~~16~~15) 'Noncomplex residential property appraisal' means one in which the property to be appraised, the form of ownership, and market conditions are those which are typically found in the subject market.

(~~17~~16) 'Person' means an individual, corporation, partnership, or association, foreign and domestic.

(~~18~~17) 'Real estate' means an identified parcel or tract of land including improvements, if any.

(~~19~~18) 'Real estate appraisal activity' means the act or process of ~~valuing real estate or real property~~ performing an appraisal and preparing an ~~oral or written~~ appraisal report.

(~~20~~19) 'Real property' means the interests, benefits, and rights inherent in the ownership of real estate.

(~~21~~20) 'Residential appraisal' is an appraisal of a vacant or improved parcel of land that is devoted to or available for use as a one to four family abode including, but not limited to, a single family home, apartment, or rooming house.

~~(22) 'Specialized services' means services other than independent appraisal assignments which are performed by an appraiser. Specialized services may include marketing studies, financing studies, and feasibility studies, valuations, analyses, opinions, and conclusions given in connection with activities including, but not limited to, real estate brokerage, mortgage banking, real estate counseling, and real estate tax counseling.~~

(~~23~~21) 'Standards of professional appraisal practice' or 'USPAP' means the National Uniform Standards of Professional Appraisal Practice as adopted by the Appraisal Standards Board of the Appraisal Foundation and adopted by the board.

(~~24~~22) 'State-certified general appraiser' means an appraiser authorized to engage in the appraisal of all types of real property.

(~~25~~23) 'State-certified general mass appraiser' means an appraiser authorized to engage in all types of real estate mass appraisal activity for ad valorem purposes.

(~~26~~24) 'State-certified residential appraiser' means an appraiser authorized to engage in the appraisal of one to four residential units without regard to transaction value or complexity and nonresidential appraisals with a transaction value less than two hundred fifty thousand dollars.

(~~27~~25) 'State-certified residential mass appraiser' means an appraiser authorized to engage in the mass appraisal of one to four residential units without regard to value or complexity and nonresidential appraisals with a transaction value less than two hundred fifty thousand dollars.

(~~28~~26) 'State-licensed appraiser' means an appraiser authorized to engage in the appraisal of noncomplex one to four residential units having a transaction value less than one million dollars and complex one

to four residential units and nonresidential appraisals having a transaction value less than two hundred fifty thousand dollars.

(~~29~~27) 'State-licensed mass appraiser' means an appraiser authorized to engage in the mass appraisal of noncomplex one to four residential units having a transaction value less than one million dollars and complex one to four residential units and nonresidential appraisals having a transaction value less than two hundred fifty thousand dollars.

(~~30~~28) 'Timberland' means forestland that is producing or is capable of producing timber as a crop.

(~~31~~29) 'Valuation' means an estimate of the value of real estate or real property."

SECTION 3. Section 40-60-30 of the 1976 Code is amended to read:

"Section 40-60-30. It is unlawful for an individual to assume or use a title, designation, or abbreviation likely to create the impression that the person is a real estate appraiser or to engage in real estate appraisal activity or advertise as an appraiser without a valid license issued by the department. However, nothing in this chapter may be construed to apply to:

(1) A real estate licensee licensed in accordance with Chapter 57 ~~of~~, Title 40 who performs a market analysis or gives an opinion as to the price of real estate on the condition that the market analysis or opinion is not referred to as an appraisal. Before performing a market analysis, the real estate licensee must disclose to the requesting party: 'This market analysis may not be used for the purposes of obtaining financing in a federally-related transaction'~~;~~.

(2) A forester registered pursuant to Chapter 27 ~~of~~, Title 48 who appraises or ~~evaluates~~ values standing or growing timber or timberland located in this State and issues an appraisal or ~~evaluation~~ valuation on the timber or timberland~~; however~~, as permitted by Chapter 27, Title 48 and Regulation 53-13. When an appraisal or ~~evaluation~~ valuation is to be used in a ~~federally-related~~ federally related transaction, the registered forester must be licensed or certified under this chapter if required by federal law or regulation.

(3) An employee of a lender in the performance of appraisals or valuations with respect to which federal law or regulations does not require a licensed or certified appraiser. This exception does not apply to third party contractors."

SECTION 4. Section 40-60-34 of the 1976 Code, as last amended by Act 180 of 2014, is further amended to read:

"Section 40-60-34. (A) The board shall prescribe the form of a permit, license, and certificate containing an identification number that

the appraiser shall use when signing appraisal reports. When an appraiser advertises or executes contracts or other instruments, the appraiser's name, appraiser classification, and number assigned by the board must be printed or typed adjacent to the appraiser's signature.

(B) The apprentice appraiser performing fee appraisal work or seeking to establish experience for a state-licensed or state-certified designation shall:

(1) perform appraisal assignments only under the direct supervision of a state-certified appraiser;

(2) maintain, jointly with the supervising appraiser, a log containing the following for each assignment:

(a) type of property;

(b) date of report;

(c) address of appraised property;

(d) description of work performed by the trainee and scope of review and supervision of the supervising appraiser;

(e) number of actual work hours by the trainee on the assignment; and

(f) signature and state certification number of the supervising appraiser with a separate appraisal log maintained for each supervising appraiser, if applicable;

(3) sign or be given credit in all appraisal reports for which the apprentice acts as an appraiser;

(4) maintain or have access to complete copies of all appraisals.

(C) The apprentice appraiser performing mass appraisal work seeking to establish credit for a licensed or certified mass appraiser designation shall:

(1) perform appraisal assignments only under the direct supervision of a state-certified residential or state-certified general real estate appraiser, mass or otherwise;

(2) maintain a log on a form provided by the board.

(D) The appraiser supervising an apprentice fee appraiser shall:

(1) personally review appraisal reports prepared by the apprentice and sign and certify the report as being independently and impartially prepared in compliance with the National USPAP and applicable statutory requirements;

(2) provide a copy or access to final appraisal documents to any participating apprentice;

(3) directly supervise no more than three apprentice appraisers at any one given time;

(4) be certified for a minimum of three years and not subject to any disciplinary action within the immediately preceding three years; and

(5) attend a trainee/supervisor orientation conducted in compliance with AQB requirements.

(E) The appraiser supervising an apprentice appraiser performing mass appraisal work shall personally review and approve all work performed by the apprentice to ensure that the work is prepared in compliance with the National USPAP and applicable statutory requirements.

(F) The board may issue to an appraiser who is licensed or certified in another state a temporary permit, which is only effective for one specific appraisal assignment. If the appraisal is not completed within six months from the date of the permit, the board may grant an extension upon request from the appraiser. The appraiser shall place the following notation on all statements of qualification, contracts, or other instruments: "Practicing in the State of South Carolina under Temporary Permit No.".

(G) Licenses, certifications, and apprentice permits expire biennially on June thirtieth. As a condition of renewal, an appraiser shall provide evidence satisfactory to the board of having met the continuing education requirements established by this chapter. An apprentice appraiser may maintain the permit for five years provided continuing education requirements are satisfied.

(H) Permits, licenses, or certifications not renewed by date of expiration are no longer valid but may be reinstated within twelve months after expiration upon proper application, payment of renewal fee, a late penalty, as established in the fee schedule, and proof of having met continuing education requirements as prescribed.

(I) A permit, license, or certification that has expired and has not been reinstated by the last day of the twelfth month following expiration must be canceled. ~~All qualifications and conditions that apply to individuals applying for a permit, license, or certification who have not been previously licensed must be met.~~ Such a cancelled permit, license, or certification may be considered for reinstatement as provided by the board in regulation.

(J) A license or certification may be placed on inactive status by informing the board in writing and must be renewed in the same manner as provided for active renewal.

(K) A fee appraiser must retain for five years the original or exact copy of each appraisal report prepared or signed by the appraiser and all

supporting data assembled and formulated by the appraiser in preparing each appraisal report. The five-year period for retention of records is applicable to each engagement of the services of the appraiser and commences on the date of delivery of each appraisal report to the client. The appraiser must retain the work file for a period of at least two years after final disposition of appeals of all judicial proceedings in which the appraiser provided testimony related to the assignment, whichever period expires last.

(L) An appraiser who has had a permit, license, or certification revoked by the board ~~must~~ may not be issued a new permit, license, or certification within two years after the date of the revocation or at any time thereafter except upon an affirmative vote of a majority of the board. ~~A person seeking a permit, license, or certification after revocation shall meet all qualifications and conditions that apply to individuals applying for a permit, license, or certification who have not been previously permitted, licensed, or certified.~~"

SECTION 5. Section 40-60-36(C) of the 1976 Code, as last amended by Act 180 of 2014, is further amended to read:

"(C) The board may deny, publicly or privately, reprimand, fine, suspend, or revoke the approval of an education provider or instructor if the board finds that the education provider or instructor has violated or failed to satisfy the provisions of this chapter or the regulations and standards promulgated pursuant to this chapter."

SECTION 6. Section 40-60-50(D) of the 1976 Code is amended to read:

"(D) Application and license fees are payable to the department in advance and must accompany an examination application or a license application. ~~Initial fees for exam, permit, license, or certificate must be paid by certified funds.~~ Fees are nonrefundable."

SECTION 7. Section 40-60-80 of the 1976 Code, as last amended by Act 180 of 2014, is further amended to read:

"Section 40-60-80. (A) The department shall investigate complaints and violations of this chapter as provided in this chapter and Section 40-1-80.

(B) If a complaint filed with the board involves an appraisal report that varies from a sales, lease, or exchange price, the board may decline to conduct an investigation.

(C) The board is prohibited from conducting an investigation based solely on a dispute over the value of property for ad valorem tax purposes.

(D) ~~No stay or supersedeas may be granted for more than six months pending appeal from a decision by the board to revoke, suspend, or otherwise restrict a permit, license, or certification.~~

~~(E)~~ A person aggrieved by a final action of the board may seek review of the decision in accordance with Section 40-1-160 and the South Carolina Administrative Procedures Act."

SECTION 8. Section 40-60-120(B) of the 1976 Code is amended to read:

"(B) A decision by the board to publicly or privately reprimand, fine, revoke, suspend, or otherwise restrict a license or to limit or otherwise discipline a licensee becomes effective upon delivery of a copy of the decision to the licensee ~~and a petition for review does not operate as a supersedeas or stay~~."

SECTION 9. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. SOTTILE explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

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

Hayes	Henderson	Henegan
Herbkersman	Hicks	Hill
Hiott	Hixon	Hodges
Hosey	Howard	Huggins
Jefferson	Johnson	Jordan
Kennedy	King	Kirby
Loftis	Long	Lucas
Mack	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	Mitchell	D. C. Moss
Nanney	Neal	Newton
Norrell	Ott	Parks
Pitts	Pope	Quinn
Riley	Rivers	Rutherford
Sandifer	Simrill	G. M. Smith
J. E. Smith	Sottile	Southard
Stavrinakis	Stringer	Tallon
Taylor	Tinkler	Toole
Weeks	Wells	Whipper
White	Whitmire	Williams
Yow		

Total--106

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. 3969--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3969 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 5, TITLE 38 SO AS TO PROVIDE FOR THE ELECTRONIC TRANSMISSION OF ELECTRONIC NOTICES OR DOCUMENTS RELATED TO INSURANCE AND INSURANCE POLICIES UNDER CERTAIN CIRCUMSTANCES EFFECTIVE JANUARY 1, 2016; AND TO REDESIGNATE EXISTING

SECTIONS IN THE CHAPTER AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 3969 (COUNCIL\AGM\3969C001.AGM.AB16), which was adopted:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Chapter 5, Title 38 of the 1976 Code is amended by adding:

"Section 38-55-710. (A) As used in this article:

(1) 'Delivered by electronic means' includes:

(a) delivery to an electronic mail address at which a party has consented to receive notices or documents; or

(b) placement on an electronic network or site accessible by means of the Internet, mobile application, computer, mobile device, tablet, or another electronic device, together with separate notice of the placement which must be provided by electronic mail to the address at which the party has consented to receive notice or by another delivery method that has been consented to by the party.

(2) 'Party' means a recipient of a notice or document required as part of an insurance transaction including, but not limited to, an applicant, an insured, a policyholder, or an annuity contract holder.

(B) Subject to subsection (D), notice to a party of another document required under applicable law in an insurance transaction or that is to serve as evidence of insurance coverage may be delivered, stored, and presented by electronic means if it meets the requirements of Chapter 6, Title 26, the South Carolina Uniform Electronic Transactions Act.

(C) Delivery of a notice or document pursuant to this section must be considered equivalent to the following delivery methods:

(1) first class mail; and

(2) first class mail, postage prepaid.

(D)(1) A notice or document may be delivered by electronic means by an insurer to a party under this section if:

(a) the party has affirmatively consented to that method of delivery and has not withdrawn the consent;

(b) the party, before giving consent, is provided with a clear and conspicuous statement informing the party of:

(i)the right or option of the party to have the notice or document provided or made available in paper or another non-electronic form at no additional cost;

(ii) the right of the party at any time to withdraw consent to have a notice or document delivered by electronic means;

(iii) the specific notice or document or categories of notices or documents that may be delivered by electronic means during the course of the relationship between the insurer and the party;

(iv) the means, after consent is given, by which a party may obtain a paper copy of a notice or document delivered by electronic means at no additional cost; and

(v) the procedure a party must follow to withdraw consent to have a notice or document delivered by electronic means and to update information needed to contact the party electronically; and

(c) the transmission or delivery method used for the electronic notice includes conspicuous language concerning its subject or purpose;

(d) the party:

(i)before giving consent, is provided with a statement of the hardware and software requirements for access to and retention of a notice or document delivered by electronic means; and

(ii) consents electronically, or confirms consent electronically, in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for notices or documents delivered by electronic means as to which the party has given consent; and

(e) after consent of the party is given, if a change occurs in the hardware or software requirements needed to access or retain a notice or document delivered by electronic means that creates a material risk that the party will not be able to access or retain a subsequent notice or document to which the consent applies, the insurer shall:

(i)provide the party with a statement of the revised hardware and software requirements for access to and retention of a notice or document delivered by electronic means; and

(ii) comply with the requirements of subsection (B).

(2) No insurer may cancel, refuse to issue, or refuse to renew a policy because the applicant or insured refuses to agree to receive mailings electronically pursuant to this subsection.

(E) This section does not affect requirements related to content or timing of any notice or document required under applicable law.

(F) If a provision of this title or applicable law requiring a notice or document to be provided to a party expressly requires verification or acknowledgment of receipt of the notice or document, the notice or document may be delivered by electronic means only if the method used provides for verification or acknowledgment of receipt.

(G) The legal effectiveness, validity, or enforceability of the underlying contract or policy of insurance executed by a party may not be denied solely because of the failure to obtain electronic consent or confirmation of consent of the party pursuant to subsection (D)(1)(d)(ii).

(H) A withdrawal of consent by a party:

(1) does not affect the legal effectiveness, validity, or enforceability of a notice or document delivered by electronic means to the party before the withdrawal of consent is effective; and

(2) is effective three business days after receipt of the withdrawal by the insurer.

(I) Failure by an insurer to comply with subsection (D)(1)(e) may be treated, at the election of the party, as a withdrawal of consent for purposes of this section.

(J) This section does not apply to a notice or document delivered by an insurer in an electronic form before the effective date of this act to a party who, before that date, had consented to receive notice or document in an electronic form otherwise allowed by law.

(K) If the consent of a party to receive certain notices or documents in an electronic form is on file with an insurer before the effective date of this act, and pursuant to this section, an insurer intends to deliver additional notices or documents to such party in an electronic form, then prior to delivering such additional notices or documents electronically, the insurer shall notify the party of:

(1) the notices or documents that may be delivered by electronic means under this section that were not previously delivered electronically; and

(2) the party's right to withdraw at any time consent to have notices or documents delivered by electronic means.

(L) If a provision of this title or applicable law requires a signature, notice, or document to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by the provision, is attached to or logically associated with the signature, notice or document.

(M) This section may not be construed to modify, limit, or supersede the provisions of the federal Electronic Signatures in Global and National Commerce Act, Public Law 106-229, as amended.

(N) A producer may not be subject to civil liability for any harm or injury that occurs as a result of a party's election to receive any notice or document by electronic means or by an insurer's failure to deliver a notice or document by electronic means.

(O) An insurer delivering a notice or document by electronic means shall take appropriate and necessary measures reasonably calculated to ensure that the system for furnishing the notices of documents is secure and protects the confidentiality of information as defined by applicable law.

(P) The director or his designee may promulgate by bulletin, regulation or order the requirements necessary to implement the provisions of this section."

SECTION 2. The existing sections of Chapter 5, Title 38 are designated Article 1, "General Provisions".

SECTION 3. This act takes effect on January 1, 2017. /

Renumber sections to conform.

Amend title to conform.

Rep. SOTTILE explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 107; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atwater	Bales	Ballentine
Bamberg	Bannister	Bedingfield
Bernstein	Bingham	Bowers
Bradley	Brannon	G. A. Brown
R. L. Brown	Burns	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
H. A. Crawford	Crosby	Daning
Delleney	Dillard	Douglas
Duckworth	Erickson	Felder

Finlay	Forrester	Fry
Funderburk	Gagnon	Gambrell
George	Gilliard	Goldfinch
Govan	Hamilton	Hardee
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hill
Hiott	Hixon	Hodges
Hosey	Huggins	Jefferson
Johnson	Jordan	Kennedy
King	Kirby	Knight
Loftis	Long	Lucas
Mack	McCoy	McEachern
McKnight	M. S. McLeod	W. J. McLeod
Merrill	D. C. Moss	Murphy
Nanney	Neal	Newton
Norrell	Ott	Parks
Pitts	Pope	Quinn
Riley	Rivers	Rutherford
Sandifer	Simrill	G. M. Smith
J. E. Smith	Sottile	Southard
Spires	Stavrinakis	Stringer
Tallon	Taylor	Tinkler
Toole	Weeks	Wells
Whipper	White	Whitmire
Williams	Yow	

Total--107

Those who voted in the negative are:

Total--0

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

S. 1013--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 1013 -- Senators Alexander and Davis: A BILL TO AMEND CHAPTER 57, TITLE 40 OF THE 1976 CODE, RELATING TO THE LICENSURE AND REGULATION OF REAL ESTATE BROKERS,

SALESPERSONS, AND PROPERTY MANAGERS, TO REORGANIZE THE PROVISIONS OF THIS CHAPTER; TO REVISE AND ADD CERTAIN DEFINITIONS OF TERMS USED IN THIS CHAPTER; TO SPECIFY THAT CERTAIN DUTIES AND RESPONSIBILITIES BELONG TO THE REAL ESTATE COMMISSION RATHER THAN TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO DELETE A LICENSE REINSTATEMENT FEE; TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT, USE, AND REPORTING REQUIREMENTS FOR THE SOUTH CAROLINA REAL ESTATE COMMISSION EDUCATION AND RESEARCH FUND; TO DELETE THE PROVISION REQUIRING LICENSURE APPLICANTS TO SUBMIT A CREDIT REPORT, AND TO REQUIRE APPLICANTS TO UNDERGO CRIMINAL RECORDS CHECKS; TO REVISE EDUCATION AND RELATED REQUIREMENTS OF CERTAIN LICENSEES; TO PROVIDE THAT AN INDIVIDUAL WHOSE LICENSE IS REVOKED MAY NOT REAPPLY FOR LICENSURE FOR THREE YEARS, RATHER THAN ONE YEAR; TO PROVIDE CIRCUMSTANCES IN WHICH THE COMMISSION MAY RECOGNIZE A REAL ESTATE LICENSE FROM ANOTHER STATE AND TO PROVIDE SPECIFIC REQUIREMENTS FOR NONRESIDENT LICENSEES; TO SPECIFY CONTINUING EDUCATION REQUIREMENTS FOR BROKERS IN CHARGE AND PROPERTY MANAGERS IN CHARGE; TO REQUIRE THE ELECTRONIC TRANSMISSION OF CERTAIN STUDENT CONTINUING EDUCATION AND QUALIFYING COURSE RECORDS TO THE COMMISSION, AND TO REQUIRE THE COMMISSION MAINTAIN A SECURE DATABASE OF THESE RECORDS; TO FURTHER SPECIFY ADVERTISING AND MARKETING REQUIREMENTS AND LICENSEE STATUS DISCLOSURE; TO CLARIFY AND FURTHER SPECIFY DUTIES AND RESPONSIBILITIES OF BROKERS IN CHARGE AND PROPERTY MANAGERS IN CHARGE CONCERNING TRUST FUNDS AND TRUST ACCOUNTS, RECORDKEEPING, AND THE SUPERVISION AND INSTRUCTION OF LICENSEES REGARDING THESE MATTERS; TO PROVIDE THAT NO CAUSE OF ACTION ARISES IF AN OWNER OF REAL ESTATE OR A LICENSEE DOES NOT DISCLOSE THE LOCATION OF A REGISTERED SEX OFFENDER; TO FURTHER SPECIFY THE RELATIONSHIPS AND THE DUTIES AND RESPONSIBILITIES OF BROKERS IN CHARGE, BROKERAGE FIRMS, AND LICENSEES TO THEIR

CLIENTS, CUSTOMERS, AGENTS, OTHER LICENSEES, AND OTHER LICENSED INDIVIDUALS; TO FURTHER PROVIDE FOR GROUNDS FOR DENIAL OF LICENSURE OR FOR DISCIPLINARY ACTION AND TO AUTHORIZE THE COMMISSION TO REQUIRE A LICENSEE TO UNDERGO A CRIMINAL RECORDS CHECK AS PART OF AN INVESTIGATION OR DISCIPLINARY PROCEEDING; AND TO CLARIFY CONFIDENTIALITY REQUIREMENTS OF INFORMATION RECORDED FOR AN INVESTIGATION OR PROCEEDING; AND BY ADDING SECTION 27-32-85 SO AS TO PROVIDE THAT PURCHASE OF BENEFICIARY RIGHTS IN A TRUST BASED TIMESHARE, WHERE THE CONTRACT IS MADE IN THIS STATE, IS A REAL PROPERTY OWNERSHIP CONVEYANCE SUBJECT TO ALL CLOSING REQUIREMENTS CONTAINED IN THE TIME SHARING TRANSACTION PROCEDURES ACT.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to S. 1013 (COUNCIL\AGM\1013C001.AGM.AB16), which was adopted:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Chapter 57, Title 40 of the 1976 Coded is amended to read:

"CHAPTER 57

Real Estate Brokers, ~~Salesmen~~ Salespersons, and Property Managers

Article 1

General Provisions

~~Section 40-57-5. Unless otherwise provided for in this chapter, Article 1, Chapter 1, Title 40 applies to real estate brokers, salesmen, and property managers; however, if there is a conflict between this chapter and Article 1, Chapter 1, Title 40, the provisions of this chapter control.~~

~~Section 40-57-10. There is created the South Carolina Real Estate Commission under the administration of the Department of Labor, Licensing and Regulation. The purpose of this commission is to regulate the real estate industry so as to protect the public's interest when involved in real estate transactions.~~

~~Section 40-57-20. It is unlawful for an individual to act as a real estate broker, real estate salesman, or real estate property manager or to advertise as such without a valid license issued by the department.~~

~~Section 40-57-30. For purposes of this chapter:~~

~~(1) "Associated licensee" means a licensee who is affiliated with a broker-in-charge or property manager-in-charge.~~

~~(2) "Branch office" means a suboffice of a company in which full-service real estate activities are conducted and at which a broker-in-charge or property manager-in-charge is licensed to conduct real estate transactions.~~

~~(3) "Broker" means an individual who for a fee, salary, commission, or other valuable consideration or who with the intent or expectation of receiving compensation:~~

~~(a) negotiates or attempts to negotiate the listing, sale, purchase, exchange, lease, or other disposition of real estate or the improvements thereon;~~

~~(b) auctions or offers to auction real estate;~~

~~(c) solicits a referral in order to conduct activities set forth in this section;~~

~~(d) offers advisory services as a real estate consultant or counselor;~~

~~(e) offers to act as an agent representing a principal in a real estate transaction;~~

~~(f) advertises or otherwise holds himself out to the public as being engaged in any of the foregoing activities.~~

~~(4) "Broker-in-charge" means the broker who is designated as having responsibility over the actions of all associated licensees and also has the responsibility and control over and liability for any real estate trust accounts.~~

~~(5) "Client" means a person with whom a licensee has established an agency relationship.~~

~~(6) "Commission" means the group of individuals charged by law with the responsibility of licensing or otherwise regulating the practice of real estate within the State of South Carolina.~~

~~(7) "Customer" means a person with whom a licensee has not established an agency relationship.~~

~~(8) "Department" means the Department of Labor, Licensing and Regulation.~~

~~(9) "Licensee" means an individual currently licensed under this chapter.~~

~~(10) "Office" means the principal office location where a broker-in-charge or a property manager-in-charge is licensed to conduct real estate business.~~

~~(11) "Property manager" means an individual who for a fee, salary, commission, or other valuable consideration or who with the intent or expectation of receiving compensation:~~

~~(a) negotiates or attempts to negotiate the rental or leasing of real estate or improvements thereon;~~

~~(b) lists or offers to list and provide services in connection with the leasing or rental of real estate or improvements thereon;~~

~~(c) advertises or otherwise holds himself out to the public as being engaged in any of the foregoing activities.~~

~~(12) "Property manager-in-charge" means the property manager who is designated as having the responsibility over the actions of associated property managers and also the responsibility and control over and liability for real estate trust accounts.~~

~~(13) "Real estate" means land, buildings, and other appurtenances, including all interests in land, whether corporeal, incorporeal, freehold, or nonfreehold, whether the real estate is situate in or outside of this State.~~

~~(14) "Real estate transaction" means an activity involving the sale, purchase, exchange, or lease of real estate.~~

~~(15) "Salesman" means a licensee associated with a broker-in-charge who, for compensation, engages in or participates in an activity included in item (3).~~

~~(16) "Trust account" means an escrow account or properly designated bank account established and maintained by a broker-in-charge or a property manager-in-charge to safeguard funds belonging to parties to a real estate transaction.~~

~~Section 40-57-40. (A) The South Carolina Real Estate Commission consists of ten members elected or appointed as follows:~~

~~(1) seven members who are professionally engaged in the active practice of real estate, one elected from each of the seven congressional districts by a majority of house members and senators, representing the house and senate districts located within each of the congressional districts;~~

~~(2) two members representing the public who are not professionally engaged in the practice of real estate, each appointed by the Governor with the advice and consent of the Senate;~~

~~(3) the nine elected and appointed members shall elect from the State at large one additional member who must be in the active practice of real estate.~~

~~(B) Commission members serve a term of four years and until their successors are elected or appointed and qualify. A vacancy on the~~

~~commission must be filled in the manner of the original election or appointment for the remainder of the unexpired term.~~

~~(C) Before entering upon the discharge of the duties of the office, a member's election or appointment must be certified by and the member shall take and file with the Secretary of State, in writing, an oath to perform the duties of the office as a member of the commission and to uphold the Constitutions of this State and the United States.~~

~~(D) A member's term commences on the date election or appointment is certified by the Secretary of State.~~

~~(E) A member may be removed from office in accordance with Section 1-3-240.~~

~~Section 40-57-50. The commission annually shall elect from its total membership a chairman, vice-chairman, and other officers the commission determines necessary. The commission may adopt an official seal and shall adopt rules and procedures reasonably necessary for the performance of its duties and the governance of its operations and proceedings.~~

~~Section 40-57-60. The commission shall set general policy with regard to administering and enforcing this chapter and regulations promulgated under this chapter. Powers and duties include, but are not limited to:~~

~~(1) determining the standards for qualifications and eligibility of applicants for licensure;~~

~~(2) conducting disciplinary hearings on alleged violations of this chapter and regulations promulgated under this chapter and deciding disciplinary actions as provided in this chapter for those found to be in violation;~~

~~(3) recommending changes in legislation and promulgating regulations governing the real estate industry relative to the protection of the safety and welfare of the public;~~

~~(4) establishing a fee schedule through regulation.~~

~~Section 40-57-65. The commission shall submit to the department an annual report in accordance with guidelines established by the department.~~

~~Section 40-57-70. (A) All fees relevant to the licensure and regulation of real estate brokers, salesmen, and property managers must be established in accordance with Section 40-1-50(D) and promulgated through regulation prior to implementation.~~

~~(B) For each active license and inactive license not renewed by its expiration date, the department may assess a reinstatement penalty of twenty-five dollars per month for each month or part of a month for a~~

~~period not to exceed six months during which the license may be reinstated.~~

~~(C) All application and license fees are payable to the department in advance and must accompany an examination application or a license application. Application fees are nonrefundable.~~

~~(D)(1) The department may allocate up to ten dollars of each license renewal fee to the South Carolina Real Estate Commission Education and Research Fund which must be established as a separate and distinct account within the office of the State Treasurer. The funds collected must be deposited in this account and used exclusively for:~~

~~(a) the advancement of education and research for the benefit of those licensed under this chapter and for the improvement and increased efficiency of the real estate industry in this State;~~

~~(b) the analysis and evaluation of factors which affect the real estate industry in this State; and~~

~~(c) the dissemination of the results of the research.~~

~~(2) The commission shall submit to the Chairmen of the House and Senate Labor, Commerce and Industry Committees by August first of each year a report on how the funds were expended for the preceding fiscal year.~~

~~Section 40-57-80. To be eligible for licensure, an applicant shall:~~

~~(1) have attained the age of twenty-one if applying for a license as a broker, broker-in-charge, or property manager-in-charge;~~

~~(2) have attained the age of eighteen if applying for a license as a salesman or property manager;~~

~~(3) submit to a credit report which shall indicate creditworthiness satisfactory to the commission. If notified of unsatisfactory credit, the applicant has sixty days to respond;~~

~~(4) have graduated from high school or hold a certificate of equivalency;~~

~~(5) submit proof of completion of education and, if applicable, experience requirements as specified in this chapter;~~

~~(6) pass the applicable examination.~~

~~Section 40-57-90. An application for examination or licensure must be made in writing on a form prescribed by the department and must be accompanied by all applicable fees.~~

~~Section 40-57-100. (A) As a condition for and before applying to take a license examination, an applicant for a salesman, broker, or property manager license shall provide proof of having met these educational requirements within the last five years:~~

~~(1) For a salesman's license, completion of sixty hours of classroom instruction in fundamentals of real estate principles and practices or evidence submitted to the department of a Juris Doctor, Bachelor of Laws degree, or a baccalaureate degree with a major in real estate from an accredited college or university. Within one year following licensure, a salesman shall provide proof of satisfactory completion of thirty hours of post-licensing instruction in advanced real estate principles and practices. Failure to complete the post-licensing education within one year will result in cancellation of the license;~~

~~(2) For a broker's license, completion of one hundred fifty hours, ninety hours of which may be the hours required for a salesman's license, of classroom instruction in advanced real estate principles and practices and related topics, and three years of experience with a salesman's license or evidence submitted to the department of a Juris Doctor, Bachelor of Laws degree, or a baccalaureate degree with a major in real estate from an accredited college or university or the commission may accept proof of related education and at least five years of experience immediately preceding license application in business activities equivalent to or closely related to real estate transactions;~~

~~(3) For a property manager's license, completion of thirty hours of classroom instruction in property management principles and practices or evidence submitted to the department of a Juris Doctor, Bachelor of Laws degree, or a baccalaureate degree with a major in real estate from an accredited college or university.~~

~~(B) As a condition of licensure, an applicant shall submit to an examination which must be conducted by the department or a designated test provider at a time and place specified by the department.~~

~~The applicant must receive a passing grade on the examination, in accordance with a cut-score determination established by the department.~~

~~An applicant who fails an examination may be reexamined within the six-month period following initial examination. If an applicant passes one part of a two-part examination and fails the other, the applicant may be reexamined on the failed portion within the succeeding six-month period.~~

~~An applicant who passes the examination must apply for a license within one year, or the applicant must reapply for and retake the examination.~~

~~An individual who, at the time of application, holds a real estate license in another state or jurisdiction or whose real estate license in another state or jurisdiction expired not more than six months before~~

~~application is required to pass only the state portion of the examination to qualify for licensure.~~

~~The department or test provider is authorized to collect and retain reasonable examination fees. An applicant for an examination to be conducted by a test provider shall pay the fee directly to the test provider.~~

~~Section 40-57-110. (A) The department shall issue licenses in the classifications of broker, salesman, or property manager to individuals who qualify under and comply with the requirements of this chapter. No individual may be licensed in more than one classification at the same time. The license must be in the form and size as the department prescribes and is not transferable.~~

~~(B) The department may issue a designated broker-in-charge license to a broker or one qualified to be licensed as a broker and may issue a designated property manager-in-charge license to a licensed property manager or one qualified to be licensed as a property manager upon application on a form prescribed by the department and accompanied by applicable fees; however, no broker-in-charge or property manager-in-charge license may be issued to or renewed for an applicant unless the applicant:~~

~~(1) has an ownership interest in the applicant's company; or~~

~~(2) is actively engaged in the operation and management of the company.~~

~~(C) Applicants also must submit to a credit report which must indicate creditworthiness satisfactory to the department. If notified of unsatisfactory credit, the applicant shall have sixty days to respond.~~

~~(D) An individual holding an active broker or salesman license must be licensed under a broker-in-charge who is licensed by the department and may not be licensed during the same period with more than one broker-in-charge. When a licensee becomes disassociated with a broker-in-charge for any reason, the broker-in-charge immediately shall notify the department by letter and furnish a forwarding address.~~

~~(E) An individual holding an active property manager license must be licensed under a property manager-in-charge or broker-in-charge who is licensed by the department or must be designated as a property manager-in-charge. A property manager may not be licensed during the same period with more than one property manager-in-charge or broker-in-charge. When a licensee becomes disassociated with a broker-in-charge or property manager-in-charge for any reason, the broker-in-charge or property manager-in-charge immediately shall notify the department by letter and furnish a forwarding address.~~

~~(F) After revocation of a license, a new license may not be issued to the same individual within a period of one year from the date of revocation or at any time thereafter except upon an affirmative vote of a majority of the members of the commission. A person seeking licensure after revocation shall:~~

~~(1) submit to the commission satisfactory proof that the person is trustworthy, has a good reputation for honesty and fair dealing, and is competent to transact the business of a real estate licensee;~~

~~(2) submit proof of educational qualifications as set forth in this chapter if the proof of educational qualifications on file is more than five years old;~~

~~(3) pass the applicable examination; and~~

~~(4) meet any other qualifications and conditions which apply to individuals applying for a license who have never been licensed.~~

~~(G) A licensee may place a license on inactive status by informing the department in writing. To maintain an inactive license status, the license must be renewed in the same manner as provided for active license renewals. Upon proper compliance with the renewal requirements, a license may remain on inactive status for an indefinite period of time. An individual seeking to reactivate a license shall apply for the same license classification which was placed on inactive status, pay the appropriate fee, and meet the continuing education requirements as prescribed.~~

~~(H) A license must be renewed in accordance with procedures established by the department pursuant to Section 40-1-50(E). It is the licensee's responsibility to renew the license whether or not notice is received.~~

~~(I) A license which has not been renewed by its date of expiration is lapsed and may be reinstated within six months following expiration upon payment of applicable fees plus penalties as provided for in Section 40-57-70.~~

~~(J) A license which has lapsed and has not been reinstated by the last day of the sixth month following expiration must be canceled.~~

~~Section 40-57-115. In addition to other requirements established by law and for the purpose of determining an applicant's eligibility for licensure as a salesman, broker, broker-in-charge, property manager, and property manager-in-charge, the commission shall require initial applicants to submit to a state criminal records check, by a source approved by the commission, and a national criminal records check. Costs of conducting a criminal records check must be borne by the applicant. The commission shall keep information received pursuant to~~

~~this section confidential, except that information relied upon in denying licensure may be disclosed as necessary to support the administrative action.~~

~~Section 40-57-120. (A) The commission may enter into reciprocal agreements with real estate regulatory authorities of other jurisdictions which provide for waivers of education requirements or examinations if the commission considers the education and examination requirements of another jurisdiction to be substantially equivalent to the requirements of this chapter.~~

~~(B) An individual applying for a license by reciprocity shall submit an application, license fee, and certification of licensure from the real estate regulatory authority of the jurisdiction where the current or previous license was held and shall comply with additional requirements as may be established by the commission. The applicant also shall provide copies of the records of any disciplinary actions taken against the applicant.~~

~~(C) A nonresident real estate salesman license may not be granted to an applicant unless that applicant is affiliated with a resident or nonresident broker-in-charge licensed by the commission. If a nonresident licensee terminates the affiliation with a broker-in-charge licensed by the commission, the license of the nonresident is canceled unless the licensee places the license on inactive status or affiliates with another broker-in-charge licensed by the commission.~~

~~(D) A nonresident is not required to maintain a place of business in this State if the nonresident maintains an active place of business in the state of domicile. A nonresident applicant shall file an irrevocable consent that suits and actions may be commenced against the applicant in the proper court in a judicial circuit of the state in which a cause of action may arise or in which the plaintiff may reside, by the service of process or pleading, authorized by the laws of this State, on the chairman of the commission or any authorized assistant or deputy appointed by the Director of the Department of Labor, Licensing and Regulation. The consent shall stipulate that the service of process or pleading must be taken and held in all courts to be as valid and binding as if service had been made upon the applicant in South Carolina. If the process or pleadings mentioned in this chapter are served upon the chairman of the commission or any authorized assistant or deputy appointed by the Director of the Department of Labor, Licensing and Regulation, it must be by duplicate copies, one of which must be filed in the office of the commission and the other immediately forwarded by the commission by registered or certified mail to the applicant against whom the process or~~

~~pleadings are directed, at the last known address of the applicant as shown by the records of the commission.~~

~~(E)(1) A resident licensee who becomes a nonresident must notify the commission in writing, within sixty days, of the change in residency and comply with nonresident requirements or place his license on inactive status to avoid cancellation of the license.~~

~~(2) A nonresident licensee who becomes a resident of South Carolina must notify the commission in writing, within sixty days, of the change in residency and comply with the requirements of this chapter or place his license on inactive status to avoid cancellation of the license.~~

~~(3) Failure to notify the commission of the change in residency and compliance with the requirements of this subsection is a violation of this chapter and subject to the penalties provided for in Section 40-57-150.~~

~~(F) A nonresident applicant or licensee must comply with all requirements of commission regulations and of this chapter. The commission may adopt regulations necessary for the regulation of nonresident licensees.~~

~~Section 40-57-130. (A) As a condition of active license renewal, a broker or salesman shall provide proof of satisfactory completion biennially of eight hours of continuing education in courses approved by the department and taught by instructors approved by the department. The eight hours shall include a minimum of two hours of instruction in current federal and state law affecting brokers and salesmen.~~

~~(B) The following are exempt from the biennial continuing education required by subsection (A):~~

~~(1) a broker or salesman who successfully completes a post-licensing course is exempt for the period during which the course was taken;~~

~~(2) a broker or salesman while on inactive status; however, the eight-hour requirement must be completed and proof submitted with an application to return to active status;~~

~~(3) instructors of approved courses if they request in writing continuing education credit for time spent teaching or developing approved continuing education courses;~~

~~(4) a nonresident broker or salesman who has successfully satisfied the continuing education requirements of the jurisdiction of residence;~~

~~(5) a broker or salesman upon reaching the age of sixty-five years with a minimum of twenty-five years of licensure.~~

~~(C) Brokers or salesmen taking more than the required number of hours during a two-year period may not carry forward any excess hours to another renewal period.~~

~~(D) A broker or salesman who fails to complete the continuing education requirements required by this section by the date of license renewal may renew by submitting applicable fees but must immediately be placed on inactive status and may not engage in the practice of real estate while on inactive status. The license may be reactivated upon proof of completion of required continuing education and payment of applicable fees.~~

~~Section 40-57-135. (A) The duties of the broker-in-charge or property manager-in-charge are to:~~

~~(1) adequately supervise employees or associated licensees to ensure their compliance with this chapter and maintain real estate trust accounts when required by law;~~

~~(2) review and approve all forms of listing agreements, agency agreements, offers, sale contracts, purchase contracts, leases, options, contract addenda, or other routinely used contractual documents;~~

~~(3) maintain adequate, reasonable, and regular contact with associated licensees engaged in real estate transactions so as to prevent or curtail practices by a licensee which would violate any provision of this chapter, Title 40, Chapter 1, the Interstate Land Sales Practices Act, or the Vacation Time Sharing Plans Act;~~

~~(4) instruct employees and associated licensees on the proper handling of trust funds;~~

~~(5) be available to the public during normal business hours in order to discuss or resolve complaints and disputes which arise during the course of real estate transactions in which the broker-in-charge or property manager-in-charge or an associated licensee is involved;~~

~~(6) ensure that accurate and complete records, as required by this chapter, are maintained for real estate trust accounts;~~

~~(7) ensure that backup copies are maintained for computerized real estate trust accounts. Backup copies must be maintained on a data storage medium which is separate from the medium which contains the source documents;~~

~~(8) establish and maintain a written office policy in accordance with Section 40-57-137(B).~~

~~(B)(1) A broker-in-charge or property manager-in-charge, when taking possession of funds belonging to another in connection with a real estate transaction, shall establish and maintain control of and responsibility for an active real estate trust account so designated in the~~

~~company name for which the respective broker-in-charge's or property manager-in-charge's license is issued; however, the brokers-in-charge or property managers-in-charge of a real estate company with multiple offices may utilize one central trust account.~~

~~(2) All monies received by a property manager-in-charge as agent for his principal in a real estate transaction must be deposited in a separate real estate trust account so designated within forty-eight hours of receipt, excluding Saturdays, Sundays, and bank holidays; except that rent monies received by a licensee who also is directly employed by the owner of rental property may be placed in an operating or other similar account, but otherwise must be properly accounted for as provided for in this section.~~

~~(3) All monies received by a property manager-in-charge in connection with a real estate rental including, but not limited to, security deposits, pet deposits, damage deposits, and advance rentals (except earned rental proceeds) shall remain in the trust account until the lease or rental transaction expires or is terminated, at which time the monies must be disbursed in accordance with the contract which directs the property manager-in-charge to hold the monies, and a full accounting must be made to the landlord or tenant as appropriate. Earned rental proceeds must be disbursed to the landlord within a reasonable time after clearance of the deposit by the bank.~~

~~(4) All monies received by a broker-in-charge as agent for a principal in a real estate sales or exchange transaction must be deposited as follows in a separate real estate trust account so designated:~~

~~(a) cash monies or certified funds must be deposited within forty-eight hours of receipt, excluding Saturday, Sunday, and bank holidays;~~

~~(b) checks must be deposited within forty-eight hours, excluding Saturday, Sunday, and bank holidays, after acceptance of an offer by the parties to the transaction;~~

~~(c) all monies received by a broker-in-charge in connection with a real estate sales or exchange transaction and deposited in the real estate trust account shall remain in the trust account until consummation or termination of the transaction, at which time the monies must be disbursed in accordance with the contract which directs the broker-in-charge to hold the monies, and a full accounting must be made to the principal.~~

~~(5) If a dispute arises between buyer and seller concerning the entitlement to and disposition of an earnest money deposit, and the dispute is not resolved by reasonable interpretation of the contract by the~~

~~parties to the contract, the deposit must be held in the trust account until the dispute is resolved by:~~

~~(a) a written agreement which directs the disposition of monies and is signed by all parties claiming an interest in the trust monies. The agreement must be separate from the contract which directs the broker-in-charge or property manager-in-charge to hold the monies;~~

~~(b) filing of an interpleader action in a court of competent jurisdiction; by filing such an action, the escrow agent may deposit the earnest money with the court, according to the rules and procedures governing interpleader actions;~~

~~(c) order of a court of competent jurisdiction;~~

~~(d) voluntary mediation.~~

~~(6) All trust accounts maintained by brokers-in-charge or property managers-in-charge must be located in an insured financial institution authorized to conduct business in South Carolina.~~

~~(7) A broker-in-charge or property manager-in-charge, when required by this chapter to establish and maintain a real estate trust account, also shall maintain, in his designated principal place of business, a recordkeeping system consisting of:~~

~~(a) a journal or an accounting system which records the chronological sequence in which funds are received and disbursed for real estate sales. For funds received, the journal or accounting system must include the date of receipt, the name of the party from whom the money was received, the name of the principal, identification of the property, the date of deposit, the depository, the payee, and the check numbers, dates, and amounts. A running balance must be maintained for each entry of a receipt or disbursement. The journal or accounting system must provide a means of reconciling the accounts;~~

~~(b) a journal or an accounting system containing, for property management, the same information as stated in subitem (a) except that the required running balance may be determined at the time of reconciliation;~~

~~(c) a separate record for each tenant identifying the unit, the unit owner, amount of rent, due date, security deposit, and all receipts with dates when managing property. There also must be maintained an owner's ledger for all properties owned by each owner showing receipts and disbursements applicable to each property managed. All disbursements must be documented by bids, contracts, invoices, or other appropriate written memoranda;~~

~~(d) trust account deposit documents shall identify the broker-in-charge or property manager-in-charge and the buyer or tenant unless other appropriate written memoranda are maintained;~~

~~(e) a general ledger identifying security deposits;~~

~~(f) a monthly reconciliation of each separate account except where there has been no deposit or disbursement during that month. The reconciliation must include a written worksheet comparing the reconciled bank balance with the journal balance and with the ledger total to ensure agreement.~~

~~(8) All cash monies or certified funds received by a licensee in connection with a real estate transaction in which the licensee is engaged for his broker-in-charge or property manager-in-charge immediately must be delivered to the broker-in-charge or property manager-in-charge, except for checks received as escrow or security deposits for sales or lease agreements, which must be delivered to the broker-in-charge or property manager-in-charge as soon as the sales or lease agreement is ratified by both parties.~~

~~(9) A broker-in-charge or property manager-in-charge may not commingle monies or other property of the principal with the broker-in-charge or property manager-in-charge's own money or property, except that a broker-in-charge or property manager-in-charge may maintain a clearly identified amount of his own funds in the trust account to cover bank service charges in order to avoid the closing of the account when no client's monies are on deposit.~~

~~(10) Monies received by a broker-in-charge or property manager-in-charge which must be deposited in a trust account may be deposited in an interest-bearing account. Interest earned on these monies may be retained by the broker-in-charge or property manager-in-charge only if:~~

~~(a) the depositor or owner of such monies has been informed of their right to ownership of the interest but relinquishes to the broker-in-charge or property manager-in-charge by written agreement said right of ownership; and~~

~~(b) if such agreement is part of a preprinted form, the language must be conspicuous.~~

~~(11) Records required by this chapter must be maintained for a minimum of five years and the broker-in-charge or property manager-in-charge shall furnish a copy of the records to a representative of the department upon request. Accounting records that may be requested include, but are not limited to, journals, ledgers, folios, client~~

~~subaccounts, tenant accounts, canceled checks, deposit slips, and bank statements.~~

~~(12) A licensee may form a corporation allowing the licensee's broker-in- charge to pay commission to that corporation; however, for the corporation to receive compensation, all principals of the corporation shall have an active real estate license under that same broker-in-charge.~~

~~(C) A licensed broker-in-charge or property manager-in-charge shall establish and maintain a specific office location which must be accessible by the public during reasonable business hours.~~

~~(1) A broker-in-charge or property manager-in-charge, in addition to the principal office location, may maintain one or more branch offices under the same company name at a different location. Each branch office must be managed by a broker-in-charge or property manager-in-charge who shall comply with the requirements of subsection (A).~~

~~(2) A licensee may not conduct real estate business under any other name or at any address other than the one for which his license is issued. The broker-in-charge or property manager-in-charge shall notify the department by mail within ten days of any change of office name and/or address and enclose appropriate fees.~~

~~(3) In the event of the death or medical incapacitation of a broker-in-charge or property manager-in-charge which precludes him from carrying out duties as required in this chapter, the department may permit an associated licensee to act as broker-in-charge or property manager-in-charge for up to six months.~~

~~(4) A licensee may not advertise, market, or offer to conduct a real estate transaction involving real estate owned in whole or in part by another person without first obtaining a written listing agreement from the owner and when advertising or marketing in any medium including site signage, a licensee clearly shall identify the full name of the company with which the licensee is affiliated. Brokers in-charge who are members of a multiple listing service must be allowed to make their company listings available for any cooperative marketing or advertising program, subject to the rules and regulations of the multiple listing service and with the consent of the owner. Consent may be contained and obtained from the owner through the listing agreement.~~

~~(5) When operating under a trade or franchise name, a licensee clearly shall reveal the identity of the franchisee or holder of the trade name. Notwithstanding another provision of law, a real estate licensee may use any public information from a local government source to contact an individual by telephone, mail, electronic mail, or other means~~

~~for the purpose of selling or marketing real property and real property services. This section does not apply to state government agencies.~~

~~(6) A licensee clearly shall reveal his license status in a personal transaction involving the purchase, sale, exchange, rental, lease, or auction of real estate. A licensee meets the requirements of this section by disclosing in underlined capital letters on the first page of the contract his license status in the real estate sales contract, exchange, rental, or lease agreement. Monies received in a personal rental transaction must be deposited in the licensee's personal trust account and do not have to be deposited in the broker's trust account, unless the real property is managed by the broker's company.~~

~~(7) Every broker-in-charge or property manager-in-charge shall maintain for a minimum of five years and shall furnish to the department upon request a written copy of a:~~

~~(a) lease;~~

~~(b) contract of sale;~~

~~(c) listing contract or agency agreement;~~

~~(d) option contract;~~

~~(e) management agreement;~~

~~(f) residential property condition disclosure statement;~~

~~(g) closing statement;~~

~~(h) policy on agency representation;~~

~~(i) fair housing policy.~~

~~(8) The department may license the same person as broker-in-charge or property manager-in-charge of more than one company or branch office if the broker-in-charge or property manager-in-charge making the request acknowledges in writing that he understands the duties and can fully assume the responsibility to ensure full compliance with this chapter by each office and the associated licensees.~~

~~(D) No licensee either directly or indirectly may buy for his own account or for a corporation or any other business in which he holds an interest or for a close relative, real estate listed with him or real estate for which he has been approached by the seller or prospective buyer to act as agent, without first making his true position clearly known in writing to all parties involved. Upon request of the department, the licensee shall provide evidence of having made this disclosure.~~

~~(1) With regard to offers to purchase real estate, a licensee shall:~~

~~(a) upon receipt, prepare all offers in writing and promptly present them to the seller;~~

~~(b) upon obtaining a written acceptance of an offer, promptly deliver true, executed copies to all parties;~~

~~(c) ensure that all of the terms and conditions of the transaction are included in the offer to purchase;~~

~~(d) ensure that changes or modifications made during negotiation are in writing and initialed and dated by both parties before proceeding with the transaction.~~

~~(2) Every licensee shall ensure that, at closing, both the buyer and the seller in a real estate transaction receive a complete and detailed closing statement properly accounting for all funds paid, received, and expended in connection with the transaction.~~

~~(3) A licensee may not allow or create an unreasonable delay in the closing of a transaction or act in a manner which causes failure or termination of a transaction due solely to a dispute among participating licensees concerning the division of a commission.~~

~~(4) A listing or buyer's representation agreement must be in writing and must set forth all material terms of the parties' agency relationship including, but not limited to:~~

~~(a) a description of the agent's duties or services to be performed for the principal including, but not limited to, an explanation of the office policy regarding dual agency and designated agency, if offered by the brokerage;~~

~~(b) the amount of compensation to be paid or the method to be used in calculating the amount of compensation to be paid;~~

~~(c) an explanation of how and when the agent earns his compensation;~~

~~(d) an explanation of how compensation will be divided among participating or cooperating brokers, if applicable;~~

~~(e) the amount of retainer fees, deposits, or any other money which is collected before the agent's performance of any services on behalf of the principal and an explanation of whether or not, and if so, under what conditions such monies are refundable or payable to or on behalf of the principal;~~

~~(f) the duration of the agency relationship, setting forth specific dates for the beginning and ending of the relationship;~~

~~(g) the signature of all parties.~~

~~(h) a listing or buyer's representation agreement may not contain a provision requiring a party signing the agreement to notify the licensee of his intention to cancel the agreement after the definite expiration date;~~

~~(i) a listing or buyer's representation agreement must be clearly defined if intended to be either an "exclusive agency" listing or buyer's representation agreement or "exclusive right to sell" listing or "exclusive right to buy" buyer's representation agreement;~~

~~(j) a listing or buyer's representation agreement must clearly specify any exception or variation in amount of commission to be paid and circumstances which would apply;~~

~~(k) a copy of the listing or buyer's representation agreement must be given to the seller or buyer at the time of, or directly following, signing; and~~

~~(l) a buyer's representation agreement must provide a price or price range for property of interest to the buyer and a listing agreement must state the price of the listed property.~~

~~(5) Reserved.~~

~~(E) The management of each residential multi-unit rental location must be provided by an on-site licensee or an off-site licensee if there is no on-site staff.~~

~~(1) The department may permit multiple multi-unit rental property locations to be managed by one licensee.~~

~~(2) An unlicensed employee of the owner of a multi-unit rental property or an unlicensed individual who works under the supervision of a licensee is permitted to perform only the following duties:~~

~~(a) maintenance;~~

~~(b) clerical or administrative support;~~

~~(c) collection of rents which are made payable to the owner or real estate company;~~

~~(d) showing rental units to prospective tenants;~~

~~(e) furnishing published information;~~

~~(f) providing applications and lease forms;~~

~~(g) receiving applications and leases for submission to the owner or the licensee for approval.~~

~~(3) Reserved.~~

~~(F) Licensees who manage residential and commercial property shall do so under a written management agreement which shall set forth, at a minimum, the:~~

~~(1) names and signatures of authorized parties to the agreement;~~

~~(2) property identification;~~

~~(3) method of compensation to the licensee;~~

~~(4) term, including definite expiration date; however, the contract shall contain a clause in underlined capital letters on the first page of the contract to provide for compensation in the event the licensee has~~

~~secured a tenant during the original term of the management agreement. In addition to this requirement, a management agreement may not contain any automatic renewal clause or provision, unless the management agreement also contains a clause or provision that allows either party to cancel the management agreement for any or no cause with thirty days' notice after the original definite expiration date;~~

~~(5) terms and conditions of tenant rental or lease arrangements; however, the management agreement may not contain a provision binding the property under a future listing agreement if the property is to be sold in the future. A separate listing agreement is required.~~

~~(G) For all types of real estate transactions, including leases and sales, an unlicensed employee of the owner or an unlicensed individual working under the supervision of a licensee may not:~~

~~(1) discuss, negotiate, or explain a contract, listing, buyer agency, lease, agreement, or other real estate document;~~

~~(2) vary or deviate from the rental price or other terms and conditions previously established by the owner or licensee when supplying relevant information concerning the rental of property;~~

~~(3) approve applications or leases or settle or arrange the terms and conditions of a lease;~~

~~(4) indicate to the public that the unlicensed individual is in a position of authority which has the managerial responsibility of the rental property;~~

~~(5) conduct or host an open house or manage an on-site sales office;~~

~~(6) show real property;~~

~~(7) answer questions regarding company listings, title, financing, and closing issues, except for information that is otherwise publicly available;~~

~~(8) discuss, negotiate, or explain a contract, listing, buyer agency, lease, agreement, or other real estate document;~~

~~(9) be paid solely on the basis of real estate activity including, but not limited to, a percentage of commission or any amount based on the listing or sales compensation or commission;~~

~~(10) negotiate or agree to compensation or commission including, but not limited to, commission splits, management fees, or referral fees on behalf of a licensee;~~

~~(11) engage in an activity requiring a real estate license as required and defined by this chapter.~~

~~Section 40-57-137. (A) A real estate brokerage company that provides services through an agency agreement for a client is bound by~~

~~the duties of loyalty, obedience, disclosure, confidentiality, reasonable care, diligence, and accounting as set forth in this chapter. The following are the permissible agency relationships a licensee may establish:~~

~~(1) seller agency;~~

~~(2) buyer agency;~~

~~(3) disclosed dual agency; or~~

~~(4) subagency.~~

~~(B) The broker-in-charge of a real estate brokerage company shall adopt a written company policy that identifies and describes the types of real estate brokerage agency relationships in which associated licensees may engage. The written policy shall include:~~

~~(1) the company's policy regarding cooperation with subagents or buyer agents, or both, and whether the broker offers compensation to these agents;~~

~~(2) the scope of services provided to the company's clients;~~

~~(3) the scope of services provided to the company's customers;~~

~~(4) when and how associated licensees shall explain and disclose their agency relationships with any interested parties to a potential transaction; the explanation and disclosure shall always comply with the minimum requirements set forth in this chapter;~~

~~(5) when and how an associated licensee shall explain to clients the potential for the licensee to later act as a disclosed dual agent in specific transactions, as permitted by this chapter;~~

~~(6) the company's policy on compliance with state and federal fair housing laws.~~

~~(C) On reaching a written agreement to provide brokerage services for a seller of real estate, a seller's agent shall:~~

~~(1) perform the terms of the written brokerage agreement made with the seller;~~

~~(2) in accordance with subsection (A), promote the interest of the seller by performing agency duties which include:~~

~~(a) seeking a sale at the price and terms stated in the brokerage agreement or at a price and terms acceptable to the seller, except that the licensee is not obligated to seek additional offers to purchase unless the brokerage agreement provides otherwise while the property is subject to a contract of sale;~~

~~(b) presenting in a timely manner all offers and counteroffers to and from the seller, even when the property is subject to a contract of sale;~~

~~(c) disclosing to the seller all relevant facts concerning the transaction which are actually known to the licensee or, if acting in a~~

~~reasonable manner, should have been known to the licensee, except as directed otherwise in this section;~~

~~(d) advising the seller to obtain expert advice on matters that are beyond the expertise of the licensee;~~

~~(e) accounting in a timely manner, as required by this chapter, for all money and property received in which the seller has or may have an interest;~~

~~(3) exercise reasonable skill and care in discharging the licensee's agency duties;~~

~~(4) comply with all provisions of this chapter and with any regulations adopted by the department;~~

~~(5) comply with all applicable federal, state, or local laws, rules, regulations, and ordinances related to real estate brokerage, including laws which relate to fair housing and civil rights;~~

~~(6) preserve confidential information provided by the seller during the course of and following the agency relationship that might have a negative impact on the seller's real estate activity unless:~~

~~(a) the seller to whom the confidential information pertains grants consent to disclose the information; or~~

~~(b) disclosure is required by law; or~~

~~(c) disclosure is necessary to defend the licensee against an accusation of wrongful conduct in a proceeding before the commission or before a professional association or professional standards committee.~~

~~No cause of action may arise against a licensee for disclosing confidential information in compliance with subsection (C)(6)(a), (b), or (c).~~

~~(D) A licensee acting as a seller's agent may offer alternative properties to prospective buyers. A licensee acting as a seller's agent also may list for sale competing properties.~~

~~(E) A licensee acting as a seller's agent may not offer a subagency relationship to other brokers or offer to compensate another broker who represents a buyer without the knowledge and consent of the seller client.~~

~~(F) A licensee who represents a seller shall treat all prospective buyers honestly and may not knowingly give them false or misleading information about the condition of the property which is known to the licensee or, when acting in a reasonable manner, should have been known to the licensee. Notwithstanding another provision of law, no cause of action may be brought against a seller's agent that has truthfully disclosed to a buyer any known material defect including, but not limited to, moisture or mold problems and conditions. No cause of action may be brought against a real estate licensee by a seller for information~~

~~contained in reports or opinions prepared by an engineer, land surveyor, geologist, wood destroying inspection control expert, termite inspector, mortgage broker, home inspector or other home inspection expert, or other similar reports. A seller's agent is not obligated to discover latent defects in property or to advise the agent's clients on matters outside the scope of the agent's real estate expertise. A seller's agent, the company, and the broker-in-charge are not liable to a buyer for providing the buyer with false or misleading information if that information was provided to the licensee by his client and the licensee did not know or have reasonable cause to suspect the information was false or incomplete.~~

~~(G) Nothing in this chapter limits the obligation of the buyer to inspect the physical condition of the property which the buyer may purchase.~~

~~(H) On reaching a written agreement to provide brokerage services to a potential buyer of real estate, a buyer's agent shall:~~

~~(1) perform the terms of the written brokerage agreement made with the buyer;~~

~~(2) in accordance with subsection (A), promote the interest of the buyer by performing the buyer's agent's duties which include:~~

~~(a) seeking property at the price and terms stated in the brokerage agreement or at a price and terms acceptable to the buyer, except that the licensee is not obligated to seek additional properties unless the brokerage agreement provides otherwise for a buyer once the buyer becomes a party to a contract of sale;~~

~~(b) presenting in a timely manner all offers and counteroffers to and from the buyer;~~

~~(c) disclosing to the buyer all relevant facts concerning the transaction which are actually known to the licensee or, if acting in a reasonable manner, should have been known to the licensee, except as directed otherwise in this section. Nothing in this chapter shall limit a buyer's obligation to inspect the physical condition of the property which the buyer may purchase;~~

~~(d) advising the buyer to obtain expert advice on material matters that are beyond the expertise of the licensee;~~

~~(e) accounting in a timely manner, as required by this chapter, for all money and property received in which the buyer has or may have an interest;~~

~~(3) exercising reasonable skill and care in discharging the buyer's agent's agency duties;~~

~~(4) complying with all provisions of this chapter and with any regulations promulgated by the department;~~

~~(5) complying with all applicable federal, state, or local laws, rules, regulations, and ordinances related to real estate brokerage, including laws which relate to fair housing and civil rights;~~

~~(6) preserving confidential information provided by the buyer during the course of or following the agency relationship that might have a negative impact on the buyer's real estate activity unless:~~

~~(a) the buyer to whom the confidential information pertains, grants consent to disclose the information; or~~

~~(b) disclosure is required by law; or~~

~~(c) disclosure is necessary to defend the licensee against an accusation of wrongful conduct in a proceeding before the commission or before a professional association or professional standards committee.~~

~~No cause of action may arise against a licensee for disclosing confidential information in compliance with subsections (H)(6)(a), (b), or (c).~~

~~(I) A licensee acting as a buyer's agent may offer properties which interest his buyer client to other potential buyers.~~

~~(J) A licensee acting as a buyer's agent may not offer a subagency relationship to other brokers or offer to compensate another broker who represents a seller without the knowledge and consent of the buyer client.~~

~~(K) A licensee who represents a buyer shall treat all prospective sellers honestly and may not knowingly give them false or misleading information about the buyer's ability to perform the terms of a transaction. A buyer's agent is not obligated to discover latent defects in property or to advise his clients on matters outside the scope of his real estate expertise. Notwithstanding another provision of law, no cause of action may be brought against a buyer's agent that has truthfully disclosed to a buyer known material defects including, but not limited to, moisture or mold problems and conditions. No cause of action may be brought against a real estate licensee by a buyer for information contained in reports or opinions prepared by an engineer, land surveyor, geologist, wood destroying inspection control expert, termite inspector, mortgage broker, home inspector or other home inspection expert, or other similar reports. A buyer's agent, his company, and the broker-in-charge are not liable to a seller for providing the seller with false or misleading information if that information was provided to the licensee by his client and the licensee did not know or have reasonable cause to suspect the information was false or incomplete.~~

~~(L) A licensee who represents one party to a real estate transaction may provide assistance to other parties to the transaction by performing ministerial acts such as writing and conveying offers, and providing~~

~~information and aid concerning other professional services not related to the real estate brokerage services being performed for a client. Performing ministerial acts does not create an agency relationship.~~

~~(M)(1) A licensee may act as a disclosed dual agent only with the prior informed and written consent of all parties. The informed consent must be evidenced by a dual agency agreement, promulgated by the commission, and must be signed by the buyer before writing an offer and by the seller before signing the sales contract. The agreement must specify the transaction in which a licensee is serving as dual agent and must state that:~~

~~(a) in acting as a dual agent, a licensee represents clients whose interests may be adverse and that agency duties are limited;~~

~~(b) the dual agent may disclose information gained from one party to another party if the information is relevant to the transaction, except if the information concerns:~~

~~(i) the willingness or ability of a seller to accept less than the asking price;~~

~~(ii) the willingness or ability of a buyer to pay more than an offered price;~~

~~(iii) confidential negotiating strategy not disclosed in an offer as terms of a sale; or~~

~~(iv) the motivation of a seller for selling property or the motivation of a buyer for buying property.~~

~~(c) the clients may choose to consent to disclosed dual agency or may reject it; and~~

~~(d) the clients have read and understood the agency agreement and the agency disclosure form and acknowledge that their consent to dual agency is voluntary.~~

~~(2) A broker-in-charge and his affiliated licensees in the broker's main office may conduct business with a client in any of the broker's branch offices as a customer or client without creating a dual agency relationship, so long as the branch offices each have a separate broker-in-charge and do not share the same broker-in-charge or real estate licensees as the main office.~~

~~(N) A subagent is a designated broker and all associated licensees engaged by a broker of another company to act as agent for his client. A subagent owes the same duties and responsibilities to the client as the client's primary broker pursuant to subsections (C) and (H).~~

~~(O)(1) Prospective buyers and sellers of unlisted real estate who do not choose to establish an agency relationship with a licensee but who~~

~~use the services of the licensee are considered customers. A licensee may offer the following services to a customer including, but not limited to:~~

~~(a) identify and show property for sale, lease, or exchange;~~

~~(b) provide real estate statistics and information on property;~~

~~(c) provide pre-printed real estate form contracts, leases, and related exhibits and addenda;~~

~~(d) act as a scribe in the preparation of real estate form contracts, leases, and related exhibits and addenda;~~

~~(e) locate a list of architects, engineers, surveyors, inspectors, lenders, insurance agents, attorneys, and other professionals; and~~

~~(f) identify schools, shopping facilities, places of worship, and other similar facilities on behalf of any of the parties in a real estate transaction.~~

~~(2) A licensee offering services to a customer shall:~~

~~(a) timely present all offers to and from the parties involving the sale, lease, and exchange of property;~~

~~(b) timely account for all money and property received by the broker on behalf of a party in a real estate transaction;~~

~~(c) provide a meaningful explanation of agency relationships in real estate transactions;~~

~~(d) provide an explanation of the scope of services to be provided by the licensee; and~~

~~(e) be fair and honest and provide accurate information in all dealings.~~

~~(3) Nothing in this section limits the seller's and buyer's responsibility to conduct an inspection of the property.~~

~~(4) A licensee offering services to a customer may not knowingly give a party in a real estate transaction false information; however, the licensee is not liable to a party for providing false information to the party if the real estate licensee did not have actual knowledge that the information was false and discloses to the party the source of the information. Nothing in this subsection limits an obligation of a seller under applicable law to disclose to prospective buyers all adverse material facts actually known by the seller pertaining to the physical condition of the property or limits the obligation of prospective buyers to inspect and to familiarize themselves with potentially adverse conditions related to the physical condition of the property, improvements located on the property, and the area in which the property is located. No cause of action arises on behalf of a person against a real estate licensee for revealing information in compliance with this subsection. No licensee is liable for failure to disclose a matter other than~~

~~those matters enumerated in this subsection. Violations of this subsection do not create liability on the part of the real estate licensee absent a finding of fraud on the part of the licensee.~~

~~(5) Notwithstanding another provision of law, no cause of action may be brought against a real estate licensee who has truthfully disclosed to a customer known material defects including, but not limited to, moisture or mold problems and conditions. No cause of action may be brought against a real estate licensee by a customer for information contained in any reports or opinions prepared by an engineer, land surveyor, geologist, wood destroying inspection control expert, termite inspector, mortgage broker, home inspector or other home inspection expert, or other similar reports. A real estate licensee may not be the subject of an action and no action may be instituted against a real estate licensee by a customer for information contained in the form prescribed by Chapter 50, Title 27 unless the real estate licensee is signatory to that opinion or report.~~

~~(P)(1) A broker-in-charge may assign, through the adoption of a company policy, different licensees affiliated with the broker-in-charge as designated agents to exclusively represent different clients in the same transaction. Any company policy adopted to fulfill the requirements of this subsection must contain provisions reasonably calculated to ensure each client is represented in accordance with the requirements of this chapter.~~

~~(2) A broker-in-charge may personally, or through the broker's duly authorized real estate licensed representative, specifically designate, in a written agency agreement obtained in accordance with this chapter, one or more affiliated licensees who will be acting as agent of the buyer client or seller client to the exclusion of all other affiliated licensees. Buyers and sellers shall consent to enter into designated agency relationships. The informed consent must be evidenced by a designated agency agreement, promulgated by the commission, and must be signed by the buyer before writing the offer and by the seller before signing the sales agreement. The designated agency agreement must include language informing the buyer and seller of the obligations of the broker-in-charge and affiliated agents under this section. The designated agency agreement shall include language informing the buyer and seller of the obligations of the broker-in-charge and affiliated agents under this section.~~

~~(3) If a buyer client of a designated agent wants to view a property that was personally listed by the broker-in-charge, the~~

~~broker-in-charge shall act as a dual agent with the written consent of the buyer and seller, as required by subsection (M).~~

~~(4) A designated agent of a seller client has the duties and obligations set forth in subsections (C) through (G). A designated agent of a buyer client has the duties and obligations set forth in subsections (H) through (K).~~

~~(5) In a transaction where both buyer and seller are represented by designated agents and the designated agents are supervised by the same broker-in-charge, the broker-in-charge shall act as a dual agent pursuant to subsection (M). The broker-in-charge is not required to complete a dual agency agreement under this provision. Consent must be contained in the designated agency agreement.~~

~~(6) A designated agent may disclose to the designated agent's broker-in- charge, or his licensed representative, confidential information of a client for the purpose of seeking advice or assistance for the benefit of the client in regard to a transaction.~~

~~(7) If a buyer client of a real estate licensee in a designated agent role wants to view and make an offer to purchase a property owned by a seller client of the same real estate licensee, the real estate licensee must act as a dual agent with the written consent of the buyer and seller, as required by subsection (M).~~

~~(8) If a broker-in-charge appoints different designated agents in accordance with subsection (P)(1), the broker-in-charge, all remaining affiliated licensees, and the real estate brokerage firm must be deemed to be dual agents, except for the designated licensees and those licensees in the firm's branch offices so long as those branch offices have a separate broker-in-charge. The broker-in-charge is not required to complete a dual agency agreement under this provision. Consent must be contained in the designated agency agreement.~~

~~(9) When designated agents are appointed in accordance with subsection (P)(1), the broker-in-charge, the clients, and the designated agents must be considered to possess only actual knowledge and information; there may be no imputation of knowledge or information between and among the broker-in- charge, the designated agents, and the clients. Designated agents must not disclose, except to the designated agent's broker-in-charge, information made confidential by written request or instruction of the client whom the designated agent is representing, except information allowed to be disclosed by this section or required to be disclosed by this section. Unless required to be disclosed by law, the broker-in-charge of a designated agent may not reveal confidential information received from either the designated agent~~

~~or the client with whom the designated agent is working. For the purposes of this section, confidential information is information the disclosure of which has not been consented to by the client and that could harm the negotiating position of the client.~~

~~(10) The designation of one or more of a broker-in-charge's affiliated licensees as designated agents does not permit the disclosure by the broker-in-charge or affiliated licensees of any information made confidential by an express written request or instruction by a party before or after the creation of the designated agency. The broker-in-charge and affiliated licensees shall continue to maintain this confidential information unless the party from whom the confidential information was obtained permits its disclosure by written agreement or disclosure is required by law. No liability is created as a result of a broker-in-charge and affiliated licensee's compliance with this subsection.~~

~~(Q) The provisions of this section which are inconsistent with applicable principles of common law supersede the common law, and the common law may be used to aid in interpreting or clarifying the duties described in this section. Except as otherwise stated, nothing in the section precludes an injured party from bringing a cause of action against licensees, their companies, or their brokers-in-charge.~~

~~(R) The payment or promise of payment of compensation to a real estate licensee by a seller, buyer, landlord, or tenant does not determine whether an agency relationship has been created between any real estate licensee and a seller, buyer, landlord, or tenant.~~

~~Section 40-57-139. (A) A licensee shall provide at the first practical opportunity to all buyers and sellers with whom the licensee has substantive contact:~~

~~(1) a meaningful explanation of agency relationships in real estate transactions that are offered by that brokerage;~~

~~(2) an agency disclosure form prescribed by the commission.~~

~~(B) A licensee who becomes a seller's agent shall provide an agency disclosure form to the seller at the time the listing is obtained and signed. Acknowledgement of receipt of the form must be contained in the listing agreement.~~

~~(C) A licensee who becomes a buyer's agent shall provide an agency disclosure form to the buyer at the time an agency agreement is signed. Acknowledgement of receipt of the form must be contained in the buyer agency agreement.~~

~~(D) A licensee who becomes a disclosed dual agent shall provide to both buyer and seller an agency disclosure form in accordance with Section 40-57-137 after buyer has completed and signed a buyer agency~~

~~agreement and seller has completed and signed a listing agreement. Acknowledgement of receipt of the form by buyer and seller must be contained in their separate agency agreements.~~

~~(E) A licensee who has substantive contact with a potential buyer or seller shall provide to the potential buyer or seller an agency disclosure form at the first substantive contact. At the time of contact, it is presumed that the potential buyer or seller is to be a customer of the licensee as defined by this chapter and that the licensee shall offer services to a customer as defined by Section 40-57-137(O) only until the potential buyer or seller requests representation; however, before ratification of the real property sales agreement, the real estate licensee must represent either the buyer or seller in an agency capacity in order to be in compliance with this chapter.~~

~~(F) If first contact occurs over the telephone or other electronic means, including the Internet and electronic mail, a licensee shall provide a buyer with the agency disclosure form at the first substantive contact or a copy of the form may be sent by electronic means, including the Internet and electronic mail.~~

~~(G) For all real estate transactions, no agency relationship between a buyer, seller, landlord, or tenant and a brokerage company and its affiliated licensees exists unless the buyer, seller, landlord, or tenant and the brokerage company and its affiliated licensees agree, in writing, to the agency relationship. No type of agency relationship may be assumed by a buyer, seller, landlord, tenant, or licensee or created orally or by implication. A licensee must not be considered to have an agency relationship with a party or have agency obligations to a party but is responsible only for exercising reasonable care in the discharge of the licensee's specified duties, as provided in this chapter, and, in the case of a client, as specified in the agency agreement.~~

~~(H) If a licensee with an existing or prior agency agreement with either a customer or a client enters into a new agency agreement with the customer or client, the licensee shall timely disclose that fact and the new agency relationship to all licensees, customers, or clients involved in the contemplated real estate transaction.~~

~~(I) The agency disclosure requirements of this section do not apply if:~~

~~(1) the transaction is regarding the rental or lease of residential or commercial property;~~

~~(2) the communication from the licensee is a solicitation of business; or~~

~~(3) the transaction is regarding the sale of property by auction.~~

~~Section 40-57-140. (A) A real estate broker and all associated licensees owe no duty or obligation to a client following termination, expiration, completion, or performance of an agency agreement or closing of the real property transaction, whichever occurs first, except the duties of:~~

~~(1) accounting in a timely manner for all money and property related to and received during the relationship; and~~

~~(2) keeping confidential all information received during the course of the engagement which was made confidential by request or instructions from the client, except as provided for in Sections 40-57-137(C)(6) and 40-57-137(H)(6) unless:~~

~~(a) the client permits the disclosure by written agreement;~~

~~(b) the disclosure is required by law; or~~

~~(c) the information becomes public from a source other than the broker.~~

~~(B) Notwithstanding another provision to the contrary contained in this chapter, if a conflict arises between a broker's duty to keep the confidence of a client and the duty not to give customers false information, the broker's duty not to give false information to customers prevails and governs the broker's actions. No cause of action arises on behalf of a person against a broker-in-charge or affiliated licensees for revealing information in compliance with this subsection.~~

~~(C) A broker-in-charge and his affiliated licensees in the broker's main office may conduct business with a previous client of the broker's branch offices as a customer or client, so long as the branch offices have a separate broker-in-charge and do not share the same broker-in-charge as the main office.~~

~~Section 40-57-145. (A) In addition to Section 40-1-110, the commission may deny issuance of a license to an applicant or may take disciplinary action against a licensee who:~~

~~(1) makes a substantial misrepresentation involving a real estate transaction;~~

~~(2) makes false promises of a character likely to influence, persuade, or induce;~~

~~(3) pursues a continued and flagrant course of misrepresentation or makes false and misleading promises through associated licensees or through any medium of advertising or otherwise;~~

~~(4) in the practice of real estate demonstrates bad faith, dishonesty, untrustworthiness, or incompetency in a manner as to endanger the interest of the public;~~

~~(5) represents or attempts to represent a real estate broker other than his broker-in-charge or property manager-in-charge without the express knowledge and written consent of the employing broker-in-charge or property manager-in-charge;~~

~~(6) guarantees or authorizes and permits any associated licensee to guarantee future profits from the resale of real estate;~~

~~(7) makes a dual set of contracts, written or otherwise, by stating a sales price higher than the actual sales price in an effort to obtain a larger loan from a lender or lending institution or for the purpose of misinforming a governmental agency or any other reason;~~

~~(8) is convicted of violating the federal and state fair housing laws, forgery, embezzlement, breach of trust, larceny, obtaining money or property under false pretense, extortion, fraud, conspiracy to defraud, or has been convicted of a violent crime as defined in Section 16-1-60, has been convicted during the previous five years of a felony directly related to the practice of the profession, or has been convicted during the previous seven years of a felony, an essential element of which is dishonesty, reasonably related to the practice of the profession, or pleading guilty or nolo contendere to any such offense in a court of competent jurisdiction of this State, any other state, or any federal court;~~

~~(9) fails to report to the department in writing by certified mail, within ten days, notice of conviction of a crime provided for in item (8);~~

~~(10) fails, within a reasonable time, to account for or to remit any monies coming into his possession which belong to others;~~

~~(11) pays a commission or compensation to an unlicensed individual for activities requiring a license under this chapter. Notwithstanding this section, a licensee may not pay or offer to pay a referral fee or finder's fee to an unlicensed individual that is not a party in the real estate transaction;~~

~~(12) violates any provision of law relating to a buyer's freedom of choice in choosing an attorney, insurance agent, title insurance agent, or any other service provider to facilitate the buyer's real estate transaction;~~

~~(13) fails to disclose in accordance with Section 40-57-139 the party or parties for whom the licensee will be acting as an agent in a real estate transaction;~~

~~(14) receives compensation in a real estate transaction or directly resulting from a real estate transaction from more than one party except with the full knowledge and written consent of all parties;~~

~~(15) represents more than one party in a real estate transaction without the full written knowledge and consent of all parties the licensee represents as provided in Section 40-57-137(M);~~

~~(16) acts in the dual capacity of agent and undisclosed principal in a real estate transaction;~~

~~(17) accepts deposit money which is to be delivered to the licensee's principal in a real estate transaction without informing the payor and having the payor acknowledge in writing who will hold the money received by the licensee;~~

~~(18) issues a check in connection with his real estate business which is returned for insufficient funds or closed account;~~

~~(19) fails to disclose in accordance with Section 40-57-137 any material facts concerning a real estate transaction;~~

~~(20) violates any provision of this chapter or a regulation promulgated under this chapter;~~

~~(21) violates a rule or order of the commission.~~

~~(22) induces a party to break a contract of sale or lease, listing agreement, or buyer agency agreement;~~

~~(23) engages in a practice or takes action inconsistent with the agency relationship that other real estate licensees have established with their clients;~~

~~(24) fails upon probable cause of an investigator of the commission to make all records required to be maintained under this chapter available to the commission for inspection and copying by the commission or fails to appear upon probable cause for an interview with an investigator of the commission.~~

~~(B) If after an investigation, charges of a violation are brought against a licensee, the broker-in-charge or property manager-in-charge must be notified of the charges.~~

~~Section 40-57-150. (A) Investigations must be conducted in accordance with Section 40-1-80 and must be performed by investigators who have completed one hundred hours of training in programs that are approved by the commission and provide instruction on real estate principles, state statutory and regulatory law, and investigative techniques.~~

~~(B) A restraining order must be obtained in accordance with Section 40-1-100.~~

~~(C)(1) Whenever the department has reason to believe that a violation of this chapter has occurred, an investigation must be initiated within thirty days.~~

~~(2) The department shall conclude its investigation within one hundred fifty days from receipt of the complaint or seek a waiver of this period from the commission upon a showing of due diligence and extenuating circumstances.~~

~~(3) A hearing on the charges must be at the time and place designated by the commission and must be conducted in accordance with the Administrative Procedures Act.~~

~~(4) The commission shall render a decision and shall serve, within ninety days, notice, in writing, of the commission's decision to the licensee charged. The commission also shall state in the notice the date upon which the ruling or decision becomes effective.~~

~~(5) The department shall maintain a public docket or other permanent record in which must be recorded all orders, consent orders, or stipulated settlements.~~

~~(D) A licensee may voluntarily surrender his license in accordance with Section 40-1-150.~~

~~(E)(1) The commission may impose disciplinary action in accordance with Section 40-1-120.~~

~~(2) Upon determination by the commission that one or more of the grounds for discipline exists, as provided for in Section 40-1-110 or Section 40-57-140, the commission may impose a fine of not less than one hundred or more than one thousand dollars for each violation. The commission may recover the costs of the investigation and the prosecution as provided for in Section 40-1-170.~~

~~(3) Nothing in this section prevents a licensee from voluntarily entering into a consent order with the commission wherein violations are not contested and sanctions are accepted.~~

~~(F) The department annually shall post a report that provides the data for the number of complaints received, the number of investigations initiated, the average length of investigations, and the number of investigations that exceeded one hundred fifty days.~~

~~Section 40-57-170. (A) Service of a notice provided for by law upon a nonresident licensed under this chapter or upon a resident who, having been licensed, subsequently becomes a nonresident or after due diligence cannot be found at his usual abode or place of business in this State, may be made by leaving with the Director of the Department of Labor, Licensing and Regulation a copy of the notice, and accompanying documents. A copy of the notice, any accompanying documents, and a certified copy of the service on the director must be mailed to the licensee at his last known address, return receipt requested. The director shall keep a record of the day of the service of the notice and the return~~

~~receipt must be attached to and made part of the return of service of the notice by the commission.~~

~~(B) A continuance may be given in a hearing under this chapter for which notice is given pursuant to this section so as to afford the licensee a reasonable opportunity to appear and be heard.~~

~~Section 40-57-180. (A) The department may not be involved in the resolution of disputes between licensees over the payment or division of commission.~~

~~(B) A resident licensee may pay a part of his commission on a cooperative basis to a licensee of another state or jurisdiction if that licensee does not conduct in this State any of the negotiations for which a fee, compensation, or commission is paid.~~

~~(C) The department may conduct periodic inspections of the offices of licensees in order to assist with and to ensure compliance with this chapter.~~

~~(D) It is the responsibility of a licensee to keep on file with the department a current mailing address.~~

~~(E) No cause of action may arise against an owner of real estate or licensed real estate agent of any party to a transaction for failure to disclose in a transaction:~~

~~(1) that the subject real estate is or was occupied by an individual who was infected with a virus or any other disease which has been determined by medical evidence as being highly unlikely to be transmitted through occupancy of a dwelling place either presently or previously occupied by the infected individual;~~

~~(2) that the death of an occupant of a property has occurred or the manner of the death;~~

~~(3) any off-site condition or hazard that does not directly impact the property being transferred; or~~

~~(4) any psychological impact that has no material impact on the physical condition of the property being transferred.~~

~~(F) Nothing in subsection (E) precludes an action against an owner of real estate or agent of the owner who makes intentional misrepresentations in response to direct inquiry from a buyer or prospective buyer with regard to psychological impacts, offsite conditions, or stigmas associated with the real estate.~~

~~(G) The commission shall establish and publish standards relevant to the approval and conduct of education required by this chapter.~~

~~(1) The department shall review, approve, and regulate education courses required by this chapter and providers and instructors of these courses including, but not limited to, accredited colleges, universities,~~

~~private business entities, organizations, schools, associations, and institutions. Notwithstanding another rule or regulation, all Certified Commercial Investment Member (CCIM) designation courses approved by the CCIM institute and all Graduate Realtor Institute (GRI) designation courses approved by the National Association of Realtors must be approved for post-licensing and continuing education credit upon application accompanied by applicable fees.~~

~~(2) The department may deny, reprimand, fine, suspend, or revoke the approval of an education provider or instructor if the department finds that the education provider or instructor has violated or failed to satisfy the provisions of this chapter or the regulations and standards promulgated pursuant to this chapter.~~

~~(3) Application by providers seeking approval to offer and conduct educational instruction or application by instructors must be made on a form prescribed by the department and accompanied by applicable fees not less than sixty days before a course offering and must be approved by the department before the commencement of any instruction. Instructors that hold the Certified Commercial Investment Member (CCIM) designation conferred by the CCIM Institute are approved for instruction in all commercial real estate courses upon application accompanied by the applicable fees.~~

~~(4) If an application for provider, instructor, or course is not approved, the reason must be detailed and the applicant must be given thirty days to respond.~~

~~(5) Upon approval, certificates must be issued to providers, courses, and instructors to be renewed biennially.~~

~~(6) Approved courses must be taught by approved instructors who are qualified and have demonstrated knowledge of the subject matter to be taught as well as the ability to teach.~~

~~(7) Approved instructors shall attend instructor development workshops sponsored by the department or provide evidence of equivalent hours of continuing education that increases their knowledge of the subject content in their area of expertise or their teaching techniques.~~

~~(8) The commission must allow for electronic delivery including, but not limited to, the Internet, videoconference, or other interactive electronic means, of all courses approved for continuing education.~~

~~Section 40-57-190. Payment and collection of costs associated with investigations and prosecution of violations under this chapter must comply with Section 40-1-170.~~

~~Section 40-57-200. Imposition and collection of all costs and fines imposed pursuant to this chapter must comply with Section 40-1-180.~~

~~Section 40-57-210. The provisions of Section 40-1-190 pertaining to privileged communications, whether written or oral, made by or on behalf of a person apply.~~

~~Section 40-57-220. (A) It is unlawful for a person to act as a real estate broker, real estate salesman, or property manager or to advertise or assume to act as such without first having obtained a license issued by the Real Estate Commission. A person violating this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than six months, or both.~~

~~(B) A real estate broker, salesman, or property manager who fails to renew or register his license annually and continues to engage in such business is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than six months, or both.~~

~~Section 40-57-230. A civil action may be brought for violations of this chapter as provided for violations of Title 40, Chapter 1, Article 1 in accordance with Section 40-1-210.~~

~~Section 40-57-240. This chapter does not apply to:~~

~~(1) the sale, lease, or rental of real estate by an unlicensed owner of real estate who owns any interest in the real estate if the interest being sold, leased, or rented is identical to the owner's legal interest;~~

~~(2) an attorney at law acting within the scope of his duties involved in the legal representation of his client/owner;~~

~~(3) agencies and instrumentalities of the state or federal government and their employees acting within the scope of their official duties;~~

~~(4) foresters registered under Chapter 27, Title 48, if the sale of any land is merely incidental to the sale of timber on the land;~~

~~(5) court-appointed receivers and trustees while acting within the scope of their appointment.~~

~~Section 40-57-250. If a provision of this chapter or the application of a provision of this chapter to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are severable.~~

Section 40-57-5. Unless otherwise provided in this chapter, the provisions of Article 1, Chapter 1 apply to real estate brokers, salespersons, and property managers. The provisions of this chapter control when they conflict with the provisions of Article 1, Chapter 1.

Section 40-57-10. There is created the South Carolina Real Estate Commission under the administration of the Department of Labor, Licensing and Regulation. The purpose of this commission is to regulate the real estate industry so as to protect the public's interest when involved in real estate transactions.

Section 40-57-20. It is unlawful for an individual to act as a real estate broker, real estate salesperson, or real estate property manager or to advertise or provide services as such without an active, valid license issued by the commission.

Section 40-57-30. For purposes of this chapter:

(1) 'Agent' means one authorized and empowered by a written agency agreement to perform actions for a client. A real estate brokerage firm is the agent of a buyer, seller, landlord, or tenant, and the real estate brokerage firm's 'associated licensees' are its subagents.

(2) 'Associated licensee' means a licensee affiliated with and under the supervision of a broker-in-charge or property manager-in-charge.

(3) 'Broker' means an associated licensee who has met the experience and education requirements and has passed the examination for a broker license and who, for a fee, salary, commission, referral fee, or other valuable consideration, or who, with the intent or expectation of receiving compensation:

(a) negotiates or attempts to negotiate the listing, sale, purchase, exchange, lease, or other disposition of real estate or the improvements to the real estate;

(b) auctions or offers to auction real estate in accordance with Section 40-6-250;

(c) for a fee or valuable consideration solicits a referral;

(d) offers services as a real estate consultant, counselor, or transaction manager;

(e) offers to act as a subagent of a real estate brokerage firm representing a client in a real estate transaction; or

(f) advertises or otherwise represents to the public as being engaged in any of the foregoing activities.

(4) 'Broker-in-charge' means a broker designated to have responsibility over the actions of all associated licensees and also has the responsibility and control over and liability for a real estate trust account.

(5) 'Buyer agency' means a form of agency in which a real estate brokerage firm represents the buyer in an agency capacity as defined in this chapter.

(6) 'Client' means a person who enters a written agreement establishing an agency relationship with a real estate brokerage firm through its broker-in-charge, a property manager-in-charge, or an associated licensee.

(7) 'Commission' means the South Carolina Real Estate Commission and its members, who are charged by law with the responsibility of licensing or otherwise regulating the practice of real estate in the State of South Carolina.

(8) 'Conversion' means to use trust funds for a purpose other than the purpose for which they are held. Conversion is a breach of trust and is a crime as provided by law.

(9) 'Customer' means a buyer, seller, landlord, or tenant who uses the services of a real estate licensee but does not established an agency relationship through a written agency agreement with the licensee's real estate brokerage firm.

(10) 'Department' means the Department of Labor, Licensing and Regulation.

(11) 'Designated agency' means a form of agency in which two clients represented by a real estate brokerage firm in the same transaction may be given almost equivalent treatment as a single agency.

(12) 'Dual agency' means a form of agency in which a real estate brokerage firm with two clients in the same transaction gives limited agency services.

(13) 'Email' means a system for sending and receiving a message electronically over a computer network and a message sent or received by the system.

(14) 'Licensee' means an individual currently licensed under this chapter.

(15) 'Limited function referral office' means a brokerage where the office policy allows only the placement of referrals through the broker-in-charge.

(16) 'Material adverse fact' means:

(a) a condition or occurrence that is generally recognized as:

(i) significantly and adversely affecting the value of the real estate;

(ii) significantly reducing the structural integrity of improvements to real estate; or

(iii) presenting a significant health risk to occupants of the real estate; or

(b) information that indicates that a party to a transaction is not able to or does not intend to meet an obligation under a contract or agreement made concerning the transaction.

(17) 'Ministerial act' means an act performed by a licensee not involving an exercise of discretion or judgment of a licensee on behalf of a person who is not a client and that assists the nonclient to consummate a real estate transaction.

(18) 'Office' means the office location where a broker-in-charge or a property manager-in-charge is licensed to conduct real estate business.

(19) 'Personal trust account' means an escrow account or demand deposit bank account properly designated and titled to include the words 'trust' or 'escrow' that is established and maintained by a licensee to safeguard funds belonging to parties to a real estate transaction when the transaction involves the licensee's personal real estate and the real estate is not managed or listed through a real estate brokerage firm.

(20) 'Property manager' means an associated licensee who meets educational requirements and passes the examination for a property manager license, and who will for a fee, salary, commission, other valuable consideration or with the intent or expectation of receiving compensation:

(a) negotiates or attempts to negotiate the rental or leasing of real estate or improvements to the real estate;

(b) lists or offers to list and provide a service in connection with the leasing or rental of real estate or improvements to the real estate; or

(c) advertises or otherwise represents to the public as being engaged in an activity in subitems (a) and (b).

(21) 'Property manager-in-charge' means a property manager who is designated as having the responsibility over the actions of associated licensees and also the responsibility and control over and liability for real estate trust accounts.

(22) 'Real estate' means land, buildings, and other appurtenances, including all interests in land, whether corporeal, incorporeal, freehold, or nonfreehold, whether the real estate is within or outside of the boundaries of this State.

(23) 'Real estate brokerage' means the aspect of the real estate business that involves activities relative to property management or a real estate sale, exchange, purchase, lease.

(24) 'Real estate brokerage firm' means a real estate company engaged in the business of real estate brokerage.

(25) 'Real estate transaction' means an activity involving the sale, purchase, exchange, or lease of real estate.

(26) 'Salesperson' means an associated licensee who:

(a) meets experience and education requirements;

(b) passes an examination for a salesperson license; and

(c) engages in or participates in an activity enumerated in item (3) for a fee, salary, commission, or other valuable consideration, or with the intent or expectation of receiving compensation.

(27) 'Seller agency' means a form of agency in which a real estate brokerage firm represents the seller in an agency capacity as defined in this chapter.

(28) 'Subagent' means an agent of an agent. An 'associated licensee' is a subagent of the real estate brokerage firm if the firm is an agent of a buyer, seller, landlord, or tenant.

(29) 'Substantive contact' means contact in which a discussion or dialogue between the consumer and the associated licensee moves from casual introductory talk to a meaningful conversation regarding the selling or buying motives or objectives of the seller or buyer, financial qualifications, and other confidential information that if disclosed could harm the consumer's bargaining position.

(30) 'Team' means two or more associated licensees working together as a single unit within an office established with the commission and supervised by a broker-in-charge.

(31) 'Trust account' means an escrow account or properly designated demand deposit bank account that is:

(a) properly designated and title to which includes the words 'trust' or 'escrow'; and

(b) established and maintained by a broker-in-charge or a property manager-in-charge to safeguard funds belonging to parties to a real estate transaction.

(32) 'Trust funds' means funds received on behalf of another person by a licensee in the course of performing a real estate activity.

(33) 'Transaction broker' means a real estate brokerage firm that provides customer service to a buyer, a seller, or both in a real estate transaction. A transaction broker may be a single agent of a party in a transaction giving the other party customer service. A transaction broker also may facilitate a transaction without representing either party.

Section 40-57-40. (A) The South Carolina Real Estate Commission consists of ten members elected or appointed as follows:

(1) seven members who are professionally engaged in the active practice of real estate, one elected from each congressional district by a majority of house members and senators representing the house and senate districts located within each congressional district;

(2) two members representing the public who are not professionally engaged in the practice of real estate, each appointed by the Governor with the advice and consent of the Senate;

(3) the elected and appointed members shall elect from the State at large one additional member who must be in the active practice of real estate.

(B) A commission member serves a term of four years and until his successor is elected or appointed and qualifies. A vacancy on the commission must be filled in the manner of the original election or appointment for the remainder of the unexpired term.

(C) Before discharging of the duties of his office, a member's election or appointment must be certified by the Secretary of State, and the member shall, in writing, take an oath to perform the duties of the office as a member of the commission and to uphold the constitutions of this State and the United States.

(D) The term of a member commences on the date on which his election or appointment is certified by the Secretary of State.

(E) A member may be removed from office in accordance with Section 1-3-240.

Section 40-57-50. The commission annually shall elect from its total membership a chair, vice chair, and other officers the commission determines necessary at the first meeting in the fiscal year of the State. The commission may adopt an official seal and shall adopt rules and procedures reasonably necessary for the performance of its duties and the governance of its operations and proceedings.

Section 40-57-60. (A) The commission shall administer and enforce this chapter and regulations promulgated under this chapter. In addition to powers contained in Section 40-1-70, the powers and duties include, but are not limited to:

(1) determining the standards for the qualifications and eligibility of applicants for licensure, the qualifications of education providers and instructors, and the conditions for license renewal;

(2) conducting disciplinary hearings on alleged violations of this chapter and regulations promulgated under this chapter and deciding disciplinary actions as provided in this chapter for those found to be in violation;

(3) recommending changes in legislation and promulgating regulations governing the real estate industry relative to the protection, safety, and welfare of the public; and

(4) establishing a fee schedule.

(B) The commission may not be involved in a resolution of disputes between licensees over the payment or division of a commission or fee.

(C) The commission staff shall conduct periodic inspections of the offices of licensees to assist with and ensure compliance with this chapter.

Section 40-57-65. The commission shall submit an annual report in accordance with established guidelines to the department and the Chairs of the Senate Labor, Commerce and Industry Committee and House Labor, Commerce and Industry Committee.

Section 40-57-70. (A) Fees relevant to the licensure and regulation of real estate brokers, salespersons, and property managers must be established in accordance with Section 40-1-50(D) and promulgated by regulation prior to implementation.

(B) Application and license fees must be paid to the commission in advance and must accompany an examination application or a license application. An application fee is nonrefundable.

(C)(1) The department may allocate up to ten dollars of each license renewal fee to the South Carolina Real Estate Commission Education and Research Fund which is established as a separate and distinct account within the Office of the State Treasurer. The funds collected must be deposited in this account and used exclusively for the:

(a) advancement of education and research for the benefit of those licensed under this chapter and for the improvement and increased efficiency of the real estate industry in this State;

(b) analysis and evaluation of factors which affect the real estate industry in this State; and

(c) dissemination of the results of the research.

(2) The commission annually by August first shall submit a report on how the funds were expended for the preceding fiscal year to the Chairs of the Senate Labor, Commerce and Industry Committee and House Labor, Commerce and Industry Committee.

Section 40-57-80. Reserved.

Section 40-57-90. An application for examination or licensure must be made in writing on a form prescribed by the commission and must be accompanied by all applicable fees.

Section 40-57-100. Reserved

Section 40-57-110. (A) The commission shall issue licenses in the classifications of broker, broker-in-charge, or salesperson, to individuals who qualify under and comply with the requirements of this chapter; provided the commission may deny a license to an applicant it finds to

have engaged in misconduct as provided in Section 40-57-710 or otherwise. No individual may be licensed in more than one classification at the same time. The license must be in the form and size as the commission prescribes and is not transferable.

(B) A licensee may place a license on inactive status by informing the commission in writing. To maintain an inactive license status, the license must be renewed in the same manner as provided for active license renewals. Upon proper compliance with the renewal requirements, a license may remain on inactive status for an indefinite period of time. An individual seeking to reactivate a license shall apply for the same license classification which was placed on inactive status, pay the appropriate fee, and meet the continuing education requirements as prescribed.

(C) A license only may be renewed in accordance with procedures established by the commission pursuant to Section 40-1-50 (D). A licensee is responsible for renewing his license whether or not he receives notice.

(D) A license that is not renewed before its expiration date lapses.

(E) A license that has lapsed and is not reinstated by the last day of the sixth month following expiration is canceled.

Section 40-57-115. In addition to other requirements established by law and for the purpose of determining an applicant's eligibility for licensure as a salesman, broker, broker-in-charge, property manager, and property manager-in-charge, the commission shall require initial applicants to submit to a state criminal records check, by a source approved by the commission, and a national criminal records check. Costs of conducting a criminal records check must be borne by the applicant. The commission shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as necessary to support the administrative action.

Section 40-57-120. (A) The commission may recognize nonresident real estate licenses on active status from other jurisdictions only if the other jurisdiction recognizes South Carolina real estate licenses on active status. An applicant from another jurisdiction successfully shall complete the state portion of the applicable examination before license recognition will be acknowledged.

(B) A nonresident licensee, acknowledged by the commission, is not required to maintain a place of business in this State if the nonresident maintains an active place of business in the state of residence. A nonresident applicant shall file an irrevocable consent that

suits and actions may be commenced against him in the proper court in a judicial circuit of the state in which a cause of action may arise or in which the plaintiff may reside.

(C)(1) A resident licensee who becomes a nonresident must notify the commission in writing, within thirty days, of the change in residency and comply with nonresident requirements or place his license on inactive status to avoid cancellation of the license.

(2) A nonresident licensee who becomes a resident of South Carolina must notify the commission in writing, within thirty days, of the change in residency and comply with the requirements of this chapter or place his license on inactive status to avoid cancellation of the license.

(3) Failure to timely notify the commission of a change in residency and compliance to comply with the requirements of this subsection are violations of this chapter subject to penalties provided in Section 40-57-710.

(D) A nonresident applicant or licensee must comply with all requirements of commission regulations and of this chapter. The commission may adopt regulations necessary for the regulation of nonresident licensees.

(E) A resident licensee may pay a part of his commission as a referral fee on a cooperative basis to a brokerage of another state or jurisdiction if that brokerage's license does not conduct, in this State, a real estate brokerage service for which a fee, compensation, or commission is paid.

Section 40-57-135. (A) A broker-in-charge or property manager-in-charge shall:

(1) adequately supervise employees or associated licensees to ensure their compliance with this chapter;

(2) review and approve all forms of listing agreements, agency agreements, offers, sale contracts, purchase contracts, leases, options, contract addenda, or other contractual or disclosure documents routinely used by the real estate brokerage firm;

(3) maintain adequate, reasonable, and regular contact with associated licensees engaged in real estate transactions so as to prevent or curtail practices by a licensee which would violate any provision of this chapter, Chapter 1, Title 40, the Interstate Land Sales Practices Act, or the Vacation Time Sharing Plans Act;

(4) be available to the public during business hours in order to discuss or resolve complaints and disputes that arise during the course of real estate transactions in which the broker-in-charge or property manager-in-charge or an associated licensee is involved;

(5) establish and maintain a written office policy in accordance with Section 40-57-510 (B) and make that policy readily accessible to associated licensees;

(6) ensure that all associated licensees have an active real estate license;

(7) establish and maintain control of and responsibility for an active trust account when in possession of trust funds belonging to others resulting from a real estate transaction; and

(8) notify the commission by mail within ten days of any change of office name, address, email address, or telephone number.

(B) An associated licensee may not receive compensation from an activity requiring a real estate license from an entity or person other than the one for which the license is issued. An associated licensee may form a business entity allowing the licensee's broker-in-charge or property manager-in-charge to pay fees or commissions to that entity if the principals in that entity hold an active real estate license.

(C)(1) A licensed broker-in-charge or property manager-in-charge shall establish and maintain a specific office location which must be accessible by the public, investigators, and inspectors during reasonable business hours.

(2) A broker-in-charge or property manager-in-charge may maintain one or more offices at a different locations. Each office must be managed by a broker-in-charge or property manager-in-charge who is licensed for that real estate brokerage firm's location. The same person may request to be licensed as broker-in-charge or property manager-in-charge of more than one office if the broker-in-charge or property manager-in-charge making the request acknowledges in writing that the applicant understands the duties and can fully assume the responsibility to ensure compliance with this chapter.

(3) A licensee may not conduct real estate business under another name or at an address other than the one for which his license is issued.

(4) In the event of the medical incapacitation of a broker-in-charge or property manager-in-charge which precludes him from carrying out the duties of a broker-in-charge or property manager-in-charge as required in this chapter, or in the event of the death of a broker-in-charge or a property manager-in-charge, the department may permit an associated licensee to act as broker-in-charge or property manager-in-charge for up to six months.

(D)(1) A broker-in-charge or property manager-in-charge shall for a minimum of five years maintain and furnish to the commission upon request a written copy, when applicable, of a:

(a) lease;
(b) contract of sale and any addenda;
(c) listing contract or buyer agency agreement;
(d) transaction broker agreement;
(e) option contract;
(f) property management agreement; and
(g) residential property disclosure form.

(2) These records may be maintained electronically as long as a backup copy is stored in a separate, off-site location including, but not limited to, electronic and Internet, cloud-based storage systems.

(E)(1) A licensee may not advertise, market, or offer to conduct a real estate transaction involving real estate owned, in whole or in part, by another person without first obtaining a written listing agreement between the property owner and the real estate brokerage firm with whom the licensee is associated.

(2) When advertising or marketing real estate owned, in whole or in part, by another person in any medium, including site signage, a licensee clearly must identify the full name of the real estate brokerage firm with which the licensee is associated. When advertising on the Internet or in another electronic media, this requirement may be met by including a link from the advertisement to the homepage of the brokerage firm.

(3) If a real estate brokerage firm operates under a trade or franchise name, the identity of the franchisee or holder of the trade name clearly must be revealed.

(F)(1) A licensee clearly shall reveal his license status in a personal transaction involving the purchase, sale, exchange, rental, lease, or auction of real estate at first substantive contact with a consumer and in advertising or marketing in any media. A licensee also shall disclose his licensed status in bold underlined capital letters on the first page of a contract for the purchase, sale, exchange, rental, or lease of real property.

(2) Trust funds received in a licensee's personal rental or transaction must be deposited in the licensee's personal trust account and may not be deposited in the real estate brokerage firm's trust account unless the real property is managed, listed, or owned by the real estate brokerage firm.

(G) No licensee either directly or indirectly may buy for his own account or for a corporation or another business in which he holds an

interest or for a close relative, real estate listed with him or real estate for which he has been approached by the seller or prospective buyer to act as agent, without first making his true position clearly known in writing to all parties involved. Upon request of the department, the licensee shall provide evidence of having made this disclosure.

(H) With regard to offers to purchase real estate, a licensee shall:

(1) upon receipt, prepare all offers in writing and promptly present them to the seller;

(2) upon obtaining a written acceptance of an offer, promptly deliver true, executed copies to all parties;

(3) ensure that all of the terms and conditions of the transaction are included in the offer to purchase; and

(4) ensure that changes or modifications made during negotiation are in writing and initialed and dated by both parties before proceeding with the transaction.

(I)(1) A licensee shall properly complete an agency agreement, transaction broker agreement, offer, and counteroffer.

(2) A listing or buyer's representation agreement must be in writing and must set forth all material terms of the parties' agency relationship including, but not limited to:

(a) a description of the agent's duties or services to be performed for the client including, but not limited to, an explanation of the office policy regarding dual agency, designated agency, and transaction brokerage if offered by the real estate brokerage firm;

(b) the amount of compensation to be paid if a flat fee or the method to be used in calculating the amount of compensation to be paid;

(c) an explanation of how and when compensation is earned;

(d) an explanation of how compensation will be divided among participating or cooperating brokers, if applicable;

(e) the amount of retainer fees, deposits, or any other money collected before the agent's performance of a service on behalf of the client and an explanation of conditions, if any, in which such monies are refundable or payable to or on behalf of the client;

(f) the duration of the agency relationship, setting forth specific dates for the beginning and ending of the relationship;

(g) the signature of all parties;

(h) a listing agreement or buyer's representation agreement clearly must state that it terminates on the definite expiration date unless a written extension is signed;

(i) a listing agreement or buyer's representation agreement clearly must state, if applicable, that it is either an 'exclusive agency'

listing or buyer's representation agreement or 'exclusive right to represent' listing contract or 'exclusive right to represent' buyer's representation contract;

(j) a listing agreement or buyer's representation agreement must clearly specify an exception or variation in an amount of commission to be paid and circumstances that would apply;

(k) a copy of the listing or buyer's representation agreement must be given to the seller or buyer at the time of, or directly following, signing; and

(l) a buyer's representation agreement must provide an adequate property description of the type of property of interest to the buyer and a price or price range for property of interest to the buyer. A listing agreement must have a legal description of the listed property or a description sufficient to identify the listed property and state the price of the listed property.

(3) If there are no clients involved in the transaction, a real estate brokerage firm acting as a transaction broker shall complete a compensation agreement to be signed by the agent and the compensating party. This agreement must contain the amount of the compensation and identify the party responsible for payment.

(4) The broker-in-charge shall ensure that associated licensees prepare all offers and counteroffers in writing, have them dated and signed by the offerors, and promptly present them to the offerees or the offerees' representative and ensure that:

(a) changes or modifications made during negotiations are in writing and initialed and dated by both parties before proceeding with the transaction;

(b) all of the terms and conditions of the transaction are included in the offer to purchase; and

(c) if associated licensees obtain a written acceptance of an offer or counteroffer, true, executed copies will be promptly delivered to all parties.

(5) If an offer is rejected without counter, an offer rejection form, promulgated by the commission, signed by the licensee affirming presentation of the offer must be provided to the offeror by the licensee, whether the agent of the buyer, the seller, or if acting as a transaction broker.

(6) An offer and counteroffer may be communicated by use of a fax or other secure electronic means including, but not limited to, the Internet, and the signatures, initials, and handwritten or typewritten modifications to the foregoing documents are considered valid and

binding upon the parties as if the original signatures, initials, and handwritten, or typewritten modifications were present on the documents in the handwriting of each party.

(7) If a licensee wishes to purchase real estate listed with his brokerage firm, the broker-in-charge shall ensure that the licensee shall first make his true position clearly known in writing to all parties involved. Upon request of the commission, the broker-in-charge shall provide evidence of the licensee having made this disclosure, including:

(a) purchases made directly or indirectly by the licensee;

(b) purchases made for the licensee's own account or for a corporation or another business in which the licensee holds an interest or purchases made for a close relative; and

(c) real estate for which the licensee has been approached by the seller or prospective buyer to act as agent.

(8) In order for a real estate brokerage firm to claim a fee for the sale of a listed property to an associated licensee, a separate written agreement signed by the seller client must acknowledge the purchaser as a licensee affiliated with the real estate brokerage firm and recognize the right of the seller to not pay the brokerage fee.

(J) A real estate brokerage firm shall manage residential and commercial property under a written management agreement that shall set forth, at a minimum:

(1) the names and signatures of authorized parties to the agreement;

(2) the property identification;

(3) the method of compensation to the licensee;

(4) that a management agreement may not contain an automatic renewal clause or provision unless the management agreement also contains a clause or provision that allows either party to cancel the management agreement for any cause or no cause with thirty days' notice after the original definite expiration date;

(5) compensation for a future lease renewal by tenants, and if included, the contract must contain a clause in underlined capital letters on the first page providing for such future compensation; and

(6) terms and conditions of tenant rental or lease arrangements. However, a management agreement may not contain a provision binding the property under a future listing agreement if the property is to be sold in the future, in which case a separate listing agreement is required.

(K) For all types of real estate transactions, including leases and sales, an unlicensed employee of the owner or an unlicensed individual

working under the supervision of a broker-in-charge or a property manager-in-charge may not:

(1) discuss, negotiate, or explain a contract, listing agreement, buyer agency agreement, lease, agreement, property management agreement, or other real estate document;

(2) vary or deviate from the rental price or other terms and conditions previously established by the owner or licensee when supplying relevant information concerning the rental of property;

(3) approve applications or leases or settle or arrange the terms and conditions of a lease;

(4) indicate to the public that the unlicensed individual is in a position of authority which has the managerial responsibility of the rental property;

(5) conduct or host an open house or manage an on-site sales or leasing office;

(6) show real property for sale other than vacant units in a multifamily building;

(7) answer questions regarding company listings, title, financing, and closing issues, except for information that is otherwise publicly available;

(8) be paid solely on the basis of real estate activity including, but not limited to, a percentage of commission or an amount based on the listing or sales compensation or commission;

(9) negotiate or agree to compensation or commission including, but not limited to, commission splits, management fees, or referral fees on behalf of a licensee; or

(10) engage in an activity requiring a real estate license as required and defined by this chapter.

(L) A licensee is not required to maintain records of communications that are not designated to be retained or to create a permanent record such as text messages, instant messaging system-formatted messages, voicemail, voice recordings, or social media posts.

Section 40-57-136. (A)(1) A broker-in-charge or a property manager-in-charge, when taking possession of trust funds, shall establish and maintain control of and responsibility for an active real estate trust account which must be a demand deposit account designated and titled to include the word 'trust' or the word 'escrow' in the name of the real estate brokerage firm for which the respective broker-in-charge's or property manager-in-charge's license is issued; provided, however that

one central trust account may be used by real estate brokerage firms with multiple offices managed by:

(a) one broker-in-charge or one property manager-in-charge; and

(b) separate brokers-in-charge or separate property managers-in-charge.

(2) A broker-in-charge and a property manager-in-charge shall maintain records which reflect the transactions in his office.

(3) A trust account maintained by a broker-in-charge or property manager-in-charge must be a demand deposit account located in an insured financial institution authorized to conduct business in South Carolina.

(4) A broker-in-charge or property manager-in-charge shall instruct employees and associated licensees on the proper handling of trust funds.

(5) A check or statement issued in connection with a real estate trust account must reflect the title and designation of the account as provided in item (1).

(B)(1)A broker-in-charge or property manager-in-charge shall ensure that accurate and complete records, as required by this chapter, are maintained for real estate trust accounts.

(2) A broker-in-charge or property manager-in-charge shall ensure that backup copies are maintained for computerized real estate trust accounts. A backup copy must be maintained on a data storage medium that is stored in a separate off-site location.

(3) A broker-in-charge or property manager-in-charge may not commingle trust funds of the client with his own money, except that he may maintain a clearly identified amount of the company's funds in the trust account to cover bank service charges or in order to avoid the closing of the account when no client's trust funds are on deposit.

(4) Trust funds received by a licensee in connection with a real estate transaction in which the licensee is engaged for the broker-in-charge or property manager-in-charge must be delivered to the broker-in-charge or property manager-in-charge no later than the following business day.

(5) A broker-in-charge or property manager-in-charge who disburses trust funds contrary to the terms of the contract or fails to disburse trust funds not in dispute is considered to have demonstrated incompetence to act as a broker-in-charge or property manager-in-charge.

(C)(1)(a) Except as provided in subitem (b), trust funds received by a broker-in-charge or property manager-in-charge in a real estate rental or lease transaction must be deposited as follows in a real estate trust account as follows:

(i) cash or certified funds must be deposited within forty-eight hours of receipt, excluding Saturday, Sunday, and bank holidays; and

(ii) checks must be deposited within forty-eight hours after a lease or rental agreement is signed by the parties to the transaction, excluding Saturday, Sunday, and bank holidays.

(b) Rent received by a licensee who is directly employed by the owner of rental property may be deposited in an operating or other similar account, but otherwise must be properly accounted for as provided in this section. However, an advance rental deposit is a trust fund and must be treated as such.

(2) Trust funds received by a broker-in-charge or property manager-in-charge in connection with a real estate rental or lease including, but not limited to, security deposits, pet deposits, damage deposits, and advance rentals, except earned rental proceeds, and deposited in the trust account must remain in the trust account until the lease or rental transaction expires or is terminated, at which time undisputed trust funds must be disbursed pursuant to the contract which directs the broker-in-charge or property manager-in-charge to hold the trust funds, and a full accounting must be made to the landlord or tenant as appropriate. Earned rental proceeds must be disbursed to the landlord within a reasonable time after clearance of the deposit by the bank.

(D)(1)(a) Trust funds received by a broker-in-charge in a real estate sales or exchange transaction must be deposited as follows in a separate real estate trust account:

(i) cash or certified funds must be deposited within forty-eight hours of receipt, excluding Saturday, Sunday, and bank holidays;

(ii) checks must be deposited within forty-eight hours after written acceptance of an offer by the parties to the transaction, excluding Saturday, Sunday, and bank holidays;

(b) Trust funds received by a broker-in-charge in connection with a real estate sales or exchange transaction and deposited in the real estate trust account shall remain in the trust account until consummation or termination of the transaction, at which time the undisputed trust funds must be disbursed in accordance with the contract which directs

the broker-in-charge to hold the trust funds, and a full accounting must be made to the parties.

(2) A broker-in-charge or property manager-in-charge who disburses trust funds from a designated trust account under the following circumstances is considered to have properly fulfilled the duty to the account:

(a) upon rejection of an offer to buy, sell, rent, lease, exchange, or option real estate;

(b) upon the withdrawal of an offer not yet accepted by the offeree; or

(c) at the closing of the transaction.

(E) If a dispute concerning the entitlement to, and disposition of, trust funds arises between a buyer and a seller, and the dispute is not resolved by reasonable interpretation of the contract by the parties to the contract, the deposit must be held in the trust account until the dispute is resolved by:

(1) a written agreement which:

(a) directs the disposition of monies signed by all parties claiming an interest in the trust monies, and

(b) must be separate from the contract which directs the broker-in-charge or property manager-in-charge to hold the monies;

(2) filing an interpleader action in a court of competent jurisdiction;

(3) an order of a court of competent jurisdiction; or

(4) voluntary mediation.

(F)(1) Records required by this chapter must be maintained for a minimum of five years and the broker-in-charge or property manager-in-charge shall furnish a copy of the records to a representative of the commission upon request. Accounting records that may be requested include, but are not limited to, journals, ledgers, folios, client subaccounts, tenant accounts, canceled checks, deposit slips, and bank statements.

(2) Brokers-in-charge or property managers-in-charge, when required by this chapter to establish and maintain a real estate trust account, also shall maintain, in their designated principal place of business, a recordkeeping system consisting of:

(a) a journal or an accounting system that records the chronological sequence in which funds are received and disbursed for real estate sales. For funds received, the journal or accounting system must include the date of receipt, the name of the party from whom the money was received, the name of the principal, identification of the

property, the date of deposit, the depository, the payee, and the check numbers, dates, and amounts. A running balance must be maintained for each entry of a receipt or disbursement. The journal or accounting system must provide a means of reconciling the accounts;

(b) a journal or an accounting system containing, for property management, the same information as stated in subitem (a) except that the required running balance may be determined at the time of reconciliation;

(c) a separate record for each tenant identifying the unit, the unit owner, amount of rent, due date, security deposit, and all receipts with dates when managing property. An owner's ledger also must be maintained for all properties owned by each owner showing receipts and disbursements applicable to each property managed. A disbursement must be documented by a bid, contract, invoice, or other appropriate written memoranda;

(d) a trust account deposit document must identify the buyer or tenant unless other appropriate written memoranda are maintained;

(e) a general ledger identifying security deposits;

(f) a monthly reconciliation of each separate account except when no deposit or disbursement is made during that month. The reconciliation must include a written worksheet comparing the reconciled bank balance with the journal balance and with the ledger total to ensure agreement.

(G) Trust funds received by a broker-in-charge or property manager-in-charge which must be deposited in a trust account may be deposited in an interest-bearing account. Interest earned on these trust funds may be retained by the broker-in-charge or property manager-in-charge if:

(1) the depositors or owners of the trust funds have been informed of their right to ownership of the interest but relinquish the right of ownership to the broker-in-charge or property manager-in-charge by written agreement; and

(2) the agreement, if part of a preprinted form, uses conspicuous language.

Section 40-57-240. This chapter does not apply to:

(1) the sale, lease, or rental of real estate by an unlicensed owner of real estate who owns any interest in the real estate if the interest being sold, leased, or rented is identical to the owner's legal interest;

(2) an attorney at law acting within the scope of his duties involved in the legal representation of a client/owner;

(3) agencies and instrumentalities of the state or federal government and their employees acting within the scope of their official duties;

(4) foresters registered under Chapter 27, Title 48, if the sale of any land is merely incidental to the sale of timber on the land; or

(5) court-appointed receivers and trustees while acting within the scope of their appointment.

Article 3

Real Estate Brokers, Brokers-in-Charge, and Salespeople

Section 40-57-310. To be eligible for licensure as a real estate broker, broker-in-charge, or sales person, an applicant must:

(1) attain the age of twenty-one if applying for a license as a broker or broker-in-charge;

(2) attain the age of eighteen if applying for a license as a salesperson;

(3) provide a physical address at which the licensee can be contacted in the course of an investigation. A licensee shall maintain on file with the commission his current contact information for his residential address, mailing address, email address, and telephone number. Failure to update this contact information within thirty days after a change may result in an administrative suspension of the property manager, salesperson, broker, or broker-in-charge pursuant to Section 40-57-710;

(4) graduate from high school or hold a certificate of equivalency recognized by the State Department of Education;

(5) submit proof of completion of education to the commission and, if applicable, experience requirements as specified in this chapter;

(6) submit to criminal background check as provided in Section 40-57-115 for initial application; and

(7) pass the applicable examination.

Section 40-57-320. (A) As a condition for and before applying to the commission for licensure, an applicant for a salesperson, broker, or broker-in-charge license shall provide proof to the commission of having met the following educational requirements, in addition to the other requirements of this chapter:

(1) for a salesperson license:

(a) completion of sixty hours of classroom instruction in fundamentals of real estate principles and practices and thirty hours of classroom instruction in advanced real estate principles within five years before the application, provided an applicant may take the license

examination before completing the required thirty hours of advanced instruction; or

(b) evidence of holding a juris doctor degree, a bachelor of law degree, a baccalaureate degree or a master's degree with a major in real estate from an accredited college or university, or completion of another course of study approved by the commission; and

(2) for a broker license:

(a) completion of one hundred fifty hours of commission-approved real estate classroom instruction, ninety of which may be the hours required for a salesperson license, to include completion of the thirty hour Unit III A Broker Management and of the thirty hour Unit III B Brokerage Principles courses in advanced real estate principles and practices and three years active salesperson licensure within the past five years; or

(b) evidence of holding a juris doctor degree, a bachelor of laws degree, a baccalaureate degree or a master's degree with a major in real estate from an accredited college or university.

(B)(1) As a condition of licensure, an applicant shall submit to an examination which must be conducted by the commission or a designated test provider at a time and place specified by the commission.

(2) The applicant must receive a passing grade on the examination, in accordance with a cut-score determination or a raw-score determination established by the commission.

(3) An applicant who applies to take the examination is granted a twelve-month eligibility period to complete successfully all portions of the examination. An applicant who fails to complete successfully the examination may reapply to become eligible for the examination if applicable qualifying courses were completed fewer than five years before applying for the examination.

(4) An applicant who passes the examination must apply for a license within one year, or the applicant must reapply and retake the examination.

(5) An applicant who is denied licensure by the commission may not reapply for licensure for a period of twenty-four months from the date of denial unless he prevails in appealing the denial pursuant to the Administrative Procedures Act.

(6) A nonresident individual who, at the time of application, holds an active real estate license in another state or jurisdiction or whose real estate license in another state or jurisdiction expired not more than six months before he makes his application only is required to pass the state portion of the examination to qualify for licensure.

(C) The commission or test provider may collect and retain reasonable examination fees. An applicant for an examination to be conducted by a test provider shall pay the fee directly to the test provider.

Section 40-57-330. (A) A broker-in-charge license may not be issued to or renewed for an applicant unless the applicant:

(1) has an ownership interest in the applicant's company; or

(2) is actively engaged in the operation and management of the company.

(B) An individual holding an active broker or salesperson license must be licensed under a broker-in-charge who is licensed by the commission and may not be licensed during the same period with more than one broker-in-charge. When a licensee becomes disassociated with a broker-in-charge, he immediately shall notify the commission by completion of the proper form. The licensee must furnish a new business address to the commission, the authorization of the new broker-in-charge, and proof of notification to the former broker-in-charge.

Section 40-57-340. (A) As a condition of active license renewal:

(1) A broker or salesperson shall provide proof of satisfactory completion biennially of ten hours of continuing education in courses. The ten hours must include a minimum of four hours of instruction in mandated topics.

(2) A broker-in-charge shall provide proof of satisfactory completion biennially of ten hours of continuing education in courses approved by the commission. The ten hours must include a minimum of four hours of instruction in mandated topics for a broker or salesperson license and four hours of continuing education must be in advanced real estate topics designed for brokers-in-charge.

(3) A license must be renewed biennially coinciding with the licensees' continuing education deadline. Approximately one-half of the licensees must renew in even-numbered years and the remainder in odd-numbered years.

(B) Exempt from the biennial continuing education required by subsection (A) are a:

(1) salesperson who successfully completes a post-licensing course or takes a broker course is exempt for the renewal period during which the course was taken;

(2) licensee while on inactive status;

(3) nonresident broker or salesperson who has successfully satisfied the continuing education requirements in their jurisdiction of residence may be exempt with approval of the commission; or

(4) broker or salesperson with a minimum of twenty-five years of licensure may apply to be granted an experience-based partial continuing education waiver, and upon granting of the waiver, is required to complete only the mandatory four hour core course biennially to maintain active licensure. A broker-in-charge who has been granted a partial continuing education waiver is required to take the four hour core course and the mandated four hour broker-in-charge course biennially. A licensee who previously has been granted a full continuing education waiver by the commission is exempt from the continuing education requirements of this chapter.

(C) A broker or salesperson who takes more than the required number of hours during a two-year period may not carry forward any excess hours to another renewal period.

(D) A broker or salesperson who fails to complete the continuing education requirements of this section by the date of license renewal may renew by submitting applicable fees but immediately must be placed on inactive status. The license may be reactivated upon proof of completion of required continuing education and payment of applicable fees.

(E) In accordance with regulations, providers electronically shall transmit to the commission student continuing education and qualifying course records. The commission shall maintain an accurate and secure database of student records.

(F) A pre-licensing and continuing education course is eligible for distance learning. Certification by the Association of Real Estate License Law Officials (ARELLO) or its subsidiary, the International Distance Education Certification Center (IDECC), is required.

(G) The commission shall qualify for continuing education credit designation and certification programs of nationally recognized real estate organizations and associations. The commission may qualify for continuing education credit other than courses currently approved for continuing credit including, but not limited to, courses offered by the South Carolina Bar Association, South Carolina Forestry Board, and the South Carolina Appraisers Board.

(H) Notwithstanding another provision of law, the commission shall qualify for continuing education credit courses that are related to real estate technology, professional development and business ethics.

Section 40-57-350. (A) A real estate brokerage firm that provides services through an agency agreement for a client is bound by the duties of loyalty, obedience, disclosure, confidentiality, reasonable care, diligence, and accounting as set forth in this chapter. The following are

the permissible brokerage relationships a real estate brokerage firm may establish:

(1) seller agency;

(2) buyer agency;

(3) disclosed dual agency;

(4) designated agency; or

(5) transaction brokerage.

(B) The broker-in-charge of a real estate brokerage firm shall adopt a written company policy that identifies and describes the types of real estate brokerage relationships in which associated licensees may engage, including teams and limited function referral offices. The written policy must include:

(1) the real estate brokerage firm's policy regarding cooperation with transaction brokers, or both buyer agents, and transaction brokers, and whether the broker offers compensation to these licensees;

(2) the scope of services provided to the real estate brokerage firm's clients;

(3) the scope of services provided to the real estate brokerage firm's customers;

(4) when and how associated licensees shall explain and disclose their brokerage relationships with an interested party to a potential transaction. The explanation and disclosure shall always comply with the minimum requirements set forth in this chapter;

(5) when and how an associated licensee shall explain the potential for the licensee to later act as a disclosed dual agent, designated agent or transaction broker in specific transactions, as permitted by this chapter; and

(6) the real estate brokerage firm's policy on compliance with state and federal fair housing laws.

(C)(1) On reaching a written agency agreement to provide brokerage services for a seller of real estate, a seller's agent shall:

(a) perform the terms of the written brokerage agreement made with the seller;

(b) pursuant to subsection (A), promote the interest of the seller by performing agency duties which include:

(i) seeking a sale at the price and terms stated in the brokerage agreement or at a price and terms acceptable to the seller, except that the real estate brokerage firm is not obligated to seek additional offers to purchase unless the brokerage agreement provides otherwise while the property is subject to a contract of sale;

(ii) presenting in a timely manner all written offers and counteroffers to and from the seller, even when the property is subject to a contract of sale;

(iii) disclosing to the seller all material adverse facts concerning the transaction which are actually known to the seller's agent except as directed otherwise in this section;

(iv) advising the seller to obtain expert advice on matters that are beyond the expertise of the licensee; and

(v) accounting in a timely manner, as required by this chapter, for all money and property received in which the seller has or may have an interest;

(c) exercise reasonable skill and care in discharging the licensee's agency duties;

(d) comply with all provisions of this chapter and with regulations adopted by the commission;

(e) comply with all applicable federal, state, or local laws, rules, regulations, and ordinances related to real estate brokerage, including laws which relate to fair housing and civil rights;

(f) preserve confidential information provided by the seller during the course of and following the agency relationship that might have a negative impact on the seller's real estate activity unless:

(i) the seller to whom the confidential information pertains grants written consent to disclose the information;

(ii) disclosure is required by law; or

(iii) disclosure is necessary to defend the licensee against an accusation of wrongful conduct; or

(iv) the information becomes public from a source other than the broker.

(2) No cause of action may arise against a licensee for disclosing confidential information in compliance with subitem (f) of item (1).

(D) A licensee acting as a seller's agent may offer alternative properties to prospective buyers. A licensee acting as a seller's agent also may list for sale competing properties.

(E)(1) On reaching a written agency agreement to provide brokerage services to a potential buyer of real estate, a buyer's agent shall:

(a) perform the terms of the written brokerage agreement made with the buyer;

(b) in accordance with subsection (A), promote the interest of the buyer by performing the buyer's agent's duties which include:

(i) seeking the type of property at the price and terms stated in the brokerage agreement or at a price and terms acceptable to the buyer, except that the licensee is not obligated to seek additional properties unless the brokerage agreement provides otherwise for a buyer once the buyer becomes a party to a contract of sale;

(ii) presenting in a timely manner all written offers and counteroffers to and from the buyer;

(iii) disclosing to the buyer all material adverse facts concerning the transaction which are actually known to the licensee except as directed otherwise in this section. Nothing in this chapter may limit a buyer's obligation to inspect the physical condition of the property which the buyer may purchase;

(iv) advising the buyer to obtain expert advice on material matters that are beyond the expertise of the licensee; and

(v) accounting in a timely manner, as required by this chapter, for all money and property received in which the buyer has or may have an interest;

(c) exercising reasonable skill and care in discharging the buyer's agent's agency duties;

(d) complying with all provisions of this chapter and with regulations promulgated by the commission;

(e) complying with all applicable federal, state, or local laws, rules, regulations, and ordinances related to real estate brokerage, including laws which relate to fair housing and civil rights;

(f) preserving confidential information provided by the buyer during the course of or following the agency relationship that might have a negative impact on the buyer's real estate activity unless:

(i) the buyer to whom the confidential information pertains, grants written consent to disclose the information;

(ii) disclosure is required by law;

(iii) disclosure is necessary to defend the licensee against an accusation of wrongful conduct in a proceeding before the commission or before a professional association or professional standards committee; or

(iv) the information becomes public from a source other than the licensee.

(2) No cause of action may arise against a licensee for disclosing confidential information in compliance with item (1)(f).

(F) A licensee acting as a buyer's agent may offer properties which interest his buyer client to other potential buyers. However, if the licensee has two competing buyer clients in a single real estate

transaction, the agent will give written notice to each buyer client that neither will receive the confidential information of the other.

(G)(1) A licensee shall treat all parties honestly and may not knowingly give them false or misleading information about the condition of the property which is known to the licensee. A licensee is not obligated to discover latent defects or to advise parties on matters outside the scope of the licensee's real estate expertise. Notwithstanding another provision of law, no cause of action may be brought against a licensee who has truthfully disclosed to a buyer a known material defect.

(2) No cause of action may be brought against a real estate brokerage firm or licensee by a party for information contained in reports or opinions prepared by an engineer, land surveyor, geologist, wood destroying organism control expert, termite inspector, mortgage broker, home inspector, or other home inspection expert, or other similar reports.

(3) A licensee, the real estate brokerage firm, and the broker-in-charge are not liable to a party for providing the party with false or misleading information if that information was provided to the licensee by the client or customer and the licensee did not know the information was false or incomplete.

(H) Nothing in this chapter limits the obligation of the buyer to inspect the physical condition of the property.

(I)(1) A real estate brokerage firm may act as a disclosed dual agent only with the prior informed and written consent of all parties. Consent is presumed to be informed if a party signs a completed copy of a dual agency agreement, promulgated by the commission. At the latest, the form must be signed by the buyer before writing an offer and by the seller before signing the sales contract. The agreement must specify the transaction, and must name the parties to the dual agency consent agreement, and must state that:

(a) in acting as a dual agent, the real estate brokerage firm represents clients whose interests may be adverse and that agency duties are limited;

(b) the associated licensees of the real estate brokerage firm may disclose information gained from one party to another party if the information is relevant to the transaction, except if the information concerns:

(i) the willingness or ability of a seller to accept less than the asking price;

(ii) the willingness or ability of a buyer to pay more than the offered price;

(iii) any confidential negotiating strategy not disclosed in an offer as terms of a sale; or

(iv) the motivation of a seller for selling property or the motivation of a buyer for buying property;

(c) that the clients may choose to consent to the disclosed dual agency or may reject it; and

(d) that the clients have read and understood the dual agency agreement and acknowledge that their consent to dual agency is voluntary.

(2) A broker-in-charge and associated licensees in one office of a real estate brokerage firm may conduct business with a client of another office of the real estate brokerage firm as a customer or client without creating a dual agency relationship, so long as the branch offices each have a separate broker-in-charge and do not share the same associated licensees.

(J)(1) A broker-in-charge may assign, through the adoption of a company policy, different licensees affiliated with the broker-in-charge as designated agents to exclusively represent different clients in the same transaction. A company policy adopted to fulfill the requirements of this subsection must contain provisions reasonably calculated to ensure each client is represented in accordance with the requirements of this chapter.

(2) A broker-in-charge may personally, or through the broker's duly authorized real estate licensed representative, specifically designate one or more associated licensees who will be acting as agent of the buyer client or seller client to the exclusion of all other associated licensees. Buyers and sellers shall give informed consent to enter into designated agency relationships. The informed consent must be evidenced by a designated agency agreement promulgated by the commission, and must be signed by the buyer before writing the offer and by the seller before signing the sales agreement. The designated agency agreement must include language informing the buyer and seller of the obligations of the broker-in-charge and associated licensees under this section.

(3) If a buyer client of a real estate brokerage firm wants to view a property that was personally listed by the broker-in-charge, the real estate brokerage firm shall act as a dual agent with the written consent of the buyer and seller, as required by subsection (I). If a seller client of a real estate brokerage firm wants to sell a property to a buyer client of the real estate brokerage firm that is personally represented by the broker-in-charge, the real estate brokerage firm shall act as a dual agent with the written consent of the buyer and seller, as required by subsection (I).

(4) A designated agent of a seller client has the duties and obligations set forth in subsections (C) through (E). A designated agent of a buyer client has the duties and obligations set forth in subsections (E), (G), and (H).

(5) In a transaction where both buyer and seller are represented by designated agents, the broker-in-charge shall act as a dual agent pursuant to subsection (I). The broker-in-charge is not required to complete a dual agency agreement under this provision. Consent must be contained in the designated agency agreement.

(6) A designated agent may disclose to the designated agent's broker-in-charge, or the licensed representative appointed by the broker-in-charge, confidential information of a client for the purpose of seeking advice or assistance for the benefit of the client in regard to a transaction.

(7) If a buyer client of a real estate brokerage firm wants to view and make an offer to purchase a property owned by a seller client being represented by the same associated licensee, the real estate brokerage firm must act as a dual agent with the written consent of the buyer and seller, as required by subsection (I).

(8) If a broker-in-charge appoints different associated licensees as designated agents in accordance with subsection (J)(1), the broker-in-charge, all remaining affiliated licensees, and the real estate brokerage firm must be considered to be dual agents.

(9) There may be no imputation of knowledge or information between and among the broker-in-charge, agents, and the clients. Designated agents may not disclose, except to the designated agent's broker-in-charge or appointed representative, information made confidential by written request or instruction of the client whom the designated agent is representing, except information allowed to be disclosed by this section or required to be disclosed by this section. Unless required to be disclosed by law, the broker-in-charge of a designated agent may not reveal confidential information received from either the designated agent or the client with whom the designated agent is working. For the purposes of this section, confidential information is information the disclosure of which has not been consented to by the client and that could harm the negotiating position of the client.

(10) The designation of one or more of a broker-in-charge's associated licensees as designated agents does not permit the disclosure by the broker-in-charge or associated licensees of information made confidential by an express written request or instruction by a party before or after the creation of the designated agency. The broker-in-charge and

associated licensees shall continue to maintain this confidential information unless the party from whom the confidential information was obtained permits its disclosure by written agreement or disclosure is required by law. No liability is created as a result of a broker-in-charge's and associated licensee's compliance with this subsection.

(K) A licensee who represents one party to a real estate transaction may provide assistance to other parties to the transaction by performing ministerial acts such as writing and conveying offers, and providing information and aid concerning other professional services not related to the real estate brokerage services being performed for a client. Performing ministerial acts does not create an agency relationship.

(L)(1) A real estate brokerage firm may offer transaction brokerage to potential buyers and sellers. A transaction broker may be a single agent of a party in a transaction, giving the other party customer service or the transaction broker may facilitate the transaction without representing either party.

(2) Licensees operating as transaction brokers are required to disclose to buyers and sellers their role and duties in offering customer services to the consumer that shall include the following:

(a) honesty and fair dealing;

(b) accounting for all funds;

(c) using skill, care and diligence in the transaction;

(d) disclosing material adverse facts that affect the transaction, or the value or condition of the real property and that are not readily ascertainable;

(e) promptly presenting all written offers and counteroffers;

(f) limited confidentiality, unless waived in writing by a party. This limited confidentiality prohibits disclosing:

(i) information concerning a buyer's motivation to buy or the buyer's willingness to make a higher offer than the price submitted in a written offer;

(ii) factors motivating a seller to sell or the seller's willingness to accept an offer less than the list price;

(iii) that a seller or buyer will agree to financing terms other than those offered; and

(iv) information requested by a party to remain confidential, except information required by law to be disclosed;

(g) additional duties that are entered into by separate agreement.

(3) Prospective buyers and sellers who do not choose to establish an agency relationship with a real estate brokerage firm but

who use the services of the firm are considered customers. A licensee may offer the following services to a customer as a single agent or as a transaction broker including, but not limited to:

(a) identifying and showing property for sale, lease, or exchange;

(b) providing real estate statistics and information on property;

(c) providing preprinted real estate forms, contracts, leases, and related exhibits and addenda;

(d) acting as a scribe in the preparation of real estate forms, contracts, leases, and related exhibits and addenda;

(e) providing a list of architects, engineers, surveyors, inspectors, lenders, insurance agents, attorneys, and other professionals; and

(f) identifying schools, shopping facilities, places of worship, and other similar facilities on behalf of a of the parties in a real estate transaction.

(4) A licensee offering services to a customer shall:

(a) timely present all written offers to and from the parties involving the sale, lease, and exchange of property, even when the property is subject to a contract of sale;

(b) timely account for all money and property received by the broker on behalf of a party in a real estate transaction;

(c) provide a meaningful explanation of brokerage relationships in real estate transactions;

(d) provide an explanation of the scope of services to be provided by the licensee;

(e) be fair and honest and provide accurate information in all dealings;

(f) keep information confidential as requested in writing by the customer; and

(g) disclose known material facts regarding the property or the transaction.

(M) The provisions of this section which are inconsistent with applicable principles of common law supersede the common law, and the common law may be used to aid in interpreting or clarifying the duties described in this section. Except as otherwise stated, nothing in the section precludes an injured party from bringing a cause of action against licensees, their companies, or their brokers-in-charge.

Section 40-57-360. (A) The broker-in-charge must be responsible for supervising the team and all licensed members of the team. The

broker-in-charge may not delegate supervisory responsibilities to the team members or team leader. Written office policy of the broker-in-charge shall address team relationships in which associated licensees may engage.

(B) The team may act as disclosed dual agents only and with the prior informed and written consent of all parties and as addressed in the broker-in-charge's written office policy.

(C) Team members must conduct all real estate brokerage activities from their commission-established office under the supervision of a broker-in-charge.

(D) Team advertising must contain the team name and the full name of the real estate brokerage firm displayed in a conspicuous way.

(E) No team may imply that the team is a separate entity from the brokerage firm of its employment. Team names may not include the terms 'realty,' 'real estate', 'realtors', or similar terms suggesting a brokerage.

(F) The team, and any and all team members, must display and promote that they are directly connected to the brokerage firm under which the team works. The brokerage firm name under which the team works is to be displayed prominently and visibly in a meaningful and conspicuous way on all methods of advertising.

(G) The commission may promulgate regulations regarding the creation and operation of real estate teams.

Section 40-57-370. (A) A licensee shall provide at the first practical opportunity to all potential buyers and sellers of real estate with whom the licensee has substantive contact:

(1) a meaningful explanation of brokerage relationships in real estate transactions that are offered by that real estate brokerage firm, including an explanation of customer and client services;

(2) Disclosure of Brokerage Relationships form prescribed by the commission.

(B) An 'Acknowledgement of receipt of the Disclosure of Brokerage Relationships' form must be included in an agency agreement and in a sales contract. In addition, each sales contract must require the buyer and the seller to acknowledge whether they received customer or client service in that real estate transaction.

(C) At the time of first substantive contact, it is presumed that the potential buyer or seller is to be a customer of the real estate brokerage firm and that the real estate brokerage firm will be acting as a transaction broker as defined by this chapter and that the real estate brokerage firm shall offer services to a customer as defined by Section 40-57-350 (L)

only until the potential buyer or seller signs an agency representation agreement.

(D) If first substantive contact occurs over the telephone or other electronic means, including the Internet and electronic mail, an 'Acknowledgement of receipt of the Disclosure of Brokerage Relationships' form may be sent by electronic means, including the Internet and electronic mail.

(E) For all real estate transactions, no agency relationship between a buyer, seller, landlord, or tenant and a real estate brokerage firm and its associated licensees exists unless the buyer, seller, landlord, or tenant and the brokerage company and its associated licensees agree, in writing, to the agency relationship. No type of agency relationship may be assumed by a buyer, seller, landlord, tenant, or licensee or created orally or by implication. A real estate brokerage firm may not be considered to have an agency relationship with a party or have agency obligations to a party but is responsible only for exercising reasonable care in the discharge of the real estate brokerage firm's specified duties, as provided in this chapter, and, in the case of a client, as specified in the agency agreement.

(F) The payment or promise of payment of compensation to a real estate brokerage firm by a seller, buyer, landlord, or tenant does not determine whether an agency relationship has been created between a real estate licensee and a seller, buyer, landlord, or tenant.

(G) The brokerage relationship disclosure requirements of this section do not apply if the:

(1) transaction is regarding the rental or lease of property; or

(2) communication from the licensee is a solicitation of business.

Section 40-57-380. A real estate broker and all associated licensees owe no duty or obligation to a client following termination, expiration, completion, or performance of an agency agreement or closing of the real property transaction, whichever occurs first, except the duties of:

(1) accounting in a timely manner for all money and property related to and received during the relationship; and

(2) keeping confidential all information received during the course of the engagement which was made confidential by request or instructions from the client, except as provided for in Section 40-57-350(C)(1)(f) and Section 40-57-350(E)(1)(f) unless the:

(a) client permits the disclosure by written agreement;

(b) disclosure is required by law;

(c) disclosure is necessary to defend the licensee against an accusation of wrongful conduct in a proceeding before the commission or before a professional association or professional standards committee; or

(d) the information becomes public from a source other than the broker.

Article 5

Property Managers

Section 40-57-510. (A) To be eligible for licensure as a property manager or property manager-in-charge, an applicant must:

(1) attain the age of twenty-one if applying for a property manager-in-charge;

(2) attain the age of eighteen if applying for a license as a property manager;

(3) provide a physical address at which the licensee can be contacted in the course of an investigation. A licensee shall maintain on file with the commission his current contact information for his residential address, mailing address, email address, and telephone number. Failure to update this contact information within thirty days after a change may result in an administrative suspension of the property manager, salesperson, broker, or broker-in-charge pursuant to Section 40-57-710;

(4) graduate from high school or hold a certificate of equivalency that is recognized by the South Carolina Department of Education;

(5) submit proof of completion of education to the commission and, if applicable, experience requirements as specified in this chapter;

(6) submit to criminal background check as provided in Section 40-57-115 for initial application; and

(7) pass the applicable examination.

(B) An application for examination or licensure must be made in writing on a form prescribed by the commission and must be accompanied by all applicable fees.

(C) As a condition for and before applying to the commission for licensure, an applicant for a property manager or property manager-in-charge license shall provide proof to the commission of having met the following educational requirements, in addition to the other requirements of this chapter:

(1) for a property manager license:

(a) completion of thirty hours of classroom instruction in property management principles and practices; or

(b) evidence of holding a juris doctor degree, a bachelor of law degree, a baccalaureate degree or a master's degree with a major in real estate or housing from an accredited college or university, or completion of another course of study approved by the commission; and

(2) for a property manager-in-charge license:

(a) an active property manager license; and

(b) completion of seven hours of instruction in property management accounting and record keeping approved by the commission.

(D) The commission shall issue licenses in the classifications of property manager or property manager-in-charge to individuals who qualify under and comply with the requirements of this chapter. An individual may not be licensed in more than one classification at the same time. The license must be in the form and size as the commission prescribes and is not transferable.

(E) An individual holding an active property manager license must be licensed under a property manager-in-charge or broker-in-charge who is licensed by the commission or must be designated as a property manager-in-charge. A property manager may not be licensed during the same period with more than one property manager-in-charge or broker-in-charge. When a licensee becomes disassociated with a broker-in-charge or property manager-in-charge, the licensee immediately shall notify the commission by completion of the proper form. The licensee must furnish a new business address to the commission, the authorization of the new broker-in-charge or new property manager-in-charge, and proof of notification to the former broker-in-charge or property manager-in-charge.

Section 40-57-520. (A) The management of each residential multiunit rental location must be provided by an on-site licensee or an off-site licensee if there is no on-site staff.

(B) The commission may permit multiple multiunit rental property locations to be managed by one licensee.

(C) An unlicensed employee of the owner of a multiunit rental property or an unlicensed individual who works under the supervision of a licensee is permitted to perform only the following duties:

(1) maintenance;

(2) clerical or administrative support;

(3) collection of rents which that are made payable to the owner or real estate company;

(4) showing rental units to prospective tenants;

(5) furnishing published information;

(6) providing applications and lease forms; and

(7) receiving applications and leases for submission to the owner or the licensee for approval.

Article 7

Misconduct and Redress

Section 40-57-710. (A) In addition to Section 40-1-110, the commission may deny issuance of a license to an applicant or may take disciplinary action against a licensee who:

(1) makes a substantial misrepresentation on an application for a real estate license;

(2) makes a substantial misrepresentation involving a real estate transaction;

(3) makes false promises likely to influence, persuade, or induce;

(4) pursues a continued and flagrant course of misrepresentation or makes false and misleading promises through any medium of advertising or otherwise;

(5) in the practice of real estate, demonstrates bad faith, dishonesty, untrustworthiness, or incompetency in a manner as to endanger the interest of the public;

(6) represents a real estate broker other than the broker-in-charge or property manager-in-charge with whom they are licensed;

(7) guarantees or authorizes and permits an associated licensee to guarantee future profits from the resale of real estate;

(8) makes a dual set of contracts, written or otherwise, by stating a sales price other than the actual sales price;

(9) is convicted of violating the federal and state fair housing laws, forgery, embezzlement, breach of trust, larceny, obtaining money or property under false pretense, extortion, fraud, conspiracy to defraud, or has been convicted of a felony sex-related, felony drug-related, felony real estate-related, felony financial, or felony violent offense, or pleading guilty or nolo contendere to such an offense in a court of competent jurisdiction of this State, another state, or a federal court;

(10) fails to report to the commission in writing by certified mail, within ten days, notice of conviction of a crime provided in item (9);

(11) fails, within a reasonable time, to account for or to remit trust funds coming into his possession which belong to others;

(12) pays a commission or compensation to an unlicensed individual for activities requiring a license under this chapter. Notwithstanding this section, a licensee may not pay or offer to pay a

referral fee or finder's fee to an unlicensed individual who is not a party in the real estate sales or rental transaction;

(13) violates a provision of law relating to the freedom of a buyer or seller to choose an attorney, insurance agent, title insurance agent, or another service provider to facilitate the real estate transaction;

(14) fails to disclose in accordance with Section 40-57-370 the party or parties for whom the licensee will be acting as an agent in a real estate transaction, if any;

(15) receives compensation in a real estate transaction or directly resulting from a real estate transaction from more than one party except with the full knowledge and written disclosure to all parties;

(16) represents more than one party in a real estate transaction without the full written knowledge and consent of all parties;

(17) acts as an undisclosed principal in a real estate transaction;

(18) accepts deposit money which is to be delivered to the licensee's principal in a real estate transaction without informing the payor and having the payor acknowledge in writing who will hold the money received by the licensee;

(19) issues a check in connection with his real estate business which is returned for insufficient funds or closed account;

(20) fails to disclose in accordance with Section 40-57-530 a known material facts concerning a real estate transaction;

(21) violates a provision of this chapter or a regulation promulgated under this chapter;

(22) violates a rule or order of the commission.

(23) knowingly gives false information to an investigator or inspector;

(24) engages in a practice or takes action inconsistent with the agency relationship that other real estate licensees have established with their clients;

(25) fails to make all records required to be maintained under this chapter available to the commission for inspection and copying by the commission upon request of an investigator of the commission, fails to appear for an interview with an investigator of the commission without due cause, or provides false information upon direct inquiry by the investigator or inspector;

(26) fails to promptly submit all offers and counteroffers in a real estate sales transaction;

(27) fails to provide current contact information to the commission; or

(28) allows or creates an unreasonable delay in the closing of a transaction or act in a manner which causes failure or termination of a transaction due solely to a dispute among participating licensees concerning the division of a commission.

(B) If after an investigation, charges of a violation are brought against a licensee, the broker-in-charge or property manager-in-charge must be notified of the charges.

Section 40-57-720. (A) An investigation must be conducted in accordance with Section 40-1-80 and must be performed by investigators who have completed one hundred hours of training in programs that are approved by the commission and provide instruction on real estate principles, state statutory and regulatory law, and investigative techniques.

(B) A restraining order must be obtained in accordance with Section 40-1-100.

(C)(1) The department shall conclude its investigation within one hundred fifty days from receipt of the complaint or seek a waiver of this period from the commission upon a showing of due diligence and extenuating circumstances.

(2) A hearing on the charges must be at the time and place designated by the commission and must be conducted in accordance with the Administrative Procedures Act.

(3) The commission shall render a decision and shall serve, within ninety days, notice, in writing, of the commission's decision to the licensee charged. The commission also shall state in the notice the date upon which the ruling or decision becomes effective.

(4) The department shall maintain a public docket or other permanent record in which must be recorded all orders, consent orders, or stipulated settlements.

(D) A licensee may voluntarily surrender his license in accordance with Section 40-1-150.

(E)(1) The commission may impose disciplinary action in accordance with Section 40-1-120.

(2) Upon determination by the commission that one or more of the grounds for discipline exists, the commission may impose a fine of not less than five hundred or more than five thousand dollars for each violation and as provided in Section 40-1-120. The commission may recover the costs of the investigation and the prosecution as provided in Section 40-1-170.

(3) Nothing in this section prevents a licensee from voluntarily entering into a consent order with the commission wherein violations are not contested and sanctions are accepted.

(F) The department annually shall post a report that provides the data for the number of complaints received, the number of investigations initiated, the average length of investigations, and the number of investigations that exceeded one hundred fifty days.

Section 40-57-730. After revocation of a license, a person may not reapply for three years from the date of revocation. A person seeking licensure after revocation shall:

(1) submit to the commission satisfactory proof that the person is trustworthy, has a good reputation for honesty and fair dealing, and is competent to transact the business of a real estate licensee;

(2) submit proof of educational qualifications as set forth in this chapter if the proof of educational qualifications on file is more than five years old;

(3) pass the applicable examination; and

(4) meet any other qualifications and conditions that apply to individuals applying for a license who have never been licensed.

Section 40-57-740. (A) No cause of action may arise against an owner of real estate or licensed real estate agent of a party to a transaction for failure to disclose in a transaction:

(1) that the subject real estate is or was occupied by an individual who was infected with a virus or another disease which has been determined by medical evidence as being highly unlikely to be transmitted through occupancy of a dwelling place either presently or previously occupied by the infected individual;

(2) that the death of an occupant of a property has occurred or the manner of the death;

(3) any off-site condition or hazard that does not directly impact the property being transferred; or

(4) any psychological impact that has no material impact on the physical condition of the property being transferred.

(B) Nothing in subsection (A) precludes an action against an owner of real estate or agent of the owner who makes intentional misrepresentations in response to direct inquiry from a buyer or prospective buyer with regard to psychological impacts, offsite conditions, or stigmas associated with the real estate.

(C) The commission shall establish and publish standards relevant to the approval and conduct of education required by this chapter. The commission shall review, approve, and regulate education courses

required by this chapter and providers and instructors of these courses including, but not limited to, accredited colleges, universities, private business entities, organizations, schools, associations, and institutions.

(D) The commission may deny, reprimand, fine, suspend, or revoke the approval of an education provider or instructor if the commission finds that the education provider or instructor has violated or failed to satisfy the provisions of this chapter or the regulations and standards promulgated pursuant to this chapter.

(E) An application by a provider who seeks approval to offer and conduct educational instruction or an application by an instructor must be made on a form prescribed by the commission and accompanied by applicable fees not less than sixty days before a course offering and must be approved by the department before it may commence instruction.

(F) If an application for a provider, instructor, or course is not approved, the reason must be detailed and the applicant must be given thirty days to respond.

(G) If the commission approves an application, a certificate must be issued by the commission to a provider or an instructor and for an approved course to be renewed biennially.

(H) An approved course must be taught by an approved instructor who is qualified and has demonstrated knowledge of the subject matter to be taught as well as the ability to teach.

(I) Approved instructors shall attend instructor development workshops sponsored by the commission or provide evidence of equivalent hours of continuing education that increases their knowledge of the subject content in their area of expertise or their teaching techniques.

Section 40-57-750. Payment and collection of costs associated with investigations and prosecution of violations under this chapter must comply with Section 40-1-170.

Section 40-57-760. Imposition and collection of all costs and fines imposed pursuant to this chapter must comply with Section 40-1-180.

Section 40-57-770. An investigation conducted pursuant to this chapter is confidential. Related communications are privileged as provided in Section 40-1-190.

Section 40-57-780. A real estate broker, salesperson, or property manager who fails to renew or register a license and continues to engage in the business permitted pursuant to the license is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than six months, or both.

Section 40-57-790. A civil action may be brought for violations of this chapter as provided for violations of Article 1, Chapter 1, in accordance with Section 40-1-210.

Section 40-57-800. (A) Service of a notice provided for by law upon a nonresident licensed under this chapter or upon a resident who, having been licensed, subsequently becomes a nonresident or after due diligence cannot be found at his usual abode or place of business in this State, may be made by providing a copy of the notice, and accompanying documents. A copy of the notice, accompanying documentation, and a certified copy of the service on the administrator must be mailed to the licensee at his last known address, return receipt requested. The administrator shall keep a record of the day of the service of the notice and the return receipt must be attached to and made part of the return of service of the notice by the commission.

(B) A continuance may be given in a hearing under this chapter for which notice is given pursuant to this section so as to afford the licensee a reasonable opportunity to appear and be heard.

Section 40-57-810. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective."

SECTION 2. A regulation that was promulgated to effectuate the purpose of Chapter 57, Title 40 and which is in effect on the effective date of this act is considered to be effective regardless of whether its authorizing provisions are redesignated as a new or different code section, or moved in part to a different code section by this act.

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal

prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

Rep. SANDIFER spoke in favor of the amendment.

The amendment was then adopted.

Rep. SANDIFER proposed the following Amendment No. 2 to S. 1013 (COUNCIL\NBD\1013C001.NBD.CZ16), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. This act takes effect on January 1, 2017. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 106; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Atwater	Bales	Ballentine
Bamberg	Bannister	Bernstein
Bingham	Bowers	Bradley
Brannon	G. A. Brown	R. L. Brown
Burns	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cole	Collins	H. A. Crawford
Crosby	Daning	Delleney
Dillard	Douglas	Duckworth
Erickson	Felder	Finlay
Forrester	Fry	Funderburk
Gagnon	Gambrell	George

Gilliard	Goldfinch	Govan
Hamilton	Hardee	Hayes
Henderson	Henegan	Herbkersman
Hicks	Hill	Hiott
Hixon	Hodges	Hosey
Huggins	Johnson	Jordan
Kennedy	King	Kirby
Knight	Loftis	Long
Lucas	Mack	McCoy
McEachern	McKnight	M. S. McLeod
W. J. McLeod	Merrill	Mitchell
D. C. Moss	Murphy	Nanney
Neal	Newton	Norrell
Ott	Parks	Pitts
Pope	Quinn	Riley
Rivers	Rutherford	Sandifer
Simrill	G. M. Smith	J. E. Smith
Sottile	Southard	Spires
Stavrinakis	Stringer	Tallon
Taylor	Tinkler	Toole
Weeks	Wells	Whipper
White	Whitmire	Williams
Yow		

Total--106

Those who voted in the negative are:

Total--0

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

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

S. 1090--RECALLED FROM COMMITTEE ON JUDICIARY

On motion of Rep. G. M. SMITH, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

S. 1090 -- Senators Fair, Sheheen, Setzler, Lourie, Malloy and L. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-19-5 SO AS TO PROVIDE THAT CHAPTER 19 OF TITLE 24 MAY BE CITED AS THE "JUDGE WILLIAM R. BYARS YOUTHFUL OFFENDER ACT".

S. 233--RECALLED AND REFERRED TO COMMITTEE ON JUDICIARY

On motion of Rep. ALLISON, with unanimous consent, the following Bill was ordered recalled from the Committee on Education and Public Works and was referred to the Committee on Judiciary:

S. 233 -- Senators Campsen, Hembree and Grooms: A BILL TO AMEND SECTION 6-1-160 OF THE 1976 CODE, RELATING TO INVOCATIONS TO OPEN MEETINGS OF DELIBERATIVE BODIES, TO PROVIDE THAT PUBLIC PRAYER MEANS A PRAYER OR INVOCATION; TO PROVIDE THAT DELIBERATIVE PUBLIC BODY INCLUDES A SCHOOL DISTRICT BOARD; TO PROVIDE THAT PUBLIC INVOCATIONS SHALL NOT PROSELYTIZE OR ADVANCE ANY ONE FAITH OR BELIEF, OR COERCE PARTICIPATION BY OBSERVERS; AND TO BROADEN THE ITEMS THAT MAY BE INCLUDED IN A POLICY TO PERMIT PUBLIC INVOCATIONS ADOPTED BY THE PUBLIC BODY.

OBJECTION TO RECALL

Rep. HILL asked unanimous consent to recall H. 5204 from the Committee on Ways and Means.

Rep. BRANNON objected.

OBJECTION TO RECALL

Rep. MCCOY asked unanimous consent to recall H. 3229 from the Committee on Judiciary.

Rep. QUINN objected.

RECURRENCE TO THE MORNING HOUR

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

H. 3579--COMMITTEE OF CONFERENCE APPOINTED

The following was received from the Senate:

Columbia, S.C., April 19, 2016

Mr. Speaker and Members of the House:

The Senate respectfully informs your Honorable Body that it nonconcurs in the amendments proposed by the House to H. 3579:

H. 3579 -- Reps. Simrill, White, Lucas, Allison, Henderson, Limehouse, Newton, Ott, Clary, Collins, Delleney, Forrester, Gambrell, Hardwick, Hiott, Horne, Merrill, D. C. Moss, V. S. Moss, Murphy, Pitts, Sandifer, G. M. Smith, Sottile, Spires, Wells, Whitmire, Yow, Jefferson, Erickson, Funderburk, Hosey, Hixon, Clyburn, Knight, Herbkersman, H. A. Crawford, Felder, Willis, McCoy, Bradley, Douglas, Norrell, Long, Bales, Daning, Loftis, Tallon, Anthony, Howard, Gagnon, Riley, Williams, Hayes, G. A. Brown, R. L. Brown, Hart, Weeks, Whipper, Pope, Tinkler, Hicks, Brannon, Corley, Clemmons, Johnson, George, Alexander, Anderson and Duckworth: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA INFRASTRUCTURE FINANCE REFORM AND TAX RELIEF ACT"; TO AMEND SECTIONS 57-1-310, 57-1-320, 57-1-325, AND 57-1-330, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT ALL THE COMMISSIONERS MUST BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR, TO PROVIDE THAT APPOINTEES MUST BE SCREENED BY THE JOINT TRANSPORTATION REVIEW COMMITTEE, AND TO PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER FOR MORE THAN TWELVE YEARS AND NO COUNTY MAY HAVE A RESIDENT COMMISSIONER FOR MORE THAN TWELVE CONSECUTIVE YEARS; TO AMEND SECTION 57-1-410, AS AMENDED, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, INSTEAD OF THE GOVERNOR, SHALL APPOINT THE SECRETARY; TO AMEND SECTIONS 57-1-730 AND 57-1-740, AS AMENDED, RELATING RESPECTIVELY TO THE DUTIES OF THE JOINT TRANSPORTATION REVIEW COMMITTEE, BOTH SO AS TO REQUIRE THE COMMITTEE TO

SCREEN APPOINTEES TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION IN A SIMILAR MANNER AS CURRENTLY ELECTED COMMISSIONERS ARE SCREENED; BY ADDING SECTION 57-1-95 SO AS TO PROHIBIT THE COMMENCEMENT OF ANY NEW ROAD CONSTRUCTION PROJECTS IN THIS STATE UNTIL JULY 1, 2020, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO INCREASE THE BOARD TO THIRTEEN MEMBERS AND TO SET FORTH THE MEMBERSHIP, AND TO PROVIDE THAT NO MEMBER MAY SERVE MORE THAN TWELVE YEARS; TO AMEND SECTION 11-43-180, RELATING TO FINANCIAL ASSISTANCE GIVEN BY THE INFRASTRUCTURE BANK, SO AS TO PROHIBIT THE BANK FROM PROVIDING ANY LOANS OR OTHER FINANCIAL ASSISTANCE TO ANY PROJECT UNLESS THE ELIGIBLE COSTS OF THE PROJECT ARE AT LEAST TWENTY FIVE MILLION DOLLARS; BY ADDING SECTION 11-43-265 SO AS TO REQUIRE THE INFRASTRUCTURE BANK TO PRIORITIZE ALL PROJECTS IN ACCORDANCE WITH THE PRIORITIZATION CRITERIA ESTABLISHED IN ACT 114 OF 2007, AND TO PROVIDE AN EXCEPTION; BY ADDING SECTION 57-1-100 SO AS TO SET FORTH THE OPTIONAL PROCESS BY WHICH THE DEPARTMENT OF TRANSPORTATION TRANSFERS CERTAIN STATE ROADS TO THE COUNTIES OF THIS STATE, TO INCREASE THE AMOUNT DISTRIBUTED TO THE PARTICIPATING COUNTIES OVER TIME, TO PROVIDE THAT EACH PARTICIPATING COUNTY MUST RECEIVE ONE MILLION DOLLARS BEFORE THE FUNDS ARE DISTRIBUTED BASED ON A FORMULA, TO AMEND SECTION 12-28-2740, RELATING TO THE DISTRIBUTION OF THE GASOLINE USER FEE TO THE COUNTIES OF THIS STATE, TO ABOLISH THE CURRENT COUNTY TRANSPORTATION COMMITTEES AND THEN RECONSTITUTE THEM WITH THE ADDITION OF MUNICIPAL REPRESENTATION, AND TO SPECIFY THE MANNER IN WHICH "C" FUNDS MUST BE EXPENDED; TO AMEND SECTIONS 56-5-4210 AND 56-5-4220, BOTH RELATING TO ROAD RESTRICTIONS, SO AS TO SPECIFY CERTAIN RESTRICTIONS ON LOCALITIES; TO AMEND SECTION 12-28-310, RELATING TO THE USER FEE ON GASOLINE, SO AS TO REDUCE THE FEE TO TEN CENTS A GALLON; TO AMEND

SECTION 56-11-410, RELATING TO THE ROAD TAX, SO AS TO REDUCE THE TAX TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-450, RELATING TO THE CREDIT AGAINST ROAD TAX, SO AS TO REDUCE THE CREDIT TO TEN CENTS A GALLON; TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM TAX, SO AS TO INCREASE THE MAXIMUM TAX FROM THREE HUNDRED TO FIVE HUNDRED DOLLARS ON THE SALE OR LEASE OF A MOTOR VEHICLE; TO AMEND SECTION 12-36-2647, RELATING TO THE TAX REVENUES COLLECTED FROM THE SALE OR LEASE OF A MOTOR VEHICLE, SO AS TO CREDIT ALL THE REVENUES TO THE STATE HIGHWAY FUND EXCEPT FOR CERTAIN AMOUNTS THAT ARE USED FOR THE EDUCATION IMPROVEMENT ACT; BY ADDING ARTICLE 4 TO CHAPTER 28, TITLE 12 SO AS TO IMPOSE AN EXCISE TAX ON THE WHOLESALE PRICE OF MOTOR FUEL EQUAL TO THE CUMULATIVE STATE SALES TAX RATE, TO PROVIDE THAT THE REVENUE MUST BE CREDITED TO THE STATE HIGHWAY FUND, TO PROVIDE THAT THE EXCISE TAX MAY NOT EXCEED THE EQUIVALENT OF SIXTEEN CENTS A GALLON, AND TO PROVIDE THE MANNER IN WHICH THE EXCISE TAX IS CALCULATED AND ADMINISTERED; BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 57 SO AS TO IMPOSE AN EXCISE TAX ON MOTOR CARRIERS IN THE SAME MANNER AS THE EXCISE TAX ON MOTOR FUEL; AND TO AMEND SECTION 12-6-510, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12-6-520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

Very respectfully,
President

On motion of Rep. HENDERSON, the House insisted upon its amendments.

Whereupon, the Chair appointed Reps. SIMRILL, WHITE and RUTHERFORD to the Committee of Conference on the part of the House and a message was ordered sent to the Senate accordingly.

REPORTS OF STANDING COMMITTEES

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

H. 4661 -- Reps. Forrester, Sandifer, Clemmons, Loftis, Stringer, Norman, Ballentine, Rivers and Hicks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 7 TO ARTICLE 9, CHAPTER 35, TITLE 11 SO AS TO PROVIDE REQUIREMENTS CONCERNING ACCEPTABLE PIPING MATERIAL IN THE STATE PROCUREMENT CODE, AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

Rep. SANDIFER, from the Committee on Labor, Commerce and Industry, submitted a favorable report with amendments on:

S. 277 -- Senators Alexander, Rankin and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "STATE TELECOM EQUITY IN FUNDING ACT" BY ADDING SECTION 58-9-2515 SO AS TO CLARIFY THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION OVER CERTAIN PROVIDERS REGARDING TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE; BY ADDING SECTION 58-9-2535 SO AS TO PROVIDE FOR THE MANNER OF ASSESSING AND COLLECTING DUAL PARTY RELAY CHARGES BY LOCAL EXCHANGE PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS, AMONG OTHER THINGS; TO AMEND SECTION 58-9-10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF TELEPHONE SERVICE, SO AS TO REVISE THE DEFINITIONS OF "BASIC LOCAL EXCHANGE TELEPHONE SERVICE" AND "CARRIER OF LAST RESORT"; TO AMEND SECTION 58-9-280, AS AMENDED, RELATING TO THE UNIVERSAL SERVICE FUND FOR CARRIERS OF LAST RESORT, SO AS TO PROVIDE FOR THE TRANSITION OF THE INTERIM LOCAL EXCHANGE CARRIER FUND INTO THE UNIVERSAL SERVICE FUND, TO LIMIT THE SIZE OF THE UNIVERSAL SERVICE FUND, AND TO REQUIRE VOICE OVER INTERNET PROTOCOL PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND PREPAID WIRELESS SERVICE PROVIDERS TO CONTRIBUTE

TO THE UNIVERSAL SERVICE FUND; TO AMEND SECTION 58-9-576, AS AMENDED, RELATING TO CERTAIN STAND-ALONE BASIC RESIDENTIAL LINE RATES, SO AS TO PROVIDE FOR THE TERMINATION OF THE RATES FIVE YEARS AFTER THEY BECOME EFFECTIVE; TO AMEND SECTION 58-9-2510, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE, SO AS TO REVISE THESE DEFINITIONS AND PROVIDE ADDITIONAL NECESSARY DEFINITIONS; TO AMEND SECTION 58-9-2530, AS AMENDED, RELATING TO THE OPERATING FUND FOR A SYSTEM OF DUAL PARTY RELAY DEVICES AND RELATED TELECOMMUNICATIONS DEVICES, SO AS TO IMPOSE CERTAIN UNIFORM-RELATED SURCHARGES ON LOCAL EXCHANGE PROVIDERS; AND TO REPEAL SECTION 58-9-2540 RELATING TO AN ADVISORY COMMITTEE CONCERNING STATEWIDE TELECOMMUNICATIONS RELAY ACCESS SERVICE.

Ordered for consideration tomorrow.

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 5218 -- Reps. Gilliard, Anderson, Limehouse, Mack, Hosey, Whipper and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-117 SO AS TO PROVIDE THAT THE MONTH OF MAY EVERY YEAR IS DECLARED "WATER SAFETY AWARENESS MONTH" IN THE STATE OF SOUTH CAROLINA; TO PROMOTE AN UNDERSTANDING OF WATER SAFETY PRACTICES AND THE CRITICAL IMPORTANCE OF WATER SAFETY IN AN EFFORT TO REDUCE DROWNING DEATHS AMONG CHILDREN IN THIS STATE; TO CREATE THE "WATER SAFETY AWARENESS IN SCHOOLS STUDY COMMITTEE"; TO EXAMINE THE ISSUE OF DROWNING DEATHS AMONG SCHOOL-AGED CHILDREN IN SOUTH CAROLINA; AND TO IDENTIFY A CURRICULUM TO PROVIDE SWIMMING INSTRUCTION IN OUR PUBLIC SCHOOLS AS A MEASURE TO HELP PREVENT CHILD DROWNING DEATHS.

Ordered for consideration tomorrow.

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 5225 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME NORTH 9TH AVENUE IN THE TOWN OF DILLON "ROBERT MCRAE MEMORIAL AVENUE" AND TO ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS AVENUE THAT CONTAIN THIS DESIGNATION.

Ordered for consideration tomorrow.

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 5235 -- Reps. W. J. McLeod and Anthony: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE SPANNING THE ENOREE RIVER ALONG UNITED STATES HIGHWAY 176 AND SOUTH CAROLINA HIGHWAYS 72 AND 121 IN NEWBERRY AND UNION COUNTIES THE "SENATOR MARVIN E. ABRAMS BRIDGE" IN MEMORY OF FORMER SOUTH CAROLINA STATE SENATOR MARVIN E. ABRAMS AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE REFLECTING THIS DESIGNATION.

Ordered for consideration tomorrow.

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 4333 -- Rep. Stavrinakis: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES WAPPOO CREEK ALONG WAPPOO ROAD AND NORTH EDGEWATER DRIVE IN CHARLESTON COUNTY "DAVID EARL HOLT MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS BRIDGE THAT CONTAIN THIS DESIGNATION.

Ordered for consideration tomorrow.

Rep. BALES, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

S. 950 -- Senators Grooms and Thurmond: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 162 AND SOUTH CAROLINA HIGHWAY 165 IN CHARLESTON COUNTY "CHARLESTON COUNTY POLICEMAN STEVEN BUIST HIOTT, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "CHARLESTON COUNTY POLICEMAN STEVEN BUIST HIOTT, JR. MEMORIAL HIGHWAY".

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 4556 -- Reps. Duckworth, Clyburn and Clemmons: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO ADD "EMERGENCY MEDICAL TECHNICIAN" TO THE DEFINITION "ELIGIBLE OWNER" FOR PURPOSES OF A PROPERTY TAX EXEMPTION FOR CERTAIN INDIVIDUALS WHO PERMANENTLY AND TOTALLY ARE DISABLED.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 4525 -- Reps. Simrill, Loftis, Hosey and Southard: A BILL TO AMEND SECTION 38-7-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF THE INSURANCE PREMIUM TAX, SO AS TO EXTEND THE DATE THAT CERTAIN REVENUE MUST BE SENT TO THE SOUTH CAROLINA FORESTRY COMMISSION TO 2027.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 4416 -- Reps. Felder, Pope, Merrill, Burns, V. S. Moss and Pitts: A BILL TO AMEND SECTION 6-1-970, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTIONS FROM IMPACT FEES, SO AS TO ADD EXEMPTIONS FOR CERTAIN SCHOOLS AND VOLUNTEER FIRE DEPARTMENTS.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 5011 -- Reps. Clemmons, Fry, Johnson, Duckworth, Hardee, Anderson, Goldfinch, George, Hayes and H. A. Crawford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-10-980 SO AS TO PROVIDE FOR THE REIMPOSITION OF THE LOCAL OPTION TOURISM DEVELOPMENT FEE.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 4765 -- Reps. G. R. Smith, Parks, D. C. Moss, Cobb-Hunter, Jefferson, Duckworth, Daning, Kirby, R. L. Brown, Burns, Douglas, Brannon, Anthony, Mitchell, Ridgeway, Robinson-Simpson, Clyburn, Ryhal, Johnson, Yow, G. A. Brown, Riley, Taylor, Limehouse, Williams, Simrill, Bedingfield, Chumley, Dillard, Herbkersman, Hicks, Hill, Loftis, Long, V. S. Moss, Pope, Rivers, Thayer, Wells, Crosby and King: A BILL TO AMEND SECTION 12-6-5060, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VOLUNTARY CONTRIBUTIONS MADE BY AN INDIVIDUAL BY MEANS OF THE INCOME TAX RETURN CHECK OFF, SO AS TO ADD HABITAT FOR HUMANITY.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 5009 -- Reps. Cole, Tallon, Hicks, Brannon, Allison, Chumley, Clary, Forrester, Mitchell and King: A BILL TO AMEND SECTION 12-65-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEXTILES COMMUNITIES REVITALIZATION INCOME TAX CREDIT, SO AS TO DELETE A PROVISION THAT LIMITS THE CREDIT TO FIFTY PERCENT OF CERTAIN LIABILITY.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 5034 -- Rep. White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-4320 SO AS TO REQUIRE THE DEPARTMENT OF REVENUE TO ESTABLISH AN INFORMATIONAL CHARITABLE BINGO WEBPAGE ON ITS WEBSITE; TO AMEND SECTION 12-21-3920, RELATING TO DEFINITIONS FOR PURPOSES OF THE BINGO TAX ACT, SO AS TO REDEFINE "BUILDING"; TO AMEND SECTION 12-21-3940, RELATING TO APPLICATIONS FOR A BINGO LICENSE BY NONPROFIT ORGANIZATIONS AND PROMOTERS, SO AS TO EXTEND THE TIME BY WHICH THE DEPARTMENT MUST RESPOND; TO AMEND SECTION 12-21-3990, RELATING TO THE MANNER OF PLAYING BINGO, SO AS TO PROVIDE THE MANNER IN WHICH CERTAIN DEVICES MUST BE OPERATED; TO AMEND SECTION 12-21-4000, RELATING TO PROCEDURES APPLICABLE TO THE CONDUCT OF BINGO, SO AS TO INCREASE THE ALLOWANCE FOR PROMOTIONS; TO AMEND SECTION 12-21-4005, RELATING TO THE OPERATION OF BINGO GAMES, SO AS TO EXCLUDE CERTAIN RAFFLES; TO AMEND SECTION 12-21-4090, RELATING TO BINGO CHECKING AND SAVINGS ACCOUNTS, SO AS TO ALLOW THE PROMOTER TO MAKE CERTAIN CONTRIBUTIONS AND TO ALLOW FOR ELECTRONIC PAYMENTS; AND TO AMEND SECTION 12-21-4190 RELATING TO THE DISTRIBUTION OF BINGO REVENUES, SO TO

INCREASE THE PERCENTAGE THAT IS DISTRIBUTED TO CHARITY.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 4762 -- Reps. Anthony and Yow: A BILL TO AMEND SECTION 6-1-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIMITATION ON MILLAGE RATE INCREASES AND EXCEPTIONS TO THIS LIMITATION, SO AS TO REVISE THE EXCEPTION TO THIS LIMITATION FOR THE PURCHASE OF CAPITAL EQUIPMENT AND OTHER EXPENDITURES IN A COUNTY HAVING A POPULATION OF LESS THAN ONE HUNDRED THOUSAND PERSONS AND HAVING AT LEAST FORTY THOUSAND ACRES OF STATE FOREST LAND BY CHANGING THE TERM "STATE FOREST LAND" IN THIS EXCEPTION TO THE TERM "STATE OR NATIONAL FOREST LAND".

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 4776 -- Reps. Allison, Erickson, Crosby, Yow, Gagnon, Duckworth, Clary, Govan, Neal, George, Anthony, Willis, Bannister, Bingham, R. L. Brown, Daning, Hayes, Henderson, Hixon, Long, Lucas, V. S. Moss, Murphy, Pope, Simrill, Tallon, Wells, W. J. McLeod, Kennedy and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 158 TO TITLE 59 SO AS TO ENACT THE "SOUTH CAROLINA EDUCATION FACILITY AUTHORITY ACT" IN ORDER TO PROVIDE ASSISTANCE TO ENABLE SCHOOL DISTRICTS TO PROVIDE SCHOOL FACILITIES, TO ESTABLISH A BOARD OF DIRECTORS, TO PROVIDE THE POWERS AND DUTIES OF THE AUTHORITY, TO PROVIDE FOR FUNDING OF THE AUTHORITY, TO AUTHORIZE THE ISSUANCE OF SOUTH CAROLINA EDUCATION FACILITY REVENUE BONDS, AND TO SPECIFY THE MANNER IN WHICH BOND PROCEEDS ARE ALLOCATED TO SCHOOL DISTRICTS.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 5077 -- Rep. White: A BILL TO AMEND SECTION 6-25-113, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF BONDS BY A JOINT AUTHORITY WATER AND SEWER SYSTEM, SO AS TO ALLOW A LIEN TO BE PLACED ON THE AUTHORITY'S PROPERTY IN ACCORDANCE WITH THE REVENUE BOND ACT FOR UTILITIES.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 5078 -- Reps. White and Cobb-Hunter: A BILL TO AMEND SECTION 4-10-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VARIOUS LOCAL SALES AND USE TAXES, SO AS TO DEFINE "GENERAL ELECTION"; TO AMEND SECTIONS 4-10-330 AND 4-10-340, BOTH AS AMENDED, RELATING TO THE CAPITAL PROJECTS SALES TAX ACT, SO AS TO PROVIDE THAT THE TAX MUST TERMINATE ON APRIL THIRTIETH OF AN ODD- OR EVEN-NUMBERED YEAR.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3767 -- Rep. White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-221 SO AS TO PROHIBIT THE LEVY OF CERTAIN PROPERTY TAXES ON REAL PROPERTY OWNED OR LEASED TO CERTAIN CHILDCARE PROVIDERS; TO AMEND SECTION 63-13-20, RELATING TO THE DEFINITION OF TERMS USED IN THE REGULATION OF CHILDCARE FACILITIES, SO AS TO CLARIFY THE TYPES OF DAYTIME PROGRAMS AND DAY CAMPS TO WHICH THE DEFINITION APPLIES; BY ADDING SECTION 63-13-220 SO AS TO PROHIBIT USE OF ABC VOUCHERS BY CERTAIN CHILDCARE FACILITIES AND TO REQUIRE THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS ANNUALLY; AND BY ADDING SECTION 63-13-470 SO AS TO PROVIDE FOR

LICENSING AND APPROVAL REQUIREMENTS FOR PRIVATE CHILDCARE CENTERS AND GROUP CHILDCARE HOMES.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 5006 -- Reps. Lucas, Pope, Merrill, Bradley, Finlay, Stringer, Norman, Ballentine, Felder, Mitchell and King: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 9-16-100 SO AS TO PROHIBIT LOBBYISTS AND PLACEMENT AGENTS FROM CONTACTING CERTAIN INDIVIDUALS CONNECTED WITH THE RETIREMENT SYSTEM INVESTMENT COMMISSION; TO AMEND SECTION 9-4-10, RELATING TO THE PUBLIC EMPLOYEE BENEFIT AUTHORITY, SO AS TO CLARIFY THE BOARD OF THE AUTHORITY IS THE SOLE GOVERNING BODY OF THE AUTHORITY, TO PROVIDE FOR A FIVE YEAR TERM AND STAGGERED TERMS OF BOARD MEMBERS, TO PRESCRIBE MEETING REQUIREMENTS, TO PROVIDE FOR AN EXECUTIVE DIRECTOR, AND TO PROVIDE CERTAIN FIDUCIARY DUTIES; TO AMEND SECTION 9-16-10, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 9-16-315, AS AMENDED, RELATING TO THE RETIREMENT SYSTEM INVESTMENT COMMISSION, SO AS TO ADD A GUBERNATORIAL APPOINTMENT TO THE COMMISSION, TO LIMIT A MEMBER TO TWO TERMS, TO PROVIDE FURTHER QUALIFICATIONS FOR MEMBERS, TO PROVIDE FOR AN EXECUTIVE DIRECTOR, AND TO ALLOW THE COMMISSION TO ENGAGE ATTORNEYS ON A FEE BASIS; TO AMEND SECTION 9-16-380, RELATING TO THE AUDIT OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION, SO AS TO REQUIRE THE AUDIT FIRM BE SELECTED USING THE PROCUREMENT CODE; TO AMEND SECTION 9-16-340, AS AMENDED, RELATING TO THE INVESTMENT OF RETIREMENT SYSTEM FUNDS, SO AS TO REQUIRE A REDUCTION IN THE TOTAL AMOUNT OF FEES PAID; BY ADDING ARTICLE 4 TO CHAPTER 16, TITLE 9 SO AS TO ESTABLISH THE REVIEW AND OVERSIGHT COMMISSION ON THE RETIREMENT SYSTEM INVESTMENT COMMISSION, TO PROVIDE FOR ITS MEMBERSHIP, AND TO PROVIDE FOR ITS SCREENING

DUTIES; TO AMEND SECTION 9-1-1310, AS AMENDED, RELATING TO THE ASSETS OF THE RETIREMENT SYSTEM AND INVESTMENT OF RETIREMENT SYSTEM FUNDS, SO AS TO REQUIRE THE PUBLIC EMPLOYEE BENEFIT AUTHORITY TO HOLD THE ASSETS OF THE RETIREMENT SYSTEM IN A GROUP TRUST, AND TO PROHIBIT INVESTMENTS IN CERTAIN MONEY MORTGAGES AND REAL ESTATE INVESTMENT TRUSTS; AND TO AMEND SECTION 1-3-240, AS AMENDED, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE MEMBERS OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION TO THE LIST OF OFFICERS OR ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 5007 -- Reps. Lucas, Pope, Merrill, Bradley, Finlay, Stringer, Norman, Ballentine, Felder, Mitchell and King: A BILL TO AMEND SECTION 9-16-335, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSUMED RATE OF RETURN FOR RETIREMENT SYSTEM FUNDS, SO AS TO PROVIDE THAT THE ASSUMED RATE OF RETURN EXPIRES EVERY FOUR YEARS UNLESS ACTION IS TAKEN BY THE GENERAL ASSEMBLY, AND IF NOT, THE RATE IS SET BY THE STATE FISCAL ACCOUNTABILITY AUTHORITY; AND TO AMEND SECTION 9-1-1085, RELATING TO EMPLOYER AND EMPLOYEE CONTRIBUTION RATES FOR PURPOSES OF THE RETIREMENT SYSTEM, SO AS TO REDUCE THE AMORTIZATION SCHEDULE FROM THIRTY YEARS TO TWENTY YEARS.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report on:

S. 1191 -- Senators Hembree and Kimpson: A CONCURRENT RESOLUTION TO DISAPPROVE AMENDMENTS TO THE SOUTH CAROLINA RULES OF CRIMINAL PROCEDURE, AS PROMULGATED BY THE SUPREME COURT OF SOUTH

CAROLINA AND SUBMITTED TO THE GENERAL ASSEMBLY PURSUANT TO SECTION 4A, ARTICLE V OF THE CONSTITUTION OF THIS STATE.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4547 -- Reps. Rutherford, Hosey and Alexander: A BILL TO AMEND SECTION 63-19-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "CHILD" AND "JUVENILE" IN THE JUVENILE JUSTICE CODE, SO AS TO CHANGE THE AGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE, WITH EXCEPTIONS; TO AMEND SECTIONS 63-19-1030, 63-19-1210, 63-19-1410, 63-19-1420, 63-19-1440, AS AMENDED, 63-19-1650, AND 63-19-2050, AS AMENDED, ALL RELATING TO JUVENILE JUSTICE, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4387 -- Reps. Bamberg, Henegan, Clyburn, Pitts and Cobb-Hunter: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-1-245 SO AS TO PROVIDE THAT A LAW ENFORCEMENT AGENCY, DEPARTMENT, OR DIVISION MAY NOT REQUIRE ITS OFFICERS TO ISSUE A SPECIFIC AMOUNT OR MEET A QUOTA FOR THE NUMBER OF CITATIONS THEIR OFFICERS ISSUE DURING A DESIGNATED PERIOD OF TIME, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY, DEPARTMENT, OR DIVISION MAY NOT COMPARE THE NUMBER OF CITATIONS ISSUED BY ITS OFFICERS FOR THE PURPOSE OF EVALUATING AN OFFICER'S JOB PERFORMANCE, TO PROVIDE THAT "POINT OF CONTACT" MAY BE USED TO EVALUATE AN OFFICER'S PERFORMANCE, TO PROVIDE THAT AN EMPLOYEE WHO FILES A REPORT THAT ALLEGES A VIOLATION OF THIS SECTION IS PROTECTED BY THE "WHISTLE BLOWER ACT", AND TO PROVIDE DEFINITIONS.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report on:

S. 338 -- Senators S. Martin and Bryant: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 24 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS REGARDING PRISONERS, BY ADDING SECTION 24-13-180 TO PROVIDE THAT ANY PUBLIC, PRIVATE, OR NONPROFIT ENTITY WHICH IS ENGAGED IN HELPING TO REHABILITATE AND REINTRODUCE PAROLED PRISON INMATES INTO THE COMMUNITY AND WHICH AS A PART OF ITS PROGRAM PROVIDES RESIDENTIAL HOUSING IN THE COMMUNITY TO THESE PAROLEES MUST PROVIDE NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COMMUNITY OF THE ADDRESSES WHERE THESE RESIDENTIAL HOUSING FACILITIES WILL BE LOCATED, AND ALSO MUST CONDUCT A PUBLIC HEARING REGARDING THE PROGRAM AND THE LOCATION OF THESE RESIDENTIAL HOUSING FACILITIES IN THE COMMUNITY WHERE THEY WILL BE LOCATED.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 5037 -- Reps. Quinn, Jefferson and Brannon: A BILL TO AMEND SECTION 7-15-385, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ABSENTEE VOTING AND MARKING OF BALLOTS, SO AS TO ELIMINATE THE AUTHORIZATION ALLOWING ANOTHER PERSON TO RETURN THE ABSENTEE BALLOT APPLICANT'S BALLOT FOR HIM, AND TO ELIMINATE THE REQUIREMENT THAT THE ABSENTEE BALLOT APPLICANT'S OATH ON THE RETURN ENVELOPE BE WITNESSED.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3084 -- Reps. Jefferson, Southard, McKnight, Weeks, Whipper, Robinson-Simpson and Mitchell: A BILL TO AMEND SECTION 7-15-380, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING

TO THE OATH OF THE ABSENTEE BALLOT APPLICANT, SO AS TO ELIMINATE THE REQUIREMENT THAT THE ABSENTEE BALLOT APPLICANT'S OATH BE WITNESSED.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4546 -- Reps. Putnam, Clyburn, Robinson-Simpson, Thayer, Collins, Clary, Erickson, Long, Ryhal, Herbkersman, Newton, Jordan, Hicks, McCoy, M. S. McLeod, Douglas, Henegan, Allison, Quinn, Funderburk and Finlay: A BILL TO AMEND SECTION 63-7-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN THE CHILDREN'S CODE, SO AS TO ADD DEFINITIONS FOR "AGE-APPROPRIATE ACTIVITY", "CAREGIVER", AND "STANDARD OF CARE OF A REASONABLE AND PRUDENT PARENT"; TO AMEND SECTION 63-7-1700, AS AMENDED, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR COURT CONSIDERATION OF LOCAL FOSTER CARE REVIEW BOARD RECOMMENDATIONS, TO REQUIRE THE COURT TO TAKE INTO CONSIDERATION RECOMMENDATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, THE LOCAL FOSTER CARE REVIEW BOARD, AND THE GUARDIAN AD LITEM BEFORE APPROVING A PLACEMENT PLAN, AND TO REQUIRE THE COURT TO REVIEW THE DEPARTMENT'S EFFORTS TO ENSURE A FOSTER CHILD HAS THE OPPORTUNITY TO ENGAGE IN AGE-APPROPRIATE ACTIVITIES; TO AMEND SECTION 63-7-2310, RELATING TO THE FOSTER CARE SYSTEM, SO AS TO REQUIRE THE DEPARTMENT TO MAKE EFFORTS TO NORMALIZE THE LIVES OF CHILDREN IN FOSTER CARE BY ENABLING PARTICIPATION IN AGE-APPROPRIATE ACTIVITIES; TO AMEND SECTION 63-11-720, RELATING TO FUNCTIONS AND POWERS OF LOCAL FOSTER CARE REVIEW BOARDS, SO AS TO CHANGE THE FREQUENCY WITH WHICH THESE BOARDS MUST REVIEW CASES OF CHILDREN IN FOSTER CARE AND CERTAIN REPORTING REQUIREMENTS; TO AMEND SECTION 63-11-750, RELATING THE FOSTER CARE REVIEW BOARD'S RIGHT TO PARTICIPATE IN CHILD ABUSE AND NEGLECT JUDICIAL PROCEEDINGS, SO AS TO ALLOW

THE BOARD TO INTRODUCE, EXAMINE, AND CROSS EXAMINE WITNESSES; AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 4835 -- Reps. Erickson, Johnson, Delleney, Loftis, Finlay, Brannon, M. S. McLeod, Pope, Thayer, Long, Atwater, Knight, McCoy, Henegan, Douglas, Horne, Allison, Goldfinch, Gambrell, Newton, Riley, Collins, Clemmons, Duckworth, Funderburk, Gagnon, Henderson, Hicks, D. C. Moss and G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 15, TITLE 63 SO AS TO ENACT THE "SUPPORTING AND STRENGTHENING FAMILIES ACT" TO ALLOW PARENTS AND PERSONS WITH LEGAL CUSTODY OF A CHILD TO DELEGATE CAREGIVING AUTHORITY FOR THE CHILD TEMPORARILY TO AN ADULT BY EXECUTION OF A POWER OF ATTORNEY, TO PROVIDE FOR THE REQUIREMENTS AND LIMITATIONS OF THE DELEGATION OF CAREGIVING AUTHORITY AND THE RIGHT TO REVOKE THE POWER OF ATTORNEY, AND FOR OTHER PURPOSES; TO AMEND SECTION 63-7-920, AS AMENDED, RELATING TO INVESTIGATIONS OF SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE CERTAIN INFORMATION ABOUT COMMUNITY SUPPORTIVE SERVICES TO A PARENT WHEN THE INVESTIGATION DOES NOT RESULT IN PLACEMENT OF THE CHILD OUTSIDE OF THE HOME; AND TO AMEND SECTION 63-13-20, RELATING TO THE DEFINITION OF A CHILDCARE FACILITY, SO AS TO EXCLUDE AN ADULT DESIGNATED AS AN ATTORNEY-IN-FACT FOR A CHILD IN A POWER OF ATTORNEY EXECUTED PURSUANT TO ARTICLE 7, CHAPTER 15, TITLE 63.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 5248 -- Reps. G. A. Brown, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield,

Bernstein, Bingham, Bowers, Bradley, Brannon, R. L. Brown, Burns, Chumley, Clary, 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, 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 EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF JUDITH "JUDY" HALL TISDALE OF LEE COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5249 -- Reps. G. A. Brown, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, R. L. Brown, Burns, Chumley, Clary, 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, 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 EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF JAMES KENNEDY ALEXANDER OF LEE COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 5250 -- Rep. Howard: A CONCURRENT RESOLUTION TO COMMEND THE BOYS & GIRLS CLUBS OF SOUTH CAROLINA FOR THEIR WONDERFUL EFFORTS IN HELPING SOUTH CAROLINA'S YOUTH PREPARE FOR A PRODUCTIVE LIFE AND TO RECOGNIZE THE THIRTEEN YOUNG PEOPLE FROM DIFFERENT BOYS & GIRLS CLUBS THROUGHOUT THE STATE WHO HAVE BEEN NAMED 2016 YOUTH OF THE YEAR BY THE SOUTH CAROLINA ALLIANCE OF BOYS & GIRLS CLUBS.

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

CONCURRENT RESOLUTION

The following was introduced:

H. 5251 -- Reps. Funderburk, Bales, G. A. Brown and Lucas: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE JOYCE MCDONALD, KERSHAW COUNTY CLERK OF COURT, UPON THE OCCASION OF HER RETIREMENT AFTER TWENTY-FOUR YEARS OF EXEMPLARY SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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

CONCURRENT RESOLUTION

The following was introduced:

H. 5252 -- Reps. Pope, Hamilton, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, 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, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, 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, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, 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 CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF ALL OF SOUTH CAROLINA'S CHILDREN AND TO DECLARE MAY 14, 2016, "CHILDHOOD APRAXIA OF SPEECH DAY" IN THE STATE OF SOUTH CAROLINA.

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

INTRODUCTION OF BILLS

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

H. 5253 -- Rep. Henderson: A JOINT RESOLUTION TO CREATE THE "SEIZURE SAFETY IN SCHOOLS STUDY COMMITTEE" TO EXAMINE ISSUES RELATED TO EPILEPSY AND SEIZURE SAFETY AWARENESS IN PUBLIC SCHOOLS, TO PROVIDE FOR

THE MEMBERSHIP OF THE STUDY COMMITTEE, AND TO PROVIDE FOR THE STUDY COMMITTEE'S TERMINATION.

Rep. HENDERSON asked unanimous consent to have the Bill placed on the Calendar without reference.

Rep. HILL objected.

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

H. 5254 -- Rep. Felder: A BILL TO AMEND SECTION 57-5-1620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S DUTY TO ADVERTISE AND AWARD CERTAIN CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT ALSO MUST POST A NOTICE OF CERTAIN CONTRACTS AT THE LOCATION OF THE PROJECT BEFORE THE CONTRACT MAY BE AWARDED.

Referred to Committee on Education and Public Works

S. 985 -- Senator Leatherman: A BILL TO AMEND SECTION 4 OF ACT 250 OF 1991, AS AMENDED BY ACT 168 OF 1995, RELATING TO ELECTIONS FOR MEMBERS OF THE BOARD OF TRUSTEES FOR FLORENCE COUNTY SCHOOL DISTRICT FIVE, TO PROVIDE THAT THE FLORENCE COUNTY ELECTION COMMISSION SHALL CONDUCT THE ELECTIONS AND TO PROVIDE THAT THE ELECTIONS SHALL OCCUR ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EACH YEAR, AND TO PROVIDE FOR THE LOCATIONS WHERE THE ELECTION COMMISSION SHALL CONDUCT THE ELECTION.

On motion of Rep. KIRBY, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

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

RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 5215 -- Rep. White: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE SEVENTH ANNUAL SOUTH CAROLINA EMS MEMORIAL BIKE RIDE TO HONOR THOSE

WHO HAVE GIVEN OF THEMSELVES WHILE RENDERING AID TO THE CITIZENS OF SOUTH CAROLINA.

ADJOURNMENT

At 12:46 p.m. the House, in accordance with the motion of Rep. TAYLOR, adjourned in memory of Elizabeth "Lisa" Chesser Hosang, to meet at 10:00 a.m. tomorrow.

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