~~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 Isaiah 55:6: “Seek the Lord while he may be found, call upon Him while He is near.”

Let us pray. O Lord our God, we come to You today seeking Your blessings and guidance upon these Representatives. Give them the strength, wisdom, courage, and integrity to complete their work. Encourage them to work together to accomplish great things. May Your spirit dwell on our Nation, President, State, Governor, Speaker, staff, and all who diligently work in these Halls of Government. Protect our defenders of freedom, at home and abroad, as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors. Lord, in Your mercy, hear our prayer. Amen.

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

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

**MOTION ADOPTED**

Rep. CLEMMONS moved that when the House adjourns, it adjourn in memory of Hazel H. Hatchell, Jr., of Myrtle Beach, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for the workers and volunteer firemen who have been affected by the deadly fire and chemical explosion in a plant in West, Texas.

**REGULATIONS WITHDRAWN AND RESUBMITTED**

Document No. 4336

Agency: Board of Cosmetology

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-60

Requirements of Licensure in the Field of Cosmetology (Educational Requirements)

Received by Speaker of the House of Representatives February 27, 2013

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration February 3, 2014

Revised: February 4, 2014

Document No. 4337

Agency: Board of Cosmetology

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-60

Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)

Received by Speaker of the House of Representatives February 27, 2013

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration February 3, 2014

Revised: February 4, 2014

**MESSAGE FROM THE SENATE**

The following was received:

Columbia, S.C., April 18, 2013

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber by 12:00 noon today for the purpose of ratifying Acts.

Very respectfully,

President

On motion of Rep. WELLS the invitation was accepted.

**REPORTS OF STANDING COMMITTEES**

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3631 -- Reps. Daning, Crosby, Sottile, Atwater and Sabb: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-115 SO AS TO PROVIDE FOR THE ISSUANCE OF GOLF CART PERMITS, TO REGULATE THE OPERATION OF GOLF CARTS, AND TO PROVIDE A PENALTY; AND TO REPEAL SECTION 56-2-105 RELATING TO THE ISSUANCE OF GOLF CART PERMITS AND THE OPERATION OF GOLF CARTS.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3725 -- Reps. Putnam, Ballentine, Patrick, Huggins, H. A. Crawford, Mitchell, Allison, Barfield, Chumley, Felder, Gagnon, Henderson, Hixon, Owens, Rivers, Ryhal, Simrill, Spires, Stringer, Taylor, Willis, Wood, Sellers, Long and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SAFE ACCESS TO VITAL EPINEPHRINE (SAVE) ACT"; BY ADDING SECTION 59-63-95 SO AS TO ALLOW SCHOOL DISTRICT AND PRIVATE SCHOOL GOVERNING AUTHORITIES TO OBTAIN SUPPLIES OF EPINEPHRINE AUTO-INJECTORS FOR SCHOOLS TO USE IN CERTAIN CIRCUMSTANCES; TO AUTHORIZE CERTAIN PEOPLE TO PRESCRIBE AND DISPENSE PRESCRIPTIONS FOR EPINEPHRINE AUTO-INJECTORS; TO AUTHORIZE CERTAIN SCHOOL PERSONNEL TO PROVIDE EPINEPHRINE AUTO-INJECTORS TO STUDENTS FOR SELF-ADMINISTRATION OF THE INJECTOR; TO AUTHORIZE CERTAIN PERSONNEL TO ADMINISTER EPINEPHRINE AUTO-INJECTORS TO STUDENTS AND OTHER PEOPLE; TO PROVIDE FOR THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND SCHOOL DISTRICT AND PRIVATE SCHOOL GOVERNING AUTHORITIES TO DEVELOP AND FACILITATE IMPLEMENTATION OF GUIDELINES FOR MANAGEMENT OF STUDENTS WITH LIFE-THREATENING ALLERGIES, INCLUDING FOR ADMINISTRATION AND PROVISION OF EPINEPHRINE AUTO-INJECTORS TO STUDENTS AND OTHER PEOPLE; AND TO PROVIDE FOR IMMUNITY FROM LIABILITY WITH REGARD TO USE OF EPINEPHRINE AUTO-INJECTORS BY SCHOOLS.

Ordered for consideration tomorrow.

Rep. OWENS, from the Committee on Education and Public Works, submitted a favorable report with amendments on:

H. 3853 -- Reps. Owens, Patrick, Bedingfield, Loftis, Taylor, Allison, Anthony, Brannon, Southard, Bowen, Whitmire, Limehouse, Cole, Erickson, Forrester, Harrell, Herbkersman, Hixon, Lucas, D. C. Moss, Norman, Pitts, Pope, Putnam, Simrill, G. R. Smith, Sottile, Stringer, Wells and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-111 SO AS TO AUTHORIZE AN ALTERNATIVE EDUCATION CAMPUS (AEC) TO BE ESTABLISHED BY A CHARTER SCHOOL SPONSOR WHICH SHALL CONSTITUTE A CHARTER SCHOOL SERVING A SPECIFIC STUDENT POPULATION, AND TO PROVIDE THE CRITERIA FOR A CHARTER SCHOOL TO BE DESIGNATED AS AN AEC; TO AMEND SECTION 59-40-55, RELATING TO A CHARTER SCHOOL SPONSOR'S POWERS AND DUTIES, SO AS TO FURTHER PROVIDE FOR THESE POWERS AND DUTIES INCLUDING THE ADOPTION OF NATIONAL INDUSTRY STANDARDS FOR THE SCHOOL, AND THE CLOSURE OF LOW PERFORMING SCHOOLS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO CHARTER SCHOOL APPLICATIONS AND THE FORMATION OF CHARTER SCHOOLS, SO AS TO PROVIDE THAT THE CHARTER SCHOOL APPLICATION MUST BE BASED ON AN APPLICATION TEMPLATE WITH COMPLIANCE GUIDELINES DEVELOPED BY THE DEPARTMENT OF EDUCATION, AND TO FURTHER PROVIDE FOR THE CONTENTS OF THE APPLICATION AND FOR LETTERS OF INTENT TO BE SUBMITTED BY AN APPLICANT AND A CHARTER COMMITTEE; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE AND ITS DUTY TO REVIEW CHARTER SCHOOL APPLICATIONS, SO AS TO DELETE THE COMMITTEE, TO REVISE THE PROCEDURES REQUIRED OF A CHARTER SCHOOL APPLICANT IN REGARD TO A CHARTER SCHOOL APPLICATION, TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL PROVIDE GUIDANCE ON COMPLIANCE TO BOTH SPONSORS AND APPLICANTS, AND TO FURTHER PROVIDE FOR THE STANDARDS FOR A SCHOOL BOARD OF TRUSTEES OR AREA COMMISSION TO FOLLOW WHEN CONSIDERING THE DENIAL OF AN APPLICATION; TO AMEND SECTION 59-40-90, AS AMENDED, RELATING TO APPEAL OF FINAL DECISIONS OF A SCHOOL DISTRICT TO THE ADMINISTRATION LAW COURT, SO AS TO ALSO INCLUDE FINAL DECISIONS OF A PUBLIC OR INDEPENDENT INSTITUTION OF HIGHER LEARNING SPONSOR; TO AMEND SECTION 59-40-110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER SCHOOL SPONSOR AND THE RENEWAL OR TERMINATION OF A CHARTER BY THE SPONSOR, SO AS TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN A CHARTER SCHOOL SHALL AUTOMATICALLY AND PERMANENTLY CLOSE, TO REVISE THE CRITERIA TO CONSIDER WHEN REVOKING OR NOT RENEWING A CHARTER, TO PROVIDE FOR WHEN A SPONSOR SUMMARILY MAY REVOKE A CHARTER, AND TO PROVIDE FOR THE MANNER IN WHICH STAYS OF THE REVOCATION OR NONRENEWAL OF THE CHARTER TAKE EFFECT OR MAY BE GRANTED; TO AMEND SECTION 59-40-115, AS AMENDED, RELATING TO THE TERMINATION OF A CHARTER SCHOOL'S CONTRACT WITH A SPONSOR, SO AS TO DELETE A REFERENCE TO THE CHARTER SCHOOL ADVISORY COMMITTEE; AND TO AMEND SECTION 59-40-180, AS AMENDED, RELATING TO REGULATIONS AND GUIDELINES PERTAINING TO CHARTER SCHOOLS, SO AS TO DELETE A REFERENCE TO THE CHARTER SCHOOL ADVISORY COMMITTEE.

Ordered for consideration tomorrow.

Rep. HARDWICK, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3847 -- Reps. Hiott and Hardwick: A BILL TO AMEND SECTION 48-60-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR TERMS USED IN THE SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT OF 2010, SO AS TO ADD, AMONG OTHER DEFINITIONS, TERMS RELATED TO COMPUTER MONITORS; TO AMEND SECTION 48-60-30, RELATING TO REQUIREMENTS OF CERTAIN MANUFACTURERS TO PROVIDE LABELS ON DEVICES INDICATING THE BRAND, SO AS TO REQUIRE COMPUTER MONITOR MANUFACTURERS TO DO SO; TO AMEND SECTION 48-60-50, RELATING TO THE REQUIREMENT FOR TELEVISION MANUFACTURERS TO PROVIDE A RECOVERY PROGRAM FOR RECYCLING TELEVISIONS, SO AS TO REQUIRE COMPUTER MONITOR MANUFACTURERS TO DO SO; BY ADDING SECTION 48-60-55 SO AS TO PROVIDE FOR THE CREATION AND OPERATION OF STATEWIDE CONSUMER ELECTRONIC DEVICE STEWARDSHIP PROGRAMS AND THE DEVELOPMENT AND IMPLEMENTATION OF RELATED RECOVERY PLANS, INCLUDING REQUIREMENTS FOR APPROVAL OF PLANS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND TO ESTABLISH OTHER RESPONSIBILITIES AND AUTHORITY OF THE DEPARTMENT AND REQUIREMENTS OF REGULATED MANUFACTURERS; TO AMEND SECTION 48-60-60, RELATING TO PROTECTION FROM LIABILITY FOR CERTAIN DAMAGES, SO AS TO APPLY TO COMPUTER MONITOR MANUFACTURERS; TO AMEND SECTION 48-60-70, RELATING TO RETAILER SALE REQUIREMENTS, SO AS TO PROHIBIT RETAILERS FROM SELLING DEVICES MADE BY MANUFACTURERS WHO DO NOT COMPLY WITH THE REQUIREMENTS OF SECTION 48-60-55; TO AMEND SECTION 48-60-90, RELATING TO DISCARDING OR PLACING COVERED DEVICES IN A WASTE STREAM, TO PROHIBIT COMPONENTS OF COVERED DEVICES; TO AMEND SECTION 48-60-100, RELATING TO RECOVERY PROCESS FEES, SO AS TO LIMIT THE ABILITY OF LOCAL GOVERNMENTS TO CHARGE CERTAIN FEES; TO AMEND SECTION 48-60-140, RELATING TO REQUIREMENTS THAT RECOVERY PROCESSES COMPLY WITH STATE AND FEDERAL LAW, SO AS TO REQUIRE RECYCLING OR REUSE FACILITIES TO MAINTAIN CERTIFICATION, TO IDENTIFY APPROVED CERTIFICATION PROGRAMS, AND TO REQUIRE MANUFACTURERS AND GOVERNMENTS ONLY TO USE FACILITIES THAT HAVE APPROPRIATE CERTIFICATION; TO AMEND SECTION 48-60-150, RELATING TO THE DEPARTMENT'S PROMULGATION OF REGULATIONS, SO AS TO ELIMINATE THE RIGHT TO CHARGE CERTAIN FEES TO MANUFACTURERS; BY ADDING SECTION 48-60-160 SO AS TO PROVIDE FOR CERTAIN FEES AND PENALTIES; BY ADDING SECTION 48-60-170 SO AS TO SET FORTH THE PURPOSES OF THE CHAPTER AND CERTAIN LIMITATIONS ON LIABILITY; TO PROVIDE EXPIRATION DATES FOR REGULATIONS PROMULGATED PURSUANT TO THIS CHAPTER, AND TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTION 48-60-50 JUNE 30, 2014, AND CERTAIN OTHER PROVISIONS JUNE 30, 2020.

Ordered for consideration tomorrow.

Rep. HARDWICK, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3774 -- Reps. Loftis, Hardwick, Clemmons, Hamilton, Huggins, J. R. Smith, Goldfinch, Hixon, Ryhal, Sottile and Spires: A JOINT RESOLUTION TO SUSPEND THE RUNNING OF CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE FOR THE PERIOD BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2017; AND TO PROVIDE GOVERNMENTAL ENTITIES ISSUING SUCH APPROVALS SHALL PUBLISH NOTICE IN THE STATE REGISTER LISTING THE TYPES OF THESE APPROVALS IT ISSUES AND NOTING THE SUSPENSION OF THE RUNNING OF THE PERIOD OF THE APPROVAL AND TO PROVIDE AN EXCEPTION FOR UNITS OF LOCAL GOVERNMENT.

Ordered for consideration tomorrow.

Rep. HARDWICK, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report on:

H. 3925 -- Rep. Hardwick: A BILL TO AMEND SECTION 48-1-90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITING THE DISCHARGE OF POLLUTANTS INTO THE ENVIRONMENT AND REMEDIES FOR VIOLATIONS, SO AS TO CLARIFY PERSONS WHO MAY FILE A PETITION WITH THE DEPARTMENT DO NOT INCLUDE CERTAIN AGENCIES AND DEPARTMENTS OF THE STATE AND TO PROVIDE THAT ANY DECISION OF THE DEPARTMENT WITH RESPECT TO THE TYPE OF REVIEW OBTAINED IS NOT SUBJECT TO JUDICIAL REVIEW; TO AMEND SECTION 48-1-250, AS AMENDED, RELATING TO WHOM BENEFITS FROM CAUSES OF ACTION RESULTING FROM POLLUTION VIOLATIONS INURE, SO AS TO PROVIDE THAT NOTWITHSTANDING ANY OTHER PROVISION OF LAW NO PRIVATE CAUSE OF ACTION IS CREATED BY OR EXISTS UNDER THE POLLUTION CONTROL ACT; AND TO AMEND SECTION 6 OF ACT 198 OF 2012, RELATING TO THE SAVINGS CLAUSE, SO AS TO PROVIDE THAT THE SAVINGS CLAUSE OF ACT 198 OF 2012 APPLIES ONLY TO CASES FILED BEFORE JUNE 6, 2012, AND TO ANY FEDERAL PROJECT FOR WHICH A FINAL ENVIRONMENTAL IMPACT STATEMENT WAS ISSUED PRIOR TO JUNE 6, 2012, BUT NO RECORD OF DECISION WAS ISSUED PRIOR TO JUNE 6, 2012.

Ordered for consideration tomorrow.

Rep. HARDWICK, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3735 -- Reps. Goldfinch, Hardwick, H. A. Crawford, Huggins, Hardee, Clemmons, Vick, Finlay, Chumley, Hamilton, Herbkersman, Hiott, Hixon, V. S. Moss, Owens, Pitts, Sottile, Wells, Wood, Powers Norrell and Knight: A BILL TO AMEND SECTION 50-5-2730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE'S ADOPTION OF CERTAIN FEDERAL LAWS AND REGULATIONS THAT REGULATE THE TAKING OF FISH IN STATE WATERS, SO AS TO PROVIDE THAT LAWS AND REGULATIONS DO NOT APPLY TO BLACK SEA BASS (CENTROPRIATES STRIATA), TO PROVIDE A LAWFUL CATCH LIMIT AND SIZE FOR THIS SPECIES OF FISH, AND TO PROVIDE THAT THERE IS NO CLOSED SEASON ON THE CATCHING OF BLACK SEA BASS (CENTROPRIATES STRIATA).

Ordered for consideration tomorrow.

Rep. HARDWICK, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3762 -- Reps. Ott, Skelton, Hardwick, Hodges, Knight, Bales, Jefferson, Parks, Sellers, Finlay, Funderburk, Gagnon, Gambrell, George, Hayes, Hiott, Hixon, Horne, Lowe, D. C. Moss, Norman, Pitts, Putnam, Riley, White and Williams: A BILL TO AMEND SECTIONS 50-11-740, AS AMENDED, AND 50-11-745, RELATING TO THE CONFISCATION, FORFEITURE, SALE, AND RELEASE OF PROPERTY USED FOR THE UNLAWFUL HUNTING OF WILDLIFE, SO AS TO PROVIDE ADDITIONAL TYPES OF PROPERTY THAT ARE COVERED BY BOTH PROVISIONS, AND TO REVISE THE PENALTIES THAT MAY BE IMPOSED FOR THE UNLAWFUL HUNTING OF WILDLIFE.

Ordered for consideration tomorrow.

Rep. HARDWICK, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3827 -- Reps. Pitts and Loftis: A BILL TO AMEND SECTION 44-1-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REQUESTS FOR FINAL REVIEW OF A DECISION OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS BEFORE REQUESTING A CONTESTED CASE HEARING BEFORE THE ADMINISTRATIVE LAW COURT, SO AS TO DELETE PROVISIONS ESTABLISHING INITIAL DECISIONS INVOLVING ACTIONS OF THE DEPARTMENT AS STAFF DECISIONS WHICH BECOME DEPARTMENT DECISIONS AND ULTIMATELY FINAL AGENCY DECISIONS IF NOT APPEALED TO THE BOARD AND TO INSTEAD PROVIDE THAT INITIAL STAFF DECISIONS ARE DEPARTMENT DECISIONS AND FINAL AGENCY DECISIONS IF NOT APPEALED AND THAT SUCH APPEALS MUST BE MADE TO THE ADMINISTRATIVE LAW COURT.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3464 -- Reps. Allison, Brannon, Erickson, Bedingfield, Taylor, Kennedy, Clyburn, Anderson, G. A. Brown, Clemmons, H. A. Crawford, Douglas, Forrester, Goldfinch, Hamilton, Hardwick, Hixon, Horne, Hosey, Nanney, Pope, Powers Norrell, G. R. Smith, J. R. Smith, Stringer, Wood and Felder: A BILL TO AMEND SECTION 63-7-730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXPEDITED RELATIVE PLACEMENTS OF CHILDREN AT THE PROBABLE CAUSE HEARING, SO AS TO ENCOURAGE PLACEMENT OF THE CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE UNDER CERTAIN CIRCUMSTANCES; TO SET FORTH CRITERIA FOR THE COURT TO CONSIDER WHEN DECIDING WHETHER TO PLACE A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE AT THE PROBABLE CAUSE HEARING; AND TO PROVIDE THAT IF THE COURT PLACES A CHILD WITH A GRANDPARENT OR OTHER RELATIVE OF THE FIRST OR SECOND DEGREE AT THE PROBABLE CAUSE HEARING, THE INDIVIDUAL MUST BE ADDED AS A PARTY TO THE ACTION FOR THE DURATION OF THE CASE OR UNTIL FURTHER ORDER OF THE COURT.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3945 -- Reps. G. M. Smith, Harrell, Lucas, Bannister, Toole, Stringer, Hamilton, Sottile, Barfield, Bingham, Spires, Hardwick, Burns, Brannon, Owens, Hiott, R. L. Brown, Branham, Allison, Forrester, Long, Erickson, Murphy, Horne, Willis, Gagnon, Simrill and Funderburk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 13, TITLE 8 SO AS TO ESTABLISH THE SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE, TO PROVIDE FOR ITS POWERS, DUTIES, PROCEDURES, AND JURISDICTION, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO REPEAL ARTICLE 3, CHAPTER 13, TITLE 8 RELATING TO THE STATE ETHICS COMMISSION; TO REPEAL ARTICLE 5, CHAPTER 13, TITLE 8 RELATING TO THE HOUSE OF REPRESENTATIVES AND SENATE ETHICS COMMITTEES; TO AMEND SECTION 8-13-100, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8-13-700, AS AMENDED, RELATING TO USE OF AN OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN, SO AS TO PROVIDE THAT IF A MEMBER OF THE GENERAL ASSEMBLY DETERMINES THAT HE HAS A CONFLICT OF INTEREST, HE MUST COMPLY WITH CERTAIN REQUIREMENTS BEFORE ABSTAINING FROM ALL VOTES ON THE MATTER, AND TO PROVIDE FOR WHEN A PUBLIC OFFICIAL WHO IS REQUIRED TO RECUSE HIMSELF FROM A MATTER MUST DO SO; TO AMEND SECTION 8-13-740, AS AMENDED, RELATING TO REPRESENTATION OF ANOTHER PERSON BY A PUBLIC OFFICIAL BEFORE A GOVERNMENTAL ENTITY, SO AS TO FURTHER DELINEATE WHAT IS CONSIDERED A CONTESTED CASE WHEN REPRESENTATION BY A MEMBER OF THE GENERAL ASSEMBLY IS PERMITTED; TO AMEND SECTION 8-13-745, RELATING TO PAID REPRESENTATION OF CLIENTS AND CONTRACTING BY A MEMBER OF THE GENERAL ASSEMBLY OR AN ASSOCIATE IN PARTICULAR SITUATIONS, SO AS TO DELETE A PROHIBITION AGAINST CERTAIN CONTRACTS WITH AN ENTITY FUNDED WITH GENERAL FUNDS; TO AMEND SECTION 8-13-1120, AS AMENDED, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTEREST, SO AS TO FURTHER PROVIDE FOR THESE CONTENTS; TO AMEND SECTION 8-13-1300, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO CAMPAIGN PRACTICES, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8-13-1318, RELATING TO ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBTS, SO AS TO REQUIRE ANY SUCH CONTRIBUTIONS TO BE USED FOR THIS PURPOSE ONLY; TO AMEND SECTION 8-13-1338, RELATING TO PERSONS WHO MAY NOT SOLICIT CONTRIBUTIONS, SO AS TO INCLUDE THE HEAD OF ANY STATE AGENCY WHO IS SELECTED BY THE GOVERNOR, THE GENERAL ASSEMBLY, OR AN APPOINTED OR ELECTED BOARD; TO AMEND SECTION 8-13-1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER OR THROUGH COMMITTEES CONTROLLED BY A CANDIDATE, SO AS TO DELETE AN EXCEPTION FOR A COMMITTEE CONTROLLED BY A CANDIDATE IF IT IS THE ONLY SUCH COMMITTEE, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 8-13-1510 AND 8-13-1520, BOTH AS AMENDED, RELATING TO PENALTIES FOR ETHICAL AND OTHER VIOLATIONS, AND BY ADDING SECTION 8-13-1530 SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS AND FOR WHERE CERTAIN WILFUL VIOLATIONS MUST BE TRIED; AND TO REPEAL SECTIONS 8-13-710 AND 8-13-715 RELATING TO REPORTING OF PARTICULAR GIFTS AND AUTHORIZED REIMBURSEMENTS FOR SPEAKING ENGAGEMENTS.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 3366 -- Reps. J. E. Smith, Long, Delleney, Skelton, Huggins, Allison, Toole, Felder, Cobb-Hunter and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-66-75 SO AS TO REQUIRE A HEALTH CARE PROVIDER TO GIVE A PATIENT AN OPPORTUNITY TO AUTHORIZE DISCLOSURE OF CERTAIN INFORMATION TO DESIGNATED FAMILY MEMBERS AND OTHER INDIVIDUALS AND TO AUTHORIZE THE INVOLVEMENT OF THESE FAMILY MEMBERS AND OTHER INDIVIDUALS IN THE TREATMENT OF THE PATIENT; TO SPECIFY WHEN THE OPPORTUNITY TO SIGN AN AUTHORIZATION MUST BE PROVIDED TO A PATIENT AND TO SPECIFY THE CONTENTS OF THE AUTHORIZATION; AND TO PROVIDE CIVIL AND CRIMINAL IMMUNITY FOR GOOD FAITH DISCLOSURE OF INFORMATION; AND TO AMEND SECTION 44-66-20, AS AMENDED, RELATING TO DEFINITIONS IN THE ADULT HEALTH CARE CONSENT ACT, SO AS TO DEFINE "PATIENT" AND "TREATMENT" AND TO AMEND OTHER DEFINITIONS.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 3618 -- Reps. K. R. Crawford, Sandifer, Whitmire and Cobb-Hunter: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-47-938 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PHYSICIAN MAY ENTER A SUPERVISORY RELATIONSHIP WITH A PHYSICIAN ASSISTANT; TO AMEND SECTION 40-47-910, RELATING TO DEFINITIONS IN THE PHYSICIAN ASSISTANTS PRACTICE ACT, SO AS TO ADD AND REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 40-47-940, RELATING TO APPLICATION FOR LICENSURE, SO AS TO DELETE CERTAIN APPLICATION REQUIREMENTS; TO AMEND SECTION 40-47-945, RELATING TO CONDITIONS FOR GRANTING PERMANENT LICENSURE, SO AS TO DELETE REQUIREMENTS THAT AN APPLICANT APPEAR BEFORE THE BOARD WITH HIS SUPERVISING PHYSICIAN AND HIS SCOPE OF PRACTICE GUIDELINES, AND TO DELETE THE PROHIBITION AGAINST THE APPROVAL OF A SUPERVISING PHYSICIAN OF ON-THE-JOB TRAINING OR TASKS NOT LISTED ON THE APPLICATION FOR LIMITED LICENSURE AS A PHYSICIAN ASSISTANT; TO AMEND SECTION 40-47-955, RELATING TO PHYSICAL PRESENCE REQUIREMENTS OF THE SUPERVISING PHYSICIAN OF A PHYSICIAN ASSISTANT, SO AS TO DELETE EXISTING REQUIREMENTS CONCERNING ON-SITE SETTINGS AND TO PROVIDE WHERE AND HOW A PHYSICIAN ASSISTANT MAY PRACTICE, TO REVISE PROVISIONS CONCERNING OFF-SITE SETTINGS, AND TO REVISE CERTAIN REQUIREMENTS OF A SUPERVISING PHYSICIAN; TO AMEND SECTION 40-47-960, RELATING TO MINIMUM REQUIREMENTS FOR SCOPE OF PRACTICE GUIDELINES FOR PHYSICIAN ASSISTANTS, SO AS TO INCLUDE THE IMMEDIATE CONSULTATION BETWEEN THE PHYSICIAN ASSISTANT AND HIS PRIMARY OR SUPERVISING PHYSICIAN; TO AMEND SECTION 40-47-965, RELATING TO THE AUTHORITY OF A PHYSICIAN ASSISTANT TO REQUEST OR RECEIVE PROFESSIONAL SAMPLES OF DRUGS AUTHORIZED UNDER HIS SCOPE OF PRACTICE GUIDELINES, SO AS TO DELETE THE PROHIBITION AGAINST REQUESTING OR RECEIVING PROFESSIONAL SAMPLES OF SCHEDULE II CONTROLLED SUBSTANCES; TO AMEND SECTION 40-47-970, RELATING TO THE PRESCRIBING OF DRUGS BY A PHYSICIAN ASSISTANT, SO AS TO AS TO DELETE A PROHIBITION AGAINST PRESCRIBING SCHEDULE II CONTROLLED SUBSTANCES; TO AMEND SECTION 40-47-975, RELATING TO THE AUTHORITY OF A SUPERVISING PHYSICIAN TO REQUEST PERMISSION FROM THE BOARD FOR A PHYSICIAN ASSISTANT UNDER HIS SUPERVISION TO RECEIVE ON-THE-JOB TRAINING, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE THAT A SUPERVISING PHYSICIAN MAY DETERMINE WHETHER A PHYSICIAN ASSISTANT UNDER HIS SUPERVISION NEEDS ADDITIONAL TRAINING OR EDUCATION, THAT THE PHYSICIAN AND PHYSICIAN ASSISTANT MAY JOINTLY DETERMINE THE MEANS OF PROVIDING THIS TRAINING OR EDUCATION, AND THAT CERTAIN RELATED INFORMATION MUST BE SUBMITTED TO THE BOARD OF MEDICAL EXAMINERS AND THE PHYSICIAN ASSISTANT COMMITTEE FOR THE APPROVAL OF EACH; TO AMEND SECTION 40-47-995, RELATING TO THE TERMINATION OF A SUPERVISORY RELATIONSHIP BETWEEN A PHYSICIAN AND PHYSICIAN ASSISTANT, SO AS TO PROVIDE THAT UPON THIS TERMINATION THE PRACTICE OF THE PHYSICIAN ASSISTANT MUST CEASE UNTIL NEW SCOPE OF PRACTICE GUIDELINES, RATHER THAN A NEW APPLICATION, ARE SUBMITTED BY A NEW SUPERVISING PHYSICIAN TO THE BOARD; AND TO REPEAL SECTION 40-47-980 RELATING TO THE TREATMENT OF PATIENTS IN CHRONIC CARE AND LONG-TERM CARE FACILITIES.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 3223 -- Rep. White: A BILL TO AMEND SECTIONS 1-11-55, AS AMENDED, 1-11-425, 1-23-120, AS AMENDED, 2-1-230, 2-3-75, 2-13-60, 2-13-180, 2-13-190, AS AMENDED, 2-13-200, 2-13-210, 11-35-310, 11-53-20, AND 29-6-250, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING, IN WHOLE OR IN PART, TO THE OFFICE OF LEGISLATIVE PRINTING, INFORMATION AND TECHNOLOGY SYSTEMS (LPITS), SO AS TO CHANGE THE NAME OF THIS OFFICE TO THE LEGISLATIVE SERVICES AGENCY (LSA).

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 3258 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-11-780 SO AS TO PROVIDE THAT A LEAVE DONOR UNDER THE STATE EMPLOYEES LEAVE TRANSFER PROGRAM ALSO MAY DONATE SICK LEAVE OR ANNUAL LEAVE, OR BOTH, TO A SPECIFIC LEAVE RECIPIENT RATHER THAN TO THE LEAVE POOL ACCOUNT IN THE MANNER THE HUMAN RESOURCE MANAGEMENT DIVISION SHALL DIRECT.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 3860 -- Rep. White: A BILL TO AMEND SECTION 11-35-3005, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROJECT DELIVERY METHODS AUTHORIZED FOR PROCUREMENT OF INFRASTRUCTURE FACILITIES UNDER THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE, SO AS TO PROVIDE THAT AN ENTITY OR INDIVIDUAL OFFERING TO CONTRACT FOR DESIGN-BUILD, DESIGN-BUILD-OPERATE-MAINTAIN, OR DESIGN-BUILD-FINANCE-OPERATE-MAINTAIN PROJECT DELIVERY METHODS IS NOT REQUIRED TO HOLD A LICENSE OTHERWISE REQUIRED BY TITLE 40, SO LONG AS THE PERSON WHO ACTUALLY PERFORMS WORK REGULATED BY TITLE 40 HOLDS THE APPROPRIATE LICENSE; AND TO AMEND SECTION 11-35-3030, RELATING TO BOND AND SECURITY UNDER THE CONSOLIDATED PROCUREMENT CODE, SO AS TO REQUIRE PERFORMANCE AND PAYMENT BONDS EQUAL TO ONE HUNDRED PERCENT OF THE VALUE OF DESIGNATED PORTIONS OF CONSTRUCTION, PRIOR TO THE COMMENCEMENT OF WORK ON THOSE PORTIONS OF THE PROJECT.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 3784 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 59-114-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM, SO AS TO CLARIFY THAT EACH ACADEMIC YEAR'S ANNUAL MAXIMUM GRANT MUST BE BASED ON THE AMOUNT OF AVAILABLE PROGRAM FUNDS; TO AMEND SECTION 59-114-40, AS AMENDED, RELATING TO THE NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM QUALIFICATION REQUIREMENTS, SO AS TO PROVIDE THAT NATIONAL GUARD MEMBERS BECOME ELIGIBLE FOR COLLEGE ASSISTANCE PROGRAM GRANTS UPON COMPLETION OF BASIC TRAINING AND ADVANCED INDIVIDUAL TRAINING; AND TO AMEND SECTION 59-114-65, RELATING TO GRANT AVAILABILITY, SO AS TO ALLOW APPROPRIATIONS TO THE NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM TO BE CARRIED FORWARD TO A SUBSEQUENT FISCAL YEAR AND EXPENDED FOR THE SAME PURPOSE, AND TO EXEMPT APPROPRIATIONS TO THE NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM FROM MIDYEAR BUDGET REDUCTIONS.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3896 -- Reps. Merrill, White and Limehouse: A BILL TO AMEND SECTION 59-4-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIMITATION ON TUITION INCREASES UNDER THE SOUTH CAROLINA TUITION PREPAYMENT PROGRAM, SO AS TO PROVIDE THAT, BEGINNING WITH THE 2013-2014 SCHOOL YEAR, A PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE SHALL ACCEPT AS FULL PAYMENT OF ALL TUITION AND FEES DUE FOR THOSE IN-STATE UNDERGRADUATE STUDENTS WHOSE TUITION AND FEES ARE PAID PURSUANT TO A TUITION PREPAYMENT CONTRACT UNDER THE TUITION PREPAYMENT PROGRAM THE AMOUNT OF TUITION AND FEES CHARGED IN-STATE UNDERGRADUATE STUDENTS FOR SCHOOL YEAR 2008-2009 WHO DID NOT PARTICIPATE IN THE PROGRAM, TO ALSO PROVIDE FOR THE MANNER IN WHICH THE TUITION PREPAYMENT PROGRAM, BEGINNING WITH THE 2013-2014 SCHOOL YEAR, SHALL PAY TUITION AND FEES FOR STUDENTS PARTICIPATING IN THE PROGRAM WHO ATTEND IN-STATE PRIVATE INSTITUTIONS OR OUT-OF-STATE INSTITUTIONS, AND TO PROVIDE FOR OTHER RELATED PROVISIONS TO IMPLEMENT THESE REQUIREMENTS.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3561 -- Reps. White, Stavrinakis and Merrill: A BILL TO AMEND SECTION 12-36-920, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX ON ACCOMMODATIONS, SO AS TO DELETE CERTAIN ITEMS SUBJECT TO THE FIVE PERCENT TAX ON ADDITIONAL SURCHARGES.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 3632 -- Reps. G. M. Smith, White, Sandifer, J. R. Smith, Bannister and Lucas: A BILL TO AMEND SECTION 42-5-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAINTENANCE TAX IMPOSED BY THE WORKERS' COMPENSATION COMMISSION ON SELF INSURERS, SO AS TO PROVIDE THAT THE COMMISSION SHALL RETAIN A PORTION OF THE ANNUAL MAINTENANCE TAX REVENUE TO PAY THE SALARIES AND EXPENSES OF THE COMMISSION AND TO PROVIDE THAT THE COMMISSION SHALL RETAIN ONE-HALF OF THE INTEREST CHARGED ON DELINQUENT MAINTENANCE TAX FOR THE SAME PURPOSE.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3796 -- Rep. Pitts: A BILL TO AMEND SECTION 6-1-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES IMPOSED BY POLITICAL SUBDIVISIONS OF THIS STATE, SO AS TO PROVIDE THAT WHEN A GOVERNING BODY OF A POLITICAL SUBDIVISION IMPOSES A SCHEDULE OF ROAD FEES ON MOTOR VEHICLES REGISTERED IN THE COUNTY BASED ON VEHICLE CLASS, THE LOWEST FEE IN THE SCHEDULE MUST APPLY TO ALL MOTOR VEHICLES SUBJECT TO THE STATE BIENNIAL REGISTRATION FEE FOR PRIVATE PASSENGER MOTOR VEHICLES IMPOSED PURSUANT TO SECTION 56-3-620; AND TO AMEND SECTION 56-3-630, AS AMENDED, RELATING TO THE DEFINITION OF PRIVATE PASSENGER MOTOR VEHICLES FOR PURPOSES OF MOTOR VEHICLE LICENSING AND REGISTRATION BY THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT A TRUCK INCLUDED IN THE DEFINITION OF PRIVATE PASSENGER MOTOR VEHICLE, WHICH IS NOT USED IN A TRADE OR BUSINESS, MAY BE REGISTERED UPON PAYMENT OF THE BIENNIAL REGISTRATION FEES PROVIDED PURSUANT TO SECTION 56-3-620.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3093 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 12 SO AS TO ENACT THE "SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT", TO PROVIDE THAT A TAXPAYER MAKING INVESTMENTS OF A CERTAIN SIZE IN REHABILITATING AN ABANDONED BUILDING BASED ON THE POPULATION OF THE POLITICAL SUBDIVISION IN WHICH THE BUILDING IS LOCATED MAY AT THE TAXPAYER'S OPTION RECEIVE SPECIFIED INCOME TAX CREDITS OR CREDITS AGAINST THE PROPERTY TAX LIABILITY.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3357 -- Reps. Henderson, Merrill, Herbkersman, Harrell, Gilliard, Stavrinakis and Hodges: A BILL TO AMEND SECTION 12-62-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAX REBATE TO A MOTION PICTURE PRODUCTION COMPANY BY THE SOUTH CAROLINA FILM COMMISSION, SO AS TO PROVIDE THAT THE REBATE MAY NOT EXCEED TWENTY PERCENT OF THE TOTAL AGGREGATE PAYROLL FOR QUALIFYING PERSONS SUBJECT TO INCOME TAX WITHHOLDINGS OF SOUTH CAROLINA AND MAY NOT EXCEED TWENTY-FIVE PERCENT FOR QUALIFYING RESIDENTS OF SOUTH CAROLINA; AND TO AMEND SECTION 12-62-60, AS AMENDED, RELATING TO REBATES TO MOTION PICTURE PRODUCTION COMPANIES, SO AS TO PROVIDE THAT THE DEPARTMENT MAY REBATE UP TO THIRTY PERCENT OF CERTAIN EXPENDITURES.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3505 -- Reps. Loftis, Bannister, Harrell, J. R. Smith, Brannon, Huggins, Kennedy, Ballentine, Cole, Hixon, McCoy, G. R. Smith, Hamilton, Tallon, Henderson and Forrester: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 44 TO TITLE 11 SO AS TO ENACT THE "HIGH GROWTH SMALL BUSINESS ACCESS TO CAPITAL ACT OF 2013" BY PROVIDING FOR STATE NONREFUNDABLE INCOME TAX CREDITS FOR QUALIFIED INVESTMENTS IN BUSINESSES MEETING CERTAIN CRITERIA AND PRIMARILY ENGAGED IN MANUFACTURING, PROCESSING, WAREHOUSING, WHOLESALING, SOFTWARE DEVELOPMENT, INFORMATION TECHNOLOGY SERVICES, RESEARCH AND DEVELOPMENT OR OTHER NONPROHIBITED SERVICES, TO ESTABLISH THE CRITERIA AND PROCEDURES FOR THE CREDIT, TO MAKE THE CREDIT TRANSFERABLE, AND TO PROVIDE FOR CERTAIN ADJUSTED NET CAPITAL GAIN AND LOSS COMPUTATIONS FOR INVESTOR TAXPAYERS WHO RECOGNIZE SUCH A GAIN OR LOSS ON THE SALE OF CREDIT ASSETS AS DEFINED IN THIS CHAPTER.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 3767 -- Reps. Hixon, J. R. Smith, Quinn, Southard, Huggins, Bowen, Stavrinakis, Sabb, Allison, Atwater, Ballentine, Barfield, Chumley, Clyburn, Cole, Daning, Dillard, Erickson, Felder, Finlay, George, Goldfinch, Hamilton, Harrell, Hayes, Hiott, Horne, Hosey, Jefferson, Kennedy, Loftis, Long, Lowe, Lucas, Merrill, V. S. Moss, Norman, Ott, Owens, Pope, Putnam, Riley, Rivers, Rutherford, Simrill, Skelton, Sottile, Spires, Tallon, Taylor, Toole, Wells and Wood: A BILL TO AMEND SECTION 12-36-920, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TWO PERCENT STATE SALES TAX IMPOSED ON ACCOMMODATIONS, SO AS TO PROVIDE THAT THE TAX DOES NOT APPLY TO GROSS PROCEEDS FROM RENTALS RECEIVED BY PERSONS RENTING THEIR PERSONAL RESIDENCE FOR FEWER THAN FIFTEEN DAYS TOTAL IN A YEAR AND IF THE GROSS PROCEEDS OF THE RENTAL INCOME ARE EXCLUDED FROM FEDERAL TAXABLE INCOME PURSUANT TO THE PROVISIONS OF SECTION 280A(g) OF THE INTERNAL REVENUE CODE OF 1986.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 3125 -- Reps. Hodges, M. S. McLeod, Mitchell, Whipper and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "MICROENTERPRISE DEVELOPMENT ACT" BY ADDING CHAPTER 55 TO TITLE 11 SO AS TO PROVIDE THAT THE DEPARTMENT OF COMMERCE SHALL ESTABLISH THE MICROENTERPRISE PARTNERSHIP PROGRAM TO PROMOTE AND FACILITATE THE DEVELOPMENT OF MICROENTERPRISES IN THIS STATE AND TO DEFINE "MICROENTERPRISE" AS A BUSINESS, WHETHER NEW OR EXISTING, INCLUDING STARTUP, HOME-BASED, AND SELF EMPLOYMENT, WITH FIVE OR FEWER EMPLOYEES; TO PROVIDE THAT THE DEPARTMENT SHALL AWARD GRANTS TO COMMUNITY ORGANIZATIONS TO MAKE LOANS AND DEVELOP LOAN SOURCES; TO ESTABLISH CRITERIA TO BE CONSIDERED IN AWARDING GRANTS; TO PROVIDE THAT APPROPRIATED FUNDS MAY BE AWARDED AS A GRANT TO MICROLOAN DELIVERY ORGANIZATIONS AND THAT SUCH GRANTS MUST BE MATCHED BY NONSTATE FUNDS; TO PROVIDE THE PURPOSE FOR WHICH GRANT FUNDS MAY BE EXPENDED; TO PROVIDE CERTAIN PROVISIONS THAT MUST BE IN A CONTRACT BETWEEN THE DEPARTMENT AND A STATEWIDE MICROLENDING SUPPORT ORGANIZATION; AND TO REQUIRE THE STATE TO SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3410 -- Reps. Forrester, Allison, Loftis, V. S. Moss, Cole and Tallon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 1, TITLE 13 SO AS TO TRANSFER THE REGIONAL EDUCATION CENTERS ESTABLISHED BY THE EDUCATION AND ECONOMIC DEVELOPMENT COORDINATING COUNCIL TO THE DEPARTMENT OF COMMERCE; TO AMEND SECTION 59-59-170, RELATING TO THE EDUCATION AND ECONOMIC DEVELOPMENT COORDINATING COUNCIL, AND SECTION 59-59-190, RELATING TO ASSISTANCE OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, THE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND THE COMMISSION ON HIGHER EDUCATION SHALL PROVIDE THE DEPARTMENT OF EDUCATION WITH RESPECT TO CERTAIN PROGRAMS UNDER THE SOUTH CAROLINA EDUCATION AND ECONOMIC DEVELOPMENT ACT, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 59-59-180 RELATING TO REGIONAL EDUCATION CENTERS.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 3557 -- Reps. Cobb-Hunter, White, Bannister, Rutherford, Harrell, Merrill, Simrill, Stavrinakis, Loftis, Horne, Weeks, Mitchell, Ott and Sellers: A BILL TO AMEND SECTION 12-6-3375, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAX CREDIT FOR PORT CARGO VOLUME INCREASE, SO AS TO EXPAND THE TYPES OF BUSINESSES THAT QUALIFY FOR THE CREDIT, TO GIVE THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT DISCRETION IN AWARDING CREDITS, TO FURTHER DEFINE TERMS, TO PROVIDE THAT TAXPAYERS ENGAGED IN THE MOVEMENT OF GOODS IMPORTED OR EXPORTED THROUGH SOUTH CAROLINA'S PORT FACILITIES MAY BE ELIGIBLE FOR THE CREDIT IF THE CARGO SUPPORTS A PRESENCE IN THE STATE AND MEETS OTHER JOB AND CAPITAL INVESTMENT REQUIREMENTS, AND TO PROVIDE THAT A TAXPAYER THAT FAILS TO MEET THE REQUIREMENTS OF THE CREDIT MUST REPAY A PRO RATA PORTION OF THE CREDIT.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3644 -- Reps. Loftis, Gagnon, Herbkersman, Lowe, Lucas, D. C. Moss, Ott, Pitts and Toole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 13-1-390 SO AS TO ESTABLISH WITHIN THE DIVISION OF STATE DEVELOPMENT OF THE DEPARTMENT OF COMMERCE THE CLEAN ENERGY INDUSTRY MARKET DEVELOPMENT ADVISORY COUNCIL AND PROVIDE FOR ITS MEMBERSHIP AND FUNCTIONS; TO AMEND SECTION 12-6-3588, RELATING TO THE RENEWABLE ENERGY TAX CREDIT INCENTIVE PROGRAM, SO AS TO REDESIGNATE THE PROGRAM THE SOUTH CAROLINA CLEAN ENERGY TAX INCENTIVE PROGRAM, TO REVISE DEFINITIONS TO EXTEND THE CREDIT TO ADDITIONAL FORMS OF ENERGY PRODUCTION AND OPERATIONS, TO DECREASE INVESTMENT THRESHOLDS AND DECREASE JOB CREATION THRESHOLDS FOR QUALIFYING FOR THE CREDIT AND MAKE THE CREDIT, PREVIOUSLY DUE TO EXPIRE DECEMBER 31, 2015, AVAILABLE THROUGH 2019 AND TO REVISE CREDIT ADMINISTRATION PROCEDURES; AND TO AMEND SECTION 12-6-3600, AS AMENDED, RELATING TO THE INCOME TAX CREDIT FOR CORN-BASED ETHANOL OR SOY-BASED BIODIESEL PRODUCTION IN THIS STATE, SO AS TO EXTEND THE CREDIT TO ALL LIQUID FUELS DERIVED FROM RENEWABLE SOURCES, MAKE CONFORMING DEFINITIONS, REDUCE THE AMOUNT OF LIQUID FUEL ELIGIBLE FOR THE CREDIT, AND TO EXTEND THE PERIOD DURING WHICH THE CREDIT MAY BE CLAIMED THROUGH 2019.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report on:

H. 3783 -- Rep. Lucas: A BILL TO AMEND SECTION 12-21-2425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMISSIONS LICENSE TAX EXEMPTION FOR A MOTORSPORTS ENTERTAINMENT COMPLEX, SO AS TO REQUIRE THE COMPLEX TO BE A NASCAR SANCTIONED SPEEDWAY THAT HOSTS AT LEAST ONE RACE EACH YEAR FEATURING THE PREEMINENT NASCAR CUP SERIES, INSTEAD OF REQUIRING THE SPEEDWAY TO HAVE AT LEAST SIXTY THOUSAND SEATS FOR RACE PATRONS.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3027 -- Reps. G. M. Smith, Pitts, Ballentine, J. E. Smith, Bernstein and Harrell: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX ASSESSMENT RATIOS, SO AS TO PROVIDE THAT, IN CERTAIN SITUATIONS, AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES MAY CLAIM THE FOUR PERCENT ASSESSMENT RATIO REGARDLESS OF THE OWNER'S RELOCATION AND REGARDLESS OF ANY RENTAL INCOME, AND TO PROVIDE THAT AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES, IN CERTAIN SITUATIONS, MAY CLAIM THE FOUR PERCENT ASSESSMENT RATIO ON TWO RESIDENTIAL PROPERTIES SO LONG AS THE OWNER ATTEMPTS TO SELL THE FIRST RESIDENCE WITHIN THIRTY DAYS OF ACQUIRING THE SECOND RESIDENCE.

Ordered for consideration tomorrow.

Rep. WHITE, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3502 -- Reps. Murphy, Vick, Goldfinch, K. R. Crawford, Harrell, Horne, M. S. McLeod and Owens: A BILL TO AMEND SECTION 59-121-55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF FUNDS OR PROPERTY BY THE CITADEL BOARD OF VISITORS TO A NONPROFIT ELEEMOSYNARY CORPORATION ESTABLISHED BY THE BOARD, SO AS TO REMOVE A LIMIT ON THE AMOUNT OF FUNDS OR PROPERTY THAT THE BOARD MAY TRANSFER TO THE CORPORATION.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3981 -- Reps. Cobb-Hunter, Harrell, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO HONOR SERGEANT FIRST CLASS HERBERT LAVANDER "HERB" JONES, ASSISTANT TO THE SERGEANT-AT-ARMS OF THE HOUSE OF REPRESENTATIVES, AND TO BID HIM GODSPEED UNTIL HE RETURNS FROM DEPLOYING TO AFGHANISTAN WITH THE FORCES OF OPERATION ENDURING FREEDOM.

Whereas, a member of the United States Army Reserves for twenty years, Sergeant First Class Herbert Jones has served his country with honor and distinction, including a previous tour of duty in Iraq with Operation Enduring Freedom; and

Whereas, he will report again for duty on May 30, 2013, to deploy with the 143rd CS CMD Sustainment Expeditionary to Afghanistan as part of Operation Enduring Freedom for a tour of four hundred days; and

Whereas, in 1999, he earned a bachelor’s from Lander University and graduated from the South Carolina Criminal Justice Police Academy in 2000, and for the last thirteen years, he has graced the halls of the South Carolina State House, protecting those who frequent these corridors from the very real threat of football, basketball, and soccer players, not to mention golfers and lobbyists; and

Whereas, while unfazed by fending off aggressive two‑legged visitors to the State House grounds, Herb has been known to flee to the shrubbery during a run when a State House squirrel, a fearsome breed, stands its ground in his path;

Whereas, the South Carolina House of Representatives is pleased to retire the mirrors in the office of the Sergeant‑at‑Arms and the House ante chamber until Herb Jones returns from his deployment to gaze upon his reflection that grows more attractive to him daily; and

Whereas, because of his generous humor that leaves everyone smiling, Herb is fondly known around the State House as “Herbilicious,” like a scrumptious dessert, and he is sometimes called “Herbules” for his proven ability to bench press three hundred fifteen pounds in a business suit; and

Whereas, in his absence, his beloved wife, Janel, will marshal the troops at home, his three fine children: Herbie, Jr.; Morgan; and Olivia; and

Whereas, the members of the South Carolina House of Representatives will miss the smile, humor, and charm of this proud son of the Palmetto State in our halls as he deploys to protect America abroad, and we pray for his safe return. Now, therefore,

Be it resolved by the House of Representatives:

That the members of the House of Representatives of the State of South Carolina, by this resolution, honor Sergeant First Class Herbert Lavander “Herb” Jones, assistant to the Sergeant‑at‑Arms of the House of Representatives, and bid him Godspeed until he returns from deploying to Afghanistan with the forces of Operation Enduring Freedom.

Be it further resolved that a copy of this resolution be presented to Herbert Lavander Jones.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3982 -- Reps. Rutherford, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO DECLARE THE WEEK OF APRIL 21-27, 2013, AS "CRIME VICTIMS' RIGHTS WEEK" IN SOUTH CAROLINA AND TO REAFFIRM THIS STATE'S COMMITMENT TO RESPECT AND ENFORCE VICTIMS' RIGHTS AND ADDRESS THEIR NEEDS THROUGHOUT THE YEAR.

Whereas, 18.7 million Americans are directly harmed by crime each year, and each crime affects many more family members, friends, neighbors, and co‑workers; and

Whereas, crime can leave a lasting physical, emotional, or financial impact on people of all ages and abilities and all economic, racial, and social backgrounds; and

Whereas, in addition to these challenges, crime victims face a criminal justice system that at times ignores their rights and treats them with disrespect; and

Whereas, in 1982, the President’s Task Force on Victims of Crime envisioned a national commitment to a more equitable and supportive response to victims. The nation heeded this call to action and promoted victims’ rights initiatives, effective and compassionate victim services, and just compensation and financial support; and

Whereas, today, thousands of victim assistance programs provide help and support to child victims of violence and sexual abuse; stalking victims; survivors of homicide victims; victims of drunk‑driving crashes; and victims of domestic, dating, and sexual violence and other crimes; and

Whereas, in the Palmetto State, the South Carolina Department of Probation, Parole, and Pardon Services created the Office of Victim Services (OVS) in 1986, and it is a pioneer among the nation’s probation/parole agencies in providing direct services to victims. Its primary responsibility is to assist victims of crimes committed by offenders under the supervision of the department; and

Whereas, employees within the OVS are certified through the State Office of Victim Services Education and Certification. OVS endeavors to keep victims informed of the status of their cases. By providing comprehensive, responsive service, OVS helps ease the frustration and anxiety that often accompany the parole and probation process, enables victims to regain a sense of control over their lives, and assists in restoring their quality of life more quickly and effectively; and

Whereas, the people of South Carolina wish to express their appreciation for those victims and crime survivors who have turned personal tragedy into a motivating force to improve our response to victims of crime and build a more just community; and

Whereas, “National Crime Victims’ Rights Week”, April 21‑27, 2013, provides an opportunity to celebrate the energy, creativity, and commitment that launched the victims’ rights movement and inspired its progress, advantages that continue to advance the cause of justice for crime victims; and

Whereas, the House of Representatives is pleased to join forces with victim service providers, criminal justice agencies, and concerned citizens throughout South Carolina and America to raise awareness of victims’ rights and observe “Crime Victims’ Rights Week”. Now therefore,

Be it resolved by the House of Representatives:

That the members of the South Carolina House of Representatives, by this resolution, declare the week of April 21‑27, 2013, as “Crime Victims’ Rights Week” in South Carolina and reaffirm this state’s commitment to respect and enforce victims’ rights and address their needs throughout the year.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3988 -- Rep. Quinn: A CONCURRENT RESOLUTION TO CELEBRATE THE JOY AND BEAUTY OF ORGAN MUSIC IN THE PALMETTO STATE BY PROCLAIMING THE WEEK OF JUNE 30 THROUGH JULY 6, 2013, AS "ORGANISTS' WEEK" IN SOUTH CAROLINA.

Whereas, founded in 1896, The American Guild of Organists is an educational and service organization; and

Whereas, The American Guild of Organists seeks to set and maintain high musical standards and to promote understanding and appreciation of all aspects of organ and choral music; and

Whereas, The American Guild of Organists continues to inspire, educate, and offer certification for organists and choral conductors; and

Whereas, The American Guild of Organists nurtures future generations of organists; and

Whereas, The American Guild of Organists promotes the organ in its historic and evolving roles; and

Whereas, The American Guild of Organists seeks to engage wider audiences with organ and choral music. Now, therefore,

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

That the members of the South Carolina General Assembly, by this resolution, celebrate the joy and beauty of organ music in the Palmetto State by proclaiming the week of June 30 through July 6, 2013, as “Organists’ Week” in 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. 3983 -- Reps. Sellers, G. M. Smith and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 29 TO CHAPTER 7, TITLE 44 SO AS TO PROVIDE RURAL COUNTIES WITH ACCESS TO FREE EMERGENCY HOSPITAL CARE AND ALLOW RELICENSURE OF CLOSED RURAL HOSPITALS AS FREESTANDING EMERGENCY HEALTH CARE FACILITIES UNDER CERTAIN CIRCUMSTANCES.

Referred to Committee on Ways and Means

H. 3984 -- Reps. Hardwick, Clemmons, Goldfinch, H. A. Crawford and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-23-300 SO AS TO PROVIDE A MAJOR FACILITY PROJECT REQUESTING THIRD-PARTY CERTIFICATION MAY NOT SEEK A RATING POINT THAT WOULD DISCRIMINATE AGAINST WOOD PRODUCTS OF THIS STATE DERIVED FROM FORESTLANDS CERTIFIED BY THE SUSTAINABLE FORESTRY INITIATIVE OR THE AMERICAN TREE FARM SYSTEM.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3985 -- Reps. J. E. Smith and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 2 TO TITLE 47 SO AS TO ENACT THE "DANGEROUS WILD ANIMALS ACT", TO DEFINE CERTAIN TERMS, TO PROHIBIT CERTAIN PERSONS FROM OWNING, POSSESSING, OR COMING INTO CONTACT WITH A DANGEROUS WILD ANIMAL, TO AUTHORIZE INSPECTIONS BY THE ANIMAL CONTROL AUTHORITY, TO AUTHORIZE CONFISCATION OF THESE ANIMALS UNDER CERTAIN CONDITIONS, TO PROVIDE THAT LOCAL GOVERNMENTAL BODIES MAY ADOPT AN ORDINANCE THAT REGULATES THE POSSESSION OF DANGEROUS WILD ANIMALS, TO REGULATE THE TREATMENT OF DANGEROUS WILD ANIMALS, AND TO PROVIDE PENALTIES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3986 -- Reps. Rivers, Bowen, Simrill, Atwater, Toole, Huggins, Ballentine, Delleney, Finlay, Hixon, Lowe, D. C. Moss, Norman, Pope, Putnam, Sandifer and Thayer: A BILL TO AMEND SECTION 5-7-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS OF A MUNICIPALITY, SO AS TO PROHIBIT THE LEVY OF A BUSINESS LICENSE TAX; BY ADDING SECTION 5-7-320 SO AS TO PROHIBIT A MUNICIPALITY FROM IMPOSING ANY TAX OR CHARGING ANY FEE FOR THE PRIVILEGE OF OPERATING A BUSINESS INSIDE THE MUNICIPALITY; AND BY ADDING SECTION 4-9-197 SO AS TO REQUIRE A COUNTY THAT IMPOSES A LICENSE TAX MUST REMIT ANY COLLECTIONS FROM A BUSINESS LICENSE TAX COLLECTED FROM A BUSINESS LOCATED INSIDE THE CORPORATE LIMITS OF A MUNICIPALITY TO THE MUNICIPALITY IN WHICH THE BUSINESS IS LOCATED.

Referred to Committee on Ways and Means

H. 3987 -- Reps. Goldfinch, Herbkersman, Clemmons, Kennedy, Huggins, Hardee, McCoy, Stavrinakis, Sottile, Limehouse, Hardwick, H. A. Crawford, Riley, Murphy, Spires, Burns, Funderburk, Atwater, Barfield, Bingham, Cole, Finlay, Gagnon, George, Harrell, Owens, Pitts, Ryhal, Taylor, Vick, Wells and White: A BILL TO AMEND SECTION 39-25-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF TERMS CONTAINED IN THE SOUTH CAROLINA FOOD AND COSMETIC ACT, SO AS TO REVISE THE DEFINITIONS OF THE TERM "FOOD", AND TO DEFINE THE TERMS "SEAFOOD" AND "LOCAL SEAFOOD"; AND TO AMEND SECTION 39-25-30, AS AMENDED, RELATING TO ACTS PROHIBITED UNDER THE SOUTH CAROLINA FOOD AND COSMETIC ACT, SO AS TO PROVIDE THAT A RETAIL OR WHOLESALE ESTABLISHMENT IS PROHIBITED FROM SELLING SEAFOOD WHILE KNOWINGLY AND WILFULLY MISREPRESENTING THE IDENTITY OF THE SEAFOOD TO ITS PATRONS.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3989 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSISTING, DEVELOPING, AND EVALUATING PROFESSIONAL TEACHING (ADEPT), DESIGNATED AS REGULATION DOCUMENT NUMBER 4325, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Without Reference

H. 3990 -- Rep. Herbkersman: A BILL TO AMEND CHAPTER 19, TITLE 16, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GAMBLING AND LOTTERIES, SO AS TO ADD DEFINITIONS FOR THE REGULATION OF GAMBLING, TO MAKE UNIFORM PENALTIES FOR UNLAWFUL LOTTERIES AND GAMBLING, TO ALLOW FOR RECOVERY OF GAMBLING LOSSES UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE A PROCEDURE FOR THE DESTRUCTION OF CERTAIN ILLEGAL GAMBLING DEVICES, AND TO REQUIRE QUALIFIED AMUSEMENT GAMES TO BE LICENSED BY THE DEPARTMENT OF REVENUE.

Referred to Committee on Ways and Means

S. 401 -- Senators O'Dell and Coleman: A BILL TO AMEND SECTION 59-121-55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF FUNDS OR PROPERTY BY THE CITADEL BOARD OF VISITORS TO A NONPROFIT ELEEMOSYNARY CORPORATION ESTABLISHED BY THE BOARD, SO AS TO REMOVE A LIMIT ON THE AMOUNT OF FUNDS OR PROPERTY THAT THE BOARD MAY TRANSFER TO THE CORPORATION.

Referred to Committee on Ways and Means

S. 417 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "MILITARY SERVICE OCCUPATION, EDUCATION, AND CREDENTIALING ACT"; BY ADDING SECTION 59-101-400 SO AS TO PROVIDE A PUBLIC, POST-SECONDARY INSTITUTION OF HIGHER EDUCATION IN THIS STATE MAY AWARD EDUCATIONAL CREDIT TO AN HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES FOR A COURSE THAT IS PART OF HIS MILITARY TRAINING OR SERVICE, SUBJECT TO CERTAIN CONDITIONS, AND TO REQUIRE THE INSTITUTION TO IMPLEMENT RELATED POLICIES AND REGULATIONS WITHIN A SPECIFIED TIME FRAME; BY ADDING ARTICLE 3 TO CHAPTER 1, TITLE 40 SO AS TO PROVIDE MISCELLANEOUS LICENSURE PROVISIONS FOR MILITARY PERSONNEL, TO PROVIDE A PERSON LICENSED BY BOARD OR COMMISSION UNDER THE DEPARTMENT OF LABOR, LICENSING AND REGULATION IS EXEMPT FROM CONTINUING EDUCATION REQUIREMENTS AND FEE ASSESSMENTS DURING ACTIVE DUTY IN THE UNITED STATES ARMED FORCES, TO PROVIDE A BOARD OR COMMISSION MAY ISSUE A TEMPORARY PROFESSIONAL LICENSE TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE A BOARD OR COMMISSION MAY ACCEPT CERTAIN COURSEWORK OR EXPERIENCE OBTAINED DURING THE COURSE OF MILITARY SERVICE TO SATISFY RELATED PROFESSIONAL OR OCCUPATIONAL EDUCATION OR TRAINING LICENSURE REQUIREMENTS; AND TO REPEAL SECTIONS 40-1-75 RELATING TO EXEMPTING ACTIVE DUTY MILITARY PERSONNEL FROM CONTINUING EDUCATION REQUIREMENTS, AND 40-1-77 RELATING TO TEMPORARY PROFESSIONAL OR OCCUPATIONAL LICENSES FOR MILITARY SPOUSES, THE SUBSTANCE OF WHICH ARE INCORPORATED INTO THE NEW ARTICLE ADDED BY THIS ACT.

Referred to Committee on Education and Public Works

S. 484 -- Senator Setzler: A BILL TO AMEND SECTION 9-11-80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISABILITY RETIREMENT FOR MEMBERS OF THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO DELETE THE REQUIREMENT THAT CERTAIN MEMBERS BE ELIGIBLE FOR, AND PROVIDE PROOF OF, SOCIAL SECURITY BENEFITS TO CONTINUE TO RECEIVE A DISABILITY BENEFIT.

Referred to Committee on Ways and Means

S. 612 -- Senator Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING ACT 961 OF 1974, RELATING TO THE ELECTION AND TERMS OF THE COMMISSIONERS OF PUBLIC WORKS FOR THE TOWN OF SUMMERVILLE IN DORCHESTER COUNTY.

On motion of Rep. MURPHY, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anderson |
| Anthony | Atwater | Bales |
| Ballentine | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| Crosby | Daning | Delleney |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| George | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hayes |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Howard | Huggins | Jefferson |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Nanney |
| Newton | Norman | Ott |
| Owens | Parks | Patrick |
| Pitts | Pope | Powers Norrell |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Rutherford | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Weeks | Wells |
| White | Whitmire | Williams |
| Willis | Wood |  |

**STATEMENT OF ATTENDANCE**

I came in after the roll call and was present for the Session on Thursday, April 18.

|  |  |
| --- | --- |
| Phyllis Henderson | Jackson "Seth" Whipper |
| Chandra Dillard | Bruce W. Bannister |
| Ted Vick | Ralph Kennedy |
| Joseph Neal  Chris Hart | Walton J. McLeod |

**Total Present--122**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. K. R. CRAWFORD a leave of absence for the day.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Christopher Cummingham of Florence was the Doctor of the Day for the General Assembly.

**SPECIAL PRESENTATION**

Rep. CROSBY presented to the House the Northside Christian School "Lady Eagles" Girls Basketball Team, the 2013 South Carolina Association of Christian Schools Class AA Champions, their coaches and other school officials.

**SPECIAL PRESENTATION**

Rep. SABB presented to the House the Hemingway High School "Lady Tigers" Girls Basketball Team, the 2013 Class A Champions, their coaches and other school officials.

**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-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3169 |
| Date: | ADD: |
| 04/18/13 | BANNISTER, SPIRES, JEFFERSON, WILLIAMS, TAYLOR, J. E. SMITH, MUNNERLYN and NEWTON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3170 |
| Date: | ADD: |
| 04/18/13 | BANNISTER, SPIRES, JEFFERSON, WILLIAMS, TAYLOR, J. E. SMITH, MUNNERLYN and NEWTON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3584 |
| Date: | ADD: |
| 04/18/13 | G. R. SMITH and G. A. BROWN |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3945 |
| Date: | ADD: |
| 04/18/13 | TOOLE, STRINGER, HAMILTON, SOTTILE, BARFIELD, BINGHAM, SPIRES, HARDWICK, BURNS, BRANNON, OWENS, HIOTT, R. L. BROWN, BRANHAM, ALLISON, FORRESTER, LONG, ERICKSON, MURPHY, WILLIS, GAGNON, HORNE, SIMRILL and FUNDERBURK |

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. ANDERSON a leave of absence for the remainder of the day to attend a funeral.

**H. 3971--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3971 -- Reps. Stringer and Willis: A BILL TO PROVIDE THAT THE GREENVILLE HOSPITAL SYSTEM BOARD OF TRUSTEES, AS DESIGNATED IN ACT 1285 OF 1966, IS CHANGED TO THE GREENVILLE HEALTH SYSTEM BOARD OF TRUSTEES.

The yeas and nays were taken resulting as follows:

Yeas 75; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Atwater | Bales |
| Ballentine | Bannister | Barfield |
| Bedingfield | Bingham | Bowers |
| Branham | Brannon | Burns |
| Chumley | Clemmons | Cole |
| H. A. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Gagnon |
| Gambrell | Goldfinch | Hamilton |
| Hardwick | Harrell | Henderson |
| Herbkersman | Hixon | Horne |
| Huggins | Limehouse | Loftis |
| Long | Lowe | Lucas |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Mitchell | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Norman | Owens | Pope |
| Powers Norrell | Putnam | Ridgeway |
| Robinson-Simpson | Sabb | Sandifer |
| Skelton | G. R. Smith | Sottile |
| Southard | Spires | Stavrinakis |
| Stringer | Taylor | Thayer |
| Toole | Vick | Wells |
| Whitmire | Willis | Wood |

**Total--75**

Those who voted in the negative are:

**Total--0**

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

**H. 3971--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. STRINGER, with unanimous consent, it was ordered that H. 3971 be read the third time tomorrow.

**H. 3474--AMENDED AND SENT TO THE SENATE**

The following Bill was taken up:

H. 3474 -- Reps. Erickson, Owens, Newton, Patrick, Bowen, McCoy, Huggins, Herbkersman, Simrill, Atwater, Cole, Felder, Forrester, Gambrell, Henderson, Loftis, Long, Merrill, Nanney, Pope, Tallon, Thayer, White and Rivers: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTORY SCHOOL TERM, COLLEGIAL PROFESSIONAL DEVELOPMENT DAYS, AND MAKE-UP DAYS, SO AS TO PROVIDE A SCHOOL DISTRICT MAY USE INSTRUCTIONAL HOURS OR INSTRUCTIONAL DAYS TO SATISFY REQUIREMENTS FOR SCHOOL CALENDARS, COLLEGIAL PROFESSIONAL DEVELOPMENT DAYS, AND MAKE-UP DAYS, AND TO PROVIDE A DATE BEFORE WHICH THE OPENING DATE OF A SCHOOL MAY BEGIN UNLESS THE SCHOOL OPERATES ON A YEAR-ROUND MODIFIED CALENDAR.

Rep. ERICKSON proposed the following Amendment No. 4 to H. 3474 (COUNCIL\AGM\3474C007.AGM.AB13), which was adopted:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Section 59‑1‑425 of the 1976 Code, as added by Act 260 of 2006, is amended to read:

“Section 59‑1‑425. (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 consist~~ consists 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~~ or the equivalent one thousand one hundred seventy instructional hours and ten additional days or the equivalent sixty hours as provided in this section for secondary schools or one thousand eighty hours and ten additional days or the equivalent sixty hours for elementary schools as provided in this section. A local school district may decide how best to structure the instructional day and how many days of instruction comprise the school year, in that the local school district calendar includes instructional days to coincide with official testing dates as set by the South Carolina Department of Education for the administration of the statewide testing program. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among schools in the district. However, the opening date for students may not be before the third Monday in August, except for schools that operate on a year‑round modified school calendar. A local school district shall schedule ten additional days. Three days or the equivalent eighteen hours must be used for collegial professional development based upon the educational standards ~~as required by~~ provided in Section 59‑18‑300. The professional development shall 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.~~

(B) Notwithstanding ~~any other provisions~~ another provision of law ~~to the contrary~~, ~~all~~ school days missed because of snow, extreme weather conditions, or other disruptions requiring schools to close must be made up. ~~All~~ A school ~~districts~~ district shall designate annually at least three days or the equivalent number of instructional hours within ~~their~~ its school ~~calendars~~ calendar to be used ~~as make‑up days~~ to make up missed time in the event of these occurrences. If ~~those~~ the designated days or times have been used or are no longer available, the local school board of trustees may lengthen the hours of school operation by no less than one hour per day for the total number of hours missed or operate schools on Saturday. Schools operating on a four‑by‑four block schedule shall make every effort to make up the time during the semester in which the days are missed. A plan to make up days by lengthening the school day must be approved by the Department of Education before implementation. Tutorial instruction for grades ~~7~~ seven through ~~12~~ twelve may be taught on Saturday at the direction of the local school board. If a local school board authorizes make‑up ~~days~~ time on Saturdays, tutorial instruction normally offered on Saturday for seventh through twelfth graders must be scheduled at an alternative time.

(C) The General Assembly by law may waive the requirements of making up missed days or time or, by law, may authorize the school board of trustees to forgive up to three days or the equivalent number of instructional hours missed because of snow, extreme weather conditions, or other disruptions requiring schools to close. A waiver granted by the local board of trustees of the requirement for making up missed days or time also must be authorized through a majority vote of the local school board.

(D) If a school is closed early due to snow, extreme weather conditions, or other disruptions, the day or equivalent number of instructional hours may count towards the required minimum to the extent allowed by State Board of Education policy.

(E) The instructional day for secondary students must be at a minimum six hours a day, or its equivalent weekly, excluding lunch. The school day for elementary students must be at a minimum six hours a day, or its equivalent weekly, including lunch.

(F) Elementary and secondary schools may reduce the length of the instructional day to not less than three hours for not more than three days each school year for staff development, teacher conferences, or for the purpose of administering end‑of‑semester and end‑of‑year examinations.

(G) Priority during the instructional day must be given to teaching and learning tasks. Class interruptions must be limited only to emergencies. Volunteer blood drives as determined by the principal may be conducted at times ~~which would~~ that do not interfere with classroom instruction such as study period, lunch period, and before and after school.

(H) The State Board of Education may waive the school opening date requirement pursuant to subsection (A) of this section on a showing of good cause or for an educational purpose. For the purposes of this section:

(1)’Good cause’ means that schools in a district have been closed eight days per year during any four of the last ten years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

(2) ‘Educational purpose’ means a district establishes a need to adopt a different calendar for a:

(a) specific school to accommodate a special program offered generally to the student body of that school,

(b) school that primarily serves a special population of students, or

(c) defined program within a school.

The state board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the state board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the request is not an attempt to circumvent the opening date set forth in this subsection. Waiver requests for educational purposes may not be used to accommodate system‑wide class scheduling preferences. Nothing in this subsection prohibits a district from offering supplemental or additional educational programs or activities outside of the calendar adopted under this section.”

SECTION 2. Nothing in this act may affect the prosecution of violations of the Compulsory School Attendance Laws of Article 1, Chapter 65, Title 59.

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. ERICKSON 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 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anthony |
| Atwater | Bales | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Bowers |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Burns | Chumley |
| Clemmons | Clyburn | Cobb-Hunter |
| Cole | H. A. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Erickson | Felder |
| Finlay | Forrester | Gagnon |
| Gambrell | Gilliard | Goldfinch |
| Govan | Hamilton | Hardee |
| Hardwick | Harrell | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Horne | Hosey |
| Huggins | Jefferson | Kennedy |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Newton |
| Owens | Parks | Patrick |
| Pope | Powers Norrell | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Robinson-Simpson | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Vick |
| Weeks | Wells | White |
| Whitmire | Williams | Willis |

**Total--102**

Those who voted in the negative are:

**Total--0**

So, the Bill, as amended, was read the third time and ordered sent to the Senate.

**SENT TO THE SENATE**

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

H. 3268 -- Reps. G. R. Smith, Bedingfield, Willis, Allison, Putnam, Chumley, Dillard, Hamilton, Henderson, Knight, Loftis, Nanney and Robinson-Simpson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-11-2028 SO AS TO ALLOW THE GOVERNING BODY OF A SPECIAL PURPOSE DISTRICT CREATED BY ACT OF THE GENERAL ASSEMBLY, WHICH PROVIDES RECREATIONAL SERVICES AND HAS AS ITS BOUNDARY THE SAME AS THE COUNTY IN WHICH IT IS LOCATED, TO VOLUNTARILY DISSOLVE ITSELF AND TRANSFER ITS ASSETS AND LIABILITIES TO A COUNTY IF ACCEPTED BY RESOLUTION OF ITS GOVERNING BODY; TO REQUIRE A PUBLIC HEARING TO BE CONDUCTED BEFORE TAKING A SUPERMAJORITY VOTE OF ITS GOVERNING BODY AND THE GOVERNING BODY OF THE COUNTY; TO REQUIRE THE GOVERNING BODY OF THE COUNTY TO COMPLY WITH THE PROVISIONS OF SECTION 6-11-2140; TO PROVIDE FOR CALCULATING THE MILLAGE LIMITATION FOR A COUNTY WHEN A SPECIAL PURPOSE DISTRICT TRANSFERS ITS ASSETS AND LIABILITIES TO A COUNTY; AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO A SPECIAL PURPOSE DISTRICT THAT PROVIDES BOTH RECREATIONAL AND AGING SERVICES.

H. 3852 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EXAMINERS FOR THE LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS, RELATING TO REQUIREMENTS OF LICENSURE FOR PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4231, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 3868 -- Reps. Stavrinakis, McCoy, Gilliard and Limehouse: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO INSTALL ELECTRONIC TRAFFIC CONTROL SIGNALS AT THE INTERSECTION OF FOLLY ROAD AND SOUTH GRIMBALL ROAD IN CHARLESTON COUNTY.

H. 3602 -- Reps. Weeks, Cobb-Hunter, Clemmons, Pope, Kennedy, M. S. McLeod, Tallon, Murphy, Crosby, McCoy, Dillard, Long, Bowen, Munnerlyn, Sellers, Limehouse, Brannon, Gilliard, Bales, Barfield, Bowers, Branham, G. A. Brown, R. L. Brown, Daning, Delleney, Edge, Funderburk, Henderson, Horne, Howard, Huggins, Jefferson, Loftis, Lowe, W. J. McLeod, Merrill, D. C. Moss, Norman, Powers Norrell, Quinn, Sandifer, Simrill, G. M. Smith, Spires, Taylor, Wells, Whipper, Wood, Newton, Riley, Anderson and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-13-131 SO AS TO CREATE AN OFFENSE RELATING TO STEALING GOODS OR MERCHANDISE FROM A MERCHANT BY AFFIXING A PRODUCT CODE AND TO PROVIDE A PENALTY; BY ADDING SECTION 16-13-135 SO AS TO DEFINE NECESSARY TERMS, CREATE AN OFFENSE RELATING TO RETAIL THEFT, AND TO PROVIDE A PENALTY; TO AMEND SECTION 16-13-440, RELATING TO THE USE OF A FALSE OR FICTITIOUS NAME OR ADDRESS TO OBTAIN A REFUND FROM A BUSINESS ESTABLISHMENT FOR MERCHANDISE, SO AS TO INCLUDE USING A FALSE OR ALTERED IDENTIFICATION CARD TO COMMIT CERTAIN RETAIL THEFT OFFENSES; TO AMEND SECTION 16-13-180, AS AMENDED, RELATING TO RECEIVING STOLEN GOODS, SO AS TO INCLUDE RECEIVING OR POSSESSING STOLEN GOODS WHEN THE PERSON IS ON NOTICE BY LAW ENFORCEMENT THAT THE GOODS ARE STOLEN; TO AMEND SECTION 17-25-323, RELATING TO DEFAULT ON COURT-ORDERED PAYMENTS INCLUDING RESTITUTION BY PERSONS ON PROBATION OR PAROLE AND CIVIL JUDGMENTS AND LIENS, SO AS TO INCLUDE DEFENDANTS WHO DEFAULT ON THE VARIOUS MAGISTRATES COURT OR MUNICIPAL COURT-ORDERED PAYMENTS INCLUDING RESTITUTION IN THE PURVIEW OF THE STATUTE AND TO PROVIDE THAT A FILING FEE OR OTHER FEE MAY NOT BE REQUIRED WHEN SEEKING A CIVIL JUDGMENT; TO AMEND SECTION 14-25-65, AS AMENDED, RELATING TO PENALTIES THE MAGISTRATES COURT MAY IMPOSE, RESTITUTION, AND CONTEMPT, SO AS TO ALLOW A MAGISTRATE TO CONVERT CERTAIN UNPAID COURT-ORDERED PAYMENTS TO A CIVIL JUDGMENT; AND TO AMEND SECTION 22-3-550, AS AMENDED, RELATING TO THE JURISDICTION OF THE MAGISTRATES COURT OVER MINOR OFFENSES, RESTITUTION, AND CONTEMPT, SO AS TO ALLOW A MAGISTRATE TO CONVERT CERTAIN UNPAID COURT-ORDERED PAYMENTS TO A CIVIL JUDGMENT AND TO INCLUDE VIOLATIONS OF SECTIONS 16-13-180 AND 16-13-440 IN THOSE OFFENSES FOR WHICH A MAGISTRATE HAS THE POWER TO SENTENCE A PERSON TO CONSECUTIVE TERMS OF IMPRISONMENT TOTALING MORE THAN NINETY DAYS.

H. 3014 -- Reps. J. E. Smith, Bernstein, M. S. McLeod, McEachern, Weeks, Hart and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 29 TO TITLE 14 SO AS TO ENACT THE "VETERANS TREATMENT COURT PROGRAM ACT", TO REQUIRE THE CREATION AND ADMINISTRATION OF A VETERANS TREATMENT COURT PROGRAM IN EACH JUDICIAL CIRCUIT BY THE ATTORNEY GENERAL, TO PROVIDE FOR THE APPOINTMENT, POWERS, AND DUTIES OF A VETERANS TREATMENT COURT JUDGE, AND TO PROVIDE FOR REQUIREMENTS FOR AN OFFENDER TO QUALIFY FOR ADMISSION TO A VETERANS TREATMENT COURT PROGRAM.

H. 3869 -- Reps. Sandifer, Gambrell and Bales: A BILL TO AMEND SECTION 40-59-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RENEWAL OF LICENSES ISSUED BY THE SOUTH CAROLINA RESIDENTIAL BUILDERS COMMISSION, SO AS TO MAKE THE RENEWAL PERIOD BIENNIAL, TO REQUIRE A LICENSEE SEEKING RENEWAL TO SUBMIT A CERTIFICATE OF COMPLIANCE WITH CONTINUING EDUCATIONAL REQUIREMENTS, TO PROVIDE SPECIFIC REQUIREMENTS OF MANDATORY CONTINUING EDUCATION REQUIRED OF A LICENSEE, AND TO PROVIDE THE COMMISSION MAY ESTABLISH ADDITIONAL PROFESSIONAL DESIGNATIONS FOR LICENSES TO RECOGNIZE ENHANCED PROFESSIONAL QUALIFICATIONS AND EXPERIENCE; AND TO AMEND SECTION 40-59-240, RELATING TO RESIDENTIAL SPECIALTY CONTRACTORS, SO AS TO REQUIRE LICENSEES COMPLETE CERTAIN CONTINUING EDUCATION APPROVED BY THE COMMISSION, AND TO PROVIDE A RESIDENTIAL SPECIALTY CONTRACTOR WHO HAS COMPLETED CONTINUING EDUCATIONAL REQUIREMENTS IN ADDITION TO OTHER EXISTING REQUIREMENTS IS EXEMPT FROM RELATED ADDITIONAL EXAMINATIONS REQUIRED BY A COUNTY OR MUNICIPALITY.

H. 3224 -- Reps. J. E. Smith, Bernstein, Erickson and Hart: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "MILITARY SERVICE OCCUPATION, EDUCATION, AND CREDENTIALING ACT"; BY ADDING SECTION 59-101-400 SO AS TO PROVIDE A PUBLIC, POST-SECONDARY INSTITUTION OF HIGHER EDUCATION IN THIS STATE MAY AWARD EDUCATIONAL CREDIT TO AN HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES FOR A COURSE THAT IS PART OF HIS MILITARY TRAINING OR SERVICE, SUBJECT TO CERTAIN CONDITIONS, AND TO REQUIRE THE INSTITUTION TO IMPLEMENT RELATED POLICIES AND REGULATIONS WITHIN A SPECIFIED TIME FRAME; BY ADDING ARTICLE 3 TO CHAPTER 1, TITLE 40 SO AS TO PROVIDE MISCELLANEOUS LICENSURE PROVISIONS FOR MILITARY PERSONNEL, TO PROVIDE A PERSON LICENSED BY BOARD OR COMMISSION UNDER THE DEPARTMENT OF LABOR, LICENSING AND REGULATION IS EXEMPT FROM CONTINUING EDUCATION REQUIREMENTS AND FEE ASSESSMENTS DURING ACTIVE DUTY IN THE UNITED STATES ARMED FORCES, TO PROVIDE A BOARD OR COMMISSION MAY ISSUE A TEMPORARY PROFESSIONAL LICENSE TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE A BOARD OR COMMISSION SHALL ACCEPT CERTAIN COURSEWORK OR EXPERIENCE OBTAINED DURING THE COURSE OF MILITARY SERVICE TO SATISFY RELATED PROFESSIONAL OR OCCUPATIONAL EDUCATION OR TRAINING LICENSURE REQUIREMENTS; AND TO REPEAL SECTIONS 40-1-75 RELATING TO EXEMPTING ACTIVE DUTY MILITARY PERSONNEL FROM CONTINUING EDUCATION REQUIREMENTS, AND 40-1-77 RELATING TO TEMPORARY PROFESSIONAL OR OCCUPATIONAL LICENSES FOR MILITARY SPOUSES, THE SUBSTANCE OF WHICH ARE INCORPORATED INTO THE NEW ARTICLE ADDED BY THIS ACT.

H. 3815 -- Reps. Sandifer and Erickson: A BILL TO AMEND SECTION 40-6-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN ANNUAL LICENSE FEE FOR AUCTIONEERS, SO AS TO MAKE THE FEE BIENNIAL; AND TO AMEND SECTION 40-6-240, RELATING TO THE LICENSING PERIOD FOR AN AUCTIONEER LICENSE AND CONTINUING EDUCATION REQUIRED FOR RENEWAL OF THE LICENSE, SO AS TO EXTEND THE PERIOD TO TWO YEARS AND MAKE CONFORMING CHANGES, AND TO INCREASE THE AMOUNT OF CONTINUING EDUCATION THAT A LICENSEE MUST EARN DURING THE LICENSING PERIOD PRECEDING RENEWAL FROM FOUR HOURS TO EIGHT HOURS.

**H. 3870--SENT TO THE SENATE**

The following Bill was taken up:

H. 3870 -- Reps. Gambrell, Bowen, D. C. Moss, Gagnon, Putnam, Sandifer and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-49-65 SO AS TO PROVIDE IN THE "FIREFIGHTER MOBILIZATION ACT OF 2000" THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED) HAS SPECIFIC AND EXCLUSIVE JURISDICTION ON BEHALF OF THE STATE IN MATTERS PERTAINING TO THE RESPONSE TO AND CRISIS MANAGEMENT OF ACTS OF TERRORISM AND EMERGENCY EVENT MANAGEMENT OF EXPLOSIVE DEVICES; TO AMEND SECTION 23-49-20, RELATING TO THE SOUTH CAROLINA FIREFIGHTER MOBILIZATION OVERSIGHT COMMITTEE, SO AS TO ADD THE CHIEF OF SLED TO THE COMMITTEE AND TO CORRECT OBSOLETE REFERENCES; TO AMEND SECTION 23-49-50, RELATING TO THE SOUTH CAROLINA FIREFIGHTER MOBILIZATION PLAN, SO AS TO RENAME THE COMMITTEE AS THE SOUTH CAROLINA FIREFIGHTER MOBILIZATION AND EMERGENCY RESPONSE TASK FORCE PLAN, TO ADD THE TASK FORCE TO THOSE RESOURCES THAT THE PLAN IS INTENDED TO OFFER, AND TO PROVIDE THE PLAN IS OPERATIONAL WHEN THE CHIEF OF SLED DIRECTS A RESPONSE TO A TERRORIST OR EXPLOSIVE DEVICE EVENT; TO AMEND SECTION 23-49-60, RELATING TO THE DUTIES OF THE COMMITTEE, SO AS TO PROVIDE THE COMMITTEE SHALL DEVELOP GUIDELINES FOR USING RESOURCES ALLOCATED TO THE TASK FORCE AT THE STATE AND REGIONAL LEVEL; TO AMEND SECTION 23-49-70, RELATING TO STATE AND REGIONAL COORDINATORS APPOINTED BY THE COMMITTEE TO EXECUTE THE PLAN, SO AS TO MAKE A CONFORMING CHANGE TO THE NAME OF THE PLAN, TO REQUIRE THE OFFICE OF STATE FIRE MARSHAL TO PROVIDE ADMINISTRATIVE SUPPORT AS REQUIRED BY THE COMMITTEE TO PERFORM ITS PRESCRIBED FUNCTIONS, AND TO PROVIDE THAT THE STATE COORDINATOR APPOINTED BY THE COMMITTEE SHALL REPORT TO THE STATE FIRE MARSHAL AND PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMITTEE; TO AMEND SECTION 23-49-80, RELATING TO INFORMATION REQUIRED OF THE SOUTH CAROLINA STATE FIREMEN'S ASSOCIATION, SO AS TO CORRECT OBSOLETE LANGUAGE; AND TO AMEND SECTION 23-49-110, RELATING TO DEFINITIONS, SO AS TO DEFINE ADDITIONAL TERMS.

Rep. GAMBRELL demanded the yeas and nays which were taken, resulting as follows:

Yeas 101; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Atwater |
| Bales | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clemmons | Clyburn |
| Cobb-Hunter | Cole | H. A. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Erickson |
| Felder | Finlay | Forrester |
| Gagnon | Gambrell | Gilliard |
| Goldfinch | Govan | Hamilton |
| Hardwick | Harrell | Henderson |
| Herbkersman | Hiott | Hixon |
| Hodges | Horne | Hosey |
| Huggins | Jefferson | Kennedy |
| Limehouse | Loftis | Long |
| Lowe | Lucas | McEachern |
| M. S. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Newton |
| Norman | Ott | Owens |
| Patrick | Pitts | Pope |
| Powers Norrell | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Stringer | Tallon |
| Taylor | Thayer | Toole |
| Vick | Weeks | Wells |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--101**

Those who voted in the negative are:

**Total--0**

So, the Bill was read the third time and ordered sent to the Senate.

**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. 578 -- Senators Leatherman, Ford, Setzler, Thurmond, Peeler, Hembree, L. Martin, McElveen, Sheheen, Campbell, Young, Alexander, Cleary, Courson, Johnson, Grooms, Williams, O'Dell, Massey, Bennett, Cromer, Shealy, Turner, Matthews, Fair and Pinckney: AN ACT TO AMEND VARIOUS PROVISIONS OF CHAPTER 41, TITLE 11 OF THE 1976 CODE, THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT, TO PROVIDE FOR THE ISSUANCE OF GENERAL OBLIGATION DEBT TO SUPPORT AN ENHANCED ECONOMIC DEVELOPMENT PROJECT, TO MAKE FINDINGS THAT THE ISSUANCE OF THE BONDED INDEBTEDNESS SUPPORTS A PUBLIC PURPOSE AND IS IN THE BEST INTEREST OF THE STATE, TO PROVIDE QUALIFYING INVESTMENT AND JOB CREATION CRITERIA, AND TO PROVIDE FOR THE TERMS, CONDITIONS, AND REQUIREMENTS FOR THE ISSUANCE OF THE BONDED INDEBTEDNESS.

**H. 3609--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3609 -- Reps. Barfield, Clemmons and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS TO PROHIBIT THE SALE, POSSESSION, AND USE OF CERTAIN LASER POINTING DEVICES UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE DEFINITIONS, EXEMPTIONS, AND REMEDIES.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 3609 (COUNCIL\NL\3609C001. NL.DG13), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Chapter 1, Title 39 of the 1976 Code is amended by adding:

“Section 39‑1‑100. (A) It is unlawful for an individual to sell a laser device to a minor under the age of eighteen years.

(B) It is unlawful to sell a laser device to an individual who does not present upon demand proper proof of age. Failure to demand identification to verify an individual’s age is not a defense to an action initiated pursuant to this subsection. Proof that is demanded, presented, and reasonably relied upon for the individual’s proof of age is a defense to an action initiated pursuant to this subsection.

(C) An individual who knowingly violates the provisions of subsection (A) or (B) in person, by agent, or in any other way is guilty of a misdemeanor and, upon conviction, must be:

(1) for a first offense, fined not less than one hundred dollars nor more than two hundred dollars;

(2) for a second offense, which occurs within three years of the first offense, fined not less than two hundred dollars nor more than three hundred dollars; and

(3) for a third or subsequent offense, which occurs within three years of the first offense, fined not less than three hundred dollars nor more than four hundred dollars.

(D)(1) A minor under the age of eighteen years may not purchase, attempt to purchase, possess, or attempt to possess a laser device, or present or offer proof of age that is false or fraudulent for the purpose of purchasing or possessing a laser device. A minor under the age of eighteen may possess a laser device if it is:

(a) used by an individual as an emergency signaling device to send an emergency distress signal;

(b) used for legitimate educational purposes so long as it is used solely for that purpose;

(c) used for legitimate business purposes and during the normal course of that business;

(d) necessary for the individual’s employment, education, trade or occupation, so long as it is used solely for that purpose; or

(e) used as part of a gun sight, so long as it is used in a lawful manner.

(2) A minor who knowingly violates a provision of this subsection in person, by agent, or in any other way commits a noncriminal offense and is subject to a civil fine of twenty‑five dollars. The civil fine is subject to all applicable court costs, assessments, and surcharges.

(3) A violation of this subsection is not a criminal or delinquent offense and no criminal or delinquent record may be maintained. A minor may not be detained, taken into custody, arrested, placed in jail or in any other secure facility, committed to the custody of the Department of Juvenile Justice, or found to be in contempt of court for a violation of this subsection.

(4) A violation of this subsection is not grounds for denying, suspending, or revoking an individual’s participation in a state college or university financial assistance program including, but not limited to, a Life Scholarship, a Palmetto Fellows Scholarship, or a need‑based grant.

(E) As used in this section, ‘laser’ means a device that utilizes the natural oscillations of atoms or molecules between energy levels for generating coherent electromagnetic radiation in the ultraviolet, visible, or infrared region of the spectrum, and when discharged exceeds one milliwatt continuous wave.” /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

Reps. H. A. CRAWFORD, CLEMMONS, SANDIFER, and BARFIELD proposed the following Amendment No. 2 to H. 3609 (COUNCIL\NL\3609C002.NL.DG13), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 39-1-100(D), by adding an item at the end to read:

/ (5) Any laser device possessed by a minor in violation of this subsection must be confiscated. /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

Rep. BARFIELD proposed the following Amendment No. 3 to H. 3609 (COUNCIL\BBM\3609C001.BBM.HTC13), which was adopted:

Amend the bill, and if amended, SECTION 1, Section 39‑1‑100, by adding an appropriately numbered subsection at the end to read:

/ ( ) This section does not apply to an individual selling, purchasing, or possessing a laser device that is used in connection with any firearm or implement of archery. /

Renumber sections to conform.

Amend title to conform.

Rep. BARFIELD 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 81; Nays 8

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anthony | Atwater |
| Ballentine | Bannister | Barfield |
| Bingham | Bowen | Bowers |
| Brannon | R. L. Brown | Clemmons |
| Clyburn | Cole | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Hardee | Hardwick | Hayes |
| Herbkersman | Hiott | Horne |
| Hosey | Huggins | Jefferson |
| Kennedy | King | Limehouse |
| Long | Lowe | Lucas |
| McEachern | W. J. McLeod | Merrill |
| Mitchell | D. C. Moss | V. S. Moss |
| Munnerlyn | Murphy | Newton |
| Norman | Owens | Parks |
| Patrick | Pitts | Pope |
| Powers Norrell | Quinn | Ridgeway |
| Riley | Rivers | Sandifer |
| Simrill | Skelton | G. M. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Vick | Weeks | Wells |
| White | Williams | Wood |

**Total--81**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Burns | Chumley | Hamilton |
| Loftis | Nanney | Putnam |
| G. R. Smith | Stringer |  |

**Total--8**

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. 3609. If I had been present, I would have voted in favor of the Bill.

Rep. Heather A. Crawford

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3609. If I had been present, I would have voted against the Bill.

Rep. Eric Bedingfield

**OBJECTION TO MOTION**

Rep. BARFIELD asked unanimous consent that H. 3609 be read a third time tomorrow.

Rep. G. R. SMITH objected.

**H. 3782--RECOMMITTED**

The following Bill was taken up:

H. 3782 -- Rep. Delleney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-11-87 SO AS TO ENACT THE “PUBLIC EMPLOYER PAYROLL DEDUCTION POLICY ACT”, TO PROHIBIT DEDUCTIONS FROM THE COMPENSATION OF A PUBLIC EMPLOYEE FOR DUES, FEES, AND ASSESSMENTS FOR TRANSMISSION TO ANY PUBLIC EMPLOYEE ORGANIZATION, ANY INTERMEDIARY, OR PRIVATE INDIVIDUAL, UNLESS THE DEDUCTION IS OTHERWISE SPECIFICALLY AUTHORIZED.

Rep. SANDIFER moved to recommit the Bill to the Committee on Labor, Commerce and Industry, which was agreed to.

**H. 3771--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3771 -- Reps. Sandifer, Bales, Putnam, Goldfinch and Erickson: A BILL TO AMEND SECTION 40-57-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE SOUTH CAROLINA REAL ESTATE COMMISSION, SO AS TO DETAIL PROCEDURES FOR APPOINTING THE SEVEN COMMISSIONERS WHO REPRESENT THE SEVEN CONGRESSIONAL DISTRICTS, AND TO PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL DESIGNATE CERTAIN PERSONNEL FOR THE EXCLUSIVE USE OF THE COMMISSION, TO PROHIBIT THE DEPARTMENT FROM ASSIGNING OTHER WORK TO THESE PERSONNEL WITHOUT APPROVAL OF THE COMMISSION, AND TO PROVIDE THESE PERSONNEL ONLY MAY BE TERMINATED BY THE DIRECTOR.

Rep. SANDIFER explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 1

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anthony |
| Atwater | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Bowers | Branham |
| Brannon | G. A. Brown | R. L. Brown |
| Burns | Chumley | Clemmons |
| Cole | H. A. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gambrell | George |
| Goldfinch | Hardee | Hardwick |
| Harrell | Hayes | Herbkersman |
| Hiott | Hixon | Hodges |
| Horne | Huggins | Jefferson |
| Kennedy | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Norman | Ott |
| Owens | Patrick | Pitts |
| Pope | Putnam | Quinn |
| Ridgeway | Riley | Robinson-Simpson |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Southard | Spires | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | White | Whitmire |
| Williams | Willis | Wood |

**Total--99**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| G. R. Smith |  |  |

**Total--1**

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

**H. 3771--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. SANDIFER, with unanimous consent, it was ordered that H. 3771 be read the third time tomorrow.

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

**S. 2--RETURNED TO THE SENATE WITH AMENDMENTS**

The following Bill was taken up:

S. 2 -- Senators Campsen, L. Martin, Cromer, Hayes and Grooms: A BILL TO ESTABLISH THE "EQUAL ACCESS TO THE BALLOT ACT", BY AMENDING SECTION 8-13-1356, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FILING OF A STATEMENT OF ECONOMIC INTERESTS BY A CANDIDATE, TO PROVIDE THAT A CANDIDATE WHO IS NOT A PUBLIC OFFICIAL AND A CANDIDATE WHO IS A PUBLIC OFFICIAL SHALL ELECTRONICALLY FILE OR UPDATE A STATEMENT OF ECONOMIC INTERESTS, AS APPLICABLE, PRIOR TO FILING A STATEMENT OF INTENTION OF CANDIDACY OR NOMINATION FOR PETITION; TO AMEND SECTION 7-11-15, TO PROVIDE THAT THE FILING PERIOD RUNS FROM MARCH TWENTY-THIRD TO MARCH THIRTIETH, TO REQUIRE THAT THE PARTY EXECUTIVE COMMITTEE NOT ACCEPT A STATEMENT OF INTENTION OF CANDIDACY UNLESS THE COMMITTEE VERIFIES THAT THE CANDIDATE FILED AN ELECTRONIC STATEMENT OF ECONOMIC INTEREST, AND TO PROVIDE THAT INTENTIONS OF CANDIDACY ARE TO BE SUBMITTED TO THE APPROPRIATE ELECTION COMMISSION BY NOON ON THE FIFTH DAY AFTER THE FILING DEADLINE.

The Bill was read the third time and ordered returned to the Senate with amendments.

**S. 2--MOTION TO RECONSIDER TABLED**

Rep. DELLENEY moved to reconsider the vote whereby the following Bill was read third time and returned to the Senate with amendments:

S. 2 -- Senators Campsen, L. Martin, Cromer, Hayes and Grooms: A BILL TO ESTABLISH THE "EQUAL ACCESS TO THE BALLOT ACT", BY AMENDING SECTION 8-13-1356, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FILING OF A STATEMENT OF ECONOMIC INTERESTS BY A CANDIDATE, TO PROVIDE THAT A CANDIDATE WHO IS NOT A PUBLIC OFFICIAL AND A CANDIDATE WHO IS A PUBLIC OFFICIAL SHALL ELECTRONICALLY FILE OR UPDATE A STATEMENT OF ECONOMIC INTERESTS, AS APPLICABLE, PRIOR TO FILING A STATEMENT OF INTENTION OF CANDIDACY OR NOMINATION FOR PETITION; TO AMEND SECTION 7-11-15, TO PROVIDE THAT THE FILING PERIOD RUNS FROM MARCH TWENTY-THIRD TO MARCH THIRTIETH, TO REQUIRE THAT THE PARTY EXECUTIVE COMMITTEE NOT ACCEPT A STATEMENT OF INTENTION OF CANDIDACY UNLESS THE COMMITTEE VERIFIES THAT THE CANDIDATE FILED AN ELECTRONIC STATEMENT OF ECONOMIC INTEREST, AND TO PROVIDE THAT INTENTIONS OF CANDIDACY ARE TO BE SUBMITTED TO THE APPROPRIATE ELECTION COMMISSION BY NOON ON THE FIFTH DAY AFTER THE FILING DEADLINE.

Rep. DELLENEY moved to table the motion to reconsider, which was agreed to.

**H. 3936--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

H. 3936 -- Rep. Brannon: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 221 IN THE CITY OF CHESNEE FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 11 TO ITS INTERSECTION WITH OCONEE STREET "MAYOR C. E. 'CLIFF' EDWARDS HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS

ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "MAYOR C. E. 'CLIFF' EDWARDS HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 218--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 218 -- Senator Johnson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 15 IN CLARENDON COUNTY FROM ITS INTERSECTION WITH JIM ROSS ROAD TO THE SUMMERTON TOWN LIMIT "PATROLMAN JOHN RAY RIDDLE MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "PATROLMAN JOHN RAY RIDDLE MEMORIAL HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**S. 544--ADOPTED AND SENT TO SENATE**

The following Concurrent Resolution was taken up:

S. 544 -- Senators Hayes, Coleman, Gregory and Peeler: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 72 IN YORK COUNTY FROM ITS INTERSECTION WITH RAWLSVILLE ROAD TO ITS INTERSECTION WITH CRAIG ROAD "EZRA DEWITT MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "EZRA DEWITT MEMORIAL HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 3991 -- Reps. Spires, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR KENNY CHESNEY FOR HIS OUTSTANDING CAREER IN COUNTRY MUSIC AND TO WELCOME HIM TO THE PALMETTO STATE FOR HIS NO SHOES NATION TOUR IN COLUMBIA.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3992 -- Reps. Howard, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: 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, TO RECOGNIZE THE THIRTEEN YOUNG PEOPLE FROM DIFFERENT BOYS & GIRLS CLUBS THROUGHOUT THE STATE WHO HAVE BEEN NAMED 2013 YOUTH OF THE YEAR BY THE SOUTH CAROLINA ALLIANCE OF BOYS & GIRLS CLUBS, AND TO DECLARE THURSDAY, APRIL 25, 2013, AS "BOYS AND GIRLS CLUBS DAY" AT THE STATE HOUSE.

Whereas, in every community, some boys and girls are left to find their own recreation and companionship in the streets. An increasing number of children are at home with no adult care or supervision. Young people need to know someone cares about them; and

Whereas, by instilling a sense of competence, usefulness, belonging, and influence, Boys & Girls Clubs offer that vital caring and more in programs and services that promote and enhance the development of boys and girls; and

Whereas, the Boys & Girls Clubs in South Carolina provide programs in character and leadership development, health and life skills, education and career development, sports and recreation, and the arts; and

Whereas, truly the “Positive Place for Kids,” Boys & Girls Clubs provide a safe place to learn and grow while having fun; and

Whereas, currently, eighteen Boys & Girls Club organizations operate ninety club sites in South Carolina and provide services to more than fifty thousand youth each year; and

Whereas, the members of the General Assembly are pleased to learn that thirteen young people from different Boys & Girls Clubs throughout the Palmetto State have been named 2013 South Carolina Youth of the Year for their respective clubs. These youth and their clubs are as follows: Bryanna Paulhus from the BGC of the Grand Strand; Bryant Sowell from the TSA BGC of Sumter; Justin Fox from the BGCs of the Upstate; Shontel Cain from the BGCs of the Midlands; Aaron Jenkins from the BGCs of the Lowcountry; Winston Leonard from the BGCs of Southern Carolina; Omari Alleyne from the BGCs of York County; Jacob’e Berry from the Orangeburg Area BGCs; Eboni Hinton from the Shaw AFB Youth Center; Jasmine Blocker from the USAG Fort Jackson CYS Services; Robert Robinson from the JB Charleston Youth Programs AB SC; Kimberly King from the JB Charleston WS Youth Programs; and Jamal Woodberry of the BGCs of the Pee Dee Area; and

Whereas, cognizant that South Carolina’s Boys & Girls Clubs are a sound and prosperous investment in the youth of our State, the South Carolina General Assembly takes great pleasure in recognizing and honoring each of these thirteen outstanding young people on their achievement and in commending and thanking the club staff and volunteers for their critical roles in shaping the lives of these youth. Now, therefore,

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

That the members of the South Carolina General Assembly, by this resolution, commend the Boys & Girls Clubs of South Carolina for their wonderful efforts in helping South Carolina’s youth prepare for a productive life, recognize the thirteen young people from different Boys & Girls Clubs throughout the State who have been named 2013 Youth of the Year by the South Carolina Alliance of Boys & Girls Clubs, and declare Thursday, April 25, 2013, as “Boys and Girls Clubs Day” at the State House.

Be it further resolved that a copy of this resolution be forwarded in care of their respective home clubs to each of the thirteen young people named 2013 Youth of the Year.

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

**INTRODUCTION OF BILL**

The following Bill was introduced, read the first time, and referred to appropriate committee:

H. 3993 -- Reps. Daning, Crosby, Murphy, Bowen, Southard, Putnam and Thayer: A BILL TO AMEND SECTION 59-1-435, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION ACT, SO AS TO REQUIRE SCHOOLS TO PROVIDE A LIMITED PUBLIC FORUM FOR STUDENT SPEAKERS AT CERTAIN EVENTS IN A CERTAIN TIME, PLACE, AND MANNER, SUBJECT TO EXISTING EXCEPTIONS FOR GRADUATION CEREMONIES AND SCHOOL-SPONSORED ATHLETIC EVENTS.

Referred to Committee on Judiciary

**H. 3797--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3797 -- Reps. Sandifer and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-90-165 SO AS TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF INSURANCE MAY DECLARE A CAPTIVE INSURANCE COMPANY INACTIVE IN CERTAIN CIRCUMSTANCES AND THAT THE DIRECTOR MAY MODIFY THE MINIMUM TAX PREMIUM APPLICABLE TO THE COMPANY DURING INACTIVITY; BY ADDING SECTION 38-90-215 SO AS TO PROVIDE A PROTECTED CELL MAY BE EITHER INCORPORATED OR UNINCORPORATED, AND TO PROVIDE REQUIREMENTS FOR EACH; BY ADDING SECTION 38-90-250 SO AS TO PROVIDE THE DEPARTMENT MUST CONSIDER A LICENSED CAPTIVE INSURANCE COMPANY THAT MEETS THE REQUIREMENTS OF AN INSURER FOR ISSUANCE OF A CERTIFICATE OF AUTHORITY TO ACT AS AN INSURER; TO AMEND SECTION 38-90-10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE ADDITIONAL TERMS AND REVISE DEFINITIONS OF CERTAIN EXISTING TERMS; TO AMEND SECTION 38-90-20, AS AMENDED, RELATING TO THE DOCUMENTATION REQUIRED FOR LICENSING CAPTIVE INSURANCE COMPANIES, SO AS TO REMOVE THE REQUIREMENT OF A CERTIFICATE OF GENERAL GOOD ISSUED BY THE DIRECTOR; TO AMEND SECTION 38-90-35, RELATING TO THE CONFIDENTIALITY OF INFORMATION CONCERNING CAPTIVE INSURANCE COMPANIES SUBMITTED TO THE DEPARTMENT OF INSURANCE, SO AS TO REVISE REQUIREMENTS FOR MAKING THE INFORMATION SUBJECT TO DISCOVERY IN A CIVIL ACTION; TO AMEND SECTION 38-90-40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS, SECURITY REQUIREMENTS, AND RESTRICTIONS ON DIVIDEND PAYMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO REVISE THE FORM OF CAPITAL REQUIRED FOR A CAPTIVE INSURANCE COMPANY THAT IS NOT A SPONSORED CAPTIVE INSURANCE COMPANY THAT ASSUMES RISK, AND TO REVISE REQUIREMENTS FOR CONTRIBUTIONS TO A CAPTIVE INSURANCE COMPANY INCORPORATED AS A NONPROFIT, AMONG OTHER THINGS; TO AMEND SECTION 38-90-50, AS AMENDED, RELATING TO FREE SURPLUS REQUIREMENTS OF A CAPTIVE INSURANCE COMPANY, SO AS TO REVISE THE FORM OF CAPITAL REQUIRED FOR A CAPTIVE INSURANCE COMPANY THAT IS NOT A SPONSORED CAPTIVE INSURANCE COMPANY THAT ASSUMES RISK; TO AMEND SECTION 38-90-55, AS AMENDED, RELATING TO THE INCORPORATION OF CAPTIVE INSURANCE COMPANIES, SO AS TO DELETE PROVISIONS CONCERNING THE MINIMUM NUMBER AND STATUS OF INCORPORATORS, PREREQUISITES TO TRANSMITTING ARTICLES OF INCORPORATION TO THE SECRETARY OF STATE, AND THE ISSUANCE OF CAPITAL STOCK AT PAR VALUE; TO AMEND SECTION 38-90-60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO REVISE THE AVAILABLE OPTIONS; TO AMEND SECTION 38-90-80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF CAPTIVE INSURANCE COMPANIES BY THE DEPARTMENT, SO AS TO DELETE REFERENCES TO PURE CAPTIVE INSURANCE COMPANIES AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38-90-90, AS AMENDED, RELATING TO THE SUSPENSION OR REVOCATION OF A CAPTIVE INSURANCE LICENSE, SO AS TO MAKE A GRAMMATICAL CHANGE; TO AMEND SECTION 38-90-100, AS AMENDED, RELATING TO THE LOANS BY CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE A SPONSORED CAPTIVE INSURANCE COMPANY MAY MAKE LOANS TO ITS PARENT COMPANY IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38-90-130, AS AMENDED, RELATING THE PROHIBITION AGAINST PARTICIPATION IN PLAN, POOL, ASSOCIATION, GUARANTY, OR INSOLVENCY FUNDS BY CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE CAPTIVE INSURANCE COMPANIES, INCLUDING PURE CAPTIVE INSURANCE COMPANIES, MAY PARTICIPATE IN A POOL FOR THE PURPOSE OF COMMERCIAL RISK SHARING, AMONG OTHER THINGS; TO AMEND SECTION 38-90-180, AS AMENDED, RELATING TO THE APPLICABILITY OF CERTAIN PROVISIONS RELATING TO INSURANCE, SO AS TO PROVIDE REQUIREMENTS FOR THE NAME OF NEW CAPTIVE INSURANCE COMPANIES, TO PROVIDE CIRCUMSTANCES IN WHICH A SPONSORED CAPTIVE INSURANCE COMPANY MAY ESTABLISH PROTECTED CELLS, INCLUDING REQUIREMENTS FOR A PLAN OF OPERATION, THE ATTRIBUTIONS OF ASSETS AND LIABILITIES BETWEEN A PROTECTED CELL AND THE GENERAL ACCOUNT OF THE SPONSORED CAPTIVE INSURANCE COMPANY, AND ADMINISTRATIVE AND ACCOUNTING PROCEDURES; TO AMEND SECTION 38-90-210, RELATING TO THE SEPARATE ACCOUNTING OF PROTECTED CELLS WHEN ESTABLISHED, SO AS TO REQUIRE THIS ACCOUNTING MUST REFLECT THE PARTICIPANTS OF THE PROTECTED CELL IN ADDITION TO EXISTING REQUIREMENTS; TO AMEND SECTION 38-90-220, AS AMENDED, RELATING TO CERTAIN REQUIREMENTS APPLICABLE TO SPONSORS OF CAPTIVE INSURANCE COMPANIES, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 38-90-230, AS AMENDED, RELATING TO PARTICIPANTS IN SPONSORED CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT PROTECTED CELLS ASSETS ARE ONLY AVAILABLE TO CREDITORS OF THE SPONSORED CAPTIVE INSURANCE COMPANY AND RELATED REQUIREMENTS, AND TO PROVIDE REQUIREMENTS CONCERNING OBLIGATIONS OF SPONSORED CAPTIVE INSURANCE COMPANIES WITH RESPECT TO PROTECTED CELLS AND ITS GENERAL ACCOUNT; TO AMEND SECTION 38-90-240, RELATING TO THE ELIGIBILITY OF A LICENSED CAPTIVE INSURANCE COMPANY FOR CERTIFICATE OF AUTHORITY TO ACT AS INSURER, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE FOR WHO MAY PARTICIPATE IN A SPONSORED CAPTIVE INSURANCE COMPANY AND OBLIGATIONS OF THESE PARTICIPANTS, AND TO PROVIDE SPONSORED CAPTIVE INSURANCE COMPANIES MAY NOT BE USED TO FACILITATE INSURANCE SECURITIZATION TRANSACTIONS; TO AMEND SECTION 38-90-450, AS AMENDED, RELATING TO ORGANIZATION REQUIREMENTS FOR SPECIAL PURPOSE FINANCIAL CAPTIVES, SO AS TO DELETE PROVISIONS CONCERNING THE MINIMUM NUMBER AND STATUS OF INCORPORATORS, AND PREREQUISITES TO TRANSMITTING ARTICLES OF INCORPORATION TO THE SECRETARY OF STATE; AND TO REPEAL SECTION 38-90-235 RELATING TO TERMS AND CONDITIONS FOR PROTECTED CELL INSURANCE COMPANIES TO APPLY TO SPONSORED CAPTIVE INSURANCE COMPANIES.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 3797 (COUNCIL\AGM\3797C002. AGM.AB13), which was adopted:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Article 1, Chapter 90, Title 38 of the 1976 Code is amended by adding:

“Section 38‑90‑165. (A) The director may declare inactive by order a captive insurance company other than a risk retention group or association captive if such captive insurance company has no outstanding liabilities and agrees to cease providing insurance coverage.

(B) During the period the captive insurance company is inactive, the director may by order:

(1) modify the minimum premium tax applicable to the captive insurance company to an amount no less than two thousand dollars and the captive insurance company shall pay no other premium taxes; and

(2) exempt the captive insurance company from the requirement to file such reports as set forth in the order.”

SECTION 2. Article 1, Chapter 90, Title 38 of the 1976 Code is amended by adding:

“Section 38‑90‑215. (A) A protected cell may be either unincorporated or incorporated.

(B) With regard to unincorporated protected cells:

(1) The unincorporated protected cell shall have its own distinct name or designation, which shall include the words ‘Protected Cell’ or the abbreviation ‘PC’. Any captive insurance company or protected cell formed prior to the effective date of this section may not be required to change its name to comply with the provisions of this paragraph.

(2) An unincorporated protected cell must meet the paid‑in capital and free surplus requirements applicable to a special purpose captive insurance company and either:

(a) establish loss and loss expense reserves for business written through the unincorporated protected cell; or

(b) the business written through the unincorporated protected cell must be:

(i) fronted by an insurance company licensed pursuant to the laws of:

(A) any state; or

(B) any jurisdiction if the insurance company is a wholly owned subsidiary of an insurance company licensed pursuant to the laws of any state;

(ii) reinsured by a reinsurer authorized or approved by this State; or

(iii) secured by a trust fund in the United States for the benefit of policyholders and claimants funded by an irrevocable letter of credit or other asset acceptable to the director. The amount of security provided by the trust fund may not be less than the reserves associated with those liabilities, including reserves for losses, allocated loss adjustment expenses, incurred but unreported losses, and unearned premiums for business written through the participant’s protected cell. The director may require the sponsored captive to increase the funding of a trust established pursuant to this item. If the form of security in the trust is a letter of credit, the letter of credit must be established, issued, or confirmed by a bank chartered in this State, a member of the federal reserve system, or a bank chartered by another state if that state‑chartered bank is acceptable to the director. A trust and trust instrument maintained pursuant to this item must be in a form and upon terms approved by the director.

(3) The creation of an unincorporated protected cell does not create, with respect to that protected cell, a legal person separate from the sponsored captive insurance company. Amounts attributed to a protected cell, including assets transferred to a protected cell account, are owned by the sponsored captive insurance company of which the protected cell is a part, and the sponsored captive insurance company may not be, or may not hold itself out to be, a trustee with respect to those protected cell assets of that protected cell account. Notwithstanding the provisions of this subsection, the sponsored captive insurance company may allow for a security interest to attach to protected cell assets or a protected cell account when in favor of a creditor of the protected cell and otherwise allowed under applicable law.

(4) This subsection may not be construed to prohibit the sponsored captive insurance company from:

(a) entering into contracts of insurance on behalf of the protected cell; or

(b) contracting with or arranging for third‑party managers or advisors to manage the protected cell to manage the assets of a protected cell, if all remuneration, expenses, and other compensation of the third party manager or advisor is payable from the protected cell assets of that protected cell and not from the protected cell assets of other protected cells or the assets of the sponsored captive insurance company’s general account.

(C) Incorporated protected cells shall be subject to all of the following:

(1) An incorporated protected cell may be organized and operated in any form of business organization set forth in Section 38‑90‑60(A).

(2) Except as specifically set forth in this chapter, each incorporated protected cell of a sponsored captive insurance company shall be licensed and treated as a special purpose captive insurance company.

(3) A participant in an incorporated protected cell need not be a shareholder of the protected cell or of the sponsored captive insurance company or any affiliate thereof.

(D) The name of an incorporated protected cell must include the words ‘Incorporated Cell’ or the abbreviation ‘IC’.

(E) Any captive insurance company or protected cell formed prior to July 31, 2013 shall not be required to change its name to comply with the provisions of subsection (D).”

SECTION 3. Article 1, Chapter 90, Title 38 of the 1976 Code is amended by adding:

“Section 38‑90‑250. A licensed captive insurance company that meets the necessary requirements of this title imposed upon an insurer must be considered for issuance of a certificate of authority to act as an insurer in this State.”

SECTION 4. Section 38‑90‑10 of the 1976 Code, as last amended by Act 291 of 2004, is further amended to read:

“Section 38‑90‑10. As used in this chapter, unless the context requires otherwise:

(1) ‘Alien captive insurance company’ means an insurance company formed to write insurance business for its parents and affiliates and licensed pursuant to the laws of an alien jurisdiction which imposes statutory or regulatory standards in a form acceptable to the director on companies transacting the business of insurance in such jurisdiction.

(2) ‘Affiliated company’ means a company in the same corporate system as a parent, an industrial insured, or a member organization by virtue of common ownership, control, operation, or management.

(3) ‘Association’ means a legal association of individuals, corporations, limited liability companies, partnerships, political subdivisions, or associations that has been in continuous existence for at least one year:

(a) the member organizations of which collectively, or which does itself:

(i) own, control, or hold with power to vote all of the outstanding voting securities of an association captive insurance company incorporated as a stock insurer or organized as a limited liability company; or

(ii) have complete voting control over an association captive insurance company organized as a mutual insurer; or

(b) the member organizations of which collectively constitute all of the subscribers of an association captive insurance company formed as a reciprocal insurer.

(4) ‘Association captive insurance company’ means a company that insures risks of the member organizations of the association and their affiliated companies.

(5) ‘Branch business’ means any insurance business transacted by a branch captive insurance company in this State.

(6) ‘Branch captive insurance company’ means an alien captive insurance company licensed by the director to transact the business of insurance in this State through a business unit with a principal place of business in this State.

(7) ‘Branch operations’ means any business operations of a branch captive insurance company in this State.

(8) ‘Captive insurance company’ means a pure captive insurance company, association captive insurance company, captive reinsurance company, sponsored captive insurance company, special purpose captive insurance company, or industrial insured captive insurance company formed or licensed under this chapter. For purposes of this chapter, a branch captive insurance company must be a pure captive insurance company with respect to operations in this State, unless otherwise permitted by the director.

(9) ‘Captive reinsurance company’ means a reinsurance company that is formed or licensed pursuant to this chapter and is wholly owned by a qualifying reinsurance parent company. A captive reinsurance company is a stock corporation.

(10) ‘Consolidated debt to total capital ratio’ means the ratio of the sum of (a) all debts and hybrid capital instruments including, but not limited to, all borrowings from banks, all senior debt, all subordinated debts, all trust preferred shares, and all other hybrid capital instruments that are not included in the determination of consolidated GAAP net worth issued and outstanding to (b) total capital, consisting of all debts and hybrid capital instruments as described in subitem (a) plus owners’ equity determined in accordance with GAAP for reporting to the United States Securities and Exchange Commission.

(11) ‘Consolidated GAAP net worth’ means the consolidated owners’ equity determined in accordance with GAAP for reporting to the United States Securities and Exchange Commission.

(12) ‘Controlled unaffiliated business’ means a company:

(a) that is not in the corporate system of a parent and affiliated companies;

(b) that has an existing contractual relationship with a parent or affiliated company; and

(c) whose risks are managed by a captive insurance company in accordance with Section 38‑90‑190.

(13) ‘Director’ means the Director of the South Carolina Department of Insurance or the director’s designee.

(14) ‘Department’ means the South Carolina Department of Insurance.

(15) ‘GAAP’ means generally accepted accounting principles.

(16) ‘General account’ means the assets and liabilities of a sponsored captive insurance company other than protected cell assets and protected cell liabilities.

(~~16~~17) ‘Industrial insured’ means an insured as defined in Section 38‑25‑150(8).

(~~17~~18) ‘Industrial insured captive insurance company’ means a company that insures risks of the industrial insureds that comprise the industrial insured group and their affiliated companies.

(~~18~~19) ‘Industrial insured group’ means a group that meets either of the following criteria:

(a) a group of industrial insureds that collectively:

(i) own, control, or hold with power to vote all of the outstanding voting securities of an industrial insured captive insurance company incorporated as a stock insurer or limited liability company; or

(ii) have complete voting control over an industrial insured captive insurance company incorporated as a mutual insurer; or

(b) a group which is created under the Liability Risk Retention Act of 1986 15 U.S.C. Section 3901, et seq., as amended, and Chapter 87, Title 38, as a corporation or other limited liability association taxable as a stock insurance company or a mutual insurer under this title.

(~~19~~20) ‘Member organization’ means any individual, corporation, limited liability company, partnership, or association that belongs to an association.

(~~20~~21) ‘Parent’ means any corporation, limited liability company, partnership, or individual that directly or indirectly owns, controls, or holds with power to vote more than fifty percent of the outstanding voting interests of a captive insurance company.

(~~21~~22) ‘Participant’ means an entity as defined in Section ~~38‑90‑230~~ 38‑90‑240, and any affiliates of that entity, that are insured by a sponsored captive insurance company, where the losses of the participant are limited through a participant contract to the assets of a protected cell.

(~~22~~23) ‘Participant contract’ means a contract by which a sponsored captive insurance company insures the risks of a participant and limits the losses of the participant to the assets of a protected cell.

(~~23~~24) ‘Protected cell’ means ~~a separate account established and maintained by a sponsored captive insurance company for one participant~~ an identified pool of assets and liabilities of a sponsored captive insurance company for one or more participants that is segregated and insulated from the remainder of the sponsored captive insurance company’s assets and liabilities as set forth in this chapter. A protected cell may be unincorporated or incorporated.

(25) ‘Protected cell account’ means a specifically identified bank or custodial account established by a sponsored captive insurance company for the purpose of segregating the protected cell assets of one protected cell from the protected cell assets of other protected cells and from the assets of the sponsored captive insurance company’s general account.

(26) ‘Protected cell assets’ means all assets, contract rights, and general intangibles, identified with and attributable to a specific protected cell of a sponsored captive insurance company.

(27) ‘Protected cell liabilities’ means all liabilities and other obligations identified with and attributable to a specific protected cell of a sponsored captive insurance company.

(~~24~~28) ‘Pure captive insurance company’ means a company that insures risks of its parent, affiliated companies, controlled unaffiliated business, or a combination thereof.

(~~25~~29) ‘Qualifying reinsurer parent company’ means a reinsurer authorized to write reinsurance by this State and that has a consolidated GAAP net worth of not less than five hundred million dollars and consolidated debt to total capital ratio not greater than 0.50.

(~~26~~30) ‘Special purpose captive insurance company’ means a captive insurance company that is formed or licensed under this chapter that does not meet the definition of any other type of captive insurance company defined in this section.

(~~27~~31) ‘Sponsor’ means an entity that ~~meets the requirements of Section 38‑90‑220 and~~ is approved by the director to provide all or part of the capital and surplus required by applicable law and to organize and operate a sponsored captive insurance company.

(~~28~~32) ‘Sponsored captive insurance company’ means a captive insurance company:

(a) in which the minimum capital and surplus required by applicable law is provided by one or more sponsors;

(b) that is formed or licensed under this chapter;

(c) that ~~insures the risks of separate participants through the contract~~ segregates liability through one or more protected cells; and

(d) that ~~segregates each participant’s liability through one or more protected cells~~ insures the risks of participants through participant contracts.

(~~29~~33) ‘Treasury rates’ means the United States Treasury strips asked yield as published in the Wall Street Journal as of a balance sheet date.”

SECTION 5. Section 38‑90‑20(F) of the 1976 Code, as last amended by Act 291 of 2004, is further amended to read:

“(F) A foreign or alien captive insurance company, upon approval of the director or his designee, may become a domestic captive insurance company by complying with all of the requirements of law relative to the organization and licensing of a domestic captive insurance company of the same or equivalent type in this State and by filing with the Secretary of State its articles of association, charter, or other organizational document, together with appropriate amendments to them adopted in accordance with the laws of this State bringing those articles of association, charter, or other organizational document into compliance with the laws of this State~~, along with a certificate of general good issued by the director~~. After this is accomplished, the captive insurance company is entitled to the necessary or appropriate certificates and licenses to continue transacting business in this State and is subject to the authority and jurisdiction of this State. In connection with this redomestication, the director may waive any requirements for public hearings. It is not necessary for a company redomesticating into this State to merge, consolidate, transfer assets, or otherwise engage in any other reorganization, other than as specified in this section.”

SECTION 6. Section 38‑90‑35 of the 1976 Code, as added by Act 291 of 2004, is amended to read:

“Section 38‑90‑35. (A) Information submitted pursuant to the provisions of this chapter is confidential and may not be made public by the director or an agent or employee of the director without the written consent of the company, except that~~:~~

~~(1)~~ information may be discoverable by a party in a civil action or contested case to which the submitting captive insurance company is a party, upon a showing by the party seeking to discover the information that:

(~~a~~1) the information sought is relevant to and necessary for the furtherance of the action or case and the information sought is unavailable from other nonconfidential sources; or

(~~b~~2) a subpoena applicable to the information ~~sought is unavailable from other nonconfidential sources; or~~

~~(c)~~ ~~a subpoena issued by a judicial or administrative law officer of competent jurisdiction has been submitted to the director; and~~ is issued by a judicial or administrative law officer of competent jurisdiction has been submitted to the director.

(~~2~~B) ~~the~~ The director may disclose the information to the public officer having jurisdiction over the regulation of insurance in another state if:

(~~a~~1) the public official agrees in writing to maintain the confidentiality of the information; and

(~~b~~2) the laws of the state in which the public official serves require the information to be confidential.”

SECTION 7. Section 38‑90‑40 of the 1976 Code, as last amended by Act 217 of 2010, is further amended to read:

“Section 38‑90‑40. (A)(1) The director may not issue a license to a captive insurance company unless the company possesses and maintains unimpaired paid‑in capital of:

(a) in the case of a pure captive insurance company, not less than one hundred thousand dollars;

(b) in the case of an association captive insurance company incorporated as a stock insurer or organized as a limited liability company, not less than four hundred thousand dollars;

(c) in the case of an industrial insured captive insurance company incorporated as a stock insurer or organized as a limited liability company, not less than two hundred thousand dollars;

(d) in the case of a sponsored captive insurance company, not less than five hundred thousand dollars; however, if the sponsored captive insurance company does not assume any risk, the risks insured by the protected cells are homogeneous and there are no more than ten cells, the director may reduce this amount to an amount not less than one hundred fifty thousand dollars;

(e) in the case of a special purpose captive insurance company, an amount determined by the director after giving due consideration to the company’s business plan, feasibility study, and pro‑formas, including the nature of the risks to be insured.

(2)(a) Except for a sponsored captive insurance company that does not assume any risk, the unimpaired, paid‑in capital required in subsection (A)(1) must be in the form of ~~cash, cash equivalent, or an irrevocable letter of credit issued by a bank chartered by this State or a member bank of the Federal Reserve System with a branch office in this State or as approved by the director.~~:

(i) cash on deposit with a bank located in South Carolina;

(ii) cash equivalent accessible through a bank or investment manager located in South Carolina; or

(iii) an irrevocable letter of credit in a form approved by the director and issued by a bank chartered by this State or a member bank of the Federal Reserve System with a branch office in this State or as approved by the director.

(b) For a sponsored captive insurance company that does not assume any risk, the capital also may be in the form of other high quality securities as approved by the director.

(B)(1) The director may not issue a license to a captive insurance company incorporated as a nonprofit corporation unless the company possesses and maintains unrestricted net assets of:

(a) in the case of a pure captive insurance company, not less than two hundred fifty thousand dollars; and

(b) in the case of a special purpose captive insurance company, an amount determined by the director after giving due consideration to the company’s business plan, feasibility study, and pro‑formas, including the nature of the risks to be insured.

(2) Contributions to a captive insurance company incorporated as a nonprofit corporation must ~~be in the form of cash, cash equivalent, or an irrevocable letter of credit issued by a bank chartered by this State or a member bank of the Federal Reserve System with a branch office in this State or as approved by the director~~ conform with the requirements of subsection (A)(2)(a).

(C) For purposes of subsections (A) and (B), the director may issue a license expressly conditioned upon the captive insurance company providing to the director satisfactory evidence of possession of the minimum required unimpaired paid‑in capital. Until this evidence is provided, the captive insurance company may not issue any policy, assume any liability, or otherwise provide coverage. The director summarily may revoke the conditional license without legal recourse by the company if satisfactory evidence of the required capital is not provided within a maximum period of time, not to exceed one year, to be established by the director at the time the conditional license is issued.

(D) Notwithstanding the provisions of this section, the director may prescribe additional capital or net assets based upon the type, volume, and nature of insurance business transacted including, but not limited to, the net amount of risk retained for an individual risk. Contributions in connection with these prescribed additional net assets or capital must be in the form of:

(1) cash;

(2) cash equivalent;

(3) an irrevocable letter of credit issued by a bank chartered by this State or a member bank of the Federal Reserve System with a branch office in this State or as approved by the director; or

(4) securities invested as provided in Section 38‑90‑100.

(E) In the case of a branch captive insurance company, as security for the payment of liabilities attributable to branch operations, the director shall require that a trust fund, funded by an irrevocable letter of credit or other acceptable asset, be established and maintained in the United States for the benefit of United States policyholders and United States ceding insurers under insurance policies issued or reinsurance contracts issued or assumed, by the branch captive insurance company through its branch operations. The amount of the security may be no less than the capital and surplus required by this chapter and the reserves on these insurance policies or reinsurance contracts, including reserves for losses, allocated loss adjustment expenses, incurred but not reported losses and unearned premiums with regard to business written through branch operations; however, the director may permit a branch captive insurance company that is required to post security for loss reserves on branch business by its reinsurer or front company to reduce the funds in the trust account required by this section by the same amount so long as the security remains posted with the reinsurer or front company. If the form of security selected is a letter of credit, the letter of credit must be established by, or issued or confirmed by, a bank chartered in this State or a member bank of the Federal Reserve System.

(F)(1) A captive insurance company may not pay a dividend out of, or other distribution with respect to, capital or surplus, in excess of the limitations set forth in Section 38‑21‑250 through Section 38‑21‑270, without the prior approval of the director. Approval of an ongoing plan for the payment of dividends or other distributions must be conditioned upon the retention, at the time of each payment, of capital or surplus in excess of amounts specified by, or determined in accordance with formulas approved by, the director.

(2) A captive insurance company incorporated as a nonprofit corporation may not make any distributions without the prior approval of the director.

(G) An irrevocable letter of credit, which is issued by a financial institution other than a bank chartered by this State or a member bank of the Federal Reserve System, shall meet the same standards as an irrevocable letter of credit which has been issued by either entity.”

SECTION 8. Section 38‑90‑50 of the 1976 Code, as last amended by Act 217 of 2010, is further amended to read:

“Section 38‑90‑50. (A)(1) The director may not issue a license to a captive insurance company unless the company possesses and maintains free surplus of:

(a) in the case of a pure captive insurance company, not less than one hundred fifty thousand dollars;

(b) in the case of an association captive insurance company incorporated as a stock insurer or organized as a limited liability company, not less than three hundred fifty thousand dollars;

(c) in the case of an industrial insured captive insurance company incorporated as a stock insurer or organized as a limited liability company, not less than three hundred thousand dollars;

(d) in the case of an association captive insurance company incorporated as a mutual insurer, not less than seven hundred fifty thousand dollars;

(e) in the case of an industrial insured captive insurance company incorporated as a mutual insurer, not less than five hundred thousand dollars;

(f) in the case of a sponsored captive insurance company, not less than five hundred thousand dollars; however, if the sponsored captive insurance company does not assume any risk, the risks insured by the protected cells are homogeneous and there are no more than ten cells, the director may reduce this amount to an amount not less than one hundred fifty thousand dollars; and

(g) in the case of a special purpose captive insurance company, an amount determined by the director after giving due consideration to the company’s business plan, feasibility study, and pro‑formas, including the nature of the risks to be insured.

(2)(a) Except for a sponsored captive insurance company that does not assume any risk, the free surplus required in subsection (A)(1) must be in the form of ~~cash, cash equivalent, or an irrevocable letter of credit issued by a bank chartered by this State or a member bank of the Federal Reserve System with the branch office in this State and approved by the director~~:

(i) cash on deposit with a bank located in South Carolina;

(ii) cash equivalent accessible through a bank or investment manager located in South Carolina; or

(iii) an irrevocable letter of credit in a form approved by the director and issued by a bank chartered by this State or a member bank of the Federal Reserve System with a branch office in this State or as approved by the director.

(b) For a sponsored captive insurance company that does not assume any risk, the surplus also may be in the form of other high quality securities as approved by the director.

(B) Notwithstanding the requirements of subsection (A) a captive insurance company organized as a reciprocal insurer under this chapter may not be issued a license unless it possesses and thereafter maintains free surplus of one million dollars.

(C) For purposes of subsections (A) and (B), the director may issue a license expressly conditioned upon the captive insurance company providing to the director satisfactory evidence of possession of the minimum required free surplus. Until this evidence is provided, the captive may not issue any policy, assume any liability, or otherwise provide coverage. The director summarily may revoke the conditional license without legal recourse by the company if satisfactory evidence of the required capital is not provided within a maximum period of time, not to exceed one year, to be established by the director at the time the conditional license is issued.

(D) Notwithstanding another provisions of this section, the director may prescribe additional surplus based upon the type, volume, and nature of insurance business transacted including, but not limited to, the net amount of risk retained for an individual risk. This additional surplus must be in the form of:

(1) cash;

(2) cash equivalent;

(3) an irrevocable letter of credit issued by a bank chartered by this State, or a member bank of the Federal Reserve System with a branch in this State or as approved by the director; or

(4) securities invested as provided in Section 38‑90‑100.

(E) A captive insurance company may not pay a dividend out of, or other distribution with respect to, capital or surplus in excess of the limitations set forth in Section 38‑21‑270, without the prior approval of the director. Approval of an ongoing plan for the payment of dividends or other distribution must be conditioned upon the retention, at the time of each payment, of capital or surplus in excess of amounts specified by, or determined in accordance with formulas approved by, the director.

(F) An irrevocable letter of credit, which is issued by a financial institution other than a bank chartered by this State or a member bank of the Federal Reserve System, shall meet the same standards as an irrevocable letter of credit which has been issued by either entity.”

SECTION 9. Section 38‑90‑55 of the 1976 Code, as last amended by Act 28 of 2009, is further amended to read:

“Section 38‑90‑55. (A) A captive reinsurance company must be incorporated as a stock insurer with its capital divided into shares and held by its shareholders.

(B) ~~A captive reinsurance company may not have fewer than three incorporators of whom at least two must be residents of this State.~~

~~(C) Before the articles of incorporation are transmitted to the Secretary of State, the incorporators shall petition the director to issue a certificate finding that the establishment and maintenance of the proposed corporation promotes the general good of this State. In arriving at this finding the director may consider:~~

~~(1) the character, reputation, financial standing, and purposes of the incorporators;~~

~~(2) the character, reputation, financial responsibility, insurance experience, and business qualifications of the officers and directors; and~~

~~(3) other factors the director considers advisable.~~

~~(D) The capital stock of a captive reinsurance company must be issued at par value or greater.~~

~~(E)~~ At least one of the members of the board of directors of a captive reinsurance company incorporated in this State must be a resident of this State.”

SECTION 10. Section 38‑90‑60 of the 1976 Code, as last amended by Act 28 of 2009, is further amended to read:

“Section 38‑90‑60. (A) A ~~pure captive insurance company or a sponsored~~ captive insurance company may be:

(1) incorporated as a stock insurer ~~with its capital divided into shares and held by the stockholders~~;

(2) incorporated as a ~~public benefit, mutual benefit, or religious~~ nonprofit corporation ~~with members in accordance with the South Carolina Nonprofit Corporation Act of 1994~~; ~~or~~

(3) organized as a limited liability company ~~with its capital divided into capital accounts and held by its members~~;

(4) incorporated as a mutual insurer without capital stock, the governing body of which is elected by the members of the insurer; or

(5) organized as a reciprocal insurer pursuant to Chapter 17.

(B) ~~An association captive insurance company or an industrial insured captive insurance company may be:~~

~~(1)~~ ~~incorporated as a stock insurer with its capital divided into shares and held by the stockholders;~~

~~(2)~~ ~~organized as a limited liability company with its capital divided into capital accounts and held by its members;~~

~~(3)~~ ~~incorporated as a mutual insurer without capital stock, the governing body of which is elected by the member organizations of its association; or~~

~~(4)~~ ~~organized as a reciprocal insurer in accordance with Chapter 17.~~

~~(C)~~ ~~A captive insurance company may not have fewer than three incorporators or organizers of whom not fewer than two must be residents of this State.~~

~~(D)~~ ~~In the case of a captive insurance company formed as a corporation, a nonprofit corporation, or a limited liability company, before the articles of incorporation or articles of organization are transmitted to the Secretary of State, the incorporators or organizers shall petition the director to issue a certificate setting forth a finding that the establishment and maintenance of the proposed entity will promote the general good of the State. In arriving at this finding the director may consider:~~

~~(1)~~ ~~the character, reputation, financial standing, and purposes of the incorporators or organizers;~~

~~(2)~~ ~~the character, reputation, financial responsibility, insurance experience, and business qualifications of the officers and directors or managers; and~~

~~(3)~~ ~~other aspects as the director considers advisable.~~

~~(E)~~ ~~The articles of incorporation or articles of organization, the certificate issued pursuant to subsection (D), and the organization fees required by Section 33‑1‑220, 33‑31‑122, or 33‑44‑1204, as applicable, must be transmitted to the Secretary of State, who shall record both the articles of incorporation or articles of organization and the certificate.~~

~~(F)~~ ~~In the case of a captive insurance company formed as a reciprocal insurer, the organizers shall petition the director to issue a certificate setting forth the director’s finding that the establishment and maintenance of the proposed association will promote the general good of the State. In arriving at this finding the director may consider:~~

~~(1)~~ ~~the character, reputation, financial standing, and purposes of the incorporators or organizers;~~

~~(2)~~ ~~the character, reputation, financial responsibility, insurance experience, and business qualifications of the officers and directors or managers; and~~

~~(3)~~ ~~other aspects the director considers advisable.~~ No captive insurance company shall do any business in this State unless it first obtains from the director a certificate of authority authorizing it to do business in this State. In determining whether to issue a certificate of authority to a captive insurance company, the director may consider:

(1) the character, reputation, financial responsibility, insurance experience, and business qualifications of the incorporators, officers, and directors or managers; and

(2) other aspects the director considers advisable.

(~~G~~C) In the case of a captive insurance company licensed as a branch captive insurance company, the alien captive insurance company ~~shall petition the director to issue a certificate setting forth the director’s finding that the licensing and maintenance of the branch operations will promote the general good of the State. In arriving at this finding, the director or his designee may consider the character, reputation, financial responsibility, insurance experience, and business qualifications of the officers and directors or managers of the alien captive insurance company and other aspects the director considers advisable. The alien captive insurance company may~~ must register to do business in this State after the ~~director’s~~ certificate of authority has been issued.

~~(H)~~ ~~The capital stock or membership interests of a captive insurance company incorporated as a stock insurer or limited liability company must be issued at not less than par value.~~

~~(I)~~ ~~In the case of a captive insurance company formed as a corporation or a nonprofit corporation, at least one of the members of the board of directors of a captive insurance company incorporated in this State must be a resident of this State.~~

~~(J)~~ ~~In the case of a captive insurance company formed as a limited liability company, at least one of the managers of the captive insurance company must be a resident of this State.~~

~~(K)~~ ~~In the case of a captive insurance company formed as a reciprocal insurer, at least one of the members of the subscribers’ advisory committee must be a resident of this State.~~

(D) The articles of incorporation, articles of organization, or the application of a branch captive insurance company to qualify to do business in South Carolina, and the organization fees required by Section 33‑1‑220, 33‑31‑122, or 33‑44‑1204, as applicable, must be transmitted to the Secretary of State, who shall record the articles of incorporation, articles of organization, or application to qualify to do business in South Carolina.

(~~L~~E) A captive insurance company formed as a corporation, a nonprofit corporation, or a limited liability company, pursuant to the provisions of this chapter has the privileges and is subject to the provisions of the general corporation law, including the South Carolina Nonprofit Corporation Act of 1994 for nonprofit corporations and the South Carolina Uniform Limited Liability Company Act of 1996 for limited liability companies, as applicable, as well as the applicable provisions contained in this chapter. If a conflict occurs between a provision of the general corporation law, including the South Carolina Nonprofit Corporation Act of 1994 for nonprofit corporations and the South Carolina Uniform Limited Liability Company Act of 1996 for limited liability companies, as applicable, and a provision of this chapter, the latter controls. The provisions of this title pertaining to mergers, consolidations, conversions, mutualizations, and redomestications apply in determining the procedures to be followed by a captive insurance company in carrying out any of the transactions described in those provisions, except the director may waive or modify the requirements for public notice and hearing in accordance with regulations which the director may promulgate addressing categories of transactions. If a notice of public hearing is required, but no one requests a hearing, the director may cancel the hearing.

(~~M~~F) A captive insurance company formed as a reciprocal insurer pursuant to the provisions of this chapter has the privileges and is subject to Chapter 17 in addition to the applicable provisions of this chapter. If a conflict occurs between the provisions of Chapter 17 and the provisions of this chapter, the latter controls. To the extent a reciprocal insurer is made subject to other provisions of this title pursuant to Chapter 17, the provisions are not applicable to a reciprocal insurer formed pursuant to the provisions of this chapter unless the provisions are expressly made applicable to a captive insurance company pursuant to the provisions of this chapter.

(G) In the case of a captive insurance company formed as a corporation, a mutual insurer, or a nonprofit corporation, at least one of the members of the board of directors of a captive insurance company incorporated in this State must be a resident of this State.

(H) In the case of a captive insurance company formed as a limited liability company, at least one of the managers of the captive insurance company must be a resident of this State.

(I) In the case of a captive insurance company formed as a reciprocal insurer, at least one of the members of the subscribers’ advisory committee must be a resident of this State.

(~~N~~J) The articles of incorporation or bylaws of a captive insurance company may authorize a quorum of a board of directors to consist of no fewer than one‑third of the fixed or prescribed number of directors as provided for in Section 33‑8‑240(b). In the case of a limited liability company, the articles of organization or operating agreement of a captive insurance company may authorize a quorum to consist of no fewer than one‑third of the managers required by the articles of organization or the operating agreement.”

SECTION 11. Section 38‑90‑80(A) of the 1976 Code, as last amended by Act 28 of 2009, is further amended to read:

“(A) At least once every five years, and whenever the director determines it to be prudent, the director personally, or by a competent person appointed by the director, shall visit each captive insurance company and thoroughly inspect and examine its affairs to ascertain its financial condition, its ability to fulfill its obligations, and whether it has complied with this chapter. The director may waive the requirement for a visit to the captive insurance company ~~for pure captive insurance companies and for special purpose captive insurance companies~~. The expenses and charges of the examination must be paid to the State by the company or companies examined and the department shall issue its warrants for the proper charges incurred in all examinations.”

SECTION 12. Section 38‑90‑90(C) of the 1976 Code, as added by Act 28 of 2009, is amended to read:

“(C) ~~Instead~~ In lieu of suspending or revoking the license of a captive insurance company, the director may impose fines as provided for in Section 38‑2‑10.”

SECTION 13. Section 38‑90‑100(C) of the 1976 Code is amended to read:

“(C) Only a pure captive insurance company or a sponsored captive insurance company may make loans to its parent company or affiliates and only ~~upon the prior written approval~~ by order of the director and must be evidenced by a note in a form approved by the director. Loans of minimum capital and surplus funds required by Sections 38‑90‑40(A) and 38‑90‑50(A) are prohibited.”

SECTION 14. Section 38‑90‑130 of the 1976 Code, as last amended by Act 28 of 2009, is further amended to read:

“Section 38‑90‑130. A captive insurance company, including a captive insurance company organized as a reciprocal insurer under this chapter, may not join or contribute financially to a plan, pool, association, or guaranty or insolvency fund in this State, and a captive insurance company, or its insured or its parent or any affiliated company or any member organization of its association, or in the case of a captive insurance company organized as a reciprocal insurer, a subscriber of the company, may not receive a benefit from a plan, pool, association, or guaranty or insolvency fund for claims arising out of the operations of such captive insurance company. Subject to the prior written approval of the director or his designee, participation by a captive insurance company, including a pure captive insurance company, in a pool for the purpose of commercial risk sharing is not prohibited under this section. Nothing in this section may be interpreted to permit the writing of third‑party risk by a captive insurance company outside of a commercial risk sharing arrangement approved by the director.”

SECTION 15. Section 38‑90‑180(B) of the 1976 Code, as last amended by Act 58 of 2001, is further amended to read:

“(B) In the case of a sponsored captive insurance company:

(1) the assets of the protected cell may not be used to pay expenses or claims other than those attributable to the protected cell; and

(2) its capital and surplus at all times must be available to pay expenses of or claims against the sponsored captive insurance company and may not be used to pay expenses or claims attributable to a protected cell.

(3) Notwithstanding another provision of law or regulation, upon an order of conservation, rehabilitation, or liquidation of a sponsored captive insurance company, the receiver shall deal with the sponsored captive insurance company’s assets and liabilities, including protected cell assets and protected cell liabilities, pursuant to the requirements of this chapter.”

SECTION 16. Section 38‑90‑210 of the 1976 Code is amended to read:

“Section 38‑90‑210. (A) One or more sponsors may form a sponsored captive insurance company under this chapter.

(B) A sponsored captive insurance company formed or licensed under this chapter may establish and maintain one or more protected cells to insure risks of one or more participants, subject to the following conditions:

(1) the shareholders of a sponsored captive insurance company must be limited to its participants and sponsors;

(2) each protected cell must be accounted for separately on the books and records of the sponsored captive insurance company to reflect the participants of the protected cell, the financial condition and results of operations of the protected cell, net income or loss, dividends or other distributions to participants, and other factors may be provided in the participant contract or required by the director;

(3) the assets of a protected cell must not be chargeable with liabilities arising out of any other insurance business the sponsored captive insurance company may conduct;

(4) no sale, exchange, or other transfer of assets may be made by the sponsored captive insurance company between or among any of its protected cells without the consent of the protected cells;

(5) no sale, exchange, transfer of assets, dividend, or distribution may be made from a protected cell to a sponsor or participant without the director’s approval and in no event may the approval be given if the sale, exchange, transfer, dividend, or distribution would result in insolvency or impairment with respect to a protected cell;

(6) a sponsored captive insurance company annually shall file with the director financial reports the director requires, which shall include, but are not limited to, accounting statements detailing the financial experience of each protected cell;

(7) a sponsored captive insurance company shall notify the director in writing within ten business days of a protected cell that is insolvent or otherwise unable to meet its claim or expense obligations;

(8) no participant contract shall take effect without the director’s prior written approval, and the addition of each new protected cell and withdrawal of any participant of any existing protected cell constitutes a change in the business plan requiring the director’s prior written approval.

(C) The name of a sponsored captive insurance company shall include the words ‘Sponsored Captive’ or the abbreviation ‘SC’. Any captive insurance company or protected cell formed prior to July 31, 2013 may not be required to change its name to comply with the provisions of this subsection.

(D) A sponsored captive insurance company may establish one or more protected cells with the prior written approval of the director of a plan of operation or amendments submitted by the sponsored captive insurance company with respect to each protected cell. Upon the written approval of the director of the plan of operation, which shall include, but is not limited to, the specific business objectives and investment guidelines of the protected cell, the sponsored captive insurance company, in accordance with the approved plan of operation, may attribute to the protected cell insurance obligations with respect to its insurance business and assets to fund the obligations. The sponsored captive insurance company shall transfer all assets attributable to a protected cell to one or more separately established and identified protected cell accounts bearing the name or designation of that protected cell. Protected cell assets must be held in the protected cell accounts for the purpose of satisfying the obligations of that protected cell.

(E) All attributions of assets and liabilities between a protected cell and the general account must be in accordance with the plan of operation approved by the director. No other attribution of assets or liabilities may be made by a sponsored captive insurance company between the sponsored captive insurance company’s general account and its protected cells.

(F) A sponsored captive insurance company shall establish administrative and accounting procedures necessary to properly identify the one or more protected cells of the sponsored captive insurance company and the protected cell assets and protected cell liabilities attributable to the protected cells. The directors of a sponsored captive insurance company shall keep protected cell assets and protected cell liabilities:

(1) separate and separately identifiable from the assets and liabilities of the sponsored captive insurance company’s general account; and

(2) attributable to one protected cell separate and separately identifiable from protected cell assets and protected cell liabilities attributable to other protected cells.

Notwithstanding the provisions of this subsection, if this subsection is violated, the remedy of tracing is applicable to protected cell assets when commingled with protected cell assets of other protected cells or the assets of the sponsored captive insurance company’s general account. The remedy of tracing must not be construed as an exclusive remedy.

(G) When establishing a protected cell, the sponsored captive insurance company shall attribute to the protected cell assets with a value at least equal to the reserves and other insurance liabilities attributed to that protected cell.”

SECTION 17. Section 38‑90‑220 of the 1976 Code, as last amended by Act 58 of 2001, is further amended to read:

“Section 38‑90‑220. ~~A sponsor of a sponsored captive insurance company must be an insurer licensed pursuant to the laws of a state, an insurance holding company that controls an insurer licensed pursuant to the laws of any state and subject to registration pursuant to the insurance holding company system laws of the state of domicile of the insurer, a reinsurer authorized or approved pursuant to the laws of a state, or a captive insurance company formed or licensed pursuant to this chapter. A risk retention group may not be either a sponsor or a participant of a sponsored captive insurance company. The business written by a sponsored captive insurance company with respect to each protected cell must be:~~

~~(1)~~ ~~fronted by an insurance company licensed pursuant to the laws of:~~

~~(a)~~ ~~any state; or~~

~~(b)~~ ~~any jurisdiction if the insurance company is a wholly owned subsidiary of an insurance company licensed pursuant to the laws of any state;~~

~~(2)~~ ~~reinsured by a reinsurer authorized or approved by this State; or~~

~~(3)~~ ~~secured by a trust fund in the United States for the benefit of policyholders and claimants funded by an irrevocable letter of credit or other asset acceptable to the director. The amount of security provided by the trust fund may not be less than the reserves associated with those liabilities, including reserves for losses, allocated loss adjustment expenses, incurred but unreported losses, and unearned premiums for business written through the participant’s protected cell. The director may require the sponsored captive to increase the funding of a trust established pursuant to this item. If the form of security in the trust is a letter of credit, the letter of credit must be established, issued, or confirmed by a bank chartered in this State, a member of the federal reserve system, or a bank chartered by another state if that state‑chartered bank is acceptable to the director. A trust and trust instrument maintained pursuant to this item must be in a form and upon terms approved by the director.~~

(A) The sponsored captive insurance company shall attribute all insurance obligations, assets, and liabilities relating to a participant’s risks to the participant’s protected cell.

(B) The protected cell assets of a protected cell may not be charged with liabilities arising out of any other business the sponsored captive insurance company may conduct. All contracts or other documentation reflecting protected cell liabilities shall clearly indicate that only the protected cell assets are available for the satisfaction of those protected cell liabilities. Under no circumstances may a protected cell be authorized to issue insurance or reinsurance contracts directly to policyholders or reinsureds or have any obligation to the policyholders or reinsureds of the sponsored captive insurance company’s general account.

(C) The income, gains and losses, realized or unrealized, from protected cell assets and protected cell liabilities must be credited to or charged against the protected cell without regard to other income, gains or losses of the sponsored captive insurance company, including income, gains or losses of other protected cells. Investments must be handled pursuant to Section 38‑90‑100(B).

(D) In all sponsored captive insurance company transactions, the contracts or other documentation effecting the transaction shall contain provisions identifying the protected cell to which the transaction will be attributed. In addition, the contracts or other documentation must clearly disclose that the assets of that protected cell, and only those assets are available to pay the obligations of that protected cell. Notwithstanding the provisions of this subsection and subject to the provisions of this chapter and any other applicable law or regulation, the failure to include such language in the contracts or other documentation may not be used as the sole basis by creditors, reinsurers, or other claimants to circumvent the provisions of this chapter.

(E) Assets attributed to a protected cell must be valued at their market value on the date of valuation or if there is no readily available market, as provided in the contract or the rules or other written documentation applicable to the protected cell.

(F) At the cessation of business of a protected cell in accordance with the plan approved by the director, the sponsored captive insurance company voluntarily shall close out the protected cell account.”

SECTION 18. Section 38‑90‑230 of the 1976 Code, as last amended by Act 58 of 2001, is further amended to read:

“Section 38‑90‑230. (A) ~~An association, a corporation, a limited liability company, a partnership, a trust, or other business entity may be a participant in a sponsored captive insurance company formed or licensed pursuant to this chapter.~~

~~(B) A sponsor may be a participant in a sponsored captive insurance company.~~

~~(C) A participant need not be a shareholder of the sponsored captive insurance company or an affiliate of the company.~~

~~(D) A participant shall insure only its own risks through a sponsored captive insurance company, unless otherwise approved by the director.~~ Protected cell assets are only available to the creditors of the sponsored captive insurance company that are creditors with respect to that protected cell and are therefore entitled, in conformity with this chapter, to have recourse to the protected cell assets attributable to that protected cell. Protected cell assets are absolutely protected from the creditors of the sponsored captive insurance company that are not creditors with respect to that protected cell and who, therefore, are not entitled to have recourse to the protected cell assets attributable to that protected cell. Creditors with respect to a protected cell are not entitled to have recourse against the protected cell assets of other protected cells or the assets or the sponsored captive insurance company’s general account. Protected cell assets are only available to creditors of a sponsored captive insurance company after all protected cell liabilities have been extinguished or otherwise provided for in accordance with the plan of operation relating to that protected cell.

(B) When an obligation of a sponsored captive insurance company to a person arises from a transaction, or is otherwise imposed, with respect to a protected cell:

(1) that obligation of the sponsored captive insurance company extends only to the protected cell assets attributable to that protected cell, and the person, with respect to that obligation, is entitled to have recourse only to the protected cell assets attributable to that protected cell; and

(2) that obligation of the sponsored captive insurance company does not extend to the protected cell assets of any other protected cell or the assets of the sponsored captive insurance company’s general account, and that person, with respect to that obligation, is not entitled to have recourse to the protected cell assets of any other protected cell or the assets of the sponsored captive insurance company’s general account.

(C) When an obligation of a sponsored captive insurance company relates solely to the general account, the obligation of the sponsored captive insurance company extends only to the sponsored captive insurance company, and that person, with respect to that obligation, is entitled to have recourse only to the assets of the sponsored captive insurance company’s general account.

(D) The establishment of one or more protected cells alone does not constitute, and may not be deemed to be, a fraudulent conveyance, an intent by the sponsored captive insurance company to defraud creditors, or the carrying out of business by the sponsored captive insurance company for any other fraudulent purpose.”

SECTION 19. Section 38‑90‑240 of the 1976 Code is amended to read:

“Section 38‑90‑240. ~~A licensed captive insurance company that meets the necessary requirement of this title imposed upon an insurer must be considered for issuance of a certificate of authority to act as an insurer in this State.~~ (A) The following may be participants in a sponsored captive insurance company formed or licensed pursuant to this chapter:

(1) an association, a corporation, limited liability company, partnership, trust, or other business entity; and

(2) a sponsor may be a participant in a sponsored captive insurance company.

(B) A participant does not need to be a shareholder of the sponsored captive insurance company or an affiliate of the company.

(C) A participant shall insure only its own risks through a sponsored captive insurance company, unless otherwise approved by the director.

(D) A risk retention group may not be either a sponsor or participant in a sponsored captive insurance company.

(E) A sponsored captive insurance company established pursuant to Section 38‑90‑210 may not be used to facilitate insurance securitizations, but may be established for the purpose of isolating the expenses and claims. Insurance securitization transactions utilizing protected cells are governed by Chapter 10 of this title.”

SECTION 20. Section 38‑90‑450 of the 1976 Code, as last amended by Act 28 of 2009, is further amended to read:

“Section 38‑90‑450. (A) A SPFC may be established as a stock corporation, limited liability company, mutual, partnership, or other form of organization approved by the director.

(B) The SPFC’s organizational documents must limit the SPFC’s authority to transact the business of insurance or reinsurance to those activities the SPFC conducts to accomplish its purpose as expressed in this article.

(C) The SPFC may not adopt a name that is the same as, deceptively similar to, or likely to be confused with or mistaken for another existing business name registered in this State.

(D) ~~A SPFC may not have fewer than three incorporators or organizers of whom not fewer than two must be residents of this State.~~

~~(E)~~ ~~Before transmitting its organizational documents to the Secretary of State, the incorporators or organizers shall petition the director to issue a certificate setting forth a finding that the establishment and maintenance of the proposed SPFC promotes the general good of the State. In arriving at this finding the director may consider:~~

~~(1)~~ ~~the character, reputation, financial standing, and purposes of the incorporators or organizers;~~

~~(2)~~ ~~the character, reputation, financial responsibility, insurance experience, and business qualifications of the officers, directors, partners, members, manager, or organizers, as applicable;~~

~~(3)~~ ~~other aspects as the director considers advisable.~~

~~(F)~~ The organizational documents~~, the certificate issued pursuant to subsection (E),~~ and the required organization fees must be transmitted to the Secretary of State, who shall record the relevant organizational documents.

(~~G~~E) At least one of the members of the management of the SPFC must be a resident of this State.

(~~H~~F) A SPFC formed pursuant to the provisions of this article has the privileges of and is subject to the provisions of the 1976 Code, applicable to its formation, as well as the applicable provisions contained in this article. If a conflict occurs between a provision of the applicable law and a provision of this article, the latter controls. Nothing contained in this provision with respect to a SPFC shall abrogate, limit, or rescind in any way the authority of the Securities Commissioner pursuant to the provisions of Title 35.”

SECTION 21. Section 38‑90‑235 of the 1976 Code is repealed.

SECTION 22. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. GAMBRELL 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 87; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Ballentine | Bannister | Bedingfield |
| Bingham | Bowen | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clemmons | Cole |
| H. A. Crawford | Crosby | Daning |
| Delleney | Douglas | Edge |
| Erickson | Felder | Finlay |
| Forrester | Funderburk | Gagnon |
| Gambrell | Goldfinch | Hamilton |
| Hardee | Hardwick | Harrell |
| Hayes | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Huggins | Jefferson | Limehouse |
| Loftis | Lowe | Lucas |
| McEachern | M. S. McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Newton |
| Norman | Ott | Owens |
| Pitts | Pope | Powers Norrell |
| Putnam | Quinn | Ridgeway |
| Rivers | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| G. M. Smith | G. R. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stringer | Tallon | Taylor |
| Thayer | Toole | Vick |
| Weeks | Wells | White |
| Whitmire | Willis | Wood |

**Total--87**

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. 3797--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. SANDIFER, with unanimous consent, it was ordered that H. 3797 be read the third time tomorrow.

**H. 3939--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3939 -- Reps. Herbkersman, Patrick, Erickson and Newton: A BILL TO AMEND SECTION 7-27-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BEAUFORT COUNTY BOARD OF ELECTIONS AND REGISTRATION, SO AS TO PROVIDE THAT MEMBERS OF THE BOARD SERVE UNTIL THEIR SUCCESSORS ARE APPOINTED AND CERTIFIED AND TO REMOVE THE PROHIBITION ON MEMBERS OF THE BOARD SERVING MORE THAN TWO TERMS OR EIGHT CONSECUTIVE YEARS.

Rep. HERBKERSMAN explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 88; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Bales | Ballentine | Bannister |
| Barfield | Bedingfield | Bingham |
| Bowen | Bowers | Branham |
| R. L. Brown | Burns | Clemmons |
| Cobb-Hunter | Cole | H. A. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Felder | Forrester |
| Gagnon | Gambrell | George |
| Goldfinch | Govan | Hamilton |
| Hardee | Hardwick | Harrell |
| Herbkersman | Hiott | Horne |
| Hosey | Huggins | Jefferson |
| Kennedy | King | Limehouse |
| Loftis | Long | Lowe |
| Lucas | Merrill | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Newton |
| Norman | Ott | Parks |
| Patrick | Pitts | Pope |
| Powers Norrell | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Simrill | J. R. Smith |
| Sottile | Southard | Spires |
| Tallon | Taylor | Thayer |
| Toole | Vick | Wells |
| Whipper | White | Willis |
| Wood |  |  |

**Total--88**

Those who voted in the negative are:

**Total--0**

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

**H. 3939--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. HERBKERSMAN, with unanimous consent, it was ordered that H. 3939 be read the third time tomorrow.

**H. 3944--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3944 -- Reps. Goldfinch, Hardwick and H. A. Crawford: A BILL TO AMEND SECTION 4-23-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF FIRE CONTROL FOR THE MURRELL'S INLET - GARDEN CITY FIRE DISTRICT IN GEORGETOWN AND HORRY COUNTIES, SO AS TO PROVIDE THAT THE MEMBERS OF THAT BOARD REPRESENTING GEORGETOWN COUNTY MUST BE APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF A MAJORITY OF THE GEORGETOWN COUNTY LEGISLATIVE DELEGATION NOTWITHSTANDING THE PROVISIONS OF ACT 515 OF 1996 DEVOLVING THAT APPOINTMENT AUTHORITY ON THE GOVERNING BODY OF GEORGETOWN COUNTY AND TO DELETE OBSOLETE LANGUAGE.

The yeas and nays were taken resulting as follows:

Yeas 81; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Bingham | Bowen | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Clemmons | Cole | H. A. Crawford |
| Crosby | Daning | Dillard |
| Douglas | Edge | Erickson |
| Finlay | Forrester | Gagnon |
| George | Goldfinch | Govan |
| Hamilton | Hardee | Hardwick |
| Harrell | Hiott | Horne |
| Hosey | Howard | Huggins |
| Kennedy | Limehouse | Lowe |
| Lucas | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | D. C. Moss |
| V. S. Moss | Murphy | Nanney |
| Neal | Newton | Norman |
| Parks | Patrick | Pitts |
| Pope | Powers Norrell | Putnam |
| Quinn | Ridgeway | Riley |
| Rivers | Ryhal | Sabb |
| Sandifer | Simrill | Skelton |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Tallon |
| Taylor | Thayer | Toole |
| Vick | Weeks | Wells |
| White | Willis | Wood |

**Total--81**

Those who voted in the negative are:

**Total--0**

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

**H. 3944--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. GOLDFINCH, with unanimous consent, it was ordered that H. 3944 be read the third time tomorrow.

**H. 3962--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3962 -- Reps. Pitts, Parks and Riley: A BILL TO AMEND SECTION 7-7-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO ADD CERTAIN PRECINCTS AND TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

The yeas and nays were taken resulting as follows:

Yeas 85; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anthony |
| Bales | Ballentine | Bannister |
| Barfield | Bingham | Bowen |
| Branham | Brannon | G. A. Brown |
| R. L. Brown | Burns | Clemmons |
| Cole | H. A. Crawford | Crosby |
| Daning | Delleney | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Goldfinch | Govan | Hamilton |
| Hardee | Harrell | Hiott |
| Hixon | Horne | Hosey |
| Howard | Huggins | Jefferson |
| Limehouse | Loftis | Long |
| Lowe | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | D. C. Moss |
| Munnerlyn | Nanney | Neal |
| Norman | Owens | Parks |
| Patrick | Pitts | Pope |
| Powers Norrell | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Simrill | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Tallon | Thayer |
| Toole | Vick | Weeks |
| White | Williams | Willis |
| Wood |  |  |

**Total--85**

Those who voted in the negative are:

**Total--0**

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

**H. 3962--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. PITTS, with unanimous consent, it was ordered that H. 3962 be read the third time tomorrow.

**H. 3751--DEBATE ADJOURNED**

Rep. SANDIFER moved to adjourn debate upon the following Bill until Tuesday, April 23, which was adopted:

H. 3751 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO CONFORM WITH FEDERAL MANDATES ENACTED BY THE UNITED STATES CONGRESS IN THE TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011; BY ADDING SECTION 41-41-45 SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL IMPOSE A PENALTY ON FRAUDULENT OVERPAYMENTS OF UNEMPLOYMENT BENEFITS; BY ADDING SECTION 41-33-910 SO AS TO CREATE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE INTEGRITY FUND AND PROVIDE FOR ITS SOURCE AND USE; BY ADDING SECTION 41-35-135 SO AS TO PROVIDE THE DEPARTMENT SHALL CHARGE THE ACCOUNT OF AN EMPLOYER WHEN THE EMPLOYER FAILS TO RESPOND TIMELY OR ADEQUATELY TO A REQUEST BY THE DEPARTMENT FOR INFORMATION CONCERNING A CLAIM FOR UNEMPLOYMENT BENEFITS WHEN THE EMPLOYER HAS DEMONSTRATED A PATTERN OF FAILING TO TIMELY OR ADEQUATELY RESPOND TO THESE REQUESTS; AND TO AMEND SECTION 43-5-598, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE SOUTH CAROLINA EMPLOYABLES PROGRAM ACT, SO AS TO REVISE THE DEFINITION OF "NEW HIRE" TO APPLY WHERE THE SEPARATION OF AN EMPLOYEE FROM EMPLOYMENT IS FOR AT LEAST SIXTY CONSECUTIVE DAYS.

**H. 3752--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3752 -- Rep. Patrick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "EXPANDED VIRTUAL LEARNING ACT"; TO AMEND SECTION 59-16-15, RELATING TO THE SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM, SO AS TO RESTYLE THE PROGRAM AS A VIRTUAL EDUCATION PROGRAM AND TO REMOVE LIMITS ON THE NUMBER OF ONLINE CREDITS A STUDENT MAY BE AWARDED UNDER THE PROGRAM; AND TO AMEND SECTION 59-40-65, RELATING TO ENROLLMENT OF CHARTER SCHOOL STUDENTS IN THE SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM, SO AS TO MAKE A CONFORMING CHANGE.

Rep. PATRICK explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 80; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Ballentine |
| Barfield | Bedingfield | Bingham |
| Bowen | Brannon | R. L. Brown |
| Burns | Chumley | Clemmons |
| Cobb-Hunter | Cole | H. A. Crawford |
| Crosby | Daning | Delleney |
| Douglas | Edge | Erickson |
| Felder | Finlay | Forrester |
| Funderburk | Gagnon | Gambrell |
| Goldfinch | Govan | Hamilton |
| Hardee | Harrell | Hiott |
| Hixon | Horne | Howard |
| Huggins | Kennedy | Limehouse |
| Long | Lowe | Lucas |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | D. C. Moss | V. S. Moss |
| Murphy | Nanney | Newton |
| Norman | Owens | Parks |
| Patrick | Pitts | Pope |
| Powers Norrell | Putnam | Quinn |
| Ridgeway | Rivers | Robinson-Simpson |
| Ryhal | Simrill | G. R. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stringer | Tallon |
| Taylor | Thayer | Vick |
| Weeks | Wells | White |
| Willis | Wood |  |

**Total--80**

Those who voted in the negative are:

**Total--0**

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

**H. 3752--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. PATRICK, with unanimous consent, it was ordered that H. 3752 be read the third time tomorrow.

**S. 10--ORDERED TO THIRD READING**

The following Joint Resolution was taken up:

S. 10 -- Senators L. Martin and Fair: A JOINT RESOLUTION TO AUTHORIZE SCHOOL TRUSTEES OF A SCHOOL DISTRICT, IN FISCAL YEAR 2012-2013, TO SELL OR LEASE SCHOOL PROPERTY, REAL OR PERSONAL, IN THE SCHOOL DISTRICT AT ANY TIME THEY DEEM IT EXPEDIENT TO DO SO AND APPLY THE PROCEEDS OF THE SALE OR LEASE TO THE SCHOOL FUND OF THE DISTRICT.

Rep. PATRICK explained the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Bales | Bannister | Barfield |
| Bedingfield | Bingham | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | R. L. Brown | Burns |
| Chumley | Clemmons | Cobb-Hunter |
| Cole | H. A. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Douglas | Edge | Erickson |
| Felder | Forrester | Funderburk |
| Gagnon | George | Goldfinch |
| Hamilton | Hardee | Hardwick |
| Harrell | Hayes | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Kennedy | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| V. S. Moss | Munnerlyn | Murphy |
| Nanney | Neal | Newton |
| Norman | Ott | Owens |
| Parks | Patrick | Pitts |
| Pope | Powers Norrell | Putnam |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Sandifer | Simrill | G. M. Smith |
| J. E. Smith | J. R. Smith | Sottile |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Weeks |
| Wells | White | Williams |
| Willis | Wood |  |

**Total--98**

Those who voted in the negative are:

**Total--0**

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

**S. 10--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. OWENS, with unanimous consent, it was ordered that S. 10 be read the third time tomorrow.

**H. 3973--ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3973 -- Reps. Bedingfield, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-115 SO AS TO PROVIDE THAT THE MONTH OF SEPTEMBER OF EVERY YEAR IS DESIGNATED AS "GOLDEN SEPTEMBER CHILDHOOD CANCER AWARENESS MONTH" IN SOUTH CAROLINA.

Rep. BEDINGFIELD explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 93; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Allison | Anthony | Atwater |
| Bales | Barfield | Bedingfield |
| Bingham | Bowen | Bowers |
| Branham | Brannon | G. A. Brown |
| Burns | Chumley | Clemmons |
| Cole | H. A. Crawford | Crosby |
| Daning | Delleney | Dillard |
| Edge | Erickson | Felder |
| Finlay | Forrester | Gagnon |
| Gambrell | George | Govan |
| Hardee | Hardwick | Harrell |
| Hiott | Hixon | Hodges |
| Horne | Hosey | Howard |
| Huggins | Jefferson | Kennedy |
| King | Knight | Limehouse |
| Loftis | Long | Lowe |
| Lucas | McCoy | McEachern |
| M. S. McLeod | W. J. McLeod | Merrill |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Norman | Owens |
| Patrick | Pitts | Pope |
| Powers Norrell | Putnam | Quinn |
| Ridgeway | Rivers | Ryhal |
| Sabb | Sandifer | Simrill |
| Skelton | G. R. Smith | J. E. Smith |
| J. R. Smith | Sottile | Southard |
| Spires | Stavrinakis | Stringer |
| Tallon | Taylor | Thayer |
| Toole | Vick | Wells |
| Whipper | White | Willis |

**Total--93**

Those who voted in the negative are:

**Total--0**

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

**H. 3973--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. BEDINGFIELD, with unanimous consent, it was ordered that H. 3973 be read the third time tomorrow.

RECORD FOR VOTING

I was temporarily out of the Chamber, attending a meeting of the Joint Committee to Screen Candidates for College Boards and Commissions, and missed voting on the following Bills and Joint Resolutions: H. 3939, H. 3944, H. 3962, H. 3752, S. 10, H. 3973, H. 3797, H. 3771 and H. 3609. If I had been present, I would have voted in favor of these Bills and Joint Resolutions.

Rep. Phyllis Henderson

**S. 295--ORDERED TO THIRD READING**

The following Bill was taken up:

S. 295 -- Senators Fair, Cromer, Verdin and Allen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-11-2028 SO AS TO ALLOW THE GOVERNING BODY OF A SPECIAL PURPOSE DISTRICT CREATED BY ACT OF THE GENERAL ASSEMBLY, WHICH PROVIDES RECREATIONAL SERVICES AND HAS AS ITS BOUNDARY THE SAME AS THE COUNTY IN WHICH IT IS LOCATED, TO VOLUNTARILY DISSOLVE ITSELF AND TRANSFER ITS ASSETS AND LIABILITIES TO A COUNTY IF ACCEPTED BY RESOLUTION OF ITS GOVERNING BODY; TO REQUIRE A PUBLIC HEARING TO BE CONDUCTED BEFORE TAKING A SUPERMAJORITY VOTE OF ITS GOVERNING BODY AND THE GOVERNING BODY OF THE COUNTY; TO REQUIRE THE GOVERNING BODY OF THE COUNTY TO COMPLY WITH THE PROVISIONS OF SECTION 6-11-2140; TO PROVIDE FOR CALCULATING THE MILLAGE LIMITATION FOR A COUNTY WHEN A SPECIAL PURPOSE DISTRICT TRANSFERS ITS ASSETS AND LIABILITIES TO A COUNTY; AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO A SPECIAL PURPOSE DISTRICT THAT PROVIDES BOTH RECREATIONAL AND AGING SERVICES.

Rep. BEDINGFIELD explained the Bill.

The yeas and nays were taken resulting as follows:

Yeas 102; Nays 4

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anthony | Atwater | Bales |
| Bannister | Barfield | Bedingfield |
| Bernstein | Bingham | Bowen |
| Bowers | Branham | Brannon |
| G. A. Brown | Burns | Chumley |
| Clemmons | Cole | H. A. Crawford |
| Crosby | Daning | Delleney |
| Dillard | Douglas | Edge |
| Erickson | Finlay | Funderburk |
| Gagnon | Gambrell | George |
| Goldfinch | Govan | Hamilton |
| Hardee | Hardwick | Harrell |
| Hayes | Henderson | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Howard | Huggins |
| Jefferson | Kennedy | King |
| Knight | Limehouse | Loftis |
| Lowe | Lucas | Mack |
| McCoy | McEachern | M. S. McLeod |
| W. J. McLeod | Merrill | Mitchell |
| D. C. Moss | V. S. Moss | Munnerlyn |
| Murphy | Nanney | Neal |
| Newton | Norman | Parks |
| Patrick | Pope | Powers Norrell |
| Putnam | Quinn | Ridgeway |
| Riley | Rivers | Robinson-Simpson |
| Ryhal | Sabb | Sandifer |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. E. Smith | J. R. Smith |
| Sottile | Southard | Spires |
| Stavrinakis | Tallon | Taylor |
| Thayer | Toole | Vick |
| Weeks | Wells | White |
| Whitmire | Williams | Willis |

**Total--102**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Allison | Felder | Forrester |
| Stringer |  |  |

**Total--4**

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

**S. 295--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. BEDINGFIELD, with unanimous consent, it was ordered that S. 295 be read the third time tomorrow.

**H. 3829--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 3829 -- Reps. Bedingfield, Stringer, Allison, Bannister, Chumley, Dillard, Hamilton, Henderson, Loftis, Nanney, Putnam, Robinson-Simpson, G. R. Smith and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 53, TITLE 59 SO AS TO BE CAPTIONED THE "GREENVILLE TECHNICAL COLLEGE AREA COMMISSION"; TO DESIGNATE SECTIONS 1A, 4, AND 5 OF ACT 743 OF 1962 AS SECTIONS 59-53-1500, 59-53-1510, AND 59-53-1520, RESPECTIVELY, OF ARTICLE 18, CHAPTER 53, TITLE 59; AND TO AMEND ARTICLE 18, CHAPTER 53, TITLE 59, RELATING TO THE MEMBERSHIP, POWERS, AND DUTIES OF THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION, SO AS TO RECONSTITUTE THE MEMBERSHIP OF THE COMMISSION AND THE TERMS AND APPOINTING PROCEDURES FOR MEMBERS.

Rep. BEDINGFIELD proposed the following Amendment No. 1 to H. 3829 (COUNCIL\BBM\3829C001.BBM.HTC13), which was adopted:

Amend the bill, as and if amended, by striking Section 59‑53‑1500(C) as contained in SECTION 3, page 3, and inserting:

/ (C) The commission shall have six members designated as occupying house district residency seats, nominated by the Greenville County Council and selected by the Greenville County Legislative Delegation as follows:

(1) Residency Seat No. 1: one member selected from either House District 19, or House District 10;

(2) Residency Seat No. 2: one member selected from either House District 21 or House District 24;

(3) Residency Seat No. 3: one member selected from either House District 20 or House District 22;

(4) Residency Seat No. 4: one member selected from either House District 23 or House District 25;

(5) Residency Seat No. 5: one member selected from either House District 17, House District 18, or House District 36; and

(6) Residency Seat No. 6: one member selected from either House District 16, House District 27, or House District 28.

Current members of the commission residing in these specified house districts are deemed to be the house district residency seat members from those districts. /

Renumber sections to conform.

Amend title to conform.

Rep. BEDINGFIELD explained the amendment.

The amendment was then adopted.

Rep. BEDINGFIELD explained the Bill.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 104; Nays 0

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Allison | Anthony |
| Atwater | Bales | Bannister |
| Barfield | Bedingfield | Bernstein |
| Bingham | Bowen | Bowers |
| Branham | G. A. Brown | Burns |
| Chumley | Clemmons | Cole |
| H. A. Crawford | Crosby | Daning |
| Delleney | Dillard | Douglas |
| Edge | Erickson | Felder |
| Finlay | Forrester | Funderburk |
| Gagnon | Gambrell | George |
| Goldfinch | Hamilton | Hardee |
| Hardwick | Harrell | Hayes |
| Henderson | Herbkersman | Hiott |
| Hixon | Hodges | Horne |
| Hosey | Huggins | Jefferson |
| Kennedy | King | Knight |
| Limehouse | Loftis | Long |
| Lucas | Mack | McCoy |
| McEachern | M. S. McLeod | W. J. McLeod |
| Merrill | Mitchell | D. C. Moss |
| Munnerlyn | Murphy | Nanney |
| Neal | Newton | Norman |
| Ott | Owens | Parks |
| Patrick | Pitts | Pope |
| Powers Norrell | Putnam | Quinn |
| Ridgeway | Riley | Rivers |
| Robinson-Simpson | Ryhal | Sabb |
| Simrill | Skelton | G. M. Smith |
| G. R. Smith | J. R. Smith | Sottile |
| Southard | Stavrinakis | Stringer |
| Taylor | Thayer | Toole |
| Vick | Weeks | Wells |
| White | Whitmire | Williams |
| Willis | Wood |  |

**Total--104**

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. 3829--ORDERED TO BE READ THIRD TIME TOMORROW**

On motion of Rep. BEDINGFIELD, with unanimous consent, it was ordered that H. 3829 be read the third time tomorrow.

**H. 3263--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3263 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 79 TO TITLE 2, TO ENACT THE "SOUTH CAROLINA MILITARY PREPAREDNESS AND ENHANCEMENT ACT" SO AS TO ESTABLISH AND PROVIDE FOR THE MEMBERSHIP, POWERS, AND DUTIES OF THE SOUTH CAROLINA MILITARY PREPAREDNESS AND ENHANCEMENT COMMISSION, TO PROVIDE THAT THIS COMMISSION SHALL ACT TO ENHANCE THE VALUE OF MILITARY FACILITIES LOCATED IN THIS STATE AND ASSIST DEFENSE COMMUNITIES WITH THIS VALUE ENHANCEMENT, TO ESTABLISH THE SOUTH CAROLINA MILITARY VALUE REVOLVING LOAN ACCOUNT TO PROVIDE LOANS TO ASSIST DEFENSE COMMUNITIES TO ENHANCE THE VALUE OF MILITARY FACILITIES, AND TO PROVIDE FOR OTHER METHODS AND INCENTIVES TO ACCOMPLISH THESE PURPOSES.

Rep. J. E. SMITH explained the Bill.

Rep. J. E. SMITH moved to adjourn debate on the Bill until Tuesday, April 23, which was agreed to.

**H. 3354--POINT OF ORDER**

The following Bill was taken up:

H. 3354 -- Reps. King, Knight, Hart, Howard, J. E. Smith, Cobb-Hunter, Neal, Douglas and Powers Norrell: A BILL TO AMEND SECTION 44-63-84, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS TO WHOM DEATH CERTIFICATES MAY BE ISSUED, SO AS TO PROVIDE THAT THE COUNTY REGISTRAR SHALL ISSUE, UPON REQUEST, DEATH CERTIFICATES THAT WERE FILED ELECTRONICALLY; AND TO MAKE TECHNICAL CORRECTIONS.

**POINT OF ORDER**

Rep. WHITE made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

**RECURRENCE TO THE MORNING HOUR**

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

**HOUSE RESOLUTION**

The following was introduced:

H. 3996 -- Reps. Weeks, G. M. Smith, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A HOUSE RESOLUTION TO CONGRATULATE MILLWOOD ELEMENTARY SCHOOL AT THE CELEBRATION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE ADMINISTRATION, FACULTY, STAFF, STUDENTS, PARENTS, AND ALUMNI OF THIS OUTSTANDING SCHOOL FOR THEIR PART IN ENSURING MILLWOOD'S SUCCESS IN SERVING THE EDUCATIONAL NEEDS OF THE CHILDREN OF SUMTER.

The Resolution was adopted.

**INTRODUCTION OF BILLS**

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

H. 3994 -- Reps. Patrick, Owens and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA READ TO SUCCEED ACT" BY ADDING CHAPTER 155 TO TITLE 59, TO ESTABLISH WITHIN THE DEPARTMENT OF EDUCATION THE SOUTH CAROLINA READ TO SUCCEED OFFICE TO IMPLEMENT A COMPREHENSIVE, SYSTEMIC APPROACH TO READING WITH SPECIFIC OBJECTIVES, TO PROVIDE OBLIGATIONS AND REQUIREMENTS OF THE PROGRAM, AND TO PROVIDE NECESSARY DEFINITIONS, AMONG OTHER THINGS.

Referred to Committee on Education and Public Works

H. 3995 -- Reps. G. M. Smith, Quinn, King, Edge, Finlay, Herbkersman and Pope: A BILL TO AMEND SECTION 57-1-370, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM, SO AS TO REVISE THE CRITERIA AND THE MANDATORY PRIORITY LIST FOR SELECTING CERTAIN TRANSPORTATION IMPROVEMENT PROJECTS AND NONMETROPOLITAN AREA PROJECTS.

Referred to Committee on Education and Public Works

Rep. THAYER moved that the House do now adjourn, pending ratification of acts, which was agreed to.

**REPORT RECEIVED**

The following was received:

**JOINT LEGISLATIVE COMMITTEE TO SCREEN**

**CANDIDATES FOR COLLEGE AND UNIVERSITIES**

**BOARD OF TRUSTEES**

PUBLIC HEARINGS

Tuesday, April 9, 2013

2:19 p.m.

Statehouse

Columbia, South Carolina

Committee Members In Attendance:

Senator Harvey S. Peeler, Jr., Chairman

Representative William R. “Bill” Whitmire, Vice-Chairman

Senator Thomas C. Alexander

Senator J. Yancey McGill

Senator Robert W. Hayes, Jr.

Representative Phyllis J. Henderson

Representative Peter McCoy

Staff:

Martha Casto

SENATOR PEELER: I’ll call the meeting to order. This is a joint committee to screen candidates for college and university board of trustees.

I would like to welcome everyone here. I apologize for the cumbersomeness of it. We may have to get up and vote, but I appreciate you bearing with us.

First of all, let’s take Dr. Smith, Murrell Smith. If you would please come forward.

**G. MURRELL SMITH, M.D.**

Mr. Smith, if you remember, we carried yours over because of requesting residency. We will get started. I think we need to put you under oath again.

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

DR. SMITH: I do.

SENATOR PEELER: The question was the 4 percent that you paid for your property. I think you testified that you and your wife share or your wife --

DR. SMITH: Yes.

SENATOR PEELER: So that’s where we are. So would you like to add to it or do you want us to?

DR. SMITH: Just to make sure that everybody understands, I’ve -- first of all, my wife owns the house, and I don’t. But I’ve always lived in Sumter, 2831 Brownfield Way. I’ve delivered 5,700 babies from that address. I had surgery yesterday, today and tomorrow and Thursday. And I bet you all of those patient will tell you where I came from.

If you want to ask my neighbors where I live, I have never, ever lived anywhere but in Sumter since 1977. There is no question that that’s where I live. That’s my residency.

I did supply some additional information. I would be more than happy to answer any questions, but I emphatically say that I have never lived at Isle of Palms.

My wife, I don’t know how -- how much you all want to hear, but my wife lived down there at times. I had children at The Citadel, and that was their home. And my wife wouldn’t let me sell it. And if you want to buy it, I will sell it to you today. I’ve been trying to sell it because the taxes and everything else keep going up.

I had sons that lived there going to medical university, residency, medical school. So the house was never anything that -- that I stayed in or did. I’ve always lived in Sumter. I’ve been chief of staff at the hospital recently -- excuse me. So I don’t know what else I can say other than to guarantee you all I live in Sumter.

SENATOR PEELER: I understand. If you could wait for us. We’ll be back.

(Off the record.)

SENATOR PEELER: I apologize again, Dr. Smith --

DR. SMITH: No, sir. No problem.

SENATOR PEELER: -- for the interruption.

When did you apply for the 4 percent?

DR. SMITH: You know, I can’t honestly answer that question because my wife did all that. And I don’t really know when that was. I don’t know. I just know where I live.

SENATOR PEELER: Did you have to change your voter registration card?

DR. SMITH: Yeah. That’s a good story. She did all that, and we got online and she told me -- and what was amazing was my in-laws, who are 90 years old, live in Florence and they have a house at Garden City. I didn’t understand you didn’t -- I didn’t have to change anything, and her daddy never changed. By the way, he’s a dentist. So I would represent dentists, too. And so when I learned that, I -- I voted absentee down there because I live in Sumter. I don’t live at the Isle of Palms.

And so I was going to change that thing, and I never -- and when the opportunity came up that I could submit myself to serve on this board, which I thought I was doing service, I didn’t know we were going to come up with questions regarding where I live because that never entered my mind.

But if it did, you know, I called your office. I know you know that, and I said that I did that and I changed my voter registration and my driver’s license to make sure that that wasn’t the issue before I came before this board.

But never have I ever left Sumter. I go to bed there. I sleep there. I have never changed. So there’s no question where I live. My wife, again, owns that house, and I never thought that 4 percent or 6 percent or anything would interfere with my ability to serve on the board.

SENATOR PEELER: And, Dr. Smith, if this was an at-large seat, you would be imminently qualified. But this -- this requires a residency in the 5th Congressional District, and the 4 percent property tax has been the standard of where your -- where your home is.

And that’s -- that’s the question today. But I think there’s kind of a punch list, I think it’s called, what you have to accomplish in order to receive the 4 percent tax. And that’s where we have to hang our hat.

DR. SMITH: But, again, my wife met those requirements. My wife owns the house. It has nothing to do with me. My name is not on that house.

SENATOR PEELER: Staff, if you could read just the line -- excuse me.

MS. CASTO: This is in Section 12-43-220, and it clarifies for the 4 percent property that, “Under penalty or perjury, I certify that the residence which is subject to the application of my legal residence where I’m domiciled at the time of this application, and that neither I nor any member of my household claim to be a legal resident of a jurisdiction other than South Carolina for any purposes.”

And it says, “For purposes of this subitem, a member of my household means the owner-occupant, spouse, except when that spouse is legally separated from the owner-occupant.”

DR. SMITH: So my wife is the owner. That’s pretty clear.

SENATOR PEELER: And you’re the spouse.

MS. CASTO: And you’re the spouse.

DR. SMITH: Yeah. But the spouse doesn’t have to live there. It’s not what that says to me. I live in Sumter. I live at 2831 Brownfield Way. That’s about as simple as it can get. You know --

SENATOR HAYES: The thing is, I don’t think that you -- although the house is in your wife’s name, I don’t think that you can get the 4 percent unless you claim, set forth that that’s your legal residence. You may not have realized it when you put in for the 4 percent, but that’s owner-occupied. You don’t pay any school operations taxes, you pay 4 percent instead of 6 percent. So you have to make that -- now, granted, you didn’t know this probably, but I think that’s the law. If you’re going to claim, you can’t have it both ways. It’s my understanding. SENATOR PEELER: Representative McCoy.

REPRESENTATIVE MCCOY: Thank you, Mr. Chair.

SENATOR PEELER: That was Senator Hayes asking questions.

REPRESENTATIVE MCCOY: Thank you, Mr. Chair.

DR. Smith, thank you for being here for a second time as well. I appreciate your testimony. I appreciate what you have to say.

Could you tell me, because I just haven’t seen -- you said you provided some extra documents to this committee. Can you tell me what you provided?

DR. SMITH: Letters from the Sumter residence and from the hospital and from the church that I go to and where I give my money. My wife is on the boards there. And the hospital administration and some -- the county sheriff and the people in town to verify where I live every day. Where I go to work and where I come home.

REPRESENTATIVE MCCOY: Okay. And can you -- can you tell this committee a little bit about how your family or your wife came into ownership of this house?

DR. SMITH: Her family, without getting into their financial part, have some money. And right after Hugo, the property at the beach became a little bit cheap. And so that’s how we got the house. The problem with that is -- and I’m sure that you folks would want to address that one day, is the property tax and insurance and things have gotten so high that they just -- people in South Carolina can’t afford these dad-gone things anymore. And I wanted to sell the house, and my wife didn’t want to sell the house because my children went to The Citadel and the medical school and residency.

And so she contacted the Charleston County to ask what they could do. And this was their recommendation, is what we did.

REPRESENTATIVE MCCOY: Okay. And so your wife has owned this house basically since Hugo has happened?

DR. SMITH: That’s right.

REPRESENTATIVE MCCOY: And we heard from you last time you were here, but I’d like to be clear on this. Is this a vacation home?

DR. SMITH: Yes.

REPRESENTATIVE MCCOY: Is this a home where you sleep and you lay your head on a daily or nightly basis throughout a week?

DR. SMITH: The Isle of Palms?

REPRESENTATIVE MCCOY: Yes, sir.

DR. SMITH: No, never. Never have.

REPRESENTATIVE MCCOY: Is this a place -- and you’ve already told -- you’ve already told this committee and you already told us just now, too, that you’ve delivered over 5,000 children in Sumter. And is this where your medical practice is set up?

DR. SMITH: Still is.

REPRESENTATIVE MCCOY: And is this where you’re registered the vote?

DR. SMITH: Yes.

REPRESENTATIVE MCCOY: Is this where your driver’s license is?

DR. SMITH: Yes.

REPRESENTATIVE MCCOY: And for intents and purposes, just for this committees’ purpose as well, is this where you raised your family?

DR. SMITH: Yes. And three of them are still there.

REPRESENTATIVE MCCOY: And three of them are still there.

And is this also where your business is located?

DR. SMITH: Yes, sir.

REPRESENTATIVE MCCOY: Okay. And the only reason I ask these questions and it seems a little bit repetitive, I’m sure, to you -- I’m sure you’ve already answered these. -- is because my interpretation of the law is when you examine somebody’s domicile where they reside, you have to look at somebody’s intent.

DR. SMITH: Right.

REPRESENTATIVE MCCOY: And intent is shown in a lot of different ways because I can’t get inside your head and tell where you intend to reside. Intent is shown through other activities such as where you’re registered to vote, where your driver’s license is, where you’ve raised your family, all these different criteria and ideas have been basically codified into law to establish where somebody resides and where they live.

And at the appropriate time, Mr. Chairman, I know that you all have passed around, I requested an opinion from the Attorney General after we left our meeting during our furlough time. I don’t know if everybody’s had an opportunity to take a look at that. Not only the letter that I sent to Alan Wilson but also the response that came back from the Attorney General’s Office.

SENATOR PEELER: Does everyone have a copy of that?

MS. CASTO: Yes, sir.

REPRESENTATIVE MCCOY: And I don’t know if everybody would like to have a little bit of time --

MS. CASTO: It was in the packet that was right at the front. That was passed out at the beginning of the meeting.

REPRESENTATIVE MCCOY: My packet had the letter I sent first, followed by Attorney General’s response as the second part of the stapled clip here.

I don’t know if you all need an opportunity to go through that or take a look at that, but I requested an opinion from the Attorney General based on the criteria that Dr. Smith has given us in terms of how do you establish residency and how do you really intend to decipher where somebody resides or where they intend to reside.

And I believe the issues that I laid forth in the letter were very clear from the answers that we got from Dr. Smith. And the response that we did get from the Attorney General basically goes along with my understanding of the law, which his conclusion, if you wanted to skip through the legal aspects of it, the conclusion section of his analysis that was done by an assistant attorney general and approved one other deputy attorney general, basically says that Dr. Smith because of his 4 percent and what has been done and what he’s paying taxwise on the Isle of Palms does not defeat the domicile requirement of basically him being able to be qualified as a nominee or a candidate for this particular congressional seat for the MUSC board.

And I realize and we spoke last time about the 4 percent versus 6 percent requirement, and that’s why I wanted to get a firm handle and a firm grasp on what the law meant and what the intention is meant of the law as to determine where somebody resides. And by getting this opinion, I think that the answer from the Attorney General is clear, that Dr. Smith is a resident and is domiciled and shows every intention other than the 4 percent to be domiciled and that’s where his home is. And I would strongly urge the committee to take that into consideration.

Not only -- I know I expressed this the first time we spoke, too. That was my understanding of the law when it came down to domicile, but also is clearly the Attorney General’s idea in understanding of the law as well.

SENATOR PEELER: Representative McCoy, will you show me where it addresses the 4 percent? Where is it?

REPRESENTATIVE MCCOY: In my letter or the Attorney General’s?

SENATOR ALEXANDER: Their response.

REPRESENTATIVE MCCOY: Their response.

SENATOR PEELER: If what you said is correct, it will make today’s hearing very easy.

REPRESENTATIVE MCCOY: Sure.

SENATOR PEELER: If you will show me where the Attorney General says you don’t take 4 percent into consideration.

REPRESENTATIVE MCCOY: To be -- to be frank, it doesn’t mention, from what I’ve seen in here, but when it comes down to understanding domicile, I think it even goes further to the fact of the point that I’m trying to make. And if you read on the fourth page underneath where there’s an Op. S.C. Attorney General citing of 2008 WL 903972, past that, the next paragraph starts, “The law in South Carolina is clear that a person’s residence is his domicile. A person may only have one domicile, and that domicile is where the person has the intention of returning whenever he is gone.”

It’s codified in South Carolina Code of Laws.

And the law also authorizes a spouse to have a separate domicile for voting purposes. As you list in the letter as quoted above, there are 11 factors to consider someone’s intent in order to ascertain their domicile for voting purposes. All the factors concerning here, and these are factors that have been listed and that we’ve gone through. And I think it takes me right back to the point that we tried to ascertain from the Attorney General and from my understanding of the law, which is -- which is just this, it’s the very first sentence here, it’s codified in South Carolina Code of Law, is that it’s clear that a person’s residence is his domicile, and a person may only have one domicile and that domicile is where a person has the intention of returning whenever he is gone.

It’s clear that Dr. Smith has the intention of returning to his home, which is not on the Isle of Palms, and has been his home where he’s raised his family, has his business. And that’s my understanding of the law, Mr. Chairman.

SENATOR PEELER: Thank you, Representative McCoy.

SENATOR MCGILL: Mr. Chairman, on page 6 -- page 6, in the conclusion, “Based on the information as given, it appears your conclusion that Dr. Smith’s eligibility to be considered a resident and thus a qualified elector of his Congressional District is not defeated by his wife’s location of a separate domicile is correct.”

What are we talking about in that conclusion?

SENATOR PEELER: How do you interpret that?

REPRESENTATIVE MCCOY: How do I interpret what? I don’t know if I understand your question.

SENATOR MCGILL: Page 6, the conclusion from the Attorney General’s Office, it says that you can’t defeat Dr. Smith because his wife lives somewhere else.

REPRESENTATIVE MCCOY: But we’ve heard testimony, Senator, that his wife -- this is the secondary home, and this is a home that she visits --

SENATOR MCGILL: I understand.

REPRESENTATIVE MCCOY: -- and they’ve had since Hugo.

SENATOR MCGILL: And I’ve tried to help you, if you’ll just read the sentence, and if you’ll to say exactly what it states. It plainly states just because his wife is in one location doesn’t mean necessarily he doesn’t live in that district. I’m assuming. I don’t know what it means.

Wes, you’re an attorney.

SENATOR HAYES: This is confusing to me.

REPRESENTATIVE MCCOY: I’m just trying to --

SENATOR HAYES: It seems to me, though, that the thing we’ve got to wrestle with, and don’t misunderstand me, you know, I’m not saying anybody did anything wrong. I understand exactly what went on here, and I think it’s perfectly fine. Happens all the time. It’s just we have to go through this.

But seems to me that, you know, on the reading of the 4 percent, that if you get the 4 percent, it’s kind of establishing that -- and you can only have one in the state. That that’s -- you’re claiming that and -- and for the purpose of that and your family, that’s your residence. And if he’s saying Sumter is the residence, and I have no question in my mind that Sumter is his home. I mean, he is -- he is -- he may owe some back taxes because you can’t have but one 4 percent. If he’s been claiming that, I understand he just moved his driver’s license and everything back. You can’t have but one, you know. So that might be an issue, too.

Because I think that -- I think this is going to have far reaching effects because, I mean, that’s kind of been a bright-line thing that we’ve had in this -- from my understanding because I’m new on the committee, and maybe it’s never come up before. But I think it’s kind of an issue that we could be setting a precedent.

SENATOR PEELER: Representative McCoy.

REPRESENTATIVE MCCOY: I’m sorry, Mr. Chairman. Thank you. I think you made an excellent point, and I’m certainly not trying to extend any sort of favoritism to anybody or extend a certain precedent to anybody, and I’m certainly not trying to change anything because I’m brand-new to this committee as well.

But the issue that came up obviously is a unique one, and I think it’s something that I think we need to deal with and kind of establish a certain precedent sooner or later because I think it will probably come up again.

But the clear-cut issue was in the letter that I did send to the Attorney General, I did explain fully the fact of where the 6 percent versus the 4 percent was. They knew that information, had that information, and took it into understanding and still gave us their conclusion that they came up with in their opinion.

SENATOR PEELER: This issue has been before the committee before, and we’ve wrestled it before on the intent of where the residence is. And the committee, correct me if I’m wrong, that’s what we use as the definition of your residence is where you pay 4 percent tax.

I think that it’s clear that in order for you to receive the 4 percent tax versus the 6 percent, there are certain things that you have to do and have to agree to to qualify. And must register to vote there, must have your drive’s license there. What else?

MS. CASTO: The other was the address you have on your latest income tax.

SENATOR PEELER: On income tax.

MS. CASTO: And register your vehicles.

SENATOR PEELER: And I think I heard you say, Dr. Smith, did you say you voted absentee? Did you vote absentee in the 1st Congressional District or the 5th? You voted absentee.

DR. SMITH: You mean the last time I voted in Isle of Palms, whatever that is?

SENATOR PEELER: Yes, sir.

DR. SMITH: But my federal taxes are Sumter and my car registration is Sumter. Again, my wife owns the house. That’s where 4 percent, you know.

SENATOR PEELER: But you do understand that part about your wife --

DR. SMITH: Not really.

SENATOR PEELER: -- owning the house but you’re the spouse.

DR. SMITH: But I think it’s been clear from -- it’s where I live.

MS. CASTO: According to the 4 percent, it is you and your spouse are one unless you’re legally separated. And you can have only one 4 percent.

DR. SMITH: But I think that later said -- didn’t it say --

REPRESENTATIVE MCCOY: That’s my understanding, too, with the Attorney General having the prior knowledge of the 4 versus 6 percent and knowing that it was his wife’s house, you know, the conclusion says that Senator McGill, I think read as well, kind of -- kind of makes the point that I’m trying to make. And it says Dr. Smith’s eligibility to be considered a resident and thus a qualified elector of this congressional district is not defeated by his wife’s location of a separate domicile.

And I think that is probably the most powerful sentence there could be in that conclusion based on the law that we’ve also read in here as well.

SENATOR ALEXANDER: Mr. Chairman.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: And I think the world of Dr. Smith, and I think it’s good that we’re having this discussion. I’m more concerned about where we go from here on future elections. Because as you said, this is not going to be the last time. We’ve dealt with it before, and the standard has been the 4 percent. But even on this conclusion, it says "Based on the information as given, it appears your conclusion --" I assume that’s your -- speaking of your conclusion --

REPRESENTATIVE MCCOY: Sure. And my conclusion was listed in the letter that --

SENATOR ALEXANDER: -- that Dr. Smith is eligible to be considered. So that’s the other part of that sentence “-- and thus a qualified elector of his Congressional District is not defeated by his wife’s location of a separate.”

So I guess even -- so basically what we’re saying is it’s going to be far reaching, too, I would think, to other things like Public Service Commission and all these other ones that really residency is not going to be an issue, it’s going to be wherever we say it is in the future.

REPRESENTATIVE MCCOY: Well, and I think when you do examine any sort of races in a Congressional District that, you’re right, I mean, that person has to reside in that congressional district. But when it comes down to --

SENATOR ALEXANDER: I don’t think so.

REPRESENTATIVE MCCOY: Sir?

SENATOR ALEXANDER: I don’t think the law says you’ve got to reside --

REPRESENTATIVE MCCOY: Well, if it’s not an at-large seat. And if it is an --

SENATOR ALEXANDER: I’m talking outside of these. I’m talking about Congressional or Senate or House or anything.

REPRESENTATIVE MCCOY: I’m not sure. I’m not sure what the requirements are by law there. But, you know, I think that what we’re doing here, and I think we need to take a vast look at what the -- what this board’s purpose is and what this board is supposed to do. And when it comes down to Dr. Smith putting himself forward for public service, I think that also needs to be taken into account.

SENATOR ALEXANDER: I agree with that.

REPRESENTATIVE MCCOY: And somebody who has put himself forward and not only saying, "I want to take the time to serve this board that I care about --"

SENATOR ALEXANDER: I don’t want to interrupt.

REPRESENTATIVE MCCOY: Sure.

SENATOR ALEXANDER: But my point is I want to take it out of the personalities of Dr. Smith and his family and put it in the provisions of going forward in other circumstances.

REPRESENTATIVE MCCOY: Sure.

SENATOR ALEXANDER: So -- because I think the world of Dr. Smith. And it keeps coming back to specifically his -- and I agree from that stand. He serves well and everything. So, you know, I want us to get out of that. And if what we’re saying -- I guess that’s my point is, what are we saying the residency requirements are going to be going forward?

REPRESENTATIVE MCCOY: And my understanding of it is, you know, again, looking at the law, we have to look at where the person intends to reside. And that’s vague. And I don’t know whether we can go in there necessarily and change the law. But when it comes down to having a unique situation like we have here, I don’t know if the answer is to examine it on a case-by-case basis and take a look at certain factors and certain indicators that tend to point where somebody resides. Because I don’t know if you can say with absolute certainty in certain instances, hey, this person does or does not reside here without taking into consideration every single factor that Dr. Smith or others who would come forward later will have to provide.

SENATOR PEELER: Representative McCoy, this is not the point I’m trying to make. We had a candidate before and in order for him to pass the 4 percent question, he had a very similar situation.

SENATOR ALEXANDER: Right.

SENATOR PEELER: He changed his residence, his 4 percent back to his residence and not to his beach home -- from his beach home to his residence.

SENATOR ALEXANDER: So he could resolve it that way.

SENATOR PEELER: And so we’re not plowing new ground. This -- we’ve pretty much settled on if you pass the 4 percent muster, it’s wherever the 4 percent, that’s where your residence is.

REPRESENTATIVE MCCOY: And I understand. I wasn’t trying to say that this committee is plowing new ground. I understand we’ve been here before. I’m trying to say that every person’s situation is different and everybody brings something different to the table when it comes to different qualifications as to where they live. And that’s what I was hoping to point out, was trying to make with Dr. Smith.

But, you know, I think we have an answer, and I think it’s laid out in front of us with the Attorney General’s conclusion and whether we take that forward with the committee as to how we approach this issue, Mr. Chairman, obviously, I leave that in your hands. But that’s my opinion. I think it’s the Attorney General’s opinion, and I’d like to see Dr. Smith qualified.

SENATOR MCGILL: Chairman, let me say this quickly. I know that Senator McElveen is saying he’s told me repetitiously that Dr. Smith is a resident of Sumter County. And, of course, he is the living, breathing senator from that district. And the thing is, is that the question, though, was asked a week or two weeks ago when we were up here going through these 90 different people, they said if it wasn’t Dr. Smith, if it wasn’t Murrell Smith’s father, what would you do? What would you do generically?

And, of course, I know what that answer is, and I know what it is right now. The bad part is, I’m like everybody seated at the table, we don’t want to do anything to hurt Murrell Smith in any way. I’m just telling you just what it boils down to.

The thing is, is that the Attorney General says repetitiously that just because somebody’s spouse is somewhere doesn’t necessarily mean that’s their domicile location. And I’m reading that. But they have said that consistently. But also I know that three of my last five opponents claim they lived in the Senate District when, in fact, they did not. They lived out of the Senate District.

I just never raised the issue, never pushed the issue, we just ran against these people as if they lived in the district. But probably could have got them disqualified.

The thing is, this is absolutely not the first time. Because when it came up before, it was stressful as night and day because we didn’t know what to do. Honest to Lord, did not know what to do. But it worked itself out. And that was the reason a week ago it was so stated Dr. Smith needs to come back with other areas showing that he is absolutely a resident of that Sumter area.

And what is amazing is we always go back to that 4 percent because that’s what it was under the former chairman in the former committee that was there.

So how do you deal with that issue? Barring, as you said, friends and personality, how do we deal with this? And the problem is, what would we do -- what do we do? That is the problem.

SENATOR MCELVEEN: Mr. Chairman, can I say something on his behalf?

SENATOR PEELER: We haven’t before. I’m absolutely sure that Dr. Smith can vouch for himself. There’s no question about his reputation in Sumter. There’s no question what you do for the folks in Sumter. There’s no question that you intend to live in Sumter. The question is and the only question is --

SENATOR MCGILL: You’re right.

SENATOR PEELER: -- your participation in the 4 percent versus the 6 percent. That is the only question. Sadly, that’s a side question, but it’s an important question, and it’s something that this committee has settled on in the past.

Now, if this committee, by action today, if we are going to change that, then we’ll have to change it. But I think you’re going contrary to the law when you do.

The law states, Dr. Smith, that under your scenario, your residence is in Isle of Palms. If you changed it or your wife changed it back to Sumter, your residence would be in Sumter. According to the law, and I’m not a lawyer, but the way I read it, that’s what it says. That’s exactly what it says.

DR. SMITH: I don’t read it that way. I mean, excuse me.

SENATOR PEELER: And that’s why it was not easy, but that’s why the committee, so we wouldn’t have to go through this --

DR. SMITH: I’ve read some of the law, and I don’t think that’s the interpretation of the law. But I’m not a lawyer either. I think it’s where you intend to live, where I say I live. You’re picking out one factor that -- you all have all the rights. I mean, you know, I don’t have any rights of that. But I’ve given you as much information about 4 percent. I’ve given you ten times more. Why you pick one thing is -- you say it’s legal. What I read, I don’t believe that’s what the law says that your residency is where you pay 4 percent. I think that’s -- that is a tax deal my wife did and a lot of people in this state do to help their situations that you folks might want to remedy one day.

REPRESENTATIVE MCCOY: If I could, Mr. Chairman.

SENATOR PEELER: Representative McCoy.

REPRESENTATIVE MCCOY: Thank you, Mr. Chairman. And to answer some of your questions, too, Senator McGill, obviously when you run for a senate -- a state senate seat or you run for a state house seat, there are residency requirements. And it probably doesn’t matter where these folks live, they can’t beat you anyway.

But, you know, we have a unique situation in the 1st district recently, too, where we had a guy who made the runoff who actually lived in the 6th district for the congressional seat. So it’s obviously not a rule on the national level. And I know we’re dealing with grounds that we’ve already covered in this committee before, but it’s a new issue to me. And what I’m bringing to the table is my understanding of the law and my understanding of establishing and examining residential and domicile issues.

And when you look at criteria, you know, I read it as being against the law to say it’s one factor, it’s 4 percent, and that’s it. And if that’s the way the committee has done this in the past, respectfully I think it’s flawed. I mean, I think it should be addressed going forward because that’s not the only way to examine domicile is by 4 versus 6 percent.

And I think what we have here and what’s clear and concrete is a law that’s been established and then brought down by the Attorney General. And you brought up a pretty interesting point, too, Senator McGill when you said, Hey, this is Murrell Smith’s father, and we want to help Murrell. We all know Murrell. We work with Murrell every day. And I’m new to this committee. I’m new to serving in the House of Representatives. And when I look at this, I don’t know Dr. Smith. The first time I actually laid eyes on him was when we screened him two weeks ago during our furlough.

And I think everybody, it doesn’t matter if it’s Dr. Smith, it doesn’t matter if it’s Dr. Johnson that comes in here and wants to serve on the MUSC board, I think everybody should be given that fair shake and given that fair qualification and not just to -- to answer your question, this would have happened, I think we would have gone this route and gotten an opinion even if it wasn’t Dr. Smith.

So I respectfully, Mr. Chair, you know, if we need to change the way we look at this from going forward today, I don’t know if that’s something we take up on a separate day or a separate matter with just the committee. But respectfully, I do think it’s flawed if you’re just looking at 4 versus 6 percent. And that’s my honest interpretation being new to this committee because there are so many other factors that establish domicile, and it’s been laid out in the opinion here. It’s been laid out in the law books that I’m still owing money right now for my legal education.

So that’s how I look at it, Mr. Chairman. I respectfully, at the appropriate time, I would move to alter that today if that was the appropriate course to take. Then, again, I’m new, and I want to make sure that’s done the appropriate way as well.

SENATOR PEELER: Let me speak to Senator McElveen. The reason we didn’t allow you to speak, we had a lady come before us on -- a different candidate, a different seat, and we received her information in writing and didn’t allow her to speak. So I think the precedent shows that that’s why.

SENATOR MCELVEEN: Was she serving in the Senate, Mr. Chairman?

SENATOR PEELER: I’m sorry?

SENATOR MCELVEEN: Was she serving in the Senate?

SENATOR PEELER: No.

SENATOR ALEXANDER: Mr. Chairman, I would like to let the record reflect we do have a letter from Mayor Joseph McElveen, who is the father of Senator McElveen, that speaks to this matter. I’m sure that it’s probably saying very much what the Senator has to say.

REPRESENTATIVE MCCOY: Mr. Chairman.

SENATOR PEELER: Representative McCoy.

REPRESENTATIVE MCCOY: Thank you, Mr. Chairman.

And I know Dr. Smith mentioned in the initial part of his testimony about other things that he’s submitted to the committee. Is there a way that we can take a look at that as well because I just wasn’t aware of what he sent in. He said it was some letters from some folks in town. I just don’t know if it was other qualifiers that would help us take a look at residency.

MS. CASTO: It’s behind tab A in your notebook.

REPRESENTATIVE MCCOY: Oh, it is?

MS. CASTO: The whole packet that he --

REPRESENTATIVE MCCOY: Okay. Thank you so much.

SENATOR PEELER: Representative McCoy, you could bring me 10,000 letters --

REPRESENTATIVE MCCOY: Yes, sir.

SENATOR PEELER: -- a hundred thousand letters, it wouldn’t make me like him more or less. I respect Dr. Smith.

REPRESENTATIVE MCCOY: Yes, sir.

SENATOR PEELER: I think he lives in Sumter, but his 4 percent is in Isle of Palms. And he signed that that was his place of residence to get the 4 percent. That’s the only thing we’re talking about today.

REPRESENTATIVE MCCOY: Yes, sir.

SENATOR PEELER: And that’s -- whether we settle that now or later, that’s the only issue --

REPRESENTATIVE MCCOY: Yes, sir.

SENATOR PEELER: -- as far as I’m concerned.

REPRESENTATIVE MCCOY: And I think that you’re right. I think we are -- Mr. Chairman, we are hinging this decision based on 4 versus 6 percent as has been done by this committee, and I understand that’s the issue. But what I think this opinion does is shed light on the fact that there are other criteria we need to examine as well. And I think that this could be a case of first impression here where we’re actually using other criteria to move forward. So we can do that later on down the line, as well, Mr. Chairman, when it comes up with other screenings in the future.

SENATOR PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: The thing that confuses me is that this opinion does not address the 4 percent, and I don’t know if that -- the Attorney General obviously is, you know, the Attorney General for a reason, but I don’t know if he wasn’t specifically asked to address that or chose not to address that, but that if he were to come straight out and answer that particular question and clear that up for us, I think we wouldn’t be having this discussion because we would know clearly exactly what he said.

SENATOR ALEXANDER: We need clarification from the Attorney General.

REPRESENTATIVE HENDERSON: That gives me concern. And the other thing that gives me concern is, again, and I hate to, you know, argue with an attorney because I took one administrative law class in school, but --

REPRESENTATIVE MCCOY: Learn something new every day.

SENATOR HAYES: -- all these 11 factors are things that you have to establish to get the 4 percent. You have to do this to get to that point. And I think that’s what makes -- that makes me confused because this is established at some point to get there, but now it’s established back. And so that’s what I think, at least for myself, are trying to grapple with how that comes in to factor with whole 4 versus 6 argument.

REPRESENTATIVE MCCOY: If I could, Mr. Chair, answer that.

SENATOR PEELER: Representative McCoy.

REPRESENTATIVE MCCOY: To answer your question directly, Representative Henderson, it was addressed. The 4 versus 6 percent was addressed. It was laid out in the fact portion of my letter to the Attorney General, where it says -- actually in the first sentence -- in the second sentence of the second paragraph that says this is what’s going on. And Chairman Peeler is right in that that’s the crux of this argument is the 4 versus 6 percent.

And Alan Wilson knew that information, had that information. And what’s -- what’s telling to me as an attorney, is that knowing this information and knowing how attorneys pool information together and they pool all the factors together, it still wasn’t a factor in his conclusion in his outcome. He had that there, he knew that there, and still came to the conclusion that based on the other factors, Dr. Smith was a resident in Sumter as opposed to the Isle of Palms. And I think that’s what’s extra telling to me without even having to mention that, having known that that’s a part of the fact pattern that we’re dealing with.

REPRESENTATIVE HENDERSON: Okay.

SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Dr. Smith, for coming again.

DR. SMITH: Yes, sir.

REPRESENTATIVE WHITMIRE: I like you. I know your son is here.

Do the time restraints require us to make a decision today?

MS. CASTO: If you all want this seat on the election, uh-huh.

REPRESENTATIVE WHITMIRE: All right. Well --

MS. CASTO: It can be delayed, but ...

REPRESENTATIVE WHITMIRE: Well, I was just wondering about if we could get a specific 4 percent ruling from the Attorney General.

REPRESENTATIVE HENDERSON: That 5th Congressional seat, when are we doing that then?

MS. CASTO: We have scheduled it the same time that there will be a judicial election on May 15th.

REPRESENTATIVE HENDERSON: Okay.

SENATOR PEELER: So do you all want to postpone that one until then?

REPRESENTATIVE MCCOY: Let me speak to that.

SENATOR PEELER: Representative McCoy.

REPRESENTATIVE MCCOY: Thank you, Mr. Chairman.

With all due respect, you know, I think we have an answer to a 4 versus 6 percent because this was part of this fact pattern and came out as a fact pattern. Again, just like I just spoke to Representative Henderson’s concerns, it played no part and it had no part in the Attorney General’s conclusion because he took into light or into account other factors that were out there that Dr. Smith provided.

And what concerns me is that we all sit around the table and we say, "We know you live here. We know you live in Sumter. We know you reside there, but yet we still have this barrier that’s going on even when we have an opinion from the Attorney General."

And I’m not trying to make waves. I’m certainly not trying to do that, I’m trying to get a firm grasp of what we’re trying to accomplish here, which is 4 versus 6 percent has been done in the past, and that’s how the criteria has been used. We’ve had concerns from Representative Whitmire and Representative Henderson that maybe we should get a firm ruling of 4 versus 6 percent, is that the absolute? And I think we have. I think we have it here. And that’s how I interpret this opinion, that that’s how I interpret this order, and that’s how I understand the law to be interpreted. So I’d like to, you know, leave that as one of my final points here, Mr. Chairman.

REPRESENTATIVE WHITMIRE: Mr. Chairman.

SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: I think we’ve all discussed, I think probably all -- we know where we’re going to go with this. So at this time, unless somebody else has any questions, I’d like to move for a favorable report.

REPRESENTATIVE MCCOY: I would like to second that.

SENATOR PEELER: Motion is a favorable report by Representative Whitmire, seconded by Representative McCoy.

Any other discussions?

SENATOR MCGILL: Let me say one last thing, if I can.

SENATOR PEELER: Senator McGill.

SENATOR MCGILL: This has been quite an experience for me. This last meeting we had a week or two weeks ago, we talked in executive session and informed this entire group.

SENATOR PEELER: You can’t say what we talked about in this --

SENATOR MCGILL: What is said in executive session, don’t go out of this room and talk about it. Well, sad to say, words went out of this executive session. And we can be mild or we can be sweet and we can do anything we want to do, but I’m going to tell you something. I got a call from my daughter saying her husband got a phone call from a member of the House, was not Murrell, jumped him saying -- even said MUSC funding could be at risk if we didn’t help.

I wasn’t going to say this today but till awhile ago when you inflamed yourself. And I thought about that thing and I said, you know, I ought to come up here and work just as hard as I can against Dr. Smith just because of what one person did out of executive session.

And I can tell you right now to have my daughter call me emotional, upset, saying she got a call from a leader in the House of Representatives, wasn’t the Speaker, was not Murrell Smith, I’ll tell you that. But for that kind of action to occur in the threat of not giving funding to MUSC because of what’s going on in this room and what came from executive session, that’s a pretty dang-gone bad disgrace.

I never thought we would get in that posture of games that people play. I don’t play them, never have played them. I can tell you this, Murrell and I talked four weeks ago, nothing in detail, nothing concrete. He didn’t ask me to do anything for his father. As a matter of fact, it was the room below this room where we spoke.

But I’m going to tell you something, this is a lot bigger than just saying I make a motion and I make a second. And it’s tricky and we just go down the road when you got the spirit of some of these people have been hurt.

Of course, I plan to talk to your person that called my son-in-law. And it’s not a laughing matter. It’s not a -- something that occurs that should occur. If that’s the side of politics of Columbia, I’m not interested in it. I’ve never heard of this in the 25 years I’ve been in Columbia. But I can tell you this, Chairman, I could have very easily called SLED and called some more people. I didn’t do it because what I would much rather have done is come here to this table today and vote my conscience of what I felt was the right thing to do.

When I even started the meeting, I hadn’t seen this stuff. And I read that one sentence, and it plainly states that his wife’s domicile may not be his domicile. Plainly states that. Throws a gray area. I threw that bone at you trying to help you. But you consistently tried to keep throwing back at me issues.

And I’m going to tell you something, through these processes you learn what’s going to happen and what’s going to go on, but generally what we do is we listen to testimony, then we vote and we move forward. And we don’t conjure votes before you come in a meeting because it’s just not the right thing to do.

But the fact of the matter is, there is no question, Chairman, in my mind this man lives in Sumter. No question from the testimonies of the Senator of Sumter to me, not to this committee.

But I also can tell you this, that I’m not sure his family even supported Senator McElveen in his reelection. But for him to come in here saying he’s a resident, to me, it means something to me. I’ve always liked Representative Smith. He’s always been very ethical, period. But I can tell you right now that if I came in here today with what was on my mind a week ago when I got a phone call out of Columbia, I can tell you now I would be asking this committee turn it down and don’t support it. But I don’t hold this man responsible for something like that.

So with that, I share with you that, Chairman, I’m going to probably vote for Dr. Smith. Only because I really with all my heart believe he’s a resident at 4 percent, 6 percent. In the past has knocked a lot of people out. But I also know this, that if it wasn’t you, I hate to say it, I probably would be voting against you. But I’m voting for you only because half my family lives in Sumter and they know you and they attest that you’re a resident of Sumter County.

SENATOR PEELER: Thank you, Senator McGill.

SENATOR Alexander.

SENATOR ALEXANDER: For further discussion, I think to a point -- and was not aware of any of that that you’ve just commented on. How do we rectify what has been done is the standard if the votes are there to change things today? What about these folks in the past that have been not found qualified because of the clear-cut 4 percent versus the 6 percent? I’m concerned about changing that precedent from that standpoint.

I don’t know what the new standard is going to be. Please tell me what the standard is, then, if it’s not going to be the 4 percent versus the 6 percent.

SENATOR MCGILL: What is the recommendation of staff? What is the recommendation of staff?

SENATOR PEELER: Staff doesn’t have a recommendation. This is why we are getting paid.

SENATOR ALEXANDER: Mr. Chairman, I know we’ve -- I know we’ve got a motion and a second and we’re in discussion. I think -- I don’t know why we’re rushed. I’d like to get a clarification on the 4 percent versus 6 and make sure that they spoke to that issue in the letter that was presented.

SENATOR PEELER: I don’t want to put words in Representative Whitmire’s mouth because I think that’s what you were trying to do.

REPRESENTATIVE WHITMIRE: That’s what I wanted to do originally.

SENATOR PEELER: You were asking about the time sensitivity. We could carry this over and try to make it to where the 5th District, Coastal Carolina election, have it on that day.

REPRESENTATIVE WHITMIRE: I would feel a lot better if I knew the clarity there, so I withdraw the motion.

SENATOR ALEXANDER: And if they -- Mr. Chairman, I mean to take a lesson from that standpoint --

REPRESENTATIVE WHITMIRE: Yeah.

SENATOR ALEXANDER: I mean, that’s what we’ve been hinging on. If we’re going to change it, I would rather them say that we’ve got the ability to change it based on that and not for a specific situation. But it’s the right policy for us to have going forward.

REPRESENTATIVE WHITMIRE: Mr. Chairman, that will give us clarity moving forward, so we won’t have this -- hopefully this again.

SENATOR PEELER: Dr. Smith, it was mentioned earlier about you supporting a certain candidate in Sumter. You couldn’t, could you?

DR. SMITH: Couldn’t vote for Murrell.

SENATOR PEELER: You couldn’t even vote for your own son.

DR. SMITH: But I can now.

SENATOR PEELER: So if he lost by one vote, you really would have been in trouble. But you follow -- you follow our line of thinking there about the 4 percent and the 6 percent. The 4 percent didn’t bother you when it came to voting, but it bothers you now. That just -- and that bothers me. But all that, I think we know kind of where we are.

DR. SMITH: Yeah. I just think that, again, from that letter that he just read, I just think it’s pretty clear, just personally, that what my wife does and where she elects does not always reflect where I live. And I think that that’s what I interpret. But that’s okay. I mean, you all are doing the right thing. Whatever --

SENATOR PEELER: Senator Hayes.

SENATOR HAYES: Did someone, in fact, actually change their property from 4 percent to 6 percent in the past?

MS. CASTO: Yes, sir.

SENATOR PEELER: A candidate before had very similar circumstances.

SENATOR HAYES: Would you be willing to do that, to change your property from 4 percent to 6 percent?

DR. SMITH: Well, actually, I did look at that and believe it or not, I’m paying $8,000 in Sumter, and it really saved me overall $2,000.

Would I do that to be on the board? I mean, you know, I’m not -- I probably would if that’s what you folks required me to do. I kind of still feel like I live in Sumter, and I just have a problem with it.

I’m offering myself -- I’ve told you I live in Sumter. I think that -- everything that I read in these letters say that I live in Sumter. And to pick a 4 percent or 6 percent, you all picked that. I mean, I didn’t pick it. You may be a hundred percent correct.

SENATOR PEELER: Dr. Smith, we picked it before you were a candidate.

DR. SMITH: No, I understand that. I just said --

SENATOR PEELER: I don’t want you to think while we’re picking it, we’re not picking on you.

DR. SMITH: No. I absolutely never thought for a second that because I wouldn’t be sitting here if I thought that.

SENATOR PEELER: Thank you.

SENATOR MCGILL: Mr. Chairman.

DR. SMITH: I’ve got no issue with that.

SENATOR MCGILL: Mr. Chairman, let me say this. I’m going to be open. I want to hear what the Attorney General says as it is 4 or 6 percent. And I’m going to be open. I’m going to be open-minded to this vote when it comes over. I don’t know which way I’m going to vote. Let me say that.

SENATOR PEELER: Senator Hayes.

SENATOR HAYES: I’m going to be open, too. I’m not going to preconceive. But I think we need to -- we need to couch the question that it’s not necessarily if we wanted to go the other way, would we be within the law, but if we wanted to use the 4 percent, would that be within the law? I think that there’s kind of a gray area.

I think as far as precedent, I think in the future, if we change the precedent from 6 percent to 4 -- or 4 to 6 to some other, just looking at all the different factors, I think, you know, that could be putting a bigger burden on this committee to frankly to try to delve into that on a lot of things.

So I think if the Supreme Court -- I think we can ask -- not the Supreme Court, but the Attorney General, would we be within the law if we decided to use that, or are we clearly outside the law? Because that’s a bright line of something we can tell everybody. And if you want to get in line, I mean, obviously shifted his voter registration and everything back in an attempt to be on the board. And I commend him for that.

But what we said in the past, you’ve got to change that property because you only get one. You and your spouse and wherever it is, that’s been a bright line we’ve used.

Now, if we’re out of line using that as a bright line, and the Attorney General says we’re out of line, but I kind of read this as saying, if you don’t want to do that, you don’t have to do that. There’s nothing saying that if you don’t want to save the 4 percent, 6 percent, this committee wants to look at other factors, I think we can. But by looking at 4 percent or 6 percent, are we out of line? Because that’s a clear bright line that we can tell everybody in advance and as a way they can cure it, if they want to.

That’s just something to think about. When we ask the opinion from the Attorney General, are we within our rights to use that, or is that clearly out of line? Because he said that we don’t have to use that. I mean, I can read that here. I know what he’s going to say. He had the facts. He not only put it in your letter, he put it in his letter, the fact situation. He knows the facts. But I think that what I’m not real clear on, the 4 percent, is that are we out of line using that? If we’re out of line using that, then I’m going to vote that we need to change it.

SENATOR ALEXANDER: Absolutely.

SENATOR HAYES: But if we’re not out of line, it’s a clear bright line that we can tell everybody. And there’s a way to remedy it. And, you know, we made people remedy it in the past. But just because it’s going to make our job easier, I don’t want to necessarily cause Dr. Smith $2,000 either. But, you know, we need to be consistent on that.

SENATOR PEELER: Let’s look at the calendar. When do we -- when will we need that opinion and when will we need to meet back to make a decision?

MS. CASTO: I would suggest that you can write the opinion -- the letter to the AG this week and we will get with them and see the earliest. Hopefully next, week we may have an opinion back from them.

SENATOR PEELER: Well, we have other candidates chomping at the bits. Can we give a report on all of those?

MS. CASTO: Yes, sir.

SENATOR PEELER: Okay. So it wouldn’t slow up the others.

MS. CASTO: No, sir. We will go forward with everyone except the 5th Congressional District from MUSC.

SENATOR PEELER: Okay. So if there’s no objection, that’s what we’ll do. We’ll carry this over one more time, Dr. Smith. And I appreciate your patience.

DR. SMITH: Yes, sir.

SENATOR PEELER: We’ll carry this over one more time, ask for the opinion. Subject to call of the Chair, I’ll call the committee back.

MS. CASTO: As soon as you have the opinion.

SENATOR PEELER: Absolutely as soon -- as soon as possible.

DR. SMITH: Can I just ask one question?

SENATOR PEELER: Yes, sir.

DR. SMITH: Just so I understand. Is it the clarify that it does not disqualify me, or is it a clarification that you can use anything -- you can use that?

SENATOR PEELER: Senator Hayes, do you want to -- you’re my wise attorney.

DR. SMITH: I’m not a lawyer, but I heard what you said.

SENATOR HAYES: I am a lawyer, and I don’t know. But I think that we ask the Attorney General would be -- be within the law if we wanted to use the 4 percent as a criteria, as the bright line as to what we’re going to set as residency. Is that a violation of your rights or the law or whatever else for us to use that bright line?

If that violates your rights for us to use that bright line, then we can’t do it. I mean, we’re violating his rights. You know, other than a court telling us that, I think that’s about all we can do is get an Attorney General’s opinion. If we’re okay to do that, but we don’t have to.

I kind of read this as saying, you know, 4 percent is not the only criteria you can use if you don’t want to.

DR. SMITH: Right.

SENATOR HAYES: And I think everybody knows the situation. You’re a Sumter doctor, you’re a Sumter resident, and everybody proud from Sumter to have you there. And we just got to set a precedent. That’s what we’re worried about in the future, whether we want to set that as a bright line or whether we got to change it.

SENATOR PEELER: Dr. Smith, you asked me and as a non-lawyer, it says -- for purposes of sub line item B of this item, quote, A member of my household means the owner-occupant, spouse, except when that spouse is legally separated from the owner-occupant.

I want him to tell me, what does that mean?

DR. SMITH: I’m not separated --

SENATOR PEELER: I want him to tell me what’s that mean.

DR. SMITH: I don’t know. I’m not separated. I live in Sumter.

SENATOR PEELER: Thank you, sir.

DR. SMITH: Thank you.

SENATOR PEELER: Thank you, Dr. Smith.

DR. SMITH: Thank you.

SENATOR PEELER: Next.

MS. CASTO: We have four candidates for Wil Lou Gray Opportunity School.

**W. WAYNE SIMS**

MR. Sims, you needed to get back to Hartsville, so we’re going to take you first.

MR. SIMS: I sure appreciate the opportunity to be here today. And I do have a health care provider because my wife, in August, had a hip replacement, half hip. And she fell Saturday before Easter at 1:30 a.m., and she has fractures, two fractures on the other side.

SENATOR PEELER: Thank you, sir.

All these candidates are incumbent.

MS. CASTO: Yes, sir.

SENATOR PEELER: And, Mr. Sims, we’ll try to make this as easy as possible.

Wayne Sims from Hartsville.

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

MR. SIMS: Yeah, I do.

SENATOR PEELER: Would you like to share with the committee why you would like to continue serving on the Wil Lou Gray Opportunity School board.

THE WITNESS: Yes. I have -- I have served two terms before.

SENATOR PEELER: Okay. Any questions? Comments?

SENATOR MCGILL: Move favorably.

SENATOR PEELER: Motion is favorable report.

REPRESENTATIVE MCCOY: Second.

SENATOR PEELER: Second heard.

All in favor, please raise your right hand.

Thank you, sir. I appreciate it.

MR. SIMS: Before I leave, I would like to say thank you to the committee and each member. And I feel it’s an honor and a pleasure to serve at your discretion on the board at Wil Lou Gray, and it’s a great place to be on the board because the young people are there, boys and girls.

And I was at Florence-Darlington Technical College, and I retired there. And it’s so good to have a place that they can go, children who are at risk.

Thank you so much.

SENATOR PEELER: Thank you. I’m glad it is an at-large seat. We don’t have to worry about where you live.

Thank you.

MS. CASTO: These are all at-large seats.

**DOUGLAS STEWART COONER**

We’ll go back to tab B, Douglas Stewart Cooner from Lexington. He is an incumbent. This is an at-large seat, and all of these seats expire in 2017.

SENATOR PEELER: I appreciate your patience.

MR. COONER: Thank you, sir.

SENATOR PEELER: Please raise your right hand.

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

MR. COONER: I do.

SENATOR PEELER: Thank you. Do have a statement for the committee?

MR. COONER: Yes, sir, and I will be brief. I’m not known for being brief, but I will be brief.

I can summarize for you very briefly why I want to serve. Every child deserves a future filled with opportunities and possibilities, but sometimes those futures venture astray. There’s a quote that states that you can’t go back and make a brand-new start, you can start from now and make a brand-new end.

And I believe that Wil Lou Gray Opportunity School is about making new endings.

My own life’s work has focused on making brand-new endings for the next generation. And I believe to that generation, I offer wisdom, insight, and perspective based on my own experiences.

And along with my equally qualified fellow board members, our combined experiences can make a significant difference in the lives of these children.

Thank you.

SENATOR PEELER: Thank you.

Questions or comments from the members of the board?

REPRESENTATIVE WHITMIRE: Move for favorable.

SENATOR PEELER: Motion is favorable report.

SENATOR MCGILL: Second.

SENATOR PEELER: Second is heard.

All in favor, please raise your right hand.

Thank you, sir.

MR. COONER: Thank you very much.

**RUSSELL E. HART**

SENATOR PEELER: Mr. Russell Hart.

MS. CASTO: Mr. Hart is from Roebuck. He is an incumbent, and his term expires in 2017.

MR. HART: Thank you.

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

MR. HART: I do.

SENATOR PEELER: Thank you.

Do you have brief statement for the committee?

MR. HART: Well, my professional career was in the area of working with youth in YMCA parks and recreation and teaching, coaching in public schools. Just to see kids modify their behavior and return to their communities in the state of South Carolina as an asset rather than a liability. I’m interested in youth. They are our future.

SENATOR PEELER: Thank you.

Any questions or comments?

REPRESENTATIVE WHITMIRE: Move favorable.

SENATOR PEELER: Motion is favorable report.

SENATOR ALEXANDER: Second.

SENATOR PEELER: Second is heard.

All in favor, please raise your right hand.

Thank you.

MR. HART: Thank you, and thank you for your service.

**ELIZABETH THRAILKILL**

MS. CASTO: Ms. Thrailkill is from Fort Lawn with a term to expire in 2017.

MS. THRAILKILL: Thank you.

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

MS. THRAILKILL: Yes.

SENATOR PEELER: Thank you.

Do you have a brief statement for the committee?

MS. THRAILKILL: There’s no use going through. We’ve all written why we want to be in there, and there’s no use boring you or taking your time. Because obviously it doesn’t bore us.

I knew Dr. Gray. I knew what she stood for. I hope we never forget the contributions she’s made to this State, what she stands for. And we are there to keep that alive. And I think our combined talents and years of experience have proved themselves, and I hope they will continue to. And at this time, too, I will thank all of you for your very favorable support that you’ve given us over the years. I appreciate it.

SENATOR PEELER: Thank you, ma’am.

Question or comments?

REPRESENTATIVE WHITMIRE: Motion in favor.

SENATOR PEELER: Motion is favorable report.

REPRESENTATIVE MCCOY: Second.

SENATOR PEELER: Second is heard.

All in favor, raise your right hand.

Thank you, ma’am.

MS. THRAILKILL: Thank you.

SENATOR PEELER: Meeting adjourned.

(The hearing adjourned at 3:24 p.m.)

**JOINT LEGISLATIVE COMMITTEE CANDIDATE SCREENING FOR COLLEGE AND UNIVERSITY**

**BOARDS OF TRUSTEES**

Tuesday, March 26, 2013

2:20 p.m.

1101 Pendleton Street

Gressette Building, Room 201

Columbia, South Carolina

Members In Attendance:

Senator Harvey S. Peeler, Jr., Chairman

Representative Peter M. McCoy, Jr.

Representative David J. Mack III

Senator Robert W. Hayes, Jr.

Representative William R. Whitmire

Senator Thomas C. Alexander

Senator John Yancey McGill

Representative Phyllis J. Henderson

Committee Research Personnel:

Martha Casto

SENATOR PEELER: I’d like to welcome everyone back and call us back into order. This is a Joint Committee to Screen Candidates for University Board of Trustees. We’ll take candidates for the South Carolina State University.

Is Ms. Duncan here yet?

MS. CASTO: Ms. Duncan has called. She is on her way. She was on Gervais Street about five minutes ago.

**JAMES E. HARVEY**

SENATOR PEELER: Okay. Well, let’s carry that over and go to Mr. James Harvey.

MS. CASTO: Mr. Harvey is from Orangeburg. He is behind Tab V in your notebook.

SENATOR PEELER: Mr. Harvey, please take a seat and make sure the green light is on. I’ll need to swear you in, so if you will please raise your right hand.

(James E. Harvey was duly sworn, after which testimony commenced at 2:25 p.m.)

SENATOR PEELER: Would you like to share with the Committee why you would like to serve on this board?

MR. HARVEY: There are a number of reasons. My wife is a graduate of South Carolina State University. I have a bit of a cold. Sorry.

We moved down here two and a half years ago. For the last 27 years, we’ve been going up and down the road to visit her family in Orangeburg, and often we would take part in activities from the South Carolina State University, so I was asked if I would step up and volunteer to be a trustee, so that’s one part.

The other part of that is that, as far as my faith journey, we’re always asked by the minister to do service and be a service to the community. I started off by volunteering in the schools. Right now I’m a fourth grade math tutor, as a volunteer, in the Orangeburg District Schools.

Last year I helped one of the guidance departments with the school, so I’ve been doing volunteer work, and I thought I would extend my volunteer work to the University.

SENATOR PEELER: Appreciate that. Mr. McCoy?

REPRESENTATIVE McCOY: Thank you, Mr. Chairman.

Dr. Harvey, can you fill the panel in on a little bit about your Ph. D and the degree that you got.

MR. HARVEY: Yes. It’s kind of a unique degree. There aren’t too many universities that offer that, but in my situation, in Ohio, when they wrote the psychology law, I was in grandfathered in. I have a private license as a psychologist, but I was at the master’s level.

When I decided to go back to school after graduation, I was told that I would have to go back and do a full year of internship, if I wanted to do it in psychology. Well, I was consulting at the Center for Community Solutions and I was two-blocks away from Cleveland State University’s program in Urban Education Policy and I was doing policy work, so I decided that I would go that route and it was part time I was working there, and it took about seven years, but at age 65 I completed the degree.

REPRESENTATIVE McCOY: Congratulations.

Dr. Harvey, you said your wife went to S.C. State.

MR. HARVEY: That’s correct.

REPRESENTATIVE McCOY: When did she graduate?

MR. HARVEY: She did her undergraduate at Claflin, so let’s see -- she graduated high school in ‘62, so that would have been ‘68, and then she went into the master’s program in around 1968.

REPRESENTATIVE McCOY: Have you all, as a family, maintained a relationship with S.C. State? Have you all been part of their extracurricular activities?

MR. HARVEY: Off and on, we have. Her mother lives two blocks from the University, and when she first moved her family into town she worked for their student union for a little bit, so we were there. We were close and often we would take part in some of the activities.

Since we have moved there, we support the Bulldogs. We have season tickets to the football games and their State Association which supports the football team. Occasionally, we get to basketball games and we occasionally go to concerts or to their Stanback Museum.

I’ve been on their radio station a few times talking about mental health, so we have some relationship with the University.

REPRESENTATIVE McCOY: And I think that your educational background would offer an excellent opportunity to serve on the board and I think you would offer a very good insight, maybe a little bit of a different insight from the current board members right now.

Do you have a vision? Or do you have a thought or a goal that you would like to see accomplished, if you were elected to this board?

MR. HARVEY: Well, there are clearly some areas that the University needs to work on. Certainly, retention of students and also recruitment. I saw some of the data, where, in 2007, there were close to 5,000 students there, and the last figure I heard was 3,400. So clearly, there are some issues there.

One of the areas that I’m interested in is supporting students when they get into school so they can be successful. There was a good article in the paper today about their nursing program, where they had trouble passing the State exam, the students weren’t doing well, and then they implemented an intervention where, one, the students had more time on task. Even after class there was an expectation that they would have some support and mentoring, as well as practice sessions for the test.

That’s an example of helping those students stay in school and be successful in school and also become supportive alumni when they graduate. That type of thing, I certainly would be supportive of and interested in helping out.

REPRESENTATIVE McCOY: Dr. Harvey, thank you for entertaining my questions. Mr. Chairman, thank you.

SENATOR PEELER: Thank you. Any other questions or comments? Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

Dr. Harvey, in terms of working to get more students to come to S.C. State University, what role do you think you personally can play to help promote the school?

MR. HARVEY: Once I’m on the board, I’d have to see what kind of committees I might be assigned to. I assume there’s a committee that focuses on this kind of concern. I think part of that would be to look at those universities that have been successful in this process.

I know from all the places that I’ve graduated from, I get a call from a student asking for support. That’s a very effective tool. I don’t know if they do that at South Carolina State University but, if not, that’s a very good way of doing that.

Also being supportive of various fund raising activities, making sure that you hire staff that are very good at maintaining contacts with the alumni association and finding support, as well as individuals that can work on grant writing and grants that help the University.

SENATOR PEELER: Senator Hayes.

SENATOR HAYES: Thank you. I appreciate your willingness to serve on this board. For the last several years, there’s been a lot of turnover from the leadership of the University. What ideas do you have where some changes may need to be made in that regard?

MR. HARVEY: I think this is a concern of many universities, and certainly -- I was reading some data on the black colleges and universities where maybe 40 percent have interim presidents. You look at the history of South Carolina State and the early presidents -- their terms were 17 years, 20 years. They would be there a long time. You look at the recent history and most of them are there three -- maybe one, four years, but most of them are there for three years. You have this constant leadership turnover, so part of that is looking at data to see how other universities are successful in recruiting and maintaining, looking at the bylaws, which I reviewed briefly, in relationship to the process of selecting and hiring presidents for the University, and finding ways to make sure they’re supportive and that you have leaders that will stay for a longer period of time.

SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Dr. Harvey, for offering to serve. I’m just following with the same line of questioning that Senator Hayes had.

I notice that you’ve only lived in South Carolina for two and a half years; is that correct?

MR. HARVEY: That’s correct.

REPRESENTATIVE WHITMIRE: Are you aware of the many difficulties that have plagued, I guess, South Carolina State, as far as their board and retention of their administration?

MR. HARVEY: I’m aware partly because I have a lot of friends and colleagues that work there who discuss those issues from time to time. Much of my knowledge base is from what I see in the newspaper, so I have no detail in relationship to that. I found it interesting when I went to Founder’s Day, and I spent some time on the campus and I looked around. There are so many good things going on, and yet, everyone talks about dissension and difficulties within the board of trustees. So in that sense, I’m aware of it, but I don’t have the intimate details of what exactly is occurring that is creating some difficulties in relationship to decision making.

REPRESENTATIVE WHITMIRE: If elected, do you feel like you would be able to work with the other board members to try to fix what is a very proud State institution?

MR. HARVEY: Well, I’ve been on a lot of boards over the years, and part of it was to be proactive in relationship to doing collaborative problem solving and working together. I either work as a member, trying to contribute where I can; or if I’m asked to step up in a leadership role, I’ll do that.

I think there are certainly some things to do. I don’t know if they have regular training sessions. When I went on the Mental Health Board, immediately there was training for new board members. Annually we go to Columbia for training in relationship to how to be a good board member for the Orangeburg Area Mental Health Center’s Board.

Those types of things would be some things that might be helpful in relationship to helping that board become more cohesive in their decision making.

REPRESENTATIVE WHITMIRE: Okay. Thank you.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Following up on that, it’s my understanding that you do serve on the Orangeburg Mental Health Board currently.

MR. HARVEY: That’s correct.

SENATOR ALEXANDER: If elected to this board, I would assume that would be a dual office.

MR. HARVEY: I don’t know that, but that’s helpful for me to understand.

SENATOR ALEXANDER: If that were the case, would you be willing to resign from the Orangeburg Mental Health Board?

MR. HARVEY: I would be reluctantly willing. That’s one of my favorite areas -- working with mental health. That would be a bit of a decision, but, yes, I would be willing to step up if put in the position as a trustee.

SENATOR ALEXANDER: And I know you already put on the record that you’re retired, but out of consistency, is there anything that would preclude you from being able to dedicate the time and energies needed to be a member of the board?

MR. HARVEY: No. I’ve kept my certification in case I had to go back to work, but I’m planning to remain retired and if children stay out of my pocket, I can do that.

SENATOR ALEXANDER: Good luck on that.

MR. HARVEY: That’s my plan, and I think long term, I would be able to consistently serve on the board.

SENATOR PEELER: I want everyone to have an opportunity to be heard. Anyone else? Senator McGill.

SENATOR McGILL: Let me ask you this. Of course, you have a very deep resume, and I can tell you, in your field, you have excelled. I don’t know how you’ve done all this in your lifetime. It’s amazing the information that you’ve provided to this committee. We commend you for a career that strong.

Let me ask you, in your professional opinion -- they kind of touched on the fringes of what’s going on over at State. I chair the Subcommittee of Senate Finance with South Carolina State’s PSA program. We’ve always been kind to that program because the General Assembly has always been kind, financially, to State.

What do you think is the issue? Is it too much board intervention trying to run the day-to-day operation? What would be the problem?

MR. HARVEY: Of course, I’m making very early assumptions. I haven’t served on the board and don’t have a detailed knowledge base. From what I see, there seems to be this ongoing conflict in relationship to leadership and who has control of the decision making process.

It appears to me that there needs to be some clarity in relationship to the responsibilities of the board members, and some of it is spelled out fairly clearly in their bylaws and the responsibilities for those individuals that are hired in administrative positions.

I think some clarity in that area can help. Certainly, as I mentioned before, some training in relationship to group decision making and how to work together collaboratively to solve problems and there has to be a little bit of give and take and discussions.

Policy is very difficult. You have a short period of time to make decisions. You have to gather data in a short period of time and then make good decisions that have been thought out carefully over the long term and how they’ll impact the University. That kind of approach needs to be done, and it might help with the scenario. I don’t know the individuals personally on the board. I don’t know their personalities or any of that detail, but other universities have done this. Other universities have struggled, and then they pull themselves together. I’m from Ohio. I’ve seen that at Central State University where they have a very rough period of time, and then they get good leadership and they’re on the road to getting back to their service to the community.

SENATOR McGILL: I’ve met a lot of professional staff and professional educators from State coming in to testify to the Subcommittee that I chair, and they’re not the problem. You have some very great faculty and staff that have done a great job.

I don’t know what the issue is because State is one of the greatest educational assets that this State has. I can tell you right now that the 1890 Program has made such a big difference to urban South Carolina. Not just urban and suburban areas, but all over the State, and the true story about State is never told. It’s always something negative.

We want trustees that want to focus, at all universities, on all the positives and getting away from the negatives. So I say that for everybody in this room because it’s a shame that State has this negative consistency when, in fact, it’s one of the greatest assets we have in the State.

SENATOR PEELER: Well said. Any other questions or comments?

SENATOR McGILL: Move for favorable report.

SENATOR PEELER: Is there a second?

SENATOR HAYES: Second.

SENATOR PEELER: All in favor, raise your right hand. Thank you. It’s unanimous. I appreciate your willingness to serve.

MS. CASTO: These are all running for the 6th Congressional Districts. There are five candidates for the 6th Congressional District. Dean Patrick.

**DEAN C. PATRICK**

Mr. Patrick is from Columbia, and these terms expire 2017.

SENATOR PEELER: Thank you, sir. Would you please raise your right hand to be sworn.

(Dean C. Patrick was duly sworn, after which testimony commenced at 2:41 p.m.)

SENATOR PEELER: Would you like to express to the Committee why you’d like to serve?

MR. PATRICK: Well, starting out, I’m a proud South Carolinian State. I’ve been fortunate to have been trained well at Midwest Illinois University where I received my doctorate.

I was able to come back and, because of their mentoring and training, I came back to State for a while in the 1890 Research and Extension Program where, in that program, I became very much acquainted with the demographics of this State.

From there I was privileged again while doing that study, particularly, to have been brought into the Department of Social Services as the State Planning and Research Director. Again, that experience of having the opportunity to deal with the people, the families, the children of this State have made me well-acquainted and aware of the issues and problems.

From there I had the privilege of working with the University of South Carolina. I was in the tech school system for a moment. From those experiences, I feel really good about my ability to, most importantly, deal with issues of students and their families.

Now, the planning and research skills lend themselves to informed decision making by having the ability to find issues, answers, and go after questions in a very informed and methodical way. I feel that’s something that’s needed on this board because I’ve seen and read and I’m a little bit familiar with the board, that from the outside looking in, that’s not the way you do business.

I think the board should, more or less, be heard and not necessarily seen, and I think that they should guide on issues of policy and they should advise the administration and allow them to do their job.

From there -- obviously, those are the main things that I see. Particularly from the students in this State, I don’t think enough of our students are taking advantage of their institution. I think there needs to be some advice and guidance in that area.

Because of my background, I feel very good that I could provide that.

SENATOR PEELER: Thank you. Any questions or comments from members of the Committee? Representative McCoy.

REPRESENTATIVE McCOY: Thank you, Mr. Chairman.

Dr. Patrick, thank you for being here today, and thank you for your willingness to serve our State and serve our State University.

Reading your letter to the Committee here, it lists a doctorate degree that you’ve attained. Can you fill the panel in on the specifics of your doctorate degree.

MR. PATRICK: Here again, fortunate enough through the State’s experience. After getting out of school, I got a Master’s in Rehabilitation Counseling.

From there I was recruited and had the ability to go to Southern Illinois. Now, the degree is rehabilitation administration. What that means -- that’s reform, that’s revising, that’s changing, that’s having the ability to program and evaluate and those kinds of things, particularly with disenfranchised and special populations.

So disadvantaged -- that’s that type of training. The term rehabilitate is, indeed, part of that training.

REPRESENTATIVE McCOY: And that’s an impressive degree and your educational career has been impressive, so I commend you on that as well. I see that you graduated -- is it 1976?

MR. PATRICK: Yes, sir.

REPRESENTATIVE McCOY: Have you maintained a relationship with the school outside of your graduation and outside of you not attending there anymore?

MR. PATRICK: When I came back from Illinois in 1985, I started to work there. I was recruited to go to Louisiana University system, and that was dragging a little bit, so I was fortunate to have my alma mater provide me with a position in the 1890 Research and Extension Program.

While there -- during that time between ‘85 to ‘98, I taught as an adjunct professor in the graduate school in counseling.

REPRESENTATIVE McCOY: We’ve had a lot of folks come up today and yesterday and talk about why they want to serve and the importance of serving on the school’s board. A theme that we’ve heard is, that a degree today is not what was it was 25 years ago.

If you were to step in and be a trustee or be a board member here, how would you help make a degree be worth what it was worth 25 years ago? Or make it so that these young folks could go out and get a job, which is of utmost importance?

MR. PATRICK: Well, let’s start from the people aspect of it, one thing that has really gotten me everything. I’m a guy that’s on my second career. I left the University as a research assistant professor and went into the School District. That’s what I’m doing now.

One thing about that, I see everyday children who have fallen between the cracks and are not getting the attention they deserve and the guidance. Likewise, I don’t believe that our University, in particular, is really going after a niche in that market.

I work at the Heyward Career and Technology Center. We teach trades. We offer skills to who -- because of the way they’re raised, their family situation, their demographics, their economic situation, they don’t see themselves going to college. But if you know anything about career technical education, generally, those kids that go through that training and get a skill, they actually do better in college once they learn.

As a result, there’s a whole pool of students that could be steered to college. Now, considering the drop in enrollment of South Carolina State, we have to look at various pools of student opportunity that we can tap into, that is readily available to us. I see my particular advantage in that scenario of becoming a board member is to be able to talk really strong and passionately about going after the students.

That drop in enrollment, I find really disheartening.

REPRESENTATIVE McCOY: I agree with you. Dr. Patrick, I appreciate you entertaining my questions. Thank you, Mr. Chairman.

SENATOR PEELER: Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman. Dr. Patrick, I appreciate your willingness to serve.

REPRESENTATIVE McCoy just made some really, really great comments that I agree with about the University. My wife is a graduate of the University, my mother is, my father got his master’s from there. So the school is very personal to me, but perception is reality. Unfortunately, there’s been a perception with so many incidents that leads us to the point where there’s a lot of parents, quite frankly, that do not want to send their children to South Carolina State University.

I want you to expand on what you just said. I think you made some really great points concerning getting out there and promoting the school. I think one of the things that the trustees need to do a better job of is being a representative for the school, to go out in the community, go out to high schools and even middle schools and promote South Carolina State University in order to get the confidence back, so that families feel comfortable about sending their children to the school.

Your thoughts about that.

MR. PATRICK: Well, in my current position -- I’ve been there about 12 years. We always invite colleges and universities, training schools, to come in and recruit our students. I have noticed that my alma mater has not done what I would like to have them do in that regard.

When you deal with people -- and I say that as a counselor -- you have to take the time to warm up. You have to take the time to sell. And most importantly, you have to take time to reach out. When I look as a parent -- because I’m advising parents and children about where to go to school. When I look at that and I go on the web page and I look at South Carolina State’s web page and I see the acceptance rate is 96 percent, how can that be? How can I tell a parent to choose State?

It hurts me to my heart. There’s something wrong in that statistic that I would love to have the time to deal with at some point. Certainly, those things turn parents off, and I’m an alumni. I’m talking to a parent and that child, and they say, what’s special about this situation?

When I look at a comparable institution, same size, black, whatever, I see their acceptance rates more, based on their resources and size, in the neighborhood of 50 and 70 percent. That’s average throughout this region -- Southeast. What’s happening to us?

A parent -- when I try to sell that child to my alma mater, will say, whoa, have you seen the web page? Explain that acceptance rate to me. I even took it upon myself to e-mail Allan Grove, who is responsible for putting that information out there. He told me, he said, well, I see what you’re saying, but this was the information that was sent in. I said to him, this can’t be right because just out of mere processing of applications where you have so many sent incomplete, and that sort of thing, the sheer numbers are going to make it so that 96 percent just is not right.

He says, well, this is the information that was reported. Somebody has to have the ability to do those types of things to keep the school out of harm’s way. The next aspect of that, sir, is, because I’m on the people’s side and I understand, in my opinion, the demographics of this State, both rural and urban. I think we really have to prepare ourselves to take the time.

And you know what? Something that I learned is that it just don’t hurt to be nice. Why can’t you have a conversation? Why can’t you reach out to somebody? You know, being a preacher and a teacher’s kid, that’s what I believe in, and I believe it earnestly because, when you think about it, it doesn’t hurt to be nice. It doesn’t hurt to smile. It doesn’t hurt if you extend yourself to somebody, in particular when you’re trying to get them or trying to sell them something.

I should not have had to come from a position of power to force, coerce, or somehow intimidate you into doing something, when it’s much easier for me to warm up to you and make you feel that it’s your decision. So that’s where I’m coming from, and I hope I’m answering your question, but that’s how I’m feeling about that.

SENATOR PEELER: Thank you. Senator Hayes.

SENATOR HAYES: Just two things. One -- and I ask this question of all candidates. There’s been leadership turnover there at South Carolina State.

What ideas do you have as far as how to deal with that in the future?

MR. PATRICK: Well, we have to enable the leaders to be able to do their job. We have to hold them accountable. I go back to the training I’ve had. I’ve been trained in program evaluation.

You can’t really allow an administrator -- or criticize or hold to bear an administrator, if you have never really given them an opportunity to do their job.

If you take the time to give really clear cut parameters of operation, you take the time to clearly communicate the desire and things that you want from that administration, and you give them an outcome-based directive through the advice of the board and its policy, that’s how we handle that situation of advice.

I seem to see more of, for lack of a better word, meddling. I think that it’s not the right way to do business. I think that we can do better business, and until we take the time to act professionally in the form of boards and what their original intents are, we’ll never be able to get out of this.

We have to put them to bear, give them a charge, make it clear, communicate it effectively, and evaluate it based on the premise of what we intended to do.

SENATOR HAYES: Great. Thank you.

The other question I had was, just looking at your record, it looks like you had a couple of DUIs in the early ’90s.

Have you had any problems with DUIs or anything since that time?

MR. PATRICK: No, sir. I got a son who is in his fourth year at USC. I’m a single parent, and I had to work hard to make sure he stayed there.

Yeah, that was there. I have no shame about that. I was living out there. But when you have a child and you have a good mother who has failing kidney disease -- a mother that -- we were not married, but I felt because of my parenting, what do you do? You take care of the situation.

As God would have it, she got another kidney. My son came here and is in his fourth year at USC.

SENATOR HAYES: You do have several speeding tickets. It looks like ’12, ’08, ’05, ’04, so you’re down fairly low on points.

MR. PATRICK: No.

SENATOR HAYES: Well, this is what we have on your driving record.

MR. PATRICK: When was that? In ‘08?

SENATOR HAYES: Four speeding tickets, 2012, 2008, 2005, and 2004.

MR. PATRICK: Maybe. The points are every two years, right?

SENATOR HAYES: Well, it says that you currently have two points. That’s what we were told.

MR. PATRICK: No.

SENATOR HAYES: Oh, two points against you. I’m sorry. I misunderstood the reading here, but I just wanted to note on that.

MR. PATRICK: Rightly so. That was -- we learn, we grow up, and we become responsible.

SENATOR HAYES: Nothing further.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Again, I certainly appreciate the work that you’ve done and the difference that you’re making. From what I’ve heard in your testimony and your comments, you’re continuing to work at this time; is that correct?

MR. PATRICK: Yes. SENATOR ALEXANDER: So, again, in the ability to carry out the duties and responsibilities of a board member, how would you handle that if you’re elected?

MR. PATRICK: Well, I have time to take. I have time, if it was necessary. Yes. I have time to take.

SENATOR ALEXANDER: Okay. Just wanted to make sure. Thank you, sir.

SENATOR PEELER: Thank you. Any other questions or comments?

REPRESENTATIVE McCOY: Motion for favorable report.

SENATOR PEELER: Second?

SENATOR ALEXANDER: Second.

SENATOR PEELER: All in favor, raise your right hand. It’s unanimous. Thank you for your willingness to serve.

**JOSEPH W. RICE, JR.**

MS. CASTO: Joseph Rice, Jr.

MR. Rice is from Orangeburg, and is a 6th Congressional District, Seat 2.

SENATOR PEELER: Good afternoon, sir.

(Joseph W. Rice, Jr. was duly sworn, after which testimony commenced at 2:57 p.m.)

SENATOR PEELER: Would you like to share why you would like to serve?

MR. RICE: Yes. I’m a graduate of South Carolina State College. I finished in 1958. I also have a master’s from South Carolina State College. South Carolina State College really changed my life.

I grew up in Anderson, South Carolina. I came to South Carolina, not to go to college but to bring someone else, but upon coming to South Carolina State and being on the college campus, I decided that day that I would come back, and I came back the next day and enrolled in South Carolina State College.

The main reason for, I guess, getting involved in this is that I’ve been noticing a lot of things going on. Since I live in Orangeburg, I’m privy to see a lot of the activities. I read the paper, and I’m also involved in the everyday life in Orangeburg, South Carolina.

My wife and I both are graduates from South Carolina State College. I have a grandson who is enrolled, so we have a long history of being involved with the college.

SENATOR PEELER: Thank you, sir. I see you have a Ph. D.

MR. RICE: I do.

SENATOR PEELER: Were you a teacher at one time? Or a professor?

MR. RICE: I’ve been a little bit of both.

SENATOR PEELER: I also see where you own your own construction company now.

MR. RICE: Well, I do small repairs, but I taught for six years in Branchville; four years at the South Carolina State College, at the laboratory school; one year at Francis Marion College; and I was a superintendent for 23 years in Orangeburg County.

SENATOR PEELER: And your son is a swimming coach at South Carolina State.

MR. RICE: He teaches swimming. Yes.

SENATOR PEELER: How long has he been there?

MR. RICE: Three or four years.

SENATOR PEELER: Thank you.

Any other questions or comments? Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

Dr. Rice, I’m looking at your life history. That sounds like a real Horacio Alger story. I really admire you for what you’ve -- especially as a young person, for what you’ve accomplished.

Since you live in Orangeburg, you obviously have a feel for what you’re hearing at S.C. State. Can you fill me in on what you think the problems have been down there?

MR. RICE: Well, having served on a board and served for a board, I think the board should make policy and let the administrator implement the policy.

I think when boards get too much involved, you get a house divided, and a house divided cannot stand. Therefore, I think when the board is united, the administrator feels comfortable and don’t have to second-guess what is going to be the next move.

REPRESENTATIVE WHITMIRE: So you would be willing to work with other board members, if elected, to help choose proper administrators and let them do their job.

MR. RICE: Yes, sir. I also served as Chairman of the Board at Regional Medical Center. I was chairman for four years. I served on the board for a number of years. When we brought in a new administrator, we gave him the policy and we helped and counseled him where we felt necessary. We did not, in any way, attempt to get into the day-to-day operation of the hospital.

REPRESENTATIVE WHITMIRE: Thank you. Once again, I have great admiration for what you’ve accomplished in your life.

MR. RICE: Thank you, sir.

SENATOR PEELER: Any questions? Comments?

SENATOR McGILL: Motion for favorable report.

SENATOR PEELER: Motion for favorable report. Second?

REPRESENTATIVE McCOY: Second.

SENATOR PEELER: All in favor, please raise your right hand. It’s unanimous. Thank you.

MR. RICE: Thank you, sir.

**WILLIAM SMALL, JR.**

MS. CASTO: The next candidate is William Small, Jr, and he is from Yemassee, also in the 6th Congressional District.

SENATOR PEELER: Good afternoon, sir. Please raise your right hand.

(William Small, Jr. was duly sworn, after which testimony commenced at 3:10 p.m.)

SENATOR PEELER: Would you like to share with the Committee why you would like to serve on this board?

MR. SMALL: Thank you, sir.

As I said in my written testimony, my entire life has been a life of public service and public policy engagement. I have a combination of over 32 years in higher education and public service, and I’m a product of historically black colleges and universities and believe strongly in them.

Part of the time I spent in South Carolina, I was the economic developer in Hampton County, and I am intimately acquainted with the importance of a prepared workforce, in terms of the economic, stability, and progress that this state needs to make.

I have a deep sense of appreciation and concern for what South Carolina would be without South Carolina State University. Part of my experience is in dispute resolution work, conflict resolution work. I have over ten years of experience working in labor relations, although this is not a union context, but working as a hearing officer, arbitrator, and mediator to resolve disputes.

I think that I have the temperament, the experience, and the skill sets to make a contribution. I want to say upfront, and I’m certainly eager to answer your questions, I don’t come with a presupposition that I have the answers to the problems there. But I do believe that if the right people are appointed, the answers will be in the room.

I think it’s extremely important that when we hear about the difficulties at South Carolina State, rarely do we hear about goals, and I think a conversation that the goals the institution should be pursuing, the niche that it can serve in the State, the service that it can render that is not being met -- when we can move the conversation to that level of discussion, I think a lot of the difficulties that are so prevalent in the press and in the conversation will begin to fade away.

I think there are tremendous opportunities in the State to create innovative K through 14 education models, which would fit the model that South Carolina State -- the role that South Carolina State plays in the education panoply of this State.

We have lots and lots of students who are under-served in their public school careers, particularly in the rural counties, and I come from a very rural and poor county. I think that with certain kinds of precollege interventions, using the community college system, using the four-year institutions, we can create models for education that will be attention-getting on a national level.

I’m currently the Vice-Chairman of the Area Commission for the Technical College of the Lowcountry, and we’re beginning to make innovations in that regard, in terms of having students graduate from high school with college degrees, associate college degrees. I think there are a range of models that could be constructed which would serve, not only South Carolina State, but the people in South Carolina in that regard.

SENATOR PEELER: Thank you.

MR. Small, I noticed in the information that you’re a former School Board Chairman in New Jersey.

MR. SMALL: Yes, sir.

SENATOR PEELER: Was that an elected position?

MR. SMALL: Yes, sir.

SENATOR PEELER: In the public school district?

MR. SMALL: Yes, sir.

SENATOR PEELER: How long did you serve?

MR. SMALL: It was a three-year term.

SENATOR PEELER: Some people call it a sentence.

MR. SMALL: Well, I promised the Lord and one sentence was enough.

SENATOR PEELER: I understand. Any questions or comments? Senator Hayes.

SENATOR HAYES: Do you still practice law?

MR. SMALL: No, sir. I never practiced law independently. I did work with the County Legal Services Corporation doing legal work for indigents and doing policy work for the organization and investigative work for cases. I’m not a member of any Bar Association.

SENATOR HAYES: And you’re retired now.

MR. SMALL: I am. I retired in 2000, approximately 2000, and came to South Carolina.

SENATOR HAYES: What brought you down to Beaufort County? MR. SMALL: I live in Hampton County. My parents are from Hampton County -- excuse me. My mother is from Hampton County, and my dad was from Burton, in Beaufort County. We used to come as kids to visit grandparents, and I just happened to fit into the place, bought property before I moved here, retired, and came here.

SENATOR HAYES: One final question, and I’ve asked this on most of the others. As far as the leadership turnover, what ideas do you have as far as how to deal with that?

MR. SMALL: I think the best way to address -- from my perspective, not knowing the details that go into making this judgment, the best way to address the turnover in leadership, is to hire well. Hire well.

Going back to the discussion about goals and objectives. You need to know that the person that you’re hiring has bought into the agenda what the institution has framed for itself and could contribute to the further development in furtherance of that. I think respect -- and we heard conversations back and forth about the appropriate roles that the board follows, the administration follows. That’s all a given.

People have to be on the same page, and if you don’t have goals in your goal drawer, junk will get in your goal drawer, just like junk fills up every other drawer. I think the conversation has to be about what is the role for greatness, for the restoration of greatness and public confidence that South Carolina State can play in the education of young people in this State.

If I might say, the Governor met with the board the other day and said I’ve got your back. There’s an opportunity to step up to that. What does that mean? How does that translate into a program? How does that translate into a reinvestment of program support which re-instills public confidence, which then begins to address questions of recruitment and retention and image change?

I might say also, we were talking about the decline in enrollment. I’m not prepared to put all of that on State. When you look at what’s happened with Pell Grants, when you look at what’s happened with the employment market where someone said degrees don’t mean employment anymore. There are a lot of factors that are working and impacting the whole enrollment decrease in colleges and universities across this country.

SENATOR PEELER: Thank you. Representative Henderson.

REPRESENTATIVE HENDERSON: Thank you, Mr. Chairman.

I appreciate your insight and I picked up on something you said which is, basically, that you worked in economic development.

MR. SMALL: Yes, ma’am.

REPRESENTATIVE HENDERSON: And you’re from a poor county.

MR. SMALL: Yes, ma’am.

REPRESENTATIVE HENDERSON: So what role do you see S.C. State taking in helping to improve the economic vitality of that portion of the state that really, as you know, needs, you know -- I could see -- and I’m from Greenville and I’m from Ohio, so I’m not as familiar with that part of the state, but I could see where it’s located, S.C. State really having a strong role in the economic growth, partnering with communities like Hampton and others. Elaborate on that a little bit.

MR. SMALL: I think that the needs in my area in particular are multiple. South Carolina State has a doctorate in education program. We need strong teachers and teachers who are energized and committed. I think there’s a whole conversation to be had about the creation of adjustments to teacher training curriculum.

We are turning out teachers, and they are burning out rapidly, which says, perhaps, they’re not being fully prepared for the experiences they’re going to encounter.

Health care -- again, we have health care needs. Pick the area and the curriculum that is in place can serve us, or areas like ours, by creating a well-prepared, competent, dedicated workforce, and I just think the opportunities are myriad.

REPRESENTATIVE HENDERSON: Thank you.

SENATOR PEELER: Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

MR. Small, first question, what college did you graduate from?

MR. SMALL: I graduated from Howard University.

REPRESENTATIVE MACK: I just wanted to hear that for the record. We’ve been here almost two days, and I wanted to hear Howard University.

MR. SMALL: Thank you, very much. But my son did graduate from South Carolina State.

REPRESENTATIVE MACK: That’s fine. My mother and wife graduated from State.

You mentioned something that I think is very key. You mentioned K through 14, and, of course, the high schools are the feeder schools for the colleges. The middle schools are the feeder schools for the high schools, and when you tie that into small enrollment, I take the position that you have to -- and one of the things that the board should do, I believe, is to promote the school within the high schools and middle schools and even elementary schools, so that it can be on young folks’ radar that they want to go to South Carolina State University.

As I said before, one of the problems that we have now with all the things going on, there’s a lot of families that don’t have confidence to send their children to South Carolina State University. How do you see your role, with regard to using your expertise, your presence, because you have a good presence, going into the schools and helping to promote South Carolina State University?

MR. SMALL: One of the things that we did while we were in the Office of Economic Development in Hampton County was go after a community development block grant and other monies to renovate the technical college branch, which was existing in formula but the school itself had been virtually dormant.

There had been no vocational courses offered since the Vietnam era, or very little offerings in the way of general education. Last July 10th, we opened a newly renovated technical college in Barnwell with modern, updated training skills in welding, C and C operation, et cetera. I’ve been to virtually every agency as a trustee for the Technical College of the Lowcountry. I’ve been to council, I’ve been to the agencies, I’ve been to the high schools, working with them and talking with them about the importance of AP classes, about the importance of getting students into vocational tracks where, if they’re not going to college, that they graduate with something more than a certificate.

I’ve also been in conversations about creating models, education models, to let students in high school enroll in the technical college, even though they can’t pass the compass test, by using other valid criteria for admission.

So I think that experientially, we have done it. Our commitment is to continue to do it. It’s what I’ve done all my life as an antipoverty director, economic development director, and to some degree, as a professor.

SENATOR PEELER: Thank you. Representative Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman. Just a couple of follow-up questions.

So you’re currently serving on the Technical College of the Lowcountry Board; is that correct?

MR. SMALL: Yes, sir. I’m the Vice-Chairman. SENATOR ALEXANDER: And how has your attendance been? How long have you been on that board?

MR. SMALL: Six years.

SENATOR ALEXANDER: How has your attendance been on that board?

MR. SMALL: We’ve experienced a recent dip in attendance.

SENATOR ALEXANDER: No. I’m talking about your attendance.

MR. SMALL: I have not missed a session.

SENATOR ALEXANDER: And if elected to S.C. State Board, what would be your position dealing with the Technical College of the Lowcountry Board?

MR. SMALL: I would leave the Technical College Board.

SENATOR ALEXANDER: Thank you, sir. Thank you, Mr. Chairman.

SENATOR PEELER: Any other questions?

SENATOR HAYES: Motion for favorable report.

REPRESENTATIVE McCOY: Second.

SENATOR PEELER: All in favor, raise your right hand. It’s unanimous. Thank you very much for your willingness to serve.

**MAURICE WASHINGTON**

MS. CASTO: The final person for the 6th Congressional Seat is Maurice Washington from Charleston.

SENATOR PEELER: Good afternoon, sir.

Please raise your right hand to be sworn.

(Maurice Washington was duly sworn, after which testimony commenced at 3:13 p.m.)

SENATOR PEELER: Would you like to share with the Committee why you would like to continue to serve on the Board of the South Carolina State University?

MR. WASHINGTON: I would. Thank you very much.

My wife and best friend of 30 years, whom I met at South Carolina State University, and my deep love and appreciation of the University itself as a graduate.

I am a budget-hawk, an academic-hawk, and an accountability-hawk. Three focuses that I strongly believe would help this University over the next four years.

SENATOR PEELER: Any questions or comments? Representative McCoy.

REPRESENTATIVE McCOY: Thank you, Mr. Chairman.

MR. Washington, thank you for being here with us today. I appreciate your time, and I thank you.

One of the comments when you gave your opening statement just now, you talked about being a budget-hawk and about being an accountability-hawk. I think that those are underestimated qualities and I think that is a true asset and I appreciate you coming in here and saying that. It’s good to have a fellow Charlestonian in here with us as well.

MR. WASHINGTON: Thank you.

REPRESENTATIVE McCOY: Can you fill me in on -- I’ve read a good bit of your background. What is Trust Management, LLC?

MR. WASHINGTON: It’s an insurance and investment and consulting firm.

REPRESENTATIVE McCOY: How long have you been with them?

MR. WASHINGTON: Actually, I’m the president and owner. Approximately, 18, 19 years.

REPRESENTATIVE McCOY: Are you set-up in Charleston?

MR. WASHINGTON: I am, sir.

REPRESENTATIVE McCOY: We also heard a lot -- and Representative Mack and Senator McGill have kind of hit the nail on the head when it comes to S.C. State, and we have a real gem of a school. We just need to have the right folks in there to help flourish that school and help get it back to a point, where Representative Mack said, hey, we can encourage our children to go to school here.

What kind of role would you take on the board, if you were appointed to the board? What would be your primary goal in helping bring folks back into the fold here?

MR. WASHINGTON: I’ve served 12 years on the Board of Trustees at South Carolina State University. I’ve never missed a single board meeting over that 12-year period, nor have I missed a subcommittee meeting over that 12-year period.

I’ve served six years as Chairman of the Board of Trustees, several years as Chair of the Budget Audit Committee. I’ve been very engaged and active over the last 12 years in community activities that attract and recruit quality students to South Carolina State University.

I believe that a strong community presence, K through 12, is very important. I’ve been active, working with the 1890 Extension Research Division, which is primarily a research and outreach division of the University. We work in various counties throughout the State of South Carolina in school districts.

When I was a member of Charleston City Council in the late ‘90s, I recall working with South Carolina State 1890 Research and Extension Division setting up computer labs in school districts in the Charleston, Lowcountry area. We were the first, in fact, to do a private-public partnership with the Charleston County School Districts, bringing computer labs to truly disadvantaged Charleston District 20 schools, Burke High School, Middleton, Mitchell Elementary School, Sanders-Clyde Elementary School.

As a result of that, we were able to connect in appropriate ways with disadvantaged students throughout the Tri-County area. So I think going forward, we have to continue to find ways to support and supplement tuition and fees to our students. We have probably one of the poorest populous student body in the State of South Carolina.

Better than 80 percent of our students rely on some form of financial aid, and we have to do creative things to ensure that those who matriculate, have every opportunity to do so. We’ve done that. I will continue to do it through partnerships, through the private sector, public sector, and my colleagues that are on the board currently.

REPRESENTATIVE McCOY: Have you seen, in your 12 years of service to the school, have you seen a change in average GPA or average SAT?

MR. WASHINGTON: It fluctuates. I’ve seen the upswing, as well as the downswing. Right now we are, combined SAT/ACT score, we’re at 850. I’ve seen us at 895, 865, 875. Currently, that 850 represents a downswing, but I’m optimistic that we’ll turn that around.

REPRESENTATIVE McCOY: Yes, sir. And as that correlates back to your 12 years, how about in those 12 years, how about a change in tuition cost since you started and right now?

MR. WASHINGTON: We have had to increase tuition modestly over the 12 years that I’ve served on the board. Fortunately, over the past two or three years, we’ve had zero increase in tuition, and we’re very, very proud of that.

We understand times are hard on parents and households, and given the fact that roughly 76 percent of our students come from households of annualized income of less than $30,000, it’s important that we hold off on tuition and fee increases.

REPRESENTATIVE McCOY: That wasn’t a trick question. I understand that every school faces increases when it comes to expanding in the population or bringing in new professors or expanding programs. I understand that 110 percent.

I appreciate you entertaining my questions. Thank you for that.

MR. WASHINGTON: You bet.

SENATOR PEELER: Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

Hi, Mr. Washington. What do you see the role of the board members being?

MR. WASHINGTON: Without a doubt, policy. That’s our role. Policy making. Obviously, we need to engage in fund raising activities as well. We need to engage in the recruitment of students to the University. We have a serious responsibility to make sure that the financial health of the institution is maintained and protected.

We do have a role, as well, to ensure that our students are learning, and the quality of our academic programs or degree programs are in line with the job market, the current workforce market. To that extent, I think we play a partnership role with the administration to ensure that the proper fiscal oversight, academic oversight, are in place at South Carolina State University and working effectively in the best interest of our students.

REPRESENTATIVE MACK: A lot of complaints that I get -- and this is not directed at you. I’m going to raise this with all incumbents to get a response.

I get inundated with e-mails and phone calls, and a lot of folks don’t even know I’m on this Commission and I don’t respond to e-mails, so as not to cloud my position in terms of handling this, but I get so many e-mails in terms of the board, quote-unquote, running the school, the board talking to staff, the board working to implement things, and it’s created so much drama over the years.

You ask somebody on the street, name a board member of USC, Clemson, Francis Marion, College of Charleston, Winthrop -- they can’t do it. Ask a person on the street to name South Carolina State Board of Trustees -- boom, boom, boom, boom, boom. This side, this side, this is the side I’m on.

It relates to so much drama and confusion a lot of times, and I’m wondering your thoughts on a board being able to operate as a board and not itself becoming the news or the item or the thing that people talk about because one of the complaints that I get is sometimes board members talking to staff.

And I look at that with the turnover of college presidents so quickly, and we’ve talked about that, and so many that have left with a bitter taste, and it’s been the board. Your response to that.

MR. WASHINGTON: The line between policy and administration is a very thin one, and it’s difficult, often times, to govern without either the administration crossing over into policy area or sometimes the board of trustees crossing over.

REPRESENTATIVE MACK: Explain policy the way you see it from the board’s perspective.

MR. WASHINGTON: I’ll give you a couple examples. Several years ago, we wanted to ensure transparency at the University. We also wanted to ensure board integrity, individual board integrity. So working with the Association of Governing Boards, which is the training ground for new and old trustees, we developed a Conflict of Interest Policy. Not one that would govern the activities of the administration and the staff, but one that also governed the activities of the board itself.

We wanted to go beyond the Annual State Ethic Form that we complete every year and hold ourselves to a higher standard, so we developed a policy. The administration is responsible for the implementation of the policy.

Another example is that we wanted to assess the quality of our academic degree programs at South Carolina State, so we passed a policy requesting that the administration seek logical steps to attract external examiners to come in and do exactly that. We set the policy, you do the implementation, and report the results back to the board of trustees.

Same thing with enrollment management. We set the policy. We wanted to ensure that we were safeguarded against sliding enrollment, which would impact our bottom line. We set the policy, they frame it, they apply the implementation, and report the results back to us.

REPRESENTATIVE MACK: And those are good things, and those are some of the things the board should do. I’ve known you a long time and you have a great intellect and great work ethic. Those are the things a board should do.

What concerns me is -- and again, from so many folks and reports, there’s so much interaction within the school. I’ll give you a couple examples of what I’m talking about. If someone is a member of the school board, of course, they have, as anyone, the right to go into a school and talk to a teacher. But just in terms of protocol, they should go by the office and let the principal know that they’re going to go in and talk to the teacher.

I’ve served on boards, Coastal Carolina, for example. I would never go in and talk to some of the staff folks without talking to the director and giving him or her a heads up that I plan on coming in. It’s just protocol. And this is not directed at you. I’m going to raise this with all the incumbents. I just think that that lends to some of the tension and confusion because I think it is -- I don’t think the line is that fine at all. The board sets policy. The president, him or her, does the administration of the school, and the president is to be held accountable by the board at the appropriate time. I think it’s a fine line, but I think that that is one of the major concerns.

Last question. Your vision for South Carolina State University in the future.

MR. WASHINGTON: Can I also respond?

REPRESENTATIVE MACK: Oh, sure.

MR. WASHINGTON: Thank you, Representative Mack.

Given that I was recently, in a very public way, accused of exactly what you just touched on, interference, or meeting with staff without the knowledge of the president, I think this is an appropriate time to address that.

Actually, that never happened. As Chair of the Budget Committee, I had some very deep concerns about our current deficit and our rolling deficit of $9.2 million, and a current deficit of about 6.4, and I simply asked, during a committee meeting which I chair, that we have our external auditors take an independent look at the numbers. We don’t want to wait until the end of the day to deal with this. I was asked by the president and the chief financial officer if I would consider, instead, having this analysis done in house.

I reflected on it for several days and agreed to do exactly that, but did so through the Board of Trustees, the University’s internal auditor, asked her to arrange for the conference, and I’ll see if my schedule permits me to participate.

I did not visit the campus of South Carolina State University. The meeting was arranged. I have e-mails to that effect between the internal auditor, the president of the institution, and the vice president of finance. As a matter of fact, I did not attend the meeting physically, but was conference called in on a meeting date and time set by the administration.

So I’m very confused and baffled by the current accusation that I did precisely what you referenced, but you did not reference it directly to me, but I wanted you to know that it did not happen.

In terms of my vision for South Carolina State University, Representative Mack, I think when you look at the composite financial index of our University, which basically points to the fiscal health of the institution, I think that needs to be a primary concern of all board members.

The CFI has a score deposit between one and nine. If you’re at one, you’re in a serious financial position. And actually, the experts say, it requires that a governing body start looking at ways for potentially shutting the institution down.

So going forward, as I reflect on that, coming from the external auditor, I believe that a primary goal and objective of, not just mine but the next president of South Carolina State University, every board member that you appoint to this board must have a laser focus on the fiscal accountability measures at South Carolina State University.

You don’t run a $9.2 million deficit and not suffer consequences. You don’t run a 9.2 on top of a $6.4 million, and not suffer dire consequences. So that is a major focus of mine.

Secondly, on the academic side, I think we need to ensure that our graduation rate -- it’s unacceptable. Our four-year graduation rate, standing at 14 percent; our five-year graduation rate, standing at 29 percent; and our six-year graduation rate, sitting at 34 percent. That is unacceptable. It’s an accountability issue, and I believe that folks that we bring into this institution, we have to hold them accountable in the best interest of our students going forward.

And lastly, I believe we have to continue to be supportive of the good work that is taking place at South Carolina State. I mentioned earlier that our 1890 Research and Extension Program, providing outreach and services throughout the State of South Carolina, I think we need to continue, as the State has done. Support the PSA service part of our 1890. I certainly will.

In addition to that, I also believe in the good work that our Honors College program continues to do. Eighty percent of our faculty are degree-holding faculty members. These are things that we need to find ways to continue to support; however, it requires balancing the budget, matching or aligning revenues with expenditure in appropriate ways.

REPRESENTATIVE MACK: Okay. I just want to respond to let the record show that I was not raising that question as relates to you, but the history of the board, and the information that you gave was voluntary.

MR. WASHINGTON: Yes, sir.

REPRESENTATIVE MACK: But let me conclude by saying this. When you talk about the deficit and the problems, you know, I’m African-American, I’m a liberal Democrat. I have to get my Republican friends here to get money for South Carolina State University, so some of the situation with the deficit and all the problems, again, to me -- I think the turnovers with the president, the turmoil that existed on the board, and again, perception is reality. I know a lot about the good things. Not too long ago, the nurses school at South Carolina State was turning out nurses that were scoring higher than nurses out of Trident Tech and USC. It wasn’t that long ago.

So you and I know what’s capable of happening, but we have to get the board doing a better job of stabilizing, staying out of the news, having calm and professional board meetings, putting the school first as being the primary interest, and have stability.

I think the last three or four presidents, I think have been great. But somehow we’ve got to -- any corporation, athletic team, or whatever, that has a turnover rate like that, is not going to create stability and go strong in the future. Thank you.

MR. WASHINGTON: Thank you. I appreciate your questions.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

How many years have you been on the board?

MR. WASHINGTON: Twelve years, sir.

SENATOR ALEXANDER: And I think I heard you say earlier that you’ve had modest increases in tuition, but none over the last couple years.

MR. WASHINGTON: That’s correct.

SENATOR ALEXANDER: How would you define modest in those other ten years?

MR. WASHINGTON: We kept our tuition increases right at the single digits, between four and a half, five and a half percent.

SENATOR ALEXANDER: So is it affordable for students to go to S.C. State today?

MR. WASHINGTON: It’s $9,200 per year for in-state students, and $18,400 out of state. Given the amount of the loan that our students are -- or debt that they’re taking on to matriculate, I would say that the $9,200 for in-state is still relatively too high.

That’s one of the reasons that I don’t personally accept per diem for my travel to and from South Carolina State University, up until recently that is.

My wife and I started a book fund to help defray the cost of students who are matriculating and don’t have enough money to purchase study material. So we started this book fund, and I then decided to take the per diem and redirect those funds, in addition to new contribution, into that particular fund. So $9,200 is less than, I would say, 90 percent of the public schools in the State of South Carolina, but still out of reach, for the most part, of the current students that we serve.

SENATOR ALEXANDER: Thank you. A couple other questions, if you don’t mind.

You mentioned the deficit that the University is running. How much of that has occurred during the 12 years that you’ve been at the University?

MR. WASHINGTON: Actually, up until 2007, we were actually running an end-year surplus. Right at 2008, 2009, and 2010, we hit a mark at around ten and a half.

And then ‘12, we got it down to less than nine, and it’s beginning to creep again in the wrong direction, so it sits currently at $9.2 million.

SENATOR ALEXANDER: Does the board accept responsibility for that deficit?

MR. WASHINGTON: I think ultimate responsibility and accountability rests with the board. I know I do, and that’s one of the reasons -- you could pull -- go visit our web site and pull any given minutes from a meeting, and that is a constant issue raised by myself and several other trustees.

We have to do better. We can’t continue to offer artificial revenues as a means to --

SENATOR ALEXANDER: Artificial revenues? Explain that, please. MR. WASHINGTON: Our core operating budget is derived from what we call E and G activities, tuition and fees, fundraiser activities. And the best example that I can give, if you don’t mind --

SENATOR ALEXANDER: Please.

MR. WASHINGTON: In June of last year, a tuition and fee revenue budget was presented to the board of, roughly, around $47 million. Although that was the same dollar amount presented to the board the year before, what concerned me about last year’s recommendation was that we were basing the budget on 500 less students.

Five hundred less students with no tuition and fee increase, but yet, the administration presented to the board a budget revenue recommendation of $47 million. I couldn’t make the math work.

SENATOR ALEXANDER: And the board approved that.

MR. WASHINGTON: It was a heavy split on the decision to move forward with that budget recommendation because it was based on 500 less students with no tuition and fee increase and you were building your expenditure, in my judgment, against a false revenue baseline.

And today, they try to figure out -- they wonder why we’re faced with a $6.2, $6.3 million deficit. I voted against it, offered an alternative budget, which I didn’t see as stepping in on the administration, but a serious fiduciary responsibility of mine and other colleagues of mine.

We cannot continue to build a budget on artificial revenue and expect to balance the budget at the end of the year. The implication in the classroom, on operations, and teaching and learning is too great, and we simply cannot tolerate that going forward.

SENATOR ALEXANDER: One final question, if I can. You kind of mentioned the amount that’s listed on your economic interest regarding the money under State wages. Is that your wife’s salary? Or is that money from the University?

MR. WASHINGTON: No. That’s my wife’s. She’s a State employee.

SENATOR PEELER: Senator McGill.

SENATOR McGILL: Mr. Chairman, thank you very much. Mr. Washington, thank you for your service of 12 years on the board. It’s an honor for anybody to serve, and I want to ask you several quick questions about the budget area itself. You chaired the budget area.

Are universities rated with a credit rating? Does South Carolina State have a credit rating?

MR. WASHINGTON: We are part of the overall State credit rating. In other words, if we fail to provide accurate financial or late financials by the time the comptroller general’s package, the State financials, prepare for Wall Street, it could have an impact on the overall rating of South Carolina. We try to work hard to ensure that when it’s due, South Carolina State is represented in the State budget.

SENATOR McGILL: Let me ask you this again. The overall budget total for South Carolina State -- you probably get Federal money, other funds, and State funds.

MR. WASHINGTON: That’s correct.

SENATOR McGILL: What would the overall budget be for State?

MR. WASHINGTON: We’re averaging about $140 million. All Federal, State, grant, you name it.

SENATOR McGILL: What would your Federal money be coming in?

MR. WASHINGTON: Approximately, of that, maybe 85, 80 to 85 million.

SENATOR McGILL: Today -- the fund balance -- do we have a fund balance? You had talked a while ago that that is a deficit, but do we have a fund balance?

MR. WASHINGTON: No, sir. The end of last year’s fund balance is a negative $9.2 million.

SENATOR McGILL: And that’s what your independent auditors -- what type of auditors audit State?

MR. WASHINGTON: Independent external auditors.

SENATOR McGILL: Thank you very much.

SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you.

MR. Washington, I have a comment and a question. The first comment is I live 190 miles from Orangeburg, so I’m not familiar with the day-to-day working of what goes on with the University, but I do talk to my colleagues in the House that I respect that are either graduates or supporters of S.C. State, and they’re telling me they would like to replace the whole board as it is now.

There has to be a reason, so my question is, since you’ve been on the board 12 years and you’ve been heavily involved with the financing, which we see is $9 million in the red, do you feel like you should shoulder some of the responsibility for the problems that we’ve had at S.C. State?

MR. WASHINGTON: As it relates to the budget and the deficit, it doesn’t matter what position I took ultimately, in terms of voting against several budgets, because it just didn’t balance. That still does not remove me as a member of the body total, in terms of being held accountable. So in that respect, I think I very definitely share heavy in the responsibility.

In terms of replacing the entire board, the 12 years that I’ve served, I think that position and that issue has been brought before the members of the General Assembly at least two or three previous times. And I think one of our biggest problems is that we, quite frankly, just have external people who believe that they know more about the internal mechanics of the University than the folks sitting around a table who see the numbers and who have to evaluate the performance of a president.

I believe, I honestly believe, that it is important for presidents to endear themselves to elected officials and external as well as internal people, but that’s only a part of how we, as trustees, should evaluate the performance of a president.

We have to look at graduation rates. We have to look at enrollment, whether sliding or rising. We have to look at the fiscal management of the institution. We have to look at whether or not we’re graduating students into careers that would support them. We package everything together in terms of how we evaluate a president.

Fortunately for our students and fortunately for the taxpayers of this State, simply endearing yourself to external people is not enough. We have high expectations at South Carolina State University of our president. Our students deserve it, taxpayers of this State deserve it, our staff deserve it. High expectations, but reasonable.

When we take a vote based on proper evaluation methods and the decision is that we may need to move in another direction and the reaction is we’re going to replace trustees because they didn’t listen to us -- that mentality has cost us the presence of BMW, on our board of trustees, with Sky Foster, Coca-Cola and Carl Green, Neville Lorick (phonetic) in South Carolina Electric and Gas, Martha Scott Smith with BellSouth. Quality corporate individuals.

Going back to the question of moving this institution in the right direction. No year end deficits -- because these were brilliant corporate minds that got in there and worked hard. This is tough work. We have trustees who show up with nothing and who leave with nothing. This is tough work. I stay up hours on end preparing for board meetings. What does that state? Those students that come from many disadvantaged communities and backgrounds, they’re relying and counting on us.

These are the kinds of things that we do -- those of us who care and those of us who apply ourselves and refuse to allow ourselves to be dummied down to the level of colleagues that are refusing to do and carry their fair share. I hope we can work through this, I really do. I think there are common grounds and common interests and I really believe that.

REPRESENTATIVE WHITMIRE: One last question. Go back 12 years, and if you could do it all over again, would you handle things differently? If so, what?

MR. WASHINGTON: If I can go back 12 years, I think -- we once removed a very popular president via a telephone conference call. I think if I had a chance to do that all over again, I think as chair, I would have convened the board at the campus site and handled his dismissal more professionally than the way that particular dismissal was handled.

I think, too, I would have stayed away from the elected officials, who refer to themselves as the leadership, that played a role in crafting his exit strategy because I think the two together created a very volatile situation. So, in hindsight, we should have handled that differently, and we should have never allowed external elected officials to step in and direct and dictate to us how we’re going to handle the removal of that president.

REPRESENTATIVE WHITMIRE: You mentioned external forces. Do you feel there is undue influence exerted on the board members of S.C. State by these outside forces?

MR. WASHINGTON: I took an oath given by the chair. When you’re called upon, as a chair of a board by an elected official, and you’re advised that we have changed our mind, we want this current president to stay, and if you don’t keep him, corporations with important interests in this State will be heard from by 9:30 tomorrow morning -- I think that is undue influence.

And they were. Just check with Sky Foster and BMW, or Martha with AT&T, and others that we have lost. Great trustees who worked hard, never missed a meeting. Corporations are contributing to the financial health of the institution, giving our students internship, and because we exercised our fiduciary responsibility and ultimate responsibility to determine whether or not, based on proper assessment and evaluation, a president stays or goes -- we encounter that type of undue pressure.

It’s unacceptable and at the end of the day, however, it doesn’t matter because we don’t put whether or not we’re going to be reelected ahead of what’s right for the institution. It’s not a popularity contest. You get in there and you work and you try to deliver in the best interests of the taxpayers of this state.

SENATOR PEELER: Thank you. I have a couple questions, Mr. Washington. Let’s go back to the deficit. How much is the present deficit?

MR. WASHINGTON: The present deficit that we’re trying to bring down is 6.2.

SENATOR PEELER: What’s your plan of action to bring that down?

MR. WASHINGTON: What several of us had proposed, as trustees, let’s get rid of the cell phones. That’s costing us $300,000 a year. We pay our employees enough money to buy their own personal cell phones. Did they do it? No. They didn’t do it.

Let’s furlough right now, September, right now -- because we know trend data always indicate that we’re going to lose anywhere from five to seven percent of our student population from fall to spring. So let’s not budget at the same level for the spring as we did for the fall. They didn’t do that. They budgeted for an additional 500 students, and we were 500 short instead. The furlough -- never implemented.

Right now we’re talking to the state treasurer’s office about the possibility of borrowing $1.1 million from interest rate on state bonds that we have to pay back next year. You can’t escape that. That’s robbing Peter to pay Paul. That’s not a real deficit reduction plan.

I would imagine this will be presented to us at the budget committee meeting this Thursday, and I hope my colleagues join me in rejecting that. I think this year is gone. I’m trending the budget -- I’m requesting an update of the budget, literally, every two to three weeks. We have, in my judgment, maxed out at about $57 million, as opposed to 64 million we initially anticipated bringing in.

Our best hope, Mr. Chairman, is to look to the future, in terms of fiscal year 2013-2014. We do a nine to 12 year furlough right off the bat because we can’t outrun this problem, and taking $1.1 million of bond interest is not the solution, nor the answer. We’ve cut on the operation side, but we’ve held so true to the employment side.

We have to cut employment. We have too many employees. We have to right-size this institution, period. So without stepping into administration -- being respectful of that -- all that we can do is make recommendations and proposals and hope that the administration acts on them and they’re logical and sensible to help deal with this debt crisis that we currently face.

SENATOR PEELER: How about tuition increase? Do you see that in the near future?

MR. WASHINGTON: We have been advised that we will not -- advised by the administration that there will not be a tuition or fee increase. Quite frankly, sir, when you look at our composite financial index score of negative 1.68, that’s very bad, that’s very critical, in terms of our financial health.

We’ve got a $9.2 million deficit that’s rolling over from the previous year, and you’re trying to struggle with bringing down another 6.2. I don’t know how you do this without the possibility, unfortunately, of a potential tuition and fee increase.

SENATOR PEELER: But the downside of that -- that may further limit your student applicants.

MR. WASHINGTON: You’re absolutely correct. It’s not a foregone conclusion. I’m just saying that. If you look at all of the options -- you start by looking at all the options and then eliminating from there and going forward, and hopefully that’s one of the options that we would eventually eliminate.

SENATOR PEELER: I must admit, I’ve been wanting to visit South Carolina State campus for years, and I haven’t. When Willie Jeffries was coaching and when Malcolm Long was quarterbacking, I wish I had gone down there. Pretty much all I know about South Carolina State is what the alumni tell me or people that are interested in South Carolina State. The Transportation Center -- can you speak to that?

Well, understanding that the most expensive thing in the world is a free puppy -- somebody gives you a free puppy, it’s not free. Somebody gives you a transportation center and South Carolina State can’t afford what we have now. How are we going to make that work?

MR. WASHINGTON: In the 2012-2013 budget, one of the issues driving this deficit, that you could see a mile away, was the idea of putting $1.6 million from E and G funds, primarily students’ tuition and fees, to apply towards the Transportation Center.

I fought against that. My position did not prevail. My point was exactly as you described. It’s going to cost us about 90 million new dollars to complete this center. We have lost the transportation center designation.

It does not make any sense to take $1.6 million from students’ scholarships and books, and apply to, what I see personally, as a black hole. I think it’s -- I don’t think we have the plan in place to raise $90 million. I think we’re causing ourselves greater financial harm in pursuing that venture. I think there are other things that we can do to make it a viable Transportation Center just through restructuring.

Those are policy issues that I’ve discussed with the president and members of the board, but those policy issues may -- well, obviously, will have to be carried out by the president and the administration. I think we just simply mismanaged the funds that were entrusted to us, and when it came time to present a final product, we just weren’t prepared to do so.

SENATOR PEELER: Thank you, sir. Any other questions or comments? Senator McGill.

SENATOR McGILL: One last bite at that.

MR. WASHINGTON: Yes, sir.

SENATOR McGILL: Mr. Washington -- question. How many employees do we have at South Carolina State roughly?

MR. WASHINGTON: Roughly about 500, a little over 500 employees.

SENATOR McGILL: We have some housing issues that probably disturb families or some of the children or students on the campus. Either it was substandard or something was wrong. Tell us a little bit about that. Not much, just a little bit.

MR. WASHINGTON: We actually lost a student as a result of the substandard housing. South Campus -- one of our students died as a result of deferred maintenance issues. We have since shut that down. That led us to -- I was chair of the board at the time -- to make an appearance before the State Budget and Control Board to ask if we can enter into an agreement with a federal government program to construct new housing, state of the art housing for our students.

Fortunately, they worked with us. They assigned the State Treasurer’s Office to work with us in partnership with the federal government and we attracted about $43 million and we then built a 700-room facility, a very attractive facility. We then used some additional creative financing.

We started a foundation, a real estate foundation, in order to keep additional debt off the books of the University, and we used that foundation to purchase University Village, a complex across the street from the campus, built initially by the Bostick Brothers. I think they both played professional for the Washington Redskins.

That housed about -- offered another 450, 500 state-of-the-art living quarters for our students. Currently, we have shut down, on campus, about four dormitories. Four on campus dormitories. Our library was built back in the 1960s. I have photos that I’ve taken over the years of the decrepit conditions of our facilities.

We definitely need stronger support from the state, but the only way we’ll get out of this -- we can’t dwell on what it is. We have to start looking at what it can become, and it’s going to require that the State of South Carolina take a serious look at infusing one-time real money into South Carolina State because, in spite of the conditions that our students are learning and our faculty members are teaching and our staff working in, for several years we were ranked number one by Washington Monthly as the most effective social mobility institution among our peers in the nation.

What that basically says is, that we do a better job at recruiting and graduating students from disadvantaged communities and households than everyone else in the nation among our peer group.

SENATOR McGILL: Well, it’s evident, what you said in the very beginning, and you talked about the loss of 500 students. Ten thousand times 500 is not hard to understand why a deficit would occur. But the fact remains that we have to live with a balanced budget.

If monies aren’t there, you have to eliminate personnel or you have to eliminate some program. The 1890 program is very successful, but when you started with the transportation -- as a follow-up from the Chairman, if it was a $90 million project, what I don’t understand is, before you start a project, generally you know where the money comes from.

So how would you -- unless you have three phases, or four phases, how would you start a program not knowing where the money is coming from? Or did you know where the money is coming from?

MR. WASHINGTON: The Transportation Center concept was given birth prior to my arrival. It was around 1997, I believe. I arrived to the board around 2001.

SENATOR McGILL: So it was before you got on the board.

MR. WASHINGTON: It was before I got on the board. We draw particular interest -- we drew particular interest and attention to the Transportation Center, as a board, right around 2003. Prior to that, folks were, for whatever reason, afraid to tackle issues surrounding the Transportation Center.

We decided to take it head on. In fact, it was I that requested the first audit. The Legislative Audit Council ordered the Transportation Center -- proposed it. It was I that also recommended to the State Auditors Office that they allow us to pay for external auditors to come in and take a more comprehensive look at our finances, above and beyond the standard, annual, comprehensive audit report.

It was that audit that led to the necessary financial internal changes that took us from running deficits to fund balances in the positive -- right through or up until 2007. And again, 2008, it started sliding back and we are where we are right now. I believe we can turn this around.

It’s going to be painful, but you can’t have a $9.2 running deficit and employees walking around with cellphones, at the tune of $300,000 a year, in terms of costs to the taxpayers. That’s unacceptable.

SENATOR McGILL: One last thing. You mentioned earlier about external influences. It’s one thing to have board members trying to influence the process on a daily basis, but it’s another thing to have political people trying to influence. Do you mind sharing with us who those people are?

MR. WASHINGTON: I am under oath. I don’t mind at all, sir.

SENATOR McGILL: If you would share with us who those are that interfere with State.

MR. WASHINGTON: Senator John Mathews, Representative Jerry Govan, primarily.

SENATOR McGILL: Primarily Jerry Govan?

MR. WASHINGTON: Primarily.

SENATOR McGILL: Are there any others?

MR. WASHINGTON: Their influence in the House and in Senate creates an environment where others join them, and they wreak havoc on trustees. You asked a question and I’m answering it, sir. It’s not good. Folks want to know what’s wrong with our board, what’s wrong with this institution. I think it starts right there. If you elect us and trust us to do the job that you’ve elected us to do, I guarantee you, we’ll do it.

And we were doing it between 2001 and 2007 when we attracted an additional $100 million to South Carolina State. That’s how we were able to build New Guinea Suites. That’s how we were able to purchase University Village. That’s how we were able to structure a bond that brought in another $30 million to build a new engineering facility, expand our science facility, expand and renovate our dining facilities, and everything else.

But we had good, solid, corporate people working with us that were, basically, for the most part, ran off as a result of those kinds of undue influence.

SENATOR McGILL: When you went to the Budget Control Board, you were turned down for New Guinea; is that right? The first time.

MR. WASHINGTON: We were turned down because, as Comptroller General Richard Eckstrom said at the time, we had, approximately, maybe 30 pages of audited exceptions, and that was unacceptable. He challenged us to tackle that issue head-on, and we did.

SENATOR McGILL: When you came back, they approved you getting that housing.

MR. WASHINGTON: They approved the housing.

SENATOR McGILL: That was a big issue in loss of students. I think the housing was a big issue on campus. All right, Mr. Chairman.

SENATOR PEELER: Any other -- Senator Hayes.

SENATOR HAYES: I move for favorable report.

REPRESENTATIVE MACK: Second.

SENATOR PEELER: Second is heard. Let’s discuss that a little bit. You know there is great concern about South Carolina State.

MR. WASHINGTON: Yes, sir. I do.

SENATOR PEELER: With rank, comes responsibility, and you have great rank with that institution, and former chairman, great reputation as a man.

Our mission as a Joint Committee to Screen Candidates for University Board of Trustees is to find whether that candidate is qualified or not, and that’s what we must vote on today.

I think you’re qualified. I think you’re very capable, but I don’t want you to take my vote as a vote of confidence of the governess of the South Carolina State in the recent past. We will all reserve our rights at the proper time, and I’ve been struggling as you’ve been talking, on how to respond to this because I have heard concern of all incumbents, and you will hear it from here on out, but I wanted to verbalize that, Mr. Washington.

Any other comments? Representative Whitmire.

REPRESENTATIVE WHITMIRE: As Vice-Chairman, I’m echoing your comment, so I would want to vote you out. I have a wealth of concerns about what happened in your 12 years as a trustee.

MR. WASHINGTON: I understand, sir. I accept that.

SENATOR PEELER: Senator Hayes.

SENATOR HAYES: I want to put his name forward, and I think he is qualified, but I share your concerns as well. Not just with him, but with the incumbents as a group, but I do think he’s qualified.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: While we’re on that point, and I certainly don’t disagree with any of the comments that have been made by the members, but I think it’s also our concern about the future of S.C. State and making sure that -- it has had a tremendous impact on our State.

It’s a tremendous resource for us, and it’s our concern for that opportunity for this University to move forward. And, certainly, I heard your comments earlier that while you made different proposals, and I assume those were voted down, obviously, the incumbent board members do have ultimate responsibility from that standpoint, so I share the concerns and will be voting to move forward based on the understanding that he is qualified.

SENATOR PEELER: Any other comments? Being none, we’ll proceed to a vote. All in favor, raise your right hand. Thank you for your service. I know it’s been a tough time for you today, but it’s time well spent, I think.

MR. WASHINGTON: Thank you for your questions and your time.

SENATOR McGILL: Mr. Chairman, please put me down as voting in favor of William Small’s favorable report.

**LINDA EDWARDS DUNCAN**

SENATOR PEELER: Thank you. That completes the District 6 candidates. The District 5 candidate is here now, Linda Edwards Duncan. I’d like to take her at this time. Ms. Duncan, please come forward.

MS. DUNCAN: Good afternoon.

SENATOR PEELER: Good afternoon.

MS. DUNCAN: I apologize for my tardiness, but there were problems on 26 that I encountered, and it caused me not to get here at the appointed time.

SENATOR PEELER: For the benefit of my colleagues, if we could widen 85 and 26, maybe we’d --

MS. DUNCAN: I wish.

SENATOR PEELER: Ms. Duncan, please raise your right hand.

(Linda Edwards Duncan was duly sworn, after which testimony commenced at 4:15 p.m.)

SENATOR PEELER: Would you like to share with the Committee why you would like to continue to serve on the South Carolina State University Board of Trustees?

MS. DUNCAN: I am an incumbent, serving on the board since 2004. I’m an educator, and I believe in South Carolina State. In fact, I feel that I owe my success, as a 35-plus year educator in Cherokee County, from South Carolina State University.

As I’ve shared many times, when I first started teaching, some of my instructors traveled to Gaffney to make sure that I was ready for my first year of teaching, and that’s nurturing. I think as part of that, that’s the kind of educator that I am -- nurturing and dedicated to my profession.

Also, we are faced with many, many challenges, but in spite of that, we have faculty, staff, administration, alumni, and board members that are dedicated to serving our students. My resolve is to help South Carolina State reach the prominence that I knew it to have, and what attracted me in 1972, when I started my educational path there.

SENATOR PEELER: Thank you. Any questions or comments? Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you for your service on the board. Since you have no opposition, maybe you could fill me in.

What went wrong at S.C. State in the last ten or 12 years?

MS. DUNCAN: I’m not real sure, but I know leadership. I know we’ve had many, many problems with leadership, and when you continue to start over, that’s what you’re always doing. Starting over.

REPRESENTATIVE WHITMIRE: Is this from the administration side or the board or a combination?

MS. DUNCAN: A combination of problems with the board, as well as, you know, being in agreement as to what the needs need to be. I think we’re all passionate about seeing South Carolina State be all that it can be.

However, our votes are split in the way that we need to head in the right direction.

REPRESENTATIVE WHITMIRE: In the case that new members are elected to the State Board, do you see yourself being able to work with them to move South Carolina State forward in a positive way?

MS. DUNCAN: I do. And that’s kind of been, you know, what I’ve had to do as a teacher. Each year you get a new group of students, the movement of teachers, parents -- a new group of people that you have to find a way to reach some common ground and to work with.

I think I’m pretty honest in saying that I’ve been able to do that with my fellow board members as well.

REPRESENTATIVE WHITMIRE: Thank you.

SENATOR PEELER: Thank you. Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

MS. Duncan, can you elaborate on -- you said you’d seen some problems that relate to the board and the administration. Can you elaborate on each one where you’ve seen the breakdown between -- from your perspective between each one.

MS. DUNCAN: Well, it just seems that in a few cases, that the relationship has gone past being professional and become more personal, and it seems, when it gets to that point that maybe that’s where you lose your common ground.

And then it was mentioned that a lot of times that faculty and staff become involved, you know, giving information to trustees that I think probably should not be given, and that seems to also play a part in decisions being made, in my opinion.

REPRESENTATIVE MACK: So, again, from your perspective because we’re trying to gain -- I think all of us are trying to gain a perspective here.

From the way you see it, when you use the word unprofessional on both sides, the exchange of information, you don’t think there’s a professional line there. And I think Mr. Washington said it well, that this policy -- the board sets policy. The administration runs the school.

MS. DUNCAN: Exactly.

REPRESENTATIVE MACK: Have you seen that line blurred, and in what way?

MS. DUNCAN: I have seen it blurred where you will get calls, letters, e-mails, from faculty and staff about the particulars that are going on on campus, that really is not our business, as far as the day-to-day.

And maybe it’s felt that something needs to be done, since you have been contacted, and, of course, the contacts have been made to several board members and that’s where it starts to cloud. In fact, to the point where SACS even questioned, you know, how we were -- our performance.

REPRESENTATIVE MACK: I’m familiar with that report.

MS. DUNCAN: Yes. So it wasn’t just something perceived. It was something that SACS also addressed.

REPRESENTATIVE MACK: And what do you think needs to be done in order to satisfy that?

MS. DUNCAN: That we stick with being policymakers and ambassadors of the students for the school.

REPRESENTATIVE MACK: So in terms -- you can’t stop getting e-mails or letters or contact from staff. Some are going to do that.

MS. DUNCAN: Exactly.

REPRESENTATIVE MACK: From your standpoint, what is the appropriate action, if you’re contacted by staff members? MS. DUNCAN: Since our voice is through the chair, usually that’s how I handle it. I thank that person for their concerns and for making me aware, and at a later time, when it is appropriate, our chair will address, you know, the situation, if there is a need to.

REPRESENTATIVE MACK: Thank you.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

Briefly, if I could, we heard from Mr. Washington about the deficit at the University.

MS. DUNCAN: Yes.

SENATOR ALEXANDER: What kind of vote did you have when the reduction was put forth, the proposal that he mentioned? I assume that you were listening to his testimony.

MS. DUNCAN: I was. I’m not real sure at that time because the budget was presented to us several times in many different ways, and at one point we decided that we needed to make some decisions so that things could move forward.

That required that we give a yes vote to what was there, what had been presented to us, with continued work on making the numbers work.

SENATOR ALEXANDER: Let me ask it in a different way. Did you support the budgets that provided a deficit that has gone up to over $9 million?

MS. DUNCAN: No. I did not.

SENATOR ALEXANDER: Did you all have a vote to eliminate the cell phones?

MS. DUNCAN: I don’t think we really had a vote. We talked about --

SENATOR ALEXANDER: What would be your position?

MS. DUNCAN: My position would be that we need to eliminate that kind of spending because we can’t afford it.

SENATOR ALEXANDER: My final question. What kind of attendance have you had at the board as a member?

MS. DUNCAN: I’ve been on the board nine years, and I have only missed two meetings, I think, and that was due to death in my family.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

SENATOR PEELER: Senator Hayes has a question.

SENATOR HAYES: There was an issue on the leadership that I’ve been asking about, and I understand -- are you all in the position of hiring one recently, as far as a president of the University?

MS. DUNCAN: Yes. In fact, I’m serving on the Presidential Search Committee.

SENATOR HAYES: Do you think it’s appropriate, with the potential of the turnover that we’re going to have on the board, to go forward prior to the election?

Do you anticipate a choice being made before the election or after the election?

MS. DUNCAN: I would hope that it’s made after the election, but also I would hope that we could, sort of, put it on hold because with new leadership, that means bringing in new people, starting fresh, and it just seems that we continue to lose ground.

SENATOR HAYES: So on hold for how long?

MS. DUNCAN: Well, until we just see as a board that there is a need to go further, especially with our financial picture looking as it does. I don’t see how we’ll be able to attract the kind of president that we need to have in the face of our finances.

SENATOR HAYES: So you have an interim president now.

MS. DUNCAN: Yes, sir.

SENATOR HAYES: So you think we should stay with an interim president for a while, until you get a handle on what needs to be done, before trying to bring a new, full time president in?

MS. DUNCAN: Yes, sir.

SENATOR HAYES: What is the time frame now, on the committee, as far as participating in a vote on the new president?

MS. DUNCAN: We have not really set a date, an exact date on that. We have chosen some finalists that are now being vetted through, you know, searching more with their applications. So it’s still not a set time frame for bringing them in for the interviews and then making a final announcement.

SENATOR HAYES: How many finalists do you have?

MS. DUNCAN: Three.

SENATOR HAYES: So it is down to three finalists.

MS. DUNCAN: Well, three people were chosen, but we’re not sure yet until their applications are finalized.

SENATOR HAYES: So you would be in a position that, although you’ve narrowed it down to three, that the whole thing should be put on hold for a while before moving forward with that.

MS. DUNCAN: I think so.

SENATOR HAYES: No further questions.

SENATOR PEELER: Thank you, Senator Hayes.

SENATOR McGILL: Thank you, Mr. Chairman.

Real brief. Of course, that’s what’s so great about diversity. Always have the men talk about it, and the ladies get the job done.

Now, let me say this. I’d like to ask you very quickly -- the reduction of students. What is your opinion why there’s a reduction of students?

MS. DUNCAN: Well, some students that I’ve worked with, it has been finances. Their families have not been able to finance their coming back to campus.

SENATOR McGILL: Well said.

MS. DUNCAN: Finances.

SENATOR PEELER: Any other questions?

MS. Duncan, would you like to speak to the Transportation Center? What do you think about that? What did you think about it when it went forward?

MS. DUNCAN: Well, that all had -- as Mr. Washington mentioned, that had started long before my time. When I came on the board, I think maybe a few months later, we did our first groundbreaking for the first phase of that. So I wasn’t real sure about how that all would come together, since it did seem to be a major, major project that, at the time, we were not ready for financially.

So I’m not real sure about that because of it already being in gear prior to me coming to the board.

SENATOR McGILL: Thank you, ma’am.

SENATOR PEELER: Any other questions or comments?

SENATOR McGILL: Move for favorable.

REPRESENTATIVE WHITMIRE: Second.

SENATOR PEELER: Motion to move forward, second was heard. All in favor, please raise your right hand. Thank you. Thank you for your willingness to serve.

MS. DUNCAN: Thank you very much.

**RONALD B. HENEGAN, SR.**

MS. CASTO: Our next two candidates are vying for the 7th Congressional District Seat. This is a new seat. Neither one of these are incumbents. Ronald Henegan, Sr., he is from Bennettsville.

SENATOR PEELER: Good afternoon. Please raise your right hand.

(Ronald B. Henegan, Sr. was duly sworn, after which testimony commenced at 4:30 p.m.)

SENATOR PEELER: Would you give us a brief explanation why you would like to serve on the South Carolina State Board?

MR. HENEGAN: Yes, sir.

SENATOR PEELER: And after what you’ve heard so far, you may want to reconsider.

MR. HENEGAN: Let me say that I have a vested interest in the school. My mother, my son, and myself, all of us graduated from South Carolina State; therefore, we have a great deal of respect for our alma mater.

As such, I would consider it an honor and a pleasure to serve the University and its students. I’ve served in leadership roles for about 42 years, throughout my educational career in the public schools. I’ve served as Chairman of the Marlboro County Board of Education for eight years, and I’ve seen these kinds of boards in operation.

I’m very much interested in the board and making sure that we communicate effectively with board members and making sure that we understand our role and making sure that we understand the role of the University and of the administrators. I’m very much concerned about that, and I do believe, with my training and background, that I could offer some sound insight into the operations of a school of this type.

I just want to play a vital role in the continued growth and development of South Carolina State University.

SENATOR PEELER: Thank you, sir.

Questions or comments from members of the committee? Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Henegan for your willingness to step up and serve S.C. State. I’m a former educator myself, so I appreciate the role that you’ve served in our state.

What would you do to fix this problem, if you were elected?

MR. HENEGAN: Well, there are several things I think we ought to look at. First of all, I think we need to make sure that we all understand our roles. I think South Carolina State has gotten a lot of negative publicity in recent years, and I think we can fix that if everybody understands to stay in their lanes.

The board operates governing and making policies, and the day-to-day operation of the program would be for the administration to take care of. Once we separate and delineate between the two and make sure everybody understands their role, I think we can dispense with a lot of the negative publicity we’re getting at this time.

I believe we have to step-up our recruitment efforts to get more students at South Carolina State. You can do that through interacting and the involvement of guidance counselors and principals and communities -- ensuring that we are going to do the right thing, we are fiscally responsible, and we’re going to see to it that we provide a safe environment for all students to attend South Carolina State.

REPRESENTATIVE WHITMIRE: It seemed to me, you know, talking about losing so many students, you know, State’s got so much to offer. It’s a beautiful campus, great sports programs, and a lot of other things. You shouldn’t even have to worry about such a reduction in the enrollment. That’s just coming from a different perspective.

As an educator, do you see the role of the college is serving the purposes of the young people trying to go out and get a job in the real world?

MR. HENEGAN: Yes. I think South Carolina State has a number of programs that serve our students very well. I think some of the major problems that we have, of course with the students, deal with the price.

Some of them just can’t afford to go to college and don’t have the necessary means and resources to get there. So I believe that we could work around keeping our tuition constant and low, and I’m not sure how we can do that exactly, but I do feel like if we had an opportunity to network with foundations, write grants, network throughout the community with our business and our leaders in the community, that we could work with this. Not necessarily solve it, but I think we could improve on it.

REPRESENTATIVE WHITMIRE: Well, I wish our higher ed had gotten more support from the Assembly. That’s obviously one of the problems all our colleges are facing right now. Unfortunately, what you’re going to get is what you’re going to get, so you’re going to have to be creative. I wish you luck. Thank you very much.

MR. HENEGAN: Thank you.

SENATOR PEELER: Thank you. Questions or comments? Senator McGill.

SENATOR McGILL: Briefly. Very impressive individual.

MR. HENEGAN: Excuse me?

SENATOR McGILL: Very impressive.

MR. HENEGAN: Thank you, sir. I appreciate it.

SENATOR McGILL: Motion for favorable.

SENATOR PEELER: Motion for second?

SENATOR HAYES: Second.

SENATOR PEELER: Second is heard. All in favor, please raise your right hand.

Thank you, sir. Appreciate your willingness to serve.

MR. HENEGAN: Thank you very much.

SENATOR PEELER: Next candidate.

**MYERS ROLLINGS, JR.**

MS. CASTO: The next candidate for the 7th Congressional District Seat is Myers Rollings from Conway.

SENATOR PEELER: Good afternoon, sir.

MR. ROLLINS: Good afternoon.

SENATOR PEELER: Please raise your right hand.

(Myers Rollins Jr. was duly sworn, after which testimony commenced at 4:35 p.m.)

SENATOR PEELER: Would you like to make a brief statement or maybe why you’d like to serve?

MR. ROLLINS: Absolutely. I’d like to begin by saying that I’ve listened very attentively over the course of the past couple of hours, and I’ve learned a great deal. I’ve also attempted to do my due diligence by researching some of the issues and problems that have contributed to the challenges that the University currently is faced with.

I’d like to begin by saying that, based on the totality of the research that I have conducted, I simply think that it’s time for a fresh set of eyes. I equate that by my personal experience over the last nine years in South Carolina. In many ways, what the University is experiencing mirrors my experience when I transitioned to Horry County, in particular, City of Conway specifically.

I feel blessed and privileged to be an African-American male; however, I’m deeply concerned about the future of African-American females and males as relates to their opportunities for higher education. While statistics show that 45 percent of African-American males enroll in college, presently only 16 percent of them ever graduate from college. So I feel that I have an ethical and fiduciary responsibility, as an African-American male who has enjoyed some degree of professional success, to reach back and help the next generation of leaders.

South Carolina State University has an extremely rich heritage and proud tradition, and my sole and exclusive interest is in using the skills, the knowledge, and the ability that I’ve acquired to help advance the goals and objectives of the University.

I can tell you that I took over an agency that was, in many ways, similar to what I’m witnessing at that college. When I took over the company that I’m currently the CEO of, it was facing a million dollar deficit. The former CEO was under indictment, and subsequently, went to prison.

We had totally lost the trust and confidence of, not only the community, but the stakeholders and the funders that we relied on to advance our goals and objectives.

I looked at that eight years ago as not only a challenge but an opportunity, and I rolled up my sleeves and I dug in my heels and I began to try and make improvements. The first thing that I did, working with a nine-member board of directors appointed by the Horry County delegation, as well as the municipal governments in two counties that we serve, Horry and Georgetown, was to manage the organization like a for profit enterprise.

Now, we understood that we didn’t have a Standard & Poor’s or Moody’s rating. We understood that we were not a for profit agency, but using that philosophy really set the stage for us to work as a cooperative team, both administration and board. I think that we have to go back and look at the core mission of the organization and ask ourselves, as a board, what are we here to accomplish? That mission statement has to align with the vision of the organization. I also think that the board would be well-served to establish, as we did, key strategic priorities. In other words, key priorities that everything that cascades down into the organization must align with. Based on what I’ve witnessed, that doesn’t exist.

I also think that it would be in the University’s interest, in keeping with approaching the organization like a for profit business, to develop both a long range and a short range strategic business plan. We incorporated those things in our organization, and I can tell you, while we still have challenges, we have had six years of a balanced budget. We have had six years of an unqualified external audit, and we meet our core mission, which is to enhance the quality of life for residents of Horry and Georgetown County.

I think I bring a business acumen to the organization, and I also think that I bring a can-do, glass, not half full, but three-fourths full approach to problem solving.

One of the things that we learned early on in our development as a board and as administration is, that there has to be a firewall. On one side of the firewall is policy, which is the purview exclusively of the board of directors, and on the other side is day-to-day administration. The extent to which we enjoy success was largely driven by our ability and willingness to accept those roles, and I think I can help shape that type of philosophy and willingness to work as a team collaboratively to the board of trustees.

SENATOR PEELER: Thank you. Mr. Rollins. I have a few questions here. I’d like to take them one at a time and let you respond to them.

You have a law degree.

MR. ROLLINS: Yes.

SENATOR PEELER: Where did you go to law school?

MR. ROLLINS: John Marshall Law School in Cleveland, Ohio.

SENATOR PEELER: You’re in the transportation field. What do you think about the Transportation Center at S.C. State?

MR. ROLLINS: I think it’s like a big piece of clay that has unlimited potential but simply has not been effectively molded.

SENATOR PEELER: I want you to clear these up for me. The former finance director filed Economic Interest Statements for ‘09, ‘10, and ‘11, fined by the Ethics Commission, paid the fine. Can you speak to that?

MR. ROLLINS: Absolutely. My experience has been, in any organization -- and we heard some of that earlier today. Two to five percent of the work force creates 75 to 80 percent of the problems.

Our experience was that while we were a systems-driven organization, my finance director chose, and this is verified in e-mails, not to file the Economic Statements of Interest. That was brought to my attention. That employee was terminated.

I went before the Ethics Commission. I brought clear and convincing evidence to support what transpired. And just one point of clarification. The fine wasn’t paid, and for one of the few times in the history of the South Carolina Ethics Commission, the fine was dismissed and all charges were dismissed as well.

SENATOR PEELER: It shows here that you were suspended by the bar for failure to appear at a hearing. Would you like to speak to that?

MR. ROLLINS: Yes. In 1994, I had a very successful law practice, and two attorneys in my firm failed to attend hearings. As a result, I appeared before the Bar Association. I made the decision to accept responsibility for that, even though those weren’t cases that I worked, and accepted that suspension.

SENATOR PEELER: And we look at everyone’s driving record. It looks like you have a problem paying your traffic tickets. Can you speak to that?

MR. ROLLINS: Can you cite an example?

SENATOR PEELER: You currently have no points, but you have six speeding tickets and license was suspended for failure to pay a traffic ticket. Two served concurrently, ended July ‘09, and another ended April of ‘09.

I’m just getting a pattern here. And then on your credit report there are 11 unpaid medical bills and three liens.

It just seems to me like, if you took this history, it kind of reflects the history of South Carolina State. I just want to give you the opportunity to respond.

MR. ROLLINS: Absolutely.

Like many of us, I went through a divorce. I accepted responsibility for the expenses as part of that. Those were things that happen during that divorce.

Those have all been paid, and those debts are no longer in existence.

SENATOR PEELER: So you have a clean record now --

MR. ROLLINS: That’s correct.

SENATOR PEELER: -- of driving and credit.

MR. ROLLINS: Absolutely.

SENATOR PEELER: Thank you, sir. Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman. On that same type of thing. The three liens, what were they for? I’m reading right here, it says you have three liens against you.

Was that from your nonpayment of medical?

MR. ROLLINS: Yes, sir. During the period of the divorce.

REPRESENTATIVE WHITMIRE: And you have paid all 11 medical bills.

MR. ROLLINS: Yes.

REPRESENTATIVE WHITMIRE: I agree with the Chairman. This is not a good pattern to me. We’re trying to clean-up South Carolina State, and one of their biggest problems is that they’re running a huge deficit.

I’m looking at a person who didn’t pay his bills, who was suspended from the South Carolina Bar, who has had a number of speeding tickets, and three license suspensions for failure to pay those traffic tickets.

I’m sorry, but that’s just not what I think South Carolina State needs. I’m not sure I’m going to be able to vote you out.

SENATOR PEELER: It’s before us, and I wanted to give you an opportunity to speak to it. Any other questions or comments? Senator Hayes.

SENATOR HAYES: I was looking at the Statement of Economic Interest. What’s the salary -- is it on here?

MS. CASTO: There are two Statements of Economic Interest that he filed. One was the handwritten one that we did, and then he has a Statement of Economic Interest on file, because of his job, that lists his salary.

SENATOR HAYES: According to this, it looks like the salary is $134,550 with benefits of $33,000. Is that accurate?

MR. ROLLINS: Yes, sir.

SENATOR HAYES: When was your divorce?

MR. ROLLINS: 2009.

SENATOR HAYES: Just looking at this, it says, 11 unpaid medical bills between August of ‘07 and February 2013.

Looks like some of these debts, you know, as well as suspensions for failure to pay traffic tickets, weren’t necessarily tied to the time frame of you getting divorced.

How would you respond to that?

MR. ROLLINS: Well, they actually were. And what I took responsibility for is sitting down with each of the medical centers and making sure that each of those bills were paid in full.

SENATOR PEELER: Senator McGill.

SENATOR McGILL: Thank you, Chairman.

Let me say this. You know, there’s been a lot of answers today and some have been perfectly honest, Mr. Rollins. Certainly a lot of individuals with diversity want to serve on this board as board of trustee members, and there’s no question that a lot of these individuals came clear, with no records, no speeding tickets, no liens, no delinquent Economic Interest forms.

I can say this, that Myers, in Horry County is well-respected. I don’t know about his personal, I don’t know about his past, but I know about his bringing an agency back in the last two or three years -- I don’t know who could have done it.

So when you hear him speak, and he talks about what he has done with this transportation company, he’s probably the greatest business miracle that you can have with the transportation company. A lot of these transportation units all over the state are in a lot of financial trouble. I have to give it to you, Myers, you’ve really brought it back.

I learned a lot today that I didn’t know about your private life, but I know this. As far as business is concerned and as far as an individual, everybody should be afforded an opportunity. I think to deny anybody an opportunity to run for this board of trustees, would be an injustice.

I think we should allow him to run. If he is not elected, that will be by the 170 members. If he is elected, that will be by the 170 members.

With that, I’d like to move forward with favorable report.

SENATOR PEELER: Motion for favorable report. Is there a second?

REPRESENTATIVE MACK: Second.

SENATOR PEELER: Second is heard. Let’s have a little more discussion. You heard what I said were my concerns. You heard what Representative Whitmire said, and you’ve heard what Senator McGill said.

I would tend to not vote you out also, except for the fact that you’ve proven your managerial skills and your financial skills, according to the Senator from Williamsburg, as general manager of Waccamaw Regional Transportation Authority.

I’m reluctant. Quite frankly, I’m reluctant because if a man can’t handle his personal finances, I just was curious to know how he would handle the finances of South Carolina State. But hearing what the Senator from Williamsburg said, and with the understanding that you have a personal past with your personal finances -- yet you have a record of managerial skills at Waccamaw.

And then if we vote you not-qualified -- it’s tough. I’ve got a very high bar with that. You almost made it. You almost made that bar. Rep. WHITMIRE, how do you feel?

REPRESENTATIVE WHITMIRE: I’m still going to vote no. I’m sorry. I feel like South Carolina State deserves people with no prior record, but obviously, I’m going to be in the minority.

SENATOR PEELER: Well, I don’t want us to be split on something like this. I don’t know if we want to carry this one over and talk about it, or are you all ready to vote now?

SENATOR McGILL: Mr. Chairman, the only thing I’m going by, talking about a bar, there are probably a lot of individuals that I would have voted against yesterday and today, and we’ve let a lot of opportunity slide because we afford individuals the right to run.

And I’m going to tell you, I’m one not to deny that. He will have to stand on his record. He may not get past the General Assembly, but the fact remains that I’m of the opinion that we’ve let some individuals go through that had some risky problems over the years.

SENATOR PEELER: Senator Hayes.

SENATOR HAYES: If we go to a vote today, I’m not going to vote to confirm. I don’t mind carrying it over, if we want to discuss it further.

I haven’t seen one yet that has been disbarred for a year, had three liens, 11 unpaid medical bills. Granted, he said he’s paid them now. He has a problem paying traffic tickets.

You know, granted, he may have turned a business around, but that -- I think we’ve got, you know, it’s not like -- well, you know, if we’re just going to rubber stamp everybody, what’s our job here?

So I’m a little concerned about that, and I’m not prepared to vote him out at this point, but I certainly wouldn’t object if you want to carry it.

SENATOR McGILL: Mr. Chairman, I make a motion to carry it over.

SENATOR PEELER: Motion is to carry over this candidate. All in favor, please raise your right hand. Thank you.

We’ll be back in touch with you, sir. Thank you. Next candidate.

**PEARL V. ASCUE**

MS. CASTO: The next one is -- there are three candidates for the At-Large Seat, Number 9. Pearl Ascue from Awendaw. This is a seat that expires in 2017.

SENATOR PEELER: How do you do, ma’am?

MS. ASCUE: Good evening.

SENATOR PEELER: Please raise your right hand.

(Pearly V. Ascue was duly sworn, after which testimony commenced at 4:55 p.m.)

SENATOR PEELER: Would you like to share the reason why you would like to serve on the South Carolina University Board?

MS. ASCUE: Yes, I would. I just want to say thank you to the Chairperson and the Committee members for accepting my letter of intent.

I have a tiny cold, but under the circumstances, I come with a fresh perspective, from my point of view, meaning that I’m not a graduate of South Carolina State University, but I have a vested interest because I have two children that graduated from South Carolina State University. One son graduated in 1996, our daughter in 2002, and also my daughter-in-law as well as my son-in-law.

During those years we came to South Carolina State when our children was here and still have a vested interest here just by knowing that, I, myself, want to do what’s best for South Carolina State University and for the children, for the students who attend here, and for the fact that this is a historically black university, one of the oldest here in the State of South Carolina.

I just want to come and bring my experiences from a service standpoint and also from a business standpoint.

SENATOR PEELER: Thank you. Any questions or comments? Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

I just want to say, for the record, I know Ms. Ascue and her family extremely well. They are incredible givers to the community and have been involved in many, many positive things, and I think just her caliber would be a tremendous asset to the board.

SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: I would like to thank you, Ms. Ascue, for being willing to serve.

If you’re elected, what will you do to try to change the perception that South Carolina State is having trouble, you know, with their finances and they’re losing their -- you know, student population is dropping, and board problems. Obviously, according to one candidate, there’s external pressure from the legislature.

How would you handle those things, if you’re elected?

MS. ASCUE: As a board member, I would definitely work in collaboration with the board. From what I’ve heard this afternoon and from what I know for sure, that board members are in-tuned to policies and giving that responsibility of those policies to the administrators, letting them handle it, being responsible and accountable, bringing the information back to the board, and being accountable with the information that they’re given, based on policies. And also, you have to have a working communication with the board.

I believe I’m skilled in doing that, working with all levels of people, all types of backgrounds. You have to come to a compromise, to a reasonable understanding and compromising on issues, and just keeping board information within the board and not outside of the boardroom. That’s a beginning and I believe that I’m skilled at that.

REPRESENTATIVE WHITMIRE: You had two children graduate from State. What years did they graduate?

MS. ASCUE: Yes. Craig in 1996, and our daughter, Christy, is 2002. And also our son-in-law, as well as our daughter-in-law.

REPRESENTATIVE WHITMIRE: So you have a vested interest.

MS. ASCUE: Absolutely. Yes, sir.

REPRESENTATIVE WHITMIRE: Well, you have a very impressive resume, so I wish you luck.

MS. ASCUE: Thank you.

SENATOR PEELER: Thank you. Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

One other thing. They have a son that does an outstanding job on the Charleston County School Board.

SENATOR PEELER: Speaking of that, do you serve on the County Zoning Appeals Board? Or you have in the past?

MS. ASCUE: In the past. Yes.

SENATOR PEELER: And how about the Transportation Advisory Board? MS. ASCUE: That’s correct.

SENATOR PEELER: And presently, now? Or in the past?

MS. ASCUE: Presently.

SENATOR PEELER: If you were successful, are you ready to resign from that board?

MS. ASCUE: Yes. I am.

SENATOR PEELER: Thank you. Any other questions? Senator McGill.

SENATOR McGILL: Mr. Chairman, I would just like to say that 47 years of marriage is very positive, wonderful, refreshing.

MS. ASCUE: Thank you.

SENATOR PEELER: Any other questions or comments? Staff?

MS. CASTO: Ms. Ascue, on your Personal Data Questionnaire you answered yes to elected and appointed offices held.

I assume that’s the zoning board and the transportation advisory. Have you served on any others?

MS. ASCUE: That’s all.

MS. CASTO: Thank you.

SENATOR PEELER: Motion is favorable report. Second?

SENATOR McGILL: Second.

SENATOR PEELER: All in favor, raise your right hand. Thank you for your willingness to serve.

MS. ASCUE: Thank you for giving me the opportunity.

SENATOR PEELER: Next candidate.

**JACQUELYN CUNNINGHAM**

MS. CASTO: Our next candidate for the At-Large Seat 9 is Jacquelyn Cunningham, and she’s from Columbia.

SENATOR PEELER: How do you do, ma’am?

MS. CUNNINGHAM: Great, thank you. How are you?

SENATOR PEELER: Fine.

Would you please raise your right hand?

(Jacquelyn Cunningham was duly sworn, after which testimony commenced at 5:00 p.m.)

SENATOR PEELER: Would you like to give us a brief statement on why you would like to serve?

MS. CUNNINGHAM: Yes. I’d like to serve Seat 9 on the Board of Trustees of South Carolina State University because I love this University.

I’m a product of this University. I am an example of the ingenuity of the University. I came to the University as a farm girl from Berkeley County, with lots of possibilities.

My parents, my neighborhood, my church, my school -- all could see what I could feel. When I arrived at South Carolina State University, I met a president there, Maceo Nance, who spoke the same words of motivation that I left at home.

That day, when I checked into my dorm room and there was a convocation at Dr. Martin Luther King Auditorium, Dr. Nance said, when your parents leave today, I will be your father. You will have rules and regulations to adhere to. And he introduced us to the resourceful people at the University.

I submit to you today that I would like to serve this University by bringing to this board more than 30 years of experience and innovations, in particular, higher education innovations for more than 25 years.

You see, the relationship that Dr. Nance formulated that day, in those words, were the driving -- the drivers, the motivation -- everything that instilled in this former student from Berkeley County, what was necessary to make sure that I achieved the goals that were set before me.

I think this board underestimates greatly the relationship between the president and the students. I would love to see this board embrace innovations. The problems that we’ve heard throughout this afternoon, and you’ve undoubtedly heard many others in speaking to candidates for other universities, but the problems and the challenges for South Carolina State University are not uncommon to colleges and universities.

In fact, many of the solutions to these problems exist. Some of the solutions are three, four, five generations old. The challenge that we’re dealing with at South Carolina State is the delay in getting the solutions to the institution.

We need innovations, and I want to be the voice of innovations on this board.

SENATOR PEELER: Thank you. Questions or comments? Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman. I do appreciate your willingness to serve and appreciate your comments.

You’ve heard this afternoon that dealing with the deficit --

MS. CUNNINGHAM: Yes.

SENATOR ALEXANDER: Please give me, briefly, what you see as the solution to that, if you were elected to the board.

MS. CUNNINGHAM: Back in the 1990s -- and I must say that I’ve worked with many colleges and universities and I’ve coached many leaders -- but back in the 1990s, many of these challenges presented themselves across the country.

In the research done at that time, it was quite clear that an institution’s greatest asset is its reputation. We have to get back to the business of building the reputation. Eliminating this deficit and reputation building. Relationship building with those who have private dollars who would invest in innovations, will help us eliminate that deficit.

SENATOR ALEXANDER: Thank you.

A couple other questions, if I could. I see that you are employed with the Budget and Control Board; is that correct?

MS. CUNNINGHAM: Yes. I am.

SENATOR ALEXANDER: I’ve heard a lot about the SCEIS system.

MS. CUNNINGHAM: Thank you.

SENATOR ALEXANDER: Well, it hasn’t all been good. I’m still waiting to hear something good about that system.

MS. CUNNINGHAM: Thank you.

SENATOR PEELER: I think you’re seeing it.

MS. CUNNINGHAM: Thank you.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

As far as your job and ability to serve, if elected to the board, those requirements and responsibilities -- and I’ve been asking this, not only about S.C. State but other university boards, how would your job have the ability to impact your being able to serve?

MS. CUNNINGHAM: How does my job have the ability?

SENATOR ALEXANDER: As far as time-wise, commitments, board meetings, is that something that you can work within your --

MS. CUNNINGHAM: Yes. Yes, I can.

SENATOR ALEXANDER: Thank you.

SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Ms. Cunningham. Another impressive resume.

MS. CUNNINGHAM: Thank you.

REPRESENTATIVE WHITMIRE: Who was the physicist with the Nobel Prize?

MS. CUNNINGHAM: Leon Lederman was the physicist.

REPRESENTATIVE WHITMIRE: All right. I’m showing my ignorance. What did he do?

MS. CUNNINGHAM: At South Carolina State, I was selected as the top mathematics student my junior year. The top engineering student and I were selected to spend the summer internship at Fermi Lab in Batavia, Illinois, and Dr. Lederman was just appointed director at that laboratory.

In that summer, we spent a lot of time with physicists and scientists around the world, smashing atoms and neutrons, and out of that work, Dr. Lederman and others won the Nobel Prize in physics.

REPRESENTATIVE WHITMIRE: I know that had to be a special time.

MS. CUNNINGHAM: It was awesome.

Now, just imagine, coming from a farm in Berkeley County and encountering that.

REPRESENTATIVE WHITMIRE: Talk about the position that you want to be elected to. You get elected, how are you going to get more kids to enroll at State?

MS. CUNNINGHAM: Sir, I’m also the president of the Greater Columbia Chapter of South Carolina State University National Alumni Association.

Many of the comments that Representative Mack has made -- I’ve heard them firsthand. I’ve spoken with parents and students, I’ve mentored parents and students, I’ve visited the University, I’ve held private fund raising for students.

The challenges that we’re dealing with stem from the erosion of the University’s reputation, the erosion of the reputation. Perception is reality. People believe that the problems are at the institution, when we can see now, more clearly, that the problems have been more at the board level.

We also have challenges with finances. Students tend to be within $1,500 of paying that balance. Alumni and I will step-up and help them cover that balance. So, economics on one side and the reputation on the other side.

I don’t believe, from what I’ve seen over the years, that the University has difficulty in recruiting students. It has difficulty in retaining students because of financial challenges, or parents will come to the University and say, I’ve had enough of the bad press. My child deserves better.

REPRESENTATIVE WHITMIRE: Thank you for your explanation.

SENATOR PEELER: Ma’am, with all due respect. You don’t need to be a candidate for the board of trustees. You need to be candidate for the president of the University. Any other questions or comments?

MS. CUNNINGHAM: May I comment?

SENATOR PEELER: Yes, ma’am.

MS. CUNNINGHAM: Sir, as I said earlier, I’ve coached many university presidents, boards of trustees, leaders, deans, faculty, staff, and students, and I can say that my greatest award has been from the Student Senate of the University of South Carolina who commended me on my work with the students. Thank you.

SENATOR PEELER: You make me almost want to attend a class.

MS. CUNNINGHAM: I did serve at the University of South Carolina, but I am as South Carolina State University alumni.

SENATOR McGILL: Move for favorable.

REPRESENTATIVE WHITMIRE: Second.

SENATOR PEELER: Motion for favorable and seconded. All in favor, please raise your right hand.

Thank you so much for your willingness to serve.

MS. CUNNINGHAM: Thank you.

SENATOR PEELER: Next candidate.

**JACKIE EPPS**

MS. CASTO: The next candidate is Jackie Epps. Mr. Epps is from Columbia. He is the incumbent. This is a new seat, but he currently sits on the board.

SENATOR PEELER: Good afternoon, sir. Please raise your right hand.

(Jackie Epps was duly sworn, after which testimony commenced at 5:10 p.m.)

SENATOR PEELER: Would you like to give us a brief opening statement of why you would like to continue to serve on the board of South Carolina State University?

MR. EPPS: Yes. First, let me say thanks to all of you as members of this Committee, and thanks for the opportunity to participate in the screening process.

Let me begin by saying, I’m a 1969 graduate from South Carolina State University. Let me also say that I grew up in the red hills of South Carolina, in a small town, on a small farm, located in Newberry County. A town called Whitmire.

We grew-up on a small farm, and we were dirt-poor, but I was able to attend South Carolina State University on an athletic scholarship. While there, I matriculated, and I participated in the outstanding ROTC Program.

I served in Vietnam as a First Lieutenant. I returned and I used my GI Bill to get my advance degree at Rutgers State University and I spent 33 years in the food industry. I retired from Kraft Foods as director of research and development after 33 years.

I have several patents. I have a binder that is full of intellectual property, that is Kraft, and I really had a very rewarding career. I’ve developed hundreds of new products, many of which you’ve purchased in the retail stores today.

So I’ve had a very outstanding career and I feel very proud of that career and I owe it to the University that provided me with a solid foundation in education.

That allowed me to compete in corporate America on a fairly high level. When I retired, I felt compelled to give back to the University and to encourage students and young adults to dream big about what they were going to accomplish in life and to use education as a pathway to achieving those dreams and realities.

So that’s what I did. I returned to South Carolina State University after retiring from Kraft Foods in 2005. I returned as a director of the Career Center, and during those two or three years, I was director of the Career Center. We had record years in job placement for our students, our seniors that were graduated, in internship programs. The president moved me to the Interim Vice-President of Institutional Advancement.

During those years, we had record years of fund raising for the University. After five years, I decided that I had given back, and I was ready to go into full retirement again. But then Governor Sanford appointed me to serve on the board to finish out the term for a trustee that had resigned. I served that, I think, about six months on the board.

Most recently, Governor Haley appointed me to serve out the term of another trustee, whose term had expired, and I’m now in about the fourth month of that process which will expire in June.

So I’ve been on the board. This is my second time. This is the first time going though this process. This is the first time I’m running for this position. My wife asked the same question, why do you want to do that? But I just believe that I’m well-positioned. I have a good understanding of the University.

I’ve been in and out of the University for the last eight years in one role or another. I understand the strength, the weaknesses, and the opportunities of the University, so I feel I’m well-prepared to make a major contribution to support the University.

I was a student at the University during the glory days, during the ‘60s. At that time, there was a lot of pride, and we had a swagger back then. I played football, and I came from a small town, Whitmire, and I was a role model for a lot of students and the youth around the city.

They also wanted to come to South Carolina State University. I was a role model for Donnie Shell, who played for South Carolina State and Pittsburgh Steelers. I’m saying that to say this. At that time, we had a swagger, and we didn’t worry about recruiting. Students were our greatest ambassadors. They represented the University. High school kids wanted to be like them and attend South Carolina State University So my long story cut short, we need to get our swagger back at South Carolina State University. I think we can do that. It starts with good leadership, and we’re in the process of doing just that.

So I look forward to serving the University on a continuous basis as a member of the board and carry out the pathway that we’ve set. I think we’re on a good pathway now, trying to clean-up and restore our public image and restore our public trust.

There are some things that we know we need to do, and we’re in the process of doing that and restoring the integrity in the University. So I thank you.

SENATOR PEELER: Thank you, sir. Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

First of all, Mr. Epps, I appreciate your service to the board. You have an incredible background. You haven’t been an incumbent that long, but being on the board, I noticed that your comments on some of your information, quoting here, you said, South Carolina Board of Trustees is not good due to board leadership engaging in unethical and legal actions.

We know that some folks on the board and on staff is being dealt with legally. That notwithstanding, what are some of the things that you think needs to be done with the school, as far as leadership is concerned, and from the board’s standpoint, or administrative standpoint, or both?

MR. EPPS: Well, let me -- we’re in a situation now -- we coming out of a situation. We were engaged in a situation where we had poor leadership. We had a president removed from office last year, and we had the chairman of our trustee board was removed -- indicted for a situation unbecoming of his leadership.

So those are two --

REPRESENTATIVE MACK: Let me stop you. The president resigned. The president was not removed.

MR. EPPS: Well --

REPRESENTATIVE MACK: The president resigned.

MR. EPPS: Well, okay. I may want to differ with you on that because there was a fee that was paid for him to be removed. There was a compensation paid for him to leave the University. I’m not sure what you call that.

REPRESENTATIVE MACK: What was the charge for the past president to leave?

MR. EPPS: Poor performance. I wasn’t on the board at the time, but from what I read in the paper, his evaluation was poor. That’s my take on it. I was not on the board at the time, but the board voted to bring in an interim president and to begin a search for a new president and that’s what this current board is acting upon at this time.

SENATOR PEELER: Senator Hayes.

SENATOR HAYES: Just to follow-up on that.

I understand they’ve pared it down to three finalists on the president now. Do you think they should go forward with the selection of a new president before the new board takes over in July?

Or should they wait for the new board to make that final decision? There may be substantial change on the board.

MR. EPPS: Well, I heard that today. I’m not on the Search Committee. That was the first time I heard that, that it was down to three. I support moving forward with the process that’s been laid out.

I don’t think -- turnover is going to happen all the time. Legislative -- they vote people in and out, and we have to do our business. We were elected to govern, and I think we need to continue to govern. I keep hearing that the board will turn over, but they may be reelected, also.

So I think full steam ahead with the direction outlined by the board of trustees a year ago. I think we should continue that process.

SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Mr. Epps, thank you for your willingness to serve previously, and if you get reelected in the future.

I go back to what Representative Mack was talking about -- perception on the State’s board of trustees. Not you -- board leadership engaging in unethical and illegal actions.

Without naming names, are there, in your opinion, still members --

MR. EPPS: Not to my knowledge.

REPRESENTATIVE WHITMIRE: So that’s been wiped clean.

MR. EPPS: To my knowledge. Exactly.

REPRESENTATIVE WHITMIRE: What are you going to do about getting rid of this huge deficit?

MR. EPPS: Well, it’s all connected together. Enrollment did not help the deficit. We need to get our enrollment back, we need to increase our fund raising, and we need to be selective about the programs that we have. We need to take an inventory and assessment of our programs. We need to energize those and those that are not, we need to eliminate. There are hard decisions that need to be made.

REPRESENTATIVE WHITMIRE: If you get your enrollment up that will help, which goes to recruitment. I would think that that’s something you need to look at.

MR. EPPS: Absolutely.

REPRESENTATIVE WHITMIRE: I’ll end with this. You were talking about your football, and I know Whitmire had some excellent teams over the years, but I was also in a marching band, and I thought I was pretty good until I happened, one time, to see South Carolina State’s -- the Marching 101.

That’s got to be the best band I’ve ever seen in my life. They are outstanding. That’s another good point that the University has to sell is their music program. Thank you.

SENATOR PEELER: Any other questions or comments? Mr. Epps, I was looking at your credit report. It shows three outstanding medical bills. One for 106, 25, and 138. Would that be like your insurance --

MR. EPPS: Yeah. We were waiting for them to resolve that with insurance. My wife had surgery last year, and we’re waiting for that to go through all the processes.

SENATOR PEELER: Clear that up as soon as you can. It’s a small amount to have that on your credit report, but I understand with insurance. Dealing with that, it’s tough.

Any other questions or comments?

REPRESENTATIVE WHITMIRE: Motion for favorable report.

SENATOR HAYES: Second.

SENATOR PEELER: All in favor, raise your right hand. Thank you. Thank you for your service and your willingness to continue serving.

MR. EPPS: Thank you.

SENATOR PEELER: Next candidate.

**WILLAR H. HIGHTOWER**

MS. CASTO: The next candidate is for At-Large, Seat 11, Willar Hightower from Aiken.

SENATOR PEELER: How do you do, sir? Please raise your right hand.

(Willar Hightower Jr. was duly sworn, after which testimony commenced at 5:25 p.m.)

SENATOR PEELER: Would you like to make a brief statement? And at this point in the day, brevity is a plus.

MR. HIGHTOWER: I’d just like to say, education has been a priority in our family. My mother and father each were school teachers. Also, my wife and I have two daughters, who are professionally employed.

I have seen the difference between having an education and not having an education. The quality of life is -- just a very, very wide difference. Also, as far as my qualifications are concerned, I started out being a computer programmer, a manager of computer operations.

Then I started buying computers, and then I became a procurement officer. All of that, of course, helps me to understand some of the workings of a large organization. One of the other things that I’ve done was to serve on many boards. United Way Board and also I am presently on Aiken County Council. I’ve been on that board -- I guess I shouldn’t call it a board, but I’ve been in that position for 26 years.

Before that I was on city council for five years. Before that I was appointed to various committees on city council. So I think this qualifies me. Puts me in a position to have a perspective and try to understand the workings of board trustees and how that relates to the school and the president.

SENATOR PEELER: Thank you, sir. You presently serve on Aiken County Council.

MR. HIGHTOWER: Yes.

SENATOR PEELER: You do understand that if you are successful with this, you would have to resign that position.

MR. HIGHTOWER: It wouldn’t be a problem. I put South Carolina State first. Number one, it’s my love. It’s the school I graduated from. It’s a good school. It’s done me well, and I would like to see it restored.

SENATOR PEELER: I see where you hold a Master of Divinity Degree. Where did you receive that?

MR. HIGHTOWER: Interdenomination Theological Center in Atlanta.

SENATOR PEELER: Thank you. Any questions or comments? Representative Whitmire.

REPRESENTATIVE WHITMIRE: I want to thank you for your service to our country. In the military, you were a lieutenant colonel; is that right?

MR. HIGHTOWER: Yes, sir.

REPRESENTATIVE WHITMIRE: Thank you for that. Will you be able to work with the other board members?

MR. HIGHTOWER: I feel like I could. I don’t know that much about many of the board members, but I’m very familiar with how a board should work and that kind of thing, so I think I could blend in with whatever is going on there.

REPRESENTATIVE WHITMIRE: How would you attempt to get rid of this deficit they’re facing now?

MR. HIGHTOWER: Well, if you have a deficit -- some kind of way, you have to cut back on what you’re trying to do. And that may mean laying off people. That may mean not having some procurement that you’ve planned to do, and things of that nature. You have to cut somewhere.

REPRESENTATIVE WHITMIRE: Do you think you could make those tough decisions if need be?

MR. HIGHTOWER: Yes.

REPRESENTATIVE WHITMIRE: Thank you.

SENATOR PEELER: Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

Quick comment. Your military service, five years on city council, 26 years on county council -- I believe you’re battle-tested.

SENATOR PEELER: Any other questions or comments?

SENATOR HAYES: Favorable report.

SENATOR ALEXANDER: Second.

SENATOR PEELER: All in favor, raise your right hand. Thank you. Thank you for your willingness to serve. Next candidate.

**KATON DAWSON**

MS. CASTO: The next candidate to be screened is for the At-Large Seat, Number 12. Katon Dawson from Columbia.

SENATOR PEELER: Good afternoon, sir.

MR. DAWSON: Good afternoon.

SENATOR PEELER: Please raise your right hand.

(Katon E. Dawson was duly sworn, after which testimony commenced at 5:28 p.m.)

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

MR. DAWSON: Sure. In my letter to you, the University founded in 1896 has a legacy of preparing highly skilled, competent graduates contributing to the economic development of the local community, state, and our nation.

I’m in hopes that I can contribute to the future successes of South Carolina State University. South Carolina State has, and should continue, its national reputation of educating young men and women, and I would like to take this opportunity to thank all of you for your service to the State of South Carolina and being here all day today in these marvelously comfortable seats we have.

SENATOR PEELER: Any questions or comments? Senator Hayes.

SENATOR HAYES: Just by way of background, where did you graduate?

MR. DAWSON: I went to Clemson University for a year and a half and graduated from the University of South Carolina in 1979 with a degree in management.

SENATOR HAYES: Saw the light. Went to Clemson and saw the light. Is that right, Mr. Chairman?

SENATOR PEELER: You don’t have to answer that. Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you. Welcome, Mr. Dawson. Good to see you again. Have you spent any time at S.C. State?

MR. DAWSON: Let me give you some background. There are 3,493 students there today. There are 74-plus active student organizations there today. I bring in no prejudices or preconceived notions to this committee today. I saw a need to serve. Some people said, why? I said, why not?

This is a University that has an outstanding history in our State and a great college that has served our state and our nation well. In my journeys all across the country, running my public affairs business, I run into one consistent thing.

I find successful people who care greatly about this institution. I’ve heard the most heartwarming stories, and I’ve also felt the pain in this room today. I’m not single handedly going to be able to solve all the problems, but I think I can give it a real fresh look.

In my lifetime of 57 years, I have tackled some pretty tough things. Senator Peeler convinced me to tackle one tough one in 2002. It’s not something that can be fixed overnight, but the perception is reality of what’s going on, and rising tides does lift all boats. I felt the pain in the room today, and I’ll feel good about this when we’re through.

There’s a lot of work to be done there, and a fresh look, without prejudice and preconceived notions, is what I think is necessary. I’ve read the minutes from 2009, 2010, 2011, and 2012. Read them all. Couldn’t see what happened in executive session, but it didn’t take a rocket scientist to see there was a lot of different opinions on the board of where the University was going.

I read the mission statement to you to start that, and the strategic plan -- I have not found and cannot see, but I think that the University’s historic place there and the need for an outside look and one that is not bringing any of the former problems -- because the problems are going to be handled by the IRS, the FBI, South Carolina Law Enforcement Division, and Department of Interior -- those problems are going to be handled, and the University is going to move forward.

To go to Senator Alexander’s question. You just can’t spend money you don’t have. We don’t do it at home. The General Assembly doesn’t do it. The University can’t do it. So when you start to address those problems, you also look at the good things that happen, like the Marching l01. You look at the football team, you look at the basketball team, you look at 76 active student things on campus that are going on. You see the happiness that’s there.

Certainly 3,493 students is not acceptable. We need more. We need to get to 5,000. We need to make sure that that tuition stays where it is, if not reduced. We need to afford people the education there that they need and want and desire. But there are people in this room that care greatly about that University. You can see it when they testify. You can feel it when they testify. And I want to be a small part of the successes. The failures will take care of themselves.

Being a responsible and conservative citizen of this State means our fiduciary responsibility for you all here and for the members and trustees to understand that the word trustee means that you’ve been entrusted to the students of that University and trusted by the General Assembly, if they award you that vote.

REPRESENTATIVE WHITMIRE: Well, other than not finishing at Clemson, you’re certainly well-qualified.

MR. DAWSON: Thank you. I loved Clemson so much, I had to leave. The fun level there was way up on the fun meter. My dad told me I could go anyplace in the Unites States of America but Clemson University -- only place I applied and went.

SENATOR PEELER: Mr. Dawson, on the information here it says voter registration number was left blank. Please tell me you’re registered to vote.

MR. DAWSON: That’s the only thing that I don’t have memorized, but I have never missed a cycle in my life.

SENATOR PEELER: Well, if you can update that on your application.

MR. DAWSON: Yes, sir. I must have missed that.

SENATOR PEELER: Thank you. Representative Mack.

REPRESENTATIVE MACK: Thank you. Mr. Dawson, you said that you read the minutes from all those years. Besides your insight on the budget issue, what other things rang out to you that, from your perspective, needs to be done?

MR. DAWSON: Well, there are a lot of personalities involved in any board, any company, any non profit. You can see from an outsider who didn’t know all the personalities, I’m familiar with several on the board and helped several attain board positions when I was chairman of a party. You could see the discord and the lack of focus and, pardon, a tremendous amount of ego when you read those and people’s positions.

Unlike the General Assembly, at times there didn’t seem to be much consensus being formed. It was one side and this side, and sometimes the membership would change. You couldn’t see executive session and a lot of times you’d see decisions coming out. But what I did see was that all had the best interest of the positions they were standing -- it’s what they thought, but there wasn’t a lot of bipartisanship.

It’s a pretty tough board, and they dug in pretty hard. You could see that the personalities were, in my opinion, getting in the way of what I thought would be real good decisions. But I wasn’t there, Representative Mack, and I bring a fresh look to it of somebody who, as I told someone, I wasn’t in love with the Republican Party. I was in love with America and South Carolina. I chose that vehicle to put my talents there.

I was a little kid who sold auto parts in my family’s auto part store, and I fought all the big chains and I was successful and I sold most all of it last year and opened a public relations company that does business all over the country and has no conflicts here.

I’ve always fought the bigger fight and did stuff that people didn’t think was possible and have tackled things that everybody said, no, and don’t do it. I’ve had e-mails from all over the country about this decision. Some think I’m crazy. Some graduates from South Carolina State have committed me for putting up, and then some, when you’re in a political position, having raised $21 million and been in the General Assembly, and this is the longest I’ve ever been in the State House.

You tend to say, why not? You tend to say why not try to help? If I’m afforded a seat, I’m not going there to get press. I’m not going there for any personal attribute. I’m going there because I saw the history of this University all over the country. I saw people whose success wouldn’t be there, if it wasn’t for that institution. I saw people who had no place else to go but there.

An individual who graduated in 1954 told me this story. He came from Madison, Wisconsin, and I asked, why didn’t he go to Howard? Why didn’t he go to some other university? You know what his answer was? His answer was I went there because it was the safest place in the country, in 1954, for me to get an education. He said, I got off the bus in Columbia and went to Orangeburg.

This individual is one of the wealthiest persons that I ever met and he said that was the place that I hold in high regard and he was just confused, Representative Mack. He was just confused on what is happening and what went on and I assured him this great State and these people who desire for this board, will right that ship very quickly. People here have tried to put fingers on who did what or whatever. It’s time to move on, and this General Assembly is getting ready to make that decision. It’s time to move on and move forward and I trust that the 170 members are going to make the right picks and I hope that I’m one of them.

SENATOR PEELER: Thank you, sir. Senator Alexander.

SENATOR ALEXANDER: And I do appreciate your comments and explaining your interest. With your work, would your ability to serve on the board and attend meetings and things be within your purview of the work?

MR. DAWSON: Absolutely, sir. I’ve sold all my businesses and I run a business now. But as you remember, when I was the Volunteer Chairman of the Republican Party, I didn’t miss many. I’ve traveled around 90,000 miles of South Carolina roads every year as a volunteer. I’ve been in just about every cafeteria and street corner in this entire state and met citizens on both sides of the aisle.

When I make that commitment that I’ll be at every meeting, I’ll do what I’m supposed to do, and I will be harmonious on the board. There is a job to be done and there are a lot of things here that have been brought up. Such things as a strategic plan. I don’t know what that is. I’m sure somebody can answer that.

I heard 47 million, 62 million, 92 million, 142 million. I heard a lot of figures and a lot of money thrown out here, and, folks, that’s a lot of money for a little old boy from Columbia, South Carolina. There’s a responsibility to the citizens of this State, the taxpayers, the Interior Department, and the University.

The biggest responsibility is to the 3,493 students who deserve everything they get when they sign-up to go there. What we need is, we need 5,500 students, and we start solving our problems. We need a national championship in basketball. We got the Marching 101, which is the finest asset we have, and students come from all over the world to go to that school to be in that band. We got assets there that encourage me. I watched the 2011 band competition before I came here today, where the Marching 101 comes out and blows everybody off the fields.

We’ve got great things. We’ve talked about the problems, and I think that is a responsibility. You’re elected by the people to make a good choice. But I think a fresh look with new board members, a new mission, and a serious look at the finances. Senator, just like us, in your business we couldn’t spend money that we don’t have. We just can’t do it anymore, and there’s not a sense that I get in the General Assembly that until they see some improvement, that this is going to be a lonely trip.

I look forward to making a trip down here with fellow board members to be able to make that case.

SENATOR ALEXANDER: Thank you.

SENATOR PEELER: Any other questions or comments?

SENATOR HAYES: Move for favorable.

SENATOR PEELER: Second favorable report?

REPRESENTATIVE WHITMIRE: Second.

SENATOR PEELER: Second is heard. Any other discussion? Hearing none, please raise your right hand. Thank you.

MR. DAWSON: Thank you, sir. Does that mean that we can ask for commitments now?

SENATOR PEELER: No.

MR. DAWSON: I just wanted to check on that. This is my first rodeo. Thank you.

SENATOR HAYES: Mr. Chairman, when can you actually take commitments?

SENATOR PEELER: Staff, could you --

MS. CASTO: What the plan is, is to have the election for the board when the legislature comes back.

A concurrent resolution has to be adopted, but the tentative date of the election will be Tuesday, May 7th. That’s the date that works with the House schedule and the Senate schedule.

A screening report will be released probably two and a half weeks prior to that, and you will have 48 hours after the report before you can seek commitments. So as soon as we know the exact date for the screening report and the commitment date, we will notify every candidate.

SENATOR PEELER: Next candidate.

**ELDEN E. NELSON**

MS. CASTO: The next candidate is Elden Nelson from Orangeburg.

SENATOR PEELER: How do you do, sir?

MR. NELSON: Good evening.

SENATOR PEELER: Please raise your right hand.

(Elden E. Nelson was duly sworn, after which testimony commenced at 5:42 p.m.)

SENATOR PEELER: Would you like to give a brief statement on why you would like to serve?

MR. NELSON: Yes, I would. I’m a 40-year resident of Orangeburg County, and 30 years of that has been spent in the City of Orangeburg.

I’m concerned about the ability of South Carolina to continue to be a respected University. Declining enrollment, increasing deficit, and loss of accreditation, in some programs, raises many questions about how this University is being operated and watched over.

I’ve seen a decline in the reputation of the University over the past few years. When I first came to Orangeburg, I can remember Dr. Maceo Nance as the president of South Carolina State, and it was a well-respected University. Willie Jeffries was the football coach, and it was above reproach. As a historically black college, SCSU has played an important part in the advancement of many prominent African-Americans, and that history should not be forgotten.

But in order for it to survive, it is important for diversity, and that should not be ignored but should be embraced. In today’s integrated world, it is even more difficult for a black university to receive government funding and public support. It is important to make it attractive and affordable for everyone to attend. As the larger universities have opened their doors and recruited more black students, the best young minds have been tempted away from historically black colleges into the bigger schools.

I understand that being a historically black college, their focus has been to black experience, and that history must never be forgotten. But to be successful in this day and age, there must be more openness in recruitment for the total community. This is one area that I believe is lacking in the administration.

The current board members have shown a lack of ability to work together for the betterment of the institution. The current board has done nothing but oversee the decline of South Carolina State. Current board members continue to bicker among themselves, and it seems as if they are oblivious to the financial mismanagement and corruption that has occurred.

From all news reports, it appears that many board members have their own agendas and their positions for their own purposes and not for the good of the University. With this current environment, this body should take the opportunity to replace as many trustees as possible.

This will send a message that you are, indeed, searching for change and are truly interested in saving South Carolina State University. South Carolina State sits as a separate entity within the City of Orangeburg. The campus is surrounded by a six-foot fence. Are we keeping the students in or the community out?

The University and the city have not worked in partnership to improve the relationship with the community. The responsibility, however, does not lie totally with SCSU. The Orangeburg community must also bear responsibility with the lack of support for the University. If you look at the property surrounding most major, successful universities, you will see a prosperous neighborhood of businesses serving the cultural and entertainment with the university and the community as a whole.

If you look at South Carolina State, you see a University surrounded by poverty and decay. As the city continues with the streetscape project, the next phase is to bring it to Magnolia Street and the railroad corner. The railroad corner brings us business operating in buildings that should be condemned. There was once a plan to improve that area, but investors got wind of it and they wanted to use the property and bought it up, hoping to make a quick buck. Greed killed that project.

As far as I know, there are no plans between the City and the University to improve in these areas at this time. There was a $40 million project for the Transportation Center. It consisted of four or five buildings along the Russell Street side of the campus.

As a building official in 2006, I worked with the engineer on laying out that plan and working on addressing for those new buildings. At that time, he indicated to me that there was $40 million available and this project was going to go ahead. One building has been built, and the last I heard, the rest of the money has disappeared.

Claflin University is another historical black college. It sits next to South Carolina State. On the other hand, it has become a strong and respected university because of its strong leadership and support of its alumni. It has a strong partnership with the city, with the city’s department of public safety in the field of criminal science.

Through my position on the board and my position -- because I still work part time for the City, I hope with those connections and my connections with the community leaders that I can try to bring a better partnership between the University and the City.

Having watched this process unfold today, I must confess that you have a difficult task to select trustees for this job, that being, you’re given only a ten-minute conversation with each candidate, except in a few circumstances. When the selections are announced, the faculty, staff, students, and community need to know that you have the best interest of this University at heart and you are not just rubber-stamping another political agenda.

I challenge you to give South Carolina State a chance to succeed, making the right choices. Let’s take this institution in a new direction and regain the respect of the State and the Orangeburg community.

SENATOR PEELER: Thank you, Mr. Nelson. I see where you’re retired. What was your occupation prior to retirement?

MR. NELSON: I was the city building official and zoning administrator. I have a little background. I didn’t include my resume, but I can give you a little bit of background.

I was born and raised in Des Moines, Iowa. I studied accounting for two years at Grandview College before joining the U.S. Navy in 1966 at the height of the Vietnam conflict. I served four years in the U.S. Navy and became lead yeoman aboard a Polaris submarine.

My financial experience includes -- I was a loan closer for Des Moines Savings and a branch manager and officer at the Bank of Elery. In 1979, I completed two associate degrees in accounting tech and in the engineering field. I then became project coordinator and designer at Applied Engineering in Orangeburg. I spent 11 years with the U.S. Postal Service and ten years operating my own antique and art gallery in Orangeburg.

After I sold my business, I went to work for the City of Orangeburg, first as a public safety officer and then taking a position of building official and zoning administrator. I retired in 2009 but continued to work for the City part time as a code enforcement officer.

As you can see, I have a very diverse background, and that vast experience will serve me well in taking on the trustees you are about to appoint. My friends think I’m crazy for seeking this position, and I should avoid jumping into this hornist’s net. That doubt just makes me more determined to meet this challenge, and prove that SCSU can be a respected University once again.

SENATOR PEELER: Thank you, sir. Any questions or comments? Senator Alexander.

SENATOR ALEXANDER: Just one. You mentioned that the deficit, if you were elected to the board, you would want to take care of that situation.

MR. NELSON: Most definitely. I’m a businessman, not an educator. A lot of people here are educators. I’m a businessman. I bring a different perspective of things. One thing that I have -- I don’t think that the University has tapped the resources within the community of Orangeburg.

I think there’s a lot right there that, if we pursue some of the businesses, some of the bigger manufacturers and the community itself, we should be able to get some funding there. They have not pursued, in my mind, and a lot of people feel -- the students right there in Orangeburg. I mean, there’s a good opportunity for all the students in Orangeburg to attend South Carolina State University, not have to pay room and board.

They can drive back and forth from home. It can be a cheaper education. So I think, first of all, we need to try and work with the community that the University is located in, and that will be a start.

SENATOR PEELER: Thank you. Other questions or comments? Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you for your willingness to serve. Why is Claflin able to have such a good relationship with the City, and State can’t or chooses not to?

MR. NELSON: I don’t know.

REPRESENTATIVE WHITMIRE: Like you say, they’re right next to each other.

MR. NELSON: They’re right next to each other, and Claflin is continuing to build. They’ve got a new dormitory they’re getting ready to built.

REPRESENTATIVE WHITMIRE: Do you know the size? The number of students they have? I know it’s smaller.

MR. NELSON: No. I don’t. I know the tuition is about ten times higher, but they get a tremendous amount of support from their alumni. They really step-up and supply a lot of funds.

REPRESENTATIVE WHITMIRE: They’re private. Are they affiliated with a particular church?

MR. NELSON: They are affiliated with a church.

REPRESENTATIVE WHITMIRE: Do you know which one?

MS. CASTO: A Methodist church.

REPRESENTATIVE WHITMIRE: That’s what I wanted to hear.

SENATOR PEELER: Any other questions or comments?

SENATOR HAYES: Motion for favorable.

SENATOR PEELER: Second?

SENATOR ALEXANDER: Second.

SENATOR PEELER: All in favor, please raise your right hand. Thank you. Appreciate your willingness to serve. Next candidate.

**WALTER L. TOBIN**

MS. CASTO: The next candidate for the same seat is Walter Tobin from Columbia. He is the incumbent -- does not hold this particular seat, but currently sits on the board.

SENATOR PEELER: Good evening, sir.

MR. TOBIN: Good evening.

SENATOR PEELER: Would you please raise your right hand.

(Walter L. Tobin was duly sworn, after which testimony commenced at 5:55 p.m.)

SENATOR PEELER: Would you like to make a brief statement to the Committee on why you would like to continue to serve?

MR. TOBIN: My name is Walter Tobin. I currently serve on the board of trustees for four and a half years. I’m currently the Chairman of the Board, graduate of South Carolina State University in 1964.

All Tobins have been to South Carolina State University. My daughter and I are graduates. My wife has a master’s there and my son needed one course from an Upstate university and they allowed him to take that course at S.C. State. So we’re ingrained in the University.

I have been active with the University over a period of years, even before I got on the board. I’m retired. I’m a founding member of the State Club, which supports the athletic program. I’ve been called on, to the University, on several occasions and have always responded. I’m a retired educator. I’ve been retired since 1999, and I’ve worked every year since.

I go to the school districts as a consultant, usually where there’s a crisis, and I try to mend those relationships. My idea is to try to do that at South Carolina State University. We’ve been working very diligently to do that. The board of trustees is responsible for three things, I think.

One is to hire a president, second is to make policy, and third is to ask the hard decisions and make sure that you get the answers that you need to get and they have a fiduciary responsibility. South Carolina State University has distinguished itself in many areas. In the nuclear engineering program, ROTC, speech program, and a number of minority teachers that we produced at South Carolina State University. We’re proud of that legacy, proud of that history. We’re working hard to regain that. Thank you.

SENATOR PEELER: Thank you. Any questions or comments? Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

MR. Tobin, how are you?

MR. TOBIN: I’m doing great, sir.

REPRESENTATIVE MACK: You mentioned one of the things that has come up constantly is the constant turnover of presidents there, and, you know, Claflin was just mentioned. Claflin has had stability with the college president, with the board, and so many of the other institutions.

You’ve been there. What’s your perspective as to that particular problem? Why do we keep turning over presidents so often?

MR. TOBIN: I’ve been part of one change, the last president. I think we have to do it to get it right. I think we’ve been remiss in finding the right leader for our institution since I’ve been there.

REPRESENTATIVE MACK: But why is that? It seems like the other boards can do the due diligence and get the information and get somebody and get it working and we constantly have that revolving door at South Carolina State.

MR. TOBIN: Well, some of those are interims. We certainly have an interim right now. Our intent is to find a permanent president of the University. We’re in the midst of the search, and we’re proceeding with that search.

REPRESENTATIVE MACK: Well, but you still haven’t answered the question in terms of what do you think the problem is of finding someone that can get in there, add stability, and for a significant amount of time, properly run the school?

MR. TOBIN: I can only answer for one president that I was part of the change made. That president was not effective, did provide the type of leadership that we need.

One of the problems that we had, in terms of our finances and some of our other issues, were not addressed, in my opinion, and sometimes you have to make a decision whether you want to bring a close to something that’s not effective or let it go down a slippery slope.

We chose, the last time -- the president resigned, by his choice. But that’s -- we did not dismiss the president, but it was a change, and it was probably the appropriate change.

REPRESENTATIVE MACK: Again, I’m asking this of the incumbents and probably the more entrenched ones, the more powerful ones there. The problem with the line between policy and administration -- again, I’ve gotten so many e-mails, so many contacts about the board, quote-unquote, running the day-to-day operation of the school and not setting policy. Your answer to that.

MR. TOBIN: I don’t think that’s the case. I think when you get information, you have to pursue it. I was very concerned.

To give you a prime example of that, we have a gentleman on our campus who laid out a nuclear engineer program. He produced students to go to Oakridge and Los Alamos and the Nuclear Regulatory Commission. They work at SCE&G. We removed that person.

So you have to ask the question, why do these things take place? And I think sometimes you have to ask those hard questions to make the University effective. I don’t personally get into policy, but when you get information, you have to follow-up on it.

REPRESENTATIVE MACK: Last thing I want you to respond to, and I said it early at the beginning of this process. The board has stayed in the news -- a lot of drama, this side, that side, for years before you got there. And it’s just created a culture, a perception, and I get so many parents who graduated from South Carolina State that don’t want to send their children or their grandchildren.

And their answer is because of the board, not of the administration, not the instruction, not the curriculum. It’s because of the board and, again, all the drama, the back and forth, that type of thing. How would you respond to that?

MR. TOBIN: Representative Mack, I wish that was not the case, but it is. But I can guarantee you, the students at South Carolina State are getting a good education, and we hope we can convince people that that is the case.

REPRESENTATIVE MACK: I believe they are getting a good education. I’ve been on the campus. I walk through. They don’t know who I am -- good evening, sir. How are you doing? Very polite, very courteous. A lot of good things.

I know some of the instructors. I know a lot of good things are going on but, again, perception is reality. If people perceive the school a certain way -- we all are emotional about our children and grandchildren. They’re not going to send their children there.

MR. TOBIN: Sir, we’re working on that. I served as an interim in ten school districts in South Carolina, and most of them are in crisis. One of the things that I think I do very well is, I bring people together, and I’ve been trying very hard to make that happen.

SENATOR PEELER: Thank you. Senator Hayes.

SENATOR HAYES: I understand that they’ve narrowed it down to three finalists. Do you think the current board should go ahead and pick the president before July when there may be a turnover on the board.

MR. TOBIN: In my opinion, yes.

SENATOR HAYES: Why is that?

MR. TOBIN: I think we are ready now for permanent leadership, and I think we can get that.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman, and appreciate you being here with us. I think I just heard you say a while ago that -- you talked about making the University effective.

It’s my understand that you’re down to less than 4,000 students at the University. So how is that making the University effective, if you’ve seen over the last four years, a decline in the number of students at the University?

MR. TOBIN: I think a board is only as good as the leadership of the presidency and the information that the presidency gives. I think we’ve not had the kind of leadership to recruitment, to getting good information, to being upfront. I think if we can provide strong, permanent leadership at the University, we can get to that point.

SENATOR ALEXANDER: And I assume you’ve taken some votes of the deficit at the University.

MR. TOBIN: Yes. We have.

SENATOR ALEXANDER: What has been your policy and your type of vote on expanding the deficit?

MR. TOBIN: I have, at some times, voted for the budget because I wanted to give the administration an opportunity to provide us with the leadership they needed to provide at that level. I have trust in the administration until such time that they provide me information that breaches that trust.

SENATOR ALEXANDER: So during your tenure of the last four years, have you voted against any of those? Have you given them opportunity and they did not respond and you voted no?

MR. TOBIN: On occasion, I have.

SENATOR ALEXANDER: On occasion. Is that one out of ten?

MR. TOBIN: I’m not sure. I couldn’t tell you, but I have voted, in most instances, to support the recommendations from the administration.

SENATOR ALEXANDER: That has led to the significant deficit that the University has today.

MR. TOBIN: Because sometimes we were not getting good information.

SENATOR ALEXANDER: Whose responsibility is that for you to get good information?

MR. TOBIN: That’s the responsibility of the administration to provide it for you. We have a fiduciary responsibility to ask the hard questions, and we have done that. When we’ve done it, we’ve gotten better information.

SENATOR ALEXANDER: If you don’t get the information -- is it my understanding that you chair the board?

MR. TOBIN: Yes.

SENATOR ALEXANDER: How long have you chaired the board?

MR. TOBIN: Since April.

SENATOR ALEXANDER: Of 2012?

MR. TOBIN: No. I’m sorry. It’s February. About two months.

SENATOR ALEXANDER: Thank you.

SENATOR PEELER: Senator Whitmire.

REPRESENTATIVE WHITMIRE: Appreciate you coming today. One of your sitting board members testified previously today -- I don’t know if you were here or not. It was his opinion that the board members that were the problem have now been either -- for whatever reason, they’re gone from the board. Is that an opinion you share? Or do you think there wasn’t any problem to start with?

MR. TOBIN: We’ve had some issues with some of our board members. I’ve been concerned about that for a while. I didn’t know what the reason -- I didn’t have good sound reason for thinking that, but there were concerns that I had early on. I think those folks are no longer with us.

REPRESENTATIVE WHITMIRE: As chairman, what would you do to promote harmony?

MR. TOBIN: I try to be fair and deliberate in my decisions, try to give everybody an opportunity to say their piece and to make their decision and to respect the majority and I’ve done that in the past.

REPRESENTATIVE WHITMIRE: I heard you say that you prefer to vote for president before the next board is seated. Why would you want to do that?

MR. TOBIN: Because I think the timing is right. We need permanent leadership on our campus, and I think we can do that with this process.

REPRESENTATIVE WHITMIRE: Well, you’re not worried that a whole new board might not agree and want to --

MR. TOBIN: Representative WHITMIRE, I present myself forward because I have a strong belief in the betterment of the University. I would be willing to acquiesce my position for the University. That’s my only concern. That’s all I have.

I think that I have not missed a board meeting. I have missed only one graduation. Whenever there’s an affair on the campus, I try to make myself present when it’s appropriate. So I have a real interest in the University. That’s my only interest.

REPRESENTATIVE WHITMIRE: Thank you.

SENATOR PEELER: Senator McGill.

SENATOR McGILL: Dr. Tobin, you’ve been only four years on the board.

MR. TOBIN: Yeah. I’ve been -- my time has been four and a half years. My term ended last spring when they had the screening. I was approved, and that vote did not take place.

SENATOR McGILL: So really, you’ve only served four years. When is the last time State had a balanced budget?

MR. TOBIN: Probably about -- don’t tie me down. About three years. I think we had a little bit of a fund balance.

SENATOR McGILL: Three years ago? I can’t help but think --

MR. TOBIN: Three or four years, maybe.

SENATOR McGILL: I can’t help but think, if you had been on that board three years, a lot of this recurrence was coming into the beginning of your new term, and the thing is this -- let me ask you the right question.

With the transportation plan, if it was 90 million or 100 million, whatever it was once the board voted for this plan -- when did they actually vote for the plan?

MR. TOBIN: This was done before I was on the board, but I was real excited about the opportunity for the transportation, and I thought it has real possibilities.

SENATOR McGILL: Where was the money going to come from? The Federal side?

MR. TOBIN: I think it may have been some matching monies, as I understand it. That maybe we had some responsibility for doing that. But I was not -- that was before I came on the board. But when I knew about it, I was very excited about the possibilities.

SENATOR McGILL: Thank you.

SENATOR PEELER: Senator Hayes.

SENATOR HAYES: I want to follow-up very briefly on that election of the new president.

I think timing is important. Do you think it would have any impact on the quality of candidates, for the candidates to know that, come July 1st, there’s going to be a new board, different than the one that selected them, that they’re going to have to deal with?

Do you think that might discourage some good candidates from wanting to come -- looking at the history of South Carolina State, wanting to come into an environment where they have, potentially, a lot of change on that board?

MR. TOBIN: Senator Hayes, we had 28 applicants for that position. I would say 20 of them were high-quality candidates. Some former presidents, some people who were in high positions at the University. So I do think we had a good group of candidates who applied for the job.

SENATOR HAYES: And the reason that you want to move before July 1st is that you might lose some of those candidates? Or the new board may not agree with the current board on who the best candidate is?

MR. TOBIN: Senator Hayes, I hope I’m one of the board members, but I think if the timing is right, in my opinion, this University needs permanent leadership moving forward.

SENATOR HAYES: And it cannot wait until July.

MR. TOBIN: I would rather not. That’s my opinion.

SENATOR PEELER: Any other questions or comments? I just -- as follow-up from Senator Hayes. A few months -- I don’t think it would hurt to wait a few months. Hope for the best, prepare for the worst.

There could be a wholesale change in the board, and if there was a wholesale change in the board and it wouldn’t change until July 1st, it could potentially be a lame-duck hiring of the president and it could create other problems.

I wish you’d re-think your position on that. That’s just me thinking. Any other questions or comments? What’s the desire of the committee?

SENATOR McGILL: Move for favorable report.

SENATOR PEELER: Is there a second?

REPRESENTATIVE WHITMIRE: Second.

SENATOR PEELER: With the caveat about what we said before about the incumbents, all in favor, raise your right hand. Thank you.

Thank you so very much. This completes our list of candidates for today. I appreciate your kind attention and your attendance. I think the time has been well-spent, and I appreciate your attendance and your participation.

I’d like to ask the committee to stay here after the other folks have left. And Mr. Rollins, if you would stick around. Thank you.

(The hearing was adjourned at 6:25 p.m.)

EXHIBITS

(No exhibits entered.)

**JOINT LEGISLATIVE COMMITTEE TO SCREEN CANDIDATES FOR COLLEGE AND**

**UNIVERSITIES BOARD OF TRUSTEES**

Monday, March 25, 2013

10:09 a.m.

Gressette Senate Building

1101 Pendleton Street, Room 201

Columbia, South Carolina

Committee Members In Attendance:

Senator Harvey S. Peeler, Jr., Chairman

Representative William R. “Bill” Whitmire, Vice-Chairman

Senator Thomas C. Alexander

Senator J. Yancey McGill

Senator Robert W. Hayes, Jr.

Representative David J. Mack III

Representative Phyllis J. Henderson

Staff:

Martha Casto

SENATOR PEELER: This is a meeting of the Joint Committee of the Senate and the House to screen and candidates for college and university boards of trustees. And like I say, we’re waiting on a couple more. We’ll go ahead and get started if there’s no objection.

Martha Casto staffs the committee.

Martha, if you would give us some necessary info.

MS. CASTO: Okay. If you open your notebooks on the left-hand side of your notebook -- well, included in your notebook is your travel voucher. So if you’ll sign that and give it to Julie, we can put it back here.

But there is also the schedule for today and some questions that you may want to ask and also included is a skinny on each person that is on the left-hand side.

We have had one to drop out this morning, Sherry Waters -- Walters. She was for the 6th Congressional District and was scheduled to be here at 11:15. So she has dropped out. And the one above her, Ann Hurst, who was also the 6th Congressional District, called and she had an emergency and will not be here today.

So the rest -- the other six from Lander -- well, there’s five here. We’re still waiting on Mr. Brimmer, the very first one.

SENATOR PEELER: Well, you want to go ahead and get stated without Mr. Brimmer. So we’ll squeeze him next.

When I call your name, if you will stand and remain standing. George Starnes. Linda Donnelly -- Dolny?

MS. DOLNY: Dolny.

SENATOR PEELER: Dolny. That will be the biggest challenge I’ve got over the next three days is pronouncing these names. Dolny.

Jack Lawrence. Anne Walker.

And you say Ms. Hurst can’t make it today?

MS. CASTO: Yes, sir.

SENATOR PEELER: And Ms. Walters dropped out.

All right. And Ms. Frederick.

If you all would please right your right hand.

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

(Candidates sworn.)

SENATOR PEELER: Thank you. You may be seated.

And we will consider you under oath until the completion of the screening, so act accordingly. We have a court stenographer taking minutes.

So if there is no objection, we’ll go ahead and be under tab B. George Starnes in Columbia, he’s an incumbent. The 2nd Congressional District Seat 2.

**GEORGE R. STARNES**

MR. Starnes, if you would come forward.

Good morning, Mr. Starnes.

MR. STARNES: Good morning.

SENATOR PEELER: Would you like to tell the committee why you would like to continue serving the university?

MR. STARNES: Well, I’ve had the privilege of serving since 1992 and during that time we have undergone tremendous challenges in education and funding for education. And in lieu of this, I think Lander has made greet strides, and we’re continuing to do what is the mission of the school. And I’m glad to be a part of that.

SENATOR PEELER: Thank you.

Any members have any questions or comments of Mr. Starnes?

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Just two. Thank you for your service. Your attendance record while a board member, what percentage of meetings have you attended as a board member?

MR. STARNES: Senator, over the years I have been, I would say, almost at a hundred percent unless I’ve had some type of conflict where I absolutely could not be there.

SENATOR ALEXANDER: And, Martha, did he sign the original -- there’s several on, I noticed, who didn’t sign on the economic interest, didn’t sign the form. I don’t know whether --

MS. CASTO: He is not a candidate, so he does not have to sign this part.

SENATOR ALEXANDER: Okay.

SENATOR PEELER: We’ll get into that incumbent versus challenger situation.

MS. CASTO: Right. Now, Mr. Starnes is one who on his economic interest, you will see throughout the next three days there’s a variety. He does report the per diem and the mileage from his Lander service. Some have and some haven’t. So that’s something that probably needs to be uniform across colleges and university boards.

SENATOR PEELER: And, Martha, if you would remind us when the candidates come up, we could ask that question.

MS. CASTO: Okay.

SENATOR PEELER: We hear a good bit about tuition, tuition increases. With your experience, how do you try to keep that down to a minimum?

MR. STARNES: Senator, as you know, it’s a challenge. I mean, we’re a small state-supported school and basically we’ve got two sources of revenue. Either what the state provides or really through tuition. But I can tell you that it is something that we are very sensitive to, and we have tried to minimize that. But it continues to be a challenge for the small schools.

SENATOR PEELER: Thank you.

Questions or comments?

Representative Whitmire.

REPRESENTATIVE WHITMIRE: Other than finances, what other challenges do you perceive in the future?

MR. STARNES: Oh, there a number of challenges.

REPRESENTATIVE WHITMIRE: I see a lot of laughs back there. I’m going to ask them, too.

MR. STARNES: There are a number of challenges. I think finance, you know, is the number one challenge because it touches everything we do. It touches the deferred maintenance issues that we all have. We have -- there are no question challenges with enrollment. We compete with the other schools for every student. So it’s just any -- any area of the school I think it’s been a period of time where we have all had to deal with difficult choices.

But, again, finance would have to be number one. Enrollment, I think would have to be number two.

REPRESENTATIVE WHITMIRE: Is your enrollment up or down?

MR. STARNES: Our enrollment has been up until the last year or two, and it has been down somewhat.

REPRESENTATIVE WHITMIRE: What do you attribute that to?

MR. STARNES: You know, I think there are a number of things. Number one, just competition from other institutions. And I think the other thing is I think as tuition cost goes up, it’s pushing more and more people to other alternatives. I think that will continue to be a challenge in the future.

SENATOR PEELER: Any other questions or comments?

Senator Hayes.

SENATOR HAYES: I’m just going to ask as far as your background, what education and work experience do you bring that you think would help the university?

MR. STARNES: Okay. First of all, I’m a graduate of Lander in 1981. And -- but I have been in the insurance and the investment business since 1982 in this area. So I would like to think that my business background has certainly helped be a board member as far as understanding finances and the things that go on there.

But just a long-term commitment to the school. It’s really, as you know, the small schools, it’s really a labor of love. There’s no real benefit as far as perks to be on the board of trustees. So it is really just a long-term commitment to the school.

SENATOR PEELER: Thank you, Senator.

SENATOR MCGILL: Mr. Chairman --

SENATOR PEELER: Senator McGill.

SENATOR MCGILL: -- real quick. You’ve been on the board it says 20, 21 years?

MR. STARNES: Correct.

SENATOR MCGILL: And financial adviser. How about federal money, how do you perceive -- do you all go after federal money of any types?

MR. STARNES: We have just in the last few years tried to do some stuff there, but that is really a new pocket for us. We have not done it in the past. We’re not a research institution, so we really have been somewhat limited there.

SENATOR MCGILL: Well, I suggest that all board members, trustees should try to attempt to go after some of that federal money. I understand there are federal funds that sit on shelves that are never drawn down.

MR. STARNES: Absolutely. And we do have someone actually who works for Lander who at one time was a House member, and he has been actively pursuing those funds that are available.

SENATOR PEELER: Is that the Taylor fellow?

MR. STARNES: Yes, that’s exactly right. Adam Taylor.

SENATOR PEELER: Any other questions or comments?

What’s the desire of the committee?

SENATOR ALEXANDER: Move for a favorable report.

SENATOR HAYES: Second.

SENATOR PEELER: Second is heard.

All in favor, raise your right hand.

Thank you, Mr. Starnes.

MR. STARNES: Thank you.

**LINDA DOLNY**

MS. CASTO: Next would be Linda Dolny. She’s the 3rd Congressional District. It’s behind tab C.

SENATOR PEELER: Good morning.

MS. DOLNY: Good morning.

SENATOR PEELER: Would you like to share with the committee why you would like to continue to serve?

MS. DOLNY: Well, I think it’s important, first of all, to give back. I, too, am a graduate of Lander and very appreciative of the liberal arts education that I received there.

It’s -- Lander has -- I’ve also observed, I guess, and this is something that’s not in my statement, but I’ve observed over time that it’s very -- there are a couple of key decisions that board members are involved in: staffing, presidential decisions, who the president is, and hiring that person, and in finance. And I think a lot of things are coming together to say that the next few years are going to be very important to Lander, and I want to be a part of those decisions.

SENATOR PEELER: Good. Any questions or comments from members of the committee?

Ms.. Henderson.

REPRESENTATIVE HENDERSON: Thank you, Mr. Chairman.

Thank you for your service. I appreciate you being here. And one of your comments prompted a question basically in light of what the previous gentleman said, and I know that your enrollment has been down and in finances. What -- and I know you’re a newer board member.

MS. DOLNY: Correct.

REPRESENTATIVE HENDERSON: This is only your second term.

What -- how do you see the institution moving forward in dealing with those challenges, which is declining enrollment in light of tuition as well as competition from other schools?

I’ve been on the Lander campus a few times. My daughter played volleyball there. But, you know, just to see the challenge that you have kind of in a rural setting to try to, you know, attract students and retain students, where do strategically you see you all moving over the next few years?

MS. DOLNY: I think it’s absolutely critical that Lander understand and define its market and know which students we are attracting and can attract.

I was representative of what I think is a market for Lander, and that market is the student who is going to stay in the area, who wants to go to college, who can’t afford some of the larger institutions, and in many cases is the first generation grad.

And I know that when I talk to people about Lander, and I talk about it from the perspective of how many first generation students there are, that is a big draw for people to say, Wow, there are some people now being educated who didn’t grow up that way. They just didn’t grow up that way. And I think that’s a huge market for Lander.

I think as George mentioned earlier, we are getting a lot of competition now from lower cost and that is especially I think in the technical schools. Because I do have friends myself who are sending their children to two years in a technical school, and then transferring to a school like Lander. And that’s a difficult -- it provides a difficult problem. And I think we’re going to have to deal with that at some point.

REPRESENTATIVE HENDERSON: Very good. Thank you very much.

SENATOR PEELER: Thank you, Representative Henderson.

Representative Mack.

REPRESENTATIVE MACK: Mr. Chairman, thank you.

Again, thank you for your service. I was on Lander’s campus once. Beautiful campus, great atmosphere. I was wondering, is the alumni involved and at what level in looking to attract high school students to the school? How involved is the alumni?

MS. DOLNY: Well, I think the alumni is very involved. And I think an issue that -- I think any school that doesn’t have a football team has, is how do you keep alums active and on the campus? And I think our sports program has done that. I think our new sports complex has done a lot of that. Not only has it involved alums, but it’s involved the community. And I think that’s an important outreach that Lander has.

So, yes, I think alums are involved, and I think it’s through sports and through the campus actually reaching into the community to provide a location for meetings and similar things that keeps alums active with Lander. I’d like to say it’s more. I would like to think that every alum is going to give a couple thousand dollars every year, but I haven’t -- that hasn’t happened.

REPRESENTATIVE MACK: That would be great, wouldn’t it?

MS. DOLNY: That would be wonderful.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

My observation first, after your last comment is that probably some universities that have football teams would just as soon not have one. So you may want to count your blessings from that standpoint.

MS. DOLNY: Oh, we do.

SENATOR ALEXANDER: And you mentioned the finances as well and certainly your having served on the federal reserve, if I see correctly.

As far as the challenges you mentioned, though, and have been mentioned in your enrollment and things, I mean, are you all looking at cutting costs? I mean, is it all about raising revenue, or are you all looking at redefining briefly, if you would, the -- the -- the structure of the university so that you can cut costs to keep your tuition compatible?

MS. DOLNY: Well, the short answer to that is yes.

SENATOR ALEXANDER: Okay.

MS. DOLNY: In fact, most of our last board meeting was dealing with an issue that Lander is dealing with right now, which is the staff reduction. And dealing with which -- identifying which of the programs that the school offers that are lucrative and which ones are costing money. And are the ones that are costing money there for a strategic reason? And some of them probably are, and some of them probably aren’t. But we will know that as this year progresses because we dealt with that in the last board meeting.

SENATOR ALEXANDER: Okay. Thank you, ma’am.

SENATOR PEELER: Senator Hayes.

SENATOR HAYES: I’m just wondering on Lander graduates, what’s their success rate on getting jobs and/or postgraduate work? Do you all keep up with that?

MS. DOLNY: I’m sure they keep up with it. I wish I could answer the question, but I can’t. I don’t know a percentage that I can give you for a success rate. I do know that the school and the administration is especially helpful in letting us know when that happens, so I can talk about isolated incidences of people that I know that have had success.

I think the success is pretty high, but I do not have a percentage that I can say, you know, 95 percent of our students find jobs. But I can tell you that we have talked about at some of our board meetings how do we proceed in the future with identifying those students that we don’t want to leave with a tremendous loan burden, or we want to make sure they get placed and complete their education and don’t come for two years and leave and not have a degree and now have a loan burden. So we are discussing those kinds of issues at almost every board meeting.

SENATOR HAYES: Okay.

SENATOR PEELER: Any other questions, comments?

Representative Whitmire.

REPRESENTATIVE WHITMIRE: What percent of your incoming students every year are state residents?

MS. DOLNY: Oh, it’s very high. It’s very high. I would -- I would hazard a guess as 95 percent.

REPRESENTATIVE WHITMIRE: I wish we had a few other schools like that.

MS. DOLNY: I mean, it’s very high. I know one of the reasons for looking at an honors college at Lander is to be able to expand out from the state a little bit so that we can attract a few more of those. And I think primarily the attraction now for out-of-state students is to -- is through the sports.

The -- we had on the staff for several years now a gentlemen from Korea who has really added to our international program. And Lander has a program in the summer that -- last summer was our first program where -- and I can’t remember exactly how many, they were all in my house, so it seemed like a lot. But we had about 50 Korean students who came to the U.S. for concentrated English and were able to tour through the Southeast. And it was -- it was a shot in the arm for Lander and for those students to be caught up in that enthusiasm. And reach out into the community and had parents who are -- not just parents but people in the community who were host families for some of these students.

So we have a -- you know, you pose an interesting question because the question I’m going to now go back with is, if we’re comparing the number of international students we have to the number of out-of-state students, we may have more international than we do out of state because of these various programs.

And I’m going to find out the answer to that question because of everything that has been done over the last several years by this gentleman who has come in.

REPRESENTATIVE WHITMIRE: One more question.

SENATOR PEELER: Certainly.

REPRESENTATIVE WHITMIRE: Something that -- I served on the education committee for nine years, and something that concerned me from the beginning is that a lot of our in-state students who receive scholarships do not finish and get a degree.

Does Lander address that in any way? Specifically the first year, the freshmen. You know, they get the scholarship help, and then they’re done after a year. And to me, that money is wasted.

MS. DOLNY: Yes.

REPRESENTATIVE WHITMIRE: So have you ever -- and I may be asking the wrong person here. Maybe should be asking, you know, somebody in the administration.

MS. DOLNY: Well, someone in administration could certainly give you a better answer than I can. But I can also say that it is a source of discussion that we have, and we do routinely talk about the retention rate from the freshman to the sophomore year, and how do we increase that retention rate? Because that’s our big -- that’s our big gap. I think for all schools, not just Lander. You know, getting them to come back after that freshman year for that sophomore year.

But, you know, that -- I look at the issue that you’re talking about from a financial perspective. Because now I know that those children, young people are going out into the world with a loan burden and with no degree to back it up and to provide them a source of repaying that loan.

REPRESENTATIVE WHITMIRE: Right.

MS. DOLNY: That’s my federal reserve training.

SENATOR PEELER: Excellent point.

REPRESENTATIVE WHITMIRE: Thank you.

SENATOR PEELER: Any other questions or comments?

What’s the desire of the committee?

SENATOR HAYES: Favorable.

SENATOR PEELER: Motion is a favorable report.

REPRESENTATIVE WHITMIRE: Second.

SENATOR PEELER: Second is heard.

All in favor, please raise your right hand.

Thank you. We appreciate your willingness to serve.

MS. DOLNY: Thank you.

**JACK W. LAWRENCE**

MS. CASTO: The next person is Jack Lawrence.

MR. Lawrence is the 4th Congressional District, and he lives in Spartanburg.

SENATOR PEELER: Would you like to share with the committee why you would like to continue to serve.

MR. LAWRENCE: Well, my service, as you will note, I’ve been on the board eight years. But I have a personal connection to Lander in that I grew up in Greenwood and, of course, know a lot about it that way. My mother was a student there. My father was a businessman in Greenwood, and he had a very strong connection with Lander. Particularly when Larry Jackson was the president, when it was our president. My niece graduated, and I have family members there. So I have a service connection, plus a family connection.

And we are -- I mean, you noticed -- you folks know the challenges that higher education is going to be facing. And Lander, of course, is a part of that, and you’ve already talked about some of the things. And I want to be a part of it.

SENATOR PEELER: Any questions or comments?

Representative Henderson.

The further we go down the list, the luckier you are.

(Laughter)

Representative Henderson.

REPRESENTATIVE HENDERSON: I held out one question, so I would have something to ask.

SENATOR PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: Well, first of all, thank you for your service. And I am impressed that you would serve. You know, most people are graduates of the institution and feel a way to give back, and I feel -- thank you for serving just because of your commitment to Lander and to Greenwood and all of that. And I think that’s great.

I wanted to ask the previous applicant, but I figured I would hold out. We were talking about tuition. What is your current tuition?

MR. LAWRENCE: We have -- I can’t give you the exact figures, but we’re in the middle ground of the state-supported schools. I think we are around Francis Marion’s. But our tuition has gone up. Fortunately, it has not gone up as high as some of the students of the schools have, and we try to keep it down. But that is a problem.

Ms. Dolny, who was here prior to me, we have -- I’ve got lots of concerns about the borrowing of our students. And she is heading an ad hoc committee looking into that because that concerns us, that our students are borrowing money. Because that’s a problem nationwide. But it’s a problem for our students. So we’re trying to look at that independently.

We’ve also talked about how we can cut costs, how we can get more money for our students to come. And we are starting another fundraising event now to try to bring in scholarship monies so that we can lower the cost that our students have to pay individually for our services. That is a constant concern for us. We -- we’re meeting four times a year. We concluded at our last meeting that that might not be enough, particularly with the challenges that higher education is facing.

So we don’t have many answers right now. We’ve got huge concerns, and our board, I think, has been very, very diligent about trying to solve these problems. So I can’t answer your question directly, unfortunately.

REPRESENTATIVE HENDERSON: Thank you.

SENATOR PEELER: Thank you.

Any other questions or comments?

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Are you getting good support from the greater Greenwood community in this challenge and financially? I mean, obviously, it means a lot to that community.

MR. LAWRENCE: Yes. And that’s -- we are constantly working on our relationships with the county and the city because that is the source --

SENATOR ALEXANDER: In the private sector --

MR. LAWRENCE: Right, and we’ve got to work --

SENATOR ALEXANDER: -- Self Foundation and different folks?

MR. LAWRENCE: We have the Self Foundation with us. It’s one of the members of our board is on the Self Foundation, Mamie Nicholson. Senator Nicholson’s wife. But -- so, yes, we are working not only with the private community, business community, but with the foundation community in the area.

And, actually, most of our students are from the Lakeland area. And one of the things that has concerned me as being from Spartanburg, we ought to have more Spartanburg people going there. And personally, I’ve given a scholarship for Spartanburg High School for many years. And this year I’m trying to redirect that so that the person from Spartanburg High School that gets a little bit of money from my family goes to Lander. We just need to expand our student body to others than just the Lakeland’s area.

SENATOR ALEXANDER: Thank you. And one other comment. I just appreciate your work with the Charles Lea Center there in Spartanburg for all those years. It does a great job, and I do appreciate your commitment there as well.

MR. LAWRENCE: Thank you, sir.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

SENATOR PEELER: Senator McGill.

SENATOR MCGILL: Yes, sir, Chairman.

How many students at Lander?

MR. LAWRENCE: 3200, 3100.

SENATOR MCGILL: 3,000?

MR. LAWRENCE: Yes.

SENATOR MCGILL: Let me ask you, on the SAT score or whatever it’s called now, what is the average that comes in to Lander?

MR. LAWRENCE: About a thousand, and I’m guessing. About a thousand. But we are not -- one of the things that we’ve done, and I’m -- I guess I’m anticipating a question, we’re trying to determine where we fit with this. Should we be addressing folks that don’t happen to have the higher SATs that other schools, other private schools may have, or should we be addressing a student body that we’re trying to raise from a particular level to a higher degree? So that is a conversation we’re having right now, too.

And we have -- we’re discussing it. We’ve started an honors college or in the process of starting an honors college with the idea of getting more people in to Lander that have a higher SAT score and, therefore, will have higher grades. But we do have -- we have an obligation to people that don’t have those higher SAT scores.

SENATOR MCGILL: Good for you. I think that’s wonderful.

SENATOR PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: Thank you, Senator Peeler.

On that same note, I would say that that’s a very important discussion for you all because I have kids in college. They are Palmetto Fellows. They’ve been very fortunate. You know, they have lots of opportunities, even within -- and I’ve had them in state and out of state.

But the kids now that can’t get a 1200 SAT even to go to Clemson anymore, who, you know, grew up in a family that they’ve always worn the Clemson sweatshirt and they always thought they were going to go to Clemson only to find out now that the rules have changed. Not anybody’s fault, but they can’t get into Clemson now.

And so what are their choices? Their choices where I’m at is Greenville Tech and a transfer or, you know, a number of remedial programs that Clemson has. But my point is that somebody, and, you know, I applaud you, needs to be addressing those mid level students. They are not stupid. They are very, very smart students. And, you know, everybody wants the honors college, the high students, the high achieving, you know, 1400 SAT kids. But, you know, someone in our state needs to be addressing those kids that are above average and great students and just can’t -- you know, they’re just not at that level.

So I think that’s definitely a very good place for you to have discussions about, you know, where you all need to be as an institution. And I applaud that. I just wanted to second that.

SENATOR PEELER: Thank you.

Representative Mack.

REPRESENTATIVE MACK: Mr. Chairman, thank you.

I don’t have a question, I just wanted to make a comment. Just wanted to say that I really appreciate your business model, if you will, as a trustee member of one of our colleges here in South Carolina. The fact that you personally are taking your time out of your business to go after resources and also to go after students. And I think that in this world of marketing and branding a person like yourself and what you’re doing I think is a great model for all of our colleges. So I just wanted to say how much I appreciate that.

MR. LAWRENCE: Thank you, sir.

SENATOR PEELER: Well said.

SENATOR MCGILL: Let me ask one other question.

SENATOR PEELER: Certainly, Senator McGill.

SENATOR MCGILL: Have you all invited Senator Graham or Senator --

MR. LAWRENCE: Senator Graham came and was our commencement speaker one year.

SENATOR MCGILL: There you go.

MR. LAWRENCE: So was Senator DeMint when he was in the Senate.

SENATOR MCGILL: How about your congressional people?

MR. LAWRENCE: Yes. We have a -- is Trace -- no, no, no. We have had one of the congressional members that is no longer elected, but now our new one is from Anderson. Gresham Barrett. And we -- we have -- I don’t know if we brought him -- I think we may have brought him on campus. I’m certain we have, as a matter of fact, when he was running. But he has not been invited yet to be a speaker, but we’ll get him.

SENATOR MCGILL: The more you can get your federal people on campus and your state people, Senator O’Dell, Senator Nicholson, the better off Lander is going to be. The federal people, it is an open pot of money that you’re missing out on.

MR. LAWRENCE: If we’re missing.

SENATOR MCGILL: I’m speaking for the group.

MR. LAWRENCE: If we’re missing out on it, Senator, we’re going to close that gap.

SENATOR MCGILL: I can’t wait to hear four years from now what you did.

MR. LAWRENCE: We will have it by then, I guarantee you.

SENATOR PEELER: I saw that light bulb going on in Jack’s head.

SENATOR ALEXANDER: You’re talking to the “pro” of that.

SENATOR PEELER: You might want to invite Senator McGill, too. That’s an excellent idea.

Any other questions or comments?

What is the desire of the committee?

SENATOR HAYES: Favorable.

SENATOR PEELER: Motion is favorable.

SENATOR MCGILL: Second.

SENATOR PEELER: Second is heard.

All in favor, please raise your right hand.

Unanimous.

MR. LAWRENCE: Thank you, sir.

SENATOR PEELER: Thank you.

Next.

**S. ANNE WALKER**

MS. CASTO: The next one is Anne Walker. She is from Sumter. She’s the 5th Congressional District and is an incumbent.

SENATOR PEELER: Good morning.

MS. WALKER: I had some major reconstructive foot surgery, so please forgive my special ride here, but I’m most blessed to have it.

SENATOR PEELER: Well, now, full disclosure, she shared with me earlier that she dated a fraternity brother of mine at Clemson, and she went to some parties with me and Dick Harpootlian. Dick and I have --

SENATOR ALEXANDER: Statute of limitations may apply.

SENATOR PEELER: So we will release you from the oath.

(Laughter.)

Just teasing you. You’re still under oath.

MS. WALKER: I will just say we had a good time.

SENATOR PEELER: Oh, goodness.

If you would share with the committee why you would like to continue to serve on this board.

MS. WALKER: Well, I would like to continue to serve. I’ve been serving -- I’m a Lander graduate, and I’ve been serving on the board since the legislation was changed when Lander and Francis Marion and College of Charleston all got our own board. So I know you probably think I’m 30 -- I look 35 but I’m really 63 years young and have an incredible high energy level and absolutely love Lander.

I am a third generation of Lander. I have about eight family members that I can name, including daughter and niece and sister-in-law and all kind of folks that are Lander graduates. It’s a tradition in our family that we go to Lander.

And so I’m very proud of Lander. The question was asked earlier about the number of students around the State. And I was with Dan Ball last week, our president. He was making the presentation to the budget committee, and 93 percent of the students that come to Lander are from South Carolina. So that Linda had it pretty close when she said 95 percent.

And I’m just very proud of Lander. I’m very proud of our board. We understand what it means to serve on a board. You can figure that out by the fact that we have good, strong people who understand their role. And at the same time, and when I say understand their role, we’re not a rubber stamp board. We discuss issues. We have a retreat every year. We don’t go off to some exotic place for that retreat, but we do have some good discussions. So as you can tell, I could talk about Lander forever, so I’ll hush and let you ask questions.

SENATOR PEELER: Thank you.

Any questions, comments?

SENATOR MCGILL: The lady has been active, I can tell you that.

SENATOR ALEXANDER: Favorable report.

SENATOR PEELER: The motion is favorable report.

SENATOR MCGILL: Second.

SENATOR PEELER: All in favor, raise your right hand.

MS. WALKER: Thank you so much.

SENATOR PEELER: Thank you.

Ms. Hurst, she’s the one that is going to come later?

**CATHERINE LEE FREDERICK**

MS. CASTO: Ms. Hurst will come either later this week or when we do some of the others later.

Sherry Walters withdrew.

Catherine Frederick.

Ms. Frederick is from Florence. She was representing the 6th Congressional District, and this is the first candidate you all will see for the new 7th Congressional District on any college boards. She’s running for the 7th District.

SENATOR PEELER: Welcome.

MS. FREDERICK: Thank you very much.

SENATOR PEELER: Would you like to share with us why you would like to continue to serve.

MS. FREDERICK: Well, actually, it’s somewhat to some extent follows the theme that Jack talked about. I grew up in a family that never experienced college. My dad had a tenth grade education, and so I’m a first generation college-educated individual.

And one of my great loves became higher education in the process of pursuing my degree. And so I have always stayed actively involved, not only in the schools that I attended, I finished at Francis Marion University and at the University of South Carolina. Remaining active there caused me to just develop a certain level of knowledge and understanding of how Francis Marion worked. It gave me the opportunity then to apply that knowledge at Lander University on behalf of Florence and the region in that area.

Additionally, my other interests first and foremost are Margaret and R.J. They are my two small children. And I have a sense of responsibility not just for them but for other children like them that by the time they get to school, that there are still universities that are accessible for them.

SENATOR PEELER: Thank you.

Any questions or comments?

Representative Henderson.

REPRESENTATIVE HENDERSON: Thank you.

I wanted to ask you the same question I asked before and since your husband teaches at Clemson, maybe you know this.

MS. FREDERICK: Yeah.

REPRESENTATIVE HENDERSON: Do you know what the tuition is at Lander?

MS. FREDERICK: A little over $6,000. I know because my stepson, we pay that full tuition. He is not a scholarship child, much to our chagrin. And so, yes, at Clemson -- my husband actually is a research professor at the Pee Dee REC outside of Florence where he researches biofuel. So he’s not a teacher, he’s just a real well-educated farmer. And what he does is --

SENATOR PEELER: I think we all are.

MS. FREDERICK: That’s right. That’s right. I say that. But so his Clemson -- you know, comparing to Clemson, I understand Clemson is really at the top of the heap pricewise. Here at Lander, it’s a little over $6,000 per semester.

REPRESENTATIVE HENDERSON: Per semester.

MS. FREDERICK: Yeah. We spend -- my husband and I spend between 17- and $18,000 a year for full room, board, books and tuition at Lander. And I will tell you, my son is one of those that actually fits the mold of what we talked about earlier, Representative Henderson.

College wasn’t on his radar until the last minute, so he did not prepare himself to be a college student. He’s an outstanding college student at Lander, in part because of what they do with the first-year students. They made a big program available to him in which he could go and get tutoring in every class so that he could remain viable. And he is now a straight A/B student. But that’s because of that first-year program.

REPRESENTATIVE HENDERSON: Great. Thank you.

SENATOR PEELER: Senator Hayes and Senator --

SENATOR HAYES: Question. You got your MBA from South Carolina?

MS. FREDERICK: I did.

SENATOR HAYES: Okay. And you work for the McLeod Health System. In the health field at Lander, do they have any programs there such as a nursing program and other things? I know that’s somewhat your specialty.

MS. FREDERICK: Yes. Actually health care is where my career has landed, and I work in administration at McLeod. I’m associate vice president there. And I will tell you that Lander’s nursing program is one of the top first -- how do I describe this? When they get out of school and take their nursing boards, they have bounce arounds almost every year, the highest graduation and first-time pass rate of the nurses at Lander University.

I can tell you our nursing program actively seeks to try to recruit in that area from Lander for our nurses because they inevitably have very high, high, high performance. Part of that is through their relationship that Lander has with Self Regional and that relationship really prepares their nurses well.

The other thing I would comment, if I may, is that higher education and health care are very much alike in that they are extremely complex in their design. They also rely a great deal on state and federal funding, and they have multiple audiences. Not only does health care have patients and higher ed have students, but health care has this extra body of participants in the delivery which are physicians. So it’s a different group that helps us govern what we do.

In a like way, the university setting has faculty that helps us govern and design what we do. And so it’s a very similar design. And so I can apply that knowledge in that way.

I will tell you, our relationship with our faculty is very strong. We have our faculty representative at our board meeting every time, and he is actively involved.

It’s more than you asked. I apologize.

SENATOR HAYES: Thank you.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Brief question. Thank you, Mr. Chairman.

You say you pay the full freight?

MS. FREDERICK: Yes.

SENATOR ALEXANDER: Is the value there? I mean, what do you think -- I mean what should that be?

MS. FREDERICK: You know, I would love for it to be less out of our pocket, I admit. But the reality is, I’ll tell you what my son and any child that goes to a Lander or a Francis Marion or a school like that receives. They receive a college education in a setting that prepares them more than just academically. It prepares them for a level of independence, independent living, you know, somewhat. But they’re having to learn how to make their own decisions.

I think one of your greatest challenges in higher ed, state-supported higher ed is the competition we have with a degree that you can get with no face-to-face interaction with a professor. I think that lends for us 10 years from now or 20 years from now a huge deficit in skills. They may have it on paper, but there are skills that my son is receiving, for example, at Lander University because of the relationships he has to learn to have with professors and other students in that setting.

So, yes, I’m getting my money’s worth. And I will tell you, it’s challenging because the portion of the cost of higher ed that the parents are paying makes it less and less accessible for someone like my parents would have been.

SENATOR ALEXANDER: Thank you, ma’am.

SENATOR PEELER: Thank you.

Any other questions?

Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

What is -- what’s your game plan or goals for personally marketing the school? I love your passion, by the way. Just wanted to kind of get your game plan for that.

MS. FREDERICK: Well, on a personal level, I have a lot I can do in Florence. Because one of the things I think that South Carolina’s been very wise to do is to have statewide representation on every board. Every university board. That is extremely valuable.

In Florence -- for one thing, I don’t know if you’re aware, Lander University sends our staff out to all of the outlining counties, Florence included. I participate in our -- although I’m not alumni, I participate in our alumni events that we have there. I’m also, as I mentioned before, actively involved in putting Lander in the forefront in our medical community.

Those are just a few of the ways that I personally got involved. Of course, our board is 100 percent participating in our financial support as members of the foundation as well, and I think that’s valuable.

SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: I share your pain, or I did share your pain at one time with some of my children.

You said that he didn’t apply himself or didn’t --

MS. FREDERICK: Not beforehand.

REPRESENTATIVE WHITMIRE: Not beforehand. But he’s doing very well now?

MS. FREDERICK: Yes. He’s in his second year, and he is an A/B student in their environmental science program.

REPRESENTATIVE WHITMIRE: Does he get any scholarship help at all?

MS. FREDERICK: He got the first year scholarship. Not the highest one, but the second one down. The Palmetto -- the Palmetto Fellowship. And at this point, his school -- I think he had a few small scholarships associated with the science program. And he is now just a very, as Representative Henderson put it, an above-average student without scholarships.

REPRESENTATIVE WHITMIRE: I guess I’m just kind of talking about something that is very interesting to me is that it seems when you have a student who is actually doing the work and excelling --

MS. FREDERICK: Yes.

REPRESENTATIVE WHITMIRE: -- but they don’t get the benefit of the full scholarship --

MS. FREDERICK: The top-of-the-heap kids.

REPRESENTATIVE WHITMIRE: -- and that concerns me because we’re losing it some in the freshman year, and then we have students who go on who are doing -- and probably going to graduate and do very well.

MS. FREDERICK: Yes.

REPRESENTATIVE WHITMIRE: I don’t know. It just seems like we’re wasting money one place and not spending it wisely in another place as far as scholarships.

MS. FREDERICK: I agree with you in general. What I will tell you is specifically I was most impressed with Lander’s focus on the freshman. And the extend to which they could have lost mine was probably a strong likelihood because he went at the last minute deciding college was an interest. And he did have kind of that B student level state scholarship, which is a one-year thing.

Yes, I agree with you completely that that is a challenge our entire state has and with the design of our higher ed program and the way we reward at the very top of the heap.

SENATOR PEELER: Thank you.

SENATOR Warren Geise, when he served here, he used to love to look at the driving records. He would just challenge driving records. He would fuss at you a little bit. Are you driving better now?

MS. FREDERICK: I drive really fast to get to that Lander board meeting. No, just kidding.

Yes, sir. It’s funny.

SENATOR PEELER: I can’t picture you not talking your way out of a ticket.

MS. FREDERICK: I’ve had success, and I have failed in the effort. I’d be 50/50 about that.

SENATOR PEELER: He would really fuss at you.

Any other questions or comments?

SENATOR MCGILL: Favorable report.

SENATOR PEELER: Motion is a favorable report. Is there a second?

REPRESENTATIVE WHITMIRE: Second.

SENATOR PEELER: Second is heard.

All in favor, please raise your right hand.

Thank you.

MS. FREDERICK: Thank you.

SENATOR PEELER: Thank you so very much.

**ROBERT BRIMMER**

SENATOR PEELER: Mr. Robert Brimmer, I think you are here now.

Mr. Brimmer, I’ll need to swear you in, so if you would please raise your right hand.

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

MR. BRIMMER: I do.

SENATOR PEELER: Thank you.

Would you like to share with the committee why you would like to continue to serve on the board?

MR. BRIMMER: Yes. First I want to start off and apologize for my late arrival. It took longer getting out of town than usual this morning.

SENATOR PEELER: Coming from Mount Pleasant, we’ll give you a pass.

MR. BRIMMER: Thank you.

SENATOR PEELER: You didn’t get a speeding ticket, did you?

MR. BRIMMER: I did not.

I would like to start off and say -- just to share my appreciation for the eight years I’ve been able to serve on the board so far. I am a proud Lander graduate. I graduated in 1988. And I was actually one of those out-of-state students that came to South Carolina to attend Lander back then as part of an athletic team. And it was really one of the best decisions of my life. I owe a lot of what I have today to the folks at Lander, to the programs at Lander.

After Lander, I went on to graduate school at James Madison University in Virginia, where I got a master’s degree in higher education administration.

So that is also a reason why I want to serve on the board. Number one, I love Lander, and I just want to see it be the best institution it can be and be a part of that and give back to what’s been given to me.

But also having an education in higher education, I do have an understanding of higher education institutions and want to share that, as well, as a board member.

SENATOR PEELER: Thank you.

Any questions or comments?

You were lucky. You went from first to last, and you got the lucky spot.

MR. BRIMMER: Thank you to my colleagues as well.

SENATOR PEELER: Senator Hayes.

SENATOR HAYES: I notice you work for DSS. Do they have any type of social work training there at Lander that maybe feeds into some of that type of work?

MR. BRIMMER: They don’t have any social work program there, but I can tell you that I have introduced to the board and asked the board for their support of foster children who want to attend college as well, and they are very supportive of that. But academically, nothing directly tied to social work.

SENATOR HAYES: Okay.

SENATOR PEELER: Maybe this question needs to be directed at staff, but I notice where you serve on the Mount Pleasant Planning Commission.

MR. BRIMMER: Yes.

SENATOR PEELER: That wouldn’t be dual office holding, would it?

MS. CASTO: No, sir. You are appointed probably by county council.

MR. BRIMMER: By town council.

MS. CASTO: By town council. So, no, as long as he is appointed and is not elected and there’s no conflict.

MR. BRIMMER: And I’ve actually been in contact with the ethics board to ask that very question, and they are fine.

SENATOR PEELER: Very good.

Any other questions or comments?

What’s the desire of the committee?

SENATOR ALEXANDER: Favorable report.

SENATOR HAYES: Second.

SENATOR PEELER: Motion for favorable report and seconded.

All in favor, please your right hand.

Thank you.

MR. BRIMMER: Thank you.

SENATOR PEELER: So we’ll need to wait on Ms. Hurst.

MS. CASTO: We may reschedule her either today or tomorrow or later when you all screen Wil Lou Gray.

SENATOR PEELER: All right.

MS. WALKER: I will let you know that Ann Hurst is a veterinarian. And so I don’t know what her emergency was, but I just saw her yesterday. But she may have an animal that’s in distress. I don’t know.

SENATOR PEELER: Well, I think we are very fortunate to have this cadre of trustees at Lander. The state is very fortunate that you folks are willing -- your willingness to serve on this board.

And Senator Alexander.

SENATOR ALEXANDER: Mr. Chairman, just following up on your comment there. I think, too, that from what we heard from your comments about their willingness to tackle those challenges and understand that there’s some things that maybe have to go be changed, I commend them for their being proactive in that regard as well.

SENATOR PEELER: Sure.

All right. Well, you all can leave. We haven’t settled on times and dates for commitment. Of course, they’re incumbents and running unopposed.

MS. CASTO: No, sir. What we’re looking at right now is to get the screening report done hopefully by the time you all come back from the two-week break. But the election will be on Tuesday the 7th of May. So we need to back it up probably by the third or fourth week of April you will be able to get commitments.

SENATOR PEELER: We’ll notify the candidates at the specific time.

MS. CASTO: Yeah. We decided -- calculated that it will probably take four hours for these elections, so they will be on Tuesday the 7th.

SENATOR PEELER: All right. You all have a safe trip home and don’t drive fast.

(Off the record.)

**GENE PINSON**

MS. CASTO: Mr. Pinson is behind tab N.

SENATOR PEELER: We’re skipping over to The Citadel. It’s an at-large seat. Gene Pinson from Greenwood. Term expires 2019.

Gene, if you would please raise your right hand.

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

MR. PINSON: I do.

SENATOR PEELER: Thank you.

You want to share with the committee why you would like to continue to serve on the board at The Citadel?

MR. PINSON: Well, Mr. Chairman, I’m presently not on the board at The Citadel.

SENATOR PEELER: Oh, okay.

MR. PINSON: But I am seeking one of the legislative seats. Ben Legare is stepping down this year, and I just feel obligated at this particular point in time to offer my services to The Citadel, what I think is the greatest institution in the state.

SENATOR PEELER: Good. When did you graduate?

MR. PINSON: ‘72.

SENATOR PEELER: I knew you were a young man.

Any questions, comments of Mr. Pinson?

Representative Whitmire.

REPRESENTATIVE WHITMIRE: I’m not going to say what I really want to say, Mr. Chairman, but I’m going to ask him a couple of questions.

MR. PINSON: Yes, Mr. Whitmire.

REPRESENTATIVE WHITMIRE: We asked this of some of the Lander folks, what’s your vision for The Citadel in the future? I know military school, it’s a lot different than most of our state colleges, obviously.

MR. PINSON: Well, it’s a lot different than most institutions in this country, Mr. Whitmire. The vision for The Citadel, we’re going to be faced with problems not a whole lot different from other institutions in this state. Number one is we’re in dire need of parking at The Citadel. That is a predominant problem we are having now.

Also Capers Hall needs to be torn down and rebuilt. That’s one of the last buildings on campus that needs to go down.

Now, the Fifth Battalion at The Citadel was scheduled to be torn down about eight years ago. Now, due to the enrollment going up and expanding, Fifth Battalion is staying open. Presently it’s in bad shape. I just hope and pray it’s going to continue to be where it is today.

But the vision is going to be finances and buildings, projects. The other one is the reduction of federal monies. The Citadel relies a lot on military scholarships, and those seem to be starting to dwindle due down due to sequestration and some other things.

So, you know, federal money that comes in for scholarships is going to be curtailed. That’s another challenge.

REPRESENTATIVE WHITMIRE: Do you want to see The Citadel remain as it is as far as no changes, the way --

MR. PINSON: I think it still needs to be the Military College of South Carolina. But changes are going to have to come. Changes I’ve seen since my dad walked in the gates of the second battalion in 1927, I’ve seen an awful lot of changes over the years. I just got through reading Shannon Faulkner’s book, “In Glory’s Shadow.” It has defined a number of changes that has occurred at The Citadel over the years. So the Citadel continues to change every year.

REPRESENTATIVE WHITMIRE: Shannon Faulkner, that was the young lady enrolled back in the --

MR. PINSON: 1995, uh-huh.

REPRESENTATIVE WHITMIRE: Didn’t work out too well for her.

MR. PINSON: Well, anyway, it set a pace for things to come.

REPRESENTATIVE WHITMIRE: How many females --

MR. PINSON: 8 percent of the corps of cadets are female.

REPRESENTATIVE WHITMIRE: That’s pretty good.

MR. PINSON: It’s probably not where we should be. We need a lot of them on scholarship to play sports under Title IX programs, which we have to furnish now.

REPRESENTATIVE WHITMIRE: Okay. I’m good.

SENATOR PEELER: Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

Great to see you.

MR. PINSON: Great to see you, too, David.

REPRESENTATIVE MACK: There’s been a couple of problems over the last few years that I wanted to know your thoughts of how a board member, how you as a board member might help to correct or improve a culture because The Citadel has had -- it was on a really great plan. It had a couple of black eyes. One was the camp counselor, inappropriate activity with children. The other the recent sexual harassment situation that also had racial overtones to it.

And, again, you know, society is different, so you are going to have-

MR. PINSON: It is.

REPRESENTATIVE MACK: It’s impossible, I know, to control everything, but it can be a black eye that can be a PR nightmare for the institution. Your thoughts on how as a board member you might be able to positively impact that.

MR. PINSON: Well, number one, it should not happen. I’m all about transparency, as most of us are. A lot of things that happen at The Citadel are handled sort of behind closed doors, historically. And I think you need to open it up from right off the bat. Because you’re not going to keep these things undercover forever. So we address it as it hits.

The Board of Visitors I have supported for years and years and years. They are a great bunch of alumni. The problem with The Citadel Board of Visitors is I love every one of them. But address it head on, just don’t hold back. And let the chips fall where they may. Do your investigation and reach your conclusions and go from there.

But the further you try to push something away, it’s not going to go away in the world we live today. It’s having to eventually pop up.

I think you just need to attack it head on. That’s what The Citadel is about, is training leaders. Not to make more followers but to train more leaders.

SENATOR PEELER: Good question. Good answer.

MR. PINSON: You’re going to have these problems. We’re 2,156 in the corps of cadets, you’re going to have some issues of, you know, just typical human interaction.

REPRESENTATIVE MACK: Yes. As I said, society has changed.

MR. PINSON: Yes, it has.

REPRESENTATIVE MACK: All the colleges have issues, some are publicized, some are not. So it’s something that I think someone of your integrity being on the board of trustees can help, again, change a culture more to the better.

MR. PINSON: Thank you, Representative Mack.

SENATOR PEELER: Thank you.

SENATOR Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman. And good morning.

MR. PINSON: Good morning.

SENATOR ALEXANDER: Are all your cadets, do they have some type of a scholarship?

MR. PINSON: No. I can speak personally. My two sons, one graduated in ‘01, one graduated in ‘04. I graduated in ‘72. We were all on the Pinson scholarship.

SENATOR ALEXANDER: So what is that level of -- what is that tuition?

MR. PINSON: About $2,400 per year. Out of States -- 2400.

SENATOR ALEXANDER: $2,400?

MR. PINSON: 24,000.

SENATOR ALEXANDER: Thank you.

MR. PINSON: Out-of-state tuition is approaching $40,000 per year. It’s sad when you rely on out-of-state students to raise revenue.

SENATOR ALEXANDER: And what is that ratio of out-of-state students that The Citadel is --

MR. PINSON: About -- well, 52 percent in state.

SENATOR ALEXANDER: 52. So you’re knocking right at about 50?

MR. PINSON: Historically, The Citadel has hovered around the 50 percent mark.

SENATOR ALEXANDER: Are there -- are there other South Carolina students that you’re aware of that want to go to The Citadel that are not being accepted because of the number of out of state?

MR. PINSON: None that I know of. If a kid wants to go to the Citadel, and I do a lot of recruiting in the Greenwood area. If a kid wants to go to The Citadel and he meets the criteria, we’re going to get him in The Citadel.

SENATOR ALEXANDER: And if the tuition is 24,000, two questions, is that something that you all need to -- would that be something, if you are on the board, needs to be addressed, and then I guess the other is how much debt are most of these students on average leaving when they get their graduation, are you aware?

MR. PINSON: The average debt, I don’t know about The Citadel per se, but the average debt of a kid leaving school now is approaching $27,000.

SENATOR ALEXANDER: Which isn’t a bad investment.

MR. PINSON: It’s not a bad investment, but you hate to lasso kids with all this debt when they’re getting started in life.

SENATOR ALEXANDER: Yeah.

MR. PINSON: And it’s something that needs to be addressed. Oh, yeah, cost. We want to make it accessible to all.

SENATOR ALEXANDER: So are there some programs at The Citadel -- would you be in favor of the review of the programs to see what’s being received as far as degrees where people are -- you know, are wanting to get their education versus some that maybe need -- have seen their usefulness expire.

MR. PINSON: Oh, I hope that’s a continual process that’s going on now. But I’m totally in favor of that. If a program is not warranted, it doesn’t need to be there.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

SENATOR PEELER: Thank you.

Representative Henderson.

REPRESENTATIVE HENDERSON: Thank you, Mr. Chairman.

Mr. Pinson, my former suite mate.

MR. PINSON: Good to see you.

REPRESENTATIVE HENDERSON: Always glad to see you. And you know that I love you, and I have to ask you this because if you were running for Statehouse again and came ringing on my door bell and asked for my support, which I know I can’t commit, but I just -- I’ve heard a lot of good things about the incumbent member that you are running against. Okay. And nothing but good. I don’t know him. But without probably leading you to a place maybe you don’t want to go, but how would you compare yourself? In other words, why -- you know, why are you -- would you ask us when it’s our time to come and commit? You know, what’s the difference -- your difference in style between you and the incumbent that you’re running against?

MR. PINSON: Well, I know Fred Price very well, and he is a great guy. I just want the opportunity to serve. My whole family has attended The Citadel. Even my daughter and my son-in-law, which I did not list on this information, attended graduate school.

Fred has done a great job. I have no problems with the present Board of Visitors at all. I just want my opportunity to serve and willing to serve and pay back to the school which I owe so much.

REPRESENTATIVE HENDERSON: Well, I know you love the institution, and I just wanted to ask. I didn’t know if there was an issue, some kind of problem.

MR. PINSON: No, no issue at all.

REPRESENTATIVE HENDERSON: Okay. All right. Thank you.

SENATOR PEELER: Thank you. Any other questions?

SENATOR MCGILL: Mr. Chairman.

SENATOR PEELER: Senator McGill.

SENATOR MCGILL: You’re absolutely right. Fred Price is a wonderful person, but you are a wonderful person, too. Both will make good members of The Citadel Board of Visitors.

What company were you in?

MR. PINSON: I was in Romeo, Fourth Battalion staff my senior year.

SENATOR MCGILL: In a family of Citadel graduates --

MR. PINSON: Yes, sir.

SENATOR MCGILL: -- two sons --

MR. PINSON: Yes, sir.

SENATOR MCGILL: -- I listened closely to what you’re saying. General Rosa, you get along fine with him?

MR. PINSON: Wonderful man. Know him very well.

SENATOR MCGILL: Okay. What would you -- first three months sitting on the board of trustees, what would you do going into those meetings?

MR. PINSON: Well, going into those meetings like I’ve done in most new situations I’ve been in, and from a deacon at a Baptist church to serving on the school board in Greenwood to serving on the county council to serving in the state legislature, keep my eyes and ears open and get a feel for the board itself and what their tendencies are. And everything I’ve ever gone into, I can tell you right off the bat, I don’t know it all. But I’m willing to learn. Every board has its own flavor.

SENATOR MCGILL: The biggest controversial thing in the last ten years of The Citadel, what would it be?

MR. PINSON: Probably The Citadel summer camp episode. In the last ten years --

SENATOR MCGILL: You would be right.

MR. PINSON: -- I think that’s probably it. I know the recent issue with the sexual, racial harassment issue, but that’s come out pretty open right off the bat. These other things that’s sort of drifted in to the limelight recently.

But to answer your question, I’m going to be open and keep my eyes and ears open and ready to go.

SENATOR MCGILL: And I think the issue with that controversy, legally they probably were restrained from saying things that they probably wanted to say.

MR. PINSON: Right.

SENATOR MCGILL: How about single gender education, do you think it’s working at The Citadel?

MR. PINSON: Single gender?

SENATOR MCGILL: Yeah. Did you think it worked before?

MR. PINSON: Did I think it worked before? From the products I’ve seen, and there were over 50,000 Citadel graduates that have come out of that institution. When you look at the list of leadership in manufacturing, industry, government, public service, philanthropy, journalism, the number of Citadel graduates that have done well -- and The Citadel doesn’t teach you how to make money, it teaches you to do your best in whatever field you go into.

And the system has worked, but times change, trends change, and The Citadel has adapted well to that. I still think we have room to go.

SENATOR MCGILL: And so bottom line is single gender is on its way out. As Senator Hollings said, we fought like the devil to get the women in The Citadel years ago, and why won’t you let them in there now? The thing is, Senator Hollings was right.

But I’ll just tell you this, that my cousin, Nancy Mace, was one of the first female graduates, and I can tell you that I, too, have family members that graduated from The Citadel. And we need the best of the best on that Board of Visitors.

MR. PINSON: Yes, we do.

SENATOR MCGILL: Yes, we do. You would be well qualified.

MR. PINSON: Well, I appreciate that. And, again, one other issue that I hate to bring up, but you asked me why. We have one board member from the upstate of South Carolina presently serving on that board, and that’s Tee Hooper from Greenville. Historically, the upstate has been underrepresented on The Citadel Board of Visitors. And we have looked at that even when I was in the legislature, the possibility of going to some type of congressional districts or changing that format. But that’s just the history of the board. Very difficult for upstate folks.

SENATOR MCGILL: Mr. Chairman, what he’s saying is right. We asked years ago that let’s quit packing the Charleston area or having people from Richland move into Charleston as soon as they got elected. And it’s a fact. Senator O’Dell, a lot of members of the Senate and House have raised that issue multiple times saying we’ve got to spread opportunities all over the state for all boards in all commission.

That may be your defining point with Fred.

SENATOR PEELER: I’m impressed with the institutional knowledge you have about The Citadel having not served on the board before.

MR. PINSON: Well, I’m very close to that place. It’s a place that I love.

SENATOR PEELER: That’s obvious. And you may or may not know this. I was curious, how many Citadel graduates go on and serve in the military now?

MR. PINSON: About 45 percent is the last figures. It fluctuates year to year depending on the need.

When I graduated, we were commissioning about 55 percent of the graduating class. That has ebbed and flowed many, many times since then. As I say, one of our major concerns is the cutback on scholarship and military contract. The Army, Navy, Air Force, Marine Corps, Coast Guard, they are all cutting programs back. And that’s going to hurt us.

SENATOR PEELER: And kind of on a side note, have you seen the series House of Cards -- the movie House of Cards, a Netflix movie?

MR. PINSON: No, I haven’t.

SENATOR PEELER: It’s about a Congressman from Gaffney.

MR. PINSON: I know what you’re talking about, but I haven’t seen it.

SENATOR PEELER: They have a Sentinel, not The Citadel, but The Sentinel. And they had a seen from The Sentinel. I was curious, why does The Citadel not allow their name to be used in the movies and that kind of thing, do you know?

MR. PINSON: Well, I don’t really know. The Citadel has had many books and many movies about them written over the years. I don’t really know. You know, Columbo had one filmed down there in 1973. “By Dawn’s Early Light.” The “End as a Man,” Ben Gazzara, was in it. On and on and on, The Citadel is a well-documented institution. And anything that stands for something normally is well-documented.

SENATOR PEELER: Kind of like our peach water tank. We had an episode about the peach water tank and an episode about The Citadel, Sentinel. I was just curious about that.

MR. PINSON: I don’t -- I don’t really know, but I’m associated with Gaffney, I’m sure that couldn’t have been anything but positive.

SENATOR PEELER: It should be mandatory viewing. It should be mandatory viewing.

Any other questions or comments? Now hearing none, what is the desire of the committee?

SENATOR MCGILL: Move favorable.

SENATOR ALEXANDER: Second.

SENATOR PEELER: Motion is a favorable report and seconded. All in favor, please raise your right hand.

Thank you.

MR. PINSON: Thank you, Mr. Chairman. I appreciate the opportunity.

SENATOR PEELER: Appreciate your willingness to serve.

**TIMOTHY B. SEASE**

MS. CASTO: We have two members from the Winthrop board that are here, if you would like to take them up at this time. Mr. Sease and Bigham. And that would be tab I and tab J.

Mr. Timothy B. Sease, Mount Pleasant, incumbent, 1st Congressional District, Seat 1.

SENATOR PEELER: Mr. Sease you want to come forward. I normally let ladies first, but since you’re Seat 1, Congressional District 1, we’ll take you first.

Mr. Sease, if you would, please raise your right hand.

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

MR. SEASE: Yes.

SENATOR PEELER: Thank you.

Would you like to share with the committee why you would like to serve on the Winthrop board?

MR. SEASE: Yes. Thank you, sir.

Good morning, everyone. My name is Tim Sease from Mount Pleasant. And I’m happy to be here today.

To answer your question, really the reason I want to serve is to continue to be involved in Winthrop University. I guess started my involvement with Winthrop as a student and graduated there in 1987. Since 1987 have been fortunate enough to really stay involved with Winthrop over the last 25 years or so, I guess, with the alumni board, the annual fund, class agent for 1987 class. I had an opportunity to serve as president of the alumni association as well for a few years. And just in the last few years, obviously been involved with the Winthrop board.

And as you all know, these are exciting times for Winthrop. We are on the cusp of installing a new president at Winthrop, and these are exciting times. A lot of great things going on. So to answer your question, we just -- we want to continue to be involved with Winthrop. And I can’t think of a better way to be involved than to have the opportunity to hopefully serve again on the Winthrop Board of Trustees.

SENATOR PEELER: Okay. Any questions or comments?

Senator from Rock Hill, Senator Hayes.

SENATOR HAYES: How long have you been on the board?

MR. SEASE: I’ve been on the board about three years.

SENATOR HAYES: Are you from Rock Hill originally?

MR. SEASE: No, Senator Hayes. I’m actually from Lexington.

SENATOR HAYES: Lexington.

MR. SEASE: Springdale, if you know where that is. But I went to -- I attended Winthrop, as I mentioned, and lived in Rock Hill for a few years after graduation. My wife is from Rock Hill. And we left Rock Hill and moved to the Charleston area in 1995.

SENATOR PEELER: Senator Alexander, do you have a question?

SENATOR ALEXANDER: Yes. Thank you, Mr. Chairman.

A couple of things. Attendance at the meetings, how -- have you had the ability to attend most of the meetings?

MR. SEASE: Most of the meetings, yes, sir. There’s been a couple where for various reasons primarily --

SENATOR ALEXANDER: 80 percent, 90 percent?

MR. SEASE: I’m not sure the exact percentage. But I would say of events, board meetings, probably in the 75 percent range.

SENATOR ALEXANDER: And how about the tuition at Winthrop?

MR. SEASE: Yes, sir. I mean, obviously we’re all, you know, intimately involved in that. Not just at Winthrop but obviously statewide. All of us, you know, are concerned about it. We have -- my wife and I have twin boys that are college age right now, so we can certainly appreciate that. They are freshman in school.

Winthrop, you know, we definitely are aware of it. We certainly tried to manage that process. We feel like we’ve done a pretty good job over the last couple of years. I think our increase last year was slightly below kind of the guidelines that were maybe put down through Senator Leatherman and his committee. So we’re aware of it.

But we also know in these economic times, it’s a challenge. And we’re sensitive to that. So we see it kind of from both perspectives.

SENATOR ALEXANDER: So if you are able to continue to serve on the board, you’re going to be aware of that and sensitive to that for these students to have the ability to get a good education?

MR. SEASE: Absolutely. Yes, sir. That’s a fact.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

SENATOR PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: Thank you, Mr. Chairman.

On that note, because it’s just one of my things, did you know that Winthrop actually is the highest tuition of any in-state school? I mean, I thought Clemson, no offense, I’ve got to watch out what I say about Clemson with Senator Peeler here. But, you know, I knew Clemson --

SENATOR PEELER: Especially with that orange hair.

REPRESENTATIVE HENDERSON: Yes, that’s right. See, I can’t wear orange, so nobody in my family would ever go there.

No, anyway, I know Clemson is high, but I did a little research before because I was curious, since we’re all asking about tuition, I thought I would look it up. Winthrop actually is more expensive than Clemson. So I’m just trying to figure out how you -- I mean not to say that Clemson is not too high, I’m just saying how you explain the fact that your tuition is, you know, it’s 3-, $4,000 a year more than the middle range schools.

MR. SEASE: Yes. It’s a great question. You know, there’s a lot of -- there’s a lot of variables to that certainly. Size of the enrollment. As you know, we’re roughly about 6,000 or so students. The experience, I think, you know, if -- and believe me, I’m intimately familiar with Clemson as well because that’s where our other twin son attends, Clemson. And I think it’s just a few hundred dollars maybe difference in the semester tuition.

But we’re aware of it and we certainly have worked really hard in the last few years to address that. You know, it’s -- it’s a challenge. I don’t know how else to answer that question other than to say we certainly understand the cost and what means to families here in South Carolina and other states as well.

But I think obviously, you know, value is something that’s important. And we feel like the Winthrop University value proposition is a really, really strong statement to what we’re trying to do in Rock Hill with the Winthrop experience.

REPRESENTATIVE HENDERSON: Thank you.

SENATOR PEELER: Thank you.

Senator McGill.

SENATOR MCGILL: Mr. Chairman, real quick.

We realize a lot of changes have come over the years. What percent of men and ladies at Winthrop?

MR. SEASE: Well, it’s -- I think it’s roughly 60 -- 68. Thank you. Roughly about 68 percent female. Our minority enrollment is roughly about 29 percent.

SENATOR MCGILL: The thing is -- of course, the reason I’m interested in Winthrop, my wife graduated from Winthrop many years ago, and it was all female. Well, time has gone by. Many years ago, but I can tell you that Winthrop has value, major value. And I know back then a lot of the men went to Clemson and went to The Citadel. A lot of the ladies went to Winthrop.

But I also know this, we hate that your president is retiring. He’s a wonderful person. But also we realize that Winthrop has made a major impact, not just academia, but it has made a major impact socially all over this country. So we are proud of what the Board of Trustees have done at Winthrop.

MR. SEASE: Thank you very much.

SENATOR PEELER: Senator Hayes.

SENATOR HAYES: Just one final question. You know, Winthrop, of course, for years has been known for its teaching excellence as far as putting a lot of excellent teachers out there. What other schools would you say are on the same caliber of outstanding programs at Winthrop?

MR. SEASE: Yes, Senator Hayes, I would say first of all, the school of business is absolutely incredibly well-respected around the region. And I know you’ve had an opportunity to visit our school of business. And if all of you have an opportunity, I’d love to invite you by there. We have, for instance, in the school of business, kind of a mock trading floor of the New York Stock Exchange. And it’s extremely impressive. In fact, we took some folks up there from Charleston, and they were surprised. Pleasantly surprised.

The school of communications is another fine example of what’s going on. The school of performing arts is absolutely, in our opinion, in my opinion, one of the best in the region as well.

So you’re right. We kind of have a reputation as kind of a teaching school. And my grandmother attended there, and, you know, I -- my kids went to Wando High School, if you know where that is down in Charleston. And it’s interesting talking to the teachers that went to Winthrop in a school like Wando or in the Mount Pleasant area, but I can tell you, the opportunities and the accreditations that we’ve received across the line, whether it be the school of business school, whether it be the school of communications, performing arts, the science program there is fantastic.

So we’re making progress. We’re making progress. And the momentum, and certainly you mentioned Dr. DiGiorgio. I think all of us -- you’re going to hear from a few of us here, I see. I think all of us would recognize the last 24 years have been incredible, and the momentum as been incredible. But we can tell you all, if we’re fortunate enough to serve, we’re going not to lose that momentum. And you know that quest from what you’ve seen so far with what we’re doing.

SENATOR PEELER: Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

Just wanted to say again on a personal note, we have a son graduating -- graduated from Winthrop, enjoyed the experience immensely. He’s now studying international law in Scotland.

MR. SEASE: Wow.

REPRESENTATIVE MACK: Needless to say, he has his mother’s brains. Anyway, we enjoyed the experience at Winthrop. He did and we did.

MR. SEASE: That’s great. Thank you.

SENATOR PEELER: Any other questions or comments?

SENATOR ALEXANDER: Favorable report.

SENATOR PEELER: Motion is a favorable report. Is there a second?

SENATOR MCGILL: Second.

SENATOR PEELER: Second is certain. All in favor, please raise your right hand.

Thank you everyone here.

MR. SEASE: Thank you.

SENATOR PEELER: We appreciate the job you do.

MR. SEASE: Yes, sir.

**KATHY H. BIGHAM**

MS. CASTO: Next would be Kathy Bigham. She is from Rock Hill. She’s the 5th Congressional District and is an incumbent.

SENATOR PEELER: Good morning.

MS. BIGHAM: Good morning.

SENATOR PEELER: 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. BIGHAM: I do.

SENATOR PEELER: Would you like to share with us why you enjoy serving on the Winthrop board.

MS. BIGHAM: Thank you, Mr. Chairman.

It has been a special privilege for me to serve on the board of trustees. Of course, I’m a Winthrop alum. And our youngest daughter is a graduate of Winthrop, and I currently have a four-year-old grandson in the preschool program at Winthrop. So a lot of ties in that regard.

But also the fact that I am from Rock Hill and privileged to have the university as part of our hometown and realize what a wonderful partner Winthrop is to our community and how much it means to so many beyond the walls of the campus into our community.

SENATOR PEELER: Thank you.

Any questions?

Representative Whitmire.

REPRESENTATIVE WHITMIRE: Good to see you again.

MS. BIGHAM: Yes, sir. How are you?

REPRESENTATIVE WHITMIRE: I’m great. Our -- my wife and my daughter worked for Kathy’s restaurant.

SENATOR PEELER: Thursdays Too?

REPRESENTATIVE WHITMIRE: Thursdays Too.

MS. BIGHAM: Trained a lot of them.

SENATOR PEELER: And I don’t think I’ve ever met your daughter, but I bet she’s pretty.

MS. BIGHAM: She is.

REPRESENTATIVE WHITMIRE: Took after her mama. But she got her undergrad there and her masters. And my mother graduated, I don’t know if you know this, in 1940 from Winthrop. And I’ve had quite a number of different family members graduate.

But I think the highest compliment I can pay to you and the other Winthrop trustees is my wife, Kathy, is an elementary principal, has been for 20 years. She’s been the National Principal of the Year, quite a number of awards. And she tells me the first -- when she’s looking at applicants for jobs as teachers, she looks for that Winthrop University degree first. She said because they’re always well-trained, they know what they’re doing, and so that’s just a compliment to the university.

It may cost a little more than maybe some of the other schools, but in my opinion, it’s well worth it because you’ve done an outstanding job from the 1890s on, so I just want to say thank you for a job well done.

MS. BIGHAM: Thank you so much. That is always rewarding to hear. You know, you do as a trustee or as any of you in your roles, you give a lot of your time and heart to what you’re serving, where you’re called to serve and -- or choose to serve. And it is nice to get that positive feedback. Thank you.

REPRESENTATIVE WHITMIRE: And my son is in the master’s plan. He needs to go ahead and graduate.

MS. BIGHAM: I’ll pass that on when I get back. Thank you, sir.

SENATOR PEELER: Senator Hayes.

SENATOR HAYES: Kathy, I think you’re serving as chairman now of the board; is that correct?

MS. BIGHAM: I just served as chair of the search committee for the new president. And if any of you have ever served on a search for a minister, multiply it times ten. But I’m currently the vice-chair of the board.

SENATOR HAYES: Vice-chair of the board. I’m going to throw you a softball because I know you can handle this one.

MS. BIGHAM: I appreciate that.

SENATOR HAYES: What’s your vision for Winthrop with the new president coming in, where do you think it ought to head from this point forward?

MS. BIGHAM: Of course, we’re very proud of the vision of distinction that we have established. And what we have heard her say, during screening we learn so much referencing and screening about the finalists. And what several of the things that really made her stand out was her vision for the future, her desire to see Winthrop to stand on the strength of the past but also realize that the best is yet to come for us. And we certainly needed that forward thinking.

She also several times expressed that she did not believe that the future of higher ed could -- balancing the budget in higher ed could continue to be with the tuition increase, and she wants to immediately begin to look at ways to maintain what we have. The small classrooms, maintain the structures that we have, our older structures, but at the same time, you know, be able to do that in a way that we’re not always continuing to increase our tuition.

She just said a lot of the right things. We hope to -- of course, we want all our programs accredited that can be at the national level. She certainly will pursue that. But I just think the experience she’s had at Butler as a provost and her other life experiences will certainly help her guide us in the way we want to keep moving forward.

SENATOR PEELER: Thank you.

Any other questions or comments?

Hearing none --

SENATOR HAYES: Favorable.

SENATOR PEELER: Motion is favorable report.

SENATOR MCGILL: Second.

SENATOR PEELER: Second’s heard. All in favor, please raise your right hand.

Everyone. Thank you.

MS. BIGHAM: Thank you.

SENATOR PEELER: Please tell Larry hello for us.

MS. BIGHAM: I certainly will. Thank you.

**ROSE HILLIARD-WILDER**

MS. CASTO: Thank you. The next person for the Winthrop board is Rose Hilliard-Wilder. This is a vacancy due to the new congressional district. This is for the 6th Congressional District. The term will expire in 2014. She is from Alcolu.

MS. HILLIARD-WILDER: Good morning.

SENATOR PEELER: Good morning.

Will you please your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

MS. HILLIARD-WILDER: Yes, I do.

SENATOR PEELER: I’ve heard about Alcolu. How would you get there from here?

MS. HILLIARD-WILDER: I always tell everyone Manning. Alcolu is about four miles -- about four miles from Manning. So I just say Clarendon County to be on the safe side.

SENATOR PEELER: Home of John Land.

MS. HILLIARD-WILDER: Yes.

SENATOR PEELER: Thank you.

Would you like to share with us why you would like to serve on the Winthrop board.

MS. HILLIARD-WILDER: Yes, sir. Thank you, and good morning for the entire body.

I am very impressed with Winthrop’s history. As a matter of fact, and I was reflecting upon myself thinking that you would ask that question, the first thing came to my mind about Winthrop is that Winthrop actually, in my opinion, is just what America is about.

If you look at Winthrop, the population for the students, they have students from over 40 different countries. There are at least 42 states there where students are from. Has a very excellent legacy of teaching and the arts.

Someone talked earlier about the teaching program there. And as a superintendent, I worked in seven -- I’m sorry, in several school districts. And I can assure you the teachers from Winthrop are very well prepared.

I enjoyed interviewing teachers from Winthrop. As a matter of fact, we have students from our school district currently that are students at Winthrop University. And I just feel that Winthrop is actually one of the best kept secrets in South Carolina.

SENATOR PEELER: Thank you.

Any questions?

Senator Hayes.

SENATOR HAYES: Where did you get your doctorate degree from?

MS. HILLIARD-WILDER: South Carolina State University.

SENATOR HAYES: S.C. State?

MS. HILLIARD-WILDER: Yes, in 1988.

SENATOR HAYES: And your undergrad?

MS. HILLIARD-WILDER: State College, and I spent time at Columbia University as well.

SENATOR HAYES: And you’re the superintendent at Clarendon School District 1; is that correct?

MS. HILLIARD-WILDER: Yes.

SENATOR HAYES: How long have you held that position?

MS. HILLIARD-WILDER: This is my ninth year. I have 18 years total experience as superintendent.

SENATOR HAYES: Okay. Very good. Thank you.

MS. HILLIARD-WILDER: Thank you.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Following up on that, and thank you for your work with the children there. As superintendent, are you appointed by the board, then, I would presume?

MS. HILLIARD-WILDER: Yes.

SENATOR ALEXANDER: Okay. Okay. And you would have -- you know, one of the things I’m interested in is the ability of folks to attend the meetings and the things that would be required as a board member, and you would feel comfortable with your ability. What would be your envision of your ability to --

MS. HILLIARD-WILDER: There would not be a problem. I have checked the meeting calendar for the Winthrop University, and my board meetings are scheduled on the third Monday of each month. There is not a conflict with my meetings at all.

SENATOR ALEXANDER: Good. Thank you. Thank you for your willingness to serve.

MS. HILLIARD-WILDER: Thank you.

SENATOR PEELER: Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

First of all, I know exactly where Alcolu is. My mother is from Sumter.

MS. HILLIARD-WILDER: Okay.

REPRESENTATIVE MACK: Did you come up as a classroom teacher?

MS. HILLIARD-WILDER: Yes, sir, I certainly did. As a matter of fact, I taught for eight years in Orangeburg 3. That was before the District -- before the county consolidated. I taught for eight years at a little place called Eutawville, South Carolina. As a matter of fact, Senator Matthews was my principal as a teacher.

REPRESENTATIVE MACK: Okay. And as drawing from your experience in the classroom, in the school system, what are some of the things you would draw on from -- again, from your experience to work to sort of motivate students to -- not only Winthrop but to look at college in general? Because a lot of our students, college is not on their radar if their parents didn’t go or family members didn’t go, or they have never been experienced to a college campus, but they have great ability, great inner ability.

What would some of the things you would do as a board member to touch some of those students?

MS. HILLIARD-WILDER: The first thing I would like to share with my colleagues on the board, if I am fortunate enough to get on the board, is that we would actually spend time visiting the school districts throughout the state. It’s a really, really different world than it once was.

I can recall the times when I spent in college. Based on what I see in our schools now, education now should be more of a birth through 16 and the K-12 is no longer the magic number. It’s from birth through 16. Some of the same programs we have at the public school levels, we need to do at the college level. Get out and see what’s going on.

I would love to see a strong partnership or a stronger partnership between the teaching ed programs and the actual public schools themselves. Because a lot of times we have excellent young persons leaving the colleges, coming to teach. They are great and wonderful young people. It’s almost a culture shock from what they see when they get in the schools.

So I think if we spent more time with our people, spending additional time in the regular school setting itself, they won’t be in such shock mode when they enter the real working force of teaching. It’s quite different today than it was several years ago.

SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: I think you answered my question. I was an educator for 30 years. My wife is in education, my mother, so forth. With your background, I was looking at -- quite impressive by the way. How would you, if you were on -- elected to the board, how would you emphasize to the, quote, teaching teachers to be to make them aware of the way it is in the regular classroom?

MS. HILLIARD-WILDER: Okay. First of all, that wouldn’t come from me directly, that would be a part of the teaching ed program.

REPRESENTATIVE WHITMIRE: Right.

MS. HILLIARD-WILDER: As a member of the board of trustees, we could discuss ways of engaging the teaching department itself into a larger spectrum. And it could be one of our governance concerns or simply we can discuss. But directly, I wouldn’t have direct input to the teaching staff itself. We could discuss any concerns we may have and invite the teaching ed department in, we could discuss together. But as a board, it wouldn’t be my -- I wouldn’t have that authority just to go back to that department.

I could express and share what I’ve seen and what I know. And if the entire board feels it’s something we can discuss, then we’ll do it as a group, not for me as an individual just to go out and attack that.

REPRESENTATIVE WHITMIRE: Well, I’m concerned that these teachers to be, so to speak, are not prepared for the way schools are now. When I started teaching in 1973, all I had to worry about was trying to catch a smoker out in the backyard. Now you’ve got to deal with -- now you’ve got to deal with drugs, obviously. You’ve got to deal with gangs.

MS. HILLIARD-WILDER: Weapons and everything else.

REPRESENTATIVE WHITMIRE: Deal with dysfunctional families. It seems to me that that needs to be emphasized a lot more in the teaching areas. Because these young people are coming out and they are going into a foreign world, so to speak. And that’s where I think the trustees need to, you know, grab on and say we’ve got to let these people know.

MS. HILLIARD-WILDER: Oh, yes, sir. A very good point, Representative, in that, as I said earlier, that will be an issue that will be discussed among the board -- or should be discussed among the board of trustees. We can relay that concern to our president who in terms can relay that concern to the department heads and the deans of education. To understand that we would need to revamp the training process.

And in my opinion, my professional judgment is that to get the true sense of that, I think our -- even our professors, along with our future teachers, would need to spend time in diverse environments within the various school districts. As you said, it’s a whole different world.

And my concern is a lot of times our young persons are bright young people. They are anxious to teach, but when they come out, it’s a total shock to them. And that’s why I want to personally actually thank you all for your support of doing a three-year reduction. Because a lot of time our first year teachers, when they come out, they’re not successful that first year. And you all know, as well as I do, that if they’re not successful, we are not obligated to extend their contract to them. However, now they have three years to go through that learning process, which in my term -- in my opinion would give them a better sense and better feel for what teaching is all about.

SENATOR PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: Thank you, Senator Peeler.

And thank you so much for your willingness to serve, and I know all that you’re doing in Clarendon County. And I didn’t ask this to other board members, and I know that the teaching school at Winthrop is one of their big programs, and so I’m assuming that a good number of those people that get out of that program teach in South Carolina.

What -- you know, knowing that we, as a State, have a hard time attracting good teachers to certain parts of the State, you know, whereas maybe don’t have enough competitive salaries or it’s a more difficult situation down in the 95 corridor, what do you think that the University could do or even we, as representatives, could do to help encourage -- continue to encourage that process of young people that are going into that profession to go into some of these communities where they are really, really needed?

MS. HILLIARD-WILDER: Okay. And I’m going to ask for forgiveness up front before I say this, and I realize that money is not the cure all. But we really need to put teaching on an even playing field with the other professions. We have other young men and women leaving college making $50,000 first-year job as an engineer and so forth. And our teachers work harder than anyone. We have teachers who train those engineers. And I think that teaching really needs to, I guess, regain the respectability in the past years.

At one time, teaching was a very respectable profession. And sometimes it’s perceived now that persons who cannot do any better resort to teaching, and that is very sad for the teaching profession.

I think colleges for the most part are doing a great job in what they can do in terms of teaching the methodology and doing what needs to be done. But I think the other side to that is there is money involved.

I’m going to give you a perfect example. Several years ago I had a young lady who was an ag teacher. Believe it or not, she left Summerton and she went to -- I think it was Aiken and made $7,000 more as a teacher than she could in Clarendon District 1. And again, that was based on the local supplement that we were not able to pay that Aiken was able to pay.

And I hate to bring anything around to the dollar amount, but we really need to make teaching more attractive in terms of the value we place on it and pay our teachers more.

Right now a beginning teacher in my district only made like 31-, $32,000 this year.

REPRESENTATIVE HENDERSON: Thank you. That’s very helpful, very informative. I appreciate it.

SENATOR MCGILL: I want to ask you --

SENATOR PEELER: Senator McGill.

SENATOR MCGILL: -- very briefly. I’ve always wondered, years ago if you were a graduate of Clemson, you ran for the Clemson Board of Trustees. If you were a graduate of College of Charleston, you’d run for the College of Charleston board. It’s all changed. Everything’s changing.

What drew you to run to the Winthrop board?

MS. HILLIARD-WILDER: Actually, what drew me was, first of all, I would say this, I think that Winthrop is a wonderful university. I am impressed with its mission, which I believe in. And the mission is that they actually -- there’s a great effort to personalize education but still it’s very challenging, and I think it’s wonderful.

But the other side to that is I have always wanted to play a role in higher ed, and I think that this would be give me an opportunity to actually have some direct input into higher ed.

SENATOR MCGILL: What was the magnet that drew you to run for Winthrop board, though? Do you have friends that graduated from Winthrop? Family?

MS. HILLIARD-WILDER: I have students, friends, and colleagues, yes.

SENATOR MCGILL: Well, you’re well-qualified, I do know that. And it’s good to see that you have applied.

MS. HILLIARD-WILDER: Thank you. I appreciate it.

SENATOR PEELER: Thank you.

MS. Wilder, I have a copy of the letter you sent to the committee.

MS. HILLIARD-WILDER: Yes, sir.

SENATOR PEELER: It was addressed, Dear Joint Legislative Committee,” and the first sentence says, “This letter serves as my written testimony. I am respectfully asking you for your support and vote to represent the 6th District on Winthrop University Board."

I’m going to interpret that as you’ve written this letter to the committee asking for our vote today as favorable report. I just want to caution you, you can’t ask a member of the House or the Senate for their vote until after you’re released to ask for commitments. I just wanted to caution that.

I’m going to -- I’m not reading your mind, okay, but I just want to caution you, you can’t ask for a vote of commitment until after released in screening and so forth.

If I interpreted that as asking me for your vote on the floor, that would be a no-no. But I think after this vote today, I’m guessing that’s how the other members are going to interpret that. I just wanted to caution you and other candidates within the sound of the voice.

Any other questions or comments?

SENATOR MCGILL: In favor.

SENATOR PEELER: Motion is favorable reported.

SENATOR HAYES: Second.

SENATOR PEELER: All in favor, please raise your right hand.

Thank you.

MS. HILLIARD-WILDER: Thank you for your time.

SENATOR PEELER: Thank you.

I’ll have to go visit Alcolu.

MS. HILLIARD-WILDER: Just come up 95 North, get off Exit 122.

SENATOR PEELER: I’m curious. Were you on a TV program recently? ETV or something?

MS. HILLIARD-WILDER: Yes. Yes.

SENATOR PEELER: I thought you looked familiar talking about your school.

MS. HILLIARD-WILDER: Yes.

SENATOR PEELER: And obviously you’re doing a good job there.

MS. HILLIARD-WILDER: Thank you.

SENATOR PEELER: Thank you.

**ASHLYE V. WILKERSON**

MS. CASTO: Next is Ashlye Wilkerson. She is from Columbia and is also running for the 6th Congressional District for the Winthrop board.

SENATOR PEELER: Good morning.

MS. WILKERSON: Good morning.

SENATOR PEELER: 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. WILKERSON: I do.

SENATOR PEELER: Thank you.

Want to share with us why you’d like to serve on the board.

MS. WILKERSON: Good morning to you all. Thank you so much for having me this morning.

I am a proud graduate of Winthrop University. I graduated in 2005. I’m very active with Winthrop University. I still maintain a role with the Winthrop University Alumni admissions office. There I served as a wave volunteer. I speak to upcoming or incoming freshman. I also speak to high school students about Winthrop University, the wonderful professors, the small class sizes, the beautiful campus, and the tradition that we have at Winthrop University.

I work with the alumni office. I have great school spirit as a former Miss Winthrop University. So I go back to implement volunteerism as well as when I went back to crown the next queen of my university.

SENATOR PEELER: Thank you.

Questions? Representative Henderson, are you just --

REPRESENTATIVE HENDERSON: No, I don’t have any questions.

SENATOR PEELER: Senator Whitmire.

REPRESENTATIVE WHITMIRE: You want me to go first?

SENATOR PEELER: Whoever.

REPRESENTATIVE WHITMIRE: Ms. Wilkerson, I’m looking at your -- a couple of things, number one, your driving record is woeful. Four speeding tickets, one ticket for changing lanes improperly; one suspension for failure to pay property tax; one suspension for cancellation of insurance; one accident, did not contribute. Would you like to speak to that?

MS. WILKERSON: Yes, sir. While enrolled in graduate school, Hampton University, all of my information were under my parents who had a shift in -- they changed their insurance policy. And I was -- because of being a full-time graduate student, I was on their insurance policy. So when they shifted, I was not notified that I was a part of the shift, and so I had to resubmit all information while in Virginia. And they clarified it right away.

REPRESENTATIVE WHITMIRE: What about the failure to pay property tax?

MS. WILKERSON: That was a part of that.

REPRESENTATIVE WHITMIRE: Part of that?

MS. WILKERSON: Yes, sir. But it was rectified as soon as I was made aware. I came back from Virginia to the DMV here in South Carolina as well as on Harden Street, and they updated the records. And everything was clarified that same day, and I was provided with a statement of good standing.

REPRESENTATIVE WHITMIRE: So you have one point now; is that correct?

MS. WILKERSON: I only have one point against my driving record.

REPRESENTATIVE WHITMIRE: Oh, against it.

MS. WILKERSON: I have 11 of the 12 points.

REPRESENTATIVE WHITMIRE: Okay. Well, that’s kind of a concern to me that, you know, if you’re going to run for a university board, you have to be a responsible citizen. And this doesn’t look like it to me, so ...

MS. WILKERSON: Yes, sir. I do apologize for that. Under my control, I am a responsible citizen. Unfortunately, those things while in graduate school and under the care of family members lapsed. And once it was brought to my attention, I rectified it immediately.

REPRESENTATIVE WHITMIRE: But you had four speeding tickets. That was under your control.

MS. WILKERSON: Yes, sir.

REPRESENTATIVE WHITMIRE: All right. I just wanted to bring that up, Mr. Chairman.

SENATOR PEELER: Okay. Thank you.

SENATOR Hayes.

SENATOR HAYES: A couple of things right quick. You’re studying now to get a doctorate degree?

MS. WILKERSON: Yes, sir.

SENATOR HAYES: What’s your long-term goal?

MS. WILKERSON: My doctorate degree is in teaching and learning at the University of South Carolina. I am positioning myself to be a full-time college professor. As of now, I am adjunct instructor at Midlands Technical College and a teaching assistant at the university.

SENATOR HAYES: Okay. I notice on the Statement of Economic Interest, you didn’t report the salary from Midlands Tech. You know, isn’t that required, any state income that you have as far as salary, et cetera, to be reported on the Statement of Economic Interest, or did you not -- did you realize that?

MS. WILKERSON: I’m sorry, it -- I did not realize that. I asked -- I came back to make sure I correctly filled out everything, and they said it looked great to go. I did get another professional to look at it to make sure I did everything correctly.

SENATOR HAYES: Okay.

SENATOR PEELER: How about your credit report? It says several student loan deferments. What’s your --

MS. WILKERSON: I’m a full-time graduate student now, and so all of my student loans are still in deferment while in school full-time.

SENATOR PEELER: Are you at liberty to say how much you owe on your student loans?

MS. WILKERSON: I should owe around 50- to include my doctoral studies.

SENATOR PEELER: And you’re an adjunct instructor at Midlands Tech now?

MS. WILKERSON: Yes, sir.

SENATOR PEELER: Is that considered part-time?

MS. WILKERSON: Yes, sir. It is not a benefit position. It’s not full-time. It’s something to give me experience while working on my doctoral degree full-time. And I teach in the early childhood department.

SENATOR PEELER: What’s your goal once you complete your studies?

MS. WILKERSON: Once I complete my studies, I would like to serve as an early childhood professor at a college or university. I would prefer teaching college.

SENATOR PEELER: Okay. Senator Hayes.

SENATOR HAYES: I want to ask as far as being a Winthrop graduate, fairly recent Winthrop graduate, what vision do you have for Winthrop? Where do you think it ought to be headed in the near future?

MS. WILKERSON: Well, there are a few things that I would like to work on as a -- if elected to be on the board of Winthrop University. One thing I would like to work on is recruitment. As of right now, we have about 90 percent of our undergraduate students from in the state South Carolina and about 60 percent of our graduate students from in state of South Carolina. So, therefore, we need to position ourself to recruit more students from out of state as well as from other countries to be a part of the Winthrop family.

In addition, as a student in the education department as Winthrop University, we need to work on preparing our students for the diverse classroom setting that occurs today in schools in school districts. A lot of our placement opportunities there does not prepare us for what takes place in the classroom.

As a recent classroom kindergarten and first grade teacher, I know we wear many hats of being teachers, parents, counselors, sociologist, psychologists, all with working with day-to-day things that occur with our student population. And the students at Winthrop in preparation need to be prepared for those things taking place in the classroom.

With the turnover rate being three to five years for teachers, our retention rate is very low in the state of South Carolina. And those things need to be addressed in their preparation program and not wait to be addressed when they’re in the classroom full-time.

SENATOR PEELER: Any other questions, comments?

SENATOR MCGILL: You know, Mr. Chairman, I love looking at these records. She’s above average, not just student, but above average because you can see in here where she participated as the Winthrop University ambassador, Winthrop Alumni Council, Winthrop University Alumni admission volunteer, and even went into Australia on behalf of the former superintendent of education.

And I cannot help but think you almost are identical to my daughter, who was a student at Clemson, who graduated from Clemson, who ended up every time she went through Laurens going back to Clemson, Chairman, she got a speeding ticket.

MS. WILKERSON: Right there on that interstate, I promise you, they ticket us every time.

SENATOR MCGILL: Now, my youngest daughter that graduated from Clemson, she never got a speeding ticket through Laurens. She was slower. But I will say this to you, that it’s a remarkable young career. You’ve done well.

MS. WILKERSON: Thank you.

SENATOR MCGILL: You really have. Mr. Chairman?

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you. And I certainly concur with the comments from the Senator from Williamsburg, and this is a Congressional Seat 6. I assume that home address is part of the --

MS. WILKERSON: 705 Sunset Drive, yes, sir.

SENATOR ALEXANDER: And that is part of the 6th Congressional District.

MS. WILKERSON: Yes, sir.

SENATOR ALEXANDER: And I know you signed that affidavit. But I know how that kind of divides up in this area, so I just wanted that for the record.

Thank you.

SENATOR PEELER: Any other questions or comments?

What’s the desire of the committee?

SENATOR MCGILL: Move favorable.

SENATOR PEELER: Motion is favorable.

Is there a second?

REPRESENTATIVE WHITMIRE: Second.

SENATOR PEELER: Second is heard.

All in favor, raise your right hand.

Thank you.

MS. WILKERSON: Thank you for your time.

**KARL A. FOLKENS**

MS. CASTO: The final Winthrop candidate to appear before you all today is Carl Folkens. He’s from Florence. He did occupy the 6th Congressional District seat, so he is an incumbent running for the new 7th Congressional seat with a term to expire 2018.

SENATOR PEELER: Good afternoon, sir, by two minutes.

MR. FOLKENS: Yes, sir.

SENATOR PEELER: Raise your right hand, please.

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

MR. FOLKENS: Yes, sir, I do.

SENATOR PEELER: Want to share with us why you would like to serve on the board.

MR. FOLKENS: Yes, sir.

Good afternoon. My name is Karl Folkens. I’m a mediator and a lawyer from Florence, down in the Pee Dee. I’m seeking my third consecutive term on the Winthrop board having served the last two terms on the Seat Number 6. I would, as pointed out, be allowed to fill the 7th Seat.

I’ve also served a term back in the ‘90s as the alumni representative to the board. I served four terms as board and chair. I believe six terms -- five or six terms as board vice-chair. I have served four to five years as the chairman of the board of the committee on finance.

In my law career, I have conducted well over 3,500 mediations and arbitrations here in South Carolina. And I think I bring a sense of seeking consensus and team building and resolution to the Winthrop board, and something I think I’ve done over the last 15 years on my service.

My younger daughter is graduating from Winthrop in May, and my older daughter graduated. Their mother went to Winthrop. I went to Winthrop. Their grandmother, their great grandmother went to Winthrop. We love Winthrop very much. I would like to continue to serve.

SENATOR PEELER: Good. Any questions?

SENATOR MCGILL: Very qualified, Mr. Chairman.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: I’m just curious in your years of service, your attendance, how would you describe your attendance at board meetings?

MR. FOLKENS: In 15 years, I think I missed one board meeting. And I think I’ve missed one or two executive committee meetings. I served on the committee for I think 13 out of the 15 years, and I think I missed two meetings.

SENATOR ALEXANDER: Congratulations. Thank you, sir.

SENATOR PEELER: Amazing.

SENATOR HAYES: I just appreciate your leadership on the board. I’m asking you a similar question I asked of Kathy Bigham. What’s your vision for the future and how does it tie in with the new president?

MR. FOLKENS: It is to continue doing what we do well and that with which we should be doing better to accomplish that.

With a new president is an opportunity to validate -- externally validate exactly what we have been doing well. The candidate whom we selected is on the American Council on Education. She looks at all the universities and colleges around the country, and we are tasking her with taking the best that she sees at other universities and bringing them the Winthrop.

In Winthrop, we do have -- there is a growth. We’re not doing everything perfectly, and we have challenges going forward. So my vision is to keep doing what we have been doing extremely well but to look at some new fresh ideas that we could spend the next two hours reviewing, but they’re out there and we’re well aware of them.

SENATOR HAYES: Thank you.

MR. FOLKENS: And if I may, Representative Henderson, the question you asked earlier, why Winthrop is more expensive. We try to gauge the two research universities and College of Charleston and The Citadel as our peers as far as financial affordability. We are slightly higher than number two, Clemson. And we are very sensitive to that, but a number of factors play into that. One is we’re an old institution. We have a lot of buildings. We have to budget our maintenance based on cubic feet and not like Francis Marion does, where I live down in Pee Dee, on square footage.

We have classrooms that have 20-foot ceilings. We have an infrastructure that is heated and schooled by a system that has been in place for almost 80 to a hundred years. That factors into it.

Secondly, do we have very low teacher-student ratios. It’s something that our students know the faculty, most of them on a first-name basis.

I told you briefly little story of my daughter, my younger daughter went to the public schools down in Florence and was accepted into an Ivy League school. Went up to Columbia University, Barnard College, excelled up there. After two winters in the New York and putting up with New York City, and like I said, she did very well, had a 3.7 grade point average up there, decided to come back to South Carolina and on her own decided to go the Winthrop.

And so in the last two years, I’ve had a chance to see Winthrop through her eyes. And what I see and what she tells me is her experience of Winthrop exceeds that which she was experiencing up at Barnard and at Columbia University. She knows her professors, her professors know her. They support her in how she is excelling. And she has told me, and I wish she had realized that two years earlier, that she wishes she had attended Winthrop from the outset. So we do have that kind of validation not only externally, but also from my own child. It’s something I treasure.

SENATOR PEELER: Okay. Thank you.

Representative Whitmire.

REPRESENTATIVE WHITMIRE: I will agree with you on the -- you’re not a number at Winthrop. I can speak from experience with my daughter and son there.

Also, on a personal note, Mrs. Smalley is the wife of my best friend in Walhalla.

MR. FOLKENS: Yes.

REPRESENTATIVE WHITMIRE: So I know she does excellent service on the board, also. And thank you for what you’ve done over the years.

MR. FOLKENS: Thank you.

SENATOR PEELER: Thank you. Any other questions?

I have a quick one. I see where you served as a Timmonsville municipal judge?

MR. FOLKENS: I did.

SENATOR PEELER: You did?

MR. FOLKENS: Yes. I went off -- I had to resign that to go on the Pee Dee Mental Health Center board back in ‘91, I think it was.

SENATOR PEELER: I just had a question about dual office holding.

MR. FOLKENS: No. I had to resign that to go on to a community mental health board, and I served there. And then had to go off there to go on the Winthrop board.

SENATOR PEELER: I got you. Okay.

Any other questions?

Let me share this Winthrop story with you. We were talking about driving records and Winthrop and what a great school it is.

My mother is a retired elementary school principal. She went back to school when I went to Clemson. She graduated from Limestone. She was doing some postgraduate work at Winthrop during the summer, Senator Hayes. And she had called me, she had gone over that Sunday night and she called me and said, "I left my paper on the kitchen table, would you bring it over to me?" So I did from Gaffney.

Got in to Winthrop Sunday night, dust dark. I got in there and couldn’t get out. I think I was going too fast, at least that’s what the blue-light man said. And he pulled me over, and he said, "Son, what are you doing in here?"

I said, "My mama is in here, and I’m bringing her paper to her."

He said son, "I’ve been doing this for 20 years, that’s the best excuse I’ve ever heard. I’m going to let you go."

That’s my Winthrop story, and I’m sticking to it.

What’s the desire of the committee?

SENATOR HAYES: Favorable.

SENATOR PEELER: Motion is favorable.

SENATOR MCGILL: Second.

SENATOR PEELER: Second is heard. All in favor, please raise your right hand.

Thank you. We appreciate your service.

MR. FOLKENS: Thank you. Appreciate it.

SENATOR PEELER: Thank you. Does that complete Winthrop?

MS. CASTO: That completes Winthrop. And we scheduled a lunch break, since you all are ahead of schedule, the final candidate for The Citadel board is not scheduled to get here until like 2:20 so I --

SENATOR PEELER: We wouldn’t be lucky enough to have him here?

MS. CASTO: Julie is saying no.

SENATOR PEELER: Any other candidates here this early?

(Off the record.)

SENATOR PEELER: We will recess until 2:00.

(A lunch recess transpired.)

**FRED LEWIS PRICE, JR.**

SENATOR PEELER: I would like to call the meeting back to order. The meeting of the joint committee to screen candidates for the university boards of trustees.

I will take up The Citadel. Fred Price from Columbia.

Fred, if you would come forward. Take a seat and make sure that your light is burning bright green.

Doing okay today?

MR. PRICE: Yes, sir, I am. Can you hear me fine?

SENATOR PEELER: Good. Raise your right hand, please.

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

MR. PRICE: I do, sir.

SENATOR PEELER: Would you like to share with the committee why you would like to continue serving on the board.

MR. PRICE: Yes, sir. I’d like to continue serving on The Citadel board because I have gained an extreme amount of knowledge having been on the board the last six years. For the last 25 years, I’ve been intimately involved with The Citadel. I have been a director on the alumni association. You know, I was president of the alumni association. In 1976, I started as a fundraiser for The Citadel Brigadier Club, and I have been raising money every year for that foundation. I was president of that foundation in 1997.

And in 2006, I was fortunate enough to have The Citadel alumni vote me to be a member of the Board of Visitors. And I have thoroughly enjoyed serving my college. I am who I am because of the training and education I received at The Citadel. And I would just like to continue my service on the board.

SENATOR PEELER: Could you explain to me how it works. You’re a designee from the alumni association. Is there a term limit to that and you continue to serve?

MR. PRICE: Yes, sir.

SENATOR PEELER: Is that why --

MR. PRICE: Yes, sir. There is a term limit. It’s a six-year term just like all the other board members. But there’s a rule that you can’t succeed yourself as an alumni member. So I could not go back through the alumni association to run for that seat.

Now, they just as of this past November, they changed the rule. But that will just be from Bob Nuttall was elected from Charleston to fill my seat as an alumni representative, and I think he would be eligible to be succeeded -- you know, he would be eligible to succeed himself. But they just changed that rule this past year.

SENATOR PEELER: How were you so lucky?

MR. PRICE: I guess I hung around long enough, and they ran out of people to put on there. But I did, I was --

SENATOR PEELER: I understand.

MR. PRICE: Anyway.

SENATOR PEELER: I understand.

Any members have any questions or comments of Mr. Price?

REPRESENTATIVE WHITMIRE: I do.

SENATOR PEELER: Representative Whitmire.

MR. PRICE: Yes, sir.

REPRESENTATIVE WHITMIRE: Good afternoon.

MR. PRICE: Good afternoon, sir.

REPRESENTATIVE WHITMIRE: What’s your vision for The Citadel? We’ve asked this of a lot of perspective trustees from different schools, so I would like to hear yours.

MR. PRICE: My vision for The Citadel is pretty much in lockstep with General Rosa, and that is to -- you know, we’ve had -- we’ve had six or seven great years of incoming freshman. We’ve had record incoming freshman classes. We’ve got five full barracks right now. We’ve got programs that are doing extremely well. We were just number two -- no. We were just number one again in U.S. News and World Report for The Citadel, you know, in colleges and universities.

In a time when we had to -- in a time when we had less to work with as far as money in our budget, over the past few years the general saw that, you know, we kind of forecasted that ahead. He saw -- he saw that we were going to be having less money. He made changes in the administration. He made changes in the staff. But we did not do anything to cut programs. We kept programs to the level where they needed to be. We’ve got a student-to-professor ratio of about 13 to one.

So I think with that being said, that’s kind of why we were -- you know, we were number one again for two years in a row in U.S. News and World Report colleges and universities.

So just following what the general has set out, where we want to go. We’re trying to -- we’re increasing enrollment as much as we can. We’ve got a great program in for retention. As you might imagine, we lose a lot of cadets during freshman year, and that’s to be expected. But we have all of our companies have had -- they’ve gone through -- they’re getting different type of training. We’re trying to keep the cadets. It’s kind of like putting people on a bus or putting people on an airplane, you want to get them -- when you get them on there, you want to keep them on.

We’re so much different than any other college in that we just can’t transfer people in and transfer people out. So if we get a cadet, we want to keep him for all four years because we can’t have somebody transfer in as a junior or senior.

And then we have another big problem is that the next highest class that we start losing our students is right after our junior year. And you would be surprised and say "Well, why is that?" And the biggest reason of that is because a lot of these kids just get so far behind, and there’s such a pressure to graduate with your class that they get to that point and at the end of the second semester of their junior year and they just kind of feel like, we’ll, I’m not going to make it, and they just kind of give up and walk away.

So the biggest thing we’re doing is to keep, you know, just keep the bus full. Just keep the plane full.

Now, we’re limited as far as barracks goes. Like I say, we’ve got five full barracks. So unless we were to be able to build another battalion, and then that brings up another problem because we’re landlocked and we only have so much land. I’m chairman of the building and grounds, and I’m working on a project right now for The Citadel trust where we’re trying to build a parking garage, which we really need because that’s the linchpin to move us forward. Because we can’t -- we can’t tear down Capers Hall, we can’t tear down Stevens Barracks. We can’t do any new building until we have a place to move a lot of the cars. So, you know, we’re growing, but we’re trying to grow at a steady rate.

REPRESENTATIVE WHITMIRE: Is there any possibility to acquire land around The Citadel, or is that -- would you have to condemn the land, I guess?

MR. PRICE: Well, that’s not really a possibility to do that, but we do have a master plan. We’ve got a great master plan we just updated three years ago, and we -- there’s some property that’s owned by The Citadel Trust, and if I can get a parking garage built on that property, that the trust would own, and would -- and one day the trust would be able to spin off a lot of money back to The Citadel. So if we freed up that, then we would have room on campus to build some more buildings.

REPRESENTATIVE WHITMIRE: One last thing, Mr. Chairman, if I may.

SENATOR PEELER: Sure.

REPRESENTATIVE WHITMIRE: I just want to say I live almost 250 miles away from The Citadel.

MR. PRICE: Yes, sir.

REPRESENTATIVE WHITMIRE: I’m not as familiar as some folks are. But the comradery and the tightness that I’ve noticed among the representatives and senators who have graduates or have family members, it is second to none. You guys stick together, that’s for sure. So I commend you for that. That’s been carried on obviously for quite a long time. So thanks.

MR. PRICE: Well, thank you very much, sir.

SENATOR PEELER: Any other questions or comments?

Senator Hayes.

SENATOR HAYES: What’s the size of the corps now as far as undergraduate?

MR. PRICE: 2,136 as of a few weeks ago.

SENATOR HAYES: And how about your graduate program?

MR. PRICE: A little over a thousand. I think it was like 900 something, but a little over a thousand.

SENATOR HAYES: And it’s my understanding that the different services are cutting back on ROTC opportunities. Is that going to have an impact on The Citadel?

MR. PRICE: Yes, sir, I’m sure it is. You know, we have 35 percent of the seniors this past year go in the military. And all the branches are cutting back. So that is hurting us as a lot of these kids frankly use that money to pay for their education. So that’s certainly going to hurt us.

SENATOR HAYES: Do you have many that go into the program where they go into the National Guard?

MR. PRICE: Yes, sir. We have a lot of kids go in the guard. We commission more officers in the guard than any other -- any other senior military academy.

SENATOR HAYES: Nothing further.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And having been on the board, what would you -- your attendance at the board meetings, how has that been in that period of time?

MR. PRICE: I’ve never missed a meeting.

SENATOR ALEXANDER: Okay. Thank you, sir.

MR. PRICE: You know, I’ve been at all my committee meetings, and I personally drive to Charleston for my meetings instead of attending them by, you know, by telephone.

SENATOR ALEXANDER: Okay.

MR. PRICE: But I hadn’t missed one yet.

SENATOR ALEXANDER: Okay. And what about -- I think you related a little bit earlier there as far as the challenges from a financial standpoint of a tuition standpoint, what do you see that as far as what The Citadel is facing?

MR. PRICE: Well, there’s several board members are lobbying for a zero percent tuition increase this year. We’ve had increases for the last several years. And we -- I think we’ve got several of us that are looking for a zero percent increase tuition this year because we’re tired of putting it on the parents’ backs.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

SENATOR PEELER: Senator Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

I want to ask a question as it relates to some of the problems. And, again, I’m not holding it -- I asked the other candidate also, I’m not holding it against The Citadel but because society has changed quite a bit, but you had the situation with counselor being inappropriate with children during a camp, and just recently a sexual and racial harassment incident.

Your thoughts about that, just being able to -- I know you can’t talk about the case and the school can’t talk about the case, but just generally, your thoughts about maintaining a culture that is of The Citadel.

MR. PRICE: The staff -- the faculty, staff and all board members, I mean, pretty much everybody that was associated with The Citadel just recently went through the darkness-to-light training and as far as a -- as far as relating to the reveal incident.

So, you know, that culture is changing. I mean, everybody is starting to look at it as to where, you know, you learn how to look at it. So like I say, we all went through the darkness-to-light training.

The general did get -- you know, has abolished the summer camp, but he did that far before any of the reveal incident was ever -- ever came up. The biggest reason he got rid of it was because --- I think it was number one, financial; and number two, it was just having kids there with other people and unsupervised just, you know, just the chance of something happening. And so he did do away with that.

And the third incident with the young lady, I really can’t comment on.

REPRESENTATIVE MACK: I know you can’t comment on that particular, but general -- I’m talking about the culture in general as it relates to race relations and also women. Making sure that you create a culture -- I don’t want you to comment on that particular case.

MR. PRICE: That particular case.

REPRESENTATIVE MACK: Uh-huh.

MR. PRICE: You know, I went to school back when it was all male, so it’s totally changed a lot. The women are accepted into the corps now. Women have excelled. They’ve done very well. The minorities are accepted in the corps. They hold -- you know, they’re all doing -- they’re all doing very well. I think there is a culture shift, and The Citadel leadership is trying to -- is trying to get that shift through.

REPRESENTATIVE MACK: Yeah. I just wanted to put that on the record.

MR. PRICE: Yes, sir.

REPRESENTATIVE MACK: I grew up in that neighborhood very close to The Citadel, and I think you have come a long way in doing some great things, and I’m proud of the school. But, you know, there’s -- again, these things are happening. Like I said, society has changed, it’s happening at a lot of different schools. So I just wanted to put that on your radar and on the record.

MR. PRICE: Well, unfortunately, we seem to be under a microscope. There’s things that happen at other colleges and universities that, you know, kind of don’t get the press that sometimes we seem to get. But the general is very transparent. He’s very open. I mean, we want to be an open book. We want to do the right thing.

SENATOR PEELER: Yes, sir.

Any questions, comments, anyone on the committee?

SENATOR ALEXANDER: Favorable report.

SENATOR HAYES: Second.

SENATOR PEELER: Motion is a favorable report, second is heard.

All in favor, raise your right hand.

Thank you. Appreciate your willingness to serve.

MR. PRICE: Yes, sir. Thank you very much. Appreciate it.

MS. CASTO: Next we move to the Coastal Carolina Board. Mr. Mullen, I do not believe is here yet. William L. Lyles is under tab Q, if you want to start with him. Mr. Lyles.

SENATOR PEELER: How about Marion Lee, is he also?

MS. CASTO: Yes, Mr. Lee is here.

SENATOR PEELER: How about Natasha Hanna?

MS. CASTO: Natasha Hanna is not here.

Larry Biddle --

MR. BIDDLE: Yes, ma’am.

MS. CASTO: -- is here. And Robert Templeton.

SENATOR PEELER: You all want to stand up and be sworn in at the same time to save a little bit of time.

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

(Candidates answer.)

SENATOR PEELER: Thank you.

And that was -- give us your name for the stenographer so we know which one we swore in.

MR. TEMPLETON: Robert Templeton.

MR. BIDDLE: Larry Biddle.

MR. LYLES: William Lyles.

MR. LEE: Marion Lee.

SENATOR PEELER: Okay. All right. Mr. Mullen.

MS. CASTO: Mr. Mullen is not here yet.

Mr. Lyles --

**WILLIAM L. LYLES**

SENATOR PEELER: Mr. Lyles.

MS. CASTO: -- is from Anderson. He’s the 3rd Congressional District, and this will be his first run for the board. Correct?

MR. LYLES: No.

MS. CASTO: You are currently on the board. Okay. We don’t have you listed.

REPRESENTATIVE WHITMIRE: It says incumbent on mine.

MS. CASTO: Okay. Thank you.

SENATOR PEELER: Please take your seat and make sure that the green light is burning.

You’re from Anderson, right?

MR. LYLES: Yes.

SENATOR PEELER: Okay. 3rd Congressional District Seat 3. You want to share with us why you would like to serve on the Coastal Carolina board?

MR. LYLES: Well --

SENATOR PEELER: Or continue to serve.

MR. LYLES: Continue to serve. As I stated in my statement that I sent in, since my son was a graduate of there and I came on the board in ‘93, I’ve grown to -- my first run for the board was successful. I’ve really grown with the school. I’ve seen it grow. I’m very proud of it, and I’ve supported it financially. I support it with my time, my experience, and I felt like I in large part in some of the ways, helping some of the ways we’ve grown. I’d like to continue on.

SENATOR PEELER: Good. You say your son graduated from there?

MR. LYLES: He graduated in ‘95.

SENATOR PEELER: Okay. Thank you.

Any questions or comments of Mr. Lyles?

Senator Alexander.

SENATOR ALEXANDER: Thank you for your service, we appreciate that.

MR. LYLES: You’re welcome.

SENATOR ALEXANDER: I guess Coastal Carolina has a unique opportunity because of the one-cent money. How do you see that going forward from that standpoint in the impact of your students?

MR. LYLES: I think it’s very evident. It’s been one of the biggest factors in our financial success. We have a lot -- we’re very proud of it, very thankful for the work that goes on. As you well know, that one cent goes to structure, brick, and mortar.

SENATOR ALEXANDER: Right.

MR. LYLES: Any time anybody rides down 501 and turns in to Coastal, you can see that one cent at work and will continue to see it at work. That’s the main emphasis I see.

SENATOR ALEXANDER: And you understand as folks from Gaffney and Oconee and Rock Hill are paying that one cent when we come back down there, too, making that possible.

MR. LYLES: That’s right. And Anderson.

SENATOR ALEXANDER: And Anderson, right. Right.

What is your enrollment as far as in state and out of state at this time, roughly, do you know?

MR. LYLES: Roughly, it’s about two-thirds to a third.

SENATOR ALEXANDER: Two-thirds, instate or out of state?

MR. LYLES: In state.

SENATOR ALEXANDER: In state. Okay.

And your attendance at board meetings over this period of time?

MR. LYLES: It’s been well. I’ve been a committee chairman. I’ve been an officer of the board, I know three different times.

SENATOR ALEXANDER: Is "well" 80 percent of the time or 90 percent of the time?

MR. LYLES: I would say I have missed one board meeting in the last two years.

SENATOR ALEXANDER: Okay. Good.

Thank you, Mr. Chairman.

SENATOR PEELER: Thank you. Any other questions or comments?

Representative Whitmire.

REPRESENTATIVE WHITMIRE: How many students do you have at Coastal?

MR. LYLES: Over 8,000. I’m not exactly sure.

REPRESENTATIVE WHITMIRE: You’re the third largest in the state, I would imagine.

MR. LYLES: I think so. I think so.

REPRESENTATIVE WHITMIRE: Living so far away, I’m from Oconee County, can you just tell me some of the -- is it liberal arts school or --

MR. LYLES: Oh, yes, it’s liberal arts. Our business school, the Wall School of Business is one of the best in the state. It’s accredited by SACS. Yes, it is a liberal arts school and with a key emphasis I think on business and marine science.

I think that’s probably the -- our flagship, I would like to say. Of course, being in Conway, Myrtle Beach located, we have access to so much of the necessary things to have a successful marine science program. And just recently this past year we received the go ahead for Ph.D. in marine science.

REPRESENTATIVE WHITMIRE: How many students are in that particular program, do you have any idea?

MR. LYLES: No, I don’t.

REPRESENTATIVE WHITMIRE: All right. That’s all I have.

SENATOR PEELER: Any other questions, comments?

Carolina Beer Company, are you a distributor?

MR. LYLES: Beer wholesaler, yes.

SENATOR PEELER: Okay. Who do you distribute?

MR. LYLES: Coors, Miller, Heiniken, just basically everything but Anheuser-Busch products.

SENATOR PEELER: How long have you been doing that.

MR. LYLES: I’ve been employed down there for 41 years, and my wife and I have owned the business for 30 years.

SENATOR PEELER: Any other questions or comment?

What’s the desire of the committee?

SENATOR ALEXANDER: Favorable report.

SENATOR PEELER: Motion is favorable report.

REPRESENTATIVE WHITMIRE: Second.

SENATOR PEELER: And seconded.

All in favor, please raise your right hand.

Thank you. I appreciate your willingness to continue to serve. Appreciate the job you’re doing down there.

MR. LYLES: Thank you.

SENATOR PEELER: Good to see you.

**MARION B. LEE**

MS. CASTO: Marion Lee. Mr. Lee is from Hemingway. He is a new candidate to the board. Representing the 6th Congressional District. With the creation of the 7th Congressional District, it put that one with nobody. And he chose to run.

SENATOR PEELER: Where is the Senator from Williamsburg? We need to get him on up here.

Thank you, Mr. Lee. If you would have a seat, please, sir.

MR. LEE: Thank you.

SENATOR PEELER: I guess your green light is burning, right?

MR. LEE: Yes, sir.

SENATOR PEELER: Would you like to share with us why you want to serve on the board.

MR. LEE: Well, I would like to serve on the board. I’ve -- I have taken some courses at Coastal myself early on. I’ve watched Coastal since I was in high school in 1954 when they started with about 50 students as a junior college. I was sorry that when I finished high school, it was not the college that it is today.

However, my youngest daughter finished Coastal and played tennis for Coastal, as a matter of fact, about 20 years ago. And today my oldest grandson is a student at Coastal, a rising junior.

I’m interested in serving. I’m particularly interested in the educational program at Coastal. We need teachers badly. We need teachers that are trained. Williamsburg County is in great need of teachers as many other places.

I’ve also been fortunate to have a place in Murrells Inlet, a summer place for years. And I keep running into these guys with the boats in Murrells Inlet with the marine science program. And, of course, Winyah Bay is one of the largest estuaries in the world. And it’s such a very strong program, I’m very interested in that, as well as a number of golf courses we have in the greater Myrtle Beach area with golf management. And at the present time, I think there are about 65 other programs at Coastal.

And the present enrollment, according to the computer this morning, was about 9,300. So I’m very interested in all of this and would be delighted to serve.

SENATOR PEELER: Thank you. I wanted to make sure the Senator from Williamsburg was here during the questioning.

Senator from Williamsburg.

SENATOR MCGILL: Thank you, Chairman.

You know, the thing that I find very interesting, they have a program with the Bahamas, too, at Coastal Carolina. I know you hate that. You may not know anything about that.

SENATOR ALEXANDER: It sounds like you do.

SENATOR MCGILL: I haven’t been. I will say briefly that Mr. Lee serves presently on the ag commission, which he will resign when elected or sworn in to this other position. And he served on the State Board of Education for some four years and really helped the school district in some of the rural areas of South Carolina.

His first cousin is Dr. Eddie Floyd, and his uncle is Frank Lee, Dr. Frank Lee of Bruce & Lee Foundation in the Florence area.

But Mr. Lee is a workaholic, I can tell you that. He’s focused, and he will make a major difference at Coastal Carolina University. Not just in that area, but he’ll make a major difference in anywhere he goes.

SENATOR PEELER: Thank you.

Any other questions or comment?

SENATOR MCGILL: Move for a favorable report.

SENATOR PEELER: Motion is a favorable report.

Is there a second?

SENATOR HAYES: Second.

SENATOR PEELER: Second is heard.

All in favor, raise your right hand.

Thank you. Appreciate your willingness to serve, Mr. Lee.

MR. LEE: Thank you very much.

Thank you, Mr. Chairman.

**LARRY L. BIDDLE**

MS. CASTO: Mr. Biddle. Mr. Biddle is an incumbent. It is a new seat that he is running for because of the restructuring of the board due to the 7th Congressional District. He is from Conway, and his is an at-large seat.

SENATOR PEELER: Would you like to share with the committee why you would like to serve.

MR. BIDDLE: Yes, sir. I was born in Denver, Colorado, grew up in Sacramento, California, and met a blonde southern belle in New York Harbor on my way to Madrid, Spain, and that’s how I got to Horry County. A long time ago. I didn’t know about the Independent Republic, Senator, but it’s quite a place.

I was there -- we were really going back to California, never happened. She was pregnant with our first child and ended up going to Conway High School for one year. And Dick Singleton called me and said, "Would you be interested to coming to --" the college at that time was USC regional campus.

And I said, "Well, I don’t know." I said, "Next year at Conway High School, I’m getting a raise and a coaching supplement."

And he said, "Well --" they said, "Next year we’re catching up with the Southeastern average."

And I thought, "Okay."

He said, "I’ll tell you what I’ll do," Dick Singleton said. "You find out what they’re going to pay you, I’ll double it if you’ll come to the college."

So I went to the college. And I was there eight years teaching Spanish, coaching baseball, basketball, driving the bus. In those days we got to do everything. It was really interesting.

I was the first person in Atheneum Hall, which as we get security out of that hall, it will become the story of Coastal Carolina University or history, which is very rich. As you heard Mr. Lee say, it started in 1954 in Conway High School.

My wife is a Burroughs, and they built -- her grandfather built the first school in Horry County, which is now becoming the Horry County Museum.

I’ve been at Coastal Carolina University for a long time. I have fought for it, loved it, cried, did all the things you do working on the power of who young people can become. And I’ve had a keen interest in it for a very long time, really since 1965 when I came to South Carolina.

And, of course, all my Californians want to know why I don’t go back to California. I said, "You have got to be kidding. I mean, I know better than that."

They come here and they say, "Wow, this is a great State."

But I just have a love for Coastal, always have. I would like to continue to serve. We are doing some absolutely outstanding things at the university. It is becoming a major driver at -- in our area and, you know, we have a lot of unique things at the university. Certainly marine science is one. Education is strong. My wife and I endowed the Biddle Center for Teaching and Learning. We actually -- Coastal educates probably 75 percent of the teachers in Horry/Georgetown area and many in Williamsburg as well, with graduate programs as well as undergrad.

And so we’re very excited about the professional golf management, which is major. The College of Fine Arts is just doing very well. Of course, you heard Mr. Lyles talk about the business college, the Wall College, which is just spectacular. So there’s a lot of great, unique things going on at the university. And we need to continue that.

We just finished our Southern Association Accreditation. I was fortunate to serve on the college of -- Commission on Colleges in Atlanta, and it’s my third year on that commission. They would ask me to serve on the executive committee. And I remember the president of Clemson University said, "We’re putting you on that committee as a businessman and an educator so you can keep all us college presidents in line."

I said, "Well, that’s a tough, tall ladder, but I’ll do what I can."

It was -- you know, Jim Baker is just absolutely spectacular. I mean, what a leader he is for this state and for all the Southeastern colleges as well.

I am bilingual, so, you know, Southern Association takes care of Latin America as well, so my Spanish came in handy with that.

But it’s an exciting university, moving in great directions. And we just need to keep moving. We were accredited. I’m very interested in the QEP. I watched many universities across the South and the Southeast really have trouble with the QEP, the Quality Enhancement Programs, which is part of that accreditation now. We’ve got a great one in at Coastal about putting the real world in the international world into the minds of the students so that they understand that -- as Representative Mack had said, that there’s a lot of things going on.

We have, I think, 49 foreign countries listed at Coastal Carolina University, so it’s very attractive.

SENATOR PEELER: What’s the percent in state, out of state?

MR. BIDDLE: It’s about -- it’s probably somewhere -- in state is about maybe 48 and out maybe 52. This past year -- we haven’t raised our in-state tuition for two years. Our president, Dave DeCenzo, is a businessman. His leadership has been absolutely spectacular. We raised in -- out-of-state tuition 3 percent this year, kept in state solid again. And would like to say that no qualified South Carolinian is turned down at Coastal Carolina University. So if they’re qualified, they’re in.

Now, the thing I’m after as well as the president and several board members, our philosophy is if we’re going to accept them, then we have a responsibility to help them grow to their dreams, whatever those are. And so that’s the latest initiative at this university.

That obviously goes right after retention. Very strong, we’ve got some new things in place there. So very concerned about that. I’ve been honored to serve as an officer on the board of trustees. So we’re excited about it.

I walk, talk, tell the story daily. I was telling it yesterday at the baseball game to three high school students who were talking about coming to Coastal Carolina University.

SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Biddle.

Your university and USC schools that are in or near metropolitan populations, you had a recent tragic incident at your school and of course USC has had some problems also.

Have you revisited your security preparations, or have you ever discussed it with your other trustees how to make it safer?

MR. BIDDLE: We were all in touch when it was happening. We have some excellent procedures in place. They were followed. I thought that our Dean of Students, our security department, our -- I received -- I was in a Bible study with a friend of ours at our church and she said, "I really want to commend the security at Coastal Carolina University."

And I thought, Well, that’s great. Could you kind of send me a paragraph about it. She sent me two pages. This is a 30-year nurse of experience who has been in emergency rooms her entire life. She said she has never seen law enforcement like the Coastal Carolina force that really comes with the students, advocates for them, stays with them. They just don’t bring them in. This has just been -- I shared that with our chairman, Wyatt Henderson, as well as President DeCenzo.

So we did, and we continue to. We’re not perfect, but it did happen. We think all the procedures we have in place were good. We do revisit it, but as tragic as it was, and you never want to see that happen, I’ve said across this country, as the founder of National Renaissance, which started at Conway High, as I am the founder, that every school in America is maybe one person from a Columbine, unfortunately.

REPRESENTATIVE WHITMIRE: Of course, you’re in a wonderful part of our state which leads students to have plenty of opportunities to go out and party and have fun and everything.

MR. BIDDLE: Exactly.

REPRESENTATIVE WHITMIRE: That’s an issue that your security force has to take.

MR. BIDDLE: We keep telling, Representative Whitmire, the Coastal Carolina students, what we share with them is you need to be turning left on 501 and right on 544 and come to Conway Historic River Town founded in 1732 and beware of the neon. And more and more are listening to us. That’s a good thing.

REPRESENTATIVE WHITMIRE: Thank you, sir.

SENATOR PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: Thank you, Senator Peeler.

Thank you so much for your service. I know that you are very committed to the community and the university.

I just have a question. I know that your student population is about 50/50 in state, out of state. I’m from Ohio. And I know a lot of people that vacation down here, and I think it’s -- I do think it’s actually a good thing to have a good, healthy out-of- state student population.

But what percentage of your graduates -- I mean, are those kids coming down here to go to school and then staying in South Carolina, or are they going back to -- how many of them when they graduate from here are actually staying in South Carolina?

MR. BIDDLE: Many are. I think they -- you know, a lot of them and their parents -- a lot of their parents -- I met -- I was talking to the shortstop’s parents yesterday from Florida and some other folks were here from -- they were from upper part of North Carolina, Elon area. And they all follow their children and, you know, they’re in their second home or whatever, and they just say, "We’re staying here. We’re tired of fighting the snow. We’re tired of this, tired of that."

A lot of these students I think do stay, some do not. With the Ph.D. coming in marine science, I think that will help that area certainly.

But, you know, I guess I don’t have the exact -- I know that we have it at the university, I’m sure, but it’s more and more of them like the area. There’s lots of opportunities. And with golf course management, having a hundred courses in Horry County and Georgetown, pretty strong. So a lot of students will continue to work in Horry, Georgetown County.

So it’s kind of what they want to do. Some of them leave and go back. You know, it’s always greener, right? As Erma Bombeck said, "It’s always greener over the septic tank." So they leave and they, "Oh, I miss this. I miss that. I miss the ocean. This is opening."

I tell you the classic. David Anderson, who is a baseball player at Coastal, just opened a operation called Cleat Chasers. I don’t know how much you know -- how many ladies follow baseball players, but there are lots of them. And that’s where he got the name. It’s amazing. I mean, a lot of entrepreneurs. One of the most successful businesses in Conway is called the Crafty Rooster, which is a former student from Ohio area. So anyway, yeah.

They like the area. They like the State. I think they like South Carolina. I think they like our area of the country and the ocean and the river. We are kind of prone to the river, that’s where it all started.

REPRESENTATIVE WHITMIRE: 1732.

MR. BIDDLE: That’s right. It does not lie, sir.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

And I agree with you, I think your president is doing a great job. And I will also say that dealing with some of this deferred maintenance work with the higher education, that Coastal has been a leader, in my opinion, of the way it should be done. Is my understanding --

MR. BIDDLE: Yes, sir.

SENATOR MCGILL: -- you keep money in the bank to take care of those things understanding that those needs are going to be forthcoming.

I heard you say about the students. What is the biggest challenge that you’re facing you think right now at Coastal given all the other parameters that you have?

MR. BIDDLE: Well, I think, you know, I personally feel as someone who has worked with young people all my life, there are a lot of distractions down there. And as we begin to grow the new HTC Center, the new dormitories that are coming online, more and more campus functions that they don’t have to leave to go somewhere and do something at the beach. It’s been a lot better off. We’ve got much more of a campus atmosphere that I think keeps young people, you know, on the campus. Rather than traipsing off somewhere where there’s temptations and other things that abound. So that’s been very helpful.

I think that the new building, we’re calling it the Penny Building, after the one-cent sales tax. But right there as you face the Wall College, it’s right to the right. And we just approved one to go to the left. It’s classroom offices, but they have nice facilities.

We’re getting ready to expand the student center. The Atheneum Hall will become the history of the university. We’re so excited about that because there really is nowhere on the campus where we’ve had enough room to really put the history of Coastal Carolina University. And it’s an exciting history. The whole county is an exciting place. It really is hand and glove with the new museum that’s coming online in the next two or three months.

So I think as the campus becomes more of a collegiate atmosphere, it enhances those youngsters staying on the campus. We had over 250,000 visits to the new HTC Center, the part of it that’s the fitness and all that. It’s open till 2:00 every day, a.m., and it’s really exciting. There’s a climbing wall and all the latest and greatest.

You know, someone at Coastal who has a friend here at Carolina, they can actually run a race together online on the treadmill. They link into the computer and, say, your friend is Bill and Bill races Mary in the Boston Marathon. So that technology is really exciting stuff. And we’re glad that we have it.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

SENATOR PEELER: Senator McGill.

SENATOR MCGILL: Mr. Chairman.

How many students at Coastal?

MR. BIDDLE: About 9,300 total. Probably 1,500 plus in the graduate programs. We’ve had master’s in accounting, MBA, lots of master’s in education, marine science.

SENATOR MCGILL: And only a few years ago you were about 4,500 to 5,000 students. It’s one of the fastest growing universities in the Southeast.

SENATOR PEELER: No doubt.

SENATOR MCGILL: And it’s because it is well organized, it’s well run. And I agree with you, Dave DeCenzo is without a doubt one of the finest presidents in the Southeast.

MR. BIDDLE: You’re right. Yes, sir.

SENATOR MCGILL: Strictly business.

MR. BIDDLE: Yes, sir.

SENATOR MCGILL: But to you, I want to say to your credit, I noticed in here Arts and Humanities. Did you evidently work with that school some?

MR. BIDDLE: Yes, sir. And education as well. Yes, sir.

SENATOR MCGILL: You are commended. That is wonderful. I know Virginia Uldrick --

MR. BIDDLE: Yes.

SENATOR MCGILL: -- used to be at that school.

MR. BIDDLE: Are you talking about the Governor’s School in Greenville?

SENATOR MCGILL: In Greenville, yes.

MR. BIDDLE: Yes, sir.

SENATOR MCGILL: And that is commendable, and your reputation is impeccable.

MR. BIDDLE: Thank you. You know, Virginia said to me when I was at Conway High School, "We’ve got to get the students in Conway, South Carolina, into a residential program for the entire academic year. This summer stuff, just as we get them ready to launch, they got to go home."

I said, "Well, let’s do it, Virginia."

And she did. What a lady. What a leader in this state. I mean, she’s single-handedly made all that happen. We just got our green flags out every morning and said, "Go, Virginia, go."

SENATOR PEELER: Any other questions or comments?

What is the desire of the committee?

SENATOR MCGILL: Move favorable.

SENATOR PEELER: Motion for a favorable report.

Is there a second?

REPRESENTATIVE WHITMIRE: Second.

SENATOR PEELER: Second is heard.

All in favor, raise your right hand.

Thank you.

MR. BIDDLE: Thank you very much.

SENATOR PEELER: Thank you for your service.

MR. BIDDLE: Yes, sir.

**ROBERT TEMPLETON**

MS. CASTO: Next we will go to Robert Templeton. His is an at-large seat 15. He is an incumbent. This is a new seat for him, too, dealing with the restructuring. He’s under tab U in your notebooks.

SENATOR PEELER: Good afternoon, sir.

You want to share with us why you would like to continue to serve.

MR. TEMPLETON: Yes, I would. Thank you.

I have always had a desire to serve in our community, and in probably early 2006 I was considering running for county council in the Orangeburg County area. One of my business associates at that time, a gentleman you may know by the name Tommy Stringer, and I were speaking one day. And Tommy had approached me about filling a seat, an unexpired term at Coastal Carolina since he had recognized my desire to want to serve.

So in doing so, I had come up and I had investigated Coastal Carolina and seen what it was about and determined that’s where I wanted to try and apply my energies. So we ran for that seat and fortunately, we were elected. And since that point in time, I have enjoyed the privilege of serving the citizens of South Carolina in that area. And it’s my desire to continue doing so if the legislature and the senate here decides that’s appropriate again going forward.

SENATOR PEELER: Thank you.

Any questions or comments?

SENATOR MCGILL: He’s an incumbent now?

MS. CASTO: Yes, sir.

SENATOR MCGILL: He’s an incumbent?

MS. CASTO: Been on the board since 2007.

MR. TEMPLETON: 2007.

SENATOR ALEXANDER: Mr. Chairman, while you look through that, if I could --

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: -- during your period of time on the board, how is your attendance? How would your rate your attendance at the board meetings?

MR. TEMPLETON: Since 2007, I have missed three meetings.

SENATOR ALEXANDER: Good. Thank you, sir.

MR. TEMPLETON: Thank you.

SENATOR MCGILL: Excuse me, Chairman.

SENATOR PEELER: Senator McGill.

SENATOR MCGILL: What do you like about Coastal Carolina University?

MR. TEMPLETON: Well, I’ll tell you, there’s a lot to like. It’s hard not to like any -- not to -- well, I’m going to make sure I say that correctly. It’s hard to dislike anything there.

We mentioned the president, Dave DeCenzo. He is an astute businessman and someone like myself going in, you can learn a lot from an individual like that. Then I have my fellow trustees that I work with, Mr. Biddle; Mr. Lyles; Ms. Hanna, who is here now; and other trustees there that you are able to glean information from and learn a lot about.

When you find the love and desire that each one of these individuals has to serve the community and Coastal in particular, you can’t help but want to get involved and see the students graduate and have chances to be successful in their future endeavors.

It’s a great university. It’s a positive place to be. And I will tell you, I know I’m going to go out on a limb and probably be challenged by some other trustee candidates in here, but it’s probably the best institution in the state of South Carolina.

SENATOR MCGILL: Is Roper still head of security?

MR. TEMPLETON: Yes, sir.

SENATOR MCGILL: He is? He’s a retired SLED agent. He’s one of the best.

SENATOR PEELER: Any other questions?

Representative Whitmire.

REPRESENTATIVE WHITMIRE: What Congressional District do you live in?

MR. TEMPLETON: Well, you know, I’m not sure now. I live in Orangeburg County. I thought it was Congressional District 90, but I see a question mark beside my sheet of paper.

REPRESENTATIVE WHITMIRE: We got a lot more folks in this state than I thought we did.

If you could get that back to us so I can just -- we can make a notation on that.

MR. TEMPLETON: Yes, sir.

REPRESENTATIVE WHITMIRE: Because I don’t know which one that would be. All right.

SENATOR PEELER: Any other questions?

You say you’re a financial adviser?

MR. TEMPLETON: Yes, sir. I am a financial adviser. I work with Waddell & Reed. I’ve been with them for 18 years. I am a pastor of a Southern Baptist church. I’ve been pastoring church about five years. I am a high school baseball coach. I have a game this afternoon in Walterboro. I’ve been doing that about nine years. And I’m also a husband and a father. Not necessarily in that order, but I’m all of those.

SENATOR PEELER: You were fined in ‘03.

MR. TEMPLETON: Yes, sir. Back in 1998, I had probably one of the most severest lacks of judgment you can ever have. I had a client complete some paperwork. She left a blank in it, and I did the unthinkable. I filled in the blank, submitted the paperwork. About five years later was discovered by FINRA, was fined $5,000 and suspended for 120 days with the securities industry.

SENATOR PEELER: No good deed goes unpunished, right?

MR. TEMPLETON: Well, that was -- I should not have done that. That wasn’t a good deed.

SENATOR PEELER: Is that when you started ministering?

MR. TEMPLETON: Yeah, I did a lot of praying then.

SENATOR PEELER: Okay. Any other questions or comments?

Being none, what’s the desire of the committee?

SENATOR MCGILL: Move for a favorable report.

SENATOR PEELER: Motion is favorable report.

Is there a second?

REPRESENTATIVE WHITMIRE: Second.

SENATOR PEELER: Second.

All in favor, raise your right hand.

MR. TEMPLETON: Thank you.

SENATOR PEELER: Thank you. We appreciate your willingness to serve.

**GEORGE E. MULLEN**

MS. CASTO: We will go back to tab P. George Mullen. He is from Hilton Head. He’s a new candidate for the board representing the 1st Congressional District and is running unopposed.

SENATOR PEELER: Mr. Mullen, I need to swear you in, so if you would raise your right hand.

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

MR. MULLEN: I do.

SENATOR PEELER: Thank you.

Would you like to share with the committee why you would like to serve on the Coastal Carolina board?

MR. MULLEN: Yes, sir. I’ve been practicing law in Hilton Head for 33 years. 16 years ago, I opened an office in Myrtle Beach, so I’ve had contact for, you know, in the area for a number of years. I’ve watched Coastal Carolina grow during that period of time. 16 years ago there were about 4,000 students there. Today some 9,300. If you drive through the campus today, you’ll see construction building going on all over the place. It’s just an exciting place to be. It’s a place that over the years I’ve gone to football games, basketball games.

I’ve had a constant interest in it. Actually, I considered running for the seat about five years ago when Mr. Templeton did. At that time businesswise it wasn’t ideal.

This past year, my son started as a freshman there in his first year in a special program at Coastal Carolina. I don’t know if you’re familiar with it, but Coastal and a couple of other universities here have a program called the Life Program. It’s a program for special learning disability children. My son has Down’s syndrome. It is just an exceptional thing that as a parent growing up wondering what will your son do? What would your child do?

I have a daughter already -- she’s in law school now. And another daughter who will be going to college next year. And you wander what would my middle son be doing? And to have the opportunity for him to go and have the college experience, it’s just something that is hard to describe to you.

I’m forever grateful for the opportunities that Coastal has given to him. I want to be able to give back. I think I have things that I can offer. I have been there during this past year virtually every weekend. I have observed what is going on in the campus, in the social life of the campus. As I said, such a dynamic place. The president is a dynamic man.

I’m particularly interested in their new football coach, Jim Moglia. You’d have a hard time finding a more unique background for a head football coach than he has. It’s an exciting time, and I want to be part of it.

SENATOR PEELER: Good.

Any questions or comments from members of the committee?

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

It’s my understanding that you’re an attorney by trade?

MR. MULLEN: Yes, sir.

SENATOR ALEXANDER: And do you have any contracts with Coastal Carolina?

MR. MULLEN: We do not. We have had one instance where my partner represented a subsidiary, the Coastal Housing Foundation, on a relatively minor matter. It was a construction defect issue, which is what my firm does. That’s all we do is construction litigation. They did ask for our assistance. From a dollar amount value, it was a very nominal amount. It’s the only issue that we’ve had.

With exception connected with that, there were some issues that came up of a coverage issue at the same time our Supreme Court was addressing a case that actually this legislature also addressed. A couple of years ago, our Supreme Court decided there was no insurance coverage for construction defect litigation covering general contractors.

We represented at the Supreme Court the Coastal Carolina Housing Foundation. I actually was allowed, as an advocate, to come in and argue that to the Supreme Court. I did that on a pro bono basis. To seek coverage for government institutions and private individuals where there were defects.

Fortunately, the Supreme Court saw its way that they had previously ruled the wrong way. They corrected that probably some with the encouragement of your bodies which passed legislation dictating that there would be insurance coverage for that type of defective construction litigation.

SENATOR ALEXANDER: So rather than being a conflict of interest, I would assume with all that building going on down there, you’d have the opportunity to be an ally of making sure that things are done in the correct manner?

MR. MULLEN: I’ve had -- I’ve been involved in construction litigation since the day I started practice. It’s been 33 years. That’s all our practice is, has solely been in that. I have quite extensive background that I think I would have a certain skill set there that I could assist the board with and certainly intend to.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

SENATOR PEELER: Thank you.

Any other questions or comments?

SENATOR MCGILL: Mr. Chairman, let me ask this question. I would love to be a fly on the wall at breakfast time in this house when he and the judge discuss issues. That would be quite a conversation. Your wife does a marvelous job. You let her know that you rode on her ticket today to get across.

MR. MULLEN: Thank you, sir. I appreciate that.

SENATOR PEELER: Do you address her as Your Honor?

MR. MULLEN: I absolutely do. She reminds me often that she can throw me in jail.

SENATOR PEELER: My coroner reminds my sheriff that.

SENATOR ALEXANDER: Good reminder.

SENATOR PEELER: That’s right.

Any other questions or comments?

SENATOR MCGILL: Move favorable.

SENATOR PEELER: The motion is a favorable report. Is there a second?

SENATOR ALEXANDER: Second.

SENATOR PEELER: Second is heard.

All in favor, raise your right hand.

Thank you for your willingness to serve.

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

**NATASHA M. HANNA**

MS. CASTO: Coastal Carolina for the 7th Congressional District is Natasha Hanna. Hers is under tab S. And this would be the new 7th Congressional District. She is an incumbent on the board and represented -- were you representing the 6th District?

MS. HANNA: The 1st.

MS. CASTO: The 1st District beforehand. She is from Myrtle Beach.

SENATOR PEELER: I need to swear you in, I guess.

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

MS. HANNA: I do.

SENATOR PEELER: Do you want to share with us why you want to continue to serve on the board.

MS. HANNA: Yes, I would love to.

I am actually one of those out-of-state students who came here by way of Virginia to go to Coastal Carolina University. Planted my feet in the sand and never left. Graduated in 1994, married a local boy who was born and raised in Myrtle Beach. He graduated from Coastal in 1992. And now we have two children, ages 7 and 9, who are also big Chanticleer fans as well.

I have served on the Coastal Carolina University Board of Trustees since 2009. I’m also honored to serve on the Commission on Higher Education as well.

When I am not a mother, a wife, or a lawyer, I own my own small business, my own firm in Myrtle Beach. My other passion is education. I’m very involved in the elementary school all the way up to postgraduate and doctoral level.

Since I’ve been on the board, we have made significant changes at Coastal. We have made budget cuts all across the board. We have done everything that we can. What I think, I personally believe that I bring to the board, I bring the same responsibility that I have in my house, that I have in my home, I try to figure out how to do more with less. And I realize and acknowledge that we are at a crossroads and our universities have been at a crossroads for probably the last five years with the economy. But my belief is we don’t need to sit around and whine about the money we don’t have, we just need to figure out what we can do with what we’ve got.

We are very blessed at Coastal because we have -- let’s face it, our location is tremendous. We have a lot of people that want to come to our school, so we don’t have a problem getting the students there. We have a penny sales tax that we are very blessed to have. So with all of those things, we figure out how we can do more with less. And I think we’ve done a really good job at that.

But the bottom line is I love my university. I have tremendous pride. We attend the sporting events, the cultural events. Whatever it is, I am there. And I’m just not done yet. I feel like I have a whole lot more to give, and I’m hopeful that I’m given that opportunity.

SENATOR PEELER: I was looking over your information, and I think I remember screening you before about that pink sweater.

MS. HANNA: Angora sweater. It’s going to haunt me for the rest of my life.

SENATOR PEELER: You want to share with the newer members about that pink sweater?

MS. HANNA: Yes. When I was 17 years old I made a poor lapse in judgment and me and one of my dear friends got in an argument over a pink angora sweater. And she was smarter than I was, she went to the police about it. And unfortunately, they gave me a nice little ticket. It ended up being completely dismissed, but to this day I still have to talk about it no matter where I go. And Senator Knotts I think asked me at the end one day, he said, "I want to know one question, Ms. Hanna, who won?"

SENATOR PEELER: Do you ever wear pink anymore?

MS. HANNA: I love the color. I have a hot pink suit, so I don’t let that detract me from anything.

SENATOR PEELER: Well, next time you come before us, you ought to wear one.

MS. HANNA: I should. You’ll remember me, won’t you?

SENATOR PEELER: Any questions?

Representative Mack.

REPRESENTATIVE MACK: Mr. Chairman, I just want to say for the record, I’ve never made a mistake at 17.

SENATOR PEELER: Thank goodness you’re not under oath.

REPRESENTATIVE MACK: Yeah, right.

SENATOR ALEXANDER: I think he made his mistakes at 15.

SENATOR PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: Thank you. And I’m glad to hear you’re one of those out-of-state people who came and stayed, as am I.

I wanted to ask, inform me, just I’m curious, I don’t know anything about the penny. So can you tell me what -- how that transpired and what that is?

MS. HANNA: It came about before I was actually on the board, but the bottom line is there was a referendum and it was passed and we have a penny sales tax. And what that penny sales tax does is extra money in Horry Country that goes from K12 all the way up to Coastal and Horry Georgetown Technical College.

Now, the one caveat is that the money has to be used to build buildings, and that’s what we use it for. If you come down to our campus, you’ll see that it is absolutely stunning and we’re blessed to have it.

REPRESENTATIVE HENDERSON: So it’s an Horry County local option, but you get some of it?

MS. HANNA: Correct.

REPRESENTATIVE HENDERSON: Very interesting.

Okay. Since we’re talking about wardrobe, I did notice that you have a sea foam green suit, and I’m thinking you probably looked all over the place for that. So I give you credit for wearing those Coastal colors.

MS. HANNA: Thank you.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

I’m following up with Representative Henderson, but let me go first to the fact you’re an attorney as well, correct?

MS. HANNA: Yes, sir.

SENATOR ALEXANDER: And do you do any work for the university?

MS. HANNA: No, sir, I do not.

SENATOR ALEXANDER: And would trust that you have no intention of doing any work for the university?

MS. HANNA: No, sir, I do not.

SENATOR ALEXANDER: Okay. I think I was going to also mention to Representative Henderson, I think they actually bought a golf course with the penny, too, if my memory serves me correct. And it’s not just -- but for other funds. You all own your own golf course?

MS. HANNA: Yes, sir, we do. Which works very well with our PGA program. And also we share the responsibility with the local technical college, Horry Georgetown with their turf building program as well. So it’s a wonderful thing in our community.

SENATOR ALEXANDER: And it’s close to the university, I would assume?

MS. HANNA: It’s right across the street. Great location.

SENATOR ALEXANDER: Thank you.

SENATOR PEELER: Senator Alexander and I serve on the joint bond review committee, and Coastal Carolina comes quite often with that penny. There’s no telling, Senator McGill, how much that penny brings in for that.

REPRESENTATIVE Whitmire, I think you have a question.

REPRESENTATIVE WHITMIRE: Well, I just want to say I really like your passion. You’ve just come across as this is the place you want to be, and I just want to say thank you for your service.

MS. HANNA: Thank you.

REPRESENTATIVE WHITMIRE: I’m looking forward, if I can ever get down to Myrtle Beach, I’m going to call you guys up, I would love to tour the campus because I’ve never been there.

MS. HANNA: We have a beautiful teal golf cart. If anybody ever wants to come to our campus, it would be our honor to take you around for a few hours and let you see. I’m very proud. Thank you.

SENATOR PEELER: Okay. Any other questions, comments?

What’s the desire of the committee?

SENATOR ALEXANDER: Favorable.

SENATOR MCGILL: Second.

SENATOR PEELER: Motion is favorable report and seconded.

All in favor, raise your right hand.

Thank you. Appreciate your time today.

MS. HANNA: Thank you.

MS. CASTO: That concludes Coastal Carolina, so we’re moving to Francis Marion.

And Coastal Carolina folks, if you want to leave, you can. If you want to stay the rest of the afternoon, you can do that, too.

**JODY BRYSON**

SENATOR PEELER: Francis Marion. I think we have three candidates here. They’re not due to be here until 4:00, so we can get started earlier. We appreciate it.

Jody Bryson.

MR. BRYSON: Yes, sir.

SENATOR PEELER: If you would come forward. I will swear you all in individually to kind of keep up with everybody.

MS. CASTO: Mr. Bryson is behind tab X in your notebooks. His is the 4th Congressional District seat for Francis Marion, and he is a new candidate.

SENATOR PEELER: Let me swear you in. If you would raise your right hand.

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: You want to share with us why you’d like to serve on the Francis Marion board.

MR. BRYSON: I certainly will.

I am from South Carolina originally. I’m a product of two Upcountry mill villages. My father grew up in Judson Mill community. My mother grew up in Union Bleachery Mill community. So early on that instilled a sense in me of the value of education and the importance of education to those of us here who grew up in the state as well as relocated here.

I had the opportunity in my career after graduating from Clemson and then getting a master’s degree from Carolina, I had the opportunity to work for two of our state schools, Clemson and Newberry College. I gained a unique perspective on the value of higher education during both of those career stops.

Over the last ten years in my career, I have had the opportunity to work with a number of our colleges and universities. When I was with Upstate Alliance, we had several different types of colleges and universities who were active with our organization. And then most recently, in my current position with the South Carolina Technology and Aviation Center, we’ve worked very closely with Greenville Technical College, who has two schools on our campus, as well as Clemson University in developing a test track on our inactive runway.

So I guess all of that experience combined has really instilled in me a sense of value of higher education to the state as well as a desire to serve our State.

Francis Marion intrigues me in particular because during my time in Leadership South Carolina, I learned a great deal about the Pee Dee area and some of the particular needs of that part of our State. I understand how the university, a local college can be a catalyst for economic development and job creation for its citizens.

And then I guess the final reason I’m interested is I’ve been a great fan of Dr. Fred Carter for many, many years having had the opportunity to work with him during the Campbell Administration. The first Campbell Administration when he was a member of the executive staff, and I served on the kitchen cabinet and had a position with Governor Campbell’s staff as well.

I’ve been watching his career from afar and observing some of the progress that he’s made in his current roll as president of Francis Marion. So when this opportunity came along, the time was right and my interest was strong and that’s why I’m here with you today.

SENATOR PEELER: Thank you. Great.

So South Carolina Technology and Aviation Center, tell me a little bit about that.

MR. BRYSON: Well, you may know us as Donaldson Center. We have been in existence as an industrial park for nearly 50 years. It’s a former military base that was closed in 1963. The City of Greenville and the County of Greenville basically bought the entire 2600 acres and all the existing facilities and surplus equipment back from the military when it was shuttered in ‘63. They set up a development commission to redevelopment the base. They used private dollars, they didn’t use tax dollars. They went to four local banks and got a loan for $450,000 and bought the entire lock, stock, and barrel, 2600 acres.

They sold off some utility rights, some surplus equipment, and four and a half months they had paid off the loan. And we’ve been generating a profit for those two governments ever since by the lease revenues we generate and the property sales that have occurred over the years.

So I’ve been there six years. I oversaw the -- really the creation of our economic development strategy of which the rebranding and the name change was a key part of that. So we’re home to 85 companies currently today with an annual economic impact of $1.4 million annually to the state’s economy, 3,800 jobs, and we’re looking to add to that.

SENATOR PEELER: What did you do with the Campbell Administration?

MR. BRYSON: I managed a federal transportation program called -- it was a Title 19 program. And we worked with various local agencies to provide and oversee a statewide transportation program for Medicaid clients. I also worked in the Office of Criminal Justice Programs, managing grants for various local law enforcement agencies.

SENATOR PEELER: Well, was Dr. Carter as tough then as he is now?

MR. BRYSON: Absolutely.

SENATOR PEELER: Okay. Any other questions?

SENATOR MCGILL: Mr. Chairman, very brief.

SENATOR PEELER: Senator McGill.

SENATOR MCGILL: The Donaldson group that you’re talking about, you all asked for some funding from the General Assembly several years ago. Did you get any money?

MR. BRYSON: We actually ended up receiving a loan through the South Carolina Energy Office, which we utilized to do upgrades to our facilities, which are currently leased by Lockheed Martin. They’re our largest employer. As a result of those funds, we were able to make the upgrades to make them more cost effective and efficient, and as a result, they renewed their lease. So they’re going to be here for at least another five years. We are grateful for that.

SENATOR MCGILL: Very good. And you’re right, Dr. Carter, as Dave DeCenzo with Coastal Carolina University, both are great presidents. And I can tell you, both of these universities are fiscally sound.

SENATOR PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: Thank you, Mr. Chairman.

I just want to say that I’ve known Jody for a really long time, and he is a wonderful economic development ambassador and knowledgeable. And the fact that he, in my opinion, is willing to drive down to Francis Marion, you’re not an alumni to serve, I think it’s great because we just sat here and had this conversation about people from Charleston all serving on The Citadel board and how we need to mix things up a little bit.

And I think it’s great that you’re willing to do that. And I just wanted to just say that by way of character reference for Mr. Bryson.

MR. BRYSON: I appreciate that.

REPRESENTATIVE HENDERSON: You’re welcome.

MR. BRYSON: And, of course, it’s also an excuse to stop by Young’s Pecans there and stock up, too. So I want to be completely forthcoming with your committee. I have an ulterior motive.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

I really appreciate your willingness to serve. I do think that there’s a lot of great things going on at Francis Marion and certainly under the leadership of the president. I really think you’ll enjoy your service.

What are you -- are you okay as far as the meetings that and schedule-wise and all that, there’s no problem from that standpoint?

MR. BRYSON: I am. I talked at length with Darryl Bridges about the commitment, and I think he’s the staff -- or help staff the board. I’m fortunate I’m in a position now in my current position which will allow me to be a faithful attendee at all the meetings and committee meetings. And, of course, with the smartphones these days, you’re never really unplugged. So I get a lot of work done in the car, safely.

SENATOR ALEXANDER: And just knowing Dr. Carter, he’s going to work you hard.

MR. BRYSON: That’s good. That’s good. I understand.

SENATOR PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Mr. Bryson, thank you for your willingness to serve. We need more folks like you to step up to the plate.

When you were talking about your bio, though, you brought back some memories, my grandparents lived in the Sans Souci area.

MR. BRYSON: Oh, really?

REPRESENTATIVE WHITMIRE: And I had a cousin who went to Parker. I don’t know if you went to Parker or not.

MR. BRYSON: I did not go to Parker, but I have aunts and uncles galore as well as my mom who all went to Parker. Golden Hurricanes -- Golden Tornadoes.

REPRESENTATIVE WHITMIRE: It’s sad that history of textiles has passed us by. It was a wonderful time in our state.

MR. BRYSON: There is a very active textile heritage group in Greenville who are really working hard to preserve that heritage. And if you ever have a chance to go to Upcountry History Museum in downtown Greenville -- have you been?

REPRESENTATIVE WHITMIRE: Yes.

MR. BRYSON: They’ve done a great job of saving a lot of that Heritage. My aunt and uncle are very involved with that.

REPRESENTATIVE WHITMIRE: Well, sadly, I’m from the small town of Walhalla, Senator Alexander and I are, and we lost our last remaining textile building a few months ago. It’s sad to see it go.

MR. BRYSON: I have very fond memories of those mill villages growing up. And there’s still a great sense of community at some of them.

Thank you.

SENATOR PEELER: Coastal Carolina students, when they leave class they get to go to Myrtle Beach and the ocean and all that. When I was at Clemson, I got to go to Walhalla. I was very lucky.

Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

I just wanted to, again, as was mentioned, thank you for your service. Also, I wanted to commend the president, as you have, Fred Carter, he’s a friend of mine. Again, it just shows how leadership can create a great culture.

And just wanted to tell you a quick story that we had a member of my church went there on a basketball scholarship, got very ill, but the way the school treated him when he was not able to play basketball, they got behind him and they helped him as a student, as a person. And, you know, it’s reflective of the school. I’ve been there, and it’s a great, great atmosphere.

MR. BRYSON: I appreciate you sharing that. That doesn’t surprise me at all. Thank you.

SENATOR PEELER: Any other questions or comments?

What’s the desire of the committee?

SENATOR MCGILL: Favorable.

SENATOR PEELER: Motion is favorable.

SENATOR ALEXANDER: Second.

SENATOR PEELER: Second is heard.

All in favor, raise your right hand.

Thank you.

MR. BRYSON: Thank you, sir.

SENATOR PEELER: Thank you that you are willing to serve.

MR. BRYSON: Thank you.

**GEORGE C. McINTYRE**

MS. CASTO: The next individual is George McIntyre. He is from Bennettsville. He’s an incumbent but in a new seat in the 7th Congressional District.

Francis Marion, you all may recall, when you did the restructuring for the colleges and universities, they had the biggest shake up, I think, in all of their seats. And most of them lived in the Pee Dee, and they had to restructure some of them.

SENATOR PEELER: Mr. McIntyre, would you raise your right hand.

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

MR. McINTYRE: I do.

SENATOR PEELER: Would you like to share with us why you would like to serve.

MR. McINTYRE: Well, I would like to continue my service. I’ve been on the board now for nearly 14 years, and I’m a graduate of Francis Marion. And it’s been just a great experience for me to be back in a different role on the campus and to see all the good things that have happened during that time.

I came to Francis Marion about the same time that Fred Carter left the Budget and Control Board and came over and assumed the presidency there. So we’ve kind of been on a ride together. And it’s been a great experience for me individually and also to watch the university grow and reach to the goals that we only dreamed about back in the early ‘70s, the mid ‘70s when I was a student there.

We had a vision, but we -- you know, we’re not there. But we’ve been able to get to a lot of that over the last 10 or 12 years. We’ve got great plans for the future, also. So I’m looking forward to being part of the ride and continuing on.

SENATOR PEELER: Good.

Any questions, comments?

SENATOR MCGILL: Impeccable reputation.

SENATOR PEELER: Sounds like it.

MR. McINTYRE: Thank you, Senator.

SENATOR PEELER: Where did you go to college?

MR. McINTYRE: Francis Marion. I graduated from there in 1978. I was one of the early ones there. When I arrived on campus, I think we had either three or four buildings and no dormitories. Everyone was a commuter. And we lived in apartments, some of us off campus there.

But today, to go back to the campus now and see the difference from the time in the 1970s and early ‘80s to today, it’s just astonishing what the university has been able to accomplish over the last 10 or 12 years.

SENATOR ALEXANDER: Mr. Chairman.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: While you’ve been on the board, your attendance, how has that been.

MR. McINTYRE: I was hoping someone would ask me that question, sir. I have missed one meeting in 13 years, nearly 14 years now, missed one meeting. And quite frankly that was to attend the funeral of one of your former colleagues, Representative Doug Jennings’ father passed away, and I attended that funeral. It fell on the same day as a board meeting. But that’s the only board meeting I’ve missed in nearly 14 years.

SENATOR ALEXANDER: All right. My other question is dealing with talking about you started out when you were, there four buildings or so there on the campus, is it true that -- where is your fine arts center for Francis Marion University?

MR. McINTYRE: The new Performing Arts Center?

SENATOR ALEXANDER: Yes.

MR. McINTYRE: It is downtown in Florence.

SENATOR ALEXANDER: So university campus has really stretched out in downtown Florence?

MR. McINTYRE: It has stretched out, it has indeed.

SENATOR ALEXANDER: And no tax dollars was used for that, the best I remember.

MR. McINTYRE: There was a state appropriation for a portion of it, but the majority of the money came from the Bruce & Lee Foundation privately there from Florence and the City and the County and private citizens.

SENATOR ALEXANDER: I’ve seen a picture of it. It’s a beautiful --

MR. McINTYRE: It’s a beautiful facility. We’re very proud of that, yes, sir.

SENATOR PEELER: Okay. I’ve been told there’s some water statue there, water art. Is it a statue of a senator made out of water or something?

MR. McINTYRE: I’m not -- we have a few statues around, now, but I don’t know about a water statue.

SENATOR PEELER: Some water art.

MR. McINTYRE: We have one of Francis Marion there in the main entrance, and we just unveiled one at the last board meeting of our first president, Doug Smith. Walter Doug Smith, who is 92 or -3 years old and still living and was there at the ceremony. It was quite an event. And a lot of the older, retired staff people, professors came back for that ceremony. It was quite an event. Very nice.

SENATOR PEELER: Great.

Representative Whitmire.

REPRESENTATIVE WHITMIRE: How many students do you have now?

MR. McINTYRE: Just a shade under 4,100. About 4,100.

REPRESENTATIVE WHITMIRE: Is that a steady increase?

MR. McINTYRE: We’ve had about a 2 or 3 percent increase steadily for the last number of years. Yes.

REPRESENTATIVE WHITMIRE: Good growth.

MR. McINTYRE: We’re excited about that. You know, we brought online several new programs and degrees recently. One that we’re very proud of is the master’s in nursing, nurse practitioner degree that’s going out. Of course, we have a bachelor’s in nursing degree.

But we just brought online in January a master’s in nursing degree, a nurse practitioner. And we hope to be able to put these folks to work out in the Pee Dee and other parts of the state, particularly the rural areas. We think it’s going to be the future of health care in many of these rural areas having nurse practitioners as opposed to doctors in some cases.

We have an industrial engineering degree that’s coming online January of ‘14, and we’re excited about that. And that will be the first engineering degree in northeastern South Carolina. We think, again, that will meet a need for our industries who are looking for engineers, having a hard time, particularly in the rural areas, of finding them. So we’re planning on educating them and having them there.

I think history shows that when they go to school, they get their degree there, they tend to stay in that area and work in the industries, in the areas of that area.

REPRESENTATIVE WHITMIRE: I assume the majority of your students are from the Pee Dee area?

MR. McINTYRE: Majority are -- 95 percent of our students are South Carolinians. I think the last numbers I saw, about 56, 60 percent are from the Pee Dee area of South Carolina, yes. We feel like we’re fulfilling the mission that we were intended to do, you know, when they were founded in 1970, and filling a very big need in the Pee Dee and in South Carolina.

SENATOR PEELER: I think it’s the anchor of the Pee Dee, I really do.

REPRESENTATIVE MACK: Move for a favorable report.

SENATOR PEELER: Motion is a favorable report.

SENATOR ALEXANDER: Second.

SENATOR PEELER: Second is heard.

All in favor, raise your right hand.

Thank you for your willingness to serve.

MR. McINTYRE: Thank you.

**WILLIAM W. COLEMAN, JR.**

MS. CASTO: Next is William Coleman. He is from Florence, and he is an incumbent but is a new seat, the at-large seat number 15 with a term to expire in 2016.

SENATOR PEELER: What tab is that?

MS. CASTO: I’m sorry. It’s under tab 1. It’s the very last tab in your notebook.

SENATOR PEELER: Good.

If you would please raise your right hand.

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

MR. COLEMAN: I do.

SENATOR PEELER: You want to share with us why you would like to continue to serve on the board at Francis Marion.

MR. COLEMAN: Yes, sir. I’m senior to Mr. McIntyre.

I first want to apologize. I’ve had laryngitis and bronchitis for about a week to ten days. I can’t whip it.

SENATOR PEELER: I hate to tell you, you’ve got about two more weeks to go. I’ve had it for a month.

MR. COLEMAN: I tell you, this medicine is worse than the --

SENATOR PEELER: I agree.

MR. COLEMAN: But I’m from a little town called Pamplico, South Carolina. And was in first graduating class of Francis Marion in 1971. I’ve been in the banking business for 20-something years, retiring about ten years ago and went in to commercial real estate business. I married a Lake City girl. I’ve been real involved with the community, been on the economic development board. And like I say, I’ve been involved with the foundation since it started, Francis Marion, continuously also.

I think I’m the longest serving Francis Marion board member right now, and I’ve been chairman twice. Fortunate to be.

SENATOR PEELER: Any questions or comments of Mr. Coleman?

SENATOR MCGILL: Mr. Chairman.

SENATOR PEELER: Senator McGill.

SENATOR MCGILL: Talk about impeccable careers and impeccable personality, this man has got it. This man’s love -- it’s hard to find a man that is loved by all people all over that region. But he’s participated more by helping other people and not about I, I, me, me. And I can tell you what, he without question, if he’s the longest serving board member at Francis Marion University, I know if Chairman Leatherman was in this room today or Fred Carter, any of them, that they would talk about his very, very impeccable, great reputation.

MR. COLEMAN: Thank you, Senator.

REPRESENTATIVE WHITMIRE: I move for confirmation after that.

REPRESENTATIVE MACK: Second.

SENATOR PEELER: Let me ask this. Staff had one question on the questionnaire. It was left blank, it may have been just oversight.

MR. COLEMAN: On the --

MS. CASTO: On the personal data questionnaire.

MR. COLEMAN: Yes, ma’am.

MS. CASTO: On page 3, question number 23, the second question at the top. It just says, "Have you ever been a party, a plaintiff or a defendant, in any state or federal litigation for the preceding five years?"

MR. COLEMAN: I’m in litigation with the Hartford Insurance Company right now.

MS. CASTO: Okay. Thank you.

MR. COLEMAN: But I did leave that out in error, I’m sorry.

SENATOR PEELER: Okay. Motion is favorable report from Representative Whitmire.

Is there a second?

SENATOR MCGILL: Second.

SENATOR PEELER: Second is heard.

All in favor, raise your right hand.

Unanimous. Thank you, sir.

MR. COLEMAN: Thank you for all you all do for the State.

**MARK S. MOORE**

MS. CASTO: If you will go back to tab V, Mark Moore is here from Mount Pleasant. It is the 1st Congressional District seat for Francis Marion. Tab V. And he is a new candidate.

SENATOR PEELER: Good afternoon, Mr. Moore.

MR. MOORE: Thank you. Pleasure to be here.

SENATOR PEELER: Raise your right hand.

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

MR. MOORE: So help me God.

SENATOR PEELER: Thank you.

If you would share with us why you would like to serve on the board of Francis Marion.

MR. MOORE: Yes, sir. I think to be a part of any board of trustees would be special and definitely an honor, but I think Francis Marion is a particular interest to me. My parents were both in higher education, both taught at the College of Charleston. My father was there for nearly 40 years. He passed away about four years ago. And, you know, there’s a lot of value in my family. A lot of them have worked in higher education, particularly in public institutions.

I think that, you know, all public institutions are there to serve the communities in which they’re located. I think Francis Marion is especially special in that respect. I believe 95 percent of their students come from South Carolina. I believe that more than 40 percent of them, I think, are first-time college graduates out of their family. So I think they’re doing a really incredible job there of educating and raising the level of that community.

Dr. Carter was a colleague of my father’s at the College of Charleston. My father maintained a close relationship with him and with Francis Marion. He went up there on a regular basis, and I would like to be a part of the university. I would like to be able to help where I can. I think I bring some experience to the table that is useful.

I’ve worked in the public sector, private sector in higher education administration. And as an attorney, I think all of those things I could use in assisting on the board.

SENATOR PEELER: Thank you. I see where you were fired as a shoe salesman at Belk’s?

MR. MOORE: I was. I wasn’t Belk material.

SENATOR PEELER: I’m sorry?

MR. MOORE: I was told I wasn’t Belk material, so a career at Belk was pretty much out of the question after that.

SENATOR PEELER: I think if I was a lady’s shoe salesman at Belk, it would be like dying and going to heaven.

MR. MOORE: I was a men’s shoe salesman.

SENATOR PEELER: Oh, okay. Oh me.

Any questions, comments?

SENATOR ALEXANDER: I can’t outdo that.

SENATOR PEELER: I saw that, I said my goodness.

REPRESENTATIVE WHITMIRE: Have you ever wanted to go back and visit and show them what you accomplished?

MR. MOORE: Well, I still won’t ever live up to being Belk material. No, actually, I -- you know, it was one of those things. I was just out of college and actually it was around the time the Navy base had closed down in Charleston, and I went back to school there after undergrad and worked there and was hoping to get health benefits. But didn’t make it past the period I was supposed to make it to.

SENATOR PEELER: I thought you were going to say you were a loafer.

(Laughter)

SENATOR PEELER: What is the pleasure of the committee?

SENATOR MCGILL: Favorable report.

SENATOR PEELER: The motion is favorable report.

REPRESENTATIVE MACK: Second.

SENATOR PEELER: Second is heard.

All in favor, please raise your right hand.

Thank you.

I appreciate your willingness to serve. I think you will enjoy serving on it.

MR. MOORE: Thank you all so much.

REPRESENTATIVE HENDERSON: Mr. Chairman, if I may. I have noticed that the tenor of your meeting has changed significantly since this morning. We’re getting a little punchy over here.

SENATOR PEELER: Yeah.

**JAMES M. BUNCH**

MS. CASTO: If you will turn to Tab Y, James Bunch. He is from Gaffney, and his is the 5th Congressional District seat on the Francis Marion board with a term to expire in 2014.

SENATOR PEELER: Hello, Mark.

DR. BUNCH: Good afternoon. Thank you for seeing me today.

SENATOR PEELER: I need to swear you in, if you would please your right hand.

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

DR. BUNCH: I do.

SENATOR PEELER: Thank you.

Would you share with the committee why you’d like to serve on the Francis Marion board.

DR. BUNCH: Francis Marion for my family has a long history starting in 1975 with an older brother attending there and older sister, younger sister, several cousins, very -- lots of family members and then myself as well even attending there.

I’ve always enjoyed Francis Marion, being from that part of the state, watching its growth and watching it change from the college to a university status. It was indeed an honor to get my degree from the college, university, and I look forward to working with them and seeing what that future holds for that university. So I’m looking forward to being with them for this period of time.

SENATOR PEELER: Thank you, Dr. Bunch.

DR. BUNCH: Thank you.

SENATOR PEELER: Any questions, comments?

SENATOR MCGILL: Chairman, let me just see. I see you served on Bennettsville City Council.

DR. BUNCH: Yes, I did, many years ago.

SENATOR MCGILL: How did you like that task?

DR. BUNCH: That was an interesting situation. I filled a void as there was a term they restructured, did some line drawings and other things like that. So it was an odd time for an election there, so I ran for that city council seat and had a great time there. Learned lots about the government of the City of Bennettsville. Enjoyed my time there a lot.

SENATOR MCGILL: I can tell you this, Bennettsville is one of the most attractive small towns probably in the whole Southeast.

DR. BUNCH: Thank you very much. That city has really grown with its character downtown, so they’ve done a beautiful job with that. So thank you very much.

SENATOR PEELER: Any other questions, comments?

I would like to comment. Dr. Bunch is from Gaffney. He’s principal at Kinard Middle School where my oldest granddaughter attends and my daughter-in-law teaches there. And Dr. Bunch also sings with a group with my brother Bill. So I know him very well. And I think he would be a great member of the board.

I see on here you failed to leave -- write down your voter registration number. Please tell me you’re registered to vote.

DR. BUNCH: Yes, I am. I apologize for that. Yes.

SENATOR PEELER: That would have been a big old black mark.

Any questions or comments of Dr. Bunch?

SENATOR MCGILL: Move for a favorable report.

SENATOR PEELER: Motion is favorable.

Is there a second?

REPRESENTATIVE WHITMIRE: Second.

SENATOR PEELER: Second is heard.

All in favor, please raise your right hand.

Thank you for your willingness to serve, Mark.

DR. BUNCH: Thank you very much. I appreciate it.

SENATOR PEELER: Nice to see you.

DR. BUNCH: Yes, it is. Thank you and good afternoon.

SENATOR PEELER: I asked my granddaughter, I said, “Dr. Bunch will be under oath, do you want me to ask him any questions?”

“Ask him how many bow ties does he have.”

You don’t have to answer that.

DR. BUNCH: Thank you all very much.

**GAIL NESS RICHARDSON**

MS. CASTO: We are waiting on Gail Ness Richardson. She was scheduled -- isn’t scheduled to be here until 4:10. So she should be here in just a little bit.

(Off the record.)

SENATOR PEELER: Hello.

MS. RICHARDSON: Gail Richardson, Barnwell, Francis Marion University Board of Trustees. I’ve been a trustee there for 25 years, since 1988. And I love my job, and I consider it a full-time job. I’m very proud of what Francis Marion does, of the mission of -- to serve the Pee Dee. And I hope you’ll see fit for me to be a trustee for a little bit longer.

SENATOR PEELER: Wow. You’re like Jeopardy, you’re given us the question and we’ve got to guess the answer. You’ve given the answer, and we’ve got to guess the question.

MS. CASTO: Ms. Richardson is behind tab W in your notebook.

SENATOR PEELER: Okay. If you would take your seat.

MS. RICHARDSON: Thank you.

SENATOR PEELER: I need to swear you in.

MS. RICHARDSON: Certainly.

SENATOR PEELER: Okay. 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. RICHARDSON: I do.

SENATOR PEELER: You just gave me the reason you want to continue to serve. Anything you would like to add to what you said?

MS. RICHARDSON: No. Thank you, sir. I would certainly entertain any question.

SENATOR PEELER: Okay. And that’s what we will do. I’ll open it for questions.

MS. RICHARDSON: Thank you.

SENATOR PEELER: Anyone have any questions or comment?

How long you have been on the board, 25 years?

MS. RICHARDSON: Yes, since 1988. Since the legislature saw fit to separate the boards of all of our universities. And Francis Marion got their own board, and I’ve enjoyed it very much ever since.

SENATOR PEELER: Looks like you drive like you talk, kind of fast.

MS. RICHARDSON: Why is that?

SENATOR PEELER: Six speeding tickets.

MS. RICHARDSON: Oh, well, I might drive too fast, yeah.

SENATOR PEELER: Any questions?

SENATOR ALEXANDER: Mr. Chairman.

SENATOR PEELER: Senator Alexander.

SENATOR ALEXANDER: Being you’ve been there for so long, a couple of things. One is how has your attendance been?

MS. RICHARDSON: My attendance is excellent. I’m unemployed other than in this job, and I make myself available not just for board meetings, but for those times in between when other board members are tied up with other employment issues and I am there. And it’s a two-hour-and-20-minute drive, so it’s not a quick run for me.

SENATOR ALEXANDER: Right. And I guess the other question with serving for that length of time, what is the greatest change that you’ve seen at the university during that period of time?

MS. RICHARDSON: The quality of the administration. We have had only four presidents. I did not serve under one. One quite excellent in his presidency, and one not so great. This man that we have now is dynamite.

SENATOR ALEXANDER: Are you speaking of Dr. Carter?

MS. RICHARDSON: I am. He has done wonderful things for the association, among the faculty and the administration and the trustees and the students so that everyone is pulling in the same direction. And that’s what we need.

SENATOR ALEXANDER: Let the record reflect I certainly share your admiration of Dr. Carter and his leadership.

MS. RICHARDSON: Thank you. His leadership is excellent.

SENATOR PEELER: Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

What are some of the changes you’ve seen over the 25 years?

MS. RICHARDSON: Well, we’ve seen quite an increase in our student body. We have over 4,000 students now. There was a period of time when that number was going down, but not in the past 15, 17 years.

We have added tremendously to our repertoire of course offerings thanks to the approval for those and for our structures on campus. We are a young campus, and I’m a little bit partial but I think we have the prettiest college campus in South Carolina. It’s relatively new, having -- the university having started in the ‘70s. And we have added some really fine facilities, a Performing Arts Center in conjunction with the City of Florence that has not only been quite an asset for us as a university but also to revitalize the downtown area of Florence, too. And a beautiful nursing facility.

We have several graduate programs now that we did not have in 1988 when I began on the board. And we’re now adding nurse practitioner and physicians assistants programs. And that is going to be quite an addition for our Carolina and McLeod hospitals in the Pee Dee, and, of course, other places, too.

REPRESENTATIVE MACK: You were not here earlier when a lot of us, including myself, spoke very highly of Dr. Carter and the school.

MS. RICHARDSON: Yes.

REPRESENTATIVE MACK: Just one word of advice, I like you a lot. Please slow down.

MS. RICHARDSON: Thank you. Slow down in the car.

REPRESENTATIVE MACK: In the car.

MS. RICHARDSON: I do talk fast.

REPRESENTATIVE MACK: In the car.

MS. RICHARDSON: Thank you.

SENATOR PEELER: I’m curious, did you say you have a master’s degree from South Carolina?

MS. RICHARDSON: Yes, I do.

SENATOR PEELER: What’s your master’s?

MS. RICHARDSON: Library science. I was a media specialist at Blackville-Hilda High School, and SAT prep teacher.

SENATOR PEELER: So you’re retired.

MS. RICHARDSON: I am. I’m retired from teaching. I’m a grandmother of nine, so that’s my other part-time job besides Francis Marion.

SENATOR PEELER: Only thing in the world that’s not overrated is grandchildren.

MS. RICHARDSON: It’s true. It’s absolutely true.

SENATOR PEELER: Any other questions or comments?

SENATOR MCGILL: Just thank you for your service.

Move favorable report.

REPRESENTATIVE WHITMIRE: Second.

SENATOR PEELER: Motion is and seconded favorable report on Ms. Gail Ness Richardson.

All in favor, please raise your right hand.

Thank you very much.

MS. RICHARDSON: Thank you very much. I hope I haven’t held you kind people up.

SENATOR PEELER: No.

MS. RICHARDSON: I know I’m early, but I think you are running a little ahead of schedule.

SENATOR PEELER: We are.

MS. RICHARDSON: That’s a good thing. Have a wonderful afternoon.

SENATOR PEELER: You, too.

MS. CASTO: That’s it for today.

SENATOR PEELER: I’ll see you in the morning.

(The hearing recessed at 3:54 p.m.)

**JOINT LEGISLATIVE COMMITTEE TO SCREEN**

**CANDIDATES FOR COLLEGE AND UNIVERSITY**

**BOARD OF TRUSTEES**

Wednesday, March 27, 2013

9:00 a.m.

1101 Pendleton Street

The Gressette Building, Room 201

Columbia, South Carolina

Members In Attendance:

Senator Thomas C. Alexander

Senator Robert W. Hayes, Jr.

Representative Phyllis Henderson

Representative David J. Mack, III

Representative Peter M. McCoy, Jr.

Senator J. Yancey McGill

Senator Harvey S. Peeler, Jr., Chairman

Representative William R. Whitmire

Staff In Attendance:

Martha Casto

Julie Price

9:08 a.m.

**CATHY B. NOVINGER**

CHAIRMAN PEELER: How are you this morning?

MS. NOVINGER: Fine. Thank you, Senator.

CHAIRMAN PEELER: I need to swear you in.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: Would you like to share briefly why you would like to serve on the South Carolina State University Board of Trustees?

MS. CASTO: Mr. Chairman, her information is behind Tab O in your notebook.

MS. NOVINGER: Senator, I don’t think it is any secret that that institution is in dire need of some leadership and some fiscal accountability and probably many, many other things.

And I think from my experience chairing the board at South -- at the Technical College State Board -- I was on that board for twelve years, chaired it for four. I also -- when I was at SCANA Corporation, I was there as a senior vice president; but I managed the H.R. function, the procurement function, the governmental affairs, economic development, and most of the admin functions. And I really think that experience has given me, I guess, an entry into some leadership opportunities at S.C. State.

My husband and I were first generation college-bound students. I say “bound” because I never really got a four-year degree. And I understand most of those students down there are first generation college-bound students. And I just have a heart for them, and I have a heart for education, and I think I can help, and they need help.

CHAIRMAN PEELER: Thank you.

It is on our information that you currently serve on a Central Midlands Council of Government.

Would that rise to the level of a dual-office holding if she was successful?

MS. CASTO: You are appointed by whom?

MS. NOVINGER: City council.

MS. CASTO: No.

CHAIRMAN PEELER: Okay, good.

Any questions or comments?

Senator from Oconee, Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

Good morning.

MS. NOVINGER: Morning.

SENATOR ALEXANDER: I appreciate your willingness to serve and consistently be with the candidates for not only this board but other ones.

With your different responsibilities, would being involved and attending the meetings and being engaged, would that be an issue for you?

MS. NOVINGER: Senator, I’m on several boards, and I do plan to resign from several because I think that’s going to take a lot of time and attention, and I’m willing to commit to that.

SENATOR ALEXANDER: Also, you mentioned briefly the deficit. I would assume that you have concern about them continuing to run a deficit.

MS. NOVINGER: Oh, yes, serious concern. Not only should they not run a deficit, they should have a reserve account for emergency-type things that come up, maintenance.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

CHAIRMAN PEELER: You’re welcome.

Any other questions?

SENATOR McGILL: Mr. Chairman.

CHAIRMAN PEELER: Senator McGill.

SENATOR McGILL: Let me -- Cathy, let me say to you not just for your years of not just corporate leadership but also your ag. business. It goes on and on, and such a great career. And you have made a big difference in this state; and there is no question that you will be a great member, if elected.

And there is no question that you carry a respect from one end of this state to the other end, but it would really be wonderful to be screened out today and then have that opportunity to talk with all the Senate and House members, but your reputation is impeccable.

MS. NOVINGER: Thank you.

SENATOR McGILL: I want to say that for the record. We are delighted to hear that you are running.

MS. NOVINGER: Thank you, and I’m hopeful that we can get South Carolina State’s reputation impeccable too. And they didn’t get in this situation overnight, and it will take some time and leadership.

CHAIRMAN PEELER: Thank you.

Any other questions?

Hearing none, what is the desire of the Committee?

SENATOR HAYES: Favorable.

CHAIRMAN PEELER: The motion is a favorable report.

SENATOR ALEXANDER: Second.

CHAIRMAN PEELER: Seconded.

All in favor, please raise your right hand. It is unanimous.

Thank you. I appreciate your willingness to serve.

MS. NOVINGER: Thank you.

CHAIRMAN PEELER: Next candidate.

**ANN V. HURST**

MS. CASTO: The next candidate is Ann Hurst from Orangeburg. This is for the Lander Board. Ms. Hurst was unable to be with us on Monday, and she is running unopposed. She is the incumbent. Her opposition withdrew on Monday.

CHAIRMAN PEELER: Okay. Good morning.

MS. HURST: Good morning.

CHAIRMAN PEELER: I need to swear you in.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: I must ask you, what were you -- dog, cat, cow? What were you working on when you had a --

MS. HURST: It was a dog morning. I apologize for that, but sometimes it just is.

CHAIRMAN PEELER: I am just glad it wasn’t a cow. Thank you.

Would you like to share with the Committee briefly why you would like to serve?

MS. HURST: Before you, you have a bit of a handwritten note from me as to why I want to continue to serve on the Board of Trustees at Lander University.

I was raised in a higher education family in a little town called Clemson. My father was an administrator during my formative years, and some of his most heightened activities were when the Board of Trustees arrived in town, and he had a great deal of respect for the functioning of the Board of Trustees.

It has been my privilege for the past several years to serve on the Lander University Board, and my committee has been Academic Affairs. I know as a private citizen, as a business owner, as a person with a great deal of higher education in my background, that it is the key to the success of this state to continue to have institutions where people can learn and be gainfully employed and to lead South Carolina in the way it needs to be led.

It has been my privilege and I feel my duty to go to Lander to help. I’m about a hundred miles down the road. My little town is Orangeburg, and I must say that I reach a beautiful level of sanity when I arrive in Greenwood, but I read the paper in Orangeburg every single day. So I, I feel that my work at Lander is, is being noted by not making the front page of the paper on a regular basis.

CHAIRMAN PEELER: Thank you.

Representative Whitmire has a question.

REPRESENTATIVE WHITMIRE: Welcome, Ms. Hurst.

Would you fill us in a little bit on this 2011 fine and disciplinary action by the Board of Veterinarian Examiners?

MS. HURST: Yes. My profession is regulated by Labor, Licensing and Regulation. It is the right of any citizen to make a complaint against any veterinarian for anything that they feel was not done properly.

In this particular instance, I had a client come in who was not happy, who fell out of communication with me and with my staff, and it was most certainly his right to lodge a complaint.

Now, once that occurred, I was a part of the process of finding what the situation was; and essentially what the situation was, is my documentation of what happened that day was inadequate for the members of the board.

The result of that was that I had to do a study of -- a documentation of 17 pages of better record keeping. The result of that, of course, and I’m happy to say, is that our record keeping within our hospital is ever so much better than it was, much more documentation of every single step we take.

We were doing quite a good job before. We are doing an even better job now. I say "we" because I’m ultimately responsible for everything that is documented and done within my hospital.

CHAIRMAN PEELER: Thank you.

Any other questions or comments?

SENATOR ALEXANDER: Mr. Chairman.

CHAIRMAN PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, sir.

Good morning.

MS. HURST: Morning.

SENATOR ALEXANDER: On your tenure on the Board, what has been your record of attendance during that period of time?

MS. HURST: I have missed one Board meeting from illness.

SENATOR ALEXANDER: Okay. Thank you.

CHAIRMAN PEELER: Thank you.

Senator Hayes.

SENATOR HAYES: As far as your vision for Lander for the future, where do you see Lander needing to go?

MS. HURST: I believe that if we continue to pursue an online institution, I think that that is going to be something that is going to help students quite a bit. We are looking at the programs. Very much at this institution what we are looking at is where can students find gainful employment after their degree.

And we had just a very, very, very favorite program most recently that we decided we couldn’t graduate students. We thought we had something two or three years ago. It was in a -- in something that ended up being so technical that our students really were not prepared for it. It was unique. It was fantastic, but we couldn’t graduate students.

So what we are looking for primarily are the areas where our students can succeed, where we can bring in a student and at the end of that education experience they are ready to hit a workforce that is ready for them.

CHAIRMAN PEELER: Any other questions?

I’m curious, where did you go to vet school?

MS. HURST: University of Georgia.

CHAIRMAN PEELER: Are you going to the first Clemson/Georgia game this year?

MS. HURST: Oh, no.

CHAIRMAN PEELER: Good answer.

MS. HURST: I will probably be working that day.

CHAIRMAN PEELER: Thank you.

Any other questions?

What’s the desire of the Committee?

COMMITTEE MEMBER: Move favorable.

CHAIRMAN PEELER: Motion is favorable.

COMMITTEE MEMBER: Second.

CHAIRMAN PEELER: And a second.

All in favor, please raise your right hand.

Unanimous.

Thank you for your service.

MS. HURST: Thank you.

CHAIRMAN PEELER: Next candidate.

**MICHAEL E. STAVRINAKIS**

MS. CASTO: The next board and the final board you have to screen is the Medical University.

The first candidate is for the 1st Congressional District, the lay seat, Michael Stavrinakis.

That is behind Tab A. We are back to the front of the notebook. Sorry.

MR. STAVRINAKIS: Morning.

CHAIRMAN PEELER: Good morning.

I need to swear you in. If you would, please raise your right hand.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: Would you like to share with the Committee briefly why you would like to serve on the Board?

MR. STAVRINAKIS: Yes, sir, Mr. Chairman.

I would like to thank you for the opportunity for you and for other board members.

Starting at -- MUSC to me is a very special place. I was born and raised in Charleston. I have had a lot of personal contact with the University. My wife is an alum.

Other than that, I have had some really good personal experiences there. My father was -- had taken ill; and as far as I’m concerned, MUSC not only saved his life but added years to his life. The MUSC is a university and a caring center that touches everybody’s life at some point or another in Charleston.

Going on, I think I’m pretty qualified for the Board. I have a lot of business experience. I run three restaurants in Charleston. I meet five payrolls every week. I have other businesses.

I think the University is looking ahead at some very challenging times with health-care reform, and the amount of dollars required for health care is shrinking, and I think that money needs to be maximized going forward.

The amount of people that MUSC cares for that don’t have insurance is a very large figure; and, and there again, I think that we need to make sure that there is enough business people on that board to move forward.

I actually have to provide health care for a number of my employees, so I’m a little bit familiar with the process. And I think as a business-community person and as MUSC grows outside to serve rural South Carolina, which I think is very important, I think that they are going to need more business people on the Board that have a little bit more of a pulse on the times, the technology, and going forward, what’s going on in our -- in the insurance field.

CHAIRMAN PEELER: Thank you.

Any questions or comments?

Representative McCoy.

REPRESENTATIVE McCOY: Thank you, Mr. Chairman.

MR. Stavrinakis, thank you for being up here with us today, and thank you for your willingness to serve.

We have heard from a lot of folks lately, over the past couple of days, for different boards and different trustee positions for different universities; and it is all very important; but MUSC is very important to me. It has affected my family, and it’s helped my family, and I appreciate your willingness to step up.

If you could, could you tell the panel a little bit about the restaurants that you own and how long you have been and owned businesses in Charleston.

MR. STAVRINAKIS: Sure. I would love to.

I started my first restaurant over twenty years ago, borrowed the money off of a credit card and -- true story. I have now grown that restaurant into five restaurants in three different states. We are actually franchising. I deal a lot with the federal government as far as the franchising industry. It is a very heavily regulated industry.

But down in Charleston, we have three locations. It is a Mediterranean restaurant. I’m from a family of Greek immigrants, so we are -- we were raised, obviously, cooking but also hard working.

And I think that, as you legislators know, I have been working real hard to get this seat on this board because I do want to serve. I feel an obligation to serve coming from such a great state as South Carolina.

And I think that both you Representatives and Senators that have seen me up here working -- I think if there is any consolation or any resemblance of how hard I will work on that board, I can promise you, I will work hard.

REPRESENTATIVE McCOY: And you brought up a good point, Mr. Stavrinakis. You know, these boards and running for these seats take time, it takes energy, and it takes away from your practice of your business where you are in Charleston. We have seen you up here lately, and we have seen you working.

Is, is -- do you think this is the best process in terms of being able to be appointed to a board or elected to a board, by coming in front of the legislature and having to talk to 124 Representatives and 46 Senators?

MR. STAVRINAKIS: I personally think it is a great process. I think the process that, that the General Assembly has allows a person like me to serve on a board who probably wouldn’t normally get that opportunity.

I think that it is important that I make an effort to try to get to know as many legislators as I can. You are entrusting me with a lot of financial resources, if I’m honored to get this position. And I think it is pretty important or -- to you, as legislators, to try to get to know who you are putting on these boards, more than anything.

And I will be honest with you. I have been working hard, and I have been pretty heavily vetted by a lot of legislators. They have called me in. They have wanted to see me. They have asked me some pretty hard questions to try to get to know me, but I think that’s fair, and I think that’s the way it should be.

I also want to add that being up here, as long as I have, working as hard as I have, gives me a little bit more affinity for what you gentlemen do. Just taking the one or two days out of the week for me has been a tremendous negative back home. I just have more respect for the General Assembly taking three days a week out of your -- you know, we appreciate you guys serving as well.

REPRESENTATIVE McCOY: I appreciate that. It does take some time as a candidate as well, so thank you.

And I’m familiar with your work on the Aviation Authority, and I know you have been on there for a short period of time, not an incredible long period of time.

And I don’t know the legal ramifications of it; but if you were fortunate enough to be appointed to this particular board, legally if it was required, would you then resign your position or step down from the Aviation Authority?

MR. STAVRINAKIS: Absolutely. I would certainly follow the letter of the law.

REPRESENTATIVE McCOY: Okay. We have also heard a lot from different colleges that are also in Charleston, such as the College of Charleston, and the efforts to make reach-out programs to MUSC and to, you know, do a lot more work between the two schools.

What would be your vision as a board member of MUSC in trying to reach out into the community and trying to have links with the other schools or other facilities that are in the area?

MR. STAVRINAKIS: I think that’s a great idea. I think that the more that MUSC and College of Charleston can do together, I think gives it a greater opportunity, not only for educational purposes but for employment purposes. MUSC is an economic engine in Charleston; and I think that the more that they can generate together, the more far reaching it can be throughout the state.

REPRESENTATIVE McCOY: And just in wrapping up just to make a comment, I have known you, Mr. Stavrinakis, and I have known your family for a long time. It has been an absolute honor and privilege to have your friendship. I’m appreciative of you doing this. I think with your business background, you would make an excellent member of the MUSC Board.

MR. STAVRINAKIS: Thank you.

REPRESENTATIVE McCOY: Thank you, Mr. Chairman.

CHAIRMAN PEELER: Mr. Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

Mr. Stavrinakis, I want to say just for the record that I have had an opportunity to know you for some time; and I have known you to be a person of integrity, a great business person but yet still very well connected to the community. And I think that’s a tremendous asset to have. I think, as you mentioned, your business background would be, I think, a great asset to the Medical University Board.

And I just wanted to say that for the record. I think that in spite of your brother Leon, you are great for the Board.

MR. STAVRINAKIS: Thank you, Mr. Mack.

CHAIRMAN PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good morning.

I heard you talk about the length of time that you have been up campaigning or been around the State House.

So obviously, from a time standpoint, as far as being able to give what is required -- do you have an idea of what would be required as a board member from a time commitment standpoint?

MR. STAVRINAKIS: MUSC, as I know the Board -- the Board meets for two days every other month. That being said, that would not hamper -- I would be able to serve that. And I would anticipate serving more, if I need to be.

SENATOR ALEXANDER: So those time commitments would not be an issue?

MR. STAVRINAKIS: No, sir.

SENATOR ALEXANDER: Certainly I have the great respect for the president of MUSC, Dr. Greenberg.

What do you see as the role of a board member? I know you spoke to the vision of the University; but as a board member, what do you see as your role from that standpoint?

MR. STAVRINAKIS: From my seat, as a nonmedical, my role as a board member would be to help to manage, to grow, to use my business experience, and help the University, help the budget, so to speak, and move that forward, but also help to ensure that the mission statement of the University is protected. And that’s to educate the best doctors in the world while serving the general public through the hospital portion of it.

SENATOR ALEXANDER: And you mentioned that it’s important to the Charleston area.

Do you see that -- the Medical University of South Carolina as being something that serves all of the state of South Carolina, or is it mainly focused just in the Charleston area?

MR. STAVRINAKIS: I think it’s all the state. I would think it would be all the state, and I would like to see the University reach out even more. I think there is a need in the rural areas for more, more coverage.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

CHAIRMAN PEELER: Thank you.

Any other questions?

The Committee has been presented some information from Darby Gatling. We don’t have a precedent for someone speaking for and against a candidate in this type forum; but I would like to recess for five minutes, allow the members to read this information; and then we will go from there.

So, Mr. Stavrinakis, you are still -- be here, just stick around. Give us about five minutes Senate-time.

MR. STAVRINAKIS: Yes, sir.

CHAIRMAN PEELER: We will recess for five minutes.

(A recess transpired.)

CHAIRMAN PEELER: I call us back to order.

Like I said, with my history on the Committee, there is not a precedent of having someone speak for or against a potential candidate; but this was unusual, that this was brought today; but we have received the information; and each member of the Committee has received the information; and we can act accordingly.

So with that, any other questions or comments?

REPRESENTATIVE HENDERSON: Yes, sir.

CHAIRMAN PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: Senator, we have had a couple conversations over the last few days about possibly having some rules and different things that we, as a group, want to do going ahead.

While I feel like if, if, if there is -- a member of the public has something they want to say about a candidate, they are always free to mail me information, mail anybody individual information.

But I think that if we are to establish some kind of rules, that if we receive this kind of information to the Committee, I think that it should be directed to individual members and not the Committee as a whole. Otherwise, we will be getting statements and testimonies and all kinds of things from neighbors and relatives and, you know, on and on for every single candidate.

I think as a rule we should not allow, you know, these kind of things to be distributed to us at the meetings, if that makes sense, just as a comment in the future. This is irregular.

CHAIRMAN PEELER: Thank you. That’s a point well taken.

I have said that our mission is to decide whether these candidates are qualified to serve, whether they are either qualified or not. It is up to the individual members of the General Assembly, then once the candidates are released, to get commitments to lobby for or against a candidate.

So I would think that would be the proper time and the proper venue. If not, we -- these hearings would turn into a cheerleading contest for and against any candidate.

With that, I just -- under an abundance of caution, I wanted everyone to know what was going on. This was something new, but we received it, so thank you.

MR. STAVRINAKIS: Yes, sir.

CHAIRMAN PEELER: Any other questions or comments?

Hearing none, what’s the desire of the Committee?

REPRESENTATIVE MACK: Move favorably.

REPRESENTATIVE McCOY: Second.

CHAIRMAN PEELER: Thank you.

Motion favorable and seconded.

All in favor, please raise your right hand.

Unanimous. Thank you.

MR. STAVRINAKIS: Thank you, Mr. Chairman.

CHAIRMAN PEELER: Thank you for your willingness to serve.

**SUSAN PEARLSTINE**

MS. CASTO: The next candidate, also for the 1st Congressional District, the lay seat, is Susan Pearlstine from Charleston.

CHAIRMAN PEELER: Good morning.

MS. PEARLSTINE: Good morning.

CHAIRMAN PEELER: Raise your right hand.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: Thank you.

Would you like to share with the Committee why you would like to serve on the MUSC Board?

MS. PEARLSTINE: I would love that.

Thank you all for letting me be here today. In life they say that timing is everything. And when the General Assembly reopened this seat and allowed me to file just a couple months ago, that was perfect timing as my fairly large family business -- I was a fifth generation chairwoman of it -- had just been sold. It was Pearlstine Distributers. We operated in seven counties in South Carolina.

Also at the same time, I have been around MUSC quite a bit because I have been involved both in terms of time and resources in a really large research initiative that I’m very proud of.

I suffer from an autoimmune disease that affects South Carolinians at ten times the national average, and I had an opportunity to look at where I could better help the lives of patients throughout the country, and I determined that MUSC was the best place to do this research and continue to help the lives of the patients and their families who suffer with this.

But going back, I actually got my start as a candy striper in the 1970s. Somebody wrote a letter in support of me and said I was a candy stripper. That was a typo. I was a candy striper.

CHAIRMAN PEELER: Well, I may have to reconsider now.

MS. PEARLSTINE: Yeah. That was a badly placed mistype.

I got an early education in fair and compassionate health care by volunteering over there. I have a clear memories of being a 15-year-old and going in and out of waiting rooms and in and out of hospital rooms and the people that I met over there and the service they were providing.

I went on to serve on the Children’s Hospital Board with Dr. Darby at a time when we grew that board. And as you know, that Children’s Hospital has doctors that are world renown and continue to show up in the top 100 list of doctors. I’m very proud of that.

CHAIRMAN PEELER: Let, let me stop. The first time I have messed up in a long time. I don’t think I swore you in.

REPRESENTATIVE HENDERSON: Yes, you did.

CHAIRMAN PEELER: So -- did I?

MS. PEARLSTINE: Yeah, I think -- but I will do it again.

CHAIRMAN PEELER: No, no. I did?

THE REPORTER: You did.

MS. PEARLSTINE: It was the candy stripper thing.

CHAIRMAN PEELER: Well, I have been bragging on my staff for the last three days.

MS. PEARLSTINE: I know, it’s been a long three days.

CHAIRMAN PEELER: Let the record show that it wasn’t me.

MS. CASTO: That is correct.

CHAIRMAN PEELER: I apologize.

MS. PEARLSTINE: No, that’s no problem at all.

CHAIRMAN PEELER: I will tell you, screening 9o people --

MS. PEARLSTINE: I feel for you, and it’s the last day.

CHAIRMAN PEELER: Anyway, I’m sorry I interrupted you.

MS. PEARLSTINE: No. It’s fine. So, yeah, from the Children’s Hospital Board.

CHAIRMAN PEELER: You are on the record.

MS. PEARLSTINE: I am on the record.

CHAIRMAN PEELER: Thank you.

MS. PEARLSTINE: I then, along with my family, we took a blighted parking lot at the Hollings Cancer Center and turned it into a beautiful healing garden. It provides an amazing respite for cancer patients, and we saw firsthand that year that was needed, when my mother was a cancer patient and passed away 16 years ago.

And recently I was on the Board of Visitors; and it turns out that while this is Melvin Berlinsky’s, a blessed memory, open seat that I was running for, I was his last appointment to that Board of Visitors. And I think Melvin would be very proud that I’m putting myself forward to serve the State to be on this board, which I am passionate about that organization, and my record of history and commitment bears that out.

CHAIRMAN PEELER: Thank you.

Questions or comments?

Representative McCoy.

REPRESENTATIVE McCOY: Ms. Pearlstine, thank you for being here with us today. It is always good to have fellow Charlestonians in here. So I appreciate your time, and I appreciate your willingness to serve.

If you could, could you fill the panel in on your family business and how long your family has actually had this business and how long they have actually been involved in Charleston.

MS. PEARLSTINE: Yeah. It has only been 147 years.

REPRESENTATIVE McCOY: That’s a long time.

MS. PEARLSTINE: It was -- I’m the fifth generation leader of that business.

It was started in 1865, and we started as a wholesale food and grocery business and grew to -- during prohibition, we bought a company that sold a nonalcoholic beverage that Anheuser-Busch produced. So then after prohibition, we moved into the beer business with Anheuser-Busch.

Right at 200 employees. We were always on the South Carolina top 20 list of privately-held businesses here. I know what it is like to run a big business, not nearly as big as the Medical University; but I do bring business experience.

In October we received an unsolicited offer for that business; and the next generation, the oldest is going to be an attorney. She graduates in May, and the youngest was 16. So we sort of took a look at what we could do and what was next, and I had this desire to be a humanitarian, as I mentioned my project at MUSC.

And so that’s it. We are out of the distribution business, but we also worked out a deal for my father. And I do want to mention my father has served four governors of this state; so I am following in his footsteps, putting myself out here to serve.

He has now bought Palmetto Brewery in Charleston, South Carolina. So we are still beer people. We are just tiny beer people.

REPRESENTATIVE McCOY: That’s great, and that’s good to hear.

And as you have heard, and I will ask everybody that is up here, that comes up here for MUSC -- it is very important to my heart. It has helped my family more than I can even express in words. And the process that folks have to go through to be vetted and also to be elected to the board as a member is obviously coming to the legislature and talking to a bunch of Representatives and a bunch much Senators.

What’s your opinion of that process, and how do you view taking the time to come up here and do that?

MS. PEARLSTINE: Well, quite frankly, it is very challenging.

I did not run all of last year for this seat, and I don’t have political ambitions. And quite frankly, I don’t have a lot of political connections.

I know Leon, but I’m not his sister. So I haven’t been up here. I don’t even know how I’m expected to possibly get to know as many people as Michael knows for having been up here.

That said, my, my, my hope is that this, this process, while it has been a who-you-know sort of process, that it will switch now that a candidate like myself has offered themselves to serve; and I think I bring a better level of experience and credentials to the seat opportunity. And that’s what I am hoping will win the day.

REPRESENTATIVE McCOY: And we also heard a lot from folks who are interested in trying to get on boards of other schools and how they want to reach out and what they see as a vision for their particular schools.

And when we are thinking about, talking about a vision for MUSC, do you see yourself more as a type to reach out and to better MUSC itself or to reach out and also establish links and relationships with other schools in the area?

Because I have also sat down with a bunch of deans from MUSC as well, who are dealing with basically big financial issues.

So would you --

MS. PEARLSTINE: Right.

REPRESENTATIVE McCOY: Would you view yourself as more of a board member who would want to reach out and help grow and establish MUSC and make connections or someone who would want to focus on a particular budget?

MS. PEARLSTINE: Both. Okay. I mean, I know what -- we had a saying in our business that the only thing constant was change.

And I do think that I can serve in both roles because having done this in my own business, we have to be willing to be flexible, to reach out and be collaborative.

I read online what the strategic vision of the Board is doing. I know the words "inter-professionalism" and "interdisciplinary". And it is important, particularly as we get into the challenging times here. They are coming.

I mean, I don’t know the Board details intimately, but I do read the paper every day. That cost-saving measures, to your second point, and collaboration and benchmarking across all departments, I think the experience I can bring is having done this in a fairly large business, that I will be able to be open as these ideas come up, whether it be collaborations with other schools or just improving the process within.

REPRESENTATIVE McCOY: And you made an interesting point about time possibly coming up here and how long that takes, and it’s -- it’s -- unfortunately it is a situation that every candidate has to go through.

Does that correlate or does that relate at all to the time you would want to put into MUSC? Would there be a problem with you and your time that you would want to put into MUSC with being a board member?

MS. PEARLSTINE: Well, I could not have been chairwoman of my business and done all of what Michael did all last year. I couldn’t have left that business to get up here. It was just the sale of that business that allowed me to be open, to be able to put myself forward to serve.

So I regret that that’s the status quo; but as an active and competent and successful businesswoman, I don’t think I could have done it last year. But now, as I said, we don’t have that large company anymore, which was exactly why timing was everything and I was able to come up here and do this.

REPRESENTATIVE McCOY: Thank you for entertaining my questions. Appreciate it.

MR. Chairman, thank you.

CHAIRMAN PEELER: You are welcome.

Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

Ms. Pearlstine, in terms of -- what is your thought process as relates to the role of a board member? You mentioned, and rightfully so, that all hospitals will have some tremendous challenges as far as costs and economics and money and those types of things.

What’s your position as relates to the role of a board member as opposed to the administration?

MS. PEARLSTINE: Well, I think we are going to have to be, as a board member, malleable and flexible and willing and open and available to learn.

One thing I didn’t mention, but it is on my dossier here, is, I do sit on a national health board, the Foundation for Sarcoidosis Research. It allows me, albeit in pulmonology, to get a peek behind the curtain of other hospitals across the country and what they are doing.

We are going to have to rise to the top to meet the financial challenges and to remain the -- the importance to the state and reach out into the rural communities. I know there is a telemedicine initiative underway that I’m really anxious to learn more about.

And you know, the governing board right now is not representative of the citizens and the people that work there, and I want that opportunity to kind of right that wrong. And I think I can bring that and be that person that sits on the Board to achieve balance.

A little long-winded. I’m sorry.

CHAIRMAN PEELER: Representative Henderson.

REPRESENTATIVE HENDERSON: Thank you, Mr. Chairman.

I appreciate your willingness to serve; and I do understand when you have a business, it is hard. This is a very long process, and I always do appreciate everyone who runs for boards and all the time they spend here when they could be doing other things.

But I have to ask you this because of what we just went through because it was highly irregular. I mean, have you or anybody in your staff or family ever had any kind of contact with a person named Darby Gatling?

MS. PEARLSTINE: No. I just met her this morning.

REPRESENTATIVE HENDERSON: Well, I -- that’s all I wanted to know. Thank you.

CHAIRMAN PEELER: Thank you.

Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

And good morning.

MS. PEARLSTINE: Hi.

SENATOR ALEXANDER: For the record, I understand you sold the company; but you also list here Family Companies. I assume that’s just the part of being -- that you -- the smaller company or the smaller beer company. Is that --

MS. PEARLSTINE: Well, the Pearlstine Family Companies is the holding arm for everything that we are doing, from property development to other businesses we get in, to succession and generational planning. It is sort of the larger organization that everything falls under.

SENATOR ALEXANDER: So it was the owner of the larger beer company that would have prevented you from being able to serve.

MS. PEARLSTINE: Right.

SENATOR ALEXANDER: That you sold that part of the business that would have precluded you from that standpoint.

MS. PEARLSTINE: Exactly.

SENATOR ALEXANDER: Thank you for your service on the MUSC Children’s Hospital. That’s a great calling. I know Dr. Darby does a great job at that hospital.

What was your attendance record when you were on the hospital board, the Children’s Hospital and the Board of Visitors?

MS. PEARLSTINE: Well, Children’s -- I’m a good attender. The last half of my -- the last two meetings of the Board of Visitors I had to miss because of surgery and some complications with it on my shoulder. So I wasn’t there at the last two meetings, but it was fantastic service. And we got to tour a lot of the colleges and meet a lot of the deans, and it was a great role.

SENATOR ALEXANDER: And your service on the Children’s Hospital Board, your attendance would have been high, 80 percent, 9o percent?

MS. PEARLSTINE: Oh, yes, sir. I’m an attender.

SENATOR ALEXANDER: Well, well, and -- you know, not just being an attender but, obviously, a participator but --

MS. PEARLSTINE: Yes.

SENATOR ALEXANDER: I guess my point is, you were able to have that commitment, so I would assume you would have that ability to do that in the role as a board member for MUSC as well?

MS. PEARLSTINE: Well, that’s what I’m looking forward to.

I have been asked to get on some other community boards in Charleston, good boards; but this is where my passion is; and I really would like the opportunity to work for this State and for these citizens on this board.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

CHAIRMAN PEELER: Thank you.

Questions?

REPRESENTATIVE WHITMIRE: Move for a favorable report.

CHAIRMAN PEELER: I have a couple of questions before we take a vote.

Did y’all not have to sign a covenant not to compete? I was curious.

MS. PEARLSTINE: We are not competing. They are our customer now, so we sell them the beer that we make.

CHAIRMAN PEELER: Oh, okay. Well, good. Y’all --

MS. PEARLSTINE: And then I have to say, Michael has been a great customer, too.

CHAIRMAN PEELER: Well, I was curious if his restaurants --

MS. PEARLSTINE: Yes. Great customers.

And the Stavrinakises and the Pearlstines are friends and will remain friends. This is just politics, as I am learning.

CHAIRMAN PEELER: And I love words. "I’m a good attender." I like that.

I tell my caucus, I say, the three P’s of politics: to be present, be prepared, and be patient. The three P’s of politics, that third one I have trouble with. I’m not patient.

And I tell all the candidates, brevity is a plus; but I don’t think y’all listen to me.

But anyway, we will proceed to a vote.

All in favor of the motion of a favorable report, please raise your right hand.

(Each committee member’s hand is raised.)

CHAIRMAN PEELER: Thank you.

MS. PEARLSTINE: Thank you.

CHAIRMAN PEELER: We sure appreciate your willingness to serve. We have great candidates. We have screened several great candidates, and our colleagues are going to have a tough, tough decision to make. We have great candidates.

Next candidate.

**WILLIAM H. BINGHAM, SR.**

MS. CASTO: The next candidate is William Bingham. He is from the 2nd Congressional District. He is currently the incumbent and is running unopposed from Cayce.

CHAIRMAN PEELER: Morning, sir.

MR. BINGHAM, SR.: Morning, sir. Thank you.

CHAIRMAN PEELER: I want to make sure to swear you in.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: Would you like to make a statement -- I won’t say brief. Would you like to make a statement on why you would like to continue to serve?

MR. BINGHAM, SR.: Yes, sir.

First of all, I would like to express my appreciation for the screening committee and the time you spend in order to do the work that you do.

And on my list of why I’d like to serve on the Board of Trustees, I have served on the Board of Trustees for the last 11 years. I have been involved in the planning and building program at MUSC.

And as a retired engineer, doing engineering and construction my entire life, I feel like that I can give back to my constituents through the entire state through MUSC because MUSC is associated with the entire state, not just with Charleston. I realize that it is a Charleston place. And when I go there, I am dedicated to MUSC and what is right for MUSC.

So during the past five years, my first thing was, as being a chairman of the Facility Committee for the last nine of the eleven years, we have completed the Dental School. We’ve -- did the Bioengineering and Drug Discovery Building.

We made a master plan so that that master plan wouldn’t get changed back and forth, so that we could stay on deal. The first thing when I went on was to participate in the master plan.

Because before, it looked like each time -- whenever things happened in the past, that the master plan was always varied from; and that costs money. And I came from the place that you don’t throw things away. You don’t spend people’s money. You put it in the right perspective; and that is, don’t do something that’s going to be tore down tomorrow or don’t do something that you got to do -- you didn’t do your thinking. If you are going to spend it, think about it.

And so I felt like -- that with my experience, that I could better serve my constituents in my last years of my life. So I’m passionate about MUSC, and I would like to serve.

Thank you.

CHAIRMAN PEELER: Thank you.

Questions or comments?

Representative McCoy.

REPRESENTATIVE McCOY: Thank you, Mr. Chairman. Mr. Bingham, thank you for being here with us today and thank you for your 11 years of service at MUSC. It is commendable that you have done that, and I appreciate that more than you know.

MR. BINGHAM, SR.: Yes, sir.

REPRESENTATIVE McCOY: I know your son, son well. He’s been mighty good to me and mighty kind to me.

And just like I have asked a lot of folks that have been up here before that are screening for this position, in particular, I have sat down with the dean of the Dental School multiple times. And I know they have an issue with their building in terms of the finances and maybe some money that they are actually paying back that have caused the tuition basically for dental students to go pretty high, even for in-state.

I heard a statistic the other day that it’s actually less expensive for a South Carolinian to go to Chapel Hill Dental School as it is to go to MUSC Dental School in state.

Is there any help or anything that we can do to -- do you see any end to the deal that’s going on right now with the Dental School and their building?

MR. BINGHAM, SR.: Well, the Dental School falls into the budget for the entire school. It falls underneath that deal, and it is put back out.

And we are -- we are striving because, without pointing fingers or saying it, you can’t give us no more than you have got. And we have got to be able to figure out how in order to handle it.

And our budget has been cut by the State. You know, as well as anybody else, that it has been cut. And we have strived to keep the people we have without laying off people.

We are doing a study now; and like I said, there is other people on our committee that is more familiar with the financial end of it. And I stick strictly to what I know best, and I use the information from the other board members.

We have got people that is in accounting and people that know exactly what, that needs to be done, and I try to support them in entirety.

So how we can do this? I don’t think nobody has got that answer because we have -- we have to take what the State gives us and do the best we can in order to do it. We don’t want to cut quality.

So the financial end of it, we can get through that. We, we have done it before, and we will do it now. It is just a matter of time. And just like the State, they will get through it too. We will, we will come back and get more employees; but when we get the money, we can do it.

And they are not suffering any more -- the Dental School is not suffering any more than any other dean in the place. We are all in this together.

REPRESENTATIVE McCOY: Yes, sir.

And you made a very good point, too, in your opening statement by saying not only is MUSC an asset to Charleston, which it is -- it provides a lot of jobs -- but it is an asset to our entire state.

MR. BINGHAM, SR.: Yes, sir.

REPRESENTATIVE McCOY: And I’m right there with you, and I understand that the funding is part of that aspect too, when it deals with the different schools and the buildings.

And I want to say thank you for what you have done and thank you for your service, and hopefully we can get you more money from the State as well.

MR. BINGHAM, SR.: Thank you.

REPRESENTATIVE McCOY: Thank you.

Thank you, Mr. Chairman.

CHAIRMAN PEELER: You are welcome.

Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

MR. Bingham, I’m always interested -- and I also thank you for your service.

MR. BINGHAM, SR.: Thank you, sir.

REPRESENTATIVE MACK: Eleven years, you have seen quite a bit. What are some of your thoughts in terms of how -- what has evolved over the past 11 years and your thoughts of the future moving on?

MR. BINGHAM, SR.: Well, the first thing I thought was to do a master plan. That’s my business. And to get a right steering in so that we can spend the money that is given to us wisely, as I mentioned before.

And I came from a poor family, a family that my mother graduated from the fifth grade. My father died when I was two. And so I know from my experience of coming up -- I graduated from the University of South Carolina first. First child, first family. And if you be conservative, you can go forward and do the things that need to be done to get you where you need to go.

And I’m at a loss to, to say I have got all the answers. I have been there 11 years, and everything that we have done we have not had to undo. And that’s the best I can tell you. We haven’t. We are on a successful route.

And I’d like to say -- I’d like to serve on that in order to continue to do those things and see that the steering course -- now we’re talking about that I’d like to go in that direction, and that’s what -- that’s my goal.

CHAIRMAN PEELER: Any other -- Senator Hayes.

SENATOR HAYES: You have been on for a number of years, and it looks like you are going to be on for a few more years since you are running unopposed.

What is your vision? I know you talked about facilities and a master plan. Putting that aside, what other vision do you have for MUSC?

MR. BINGHAM, SR.: I would like to grow MUSC, and I’m on the Foundation Board as a representative from the Board of Trustees. In other words, there is two of us, me and Dr. Tommy Rowland.

And by doing that, there is a research going on. We want to be able to do research work. Right now we say that the research that we do hasn’t been done before. And when a person comes to us and there is no cure, we try to do a research on that and find the cure.

And so my goal is to support the president, the administration, and everybody to move us forward to be the top tier. We are getting there. But I’m supportive of doing Dr. Ray Greenberg’s initiative.

And like I said, you’ve got to have a place to work. You have got to have the right things to do it. And so I felt like if I put my focus on those things, then that will let us grow and be one of the -- I reckon the outstanding in the United States.

I don’t know whether I answered your question or not, but I tried.

SENATOR HAYES: That’s it. Thank you.

CHAIRMAN PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

It’s really not a question, and I know he has provided us his written testimony, but I do want to read into the record that out of his 11 years of service, you have only missed one meeting in that --

MR. BINGHAM, SR.: And my wife was being operated on, but I attended my committee. I did the work I had to do on the Board of Trustees day of meeting, and I had someone else to just explain to the Board of Trustees what took place in that committee.

I drove down, did that committee, and then come back home. My wife was operated on, on Friday. And that’s the only meeting that I know of that I have missed, but I did not miss the opportunity to do the work.

And I have -- like I said, I have served on the Foundation Board, too. And I have never missed a board meeting there. And so I don’t intend to miss no -- I have been thankful for having good health to do that.

SENATOR ALEXANDER: That’s an example of good service, public service; and we appreciate your commitment once you’ve -- when you ask to be placed on this board, that you take it seriously and have been involved.

And I want the record to reflect that, Mr. Chairman.

CHAIRMAN PEELER: Thank you.

MR. Bingham, you have an outstanding reputation. I appreciate your willingness to serve.

MR. BINGHAM, SR.: Thank you.

CHAIRMAN PEELER: I really do. The State of South Carolina is fortunate to have men like you giving up their time to serve, and I appreciate that.

MR. BINGHAM, SR.: Thank you, sir.

CHAIRMAN PEELER: One quick question that -- are you familiar with what Clemson University is trying to do to emulate or copy what MUSC is doing with the Authority?

They are trying to create an enterprise. Are you familiar with --

MR. BINGHAM, SR.: No, sir, I am not.

CHAIRMAN PEELER: Okay. Well --

MR. BINGHAM, SR.: The only thing I know of it is, we have some Clemson students or Clemson engineers that’s working on our campus with us in our research operation. We have got some people behind me that have been on it a lot longer than I have, and I’m sure they can fill you in, sir, on that item.

CHAIRMAN PEELER: It has nothing to do with your qualifications. I was just curious because my Clemson friends are really interested in that. And so maybe we could talk sometime about it --

MR. BINGHAM, SR.: Thank you kindly.

CHAIRMAN PEELER: -- having to do with it sometime.

I look forward to hearing your institutional knowledge about it.

MR. BINGHAM, SR.: Thank you, sir.

CHAIRMAN PEELER: Any other questions or comments?

SENATOR HAYES: Move for favorable.

REPRESENTATIVE MACK: Second.

CHAIRMAN PEELER: A second is heard.

All in favor, please raise your right hand.

Unanimous.

Thank you again.

SENATOR ALEXANDER: Mr. Chairman.

On that note of the Clemson legislation, I might point out that MUSC is supportive of that Clemson legislation as well.

CHAIRMAN PEELER: Good, good.

Next candidate.

**CHARLES W. SHULZE**

MS. CASTO: The next candidate is Charles Shulze from Greenwood. He is an incumbent from the 3rd Congressional District, lay seat; and he is running unopposed.

MR. SHULZE: Good morning.

CHAIRMAN PEELER: Good morning, sir.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: Do you have a brief statement to the Committee on why you would like to continue to serve?

MR. SHULZE: Yes, sir, very brief.

I’m in my eleventh year also, like Mr. Bingham. I love a challenge. I can tell you over those last 11 years, we have had a lot of challenges for a lot of reasons. We survived each one of those challenges; but looking forward, we are going to have a lot more difficult challenges.

I think I bring some unusual -- not unusual but some expertise that other board members don’t have, having been a CPA for almost forty years working with large, complex, international companies down to the mom-and-pop stores. I have basically seen it all.

I would like to continue to use that knowledge and expertise in facing what I think is going to be some very tough challenges over the next five to six years.

And I will be happy to answer any questions.

CHAIRMAN PEELER: Okay. You received your undergrad from Georgia?

MR. SHULZE: Yes, sir.

CHAIRMAN PEELER: Are you going to be at the Clemson/Georgia game?

MR. SHULZE: I knew you were going to ask me that.

No, sir. I think not being there will bring my team a little bit better luck. I missed the last game up there, and I think we did quite well without me. But I would like to point out, too, that I’m a Carolina graduate also in grad school.

CHAIRMAN PEELER: That doesn’t help you, either.

(Indistinct personal chatter and laughter)

CHAIRMAN PEELER: Any questions or comments?

Representative Henderson.

REPRESENTATIVE HENDERSON: Mr. Chairman, I just have to make a comment that I have a husband that has got an MBA from Georgia, and my oldest son just got his degree in finance from the Terry College in December and graduated. And I will be at the Clemson/Georgia game in my Georgia outfit actually in one of the Clemson boxes. So it will be an interesting afternoon.

My husband is glad that we brought that -- they brought that series back.

CHAIRMAN PEELER: I still like your orange hair.

REPRESENTATIVE HENDERSON: But I know with your experience as a CPA, it is so important to have someone with your background and financial ability, especially because you are from the Terry College of Business on the MUSC Board; and we just appreciate your service and your continued willingness to serve the State of South Carolina.

Thank you.

CHAIRMAN PEELER: Senator Alexander.

SENATOR ALEXANDER: And I will be brief, but I do -- certainly Elliott Davis is a highly-regarded, recognized company and your affiliation there.

MR. SHULZE: Thank you.

SENATOR ALEXANDER: How do you see the financial -- in these uncertain health-care times that we are facing, not in South Carolina but across the country, how do you see the financial condition today and going forward if you were -- with what you know being on the Board of MUSC?

How would you rate that if you were giving a report to the shareholders about the condition of MUSC and the health-care challenges that we are facing, not just them but going forward?

MR. SHULZE: I would have to say first, we are not a lot different than a lot of other academic medical centers and universities that have their own medical schools, colleges of medicine.

I, I feel like that going forward, these challenges are going to be tough. I don’t have the answer for them. All I know is, we are all in this boat together pretty well equally. And if we go under -- and I’m not saying we are going under -- I think others will. It will be such a catastrophic event that the U.S. Congress would have to do something to change whatever is out there.

It is not working great now. I have a fear that it is not going to be working -- maybe not working well at all in just a few years here, and it concerns me. It concerns -- our auditors who audit a lot of other universities, we asked them the same question. And they have those concerns too, but they -- in the conversation, well, you are not in this boat alone. You are going to be -- if you go, everybody-goes-type comment.

But I don’t think that will happen; but I mean, it is going to be a struggle. I’m not going to lie to you. It is going to be a struggle.

SENATOR ALEXANDER: And certainly, Mr. Chairman, at the appropriate time, I would -- he has served with distinction for the 3rd Congressional District. I appreciate your past service and your willingness to continue to serve.

At the appropriate time, I move for favorable.

CHAIRMAN PEELER: I will take the motion.

Is there a second?

REPRESENTATIVE HENDERSON: Second.

CHAIRMAN PEELER: Any other discussion? Any questions?

Thank you for your service.

MR. SHULZE: Thank you, sir.

CHAIRMAN PEELER: Y’all do a great job.

Thank you.

Well, let’s vote on you.

MR. SHULZE: Okay.

CHAIRMAN PEELER: All in favor of the motion, please raise your right hand.

Thank you.

MR. SHULZE: Thank you.

CHAIRMAN PEELER: Unanimous.

The next candidate.

**CHARLES B. THOMAS, JR.**

MS. CASTO: The next candidate for the MUSC Board is Charles B. Thomas, Jr., from Greenville. He is holding the medical seat for the 4th Congressional District.

CHAIRMAN PEELER: Good morning, sir.

DR. THOMAS, JR.: Good morning.

CHAIRMAN PEELER: Raise your right hand.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: Would you like to share with us why you would like to continue to serve on the board?

DR. THOMAS, JR.: Yeah.

As has been pointed out by one of y’all just a minute ago, Senator Alexander, I think, there are storm clouds gathering in the health care. They are gathering over Charleston, South Carolina; but they are gathering all over the country. We got this ACA. We got a tiger by the tail. Forty million people put on the roll.

Y’all know all this; but it is going to present, you know -- the failure is yet to expand Medicaid in this state. And as y’all know, we bear a tremendous amount of indigent burden in Charleston. So all this is going to put strain on the Medical University.

And I have been down there for 16 -- I’m an orthopedic surgeon in Greenville, been in the trenches for 24 years, still take call and all so....

I don’t know. I just -- you know, in academia, those people tend to have a little bit of a liberal bent. And what I bring to the Board is pragmatism and conservatism, and that may temper some of their appetites at times.

CHAIRMAN PEELER: Thank you.

DR. THOMAS, JR.: You are welcome.

CHAIRMAN PEELER: I need that in the Senate sometimes.

Any questions or comments for the doctor?

Representative Henderson.

REPRESENTATIVE HENDERSON: Well, Dr. Thomas, being from Greenville and also friends at Spartanburg Regional, thank you for your willingness to serve there. I know it’s not -- it is not a short drive; and your willingness to serve, we really appreciate it.

Let me ask you a question because I was waiting for a medical person to come up. Tell me about some of the new programs. I was actually -- my interest was piqued when I saw Mr. Bingham talking about the bioengineering program. What, what is that all about?

DR. THOMAS, JR.: Well, you know, over the past decade or since Ray Greenberg has been there, we have had fairly exponential growth, both in terms of the physical plant and research dollars and NIH dollars and so on.

You know, when the economy was good, it was a go-go economy, despite the fact that we haven’t had a bond bill in quite some time, we were able to grow the enterprise.

And so what did you ask me about, bioengineering?

REPRESENTATIVE HENDERSON: Well, yeah. Is it a graduate program or -- I’m just curious.

DR. THOMAS, JR.: There are graduate degrees in that; but also the professors that, you know, have interests in those fields go there and do bench research, you know, in an attempt to develop new things that we can patent and make a little money on, which is something we sorely need these days.

REPRESENTATIVE HENDERSON: I just thought it was very interesting. I have children that study science and engineering trying to figure out what they want to do when they get out of school, but --

DR. THOMAS, JR.: Yeah.

REPRESENTATIVE HENDERSON: -- it is very interesting. I will have to find out a little more about that program.

DR. THOMAS, JR.: Yes.

REPRESENTATIVE HENDERSON: But thank you.

When the time is right, I would like to make a motion for a favorable report.

CHAIRMAN PEELER: Okay. I will recognize you.

Senator Hayes.

SENATOR HAYES: I had a question.

Putting aside the challenges that obviously you face, along with a number of other hospitals and colleges, medical university, what vision do you have for the future? What direction do you think MUSC should be taking?

DR. THOMAS, JR.: Well, because of the financial challenges that I have alluded to, the day when we can be all things to all people, those days are gone. We have -- the last time -- the last meeting we had, we had six days’ cash on hand.

You know, it is like the Old Kent cigarette commercial: Smoking more and enjoying it less. There’s less money. We get half of what we could get through the State. Two, three, four years ago, we got a hundred million, thereabouts; and now we get 50 million.

And so we are just getting assailed on every front. We are getting ratcheted down. You know, and it is all about money. If you don’t have money, then you can’t do all these things that we have done heretofore.

It sounds like I’m all gloom and doom, but this is a very precarious time for medicine both in this country and in this state.

The one sanguine piece of news would be the fact that over the past ten years our philanthropy has increased fairly dramatically. Now I think we have about 300 million, you know, in our Health Sciences Foundation. So if there is a silver lining to this dark cloud, it is that people have been very generous and opened their pockets. And it has helped some, but you know -- you know, it is not enough.

CHAIRMAN PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

Thank you for your service. I just wanted in the record a couple of things.

In your tenure on the Board, your attendance record at the meetings?

DR. THOMAS, JR.: Yeah. Perfect attendance for 16 years. I went the first eight years of school and never missed a day, and then I got the mumps, and they made me stay out. So I, like Ms. Pearlstine, I too am an attender.

SENATOR ALEXANDER: Okay. And then I think you are listed as retired now; is, is that correct?

DR. THOMAS, JR.: God, no. I have to go back and operate.

SENATOR ALEXANDER: Yes.

Well, what about, what about your add -- your home address is, is --

DR. THOMAS, JR.: 25 Gossamer Place in Greenville, but I work for the Spartanburg Hospital System.

And the way that came about was they built a surgery center in Greer that I bought into as a physician owner and got to know some of those folks. And then they built the hospital and asked me to recruit an orthopedics group. So that’s how I got mixed up with those people.

SENATOR ALEXANDER: Okay. So that’s been your home address for a period of time in the district?

DR. THOMAS, JR.: Right.

CHAIRMAN PEELER: Dr. Thomas, have you formed an opinion on telemedicine yet? And if so, what is it?

DR. THOMAS, JR.: Yeah. I pretty much have. I think it is an idea whose time has come. We don’t have enough -- we don’t have a shortage of doctors. We have a maldistribution. And you go over -- you go over here to Palmetto or go to Charleston, the doctors are treating the doctors. But you go out to Senator McGill’s area in Williamsburg County, and you know, there is a dearth of doctors.

And so we are using the Internet for all sorts of other things. You know, 15 years ago, if you wanted to buy 100 shares of stock, you’d have to get on the phone and make sure the broker was not at lunch and do it; but no, it is an idea whose time has come. But it -- you know, it needs to be looked at. I mean, you can’t do it unbridled; but no, there is some utility to that and that we can exploit.

CHAIRMAN PEELER: Thank you.

SENATOR McGILL: Mr. Chairman.

CHAIRMAN PEELER: Senator McGill.

SENATOR McGILL: Let me just say to you, Doctor, you have been an outstanding board member of MUSC. You were vice chairman of the Board at one time; is that correct?

DR. THOMAS, JR.: Correct.

SENATOR McGILL: And of course, Mr. Shulze and Mr. Bingham have been outstanding board members.

DR. THOMAS, JR.: They have?

SENATOR McGILL: That’s one -- do you have testimony different?

DR. THOMAS, JR.: No. I’m just messing with them. They are both -- they are both excellent board members.SENATOR McGILL: I can tell you that MUSC has reached out in the rural areas of South Carolina, and y’all have made a major difference. And really a lot of the rural hospitals would have closed a long time ago if it was not because of the leadership of the Board of Trustees and Ray Greenberg and past presidents that have made such a big difference. These hospitals would have been long gone.

DR. THOMAS, JR.: Yeah.

SENATOR McGILL: And so I want to thank you for the strength that you and the trustees have shown, Dr. O’Bryan. As he and many others are going to testify shortly. But y’all have made a mega difference in this state.

And I want to share a little story with you quick before we vote. Back -- my great grandfather back in 1838 took a stage coach to the Medical University in Charleston as a student to be a doctor.

And in ‘41, 1841, he graduated. I got his diploma on my wall in Kingstree. And he was a medical doctor for many years in Williamsburg County. And I can tell you just from past historical, not just tradition; but it is the Medical University of this country.

And we are proud of it. You can’t compare the Medical University to any other institution anywhere in this country because everyone wants to get into that MUSC program. We congratulate you for a fine operation.

DR. THOMAS, JR.: Well, thank you. I appreciate it.

I got a similar story. You say he took the stage coach.

My father was a surgeon and went to MUSC a hundred years ago. His father was an engineer for Coastline. And he lived in Florence, and he would make that run from Florence to Charleston. My father would hop a ride on the engine and go back to school.

And that came to a screeching halt one night when they went off the tracks and ended up in the swamp somewhere in the Pee Dee. He never did that again so --

CHAIRMAN PEELER: Any other questions or comments?

For every joke that starts out, "a doctor comes in and says, I have good news and bad news," I’m going to visualize you now.

DR. THOMAS, JR.: I have a million of those.

CHAIRMAN PEELER: All right.

Representative Henderson moves a favorable report.

Is there a second?

(Multiple committee members make a second.)

CHAIRMAN PEELER: A second is heard.

All in favor, please raise your right hand.

It is unanimous.

Thank you, Doctor.

DR. THOMAS, JR.: And I appreciate it. Thank you.

CHAIRMAN PEELER: Thank you.

Next candidate.

**COTY P. FISHBURNE**

MS. CASTO: The next candidate is for the 5th Congressional District, the medical seat. There are two running. The first one to be screened is Cotty Fishburne, who is the incumbent.

DR. FISHBURNE: Thank you.

MS. CASTO: He’s from Rock Hill. I’m sorry.

DR. FISHBURNE: And the name is Coty.

MS. CASTO: Coty, I’m sorry.

DR. FISHBURNE: I called Representative Pope yest -- a couple days ago to tell him that I was running for the -- for this seat. And I called everybody on the delegation. And I told the lady who was from Up North that my real -- she asked my real name.

I said, Well, it’s Cotesworth Pinckney Fishburne, IV.

And then she said, her comment was -- there was a loud round of laughter. Then she said, That sounds like the winning dog on the Westminster Dog Show.

But it is pronounced Coty, and I am a candidate --

CHAIRMAN PEELER: Dr. Fishburne, please let me swear you in.

DR. FISHBURNE: Oh, I’m sorry.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: I know you will, even if I didn’t swear you in.

Thank you, Doctor.

DR. FISHBURNE: I have been on the Board for 25 years. And so I couldn’t -- I couldn’t condense my -- what I had to say in less than three minutes, but I think it comes out to three minutes.

Since I was elected to the MUSC Board of Trustees as the only dentist 25 years ago, I have watched the Medical University prosper with increasing scores of our students on all the national examinations and the successful recruitment of very outstanding faculty from throughout America and really throughout the world.

Senator McGill, thank you for your comments a few minutes ago.

Our patients in our hospitals received the utmost in medical care; and the Medical Center continues to be, by far, the largest employer in the Charleston area.

I have been especially proud of the monetary contributions, that is the fundraisings, of our alumni and friends, as well as the growth of our medical research, the two committees that I currently chair.

In my first 25 years on the Board of Trustees at MUSC, our budget has grown from $250 million to $1.5 billion today. All of this was accomplished as our budget from the State shrank from 38 percent to less than 5 percent today.

South Carolina is not a rich state, and you legislators have done the best that could possibly be done. But however difficult our challenges have been for the past, they are nothing compared to the upcoming federal problems of health-care planning of today.

Our hospital is on such a thin margin now, and we have no idea and no concrete ways to predict what the future will be -- that we will be facing. After 25 fulfilling years, I know this would be a good time for me to just bail out; but as crazy as it might sound, I want to be a part of this challenge.

Our boat is just beginning to hit the deep water and swift rapids and the jagged rocks and perhaps on the verge of confusion and serious problems. This is no time for me to abandon ship. I want to serve one more final term to see how I might be of help.

Thank you.

CHAIRMAN PEELER: Thank you, Doctor.

Senator from York, do you have a question or comment?

SENATOR HAYES: Mainly just a comment.

As was mentioned before, we’ve had a series of outstanding candidates, most of whom -- a lot of whom I have known by reputation and seeing their work. But I know Coty Fishburne personally and as well have followed his work on the MUSC Board.

He has been an outstanding board member. He has a wonderful reputation in the York County community. I think it is good to have a dental voice on that board. That’s a big part of the school.

And so I think that -- I think he’s certainly well qualified. I give him the highest recommendation without any reservation.

CHAIRMAN PEELER: Thank you.

DR. FISHBURNE: Thank you, Wes.

CHAIRMAN PEELER: Any other questions or comments?

SENATOR McGILL: Mr. Chairman.

CHAIRMAN PEELER: Senator McGill.

SENATOR McGILL: I also thank you for your service.

I know that my father may have been in the Senate at the time that you were elected to this board. And with pleasure --

DR. FISHBURNE: He was my first supporter, yes. Thank you.

SENATOR McGILL: Well, I can tell you, your reputation is impeccable, outstanding board member; and you have made a major difference.

I can’t help but think when MUSC chairman -- when they start talking about triple-A credit rating here in this state -- that 12 states in the entire country, 12 out of 50, have a triple-A credit rating, and we can help credit that to MUSC’s fiscal responsibility that has helped this state.

DR. FISHBURNE: Thank you.

CHAIRMAN PEELER: Well said.

SENATOR ALEXANDER: Mr. Chairman.

REPRESENTATIVE HENDERSON: Senator Alexander.

SENATOR ALEXANDER: If I could.

Thank you for your years of service. In your comments I think you said that the appropriation by the General Assembly has gone from 38 percent down to 5 percent, thereabouts.

Would you not also, though, agree that during that same period of time the Medicaid funding from the State has increased for those operations, and that MUSC is probably the largest recipient of Medicaid funding as a provider in the State of South Carolina?

DR. FISHBURNE: I think that’s true.

SENATOR ALEXANDER: Thank you, sir.

DR. FISHBURNE: And I didn’t mean to -- like I say, South Carolina is the poorest State, and I think we are very generous (sic) for the help that you have always given us.

If I might add a couple things. I visited -- as I said, I’m chairman of the Research Committee, and there was some questions about that. We are very proud of the research.

And I visited the Research Triangle area a couple of weeks ago, and I thought about what one of our professors said, that Raleigh and Duke and North Carolina and North Carolina State, they have that triangle there.

One of the people pointed out that with modern computers, they said, the professor, when you get right down to it, he’s not going to leave his chair and go out to the Research Triangle, 30-minute, 40-minute drive, when we can stay in touch with Clemson and University of South Carolina just as fast now on our computers with what we can immediately send to them and all the graphs and so forth.

And the Bioengineering Building, Representative Henderson, you asked the question about that, it is divided primarily into the devices. We have had a lot of devices that have recently been licensed. For instance, physical therapy, about all the special braces that help people walk and also even in -- even the stints in Neurology come under Bioengineering.

It’s sort of -- we have two new buildings that we are real proud of: the Drug Discovery Building and Bioengineering Building. And the Bioengineering Building is mostly concerned with devices; and then, of course, the Drug Discovery Building is pharmaceuticals.

And I just wanted to add that.

Yes. Thank you.

CHAIRMAN PEELER: Thank you, Doctor.

Representative Henderson, did you have a question?

REPRESENTATIVE HENDERSON: No. I’m glad -- thank you for explaining that.

SENATOR HAYES: Move for favorable report.

CHAIRMAN PEELER: Motion is a favorable report.

COMMITTEE MEMBER: Second.

CHAIRMAN PEELER: A second is heard.

Any other discussion?

If not, please raise your right hand.

Unanimous.

Thank you, sir.

DR. FISHBURNE: Thank you.

CHAIRMAN PEELER: Next candidate.

**G. MURRELL SMITH, SR.**

MS. CASTO: The next candidate for the 5th Congressional District, the medical seat, is G. Murrell Smith, Sr., from Sumter.

CHAIRMAN PEELER: Good morning, sir.

DR. SMITH, SR.: Good morning.

CHAIRMAN PEELER: If you would, please raise your right hand.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: Would you like to share with the Committee why you would like to serve on the Board?

DR. SMITH, SR.: Yes.

There are several reasons. One reason is that I spent nine years at the Medical University: my medical school and residency and internship. I learned to appreciate the Medical University, learned to appreciate the reputation, and certainly left there with pride.

I have been practicing going on close to 37 years in the Upstate in obstetrics and gynecology. And my son came back to practice in -- five years ago, and I said, Well, I’m going to quit delivering babies and quit taking calls; so I do gynecology. That afforded me the opportunity to have time.

And I think that looking around at what I may do in those -- in that time is, is offering myself for the Medical University Board. And I think I bring to it something that the other physician talked about, is, is, is the -- I’m from Sumter, and we are smaller than Charleston, Greenville. And we certainly have, have -- you talk about challenges, we have certainly in our hospital have had challenges. I have been on the board there.

I have been on the -- I have been chief of staff. I have been president of the South Carolina OB/GYN. I really understand the challenges that we face in the future.

And I -- somebody asked the question, they said, Well, what is your vision? My vision is to bring no agenda. My vision is to really offer some of my knowledge, some of my, hopefully, intelligence in that way, but certainly study the issues before we make decisions.

Be glad to answer any questions.

CHAIRMAN PEELER: Thank you.

Any questions or comments?

Representative McCoy.

REPRESENTATIVE McCOY: Thank you, Mr. Chairman.

Dr. Smith, thank you for being with us here today. I appreciate your time, and I especially appreciate your time since I had a baby five days ago. So I know what OB’s have to go through on a daily basis, and y’all’s schedules are mighty tough.

So thank you for being here.

We’ve talked a little bit about vision for MUSC; and you would be stepping in, as we heard, at a unique time in MUSC’s history and in the medical field’s history, frankly.

How would you see your role as a new board member?

DR. SMITH, SR.: You know, I think that, that the importance of, of listening to what the problems are and, again, bringing some realistic approaches to those problems. And I think that’s the most important thing that somebody like me can bring there, is, is, is out there in the real-world experience and, and not that all these other folks haven’t had real-world experience, but certainly in the medical field.

But I understand MUSC is bigger than just the medical side, you know. It certainly has grown since the day I was finished in ‘72. Things have changed dramatically from the hospitals that I was in till today. But I think that’s the whole point. I think that I’ve got to understand the issues, learn them, and then make some good recommendations.

REPRESENTATIVE McCOY: Absolutely.

And speaking of time, Dr. Smith, and being an active board member for MUSC and being in your practice that you are in now, do you see any sort of time issues there in terms of being able to -- being a practicing physician and then also being in Charleston if needed?

DR. SMITH, SR.: My partners might not want to hear this, but I only work three days a week, and I have -- I have a house at the Isle of Palms too. So I’ve got -- I’m very familiar with Charleston, and I’m very familiar with the Medical University.

So no, I don’t think there is any issue.

REPRESENTATIVE McCOY: Yes, sir.

I need to go on record that I do know your son, and I have just moved into a suite with him. And because I’m sort of a newbie in the House of Representatives, he gives me a mighty hard time; but I know you are proud of him.

Thank you for your service, and you have an outstanding resume, and I think you would be a great addition to MUSC.

Thank you.

DR. SMITH, SR.: Thank you.

CHAIRMAN PEELER: Thank you.

Any other questions or comments?

Dr. Smith, you have mentioned Isle of Palms and Sumter. As far as residency goes, where do you pay your 4-percent property tax?

DR. SMITH, SR.: I pay that in Isle of Palms.

CHAIRMAN PEELER: Okay.

DR. SMITH, SR.: Do you want me to explain?

CHAIRMAN PEELER: Yes, sir.

DR. SMITH, SR.: Okay. We moved -- my wife owns the house, and the permanent residence was for obvious tax purposes. And my -- I -- my voting and driver’s license and my permanent residence and practice and everything is in Sumter. I have lived there since 1977.

CHAIRMAN PEELER: So this is for the 5th Congressional District seat?

DR. SMITH, SR.: Right.

CHAIRMAN PEELER: And Isle of Palms --

DR. SMITH, SR.: But I don’t own the house at the Isle of Palms.

CHAIRMAN PEELER: Oh, I thought that’s where you said you pay your 4-percent property tax.

DR. SMITH, SR.: I do. That’s, that’s my wife’s house. That’s what we pay.

CHAIRMAN PEELER: How about your house in Sumter?

DR. SMITH, SR.: That’s my house.

CHAIRMAN PEELER: Do you pay 4 percent on that --

DR. SMITH, SR.: No, 6 percent.

SENATOR ALEXANDER: Mr. Chairman.

CHAIRMAN PEELER: Senator Alexander.

SENATOR ALEXANDER: So let me understand; the house in the Isle of Palms is 4 percent.

Your permanent residence has always been in Sumter?

DR. SMITH, SR.: Right.

SENATOR ALEXANDER: But your driver’s license --

DR. SMITH, SR.: Yes.

SENATOR ALEXANDER: -- has always been in Sumter?

DR. SMITH, SR.: No. At one time it was at the Isle of Palms, but it is --

SENATOR ALEXANDER: Voter registration --

DR. SMITH, SR.: Sumter.

SENATOR ALEXANDER: -- has always been in Sumter?

DR. SMITH, SR.: Not always, no.

SENATOR ALEXANDER: But it is in Sumter now?

DR. SMITH, SR.: Yes, sir, my driver’s license and voter registration.

I actually -- when I was doing this, I talked to your -- I explained that to the -- to your office because I didn’t want any conflict. And it was purely just a -- just the financial way of doing things, but my wife owns the house at the Isle of Palms, and I own the house in Sumter.

SENATOR HAYES: Mr. Chairman, if we could --

CHAIRMAN PEELER: Senator Hayes.

SENATOR HAYES: -- I would -- and I understand where he’s coming from. I think -- you know, obviously, probably the more valuable real estate would be the Isle of Palms, and that would probably make sense financially.

But I would like to get an opinion from staff as to what, if any, consequence this may have on his residency. I’m not just talking about staff. We might want to get Mike Hitchcock or somebody from the Senate to maybe look at this legally, unless we already have done that. But I think that -- just for the -- for the precedent, I think we need to do that.

CHAIRMAN PEELER: Thank you, Senator.

I think we have had this concern before, and I think we do have an opinion on it.

MS. CASTO: There is an opinion; and the opinion was from the Clerk’s Office, in consultation with the Attorney General, that it would be, where you pay the 4-percent property tax is your residence.

CHAIRMAN PEELER: Senator Alexander.

SENATOR ALEXANDER: And I think to that point, have we had an issue like this come up in the past?

CHAIRMAN PEELER: Yes, we have.

SENATOR ALEXANDER: That would be consistent with what that was at that time; is that a correct understanding?

MS. CASTO: Yes, sir.

SENATOR ALEXANDER: Okay.

CHAIRMAN PEELER: Do y’all want to carry this over and get further opinions and -- because I think we have other candidates that may have the same concern.REPRESENTATIVE McCOY: Mr. Chairman, at the appropriate time if I could make a motion to carry this over to where we can maybe get a little more formal insight on this issue.

SENATOR McGILL: Second, Mr. Chairman.

CHAIRMAN PEELER: Thank you.

Thank you, Dr. Smith. No reflection on you and your service. It is just something that --

DR. SMITH, SR.: That’s why I said before, I actually -- when I made the phone call, I explained everything I just -- that you are asking. And I got no issue. I just -- like I said, it was for financial reasons.

CHAIRMAN PEELER: Okay. Thank you.

DR. SMITH, SR.: Yes, sir.

MS. CASTO: The next candidate we had was Erika Harrison from Charleston.

We received an e-mail this morning that she has withdrawn. So the 6th Congressional District, the lay seat, is now unopposed.

**SANDRA P. SIMS**

Sandra Sims from Columbia. This is a term to expire in 2016.

CHAIRMAN PEELER: Good morning.

MS. SIMS: Good morning.

CHAIRMAN PEELER: Please raise your right hand.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: Would you like to give the Committee a brief statement on why you would like to serve?

MS. SIMS: Yes. And thank you very much for allowing me to be before the Committee this morning.

And for the last 27 years, I have been a salesperson in the insurance industry; and I feel like when the seat opportunity came open, that it would be a grand opportunity for me to start serving.

After being in the industry for 27 years and seeing the changes that have come about and as we are all talking about our health-care reform and the things that’s happening, my position on the Richland Memorial Board is helping me to -- I’m helping to bring that vision to the board.

And I feel like being on the MUSC Board would also afford me that opportunity, to bring that vision, that perspective of the insurance industry to the Board, to help assist in any way of making the transitions that the industry is now in front of.

My husband and I have operated three businesses about 21 years now. And 21 with the other -- with his two, and then 27 with mine. And we know and understand what the bottom line means, and we know that insurance pays the biggest footprint when it comes to the operation of our medical industry.

So I feel like my -- my experience with that industry will bring added insight to the Board.

CHAIRMAN PEELER: Thank you.

Representative McCoy.

REPRESENTATIVE McCOY: Thank you, Mr. Chairman. Ms. Sims, thank you for being here with us today. I appreciate your time, and I appreciate your willingness to step out and serve such a fantastic institution like MUSC. So thank you for doing that.

A couple of questions. I see that you are serving right now on the Richland Memorial Hospital Board.

MS. SIMS: Yes, sir.

REPRESENTATIVE McCOY: And I don’t know the legal ramifications of how this plays out with dual office holding; but if it is a legal requirement, would you step down from that board if you were fortunate to be elected here?

MS. SIMS: And I would step down, and I did do some investigation. And because I was appointed by the County, there is no conflict in that.

REPRESENTATIVE McCOY: That’s good to know. I appreciate you pointing that out. Ms. Sims, we have heard a lot of folks come forward and, over the past couple days, about their interest in multiple universities across the state, and we have such a gem here with MUSC.

And how do you see your role as a brand-new board member if you are elected to MUSC?

MS. SIMS: Well, over the years in my -- in my profession, I have traveled the state of South Carolina. So I know all of the different areas of the state, and I think my position on the Board, being a layperson, that I would bring the vision of, probably, a lot of the laypersons that’s out there that may not get an opportunity to get information from MUSC that’s really available to them.

And I feel like my contacts throughout the state will help assist in that manner. MUSC is a diamond for the State of South Carolina. I have young nieces that are coming up, wanting to be pediatric -- pediatricians and get into the medical fields.

So I understand where information about MUSC could be very valuable to persons that may ordinarily not get that information. So I feel like my position as a new board member would bring that new insight to the, to the board room.

REPRESENTATIVE McCOY: That’s great.

And you listed here as you are employed with SAP Insurance Sales.

MS. SIMS: Yes.

REPRESENTATIVE McCOY: And that you are the owner.

MS. SIMS: Owner.

REPRESENTATIVE McCOY: And how long, how long have you owned this business?

MS. SIMS: Since 1983.

REPRESENTATIVE McCOY: Congratulations on that. That’s quite a fete.

And when it comes down to time and commitment to MUSC, will that interfere at all with your ability to come to Charleston or to go where MUSC might tell you to go in terms of helping that university?

MS. SIMS: No, it will not. The fact that I have been at it for 27 years, I am on the downside of that business and have been very proactive in preparing for by 28 years. I try to keep up with the State. When the State changed their rules from 30 to 28, I did too. So the time will be there for us to be able to travel back and forth as needed.

REPRESENTATIVE McCOY: And piggybacking on that issue as well, when it comes down to once you finish this stage of being screened out and you go on to hopefully be voted to become elected on the MUSC Board, you have to spend a lot of time in Columbia. You have to spend a lot of time of getting to know a good many of us sitting up here right now, from Representatives to Senators.

Do you see there being any sort of issue with that, or do you have a problem with that type of scenario?

MS. SIMS: Well, no, I do not. I understand what it takes to be appointed to a board of this magnitude. So being ready to put forth the efforts that get -- I felt like once I got through the screening process -- I’ve had my cards printed and I know how to stand at the escalator and meet and greet and give out cards. So I feel like the time and energy that it will take to be appointed to this board will be well spent, and you will get to know all the representatives throughout the State.

I have -- I do have a little edge on -- my husband is a caterer. That’s one of his businesses. So he comes along and feed -- do breakfast for you guys a lot, so I kind of have an insight on that. So that gives me a little edge on being comfortable with being around the House and the Senate.

REPRESENTATIVE McCOY: A lot of times that’s a good way to get in with some of these folks, with good food. That’s a good plus.

I have to ask this as a final question, and I see this on your application. And I’m proud of it. Don’t get me wrong because I’m a, I’m a big Gamecock, but you listed on here as your husband has made some applications towards some football tickets and --

MS. SIMS: We had bidded on the premier seating on USC for serving food in The Zone or the premier seatings like the boxes and scholarship rooms. And that bid has since passed, and we did not get it, but it was in the process when I filled out that application.

REPRESENTATIVE McCOY: Great, and I appreciate you disclosing that. I don’t have any other questions. Thank you for entertaining my questions here.

Thank you, Mr. Chairman.

CHAIRMAN PEELER: Thank you.

Representative Mack now.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

Ms. Sims, it is good to see you.

MS. SIMS: Always a pleasure.

REPRESENTATIVE MACK: You have a very good resume.

One of the things that I would like you to expand on that could be problematic is your driving record: the tickets, the accidents. Can you expound on that and give an explanation of the time frame and what happened and --

MS. SIMS: Yes, I can.

REPRESENTATIVE MACK: And just kind of put that in perspective. I would hate to see this as, as something that can, that can hinder you from serving.

MS. SIMS: Okay. Well, as I have said, I have served in the insurance industry for 27 years; so it is nothing for me to put 1500 miles on my car a week.

Okay. So I’m in the car a lot. A lot more than probably the average. So because of that, I just have more chances of getting caught speeding, okay, not that I don’t speed but getting caught speeding.

And we -- the speeding tickets, even when I was -- which is my biggest problem, and I try to do better. When I was younger, I used to have a five-speed; so changing those gears was just real exciting for me. And so I did that and got caught, got in trouble doing it.

And so I went a long period of time without getting tickets and then got in the insurance business. And so doing that, again, has afforded me to be on the road a lot.

I have an Yukon right now, and it has 357,000 miles on it, and it is because I am on the road all the time traveling from one appointment to the other, from one part of the state to the other.

It is very normal for me to be in Greenville in the morning and back in Columbia in the afternoon, or I have had days where I have left Greenville and drove all the way back to Charleston.

REPRESENTATIVE MACK: Okay. And you know, you are talking to a group of folks that drive a lot.

MS. SIMS: Right.

REPRESENTATIVE MACK: Have you, have you improved on that situation? And if so, for how long? Can you put a perspective on it in terms of -- you know, we want -- we have people that come up with different issues. But if they do, we -- you know, I don’t know how this is going to, how this is going to be looked at by the other members, but how long have you been doing better, so to speak?

MS. SIMS: About ten years, better.

Now, I cannot say I have not gotten a speeding ticket; but it has not been anything like it has been. I was just getting speeding tickets within a regular basis.

REPRESENTATIVE MACK: Well, you have gotten them within the last ten years so --

MS. SIMS: Oh, yes, I have, but not like just one right after the other. At one point in my life, I was getting them almost every other month almost. And so the speeding tickets -- in fact, unfortunately I just had an accident the day before yesterday.

We were at the red light, and the cars on the left of me took off. And I took my foot off my brakes and rolled into a young lady. Didn’t do much damage; but you know, just the fact that I took my foot off my brake, looking in my peripheral vision instead of looking straight in front of me, my car rolled into her. That was an accident that I just had.

But, you know, I consider myself a pretty cautious driver. I have not caused anyone any bodily injury or anything in the accidents that I have ever had. It has not been because of any drinking or any intoxication of any form or anything like that.

And so I do consider myself a driver that watch the road for the most part and try to pay attention to what’s going on around me.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

CHAIRMAN PEELER: Thank you.

So according to our information, you’ve had four accidents in like the last ten years. And this next one is -- would be the fifth?

MS. SIMS: Yes.

REPRESENTATIVE HENDERSON: Is it --

CHAIRMAN PEELER: According to my information, it says four. Contributed in ‘10, ‘06, ‘05, and ‘04. One failure to yield in ‘06, and one did not contribute to accident in ‘08. Five speeding tickets.

One thing I can glean from this, it is probably good you are in the insurance business. I think you would be in a high-risk category.

MS. SIMS: Category, yes.

CHAIRMAN PEELER: I think that’s what y’all call it.

But you have satisfied the tickets?

MS. SIMS: Yes.

CHAIRMAN PEELER: Paid the fines?

MS. SIMS: Yes.

CHAIRMAN PEELER: Suffered the points?

MS. SIMS: Yes.

CHAIRMAN PEELER: You currently have no points on your license now.

MS. SIMS: No, I do have points.

CHAIRMAN PEELER: You do?

MS. SIMS: I have points against me, yes.

CHAIRMAN PEELER: After that last wreck, probably, and then -- how many points do you have left on you?

MS. SIMS: I have six, I would imagine. I haven’t gotten the notice from D.O.T. saying that I don’t have. Because usually I have gotten the notice, if you get in a window where you have five or less or something like that, you will get a notice; but I haven’t received a notice from D.O.T. saying that.

CHAIRMAN PEELER: According to your ten-year driving record, it says zero. Points summary, zero.

MS. SIMS: Yeah. That’s what I said. None of -- the accident has not caused me to lose any points from, from D.O.T.

CHAIRMAN PEELER: But as far as a monetary situation, you have no liens against you.

MS. SIMS: No, sir.

CHAIRMAN PEELER: You’ve paid your fines.

MS. SIMS: Yes, sir.

CHAIRMAN PEELER: You are up to date on all your bills.

MS. SIMS: Insurance, any claims that had to be paid because of an accident or something I have done, my insurance have taken care of it. I have no liens, no financial distress that I --

CHAIRMAN PEELER: And you have owned your insurance company since ’80 --

MS. SIMS: ’83.

CHAIRMAN PEELER: ’83. No problems there?

MS. SIMS: No, sir.

CHAIRMAN PEELER: Any other questions?

Senator from York, Senator Hayes.

SENATOR HAYES: I hate to go on and beat a dead horse, but there was one other thing on here. It said your license was suspended for driving under suspension.

MS. SIMS: Yes, sir, in 1987.

SENATOR HAYES: Was that ’87 when that happened?

MS. SIMS: Yes.

SENATOR HAYES: How did that happen?

MS. SIMS: Driving because I was -- in the insurance business, I just had to drive to get to work. And at that point they had stopped issuing provisions for you to be able to drive without your license. And so it was either I drive and take my chances or be at home unemployed and not be able to work --

SENATOR HAYES: What did you lose your license for?

MS. SIMS: Speeding tickets.

SENATOR HAYES: You lost your points -- you lost your license at that point, but you still drove, and then you got your license suspended after that.

MS. SIMS: Yes.

SENATOR HAYES: How long was your license suspended?

MS. SIMS: Ninety days.

SENATOR HAYES: But nothing since then?

MS. SIMS: No, sir.

SENATOR HAYES: Nothing further.

CHAIRMAN PEELER: Any other questions or comments?

What’s the desire of the Committee?

REPRESENTATIVE WHITMIRE: One comment real quick.

CHAIRMAN PEELER: Okay. Thank you.

Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you for offering to serve.

Please slow down.

MS. SIMS: Yes, sir.

REPRESENTATIVE WHITMIRE: And this, you know, you are trying to get on the Medical University Board; and that, that’s just -- one of these days, you are going to be speeding, and you are not -- you’re going to have a problem with somebody getting hurt. So, you know, work on that.

MS. SIMS: Thank you, sir.

CHAIRMAN PEELER: We have heard from an OB/GYN, and I guess speeding tickets are like being a little bit pregnant. Just about every candidate has had a ticket or two, but five and five accidents, like Representative Whitmire said, just slow down.

MS. SIMS: Slow down, yes, sir.

If I haven’t hurt anyone --

CHAIRMAN PEELER: And we don’t want you to. That’s --

MS. SIMS: No, I’m not saying that.

When I left home from my mom, she said, Sandra, Slow down and take your time. And I have been fortunate enough to be married to Herbert Sims for the past seven years; and he has definitely been on me about slowing down. And if speeding is something that will hinder me from doing something that I have a desire in my heart and if you all make a decision not to affirm me today, then if I don’t learn anything else from this process, slowing down will be --

REPRESENTATIVE MACK: Move favorable.

CHAIRMAN PEELER: Motion is a favorable report.

Second?

REPRESENTATIVE McCOY: Second.

CHAIRMAN PEELER: Seconded.

Any other discussion?

Hearing none, let’s proceed to a vote.

All in favor, please raise your right hand.

(Each committee member’s hand was raised with the exception of Representative Henderson.)

CHAIRMAN PEELER: Would you like to --

REPRESENTATIVE HENDERSON: I would -- yeah.

This just makes me very uncomfortable. We’ve had people yesterday that -- you know, a lot of people have a record, but just something about this -- it is -- I just -- I can’t support a favorable report. I’m sorry, so I just wanted to go on the record that it just makes me uncomfortable. And I just feel like -- you do need to slow down because, you know, one of these days you are going to have a wreck and something is going to happen to somebody.

And you know, we all care about each other; and we want to make sure everybody is safe so...

Thank you, Mr. Chairman.

CHAIRMAN PEELER: Like I said, three speeding tickets is, is too many. Five is too many. Like I said, I don’t know what, what the breaking point is, and maybe we need to visit that, on how many speeding tickets are too many to be qualified.

I think my -- my determination would be that if you’ve -- I think lawyers call it adjudicated. As long as you have gone to court, you’ve paid your fine, you are doing what you are supposed to do, that’s, that’s good.

If you had outstanding fines, then that would have probably made me vote against you; but I’m going to give you the benefit of the doubt. There is some doubt, but I will give you the benefit of it.

Senator Alexander.

SENATOR ALEXANDER: And I would also like to go on the record, and I did support moving forward. But I guess I even come down -- and I agree with all the other comments. But the biggest concern I have is, is really the part about driving under suspension.

There are a lot of folks that lose their driver’s license; and I mean, to me, I’m glad it was back in 1987, it was not more recent than that. And I think that is the reason that I think that, that I felt okay about or at least willing to overlook that.

But to me, once someone’s license has been suspended, whether it’s for work or other reasons, they have to abide by those decisions. I just -- please just be careful going forward from that standpoint, and hopefully you are getting that message loud and clear. Please.

CHAIRMAN PEELER: Okay. Well, if anything good comes from this, maybe you will slow down and maybe we have helped.

MS. SIMS: I will report back in the next five years that I have had no tickets.

Thank you very much.

CHAIRMAN PEELER: Thank you.

SENATOR ALEXANDER: I hope you do that.

CHAIRMAN PEELER: Next candidate.

**RAGIN C. MONTEITH**

MS. CASTO: The next candidate is from the 6th Congressional District, the medical seat, Ragin Monteith from Columbia.

CHAIRMAN PEELER: Good morning.

DR. MONTEITH: Good morning.

CHAIRMAN PEELER: Please raise your right hand.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: A brief statement to the Committee on why you would like to serve.

DR. MONTEITH: Sure. I just would like to say I’m honored to be here. I’m new to the process and new to all of you guys here, but I’m sure y’all know my husband pretty well, and I hope you will not hold that against me, but I just wanted to give you a little background on myself before I tell you why I want to be a member of the MUSC Board of Trustees.

But I was born and raised in South Carolina and moved away for 11 years to train, a college in Atlanta, and I attended the University of Pennsylvania, Philadelphia, and was given the opportunity to do my pediatric training in Children’s National, D.C. And I had a wonderful opportunity to come back to Columbia to work at the largest community health center in the area, at Eau Claire Cooperative Health Centers.

So I have always known that I wanted to be a physician because I have a lot of family members that are physicians; and I have family members that have served the community very well, one of them being Modjeska Simkins, whose picture is in the State House, and my grandfather who was the first African-American on the Agricultural Board.

For me, it would be an honor to continue the family legacy of serving on the MUSC Board of Trustees and an honor to serve MUSC as well, to be a part of the Board and be a part of shaping health care in South Carolina because, as we know, that we are pretty much in the top in terms of rates of obesity and poor health care. So it would be an honor being a part of that.

CHAIRMAN PEELER: Thank you.

Any questions or comments?

Representative McCoy.

REPRESENTATIVE McCOY: Dr. Monteith, thank you for taking the time to be here with us today. I appreciate it.

DR. MONTEITH: Thank you.

REPRESENTATIVE McCOY: Can you tell the panel a little bit about your background in the medical field and what you actually practice?

DR. MONTEITH: I’m a pediatrician, and I have been -- I guess you would say for 11 years. I did three years of residency, and I have been here almost nine years, and I work at the health center in the area. I see patients at our office in West Columbia, and I’m also -- do hospital rounds. So I work at Lexington, Richland, and Baptist.

And I also serve on a few committees through a couple of insurance companies, so I have a little bit of experience.

REPRESENTATIVE McCOY: Are you part of a particular practice, or are you affiliated with a hospital?

DR. MONTEITH: Yes. I’m associated with Eau Claire Cooperative Health Centers.

REPRESENTATIVE McCOY: In terms of time and in terms of commitment to MUSC, is that going to be any sort of issue with your practice and being on the MUSC Board?

DR. MONTEITH: I don’t believe so at all. If I have to take leave, they understand that. And I have a very supportive husband and family and a great nanny, so it shouldn’t be an issue.

REPRESENTATIVE McCOY: And I understand that you are a new mother.

DR. MONTEITH: I am. I have a five-month-old who kept us up all night last night.

REPRESENTATIVE McCOY: I’m with you. I have a five-day-old, so I am right there with you. I know the feeling.

I think you have an impeccable resume, and I think you would be a fantastic member of the MUSC Board, and I especially admire your youth and wanting to a part at such a young age. I think that’s essential for adding new ideas and insight to what a board would be tackling. So I want to thank you for stepping forward and wish you the best.

DR. MONTEITH: Thank you.

CHAIRMAN PEELER: Other questions or comments?

Senator Alexander.

SENATOR ALEXANDER: I apologize, but I do -- good morning, and thank you for your willingness to serve.

Looking on your information here, though, under regulated businesses, is that, is that --

MS. CASTO: Dr. Monteith, he’s in the Statement of Economic Interests Form, Question Number 14.

DR. MONTEITH: Oh, yes.

SENATOR ALEXANDER: Yes.

Could you explain to me what, what that entails as far as your work or what, what potentially could be with --

DR. MONTEITH: As far as I know, I don’t think there is any conflict.

I actually am a physician member of the Pharmacy and Therapeutics Committee at Absolute Total Care. So we work on, you know, issues relating to pharmacies and medicines --

SENATOR ALEXANDER: Formularies and things of that nature?

DR. MONTEITH: Exactly.

SENATOR ALEXANDER: And what to cover from that standpoint, I think. Okay.

And what -- the other one below that.

DR. MONTEITH: Is InStil Health. It’s associated with Tricare, and I serve on the -- it’s a peer-review committee, so we accept physicians into the network, review physicians where there are questionable records, and accept hospitals into networks.

SENATOR ALEXANDER: Thank you. And I believe I heard you in response to Representative McCoy that, that your work and efforts would not -- you don’t envision that being a problem for you having the ability to participate and do what’s necessary as far as being a member of the MUSC Board.

DR. MONTEITH: Not at all. Like I said, my husband has been very encouraging and supportive of me going forward with this.

SENATOR ALEXANDER: Good. Thank you.

Thank you, Mr. Chairman.

CHAIRMAN PEELER: Senator Hayes.

SENATOR HAYES: Just a couple of questions.

Where did you get your undergraduate and medical degree?

DR. MONTEITH: I went to Spelman College in Atlanta and attended the University of Pennsylvania.

SENATOR HAYES: For your medical degree?

DR. MONTEITH: Yes.

SENATOR HAYES: The information, it looks like you are unopposed, just looking at this list.

What vision do you have for MUSC? Where do you think it should go?

DR. MONTEITH: Well, I hope to bring, as Senator McCoy said -- Representative McCoy -- youth and energy. And I do have, as being -- you know, attended University of Pennsylvania, ideas, or, you know, programs that were developed when I was there.

And so hopefully I can bring experience from attending somewhere outside of the state but being a South Carolinian and help grow MUSC. I know it is the top medical university in South Carolina.

But as people have stated before, everything or every university can be better than what it is. So hopefully I can help and be a part of that.

SENATOR HAYES: Okay. All right.

CHAIRMAN PEELER: Representative Whitmire has a question.

REPRESENTATIVE WHITMIRE: Do you know you are only three years older than my daughter, and look at what you have accomplished. I mean --

DR. MONTEITH: Thank you.

REPRESENTATIVE WHITMIRE: Do you -- just quite impressive.

I do have a question, though. That your husband is a lobbyist --

DR. MONTEITH: Yes.

REPRESENTATIVE WHITMIRE: If he would happen to represent any interests that would be dealing with MUSC, how will you handle that?

DR. MONTEITH: I, I guess I would have to speak with him. I have never been -- thought of that as being a conflict or -- I guess I would have to discuss with him whether I would step down or he would --

REPRESENTATIVE WHITMIRE: I mean, would you recuse yourself from a vote?

DR. MONTEITH: Oh, yes, definitely.

REPRESENTATIVE WHITMIRE: That’s what I meant.

Okay. Outstanding is all I can say.

CHAIRMAN PEELER: Thank you.

Representative Mack.

REPRESENTATIVE MACK: Thank you, Mr. Chairman.

I also wanted to say how much I appreciate your willingness to serve. It is good to have a combination of experience and youth, and I appreciate what you bring to the table.

DR. MONTEITH: Thank you.

CHAIRMAN PEELER: Anyone else?

COMMITTEE MEMBER: Motion for favorable.

CHAIRMAN PEELER: Motion is a favorable report.

Is there a second?

COMMITTEE MEMBER: Second.

CHAIRMAN PEELER: A second is heard.

All in favor, please raise your right hand.

Thank you.

It is unanimous.

DR. MONTEITH: Thank you.

CHAIRMAN PEELER: Thank you so much for your willingness to serve.

Next candidate.

**CONYERS O’BRYAN, JR.**

MS. CASTO: The next candidate is Conyers O’Bryan from Florence. He is an incumbent but in a new congressional district. So this is the new 7th Congressional District, medical seat, on the MUSC Board.

CHAIRMAN PEELER: Good morning, sir.

DR. O’BRYAN: Morning.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: Would you like to give us a brief statement?

DR. O’BRYAN: I appreciate being here, and I appreciate the opportunity to serve again.

I have been on the Board since 1976, not 1824 as some people suggest.

(Laughter throughout the room)

DR. O’BRYAN: I served three terms as chairman, and I actually just finished eight years of service on the CMS National Advisory Committee. So I think it is an awfully good time to bring that experience back to the Board.

It looks like y’all’s board will have probably a 40- or 50-percent change in its membership within the next year or two, and I think it’s good that we can have some people there. I remember coming on as a young turk with some great ideas but that were not fruitful at all, unfortunate to say, by people who had been there a while, who had been there and done that.

CHAIRMAN PEELER: Sounds good.

Any questions or comments?

SENATOR HAYES: I think -- Mr. Chairman.

CHAIRMAN PEELER: Senator Hayes.

SENATOR HAYES: Of course, I know Yancey will want to speak out. But from my knowledge of your service, I appreciate it, and you have done an outstanding job on the Board.

I think there is an issue here with 4 percent. Where do you pay your 4-percent property on your home?

DR. O’BRYAN: In Florence. My home in Florence.

SENATOR HAYES: Okay. And where is that? Is that -- that’s the 7th Congressional District?

DR. O’BRYAN: 7th Congressional District, middle of Florence.

SENATOR HAYES: I think we just need to pin that down for sure and make sure you are a resident of the district that you are running in, which is the 7th District.

CHAIRMAN PEELER: So with the reapportionment and so forth, the new district, you are in the 7th?

DR. O’BRYAN: I am.

CHAIRMAN PEELER: Where you pay your 4 percent.

DR. O’BRYAN: I am.

CHAIRMAN PEELER: On your driver’s license, I think it gives your medical practice address. Is there any reason for that? Is that where you get most of your mail?

DR. O’BRYAN: I get most of my mail at 530 Juanita. The business and medical park is Cheves Street. That’s the office, which is in the middle of Florence; but my car is under McLeod Service. I hand in every month mileage to be documented for that as a car.

So the accountants said to list that under 800 Cheves Street because of that.

CHAIRMAN PEELER: Any other questions or comments?

SENATOR HAYES: As far as the, the address on the license, would that make any difference as far as -- with one district or another? All of these addresses are in the 7th Congressional District now. Would it make any difference or --

DR. O’BRYAN: No, none at all.

CHAIRMAN PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you.

And good morning. Good to see you this morning, and I appreciate your years of faithful service and obviously with your involvement with CMS, on their committee and things.

Obviously, with your -- over the years of -- in most recent years, your attendance at board meetings and things, how would you classify that, 100 percent, 90 percent?

DR. O’BRYAN: 100 percent.SENATOR ALEXANDER: 100 percent.

Thank you, sir, your willingness to continue to serve.

CHAIRMAN PEELER: Senator McGill.

SENATOR McGILL: Dr. O’Bryan, I want to follow up on this address business.

Down in Charleston you own a piece of property.

DR. O’BRYAN: Yes.

SENATOR McGILL: What percent are you -- is it 6 percent?

DR. O’BRYAN: 6 percent in Charleston, 4 percent in Florence.

SENATOR McGILL: Okay. You have a son who is a doctor, medical doctor, in Charleston.

DR. O’BRYAN: Yes. Edward Conyers O’Bryan, III.

SENATOR McGILL: And from what I understand, he now has moved into that house because he sold his house. And I understand he’s going to build a house at some point; but the fact remains, 4 percent in Florence and 6 percent in Charleston.

DR. O’BRYAN: Yes, that’s correct.

SENATOR McGILL: Okay. Let me ask you this. You’re saying back in the ‘70s you were elected, and I realize that a lot of changes have occurred, and we have heard testimony today about the finances.

What has changed since you have been on that board? I have no idea what the State of South Carolina -- what percent of MUSC’s budget was funded by the State, and I don’t know what it is today.

DR. O’BRYAN: Well, when I came on the Board, we had 58 percent from the State. Now we are under 5 percent.

SENATOR McGILL: Wow. I would assume a lot of the universities all over this state -- Clemson, USC, State, Citadel -- a lot of these universities and colleges, the numbers, Mr. Chairman, evidently have just drastically changed, which has put major hardships on the universities and the colleges in this state.

What is the answer for us moving forward with financing?

DR. O’BRYAN: Well, what we have done at the Medical University is actually become lean, as you know. We have unfortunately had to retire or put on different categories a number of people, over probably 1500. That’s one thing.

The second thing, all the physicians are basically on production minus overhead; and that makes a big difference in how much they contribute back to the University. So physicians are basically, in a way, supporting the Medical University now.

SENATOR McGILL: I -- with true testament, I’m proud of the fact that you are in the medical profession. I have known your family a lot -- the O’Bryans live all over the Pee Dee, Williamsburg. I know you own property in Florence and areas in the Pee Dee.

And there is no question, also, that, that you have been a contributor forever and ever of your time and energy. How many hours a week do you spend at McLeod’s -- at your office in Florence working with patients?

DR. O’BRYAN: Probably about 60 hours per week.

SENATOR McGILL: Sixty hours because you’ve got that work ethic. That’s your hobby.

DR. O’BRYAN: That’s my hobby and -- my hobby-cation and my vocation are the same.

SENATOR McGILL: Right.

The thing that, that, that I want to say to you, your Hollings Cancer Clinic, I’m grateful for it. Dr. Cole and all the doctors at MUSC. My wife, she had double -- she had breast cancer and had a double operation, took treatments. And of course, six years now, six years later -- she had a checkup this week, and I saw this garden down there at the Hollings Cancer Clinic. Very beautiful.

But we are deeply appreciative of our Hollings Cancer Clinic. I realize all is always in the Lord’s hands; but as a matter of fact, the treatments she’s received for five, six years now has been remarkable. They can’t find the cancer, which is a blessing from the Lord. But, but many others have limited times.

To go down and see that camp that MUSC puts on for these four-, five-, six-year-old children. And if you look in the eyes of those children, it is just a matter of time, a year or couple of years, and they will be gone and won’t be here. But how blessed we are and how we take things for granted each and every day.

And one last thing I would like to say to you, Conyers, and all the trustees, my mother is 83 years of age. She fell four weeks ago, broke her hip in three places, splintered the bone in her hip. Hit the back of her head, two major gashes. Ended up at the Medical University.

A week and a half later, she was fixed back as close to 100 percent after surgery; and she took some P.T. and every living thing, I guess, you could take. And I’m proud to say because of MUSC, because of the quick reaction, the medical care that was given to my mother, I can tell you right now that -- I couldn’t believe it. She walked, I guess, probably some 300 steps this past weekend.

And as -- she’s at the Kingstree Hospital, and I realize we have to shift from place to place. And there are limits because you have to have these beds open for others that need help.

But we take for granted so often MUSC and so many of our hospitals all over this state. And so with that, I would like to say to you, thank you, to each of these trustees and future members that will serve. But the finance, realize that will be an issue. And I want to thank you.

DR. O’BRYAN: Thank you.

CHAIRMAN PEELER: Well said, Senator.

Any other questions or comments?

Dr. O’Bryan, the name Conyers O’Bryan is synonymous with MUSC; and I want to personally tell you I appreciate the service you have done for the State of South Carolina and your service for MUSC and your service here.

You have been Doctor of the Day how many years?

DR. O’BRYAN: Well, Drs. Strother (phonetic), Hope (phonetic), and I started that actually with doing physical exams on the legislators; but they did so poorly, we went into Doctor-of-the-Day care. That’s about 35 years ago.

CHAIRMAN PEELER: Thank you for that.

SENATOR McGILL: Move favorable report.

CHAIRMAN PEELER: The motion is a favorable report.

COMMITTEE MEMBER: Second.

CHAIRMAN PEELER: A second is heard.

And thank you for clearing up that 4 percent. I think that’s important. So I’m glad that’s -- we will proceed to a vote.

All in favor, raise your right hand.

Unanimous.

Thank you, Doctor.

Next candidate.

**JAMES A. BATTLE**

MS. CASTO: The next candidate -- there are three candidates running for the 7th Congressional District, the lay seat. This term expires in 2014.

The first candidate is James Battle from Nichols.

CHAIRMAN PEELER: Good morning.

MR. BATTLE: Good morning.

CHAIRMAN PEELER: If you would, please raise your right hand.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: Would you like to give a brief statement to the Committee on why you would like to serve?

MR. BATTLE: Yes. I have a number of reasons why I would like to serve on the MUSC Board.

The primary reason is that I live in a very rural part of the state. I’ve represented this part of the state for the last 16 years in the General Assembly. I understand the problems of these rural areas.

Looking at the current board, the rural parts of the state are under -- in my opinion, underrepresented on this board. In the 2012 Annual Report, Dr. Greenberg said that rural areas do have special problems.

He said that they have dual problems, and that the rural areas have a -- normally a higher incidence of disease than the rest of the state, and yet we have limited access, not only to the primary but to the specialty care.

I think MUSC are doing some things through telemedicine and other things to help remedy that, but I would like to see that continue. And I know the problems we have down there.

Furthermore, I would like to say that the Medical University of South Carolina, as all of us know, is a real asset for the State. It is a wonderful university and a world-class hospital as well.

I think that this not only needs to be protected but it needs to be nurtured. It needs a -- to help grow. Most everybody up here, especially those folks that are already on the Board, are incumbents. They have alluded to the potential problems. The gathering clouds, I think that one of the doctors said. There are a number of problems out there that I see.

First of all, and you have heard most of these, but we have an aging population. With -- the aging population will bring on more care.

One of the things that we may not have thought about is, most of this aging care is going to be paid for with Medicare or Medicaid. Of course, Social Security is a part of it. These are entitlements. Entitlements are a big part of the discussion in Washington today.

We are not going to be getting more money out of Medicare in the future to help pay for the visits for the patients. That’s a potential problem.

Another problem we have, a potential problem we have, is one that you are experiencing right now. State budgets are getting tighter, and that’s not going to change any time soon. Even if revenues start coming in, South Carolina has lots of needs. It is no longer spending its money; it is rationing scarce resources, as you know. So I don’t see higher education getting a big windfall profit from the State coming forward. So that is another problem.

One more thing that has been talked about a great deal in here is the, is the -- again, the gathering clouds. But the changes in the federal health-care program that we have, the new laws that are out there, I don’t think any of us understand all of the implications for this, but we do know that it has created and is creating a lot of anxiety, a lot of uncertainty. Folks don’t know what to do. Many health-care institutions, including MUSC, are already facing some financial challenges.

I feel like that my background as a businessman, I have been a businessman all of my life, and the fact that I served on a rural hospital board for twenty-some years before running for the General Assembly, sixteen years ago, makes me uniquely qualified for this board.

And when I say that -- a businessman, I spent all of my adult life in business. I got a B.S. degree from the Citadel. I got an M.B.A. from the University of South Carolina. I worked for a large regional bank a long time ago before you could bank across state lines. I worked for an international investment firm. In fact, at the time it was the largest in the world, both in New York and in Charlotte. Then I moved home and worked with my family in an agribusiness for the last 40 years.

And I can tell you, the bank that I was with is no longer that bank. The investment firm that I was with is now part of Bank of America, which was at the time NCNB in Charlotte, North Carolina. Things have changed.

My competitors, when I moved back home, were other family businesses just like ours. None of them are there anymore. The business we have doesn’t look anything like it did back then. We have had to make the changes to survive.

That’s the way it is in the business world, and I think that’s the way it is going to have to be in the health-care industry as well.

And finally I want to say that I personally feel like that the problems we have in health care today are not the same problems that we have been debating for the last 20 or 30 years.

For the last 20 or 30 years, we have focused on access, insurance, getting people covered so that they could go to the hospitals and so forth. Insurance is still extremely important, but ultimately we are going to have to get more value from the health-care system. We are going to have to have increased incomes with less money. Dr. O’Bryan spoke about that, and I think several of the board members are saying that they are getting lean.

But I remember -- and this again was a long time ago. When you thought about quality, you, you, you thought that you could either pay more and get quality or you could pay less and not get quality.

Today in the business world, you have got to continue to improve your quality and you have got to continue to do that at a less and less price. That’s just the way it is. And those folks that can’t do that are not going to survive.

The health-care industry is going to have to do the same thing, and I think they have already started. I can’t be critical of what’s going on since I haven’t sat on those -- in one of those board seats to hear what is going on, but I know that that’s what’s got to happen.

I have enough sense to know that changes are not going to be made overnight. And just because somebody new goes on the Board, things are not going to change; but the conversation has got to change. And until the conversation changes and the way we start looking at these things, nothing is going to happen.

Health care is, is -- I’m not concerned about what has happened up to this time. It is what is going to happen from this point going on, and that’s why I’m offering myself to sit on this board.

CHAIRMAN PEELER: Thank you.

Questions or comments?

SENATOR McGILL: Mr. Chairman, let me --

CHAIRMAN PEELER: Senator McGill.

SENATOR McGILL: Do you know we have -- if we have ever had a unique situation today, that when you start talking about Congressman Tallon, and Marva and Jim, it, it -- by testament it shows a strong leadership that comes from that Pee Dee region.

And it is unbelievable because the three of these are the closest of friends, but they all three have that desire to serve. And that’s what makes it great about this process. Everybody is afforded an opportunity.

And Jim, I appreciate what you said; and I know you will appreciate what Robin says and Marva; but the fact remains that your presentation today was excellent. You are exactly on target as a businessperson.

We have got to get innovative and creative to figure out how we are going to meet the financial needs, not just at the Medical University but all over this state and within this government. Spend freeze, waste. All these sideline issues that people always take for granted, we are going to have to look closer than we have ever looked at all the finances all over the state.

Thank you for offering your time.

CHAIRMAN PEELER: Thank you, Senator.

Senator Alexander.

SENATOR ALEXANDER: Thank you.

And obviously -- good morning.

MR. BATTLE: Good morning.

SENATOR ALEXANDER: Obviously you’ve -- with your comments, I just wanted and not -- you still list as being owner of Safe Marketing; is that correct?

MR. BATTLE: Safe Marketing is an R.J. Reynolds buying station in Mullins, yes.

SENATOR ALEXANDER: And so obviously -- and you list several other companies that you are affiliated with.

MR. BATTLE: J.R. Battle and Company. It doesn’t go back 140 years like Ms. Pearlstine’s, but it was founded in 1911. And that has been the business that everything else has sort of sprung off from.

SENATOR ALEXANDER: I guess my question is, With those business interests and your involvement there, is there anything that would preclude you from being an active member of the Board and attending meetings and doing what’s necessary from that --

MR. BATTLE: Fortunately, as I stated, it is a family business; and I have family members that will do whatever needs to be done if I’m not there, just as they have while I was in the General Assembly for the last 16 years.

SENATOR ALEXANDER: Thank you, sir.

Thank you, Mr. Chairman.

CHAIRMAN PEELER: Thank you.

Anyone else?

REPRESENTATIVE McCOY: Move favorable.

CHAIRMAN PEELER: Motion is favorable report.

A second is heard.

All in favor, raise your right hand.

(Each committee member’s hand was raised.)

CHAIRMAN PEELER: Thank you.

I appreciate your willingness to serve. Thank you.

Next candidate.

**MARVA A. SMALLS**

MS. CASTO: The second candidate for this seat is Marva Smalls from Florence.

Ms. Smalls.

MS. SMALLS: Good morning.

CHAIRMAN PEELER: Good morning. If you would, please raise your right hand.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: Would you like to present a brief statement to the Committee on why you would like to serve?

MS. SMALLS: Yes, sir. Thank you.

As I said in my offering letter, I’m a lone -- life-long resident of the Pee Dee of South Carolina. It is actually where I developed my interest in public policy and my interest in service.

I actually started out as a page for Senator Tom Smith when I was here in school. I continued working for Lieutenant Governor Brantley Harvey and then Governor Riley where I staffed the Private Industry Council. I served as -- ten years as Congressman Robin Tallon’s Chief of Staff during his term in Washington.

And between the combination of, of that exposure to public service, I have particularly been interested in issues that impact the rural community. I am particularly concerned, especially as it relates to young people, the potential of being disenfranchised because of the lack of infrastructure that exists there. And along with that, that infrastructure is also impacted by the lack of consistent health care.

There are a disproportionate number of diseases that feed the health-care disparities because they are in the rural area. If you look at the lines of where the 7th Congressional District fall, there are disproportionate diseases that impact, you know, that area.

I was on the Board of Visitors for MUSC from 2007 and 2008, so I developed a one-to-one experience at that time. I was actually appointed by Robin.

And since that time, I have continued to be engaged with MUSC, both in terms of philanthropic support through my foundation that’s housed at Coastal Community Foundation in Charleston, as well as really being on the ground floor of helping launch a center to discuss, that would help solve the issues of an autoimmune disease that I also suffer from, that Mrs. Pearlstine alluded to as well. And we actually partnered in working with the doctors, the administrators to bring more attention to that.

I believe in the transformational power of MUSC to positively impact health care in this state. One, because of its multi-disciplinary approach and also the -- MUSC is not just a Charleston-based health-care provider. It has reached across the state and the potential to reach across the state is enormous, and I believe that is something that, that needs to continue to be championed.

I also bring a great deal of experience from the private sector through my current position; and in my current position, I wear a couple of hats at Viacom; but one in particular I’m proud of. I have partnered with the Kaiser Foundation, with the Clinton Global Initiative, with the Robert Wood Johnston Foundation, many of the foundations whose outreach is as it relates to health care.

I am viewed as a leading expert on childhood obesity in this country and has testified before the U.S. Senate and has partnered with the President and Mrs. Obama, has partnered with President Clinton and has partnered in a non-partisan and bipartisan way to really heighten attention to issues for those who are underserved.

So in short, I have a passion for service. I absolutely subscribe to the saying of this Bennettsville native, Marian Wright Edelman, "Service is the rent we pay for living." My life has modeled that.

I think if you talk to people in the Pee Dee about my level of activism for someone who works in New York and lives in South Carolina, I think you would find strong validation for that.

I also think you will find strong validation for I am a change agent. If I am into something, I bring the resources of all I have to bear, both my personal resources, as well as the resources of my contacts. I work for a global company. I have reach globally. I have reach across this United States.

I think the challenges that face, that face MUSC in terms of strengthening the development, creating the kinds of resources it needs to remain the best-in-class facility, I think it all will also amount to the kind of doctors they are able to recruit. That goes back to having an adequately funded infrastructure, the kinds of students who will want to come there because they believe it is a competitive environment in school for them to attend.

And I think I also bring cognitive diversity to that board. I have marketing experience. I have business experience. I also -- in my business, we talk about knowing your audience.

The future is about managing multi-generational people. So it is not just the Boomers, the Xers; but this new Millennial population, they are the fastest entrance into this workforce. They are the ones that -- the post-Millennials who are going to attend the University. We think differently. We operate differently. And if we are going to be successful at MUSC, we have to also be in that mindset.

You know, Boomers all know where they were when President Kennedy was killed. You know, for, for Xers, you know, is it the Reagan era. For Millennials, it is 9/11. There is a different mindset, a different understanding. It is a different expectation.

So I think as part of MUSC moving forward to address the challenges, they have to look at it across generational (sic), they have to look at disparities across geography, and they have to build a board that is rounded out with the kind of cognitive diversity and skill set that’s different from what is currently on that board now.

And that’s why I’m proud to offer as a candidate and lean in to be a part of that process, of paying the way forward for great health care in South Carolina, and to continue to have MUSC be a best-in-class institution for this state.

CHAIRMAN PEELER: Thank you.

Ms. Smalls, on the information that we have, it lists that you work in New York.

MS. SMALLS: Yes, sir.

CHAIRMAN PEELER: But your home address is in Florence.

MS. SMALLS: Yes, sir.

CHAIRMAN PEELER: On your personal data questionnaire, you list that Edgefield Road is your home address.

MS. SMALLS: Yes.

CHAIRMAN PEELER: But your driver’s license has Meriwether Lane.

MS. SMALLS: Yes, sir.

CHAIRMAN PEELER: You just haven’t updated your license yet or--

MS. SMALLS: Well, my -- I also have a home, family home, on Meriwether Lane. My mother is 88 years old. So a lot is based there that I haven’t moved because I’m constantly there and moving her around when I’m back in the state.

CHAIRMAN PEELER: And on your credit report, it states Edgefield Road also.

On your bio, it says you have a home in Florence, Charleston, and New York.

MS. SMALLS: Yes, sir.

CHAIRMAN PEELER: Which home do you pay property tax on, the 4-percent property tax?

MS. SMALLS: Edgefield Road.

CHAIRMAN PEELER: And that’s located in the 7th Congressional District?

MS. SMALLS: Yes, sir, in Florence.

CHAIRMAN PEELER: Thank you, ma’am.

Any other questions or comments?

SENATOR McGILL: Mr. Chairman, I just --

CHAIRMAN PEELER: Senator McGill.

SENATOR McGILL: I would like to say that example -- another testament of the Pee Dee.

And I can tell you, Robin, you were smart when you hired her as Chief of Staff.

THE HONORABLE TALLON: That’s right.

SENATOR McGILL: But I can tell you this right now. I just can’t get over, Marva, with your talents that you are applying for this trustee seat; but it shows your heart, that you want to give back to this state that you love and your community.

And there is no question that rural areas, and there is no question in my mind, your academia, but your love of state, that you will consistently, all of your life you will reach out and you will touch a lot of individuals and make a lot of difference, differences in the quality of life for not just the Pee Dee, all over this state, all over this country.

And we are proud of you, very proud of you. Thank you.

MS. SMALLS: Thank you, sir.

CHAIRMAN PEELER: Thank you.

Senator Alexander.

SENATOR ALEXANDER: Good morning.

MS. SMALLS: Good morning.

SENATOR ALEXANDER: And I appreciate the comments that you made.

And I would also like the record to reflect that from reading over your other information, I mean, you just barely touched on it, you have been involved in many different boards and commissions here in South Carolina. I think that demonstrates your, your love of this state.

And with your business background and your travels, is there any concern, have you looked into the length of meetings and the time commitment and committee meetings and things of that nature? And do you feel that with your schedule you would have the ability -- and this is something I have been asking across the board, not only today but in previous days, as someone’s ability to be an active member of the Board.

MS. SMALLS: I spend about ten or more days in South Carolina a month. If I am not traveling, all roads point back to South Carolina. I’m engaged pretty much with MUSC now.

One of the reasons I purchased a home in Charleston was to maintain that level of engagement at MUSC, as well as a level of engagement of doctors who I was consulting there, and also to escape my family and friends in Florence and New York.

SENATOR ALEXANDER: So you would be able to be active?

MS. SMALLS: Yes, sir.

SENATOR ALEXANDER: And also, Mr. Chairman, if I could compliment you for your work in the area of obesity as well. That’s certainly a growing health issue that we all face. Thank you.

Thank you, Mr. Chairman.

CHAIRMAN PEELER: Thank you.

Any other questions or comments?

SENATOR McGILL: Move favorable.

CHAIRMAN PEELER: Hearing none, the motion is a favorable report.

COMMITTEE MEMBER: Second.

CHAIRMAN PEELER: A second is heard.

All in favor, raise your right hand.

(Each committee member’s hand was raised.)

CHAIRMAN PEELER: Thank you. I appreciate your willingness to serve.

MS. SMALLS: Thank you.

CHAIRMAN PEELER: Next candidate.

**ROBIN TALLON**

MS. CASTO: The next candidate is Robin Tallon from Florence. He is the incumbent but is an incumbent in the 6th District, not the 7th. So this would be a new seat for him.

CHAIRMAN PEELER: Good morning.

(The candidate was placed under oath by The Chairman.)

CHAIRMAN PEELER: Would you like to give us a brief statement?

THE HONORABLE TALLON: Yeah.

Well, first, I would like to associate myself with the remarks from my dear friend Senator McGill. Jim and Marva are a hard act to follow. They are both outstanding citizens and dear friends.

And Mr. Chairman, I’m glad to be here with you and the committee members and new friends and old friends. And it’s been a delight for me to have the opportunity to serve on the MUSC Board for the past six years.

I have grown to really appreciate what MUSC means, is, and represents to this state with health-care professionals, scientists, and not only in the United States but around the world. We have thousands and thousands of applications for med. school each year, and we can only accept, I believe it’s 165 students. That is a testament to not only people from the United States, but again, around the globe that seek to come to MUSC and be educated.

I think that a unique perspective, possibly, that I have had on the Board is -- the health-care policy changes by the federal government have created a situation -- and I won’t be as dire or gloomy, a situation. And I think Jim Battle mentioned it very well, where change has to take place.

The escalation in health-care costs, the cost to our economy has, has been an unbelievable growth in the last 20 or 30 years. And if we don’t do some things now to get -- to contain that growth, we are going to have problems with health care, Medicare across the board. It’s, it’s, frankly, a very real challenge.

But rather than continue to educate and practice medicine the way we have in the past, the change is going to be dictated. And I won’t go into details; but if there is any institution in the country with the leadership of Ray Greenberg and staff and people involved there, MUSC will adjust to those changes.

And when it comes to State funding, I would just maintain that from health and education, and even, especially, economic development, look to MUSC as a leader. After all, health-care services, it is 20 percent of our GNP and growing and growing and growing. So we are creating a lot of jobs, a lot of high-quality jobs throughout the state.

And as I think about my situation -- and I especially again appreciate Senator McGill’s comments about the Pee Dee and the leadership in the Pee Dee. And when I see candidates like Marva and Jim Battle offer to serve and, and realize and appreciate the great capacity they have, I have come to a measured, a thoughtful decision that I’m going to withdraw my candidacy for the 7th District seat and, as so ably explained, Mr. Chairman, by your staff, will continue to serve my existing term as a -- I don’t know if I’m an at-large board member or whatever.

Martha helped me understand.

But I think that I do look forward to the rest of my term and continuing to add some small contribution to the work of MUSC and my fellow board members.

Thank you.

CHAIRMAN PEELER: So when does your term commence? I mean, stop.

MS. CASTO: You have two more years left on your term.

THE HONORABLE TALLON: Two more years.

MS. CASTO: Yes, sir.

CHAIRMAN PEELER: So you would just continue to serve those two years?

THE HONORABLE TALLON: Yes, Mr. Chairman. Yes.

CHAIRMAN PEELER: Any questions?

Representative Henderson.

REPRESENTATIVE HENDERSON: I just -- can you explain. I don’t understand.

MS. CASTO: When you all passed the reapportionment bill a couple years ago and created the new -- the 7th Congressional District was created, there was a clause in there that said any board member who is displaced, for lack of a better word, by the new congressional district can continue to serve out their term until the expiration.

So some of the boards and commissions, if, if they withdraw or if some of them don’t get elected, and we need to go back and check on some of those, they can continue in that service. Those boards will just have an additional member until the person rotates off.

The Department of Transportation Board is one that is currently experiencing that too.

REPRESENTATIVE HENDERSON: Okay. So what seat is he in now?

MS. CASTO: He is currently in the 6th Congressional seat, but what he will do is just basically be an at-large member for two years.

REPRESENTATIVE HENDERSON: The seat that we are all screening for?

MS. CASTO: You are screening for the 7th seat.

REPRESENTATIVE HENDERSON: But I mean, we also screened some for the 6th District too.

MS. CASTO: Right. Now, the seat he occupies, the term expires June 30th is the 6th seat. He no longer lives in the 6th Congressional District. He lives in the 7th Congressional District.

So by that, he, he won’t represent a congressional district.

THE HONORABLE TALLON: No, I didn’t mean to interrupt. Excuse me.

MS. CASTO: No, go ahead.

THE HONORABLE TALLON: Our service is really much broader. I know the rules of how we are elected is certainly more broader than focusing in on one congressional district; but it might help to, to review that. I was elected to a four-year term two years ago; and so I am electing, by withdrawing from the 7th District seat, to just finish my term.

REPRESENTATIVE HENDERSON: I understand that. That’s not, that’s not an answer to my question. So maybe you misunderstood.

We just screened people for the 6th Congressional District lay seat with the term expiring in 2016.

MS. CASTO: Correct.

REPRESENTATIVE HENDERSON: So are there -- would there be two people, or we elect somebody and he stays? We have those two? Or does he stay in lieu of anybody that we would screen?

MS. CASTO: He will not be representing the 6th Congressional District and has withdrawn from the 7th Congressional District. Just for the remainder of his term, he will be an at-large board member on MUSC’s board.

REPRESENTATIVE HENDERSON: Okay.

CHAIRMAN PEELER: The uniqueness of the subject of the addition of the 7th Congressional District and the General Assembly by passing that statute, that took this into account, to not limit the term of the four-year term.

And like staff just told us, we just went through that with the Department of Transportation. So, so this is nothing new.

Representative Whitmire.

REPRESENTATIVE WHITMIRE: Will Representative Tallon have full voting rights?

MS. CASTO: Yes, sir. The statute that was in the reapportionment said they will have full voting rights until the completion of his term.

And then -- I mean, never again, unless y’all get a new congressional district, will this happen. But -- and then in two years it will be all be settled down but --

REPRESENTATIVE WHITMIRE: When he rotates off.

MS. CASTO: Yes, sir.

CHAIRMAN PEELER: Any other questions or comments?

Well, thank you.

THE HONORABLE TALLON: Thank you, Senator.

CHAIRMAN PEELER: That makes one a little bit easier then. Thank you.

THE HONORABLE TALLON: Thank you.

CHAIRMAN PEELER: I think that completes the list.

Before we had one carryover?

MS. CASTO: One carryover, yes, sir.

CHAIRMAN PEELER: Okay.

Y’all want to entertain a motion to go into executive session to discuss carryovers?

REPRESENTATIVE McCOY: So moved.

CHAIRMAN PEELER: The motion is to go into executive session.

So thank you all very much.

(An executive session commenced; and immediately thereafter, the meeting adjourned at about 12:25 p.m.)

\*\*\***PLEASE NOTE**: Additional transcripts were not available at time of printing on April 18, but will be included in the subsequent House Journals.

**REPORT OF THE JOINT LEGISLATIVE COMMITTEE**

**TO SCREEN CANDIDATES FOR COLLEGE**

**AND UNIVERSITY BOARDS OF TRUSTEES**

April 16, 2013

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 *names in italic denote incumbents*:

The Citadel Candidates

1 at-large Gene Pinson, Greenwood

(expires 2019) Fred Lewis Price, Jr., Columbia

Coastal Carolina University Candidates

1st Congressional district seat 1 George E. Mullen, Hilton Head Island

(expires 2014)

3rd Congressional district seat 3 *William L. Lyles, Anderson*

(expires 2017)

6th Congressional district seat 6 Marion B. Lee, Hemingway

(expires 2017)

7th Congressional district seat 7 *Natasha M. Hanna, Myrtle Beach*

(expires 2017)

at-large seat 12 *Larry L. Biddle, Conway*

(expires 2017)

at-large seat 15 *Robert Templeton, Neeses*

(expires 2017)

College of Charleston Candidates

1st Congressional district seat 2 *L. Cherry Daniel, Charleston*

(expires 2016)

2nd Congressional district seat 4 *G. Lee Mikell, Columbia*

(expires 2016)

3rd Congressional district seat 6 Edward L. Thomas, Anderson

(expires 2016)

4th Congressional district seat 8 Kelly Moorhead, Greenville

(expires 2016) - Renée Buyck Romberger,

Greenville

5th Congressional district seat 10 Robert M. Burch III, Camden

(expires 2016) Pansy King-Reid, Fort Mill

Michael Todd Warrick, Sumter

6th Congressional district seat 12 Emily F. Guess, Denmark

(expires 2016) Ricci Land Welch, Manning

7th Congressional district seat 13 Henrietta U. Golding, Myrtle Beach (expires 2014)

7th Congressional district seat 14 Renee B. Goldfinch, Myrtle Beach (expires 2016) *Dwight Johnson, Florence*

at large seat 16 David Mikell Hay, Charleston

(expires 2016)

Francis Marion University Candidates

1st Congressional district seat 1 Mark S. Moore, Mt. Pleasant

(expires 2014)

2nd Congressional district seat 2 *Gail Ness Richardson, Barnwell* (expires 2016)

3rd Congressional district seat 3 Lonnie Adamson, Pendleton

(expires 2016) *Patricia C. Hartung, Greenwood*

Nancy King, Pendleton

4th Congressional district seat 4 Jody Bryson, Greenville

(expires 2016)

5th Congressional district seat 5 James M. Bunch, Gaffney

(expires 2014)

6th Congressional district seat 6 Alan L. Gibbons, New Zion

(expires 2014) Floyd L. Keels, Lake City

7th Congressional district seat 7 *George C. McIntyre, Bennettsville*

(expires 2016)

at-large seat 9 Lonnie Adamson, Pendleton

(expires 2016) Nancy King, Pendleton

at-large seat 11 *Melissa Johnson Emery, Conway*

(expires 2016) *H. Randall Dozier, Murrells Inlet*

at-large seat 15 *William W. Coleman, Jr, Florence*

(expires 2016)

Lander University Candidates

1st Congressional district Seat 1 *Robert Brimmer, Mt. Pleasant*

(expires 2016)

2nd congressional district Seat 2 *George R. Starnes III, Columbia*

(expires 2016)

3rd congressional district Seat 3 *Linda Dolny, Greenwood*

(expires 2016)

4th congressional district Seat 4 *Jack W. Lawrence, Spartanburg*

(expires 2016)

5th congressional district Seat 5 *S. Anne Walker, Columbia*

(expires 2016)

6th congressional district Seat 6 *Ann V. Hurst, Orangeburg*

(expires 2016)

7th congressional district Seat 7 *Catherine Lee Frederick, Florence*

(expires 2016)

Medical University of South Carolina Candidates

1st Congressional district lay member Michael E. Stavrinakis,

Charleston

(expires 2016) Susan Pearlstine, Charleston

2nd Congressional district lay member *William H. Bingham, Sr.,*

*Cayce*

(expires 2016)

3rd Congressional district lay member *Charles W. Shulze,*

*Greenwood*

(expires 2016)

4th Congressional district medical member *Charles B. Thomas, Jr.,*

*Greenville*

(expires 2016)

6th Congressional district lay member Sandra P. Sims, Columbia

(expires 2016)

6th Congressional dist. medical member Ragin C. Monteith, Columbia

(expires 2014)

7th Congressional dist. medical member *E. Conyers O'Bryan, Jr.,*

*Florence*

(expires 2016)

7th Congressional district lay member James A. Battle, Nichols

(expires 2014) Marva Smalls, Florence

South Carolina State University Candidates

5th Congressional district Seat 5 *Linda Edwards Duncan,*

*Gaffney*

(expires 2017)

6th Congressional district Seat 6 James E. Harvey, Orangeburg

(expires 2017) Dean C. Patrick, Columbia

Joseph W. Rice, Jr., Orangeburg

William Small, Jr., Yemassee

*Maurice Washington,*

*Charleston*

7th Congressional district Seat 7 Ronald B. Henegan, Sr.,

Bennettsville

(expires 2017)

at-large seat 9 Pearl V. Ascue, Awendaw

(expires 2017) Jacquelyn Cunningham,

Columbia

*Jackie Epps, Columbia*

at-large seat 11 Willar H. Hightower, Jr., Aiken

(expires 2017) Cathy B. Novinger, West

Columbia

at-large seat 12 Katon E. Dawson, Columbia

(expires 2016) Elden E. Nelson II, Orangeburg

*Walter L. Tobin, Columbia*

Winthrop University Candidates

1st Congressional district Seat 1 *Timothy B. Sease, Mt. Pleasant*

(expires 2018)

5th Congressional district Seat 5 *Kathy H. Bigham, Rock Hill*

(expires 2018)

6th Congressional district Seat 6 Rose Hilliard-Wilder, Alcolu

(expires 2014) Ashlye V. Wilkerson, Columbia

7th Congressional district Seat 7 *Karl A. Folkens, Florence*

(expires 2018)

Wil Lou Gray Opportunity School Candidates

4 at-large seats *Douglas Stewart Cooner,*

*Lexington*

(expires 2017) *Russell E. Hart, Roebuck*

*W. Wayne Sims, Hartsville*

*Elizabeth Thrailkill, Fort Lawn*

The Candidates are released to seek the vote of members of the General Assembly at 10:00 a.m. on Thursday, April 18, 2013. 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 18, 2013.

Transcripts of the screening hearings will be available at 10:00 a.m. on Thursday, April 18, 2013 at:

<http://www.scstatehouse.gov/committeeinfo/Universities&CollegesScreeningCommittee/Univ&CollScreening.php>

In accordance with H. 3957, the date for the election to these seats is Wednesday, May 1, 2013 immediately following the election for members to the Public Service Commission. The Public Service Commission election is scheduled to begin at 12 noon on May 1st in the House Chamber.

Respectfully submitted,

Sen. Harvey S. Peeler, Jr. Rep. William R. Whitmire

Chairman Vice-Chairman

Sen. Thomas Alexander Rep. David J. Mack III

Sen. J. Yancey McGill Rep. Phyllis J. Henderson

Sen. Robert W. Hayes, Jr. Rep. Peter M. McCoy, Jr.

**RATIFICATION OF ACTS**

At 12:57 p.m. the House attended in the Senate Chamber, where the following Acts and Joint Resolutions were duly ratified:

(R. 16, S. 213) -- Senators Cleary, Davis, L. Martin, Peeler, Williams, Campbell, Cromer, Rankin, Shealy, Alexander, Gregory, Bryant, Bennett, Nicholson, Johnson, Setzler, Ford and Campsen: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 57 TO TITLE 33 SO AS TO AUTHORIZE QUALIFIED NONPROFIT ORGANIZATIONS TO OPERATE AND CONDUCT RAFFLES THROUGH REGISTRATION WITH THE SOUTH CAROLINA SECRETARY OF STATE, TO PROVIDE STANDARDS FOR THESE EVENTS, TO REQUIRE PROCEEDS TO BE USED FOR CHARITABLE PURPOSES, TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO REPEAL THESE PROVISIONS JULY 1, 2020, UNLESS REAUTHORIZED BY THE GENERAL ASSEMBLY AND TO PROVIDE FOR SIMILAR REPEALS AT TEN‑YEAR INTERVALS.

(R. 17, S. 239) -- Senators Cleary, Davis, L. Martin, Campbell, Cromer, Setzler, Ford and Campsen: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY AUTHORIZE RAFFLES TO BE OPERATED AND CONDUCTED BY RELIGIOUS, CHARITABLE, OR NONPROFIT ORGANIZATIONS FOR RELIGIOUS, CHARITABLE, OR ELEEMOSYNARY PURPOSES, AND BY GENERAL LAW MUST DEFINE THE TYPE OF ORGANIZATION AUTHORIZED TO CONDUCT RAFFLES, PROVIDE THE STANDARDS FOR THEIR CONDUCT AND MANAGEMENT, PROVIDE PENALTIES FOR VIOLATIONS, AND PROVIDE FOR ANY OTHER LAW NECESSARY TO ENSURE THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLES ARE CONDUCTED.

(R. 18, S. 374) -- Senator Peeler: AN ACT TO AMEND SECTION 30‑5‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PERFORMANCE OF THE DUTIES OF THE REGISTER OF DEEDS, SO AS TO ADD CHEROKEE COUNTY TO THOSE COUNTIES EXEMPT FROM THE REQUIREMENT THAT THOSE DUTIES BE PERFORMED BY THE CLERK OF COURT; AND TO AMEND SECTION 30‑5‑12, AS AMENDED, RELATING TO THE APPOINTMENT OF THE REGISTER OF DEEDS FOR CERTAIN COUNTIES, SO AS TO ADD CHEROKEE COUNTY TO THOSE COUNTIES WHERE THE GOVERNING BODY OF THE COUNTY SHALL APPOINT THE REGISTER OF DEEDS.

(R. 19, S. 578) -- Senators Leatherman, Ford, Setzler, Thurmond, Peeler, Hembree, L. Martin, McElveen, Sheheen, Campbell, Young, Alexander, Cleary, Courson, Johnson, Grooms, Williams, O’Dell, Massey, Bennett, Cromer, Shealy, Turner, Matthews, Fair and Pinckney: AN ACT TO AMEND VARIOUS PROVISIONS OF CHAPTER 41, TITLE 11 OF THE 1976 CODE, THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT, TO PROVIDE FOR THE ISSUANCE OF GENERAL OBLIGATION DEBT TO SUPPORT AN ENHANCED ECONOMIC DEVELOPMENT PROJECT, TO MAKE FINDINGS THAT THE ISSUANCE OF THE BONDED INDEBTEDNESS SUPPORTS A PUBLIC PURPOSE AND IS IN THE BEST INTEREST OF THE STATE, TO PROVIDE QUALIFYING INVESTMENT AND JOB CREATION CRITERIA, AND TO PROVIDE FOR THE TERMS, CONDITIONS, AND REQUIREMENTS FOR THE ISSUANCE OF THE BONDED INDEBTEDNESS.

(R. 20, H. 3047) -- Reps. Hardwick and Sottile: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑5‑581 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO GIG FOR FLOUNDER IN SALT WATERS DURING DAYLIGHT HOURS, TO DEFINE THE TERM “DAYLIGHT HOURS”, TO PROVIDE A PENALTY, AND TO PROVIDE THAT GIGGING DOES NOT INCLUDE UNDERWATER SPEAR FISHING.

(R. 21, H. 3248) -- Reps. Rutherford, King, Loftis, Gilliard, Jefferson and Williams: AN ACT TO AMEND SECTION 16‑13‑510, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FINANCIAL IDENTITY FRAUD, SO AS TO BROADEN THE SCOPE OF FINANCIAL IDENTITY FRAUD AND REVISE THE DEFINITION OF “PERSONAL IDENTIFYING INFORMATION”, TO DEFINE THE TERM “FINANCIAL RESOURCES”, TO PROVIDE VENUE FOR PROSECUTION OF AN IDENTITY FRAUD OFFENSE, AND TO ADD CONFORMING LANGUAGE CONTAINED IN FINANCIAL TRANSACTION CARD CRIME TO PROVIDE THAT IT IS NOT A DEFENSE WHEN SOME OF THE ACTS OF THE CRIME DID NOT OCCUR IN THIS STATE OR WITHIN A CITY, COUNTY, OR LOCAL JURISDICTION; TO AMEND SECTION 37‑20‑130, RELATING TO THE INITIATION OF A LAW ENFORCEMENT INVESTIGATION OF IDENTITY THEFT, SO AS TO DELETE THE LANGUAGE ALLOWING REFERRAL OF THE MATTER TO THE LAW ENFORCEMENT AGENCY WHERE THE CRIME WAS COMMITTED FOR INVESTIGATION; AND TO AMEND SECTION 39‑1‑90, RELATING TO BREACH OF CERTAIN SECURITY AND BUSINESS DATA AND NOTICE TO THE CONSUMER PROTECTION DIVISION, SO AS TO REVISE THE DEFINITION OF “PERSONAL IDENTIFYING INFORMATION”.

(R. 22, H. 3426) -- Reps. Thayer, Bowen and Putnam: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF THE WILLIAMSTON NATIONAL GUARD ARMORY TO THE TOWN OF WILLIAMSTON.

(R. 23, H. 3571) -- Reps. Barfield and Hardee: AN ACT TO AMEND SECTION 50‑13‑665, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BAIT THAT MAY BE USED WITH TROTLINES, SET HOOKS, AND JUGS, SO AS TO REVISE THE SIZE OF HOOKS THAT MAY BE USED TO FISH ALONG CERTAIN RIVERS.

(R. 24, H. 3579) -- Rep. Barfield: AN ACT TO AMEND SECTION 50‑13‑325, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAKING OF NONGAME FISH IN GILL NETS, SO AS TO REDUCE THE MINIMUM DISTANCE REQUIRED BETWEEN NETS PLACED ON THE LITTLE PEE DEE RIVER UPSTREAM OF PUNCH BOWL LANDING.

(R. 25, H. 3586) -- Rep. George: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF THE MULLINS NATIONAL GUARD ARMORY TO THE CITY OF MULLINS.

(R. 26, H. 3620) -- Reps. Sandifer and Gambrell: AN ACT TO AMEND SECTION 38‑90‑160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF CAPTIVE INSURANCE COMPANIES FROM CERTAIN PROVISIONS OF TITLE 38, SO AS TO PROVIDE AN INDUSTRIAL INSURED CAPTIVE INSURANCE COMPANY IS SUBJECT TO CERTAIN REQUIREMENTS CONCERNING REPORTS FOR RISK‑BASED CAPITAL, ACQUISITIONS DISCLOSURE, AND ASSET DISPOSITION, AND CEDED REINSURANCE AGREEMENTS, AND TO PROVIDE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE MAY ELECT NOT TO TAKE REGULATORY ACTION CONCERNING RISK‑BASED CAPITAL IN SPECIFIC CIRCUMSTANCES.

(R. 27, H. 3621) -- Reps. Sandifer and Gambrell: AN ACT TO AMEND SECTION 38‑5‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REVOCATION OR SUSPENSION OF A CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS IN THIS STATE BY AN INSURER, SO AS TO REVISE PROVISIONS CONCERNING HAZARDOUS INSURERS.

**ADJOURNMENT**

At 1:05 p.m. the House, in accordance with the motion of Rep. CLEMMONS, adjourned in memory of Hazel H. Hatchell, Jr., of Myrtle Beach, to meet at 10:00 a.m. tomorrow.

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