

NO. 28

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

WEDNESDAY, FEBRUARY 28, 2018
(STATEWIDE SESSION)

Wednesday, February 28, 2018
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Proverbs 2:1: "My child, if you accept my words and treasure up my commandments within you--then you will understand the fear of the Lord, and find the knowledge of God."

Let us pray. Blessed are You, O God, ruler of the universe. You call all nations to walk in Your light and to seek Your ways of justice and peace. Guide these Representatives and staff to work for the best decisions, so the people of this State may have justice and peace. May You, O Lord, guide each of us to treasure the knowledge which flows from You. Bless our Nation, President, State, Governor, Speaker, staff, and all who serve in this House. Bless and protect our defenders of freedom and first responders as they protect us. Heal the wounds, those seen and those hidden, of our brave warriors who suffer and sacrifice for our freedom. Lord, hear our prayers. Amen.

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

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

MOTION ADOPTED

Rep. JEFFERSON moved that when the House adjourns, it adjourn in memory of Viola J. Middleton, aunt of Representative Jefferson, which was agreed to.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 974 -- Senators J. Matthews and Hutto: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PEDESTRIAN BRIDGE IN THE CITY OF ORANGEBURG THAT CROSSES CHESTNUT STREET

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THE "DR. EMILY ENGLAND CLYBURN PEDESTRIAN BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

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

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 1055 -- Senators Peeler, Alexander, Scott and Verdin: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, APRIL 11, 2018, AS THE TIME TO ELECT AN AT-LARGE MEMBER TO THE BOARD OF TRUSTEES FOR THE WIL LOU GRAY OPPORTUNITY SCHOOL FOR A TERM TO EXPIRE JUNE 30, 2021, AND TWO AT-LARGE MEMBERS WHOSE TERMS WILL EXPIRE JUNE 30, 2022; FOR THE PURPOSE OF ELECTING TWO AT-LARGE MEMBERS TO THE BOARD OF VISITORS FOR THE CITADEL FOR TERMS TO EXPIRE JUNE 30, 2024; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR FRANCIS MARION UNIVERSITY FROM THE FIRST CONGRESSIONAL DISTRICT, SEAT 1, FOR A TERM TO EXPIRE JUNE 30, 2022, A MEMBER FROM THE FIFTH CONGRESSIONAL DISTRICT, SEAT 5, FOR A TERM TO EXPIRE JUNE 30, 2022, A MEMBER FROM THE SIXTH CONGRESSIONAL DISTRICT, SEAT 6, FOR A TERM TO EXPIRE JUNE 30, 2022, AND AT-LARGE MEMBERS TO SEATS 8, 10, 12, 13, AND 14, RESPECTIVELY, ALL FOR TERMS TO EXPIRE JUNE 30, 2022; FOR THE PURPOSE OF ELECTING A MEMBER TO THE BOARD OF TRUSTEES FOR WINTHROP UNIVERSITY FROM THE FIRST CONGRESSIONAL DISTRICT, SEAT 1, FOR A TERM TO EXPIRE JUNE 30, 2024, A MEMBER FROM THE FIFTH CONGRESSIONAL DISTRICT, SEAT 5, FOR A TERM TO EXPIRE JUNE 30, 2024, AND A MEMBER FROM THE SEVENTH CONGRESSIONAL DISTRICT, SEAT 7, FOR A TERM TO EXPIRE JUNE 30, 2022; AND TO ELECT THREE MEMBERS TO THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY, AT LARGE, FOR TERMS TO EXPIRE JUNE 30, 2022.

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

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INTRODUCTION OF BILLS

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

H. 5026 -- Rep. Kirby: A BILL TO AMEND SECTION 6-1-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MILLAGE RATE INCREASE LIMITATIONS, SO AS TO ALLOW A MUNICIPALITY WITHOUT AN OPERATING MILLAGE ON JANUARY 1, 2017, OR A MUNICIPALITY THAT INCORPORATES AFTER JANUARY 1, 2017, TO IMPOSE AN OPERATING MILLAGE AND TO IMPOSE LIMITATIONS.

Referred to Committee on Ways and Means

H. 5027 -- Reps. Pendarvis, McCoy, Rutherford, Bamberg, King, Murphy, McKnight, Bernstein, Stavrinakis and Weeks: A BILL TO AMEND SECTION 56-1-1020, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERM "HABITUAL OFFENDER", SO AS TO PROVIDE THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR FAILURE TO PAY A TRAFFIC TICKET SHALL NOT CONSTITUTE A CONVICTION OF AN OFFENSE THAT WOULD RESULT IN THE PERSON BEING CONSIDERED AN "HABITUAL OFFENDER".

Referred to Committee on Judiciary

S. 758 -- Senator Reese: A BILL TO AMEND SECTION 50-25-1330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WATERCRAFT RESTRICTIONS ALONG LAKE H. TAYLOR BLALOCK, SO AS TO EXTEND THE PERIOD FOR THE HUNTING OF WATERFOWL ON THE LAKE TO DECEMBER 31, 2023.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 888 -- Senators Hembree, Gregory, Bennett, Grooms, Climer, Shealy, Peeler, Goldfinch, Massey, Talley, Verdin, Turner, Timmons, Alexander, Cash, Gambrell, Campbell, Senn, Young, Cromer, Davis, Rice, Martin, Corbin and Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-25-47 SO AS TO PROVIDE CERTAIN PUBLIC SCHOOL FACULTY MEMBERS ANNUALLY MAY RECEIVE PAYMENTS FOR UNUSED ANNUAL LEAVE AND SICK LEAVE IN EXCESS OF

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NINETY DAYS AT AN ESTABLISHED RATE OF SUBSTITUTE PAY FOR THEIR JOB CLASSIFICATION, TO PROVIDE THESE PAYMENTS ARE AVAILABLE TO TEACHERS IN PUBLIC SCHOOL DISTRICTS AND CHARTER SCHOOLS, AND TO PROVIDE THESE PROVISIONS DO NOT AMEND OR REPEAL EXISTING PROGRAMS THAT MAKE SIMILAR PAYMENTS BUT AT LOWER RATES, OR RELATED RIGHTS OF SCHOOL DISTRICTS OR LEGISLATIVE DELEGATIONS.

Referred to Committee on Education and Public Works

S. 911 -- Senator Alexander: A BILL TO AMEND SECTION 12-39-360 OF THE 1976 CODE, RELATING TO A COUNTY'S AUTHORITY TO EXTEND THE PAYMENT OF PROPERTY TAXES FOR SERVICE MEMBERS IN OR NEAR A HAZARD DUTY ZONE, TO REQUIRE EACH COUNTY TO ALLOW FOR A DEFERMENT, TO PROVIDE THAT THE DEFERMENT BEGINS ON THE TAX DUE DATE AND ENDS NINETY DAYS AFTER THE LAST DATE OF DEPLOYMENT, AND TO PROVIDE THAT NO INTEREST MAY BE CHARGED DURING THE DEPLOYMENT UNLESS THE TAX IS NOT PAID WITHIN THE NINETY-DAY GRACE PERIOD.

Referred to Committee on Ways and Means

S. 917 -- Senators Kimpson, Scott and Campsen: A BILL TO AMEND SECTIONS 6-1-530, 6-1-730, AND 6-4-10, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE EXPENDITURE OF THE STATE ACCOMMODATIONS TAX, LOCAL HOSPITALITY TAX, AND LOCAL ACCOMMODATIONS TAX, RESPECTIVELY, SO AS TO ALLOW THE REVENUE TO BE EXPENDED FOR THE CONTROL AND REPAIR OF FLOODING AND DRAINAGE AT TOURISM-RELATED LANDS OR AREAS.

Referred to Committee on Ways and Means

S. 937 -- Senators Hutto and M. B. Matthews: A BILL TO AMEND SECTION 59-53-600(A) AND (B) OF THE 1976 CODE, RELATING TO THE TEMPORARY DEVOLUTION OF POWERS, DUTIES, AND OBLIGATIONS VESTED IN THE DENMARK TECHNICAL COLLEGE AREA COMMISSION TO THE STATE BOARD FOR TECHNICAL COMPREHENSIVE EDUCATION, TO EXTEND THE DEVOLUTION TO JANUARY 1, 2019, FROM NOVEMBER 1, 2018,

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AND TO PROVIDE THAT SECTION 59-53-600 IS REPEALED ON
JANUARY 1, 2019.

Referred to Committee on Education and Public Works

ROLL CALL

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

Alexander	Allison	Anderson
Anthony	Arrington	Atkinson
Atwater	Bales	Ballentine
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bowers
Bradley	Brawley	Brown
Bryant	Burns	Caskey
Chumley	Clary	Clemmons
Clyburn	Cobb-Hunter	Cogswell
Cole	Collins	Crawford
Crosby	Daning	Davis
Delleney	Dillard	Douglas
Duckworth	Elliott	Erickson
Felder	Forrest	Forrester
Fry	Funderburk	Gagnon
Gilliard	Govan	Hamilton
Hardee	Hart	Hayes
Henderson	Henderson-Myers	Henegan
Herbkersman	Hewitt	Hill
Hiott	Hixon	Hosey
Howard	Huggins	Jefferson
Johnson	Jordan	King
Kirby	Knight	Loftis
Long	Lowe	Lucas
Mace	Mack	Magnuson
Martin	McCoy	McCravy
McEachern	McGinnis	McKnight
D. C. Moss	V. S. Moss	Murphy
B. Newton	W. Newton	Ott
Parks	Pendarvis	Pitts
Pope	Putnam	Ridgeway
M. Rivers	S. Rivers	Robinson-Simpson
Sandifer	Simrill	G. M. Smith
G. R. Smith	Spires	Stavrinakis

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Stringer	Tallon	Taylor
Thayer	Thigpen	Toole
Trantham	Weeks	West
White	Whitmire	Williams
Willis	Young	Yow

Total Present--117

LEAVE OF ABSENCE

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

LEAVE OF ABSENCE

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

DOCTOR OF THE DAY

Announcement was made that Dr. Helmut Albrecht of Columbia was the Doctor of the Day for the General Assembly.

SPEAKER *PRO TEMPORE* IN CHAIR

SPECIAL PRESENTATION

Rep. FORRESTER presented to the House the students and school officials of the South Carolina School for the Deaf and Blind.

ACTING SPEAKER HAYES IN CHAIR

SPEAKER IN CHAIR

SPECIAL PRESENTATION

Rep. HAYES presented to the House the Dillon High School Football Team, coaches, and other school officials.

CO-SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented

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by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

CO-SPONSOR ADDED

Bill Number: H. 3003
Date: ADD:
02/28/18 GILLIARD

CO-SPONSOR ADDED

Bill Number: H. 4006
Date: ADD:
02/28/18 LOFTIS

CO-SPONSOR ADDED

Bill Number: H. 4040
Date: ADD:
02/28/18 MACK

CO-SPONSORS ADDED

Bill Number: H. 4874
Date: ADD:
02/28/18 GILLIARD, MACE and KNIGHT

CO-SPONSOR ADDED

Bill Number: H. 4933
Date: ADD:
02/28/18 V. S. MOSS

CO-SPONSOR ADDED

Bill Number: H. 4975
Date: ADD:
02/28/18 HENEGAN

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CO-SPONSOR ADDED

Bill Number: H. 4990
Date: ADD:
02/28/18 ANDERSON

CO-SPONSOR ADDED

Bill Number: H. 5018
Date: ADD:
02/28/18 CLARY

CO-SPONSOR REMOVED

Bill Number: H. 5018
Date: REMOVE:
02/28/18 WEST

H. 4980--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4980 -- Reps. Tallon, Allison, Long and Forrester: A BILL TO AMEND ACT 745 OF 1967, AS AMENDED, RELATING TO RENEWABLE WATER RESOURCES (REWA) FORMERLY KNOWN AS THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY, SO AS TO REVISE THE MEMBERSHIP OF ITS GOVERNING COMMISSION TO PROVIDE A MEMBER FROM SPARTANBURG COUNTY, AND TO ADD THE "ENOREE BASIN" OF SPARTANBURG COUNTY TO REWA'S SERVICE AREA.

Rep. TALLON proposed the following Amendment No. 1 to H. 4980 (COUNCIL\SD\4980C001.NL.SD18), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. Section 3 of Act 745 of 1967, as last amended by Act 393 of 1984, is further amended to read:

~~“Section 3. Notwithstanding the provisions of Act 1021 of 1960, the governing body of the Western Carolina Regional Sewer Authority (formerly designated the Greenville County Sewer Authority) shall consist of a Commission composed of nine members who must be appointed by the Governor upon the recommendation of the legislative delegation of the county from which the member must be appointed. For all other matters respecting the Authority, the legislative delegations of~~

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~~Greenville, Anderson, and Laurens Counties shall act as one entity. A legislative delegation consists of all House members and Senators representing any portion of a county whose districts also include all or any part of the territory of the Western Carolina Sewer Authority. All members of the Commission must be residents of the counties comprising the Western Carolina Regional Sewer Authority and of the territory of the Authority and shall serve at large. One member must be from Anderson County and one member must be from Laurens County. Seven members must be from Greenville County. The Anderson and Laurens County Delegations shall recommend for appointment to the Governor two additional members so as to complete the Commission of nine members. One member must be appointed for a term expiring in December, 1985, and one member for a term expiring in December, 1986, with the respective terms designated in the appointments. Notwithstanding any other provision of law, the governing body of Renewable Water Resources (ReWa), formerly designated the Greenville County Sewer Authority and subsequently redesignated the Western Carolina Regional Sewer Authority, shall consist of a commission composed of ten members who must be appointed by the Governor upon the recommendation of the legislative delegation of the county from which the member must be appointed. For all other matters respecting ReWa, the legislative delegations of Greenville, Anderson, Laurens, and Spartanburg Counties shall act as one entity. A legislative delegation consists of all House members and Senators representing any portion of a county whose districts also include all or any part of the territory of Renewable Water Resources. All members of the commission must be residents of the counties from which they are appointed and also must be residents of ReWa's territory within their respective counties. All members shall serve at-large. One member must be from Anderson County, one member from Laurens County, and one member from Spartanburg County. Seven members must be from Greenville County. The Anderson and Laurens County Delegations shall each recommend one member for appointment to the Governor. The initial terms of the members from Anderson County and Laurens County must be designated in the original appointments. The Spartanburg County Delegation shall recommend for appointment to the Governor one additional member of the Commission to be from Spartanburg County. The Spartanburg County Council shall submit to the delegation a nomination for the person to be recommended. The delegation may accept this nomination or may request additional nominations. The initial term of the member from Spartanburg County~~

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shall expire on December 1, 2022, and thereafter his successors shall be appointed in the same manner of original appointment for terms of four years each and until their successors are appointed and qualify.” /

Renumber sections to conform.

Amend title to conform.

Rep. TALLON 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 84; Nays 0

Those who voted in the affirmative are:

Allison	Arrington	Atwater
Bales	Ballentine	Bannister
Bennett	Bernstein	Blackwell
Bowers	Bradley	Brown
Bryant	Burns	Clary
Clyburn	Cogswell	Cole
Collins	Crawford	Crosby
Daning	Davis	Delleney
Dillard	Douglas	Duckworth
Elliott	Erickson	Finlay
Forrester	Fry	Funderburk
Gagnon	Gilliard	Govan
Hamilton	Hardee	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hiott	Hixon	Hosey
Jefferson	Johnson	Jordan
King	Long	Lowe
Lucas	Mace	Magnuson
Martin	McCoy	McCray
McEachern	McGinnis	D. C. Moss
V. S. Moss	B. Newton	Ott
Parks	Pope	Putnam
M. Rivers	Robinson-Simpson	Sandifer
Simrill	G. M. Smith	G. R. Smith
Spires	Stavrinakis	Tallon
Taylor	Thigpen	Toole

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Trantham	Weeks	Williams
Willis	Young	Yow

Total--84

Those who voted in the negative are:

Total--0

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

STATEMENT FOR THE JOURNAL

I abstained from voting on H. 4980 due to a possible conflict of interest and wish to have my recusal noted for the record in the House Journal.

Rep. Bill Chumley

SENT TO THE SENATE

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

H. 4488 -- Reps. Henderson, Fry, Hewitt, West, Spires, Atwater, Erickson, Norrell, Weeks, Douglas, Dillard, Ridgeway and Huggins: A BILL TO AMEND SECTION 44-53-1650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO PERSONS AUTHORIZED TO HAVE ACCESS TO DATA MAINTAINED IN THE PRESCRIPTION MONITORING PROGRAM, SO AS TO AUTHORIZE CORONERS, DEPUTY CORONERS, MEDICAL EXAMINERS, AND DEPUTY MEDICAL EXAMINERS IN CERTAIN CIRCUMSTANCES.

H. 4981 -- Reps. Simrill, Felder and Bryant: A BILL TO AMEND SECTION 7-7-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO ADD ONE PRECINCT, TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO CORRECT OUTDATED REFERENCES TO THE REVENUE AND FISCAL AFFAIRS OFFICE.

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S. 884--ORDERED TO THIRD READING

The following Bill was taken up:

S. 884 -- Senator Nicholson: 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 RENAME CERTAIN PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

The yeas and nays were taken resulting as follows:

Yeas 92; Nays 0

Those who voted in the affirmative are:

Allison	Arrington	Atwater
Bales	Ballentine	Bennett
Bernstein	Blackwell	Bowers
Bradley	Brawley	Brown
Bryant	Burns	Clary
Clyburn	Cogswell	Collins
Crosby	Daning	Davis
Delleney	Dillard	Douglas
Duckworth	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Funderburk
Gagnon	Gilliard	Hamilton
Hayes	Henderson	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hixon	Hosey	Huggins
Jefferson	Johnson	Jordan
King	Kirby	Knight
Loftis	Lowe	Lucas
Mace	Mack	Magnuson
Martin	McCoy	McCrary
McEachern	D. C. Moss	V. S. Moss
Murphy	B. Newton	Parks
Pendarvis	Pitts	Pope
Putnam	Ridgeway	S. Rivers

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Robinson-Simpson	Sandifer	Simrill
G. M. Smith	J. E. Smith	Spires
Tallon	Taylor	Thayer
Thigpen	Toole	Trantham
Weeks	West	White
Whitmire	Williams	Willis
Young	Yow	

Total--92

Those who voted in the negative are:

Total--0

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

SPEAKER PRO TEMPORE IN CHAIR

S. 955--AMENDED AND ORDERED TO THIRD READING

The following Joint Resolution was taken up:

S. 955 -- Senators Alexander, Hutto, Setzler, Rankin, Massey and Leatherman: A JOINT RESOLUTION TO DIRECT THE PUBLIC UTILITIES REVIEW COMMITTEE TO RESUME SCREENING CANDIDATES FOR THE PUBLIC SERVICE COMMISSION, SEATS 2, 4, AND 6, AND TO ADVERTISE FOR THESE POSITIONS FOR AN ADDITIONAL TIME PERIOD BEGINNING NO LATER THAN FEBRUARY 16, 2018, THROUGH MARCH 2, 2018, AND TO ACCEPT APPLICATIONS FROM FEBRUARY 22, 2018, THROUGH NOON ON MARCH 5, 2018.

Rep. SANDIFER proposed the following Amendment No. 1 to S. 955 (COUNCIL\WAB\955C001.AGM.WAB18), which was adopted:

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

/ SECTION 1. The Public Utilities Review Committee shall resume screening candidates for the Public Service Commission Seats 2, 4, and 6. The Public Utilities Review Committee previously fulfilled the notice requirements pursuant to South Carolina Code of Laws Section 2-20-15; however, the Public Utilities Review Committee is directed to advertise for these positions for an additional time period, to begin no later than

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Friday, February 16, 2018, through Friday, March 23, 2018. The Public Utilities Review Committee must accept applications from Thursday, February 22, 2018, through noon on Monday, March 26, 2018. These applications would be considered by the Public Utilities Review Committee in addition to the applications previously submitted.

SECTION 2. This joint resolution takes effect upon approval by the Governor. /

Re-number sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

The question then recurred to the passage of the Joint Resolution.

The yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

Anderson	Arrington	Atwater
Bales	Ballentine	Bannister
Bennett	Bernstein	Blackwell
Bowers	Bradley	Brawley
Brown	Bryant	Burns
Chumley	Clary	Clemmons
Clyburn	Cogswell	Cole
Collins	Crawford	Crosby
Daning	Davis	Delleney
Dillard	Douglas	Duckworth
Elliott	Erickson	Felder
Forrest	Forrester	Fry
Funderburk	Gagnon	Gilliard
Hamilton	Henderson	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hill	Hiott	Hosey
Huggins	Johnson	Jordan
King	Kirby	Knight
Loftis	Long	Lowe
Lucas	Mace	Mack
Magnuson	Martin	McCoy
McCravy	McEachern	McGinnis

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D. C. Moss	V. S. Moss	Murphy
B. Newton	Ott	Parks
Pitts	Pope	Putnam
Ridgeway	Robinson-Simpson	Rutherford
Sandifer	Simrill	G. M. Smith
G. R. Smith	J. E. Smith	Spires
Stavrinakis	Tallon	Taylor
Thayer	Thigpen	Toole
Trantham	Weeks	West
White	Whitmire	Williams
Willis	Young	Yow

Total--99

Those who voted in the negative are:

Total--0

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

H. 3211--DEBATE ADJOURNED

The following Bill was taken up:

H. 3211 -- Rep. Rutherford: A BILL TO AMEND SECTION 17-25-65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REDUCTION OF A SENTENCE FOR SUBSTANTIAL ASSISTANCE TO THE STATE, SO AS TO ADD THAT THE ATTORNEY GENERAL IS ALSO AUTHORIZED TO FILE A MOTION UNDER THE PROVISIONS OF THE SECTION.

Rep. RUTHERFORD moved to adjourn debate on the Bill until Thursday, March 1, which was agreed to.

H. 3622--REQUEST FOR DEBATE WITHDRAWN

Reps. PENDARVIS withdrew his request for debate on H. 3622; however, other requests for debate remained on the Bill.

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H. 3064--RECONSIDERED

The motion of Rep. CLEMMONS to reconsider the vote whereby H. 3064 was rejected was taken up and agreed to.

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. 105 -- Senators Rankin, Goldfinch and Verdin: A BILL TO AMEND SECTION 1-23-600 OF THE 1976 CODE, RELATING TO HEARINGS AND PROCEEDINGS IN CONTESTED CASES IN THE ADMINISTRATIVE LAW COURT, TO PROVIDE THAT A STAY OF AN AGENCY ORDER REMAINS IN EFFECT FOR THIRTY DAYS, RATHER THAN FOR AN UNDETERMINED TERM, OR UNTIL AN ORDER HAS BEEN ISSUED REGARDING A PRELIMINARY INJUNCTION; TO REVISE THE PROCEDURE FOR STAYS CONCERNING THE REVOCATION, SUSPENSION, OR RENEWAL OF A LICENSE AND PAYMENT OF FINES; TO DELETE THE PROVISION THAT THE COURT SHALL LIFT THE STAY FOR GOOD CAUSE SHOWN OR IF NO IRREPARABLE HARM WILL OCCUR AND ALSO DELETE THE REQUIREMENT THAT A HEARING MUST BE HELD WITHIN THIRTY DAYS TO LIFT THE AUTOMATIC STAY OR FOR A DETERMINATION OF THE APPLICABILITY OF THE AUTOMATIC STAY; TO PROVIDE THAT ANY PRELIMINARY INJUNCTION ORDERED BY THE ADMINISTRATIVE LAW COURT MAY REQUIRE THE POSTING OF A BOND OR OTHER SUFFICIENT SECURITY; AND TO EXEMPT STATE AGENCIES FROM THE REQUIREMENT TO POST A BOND UNDER THIS SECTION.

SENT TO THE SENATE

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

H. 3195 -- Reps. King, Ridgeway, Anderson, Brown, Pendarvis, Gilliard, Weeks and Henderson-Myers: A BILL TO AMEND SECTION 53-3-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF THE NINETEENTH DAY OF JUNE OF EACH YEAR AS "JUNETEENTH CELEBRATION OF FREEDOM DAY", SO AS TO PROVIDE THAT IT ALSO IS

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RECOGNIZED AS "SICKLE CELL DAY IN SOUTH CAROLINA"
IN COMMEMORATION OF "WORLD SICKLE CELL DAY".

H. 4672 -- Reps. Elliott, B. Newton, Allison, Felder, Bryant, Putnam, Martin, Arrington, Thigpen, Gagnon, Thayer, Douglas, Govan, Anderson, McGinnis, Huggins, Tallon, Daning, D. C. Moss, Long, Henderson, Mace, Cogswell, West, Chumley, Gilliard, Atwater, J. E. Smith, Bernstein, Jefferson, Williams, W. Newton, Henderson-Myers, Ballentine, Bowers, Weeks and M. Rivers: A BILL TO AMEND SECTION 56-1-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VISION SCREENING REQUIRED FOR ISSUANCE OF A DRIVER'S LICENSE, SO AS TO PROVIDE THAT VISION SCREENING IS REQUIRED UPON RENEWAL OF A LICENSE, AND TO PROVIDE THAT A CERTIFICATE OF VISION EXAMINATION FORM MUST BE EXECUTED BY THE CERTIFYING OPHTHALMOLOGIST OR OPTOMETRIST.

MOTION PERIOD

The motion period was dispensed with on motion of Rep. DELLENEY.

H. 3565--DEBATE ADJOURNED

The following Bill was taken up:

H. 3565 -- Reps. Fry, Crawford, Elliott, Burns, Clemmons, Allison, Jordan, Yow, Johnson, Atwater, Duckworth, Ryhal, Loftis, Hewitt, V. S. Moss, D. C. Moss, Daning, Hardee, Felder, Erickson, Bales, Hamilton, Huggins, Putnam, Anthony, Bedingfield, West, Atkinson, Bennett, B. Newton, Lucas, Arrington, Ballentine, Chumley, Crosby, Davis, Delleney, Forrester, Gagnon, Hixon, Long, Lowe, Murphy, Pitts, Pope, S. Rivers, Sandifer, Simrill, Stringer, Taylor, Thayer, White, Bannister, Tallon, McCravy, Quinn, McEachern and McGinnis: A BILL TO AMEND SECTION 1-23-600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TIMELY REQUESTS FOR CONTESTED CASE HEARINGS UNDER THE ADMINISTRATIVE PROCEDURES ACT AND RELATED PROVISIONS, SO AS TO ESTABLISH AN AUTOMATIC STAY CONCERNING LICENSE ISSUANCES, RENEWALS AND THE LIKE, AND TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH THE AUTOMATIC STAY MAY BE LIFTED.

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Rep. FRY moved to adjourn debate on the Bill until Thursday, March 1, which was agreed to.

H. 3064--DEBATE ADJOURNED

The following Bill was taken up:

H. 3064 -- Reps. Rutherford, Gilliard, Williams and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-185 SO AS TO PROVIDE THE BOARD OF PHARMACY SHALL ISSUE A WRITTEN PROTOCOL IN COMPLIANCE WITH WHICH PHARMACISTS, WITHOUT AN ORDER OF A PRACTITIONER, MAY PRESCRIBE AND DISPENSE HORMONAL CONTRACEPTIVE PATCHES AND SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVES; TO PROVIDE THE BOARD ALSO SHALL ADOPT CERTAIN RULES TO ESTABLISH STANDARD PROCEDURES FOR THESE PRESCRIPTIONS AND DISPENSATIONS; AND TO PROVIDE THAT LAWS GOVERNING INSURANCE COVERAGE OF CONTRACEPTIVE DRUGS, DEVICES, PRODUCTS, AND SERVICES MUST BE CONSTRUED TO APPLY TO HORMONAL CONTRACEPTIVE PATCHES AND SELF-ADMINISTERED ORAL HORMONAL CONTRACEPTIVES PRESCRIBED AND DISPENSED PURSUANT TO THIS ACT.

Rep. RUTHERFORD moved to adjourn debate on the Bill until Thursday, March 1, which was agreed to.

H. 3722--DEBATE ADJOURNED

The following Bill was taken up:

H. 3722 -- Ways and Means Committee: A BILL TO AMEND ACT 1377 OF 1968, AS AMENDED, RELATING TO THE ISSUANCE OF STATE CAPITAL IMPROVEMENT BONDS, SO AS TO AUTHORIZE ADDITIONAL PROJECTS AND CONFORM THE AGGREGATE PRINCIPAL INDEBTEDNESS AMOUNT TO THE ADDITIONAL AMOUNTS AUTHORIZED HEREBY, AND TO PROVIDE THAT THE PROVISIONS OF SECTION 2-7-105, CODE OF LAWS OF SOUTH CAROLINA, 1976, DO NOT APPLY TO THE PROVISIONS OF THIS ACT.

Rep. WHITE moved to adjourn debate on the Bill until Thursday, March 1, which was agreed to.

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H. 4380--DEBATE ADJOURNED

The following Bill was taken up:

H. 4380 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J. E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, McEachern, Clary, Tallon, Brown, Robinson-Simpson, V. S. Moss, Clyburn, Bennett, Daning, Govan, Weeks, Henderson and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-27-875 SO AS TO PROVIDE THE PUBLIC SERVICE COMMISSION SHALL ORDER REFUNDS TO RATEPAYERS OF AMOUNTS COLLECTED FOR COSTS ATTRIBUTED TO PROJECTS CONSTRUCTED UNDER THE PROVISIONS OF THE BASE LOAD REVIEW ACT IN SPECIFIC CIRCUMSTANCES; TO PROVIDE UTILITIES BEAR THE BURDEN OF PROVING THAT COLLECTED COSTS MAY BE RECOVERABLE UNDER STATE LAW; AND TO PROVIDE THE COMMISSION SHALL ORDER SUCH REFUNDS ON JUST AND REASONABLE BASES AND MAY MAKE SUCH REFUNDS BY ESTABLISHING CREDITS TO RATEPAYERS OVER PERIODS OF TIME AND UNDER CONDITIONS THAT ARE JUST AND REASONABLE.

Rep. MCCOY moved to adjourn debate on the Bill until Thursday, March 1, which was agreed to.

H. 4376--DEBATE ADJOURNED

The following Bill was taken up:

H. 4376 -- Reps. McCoy, Ott, Lucas, Anderson, Ballentine, Blackwell, Caskey, Crawford, Crosby, Davis, Finlay, Forrester, Gilliard, Hardee, Henegan, Hixon, Mack, Pope, Rutherford, J. E. Smith, Sandifer, Stavrinakis, Erickson, Huggins, W. Newton, Bales, Young, McEachern, Clary, Tallon, Brown, Robinson-Simpson, V. S. Moss, Bennett, Arrington, Daning, Govan, Weeks, Henderson and Henderson-Myers: A BILL TO AMEND SECTION 58-31-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY, SO AS TO PROVIDE THAT THE TERMS OF ALL PRESENT MEMBERS OF THE BOARD SHALL EXPIRE ON THE EFFECTIVE

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DATE OF THIS SECTION AT WHICH TIME NEW MEMBERS OF THE BOARD WITH SPECIFIED QUALIFICATIONS SHALL BE APPOINTED IN THE MANNER PROVIDED IN THE SECTION, AND TO PROVIDE FOR RELATED MATTERS PERTAINING TO THE RECONSTITUTED BOARD; BY ADDING SECTION 58-31-25 SO AS TO PROVIDE THAT NEW OR REVISED ELECTRIC RATES AND CHARGES OF THE PUBLIC SERVICE AUTHORITY AS PROPOSED BY THE AUTHORITY MUST BE SUBMITTED TO THE PUBLIC SERVICE COMMISSION FOR APPROVAL AND DETERMINED BY THE COMMISSION IN THE MANNER PROVIDED BY ARTICLE 7, CHAPTER 27, TITLE 58 AS SUPPLEMENTED BY ANY OTHER APPLICABLE PROVISIONS OF LAW; TO AMEND SECTION 58-31-30, RELATING TO THE POWERS AND DUTIES OF THE PUBLIC SERVICE AUTHORITY AND ITS BOARD OF DIRECTORS, SO AS TO REVISE THE POWER OF THE AUTHORITY TO FIX RATES AND CHARGES SO THAT NEW AND REVISED RATES AND CHARGES SHALL BE SUBJECT TO THE JURISDICTION AND APPROVAL OF THE PUBLIC SERVICE COMMISSION AND THAT NO NEW RATES OR REVISED CHARGES MAY BE IMPOSED OR APPROVED FOR THE PURPOSE OF PAYING ANY OF THE ABANDONMENT COSTS OF THE TWO NEW NUCLEAR REACTORS CONSTRUCTED PURSUANT TO THE BASE LOAD REVIEW ACT; AND TO AMEND SECTION 58-31-360, RELATING TO THE STATE OF SOUTH CAROLINA'S COVENANTS WITH HOLDERS OF BONDED OR OTHER INDEBTEDNESS OF THE AUTHORITY, SO AS TO CLARIFY AND FURTHER PROVIDE FOR THESE COVENANTS AS A RESULT OF THE ABANDONMENT OF THE TWO NUCLEAR REACTORS REFERRED TO ABOVE.

Rep. MCCOY moved to adjourn debate on the Bill until Thursday, March 1, which was agreed to.

H. 4479--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 4479 -- Reps. Tallon, Hixon and W. Newton: A BILL TO AMEND SECTION 23-23-80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL, SO AS TO PROVIDE THAT THE LAW ENFORCEMENT

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TRAINING COUNCIL IS AUTHORIZED TO APPOINT ATTORNEYS EMPLOYED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY TO SIT AS HEARING OFFICERS FOR CONTESTED CASE HEARINGS; AND BY ADDING SECTION 23-23-150, SO AS TO PROVIDE THAT NO PERSON WHO HAS A PENDING ALLEGATION OF MISCONDUCT MAY BE EMPLOYED AS A LAW ENFORCEMENT OFFICER OR AS A TELECOMMUNICATIONS OPERATOR, MAY HAVE THE AUTHORITY OF A LAW ENFORCEMENT OFFICER, PERFORM ANY DUTIES OF A LAW ENFORCEMENT OFFICER, OR EXERCISE THE POWER OF ARREST UNTIL THE LAW ENFORCEMENT TRAINING COUNCIL OR AN APPELLATE COURT HAS ISSUED A DECISION AUTHORIZING THE PERSON TO BE EMPLOYED IN THOSE AREAS, TO PROVIDE THAT A PERSON AGAINST WHOM AN ALLEGATION OF MISCONDUCT HAS BEEN RECEIVED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY SHALL BE NOTIFIED BY CERTIFIED MAIL OF THE ALLEGATION OF MISCONDUCT AND HIS RIGHT TO A CONTESTED CASE HEARING, TO PROVIDE THAT A PERSON AGAINST WHOM AN ALLEGATION OF MISCONDUCT HAS BEEN RECEIVED BY THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY MUST REQUEST A CONTESTED CASE HEARING WITHIN SIXTY DAYS AFTER RECEIPT OF THE ALLEGATION OF MISCONDUCT AND RIGHT TO A CONTESTED CASE HEARING, AND TO PROVIDE FOR THE PROCEDURES OF A CONTESTED CASE HEARING.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 4479 (COUNCIL\SD\4479C001.NL.SD18), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. Chapter 23, Title 26 of the 1976 Code is amended by adding:

“Section 23-23-150. (A) No person who has a pending allegation of misconduct, as this term is defined in the Law Enforcement Training Council regulations, may be employed as a law enforcement officer or as a telecommunications operator; have the authority of a law enforcement officer; perform any duties of a law enforcement officer, including those duties involving the control and direction of members of the public, detainees, or prisoners; or exercise the power of arrest until:

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(1) the Law Enforcement Training Council has issued a final agency decision that the person may be granted certification, be granted certification with probation, be granted certification with any additional requirements deemed just and proper by the council, or be granted certification with a public reprimand; or

(2) an appellate court issues a ruling that the Law Enforcement Training Council shall issue the person his law enforcement certification or telecommunications certification and the Law Enforcement Training Council or Criminal Justice Academy has not appealed the ruling.

(B) Every law enforcement candidate, law enforcement officer, or telecommunications operator is required to notify the South Carolina Criminal Justice Academy of his current address.

(C) A person against whom an allegation of misconduct has been received by the South Carolina Criminal Justice Academy shall be notified by certified mail of the allegation of misconduct and his right to a contested case hearing.

(D) A person against whom an allegation of misconduct has been received by the South Carolina Criminal Justice Academy has sixty days to request a contested case hearing after receipt of the allegation of misconduct and right to a contested case hearing. A person who fails to request a contested case hearing within the time allowed shall be deemed to have waived his right to a contested case hearing. The Law Enforcement Training Council shall proceed to enter a final agency decision to permanently deny the person from being issued his law enforcement certification or telecommunications certification. Hearings must be scheduled and conducted as expeditiously and efficiently as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record. The South Carolina Criminal Justice Academy shall schedule a contested hearing within sixty days of receiving a request for a hearing.

(E) The parties will be notified via certified mail of the hearing officer's recommendation to the full Law Enforcement Training Council. A party opposing the recommendation may file a motion in opposition of the hearing officer's recommendation within fifteen days of receipt. Within ten days of receipt of the motion in opposition, a party supporting the recommendation may file a motion in support of the hearing officer's recommendation. These motions shall be submitted to the full Law Enforcement Training Council, along with the recommendation, hearing transcript, and exhibits. The Law Enforcement Training Council may schedule oral arguments for the next quarterly scheduled meeting. After reviewing the motions, recommendation,

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hearing transcript, and exhibits, the council may vote and issue a final agency decision at any time other than at a quarterly or special meeting.

(F) An allegation of law enforcement certification misconduct shall not be accepted in an original personnel change in status form, amended form, or any other form more than thirty days after an officer's separation from an agency, unless extenuating circumstances exist, as determined by the Law Enforcement Training Council." /

Re-number sections to conform.

Amend title to conform.

Rep. MCCOY explained the amendment.

The amendment was then adopted.

Rep. LOWE proposed the following Amendment No. 3 to H. 4479 (COUNCIL\ZW\4479C003.GGS.ZW18), which was adopted:

Amend the bill, as and if amended, Section 23-23-150, as contained in SECTION 2, beginning on Page 4479-1, by adding subsections (G) and (H) at the end to read:

/ (G) All information submitted by a law enforcement entity to the Criminal Justice Academy related to separation of law enforcement officers must be submitted by a certified law enforcement officer at the entity.

(H) In addition to other actions outlined in regulations promulgated by the Law Enforcement Training Council, wilful submission of false, misleading, incomplete, deceitful, or incorrect statements to the Criminal Justice Academy, or its representatives, constitutes law enforcement certification misconduct and must be addressed as other allegations of misconduct are addressed by the council. /

Re-number sections to conform.

Amend title to conform.

Rep. LOWE 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 99; Nays 0

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Those who voted in the affirmative are:

Allison	Anderson	Arrington
Atkinson	Atwater	Bales
Bamberg	Bannister	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brown	Bryant
Burns	Chumley	Clary
Clemmons	Clyburn	Cobb-Hunter
Cogswell	Cole	Collins
Crawford	Crosby	Daning
Davis	Delleney	Dillard
Douglas	Duckworth	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Gilliard
Govan	Hamilton	Hardee
Henderson	Henegan	Hewitt
Hiott	Hosey	Jefferson
Johnson	Jordan	King
Kirby	Knight	Long
Lowe	Lucas	Mace
Mack	Magnuson	Martin
McCoy	McCray	McEachern
McGinnis	McKnight	V. S. Moss
Murphy	B. Newton	Ott
Pendarvis	Pitts	Pope
Putnam	Ridgeway	M. Rivers
S. Rivers	Robinson-Simpson	Sandifer
Simrill	G. R. Smith	J. E. Smith
Spires	Stavrinakis	Tallon
Taylor	Thayer	Toole
Trantham	Weeks	West
White	Whitmire	Williams
Willis	Young	Yow

Total--99

Those who voted in the negative are:

Total--0

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

RECORD FOR VOTING

I was not in the Chamber when the House gave second reading to H. 4479, a Bill which implements recommendations arising from the House Legislative Oversight Committee's study of the Law Enforcement Training Council and Criminal Justice Academy. As a co-sponsor of the Bill, I support its passage.

Rep. Wm. Weston Newton

SPEAKER IN CHAIR

Further proceedings were interrupted by the Joint Assembly.

JOINT ASSEMBLY

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

H. 4617 -- Rep. Delleney: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE DONALD W. BEATTY, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 12:00 NOON ON WEDNESDAY, FEBRUARY 28, 2018.

The Honorable Donald W. Beatty and his distinguished party were escorted to the rostrum by Senators McLeod, Malloy, Cash, Hembree and Goldfinch and Representatives PENDARVIS, NORRELL, TRANTHAM, COLE and JOHNSON.

State of the Judiciary Address
By the Honorable Donald W. Beatty
Chief Justice of South Carolina

Thank you very much. You may be seated.

You know a person could stand here and accept those applauses all day because we don't get them that often, especially in the courtroom.

Lieutenant Governor Bryant, Speaker Lucas, President *Pro Tempore*

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Leatherman and Speaker *Pro Tempore* Pope, members of the General Assembly and of the Judiciary, Ladies and Gentlemen, thank you for this opportunity to share with you the State of your Judiciary.

Before I begin, I would like to have you indulge me for just one moment. Before I begin the business at hand, I would first like to acknowledge the many contributions of women to the success of this great Country of ours. Tomorrow marks the first day of Women's History Month. A cursory review of our shared history will reveal to you that women have done more than just stand by their man. More often than not, they led them. So, I would ask that you join me in offering a salute to our women.

Coincidentally, today marks the last day of Black History Month. My undergraduate alma mater, South Carolina State University is visiting the Capitol today with other historically black colleges and universities. Will you join me in welcoming them to this historic institution. As you are aware, my beloved alma mater has faced significant financial challenges over the past decade. Although the university still has significant challenges, financial challenges, to face, I am happy to report to you my belief that the university is now on good footing and is on the road back to prominence that it once held.

Ladies and gentlemen, I appear before you to present my first State of the Judiciary Address. I must begin by thanking each of you for electing me to this position. It is indeed an honor to serve you and this State as your Chief Justice. Thank you very much for this opportunity.

Those of you that heard the remarks at my investiture ceremony know that it has been "an improbable journey". As part of this journey, I served as a member of the House of Representatives in the early 1990s. I am now facing the seats that I once sat in many years ago. Drawing on my experience as a former legislator, it is my hope to communicate this address in a way that is beneficial to all branches of our state government.

Last year, I chose not to address you because I had been Chief Justice for only a few weeks. Having served in this position for a year, I now feel it is appropriate to make this address.

Immediately before assuming the position of Chief Justice, I began an assessment of the judicial branch of our government. In doing so, I confirmed my belief that the third branch of government is comprised of hundreds of conscientious and hardworking people. Employees who enjoy serving the people of South Carolina. That observation holds true for the Supreme Court down to your local clerk of court's office.

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I discovered that the judicial branch was doing a lot, notwithstanding its meager resources. Our judges had the highest case filings per judge than anywhere else in the Country. I believe that has been the case for the last decade. I recalled then-Chief Justice Toal's PowerPoint presentations to this Body on multiple occasions where she informed you of this fact. That PowerPoint presentation was always accompanied by a graph that showed that judicial salaries have been basically stagnant since the early nineties and that our judges were paid less than the southeastern average. Today, that gap has widened by \$20,000.

My assessment of the judicial branch revealed some troubling things about it. Some of our employees were using converted coat closets as work spaces. Other employees were using converted file rooms for offices. Our IT equipment was approaching the end life of its cycle and any of you who are familiar with IT equipment, five years is a long time for IT equipment. When you get past that to 10-15 years, then you have a real problem. That's where we are. If that wasn't enough, I learned that we were facing a projected budget shortfall of about \$3.5 million at the end of last fiscal year. We were anticipating a projected budget shortfall for this fiscal year of about \$4.5 million. To be quite frank with you, we didn't know what we were going to do. I came to some of you, at your request, and others I requested appointments with you, so that I could share my concern for our judicial branch of government, so that I could open our books to you, and you could see what I was talking about. And I want to commend you right here and right now for the work you did to rectify that problem. You took care of the projected \$3.5 million shortfall that we had. You gave us additional funding for operation costs, and I want to thank you. My colleagues in the back, I want to thank you, each and every one, and the people of South Carolina are the beneficiaries of your wise decision. Thank you very much.

Placing our financial status aside for the moment, let me briefly mention a few of those things that I talked about, meaning that what we do that the public doesn't see that is beneficial to the efficiency of this judicial branch of government. Over the past year, these are some of the things that we have attempted to do and some we have accomplished and some we are still working on.

Let's talk about E-filing. E-filing is the up and coming thing in all courts across the County. The federal system has been doing it for quite some time. What E-filing means simply is that we are going to be able to file our documents, pleadings, and complaints with our court system electronically. What does that mean to you? What does it mean to the public? What does it mean to the people you serve back home? Two

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things. It makes it much more efficient for our lawyers. They can do this work sitting at their offices or even at their dinner table at home. If they want to review a file that's presently in our clerk of court's office, they can do so from the comfort of their home, if need be. Additionally, it saves them money. Now what does it do for the people that you serve? Two things. Number one, it saves them money. Now how does it that?

Normally when a clerk of court's staff member has to handle a filing, you have multiple people handling that same piece of paper, multiple times. Time is money. Being able to do E-filing eliminates that process. Hopefully we are going to have the entire state using E-filing pretty soon. Right now, it is only in our court of common pleas. This program has been so successful that we are looking forward to moving it not only to our court of common pleas, but to our family court as well as our appellate courts. The success of this project cannot be overstated. As of this month, E-filing has been implemented in 30 counties across the State and more scheduled to go live in the next six months. When it first began there were 25 registered users of E-filers, meaning 25 lawyers or others. We now have over 6500 frequent users. At last count, there were approximately 490,000 filings using our E-filing system. It is projected by the end of January 2019, all 46 counties will be using E-filing.

Another accomplishment, if you want to call it that, we do, is our E-citation system. Now what is that? Our E-citation system is another form of E-filing, if you will. But what it amounts to is, the utilization of the traffic tickets that you might get on the side of the road which are sometimes used for other matters by the way. They are uploaded into our case management system. This saves our summary court personnel quite a bit of time and effort because they don't have to do this manually. Our forms are manually -- well electronically populated, if you will -- once these E-citations are initiated. Our magistrate courts, summary courts are very happy with this process. Everyone is loving it and hopefully it will succeed.

If y'all recall, our hurricane season of last year, it was devastating. The courts in Puerto Rico, Virgin Islands, and even Houston, Texas, were brought to their knees. Most of them were devastated with no way of recovering the information that they used in their systems. We are attempting to be proactive in that regard. We have what we call a Business Continuity Disaster Recovery Plan. What does that mean? Quite simply we are putting together a system that mirror images all of the work we do here in Columbia. We have partnered with Clemson University as a repository for this information. So, if something like the floods that happened a few months ago, six, eight months ago, maybe a

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year ago here, something of that nature happens again, we will never be out longer than a few hours, long enough for us to drive to Clemson. We go in, flip a switch and we start right back up where we left off. Not many places in the Country are there yet. In fact, they are following our lead. That's one thing that you can be proud of for South Carolina.

The lawyers in this Body and those of you who have relatives, children, friends who sat for the bar exam know that that is not a happy event. But this year, well, last year actually, February, we changed the way we do our bar exam. We've gone from local bar examiners drafting our exam questions and grading it to what we call the Uniform Bar Exam. Now what is that? The Uniform Bar Exam is examination that's given in about 30 states across the Country. These questions are devised not by local people like we had here in South Carolina, and like most states had, and not to say our people were bad, but as you can recall we had a controversy or two as a result of testing and grading. The Uniform Bar Exam is prepared by the National Conference of Bar Examiners. These are people whose job it is to do nothing but standardized testing, testing, testing, trial and error, if you will, evaluating, and then starting all over again. And I am here to report to you that we gave our first exam February of 2017, and in fact we had an examination going on right now. I am proud to tell you right now that it has been nothing but a success. Now, why else would we want to go to the Uniform Bar Exam other than to quell some of the controversies? There was another reason for that. Now, our passers of our bar exam can transport, if you will, or port their law licenses or exam score to 30 other jurisdictions across the Country. In other words, this is the first time we have anything similar to a reciprocity. That makes our lawyers here who have taken and passed our exam more valuable and more mobile if they like to be with more opportunities to practice the law.

Over the past year, we've had to make some changes in how we operate. One of those changes had to do with, quite frankly, how we operate court. You see over the past year, we experienced a shortage of court reporters. It is not something that's just started to happen. It's been going on for quite some time. It's not a problem that is unique to South Carolina. It is a nationwide problem. There is a shortage of court reporters. As some of you might have recall -- might recall having read articles in the newspaper about us having to cancel terms of court. You might have even gotten calls from some of your constituents who were very upset because their cases were continued for the lack of Court Reporters. This shortage of court reporters has caused us problems. In fact it causes us morale problems with our court reporters because what

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we found ourselves doing is asking a court reporter to leave Spartanburg and move to Charleston, by Charleston hearing cases in Spartanburg so they could hear cases in Charleston. That was unfair to Court Reporters. It caused a lot of problems for us and morale is extremely low. In order to be proactive and do something about that, we started what we consider to be a Digital Audio Reporter System. We have a pilot project going right now in five counties, small medium and large. We have started this pilot program and all of these courtrooms are operational. In fact the first one was the family court in Anderson County. It worked out very, very well. Now this is not a cheap method, if you will, to become or makeup for the shortage of court reporters, but it is something that we have to have. We have no intent whatsoever of getting rid of live court reporting. I know that has been rumored quite a bit and caused our court reporters some concern but the fact of the matter is we are trying to be proactive and deal with the problem that we recognize that we have. We know everyone's case is important to them. And to show up for court and you don't have a court reporter, then the case can't go forward. But this project is going quite well right now. We are going to monitor it for the next year and see what happens and we are going to hope that you all give us sufficient funding to expand this program to at least 25 courtrooms across the State.

Ladies and gentlemen, I told you that we've done a lot that you all do not see. Well, that just doesn't happen. When our judges are not on the bench, they are still working. The bench is just a small part of what we do. I won't say a small part, but a part. Let me talk to you about some of the other things that our judges do. Our Dock Managing Task Force, despite the problem with the Court Reporters, and having to cancel some terms of court, we've been able to continue carrying on the business that we should have taken care of in the first instance. I'm able to report to you significant progress in the resolution of cases in a timely manner. Due in part to the help of our task forces and docket committees. The Docket Management Task Force under the leadership of Justice Kaye Hearn continues to guide our trial court to case disposition benchmarks.

We have a General Sessions Docketing Committee. Relatively soon the general sessions docket committee will resume and be chaired by Justice Hearn as well. It will be comprised of judges, clerk of courts, private attorneys and solicitors and they all previously met for about a year. As a result of that meeting we started two pilot programs. One in the 7th Circuit in Spartanburg, if you will, in Cherokee County, with a judge-run docket. Now although I say Judge-Run Docket, it is a docket that a judge controls but it is with the assistance and collaboration of the

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solicitor. The solicitor has considerable input in this process. January of last year we started a similar project in Charleston. This is a project that we've been watching, evaluating and hopefully it's going to be successful. This project is run by Judge Dennis. We are fully aware that all circuits don't operate the same and that we cannot necessarily implore a cookie cutter method of operating our courts throughout the state. However, we do believe firmly believe, that there should be some uniformity in how our courts operate. So we are going to evaluate these projects that we have operating right now. We are going to pick the best things that come out of them, and we are going to devise is a system that meets the requirement of a judge-run docket, if you will, with the assistance of the solicitors and an effective and efficient form of disposing of our criminal cases.

Some of you have mentioned to me your concern about our family courts and how they are operating. Let me tell you of all the courts that we do have, our family court system is the only court, if you will, that is now operating and meeting our benchmarks of disposing of 80% of our cases within 365 days. To be quite frank with you in some instances 365 day is too long and we recognize that. And we are trying to adjust that. our family court docketing committee led by Judge Konduros in the back has been doing a great job and they have been working diligently for more than a year. a project that was suggested by one of your members, that is one case, one judge approach to dealing with some of our family court cases. What does that mean? Somehow difficult cases, custody cases, termination of parental right cases, more complex family court cases, and one judge will handle that case from the beginning to the end. That came from a suggestion by one of your members, and it was echoed by at least two retired Family Court Judges as something that we should consider. And we are going to try that out this coming year. Our family court docketing committee is working on a project and plan of attack for that right now. But while we are talking about our family court, i think we need to give them a little kudo or two, if you will. Unbeknownst to me and quite a few others, there are a certain family court judges were doing something that i consider quite admirable. During their chamber weeks, which are weeks out of court when they are supposed to handle administrative duties, a few of them have set aside this time to actually sit on the bench, to take care of DSS adoptions, to help put some of those children who have been waiting in line for such a long time for an adoption be completed.

Well I stumbled upon this program, to be quite frank with you when one of our Family court judges, who had just got elevated to the circuit

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bench, requested permission to continue to do that. It's something that he did around Christmas time. And then when I started to inquire, I found out there were at least two other family court judges doing the same thing. And I decided, why just keep it just to those one or two counties, why not make it a statewide event. So we have what we call a statewide adoption day. And it is usually held in December. And if we have enough adoptions it might happen twice a year. I would love to share with you some of the letters and pictures I have gotten from those adopted families. They are very appreciative of the effort by our family court judges. By the way, Judge Mcfadden is now a circuit court judge and he still does it. When you see him, pat him on the back.

Not to belabor the good things that we do, that you all don't see, I think I need to mention two or three others and then I will move on. I want to talk about our commission on the profession that is led by Justice Kittridge from Greenville. The commission on the profession has been instrumental and innovative in correcting some of the issues we found within the judicial system. This is a commission that drills down deep in the policy matters and how we might address things such as aging judges, or the unprofessional behavior of magistrates or the problem with new members of the bar ethically, if you will. Since this commission on the profession has got involved, they have created two mentoring programs that I am proud of and I think they are, as well. New lawyers are mentored by a seasoned lawyer. New magistrates are mentored as well. Now what has this done? It has significantly decreased our ethical complaints against our judges and our new lawyers. That is a program that is ongoing. It is very successful, and they are to be commended for that.

Our commission on legal education, that's one you don't hear anything about ever. This commission is responsible for certificating specialties or specialists, I should say, in the profession as well as keeping up with lawyers and judges requirement hours for continuing legal education. This year we tasked them with an additional task. You see, it is my firm belief that our judicial department is in dire need of an education department. To be quite frank with you, we are one of the few states in the nation that does not have a judiciary education department. Right now under the watchful eye of Justice George James, we are now investigating the possibility of providing such a program for our judges.

Ladies and Gentlemen, it is quite necessary. Our judges are now coming to the bench much younger and less experienced than judges have been in the past. If we don't make some effort to train them, then we are going to have a serious problem on our hands. This is something

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that I would ask the General Assembly to take a look at and rectify or at least assist us in rectifying. Now, I'm going to say one other thing about another commission that we have, and then I'm going to move on to something else that you might be a little more interested in. We have our access to justice commission. What does that mean? Exactly what it says we want to make sure that everyone has access to the judicial process in this state. Now one good thing that this commission is now doing under the watchful eye of Judge Few from Greenville is putting together, developing a software program that would allow litigants to line up, if you will, to be paired with willing attorneys prepared to do pro bono work for them. This program has been -- this software that was rolled out in Greenville and is still in the testing phase. However, we hold high promise for it. And if after testing it is successful, it will be deployed throughout the State of South Carolina.

I am grateful for these successes and intend to build upon them. However, we cannot simply remain status quo. With the change in leadership comes the opportunity to pursue new ideas and innovations. As President John F. Kennedy stated, "Change is the law of life. And those who look only to the past or present are certain to miss the future." I believe change is needed as my vision for the future is to establish an effective, efficient financially stable, independent branch of government, your judicial branch of government.

In order to achieve this vision, significant reform must be made. While it is still early, I still -- I have so far identified the following strategic goals needed to make this vision a reality. First and foremost, we must foster a cooperative relationship between the judicial branch, the general assembly, and the governor's office. I commit to you that we are going to make every effort to do so. However, at the same time, I impress upon you that we are going to do so while remaining focused on the constitutional requirement of separation of powers

Additionally, Ladies and Gentlemen, we feel the need to restructure the organization of the departments within the judicial branch. We want to facilitate efficient resolution of cases in all court through improved docket management and assure justice to all regardless of income, disability, language barriers or ability to pay. We want to foster a legal profession that is innovative in providing legal services to the public. These goals may appear overly aim beneficiaries, however my vision is not entirely new. In fact, it has been stated for decades by those within the judicial department. I believe that only through innovation and sustainable funding can we hope to pursue our mission. While I cannot control the funding of the judiciary, I have worked during this year to

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ensure the efficiency of our court operations. To achieve the identified goals, I have spoken about and I have begun implementing change in several key areas. I started with our summary courts, our magistrate courts. We have more complaints about their operations than any other court system that we have. There are quite a few things that we have done, and quite a few that I'm certain you all have heard about but hopefully those things we have instituted will protect the defendant's right to counsel, one, and will fairly, fairly dispose of cases that appear before our judges.

Finally, I have begun working on a plan to better educate and train our judges that I spoke to you about. Hopefully, you all will assist me in doing that. Earlier I set aside my discussing the finances in the judicial branch. I want to return to that for a brief moment. Without sustainable funding, we will never be able to achieve the goals we have set for ourselves. We will never be able to officially operate our judicial system.

Last year we were fortunate that you all gave us the funding we needed to ensure a minimum level of service for court operations. But this amount is inadequate to fund the current and future needs of the judicial branch of government. We provide a core governmental service to the citizens of South Carolina. Yet, we receive less than three-quarters of 1% of appropriated funding. In order to supplement this amount in the past we have resorted to fines and fees.

Ladies and gentlemen, that avenue is no longer available to us, at least in the terms that it was in the past. The amounts that we are able to collect through fines and fees are going downhill very quickly. When we first started this, we were able to collect for the judicial department about \$17 million. Now we are down to 14, and you remember that \$3.5 million deficit we were projected to have come up with at the end of last year, there is a direct correlation with that and the decrease in the collection of fines and fees. That is not to say that we are not collecting a lot of money, the judicial department collects \$94 million on average a year in fines and fees for the state. We only get about 13.5% of that. Of course, if we got more of that, we would be in better shape. But to be quite frank with you, we don't think the judicial system ought to operate off of fines and fees. There should be dedicated funding for that. In January, I presented the judicial branches 2018/19 budget request to the House Ways and Means, Criminal and Justice Subcommittee and Criminal Justice Subcommittee of the Senate Finance Committee. In the budget, I identified the following priorities: In terms of urgent needs for recurring appropriations, I said we need an increase in support in staff in various areas that support statewide administrative and court functions.

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Additionally, I asked for judicial salary increases that provides comparable salaries for those within the Judicial Branch that are similar to those in the executive branch. Right now, we are about 16 down the list. We also requested funds to develop this in-house education program that I've talked about. In terms of urgent need for nonrecurring appropriations, we ask for renovations for the Calhoun and Brown Buildings to reconfigure the much needed office space.

On my way over here today I was advised that the Joint Bond Review Committee approved that. Let me thank you all again. We do appreciate that.

Ladies and Gentlemen, we also requested money for security of our Supreme Court Building. Our Supreme Court is the least secured courthouse in the state. Here lately I would say over the last 18 months to two years, we have received more threats than usual. Not just us. Our trial judges have as well. Now, if we are to continue in the method that we are doing now, there is no protection. People come in and out of our building anyway they want to. They are out there in our parking lots at night and we don't know who they are. We have a lot of female employees at our place and they cannot leave their work area at night for a sandwich to come back because they are afraid of who might be out there in the parking lot. We cannot control who has access anywhere there.

Ladies and Gentlemen, we've had security assessments and evaluation done for years, and we have requested money, I'm told, for years to no avail. But thankfully the House has put forth money that will assist us in performing some security measures at the Supreme Court Building. And we thank you for this money. I'm hopeful that this Body, the Joint Assembly here, will see fit to approve that. I asked for something else on that list that's very, very important. I ask for monies that would assist us in upgrading our case management system. In 2002, we were able to acquire \$52 million from the federal government. This money was used to create or fund the creation, if you will, the development, if you will, of our case management system. That has been quite some time. Our case management system now is at the end of its life cycle. As I indicated to you before, IT equipment over five years is antiquated. Now, what you all may not know is this. Your South Carolina Judicial Department acts as a cloud for 44 of the 46 counties, if you will, in the State. We host them. Not only that, our case management system is utilized by every county, every municipality in this state. If we are not able to upgrade or maintain our case management system, our IT department, what happens? It all fails, it all crumbles. And there is no

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one nowhere that can pick it up. Now we are forced to be in a position of using as a consultant, the only person, we are told in America, that's still able to work on the system that we use. If that person decides not to help us anymore, where will we be? And we have attempted to train our own, but they are not there yet. The systems antiquated. No other developers uses that language to create that program. We need to go to a new system. We have proposed to do it in stages. Three stages, if you will. And hopefully we can get enough funding to at least get us off the ground. Last year you attempted to do that by giving us \$3 million in a bond bill. Unfortunately, it hit a road block. This year I'm told that you all are going to help us, at least the House has, anyway. And I am suggesting, in fact requesting, that the Senate does likewise. This bugaboo about judicial salaries. We have taken a lot of heat for that in the news media, social media as of late. And I told you earlier that we really were not going to go down that road, but I feel compelled that to defend our judges to some extent. Whether some of you realize it or not, our judicial pay has been the same since about 1995. Although there has been cost of living increases, 2% here, 3% there, to be quite frank with you that money was used for insurance or retirement increases. According to my financial department, if we look back through the years, our net increase has been .12% in judicial salaries. And you can run those numbers yourself but that's what has been relayed to me.

Ladies and Gentlemen, we are far below the southeastern average. In 2005, I do believe, the Hay Study was completed and at that time it was the recommendation of salaries in the amount of \$137 for your Chief Justice. As you know, all the other judges are paid a percentage of that amount. If we move that forward, and adjust it for inflation, that amount would be about \$202,000. But when was Hay Study was done, it was done with cooperation of this legislative body, the judicial department paid for it, and we are told, I'm told, at that time that once the results came back, that this body would look at implementing the results. Well, unfortunately, in 2007 and 2008, I believe is when that happened, the bottom fell out of the economy. The great recession struck us. And we all understand and understood at that time that no adjustments could be made. However, I am told that leadership in the judicial department, they were told that as soon as economic times got better, this matter would be revisited.

Ladies and Gentlemen, all we are asking is for some equity. Times have gotten a little bit better. We are just asking for your consideration. We are not pushy. We are not doing any of those other things. Ladies and Gentlemen, there are quite a bit more that I could talk to, but I will

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be quite frank with you, I've been sitting in those seats that you've been sitting in. I've seen quite a bit of these, heard quite a bit of these presentations, and to be quite frank with you, I'm surprised I have that many people out there now.

So I want to close by doing two things. One, I really want to thank you all for the assistance and consideration you've given us over this past year that I've been your Chief Justice. The financial rescue that you gave us last year is tremendously appreciated. I and every judge seated back there appreciate it. We do thank you. The second thing I want to do is something that is unusual. In fact of the 30 or so times I have been in this chamber, to listen to State of the Judiciary or State of the State addresses, I've never seen it done. In fact, probably there is a good reason for it. But I'm going to attempt to do it anyway because my purpose is to foster a good cooperative, collaborative relationship with this Body. I am going to allow questions of any of you that may have them. Hopefully I have an answer for you. I know it's risky. But it is an effort to show our willingness to be cooperative. And I will start the question off. I will relay to you a question that was asked of me back in July of last year. I made a change in chief magistrates across the State. I got quite a few calls, and a few visits, as a result of that. I am happy to report that 80% of those were very positive, but there were a few that were very troubling. Some wanted to know why I did it, and I quite frankly told them I did not do it because I could. Of course the Constitution gives me that power as administrative head of the judicial system. The administrative judge, magistrate, if you will, chief administrative magistrate is an administrative position. I didn't do it because of that. In fact, I had not considered doing, making any changes at that point in time. But during that assessment that I talked to you about earlier, I came about some troubling information. That information had to do with the mismanagement of funds in our magistrates' offices. At that point in time, I was told that the funds that were missing were between 3-5 million dollars. Of course I was shocked as you are. We started to investigate. We called in SLED. One person has been charged. Maybe others may be charged in this one particular magistrate's office, but as far as we can tell, and the most recent encounter it is close to \$400,000. That's still a lot of money. And they didn't go back as far as we did in court administration. Now, we do not have the resources to do accounting, to perform audits of these offices across this state. In fact, laws that you all pass require the counties to do it or the state to do it. But they are under our watch. So what I did was simply this. I couldn't leave the fox guarding the hen house if I didn't know who the fox was.

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So I moved all the chief magistrates out of office. I required all of their replacements to perform immediate audits and to report back to the court. We found discrepancies in quite a few places but fortunately they weren't that bad. We found some that were over by \$100,000 or so. I couldn't say where the money came from, who the money belonged to. That's a problem as well. So we dispersed folk in court administration to these magistrate's offices to assist them in their accounting practices. We now require them to do an accounting for us on a quarterly basis and to report. We keep track electronically, if you will, with their transactions. And we have asked the counties to do their job in auditing these offices. They've told us they have not done that since 2007, most of them. They say it costs too much money. Now that I've answered that question, I will be happy to answer any others. Yes, ma'am.

Representative Cobb-Hunter: Thank you, Chief. It is good to have you address us. This is on the issue for salary for judges. All of us sympathize with your point and recognize it's been since 1995. How would you suggest we respond to other state employees who also have not gotten a pay raise, and what would you suggest we say to them in response to the question of pitting state employees against each other? Thank you, sir.

Chief Justice Beatty: I can tell you this. All of our, in my humble estimation, all of our State employees are underpaid. Everyone, well, I won't say every one. I would say 95%, 97% of them are. Now how you decide on answering the question of pitting one side against the other, that's a hard one. But let me suggest this to you for consideration. We know that they are underpaid, all state employees to include the judges, are underpaid. That's a fact. We also know that there is no way that this State can possibly raise everyone to the appropriate salary that they should be entitled to all at one time. It can't happen. You might revisit something that I think you might have tried in 2002, maybe. Do a Tier Roll, give meaningful raises, but roll them out at different times. Do one segment this time, another segment the next time. And there should be some increment in between and, hopefully at some point in time, you will get around to doing honest cost-of-living increases. Now that's just off the top of my head without any real reflection.

Representative McKnight: Thank you, Chief Justice and thank you for addressing us today. We are about to take up a Bill here in the House that deals with Indigent Defense and particularly that being public defenders and screening of individuals to determine whether or not they are indigent. I don't know if you've seen the Bill.

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Chief Justice Beatty: I've heard about it. I try not to get involved in your bills until they come across the street as a case.

Representative McKnight: However, you have in the past been very diligent about advocating for poor people having proper representation.

So I wanted to know from you, Chief Justice, what you felt we needed to do with regard to how we should key in on this. So what we do to the least of us is very important to me. On what I have seen lately is a little disheartening, in that we are becoming more stringent than I think we need to be. What are the things we need to key in on so that we are good stewards of the people's money and those who need defense are adequately covered. Thank you.

Chief Justice Beatty: Representative McKnight, I am unfamiliar with the Bill, although I have heard something about it. In fact, I got a call from a news reporter, might have been yesterday afternoon, and I have not responded and I will not respond. I don't generally respond to newspapers' requests. Two, it is inappropriate for me, in my honest opinion, to comment on legislation such as that until and tell you all what you ought to do about a particular Bill. Our job is to carry out the law. Now, of course I have personal thoughts about that. I have not looked at the Bill, and I can't speak on it, and even if I could, I wouldn't. But, the bottom line is, that is a matter that has been a problem for a long, long time. And there has been attempts to address it time and time again. But nothing thus far seems to have worked. I don't have a solution for that problem. Yes, Sir, would you tell me who you are.

Representative Bruce Bryant from York County: Judge, thank you for being here first of all. I want to know, of course I spent my life in Law Enforcement. Of course, 46 years ago when I started Law Enforcement, we had a court system that we have still today and it's my understanding this court system dates back maybe 100 years. My question is, will we ever change the way that we do business in South Carolina in regards to our court systems to make it fair for all counties? We have 46 counties and 16 judicial circuits. And there is a lot of county jails in this state that stay full because of our court system and the way we could get process them through our system. And I don't think there is any solicitor that would object to every county having his own county or any public defender. And my question is, will we ever look at our court system and try to redo everything in regards to the way we have fairness in our judicial system? Thank you, sir.

Chief Justice Beatty: Thank you very much for that question. Let me respond to that by simply saying, if you heard me talk about our docketing committee, and our general sessions docketing committee,

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they are working on that very same problem. And there is a reason for that. Our research has indicated at a very minimum it costs \$5 a day to \$55 and up to \$88 in some counties a day. When we don't move those defendants through the court system then that's an extreme cost on the county. Why is there such a backlog? Quite frankly, it is a matter of numbers. Solicitors are concerned about the number of cases they dispose of and rightly so. Judges are concerned about how much they are doing, rightly so. And to be quite frank with you, the public defenders are involved in this just as well. So if there is any blame at all, it is shared blame. It goes to all of us. We are making an effort with all of the stake holders to put together a serious docketing committee that will explore those issues. Now, the county you are from, York County is one of our better counties in handling their problems. It started with Solicitor Pope when he was there. I bragged about him for a lot of years in trying to get my county, Spartanburg, to do something about theirs. By the way, Spartanburg has one of the better ones now. We always meet our benchmark, disposition of cases. We are one of those I think it is seven counties that might meet that benchmark. But there has to be cooperation between the judge, the chief administrative judge, and the solicitor in disposing of those cases. You cannot allow the solicitor to totally control the docket. And the judge, although he is or she is the judge in the courtroom, should be cognizant of the deeds of the solicitors who are in office. There should be cooperation between the two for the disposal of those cases. Works well in Spartanburg with a judge-run docket. But that judge-run docket is with the cooperation and input of our solicitor. The Solicitor in Spartanburg will never go back to a solicitor run docket. You talk to that about that now, he runs the other way. It is this thing to happen. It gets rid of the cases. It moves them. Everyone is happy. Inevitably and you can't blame some solicitors, they get rid of the low-hanging fruit. It helps their numbers and the difficult cases linger in jail. And my position is, everyone is entitled to a trial. If you have enough to arrest him, take him to trial and be done with it. But we have not been able to get everyone to see it that way just yet. Any other question. Yes, ma'am.

Representative Henderson-Myers: Thank you Chief Justice. You had mentioned judicial education and training for the new judges coming in. At this point, are they required or encouraged to attend the National Judicial College in Nevada?

Chief Justice Beatty: Yes they are and all of our judges eventually get there, but the funding for their getting there is taken care of by the South Carolina Bar Foundation. We don't have funding in our budget to

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provide for that. So unless the foundation provides funding for these educational opportunities, it just doesn't happen unless we attend some of these public or special interest groups sponsored educational sessions. That's not good for judges to attend only special interests group educational sessions because they are all bent a certain way. Judges are supposed to be neutral. Seeing things from both sides of the issue, if you will. So that's why we need an educational department and funding to provide for it.

Representative Henderson-Myers: Thank you.

Chief Justice Beatty: Speaking of Judicial College, I have been out there five or six times. I can tell you five of those times were on my own dime.

Representative Henderson-Myers: Do you have a time frame for it being implemented?

Chief Justice Beatty: Right now it is in the planning stage. We don't have a plan yet. We are talking to consultants and talking to the National Center of State Courts. We are talking to other states that have a program such as one we want to implement. In fact, back in the early part of the year, January, I went down to a national meeting for that very same purpose to, see how that is done. And met quite a few folk that might be helpful to us. Yes, ma'am, Representative Norrell.

Representative Norrell: Thank you. As you know there are many counties in our state that don't have masters-in-equity to suppose home foreclosure cases and in those counties, the foreclosing creditor will often hand select a special referee from among the local bar to hear that and the court routinely approves the recommended special referee. It strikes me that that could be ripe for abuse because that special referee will want to continue being selected by the foreclosing creditor to hear these foreclosure cases and then would side with the foreclosing creditor in that case. Is there not a better way to do that? I'm not suggesting a legislative fix necessarily. There may be a judicial one.

Chief Justice Beatty: Well, I did assign someone yesterday for that very same issue. Let me say this. You are right. There is potential for abuse there. And in fact, a special referee gets paid and it takes money out of the county when that happens. If a county can have a master-in-equity, a county should have a master-in-equity. It would save them money. But in any event we are cognizant of the people we appoint. I have only assigned two or three of those, but it just didn't come from the recommendation of some lawyer involved in the case. We kind of checked behind to see what we can find out about the person who is being recommended. And I feel fairly confident that those that we have

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done thus far are people who will honor the system and not abuse it. I'm thinking that's it. Thank you.

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

JOINT ASSEMBLY RECEDES

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

The Senate accordingly retired to its Chamber.

THE HOUSE RESUMES

At 1:00 p.m. the House resumed, the SPEAKER in the Chair.

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

RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 4928 -- Rep. Delleney: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND SENATE FOR ITS ANNUAL STATE HOUSE MEETING ON FRIDAY, JUNE 15, 2018, HOWEVER, THE CHAMBERS MAY NOT BE USED IF THE GENERAL ASSEMBLY IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

H. 4943 -- Rep. Howard: A CONCURRENT RESOLUTION TO DECLARE MARCH 2018 AS BLEEDING DISORDERS AWARENESS MONTH IN THE STATE OF SOUTH CAROLINA AND TO INCREASE RECOGNITION OF THE ILLNESS.

ADJOURNMENT

At 1:13 p.m. the House, in accordance with the motion of Rep. JEFFERSON, adjourned in memory of Viola J. Middleton, aunt of Representative Jefferson, to meet at 10:00 a.m. tomorrow.

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