**Thursday, April 11, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

Following several false starts, we are told that:

 “The Lord came and stood there, calling as at the other times, ‘Samuel! Samuel!’ Then Samuel said, ‘Speak, for your servant is listening’.” (I Samuel 3:10)

 Please, bow with me in prayer:

 O Loving God, we recognize how much is expected of these servants of Yours, these Senators and staff aides who have answered Your call, who work actively for the State we love, and who wrestle with so many diverse challenges. Guide each of these servants, Lord; strengthen and bless them. And grant them rich satisfaction as they serve the residents of South Carolina in helpful and meaningful ways. And to You, Lord, be the honor and the glory forever and ever.

 This we pray in Your loving name, dear Lord.

Amen.

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

**Doctor of the Day**

 Senator McELVEEN introduced Dr. Todd Warrick of Sumter, S.C., Doctor of the Day.

**Leave of Absence**

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

**Leave of Absence**

 On motion of Senator BRYANT, at 11:05 A.M., Senator VERDIN was granted a leave of absence for today.

**CO-SPONSORS ADDED**

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

S. 37 Sens. Scott, Ford

S. 306 Sen. Ford

S. 481 Sen. Johnson

S. 596 Sen. Cromer

**Expression of Personal Interest**

 Senator THURMOND rose for an Expression of Personal Interest.

**Remarks by Senator THURMOND**

 Thank you Mr. PRESIDENT, lady and gentlemen of the Senate.

 I did not know that I would be coming up to the well a couple of times today. But, sometimes that is how it goes. I hope that I can keep your attention.

 In my life there are a lot of dates that I think about that are pretty important to me. The date of my marriage, 12-13-03. The date of my first son’s birth, my second son’s birth, and my third son’s birth. I would run those dates off, but since I am a little nervous, I might forget them, and then I will be in trouble with my wife. 9/11 obviously is one of which many of us recall. The date 4/13/1993, which is in a couple days, the 20 year anniversary, is one that I will never forget.

 In a couple of days, 20 years ago, my sister Nancy Moore Thurmond was killed by a drunk driver in Five Points as she crossed the street. Some in this body will remember her. I know Senator COURSON had a relationship with her, a very dear relationship. I know my former neighbor, from Aiken, Senator YOUNG, had a fond relationship. There may very well might be others. But for those of you who did not know my sister, I wanted to take a moment to try and remember my sister.

 Nancy Moore was 22 when this accident occurred. She was in excellent standing with the University of South Carolina -- a senior. Approximately one month after the accident occurred we found out she had been accepted to the University of South Carolina Law School. She was a beauty queen in all senses of the word. Not only was she beautiful outside, but she was caring and beautiful inside. She was Miss Aiken and she was in the Miss Liberty, and was in Miss South Carolina two times.

 One of her service projects in Miss South Carolina was to fingerprint children. At the time of her death she had fingerprinted approximately 20,000 children. She had a niche for being able to communicate with people that, I have to believe, was as a result of being thrown into public service at a very young age. As a child of a public servant you find yourself going to many events, shaking hands, being a gadfly of the family so to speak. She had it down pat. She was comfortable in every sense. I have not openly, publicly talked about that night.

 I want to briefly tell you how it is still engrained in my mind. It was about 9:45 at night, the best I can recall. We received a call. Our house phone rang -- downstairs in my house. I remember walking up to my mom, that my grandmother was on the phone, and that something very serious had happened. We immediately went to the hospital, which was in Columbia, obviously from Aiken. I remember walking in to see my sister. One of the things that I am forever grateful for is that she looked at peace. There was nothing about her appearance that would lead you to believe that she was injured, other than a very large bandage on the back of her head. The next day the doctors informed us that there was no brain activity. My parents had the difficult decision of removing their first child from life support. I would like to think that her death is something that even at this time would have people reconsider their actions, or consider their actions, as they are young and out in the fun times of college life, or even as young adults. My time to come up here today was more to remember her, because in my mind she is not forgotten. I greatly appreciate your attention. It is something that the date of April 13, 1993, will never be forgotten.

 Thank you, Mr. PRESIDENT.

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

**Expression of Personal Interest**

 Senator LOURIE rose for an Expression of Personal Interest.

**Expression of Personal Interest**

 Senator MALLOY rose for an Expression of Personal Interest.

**RECALLED**

 S. 602 -- Senators Coleman, Hayes, Jackson, Sheheen, Peeler and Gregory: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 901 IN YORK COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 72 TO ITS INTERSECTION WITH CHERRY ROAD “STATE REPRESENTATIVE BESSIE MOODY‑LAWRENCE MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “STATE REPRESENTATIVE BESSIE MOODY‑LAWRENCE MEMORIAL HIGHWAY”.

 Senator GROOMS asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

 The Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 607 -- Senator Jackson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR TERESA WILSON FOR HER OUTSTANDING SERVICE TO THE CITY OF COLUMBIA AND TO CONGRATULATE HER UPON BEING NAMED THE CITY MANAGER FOR THE CITY OF COLUMBIA.

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 The Senate Resolution was adopted.

 S. 608 -- Senators Peeler, Thurmond, Lourie and Bright: A JOINT RESOLUTION TO DIRECT THE STATE BUDGET AND CONTROL BOARD TO SELL SPECIFIED STATE-OWNED AIRCRAFT.

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

 S. 609 -- Senator Allen: A SENATE RESOLUTION TO HONOR DR. CHARLES H. DAVIS, PASTOR OF TABERNACLE BAPTIST CHURCH IN GREENVILLE, ON THE OCCASION OF HIS SEVENTH ANNIVERSARY OF GOSPEL MINISTRY AT TABERNACLE BAPTIST AND TO WISH HIM GOD’S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

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 The Senate Resolution was adopted.

 S. 610 -- Senators Rankin, Cleary, Hembree and McGill: A BILL TO AMEND SECTION 11-41-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT, SO AS TO CLARIFY THAT THE DEFINITION OF “ECONOMIC DEVELOPMENT PROJECT”, INCLUDING A NATIONAL AND INTERNATIONAL CONVENTION AND TRADE SHOW CENTER OWNED BY A PUBLIC ENTITY INCLUDES AN ADJACENT FACILITY ALLOWING SPECIFIC EVENTS THEREBY MAKING ADDITIONAL TIME AND SPACE AVAILABLE FOR THE MAJOR CONVENTIONS, TRADE SHOWS, AND SPECIAL EVENTS CONTEMPLATED BY THE ACT AND REQUIRE JOINT BOND REVIEW COMMITTEE REVIEW AND COMMENT ON SUCH AN ADJACENT FACILITY; AND TO AMEND SECTION 11-41-70, RELATING TO PURPOSES OF THE ISSUE OF BONDS PURSUANT TO THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT AND SPECIFIC REQUIREMENTS APPLICABLE TO A PUBLIC ENTITY RECEIVING BOND PROCEEDS, SO AS TO EXTEND FROM TEN TO FIFTEEN YEARS THE PERIOD IN WHICH A NATIONAL AND INTERNATIONAL CONVENTION AND TRADE SHOW CENTER MUST BE COMPLETED.

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

 S. 611 -- Senator Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-31-60, SO AS TO REQUIRE THAT THE COMMISSION FOR MINORITY AFFAIRS ELIMINATE ELIGIBILITY FOR A NATIVE AMERICAN INDIAN GROUP TO RECEIVE OFFICIAL RECOGNIZED STATUS IN THIS STATE, TO REPEAL ANY REGULATIONS PROVIDING FOR RECOGNITION AS A NATIVE AMERICAN INDIAN GROUP, AND TO REQUIRE THAT THE COMMISSION FOR MINORITY AFFAIRS REVISE ANY OF ITS REGULATIONS TO DELETE ANY REFERENCES OR ELIMINATE ANY PROCEDURES FOR RECOGNIZING A NATIVE AMERICAN INDIAN GROUP.

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

 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.

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 Read the first time and ordered placed on the Local and Uncontested Calendar.

**REPORTS OF STANDING COMMITTEES**

 Senator COURSON from the Committee on Education submitted a favorable report on:

 S. 259 -- Senator Thurmond: A BILL TO AMEND SECTION 59‑111‑320 OF THE 1976 CODE, RELATING TO PERSONS AGE SIXTY AND OVER ATTENDING CLASSES AT STATE‑SUPPORTED COLLEGES, UNIVERSITIES, AND TECHNICAL SCHOOLS WITHOUT PAYMENT OF TUITION, TO DELETE THE PROVISION THAT THESE PERSONS RECEIVING COMPENSATION AS FULL‑TIME EMPLOYEES MUST PAY TUITION.

 Ordered for consideration tomorrow.

 Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a majority favorable and Senator BRIGHT a minority unfavorable report on:

 S. 349 -- Senator O’Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 60, TITLE 40 SO AS TO ENACT THE “APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT”, TO PROVIDE A CITATION, TO PROVIDE CERTAIN DEFINITIONS, TO REQUIRE REGISTRATION FOR AN ENTITY ACTING AS AN APPRAISAL MANAGEMENT COMPANY, TO SPECIFY REGISTRATION REQUIREMENTS, TO PROVIDE EXEMPTIONS FROM REGISTRATION, TO SPECIFY THE TERM FOR WHICH REGISTRATION IS VALID AND FOR RENEWAL AND CANCELLATION OF REGISTRATIONS, TO PROVIDE FOR REGISTRATION FEES, TO LIMIT OWNERSHIP OF AN APPRAISAL MANAGEMENT COMPANY, TO REQUIRE AN APPLICANT FOR REGISTRATION TO DESIGNATE ONE CONTROLLING PERSON AS THE MAIN CONTACT BETWEEN THE COMPANY AND THE BOARD, TO PROVIDE REQUIREMENTS FOR A CONTROLLING PERSON ACTING AS A MAIN CONTACT BETWEEN A COMPANY AND THE BOARD, TO PROVIDE REQUIREMENTS RELATING TO THE USE AND PAYMENT OF INDEPENDENT APPRAISERS, TO SPECIFY CERTAIN REPORTING REQUIREMENTS OF AN APPRAISAL MANAGEMENT COMPANY, TO MAKE ATTEMPTS BY CERTAIN APPRAISAL MANAGEMENT COMPANY PERSONNEL TO INFLUENCE OR ATTEMPT TO INFLUENCE AN APPRAISAL IN A CERTAIN MANNER, TO PROHIBIT AN APPRAISAL MANAGEMENT COMPANY FROM CHANGING A COMPLETED APPRAISAL OR USING AN APPRAISAL REPORT OR ITS CONTENT PROVIDED BY AN INDEPENDENT APPRAISER IN ANOTHER TRANSACTION, TO PROVIDE RESTRICTIONS ON THE REMOVAL OF AN INDEPENDENT APPRAISER FROM THE APPRAISER PANEL BY AN APPRAISAL MANAGEMENT COMPANY, TO PROVIDE CERTAIN PENALTIES AND REMEDIES THE BOARD MAY IMPOSE FOR A VIOLATION OF THE ARTICLE, TO PROVIDE SURETY BOND REQUIREMENTS FOR AN APPRAISAL MANAGEMENT COMPANY, AND TO PROVIDE THE BOARD MAY PROVIDE ADJUDICATORY PROCEEDINGS PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION 40‑60‑10, RELATING TO THE REAL ESTATE APPRAISERS BOARD, SO AS TO INCREASE THE MEMBERSHIP OF THE BOARD BY TWO MEMBERS; AND TO DESIGNATE SECTIONS 40‑60‑5 THROUGH 40‑60‑230 AS ARTICLE 1 OF CHAPTER 60, TITLE 40, ENTITLED “REAL ESTATE APPRAISERS”, AND TO RETITLE CHAPTER 60, TITLE 40 AS THE “REAL ESTATE APPRAISAL PROFESSIONALS ACT”.

 Ordered for consideration tomorrow.

 Senator COURSON from the Committee on Education submitted a majority favorable with amendment and Senator MALLOY a minority unfavorable report on:

 S. 362 -- Senators Hayes, Rankin, Cleary and Hembree: A BILL TO AMEND SECTION 59‑20‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE EDUCATION FINANCE ACT OF 1977, SO AS TO DEFINE “INSTRUCTIONAL RESOURCE”; AND TO AMEND SECTION 59‑31‑210, RELATING TO A REQUIREMENT THAT THE STATE BOARD OF EDUCATION PROVIDE TEXTBOOKS TO PUBLIC SCHOOLS BY MEANS OF A RENTAL SYSTEM, SO AS TO PROVIDE THAT A SCHOOL DISTRICT MAY OPT OUT OF THE STATE TEXTBOOK RENTAL SYSTEM AND INSTEAD PURCHASE THE DIGITAL EQUIVALENT OF A TEXTBOOK AND SUPPORT EQUIPMENT DIRECTLY FROM VENDOR CONTRACTS APPROVED BY THE STATE.

 Ordered for consideration tomorrow.

 Senator COURSON from the Committee on Education submitted a favorable with amendment report on:

 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.

 Ordered for consideration tomorrow.

 Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

 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.

 Ordered for consideration tomorrow.

 Senator PEELER from the Committee on Medical Affairs submitted a majority favorable with amendment and Senator NICHOLSON a minority unfavorable report on:

 H. 3290 -- Reps. Bingham, Bannister, Harrell, Simrill, Merrill, Rutherford, Norman, K.R. Crawford, Sottile, Herbkersman, Barfield, Clemmons, V.S. Moss, Hixon, D.C. Moss, Gambrell, Horne, Erickson, G.R. Smith, Sandifer, Forrester, Cole, Allison, Crosby, Murphy, Spires, Patrick, Hardwick, Putnam, H.A. Crawford, Southard, Henderson, Chumley, Bedingfield, Atwater, Goldfinch, Bowen, Funderburk, Gagnon, Long, Owens, Tallon, Thayer, Vick, Whitmire, Branham, Rivers, Bales and Anderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “BUSINESS FREEDOM TO CHOOSE ACT”, BY AMENDING SECTION 44‑96‑80, RELATING TO COUNTY SOLID WASTE PROGRAMS, INCLUDING A COUNTY’S AUTHORITY TO ENACT ORDINANCES CONSISTENT WITH THE STATE PLAN, LAW, AND REGULATIONS, SO AS TO MAKE TECHNICAL CORRECTIONS, TO DELETE OBSOLETE LANGUAGE, AND TO PROVIDE THAT AN ORDINANCE THAT RESTRICTS SOLID WASTE DISPOSAL AT A PERMITTED FACILITY OR IMPEDES THE DEVELOPMENT OR IMPLEMENTATION OF A RECYCLING PROGRAM IS INCONSISTENT WITH THE PROVISIONS OF CHAPTER 96 OF TITLE 44; AND TO AMEND SECTION 44‑55‑1210, RELATING TO A COUNTY’S AUTHORITY TO REQUIRE THE COLLECTION AND DISPOSAL OF SOLID WASTE, SO AS TO PROVIDE THAT A COUNTY ORDINANCE IS VOID TO THE EXTENT THAT THE ORDINANCE RESTRICTS OR PROHIBITS SOLID WASTE DISPOSAL AT A PERMITTED FACILITY OR IMPEDES THE DEVELOPMENT OR IMPLEMENTATION OF A RECYCLING PROGRAM.

 Ordered for consideration tomorrow.

**Appointment Reported**

 Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

Initial Appointment, Jobs Economic Development Authority, with the term to commence July 27, 2012, and to expire July 27, 2015

7th Congressional District:

 Henry M. Swink, 6615 South Irby Street, Effingham, SC 29541 *VICE* New Seat

 Received as information.

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

**THIRD READING BILLS**

 The following Bills were read the third time and ordered sent to the House of Representatives:

 S. 117 -- Senators Hayes, Courson, O’Dell, Verdin and Ford: 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 ALLOW 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 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.

 S. 301 -- Senators Bennett, Campbell and Ford: A BILL TO AMEND SECTION 12‑43‑220 OF THE 1976 CODE RELATING TO THE CLASSIFICATION OF PROPERTY FOR PURPOSES OF PROPERTY TAX AND THE ASSESSMENT RATIOS APPLICABLE FOR EACH CLASS OF PROPERTY, TO PROVIDE THAT RESIDENTIAL PROPERTY OWNED BY AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES, WHO IS A LEGAL RESIDENT OF THIS STATE, ELIGIBLE FOR AND RECEIVING THE SPECIAL FOUR PERCENT ASSESSMENT RATIO ALLOWED OWNER‑OCCUPIED RESIDENTIAL PROPERTY RETAINS THAT ASSESSMENT RATIO AND EXEMPTIONS BASED ON THAT CLASSIFICATION FOR SO LONG AS THE OWNER REMAINS ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES REGARDLESS OF DUTY STATION AND DOES NOT CLAIM THE SPECIAL FOUR PERCENT ASSESSMENT RATIO ON ANY OTHER RESIDENTIAL PROPERTY OWNED BY THE SERVICE MEMBER OR A MEMBER OF HIS HOUSEHOLD IN THIS STATE AND TO PROVIDE THAT THIS RETAINING OF THE SPECIAL FOUR PERCENT ASSESSMENT RATIO MUST BE CONSTRUED AS A PROPERTY TAX EXEMPTION.

**READ THE THIRD TIME, SENT TO THE HOUSE**

 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: A BILL 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 INTERESTS 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.

 The Senate proceeded to a consideration of the section, the question being the third reading of the Bill.

 Senator BRYANT spoke on the Bill.

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

**Ayes 34; Nays 4; Abstain 1**

**AYES**

Alexander Allen Bennett

Campbell Cleary Coleman

Courson Cromer Fair

Ford Gregory Grooms

Hembree Johnson Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McElveen

McGill Nicholson O’Dell

Peeler Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Williams

Young

**Total--34**

**NAYS**

Bright Bryant Corbin

Davis

**Total--4**

**Abstain**

Campsen

**Total--1**

 The Bill was read the third time, passed and ordered sent to the House of Representatives.

**Statement by Senator HAYES**

 Had I been present at the time the vote was taken on S. 578, I would have voted in favor of the third reading of the Bill.

**Statement by Senator CAMPSEN**

 I recused myself from voting on S. 578 because I am a member of the Charleston County Aviation Authority pursuant to legislation that places me upon the authority, *ex oficio*, by virtue of my position as Chairman of the Charleston County Legislative Delegation.  A potential conflict exists because the funds raised pursuant to this Bill will be used to acquire property from the Charleston County Aviation Authority.

**AMENDED, READ THE SECOND TIME**

 S. 334 -- Senators Leatherman, O’Dell, Bryant, Matthews, Jackson, Malloy, McGill, Fair, Coleman, Ford, Johnson, McElveen, Pinckney, Scott, Setzler, Williams, Nicholson, Allen, Lourie and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑4‑352 SO AS TO REQUIRE THE GOVERNOR TO DEVELOP A PROTECTION PLAN TO MINIMIZE THE ACTUAL AND POTENTIAL COSTS AND EFFECTS OF IDENTITY THEFT DUE TO THE CYBER SECURITY BREACH AT THE DEPARTMENT OF REVENUE BY PROVIDING IDENTITY THEFT PROTECTION AND IDENTITY THEFT RESOLUTION SERVICES, TO REQUIRE THE GOVERNOR TO DEVELOP A POLICY THAT ENSURES THE SAFETY OF ALL PERSONALLY IDENTIFIABLE INFORMATION IN THE POSSESSION OF THE DEPARTMENT OF REVENUE, INCLUDING THE ENCRYPTION OF PERSONALLY IDENTIFIABLE INFORMATION, TO SET FORTH THE PROCESS BY WHICH IDENTITY THEFT PROTECTION AND RESOLUTION SERVICES ARE PROCURED, TO REQUIRE THE GOVERNOR AND THE DEPARTMENT OF REVENUE TO ATTEMPT TO MAKE ENROLLMENT IN THESE PROGRAMS AS EASY AS POSSIBLE, TO PROVIDE THAT THESE PROGRAMS MUST BE FREE OF CHARGE TO THE ELIGIBLE PERSONS, AND TO DEFINE TERMS; BY ADDING SECTION 12‑6‑1141, SO AS TO PROVIDE AN INDIVIDUAL INCOME TAX DEDUCTION FOR THE ACTUAL COSTS, BUT NOT EXCEEDING TWO HUNDRED DOLLARS FOR AN INDIVIDUAL TAXPAYER, AND NOT EXCEEDING THREE HUNDRED DOLLARS FOR A JOINT RETURN OR A RETURN CLAIMING DEPENDENTS, INCURRED BY A TAXPAYER IN THE TAXABLE YEAR TO PURCHASE IDENTITY THEFT PROTECTION AND IDENTITY THEFT RESOLUTION SERVICES; BY ADDING PART 7 TO CHAPTER 6, TITLE 37 SO AS TO ESTABLISH WITHIN THE DEPARTMENT OF CONSUMER AFFAIRS THE IDENTITY THEFT UNIT AND TO PROVIDE ITS DUTIES; BY ADDING CHAPTER 36 TO TITLE 1 SO AS TO ESTABLISH THE DEPARTMENT OF INFORMATION SECURITY, TO PROVIDE THAT THE MISSION OF THE DEPARTMENT OF INFORMATION SECURITY IS TO PROTECT THE STATE’S INFORMATION AND CYBER SECURITY INFRASTRUCTURE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF INFORMATION SECURITY IS THE CHIEF INFORMATION SECURITY OFFICER OF THE STATE AND TO PROVIDE THE CHIEF INFORMATION SECURITY OFFICER IS APPOINTED BY THE GOVERNOR, AND TO DEFINE TERMS, TO ESTABLISH THE TECHNOLOGY INVESTMENT COUNCIL TO ADOPT AND ANNUALLY REVIEW A STATEWIDE TECHNOLOGY PLAN, TO PROVIDE FOR THE MEMBERSHIP OF THE COUNCIL, AND TO REQUIRE REPORTS; TO AMEND SECTION 1‑3‑240, AS AMENDED, RELATING TO OFFICERS THAT ONLY MAY BE REMOVED BY THE GOVERNOR FOR CAUSE, SO AS TO ADD THE CHIEF INFORMATION SECURITY OFFICER; TO AMEND SECTION 1‑30‑10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF INFORMATION SECURITY; AND BY ADDING CHAPTER 79 TO TITLE 2 SO AS TO CREATE THE JOINT INFORMATION SECURITY OVERSIGHT COMMITTEE TO CONDUCT A CONTINUING STUDY OF THE LAWS OF THIS STATE AFFECTING CYBER SECURITY, INCLUDING THE RECEIPT OF IMPEDIMENTS TO IMPROVED CYBER SECURITY, AND TO PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE.

 The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

 Senator PEELER proposed the following amendment (334R004.HSP), which was adopted:

 Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

 / SECTION \_\_\_. Article 3, Chapter 4, Title 12 of the 1976 Code is amended by adding:

 “Section 12‑4‑356. (A) There is created in the State Treasury the Spartanburg County Amusement Train Disaster Relief Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. The purpose of the fund is to compensate victims of the amusement train derailment in Cleveland Park in Spartanburg County on March 19, 2011, for medical costs not covered by insurance or other means which exceed the individual victim’s share of the maximum amount recoverable from a governmental entity for a single occurrence pursuant to Section 15‑78‑120 of the Tort Claims Act. The obligation to compensate victims pursuant to this section does not arise until monies are credited to the fund, and only to the extent that monies are credited to the fund.

 (B) The Department of Revenue shall serve as the administrator for the fund. The department shall establish a sixty day period to receive claims to the fund. For two weeks prior to the opening of the claims period, the department must publish a notice in a newspaper of general circulation in Spartanburg County the procedure by which claims may be submitted. The State Office of Victim Assistance shall provide administrative and logistical assistance to the department. The department may use up to fifty thousand dollars from the fund to defray the costs associated with managing the fund and to reimburse the State Office of Victim Assistance for any costs associated with providing support.

 (C) At the close of the claims period, the department shall pay to each claimant the actual amount of their verifiable medical expenses if the aggregate amount of claims to the fund does not exceed the amount available in the fund. If the aggregate amount of claims exceeds the amount in the fund, the department shall pay each claimant a percentage of the fund equal to the percentage of the uncompensated medical expenses incurred by the claimant in relation to the total amount of uncompensated medical expenses incurred by all claimants to the fund. Funds may only be used to pay victims directly for uncompensated medical expenses and must not be used to pay subrogation claims or attorneys’ fees. Any monies remaining in the fund after full payment is made to all claimants must be transferred to the Insurance Reserve Fund.

 (D) Notwithstanding any other provision of law, any amount paid to a claimant pursuant to this section is not subject to any tax imposed by this title.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator PEELER explained the amendment.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hembree Johnson Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--41**

**NAYS**

**Total--0**

 The amendment was adopted.

 The question then was second reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Coleman Corbin

Courson Cromer Davis

Fair Ford Gregory

Grooms Hayes Hembree

Jackson Johnson Leatherman

Lourie Malloy Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Williams

Young

**Total--40**

**NAYS**

**Total--0**

 There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

 S. 37 -- Senators Campsen, Scott and Ford: A BILL TO AMEND SECTION 7‑13‑35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, TO CHANGE THE TIME IN WHICH ABSENTEE BALLOTS MAY BE OPENED FROM 2:00 P.M. TO 9:00 A.M., AND TO PROVIDE FOR A DATE ON WHICH AN ELECTION WILL BE HELD IN THE EVENT THAT IT IS POSTPONED; TO AMEND SECTION 7‑13‑40, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES’ QUALIFICATIONS, AND THE FILING FEE, TO CHANGE THE DATE FROM APRIL NINTH TO APRIL FIFTH; TO AMEND SECTION 7‑13‑190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, TO ADD A SUBSECTION THAT PROVIDES FOR THE DATE OF AN ELECTION WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR A JURISDICTION; AND TO AMEND SECTION 7‑13‑350, RELATING TO THE CERTIFICATION OF CANDIDATES AND VERIFICATION OF QUALIFICATIONS, TO CHANGE THE CERTIFICATION DATE FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT FROM SEPTEMBER TENTH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF SEPTEMBER.

 The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

 The Committee on Judiciary proposed the following amendment (JUD0037.001), which was adopted:

 Amend the bill, as and if amended, page 2, by striking line 33 and inserting:

 / ~~April ninth, or if April ninth~~ April fifth, or if April fifth falls on a/

 Amend the bill further, as and if amended, by striking SECTION 5 and inserting:

 / SECTION 5. This act takes effect upon approval by the Governor. /

 Renumber sections to conform.

 Amend title to conform.

 Senator CAMPSEN explained the committee amendment.

 The committee amendment was adopted.

 The question then was second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Ford

Gregory Grooms Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--41**

**NAYS**

**Total--0**

 There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**Statement by Senator HAYES**

 Had I been present at the time the vote was taken on S. 37, I would have voted in favor of the third reading of the Bill.

**READ THE SECOND TIME**

 S. 465 -- Senator Hayes: A BILL TO AMEND SECTION 38‑71‑1330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT, SO AS TO REVISE THE DEFINITION OF AN “ELIGIBLE EMPLOYEE”.

 The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

 Senator CROMER explained the Bill.

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

**Ayes 38; Nays 2**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Ford Grooms Hembree

Johnson Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--38**

**NAYS**

Bright Bryant

**Total--2**

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

**POINT OF ORDER**

 S. 530 -- Senators Hayes, Campbell and L. Martin: A BILL TO AMEND SECTION 38‑71‑1730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLOSED PANEL HEALTH PLANS, SO AS TO REMOVE THE REQUIREMENT THAT CERTAIN EMPLOYERS THAT OFFER ONLY CLOSED PANEL HEALTH PLANS TO ITS EMPLOYEES ALSO OFFER A POINT‑OF‑SERVICE OPTION TO ITS EMPLOYEES, TO MAKE CONFORMING CHANGES, AND TO INCREASE THE ALLOWABLE DIFFERENCES BETWEEN COINSURANCE PERCENTAGES FOR IN‑NETWORK AND OUT‑OF‑NETWORK COVERED SERVICES AND SUPPLIES UNDER A POINT‑OF‑SERVICE OPTION.

**Point of Order**

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

 The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

 H. 3540 -- Reps. Harrell, J.E. Smith, Bales, Hosey, Cobb‑Hunter, Bannister, J.R. Smith, Patrick, Brannon, Erickson, Taylor, Huggins, Kennedy, Ballentine, Bernstein, Sellers, Williams, Jefferson, M.S. McLeod, Atwater, Bowers, R.L. Brown, Cole, Douglas, George, Hixon, Long, McCoy, Mitchell, Pitts, Pope, G.R. Smith, Tallon, Wood, Weeks, Knight and Hart: A BILL TO AMEND SECTION 1‑3‑240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE ADJUTANT GENERAL TO THE LIST OF OFFICERS OR ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 25‑1‑320, RELATING TO THE STATE ADJUTANT GENERAL, SO AS TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE 2014 GENERAL ELECTION, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR‑YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY THAT FOLLOWS THE GENERAL ELECTION THAT MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS ACT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO ESTABLISH CERTAIN QUALIFICATIONS FOR THE OFFICE OF ADJUTANT GENERAL; TO AMEND SECTION 25‑1‑340, AS AMENDED, RELATING TO VACANCIES IN THE OFFICE OF ADJUTANT GENERAL, SO AS TO DELETE A REFERENCE TO THE ELIGIBILITY REQUIREMENTS OF CONSTITUTIONAL OFFICERS; AND TO PROVIDE THAT THE ABOVE PROVISIONS ARE EFFECTIVE UPON THE RATIFICATION OF AMENDMENTS TO SECTION 7, ARTICLE VI, AND SECTION 4, ARTICLE XIII OF THE CONSTITUTION OF THIS STATE DELETING THE REQUIREMENT THAT THE STATE ADJUTANT GENERAL BE ELECTED BY THE QUALIFIED ELECTORS OF THIS STATE.

**Point of Order**

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

 The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

 H. 3541 -- Reps. Harrell, J.E. Smith, Bales, Williams, Bannister, J.R. Smith, Patrick, Brannon, Erickson, Huggins, Kennedy, Ballentine, M.S. McLeod, Bernstein, Atwater, Cole, Funderburk, George, Hixon, Long, McCoy, W.J. McLeod, Pitts, Pope, G.R. Smith, Tallon, Taylor, Wood and Knight: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE ADJUTANT GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED; AND TO AMEND SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT AND INSPECTOR GENERAL, SO AS TO DELETE AN OBSOLETE REFERENCE TO INSPECTOR GENERAL, TO MAKE A CONFORMING CHANGE TO THE RANK OF THE ADJUTANT GENERAL, TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS AMENDMENT, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR‑YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY FOLLOWING THE GENERAL ELECTION, WHICH MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS AMENDMENT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR THE OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE ADJUTANT GENERAL MAY BE REMOVED FROM OFFICE.

**Point of Order**

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

 The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

 S. 380 -- Senator L. Martin: A BILL TO AMEND SECTION 15-78-60, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO EXCEPTIONS TO WAIVER OF IMMUNITY, SO AS TO INCLUDE EMERGENCY MEDICAL SERVICES.

**Point of Order**

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

 The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

 H. 3624 -- Reps. Herbkersman, Bingham, Merrill, Harrell, Newton and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 9‑4‑15 SO AS TO PROVIDE THAT THE STATE SHALL DEFEND MEMBERS OF THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY (PEBA) AGAINST CLAIMS AND SUITS ARISING OUT OF THE PERFORMANCE OF THEIR OFFICIAL DUTIES, AND REQUIRE THAT THE STATE INDEMNIFY THESE DIRECTORS FOR ANY LOSS OR JUDGMENT INCURRED BY THEM WITH RESPECT TO SUCH A CLAIM OR SUIT, TO PROVIDE THAT THE STATE SHALL DEFEND PEBA OFFICERS AND MANAGEMENT EMPLOYEES AGAINST CLAIMS AND SUITS ARISING OUT OF THE PERFORMANCE OF THEIR OFFICIAL DUTIES UNLESS THE OFFICER OR MANAGEMENT EMPLOYEE WAS ACTING IN BAD FAITH, AND REQUIRE THAT THE STATE INDEMNIFY PEBA OFFICERS AND MANAGEMENT EMPLOYEES FOR ANY LOSS OR JUDGMENT INCURRED BY THEM WITH RESPECT TO SUCH A CLAIM OR SUIT, AND TO EXTEND THE REQUIREMENT TO DEFEND AND INDEMNIFY MEMBERS OF THE BOARD OF DIRECTORS, OFFICERS, AND MANAGEMENT EMPLOYEES OF PEBA TO SUCH PERSONS AFTER LEAVING OFFICE OR EMPLOYMENT WITH PEBA FOR OFFICIAL DUTIES UNDERTAKEN BY THEM WHILE SERVING AS A DIRECTOR, OFFICER, OR MANAGEMENT EMPLOYEE OF PEBA.

**Point of Order**

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

 The PRESIDENT sustained the Point of Order.

**ADOPTED**

 S. 564 -- Senator L. Martin: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN’S CHRISTIAN ASSOCIATION TO USE THE SENATE CHAMBER AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE SENATE OFFICE BUILDING ON THURSDAY, NOVEMBER 21, 2013, AND FRIDAY, NOVEMBER 22, 2013, TO CONDUCT THE YOUTH IN GOVERNMENT PROGRAM.

 The Senate Resolution was adopted.

 S. 543 -- Senators Courson, L. Martin, Grooms, Shealy, Hayes and Bennett: A CONCURRENT RESOLUTION TO DECLARE APRIL 2013 AS “HOMESCHOOL RECOGNITION MONTH” IN SOUTH CAROLINA, TO RECOGNIZE THE DILIGENT EFFORTS OF HOMESCHOOLING PARENTS AND THE ACADEMIC SUCCESS OF THEIR STUDENTS, AND TO EXPRESS SINCERE APPRECIATION FOR THEIR FOCUS ON THE WELL‑BEING AND OVERALL ACHIEVEMENTS OF THEIR CHILDREN.

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

**S. 543--Recorded Vote**

 Senators BRYANT, FAIR and ALEXANDER desired to be recorded as voting against the adoption of Concurrent Resolution.

 S. 582 -- Senators Peeler, McGill, Alexander and Hayes: A CONCURRENT RESOLUTION TO FIX TUESDAY, MAY 7, 2013, AT 12:30 P.M., AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR THE CITADEL, COASTAL CAROLINA UNIVERSITY, COLLEGE OF CHARLESTON, FRANCIS MARION UNIVERSITY, LANDER UNIVERSITY, MEDICAL UNIVERSITY OF SOUTH CAROLINA, SOUTH CAROLINA STATE UNIVERSITY, WINTHROP UNIVERSITY, AND WIL LOU GRAY OPPORTUNITY SCHOOL TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE ON JUNE 30, 2013, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

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

S. 595 -- Senator Massey: A CONCURRENT RESOLUTION TO PROCLAIM MAY 16, 2013, AS SENIOR HUNGER AWARENESS DAY IN SOUTH CAROLINA, AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO LEARN MORE ABOUT THE IMPACT OF HUNGER AND MALNUTRITION ON THE HEALTH OF OUR CITIZENS AND THE PROGRESS OF OUR STATE AND TO WORK TOGETHER FOR A HUNGER‑FREE SOUTH CAROLINA.

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

**AMENDED, CARRIED OVER, AS AMENDED**

 S. 306 -- Senator Campsen and Ford: A BILL TO AMEND SECTION 50‑1‑130 OF THE 1976 CODE, RELATING TO PENALTIES ASSOCIATED WITH MISDEMEANOR OFFENSES CONTAINED IN TITLE 50, TO REVISE THE PENALTIES FOR THESE OFFENSES, AND TO PROVIDE THAT MAGISTRATE’S COURT HAS BOTH ORIGINAL AND CONCURRENT JURISDICTION OVER MISDEMEANOR OFFENSES.

 The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

 Senators CAMPSEN, HEMBREE and FORD proposed the following amendment (306R002.GEC), which was adopted:

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

 / SECTION 1. Section 50‑1‑130 of the 1976 Code is amended to read:

 “Section 50‑1‑130. (1) Unless a different penalty is specified, ~~any~~ a person who violates a provision of this title is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty‑five dollars nor more than ~~two~~ five hundred dollars or imprisoned for not ~~less than ten days nor~~ more than thirty days, or both.

 (2) Unless a different jurisdiction is specified, the magistrate’s court has concurrent jurisdiction over misdemeanor offenses contained in this title that impose a term of imprisonment of up to, and including, one year and may impose all applicable penalties provided for these offenses.”/

 Renumber sections to conform.

 Amend title to conform.

 Senator CAMPSEN explained the amendment.

 The amendment was adopted.

 Senator THURMOND spoke on the Bill.

 The question then was second reading of the Bill.

 On motion of Senator SHEHEEN, the Bill was carried over, as amended.

**CARRIED OVER**

 S. 274 -- Senators L. Martin and Sheheen: A BILL TO AMEND SECTION 16‑13‑385, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALTERING, TAMPERING WITH, OR BYPASSING ELECTRIC, GAS, OR WATER METERS, SECTION 58‑7‑60, RELATING TO THE UNLAWFUL APPROPRIATION OF GAS, AND SECTION 58‑7‑70, RELATING TO THE WRONGFUL USE OF GAS AND INTERFERENCE WITH GAS METERS, ALL SO AS TO RESTRUCTURE THE PENALTIES AND PROVIDE GRADUATED PENALTIES FOR VIOLATIONS OF THE STATUTES.

 On motion of Senator THURMOND, the Bill was carried over.

 S. 413 -- Senators Gregory, Campsen, Courson, Hembree, Pinckney, Malloy, Jackson, Hayes, Bennett, Lourie, L. Martin, Fair, Ford and Massey: A BILL TO AMEND SECTION 16‑23‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO, AMONG OTHER THINGS, INDIVIDUALS WHO ARE PROHIBITED FROM POSSESSING OR ACQUIRING A HANDGUN, SO AS TO ALSO PROHIBIT A PERSON ADJUDICATED MENTALLY INCAPACITATED OR COMMITTED TO A MENTAL INSTITUTION FROM POSSESSING OR ACQUIRING A HANDGUN; TO AMEND SECTION 44‑22‑100, RELATING TO THE CONFIDENTIALITY OF MENTAL HEALTH COMMITMENT AND TREATMENT RECORDS, SO AS TO AUTHORIZE REPORTING INFORMATION IN THESE RECORDS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) TO BE UTILIZED IN DETERMINING IF A PERSON IS DISQUALIFIED FROM PURCHASING A FIREARM; AND BY ADDING ARTICLE 10, CHAPTER 31, TITLE 23 SO AS TO ESTABLISH A CONFIDENTIAL PROCESS FOR COMPILING AND TRANSMITTING INFORMATION ON PERSONS WHO HAVE BEEN ADJUDICATED MENTALLY INCAPACITATED OR COMMITTED TO A MENTAL INSTITUTION, THEREBY BEING DISQUALIFIED FROM POSSESSING OR ACQUIRING A HANDGUN AND TO REQUIRE THE STATE LAW ENFORCEMENT DIVISION (SLED) TO TRANSMIT THIS INFORMATION TO NICS; TO REQUIRE SLED TO CROSS CHECK THE NAMES SENT TO NICS WITH SLED’S DATABASE FOR CONCEALED WEAPONS PERMITS TO ASCERTAIN IF ANY PERMITS MUST BE REVOKED; AND TO ESTABLISH A JUDICIAL PROCESS FOR PERSONS PROHIBITED FROM POSSESSING FIREARMS, DUE SOLELY TO AN ADJUDICATION AS MENTALLY INCAPACITATED OR COMMITMENT TO A MENTAL INSTITUTION, TO OBTAIN REMOVAL OF THE DISQUALIFICATIONS THAT PROHIBITED THEM FROM POSSESSING FIREARMS.

 On motion of Senator GREGORY, the Bill was carried over.

 S. 463 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑53‑95 SO AS TO REQUIRE THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A PROFESSIONAL SURETY BONDSMAN OR RUNNER MUST PROVIDE HIS BUSINESS, MAILING, RESIDENTIAL, AND EMAIL ADDRESSES WITH THE APPLICATION, TO PROVIDE HE MUST NOTIFY THE DEPARTMENT OF A CHANGE OF ANY OF THESE ADDRESSES OR A LEGAL NAME CHANGE WITHIN THIRTY DAYS, AND TO PROVIDE A PENALTY FOR A VIOLATION; TO AMEND SECTION 38‑43‑107, AS AMENDED, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS AN INSURANCE PRODUCER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; TO AMEND SECTION 38‑47‑15, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS AN ADJUSTER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; TO AMEND SECTION 38‑48‑30, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A PUBLIC ADJUSTER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; AND TO AMEND SECTION 38‑49‑25, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A MOTOR VEHICLE PHYSICAL DAMAGE APPRAISER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS.

 On motion of Senator CROMER, the Bill was carried over.

 S. 481 -- Senators Malloy, McGill, Leatherman, Setzler and Johnson: 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.

 Senator O’DELL explained the Bill.

 On motion of Senator BRIGHT, the Bill was carried over.

 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.

 Senator SETZLER explained the Bill.

 On motion of Senator MASSEY, the Bill was carried over.

 H. 3638 -- Reps. Harrell, Stavrinakis, Limehouse and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55‑1‑80 SO AS TO AUTHORIZE THE APPOINTMENT OF ADDITIONAL MEMBERS TO COUNTY AVIATION COMMISSIONS AND TO PROVIDE THAT IN COUNTIES WITH TWO MUNICIPALITIES WITH A POPULATION IN EXCESS OF FIFTY THOUSAND, THE MAYORS OF THESE MUNICIPALITIES SHALL SERVE, EX OFFICIO, AS MEMBERS OF THE COMMISSION.

 On motion of Senator GROOMS, the Bill was carried over.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

 On motion of Senator PEELER, the Senate agreed to dispense with the Motion Period.

**ACTING PRESIDENT PRESIDES**

 At 12:21 P.M., Senator LARRY MARTIN assumed the Chair.

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

**DEBATE INTERRUPTED**

S. 308 -- Senators Bennett, Shealy, Grooms, Hembree, L. Martin, Massey, Campbell, Turner, Thurmond, Bryant, Verdin, S. Martin, Davis, Bright, Corbin, Campsen, Fair and Cromer: A BILL TO AMEND SECTION 16‑23‑465 OF THE 1976 CODE, RELATING TO THE CARRYING OF A CONCEALED WEAPON IN A BUSINESS THAT SELLS ALCOHOL TO BE CONSUMED ON THE PREMISES, TO PERMIT THE POSSESSION OF A WEAPON UNLESS NOTICE OF A PROHIBITION IS PROVIDED BY THE BUSINESS, TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN A BUSINESS BY SOMEONE CARRYING A FIREARM, AND TO REDUCE THE PENALTIES FOR VIOLATIONS.

 The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

 Senator BENNETT explained the Bill.

 With Senator BENNETT retaining the floor, on motion of Senator COURSON, with unanimous consent, debate was interrupted by adjournment.

**REPORT RECEIVED**

# State Regulation of Public Utilities Review Committee

*Sen. Thomas C. Alexander, Chairman Heather Anderson*

*Rep. William E. Sandifer, III, Vice Chairman Committee Counsel*

*Elizabeth H. Atwater, Esquire Andy Fiffick*

*Erik H. Ebersole Committee Counsel*

*Rep. P. Michael Forrester*

*Sen. C. Bradley Hutto*

*Rep. Harry L. Ott, Jr.*

*Sen. Luke A. Rankin, Sr.*

*John Steven Simmons, Esquire*

*Helen T. Zeigler, Esquire*

*Post Office Box 142*

*Columbia, South Carolina 29202*

*(803) 212-6208*

April 11, 2013

Members of the South Carolina General Assembly

Columbia, South Carolina

Dear Fellow Members:

 Enclosed is the State Regulation of Public Utilities Review Committee’s Report as to Qualifications of Candidates for Seats 1, 3, 5, and 7 of the Public Service Commission (commission). The report is designed to provide you information on the candidates nominated and qualified by the Review Committee. The Review Committee is charged with nominating up to three candidates for each seat on the commission. In accordance with this mandate, the Review Committee thoroughly investigated each candidate with respect to his or her suitability for service on the commission.

 The PSC Screening Subcommittee of the Review Committee held public hearings on February 11 and 12, 2013, to question the candidates. A transcript of the oral examination of the candidates is appended to this report by reference. You can access the transcript on the General Assembly’s website: http://www.scstatehouse.gov/committeeinfo/PublicUtilitiesReviewComm/PublicUtilitiesReviewComm.php.

 The Review Committee met March 19, 2013, to consider the qualifications of the candidates. The Review Committee also met on April 10, 2013 to consider a potential violation of Section 8-13-935.  No action was taken at this meeting and the transcript, once it is available, will be posted at <http://www.scstatehouse.gov/committeeinfo/PublicUtilitiesReviewComm/PublicUtilitiesReviewComm.php>.

 The Review Committee’s finding that a candidate is qualified and nominated means that the candidate satisfies the constitutional and statutory criteria for service on the commission and the Review Committee’s evaluative criteria. The enclosed report explains the Review Committee’s evaluative criteria and details each candidate’s qualifications as they relate to the evaluative criteria.

 Candidates are prohibited from asking for your commitment until 12:00 noon, Saturday, April 13, 2013. **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 12:00 noon on April 13, 2013.** If you find a candidate violating the pledging prohibitions or if you have questions about this report, please contact Heather Anderson at (803) 212-6208 or Andy Fiffick at (803) 734-3019. **Pursuant to Canon 5 of the Judicial Code of Conduct, candidates must not attend political gatherings, including legislative caucus meetings.**

Sincerely,

Thomas C. Alexander

**PSC SCREENING SUBCOMMITTEE REPORT AS TO THE QUALIFICATIONS**

 **OF CANDIDATES FOR SEATS 1, 3, 5, AND 7**

**INTRODUCTION**

 Act No. 175 of 2004 created the State Regulation of Public Utilities Review Committee (Review Committee) and charged the Review Committee with, among other duties, the duty to nominate candidates for the members of the South Carolina Public Service Commission (commission). The terms for Seats 1, 3, 5, and the At-Large seat expired June 30, 2012. Due to redistricting, South Carolina received a seventh congressional district, and the At-Large seat has now become the 7th District seat. The Review Committee issued a press release announcing the vacancies on September 21, 2012. The Review Committee received applications from 22 persons. Eight applicants withdrew their names from consideration prior to the public hearing, and two withdrew after the public hearing.

 The PSC Screening Subcommittee (subcommittee) conducted background investigations of each candidate, including credit, driver’s license, and law enforcement checks. It gave a written examination to determine the level of knowledge each candidate has with respect to substantive public utility issues, ethical constraints applicable to the commission, and the operations of the commission. The subcommittee also obtained attendance records at commission meetings and hearings for the commissioners. The subcommittee held a public hearing at which all candidates were questioned and given an opportunity to make statements as to their qualifications and desire to serve as a commissioner.

**LEGAL QUALIFICATIONS**

 Act 175 requires that for terms beginning after June 30, 2006, members of the commission must have the following qualifications:

 (1) a baccalaureate or more advanced degree; and

 (2) a background of substantial duration and an expertise in at least one of the following areas:

 (a) energy;

 (b) telecommunications;

 (c) consumer protection and advocacy;

 (d) water and wastewater;

 (e) finance, economics, and statistics;

 (f) accounting;

 (g) engineering; or

 (h) law.

 S.C. Code Ann. §58-3-530. The Review Committee may find a candidate qualified even though he or she does not have a background of substantial duration and expertise in at least one of the above areas if three-fourths of the Review Committee vote to qualify the candidate.

 The Review Committee is also required to consider: “(1) the ability, dedication, compassion, common sense, and integrity of the candidates; and (2) the race and gender of the candidates and other demographic factors to assure nondiscrimination to the greatest extent possible of all segments of the population of the State.” S.C. Code Ann. §58-3-560. The determination of legal qualifications includes a determination of the candidate’s residence in the appropriate Public Service Commission district as established by Section 58-3-20, the candidate’s eligibility for election as determined by Section 58-3-24, and the candidate’s compliance with constitutional provisions limiting election to those persons eligible to be electors of this State.

 Pursuant to S.C. Code Ann. §58-3-530, the annual performance review of commissioners seeking reelection must be made a part of the commissioner’s record for consideration if the commissioner seeks reelection. The incumbent commissioners’ evaluations for the periods from July 1, 2008, through June 30, 2012, are included after each commissioner’s summary of qualifications.

**GENERAL QUALIFICATIONS**

 To determine fitness beyond mere legal qualifications, the subcommittee considered each candidate’s experience, temperament, compliance with and knowledge of legal and ethical constraints on public service, knowledge of commission operations, demonstrated or potential aptitude for meaningful leadership and/or service at the commission, and demonstrated integrity, including the handling of personal financial affairs. The subcommittee then considered each candidate as a whole and formulated an overall recommendation.

Experience

 Act 175 requires that commissioners have a background of substantial duration and an expertise in energy; telecommunications; consumer protection and advocacy; water and wastewater; finance, economics, and statistics; accounting; engineering; or law. The subcommittee considered not only whether a candidate has succeeded in one of these fields but also whether the candidate has the capability of transferring this success and knowledge to the operations of the commission. Although incumbent commissioners are exempted from this requirement, the subcommittee focused on each incumbent commissioner’s success as a commissioner and his or her initiative in gaining experience in a variety of ways, including attendance at public utility seminars and workshops, judicial training, and committee work with national and regional organizations. The transcript appended to this report contains each applicant’s background and employment history.

Temperament

 The subcommittee sought to determine whether a candidate’s sense of the role he is to fill on the commission is such that his work will be productive, proactive, and protective of the interests of all South Carolinians.

Compliance with and Knowledge of Legal and Ethical Constraints

 Act 175 requires that commissioners adhere to the State Ethics Act and the Judicial Code of Conduct. The subcommittee believes that not only must the candidates be aware of the legal and ethical constraints, they must have conducted and comported themselves with the highest regard for ethics in their actions.

Potential Aptitude for Meaningful Leadership and/or

Service at the Public Service Commission

 Given the history that led to the enactment of Act 175, the subcommittee considered whether a candidate showed an aptitude for service as a commissioner, whether as a leader, or a follower, or both. In its May 2002 report on the candidates, the 2002 Screening Committee found that an absence of leadership at the commission led to problems such as prohibited *ex parte* communications, tension between commissioners and staff, and the lack of a coherent agency vision. The subcommittee believes that the commission should have strong leadership, work toward common goals, have a positive influence on employees, and ensure that parties and persons appearing before the commission are treated fairly and impartially. The subcommittee therefore sought to gauge each candidate’s potential aptitude to serve as a leader and/or as a commissioner supporting the goals and mission of the agency.

Integrity

 Candidates must assure the Review Committee that their word is their bond. Particular attention is given to the way candidates have managed their financial affairs.

Substantive Knowledge of Commission Operations

 The subcommittee believes that every candidate, whether incumbent or non-incumbent, must demonstrate some basic understanding of the role of the commission and its operations. It would be unfair, however, to require non-incumbents to have accumulated a wealth of knowledge about commission operations specifically, or regulated utilities generally. Unlike incumbent commissioners, challengers have not had the benefit of a compensated opportunity to educate themselves in hearings or through conversations with commission staff. The subcommittee expects incumbents and others who have substantial experience appearing before the commission to be able to discuss these matters with a greater fluency than those persons who have, to date, committed themselves to other employment. The subcommittee emphasizes that the substantive knowledge findings contained in this report are a measure of a candidate’s knowledge at the time of his candidacy. The findings are not necessarily indicative of a candidate’s ability to subsequently master commission operations and the multitude of issues relating thereto.

**FINDINGS AS TO QUALIFICATIONS AND NOMINATIONS**

 The Review Committee finds the following candidates qualified and nominates them for election to the South Carolina Public Service Commission:

 **Seat 1: David Cannon**

 **John E. “Butch” Howard**

 **Carolynn “Carolee” Williams**

 **Seat 3: Comer H. “Randy” Randall**

 **Seat 5: Sarah B. Nuckles**

 **Headen B. Thomas**

 **Swain E. Whitfield**

 **Seat 7: Gordon “O’Neal” Hamilton**

 **Dale K. Surrett**

**CANDIDATES FOR SEAT 1**

**DAVID CANNON**

**Address:** 2808 Point Street

 Edisto Island, SC 29438

**Overall Recommendation:**

 Mr. Cannon was evaluated as **AVERAGE** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

 Mr. Cannon obtained a Bachelor of Science degree in Mechanical Engineering from Clemson College in 1959, and a Master of Science in Instrumentation Engineering in 1964 from Case Institute of Technology in Cleveland, Ohio. Mr. Cannon also attended the University of North Carolina as a graduate student but left prior to earning an advanced degree. In 1959, Mr. Cannon became a junior engineer at Sonoco Products Company in Hartsville, S.C. He served in the U.S. Army Reserve from 1960-1968. From 1962-1964, he was a graduate teaching assistant and graduate student at Case Institute. From 1965-1986, Mr. Cannon was Senior Project Engineer at Sonoco. From 1987-2001, Mr. Cannon was President and CEO of Edisto Seafarms, Inc., which, at the time, was the largest shrimp farm east of the Mississippi. The farm operated with increasing profitability for four years until a series of alien viruses caused successive crop failures and bankruptcy. From 2002-2004, Mr. Cannon was a contract engineer with Sonoco Products Company. Finally, from 2005-2012, he has been President of Production Engineering, LLC. This LLC does residential design and engineering including earthquake and hurricane resistance on Edisto Island.

**Test Score:**

 Mr. Cannon received an overall score of 71.

**General Qualifications:**

* Mr. Cannon was evaluated to be of **AVERAGE** experience to serve on the commission.
* Mr. Cannon was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mr. Cannon was evaluated to have **ABOVE AVERAGE** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mr. Cannon was evaluated as having **AVERAGE** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
* Mr. Cannon was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mr. Cannon was evaluated to have **AVERAGE** substantive knowledge of the operations of the commission.

**JOHN E. “BUTCH” HOWARD**

**Address:** 1908 Bowens Island Road

 Charleston, SC 29412

**Overall Recommendation:**

 Mr. Howard was evaluated as being of **OUTSTANDING** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

 Mr. Howard received his Bachelor of Science degree in Business Administration from the University of South Carolina in 1973.

 Mr. Howard was elected to the Public Service Commission, Seat 1 in March 2004. He is a member of the National Association of Regulatory Utility Commissioners (NARUC) and the Southeastern Association of Regulatory Utility Commissioners. He is on the Board of Directors for the National Association of Regulatory Utility Commissioners (NARUC) where he chairs the Committee on Water, is on the Public Council Advisory Board of the Water Research Foundation, is on the Advisory Council of the New Mexico State University Center of Public Utilities, and the Water Sector of the Government Coordinating Council with the Department of Homeland Security and the Environmental Protection Agency. Prior to being elected to the commission, Mr. Howard was employed in various sales positions and was part owner of Williams & Howard. Mr. Howard served in the United States Army from 1963 until honorably discharged in 1966.

**Test Score:**

 Mr. Howard received an overall score of 87.

**General Qualifications:**

* Mr. Howard was evaluated to be of **OUTSTANDING** experience to serve on the commission.
* Mr. Howard was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mr. Howard was evaluated to have **OUTSTANDING** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mr. Howard was evaluated as having **OUTSTANDING** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
* Mr. Howard was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mr. Howard was evaluated to have **OUTSTANDING** substantive knowledge of the operations of the commission.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**John E. “Butch” Howard**

**South Carolina Public Service Commission**

Seat: First Congressional District

Review Period: July 1, 2011 - June 30, 2012

 Commissioner Howard was initially elected to the commission on March 3, 2004, and was re-elected on May 21, 2008. He was elected Chairman of the Public Service Commission in July 2010. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Howard is an active member of NARUC and SEARUC; he is the chairman of the NARUC Committee on Water and serves on the NARUC Board of Directors.

 Commissioner Howard exhibits a desire to increase his knowledge and skills by attending educational programs and seminars*.* He attended the following educational programs and events:

* NARUC meetings (annual, winter and summer), for which he is responsible for all of the Committee on Water programs;
* National Association of Water Companies (NAWC) Commissioner Policy Forum;
* NAWC Water Summit;
* NARUC Water Rate Schools, for which he is in charge of two schools a year due to his position as Chairman of the NARUC Water Committee;
* SEARUC Commissioners Only meeting;
* Bonbright Institute on Electric and Gas, on which he participated in a panel regarding resource planning;
* Emerging Issues Policy Forum, during which he participated in a panel;
* Macquarie Capital, AUS, EEI and Commissioners Chat;
* Critical Consumer Issues Forum; and
* Numerous ex parte briefings, workshops and seminars, including ethics, held in Columbia.

 Commissioner Howard serves on the Department of Homeland Security’s Government Coordinating Council on Water and on the Water Research Foundation's Public Advisory Committee. He also participates in the New Mexico State University’s Institute on Public Utilities and has participated in various energy forums.

 Based on surveys of persons appearing before the commission and commission employees, Commissioner Howard is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive effect on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Howard.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**John E. “Butch” Howard**

**South Carolina Public Service Commission**

Seat: First Congressional District

Review Period: July 1, 2010 - June 30, 2011

 Chairman Howard was initially elected to the commission on March 3, 2004, and was re-elected on May 21, 2008. He was elected Chairman of the Public Service Commission in July 2010. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Chairman Howard is an active member of NARUC and SEARUC; he is the chairman of the NARUC Committee on Water; and serves on the NARUC Board of Directors.

 Chairman Howard exhibits a desire to increase his knowledge and skills by attending educational programs and seminars. He attended the following educational programs and events:

* NARUC meetings (annual, winter and summer);
* NAWC Commissioner Policy Forum;
* NAWC Staff Water Policy Forum;
* NARUC Water Rate Schools, for which he is in charge of two schools a year due to his position as Chairman of the NARUC Water Committee;
* National Association of Water Companies Annual meeting;
* Public Utility Research Center, Emerging Issues.

 Chairman Howard represents NARUC on the Department of Homeland Security’s Government Coordinating Council on Water and has been appointed to the Water Research Foundation - Public Council on Drinking Water. He also participates in the New Mexico State University’s Institute on Public Utilities.

 Based on surveys of persons appearing before the commission and commission employees, Chairman Howard is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive effect on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Chairman Howard.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**John E. “Butch” Howard**

**South Carolina Public Service Commission**

Seat: First Congressional District

Review Period: September 1, 2009 - August 31, 2010

 Chairman Howard was initially elected to the commission on March 3, 2004, and was reelected on May 21, 2008. He was elected Chairman of the Public Service Commission in July 2010. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Chairman Howard is an active member of NARUC and SEARUC; he is the chairman of the NARUC Committee on Water and serves on the NARUC Board of Directors.

 Chairman Howard exhibits a desire to increase his knowledge and skills by attending educational programs and seminars*.*  He attended the following educational programs and events:

* NARUC Rate School, sponsored by the Committee on Water, for which he is in charge of two schools per year;
* Drinking Water Symposium;
* Water Policy Forum;
* South Carolina State - Environmental Policy Institute;
* Ethics Seminar;
* Fundamentals of Electricity Regulation in South Carolina;
* Emerging and Foundational Issues in the Electric Utility Sector;
* “Commissioner’s Chat” sponsored by Barclay Capital;
* NARUC Subcommittee on Finance and Accounting, in which he gave the welcome address and updated the subcommittee on state and federal accounting issues that may come before the South Carolina Public Service Commission;
* Presenter at the Charleston Rotary Club, Mt. Pleasant Kiwanis Club and Summerville Kiwanis Club in which he addressed the commission’s history and purpose;
* South Carolina Energy Users Association annual meeting; and
* National Association of Water Company’s Drinking Water Symposium, at which he was panelist.

 Chairman Howard represents NARUC on the Department of Homeland Security’s Water Sector Coordinating Council and has been appointed to the Water Research Foundation - Public Council on Drinking Water. He also participates in the New Mexico State University’s Institute on Public Utilities.

 Based on surveys of persons appearing before the commission and commission employees, Chairman Howard is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive effect on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Chairman Howard.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**John E. “Butch” Howard**

**South Carolina Public Service Commission**

Seat: First Congressional District

Review Period: July 1, 2008 - September 30, 2009

 Commissioner Howard was initially elected to the commission on March 3, 2004, and was reelected on May 21, 2008. He was elected Vice Chairman of the Public Service Commission in July 2008. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Howard seeks to increase his knowledge and skills by attending educational programs and seminars*.*  He has also reads professional and trade publications and books related to water, telecommunications and energy issues.

 Commissioner Howard is an active member of NARUC and SEARUC and is the co-vice chairman of the NARUC Committee on Water. He attended the following educational programs and events:

* NARUC Rate School, sponsored by the Committee on Water (faculty member) ;
* Ethics Seminar;
* National Association of Water Companies Water Policy Forum, where he provided a commissioner’s point of view in a discussion of issues faced by water and wastewater utilities;
* “Securing Our Future: the Nuclear Alternative,” sponsored by MUSC;
* FERC/NERC Collaborative on Demand Response;
* FERC/NERC Collaborative Smart Grid;
* Lehman Brothers “Chat with Commissioners” where he was a panelist to discuss issues regarding economic viability of regulated utilities with members of the Wall Street community;
* S.C. Energy Users Committee Conference.

 Commissioner Howard was recently asked to participate on the Department of Homeland Security’s Water Sector Coordinating Council, comprised of 50 members throughout the United States.

 Based on surveys of persons appearing before the commission and commission employees, Commissioner Howard is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive effect on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Howard.

**CAROLYNN “CAROLEE” WILLIAMS**

**Address:** 7 Beverly Road

 Charleston, SC 29407

**Overall Recommendation**:

 Ms. Williams was evaluated as being of **ABOVE AVERAGE** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

 Ms. Williams attended Columbia College in 1974 and graduated from Wake Forest University in 1979 with a Bachelor of Arts degree in History. Ms. Williams then obtained a Masters in Urban and Environmental Planning from the University of Virginia in 1982. From 1982-1985, Ms. Williams served as a planner for the Department of Planning and Urban Development in the City of Charleston, S.C., where she performed planning research and completed analytical projects concerning downtown Charleston. She then served as a planner for the City Planning Department for the city of Cincinnati, Ohio, from 1985-1986. During this time, she also staffed Cincinnati's Riverfront Advisory Committee. Ms. Williams then returned to Charleston where she served as Planning Administrator for the Department of Planning and Urban Development for the city of Charleston from 1986-1992, and as an instructor in urban planning for the College of Charleston from 1989-1992. From 1992 to the present, she has been Project Manager for Department of Planning, Preservation and Sustainability for the City of Charleston. In her capacity as Project Manager, she manages Charleston’s “Green Business Challenge,” which supports businesses as they work to reduce their use of energy and water and reduce their waste.

**Test Score:**

 Ms. Williams received an overall score of 68.

**General Qualifications**:

* Ms. Williams was evaluated as having **ABOVE AVERAGE** experience to serve on the commission.
* Ms. Williams was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Ms. Williams was evaluated to have **ABOVE AVERAGE** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Ms. Williams was evaluated as having **ABOVE AVERAGE** potential aptitude for meaningful leadership and/or service on the commission.
* Ms. Williams was evaluated as being **ADEQUATE** in demonstrating integrity (including the maintenance of personal financial affairs) for service on the commission.
* Ms. Williams was evaluated to have **AVERAGE** substantive knowledge of the operations of the commission.

**CANDIDATES FOR SEAT 3**

COMER H. “RANDY” RANDALL

**Address:** 306 West Maple Street

 Clinton, SC 29325

**Overall Recommendation**:

 Mr. Randall was evaluated as being **ABOVE AVERAGE** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

 Mr. Randall obtained a Bachelor of Science degree from Presbyterian College in 1975 and a Master of Education degree from the University of Georgia in 1979.

 Mr. Randall has served as the mayor of Clinton since 2003 and previously served as a Clinton City Council member from 1996-2003. He has been employed by Presbyterian College since 1992, where he has held a number of administrative-level positions and is currently the Executive Director of Alumni and Community Relations. He was a sales representative with Jacobs Press from 1990-1992. From 1977-1989, he served in a number of position at Presbyterian College.

 Mr. Randall has served on the Piedmont Municipal Power Agency Board since 2004 and has been its chairman for the past three years. He has served on the American Public Power Association Policy Makers Council since 2006, and was its National Chair for 2011-2012. Mr. Randall has also served as Chair of the Clinton Newberry Natural Gas Authority since 2003.

**Test Score:**

 Mr. Randall received an overall score of 70.

**General Qualifications**:

* Mr. Randall was evaluated as having **ABOVE AVERAGE** experience to serve on the commission.
* Mr. Randall was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mr. Randall was evaluated to have **ABOVE AVERAGE** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mr. Randall was evaluated as having **ABOVE AVERAGE** potential aptitude for meaningful leadership and/or service on the commission.
* Mr. Randall was evaluated as being **ADEQUATE** in demonstrating integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mr. Randall was evaluated to have **ABOVE AVERAGE** substantive knowledge of the operations of the commission.

**CANDIDATES FOR SEAT 5**

**BARBARA A. BROWN**

**Address:** 20 Naomi Court

 Sumter, SC 29154

**Overall Recommendation**:

 Ms. Brown was evaluated as being of **BELOW AVERAGE** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

 Ms. Brown obtained a Bachelor of Science degree from Rollins University in 1979. In 1985 she obtained a Master of Arts degree in International Relations and Energy Studies with a Political Economy Specialty from the University of Southern California, UK Branch. Ms. Brown obtained a Graduate Certificate in International Family and Community Studies from Clemson University in 2011. Ms. Brown chaired the Florida League of Women Voters State Board on Natural Resources from 1977-1980. Ms. Brown then worked for two years with Florida's Solar Energy Center and the Florida Governor's Energy Office and spent 1981-84 as a recreation program director and foreign media liaison on a United States Air Force Base. From 1985-89, Ms. Brown worked for H & S Beer Wholesalers as public relations and research director. Beginning in 1985 to the present, Ms. Brown has had a series of contracts with the Kettering Foundation performing research. She worked for the Manpower Office at Shaw Air Force Base for another part of 1989, analyzing government resource allocation. From 1989 to the present, Ms. Brown has worked for Clemson University and Alma Harris as a youth program advisor, and, more recently, as Director of the Laboratory for Deliberative Democracy.

**Test Score:**

 Ms. Brown received an overall score of 75.

**General Qualifications**:

* Ms. Brown was evaluated as having **AVERAGE** experience to serve on the commission.
* Ms. Brown was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Ms. Brown was evaluated to have **AVERAGE** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Ms. Brown was evaluated as having **BELOW AVERAGE** potential aptitude for meaningful leadership and/or service on the commission.
* Ms. Brown was evaluated as being **ADEQUATE** in demonstrating integrity (including the maintenance of personal financial affairs) for service on the commission.
* Ms. Brown was evaluated to have **BELOW AVERAGE** substantive knowledge of the operations of the commission.

**SARAH B. NUCKLES**

**Address:** 1335 Quiet Acres Circle

 Rock Hill, SC 29732

**Overall Recommendation**:

 Ms. Nuckles was evaluated as being of **AVERAGE** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

 Ms. Nuckles attended Columbus Junior College, Indian River Community College and obtained a Bachelor of Science degree from Florida Atlantic University in 1989. She subsequently enrolled in coursework toward obtaining a Masters in Business Administration at both Florida Atlantic University and is currently enrolled in the Masters of Business Administration program at Winthrop University.

 Ms. Nuckles held positions as Accounting Clerk, Budget Officer, and Internal Auditor with the Fort Pierce Public Utilities Authority in Fort Pierce, Florida, during the 1970's. From 1980-1985, she was employed by Truck and Trailer Center, where she served as business manager, general manager and ultimately executive vice-president. From 1986-1988, she worked as a controller for car dealerships. She worked at Palm Beach Community College from 1990-1992. From 1992-2003. she was co-owner and executive vice-president of Nuckles Flooring Company. From 2004-2005, she was a planning intern with the City of Rock Hill. From 2005-2008. she was an administrative director for Capital Management and Engineering. In 2008, she established Pencilheads, LLC, which provided accounting and financial services to small businesses.

 Ms. Nuckles served as a city commissioner with West Palm Beach from 1993-1995. She also served on the South Carolina Department Transportation Commission for the Fifth Congressional district from 2008-2012. She had previously served as a member of the policy committee for the Metropolitan Transit Commission for the Charlotte Area Transit Service.

**Test Score:**

 Ms. Nuckles received an overall score of 75.

**General Qualifications**:

* Ms. Nuckles was evaluated as having **AVERAGE** experience to serve on the commission.
* Ms. Nuckles was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Ms. Nuckles was evaluated to have **ABOVE AVERAGE** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Ms. Nuckles was evaluated as having **AVERAGE** potential aptitude for meaningful leadership and/or service on the commission.
* Ms. Nuckles was evaluated as being **ADEQUATE** in demonstrating integrity (including the maintenance of personal financial affairs) for service on the commission.
* Ms. Nuckles was evaluated to have **AVERAGE** substantive knowledge of the operations of the commission.

**HEADEN B.THOMAS**

**Address:** 116 Creekside Drive

 Fort Mill, SC 29715

**Overall Recommendation**:

 Mr. Thomas was evaluated as **AVERAGE** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

 Mr. Thomas graduated from Wofford College in January 1973, earning a Bachelor of Arts degree. He received a Masters in Business Administration from Winthrop College in May 1979. Mr. Thomas reports that he has completed several hours of continuing education in tax preparation over the preceding five years.

 Mr. Thomas worked at Manufacturer’s Supply Company in Rock Hill, SC, from February 1973 until January 1977. Mr. Thomas worked for Piedmont Natural Gas Company in Charlotte, NC, from January 1983 until October 2006. He served in a variety of roles including Tax Staff Accountant, Corporate Tax Manager, Director of Investor Relations and Director of Investor Relations & Corporate Communications. As Tax Manager, he managed all aspects of the Tax Department including planning, compliance, accounting and preparation of tax-related aspects of rate case filings. As Director of Investor Relations, he managed equity financing and developed rating agency packages among many other duties. As a Director of Corporate Communications, he acted as a corporate spokesperson, making various media appearances and preparing press releases. Mr. Thomas has held various part-time positions since 2006. He has worked at Heritage Bluff Preserve, LLC, since 2006, at Moore & Moore CPA’s, P.A. since 2009, and at Edisto Heritage Development, Inc., since 2010.

**Test Score:**

 Mr. Thomas received an overall score of 79.

**General Qualifications**:

* Mr. Thomas was evaluated as having **ABOVE AVERAGE** experience to serve on the commission.
* Mr. Thomas was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mr. Thomas was evaluated to have **ABOVE AVERAGE** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mr. Thomas was evaluated as having **AVERAGE** potential aptitude for meaningful leadership and/or service on the commission.
* Mr. Thomas was evaluated as being **ADEQUATE** in demonstrating integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mr. Thomas was evaluated to have **AVERAGE** substantive knowledge of the operations of the commission.

\*Representative Forrester excused and recused himself from discussion regarding Mr. Thomas.

**SWAIN E. WHITFIELD**

**Address:** 111 Heritage Road

 Blackstock, SC 29014

**Overall Recommendation**:

 Mr. Whitfield was evaluated as being of **OUTSTANDING** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

 Mr. Whitfield received a Bachelor of Arts degree in Geography from the University of Georgia in 1986, focusing on economic and industrial geography. Following graduation, Mr. Whitfield began working for Laidlaw Carriers in Atlanta, GA. From 1987-1990, he was employed by Youmans Transportation, Inc., in West Columbia as operations manager for transportation brokerage operation. Mr. Whitfield handled operations and customer service for Senn Trucking Co. in Newberry from 1990-1991. Mr. Whitfield served on the Winnsboro City Council between 1995 and 1999, during which time the city took over wastewater service from a private firm and expanded gas and electric service. Mr. Whitfield founded Whitfield Transportation, Inc. in Blythewood, S.C., in 1991, and ran the business successfully until selling it in 2008. Mr. Whitfield was elected to the Public Service Commission in 2008, and he has served continuously until the present. He is a member of both the National Association of Regulatory Utilities Commissioners (NARUC) and the Southeastern Association of Regulatory Utilities Commissioners (SEARUC).

**Test Score:**

 Mr. Whitfield received an overall score of 90.

**General Qualifications**:

* Mr. Whitfield was evaluated as having **ABOVE AVERAGE** experience to serve on the commission.
* Mr. Whitfield was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mr. Whitfield was evaluated to have **OUTSTANDING** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mr. Whitfield was evaluated as having **OUTSTANDING** potential aptitude for meaningful leadership and/or service on the commission.
* Mr. Whitfield was evaluated as being **ADEQUATE** in demonstrating integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mr. Whitfield was evaluated to have **OUTSTANDING** substantive knowledge of the operations of the commission.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Swain E. Whitfield**

**South Carolina Public Service Commission**

Seat: At-Large

Review Period: July 1, 2011 - June 30, 2012

 Commissioner Whitfield was elected to the commission for a term beginning July 1, 2008. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. He is an active member of NARUC and SEARUC. He is member of the NARUC Committee on Gas and the NARUC Committee on Critical Infrastructure.He is also a member of the NARUC Pipeline Safety Task Force. He was recently appointed to the Washington Action Committee and the NARUC Nuclear Waste Committee.

 Commissioner Whitfield exhibits a desire to increase his knowledge and skills by attending educational programs. He attended the following educational programs:

* NARUC meetings (winter, summer and annual);
* SEARUC summit;
* Emerging Issues Policy Forum;
* Educational workshop at Duke University concerning the implementation of the new EPA regulations;
* Current Issues Conference, at which he participated on a panel;
* Wall Street Dialogue, at which he participated on a panel; and
* Various ex parte briefings, forums and seminars, including ethics.

 Based on surveys of persons appearing before the commission and commission employees, Commissioner Whitfield is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Whitfield.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Swain E. Whitfield**

**South Carolina Public Service Commission**

Seat: At-Large

Review Period: July 1, 2010 - June 30, 2011

 Commissioner Whitfield was elected to the commission for a term beginning July 1, 2008. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. He is an active member of NARUC and SEARUC. He is member of the NARUC Committee on Gas and the NARUC Committee on Critical Infrastructure; he is the liaison for the Committee on Gas to the Critical Infrastructure Committee. He is also a member of the NARUC Pipeline Safety Task Force.

 Commissioner Whitfield exhibits a desire to increase his knowledge and skills by attending educational programs. He attended the following educational programs:

* Seminar on vulnerabilities to critical infrastructure, sponsored by the U.S. Department of Energy;
* NARUC Utility Rate School, at which he received a certificate of completion;
* Camp NARUC, week 2, at which he received a certificate of completion;
* NARUC meetings (winter, summer and annual);
* SEARUC annual meeting;
* National Pipeline Safety Forum;
* Telecommunications Association fall meeting;
* Richland County Sheriff Leon Lott’s Community Forum where he explained the roles of the PSC and ORS as well as procedures involving utility matters;
* Speaker at the Winnsboro Rotary Club and Blythewood Rotary Club;
* Wall Street Dialogue, at which he participated on a panel concerning pending EPA regulations;
* Various ex parte briefings and seminars held in Columbia, S.C.

 Based on surveys of persons appearing before the commission and commission employees, Commissioner Whitfield is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Whitfield.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Swain E. Whitfield**

**South Carolina Public Service Commission**

Seat: At-Large

Review Period: September 1, 2009 - August 31, 2010

 Commissioner Whitfield was elected to the commission for a term beginning July 1, 2008. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. He is an active member of NARUC and SEARUC. He is member of the NARUC Committee on Gas.

 Commissioner Whitfield exhibits a desire to increase his knowledge and skills by attending educational programs. He attended the following educational programs:

* Electricity Law seminar;
* Emerging Issues in Electricity;
* Energy and Foundational Issues in the Electric Utility Sector;
* Camp NARUC at the Institute of Public Utilities at Michigan State University, where he completed the program and received a Certificate of Completion of the Annual Regulatory Studies Program;
* NARUC meetings (winter, summer and annual);
* SEARUC meetings;
* Conquering Climate Change seminar; and
* Bonbright Utilities Center annual conference, at which he served as a presenter and panelist.

 Based on surveys of persons appearing before the commission and commission employees, Commissioner Whitfield is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Whitfield.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Swain E. Whitfield**

**South Carolina Public Service Commission**

Seat: At-Large

Review Period: July 1, 2008 - September 30, 2009

 Commissioner Whitfield was elected to the commission for a term beginning July 1, 2008. During his short tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. He is member of the NARUC Energy Resources and Environment Committee. Commissioner Whitfield seeks to increase his knowledge and skills by attending educational programs.

 Commissioner Whitfield attended the following educational programs:

* PSC in-house training and ethics sessions;
* NARUC Boot Camp and new commissioner training;
* NARUC Annual, Winter, and Summer meetings;
* Nuclear Energy Summit, sponsored by MUSC;
* SEARUC Commissioners Only Summit and other SEARUC meetings;
* Bonbright Conference;
* Conquering Climate Change seminar.

 Based on surveys of persons appearing before the commission and commission employees, Commissioner Whitfield is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Whitfield.

**CANDIDATES FOR SEAT 7**

**GORDON O’NEAL HAMILTON**

**Address:** 706 Lakeshore Drive

 Bennettsville, SC 29512

**Overall Recommendation**:

 Mr. Hamilton was evaluated as being of **ABOVE AVERAGE** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

 Mr. Hamilton obtained an Associate’s Degree from North Greenville Jr. College in 1953. Mr. Hamilton has served as the Public Service Commissioner for the Fifth District since 2004. From 1953-1957, Mr. Hamilton was the Agency Manager for the Life Insurance Company of Georgia. From 1977-2003 he served as the Agency Manager of Farm Bureau Insurance. Mr. Hamilton was elected to the Bennettsville City Council from 1978-1990 where he was Chairman of the Utility Committee with oversight of city electric, gas, water and wastewater departments. He was unsuccessful in his bid for re-election to City Council in 1990. In 1990, he was elected to the SC Highway Commission, and served until 1992. From 1992-2004, Mr. Hamilton served on the Marlboro County Council. Mr. Hamilton is a member of the following professional organizations: (1) National Association of Regulatory Utilities Commissioners (NARUC); (2) Southeastern Association of Regulatory Utilities Commissioners; and (3) NARUC Committee on Gas (chairman).

**Test Score:**

 Mr. Hamilton received an overall score of 74.

**General Qualifications**:

* Mr. Hamilton was evaluated as having **ABOVE AVERAGE** experience to serve on the commission.
* Mr. Hamilton was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mr. Hamilton was evaluated to have **ABOVE AVERAGE** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mr. Hamilton was evaluated as having **OUTSTANDING** potential aptitude for meaningful leadership and/or service on the commission.
* Mr. Hamilton was evaluated as being **ADEQUATE** in demonstrating integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mr. Hamilton was evaluated to have **OUTSTANDING** substantive knowledge of the operations of the commission.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**G. O’Neal Hamilton**

**South Carolina Public Service Commission**

Seat: Fifth Congressional District

Review Period: July 1, 2011 - June 30, 2012

 Commissioner Hamilton was initially elected on March 3, 2004, and was re-elected on May 21, 2008. He is an active member of NARUC and SEARUC. He is an advisory to NARUC’s Committee on Gas and is a member of the National Petroleum Council Advisory Committee (NPC) and the Gas Technology Institute Advisory Board. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues.

 Commissioner Hamilton exhibits a desire to increase his knowledge and skills by attending educational programs. He attended the following educational programs and events:

* NARUC meetings (annual, summer and winter);
* SEARUC meeting;
* Fifth World Forum on Energy Regulation;
* NPC Public Interest Advisory Committee meetings;
* Emerging Issues Policy Forum, during which he spoke on shale gas; and
* Various ex parte briefings and seminars, including ethics.

 Based on surveys of persons appearing before the commission and commission employees, Commissioner Hamilton is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Hamilton.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**G. O’Neal Hamilton**

**South Carolina Public Service Commission**

Seat: Fifth Congressional District

Review Period: July 1, 2010 - June 30, 2011

 Commissioner Hamilton was initially elected on March 3, 2004, and was reelected on May 21, 2008. He is an active member of NARUC and SEARUC. He is the immediate past chairman of and a current advisory to NARUC’s Committee on Gas. He is a member of the National Petroleum Council (NPC) and the Gas Technology Institute Advisory Board. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues.

 Commissioner Hamilton exhibits a desire to increase his knowledge and skills by attending educational programs. He attended the following educational programs and events:

* NARUC meetings (summer and winter);
* Emerging Issues Policy Forum;
* Public Interest Advisory Committee;
* Various ex parte briefings and seminars held in Columbia.

 Based on surveys of persons appearing before the commission and commission employees, Commissioner Hamilton is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Hamilton.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**G. O’Neal Hamilton**

**South Carolina Public Service Commission**

Seat: Fifth Congressional District

Review Period: September 1, 2009 - August 31, 2010

 Commissioner Hamilton was initially elected on March 3, 2004, and was reelected on May 21, 2008. He is an active member of NARUC and SEARUC. He is the chairman of NARUC’s Committee on Gas and serves on NARUC’s Board of Directors. He is a member of the National Petroleum Council (NPC) and serves as a member of its Public Interest Advisory Committee and as a board member on NPC’s Gas Technology Institute. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues.

 Commissioner Hamilton exhibits a desire to increase his knowledge and skills by attending educational programs. He attended the following educational programs and events:

* NARUC meetings (annual, winter, and summer);
* SEARUC annual meeting, where he served as moderator of a natural gas panel;
* Ethics seminar;
* Fundamentals of Electricity Regulation in South Carolina;
* Various ex parte briefings; and
* Served as a panelist at the Emerging Issues Policy Forum.

 Based on surveys of persons appearing before the commission and commission employees, Commissioner Hamilton is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Hamilton.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**G. O’Neal Hamilton**

**South Carolina Public Service Commission**

Seat: Fifth Congressional District

Review Period: June 30, 2008 - September 30, 2009

 Commissioner Hamilton was initially elected on March 3, 2004, and was reelected on May 21, 2008. He was elected vice-chairman by the commissioners for a term beginning July 1, 2004, and chairman, July 1, 2006. He is the chairman of NARUC’s Committee on Gas and serves on NARUC’s Board of Directors. He is a member of the National Petroleum Council and the Moratoria Study Group, formed by NARUC and the Interstate Oil and Gas Compact Commission. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Hamilton seeks to increase his knowledge and skills by attending educational programs.

 Commissioner Hamilton attended the following educational programs and events:

* NARUC Annual, Winter and Summer meetings;
* SEARUC Annual meeting;
* Ethics seminar;
* National Petroleum Council Meeting;
* Instructor at the NARUC New Commissioner Training;
* SEARUC Commissioners Only meeting;
* Bonbright Electric & Natural Gas Conference;
* Panelist for the New Mexico State University Center for Public Utilities Current Issues;
* Public Interest Advisory Committee Meeting, Gas Technology Institute;
* Presentation at the Piedmont Municipal Power Agency.

 Based on surveys of persons appearing before the commission and commission employees, Commissioner Hamilton is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee’s review revealed no evidence of unethical behavior by Commissioner Hamilton.

**DALE K. SURRETT**

**Address:** 323 Thoroughbred Trail

 Hartsville, SC 29550

**Overall Recommendation**:

 Mr. Surrett was evaluated as being of **ABOVE** **AVERAGE** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

 Mr. Surrett obtained a Bachelor of Arts degree in Political Science and an Associate of Science degree in Criminal Justice from the University of South Carolina Aiken in 1985. Mr. Surrett is a graduate of the South Carolina Criminal Justice Academy. He also earned his Masters in Public Administration from the University of South Carolina in 1993. From 1985-1986, Mr. Surrett was employed by the City of Aiken Department of Safety as a public safety officer charged with routine law enforcement and uniformed patrol duties. From 1986-1988, he served as a security inspector with Wackenhut Services, Inc., responsible for protecting the nuclear facility at the Savannah River Site. From 1988-1990, Mr. Surrett was a deputy sheriff with the Richland County Sheriff’s Office. He continued his employment with the Richland County Sheriff’s Office as a Criminal Investigator from 1990-1993. From 1993-1999, Mr. Surrett was an Emergency Preparedness Coordinator with the County of Greenville. From 1999-2004, Mr. Surrett served as the County Administrator for McCormick County and was responsible for supervising the management of county government operations including the county-operated water and sewer utilities,. From 1994-1997, he was employed by the Town of Moncks Corner as a Town Administrator. From 2007-2009, Mr. Surrett was employed by Oconee County as County. From 2011 to the present, Mr. Surrett has served as the County Administrator for Darlington County.

**Test Score:**

 Mr. Surrett received an overall score of 76.

**General Qualifications**:

* Mr. Surrett was evaluated as having **ABOVE AVERAGE** experience to serve on the commission.
* Mr. Surrett was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mr. Surrett was evaluated to have **AVERAGE** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mr. Surrett was evaluated as having **ABOVE AVERAGE** potential aptitude for meaningful leadership and/or service on the commission.
* Mr. Surrett was evaluated as being **ADEQUATE** in demonstrating integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mr. Surrett was evaluated to have **AVERAGE** substantive knowledge of the operations of the commission.

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**ADJOURNMENT**

 At 1:05 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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