**Tuesday, May 13, 2014**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 10:00 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:

In Isaiah we are reminded that the Lord says to those He loves:

“ ‘So do not fear, for I am with you; do not be dismayed, for I am your God. I will strengthen you and help you; I will uphold you with my righteous right hand.’ ” (Isaiah 41:10)

Join me as we bow in prayer, please:

Gracious Lord above, one could say that frustrations among many in this body are sky high at present, that debate seems endless, and that good results appear to be far off on the horizon. In such a setting as this, O God, we pray that You will bestow Your Spirit’s grace and embrace each Senator and every staff member in Your loving arms and hold them tightly. Remind them of Your care, of Your fervent desire for their success on behalf of the people of South Carolina. Fill them, Lord, with renewed determination and energy so that they can bring about a budget worthy of You and beneficial to this State we all love. Strengthen each of these leaders, and finally grant them well-deserved peace. In Your loving name we pray, dear Lord. Amen.

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

**Point of Quorum**

At 10:06 A.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Bennett Bright

Campbell Cleary Corbin

Courson Cromer Fair

Grooms Johnson Kimpson

Leatherman *Martin, Larry Martin, Shane*

Massey Matthews McGill

O'Dell Peeler Pinckney

Scott Setzler Shealy

Thurmond Turner Williams

Young

A quorum being present, the Senate resumed.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointments**

Reappointment, Dillon County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Mackie D. Hayes, 820 North 24th Avenue, Dillon, SC 29536

Reappointment, Dillon County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

James F. Rogers, P.O. Box 187, Lake View, SC 29536

Reappointment, Dillon County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Charles D. Spivey, P.O. Box 272, Lake View, SC 29536

Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Jacqueline M. Pope, 404 W. Pine Street, Kershaw, SC 29067

Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Van K. Richardson, 3611 Kershaw Camden Highway, Heath Springs, SC 29058

Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Fredrick A. Thomas, P.O. Box 3222, Lancaster, SC 29721

Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Douglas M. Vecchio, 206 W. Stevens Drive, Kershaw, SC 29067

Reappointment, Union County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Harold Whitney Smith, 174 Tom Kelly Circle, Carlisle, SC 29031

**Expression of Personal Interest**

Senator LEATHERMAN rose for an Expression of Personal Interest.

**Objection**

Senator LEATHERMAN asked unanimous consent to make a motion to proceed to a consideration of the General Appropriations Bill.

Senator THURMOND objected.

**RECESS**

At 10:18 A.M., on motion of Senator LEATHERMAN, the Senate receded from business until 10:35 A.M.

At 10:35 A.M., the Senate resumed.

**Motion Adopted**

On motion of Senator PEELER, with unanimous consent, Senators ALEXANDER, HAYES, McGILL and PEELER were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

**Doctor of the Day**

Senator O’DELL introduced Dr. Rob Tiller of Greenwood, S.C., Doctor of the Day. Dr. Tiller specializes in Family Practice-Hospice and Palliative Care, and is Director of the Family Medicine Residency Program at Self Regional Hospital. He is joined by 1st year resident, Dr. David Braddy, from Greenville who is originally from Dillon, S.C.

**Leave of Absence**

On motion of Senator BENNETT, at 10:05 A.M., Senator HEMBREE was granted a leave of absence until 2:00 A.M.

**Leave of Absence**

On motion of Senator JOHNSON, at 10:05 A.M., Senator McELVEEN was granted a leave of absence until 11:00 A.M.

**Leave of Absence**

At 4:15 P.M., Senator FAIR requested a leave of absence for the balance of the day.

**Leave of Absence**

At 6:08 P.M., Senator CROMER requested a leave of absence from 6:45 P.M. - 7:15 P.M.

**CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bill:

S. 256 Sen. Davis

**ACTING PRESIDENT PRESIDES**

At 10:40 A.M., Senator LARRY MARTIN assumed the Chair.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1292 -- Senator McElveen: A SENATE RESOLUTION TO RECOGNIZE JOSEPH V. CAPUTO OF SUMTER, UPON THE OCCASION OF HIS RETIREMENT AFTER MORE THAN FORTY-TWO YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

l:\s-res\jtm\007jose.mrh.jtm.docx

The Senate Resolution was adopted.

S. 1293 -- Senator McGill: A CONCURRENT RESOLUTION TO COMMEND THE MEMBERS OF THE AMERICAN LEGION RIDERS OF SOUTH CAROLINA FOR THEIR CONDUCT AND SPONSORSHIP OF THE 2014 MOTORCYCLE BENEFIT RIDE, WHICH WAS HELD ON APRIL 26 AND 27, 2014, WHICH EACH YEAR RAISES SUBSTANTIAL FUNDS FOR SCHOLARSHIPS FOR CHILDREN WHO HAVE HAD A PARENT KILLED DURING ACTIVE MILITARY SERVICE SINCE SEPTEMBER 11, 2001.

l:\s-res\jym\012amer.mrh.jym.docx

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

S. 1294 -- Senator Sheheen: A SENATE RESOLUTION TO RECOGNIZE THE SOCIAL, ECONOMIC, AND CULTURAL IMPACT OF SMALL BUSINESSES ACROSS OUR STATE AND TO CELEBRATE DURING NATIONAL SMALL BUSINESS WEEK THE PROFOUND BENEFIT THEY BRING TO THE LIVES OF OUR CITIZENS.

l:\council\bills\gm\24105cm14.docx

The Senate Resolution was adopted.

S. 1295 -- Senator Coleman: A BILL TO AMEND SECTION 59-53-1710, AS AMENDED, CODE OF LAW OF SOUTH CAROLINA, 1976, RELATING TO THE MIDLANDS TECHNICAL COLLEGE COMMISSION, SO AS TO ADD ONE MEMBER FROM FAIRFIELD COUNTY, AND TO REVISE THE MANNER OF APPOINTING THE CHAIRMAN OF THE COMMISSION; AND TO AMEND SECTIONS 59-53-1720, 59-53-1730, 59-53-1740, AND 59-53-1750, ALL RELATING TO THE MIDLANDS TECHNICAL COLLEGE COMMISSION, SO AS TO MAKE CONFORMING CHANGES.

l:\council\bills\agm\18244ab14.docx

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

H. 5246 -- Reps. H. A. Crawford, Hardwick, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR KAYLA ASHLEY MAXWELL, SIXTH GRADE MATH TEACHER AT FORESTBROOK MIDDLE SCHOOL, AND TO CONGRATULATE HER UPON BEING NAMED THE 2014-2015 HORRY COUNTY TEACHER OF THE YEAR.

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

**Message from the House**

Columbia, S.C., May 8, 2014

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 876 -- Senators Cromer and Campsen: A BILL TO AMEND SECTION 50‑11‑355 OF THE 1976 CODE, RELATING TO UNLAWFUL DEER HUNTING NEAR A RESIDENCE, TO PROVIDE THAT IT IS UNLAWFUL TO HUNT DEER WITH FIREARMS NEAR A RESIDENCE WITHOUT THE PERMISSION OF THE OWNER AND OCCUPANT.

Very respectfully,

Speaker of the House

Placed on the calendar for consideration tomorrow.

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

**ADOPTED**

S. 1269 -- Senator Alexander: A SENATE RESOLUTION TO DECLARE TUESDAY, MAY 13, 2014, AS “CLEMSON DAY” IN SOUTH CAROLINA AND TO RECOGNIZE THE UNIVERSITY ON ITS extended history in the State and on the MANY CONTRIBUTIONS it has made TO THE CITIZENS OF THE PALMETTO STATE.

The Senate Resolution was adopted.

**ADOPTED**

S. 1254 -- Senators Nicholson and O’Dell: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 25/221 BYPASS IN GREENWOOD COUNTY FROM THE INTERSECTION OF UNITED STATES HIGHWAY 25/221 AND UNITED STATES HIGHWAY 25/178, SOUTH OF THE CITY OF GREENWOOD, NORTHEASTERLY TO THE INTERSECTION OF UNITED STATES HIGHWAY 25/221 AND STATE ROAD 101 (SWEETWATER ROAD) “SCHP CORPORAL HENRY CLYDE YONCE HIGHWAY” AND ERECT APPROPRIATE MARKERS AND SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “SCHP CORPORAL HENRY CLYDE YONCE HIGHWAY”.

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

**ADOPTED**

S. 1255 -- Senators Scott and Jackson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE BROAD RIVER ALONG BROAD RIVER ROAD IN THE CITY OF COLUMBIA “FRANCHOT A. BROWN BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “FRANCHOT A. BROWN BRIDGE”.

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

**ADOPTED**

S. 1271 -- Senator Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 210 IN ORANGEBURG COUNTY FROM ITS INTERSECTION WITH THE EASTERN TOWN LIMIT OF THE TOWN OF BOWMAN TO ITS INTERSECTION WITH INTERSTATE HIGHWAY 26 “DR. JULIAN BOLAND HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “DR. JULIAN BOLAND HIGHWAY”.

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

**ADOPTED**

S. 1289 -- Senator Grooms: A CONCURRENT RESOLUTION TO NAME U.S. HIGHWAY 17‑A IN BERKELEY COUNTY FROM AIRPORT DRIVE TO ITS INTERSECTION WITH U.S. HIGHWAY 176 "VETERANS BOULEVARD" IN HONOR OF THE VETERANS WHO HAVE SERVED IN DEFENSE OF THIS GREAT STATE.

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

**ADOPTED**

S. 1290 -- Senator Grooms: A CONCURRENT RESOLUTION TO NAME THE U.S. HIGHWAY 52 VIADUCT IN BERKELEY COUNTY THE "CLARENCE 'MAC' MCGEE" VIADUCT IN HONOR OF THE LIFE AND SERVICE OF CLARENCE MCGEE.

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

**ADOPTED**

H. 5150 -- Rep. Branham: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON EADDY FORD ROAD IN THE VOX COMMUNITY IN FLORENCE COUNTY “MARVIN D. STONE BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “MARVIN D. STONE BRIDGE”.

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

**ADOPTED**

H. 5107 -- Reps. Harrell, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb‑Hunter, Cole, H.A. Crawford, K.R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M.S. McLeod, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R.L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson‑Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO DECLARE MAY 15, 2014, AS “FIT FAMILY DAY” IN SOUTH CAROLINA AND TO RECOGNIZE AND COMMEND THE PARTNERSHIP THAT COCA‑COLA HAS FORMED WITH THE SOUTH CAROLINA HOSPITAL ASSOCIATION, CVS PHARMACY, AND PARENTING MAGAZINES IN THE PALMETTO STATE IN ORDER TO ENCOURAGE HEALTHY LIVING THROUGH THE FIT FAMILY CHALLENGE.

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

**ADOPTED**

H. 5111 -- Reps. Horne, Cobb‑Hunter, Skelton and J.E. Smith: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF SOUTH CAROLINA’S YOUNG PEOPLE AND ITS DEDICATION TO THE PREVENTION OF TEEN PREGNANCY, AND TO DECLARE THE MONTH OF MAY 2014 AS “TEEN PREGNANCY PREVENTION MONTH” IN THE STATE OF SOUTH CAROLINA.

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

**COMMITTEE AMENDMENT ADOPTED**

**RESOLUTION ADOPTED, RETURNED TO THE HOUSE**

H. 5001 -- Reps. Erickson, Newton, Herbkersman, McCoy, Patrick, Stavrinakis and Hodges: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT A POINT 0.34 MILES WEST OF THE INTERSECTION OF THE JUNCTION OF UNITED STATES HIGHWAYS 17 AND 21 AND OLD SHELDON CHURCH ROAD IN BEAUFORT COUNTY ALONG UNITED STATES HIGHWAYS 17 AND 21, AND AT A POINT THREE MILES SOUTH OF THE INTERSECTION OF UNITED STATES HIGHWAY 17 AND SOUTH CAROLINA HIGHWAY 165 IN CHARLESTON COUNTY ALONG UNITED STATES HIGHWAY 17 THAT CONTAIN THE WORDS: “ACE BASIN YOU ARE NOW ENTERING THE ACE BASIN ONE OF THE LAST GREAT PLACES PLEASE HELP PROTECT YOUR NATURAL RESOURCES”.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of the amendment proposed by the Committee on Transportation.

The Committee on Transportation proposed the following amendment (SWB\5001C001.SWB.CM14), which was adopted:

Amend the concurrent resolution, as and if amended, by deleting lines 37 through 41 on page 1 and inserting:

/ “THE ACE BASIN

‘ONE OF THE LAST

GREAT PLACES’ ” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the Concurrent Resolution was adopted and ordered returned to the House with amendments.

**CARRIED OVER**

H. 3459 -- Reps. Sandifer, Bales, J.E. Smith and Erickson: A BILL TO AMEND SECTION 40‑2‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA BOARD OF ACCOUNTANCY, SO AS TO PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL DESIGNATE CERTAIN PERSONNEL FOR THE EXCLUSIVE USE OF THE BOARD, TO PROHIBIT THE DEPARTMENT FROM ASSIGNING OTHER WORK TO THESE PERSONNEL WITHOUT APPROVAL OF THE BOARD, AND TO PROVIDE THESE PERSONNEL MAY BE TERMINATED BY THE DIRECTOR OF A MAJORITY OF THE BOARD; TO AMEND SECTION 40‑2‑30, RELATING TO THE PRACTICE OF ACCOUNTANCY, SO AS TO PROVIDE A CERTIFIED PUBLIC ACCOUNTANT LICENSED BY THE BOARD IS EXEMPT FROM LICENSURE REQUIREMENTS OF PRIVATE SECURITY AND INVESTIGATION AGENCIES; AND TO AMEND SECTION 40‑2‑70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD MAY CONDUCT PERIODIC INSPECTIONS OF LICENSEES OR FIRMS; AND TO AMEND SECTION 40‑2‑80, RELATING TO INVESTIGATIONS OF ALLEGED VIOLATIONS, SO AS TO PROVIDE THE DEPARTMENT SHALL DIRECT THE INVESTIGATOR ASSIGNED TO THE BOARD TO INVESTIGATE AN ALLEGED VIOLATION TO DETERMINE THE EXISTENCE OF PROBABLE CAUSE MERITING FURTHER PROCEEDINGS.

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

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

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

S. 266 -- Senators Gregory, Hayes, Davis, Sheheen, Lourie, Hembree, Fair and Bennett: A JOINT RESOLUTION TO PROVIDE THAT UNTIL JUNE 30, 2016, THE COMMISSION ON HIGHER EDUCATION AND THE PRESIDENTS OF PUBLIC COLLEGES AND UNIVERSITIES SHALL SUPPORT THE EFFORTS OF THE GENERAL ASSEMBLY TO ESTABLISH ACCOUNTABILITY‑BASED FUNDING FOR PUBLIC COLLEGES AND UNIVERSITIES.

On motion of Senator LEATHERMAN, the Joint Resolution was carried over.

H. 3191 -- Reps. Cole and Tallon: A BILL TO AMEND SECTIONS 56‑5‑130 AND 56‑5‑140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERMS “MOTOR VEHICLE” AND “MOTORCYCLE”, SO AS TO PROVIDE THAT MOPEDS ARE MOTOR VEHICLES AND NOT MOTORCYCLES.

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

S. 139 -- Senators Grooms, L. Martin, Campbell and Rankin: A BILL TO AMEND SECTION 56‑5‑1535 OF THE 1976 CODE, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, TO DELETE THIS PROVISION AND PROVIDE A DEFINITION FOR THE TERMS “HIGHWAY WORK ZONE” AND “HIGHWAY WORKER”, TO CREATE THE OFFENSES OF “ENDANGERMENT OF A HIGHWAY WORKER” AND “AGGRAVATED ENDANGERMENT OF A HIGHWAY WORKER”, AND TO PROVIDE PENALTIES FOR BOTH OFFENSES; TO AMEND SECTION 56‑1‑720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, TO PROVIDE THAT “ENDANGERMENT OF A HIGHWAY WORKER” AND “AGGRAVATED ENDANGERMENT OF A HIGHWAY WORKER” ARE TWO POINT VIOLATIONS; AND TO REPEAL SECTION 56‑5‑1536 RELATING TO DRIVING IN TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES.

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

S. 1163 -- Senators Young, Lourie, Shealy, L. Martin and Alexander: A BILL TO AMEND SECTION 63‑7‑940 OF THE 1976 CODE, RELATING TO THE USE OF UNFOUNDED ABUSE AND NEGLECT CASE INFORMATION AND SECTION 63‑7‑1990, RELATING TO THE CONFIDENTIALITY AND RELEASE OF RECORDS AND INFORMATION CONCERNING THE CENTRAL CHILD ABUSE AND NEGLECT REGISTRY, TO PROVIDE THAT INFORMATION WHCH MUST OTHERWISE REMAIN CONFIDENTIAL MAY BE RELEASED BY THE DIRECTOR OR DESIGNEE TO CONFIRM, CLARIFY, OR CORRECT INFORMATION CONCERNING A CASE THAT HAS BEEN MADE PUBLIC BY SOURCES OTHER THAN THE DEPARTMENT, TO RESPOND TO AN INQUIRY FROM A COMMITTEE OR SUBCOMMITTEE OF THE SENATE OR THE HOUSE OF REPRESENTATIVES OR A JOINT COMMITTEE OF THE GENERAL ASSEMBLY, OR TO COMPLY WITH REQUIREMENTS OF THE FEDERAL CHILD ABUSE PREVENTION AND TREATMENT ACT AND TO LIMIT CIVIL LIABILITY RESULTING FROM THE DISCLOSURE.

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

H. 4922 -- Reps. G.M. Smith, Rutherford, Cobb‑Hunter, Sandifer, Weeks, Delleney, White, Gilliard, Anderson and Hosey: A BILL TO AMEND SECTION 1‑13‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL EMPLOYMENT PRACTICES AND EXCEPTIONS, SO AS TO PROVIDE THAT IT IS NOT AN UNLAWFUL EMPLOYMENT PRACTICE FOR A PRIVATE EMPLOYER TO GIVE HIRING PREFERENCES TO A VETERAN, AND TO EXTEND THE PREFERENCE TO THE VETERAN’S SPOUSE IF THE VETERAN HAS A SERVICE‑CONNECTED PERMANENT AND TOTAL DISABILITY.

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

S. 1259 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO DEFINED PROGRAM FOR THE PALMETTO UNIFIED SCHOOL DISTRICT (PUSD), DESIGNATED AS REGULATION DOCUMENT NUMBER 4421, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CROMER, the Joint Resolution was carried over.

S. 1260 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ACCREDITATION CRITERIA, DESIGNATED AS REGULATION DOCUMENT NUMBER 4400, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CROMER, the Joint Resolution was carried over.

S. 1261 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO SCHOOL ADMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4397, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CROMER, the Joint Resolution was carried over.

S. 1262 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO SCHOOL SUPERINTENDENT COMPENSATION AND BENEFITS/EXPENSES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4391, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CROMER, the Joint Resolution was carried over.

S. 1263 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO UTILIZATION OF GENERAL TEACHER CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4396, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CROMER, the Joint Resolution was carried over.

S. 1264 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO OPERATION AND FUNDING OF TEACHER TRAINING COURSES IN MATHEMATICS, SCIENCE, READING, AND COMPUTER EDUCATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4405, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CROMER, the Joint Resolution was carried over.

S. 1265 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO TEACHER GRANTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4409, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CROMER, the Joint Resolution was carried over.

S. 1266 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO MINIMUM STANDARDS OF STUDENT CONDUCT AND DISCIPLINARY ENFORCEMENT PROCEDURES TO BE IMPLEMENTED BY LOCAL SCHOOL DISTRICTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4404, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CROMER, the Joint Resolution was carried over.

S. 1267 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO DISPLAYING THE FLAG, DESIGNATED AS REGULATION DOCUMENT NUMBER 4403, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CROMER, the Joint Resolution was carried over.

S. 1268 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ACCREDITATION STANDARDS FILED, DESIGNATED AS REGULATION DOCUMENT NUMBER 4401, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator CROMER, the Joint Resolution was carried over.

H. 4702 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2013‑2014, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

On motion of Senator LEATHERMAN, the Joint Resolution was carried over.

H. 4871 -- Reps. Harrell, Owens, Bannister, Erickson, Forrester, Rutherford, Cobb‑Hunter, Hayes, White and Mitchell: A BILL TO AMEND SECTION 59-40-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VARIOUS PROVISIONS PERTAINING TO CHARTER SCHOOLS INCLUDING A PROVISION EXEMPTING ALL EARNINGS OR PROPERTY OF CHARTER SCHOOLS FROM STATE OR LOCAL TAXATION, EXCEPT FOR THE SALES TAX, SO AS TO CLARIFY THAT PROPERTY OF CHARTER SCHOOLS EXEMPT FROM SUCH TAXATION INCLUDES OWNED OR LEASED PROPERTY.

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

H. 4383 -- Reps. Clemmons, Harrell, Sellers and Bernstein: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 136 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “AMERICANS STAND WITH ISRAEL” SPECIAL LICENSE PLATES.

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

**THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**H. 4482--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

H. 4482 -- Rep. Ridgeway: A BILL TO AMEND ARTICLE 9, CHAPTER 1, TITLE 1 OF THE 1976 CODE, RELATING TO STATE EMBLEMS, BY ADDING SECTION 1-1-712A, SO AS TO DESIGNATE THE COLUMBIAN MAMMOTH AS THE OFFICIAL STATE FOSSIL.

On motion of Senator BRYANT, with unanimous consent, the Report of the Committee ofConference was taken up for immediate consideration.

Senator BRYANT spoke on the report.

The question then was adoption of the Report of the Committee of Conference.

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

**Ayes 32; Nays 3**

**AYES**

Alexander Allen Bennett

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Fair Grooms

Hayes Hutto Johnson

Kimpson Leatherman Malloy

*Martin, Larry* Massey Matthews

McGill Nicholson O'Dell

Peeler Scott Setzler

Shealy Thurmond Turner

Williams Young

**Total--32**

**NAYS**

Bright Corbin *Martin, Shane*

**Total--3**

The Report of the Committee of Conference was adopted as follows:

**H. 4482--Conference Report**

The General Assembly, Columbia, S.C., May 8, 2014

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4482 -- Rep. Ridgeway: A BILL TO AMEND ARTICLE 9, CHAPTER 1, TITLE 1 OF THE 1976 CODE, RELATING TO STATE EMBLEMS, BY ADDING SECTION 1-1-712A, SO AS TO DESIGNATE THE COLUMBIAN MAMMOTH AS THE OFFICIAL STATE FOSSIL.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the bill, as and if amended, by striking all after the title and inserting:

/ Whereas, giant mammoths used to roam South Carolina; and

Whereas, scientists have identified the fossils of about six hundred and fifty species of vertebrates in South Carolina to date; and

Whereas, it has been recognized that fossilized mammoth teeth were discovered in a swamp in South Carolina in 1725; and

Whereas, this discovery has been credited as the first scientific identification of a North American vertebrate fossil. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

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

“Section 1‑1‑691. The Columbian Mammoth is designated as the official State Fossil of South Carolina.”

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

Amend title to conform.

Sen. Kevin L. Bryant /s/Rep. Phillip D. Owens

/s/Sen. Kevin L. Johnson /s/Rep. William M. Hixon

/s/Sen. Ross Turner /s/Rep. Robert L. Ridgeway III

On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 8, 2014

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

H. 4482 -- Rep. Ridgeway: A BILL TO AMEND ARTICLE 9, CHAPTER 1, TITLE 1 OF THE 1976 CODE, RELATING TO STATE EMBLEMS, BY ADDING SECTION 1-1-712A, SO AS TO DESIGNATE THE COLUMBIAN MAMMOTH AS THE OFFICIAL STATE FOSSIL.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 13, 2014

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

H. 4482 -- Rep. Ridgeway: A BILL TO AMEND ARTICLE 9, CHAPTER 1, TITLE 1 OF THE 1976 CODE, RELATING TO STATE EMBLEMS, BY ADDING SECTION 1-1-712A, SO AS TO DESIGNATE THE COLUMBIAN MAMMOTH AS THE OFFICIAL STATE FOSSIL.

Very respectfully,

Speaker of the House

Received as information.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 4701, THE GENERAL APPROPRIATIONS BILL.**

**H. 4701--GENERAL APPROPRIATIONS BILL**

**AMENDED, DEBATE INTERRUPTED**

H. 4701 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

**Amendment No. 36**

Senator CORBIN proposed the following amendment (DAD DISABLED CHILDREN), which was tabled:

Amend the bill, as and if amended, Part IA, Section 15, UNIVERSITY OF CHARLESTON, page 46, line 36, opposite /OTHER OPERATING EXPENSES/ by:

COLUMN 7 COLUMN 8

/ STRIKING: 71,872,473 670,066

and

INSERTING: 71,772,473 570,066/

Amend the bill further, as and if amended, Part IA, Section 20C, USC - UPSTATE, page 62, line 11, opposite /OTHER OPERATING EXPENSES/ by:

COLUMN 7 COLUMN 8

/ STRIKING: 17,825,570 121,176

and

INSERTING: 17,725,570 21,176/

Amend the bill further, as and if amended, Part IA, Section 6, SCHOOL FOR THE DEAF AND THE BLIND, page 22, line 24, by:

COLUMN 7 COLUMN 8

/ STRIKING: 338,300 333,421

and

INSERTING: 438,300 433,421/

Amend the bill further, as and if amended, Part IA, Section 36, DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, page 126, line 15, by:

COLUMN 7 COLUMN 8

/ STRIKING: 12,193,403 3,272,233

and

INSERTING: 12,243,403 3,322,233/

Amend the bill further, as and if amended, Part IA, Section 36, DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, page 126, line 30, by:

COLUMN 7 COLUMN 8

/ STRIKING: 10,185,000 6,885,000

and

INSERTING: 10,235,000 6,935,000/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CORBIN explained the amendment.

Senator HUTTO moved to lay the amendment on the table.

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

**Ayes 19; Nays 19**

**AYES**

Campbell Cleary Courson

Gregory Hayes Hutto

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

Matthews McElveen McGill

Nicholson O'Dell Scott

Setzler

**Total--19**

**NAYS**

Alexander Allen Bennett

Bright Bryant Campsen

Corbin Cromer Davis

Fair Grooms *Martin, Shane*

Massey Peeler Shealy

Thurmond Turner Verdin

Young

**Total--19**

The motion to table failed.

**Statement by Senator LARRY MARTIN**

An explanation is in order regarding my vote to table Amendment No. 36. I support sending a strong message to the higher education institutions regarding the controversial summer reading selection. Last week, I twice voted NOT TO TABLE Senator FAIR’s Amendment No. 10. Senator FAIR’s amendment targeted the amount of money that was spent to purchase these books. Senator CORBIN’s Amendment No. 36 contains a reduction in appropriations to these two institutions far in excess of the amount expended. My hope is that an amendment is developing that will put in place a process that will require the leadership of the tax supported higher education institutions either approves or knows about the summer reading book selection.

The question then was the adoption of the amendment.

Senator HUTTO spoke on the amendment.

Senator HUTTO moved to lay the amendment on the table.

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

**Ayes 22; Nays 21**

**AYES**

Allen Campbell Cleary

Coleman Courson Davis

Gregory Hayes Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

Matthews McElveen Nicholson

Rankin Scott Setzler

Sheheen

**Total--22**

**NAYS**

Alexander Bennett Bright

Bryant Campsen Corbin

Cromer Fair Grooms

*Martin, Larry Martin, Shane* Massey

McGill O'Dell Peeler

Shealy Thurmond Turner

Verdin Williams Young

**Total--21**

The amendment was laid on the table.

**Statement by Senator DAVIS**

Last week, I voted to table Senator FAIR’s amendment to cut funding, as a form of punishment, to a state college that included a book titled, “Fun Home: A Family Tragicomic”, as suggested reading for incoming college freshmen.  I voted to table that amendment because I think having 170 politicians micromanaging a college’s curriculum is bad public policy, and that if state legislators have concerns in that regard, the appropriate action would be for them to voice those concerns to the college’s board of trustees.  Today, I voted to table a similar amendment by Senator CORBIN for the same reasons.   And again today, as was the case last week when Senator FAIR’s amendment was debated, I was dismayed to hear a few State Senators -- by no means a majority, but some -- say they supported the amendment because they thought homosexuality was immoral and should not be referenced in a college-course subject.

**Privilege of the Chamber**

    On motion of Senator BRYANT, on behalf of Senator PINCKNEY, in accordance with the provisions of Rule 35, the Privilege of the Chamber, to that area behind the rail, was extended to Bishop Richard Franklin Norris, Sr. and Mother Mary Ann Norris in honor and recognition of African Methodist Episcopal Day in the South Carolina Senate.

**RECESS**

At 12:47 P.M., on motion of Senator COURSON, the Senate receded from business until 1:30 P.M.

At 1:31 P.M., the Senate resumed.

**PRESIDENT PRESIDES**

At 1:31 P.M., the PRESIDENT assumed the Chair.

**Amendment No. 75**

Senator BRIGHT proposed the following amendment (DG LB SDE), which was tabled:

Amend the bill, as and if amended, Part IA, Section 15, UNIVERSITY OF CHARLESTON, page 46, line 36, opposite /OTHER OPERATING EXPENSES/ by:

COLUMN 7 COLUMN 8

/ STRIKING: 71,872,473 670,066

and

INSERTING: 71,820,473 670,066/

Amend the bill further, as and if amended, Part IA, Section 20C, USC - UPSTATE, page 62, line 11, opposite /OTHER OPERATING EXPENSES/ by:

COLUMN 7 COLUMN 8

/ STRIKING: 17,825,570 121,176

and

INSERTING: 17,808,428 121,176/

Amend the bill further, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, by adding an appropriately numbered proviso to read:

/ *1.\_\_\_ (SDE: Additional Other Funds Authorization) Notwithstanding the amount appropriated in Part 1A, Section 1, other funds authorization shall be increased by $69,142.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

**Point of Quorum**

At 1:35 P.M., Senator BRIGHT made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Senator BRIGHT explained the amendment.

**Objection**

Senator BRIGHT asked unanimous consent to proceed to Amendment No. 10.

Senator SETZLER objected.

**Point of Order**

Senator LEATHERMAN raised a Point of Order that the Senator speaking on the amendment was being tedious and superfluous.

The PRESIDENT took the Point of Order under advisement.

Senator BRYANT spoke on the amendment.

Senator CORBIN spoke on the amendment.

Senator SCOTT moved to lay the amendment on the table.

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

**Ayes 24; Nays 20**

**AYES**

Allen Bennett Campbell

Cleary Coleman Courson

Davis Gregory Hayes

Hutto Jackson Johnson

Kimpson Leatherman Lourie

Malloy Massey Matthews

McElveen Nicholson Pinckney

Rankin Scott Setzler

**Total--24**

**NAYS**

Alexander Bright Bryant

Campsen Corbin Cromer

Fair Grooms *Martin, Larry*

*Martin, Shane* McGill O'Dell

Peeler Reese Shealy

Thurmond Turner Verdin

Williams Young

**Total--20**

The amendment was laid on the table.

**Amendment No. P1-76**

Senator HUTTO proposed the following amendment (DG CBH PER76), which was ruled out of order:

Amend the amendment bearing document number Finance/Amend/DAD LB SEC 3, as and if amended, by striking the amendment in its entirety and inserting:

/ / Amend the bill, as and if amended, Part IA, Section 18, LANDER UNIVERSITY, page 52, line 12, by:

COLUMN 7 COLUMN 8

STRIKING: 24,190,732 110,196

and

INSERTING: 24,121,590 110,196/

Amend the bill further, as and if amended, Part IB, Section 3, LOTTERY EXPENDITURE ACCOUNT, by adding an appropriately numbered proviso to read:

/ *3.\_\_\_ (EOC: Additional Other Funds Authorization)* *Notwithstanding the amount appropriated in Part 1A, Section 3, other funds authorization shall be increased by $69,142.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

**Point of Order**

Senator GROOMS raised a Point of Order under Rule 24A that the perfecting amendment was out of order inasmuch as it was not germane to the underlying amendment.

The PRESIDENT sustained the Point of Order, stating that under Rule 24A and Jefferson’s Manual perfecting amendments may not substantially alter the main amendment.

The amendment was ruled out of order.

Senator BRIGHT asked unanimous consent to withdraw Amendment Nos. 76 through 172.

**Amendment No. 71A**

Senators GROOMS, CAMPBELL, BRYANT and CAMPSEN proposed the following amendment (4701R042.GEC.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 11, COMMISSION ON HIGHER EDUCATION, page 410, after line 7, by adding an appropriately numbered new proviso to read:

/ *11.\_\_\_\_. (CHE: Required Reading Material Reporting) (A) From the revenue appropriated or authorized by this act, the University of Charleston must utilize at least $52,000 and USC Upstate must utilize at least $17,000 to comply with the provisions contained in Section 59-29-120, related to instruction in the provisions and principles of the United States Constitution, the Declaration of Independence, and the Federalist Papers, including the study of and devotion to American institutions and ideals. The instruction that must given pursuant to this provision may be satisfied by providing or assigning reading materials related to the subject matter.*

*(B) A public institution of higher learning that conducts a non‑elective reading program, other than as part of an instructional class, must provide alternative reading materials to a student who finds the required reading material objectionable based on a sincerely held religious, moral, or cultural belief. A student who requests alternative materials must not be subjected to any negative consequences or disparate treatment by any officer, official, faculty member, or other employee of the institution as a result of making the request.*

*(C) A public institution of higher learning that conducts a mandatory lecture, seminar, or other similar type presentation or program, other than as part of an instructional class, must allow a student who finds the program objectionable based on a sincerely held religious, moral, or cultural belief to decline to attend or otherwise participate in the program. A student who declines to attend or otherwise participate must not be subjected to any negative consequences or disparate treatment by any officer, official, faculty member, or other employee of the institution as a result of making the request. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

**Motion Adopted**

Senator SETZLER asked unanimous consent, with Senator GROOMS retaining the floor, to make a motion to recede until 3:25 P.M.

At 3:30 P.M., the Senate resumed.

Senator GROOMS resumed speaking.

Senator HUTTO spoke on the amendment.

**ACTING PRESIDENT PRESIDES**

At 3:48 P.M., Senator LARRY MARTIN assumed the Chair.

Senator KIMPSON spoke on the amendment.

The amendment was adopted.

**Recorded Vote**

Senators NICHOLSON and HUTTO desired to be recorded as voting against the adoption of the amendment.

**Recorded Vote**

Senator HAYES desired to be recorded as voting in favor of the adoption of the amendment.

**Amendment No. 46**

Senator JACKSON proposed the following amendment (DG DJ GEOPHYSICAL), which was adopted:

Amend the bill, as and if amended, Part IB, Section 20, UNIVERSITY OF SOUTH CAROLINA, page 410, after line 33, by adding an appropriately numbered new proviso to read:

/ *20.\_\_\_. (USC: Energy-related Economic Development) During the current fiscal year and using existing resources, the Earth Sciences and Resources Institute at the University of South Carolina shall develop a plan to foster collaborations among the State’s institutions of higher education, the private sector, local governments, K‑12 schools, the general public, and international partners to capitalize on the unique, unexplored geophysical characteristics of South Carolina and create energy‑related economic development opportunities within the State. By January 15, 2015, the report shall be provided to the director of the South Carolina Energy Office, the Secretary of the Department of Commerce, the Governor, and the chairmen of the Senate Agriculture and Natural Resources Committee and House Agriculture, Natural Resources and Environmental Affairs Committee.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator JACKSON explained the amendment.

The amendment was adopted.

**Amendment No. 177A**

Senator MASSEY proposed the following amendment (4701R045.ASM.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 19, SOUTH CAROLINA STATE UNIVERSITY, page 410, by amending the proviso designated as 19.\_\_\_(SCSU‑Blue Ribbon Advisory Committee), by striking subsection (B)(2) and subsection (3) and inserting: / *(2) The President of South Carolina State University and the university’s board of trustees, in consultation with the advisory committee, shall develop a budgetary plan to reduce expenditures and stabilize the university, including, but not limited to, the recruitment and retention of students. The budgetary plan must be provided to each member of the General Assembly. Upon approval of the plan by the board and the advisory committee, the university is authorized to implement the provisions of the budgetary plan as set forth in this subsection. The approved budgetary plan, if different from the proposed budgetary plan, must be provided to each member of the General Assembly. Upon implementation, the budgetary plan must prevent the university from running another other funds operating deficit. In developing the budgetary plan, all operating and other expenditures made across all aspects of the university must be considered, including, but not limited to, administration, academics, auxiliary operations, public service activities, and athletics.*

*(3) Upon certification by the advisory committee that funds for implementation of the budgetary plan are required, then the university must forward the plan to the Joint Bond Review Committee. Within fifteen days of approval by the Joint Bond Review Committee, the Budget and Control Board, in consultation with the Comptroller General, shall identify accounts from which the State Treasurer must transfer to the university on the schedule required by the budgetary plan an amount or amounts required by the budgetary plan. Members of the General Assembly must be provided with a complete list of all accounts from which the State Treasurer will transfer funds. If any portion of the budgetary plan approved by the committee includes a recommendation of a loan or a series of loans, the loan must be at an interest rate established by the State Treasurer pursuant to Section 11‑9‑250. Loan repayment, if required by the budgetary plan, shall be for the duration recommended by the committee except that repayment shall begin no earlier than the calendar year following the conclusion of the current fiscal year.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Amendment No. 73A**

Senators GROOMS, ALEXANDER and CAMPSEN proposed the following amendment (4701R039.LKG.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 34, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 433, after line 5, by adding an appropriately numbered new proviso to read:

*/ 34.\_\_\_ (DHEC: Birthing Center Inspections) For this fiscal year, birthing centers must register an on‑call agreement and any transfer policies with the department. The on‑call agreement shall contain provisions which provide that the on‑call physician is readily available to provide medical assistance either in person or by telecommunications or other electronic means, which means the physician must be within a reasonable drive of the birthing center, must be licensed in the State of South Carolina, and shall provide consultation and advice to the birthing center at all times it is serving the public. Furthermore, a birthing center shall document in its practice guidelines and policies the ability to transfer care to an acute care hospital with obstetrical and newborn services and must demonstrate this by: (A) coordinated transfer care plans, protocols, procedures, arrangements, or through collaboration with one or more acute care hospitals with appropriate obstetrical and newborn services; or (B) admitting privileges at one or more hospitals with appropriate obstetrical and newborn services by a birthing center*’*s consulting physician. The department may assess a $25.00 registration fee for agreements containing such a provision. Birthing centers registering on‑call and transfer policies in accordance with this proviso shall be deemed by the Department to be in compliance with Section 44‑89‑60(3) of the South Carolina Code and any implementing regulations for this fiscal year.*  /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

The amendment was carried over.

**Amendment No. 60**

Senators GROOMS and SHEHEEN proposed the following amendment (4701R018.LKG.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 34, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 433, after line 5, by adding an appropriately numbered new proviso to read:

/ *34.\_\_\_. (DHEC: SUPERB Reimbursement Schedule) For the purposes of Chapter 2, Title 44 relating to the State Underground Petroleum Environmental Response Bank Act,* ‘*usual, customary, and reasonable costs*’ *of site rehabilitation shall mean payments not less than those contained in the July 1, 2011 SUPERB Allowable Cost reimbursement schedule. Site rehabilitation work in progress as of the effective date of this act must be reimbursed at the completion of the work at a rate not less than the rates contained in the July 1, 2011 SUPERB Allowable Cost reimbursement schedule. Any rate schedule in conflict with the July 1, 2011 rate schedule must be amended to comply.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

Senator ALEXANDER moved to carry over the amendment.

**Amendment No. 176**

Senator GROOMS proposed the following amendment (4701R041.LKG.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 34, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 433, after line 5, by adding an appropriately numbered new proviso to read:

*/ 34.\_\_\_ (DHEC: Odor and Remediation Committee)(A) There is established the Oakley Determination of Odor and Remediation Committee.*

*(B) The committee shall be comprised of the following members or their designees:*

*(1) The First Congressional District DHEC Board member;*

*(2) The Mayor of Moncks Corner;*

*(3) The Berkeley County Supervisor;*

*(4) Two members appointed by the Berkeley Senate Delegation; and*

*(5) Two members appointed by the Berkeley House Delegation.*

*(C) The committee must study the source and cause of noxious odors affecting the quality of life for residents in and around Oakley Road in Berkeley County, and to identify and recommend remediation of those odors. The committee must issue its findings and recommendations to DHEC.*

*(D) From funds appropriated by this act, DHEC must provide staffing and administrative assistance to the Oakley Determination of Odor and Remediation Committee. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

**Amendment No. 179A**

Senator HUTTO proposed the following amendment (DG CHB PEBA2), which was adopted:

Amend the bill, as and if amended, Part IB, Section 105, PUBLIC EMPLOYEE BENEFIT AUTHORITY, page 513, after line 6, by adding an appropriately numbered new proviso to read:

/ *105.\_\_\_. (PEBA: Medicare Advantage) From the funds appropriated, the Public Employee Benefit Authority, with participation from the South Carolina Retirees Association, must study and determine the cost savings and the impact on members’ benefits that may be realized through the utilization of Medicare Advantage for Medicare-eligible retirees. PEBA shall submit its findings to the Senate Finance Committee and the House Ways and Means Committee no later than September 1, 2014. The study must include, but is not limited to, an assessment of the experience of Georgia and North Carolina with Medicare Advantage, and any substantial reasons why the Authority should not issue a Request for Proposal for a Medicare Advantage program for Medicare-eligible retirees.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

**Amendment No. 68**

Senator LOURIE proposed the following amendment (DG JL DORHACK), which was adopted:

Amend the bill, as and if amended, Part IB, Section 106, DEPARTMENT OF REVENUE, page 516, after line 10, by adding an appropriately numbered new proviso to read:

*/ 106.\_\_\_. (DOR: Breach of Identifying Information) In the current fiscal year, and from appropriated funds, the Department of Revenue must notify each person whose personal identifying information was compromised in 2012. The notice must be in writing, must alert the taxpayer of the compromised personally identifying information, and provide information as to the manner in which the taxpayer may obtain free identity theft protection and identity theft resolution services.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LOURIE explained the amendment.

The amendment was adopted.

**PRESIDENT PRESIDES**

At 5:13 P.M., the PRESIDENT assumed the Chair.

**Amendment No. 62**

Senators THURMOND, SHEHEEN, BRIGHT and YOUNG proposed the following amendment (4701R026.PT.DOCX), which was carried over:

Amend the bill, as and if amended, Part 1A, Section 91A, LEG. DEPT‑THE SENATE, page 264, line 11, by:

COLUMN 7 COLUMN 8

/ STRIKING: 2,437,609 2,437,609

and

INSERTING: 1,885,609 1,885,609/

Amend the bill further, as and if amended, Part 1A, Section 91B, LEG. DEPT‑HOUSE OF REPRESENTATIVES, page 265, line 11, by:

COLUMN 7 COLUMN 8

/ STRIKING: 11,990,627 11,990,627

and

INSERTING: 10,502,627 10,502,627/

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 4, line 24, by:

COLUMN 7 COLUMN 8

/ STRIKING: 1,015,506 1,015,506

and

INSERTING: 3,055,506 3,055,506/

Amend the bill further, as and if amended, Part IB, Section 91, LEGISLATIVE DEPARTMENT, page 487, by striking proviso 91.13 and inserting:

/ 91.13. (LEG: In‑District Compensation) All members of the General Assembly shall receive an in‑district compensation of $1,000 per month./

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator THURMOND explained the amendment.

**Point of Order**

Senator SCOTT raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT overruled the Point of Order.

**Point of Order**

Senator BRIGHT raised a Point of Order under Rule 24A that Proviso 118.4 of Part 1B was out of order inasmuch as it was not germane to the Bill.

***118.4.*** *(SR: Criminal Justice Academy Funding) (A) In addition to all other assessments and surcharges, during the current fiscal year, a five dollar surcharge to fund training at the South Carolina Criminal Justice Academy is also levied on all fines, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates’ or municipal court for misdemeanor traffic offenses or for non-traffic violations. No portion of the surcharge may be waived, reduced, or suspended. The additional surcharge imposed by this section does not apply to parking citations.*

*(B) The revenue collected pursuant to subsection (A) must be retained by the jurisdiction, which heard or processed the case and paid to the State Treasurer within thirty days after receipt. The State Treasurer shall transfer the revenue quarterly to the South Carolina Criminal Justice Academy.*

*(C) The State Treasurer may request the State Auditor to examine the financial records of any jurisdiction which he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to subsection (B). The State Auditor is further authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the examination.*

The PRESIDENT sustained the Point of Order.

Proviso 118.4 was ruled out of order.

Senator THURMOND resumed speaking on the amendment.

Senator CLEARY spoke on the amendment.

Senator SCOTT spoke on the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator MALLOY spoke on the amendment.

On motion of Senator MALLOY, the amendment was carried over.

Senator THURMOND moved that the Senate adjourn.

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

**Ayes 12; Nays 30**

**AYES**

Bright Bryant Campsen

Coleman Hutto Johnson

Malloy *Martin, Larry Martin, Shane*

McElveen Thurmond Turner

**Total--12**

**NAYS**

Alexander Allen Bennett

Campbell Cleary Corbin

Courson Davis Gregory

Grooms Hayes Jackson

Kimpson Leatherman Lourie

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Williams Young

**Total--30**

Having failed to receive the necessary votes, the Senate refused to adjourn.

**Amendment No. 199**

Senators THURMOND and SHEHEEN proposed the following amendment (DG PT INDISTLGF):

Amend the bill, as and if amended, Part IA, Section 91A, LEG. DEPT - THE SENATE, page 264, line 11, by:

COLUMN 7 COLUMN 8

/ STRIKING: 2,437,609 2,437,609

and

INSERTING: 1,885,609 1,885,609/

Amend the bill further, as and if amended, Part IA, Section 91B, LEG. DEPT - HOUSE OF REPRESENTATIVES, page 265, line 11, by:

COLUMN 7 COLUMN 8

/ STRIKING: 11,990,627 11,990,627

and

INSERTING: 10,502,627 10,502,627/

Amend the bill further, as and if amended, Part IA, Section 110, AID TO SUBDIVISIONS - STATE TREASURER, page 323, line 3, by:

COLUMN 7 COLUMN 8

/ STRIKING: 187,619,411 187,619,411

and

INSERTING: 189,659,411 189,659,411/

Amend the bill further, as and if amended, Part IB, Section 91, LEGISLATIVE DEPARTMENT, page 487, by striking proviso 91.13 and inserting:

/ 91.13.(LEG: In‑District Compensation) All members of the General Assembly shall receive an in‑district compensation of $1,000 per month. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator THURMOND explained the amendment.

Senator SCOTT spoke on the amendment.

**Motion Adopted**

Pursuant to Rule 18, Senator MALLOY moved to divide the question on the amendment.

Senator THURMOND spoke on the motion.

**Point of Order**

Senator THURMOND raised a Point of Order that the amendment was not divisible.

The PRESIDENT overruled the Point of Order.

Senator THURMOND moved to table the motion to divide the question.

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

**Ayes 19; Nays 24**

**AYES**

Bennett Bright Bryant

Campsen Corbin Cromer

Davis Gregory Lourie

*Martin, Larry* Massey Peeler

Rankin Shealy Sheheen

Thurmond Turner Verdin

Young

**Total--19**

**NAYS**

Alexander Allen Campbell

Cleary Coleman Courson

Grooms Hayes Hutto

Jackson Johnson Kimpson

Leatherman Malloy *Martin, Shane*

Matthews McElveen McGill

Nicholson Pinckney Reese

Scott Setzler Williams

**Total--24**

The motion to table the motion to divide the question failed.

The amendment was divided as follows:

**Amendment No. 199, Part 1**

Amend the bill further, as and if amended, Part IA, Section 110, AID TO SUBDIVISIONS - STATE TREASURER, page 323, line 3, by:

COLUMN 7 COLUMN 8

/ STRIKING: 187,619,411 187,619,411

and

INSERTING: 189,659,411 189,659,411/

**Point of Order**

Senator CORBIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT overruled the Point of Order.

The question then was the adoption of Amendment No. 199, Part 1.

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

**Ayes 39; Nays 4**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Cleary Coleman Corbin

Courson Davis Gregory

Grooms Hayes Hutto

Jackson Johnson Kimpson

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

McGill Nicholson Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--39**

**NAYS**

Campsen Cromer Leatherman

Matthews

**Total--4**

The amendment was adopted.

**Amendment No. 199, Part 2**

Amend the bill, as and if amended, Part IA, Section 91A, LEG. DEPT - THE SENATE, page 264, line 11, by:

COLUMN 7 COLUMN 8

/ STRIKING: 2,437,609 2,437,609

and

INSERTING: 1,885,609 1,885,609/

Amend the bill further, as and if amended, Part IA, Section 91B, LEG. DEPT - HOUSE OF REPRESENTATIVES, page 265, line 11, by:

COLUMN 7 COLUMN 8

/ STRIKING: 11,990,627 11,990,627

and

INSERTING: 10,502,627 10,502,627/

Amend the bill further, as and if amended, Part IB, Section 91, LEGISLATIVE DEPARTMENT, page 487, by striking proviso 91.13 and inserting:

/ 91.13.(LEG: In‑District Compensation) All members of the General Assembly shall receive an in‑district compensation of $1,000 per month. /

Renumber sections to conform.

Amend sections, totals and title to conform.

The question then was the adoption of Amendment No. 199, Part 2.

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

**Ayes 26; Nays 17**

**AYES**

Bennett Bright Bryant

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Gregory

Grooms Hayes Lourie

*Martin, Larry Martin, Shane* Massey

McElveen Peeler Rankin

Shealy Sheheen Thurmond

Turner Young

**Total--26**

**NAYS**

Alexander Allen Hutto

Jackson Johnson Kimpson

Leatherman Malloy Matthews

McGill Nicholson Pinckney

Reese Scott Setzler

Verdin Williams

**Total--17**

The amendment was adopted.

**Motion Adopted**

On motion of Senator COURSON, the Senate agreed to meet tomorrow at 10:00 A.M.

**Motion Failed**

Senator COLEMAN moved that the Senate stand adjourned.

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

**Ayes 20; Nays 23**

**AYES**

Allen Bright Bryant

Campsen Coleman Hutto

Jackson Johnson Kimpson

Malloy *Martin, Larry Martin, Shane*

McElveen Nicholson Pinckney

Rankin Reese Sheheen

Thurmond Turner

**Total--20**

**NAYS**

Alexander Bennett Campbell

Cleary Corbin Courson

Cromer Davis Gregory

Grooms Hayes Leatherman

Lourie Massey Matthews

McGill Peeler Scott

Setzler Shealy Verdin

Williams Young

**Total--23**

Having failed to receive the necessary votes, the Senate refused to adjourn.

**Amendment No. 73A**

Senators GROOMS, ALEXANDER and CAMPSEN proposed the following amendment (4701R039.LKG.DOCX), which was adopted:

Amend the bill, as and if amended, Part IB, Section 34, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 433, after line 5, by adding an appropriately numbered new proviso to read:

*/ 34.\_\_\_ (DHEC: Birthing Center Inspections) For this fiscal year, birthing centers must register an on‑call agreement and any transfer policies with the department. The on‑call agreement shall contain provisions which provide that the on‑call physician is readily available to provide medical assistance either in person or by telecommunications or other electronic means, which means the physician must be within a reasonable drive of the birthing center, must be licensed in the State of South Carolina, and shall provide consultation and advice to the birthing center at all times it is serving the public. Furthermore, a birthing center shall document in its practice guidelines and policies the ability to transfer care to an acute care hospital with obstetrical and newborn services and must demonstrate this by: (A) coordinated transfer care plans, protocols, procedures, arrangements, or through collaboration with one or more acute care hospitals with appropriate obstetrical and newborn services; or (B) admitting privileges at one or more hospitals with appropriate obstetrical and newborn services by a birthing center*’*s consulting physician. The department may assess a $25.00 registration fee for agreements containing such a provision. Birthing centers registering on‑call and transfer policies in accordance with this proviso shall be deemed by the Department to be in compliance with Section 44‑89‑60(3) of the South Carolina Code and any implementing regulations for this fiscal year.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

**Objection**

Senator PEELER asked unanimous consent to allow no further amendments to be placed on the desk after 9:00 P.M.

Senator THURMOND objected.

**Amendment No. 74**

Senator BRIGHT proposed the following amendment (4701R034.KB.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 81, DEPARTMENT OF LABOR, LICENSING & REGULATION, page 479, after line 9, by adding an appropriately numbered new proviso to read:

*/* *81.\_\_\_\_ (LLR: Staff Privilege Certification) During the current fiscal year and prior to performing an abortion in a facility other than a certified hospital, a physician that intends to perform an abortion at such a facility must file a certification that the physician has admitting privileges at a local certified hospital and staff privileges to replace on‑staff physicians at the certified hospital with the Board of Medical Examiners and remit a $25.00 filing fee.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

**Point of Order**

Senator HUTTO raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill in that it amends Sections 44-41-10 and 20(b).

On motion of Senator HUTTO, the amendment was carried over.

**Amendment No. 198**

Senators CLEARY and ALEXANDER proposed the following amendment (DAD RC PEBA), which was adopted:

Amend the bill, as and if amended, Part IB, Section 105, PUBLIC EMPLOYEE BENEFIT AUTHORITY, page 513, after line 6, by adding an appropriately numbered new proviso to read:

*/(105. . (PEBA: Self-Insured Group Health Benefits Plan) Effective January 1, 2015, the self-insured group health benefits plan for state employees and retirees established under Section 1-11-710 et seq. (the State Health Plan) and administered by the Public Employee Benefit Authority pursuant to Section 9-4-10 et seq. (PEBA) shall reimburse all pharmacies participating in the State Health Plan’s retail pharmacy network on an equal and uniform per-product basis. This requirement applies whether the network is established via direct contract with the State Health Plan or via an authorized pharmacy benefit manager.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CLEARY explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senators BRYANT and CROMER desired to be recorded as abstaining in the vote on the amendment.

Debate was interrupted by adjournment.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Union County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Harold Whitney Smith, 174 Tom Kelly Circle, Carlisle, SC 29031

Reappointment, Dillon County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

James F. Rogers, P.O. Box 187, Lake View, SC 29536

Reappointment, Dillon County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Charles D. Spivey, P.O. Box 272, Lake View, SC 29536

Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Fredrick A. Thomas, P.O. Box 3222, Lancaster, SC 29721

Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Van K. Richardson, 3611 Kershaw Camden Highway, Heath Springs, SC 29058

Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Douglas M. Vecchio, 206 W. Stevens Drive, Kershaw, SC 29067

Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Jacqueline M. Pope, 404 W. Pine Street, Kershaw, SC 29067

Reappointment, Dillon County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Mackie D. Hayes, 820 North 24th Avenue, Dillon, SC 29536

**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*

*Rep. Jackie E. Hayes*

*Sen. C. Bradley Hutto*

*Sen. Luke A. Rankin, Sr. Post Office Box 142*

*John Steven Simmons, Esquire Columbia, South Carolina 29202*

*Helen T. Zeigler, Esquire (803) 212-6208*

May 13, 2014

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 2, 4, and 6 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 April 14, 2014, 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/2014ScreeningInformation.php

The Review Committee met April 29, 2014, to consider the qualifications of the candidates. 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, **Thursday, May 15, 2014***.* **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 May 15, 2014.** 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

**Public Utilities Review Committee’s Report as to the Qualifications**

**of Candidates for Seats 2, 4, and 6**

**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 2, 4, and 6 expire on June 30, 2014. The Review Committee issued a press release announcing the vacancies on January 3, 2014 and received applications from 9 persons. Two applicants withdrew their names from consideration prior to 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 on April 14, 2014 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**

Pursuant to Section 58-5-20(A), 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.

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 and provide written justification of their decision in the report regarding candidate qualifications. S.C. Code Ann.§58-3-20(B).

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’ annual evaluations since their last screening are included after each commissioner’s summary of qualifications.

**General Qualifications**

To determine fitness beyond mere legal qualifications, the Review Committee 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 Review Committee then considered each candidate as a whole and formulated an overall recommendation.

Experience

Section 58-3-20(A) 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 Review Committee 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 Review Committee 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 subcommittee’s transcript contains each applicant’s background and employment history.

Temperament

The Review Committee 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

Section 58-3-30 requires that commissioners adhere to the State Ethics Act and the Judicial Code of Conduct. The Review Committee 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 Review Committee 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 Review Committee 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 Review Committee 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 Review Committee 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 Review Committee 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 Review Committee 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 2: Elliott F. Elam, Jr.**

**Brent L. McGee**

**Seat 4: Elizabeth “Lib” B. Fleming**

**William “Kevin” Newman**

**Seat 6: Nikiya “Nikki” M. Hall**

**CANDIDATES FOR SEAT 2**

**Elliott F. Elam, Jr.**

**Address:** 142 Mossborough Dr.

Lexington, South Carolina 29073-7454

**Overall Recommendation:**

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

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

Mr. Elam is a graduate of the University of South Carolina, where he received a Bachelor of Arts degree in Political Science in 1984, as well as a Masters in Public Administration in 1988. He also received his Juris Doctorate from the University of South Carolina School of Law in 1988.

Mr. Elam has served as Deputy Consumer Advocate/Consumer Advocate with the Department of Consumer Affairs since 2002. His employment with the Department began as a law clerk in 1987. In 1990, he was promoted to staff attorney, where he represented utility and insurance ratepayers before the Public Service Commission, the Department of Insurance, Administrative Law Judge Division, the Federal Communications Commission, the Federal Energy Regulatory Commission, and state and federal courts. While a staff attorney, he testified numerous times before committees of the South Carolina General Assembly on utility regulation issues. In 2002, he became the Deputy Consumer Advocate/Consumer Advocate, a position he presently holds. He has directed the representation of utility and insurance ratepayers before the South Carolina Public Service Commission, the Federal Communications Commission, the Federal Energy Regulatory Commission, the South Carolina Department of Insurance, and the Administrative Law Court. He has represented consumer appeals before the state’s circuit courts, the South Carolina Court of Appeals, and the South Carolina Supreme Court.

**Test Score:**

Mr. Elam received an overall score of 74.

**General Qualifications:**

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

**Brent L. McGee**

**Address:** 171 Hermitage Road

Lexington, SC 29072

**Overall Recommendation:**

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

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

Mr. McGee received a Bachelor of Science degree in Business and Accounting from Presbyterian College 1996. He received his Juris Doctorate from the University of South Carolina School of Law in 1999.

Mr. McGee has served as Commissioner on the South Carolina Public Service Commission since November 2013, filling a vacancy due to the resignation of former Commissioner David Wright. In 2012, he worked at McGee Real Estate Co/Brent L. McGee Attorney at Law, LLC, in which he focused on real estate closings. From January 2010 - October 2012, he was employed by Ameris Bank as a branch manager and loan officer. From 2004-2009, he was a partner in Mann & McGee, LLC, which focused on real estate closings and transactions, as well as entity formation. From 2002-2004, he was an associate attorney with the Dooley Law Firm, focusing on real estate closings, wills, and entity formation.

Mr. McGee is a member of South Carolina Bar Association and the National Association of Regulatory Utility Commissioners (NARUC).

**Test Score:**

Mr. McGee received an overall score of 87.

**General Qualifications:**

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

**CANDIDATES FOR SEAT 4**

**Elizabeth “Lib” B. Fleming**

**Address:** 314 Glendalyn Place

Spartanburg, SC 29302

**Overall Recommendation**:

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

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

Ms. Fleming is a graduate of Converse College, where she received a Bachelor of Arts degree in 1965. After graduating from Converse in 1965, she served as the Head Start Director of Walker River Indian Reservation in Nevada during the Summer of 1967.

Ms. Fleming has served as a Commissioner on the Public Service Commission since 2004. She served as councilwoman to the City of Spartanburg from 1994-2004.

Ms. Fleming is a member of the National Association of Utility Regulatory Commissioners (NARUC), where she served on the board of directors from 2009-2012. She is a member of NARUC’s Committee on Critical Infrastructure, where she served as chairwoman from 2009-2012. She also serves on NARUC’s Committee on Electricity and NARUC’s Eastern Interconnection Planning Council (EISPC). She is currently a member of the EISPC’s steering committee. She also serves on the National Regulatory Research Institute’s Investment Committee. She is also a member of the New Mexico State University, Center for Public Utility Advisory Committee as well as the Southeastern Association of Regulatory Utility Commissioners (SEARUC).

**Test Score:**

Ms. Fleming received an overall score of 87.

**General Qualifications**:

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

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Elizabeth “Lib” Fleming**

**South Carolina Public Service Commission**

Seat: Fourth Congressional District

Review Period: July 1, 2012 - June 30, 2013

Commissioner Fleming was initially elected March 3, 2004, and was most recently reelected May 19, 2010. During her tenure, she has taken advantage of many opportunities to expand her understanding of public utilities issues. She is an active member of NARUC and SEARUC. Commissioner Fleming is a member of the NARUCCommittee on Critical Infrastructure,Committee on Electricity, the White House Smart Grid Working Group,the Eastern Interconnection States Planning Council (EISPC)and the Eastern Interconnection Planning Council, Sector Steering Council. She is also a member on the New Mexico State University Center for Public Utility Advisory Committee.She also serves as a board member for the National Regulatory Research Institute.

Commissioner Fleming exhibits a desire to increase her knowledge and skills by attending educational programs. She attended the following educational programs and events:

* NARUC meetings (summer, annual and winter);
* Three Interconnections: Facing the Future with Interconnection-Wide Planning;
* Women’s Emerging Issues Policy Forum;
* Emerging Issues Policy Forum, during which she participated on a panel;
* Current Issues 2013 conference, during which she participated on a panel;
* Institute for Regulatory Law & Economics;
* SEARUC annual conference, during which she participated on a panel;
* Electric power Research Institute Summer Seminar, on which she participated on a penal to discuss cyber security;
* Utilities 2020 Project Dialogue, during which she participated in a round table discussion regarding new utility business models and new regulatory approaches; and
* Various ex parte briefings and workshops, including ethics.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Fleming is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, 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 Fleming.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Elizabeth “Lib” Fleming**

**South Carolina Public Service Commission**

Seat: Fourth Congressional District

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

Commissioner Fleming was initially elected March 3, 2004, and was most recently re-elected May 19, 2010. During her tenure, she has taken advantage of many opportunities to expand her understanding of public utilities issues. She is an active member of NARUC and SEARUC. She served as the chairwoman for NARUC’s Committee on Critical Infrastructure and a member of NARUC’s Board of Directors until November 2011. Commissioner Fleming is a member of the NARUC Committee on Electricity, the White House Smart Grid Working Group, the Eastern Interconnection States Planning Council (EISPC) and the Eastern Interconnection Planning Council, Sector Steering Council. She serves as the secretary for the EISPC’s Executive Committee. She is also a member on the New Mexico State University Center for Public Utility Advisory Committee. She also serves on the Smart Grid Working Group*.*

Commissioner Fleming exhibits a desire to increase her knowledge and skills by attending educational programs. She attended the following educational programs and events:

* NARUC meetings (summer, annual and winter);
* National Electricity Forum;
* SEARUC summit;
* GridWeek 2011, on which she participated in a panel;
* Various ex parte briefings and workshops, including ethics.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Fleming is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, 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 Fleming.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Elizabeth “Lib” Fleming**

**South Carolina Public Service Commission**

Seat: Fourth Congressional District

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

Commissioner Fleming was initially elected March 3, 2004, and was most recently re-elected May 19, 2010. During her tenure, she has taken advantage of many opportunities to expand her understanding of public utilities issues. She is an active member of NARUC and SEARUC. She is the chairwoman for NARUC’s Committee on Critical Infrastructure and a member of NARUC’s Board of Directors, NARUC Committee on Electricity, and the White House Smart Grid Working Group. She also serves as an advisory council member for the Center for Public Utilities at New Mexico State University. She is a member of the Eastern Interconnection States Planning Council (EISPC) and of the Eastern Interconnection Planning Council, Sector Steering Council. She serves as the secretary for the EISPC’s Executive Committee. She is also a member on the New Mexico State University Center for Public Utility Advisory Committee. She also serves on the White House Smart Grid Working Group.

Chairman Fleming exhibits a desire to increase her knowledge and skills by attending educational programs. She attended the following educational programs and events:

* NARUC meetings (summer, annual and winter);
* Emerging Issues Policy Forum, during which she served on several panels;
* Current Issues 2011, Center for Public Utilities, New Mexico State University, where she served as moderator;
* Webinars - State of Efforts to Manage the Accident at Japan’s Fukushima Daiichi Nuclear Site and Implications for the U.S. Nuclear Industry, and FERC’s Proposed Regional Planning Rule, on which she moderated the discussion;
* Electric Infrastructure Security Summit, during which she served on a panel discussing government perspectives;
* Critical Consumer Issues Forum;
* Ethics Seminar;
* Various ex parte briefings and seminars held in Columbia, S.C.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Fleming is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, 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 Fleming.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Elizabeth “Lib” Fleming**

**South Carolina Public Service Commission**

Seat: Fourth Congressional District

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

Chairman Fleming was initially elected March 3, 2004, and was most recently reelected May 19, 2010. During her tenure, she has taken advantage of many opportunities to expand her understanding of public utilities issues. She is an active member of NARUC and SEARUC. She is the chairman for NARUC’s Committee on Critical Infrastructure and a member of NARUC’s: Board of Directors, Committee on Electricity, and White House Smart Grid Working Group. She also serves as an advisory council member for the Center for Public Utilities at New Mexico State University. She is a member of the Eastern Interconnection States Planning Council (EISPC) and of the Eastern Interconnection Planning Council Sector Steering Council. She serves as the secretary for the EISPC’s Executive Committee.

Chairman Fleming exhibits a desire to increase her knowledge and skills by attending educational programs. She attended the following educational programs and events:

* NARUC meetings (winter, summer and annual);
* Fundamentals of Electricity Law, Renewable Energy, Energy Efficiency and Smart Grid;
* Ethics seminar;
* SEARUC annual meeting;
* Fundamentals of Electricity Regulation in South Carolina;
* FERC’s Proposed Regional Planning Rule: *Small Step, Giant Leap or Both?*  (webinar);
* Various ex parte briefings;
* Provided the commission update at the SC Telephone Association at its fall conference and spring convention; and
* Keynote speaker for the Edison Electric Institute Member Representative Breakfast.

Based on surveys of persons appearing before the commission and commission employees, Chairman Fleming is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, 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 Chairman Fleming.

**William “Kevin” Newman**

**Address:** 362 Copper Creek Circle

Inman, SC 29349

**Overall Recommendation**:

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

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

Mr. Newman is a graduate of the University of South Carolina, where he received a Bachelor of Sciences degree in Hotel, Restaurant, and Tourism Administration in 1994. Mr. Newman has attended a number of continuing education courses and training programs over the past five years, including the Advanced Municipal Elected Officials Institute, the Municipal Elected Officials Institute of Government, the Municipal Association of South Carolina Annual Meeting, and the Rural Communities Leadership Development Program.

Mr. Newman has been the manager of The Frame House and Gallery since 2004. From 1996-2004, he was a travel consultant with AAA Carolinas. From 1993-1996, he worked various hotels as desk clerk and auditor. Mr. Newman’s has served as a Inman City Council member since 2006, and currently serves as the Mayor Pro-tem.

**Test Score:**

Mr. Newman received an overall score of 86.

**General Qualifications**:

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

**Justification for Qualification**

Pursuant to Section 58-3-20(B), the members of the Review Committee voted to find Mr. Newman to be a qualified candidate. Although it was not clear from Mr. Newman’s application that he possesses “a background of substantial duration and expertise” in the areas listed in Section 58-3-20(A)(2), he indicated in his interview that he has been exposed to a number of relevant areas during his service as an Inman City councilmember, including: (a) consumer advocacy in the performance of constituent services; (b) wastewater with Inman’s wastewater treatment plant; (c) reviewing engineering and legal documents that come before the Inman City Council; and (d) finance as he and his fellow council members work to balance services with the funding received by the city. (see Transcript pg. 111-114; 123-125). In addition, Mr. Newman did exceptionally well on the written exam, scoring on par with the incumbent commissioners. As with each candidate, the Review Committee considered Mr. Newman’s background and circumstances in their totality. The high test score further indicates that Mr. Newman possesses the capability to learn and apply information on matters that come before the Public Service Commission. These factors, in addition to the other statutorily required considerations of a candidate, led the Review Committee to find Mr. Newman to be a qualified candidate.

**JOHN MAXCY “MAX” COCHRAN, JR**

**Address:** 112 Woodland Way

Greenville, SC 29601

**Overall Recommendation**:

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

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

Mr. Cochran received a Bachelor of Science degree in Electrical Engineering from the Georgia Institute of Technology in 1958. He received a Master of Sciences in Electrical Engineering from the Massachusetts Institute of Technology (MIT) in 1964. Mr. Cochran has passed the Series 7 and 63 Federal and State Securities Regulations Exams in 2009 and 2010, respectively.

Mr. Cochran is currently a senior advisor at Watermark Advisors, LLC and has held that position since 2009. From 1999 to 2009, he was a product manager at Louis P. Batson, Co. From 1999 to 2009, he was a Product Manager at Louis P. Batson, Co. From 1998 to 1999 he was the chairman and CEO of Contract Packaging Resources, Inc. From 1996 to 1998, he was the executive vice-president of Digital Recorders, Inc. From 1989 to 1995, he was the president of Highland Yarn Mills, Inc. From 1987-1989, he was employed in the field of electrical engineering and design at Texfi Industries, Inc. From 1967-1987, he was employed in the area of electrical engineering and design with Frontier Electronics. He worked for Burlington Industries from 1964-1967 in electrical engineering and design. From 1961-1964, he worked in electrical engineering and design at M.I.T. Instrumentation Laboratory.

Mr. Cochran served in the US Navy from 1958 to 1961 and in the US Navy Reserve from 1961 to 1967.

**Test Score:**

Mr. Cochran received an overall score of 53.

**General Qualifications**:

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

**CANDIDATE FOR SEAT 6**

**Nikiya “Nikki” M. Hall**

**Address:** 5003 Holmes Avenue

Columbia, SC 29203

**Overall Recommendation**:

Ms. Hall was evaluated as **OUTSTANDING** qualification to serve on the Public Service Commission.

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

Ms. Hall is a graduate of Spelman College, where she received a Bachelor of Arts degree in English in 2000. She received a Juris Doctorate from the Georgetown University Law Center in 2004.

Ms. Hall has served as a Commissioner on the Public Service Commission since 2010. From 2007 to 2010, she served as a Magistrate’s Judge for Richland County. From 2005 to 2007, she served as a Solicitor for the Fifth Judicial Circuit. She was a judicial law clerk for the Honorable L. Casey Manning, of the Fifth Judicial Circuit, from 2004 to 2005.

Ms. Hall is a member of the South Carolina Bar and has inactive status membership in the Georgia Bar. She is a member of the National Association of Regulatory Utility Commissioners (NARUC), where she serves as Chair of the Utility Market Access Subcommittee, past Chair of Washington Action (2013-2014), and is also a member of the Energy Resources and Environment Committee. She is also a current member of the Nuclear Waste Strategy Coalition.

**Test Score:**

Ms. Hall received an overall score of 84.

**General Qualifications**:

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

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Nikki Hall**

**South Carolina Public Service Commission**

Seat: Sixth Congressional District

Review Period: July 1, 2012 - June 30, 2013

Commissioner Hall was initially elected to the commission on May 19, 2010. She is an active member of NARUC. Commissioner Hall is a member of NARUC’s Energy Resources and the Environment Committee,is the vice chair of the Utility Market Access Committee*,* and is the co-chair of the Washington Action Committee.Commissioner Hall has taken advantage of many opportunities to expand her understanding of public utilities issues.

Commissioner Hall exhibits a desire to increase her knowledge and skills by attending educational programs. She attended the following educational programs:

* NARUC meetings (annual and winter);
* Emerging Issues Policy Forum;
* Vogtle Nuclear Study Tour;
* Eastern Utility Rate School;
* SEARUC Summit and annual conference; and
* Various ex parte briefings and workshops,including ethics.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Hall is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, 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 Hall.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Nikki Hall**

**South Carolina Public Service Commission**

Seat: Sixth Congressional District

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

Commissioner Hall was initially elected to the commission on May 19, 2010. She is an active member of NARUC. Commissioner Hall is a member of NARUC’s Energy Resources and the Environment Committee, is the co-vice chair of the Utility Market Access Committee, and was recently appointed to serve on the Washington Action Committee. Commissioner Hall has taken advantage of many opportunities to expand her understanding of public utilities issues.

Commissioner Hall exhibits a desire to increase her knowledge and skills by attending educational programs. She attended the following educational programs:

* NARUC meetings (annual, summer and winter);
* Wall Street Dialogue;
* Emerging Issues Policy Forum;
* NARUC Energy Efficiency Training;
* SEARUC meetings, in which she moderated a panel at one of the meetings;
* American Association of Blacks in Energy Annual Conference, at which she was a panelist; and
* Various ex parte briefings and workshops, including ethics.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Hall is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, 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 Hall.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Nikki Hall**

**South Carolina Public Service Commission**

Seat: Sixth Congressional District

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

Commissioner Hall was initially elected to the commission on May 19, 2010. She is an active member of NARUC. Commissioner Hall is a member of NARUC’s Energy Resources and the Environment Committee and the subcommittee on Utility Marketplace Access. During her short tenure, Commissioner Hall has taken advantage of many opportunities to expand her understanding of public utilities issues.

Commissioner Hall exhibits a desire to increase her knowledge and skills by attending educational programs. She attended the following educational programs:

* Camp NARUC at the Institute of Public Utilities at Michigan State University;
* NARUC New Commissioner Training;
* SEARUC Annual Meeting, at which she spoke on the NARUC Utility Marketplace Access Subcommittee.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Hall is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, 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 Hall.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Nikki Hall**

**South Carolina Public Service Commission**

Seat: District 6

Review Period: June 16, 2010 - August 31, 2010

Commissioner Hall was elected to the commission on May 19, 2010, and began her role as a commissioner on June 16, 2010. Commissioner Hall is a member of NARUC’s Energy Resources and the Environment Committee. During her short tenure, Commissioner Hall has taken advantage of many opportunities to expand her understanding of public utilities issues.

Commissioner Hall exhibits a desire to increase her knowledge and skills by attending educational programs. She attended the following educational programs:

* NARUC summer meeting;
* Camp NARUC at the Institute of Public Utilities at Michigan State University;
* Electricity Emerging Educational Issues workshop; and
* Emerging and Foundational Issues in the Electric Utility Sector.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Hall is courteous to all persons appearing before her, is impartial in her treatment of persons appearing before her, 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 Hall.

\*\*\*

On motion of Senator LEATHERMAN, the Senate agreed to stand adjourned.

**MOTION ADOPTED**

On motion of Senators O’DELL and SHEHEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Lois Rhame West of Camden, S.C. Ms. West was the former First Lady of South Carolina from 1971-1975 during the term of her husband, John West, as Governor. She was active in the Camden community as a longtime scout leader and life member of the Camden Garden Club. Ms. West graduated from Winthrop College and later was awarded an honorary Doctorate of Human Letters. She was a former member of the Hilton Head Advisory Board of the National Bank of South Carolina and the State Museum Commission. Ms. West was a 40 year member of the Board of Directors of the Muscular Dystrophy Association of America. Ms. West was a member of First Presbyterian Church of Hilton Head. She as a loving mother and devoted grandmother who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator VERDIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Mary Hayes Calhoun Owings of Laurens, S.C. Ms. Owings was a member of First Baptist Church of Laurens. She was a loving wife, devoted mother and doting grandmother who will be dearly missed.

**ADJOURNMENT**

At 8:16 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*