

NO. 24

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

THURSDAY, FEBRUARY 18, 2021

**Thursday, February 18, 2021
(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Matthew 6:20-21

In Matthew we read the admonition to:

“ . . . store up for yourselves treasures in heaven, where moth and rust do not destroy, and where thieves do not break in and steal. For where your treasure is, there your heart will be also.’ ”

Bow in prayer with me, please: Dear Lord, we recognize that the church season of Lent has now begun for many. Yet for all of us this period we’ve entered ought to be a time of personal and communal reflection and prayer, a season when, even here in the Senate of South Carolina, we ask -- Are we really doing all we must for our people? Are there additional needs and issues that ought to be commanding highest priority? Are we overlooking areas of concern that should be brought to light? O Gracious God, fill the hearts of these leaders with an all-consuming desire to “keep on keeping on,” for Your glory and for the benefit of our citizens. For they indeed are our greatest treasures. We so pray in Your loving name, O Lord. Amen.

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

Point of Quorum

At 11:03 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Adams	Alexander	Bennett
Cash	Corbin	Davis
Fanning	Garrett	Goldfinch
Gustafson	Hembree	Hutto

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Kimbrell	Leatherman	Loftis
Malloy	Martin	Massey
Peeler	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Turner	Williams
Young		

A quorum being present, the Senate resumed.

Leave of Absence

At 11:03 A.M., Senator ALEXANDER requested a leave of absence for Senator CROMER for the day.

Leave of Absence

At 11:18 A.M., Senator FANNING requested a leave of absence for Senator McLEOD until 11:45 A.M.

Leave of Absence

At 11:18 A.M., Senator TURNER requested a leave of absence for Senator TALLEY for the day.

Leave of Absence

At 2:06 P.M., Senator SCOTT requested a leave of absence for Senator JACKSON for the balance of the day.

Leave of Absence

At 2:06 P.M., Senator GOLDFINCH requested a leave of absence for Senator GAMBRELL for the balance of the day.

CO-SPONSORS ADDED

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

S. 245	Sen. Climer
S. 457	Sen. Cash
S. 510	Sen. Leatherman
S. 528	Sen. Hutto
S. 554	Sen. Setzler

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 581 -- Senator Adams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-340 SO AS TO PROVIDE THAT UPON REQUEST OF A LAW ENFORCEMENT AGENCY, A WIRELESS TELECOMMUNICATIONS CARRIER SHALL PROVIDE CALL LOCATION INFORMATION CONCERNING THE TELECOMMUNICATIONS DEVICE OF THE USER TO THE LAW ENFORCEMENT AGENCY IN ORDER TO RESPOND TO A CALL FOR EMERGENCY SERVICES OR IN AN EMERGENCY SITUATION THAT INVOLVES THE RISK OF DEATH OR SERIOUS PHYSICAL HARM, TO PROVIDE A CIVIL OR CRIMINAL ACTION MAY NOT BE BROUGHT AGAINST A WIRELESS SERVICE PROVIDER UNDER THIS SECTION UNDER CERTAIN CIRCUMSTANCES, AND PROVIDE SLED SHALL OBTAIN CONTACT INFORMATION FROM WIRELESS SERVICE PROVIDERS TO FACILITATE A REQUEST FROM A LAW ENFORCEMENT AGENCY.

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

S. 582 -- Senators Hutto and Jackson: A BILL TO AMEND SECTIONS 16-17-500 AND 16-17-501, BOTH AS AMENDED, AND SECTIONS 16-17-502, 16-17-503, 16-17-504, AND 16-17-506, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE "YOUTH ACCESS TO TOBACCO PREVENTION ACT OF 2006", SO AS TO REQUIRE TOBACCO RETAILERS TO OBTAIN A LICENSE TO SELL TOBACCO PRODUCTS AND TO ESTABLISH ASSOCIATED FEES AND PENALTIES, TO REDEFINE THE TERM "TOBACCO PRODUCTS", TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO CONDUCT AT LEAST TWO MINIMUM AGE SALES COMPLIANCE CHECKS ANNUALLY OF TOBACCO RETAIL ESTABLISHMENTS, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 59-1-380, RELATING TO THE MANDATORY PUBLIC SCHOOL COMPREHENSIVE TOBACCO-FREE CAMPUS POLICY, SO AS TO MAKE CONFORMING CHANGES.

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

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S. 583 -- Senator Goldfinch: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3810 SO AS TO ENACT THE "LIVABLE HOMES TAX CREDIT ACT", TO PROVIDE FOR AN INDIVIDUAL INCOME TAX CREDIT TO AN INDIVIDUAL WHO PURCHASES A NEW RESIDENCE OR RETROFITS AN EXISTING RESIDENCE, PROVIDED THAT THE NEW RESIDENCE OR THE RETROFITTING OF THE EXISTING RESIDENCE IS DESIGNED TO IMPROVE ACCESSIBILITY, TO PROVIDE A CUMULATIVE TOTAL FOR WHICH THE CREDIT MAY NOT EXCEED, TO PROVIDE CERTAIN DESIGN ELEMENT REQUIREMENTS AND ELIGIBLE COSTS, AND TO PROVIDE A MAXIMUM AMOUNT OF TAX CREDITS THAT MAY BE GRANTED IN EACH INCOME TAX YEAR.

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

S. 584 -- Senators Massey, Rice, Kimbrell, Corbin and Loftis: A BILL TO ENACT THE "SECOND AMENDMENT SANCTUARY ACT"; TO AMEND CHAPTER 31, TITLE 23 OF THE 1976 CODE, RELATING TO FIREARMS, BY ADDING ARTICLE 9, TO PROVIDE THAT THE ATTORNEY GENERAL MUST ISSUE AN OPINION REGARDING THE CONSTITUTIONALITY OF ANY FEDERAL LAW, TREATY, EXECUTIVE ORDER, RULE, OR REGULATION RELATED TO THE SECOND AMENDMENT, TO PROVIDE FOR ACTIONS THAT MAY NOT BE TAKEN BY THE STATE, POLITICAL SUBDIVISIONS, OR OFFICIALS, AGENTS, OR EMPLOYEES OF THE STATE UPON AN OPINION OF UNCONSTITUTIONALITY, TO REQUIRE THE ATTORNEY GENERAL TO DEFEND THE STATE AND ITS POLITICAL SUBDIVISIONS AGAINST ANY LEGAL ACTIONS BROUGHT AGAINST THE STATE OR A POLITICAL SUBDIVISION FOR CERTAIN ACTIONS, AND TO PROVIDE THAT THE ATTORNEY GENERAL MAY SEEK INJUNCTIVE RELIEF IN ANY COURT OF COMPETENT JURISDICTION TO ENJOIN ANY OFFICIAL, AGENT, OR EMPLOYEE OF THE GOVERNMENT OF THE UNITED STATES OR EMPLOYEE OF A CORPORATION PROVIDING SERVICES TO THE GOVERNMENT OF THE UNITED STATES FROM ENFORCING ANY FEDERAL LAW, TREATY, EXECUTIVE ORDER, RULE, OR REGULATION.

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

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S. 585 -- Senator Kimbrell: A SENATE RESOLUTION TO REMEMBER AND CELEBRATE THE LIFE OF AMERICAN RADIO PERSONALITY AND CONSERVATIVE POLITICAL COMMENTATOR RUSH HUDSON LIMBAUGH III AND TO HONOR HIS DEVOTION TO LIBERTY AND FREEDOM AND HIS REMARKABLE BROADCASTING CAREER SPANNING MORE THAN THREE DECADES.

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Senator KIMBRELL spoke on the Resolution.

The Senate Resolution was adopted.

S. 586 -- Senators Corbin, Climer, Loftis, Davis, Peeler, Bennett, Turner, Adams, Cash, Rice, Massey and Kimbrell: A BILL TO AMEND CHAPTER 1, TITLE 22 OF THE 1976 CODE, RELATING TO MAGISTRATES, BY ADDING SECTION 22-1-45, TO PROVIDE THAT IT SHALL BE UNLAWFUL FOR A CURRENT MEMBER OF THE SENATE TO APPEAR AS ATTORNEY AT LAW IN A MAGISTRATES COURT LOCATED IN A COUNTY REPRESENTED BY THE SENATOR.

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

H. 3017 -- Reps. Davis, Atkinson, B. Newton, Magnuson, Fry, Daning, Felder, May, Long, Pope, Forrest, Oremus, M. M. Smith, Yow, McGinnis, Govan, Brawley, Willis, Henderson-Myers, Jones and McDaniel: A BILL TO AMEND SECTION 59-104-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELIGIBILITY FOR PALMETTO FELLOWS SCHOLARSHIPS, SO AS TO INCLUDE TWO-YEAR INSTITUTIONS OF HIGHER LEARNING AND TECHNICAL COLLEGES AMONG INSTITUTIONS OF HIGHER LEARNING WHOSE STUDENTS MAY BE ELIGIBLE FOR THE SCHOLARSHIPS.

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

H. 3501 -- Reps. Collins, V. S. Moss and Jones: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 147 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE TWO HUNDRED FIFTY YEAR ANNIVERSARY REVOLUTIONARY WAR COMMEMORATIVE SPECIAL LICENSE PLATES.

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

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H. 3739 -- Reps. J. L. Johnson, Brawley and Henegan: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GARNERS FERRY ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 601 TO THE POINT WHERE IT CROSSES THE WATEREE RIVER "LIEUTENANT ULYSSES FLEMMING MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3785 -- Reps. J. Moore, Jefferson, Daning, Davis, Matthews and M. M. Smith: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF OAKLEY ROAD IN BERKELEY COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 52 TO ITS INTERSECTION WITH OLD FORT ROAD "DR. TONIA AIKEN TAYLOR MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3801 -- Rep. Brawley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 48 IN RICHLAND COUNTY FROM ITS INTERSECTION WITH AVALON STREET TO ITS INTERSECTION WITH PINEVIEW ROAD "REVEREND JAMES JEFFCOAT MEMORIAL HIGHWAY" AND TO ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3808 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF RAVENEL STREET IN THE CITY OF FLORENCE FROM ITS INTERSECTION WITH CHEVES STREET TO ITS INTERSECTION WITH PINE STREET "REVEREND DOCTOR NORMAN GAMBLE WAY" AND ERECT APPROPRIATE

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MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3900 -- Reps. G. M. Smith, Herbkersman, Howard and Weeks: A JOINT RESOLUTION TO AUTHORIZE CERTAIN PODIATRISTS TO ADMINISTER PREMEASURED DOSES OF THE COVID-19 VACCINE.

Read the first time and referred to the Committee on Medical Affairs.

REPORTS OF STANDING COMMITTEES

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

S. 36 -- Senator Grooms: A BILL TO AMEND SECTION 50-13-640 OF THE 1976 CODE, RELATING TO THE POSSESSION OF BLUE CATFISH, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS MORE THAN TWO BLUE CATFISH LONGER THAN THIRTY-TWO INCHES PER DAY IN LAKE MARION, LAKE MOULTRIE, OR THE UPPER REACH OF THE SANTEE RIVER, AND THE CONGAREE AND WATEREE RIVERS, AND TO PROVIDE FOR A DAILY CATCH LIMIT OF TWENTY-FIVE BLUE CATFISH A DAY IN LAKE MARION, LAKE MOULTRIE, AND THE UPPER REACH OF THE SANTEE RIVER; TO AMEND SECTION 50-9-1120(3) OF THE 1976 CODE, RELATING TO THE POINT SYSTEM FOR FISHING VIOLATIONS, TO PROVIDE THAT A VIOLATION OF BLUE CATFISH CATCH LIMITS IS FOURTEEN POINTS; AND TO REQUIRE THAT THE DEPARTMENT OF NATURAL RESOURCES CONDUCT A STUDY OF THE BLUE CATFISH FISHERY IN THE SANTEE AND COOPER RIVER SYSTEMS.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 427 -- Senators Alexander and Hutto: A BILL TO AMEND SECTION 40-43-75 OF THE 1976 CODE, RELATING TO RENAL DIALYSIS FACILITIES, TO PROVIDE THAT A RENAL DRUG MANUFACTURER OR ITS AGENT MAY DELIVER A LEGEND DRUG OR DEVICE TO A PATIENT OF A RENAL DIALYSIS FACILITY IF CERTAIN CRITERIA ARE MET, AND TO DEFINE NECESSARY TERMS.

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Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

S. 431 -- Senator Alexander: A BILL TO AMEND SECTION 44-21-80(A) OF THE 1976 CODE, RELATING TO REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS, TO UPDATE THE NAMES OF THOSE AUTHORIZED TO FULFILL THE ROLE OF REGIONAL TERTIARY LEVEL DEVELOPMENTAL EVALUATION CENTERS.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

S. 457 -- Senators Alexander, Rice, Garrett and Cash: A BILL TO AMEND SECTION 50-21-870(B)(6) OF THE 1976 CODE, RELATING TO PERSONAL WATERCRAFT AND BOATING SAFETY, TO INCREASE DISTANCE LIMITS BETWEEN A WATERCRAFT OPERATING IN EXCESS OF IDLE SPEED UPON CERTAIN WATERS OF THIS STATE AND A MOORED OR ANCHORED VESSEL, WHARF, DOCK, BULKHEAD, PIER, OR PERSON IN THE WATER.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

S. 497 -- Senators Campsen, McElveen, Peeler and Gustafson: A BILL TO AMEND SECTION 50-21-90 OF THE 1976 CODE, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50 OF THE 1976 CODE, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A SOUTH CAROLINA BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS, AND TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION; TO DEFINE NECESSARY TERMS; TO DELETE SECTION

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50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO DELETE SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 525 -- Senators Gambrell, Verdin, Massey, Loftis and Garrett: A BILL TO AMEND SECTION 44-96-40 OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA SOLID WASTE POLICY AND MANAGEMENT ACT, TO DEFINE NECESSARY TERMS RELATED TO ADVANCED RECYCLING AND ADVANCED RECYCLING FACILITIES.

Ordered for consideration tomorrow.

HOUSE CONCURRENCES

S. 492 -- Senators Jackson, Scott, Harpootlian, McLeod and McElveen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SHOP ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH PINEVIEW DRIVE TO ITS INTERSECTION WITH LONGWOOD ROAD THE "HONORABLE JIMMY C. BALES HIGHWAY" AND TO ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Returned with concurrence.

Received as information.

S. 576 -- Senator Fanning: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR EDWARD Y. "EDDIE" MURPHY, JR., DEPARTMENT DIRECTOR OF CHESTER COUNTY EMERGENCY MANAGEMENT AND CHIEF OF THE LANDO FIRE DEPARTMENT, UPON THE OCCASION OF HIS RETIREMENT AFTER SIXTEEN YEARS OF EXEMPLARY SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

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S. 580 -- Senator Shealy: A CONCURRENT RESOLUTION TO CONGRATULATE CAPITAL CITY/LAKE MURRAY COUNTRY UPON THE OCCASION OF ITS FORTIETH ANNIVERSARY.

Returned with concurrence.

Received as information.

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

AMENDED, SECOND READING BILL

H. 3584 -- Reps. Sandifer and Whitmire: A BILL TO AMEND ACT 1041 OF 1970, AS AMENDED, RELATING TO THE ASSESSMENT OF TAXES IN OCONEE COUNTY, SO AS TO REVISE THE MEMBERSHIP AND COMPOSITION OF THE OCONEE COUNTY BOARD OF ASSESSMENT APPEALS.

The Senate proceeded to a consideration of the Bill.

Senator ALEXANDER proposed the following amendment (3584R001.KMM.TCA), which was adopted:

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

/ SECTION 1. Items (a), (b), and (c) of Section 4 of Act 1041 of 1970, as last amended by Act 175 of 1975, is further amended to read:

“(a) Notwithstanding any other provisions of law, there is hereby created the Oconee County Board of Assessment Appeals. The powers and duties of the Oconee County Board of Tax Appeals are devolved upon the Board of Assessment Appeals. The board shall consist of ~~nine~~ members to be appointed by the Governor upon the recommendation of a majority of the members of the Oconee County Legislative Delegation pursuant to the requirements defined in item (b). Of these members, at least one member of the board shall be actively engaged in the business of marketing real estate, at least one actively engaged in the construction industry.

~~(b)(1) At least one member shall be appointed who is a resident of the City of Seneca, at least one who is a resident of the Town of Walhalla, at least one who is a resident of the of the Town of Westminster, at least one who is a resident of the upper section of Oconee County, and at least one who is a resident of the lower section of Oconee County. One member must be appointed from each of Oconee County’s county council single-member election districts, and each resident member of~~

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the Oconee County Legislative Delegation shall nominate one additional member from the county at-large.

(2) Upon the nomination of a person to serve on the Oconee County Board of Tax Appeals, the Oconee County Legislative Delegation shall vote on whether to recommend the nominee to the governor. At least one member of the board shall be actively engaged in the business of marketing real estate, at least one actively engaged in the construction industry.

(c) The terms of the members shall be for three years or until their successors are appointed and qualify. ~~Of the members first appointed two shall serve for one year, two shall serve for two years, and three shall serve for three years.~~ The members of the board may succeed themselves. Vacancies on the board for any reason shall be filled for the unexpired portion of the term in the manner of the original appointment. Each board member shall be compensated on a per diem basis at a figure to be determined by the Oconee County Legislative Delegation.”

SECTION 2. Members of the Oconee County Board of Assessment Appeals as of the effective date of this act shall continue to serve until their successors are appointed and qualify pursuant to SECTION 1 of this act.

SECTION 3. This act takes effect upon approval by the Governor. /
Re-number sections to conform.
Amend title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

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

SECOND READING BILL

H. 3740 -- Rep. McGarry: A BILL TO AMEND ACT 126 OF 1959, AS AMENDED, RELATING TO THE LANCASTER COUNTY COMMISSION FOR HIGHER EDUCATION, SO AS TO PROVIDE FOR THE COMMISSION’S RECEIPT AND ADMINISTRATION OF LANCASTER COUNTY MILLAGE-DERIVED FUNDS, TO PROVIDE THAT THE DEAN OF THE UNIVERSITY OF SOUTH CAROLINA LANCASTER MUST BE AN EX OFFICIO MEMBER OF THE COMMISSION, TO CLARIFY THE COMMISSION’S ROLE RELATING TO THE OFFERING OF POST-SECONDARY

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COURSES; TO REMOVE CERTAIN ARCHAIC LANGUAGE, AND TO REQUIRE THE COMMISSION TO SUBMIT AN ANNUAL REPORT TO LANCASTER COUNTY COUNCIL.

On motion of Senator M. JOHNSON.

H. 3740--Ordered to a Third Reading

On motion of Senator M. JOHNSON, H. 3740 was ordered to receive a third reading on Friday, February 19, 2021.

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

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 160 -- Senators Scott and Setzler: A BILL TO AMEND SECTION 59-53-1784, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISPOSAL OF SURPLUS PROPERTY BY THE MIDLANDS TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, SO AS TO REQUIRE THE AUTHORITY TO FILE CERTAIN DOCUMENTS WITH THE STATE FISCAL ACCOUNTABILITY AUTHORITY; TO AMEND ACT 189 OF 2018, RELATING TO THE DISPOSAL OF SURPLUS PROPERTY BY THE MIDLANDS TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, SO AS TO PERMANENTLY AUTHORIZE THE ACT AND TO REPEAL THE SUNSET PROVISION.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 203 -- Senators Hembree, Gustafson and Bennett: A BILL TO AMEND SECTION 59-19-60 OF THE 1976 CODE, RELATING TO THE REMOVAL OF SCHOOL DISTRICT TRUSTEES AND FILLING VACANCIES, TO PROVIDE THAT DISTRICT TRUSTEES GUILTY OF MALFEASANCE, MISFEASANCE, INCOMPETENCY, ABSENTEEISM, CONFLICTS OF INTEREST, MISCONDUCT, PERSISTENT NEGLECT OF DUTY IN OFFICE, OR INCAPACITY SHALL BE SUBJECT TO REMOVAL FROM OFFICE BY THE GOVERNOR, TO DELETE NOTICE REQUIREMENTS AND THE RIGHT TO APPEAL, AND TO MAKE CONFORMING CHANGES.

The Senate proceeded to a consideration of the Bill.

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The Committee on Education proposed the following amendment (WAB\203C001.RT.WAB21), which was adopted:

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

/ SECTION 1. Section 59-16-60 of the 1976 Code is amended to read:

“Section 59-19-60. Notwithstanding any provision of law to the contrary, school district trustees shall be subject to removal from office for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education. Any such order of removal shall state the grounds thereof, the manner of notice and the hearing accorded the trustee, and any such trustee shall have the right to appeal to the court of common pleas, as provided in Section 59-19-560. who willfully commit or engage in an act of malfeasance, misfeasance, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office or is deemed incompetent or incapacitated must be subject to removal by the Governor upon any of the foregoing causes being made to appear to the satisfaction of the Governor. Before removing any such officer, the Governor shall inform him in writing of the specific charges brought against him and give him an opportunity on reasonable notice to be heard. Vacancies occurring in the membership of any board of trustees for any cause shall be filled for the unexpired term by the county board of education in the same manner as provided for full-term appointments. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett

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Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Leatherman	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

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

CARRIED OVER

S. 475 -- Senators Rankin, Grooms, Williams, Scott, Hembree, McElveen, Senn, Talley, Adams, Harpootlian, Hutto, Goldfinch, Matthews and Gambrell: A JOINT RESOLUTION TO REQUIRE NEXTERA ENERGY, INC. TO PROVIDE CERTAIN DOCUMENTS RELATED TO THE PUBLIC SERVICE AUTHORITY TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE, THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE, THE CHAIRMAN OF THE SENATE JUDICIARY COMMITTEE AND THE CHAIRMAN OF THE HOUSE JUDICIARY COMMITTEE.

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

READ THE SECOND TIME

S. 421 -- Senator Alexander: A BILL TO AMEND SECTION 41-35-320(2) OF THE 1976 CODE, RELATING TO THE PAYMENT OF EXTENDED UNEMPLOYMENT SECURITY BENEFITS WHEN FEDERALLY FUNDED, TO REDUCE THE LOOKBACK PERIOD FROM THREE YEARS TO TWO YEARS FOR DETERMINING WHETHER THERE IS AN 'ON' INDICATOR FOR THIS STATE.

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The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

The question being the second reading of the Bill.

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

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Leatherman	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 468 -- Senator Alexander: A JOINT RESOLUTION TO PROVIDE THAT, IN A DETERMINATION OF WHETHER THE STATE IS IN AN EXTENDED BENEFIT PERIOD BEGINNING ON NOVEMBER 1, 2020 THROUGH DECEMBER 31, 2021, PROVISIONS RELATING TO THE STIPULATION THAT NO EXTENDED BENEFIT PERIOD MAY BEGIN BEFORE THE

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FOURTEENTH WEEK FOLLOWING THE END OF A PRIOR EXTENDED BENEFIT PERIOD SHALL NOT APPLY.

The Senate proceeded to a consideration of the Resolution.

Senator BENNETT explained the Resolution.

The question being the second reading of the Resolution.

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

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Leatherman	Loftis
Malloy	Martin	Massey
Matthews	McElveen	Peeler
Rankin	Rice	Sabb
Senn	Setzler	Shealy
Stephens	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

POINT OF ORDER

S. 227 -- Senators Shealy, McElveen and Matthews: A BILL TO ENACT THE "MASSAGE THERAPY PRACTICE ACT"; TO AMEND CHAPTER 30, TITLE 40 OF THE 1976 CODE, RELATING TO MASSAGE THERAPY PRACTICE, TO PROVIDE THAT IT IS

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IN THE INTEREST OF PUBLIC HEALTH, SAFETY, AND WELFARE TO REGULATE THE PRACTICE OF MASSAGE THERAPY, TO PROVIDE FOR THE COMPOSITION AND DUTIES OF THE BOARD OF MASSAGE THERAPY, TO PROVIDE THAT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL PUBLISH A ROSTER OF LICENSED MASSAGE THERAPISTS AND ESTABLISHMENTS, TO PROVIDE FOR LICENSURE FEES, TO REMOVE THE REQUIREMENT FOR AN ANNUAL REPORT ON THE ADMINISTRATION OF THE MASSAGE THERAPY PRACTICE ACT BY THE DEPARTMENT, TO PROVIDE FOR EXEMPTIONS TO THE MASSAGE THERAPY PRACTICE ACT, TO PROVIDE CERTAIN REQUIREMENTS FOR THE TEMPORARY PRACTICE OF MASSAGE THERAPY, TO PROVIDE THAT NO PERSON MAY PRACTICE OR OFFER TO PRACTICE MASSAGE THERAPY WITHOUT A LICENSE, TO PROVIDE THAT NO PERSON OR ENTITY MAY OPEN, OPERATE, MAINTAIN, USE, OR ADVERTISE AS A MASSAGE THERAPY ESTABLISHMENT OR A SOLE PRACTITIONER ESTABLISHMENT WITHOUT OBTAINING A LICENSE, TO PROVIDE PENALTIES, TO CLARIFY LICENSURE REQUIREMENTS FOR A MASSAGE THERAPIST LICENSE, TO PROVIDE LICENSURE REQUIREMENTS FOR A MASSAGE THERAPY ESTABLISHMENT OR SOLE PRACTITIONER ESTABLISHMENT, TO PROVIDE THAT THE BOARD MAY GRANT A LICENSE BY ENDORSEMENT TO A MASSAGE THERAPIST WHO HOLDS AN ACTIVE MASSAGE THERAPIST LICENSE AND IS IN GOOD STANDING IN ANOTHER STATE, THE DISTRICT OF COLUMBIA, OR ANY OTHER UNITED STATES TERRITORY, TO CLARIFY REQUIREMENTS RELATED TO APPLYING FOR AND OBTAINING A LICENSE, TO PROVIDE FOR PERIODIC INSPECTIONS OF MASSAGE THERAPY ESTABLISHMENTS AND SOLE PRACTITIONER ESTABLISHMENTS, TO PROVIDE THAT CERTAIN REQUIREMENTS RELATING TO LICENSES SHALL BE COMPLETED BIENNIALY, TO PROVIDE THAT RENEWAL OF LICENSES SHALL BE COMPLETED IN A MANNER PROVIDED BY THE BOARD, TO PROVIDE THAT CONTINUING EDUCATION REPORTS ARE SUBJECT TO AUDITS, TO CLARIFY CERTAIN REQUIREMENTS RELATED TO LAPSED LICENSES, TO PROVIDE THAT A LICENSEE MAY PROVIDE A WRITTEN REQUEST TO THE BOARD TO PLACE A LICENSE IN INACTIVE

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STATUS, TO PROVIDE THAT A LICENSEE MUST BIENNIALLY RENEW ITS LICENSE TO REMAIN IN INACTIVE STATUS, TO PROVIDE THAT A LICENSE MAY BE REACTIVATED IN A MANNER PROVIDED BY THE BOARD, TO PROVIDE THAT INACTIVE STATUS DOES NOT STAY ANY DISCIPLINARY ACTIONS FOR VIOLATIONS THAT OCCURRED DURING THE COURSE OF AN ACTIVE LICENSE, TO CLARIFY REGULATIONS THAT SHALL BE PROMULGATED BY THE BOARD, TO PROVIDE THAT THE DEPARTMENT SHALL INVESTIGATE COMPLAINTS AND VIOLATIONS, TO PROVIDE THAT THE PRESIDING OFFICER OF THE BOARD MAY ADMINISTER OATHS, TO PROVIDE FOR APPEALS OF THE BOARD'S DECISIONS, TO PROVIDE THAT SERVICE OF A NOTICE OF AN APPEAL DOES NOT STAY THE BOARD'S OR THE DEPARTMENT'S DECISION PENDING COMPLETION OF THE APPELLATE PROCESS, TO CLARIFY GROUNDS FOR DENYING A LICENSE, TO CLARIFY THE INVESTIGATION PROCESS AND CERTAIN DISCIPLINARY ACTIONS, TO PROVIDE THAT AN INDIVIDUAL OR ESTABLISHMENT THAT VOLUNTARILY SURRENDERS A LICENSE MAY NOT PRACTICE AS A MASSAGE THERAPIST OR OPERATE AS A MASSAGE THERAPY ESTABLISHMENT OR SOLE PRACTITIONER ESTABLISHMENT UNTIL THE BOARD REINSTATES THE LICENSE, TO PROVIDE THAT SERVICE OF NOTICE MAY BE MADE BY LEAVING A COPY OF THE NOTICE WITH THE DIRECTOR OF THE DEPARTMENT OR HIS DESIGNEE IN CERTAIN CIRCUMSTANCES, TO PROVIDE THAT COSTS AND FINES IMPOSED ARE DUE AND PAYABLE AS REQUIRED BY THE BOARD, TO PROVIDE THAT A LICENSEE FOUND IN VIOLATION OF THE MASSAGE THERAPY PRACTICE ACT OR RELATED REGULATIONS MAY BE REQUIRED TO PAY COSTS ASSOCIATED WITH THE INVESTIGATION OF HIS CASE, TO MAKE CONFORMING CHANGES, AND TO DEFINE NECESSARY TERMS.

Point of Order

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

The PRESIDENT sustained the Point of Order.

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CARRIED OVER

S. 562 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-AUCTIONEERS' COMMISSION, RELATING TO AUCTIONEERS' COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 5010, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, S. 562 was carried over until March 4, 2021.

CARRIED OVER

S. 563 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-OFFICE OF OCCUPATIONAL SAFETY AND HEALTH, RELATING TO RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5013, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, S. 563 was carried over until March 4, 2021.

CARRIED OVER

S. 564 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEES ASSESSED BY THE STATE ATHLETIC COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 5024, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, S. 564 was carried over until March 4, 2021.

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CARRIED OVER

S. 565 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEES ASSESSED BY THE AUCTIONEERS' COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 5025, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, S. 565 was carried over until March 4, 2021.

CARRIED OVER

S. 566 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY, RELATING TO SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4993, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, S. 566 was carried over until March 4, 2021.

CARRIED OVER

S. 567 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEE SCHEDULE FOR BULK LICENSURE VERIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 5008, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, S. 567 was carried over until March 4, 2021.

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CARRIED OVER

S. 568 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEES FOR THE REAL ESTATE APPRAISERS BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER 5009, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, S. 568 was carried over until March 4, 2021.

CARRIED OVER

S. 570 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE OFFICE OF THE ATTORNEY GENERAL, RELATING TO FEES TO ACCOMPANY REQUEST FOR CONFIRMATION OF SOLICITATION EXEMPTION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4983, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, S. 570 was carried over until March 4, 2021.

Expression of Personal Interest

Senator CAMPSSEN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator ALEXANDER rose for an Expression of Personal Interest.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on February 18, 2021, at 12:50 P.M. and the following Acts and Joint Resolution were ratified:

(R2, S. 1) -- Senators Grooms, Verdin, Kimbrell, Garrett, Martin, Shealy, Climer, Corbin, Cromer, Rice, Adams, Hembree, Gambrell, Loftis and Campsen: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA

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FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT” BY ADDING ARTICLE 6 TO CHAPTER 41, TITLE 44 SO AS TO REQUIRE TESTING FOR A DETECTABLE FETAL HEARTBEAT BEFORE AN ABORTION IS PERFORMED ON A PREGNANT WOMAN, TO PROHIBIT THE PERFORMANCE OF AN ABORTION IF A FETAL HEARTBEAT IS DETECTED, TO PROVIDE MEDICAL EMERGENCY AND OTHER EXCEPTIONS, TO REQUIRE CERTAIN DOCUMENTATION AND RECORDKEEPING BY PHYSICIANS PERFORMING ABORTIONS, TO REQUIRE PHYSICIANS TO NOTIFY LAW ENFORCEMENT AFTER PERFORMING AN ABORTION IN CERTAIN CIRCUMSTANCES, TO CREATE A CIVIL ACTION FOR A PREGNANT WOMAN UPON WHOM AN ABORTION IS PERFORMED, TO CREATE CRIMINAL PENALTIES, AND FOR OTHER PURPOSES; TO AMEND SECTION 44-41-460, RELATING TO THE REQUIRED REPORTING OF ABORTION DATA TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO ADD REPORTING OF FETAL HEARTBEAT TESTING AND PATIENT MEDICAL CONDITION DATA; TO AMEND SECTION 44-41-330, RELATING TO A PREGNANT WOMAN’S RIGHT TO KNOW CERTAIN PREGNANCY INFORMATION, SO AS TO REQUIRE NOTIFICATION OF THE DETECTION OF A FETAL HEARTBEAT; AND TO AMEND SECTION 44-41-60, RELATING TO ABORTION REPORTING REQUIREMENTS, SO AS TO ADD REPORTING REQUIREMENTS.

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(R3, S. 478) -- Senator K. Johnson: AN ACT TO AMEND SECTION 2 OF ACT 183 OF 2020, RELATING TO THE CONSOLIDATION OF CLARENDON COUNTY SCHOOL DISTRICTS ONE AND THREE INTO CLARENDON COUNTY SCHOOL DISTRICT NO. 4, SO AS TO INCREASE THE INITIAL MEMBERSHIP OF THE CLARENDON COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES FROM SEVEN TO NINE MEMBERS, TO PROVIDE THAT THE BOARD OF TRUSTEES SHALL BE COMPRISED OF SEVEN MEMBERS BEGINNING WITH THE 2024 GENERAL ELECTION, AND TO MAKE CONFORMING CHANGES.

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(R4, H. 3707) -- Ways and Means Committee: A JOINT RESOLUTION TO MAKE APPROPRIATIONS FOR THE STATE'S PUBLIC HEALTH RESPONSE TO THE COVID-19 VIRUS, INCLUDING VACCINATIONS, AND TO FURTHER PROVIDE FOR THE RESPONSE TO THE COVID-19 VIRUS.
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THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MOTION ADOPTED

At 11:33 A.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

**COMMITTEE AMENDMENT TABLED
AMENDED, READ THE SECOND TIME**

S. 147 -- Senators Massey, Rice, Hembree, Adams, Peeler, Turner, Alexander, Gustafson, Talley, Loftis, Climer, Kimbrell, Grooms and Bennett: A JOINT RESOLUTION TO ENACT THE "SOUTH CAROLINA COVID-19 LIABILITY SAFE HARBOR ACT"; TO PROVIDE LIABILITY PROTECTIONS FOR A LIMITED TIME PERIOD FOR HEALTH CARE PROVIDERS AND BUSINESSES THAT FOLLOW PUBLIC HEALTH GUIDANCE IN RESPONSE TO THE CORONAVIRUS PUBLIC HEALTH EMERGENCY; TO STATE THE LIABILITY PROTECTION FOR COVERED ENTITIES AND COVERED INDIVIDUALS FOR CORONAVIRUS CLAIMS; TO PROVIDE THAT DEFENSES ARE CUMULATIVE; TO PROVIDE THAT THE PROVISIONS OF THIS JOINT RESOLUTION ARE SEVERABLE; TO PROVIDE THAT, IN THE CASE OF A CONFLICT OF LAW BETWEEN THIS JOINT RESOLUTION AND ANY OTHER LAW OF THIS STATE, THE PROVISIONS OF THIS JOINT RESOLUTION SHALL PREVAIL; TO PROVIDE THAT THE PROVISIONS OF THIS JOINT RESOLUTION ARE RETROACTIVE AND EFFECTIVE AS OF MARCH 13, 2020; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Joint Resolution.

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The Committee on Judiciary proposed the following amendment (JUD0147.003), which was tabled:

Amend the joint resolution, as and if amended, page 3, by striking lines 1 through 17, as contained in SECTION 4, and inserting therein the following:

/ SECTION 4. Notwithstanding any other provision of law, a covered entity or covered individual that substantially adheres to public health guidance applicable at the time the conduct giving rise to a coronavirus claim occurs shall be entitled to a safe harbor from liability for any acts or omissions resulting in the coronavirus claim unless a claimant proves by a preponderance of the evidence that the covered entity or covered individual caused the injury or damage:

(1) through grossly negligent, reckless, willful, or intentional misconduct; or

(2) by failing to make any attempt to adhere to public health guidance. /

Amend the joint resolution further, as and if amended, beginning on page 3, line 39, and ending on page 4, line 4, by striking SECTION 7 and SECTION 8 in their entireties and inserting therein the following:

/ SECTION 7. The provisions of this act do not apply to and do not exclude or limit any actions or remedies available under Title 42, commonly known as the South Carolina Workers' Compensation Law.

SECTION 8. This joint resolution takes effect upon approval by the Governor, and its provisions apply to all civil and administrative causes of action that arise between March 13, 2020, and June 30, 2021, or one hundred eighty days after the final state of emergency is lifted for COVID-19 in this State, whichever is later, that are based upon facts that occurred during this time period. /

Re-number sections to conform.

Amend title to conform.

Senator MALLOY explained the committee amendment.

Senator MASSEY spoke on the committee amendment.

Point of Quorum

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

Senator MASSEY resumed speaking on the committee amendment.

Senator MALLOY spoke on the committee amendment.

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Senator MASSEY moved to lay the committee amendment on the table.

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

Ayes 21; Nays 18

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Davis	Gustafson
<i>Johnson, Michael</i>	Kimbrell	Leatherman
Loftis	Martin	Massey
Peeler	Rice	Shealy
Turner	Verdin	Young

Total--21

NAYS

Allen	Garrett	Goldfinch
Harpootlian	Hutto	<i>Johnson, Kevin</i>
Kimpson	Malloy	Matthews
McElveen	McLeod	Rankin
Sabb	Scott	Senn
Setzler	Stephens	Williams

Total--18

The amendment was laid on the table.

Amendment No. 1

Senator MASSEY proposed the following amendment (JUD0147.006), which was adopted:

Amend the joint resolution, as and if amended, by striking the joint resolution in its entirety and inserting therein the following:

/ A JOINT RESOLUTION

TO ENACT THE "SOUTH CAROLINA COVID-19 LIABILITY IMMUNITY ACT"; TO PROVIDE LIABILITY PROTECTIONS FOR A LIMITED TIME PERIOD FOR HEALTH CARE PROVIDERS AND BUSINESSES THAT FOLLOW PUBLIC HEALTH GUIDANCE IN RESPONSE TO THE CORONAVIRUS PUBLIC HEALTH EMERGENCY; TO STATE THE LIABILITY PROTECTION FOR

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COVERED ENTITIES AND COVERED INDIVIDUALS FOR CORONAVIRUS CLAIMS; TO PROVIDE THAT DEFENSES ARE CUMULATIVE; TO PROVIDE THAT THE PROVISIONS OF THIS JOINT RESOLUTION ARE SEVERABLE; TO PROVIDE THAT, IN THE CASE OF A CONFLICT OF LAW BETWEEN THIS JOINT RESOLUTION AND ANY OTHER LAW OF THIS STATE, THE PROVISIONS OF THIS JOINT RESOLUTION SHALL PREVAIL; TO PROVIDE THAT THE PROVISIONS OF THIS JOINT RESOLUTION ARE RETROACTIVE AND EFFECTIVE AS OF MARCH 13, 2020; AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. This joint resolution must be known and may be cited as the “South Carolina COVID-19 Liability Immunity Act”.

SECTION 2. The General Assembly hereby finds and declares that providing reasonable protections from the risk and expense of lawsuits related to the coronavirus pandemic to businesses and health care providers will help encourage them to remain open and reopen and that providing such immunity to businesses and health care providers that operate consistent with applicable public health guidance will help ameliorate the adverse impacts of a closed economy and the resulting unemployment.

SECTION 3. The following terms shall have the following meanings unless otherwise specified:

(1) “Coronavirus claim” means any claim that arises from the coronavirus, which shall include any cause of action that is related to any actual, alleged, or feared exposure to or contraction of coronavirus:

(a) from the premises of a covered entity;

(b) from the operations, products, or services provided on- or off-premises of a covered entity;

(c) from the acts or omissions of a covered individual or covered entity, to include the delay or withholding of medical care; or

(d) from efforts to prevent or delay the spread of coronavirus, to include making precautionary equipment or supplies such as personal protective equipment.

(2) “Coronavirus disease 2019” or “coronavirus”, commonly abbreviated as “COVID-19”, means the virus generally known as “severe acute respiratory syndrome coronavirus 2”, any mutation thereof, and any disease or condition caused by “severe acute respiratory syndrome coronavirus 2”.

(3) “Covered entity” means any of the following:

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(a) any for-profit or not-for-profit business entity, organized in any form whatsoever;

(b) any South Carolina government agency, division, authority, board, commission, instrumentality, political subdivision, municipality, county, or other governmental entity; or

(c) any health care facility, as defined in Chapter 4, Title 44 of the South Carolina Code, and any health care provider, as defined in Chapter 4, Title 44 of the South Carolina Code.

(4) "Covered individual" means any director, officer, employee, agent, contractor, third-party worker, or other representative of a covered entity.

(5) "Public health guidance" means any applicable published guidance, directive, order, or rule provided by the South Carolina Occupational Safety and Health Administration, the South Carolina Department of Health and Environmental Control, or another state governmental entity that is applicable to the type of covered entity or covered individual and to the coronavirus claim at issue.

SECTION 4. Notwithstanding any other provision of law, a covered entity or covered individual that reasonably adheres to public health guidance applicable at the time the conduct giving rise to a coronavirus claim occurs shall be entitled to immunity from liability for any acts or omissions resulting from a coronavirus claim. This immunity will not apply if a claimant proves by clear and convincing evidence that the covered entity or covered individual caused the injury or damage by:

(1) grossly negligent, reckless, willful, or intentional misconduct; or

(2) failing to make any attempt to adhere to public health guidance.

SECTION 5. Nothing in this joint resolution shall be construed to limit in any way any defense or right that exists under law, and the liability protection provided by this joint resolution is in addition to and cumulative of other defenses and rights that exist under law.

SECTION 6. The provisions of this joint resolution are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this joint resolution is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of the joint resolution, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise

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ineffective. To the extent any provision of this joint resolution conflicts with any other law of this State, then the provisions of this joint resolution shall prevail.

SECTION 7. The provisions of this joint resolution do not apply to and do not exclude or limit any actions or remedies available under Title 42, commonly known as the South Carolina Workers' Compensation Law.

SECTION 8. This joint resolution takes effect upon approval by the Governor, and its provisions apply to all civil and administrative causes of action that arise between March 13, 2020, and June 30, 2021, or one hundred eighty days after the final state of emergency is lifted for COVID-19 in this State, whichever is later, and that are based upon facts that occurred during this time period. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

Recorded Vote

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

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, S. 147 was read the second time waiving the provisions of Rule 26B and retaining its Special Order status on the calendar.

Motion Adopted

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

REPORT

**College and University Trustee
Screening Commission
Report to the General Assembly**

The College and University Trustee Screening Commission found the following individuals qualified and nominated for the Trustee seats to which they applied. A complete transcript of the hearings for these

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candidates will be printed in Senate and House Journals on February 18, 2021.

THE CITADEL

One (1) At-large seat

- *terms expire June 30, 2026*

- C. Douglas Barnes - Lancaster
- Kenneth L. Davis, III - Columbia
- F. Gregory Delleney, Jr. - Chester
- Andrew L. Helfer - Columbia

LANDER UNIVERSITY

At-large Seat 9

- *terms expire June 30, 2022*

- Esther R. "Toni" Able - Laurens
- James C. Shubert - Simpsonville

SOUTH CAROLINA STATE UNIVERSITY

At-large Seat 10

- *terms expire June 30, 2024*

- Macie P. Smith - Columbia

UNIVERSITY OF SOUTH CAROLINA

5th Judicial Circuit

- *terms expire June 30, 2022*

- Robert F. Dozier, Jr. - Columbia
- Alexander English - Blythewood
- Kevin M. Hunter - Irmo

**STATE OF SOUTH CAROLINA
COLLEGE AND UNIVERSITY TRUSTEE
SCREENING COMMISSION
SCREENINGS**

TRANSCRIPT OF PUBLIC HEARINGS

Date: Monday, February 1, 2021
Time: 1:02 P.M.
Location: 209 Gressette Building
1101 Pendleton Street
Columbia, South Carolina 29201

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Committee Members Present:

Senator Harvey S. Peeler, Jr., Chairman
Representative William R. Whitmire, V. Chairman
Representative John King
Senator Thomas C. Alexander
Representative Kirkman Finlay, Iii
Representative Chris Murphy
Senator John L. Scott, Jr.
Senator Daniel B. "Danny" Verdin, III

Also Present:

Martha Casto, Staff
Julie Price, Staff

CHAIRMAN PEELER: You have the agenda before you. First up is South Carolina State University At- Large Seat Ten. It's all under Tab A, Macie P. Smith from Columbia. Ms. Smith, if you would, come forward.

MS. SMITH: Yes, sir. Good afternoon.

CHAIRMAN PEELER: Good to see you.

MS. SMITH: Can you see me? Do you want me to --

CHAIRMAN PEELER: Oh, no, you're good. If you're comfortable, you're all right, yeah.

MS. SMITH: Okay.

CHAIRMAN PEELER: Well, first of all, let me swear you in.

MS. MACIE SMITH having been duly sworn, testifies as follows:

CHAIRMAN PEELER: Would you like to make a brief statement on why you'd like to serve on the South Carolina State University board of trustees?

MS. SMITH: I sure would. I am a small town country girl from Orangeburg County, North, and South Carolina, to be specific. And I obtained my bachelors of social work from SC State University, my master's in rehabilitation counseling from SC State University. And that education and experience prepared me to pursue a doctorate in higher education leadership from Nova Southeastern University. And I aspire to help to promote excellence in our HBCU students. The same thing SC State did for me, I want to do for the upcoming HBCU students at my alma mater.

CHAIRMAN PEELER: Good. I think we screened you before earlier-

MS. SMITH: Yes, sir I just got a couple of changes that's all.

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CHAIRMAN PEELER: Okay. What are the changes?

MS. SMITH: Oh, my hair.

SENATOR SCOTT: Mr. Chairman.

CHAIRMAN PEELER: Senator Scott.

SENATOR SCOTT: I think it's been less than six months or right before we left that we just screened her. Unless there's something major that's changed since the last screening, I move a favorable report and we can move on.

CHAIRMAN PEELER: Senator Scott moves a favorable report.

SENATOR VERDIN: I would be more than happy to. I just want to make sure my understanding of the rules don't require the prerequisite - or the requisite questions.

MS. CASTO: No, sir. Not for this one --

SENATOR VERDIN: Second the motion.

CHAIRMAN PEELER: All right. Moved and seconded as favorable report. Any discussion? (No response is heard.)

CHAIRMAN PEELER: We'll take a vote on it. All in favor say, aye. (Ayes are heard.)

CHAIRMAN PEELER: Opposed, No. (No response is heard.)

CHAIRMAN PEELER: And ayes have it. Thank you so much for your willingness to serve. Next up we have in Tab B, Ester R. "Toni" Able from Laurens. And I have an excuse for messing up your name: this mask fogs up my glasses and I can't see. So I'll have an excuse today.

MS. ABLE: Good afternoon.

CHAIRMAN PEELER: Good afternoon, ma'am.

MS. ABLE: Good afternoon, sir. How are you today?

CHAIRMAN PEELER: Let me swear you in.

MS. ESTER R. "TONI" ABLE having been duly sworn, testifies as follows:

CHAIRMAN PEELER: Would you like to make a brief statement of why you would like to serve on Lander University Board of Trustees?

MS. ABLE: In thinking about that question, many things came to mind, the first being that there are several places in this great state of South Carolina I truly feel I'm home. You know, you get that feeling if you've been gone away for a long time and you step back into your house, you're like, I'm home. Lander University is definitely that place, second in line to my home, and third in line to Hickory Knob, South Carolina just because of the family memories that we have at Hickory Knob. Lander, when I first stepped on that campus, when I first moved to the great state of South Carolina in 1984, for some reason brought me to Lander; I'm not really sure why. It was like, wow, this is a neat place. And then lo

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and behold, I ended up spending my undergraduate years at Lander and absolutely loved the campus. I loved every part of Lander. Lander was an important part of my family, even before I knew it. My husband graduated from Lander, along with his late wife Mary, who I've had the pleasure of raising their children since Mary passed away. Our daughter, Andrea, graduated from Lander. I have formerly served on the Board of Trustees of Lander. And whenever I get to go on the Lander campus now, with my class of 2020 students who are there are, it's just a wonderful, exhilarating feeling that I know that they are having as well. And I want to be able to continue to serve back to my alma mater in a very productive way. And I feel as serving on the Board of Trustees will give me that opportunity to do that.

CHAIRMAN PEELER: Thank you. Any questions? Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair.

MS. ABLE - EXAMINATION BY REPRESENTATIVE KING:

Q. Ms. Able, can you tell me what you know as what the time of commitment is to being on the Board?

A. From what I understand, the Board of Trustees meets on a quarterly basis. However, I do know they have called meetings throughout the year as well. I think they've got a called meeting coming up this week to discuss some issues that have arisen. And time commitment for me, that's -- does not bother me, whatsoever.

Q. All right. When you think of diversity and Lander, give me your definition as to how you can continue in the process of diversity there at Lander and what would you do different, if there is anything you would do different?

A. Thank you. I think Lander has made great strides, when it comes to diversity. I do know that they have recently formed a diversity -- I believe it's a diversity action council that is meeting to address diversity issues on campus, not only with the student body but with the employees at Lander as well within that. And I think that is incredibly important because students do need to look around and see individuals who have similar backgrounds to themselves and strive to emulate what those individuals are doing on campus. I also note that Lander is always working very diligently to recruit students throughout the state, which I know gives competition to other universities that are across the state. And Lander has been very successful in recruiting some diverse student bodies in the past. I know that they will continue to do that. As far as what I would do differently, that's kind of hard to say because I'm not familiar 100 percent with what they have currently done, since I have not

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been a part of those conversations with the Board of Trustees. So I don't want to say what I would do differently with them, prior to knowing exactly strives that they have maintained to change some things. I think that I would definitely need to sit down with them and say, okay, what we are doing to recruit diverse employees as well as diverse students from the state of South Carolina and beyond its walls.

Q. Do you know what the population is, in reference to South Carolinians that attend Lander, percentage-wise?

A. It's pretty high up there. I don't know the exact percentage, but I would have to guess it's at least above 70 percent, to my knowledge.

Q. And what is your view on priority for South Carolinians being accepted into Lander?

A. As a state supported school, I believe that they should have priority.

Q. Thank you.

A. Yes, sir.

CHAIRMAN PEELER: Senator Scott.

SENATOR SCOTT: Thank you, Mr. Chairman.

MS. ABLE - EXAMINATION BY SENATOR SCOTT:

Q. Thank you for your willingness to serve, Ms. Able.

A. Thank you.

Q. As a member of Laurens County School District Five, which are you're pretty well adjacent to the college --

A. Yes, sir.

Q. -- now that when we're in the middle of a pandemic, and hopefully we get it calmed down, we're going to probably watch most local students start going to the closest college that they can get. What's your approach, as you work with these students at your school and encouraging them go to some of the schools, and what impact would broadband have on your particular area, especially these children are going to have to do their homework and do the class instruction at home? Just talk a little bit about your thought pattern on that.

A. Okay.

Q. Because education is changing.

A. Yes, sir. It definitely has changed. And I was remiss to state earlier in my opening statement, I have been involved with Laurens School District 55 now since 2015 as their college support specialist. I've had the utmost pleasure and honor of serving as a college counselor to the class of 2020 since Laurens 55 students were in the seventh grade. There was a brief period of time when I got held back in middle school for two years to work on the EEDA grant for all five middle -- three middle schools and the alternative school, but then I was able to return back to

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my students when they were juniors in high school. I have definitely seen and witnessed the struggle students are having with some online education, and I know that Lander has done a tremendous job with online education because they started just a little bit ahead of the curve with that with some summer programming about having online course work. And I do understand that broadband is an issue. Through the Garrett grant that I'm a part of, we've actually been able to give hot spots out to our students. I even went to the Dollar General in the big city of Gray Court to meet a student when it was raining out of my trunk and taught her how to use the hotspot so that she could complete her college course work. I do think that if students are to be successful in this era that we're in now, that we need to make sure that they have all the tools and resources available to them, you know, for that and have the education to access those tools and know how to use those tools. It had definitely been a great challenge for our students.

Q. Do you have recommendations for changes as move forward, because we're going to be looking to colleges and universities especially boards of trustees and others for input in terms of how we're going to be able to do this process --

A. I think --

Q. -- especially --

A. Yes, sir. I think --

Q. I'm almost --

A. I'm sorry, sir. I don't mean to interrupt.

Q. Especially as we look at the transition from high school to college.

A. I think we need to start with them very early on about online course work. As much as a lot of us don't care for it, it's here to stay for a while, at least. And I know through virtual school, you know, that's definitely been a challenge. But I do believe that we need to start with students at a young age to say, okay, this is -- you know, this is here now, this is how you do this. I believe we also need to train our parents because I know parents have struggled, not even just my college kids' parents, they have struggled.

Q. Right.

A. You know, I know that high school kids' parents have struggled, along with the middle school students that have struggled. I think there's a whole lot of education that needs to be done about how to interact in the online world. Also, a lot of education needs to be done with our students on how to interact with adults in the online world, because I have found that a lot of our students do not know how to interact with adults. You know, we in the gear-up program, along with the rest of the

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world, feels somewhat cheated because March, we left for a three -- a long weekend, and we didn't get to see our students again. You know, and that was March of 2020, and -- other than virtually. And we just weren't prepared, you know, for that -- what came up, but we've done great strides in trying to help our kids out to make sure that they know how and what they're doing. And we're partnered a lot more with our colleges and universities to make sure that those transitions are being done correctly. So it takes partnership and it takes a lot of education.

SENATOR SCOTT: Thank you, Mr. Chairman.

CHAIRMAN PEELER: Anyone else? Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

MS. ABLE - EXAMINATION BY REPRESENTATIVE WHITMIRE:

Q. Boy, it's hard talking through these things.

A. Yes, sir.

Q. Welcome, Ms. Able. Quite an impressive resume.

A. Thank you, sir.

Q. I see that you say that you think that one of the weaknesses of Lander is retention rate. Do you have any ideas about how to address that issue?

A. As I said earlier, Lander has increased the retention over the last few years, but, you know, with -- I think the average is about 25 percent of the students don't return. I'd like to see that number decrease and keep all that -- you know, keep all the students and their cohorts, you know, from year to year. I think that kids now, unfortunately, they need a lot of hand-holding, I've discovered. That, you know, we need check-ins, whether it's from a program such as Gear Up or on the college itself to say make sure that our students are doing what they need to do in order to be successful. I mean, naturally, you are going to have some students that realize, hey: this is not for me; this is not what I bargained for; I need to find something else to do, as far as my future education is concerned. But I do think that letting students know up front what the expectations are is highly important, you know. We had kiddos that, you know, especially in the online world right now that really don't understand when you have class Monday through -- Monday, Wednesday, Friday from 8:00 a.m. until 9:00 a.m., whether it's in front of a computer or in class, you have to be there; you know, your butt needs to be in the seat.

Q. Well, you know, that's not just Lander, but all our state supported schools.

A. Yes, sir. Right.

Q. That's something that's always concerned me is the students who receive our lottery scholarships, they go one year, maybe two, then they're gone.

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A. Yeah.

Q. And that money is gone too.

A. Yes, sir.

Q. So hopefully --

A. Yeah. And I --

Q. -- you can take a look at maybe seeing how -- I don't know if the University has a way to find out exactly why students drop out. Some things you said, I'm sure, are true.

A. Yes, sir.

Q. It could be financial.

A. Yes, sir.

Q. It could be like me, have a big time in school and --

A. Got asked not to come back, maybe.

Q. Yes.

A. And I think, you know, colleges and universities across the board are doing a lot better job when it comes to tutoring programs, when it comes to reaching out that says, hey, kiddo, you know, why were you not in Art 101 these past -- you know, this past week, what's going on. I know that Lander does have a great alert system when a student's not present in class, you know, they get a phone call, they get a text. If those two options don't work, then actually somebody, from what I understand, does appear at their doorways.

Q. But one thing I appreciate about Lander is you make sure that you take care of the in-state students first.

A. Yes, sir.

Q. That doesn't always happen in all our schools.

A. No, sir.

Q. And we've mentioned that several times. The last thing you said that Lander's got a weakness being in a small town. Obviously, you have not been to where Senator Alexander and I live. That is a small town.

A. I understand, yes, sir.

Q. Greenwood's a city. Thank you very much.

A. Yes, sir. I appreciate it, sir, and thank you.

CHAIRMAN PEELER: Senator Verdin.

SENATOR VERDIN: Mr. President, I've had the pleasure of knowing and observing Toni -- Ms. Toni Ables' dynamic and energetic career, not just in education but other facets of our life in Laurens. And I would be pleased to make a -- to move for a favorable report.

SENATOR SCOTT: Second.

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CHAIRMAN PEELER: I think senator from Oconee, no? Other questions or comments before we take it to a vote? All right. All in favor of a favorable report say, aye. (Ayes are heard.)

CHAIRMAN PEELER: Opposed, no. (No replies are heard.)

CHAIRMAN PEELER: The ayes have it. Thank you, ma'am. I appreciate your willingness to serve.

MS. ABLE: Thank you, all. And I appreciate your service as well. Thank you.

CHAIRMAN PEELER: Next under Tab C, Lander University At-Large Seat Nine, James C. Shubert from Simpsonville. Afternoon, sir.

MR. SHUBERT: Good afternoon, everybody. Hope you all are doing well.

CHAIRMAN PEELER: Let me swear you in.

MR. JAMES C. SHUBERT having been duly sworn, testifies as follows:

CHAIRMAN PEELER: Would you like to make a brief statement on why you'd like to serve on the Lander Board of Trustees?

MR. SHUBERT: Yes, sir. Thank you, Senator. I'm the class of 1988. I met my wife there. I have three children. I live in Simpsonville. And Lander has certainly been a major of my life. I'd like to say without Lander, there's not Grayson, Jackson and Campbell, right, so that's one of those neat things to meet your spouse. Greenwood's my hometown, so I grew up there. I've watched Lander evolve over the years. I've had friends and family attend there as well, so it's certainly got a dear place in my heart. I previously ran for Seat 4. I think you may recognize me; I was also with Terry Pruitt. Had some circumstances towards the end due to the fact that with my vocation I'm in the OR for heart transplants, and get COVID exposure, or close to COVID exposure every day, so that's why I have to kind of be careful with what I do. But anyway, I appreciate the opportunity to turn and be screened for this. I had, I think, sent a letter to you, sir, just stating that any other opportunities that come up I would be looking to try to serve in that regard, so. So I'm a private business man, I mean, that's what I do. I do a weird thing called going into the heart operating room to help patients either receive a new heart or ventricular assist device. So it's kind of a neat job. It gets me the opportunity to travel around the southeast, to travel around this state, and I get to meet a lot of different people. As a result, you obviously talk about your background, you talk about what you do, and you talk about where you're from. And so, invariably, you know, who you know, where you went to college comes up. So I've appreciated seeing, as my careers unfolded, the type of education I got in physiology and cardiac physiology at Lander. It put me on a very competitive playing field to

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be able to do what I do. So that's why I'm here today, just to see -- see what -- or to show what service is all about. I'm a servant leader. I believe that's the way you do it. I think if you do it any other way, you're doing it wrong. I had a mentor years ago that kind of shared with me that, you know, you need to find a place to serve where you don't benefit from it, as that's the ultimate form of service. And so I don't have any, you know, extrinsic desire or looking to get something out of this. I'm just at that place in life where the opportunity to serve is happening. And so with that, I'd be happy to take any questions you have of me.

CHAIRMAN PEELER: Any questions? Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

MR. SHUBERT - EXAMINATION BY REPRESENTATIVE KING:

Q. With the many challenges that colleges and universities had prior to the pandemic, and I'm sure there are many, many more now since the pandemic. One that I'm interested in hearing your response on is how colleges should and universities now deal with the mental illness components that many of our students will now face because of some of the things that have happened with the pandemic and their education?

A. All right. I think the pandemic's affected all of us, right. I've got -- I had a child in high school and two children in college that were trying to navigate through how to learn in this environment. And kind of as I tried to help my only son and youngest daughter kind of navigate through this, the one thing I was noticing is, you know, there wasn't good support systems in place. I think it took us all by surprise, so it shouldn't be a finger pointing thing. It should be more of a how can we do -- how can we work partnerships. So I think we need to get some, you know, private business partnerships with some of our public entities. I mean, we need broadband across the state, don't we? We need it in areas of the state that, you know, I go down that -- we need to get with Spectrum and Charter and those types of people and see if we can provide that. We also need to kind of work to help people understand what -- you know, what their passions and visions are. And so I think there's got to be some sort of counseling component to this online education to help steer kids in a time when, quite frankly, getting steered is difficult and doing the steering is more difficult, you know, I've noticed as a parent. So without the support systems in place, it makes it very, very difficult. And of course, you know, I mean, being in the field I'm in and having to read daily about the pandemic and what's happening, especially with regards to vaccines and safety and masks and, you know, all that goes with it, you know, and being able to kind of filter out what's true, false and somewhere in the middle, I think we need to probably, you know, help

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them realize this is going to get back to normal at some point. I mean, as a country, we're going in the right direction, even though it doesn't seem like it. But with what's happening with vaccinations and different things, I think we'll be -- I think we'll be back on point here soon. So we have to give our kids hope to understand that, you know. You know, we've got hope, we're the United States of America. You know, this state is a wonderful state. And with the hard work of everybody I know -- I see in the state legislature and senate, you know, we should get back to school soon and make it happen.

Q. If elected to the Board, I would hope you all would take a hard look at mental illness; mental illness is real. And I was reading an article, I want to think it was last weekend. I can't remember where it was, but there is about a 50 percent increase in suicides now amongst our youth. And so I think it's a conversation that we're going to have to have on all college campuses. And so I hope that you would take an opportunity to understand what impact it may have at your institution. Thank you.

A. You're welcome. And I agree with you on that point, because right now, that is probably the worst age group, are school-aged kids for suicide right now.

CHAIRMAN PEELER: Senator Scott.

MR. SHUBERT - EXAMINATION BY SENATOR SCOTT:

Q. First, let me thank you for your willingness to serve.

A. You're welcome.

Q. I tell you, when you look at college boards and along with university and college boards now, it's almost like this group, when you're there to serve, and you're it.

A. Yeah.

Q. It becomes your responsibility to find solutions to the problem, outside consultants or creating those relationships. I still want to go back to the other question a minute ago, mental illness. And I'm hoping that given that background that you do have, and especially in the sciences and the healthcare, it becomes one of the major issues that you have. We just finished dealing with college and universities not long ago when we had a lot of kids taking un-prescribed medication on these opioids. And so now, we're into a whole another world. What I'm saying with the background that you have, I'm hoping that if you are elected to this board that you're able to utilize what you see across this country. So what have you seen at other universities that you could bring to this university to make it stronger, especially in the fields where you are. It could be classroom instruction because there's a lot of sciences you took. And also it could be some programs that are out there that can strengthen it.

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As I mentioned before, most of these kids that will be going to school, the community schools, you won't find them going all across the country because it costs too much and because of the pandemic. So what do you bring to the school that you think can make a real big difference at the school, based on the experience that you have out there?

A. Yeah. That's a -- I'll tell you, when I talk to my fellow parents and I listen to them talk about their children and what their children are faced with, and I've had the misfortune, or it's been unfortunate, to see a couple of my good friends have kids get into substance abuse as a result of this pandemic and then a friend who had a child commit suicide as a result of this. So it's a real thing that's occurring. Generally speaking, what I see is, with guidance, children seem to do wonderful things. And that seems to be regardless of socioeconomic structure. They tend to thrive with good structure. So as I think about what my son, who's on scholarship at The Citadel, and you know, that is a very unique place all the way around, but as I listen to what he's talking about to me, after watching a friend cadet of his commit suicide over Christmas break last year, he said, you know, Dad, they put good support structures in place because with the pandemic they understood that we had to communicate and we need each other face to face. And so they did, they put ways of doing that face to face. If masks work let's wear a mask and let's help our children. And that kind of was their attitude. So the places that I seem to recognize as thriving, they tend to put that at the forefront. They understand that kids are struggling with this. So I would say if I was at Lander and they wanted to talk about mental illness, I would just ask them, what do you have in place currently and how have you changed it relative to the pandemic. And do you understand the statistics relative to the pandemic now with regards to suicide, mental wellness and it's different. And so what kind of resource dollars could we bring in to keep those kids healthy and moving towards their degree. Because I was listening to the earlier question, and I think a lot of kids, and my kids being college-aged right now, ones that drop out and don't go to school, they don't have good guidance on why they're there or they didn't get good guidance as to why they should go there. And that's why I'm a big believer in trying to put resources towards that to help them make the decisions they need to make. Does that help?

Q. That helps some.

A. Okay.

Q. Thank you.

CHAIRMAN PEELER: Senator Verdin.

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SENATOR VERDIN: Mr. President, at the appropriate time, I'd like to move for a favorable report for Mr. Shubert to the full Senate.

CHAIRMAN PEELER: The motion is favorable. Second? Second. Any other discussion? All in favor say, aye. (Ayes are heard.)

CHAIRMAN PEELER: Opposed, no. (No reply is heard.)

CHAIRMAN PEELER: The ayes have it. Thank you, sir.

MR. SHUBERT: Thank y'all. (Off the record.)

CHAIRMAN PEELER: The Citadel at large, under Tab D. C. Douglas Barnes from Lancaster. Good afternoon, Sir.

MR. BARNES: Good afternoon.

CHAIRMAN PEELER: Let me swear you in.

MR. C. DOUGLAS BARNES having been duly sworn, testifies as follows:

CHAIRMAN PEELER: Would you like to make a brief statement on why you'd like to serve on The Citadel Board?

MR. BARNES: Yes, sir. Mr. Chairman and Committee Members, I'd like to thank you all for the opportunity to be here today. The primary reason I'm here is because I love The Citadel. What it means to me when I think of The Citadel, I think of the staff, faculty and the corp of cadets and the alumni of the system of the corp of cadets. And I want to make sure that we can give the young men and women of today the opportunity to be boiled down to their lowest common denominator, which is we actually refer to as a nob, and then rebuild them to become graduates of The Citadel. And I believe that's what the purpose of The Citadel Board of Visitors should be, among other things. My application packet lists a number of involvement I've had over the years with The Citadel, both financially and with my time and involvement with the different boards and commissions related to The Citadel and other community entities. I've been blessed with the resources to give back to The Citadel, financially and with my time. I look forward to having the opportunity to do that. Thank you.

CHAIRMAN PEELER: Thank you. Questions or comments? Senator Scott.

MR. BARNES - EXAMINATION BY SENATOR SCOTT:

Q. Thank you for willingness to serve. When your board makes a decision at The Citadel and you were part of that decision, whether you like the decision or not like the decision, as a member of that board, are you willing to stand with your board on the decision that's made or would you deviate on a decision made by the board?

A. In my packet and with my experience of being involved with boards and commissions, it's incumbent upon board members to realize that

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they're not individual representatives, but they're member of a team and they're a member of a board. And as a member of a board, the board needs to function together and the members need to support the actions of the board.

Q. The reason why I asked that, we've had previous members who have run for the board and special members who were members of the board who, in fact, the board made a decision as it relates to the culture of The Citadel, and that's a big issue down there. And it was a -- the reality was would members stand with the decision that they made with the board, would they deviate from the decision made for the board for the purpose of just getting back on the board; that's important. Do you recognize the culture of The Citadel? Has that culture changed over the many years since you were there in '86?

A. I think there's been a lot of subtle changes, but overall, the system and the process is very similar to what I went through as a cadet.

Q. Do you see any -- do you see any culture changes that need to occur at The Citadel?

A. Now, as far as the Board of Visitors, one thing I would like to see is a little more transparency. It seems with some of the more recent issues, one in particular having to do with the sophomore shuffle, that there was an incident --

Q. Correct.

A. -- where a board member made a motion to have a discussion about it in the public meeting and he didn't get a second. I would have like to have seen more discussion on that subject and have it, you know, more thoroughly discussed. And I was disappointed. That's one of the reasons I'm here is I was disappointed that that wasn't more -- a more public process of having that open discussion.

Q. And that's a pretty hot issue for The Citadel. A matter of fact, I think you lost your chairman as a result of a decision related to that sophomore class. So again, in looking at how you can improve the culture of The Citadel -- or is it your position that The Citadel needs to remain with the same culture it has had for the many, many years there or would you like The Citadel to begin? And if so, moving in the direction to improve The Citadel?

A. Well, I think I would like for The Citadel to be better and more inclusive and certainly have an improved culture where it needs to be improved and there's lots of things within the culture of The Citadel that needs to continue to be the same.

Q. You gave me a glass -- you gave me an answer with the glass half filled. Thank you.

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SENATOR SCOTT: Thank you, Mr. Chair.

CHAIRMAN PEELER: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair.

MR. BARNES - EXAMINATION BY REPRESENTATIVE KING:

Q. On your response to the COVID and virtual learning, you mentioned that the tuition should be adjusted. Could you elaborate a little more on that?

A. To the extent that the school doesn't bear the expense of having -- and from what I gather, they've -- they're having -- the cadets are back on campus and, you know, with -- from what I can understand that's going on there now that it probably doesn't need to have an adjustment made. But if they were doing online classes only, then there's a lot of expenses associated with physical facilities that the cadets wouldn't be taking advantage of and probably should not be responsible for.

Q. So is it true that they last semester went virtual or was it half of the school? Or how did they do it last semester?

A. I think they sent them home for a portion of that time. And from what I understand now, there's some classes where half the class meets one day and the next class period they're remote. So they are able to rotate through the facility.

Q. I have two questions for you, and the first one is similar to what I just asked in reference to mental illness and how we address that for our college students.

A. I think The Citadel is in a unique position the way they have the facilities and all the cadets are on campus, and so there's not a lot of interaction -- or there's better facilities to keep the cadets together and not interact and expose themselves to the possibility of contracting the virus. So they're not going to experience as much of the problem as some other schools might. And then like the previous gentleman who was sitting here talking about the opportunities for the -- the support systems that are in place, just making sure that the cadets and students are aware of those opportunities and take advantage of them and make sure that nobody gets any -- or they don't try to stigmatize any of the cadets for participating in those programs.

Q. Thank you.

MR. BARNES - EXAMINATION BY CHAIRMAN PEELER:

Q. Mr. Barnes, I was looking at ways to improve The Citadels, need to engage the not-one-dime crowd.

A. Yes, sir.

Q. Not-one-dime crowd?

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A. They're some folks on the, you know, the rabble-rousers, so to speak, on the internet that they don't like changes that have been made, so they say they're not going to give one dime to The Citadel. And they're very vocal. And if we could somehow harness some of that energy and turn it around and maybe even make them contributors that would be helpful.

Q. I was just curious.

A. Yes, sir.

CHAIRMAN PEELER: Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

MR. BARNES - EXAMINATION BY MR. WHITMIRE:

Q. Explain to me what changes you're talking about that they want. Do they want to keep The Citadel as it was or do they want changes at The Citadel now? What are the changes?

A. What do you mean by who?

Q. Well, the not-one-dime crowd.

A. Oh, there are some that would like to have it be all male again. They have various issues. There's one issues where the pipers in the pipe band have been merged into the marching band, so there's a group that wants the pipe band out front. I support that, but not to the extent that I have withheld financial resources from the school. I contribute regularly. And the sophomore shuffle's been one of the issues. The mess halls where we have -- used to have family- style meals, we would meet for breakfast, lunch and dinner formation, and now the capacity of the mess halls inadequate to allow that to continue. So there's folks that think that's a really big issue. I would love to see that issue addressed. And some of those folks carry it to the extreme to say that they're not going to give one dime to The Citadel.

Q. That's interesting. It seems like they would be more inclined to contribute so you'd have a larger mess hall or something like that, so.

A. Yes, sir.

Q. All right. Thank you.

CHAIRMAN PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

MR. BARNES - EXAMINATION BY SENATOR ALEXANDER:

Q. Good afternoon. Thank you for being here. I just was looking over as far as the biggest weakness for The Citadel. Can you elaborate on how you can resolve that, from the facilities and cost of keeping the facilities and academic degrees? Or they're not matching up or how would you...

A. Well, I think part of it is the geographical location and the constriction of the limited space. One of the big arguments against

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replacing the mess hall is where would they feed the cadets for the two years it might take to replace the mess hall, so there's limited space. And then some of the buildings are old. They just in the last week or two, they've opened up Basting Hall, which is a really nice addition to the campus. And they're going to be tearing down Capers Hall, which is an old academic building that's -- was probably in need of replacement when I was there, but it's finally made it around. So it's just taken time and money to upgrade the facilities, just like every other entity.

Q. How about if you could just briefly on the academic degrees, do you think -- is there a disconnect there in the degrees, or --

A. No, sir. I don't think so. I think they've got a nursing program, some outstanding engineering programs. It would be interesting to some aeronautical engineering come online. But other than that, it looks like their experts that decide what programs to offer are probably offering the right programs right now.

Q. Okay.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

CHAIRMAN PEELER: Anyone else? Motion?

CHAIRMAN PEELER: Second. Now we'll take it to a vote. All in favor say aye. (Ayes are heard.)

CHAIRMAN PEELER: Opposed, No.

CHAIRMAN PEELER: The ayes have it. Thank you, sir.

MR. BARNES: Thank you.

CHAIRMAN PEELER: And I appreciate your willingness to serve. The next candidate is Kenneth L. Davis, III from Columbia. Good afternoon, Mr. Davis.

MR. DAVIS: Good afternoon.

CHAIRMAN PEELER: Let me swear you in.

MR. KENNETH L. DAVIS, III having been duly sworn, testifies as follows:

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

MR. DAVIS: Yes, sir. Chairman Peeler and members of the screening committee, thank you for allowing me time to -- your time to express my interest in serving on The Citadel Board of Visitors. I'm proud to have been born and raised in the great state of South Carolina and previously served in the South Carolina Army National Guard with three deployments to Iraq. I'm currently and airline pilot on the Airbus 8320 aircraft with over 4,000 hours of flight time. I graduated The Citadel in the class of 2001. Along with my Citadel degree, I also have a second bachelor's degree and a master's degree, both in aeronautics. I travel the world, and anytime I meet another Citadel graduate, it's always the two

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same questions: what year did you graduate and what company are you from. The twelve of us who graduated in 2001 as members of Hotel Company are as close today as we were almost 20 years ago. We see each other several times a year and talk to each other almost every day. If selected to serve on The Citadel Board of Visitors, I'll be against what's been labeled as the sophomore shuffle and would do what I can to make sure that it's not implemented. As a major airline pilot, I will not gain anything politically or professionally by holding this position. The Board of Visitors' job is to set policy and it's the president's job to implement that policy. I decided to complete an application packet for the Board of Visitors after reading that the previous Board of Visitors' chairman, when asked about the sophomore shuffle, failed to recognize the responsibility of the board by stating that he hired General Walters and was letting him do his job. Additionally, I was disturbed when the previous Board of Visitors' chairman also stated that almost all the Board of Visitors' decisions were unanimously approved. That statement tells me that either the board members are afraid to voice their opinion that goes -- doesn't go along with the majority of the Board or there needs to be greater diversity among board membership. My father served his institution as a professor and administrator, including dean of the University of South Carolina Union campus for more than 30 years. Since The Citadel has had such a profound impact on my life, I would like to follow in his footsteps and also serve my institution. Thank you for your time.

CHAIRMAN PEELER: Thank you. Questions or comment?
Representative Whitmire.

MR. DAVIS - EXAMINATION BY REPRESENTATIVE WHITMIRE:

Q. Explain the sophomore shuffle to me. I got a ton of emails from former students I've taught that went to The Citadel who were totally against -- I guess against it; is that correct?

A. Yes, sir. That's correct.

Q. All right. Explain it to me.

A. Sophomore shuffle -- whenever you go to The Citadel, you're assigned a company, like Hotel company, Echo company. And it used to be based off height a long time ago, but now it's just randomly, unless you're a legacy cadet. Like I have a six-year-old son, if he were to go to The Citadel, he could be in Hotel company based off because I was a Hotel company graduate. Normally, you stay in the company all four years unless you leave your sophomore or junior or senior year to be a senior rank holder as in like battalion commander, battalion first

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sergeant, company commander for another company. But some people turn down rank and some people just stay in the company all four years and hold rank within their company. The bond that you -- there's a bond between classes, but the bond is greater between company members for The Citadel experience.

Q. How many members are in a company?

A. It depends. For Hotel one there was 32, I believe, and only twelve of us didn't quit our freshman year.

Q. Okay. All right. What was the reason -- do you know the reasoning why they were going to do away with this shuffle?

A. I've heard due to hazing, but I've never -- I don't know all the dirty laundry of The Citadel since I haven't been there in 20 years almost, but I don't feel like there's a major hazing problem. I feel think it's more of a homing problem with the barracks. There used to only be four battalions and now there's five. There's four extra companies than what was there when I was there. They've increased enrollment, and I think it's more of a homing issue, is what I've heard.

Q. Well, I can tell you from the emails I received, they were totally against changing it.

A. There's actually a study that this one graduate did online. He randomly sampled 450 alumni, and 90.2 percent were against the sophomore shuffle.

Q. Thank you.

CHAIRMAN PEELER: Senator Verdin.

SENATOR VERDIN: Thank you, Mr. President.

MR. DAVIS - EXAMINATION BY SENATOR VERDIN:

Q. Mr. Davis, did you aspire to a professional pilot vocation prior to attending The Citadel or was that something that was developed -- fostered while you were there?

A. I had always been interested in aviation. My grandfather wanted to be a pilot and his dad wouldn't let him do it in World War II. And I'd always been interested in it, and I never really pursued it until after I went in the National Guard and served in the aviation unit, and then pursued it and got a second bachelor's degree in aviation.

Q. Okay. Because my experience now, especially with young pilots, if they're oriented in that direction, they get into that field early. And - -

A. I was a little late to that game.

Q. Yes, you were because -- well, what I was driving at, I was trying to just gage your personal fealty and affinity for The Citadel. Because to overcome what would be considered a delay in your entry into that profession, it would have to have been a major point of draw, which

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would not be surprising. Anybody that's ever -- I've never met a Citadel man, or certainly woman, that has not been -- you don't -- you don't hear many gripers, back stabbers or recalcitrant members of the community, The Citadel community. But I was -- and mainly because I've got some family members that are also in this profession, not flying air buses, flying 737s, but I'm -- I've always been -- I'm a little nervous about air buses because I'm a traditionalist and I want to see a wheel or a stick right in front of you, and this business from flying over here just unnerves me a little bit.

A. It's a lot easier than the 737. But to your question about aviation, I did see recently where Charleston Southern got an aviation program, and I wish The Citadel would have jumped on that instead of them. I feel like it would benefit our college a lot better than Charleston Southern.

Q. So you think the history -- you think the future of flying the plane rather than engineering the plane here in South Carolina might be a little greater? I guess I'm asking --

A. Yes, sir. Like before COVID, there was a tremendous pilot shortage, and it's going to come back eventually, but it's definitely an area that --

Q. Well, and I would -- and as far as the degree programming offerings, the aeronautical engineering that Citadel's partnering with Boeing, I think we're all holding our breath a little bit, as far as the overall national -- international, global environment in automotive -- aeronautic manufacturing. I certainly hope and trust that our future still remains bright here, as well as the Citadel's involvement with Boeing. But thank you.

A. Yes, sir.

SENATOR VERDIN: Mr. President.

CHAIRMAN PEELER: Anyone else? Senator Scott.

MR. DAVIS - EXAMINATION BY SENATOR SCOTT:

Q. Thank you, Mr. Davis, for your willingness to serve. I may have been out of the room. Any discussion on diversity at the campus, since it appears that culturally it remains the same? And I'm trying to figure out how do you create some diversity if your dad was there and your granddad was there and others who want to be in that who need the shuffle so you can diversify the campus, how do you actually do that?

A. For the sophomore shuffle, I don't think diversity really applies to that, but I do believe as The Citadel as a whole, we need to recruit more women and minority students. There's definitely been an improvement since we've gone from being all male, but I think there could be a lot more done in that aspect.

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Q. Expand on that. You said you don't think it would. So if I don't have a generation of family who was a member of The Citadel and I come in as a freshman, a sophomore, and I want to be at another in a location, but because you don't do the shuffle, it's virtually impossible for me to be in that group simply because those who had many years because of a family is going to be the first to be chosen to go in that group. And so I'm not following you in your answer for when I asked you about diversity is not going to affect it, because it is going to affect it. Now, please elaborate.

A. Yes, sir. Well, for the company shuffle, before you come to The Citadel, you don't know anything about the company's reputations or it's not so much that we're -- when you're in the company, you bond together as a class and you come together as one. So like everybody, say your son got into The Citadel this year and he's in Alpha Company. Ever how many cadets, 32 cadets that freshman year, they're going to bond together and come together as a whole, and they're going to be best friends the rest of their lives. And when you -- if they're in Alpha company for their freshman and then they all transfer out to different companies the rest of the year, there's 2,400 students in the college right now, roughly, they might not hardly see each other on campus anymore. And they're going to make more friendships, but that bond is not going to be as great between those 23 ladies and gentlemen as it would be if they were in the same company.

Q. Now, suppose if I was in Uncle Sam's army in the military and you get your assignment, you're going to leave those folks you were in basic training with.

A. Yes, sir.

Q. You're going to leave those folk you had class instructions with, especially if you're an officer, a junior officer trying to be a senior officer. Tell me why that's so important that all these comments I'm getting about shuffling on the campus. Because if you're military, somebody might be sent to Kuwait, somebody might be sent to Japan, sent anywhere, and you may not be seeing these people again, I guess, until you have some class reunion or another. So tell me - - I'm not following why it's so important to maintain that on the college campus. It's like an inside fraternity is what you're talking about.

A. It's not like a fraternity. As an Army veteran, I understand what you're saying. And it's more of The Citadel experience and it's more of a connection you make with those guys. Like, the twelve guys I graduated with, like we -- we've been to everybody's weddings, we've been to funerals for each other. Like, we've -- we do everything for each

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other. Like, we're like a family. I mean, I would say it's more like you're a family than a fraternity.

Q. And so the shuffle creates a problem that you can't maintain that relationship because you're not inside with that group all the time; is that what you're saying?

A. Yes, sir. That's what I'm saying.

SENATOR SCOTT: Thank you, Mr. Chair.

CHAIRMAN PEELER: Anyone else?

SENATOR ALEXANDER: Motion.

CHAIRMAN PEELER: Motion for a favorable report. Seconded. Any other discussion? If none, we'll take it to a vote. All in favor say aye. (Ayes are heard.)

CHAIRMAN PEELER: Opposed, No. (No reply is heard.)

CHAIRMAN PEELER: The ayes have it. Thank you, sir. I appreciate your willingness to serve.

MR. DAVIS: Thank you guys for your time.

CHAIRMAN PEELER: Next under Tab F, F. Gregory Dellene, Jr. from Chester. Good afternoon, sir.

MR. DELLENEY: Mr. Chairman.

CHAIRMAN PEELER: Welcome back. Let me swear you in.

MR. DELLENEY: Yes, sir.

MR. F. GREGORY DELLENEY, JR. having been duly sworn, testifies as follows:

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

MR. DELLENEY: Other than to thank you for what you do, I'll waive opening statement.

CHAIRMAN PEELER: Thank you. Brevity is a plus, you hadn't forgotten that. Any questions? Senator Scott.

SENATOR SCOTT: Thank you, Mr. Chairman.

MR. DELLENEY - EXAMINATION BY SENATOR SCOTT:

Q. Good to see you.

A. Yes, sir. You too, Senator.

Q. Your Honorable. Tell me a little bit about what you know about this sophomore shuffle.

A. Okay.

Q. Since you are presently serving on the board as an appointee --

A. Right.

Q. -- for the --

A. That was -- that came about before my time.

Q. Okay.

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A. Right before my time on the board. There are two ways of looking at it.

Q. Okay.

A. You know, already for various reasons a lot of people are moved around anyway. Sometimes it's a disciplinary problem, sometimes it's a rank opportunity. But a lot of people are moved around. It's not like everybody stays. For me, in my Citadel experience, I was going to law school and my two best friends, who are also lawyers, were in the company next door. And so I spent most of my time with them. My son, on the other hand, he went there and he was a private all four years. And he has a core group of friends. And just like the gentleman that just spoke before, I mean, they do everything together. They go to each other's children's birthday parties, you know, they're in each other's weddings, and that's real important to him, okay. And the way this shuffle came about was there was a study, I think John Palms was in charge of it. And they came up with all these ways to understand how we could be more like West Point. Well, West Point has a shuffle, but they don't shuffle every year. Matter of fact, I have a friend who's a lawyer up at West Point, and he is the lawyer up at West Point, and he tells me that they don't really like the shuffle too much. And they've only used it once or twice. They came about they figured they will use it when they needed to, if they had something they needed to bust up or whatever. But in any event, although, you know, the shuffle didn't aggravate me that much, it aggravated my son a lot. And I really think the shuffle -- you know, we're going to have to an opportunity to reevaluate the shuffle here very shortly. And I'm certainly going to be looking at it very hard when it comes back up.

Q. Thank you.

CHAIRMAN PEELER: Anyone else?

MR. DELLENEY - EXAMINATION BY CHAIRMAN PEELER:

Q. I got a quick question. You serve on the Board of Visitors now, right?

A. Yes, sir. Yes, sir.

Q. Gubernatorial appointee.

A. Yes, sir.

Q. Do you know when you would have to --?

A. 2024.

Q. Okay. But if you were elected to this position - -

A. Excuse me, '25. I would be on until '26.

Q. Okay. So at that point, it would vacate and the governor would need to replace you at that point?

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A. In '25. Whoever is the governor in '25 would appoint somebody else.

Q. What I'm getting at, if you were elected to this position, you would have to vacate the gubernatorial appointment?

A. Yes, sir, I would.

Q. At what point would that happen, if you were lucky enough to be elected?

A. When I was elected. I would not vacate that position until I was elected.

Q. Until then. Just wanted to clear that up.

A. Yes, sir.

CHAIRMAN PEELER: Anything else? Senator Alexander.

MR. DELLENEY - EXAMINATION BY SENATOR ALEXANDER:

Q. What do you think is the greatest opportunity for The Citadel?

A. I look at myself. There's no way that I would have ever accomplished as much as I've accomplished in my life had I not gone to The Citadel. The Citadel gives you -- it gives you -- it teaches you how to deal with adversity plus it puts drive in people. You know, at The Citadel, you've got -- when you're put in a company, you've got three things that you've got to do that you're graded on, because companies are graded on it. One is academics, one is your military and three is intramurals. Well, when you go to The Citadel, you might not be doing real well in academics, but you might be shining your brass and doing real good at the military or you might be a star in intramurals. And because you're graded on all those things, people in your company, if you're doing -- if you're slack in one area, you know, it gives you drive to try to correct the other area. And so you've always got something that you've got that you have an opportunity to succeed in. So if you're not succeeding in another area, you know, you got help, people will help you. And also at The Citadel, they didn't have -- they've got now that I didn't have, back in my day, we had academic officers. And if you were struggling as a freshman, they would assign an upperclassman to try to help you in math or whatever. We had these tutorial labs at night that are not staffed by cadets, they're staffed by professors. So if you have -- if you were having trouble in math, you can go over there and get help. So The Citadel just offers you all kinds of opportunities to succeed. And once you succeed in one thing, it helps you succeed in another. And then the loyalty that Citadel graduates have for one another. It doesn't matter who you are or where you came from or what you look like, we stick together. And we always try to help one another. But that's the thing, The Citadel teaches you

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loyalty, it teaches you how to deal with adversity, and it gives you a drive to succeed.

SENATOR ALEXANDER: I have one follow-up, Mr. Chairman.

CHAIRMAN PEELER: Senator Alexander.

Q. And thank you for that response. Under you talking about here just changing gears on the can improve, you talk about needs to continue tighten the belt, reduce the FTEs through attrition and retirement. Have y'all been successful -- you say continue since you've been there. Have y'all -- is that something y'all have addressed and --

A. Yes, sir. That's something that's ongoing.

Q. And what you've done so far, you would deem that as being successful?

A. Yes, sir.

Q. Thank you.

A. We have a new provost, and she came -- she's University of Virginia graduate. And she came from a private school where she had to -- you know, you have to eat what you kill. And anyway -- and she's done a masterful job at looking at like -- looking at classes that aren't used very much. And one of the things I'm real proud of at The Citadel is we've become an engineering school. Matter of fact, we're number 17 for undergraduate engineering in the country. And I know when I -- one of the -- one of my -- when I first went on the board and I went to graduations, I hadn't been to graduation in several years, since my nephew graduated -- or no, since my son graduated. My nephew graduated a couple years before he did, or a year before he did. And when the engineering graduates stood up, it was a third of the class; I couldn't believe it. In years before, it would have been, you know, liberal arts or something. But they -- we've really got it on the ball now and I really like the direction in which we're going. We've got great leadership. We've got a great general. We've got a good provost, and things are really going in a good direction.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

CHAIRMAN PEELER: Anyone else? It's a favorable report, seconded. Any other discussion? Take it to a vote. All in favor say, aye. (Ayes are heard.)

CHAIRMAN PEELER: Opposed, no. (No reply is heard).

CHAIRMAN PEELER: The ayes have it.

MR. DELLENEY: Thank you, sir.

CHAIRMAN PEELER: Thank you. Now to Tab G, Andrew L. Helfer from Columbia. Good afternoon, sir.

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MR. HELFER: Good afternoon, committee. Thank you for having me here.

MR. ANDREW L. HELFER having been duly sworn, testifies as follows:

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

MR. HELFER: Yeah. I think I'm probably the granddaddy here. I attended The Citadel at probably the worst time in modern history, '60s. It was a very interesting time to be a cadet, to be a freshman. It was probably the worst time in modern history to be a freshman at The Citadel because the hazing was terrible at that time. There was a study done of about 1,000 Citadel graduates, and they asked when was the worst year, from a hazing standpoint, to be a freshman at The Citadel, and it came out 1968. Well, guess who was a freshman in 1968, me. And I was listening to Mr. Scott over here and his interest in diversity is very great. And believe it or not, in 1968, we did not have a black cadet in 1968 to be the class of '72, which was my class. So when people ask me about diversity at The Citadel, Mr. Scott, I say I was one of 20 Jewish cadets at The Citadel. So I can imagine what it would be like to be a black cadet at that time, because being a Jewish cadet was pretty tough when there was only 20 of us on campus. And you know, other people would go to Sunday chapel; the Jewish cadets would go to Mark Clark hall and hang out there and the rabbi locally from Charleston would come and, you know, have prayers with us. So it was very interesting. And when the class of '73 came in, there were about seven or eight black freshmen at that time, most of which were athletes. I went to The Citadel because I wanted to be a pilot. And I was an Air Force cadet for three years, and back then you had to have 20/20 vision, not correctable, but 20/20 to fly. Well, my senior year when I took - - or when I entered my junior year, took the eye test, I did not pass it. So I went to my tack officer, Captain Jones, who was an Army tack, and I switched from Air Force to Army. Well, back during Southeast Asia, the only openings they had were in infantry. So I owed the Air Force six years, and I couldn't fly. So I switched to Army, and Captain Jones said to me you're going to be in the infantry. And I said, well, I only have two years and it looks like we're running down toward the end of Southeast Asia. Well, soon as I graduated, I ended up in special operations in the Army, and I ended up in Southeast Asia. So it was a funny thing. My mother, who was a little Jewish lady, first of all said to me, you know, Jewish boys don't go to The Citadel. And then when I went in the Army, Jewish boys don't go in the Army. And I had gone to The Citadel to play football. And I don't know if you read my resume, but I lettered in three varsity

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sports at The Citadel. I played soccer, football, I was a shot putter on the track team. Now, I wasn't the most military cadet, but I was able to get by in M company with all of my classmates not doing the sophomore shuffle. And this seems to be something that is really irritating to all Citadel graduates, and I understand why. And I think Mr. Scott made mention about military basic training, maybe an OCS or whatever you might do, you never see those guys again; they're gone. And I think young Mr. Lewis (sic) talked about how closely knit Citadel guys are. And it is true and will always be true that the guys that you're in that company with are your friends forever. Those are the guys you go through your nob year with, you're tortured together, you help each other, you study together, you do whatever you do together and you live and die by those guys in your company. The second morning we were at The Citadel, it was General Hugh Pate Harris' first day at The Citadel. He had taken over for Mark Clark. And General Harris got us in Mark Clark Hall. There was 825 freshman. And he looked at us and he said look to the left and look to the right because in four years two of three of you will not be here. Well, in the class of 1972, we had 282 graduates. So General Harris was exactly right. And what ends up happening, and I think a couple of the other gentlemen addressed it is when the companies start running low on freshman, they have to switch a few here and there. As they get to be upper classmen, they have to switch a few. And what happened in my freshman year was the first year that they didn't put freshman in companies by height. It used to be A company and T company and B company and R and N all had all the athletes in it so when they marched on the parade ground it would look good. But when you have all the football players in A and B company and you're taking a good many cadets out of those companies, when it was time to go to parade, there wasn't enough cadets from those companies to actually march. So they had to shuffle them around, especially as they became upper classmen. When I was a freshman, we were still division one in football, and we had about 85 guys on our freshman football team. When I finished The Citadel, of the 85 guys who were on the freshman football team, there were fourteen left; that was it. So either they were walk-ons or, you know, they decided to do academics or military or they flunked out for some reason or whatever reason they were gone. So what they did our freshman year was they took guys -- athletes and put them throughout the whole corp of cadets. And I was in M company, and they had never had a football player in M company, and they ended up - - we had five of us. They put five football players in M company so they could start diversifying and getting people in the different companies so

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that the athletes would not be getting that special treatment that all the other cadets thought they got because they ate in a separate place. And I think we were talking about the mess hall here earlier. Well, we had something called core squad. And that's where all the athletes would eat in a separate place. And that was the only time as a freshman we got a break. Because when we got back to the barracks as freshman, the upper classmen thought we were getting a break because we were out there knocking our heads off playing football or doing whatever athletes do. But we did get to eat in a different place, and we didn't have to eat square meals and we didn't get screamed at, so we were just a little bit different. So my whole purpose of being here today is I see The Citadel changing, but I also see there's some things that are at the school that need to change back a little ways the way it used to be and some ways needs to move forward. And as the other gentleman was talking about, I've been a big supporter of The Citadel financially over the years. I've got a scholarship fund down there. I've donated lots of money. But if it hadn't been for The Citadel, I would have never graduated from college. It kept me focused when I was ADHD and it gave me the ability, even though I never held rank as a Citadel cadet, I ended up in special operations in the military. I earned a bronze star. I earned a purple heart and was a good officer. So The Citadel prepared me to do that, even though I wasn't real military when I was there and not active in cadet rank. So I'm glad to entertain any questions you guys might have for me.

CHAIRMAN PEELER: Interesting story. Questions? Representative Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

MR. HELFER - EXAMINATION BY REPRESENTATIVE WHITMIRE:

Q. First off, I want to say thank you for your service to our country. And you kind of went beyond the call of duty. I was in that same time frame, and it was kind of scary times, it really was.

A. Yes, sir.

Q. For you younger people, you probably don't know about it, but it was tough. How in the world did a little Jewish boy from Brooklyn get to The Citadel? That's -- did somebody recruit you or did you hear about or what?

A. Actually, my grandparents were from Russia. And you, having been in the military during the Vietnam era, when I got accepted in the special operations, because my grandfather was in the White Russian Army, he -- and he came to the US during the Bolshevik Revolution, they moved to Brooklyn, New York. And he had been a fur skinner. And he opened

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up a fur shop in Brooklyn, New York, and my dad worked for him. And when business went south, my mom and dad moved to South Carolina and followed some friends here to Columbia, and that's when we moved here when I was seven years old. So, you know, I was here. I went to Rosewood School. I went to Satchel Ford School. I went to Keenan the first year, and I graduated from AC Flora. So I'm really a southern boy at heart. And now even --

Q. You didn't have much of a Brooklyn accent, I noticed.

A. No, I don't. But we still have family there. But I went to The Citadel, believe it or not, out of my class at AC Flora, in 1968, there was eight of us that went The Citadel. And I think probably five or the eight finished, and two of us went there to play football and the other guy that was with me, he finished as well, and he was a football player.

Q. I'm a student of history. It'd be fascinating -- was your grandfather alive when you were born or --

A. Yeah. He moved to South Carolina.

Q. Did he ever tell you about the whites and the reds and everything?

A. He did. It was very, very interesting. And he had a heart attack and died instantly at 62. But he was a vodka drinking, cigar smoking, as somebody might say, a SOB, but he was -- he was a tough old coot.

Q. It sounds like he had a very fascinating life, for sure.

A. He did. He did. And he met my grandmother on the ship coming over. He was about 21 and she was about 14. And he married her when she was 15.

Q. Well, very interesting. Thank you very much.

A. Yes, sir.

CHAIRMAN PEELER: Speaking of tough, you said you were a shot putter?

MR. HELFER: Yes, sir.

CHAIRMAN PEELER: Only shot putters look like me. They don't look like you. You must have been a bigger guy back then.

MR. HELFER: Yeah. I played ball at about 225.

CHAIRMAN PEELER: What position did you play, football?

MR. HELFER: I played nose guard.

CHAIRMAN PEELER: You must have been a tough fellow. Senator Verdin.

MR. HELFER - EXAMINATION BY SENATOR VERDIN:

Q. I can't help but remark about how similar your life experience is with the Sedrin family in Greenville.

A. Is that right?

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Q. If you ever look at them, look at their history, they were in the fur business, the family was in the fur business for 60 or 70 years and have the same migration to South Carolina as you just gave testimony of, and I love it. It's rich. I appreciate all your contributions as mentioned by Representative Whitmire.

SENATOR VERDIN: Mr. President, appropriate time. Mr. Chairman, I'd move for a favorable report.

CHAIRMAN PEELER: Senator Alexander offers a second. Any other discussion? And now we'll take it to a vote. All in favor say, aye. (Ayes are heard.)

CHAIRMAN PEELER: Opposed, no.

CHAIRMAN PEELER: The ayes have it. Thank you, sir, for all you've done and all you're going to do. I'll move to University of South Carolina, Fifth Judicial Circuit, Tab H, Robert F. Dozier, Jr. from Columbia. Let me swear you in.

MR. ROBERT F. DOZIER, JR. having been duly sworn, testifies as follows:

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

MR. DOZIER: Yes, sir. Thank you. Is it okay to take off the mask from back here? Thank you. Thank you, Mr. Chairman and distinguished commission members. I'm a passionate Gamecock, 1990 graduate who believes in the University. And it's an honor to sit before you today with an offering to give back to the University and serve you as well and the citizens of South Carolina. Having said that, I acknowledge that more work needs to be done so the University can reach its full potential in educating students and serving the state of South Carolina. I know you have the bio. Your staff has done a remarkable job of putting packets together and getting us to fill out our questionnaires. But I'm a life-long South Carolinian, except for the nine years I've been away as executive vice president for the Federal Home Loan Bank of Atlanta. A lot of people ask what the Federal Home Loan Bank of Atlanta is. It's the largest bank that nobody's heard of, \$150 billion bank serving 900 financial institutions around the southeast. And I was honored to spend some time there, but I'm even more pleased to be back home. With that, Mr. Chairman, I know we have just a little bit of time and I know y'all have questions. Thank you for the opportunity. It means more than you know to be here today.

CHAIRMAN PEELER: Thank you, sir. Questions, comments? Senator Scott.

MR. DOZIER - EXAMINATION BY SENATOR SCOTT:

Q. Thank you, Mr. Dozier. Good to see you.

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A. Good to see you again.

Q. Thank you for your willingness to serve. Your new president has come in with an aggressive agenda, as it relates to diversity on the campus. Not only with students, but also with faculty, staff, and is even in -- as provost as an African-American. Where are with you diversity along with where your president is trying to carry the University. The president, I happen to like the guy.

A. We can do a lot more, sir.

Q. I understand. Well, give me some of your thought patterns to, you know, what you would do. Like I stated earlier when you weren't in the room, when you're on the board, kind of like this group here, you're it. So you have to figure out how you solve the problems and what you bring to the table that can make it better.

A. So diversity inclusion to me is about access, it's about telling the story, it's about making sure that you're recruiting. I spoke with an associate superintendent of a midland's school district last week, and I asked the question, well, the strategic plan that the University talks about recruitment; how are we doing? And she said, not that great. And so the accountability, the oversight of a board, now that there's a strategic plan and there is a president who's doing -- has said the right things. And it looks great on paper. But to move from seven percent to right above ten percent right now to move towards, what, 27 percent of African-Americans in South Carolina we can do more. But it's about getting out. It's about providing that access. It's providing -- or telling a story to make sure that the environment is right for people to come. There are a lot of opportunities, a lot of places folks can go. If the University wants to be ahead of that game, to me, it's about access. As far as the faculty and staff, I think hiring Bill Tate has gone a long way as provost to make a statement. The diversity inclusion officer I spoke about in my questionnaire is a good first step. But as an oversight board, we're going to have to track that as it goes up. I don't know if one board member can make all the difference, but one board member can sit with 19 other board members and hold the administration accountable.

Q. I would like to think one board member can make a big difference sitting in a room every time we're here for another 45. And I do the best that I can to try to share experiences and ideas and things of that nature, in terms of where we want to go. So I do believe one person can make a big difference, especially if they put themselves out there and get it done. The University has been balancing its budget for years with out-of-state students, and I know Darla Moore School of Business is so very important. Where are you and what are your recommendations in terms

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of resources once we get past the pandemic? Because I know you've had some troubling times, especially spending reserve to make sure that you can balance your budget.

A. Absolutely.

Q. So where are you with ideas that we can try to attract some of the best and brightest who used to leave this state try to keep them at home so they become a part of...?

A. So several pieces to that. I think over time it has been real easy to go to the out-of-state tuition and look and say a kid coming in from out of state at 33,000 is a lot more than 12,000, and it made it easy. No different than you as a group with your expertise when you do when tax incentives for companies to come into South Carolina. The difference is I think y'all lay out the accountability factor a little greater than we've done in the past. I think we've gotten used to saying let's go get the out-of-state tuitions. What's happened, though, is some of those out-of-state tuitioned students came in and then they got tuition abatements and nobody tracked the success of that. I'll give you an example, my two children. I lived in Atlanta for nine years. For the first couple of years of their time, I paid out-of-state tuition. I didn't know there was something called the common marketplace. The final two years of theirs, I got in-state tuition. Nobody tracked that at the University of South Carolina. Now, I'm pleased to say my daughter is a graduate and is working at First Citizens and is a tax payer of South Carolina. My son, who's worked with the Atlanta Hawks, moved back -- is moving back at the end of this month, took a job with a local Columbia company. And so those are successes. But we don't track that. And the accountability and the transparency and the information that comes back to y'all about that has been lacking. So that's the out-of-state piece that I've been concerned about. The in-state piece is back to accessibility and accountability and making sure that we're casting a wide net and getting the students who are ready, willing and able to go to the University of South Carolina that they have their shot to do it.

Q. Could it be one of the reasons why they don't track it -- and I like the idea that your son is doing very, very well, is that we educate out of state students and they don't stay with us?

A. That's a huge concern.

Q. We continue to recruit Fortune 500 companies, but we don't have the young people because we educate them from out of state. They went back and they participated and got those economies and those states they came from stronger. So we'd like to see, going forward, some of your ideas. Because I'm glad you've lived in Atlanta, back in South Carolina

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and can share what we need to be doing to keep some of these best and brightest here in South Carolina so we can stimulate our own economy.

A. Yes, sir. So on the stimulate the economy, the other concern would be the exporting of ideas.

Q. All right.

A. I worry that we focus so much on research and we get real excited when we create a new idea and we incubate it over at the University of South Carolina, but incubating ideas without partnering -- and you and I worked together when I was at Midlands Technical College on the board. Without taking an incubated idea and accelerating that idea and manufacturing it in here, we could be the largest exporter of great ideas in the country, and Georgia and North Carolina and Virginia and Florida and Alabama can just sit at the state line and wait for ideas to be created here at the detriment of the tax payer of South Carolina, and the ideas can go. We've got to keep them here. And those partnerships that you helped us create at Midlands Technical College where we could accelerate and manufacture those ideas are really important.

Q. Thank you.

CHAIRMAN PEELER: Representative Finlay.

REPRESENTATIVE FINLAY: Yes, sir. And in full disclosure, Mr. Dozier and I have been friends for the better part of 20 years. But I'm going to ask this question of everyone.

MR. DOZIER - EXAMINATION BY REPRESENTATIVE FINLAY:

Q. Senator Scott stated that for over 30 years the University of South Carolina has balanced its budget by bringing in affluent out-of-state students paying two-and-a-half times what in-state students pay. The side effect of that has been that today in the university that's doubled it has roughly the same number of African-American students as it did in 1990. Your president made a very strong statement about that, but I believe the state has also doubled in during that period of time. Do you feel like you are up to the financial challenges that are going too presented by weaning the University off of that revenue source? Because I don't know that there is a pool of -- large enough pool of out-of-state full-pay students to continue this practice. Do you agree with that diagnosis and what do you think we do to fix it?

A. I absolutely agree with it. Companies like mine, whether it was the Federal Home Loan Bank of Atlanta or we're now First Reliance Bank where I'm president of First Reliance Bank shares, when you get used to single source revenue sources without diversifying you can get in really big trouble. And so the diversification of that model, especially in the middle of a pandemic, has got to be forefront. I mean, listen, just like

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I'm doing in banking with technology -- there's a good question in your packet about online delivery. We're going to deliver differently education. We have to understand that bricks and mortar might not be in the capital outlay or that bricks and mortar that might have to be a cost that we don't have to bear going forward. So the focus has got to be South Carolina first, South Carolina first, South Carolina first; it's why I'm back from Georgia.

CHAIRMAN PEELER: You have another?

REPRESENTATIVE FINLAY: Yes, sir.

Q. And I think there's an add-on question that you've touched on because I sit on it in the House, y'all's deferred maintenance is out of control. I mean, USC has got -- the chickens have come home to roost, in terms of the -- a 100 -- it may approach \$100 million, let's call it \$75 million a year in deferred maintenance that's going to have to be dealt with over 20 years. Do you feel like that's a number that you can help them manage through? And how would you manage through it, because it is a huge issue?

A. So back to the revenue sources and being careful and not living off of one revenue source. I think it's a multi-pronged approach. Number one -- and I don't know how much time y'all have spent with either the president or new board leadership, but the budget model that's been created over the last couple of years, which was board-driven, by the way, has really given an insight of how much it costs to educate a student in a particular field or study. And I think you got to take that data, number one, to figure out where you are budget-wise. Number two, the cuts that are going have to be made, this -- we're in the middle of a pandemic. Nobody planned for it, nobody thought about it, and we weren't prepared for it. So I do believe that over time the cuts that are going to have to be made, personnel cuts, programmatic cuts, building costs, we'll have to go a long way with that. The third piece -- and I haven't been on the board since ex- officio as president of the alumni association since last summer. But the word about the TV revenues that will come, as you know very well, all of you, South Carolina runs its South Carolina budget and then it has an athletics budget. If there is to be additional television revenue coming in for athletics, I think at this point in time you can't run two separate organizations. You got to bring those closer together and put a big fence around the additional revenue that's going to come in and use that pay back all the things that have been tough over the last couple years with the pandemic and will be. And deferred maintenance is one thing that probably needs to be addressed with that. But assume that that's 15 to \$20 million a year in additional

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TV revenue, you can see this thing getting out of control where all of a sudden it's just in the athletics department revenue growth comes in. It looks great, coaches want more money, programmatic things and athletics. But you're going to have to pull that together and put a fence around it.

CHAIRMAN PEELER: Any other questions or comments? Senator Alexander.

SENATOR ALEXANDER: Thank you.

MR. DOZIER - EXAMINATION BY SENATOR ALEXANDER:

Q. Thank you, sir, and good afternoon.

A. Yes, sir.

Q. Thank you for being here. Appreciate your work and glad you're back in South Carolina. On ways to improve U of SC, you talk about economic development. Also, graduate -- graduating more doctoral students. Are there any -- with your background in banking and things, do you see any particular area there to focus on in those doctoral students?

A. So, I think healthcare is a huge piece across the spectrum. Just with the aging population in South Carolina, I think that's going to be a need. I think Dorn Smith as chairman is the right leader for the right time to kind of focus on that. I think that piece of it is huge. I think they're probably can be some areas in the business side of the house to keep and grow institutions. I know you serve on the board in the upstate. I think there's some financial opportunities. I worry about big banks and big financial institutions leaving -- either leaving, mergers and acquisitioned out, but I think there's a place for South Carolina banking and finance right now. I think the doctoral program can go a long way for that. And back to Senator Scott, to come back to that a little bit, sir, I think there's a huge opportunity in the financial services space where there's an opportunity for minorities to have access and egress, if you will, to financial services and banking. And we're working on some partnerships in South Carolina with the Federal Home Bank of Atlanta and the Federal Reserve to try to move that along.

Q. Thank you.

CHAIRMAN PEELER: Representative King.

MR. DOZIER - EXAMINATION BY REPRESENTATIVE KING:

Q. Thank you. And this question I probably should have been asking of all the candidates, but it just popped in my mind. With the pandemic, we have noticed that many of the students across the state, or really across the country, have had problems with being able to access or take the ACT or the SAT. We have now here in South Carolina seen the

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disparities across the state when it comes to broadband. And when we're looking at the overall student, many of these students who come from these areas where there's a disadvantage already, but they are students who have done well, how do you think that universities and colleges across this state should be evaluating these students since they lack some tools because of the pandemic?

A. Yeah. I think that we all need to say that are a lot of things in life that we need to take a break from and make sure we're digging into success factors at that moment in time, pandemic aside. I agree with you on the access. I think Congressman Clyburn has some great ideas around the state of how to open up access. It would lead into another piece of that that what we do to make sure, though, once they get here is that we're balancing and understand online and remote learning. I think we've come a long way on that, but the accountability and the transparency in making sure that everybody's getting equal access. I can tell you, my daughter had four classes, and each one of them was done and distributed differently. There was no consistency in any of that. And that concerns me a little bit. And as -- you are right, Senator, one person can make a difference. One of the questions that I did ask at one of my last board members is how we hold meetings, is how we're holding these online classes accountable for transparency, accuracy and consistency.

Q. Last year, I proposed a bill that would eliminate for South Carolina students the application fee. Now, top that with the pandemic and a lot of people are out of work or parents who are just barely making it -- and I know you can apply for waivers, but what do you feel about the application fee being waived for all South Carolina residents?

A. I think that's an idea. I think from a board position the last couple months, I've been out of that. I'd like to look at that. I think that's a -- but sitting in your seat, you're looking at the numbers, that's probably a good suggestion.

CHAIRMAN PEELER: Desire of the Committee? Motion is favorable. Seconded. Any other discussion? We'll take it to a vote. All in favor say, aye. (Ayes are heard.)

CHAIRMAN PEELER: Opposed, no. (No reply is heard.)

CHAIRMAN PEELER: The ayes have it. Thank you, sir. Appreciate you.

MR. DOZIER: Thank you, sir. Thank you for your time.

CHAIRMAN PEELER: Thank you. Under Tab I, Alexander English from Blythewood.

MR. ENGLISH: Hello.

CHAIRMAN PEELER: Thank you, sir. Let me swear you in.

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MR. ALEXANDER ENGLISH having been duly sworn, testifies as follows:

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

MR. ENGLISH: Yes, I do. Is it okay to read a prepared statement?

CHAIRMAN PEELER: Sure.

MR. ENGLISH: Okay. My full name is Alexander English. The University of South Carolina gets the credit for much of whatever success I've enjoyed. While I publicly know that I'm known for athletic achievement, without the solid education and leadership development I gained at USC, my most enduring work in business and philanthropy would not have been possible. So I'm a grateful and proud graduate of this institution that I'm seeking to assist again. As a proud Columbian, it was my honor to serve on the Board of Trustees many years ago. And I'm honored to have been called by Governor McMaster to finish the term of former trustee William Hubbard who is now the dean of our law school. During the six months since I have taken my seat, I have immersed myself in learning about both the overall goals and the complex details pertaining to my fiduciary responsibility as a trustee of this great University. I am still doing so. This short amount of time, of course, also occurs while we're dealing with just a few epic circumstances. A worldwide pandemic that threatens the very fiber of our existence, political upheaval in our country and a racial reckoning that has sparked both brutality and opportunity. And it's put a microscope on every public institution charged with improving the quality of life through fairness, excellence and accountability. These are macro issues playing out across the country, across the globe, but there are also micro issues that affect our great University of South Carolina. I want to be part of continuing in growing the greatness that we have attained here in at this university. That's why I'm running for this Fifth Judicial Seat. As a trustee, I'm beholden only to the University of South Carolina and the guidance -- and its guidance from the legislature in upholding my fiduciary duty to the students that trust the flagship university of the state of South Carolina to provide one of the best college educations they can experience anywhere in the world. I am honored that the governor selected me to help steer my Alma mater through these unprecedented times and challenges. I feel that I am the right person at this time. With that, I am finished. If you give me a minute to kind of catch my breath under this mask here.

MS. CASTO: Mr. Chairman?

CHAIRMAN PEELER: Go ahead.

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MS. CASTO: Mr. English did submit, this morning, and addendum to his PDQ. He was waiting to on some figures I think from the University, that he gets paid \$250 per game for broadcasting four basketball games last year?

MR. ENGLISH: I did four games last year.

MS. CASTO: Yeah. And then he does receive a coach's pension from the National Basketball Association. Those are addendums to this.

CHAIRMAN PEELER: Mr. English, I see where you have, in your list here, ways to improve USC. One of your answers was better football team.

MR. ENGLISH: That's just one of them.

CHAIRMAN PEELER: It'd suit me if you don't have one.

MR. ENGLISH: Well, I, like all the other Gamecocks, would like to see it happen.

CHAIRMAN PEELER: I'm a Tiger. It would suit me to stay just where you are. Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

MR. ENGLISH - EXAMINATION BY REPRESENTATIVE KING:

Q. And Mr. -- is it English?

Yeah. Mr. English, thank you for your service to the board. Since you are presently on the board, can you tell me what you all are doing to assess -- or to assist students who will be applying in the fall because of the pandemic who are unable to take the ACT or the SAT who you may see that their grades may have declined during the pandemic because they may have not been able to access broadband? What are you all doing at the college to prepare yourselves for the incoming freshman?

A. Well, one of the things that we're trying to establish a relationship with some of the -- with Midlands Tech, which is a school with a bridge program, to if there is a possible problem with kids or students getting into the University, they're putting together a bridge program that will allow them to go to Midlands Tech, get an education while they bridge - - while they're bridging their opportunity with the University to come once they get their grades back right and get an opportunity to come and attend the University. At the same time, they get to stay on campus at USC so that they can feel, you know, like they're a part of this system.

Q. If I'm correct, you and Mrs. Moody are the only two African-Americans on the board?

A. Yes, sir.

Q. What are you doing as an African-American to ensure that diversity is a part of the plan to diversify USC, not only with students but with your faculty and staff?

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A. As a newcomer, the Board of Trustees put together a strategic plan. And in that strategic plan, it addresses different opportunities for bringing students, as well as faculty members, on board at the University of South Carolina through a process that would allow them to be seen by a board of diversity and equality and inclusion, making sure in putting together programs. I know I spoke with Provost Tate. They put together programs that will allow students that can't afford to come to the University that are qualified, putting together different programs to help them out and to kind of guide them through the process.

Q. Thank you again for your service. And I see that you played in the NBA.

A. I did, sir.

Q. I had two brother-in-laws that played in the NBA, JR Reed and Tony Delk.

A. I know both of them.

CHAIRMAN PEELER: Senator Whitmire.

REPRESENTATIVE WHITMIRE: Thank you, Mr. Chairman.

MR. ENGLISH - EXAMINATION BY REPRESENTATIVE WHITMIRE:

Q. I didn't have anybody that played in the NBA, unfortunately.

A. I wanted to be a football player.

Q. Well, I wasn't that good at that either. I just want to say for those of you that aren't old enough to remember, I'm a Clemson fan, but I sure did enjoy watching you and those Subway kids play basketball back in the '70s.

A. Thank you.

Q. You were a joy to watch.

A. Thank you.

Q. In fact, I've got a real good friend that's about as loyal a Gamecock fan as you'll ever hear. And I told him that you would be testifying before us today. And he wanted to know if you would suit up and go play for the Gamecocks now because they sure do need the help.

A. Unfortunately, I'm 67 years old --

Q. Yeah, you'd probably still be better than them. Well, anyway, thank you for your willingness to serve.

A. Thank you, sir.

CHAIRMAN PEELER: Representative Finlay.

MR. ENGLISH - EXAMINATION BY REPRESENTATIVE FINLAY:

Q. Good to see you.

A. And you, sir.

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Q. We've -- I think our families have been friends on and off for the better part of 40 years.

A. Yes, they have.

Q. Wanted to throw you the same question that I've thrown Robert Dozier. One of the problems, and one of the nice parts is this is not of their creating, is it as the University imported more out-of-state kids, it has become less representative of our state. Now, the problem is that they brought those kids to bring in the revenue ostensibly.

A. Uh-huh.

Q. So how would you, on a look-forward basis, help the University think about how they absorb those costs, especially in terms of the potential deferred maintenance that they've got overhanging now?

A. Well, I do understand the problem and I understand why. In speaking with Provost Tate, I understand that the reason why they've got -- they had so many out-of-state students is that they could charge them double the price, and that allows them to bring in another in-state residence. I can't really -- I think it's going to take some time to kind of sift through everything and see where the opportunity is to be able to address your question. But I am -- you know, I am all about educating young people from the state of South Carolina. That's -- I think that's very important because we just need to. We've been -- we've lagged behind in a lot of states when it comes to educating young people. And I think it's something that we have to address because, you know, most people, especially from rural South Carolina and some minority communities, they have a difficult time affording college tuition. And I know that just from reading the strategic plan that there are programs that they are putting place, that we're putting in place to address that so that we can bring more minorities and more people from South Carolina and give them an opportunity that they can afford now adjusting the tuition.

CHAIRMAN PEELER: Senator Scott.

SENATOR SCOTT: Thank you, Mr. Chairman.

MR. ENGLISH - EXAMINATION BY SENATOR SCOTT:

Q. Good to see you, Alex.

A. How do you do, sir?

Q. Doing fine, sir. You're class of 1976 at the University?

A. Yes, sir.

Q. You and I were in high school right along the same time. I think you're a year behind me. Tell me what differences -- how has the University changed at all since 1976, as it relates to African-American students, faculty and staff, especially involvement at the institution and their input? I know you got -- you know we got -- we've always had one

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or two who professional jobs there. But tell me, in the overall scheme of things, what have you witnessed have changed or need to change in that 45 -- 44 year time since you were there?

A. Well, if you were at Carolina during that time --

Q. I was there.

A. -- you know, at that time, we probably had maybe less than two percent professors teaching the students at the University.

Q. Right.

A. But at the same time, we had more students. We had students from all over the state that were coming, but we didn't have the representation among the faculty. And that's one of the things that's being addressed in the strategic plan, which I think and agree we must address. We've got to make our faculty and staff resemble the population of the state, you know. And I think we have to do the same thing with the students. You know, we have to bring in -- find a way to bring in more minority students, bring in some of the people from the rural areas without them having to -- I think the online program helps that but I think we can do a better job.

Q. Athletes, I know you can speak well to that, has not been a problem recruiting a number of African-American athletes. But some of the courses and degrees they pursue, because most of them who play don't stay long. Type of degrees and who's talking to these kids about if you don't do well in the professional world, if you don't get drafted, how are you going to make it. If you go and you stay a year or two, the degree that you went after, and does that make you employable. And if you are able to stay and become successful, can you change that into creating wealth based upon the time you spent at the institution. If you don't try to get them back so these kids can graduate. Tell me a little bit about what's going on in that particular arena.

A. Well, I know that, you know, among the student athletes, you know, looking at the numbers, we were one of the top GPAs in the system in the SEC. As far as the type of degrees that they're getting, I haven't seen that.

Q. Okay.

A. I know that they are doing well with the grade with the GPAs and they're managing to stay in school. I would think that they're getting -- excuse me sir, I'm sorry.

Q. That's all right.

A. But like I was saying, you know, being a former athlete and graduating from this University, when I was here, I was an English major. I wasn't able to finish in English, so I had to go and add other

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courses that were able to help me get my degree. You know, I went through the retail and management school. But also being a professional athlete, I think it's so important that we channel our young athletes toward opportunities that are going to give them access to quality jobs once they leave this University, because all of them aren't going to be able to play sports. And if I -- you know, if I get the time, that's something that I would address. I mean, I think it's something that's important. It's not just important to have great grades, but what are those great grades in, you know. What is -- is it something that's going to give you the opportunity to be a business man or be a doctor, lawyer. The numbers are really bad when you look at athletes that haven't gotten that opportunity. You know, most of us -- most of the athletes want to believe that we are one of the best and we've got to be able to go to college and we're going to go to the pros after that, and that's not always the case.

Q. Thank you.

CHAIRMAN PEELER: Senator Alexander.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

MR. ENGLISH - EXAMINATION BY SENATOR ALEXANDER:

Q. I want to just follow up on that from Representative Whitmire. Personally as a Clemson fan, certainly followed your time playing at South Carolina and then also your pro career, and just appreciate you making South Carolina so proud and your willingness to come back.

A. I almost went to Clemson.

Q. Is that right?

A. Tate Locke tried to get me there, but I said Frank McGuire wants me.

Q. That was some great time in both schools. Thank you, sir.

CHAIRMAN PEELER: Senator Verdin.

MR. ENGLISH - EXAMINATION BY SENATOR VERDIN:

Q. Back in that area, if you wanted to watch any basketball in South Carolina, you had tune in to the Carolina broadcast because you couldn't get a ticket.

A. Yes.

Q. At the new arena coliseum. Now, you could watch basketball if you were willing to travel over to the nearly new Littlejohn Coliseum, but even then, it was -- I went over there to Littlejohn last week for the Louisville game and squeezed in there with about 1,000 other people.

A. It's not the same place.

Q. I remember we used to stand in line and beg for tickets back in the '60s and '70s, and yeah, not the same place, but I do remember watching

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-- back then, when you get to the charity stripe, the game was riding on every one of those shots.

A. Yeah.

Q. And the electricity and the excitement and just the nerve tingling experience of the hardwood, it's not the same today. I can't stand the shot clock. We might not have heart attacks as much. Back then, if you only had a certain number of possessions and every one of them counted, it was just -- I just going -- I can't remember much anymore, but for you to be here and for them to start recalling those days, it's enervating for me. But no, I, on a serious note, appreciate all the contributions and appreciate the insight that you and all the other candidates for USC has shown, demonstrated today. And I'll let someone close to you make the motion.

CHAIRMAN PEELER: Favorable report. Second? Second. Any other discussion? I'll take it to a vote. All in favor say, aye. (Ayes are heard.)

CHAIRMAN PEELER: Opposed, no. (No reply is heard.)

CHAIRMAN PEELER: The ayes have it. Thank you. Next on the Tab J, Kevin M. Hunter from Irmo. Good afternoon, sir.

MR. HUNTER: How are you, sir?

CHAIRMAN PEELER: Let me swear you in.

MR. KEVIN M. HUNTER having been duly sworn, testifies as follows:

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

MR. HUNTER: I would. Kevin Hunter, lifelong resident of the state of South Carolina. I have had the pleasure of serving on a company that allowed me to travel and do business on five continents and 48 states. And throughout that, I never left this state, and that was intentional. I had opportunities to move to Chicago, LA, Tokyo. You name it, I was there. Probably didn't enjoy it as a young man, I was so focused on that brass ring, but I did realize through all those travels that we have a tremendous treasure, and it is a hidden little secret. It still amazes me to this day when I talk about South Carolina with folks that don't live here that still don't get it. They think we're either Myrtle Beach or they think we're football, and that's about it. But I'm going to tell you the reason I'm running, because I got asked by my wife and my children, which are a huge priority for me. And I said I honestly believe that every single one of us has been given an opportunity for experience and expertise to cross at a moment when it's needed. And I really feel like we're at a place, both with this pandemic, as well as other economic factors that are coming in that are causing tremendous amounts of conflict, arguments and fighting in this country. But I really feel like my experience could be

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use of the University, and I look forward to sharing some of my ideas with you guys today. Thank you.

CHAIRMAN PEELER: Thank you. Questions? Senator Alexander.

MR. HUNTER - EXAMINATION BY SENATOR ALEXANDER:

Q. Thank you for being here. Good to see you this afternoon.

A. Yes, sir.

Q. I was noticing here your commenting about the virtual and that there needs to be some type of moderately adjusted from that aspect. Do you have some thoughts on that in this particular time with this COVID-19?

A. Yes, sir. I do. And I can tell you, I actually was working for a Japanese company and was told because of my age that if I wanted to be on the board I either needed to get a law degree or get an MBA. Well, traveling all over the world doesn't really lend itself well to sitting still to get either one of those. So I can tell you one of the first online universities, University of Phoenix gave me an opportunity to get my MBA while traveling all over the world and the father of a two-year-old son at the time. And I kind of put that aside until now. And both my children are doing virtual school. I've met many, many folks that have worked for us that are sons and daughters or former employees of my wife and I that are in college that are either embracing an experience of the online or fighting that experience. To me, it is what it is. We're going to have to find a way for our universities and all of our public education to embrace online learning. I feel like the University has multiple different customers, students and sources of income that I've heard come in and instead of trying to take a traditional student that wants to come in for a traditional experience at the University, well, let's look and see if there's an opportunity for an online one. Let's talk about those students that maybe can't get in initially or some kind of bridge program that allows them to become a part of the University community but also use those online technologies there. I can tell you one of the things that has surprised me the most, I'm turning 50 this year, I never would have thought that Zoom and online connects people the way it does. But I got to tell you, young people, my son and daughter, it is amazing how they will have play dates, play together, do games -- they've even done board games together. They even watch movies together. And I see this every day, and I'm like there is -- we can't fight it. We can't ignore it. We've got to find a way to make that an inclusion part of the student experience.

Q. And a follow up, if I could just briefly, from that standpoint, do you see that the fiscal footprint of the University would be altered as a result of -- and the cost affiliated with the expenses of maintaining the buildings

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be impacted from that standpoint as to what that future looks like for the University?

A. Yes, sir. I do. I think you're going to have to adjust to it, but I also don't think you're substituting one for the other.

Q. Right.

A. I know in my business when I consider a new product or a new strategy, I don't ever look at it of taking what I've already got to substitute over to something new. I almost look at it as a new track, and that's what I see the online as. We've got societal shifts that, in my opinion, things like meetings, things like even some of the stock trading. When I went to Carolina with a degree in finance, I thought I wanted to be a stock broker. My roommate was a computer engineer and showed me how you can go on Merrill Lynch's website back in 1992, and it scared me so bad I didn't want to be a stockbroker anymore because I saw stockbrokers control information, and now that information is everywhere. So traditionally, yeah, the model's going to be different, but I think you have to look at the tracks of a traditional student, maybe a post or a life-student, somebody's that gotten out of the military, somebody that's a working dad or mom or owning a business wanting to further their education. But I also think that online track is a completely different revenue source. Now, the good thing I see with that is you can actually build something that doesn't have a lot of those traditional expenses on it. I've watched again and gotten some information from students. They're online with 50, 60, 70 students, and they're able to get that information in a much more efficient manner, as well as they don't have to go to a classroom, they don't have parking. So their cost is actually lower. It's much easier to provide them with a return on their investment in those education dollars.

Q. Thank you.

A. Yes, sir.

SENATOR ALEXANDER: Thank you, Mr. Chairman.

CHAIRMAN PEELER: Representative King.

MR. HUNTER - EXAMINATION BY REPRESENTATIVE KING:

Q. Quick question. USC, did you start off at the Lancaster?

A. I did not. I grew up in Lancaster, South Carolina, but we moved to the Irmo area in 1985. So I went from little Lancaster, South Carolina to Irmo High School. And I was a wide-eyed kid, didn't know what that was all about. But what it did was show me the disparity in the education. Man, what a difference going from AP Biology in Lancaster High School where we had two pigs for a whole class to I show up at Irmo and you got your own chemistry set.

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Q. Got your own chemistry.

A. Yeah.

Q. So my question that you probably heard me ask earlier in reference to the pandemic and how we ensure that students have an opportunity to matriculate at USC first by just getting accepted into USC with what we are dealing with the pandemic and them not being able to take the SAT or the ACT. And because of broadband, maybe some of their grades have now dropped. How do you think that the University should look at the overall student to see if they are eligible to get into the institution?

A. Well, I can speak from my experience both personally as well as other close friends. The ACT or SAT is not a direct correlation to your success in life, much less your success in college. I had fraternity brothers when I was in college that got perfect scores and almost failed out of school. I got others that had to get exceptions that now own their businesses and employ 30, 40, 50 people. So to me, when you've got -- and a pandemic like this, you've got a life societal rattling changing event, it's time to put all the rules over here. I'm not saying put the institution down, I'm saying put the barriers down. And you start developing a strategic plan that puts an incentive for the behavior you're after. You know, I've heard some of the questions sitting in the back is about diversity and inclusion and how do we get people in. Well, I can tell you in my company, we have 17 jobs that I proudly created in the state of South Carolina. We employ four African- Americans. It's not intentional it's because I wanted the best people in those jobs. And I can tell you the number one thing that I have seen that is needed is just simply communicating. One of these young men I gave a second chance. He had a mess up with marijuana drugs when he was younger, and it was an albatross around his neck. But I just for some reason, you know, and when God taps you on the shoulder and said you need to listen, and I did. And this young man has probably turned out to be one of the best employees I've ever had. Now, I have put him in touch with lawyers that are helping him to get his record clean. I'm not some miracle man. But what it showed me was it's about communicating, but most importantly taking action. I can't tell you how many times I have seen, read, heard about another committee started, another directive started, but action always seems to be lacking. I can tell you in my business if we don't take action, we don't survive. That is my number one thing, whether it comes to eliminating the SAT, ACT, application fees, whatever it is, education, to me, is about a return on your investment dollars and, more importantly, your time.

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Q. Well, thank you for your willingness to serve. And you probably were in school with a few of my cousins, if you know any of the Ruckers

A. Oh, yeah.

Q. -- in Lancaster, those are my first cousins.

A. Okay. Awesome.

VICE CHAIRMAN WHITMIRE: Any others? Yes, sir. Representative Finlay.

MR. HUNTER - EXAMINATION BY REPRESENTATIVE FINLAY:

Q. Yes, sir. I'm sure you heard my question to the other two board members -- or potential board members. I guess they are actually technically have been former board members, but nonetheless. The University embarked probably 20 year ago on a policy of bringing in out-of-state students as a way to generate revenue dollars. I think that plan - - that program has probably reached its zenith and is now starting to shrink. There are less students, the prices have gotten higher. We're seeing more and more abatements. At the same time, the University is in probably the -- has the greatest deferred maintenance that it's ever seen. And we have created a university that in many regards no longer represents our state. How would you go about solving those as someone who's run their own business?

A. Well, I --

Q. I admit it's a tough question.

A. Oh, it is. It is. And understand not knowing all of the background on it because I also believe when you come to a decision the most important part is to listen first. You got to make sure you understand it. One of my strengths has also been to process information quickly because often in business if you don't act, by the time you think about it and talk about it, that opportunity is shot. To me, the deferred maintenance thing is kind of an ill of our society, right? We want everything now and pay for it down the road at some point. But again, going back to what I was talking with Representative King there is when you've got a societal shift, man, you can put down a lot of why you did something in the past. I can tell you as a business owner, it amazes me how many buildings are owned by the University. I don't know all the details of it, but I can tell you at sometimes it makes more sense to lease. Sometimes it makes more sense to make it a virtual program completely to get yourself out from under some of these things. I know a lot of these are sacred cows. I worked for a Japanese company that there was a lot - - there was a list you were handed when you joined the board, do not say these words, do not discuss these things. I get it. But we're also under new rules here. And I think this whole pandemic has shown everybody

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that you need to question everything. It's not because -- don't use the virus and the pandemic as an excuse, but use it as an opportunity to make improvement. Because if you're not improving, you're dying. It's the cold hard reality of it. Status quo will never ever stand firm, it has to be changed. Out of state students, I think they're an important part of it. But I also think if you're going to have an out-of-state student, you got to figure out a way to get them some incentive to stay here. In my business, like most business, you decide what strategic behavior you want, and then you come up with an incentive plan to get that behavior achieved. Maybe you come up with something in an out-of-state student that says, hey, you're paying out of state tuition, but here's some incentives. Maybe they're tax credits if you start a business. Maybe there's something we can do instead of you having that talent flight and running away, you stay here, you help us grow this economy. I'm a big believer of you have to get incentives on people, you got to be careful using the carrot or the stick, cuts being the stick. Carrots usually work better. And I think it's just a matter of deciding what percentage of out-of-state money you want and what can we do to keep people here.

Q. Okay. The problem, of course, is where we are is there's a whole lot less incentive because of past decisions. And that's going to sort of be the tougher part. How would you deal with -- or how would you formulate that decision when you have to start deciding about the number of carrots and who gets them and what --

A. Well, and I can tell you. And that's a fair thing because I've looked at buying businesses before. And you know, usually when somebody's selling you something they show you how pretty the curtains are and how great it drives. They don't show you the reality of what's underneath the hood there. To me, Representative Finlay, you're going to have to look at degrees. There may be some degrees that Carolina does not need. There may be some programs that Carolina needs to say, I'm sorry, but we no longer can afford to do that. I can tell you in my business, we support quite a few of the tech schools. And I'm going to use one as an example, Denmark Tech. You want to talk about some dedicated people. I have seen nothing short of miracles with the right attitude and just a tiny bit of money and a whole lot of hard work can make things happen. So when I pull up in an impoverished area and I see what those folks are able to do, and then you turn around and you're facing things that are just kicking things down the road there, then those are tough decisions. And maybe we need to look at some of those colleges, look for some of those ideas. I think someone asked about diversity and how do we get more - - the faculty to reflect what's in our state, the population makeup of our

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state. I can tell you, if I was making a hiring decision, that would be one of the first places I'd go is some of these technical schools. Because I'm telling you, it is absolutely incredible what these folks are able to do, and it's creativity and hard work. It's what it's all about.

VICE CHAIRMAN WHITMIRE: Anybody else? Is there a motion? There's a favorable motion before us. All those in favor signify by saying, aye. (Ayes are heard.)

VICE CHAIRMAN WHITMIRE: Opposed, no. (No reply is heard.)

VICE CHAIRMAN WHITMIRE: Ayes have it. Congratulations, sir.

MR. HUNTER: Thank you, gentlemen.

VICE CHAIRMAN WHITMIRE: Any other business before the committee before we adjourn? All right. We're adjourned. Thank you.

(There being nothing further, the proceeding concluded at 3:14 p.m.)

MOTION ADOPTED

On motion of Senators ALEXANDER and JACKSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Joyce C. Hearn of Columbia, S.C. Ms. Hearn graduated from the University of Ohio and taught at Eau Claire High School. She later became the director of the United States Census for the Carolinas in 1970. She was elected to the South Carolina House of Representatives from 1975 - 1990 and for years, she was the only woman serving in the legislature. Ms. Hearn was awarded the Order of the Palmetto in 1979 and became Chairwoman of the Alcoholic Beverage Control Commission in 1990. She was active in many organizations including the Boards of the Columbia Urban League, the Federation of the Blind and Columbia College to mention a few and enjoyed playing golf and bridge. Ms. Hearn was a loving mother and devoted grandmother who will be dearly missed.

ADJOURNMENT

At 2:50 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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