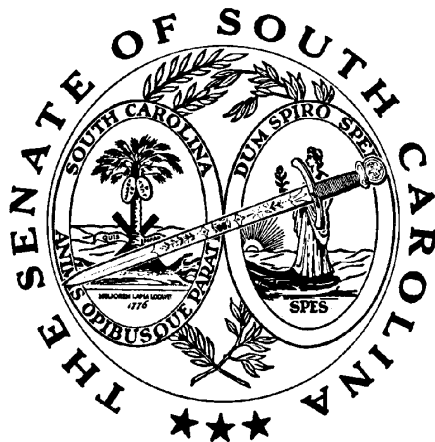


NO. 74

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

TUESDAY, SEPTEMBER 6, 2022

Tuesday, September 6, 2022
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 9:00 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:

Malachi 4:2a

In the writings of the prophet Malachi we read: "But for you who revere my name the sun of righteousness will rise with healing in its wings."

Please bow with me as we pray: Holy and Ever-loving God, as we praise You this morning we ask that Your loving Spirit will fill the hearts and minds of these leaders as the Senate of South Carolina returns to tackle business. And doing so, we reflect upon Malachi's image of the sun filling every aspect of life with healing warmth. That picture is what we pray will continue to unfold for the benefit of every citizen of our State, O Lord -- the very promise of what is hope-filled and right, the prospect of loving concern and understanding for the needs of all. To that end, O God, we pray that You will continue to strengthen and bless these Senators and their staff members. May they each remain determined to accomplish what is truly the best and most loving course for South Carolina's collective future, binding us all together in Your Spirit as one people sheltered under Your healing wings. So we pray in Your loving name, dear Lord. Amen.

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

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 29, 2022, at 10:30 A.M. and the following Act was ratified:

(R272, S. 1299) -- Senators Martin, Peeler and Cromer: AN ACT TO AMEND ACT 164 OF 2003, AS AMENDED, RELATING TO THE NINE DEFINED SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE UNION COUNTY BOARD OF SCHOOL TRUSTEES ARE ELECTED, SO AS TO REAPPORTION

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THESE SINGLE-MEMBER ELECTION DISTRICTS, TO UPDATE THE MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS; AND TO AMEND ACT 105 OF 2021, AS AMENDED, RELATING TO THE CONSOLIDATION OF BARNWELL COUNTY (BLACKVILLE) SCHOOL DISTRICT NO. 19 AND BARNWELL COUNTY (WILLISTON) SCHOOL DISTRICT NO. 29 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, SO AS TO ESTABLISH AND REAPPORTION THE SEVEN SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2022 SCHOOL DISTRICT ELECTIONS, TO DESIGNATE A MAP NUMBER ON WHICH THESE ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THESE ELECTION DISTRICTS.
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MESSAGE FROM THE PRESIDENT

The following appointment was transmitted by the Honorable Thomas C. Alexander:

Statewide Appointment

Initial Appointment, Ethics Commission, with the term to commence March 31, 2022, and to expire April 1, 2027

Senate - Minority:

Bryant Caldwell, 1221 Main Street, Suite 1600, Columbia, SC 29201
VICE Donald Gist

Referred to the Committee on Judiciary.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following was introduced:

H. 5399 -- Reps. Lucas, G. M. Smith, McCravy, T. Moore, White, Ligon, Long, Gilliam, Chumley, Burns, Hardee, Bailey, J. E. Johnson, B. Newton, Hewitt, Bustos, Jordan, M. M. Smith, Davis, Hyde, Hixon, West, Hiott, Jones, Caskey, Fry, Thayer, Pope, Forrest, Oremus,

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Trantham, Bennett, McGarry, Felder, Allison, D. C. Moss, Brittain, Nutt, Haddon, Huggins, G. R. Smith, Magnuson, May, Wooten, B. Cox, Yow, Murphy, Crawford, Bryant and Robbins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-41-05 SO AS TO PROHIBIT ABORTIONS IN THE STATE OF SOUTH CAROLINA.

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

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, the Senate stood in recess pending receipt of a report from the Medical Affairs Committee on H. 5399, and upon receipt of the report, it be read and placed on the calendar.

REPORT OF STANDING COMMITTEE

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

H. 5399 -- Reprs. Lucas, G.M. Smith, McCravy, T. Moore, White, Ligon, Long, Gilliam, Chumley, Burns, Hardee, Bailey, J.E. Johnson, B. Newton, Hewitt, Bustos, Jordan, M.M. Smith, Davis, Hyde, Hixon, West, Hiott, Jones, Caskey, Fry, Thayer, Pope, Forrest, Oremus, Trantham, Bennett, McGarry, Felder, Allison, D.C. Moss, Brittain, Nutt, Haddon, Huggins, G.R. Smith, Magnuson, May, Wooten, B. Cox, Yow, Murphy, Crawford, Bryant and Robbins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-41-05 SO AS TO PROHIBIT ABORTIONS IN THE STATE OF SOUTH CAROLINA.

Ordered for consideration tomorrow.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet Wednesday, September 7, 2022 at 10:00 A.M.

REMARKS

ADDENDUM TO THE JOURNAL

The following remarks by Senator HUTTO were ordered printed in the Journal of May 11, 2022:

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Remarks by Senator HUTTO

Members, I am going to speak briefly for the appeal and then I am going to ask to withdraw the appeal. I think we need to recognize, and with all due respect to the PRESIDENT, that the PRESIDENT can only make a germaneness ruling based on the Senate Rules under which we operate.

Because of our Senate Rules, we are hamstrung in our relationship with the House of Representatives. The only way this is going to change is when we next get an opportunity to consider changes to the Senate Rules.

We are presently talking about an amendment that is clearly related to the Bill. We have gotten so hyper-technical such that if the amendment is not the same exact Code Section/Code Subsection, we cannot do anything.

Yet, we are sitting here watching the House of Representatives send us Bills containing large amounts of unrelated subject matter attached to legislation. We must bring some parody and equity between the way the two legislative bodies are operating.

If the House of Representatives is not going to enforce their Rules, and we, as the Senate, are going to over enforce our Rules, it puts us at an unfair disadvantage.

I am asking all of you to remember this incident. The Senate Rules are often discussed in October/November before we come back to session in January. We do not meet and discuss them, but you may be called about potential Rule changes. When that happens, I want you to think about this moment and about germaneness.

ADDENDUM TO THE JOURNAL

The following remarks by Senator GUSTAFSON were ordered printed in the Journal of May 12, 2022:

Remarks by Senator GUSTAFSON

Good morning. I would love to have everyone's attention, thank you so much. This last day of session, I feel compelled to be up here. I am a fervent leader of my district and feel like what I am going to say is very necessary. As many of you know, the South Carolina General Assembly recently completed a redistricting plan that would shift district lines to create a more representative and localized government for the citizens of South Carolina. However, a judicial settlement last week has actually stripped Kershaw County of exactly what that redistricting plan set out

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to correct. Because of that plan and the settlement, House District 52 will be diluted, redistributed and malformed in such a way that makes local representation in South Carolina in the House of Representatives virtually obsolete.

It is not an exaggeration to call this settlement a tragedy. Now, while we in Kershaw County are represented by legislators who live among our citizen's, this redistricting will put the fate of our county into the hands of Richland County centric elected officials and strip us of much needed local representation. South Carolina's NAACP filed suit efforts approved by an overwhelming majority of General Assembly were attempting gerrymandering the districts. It would be unequivocal to say this did not happen in Kershaw County. Voting districts were required to shift according to changes in population as supported by the 2020 Census. There was no foul play in Kershaw County. I was shocked to learn who did not know about this settlement -- Sammy Tucker, our county council member and former county chair for the NAACP did not know about it. The current republican challenger for District 52, Ben Khan, did not know about the settlement either. Mr. Kahn put it best by saying, "Kershaw County has been brutalized by the settlement."

Therefore, who is leading the fight now that this unfortunate new has become known? Well, right now Julie Burns, our county council chair, the rest of council, Camden City Council, the Mayor and many leaders and constituents are making clear this injustice is unacceptable. Our collective voice is rightfully asking for the rejection of this settlement plan as it pertains to Kershaw County. It has been and will always be my mission to serve effectively and humbly the good people of Kershaw County. I love being their Senator. Therefore, I just cannot see sitting by watching this happen without having a voice, even though this is not my battle to fight. I am taking every measure possible to ensure our pristine county is protected. I will always champion the most basic principle of local representation and government.

In closing, there are times when it is proper and appropriate to pick your battles. Therefore, on the behalf of the 66,000 people of Kershaw County, I very respectfully implore our Governor and any other voting body or entity to revisit this settlement plan and reconsider its very long lasting effects for Kershaw County.

ADDENDUM TO THE JOURNAL

The following remarks by Senator ALEXANDER were ordered printed in the Journal of June 28, 2022:

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Remarks by Senator ALEXANDER

Thank you, Mr. PRESIDENT and certainly to the Chairman of the Finance Committee, we appreciate you being the first President. You know on many occasions, not just once and not just twice, but on many occasions, the Chairman of Finance has reminded me that he was the first President of the Senate, and I am sure he will continue to do so.

When I think about the tradition of this Body, and as I look around this great, great Chamber here, I think of those that have impacted the State of South Carolina. Senator PEELER has, continues to have, and will for years to come have, an impact on this Senate and the State of South Carolina and it's traditions. As we have honored President Pro Temps, it is only fitting and fair that we recognize this dedication and commitment to service to our State and your great leadership that you continue to provide. It is an honor to have this opportunity to recognize you in such a fitting way, Mr. PRESIDENT. Thank you sir.

ADDENDUM TO THE JOURNAL

The following remarks by Senator PEELER were ordered printed in the Journal of June 28, 2022:

Remarks by Senator PEELER

Mr. PRESIDENT, members of the Senate, we are about to take up the Governor's vetoes. I want to talk to you for just a minute. I was heading home the other evening--not too long ago and I was listening to a talk radio show. The host was pretty much giving everybody a fit politically when a caller called in and said, "If you know it all, if you have all the answers, if you think you can do such a good job, why don't you run?" And the host responded, "I don't hate myself enough to run for public office."

I thought about that a lot. Senator M. JOHNSON, you once asked me how did I put up with this for 40 years? Senator SHEALY, I do not hate myself enough to run for public office. Ladies and gentlemen of the Senate, we have got to change that. We have got to change that mindset. When I speak to classes over the years or classrooms, they always ask me one question, "Senator PEELER, what is the hardest part about being a Senator?" What is the hardest part about being a Senator? I always answer, the hardest part is being away from your family and your business. That is the hardest part.

Let me be serious with you. What was also hard for me for many years is to come to the realization that I cannot have it my way, every day,

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100% of the time. I cannot do that. It was hard for me to accept that, Senator. I finally accepted it though. I want you, members of the Senate, to learn to accept that too. You cannot have it your way, every day, 100% of the time. It is called compromise. It is not a bad word. It is not a bad word in this building. It is something we need to learn. Now today there will be vetoes taken up, some overridden, some sustained. Over the years and maybe today if the House sustained this one -- we are going to sustain theirs, back and forth. I hope we do not have that back and forth today. I hope we take each veto on the merits. I will not question one of you -- your reason to vote or how you vote -- that is up to you. Vote your conscience. But, if you are racing in your mind whether I want to override this one or sustain that one, I ask you in that race, if it is tied, that the tie goes to the budget. Take the budget of South Carolina. This budget is worth protecting. Thank you.

ADDENDUM TO THE JOURNAL

The following remarks by Senator CASH were ordered printed in the Journal of June 28, 2022:

Remarks by Senator CASH

On Friday, June 24, the Supreme Court of the United States overturned the almost 50-year-old Roe v. Wade ruling. Which has allowed over... Mr. PRESIDENT, can I get some order please? The Roe v. Wade ruling has been overturned which allowed over 60 million innocent babies to be killed in the womb. I have not come forward to gloat. I do thank God, and I give God the glory for that. The Majority of opinion held the Constitution does not confer a right to abortion. Roe and Casey are overruled and the authority to regulate abortions is returned to the people and their elected representatives. I see this decision as a miracle. I honestly didn't know if I would live to see it. Now that this happened, Roe and Casey are consigned to the ash heap of history with other ignominious rulings such as Dread Scott. The battle is not over. It is simply given back to the states.

Saturday, I was out at the abortion clinic in Greenville, which kills more babies than any other place in the State. Tens of thousands of babies have been killed there over the past 40 years. I had been asked to speak at a Love Life Prayer Vigil, and after speaking, we did give thanks and pray fervently. We were praying because it was a busy day at Grove Road on Saturday and that truly grieved me. It grieved me in part, because although we had the opportunity, we did not pass a trigger law

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that could have banned abortion immediately upon the overturning of Roe v. Wade.

In December, when oral arguments about the Dobbs Case were heard, immediately articles appeared that based on the questioning of the justices -- the Supreme Court might overrule Roe. So, in January, I put forward a Bill that would ban abortion in our State if Roe was overruled. A Bill that I could not get out of committee in a republican dominated Body. On May 2, there was a leak from the Supreme Court of the opinion that was forthcoming. On May 3, the Chief Justice said, yes, that is an authentic opinion that had been drafted. Now, we didn't know with certainty that the attempts to intimidate the Supreme Court including, an attempt to assassinate Justice Kavanaugh -- we didn't know with certainty if they would follow through. But my gosh, how much more did we need to be prompted to pass a trigger law? We did nothing. Why am I rehashing this? Because it is imperative that we move swiftly -- start the process, because unborn babies will continue to be killed until the General Assembly makes it illegal. You say, yes, but we have the Heartbeat Bill. It's now enforced and that will save babies who have developed biologically to the point of having a beating heart, but a lot of babies are aborted before that. In fact, half the babies in this State are currently aborted using abort efficient pills. It's imperative that we move swiftly. We need to act and we need to start the process now.

The Bill I'm introducing is largely based on model legislation put forward by the national right to life committee and authored by their senior counsel James Bopp. I want to highlight two main points of this comprehensive legislation. First, it makes abortion illegal but it does allow for medical procedures -- medical treatment designed to save the life of the mother. Other than that, it outlaws abortion. Second, it does not allow for any criminal or civil penalty if a pregnant woman violates this Act. But I will say it does contain tough penalties for anyone else involved in illegal abortion.

Friends, although I do not agree that a woman who procures an illegal abortion should not be held accountable for her actions, but my primary objective in this legislation is to ban abortion. Without exception other than efforts to save the life of a woman whose life is at stake. In order to achieve the unity, I believe it's necessary to ban abortion without exceptions. I will give on the point of penalties for the woman. We need to be unified -- speaking to the dominant party in this Chamber. This is the model legislation put forth by the largest prolife group in the country. The prolife group that normally writes the prolife legislation that we vote

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on. This is their model legislation to ban abortion but without penalizing the woman and I will support it as written. So I have put forth this Bill.

Now, I understand depending on how this process works we may end up in this Body deliberating a Bill that the House passes. I don't know how that's going to work out, but this Bill is a starting point, and I come before you today to do this -- blow the trumpet and say -- any attempt by any person or any organization to water this Bill down with exceptions, I will fight with all that I have. Any attempt whether in public or in private to introduce exceptions to this Bill, if I find out about it and have certain knowledge of it, I will call names in public. I don't care who it is. I will support the Bill that the National Life to Right Committee has put forward in their model legislation, which bans abortion and does not penalize the woman and I would ask you to do the same thing. The Bill will be available for anyone to read who wants to read it. I am always available to anyone who wants to discuss the legislation, but I would invite the members of this Body who believe and run on a campaign of protecting innocent human life to sign on as co-sponsor to this Bill. Thank you.

ADDENDUM TO THE JOURNAL

The following remarks by Senator MALLOY were ordered printed in the Journal of June 28, 2022:

Remarks by Senator MALLOY

Thank you, Mr. PRESIDENT, members of the Senate. Sometimes it's tough to leave a tender moment alone, but this is worthy. I remember having a conversation with Senator MASSEY when we were in California many years ago. We had a conversation about the fact that we didn't want South Carolina to become Washington DC. At this time, we were transitioning and changing some of the Rules of the Senate. He and I talked then about how the Senate PRESIDENT should serve without being the chair of a committee. I will never forget going through the process of putting the rules together for the position. We were steadfast to that understanding, and to how we wanted to transition.

In a parallel story, when I first got to the Senate, Senator PEELER came to me one day and said, "I won't tell you everything" but he said, "If I ever need you, I'll let you know." He would come to me with issues and I would agree, but he would always say, "This ain't it." And then one day he came to my office, and it is rare for a senior Senator to ask to come to a junior Senator's office, and he said, "This is it." I recall going

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through the process with him, his commitment to the Education Committee, and his trepidation about becoming the PRESIDENT of the Senate. I'll never forget one late night call. He called me up and said, "Did I make a mistake, or did I do something well?" I said, "I think this is a good thing." As we spoke, I asked him about his father, and he said his father had passed, God bless his father. I then asked, "How about your mom?" He said that she was still here. I asked him, "Do you have a family Bible?" He said, "Yes, I have my dad's Mason's Bible." I said, "You need to bring it and take the oath. You become our George Washington. Kiss your wife and look up at that wall, and you become our George Washington. You will be remembered on that wall as our first PRESIDENT." And in classic Senator PEELER response, he said, "That's Gaffnese, I understand that, and I think I'll take it."

And so, Senator PEELER, thank you for your willingness to serve -- this is well deserved. Thank you for having those moments with us and thank you for the service you have given here in the Senate.

MOTION ADOPTED

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Henry Rufus Sweatman, Jr. of Chapin, S.C. Henry was the father of our beloved former Senate employee Mark Sweatman and Legislative Council drafting assistant Anna Rushton. Henry was a graduate of Rivers High School and the University of South Carolina. He retired from the State Department of Education after thirty years of dedicated service. Henry was a faithful member of Our Lady of the Lake Catholic Church where he was involved in the Men's Club and weekly Bible study group. Henry was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator K. JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Audrianna "Tutu" Kind of Summerton, S.C. Audrianna was an amazing young woman who was dearly loved and will be deeply missed.

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and

MOTION ADOPTED

On motion of Senator CLIMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Betty Jo Rhea of Rock Hill, S.C. Betty Jo served on the Parks and Recreation Commission and City Council before becoming Mayor in 1986. She was the first and only female to hold that office. As Mayor, she worked to revitalize and diversify the city's economy. She received numerous awards including the Order of the Palmetto, American Legion Distinguished Service Award and honorary Doctor of Humane Letters degree from Winthrop to name a few. Betty Jo published her memoir in 2020. She enjoyed hosting her television show, *City Minute*, reading, listening to music, watching Clemson football and spending time with friends and family. Betty Jo was a longtime member of Episcopal Church of Our Savior. Betty Jo was a loving mother and devoted grandmother who will be dearly missed.

ADJOURNMENT

At 9:05 A.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 10:00 A.M.

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