

NO. 16

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

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FRIDAY, FEBRUARY 2, 2018

**Friday, February 2, 2018**  
**(Local 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 ACTING PRESIDENT, Senator SETZLER.

**ADDENDUM TO THE JOURNAL**

The following remarks by Senator KIMPSON were ordered printed in the Journal of January 16, 2018:

**Remarks by Senator KIMPSON**

Mr. PRESIDENT, members, yesterday we celebrated the life and legacy of Dr. Martin Luther King and yesterday he would have been 89 years old. In Charleston we had a big celebration through the weekend starting with an ecumenical service, and then I had the opportunity the next day to drive my daughter, Marleigh, in the MLK Day Parade. This morning we ended the ceremonies with a big breakfast. The keynote speaker is an eloquent speaker who did an amazing job -- Joan Berry-Robinson, the general manager and vice president of Boeing, South Carolina. I would be remiss if I did not take a moment for this Body to reflect on the events prior to the Dr. Martin Luther King, Jr. holiday in the context of the nation's highest office while discussing DACA and the dreamers. Before I get to the President's comments, I would like to read a letter, a brief excerpt from a letter, by Dr. Martin Luther King, Jr. from the Birmingham jail. Now, none of us have -- I can't say that, but many of us have not been to jail. But if you know someone who's gone to jail, they have a long, long time to think. I was a clerk for the federal judge, Matthew J. Perry, first African American federal court judge in the State of South Carolina. What used to clog up Judge Perry's docket were prisoners who were petitioning for post-conviction relief. What is important about this letter written April 16, 1963 -- and I just want to read a brief excerpt for those of you familiar with the letter -- many of you who had the opportunity to participate in the Liberty Fellowship -- we have analyzed the context of this letter. And after going on, Dr. King goes on for some time, but he comes to the paragraph where he makes a comment, "I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the past few years I have been gravely disappointed with the white moderate." Mr. PRESIDENT,

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can I have some attention? “I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Councilor or the Ku Klux Klanner, but the white moderate, who is more devoted to order than to justice; who prefers a negative peace which is the absence of tension to a positive peace which the presence of justice; who constantly says: I agree with you in the goal you seek, but I cannot agree with your methods of direct action; who paternalistically believes he can set the time table for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a more convenient season. Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.” I read this letter written in 1963 -- flash forward to 2018, where we have a President of this country who uses such derogatory language on behalf of the people of this nation. Trump's mouth is often a place from whence a great amount of manure spews, and that sets the context for what comes out of this President's mouth. Now, I'm just not going to complain about our President because the context in which he made the statements were arising from a discussion with United States Senators about DACA. In that regard, I have filed a Bill, a Senate Bill, which mirrors the Bill filed by Representative Neil Collins that essentially gives dreamers who are living here legally -- remember dreamers, through no fault of their own, came to the United States. They were guided by the words on the Statue of Liberty. “Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me, I lift my lamp beside the golden door.” So that being our philosophy, since the plaque being put on the Statue of Liberty in New York, it is very important that we move forward to give dreamers, mostly in high schools and in college, the opportunity to receive in-state tuition and the opportunity to obtain professional and occupational licenses. So I don't worry, and I'm sad to say this, I have to ignore the man who sits in the oval office and spews manure. I must guide my focus on filing legislation in the State of South Carolina that is consistent with our motto, valuing diversity and recognizing the benefit that people bring to this country. I only ask of you, my colleagues in the Senate, to let the words of the letter in the Birmingham jail guide you. It is time for good men to not be silent

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anymore. Lukewarm acceptance is much more bewildering than outright rejection. Thank you, Mr. PRESIDENT.

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**ADDENDUM TO THE JOURNAL**

The following remarks by Senator CASH were ordered printed in the Journal of January 25, 2018:

**Remarks by Senator CASH**

Thank you. I want to speak for just a few minutes about two events that took place at the State House yesterday. Yesterday was Personhood Day at the Capitol. There was a rally in the first floor rotunda, between 11:00 and 1:00. They were there in support of S. 217, the Personhood Act of South Carolina. It was a good rally. The Governor, Lieutenant Governor, and the Attorney General spoke all in favor of S. 217. There were also two very moving testimonies given. One testimony was given by a woman who was conceived as a result of a rape. The other testimony was given by a woman whose son was present, the son having been conceived in rape. Very simply, S. 217 vests the right to life at the biological beginning of life -- the moment of fertilization. I'm not here to debate it. Hopefully, that will take place in Judiciary next week, and then, God willing, from the floor of the Senate.

The second event took place last night during the State of the State address. I noted that the most sustained applause and standing ovation that the Governor got was when he spoke in defense of innocent life. Also, I noted when he talked about the opioid crisis, which is indeed a very real and tragic crisis, and he mentioned the figure of over 600 deaths in one recent year. And not in any way to lessen the impact of that upon us, and what we need to do about that crisis, but each and every year in the State of South Carolina, there are over 5,000 unborn children that are being killed through abortion. Now, how you view that probably depends a lot on how you view a model of a twelve week old baby and whether you think that baby has an intrinsic, inalienable right to life. Understand my effort to have personhood debated on the floor of the Senate is not necessarily welcomed by all of the members -- some don't want to talk about it, others might think I need to wait my turn or that personhood needs to wait.

Did you know that although I am new to the Senate, I am not new to the personhood effort and the personhood effort itself is not new. Twenty years ago in 1998, I sat down in a restaurant in Greenville with Senator

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Mike Fair and the late Terry Haskins and I talked to them about the first Personhood Bill that was introduced in South Carolina, which was in 1998. To the best of my knowledge, these Bills have continually been introduced over the past twenty years and to my knowledge not once has personhood been debated fully on the floor of the South Carolina Senate. Over the past twenty years, we have added 20 million more aborted children in this country. Over the past twenty years we have added over 100,000 more aborted babies in South Carolina. There are many important issues that we will debate in the Senate. There are some urgent issues that we need to debate. But nothing is more important, and nothing is more urgent, than debating the Personhood Bill. This is not a Republican issue, it is not a Democratic issue, it is not a black issue, it is not a white issue. It is not even just a woman's issue or man's issue -- it is fundamentally at its core a human rights issue. So I ask at the first available opportunity that we deal with this question, who qualifies as a member of the human community and is deserving legal protection? That is the question this Body needs to debate fully on this Senate floor and vote on. Thank you very much.

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**ADDENDUM TO THE JOURNAL**

The following remarks by Senator PEELER were ordered printed in the Journal of January 23, 2018:

**Remarks by Senator PEELER**

Thank you, Mr. PRESIDENT, members of the Senate. I rise on a point of personal interest but also it's a point of personal interest for over a million voters in the State of South Carolina. Their interest and mine is the question that was posed to the voters on the November 6, 2012, ballot. Can you remember back to November 6, 2012? Can you remember back that far? Senator YOUNG can you remember back that far? You were a Representative way back then. You were the primary sponsor of this question posed to the voters. This question was -- beginning with the general election of 2018, the Constitution of this State be amended to provide that the Lieutenant Governor must be elected jointly with the Governor in a manner prescribed by law. That was on November 6, 2012. On February 27, 2013, a joint resolution to ratify that amendment was introduced, three and one-half months after the vote. Then S. 107 was introduced December 13, 2016. S. 107 was pre-filed. On May 11, 2017, S. 107 went to conference committee. Our

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Conferees are Senator CAMPSSEN, Senator MASSEY and Senator MALLOY. This conference committee has tried to meet, as I've been told, but a sticking point in this legislation is dealing with judges' pay. Members of the Senate, this question that was put to the voters didn't have one thing to do with judges' pay. I don't think this Bill, S. 107 should have anything to do with judges pay. But I'm told we are at a dead lock. I can't understand why it is taking so long. Here it is 2018, we have the Governor running for re-election, we have the man presiding over the Senate, our Lieutenant Governor, running for Governor and strangest of all, another House member, who is on the conference committee, is running for Governor and we still cannot get a conference report from this conference committee. Five years after the voters have approved a Constitutional Amendment, we still have no method for the gubernatorial candidate to select a running mate. Members of the Senate, South Carolina plays with election laws very much like kids play with the fidget spinner. If you don't believe me, ask Senator SHEALY. She can tell you firsthand how the election laws in South Carolina can be manipulated. I hope we are not being manipulated by this conference committee. So, I am asking for unanimous consent that any and all members of the conference committee from the Senate give us a report on the status of this conference committee.

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**ADJOURNMENT**

At 11:04 A.M., on motion of Senator McELVEEN, the Senate adjourned to meet next Tuesday, February 6, 2018, at 2:00 P.M.

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