

NO. 40

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

FRIDAY, MARCH 16, 2018

Friday, March 16, 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 CROMER.

ADDENDUM TO THE JOURNAL

The following remarks by Senator FANNING were ordered printed in the Journal of February 15, 2018:

Remarks by Senator FANNING

Thank you, Mr. PRESIDENT. This morning, 750,000 South Carolina school children woke up and walked down the street to a bus stop in the dark -- waited to catch a bus at 6:30 or 7 a.m. this morning-- gathering in the dark, waiting by themselves to go to school. At the same time, over 66,000 South Carolina school teachers were waking up. They didn't have a bus to catch but a car to drive. They drove to school so that kids could learn, play, and spend time with their friends. They didn't get to go to their classes because our teachers, as you know, you hear about this all the time, they had duty. We hear about the duties teachers have. We sometimes think of duties as work. As a former high school history teacher, my duty in the morning at 7 a.m. was to go to the hallway -- sometimes the cafeteria. My duty was out front. I was supposed to stand there as kids got off the bus. The purpose of my duty was to make sure there was a safe environment for kids arriving at school. The obligation of a teacher in a classroom is more than teaching but that of the safety of children in school. Yesterday at Douglas High School outside of Boca Raton, 3,000 woke up and walked to the bus stop, took a car or their parents drove them to school where a teacher was waiting to monitor their safety as they entered the classroom. There's an assumption by parents that our kids will be safe. By the end of the day, senseless violence entered their lives. At least 17 were killed. Teachers and students injured in senseless violence. In the days and weeks ahead, we as a State are going to have to talk about violence and its impact upon school children. We as a Body will have to talk about our duty as well. Today is not that day. Today is a day to pray. So I ask you, my colleagues, to join me in prayer for the families of the victims, the children and teachers in Boca Raton, Florida, but also I ask you to join

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me in prayer for our 800,000 school children and 66,000 teachers. So at this moment, Mr. PRESIDENT, I request the Senate rise in a moment of silence in honoring not only the school children in Florida but our school children and teachers here in South Carolina.

ADDENDUM TO THE JOURNAL

The following remarks by Senator FANNING were ordered printed in the Journal of February 15, 2018:

Remarks by Senator FANNING

I'd like to thank Senator LEATHERMAN, PRESIDENT *Pro Tempore*, Senator MASSEY and Senator SETZLER for their leadership on this V.C. Summer Nuclear issue, known by Senator HUTTO as the biggest fiasco in the history of the State of South Carolina. And not just this, but also the future of power in South Carolina. On July 31st of this year, in the middle of the summer when we were not in session, SCANA abandoned ten years' worth of work, \$9.5 billion spent on two nuclear reactors in Fairfield county, abandoning 5,560 fired workers and abandoning a county that had worked with them for 40 years and abandoned, still holding bag today, 800,000 ratepayers still holding the bag this month -- paying 18% more for their utility bills than they've actually used. But thanks to Senator LEATHERMAN, the leaders Senator MASSEY and Senator SETZLER and the nuclear committee, we were able to unearth mountains of evidence that helped us dig deep to find out not only what caused it, but what could point us toward a solution. In fact, every meeting, Senator MASSEY, did we not surprise ourselves at the amazing amount of monumental evidence that was found each time that if we had known this, Senator HUTTO, this Body could have taken some appropriate prospective not reactive action to maybe keep this from happening. But not to our fault this information was kept from us. But we had that action this fall when we were out of session. When we came back in January, last month, many of the members of this Body expressed dismay that we were moving on an issue that happened when we were out of session -- that they didn't have the opportunity to learn. They didn't maybe have SCANA's customers. The customers in the area, the media might not have covered this much in Anderson as it maybe did in the midlands or they weren't on the Senate Nuclear Review Committee. So many of you, my colleagues, mentioned that we are going too fast and we need, y'all remember we asked for some bullet points,

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some summary documents, so that we as a Body could be caught up on what Senator HUTTO would call the biggest fiasco in the history of South Carolina. And so the entire purpose of this S. 954, which we're on this morning, was to give folks time to digest it. Today we're hearing about time for the PSC and time for ORS, and that certainly is a part of it. But that's not what was discussed this last month. What was discussed with us last month was members of the Body felt like we had a gun to our heads because this freight train had taken off in July when we were out of session and then the committee worked in the fall, and all of this evidence came out in the fall when we were out of session and we came back in January and we weren't ready to make a decision.

The purpose of this Bill, S. 954, is to take the gun away from our heads and place that end of date, that final date to make a decision next March when we're in session. This amendment that we passed yesterday, the amended version now of S. 954 moves that date back to November - December. I voted "no" on this for three reasons. I'll share them and I'll sit down, Senator SETZLER. But there are three concerns that I have with the amendment which is now S. 954. The un-amended version had us in session when the end date was approaching, meaning that when ORS and PSC research this and they develop their findings and we get their recommendation, long before any recommendation -- decision is made, we would be in session. We'd be here to take whatever action is needed. Now, thanks to this amended version, we will not be in session when the PSC rules. We will not be in a session when the PSC makes its findings. We will not be in this session when reports are issued like the reports we received this past fall. We are getting ready to do the same thing next fall that we did last fall. You that don't live in SCANA areas won't know anything that's going on. The media won't cover it as much except for the commercials giving you one side of it in your area. And we will be getting ready to take action. Yesterday Senator LEATHERMAN gave us assurance we'd be called back into session. I now no longer have that as a worry and I thank you. And I really feel he will call us back into session. But I do caution this Body, we can come back in session all we want to, but maybe once or twice since Moses and Methuselah walked the earth we wanted to do something and the House didn't. And while I do believe that the Speaker has this as a priority, there could be a chance that we might want to come back in session and do something and the House decides not to. And if that happens, then decisions will be made without any chance for you to represent your constituents. Remember, this Body could do the right thing and still have

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our ability to pass something vacated by that body over there. And I'll get to why in a second -- number one. But number two, and this is probably most importantly and most likely the final ORS findings that are going to be unearthed, remember all those surprising Bechtel reports that Senator MASSEY and Senator SETZLER dug and dug, and we unearthed -- the Bechtel report. No one was willing to give it to us. It wasn't PSC's fault. It wasn't ORS's fault because SCANA said they didn't ask us to give them the Bechtel report. And the reason was they didn't know there was a Bechtel report to ask for. That same process where we're asking the PSC and ORS to investigate -- the process is about to happen next fall when we're out of session. Based on what happened last fall, folks as a member of that Senate Nuclear Committee, I am telling you we will find monumental additional evidence that will shock us in this next round of investigations, because we're asking the PSC and ORS to look into some of the things we found out were problems last time. So we are going to be shocked and surprised by these while we are out of session. But anything else could happen. And so Senator McELVEEN, one other thing that could happen is we could leave here in May, Dominion could pull their deal off the table; another company could come back in on the table, and all of a sudden we find ourselves dealing with something in November that has -- doesn't look anything like what we're facing when we leave in May because we're out of session and we'll have no opportunity to debate it. Last fall's monumental information came out changing the entire framework of the conversation beyond just my two nuclear reactors in Fairfield to now a statewide crisis. And in January of this year, many of you in this Body said we feel unprepared to make a decision quickly. This amended version of S. 954 sets us up for something worse next time. Because even if the PRESIDENT *Pro Tem* calls us back in October, which I believe he would, we're going to be called back in October with a November/December deadline looming, and you will not have been a part of the information gathering process; you'll be called back to this Body and we'll be in the same position we were when you arrived in January, with no information, no opportunity to have debate on the floor until all of a sudden we have a one-month deadline. We're called in October and do something in December. And the reason I mention October is it's very likely we don't even have a report issued until September. So we will have a timeline that's not manageable. Then my third point, because I promised I would sit down, the third point-- I've just shared with you problems in the Senate. No one has talked about the

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problems in the House. Think about what's going to be going on next fall. And let's suppose that PRESIDENT *Pro Tem* LEATHERMAN calls us back in October because there's amazing new information to act on. We'll be asking the House of Representatives to set politics aside, not intervene Senator HUTTO -- to intervene where we don't want them to intervene and have them voting two weeks before they're facing re-election. You think the commercials right now that Dominion is putting out all over the State are having an impact. Imagine the commercials that will be done in house districts all across the State when we're called back in next October with a month to go and nothing to do about it. Dominion right now is spending millions of dollars on T.V. ads, radio ads, Facebook, pop-up ads in Rockville that has no customers for miles. Dominion dollars are flying like dollar bills at a strip club, and if you think it's bad, this amended version of S. 954 sets up for that same thing to happen three weeks before an election in the House of Representatives. I close by being told yesterday that this compromise was worked out by all stakeholders. Dominion was at the table, SCANA was at the table, PSC was at the table, ORS was at the table and they all agreed. Two things I want to point out as I close. Number one, the last time those four agreed we got the BLRA. The second thing is who was not at the table? And ratepayers were not at the table. Senator HUTTO brings up an excellent point that we need to reform the ORS and PSC so they become advocates of that. But yesterday when the deal was made, they were not advocates for the consumer. They were advocates for both. So to this point I will close by saying I intend to vote -- if I can finish -- I want to make sure I end by saying that I plan on voting for the amended version of S. 954, because I now have a gun to my head the other way because if I don't vote for S. 954, Senator MASSEY, correct me if I'm wrong, then we have no cushion to go with. And I believe a November cushion is better than a March cushion.

ADDENDUM TO THE JOURNAL

The following remarks by Senator ALEXANDER were ordered printed in the Journal of February 21, 2018:

Remarks by Senator ALEXANDER

Thanks for allowing me to speak a few words on this sad day. As the Chaplain mentioned today, this morning, Reverend Billy Graham passed away at the age of 99. He passed away at 7:46 this morning. While it is

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a sad day, we rejoice in a life well lived that inspired us and impacted us in so many ways. He was a great man of God, and his faithfulness and all that he has done is beyond measure. I cannot help but think about growing up and the impact that Reverend Graham had on me personally -- and he is the author of my favorite devotion book called *Hope for Each Day*. Actually, in that devotion book, Reverend Graham talks a lot about his experiences in the mountains of North Carolina. Over the years and decades, Reverend Graham had tremendous crusades throughout America and throughout the world. As a matter of fact, one of my earliest memories of not only him, but it was something that my dad and I did back in the mid-1960s. At that time, he was actually having a crusade, at what was then Textile Hall in Greenville. I remember, after church that Sunday, I wanted to go to the Billy Graham crusade. My dad was kind enough to drive us about an hour to Greenville to the crusade. When we arrived, the crusade had filled up. Reverend Graham came out and addressed us all to express his regret that we were not able to get in. Right after his address, they opened up another section of the Textile Hall, and we were able to attend the crusade. I went to several crusades over the years, but I remember back and was thinking that he had a crusade in Columbia in 1987 or maybe 1988. Reverend Graham addressed a joint assembly of this state legislature while he was here. It was probably one of the highlights of my times by having the privilege to meet Reverend Graham. I think it demonstrates the impact that he had locally, around our world and our country. So today we mourn his passing, but celebrate his life and service through the example that he set. But, we more importantly celebrate all those that know Jesus Christ as their Lord and Savior from his preaching. Revelation 14:13 "Blessed are the dead who die in the Lord. That they may rest from their labors and their works follow them." His own son Franklin Graham stated, "One of God's great ambassadors has passed from this Earth to his Heavenly reward. His journey of faith on earth has ended." Also, to quote from Franklin Graham, "My father has stepped into the eternal joy of heaven and is in the presence of the One in whom we place our hope." So today, our hearts are saddened with the loss of Reverend Graham. But, it rejoices in a life well lived -- all the things and all the people that have a better life because of his service to God and the faithfulness that he demonstrated throughout his life. Thanks be to God for this great man who preached the gospel of Jesus Christ to millions around the world. I would ask that the Senate stand in a moment of silence in Reverend Graham's memory.

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ADJOURNMENT

At 11:05 A.M., on motion of Senator McLEOD, the Senate adjourned to meet next Tuesday, March 20, 2018, at 2:00 P.M.

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