

NO. 45

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

FRIDAY, MARCH 26, 2021

Friday, March 26, 2021
(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 HARPOOTLIAN.

ADDENDUM TO THE JOURNAL

The following remarks by Senator MALLOY were ordered printed in the Journal of January 12, 2021:

Remarks by Senator MALLOY

Thank you, Mr. PRESIDENT, members of the Senate. I rise today also, to discuss a little bit about the rules and the rule changes. I will first remind us that this is a Body of rules. They are used in circumstances, sometimes to your benefit, and sometimes to your detriment, and at the end of the day, it is the will of the Body.

Many of you know that I have been a person that has been involved in the rule and rule changes for a long time. In fact, former Senator McConnell, during the time when there was a change in the majority, and this majority party in the Senate now took over, looked at a person sitting in the front row searching the Jefferson's Rule Book and Senator McConnell turned and looked at him and said, "It is not in there." What is a good start today is that there is no debate on rule changes now allowing unanimous consent. However, I applaud Senator MASSEY for giving us the opportunity to discuss the rules during this time allowing unanimous consent. It could have been said, done, and adopted. There may come a time that there may be a need to change. It is the first day of session. We can organize. We have done that. We have elected a president. Now, we are at the point to adopt our rules, choose committees and then choose our seats.

I recall two years ago, Senator MASSEY, that you and I were trying to figure out where we were going to be once we elected a president, and we had some real serious thoughts as to what would happen, and some serious thoughts if it went to Senator PEELER -- the PRESIDENT. What does it mean to be the first Senate President? You could be our George Washington. We decided then that we were not going to have a new chairman of a committee that would be our presiding officer over major committees and a few other things.

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I was watching the Pittsburgh Steelers not too long ago, one of my favorite teams when I was a kid. They had three turnovers in the first quarter and they lost. It is not lost on me that we have 30 majority Senators today in the Republican Party and 16 in the minority party. Elections have consequences. There are some rules I do not like and some rules I think we could do better. Do you know that I have always wanted to get rid of Rule 33B? I do not think that we need a roll call voting in the rules because we ask unanimous consent for that to happen all the time. I do not get a chance to make that call now, but there is a process. Therefore, the most important thing that we can do today is to set an example for the people of South Carolina who choose each of us to represent them.

How do we do that? First, we are showing our constituents how we can operate in a safe manner. I want to applaud the PRESIDENT of the Senate for implementing safety protocols that allow us the opportunity to do business. I also want to thank each of my fellow Senators for agreeing to wear masks. The PRESIDENT of the Senate asked us to do it, and we have adhered to it.

I think how we did it is important in that we are an example to constituents back home. We accomplished it by appealing to the other Senators with senatorial courtesy.

Second, we can do our jobs. While these are not normal times and the country is in a pandemic, operating sends a message of normalcy during a difficult time in our country. If teachers can teach, if police can police, then legislators can legislate. Seeing us working today and seeing us together for the State of the State, shows that we can go forward in the midst of the coronavirus.

Another message we can send, and thank you for saying this Senator MASSEY, is that we are not Washington. We are the great State of South Carolina. We do not need to be in a partisan gridlock. We do not talk at each other, but rather we talk with each other. Although we are changing our rules as we have every four years for as long as I can remember, what this Body stands for is more than the rules that govern our procedure. We, collectively and individually, are more than our rules. My dad always said, "You see that Bible on that table? That is your guideline and you live by it. You do not have to go and grab it every day, but you are expected to live by it." So generally, we do not need the rules, until we need rules in order to do the work here. You do not have to take advantage of folks, just ask. We should not let our desire for a quick action deter us from what the founders intended us to be.

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My last point is about a deliberative Body. The Senate is designed to foster compromise -- and therefore a better end product. Much as to Proverbs in the biblical sense, you use steel to sharpen steel and one friend sharpens another. But "deliberative" must not be a synonym for "stoppage". We should not delay solely for the sake of obstruction. Slowing down should be done in a sincere attempt to make it better. That is what the process is designed to do, and that is why our rules are the way they are and should continue. We used to debate on second reading and have extended debate on third reading. Once the product was finalized on third reading, a filibuster used to happen. There could be cases where there was no possible compromise. Those are rare, and those are not typical of our normal operations. We all have consultants whispering in our ears. We are a political Body.

There are many people telling us what we should do and what we should do to end up being popular. Never forget the voices whispering in your ears since you were little, and those above these walls. The voices of our parents, grandparents, and teachers and those who tell you how to act and behave. I am sure you hear those voices in your heads right now -- some of the lessons learned. Those voices are important because if you honor their teachings on the floor of the South Carolina Senate, then the Senate would be a place we can be proud of and a wonderful example for the people back home. I tell you there is a process. Senator MASSEY, I am going to hold you to this. If we see Rule 15A does not work, you and I will hopefully be on the Rules Committee where I would like to see a resolution come through that committee, and that we have a discussion when there are some things that we did not anticipate that did not work out.

I think you started a good example today by letting us have the debate, asking for unanimous consent. This is what the Senate is to me. Many of you know this past fall I lost my mom. She is one of those voices that whispered constantly in my ear and whose teachings I strive to honor each day. The Majority Leader, Senator MASSEY, came to her visitation. He drove several hours each way for a few minutes just to show that he cared for me and my loss. He did not have to do that, but he did. He is a Senator. Many of you came to her visitation and funeral and had nice things to say. Many from the opposite party. The night before, you sat down, talked, and stayed. You did not have to do that, but you wanted to do it. You did not have to talk to me about these rules. You did not have to do that, but you are Senators and you wanted to.

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That is an example for each of us, for the State of South Carolina and for our Nation.

We all are Senators from our hometowns and our home districts. To those who were sworn in today, congratulations. You are not just a Senator from your own town; you are a State Senator and represent all of us. I hope that we can have the example that my dad was talking about in the biblical way; we do not use these rules until we have to. I use the example of my Pittsburgh Steelers to understand that we know what it means to have 30 Senators. You do not have to have consideration for these rules. You could have ramrodded them through. You did not.

Today is the first start. I plan to vote for the rule changes. I also plan to use the rules to be helpful and effective. I plan to appeal to the conscience of all of us here when it comes time to have issues that I think that are of concern, so that we do not run over anybody -- particularly the new Senators that are here. We have to be sensitive to the fact that they have not been part of these rules. The most important thing is many times you know what is in the rule book and all of a sudden you read it, you read it just right and say, "That's not it." You have to go back to Jefferson's, Senator GARRETT.

With that, I conclude my remarks -- rules are made to be used and the Senate is a Body of rules. It could have been a whole lot different and I thank you for the consideration. I hope that we have conversations from now on, continuing to understand that we are Senators, and the rules are rules that we are making today, but they can be changed, but not now used to operate the Senate. Thank you.

ADDENDUM TO THE JOURNAL

The following remarks by Senator SENN were ordered printed in the Journal of January 28, 2021:

Remarks by Senator SENN

Colleagues, I got a phone call on my way here today from a friend and he told me that thirty years ago he was in the legislature arguing basically the same Bill that we're arguing today. I imagine that some of the more senior Senators can say that it has probably gone on even longer than that. I am telling you this because obviously this is such a divisive issue. I don't think there is really a way to get it right, but what we can do is try and get it better. I don't want anything that I have said or that I may say today to make you think that I am coming at anyone personally on this.

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I am not. It is just a tough issue for everyone, but me being a Catholic, a mother, a female of course, and a lawyer -- all of those different things and different hats that I wear don't coincide when it comes to the issue of abortion. So regardless of however you are going to vote on S.1, you are going to have both haters and cheerleaders. Every single one of us is going to get hate mail and cheerleader mail. That's just how it is.

So, I have, every year -- this is my fifth year for those of you new in the Senate that don't know, this is my fifth year in here, and I have repeatedly asked my colleagues, who brings Bills like this, such as "Heartbeat" and "Personhood", year after year to do something that will really make a difference, and that is to take baby steps toward better legislation. I do not think our current law of allowing abortions up to 20 weeks is a good law. I think that is too long. Two more weeks in the womb, now with our medical science, then we would have a viable baby. But, what happens is, the Bills that get put out here year after year go so ridiculously far in the other direction that it causes, even we conservatives, to have consternation.

Yesterday, I asked that you all do something positive that would have withstood constitutional scrutiny. It may have actually saved some lives of some babies and the women who carry them. I asked you to simply dial back the timeframe a female has to make a decision on abortion to the first trimester and to keep the exceptions in place, because that my friends is a centrist position, but it is also a logical position and one that both sides should be able to live with. It is reasonable. But in abortion debates reasonableness goes out of the window because the arguments always become theological and that is exactly what I heard from the podium just a few minutes ago and theology has no place in this debate. Eighteen other states do not go through the same abortion battle year after year because they long ago reached a reasonable conclusion to allow abortions through the first trimester with exceptions built in. Those eighteen states are probably the same ones out there right now far ahead of us in COVID vaccinations because they are confronting the real issues that we need to be facing today. So, why my friends, if we must confront these abortion Bills every single year, can't we at least start with exceptions of rape and incest built in? I mean it would sure save us a lot of time because you know it is going to be put back in the Bill. But I will tell you why we cannot. We cannot do that because our own fire and brimstone Republican colleagues want to out those of us who will take a more reasonable approach when it comes to this most personal decision. They think those of us who are reasonable about the abortion issue are

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just not Republican enough. These are the same legislators who do not want to fund prenatal care for those upon whom they would impose mandatory childbirth because they believe in personal responsibility, but what they really mean is maternal responsibility for having the audacity to have had, what is often, premarital sex. To these Senators, abortion is a black or white issue, it's heaven or hell, no room for gray, yet in my judgement this is the most gray area we continually confront because every woman's situation differs.

I am at risk of having to choke something out here that I am loathe to say and the words are that Senator KIMPSON was right. I don't like saying that, that's for sure. The abortion debate is truly amongst Republicans who don't really believe in these extremist Bills, but they think people back home will tar and feather them if they don't address it. Yet abortion, I believe, is truly a medical and a social issue on which the State ought not attempt harsh, sexist governance. For the past two days, there were a lot of Republican Senators scurrying around this Chamber trying to figure out the best way to amend the Bill to something more reasonable and yet still please some of their extremist electorate.

To my Senate leadership, let me say that I am grateful for your help in bringing this Bill from something that I think was barbaric to something that is somewhat, but not fully, tolerable. Your efforts have been sincere, and I appreciate your efforts. To my Republican Party leadership, I am talking to the Party at this point. Let me say the time has come to stop pressing this issue because it's a loser. It is time that abortion not even be a part of the Party platform because it is largely a religious issue, and do remember that just because the extremist are the loudest that does not make them the majority. Hear me please because I think we lose ground with female voters, especially young female voters on issues such as abortion. Just as it is the single issue driving some of our fire and brimstone Senators, it may likewise be the single issue driving the votes of young females and we are running them over to the Democratic Party. Friends, let us talk about the flaws that remain in the Bill. As we have discussed, at six weeks many women do not know that they are pregnant and by the time she learns she is pregnant her time may have expired to get an abortion. So by adding a rape and incest provision coupled with the demand that doctors notify the sheriff if a woman says she has been raped is inviting trouble. No one can answer my question as to why we would include such a provision. Will no one speak the truth? Because the truth is, we all want statistics. If abortions do not go down by 55%, as you hope, and if rape allegations rise, well then we will have another

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reason for Senator CASH to pull out his doll babies again and revisit this issue a few years down the road.

I don't understand why we need a reporting requirement or statistics in order to determine if pregnant women will lie to get out of an unwanted pregnancy. I can tell you right now a woman will indeed lie if that is what it takes to get an abortion after only six weeks of pregnancy if she feels she is trapped and her lie will not be caused by her dishonest nature. Her lie will be because those of you who vote with this Bill will have forced her to lie. To put it in terminology that some of you sportsman can understand. Envision a wild animal, a she-wolf, with her hand caught in a trap. That wolf will gnaw her own arm off if she must in order to get out of that trap to survive. Similarly, a woman who feels trapped in an unwanted pregnancy will do just about anything to end the pregnancy unless -- unless she is given reasonable time to make her decision. The reasonable time, in my judgement, is first trimester. I understand we can all disagree, but I do believe that most women when confronted, even with an unwanted pregnancy -- they have to make these awful decisions, and yes, some of them are morale, but given the right amount of time she will make the right decision in most instances.

To you doctors, Doctor of the Day, I don't know if he is still up there; I ask how you feel about providing a female patient's medical information to law enforcement in violation of HIPAA? To the 46 sheriffs in the State, I say take heed, while you generally would not want to knock on the door of a woman to query her about circumstances of her unwanted pregnancy, now the General Assembly may pressure you to do so. If this Bill takes effect, the rape allegations will rise and then you, sheriffs, will ask why you are not bringing down the hard arm of the law on what are either rapists or lying women. And, sheriffs, what if a FOIA is issued to your agency asking you to reveal the documentation provided by those physicians, which would also reveal the name of the pregnant females or possibly the alleged rapist? How will you handle it, sheriffs? This scenario would worry me greatly if it played out, but it won't. This Bill when signed into law will never take effect, you know it and I know it. I look about this room, full of patriarchs, and I am saddened to make an observation and that is that we do not have any female Senators sitting on the front rows here which are reserved, of course, for those with seniority, nor will we have them anytime soon and there is a reason for that. Most women choose to raise the families and raise the children before ever entering public life and that is exactly what all five women

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in the legislature -- that is what we've done. We are not going to have time of course to spend 30-40 years here in the Senate.

Now onto the Bill -- so what I was talking about earlier is the fact there are no women sitting up here on the front row and likely won't be for any time soon. You gentlemen have had the advantage of having your wives at home raising your children, and I know that you love and respect your wives and daughters. But we female Senators are the wives and we are the mothers, the caregivers, and now during COVID some of us are actually the educators. Actually, the five women here go even further than that. We ourselves are not only educated, we are breadwinners. Like I said, I know most of you gentleman personally and I know you respect the women in your life, but then when social issues get played out center stage, like they are now, you all tend to revert to treating us as the fairer sex in need of omnipotent guidance. We don't need guidance on issues concerning our wombs. For instance, whose idea was it to demand that a woman be given a pamphlet before -- about adoption options before aborting? In the history of the world has there ever been a pregnant female who did not realize that she could carry the child to term and give it away? Is that necessary? Now that this Body is poised to involve police into this abortion debate, will we also give the pregnant woman a pamphlet that says you have the right to remain silent when a sheriff knocks on your door asking about your abortion or premarital sex or the rape? That might be a little more useful.

Getting back into money, one positive thing I think may come out of this, at least I hope it does, because as a Catholic woman I don't want to see other women have to go through the what-ifs. I am very thankful I never had to have an abortion or thought I had to have anything like that, but women who do, and my friends who have had abortions, they go through the what-ifs for the rest of their lives. I don't want to see them have to go through that and one of the things that I do is to support Florence Crittenton home for unwed mothers. Now every single year that I have been in the Senate, I have been forced to go and ask for money for Florence Crittenton, because the first year that I was in the Senate, after 30 years of the State giving \$150,000 to that most wonderful institution, which at the time, and still is now, the only home for unwed mothers where women could flee -- whether their families have rejected them because they were pregnant or just because they are poor; the State through DSS stripped that money away and sent them into turmoil. I, and others, had to go to Boeing and various corporate partners and raise money so that these women -- we actually turned away, I can't remember

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the number, but I think it was nine -- nine pregnant females that had to be turned away that year and you know where they went. They went straight to Planned Parenthood and they had the what-ifs, most likely.

So what I am telling you gentleman, and ladies, if we are going to pass this, we also need to help fund these women who are going to need our help. But, instead every year I have to go ask for a line item for Florence Crittenton and Florence Crittenton is not even in my district. It is not in my district. I shouldn't have to ask for money for that. But if I have to, I will, and I hope that you all will support me -- you folks on Finance will help support me in helping support these women upon whom we would force childbirth. Now let's face it, no woman -- no woman wants to have an abortion. Everyone in this room is pro-life, but you gentlemen are not at risk of having an unborn life trump your life and therein lies the rub. New Senators, I am very sorry that you have already been brought into this debate. A debate that will have no end and it will have no end because history repeats itself. Because even when the Supreme Court gives us the law of the land on matters such as Roe vs. Wade, confirmed just last year in the Russo opinion, we press the issue until the faces and the names on the United States Supreme Court change and then we seek a new opinion, one in more keeping with our beliefs. And our beliefs stem from our religions and our religions, again, have no place in this Chamber. To the fire and brimstone Republicans, I will tell you that when we pass this unconstitutional legislation, your smiles will quickly fade because an injunction will be entered as swiftly as the Governor signs it. This ill-advised law will fall and it will be costly.

Now, I know some of you are already thinking, boy, she has just invited herself a primary challenge. Maybe, but I take solace in knowing that in all likelihood the courts will have already struck this law before four years is up and I will be able to show the fiscal impact of our folly. You, on the other hand, will not be able to show me one baby saved, and that is sad because if we give women the time to make up their right mind, that will save babies.

I would like to end, again, by thanking those who voted for the reasonable amendments to this Bill. Especially to thank the leadership for its guidance in making the Bill better. I look forward to next week when hopefully our feelings can simmer down on this divisive topic and we can return to what, in my view, are more pressing matters befitting of us dealing with it in the government. Meanwhile, I pray that God give guidance to potential mothers to make the right decision. I hope and I know that most will reach the proper decision. But, I think it is her

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conscience, not laws, that will govern. And try as you might, my colleagues, you cannot force birth. It will not work, and I will end by saying what we say at my church anyway, peace be with you.

ADDENDUM TO THE JOURNAL

The following remarks by Senator CASH were ordered printed in the Journal of January 28, 2021:

Remarks by Senator CASH

Thank you, Mr. PRESIDENT. I want to speak to you for just a few minutes about worldview. What worldview is; the importance of worldview. Yesterday I was challenge by a few of the Senators from Charleston. One called me to task for referring to the scripture. One just began referring to me as the Bishop from Anderson. I want to respond to that a little bit because I think this is an important point. Everybody comes into this Chamber with a worldview. What is a worldview? A prism from which you look through at life. It is the way you think about things. Where does it come from? I'd say first of all, your worldview comes from your upbringing, the way you were raised, what mommy and daddy taught you. It comes from your education. The kind of things that the special teachers in your life perhaps emphasized to you that really stuck. Worldview comes from experience, your interaction with other people and your surroundings on a day-to-day basis -- year-after-year helps to form your view. The way you look at life, your presuppositions and, importantly, your worldview is formed by your religious faith and beliefs, or your lack thereof. Most people have some kind of belief system that they adhere to. Most people have some kind of things they believe are right and wrong -- that they have been taught that they have picked up here or there. For a lot of those members in this Chamber, those beliefs come from the Bible, right? They don't come from Mao Tse-Tung's, Little Red Book. Somebody may have read that, but I doubt it. I have a biblical worldview. The Bible informs the way I look at life. I think a lot of people in here would say something similar to that. Part of a biblical worldview is we believe it is all-encompassing. The Bible gives me instruction about how to love my wife, how to raise my children. In other words, it speaks to the sphere of life we call family. The Bible speaks to the sphere of life we call business. The Bible calls us to be honest, trustworthy, diligent -- do our work with excellence. Those are all biblical principles. I can show them to you. I can quote

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scripture to you as to where these things come from. I have a biblical worldview that believes the Bible is authoritative on things to which it speaks. Particularly, when we are talking about moral issues. I am going to refer to the Bible, for as long as I so choose. I don't expect you to check your worldview at the door. I'm not going to check mine. Whatever you want to say, you're going to say. I'm going to weigh it in the balance of my worldview and vice versa; that's just the way it works. I've been here for several years. I don't think I have been beating anybody over the head with a Bible. I don't think I make reference to it that often. But I will say this. I can and will make reference to it as often as I wish. Whenever I think it is appropriate. That is my right. You can refer to whatever authority is in your life. Whatever founts of wisdom you rely on as you wish. I'm just going to conclude this by reading a few scriptures that will explain to how I feel about the Bible. The law of the Lord is perfect, restoring the soul. The testimony of the Lord is sure, making wise the simple. The precepts of the Lord are right. Rejoice in the heart. The commandment of the Lord is pure, enlightening the eyes. The fear of the Lord is clean, enduring forever. The judgments of the Lord are true. They are righteous altogether. They are more desirable than gold. Yes, than much fine gold. Sweeter also than honey and drippings of the honeycomb. Thank you.

ADDENDUM TO THE JOURNAL

The following remarks by Senator ALEXANDER were ordered printed in the Journal of March 4, 2021:

Remarks by Senator ALEXANDER

Thank you, Mr. PRESIDENT and members of the Senate, lead by example. I will do two points of interest within this five minute period of time. So many times we talk about, complain and criticize that things could be done better. These two things are dealing with the COVID-19. I am taking the other approach. These are things we really need to appreciate. We hear the DHEC name thrown around a lot. This is really designed to make sure we understand that there are a lot of dedicated employees in the DHEC organization. Day in and day out they are on the front line taking care of citizens in trying and difficult times with COVID. They have been on front lines with other health care professionals, hospitals and all the other ones. So many times we throw around the name of DHEC, and maybe we talk about the administration

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of the agency. I just want to make sure that we understand and are clear and appreciative of the work of those that are on the front lines in our communities across South Carolina day in and day out. I personally and publicly thank you for all those who work so hard for the citizens of our State in these unique times.

After we had just given second reading to pay step increases -- and I want to say this is not reflective of any other district -- but I did want to recognize the Oconee County School District from several weeks ago. Actually, the local paper on February 4th recognized that the Oconee County School District celebrated their 100th day in class meeting five days a week, face to face with their students and teachers. Granted, it has not been easy. They had things they had to deal with and did so during that period of time. The district always celebrates on their 100th day, and the newspaper wrote a nice article and it was a special celebration this year of the milestone day. The Superintendent of Education of Oconee County, Michael Thorsland, said, "Our teachers and particularly the school staff have been the ones to get us to this point." He went on to outline how different schools from kindergarten to high school celebrated this 100th day of in school five days a week face to face -- from that standpoint. I want to point out that that James M. Brown Kindergarten to 5th grade celebrated through STEM education of science, technology, engineering and math activities, including building items such as 100 cups, 100 legos and even 100 marshmallows. Also, another class says they went to boot camp to complete top secret missions while showing kindness. That is a lesson for all of us. This is pause to recognize that there is a lot of good work in schools across the State of South Carolina. Again, not criticizing anyone if they have taken a different approach. I did want to celebrate August 24, 2020, as the first day of school. There were many doubts and questions about was that the right thing to do and this demonstrates it was with their 100th day. Thank you for allowing me this time to recognize the DHEC dedicated staff. While I recognize the School District of Oconee County and those dedicated teachers and staff, I want to say yes we appreciate the dedicated staff and employees all across the great State of South Carolina.

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

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

S. 698 -- Senators Peeler, Climer, Hutto, Williams, Talley, Leatherman, K. Johnson, Sabb, McElveen, Setzler, Alexander, Goldfinch, Gambrell, Grooms, Cromer, Shealy, Davis, Young, Rice and Stephens: A JOINT RESOLUTION TO AUTHORIZE THE USE OF CERTAIN FUNDS FROM THE WAREHOUSE RECEIPTS GUARANTY FUND TO PAY CERTAIN COTTON PRODUCER CLAIMS, TO PROVIDE THAT THE COTTON PRODUCER SHALL SUBROGATE HIS INTEREST IN A CAUSE OF ACTION, AND TO PROVIDE FOR THE RETURN OF CERTAIN FUNDS TO THE WAREHOUSE RECEIPTS GUARANTY FUND.

On motion of Senator WILLIAMS.

MOTION ADOPTED

On motion of Senator SHEALY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Elizabeth Penny Timmerman of Cayce, S.C. Ms. Timmerman was the grandmother of our beloved Mason Thomas, Research director for the Family and Veterans' Services Committee. Ms. Timmerman graduated from Pomaria High School and Columbia College. She was an active member of Mt. Tabor Lutheran Church and provided a card ministry that brought her much joy. Ms. Timmerman was a loving mother, devoted grandmother and caring friend who will be dearly missed.

ADJOURNMENT

At 11:05 A.M., on motion of Senator JACKSON, the Senate adjourned to meet next Tuesday, March 30, 2021, at 12:00 Noon.

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