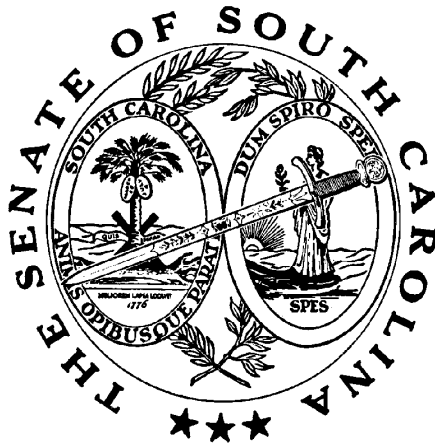


NO. 40

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

FRIDAY, MARCH 17, 2023

Friday, March 17, 2023
(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 SHEALY.

ADDENDUM TO THE JOURNAL

The following remarks by Senator SETZLER were ordered printed in the Journal of January 24, 2023:

Remarks by Senator SETZLER

Mr. PRESIDENT, ladies, and gentlemen of the Senate, I will probably get emotional about this which you've known me to do before at this podium. But each one of us are who we are by the grace of God. And by the grace of God, I have been able to serve in this Senate.

You know, the two most important words in the English language that are not used often enough are the words "thank you." First, I want to say thank you to God for giving me the ability and the energy and the health to be able to serve in this Body -- doing this job we call public service. Public service is a great calling and a noble calling. Do not let anybody ever convince you otherwise.

I will be short, but I want to say thank you to the people of Senate District 26 who, regardless of their political party or their views on issues, have entrusted me with the responsibility of representing them.

I want to say thank you to the members of this Body -- current members and past members of this Body, to the staff, all of the staff, from the Clerk to the custodians. And particularly to Alisa Painter and Jane Fallaw who are incredible.

And I want to say thank you to this institution of the South Carolina Senate. This is, as you have heard me say from this podium, the greatest deliberative Body in the United States. And as Senator PEELER reminded us one day, we are privileged to be one of forty-six people who populate the State of South Carolina -- that have the privilege and the opportunity to walk through those doors and to be here representing the rest of this State.

I want to thank the institution of the Senate for its traditions, its customs, its precedence -- the way we conduct our business. It is

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important that we do it in the way that this Senate has always done, on behalf of the people of South Carolina.

I want to thank all the people who have supported me throughout, my law partners, who work while I am allowed to be here, all the people who work for me and help me. Two of them are sitting here, Randy and Huck, and have been here since day one.

And last but not least, I want to thank my family. They have grown up in a public servant's house. To my deceased parents who worked twelve to fourteen hours a day in our hamburger/hotdog business and put me through college and law school -- To my wife of fifty-three plus years, Ada Jane, who has been a rock. She walked the streets, election after election, on one side of the street with me on the other. She made telephone calls and put up with the pressure and the things that you, as a candidate and public servant, have to do. To our four incredible daughters who are the joy of our lives -- And who were raised very independent women. I will tell you they are not bashful about what they think, what they believe, and their politics are not always the same as each others. And to our nine grandchildren who are the joy of our lives, and to the four sons-in-law who have supported me throughout.

We have, in this Body, worked together to make great changes for South Carolina. I pledge to you that I will in good faith continue to do that. Because I believe in bipartisanship, and I believe in people working together. And I will continue to work with each one of you -- continue to work with each one of you regardless of our views on issues to see that we address the needs of the people of this State.

There is something to be said for that in today's political world where people are encouraged not to work together.

My dear friend, Senator JACKSON, who has sat beside me and drove me crazy to do this -- I keep telling him no, but I say thank you, you are a true friend. And a friend is defined as someone who advocates for you, when you are not there, and defends you every day. Senator JACKSON, you are my true friend. I am honored and humbled by this Resolution and by your support.

I say to you, do not read anything into this. This is not a farewell comment, okay? It is not an indication of anything in the future. It is simply an acknowledgment that what I have accomplished has not been by myself, but it has been by the help of a world of people who help each one of us accomplish what we accomplish in public service. We do it with those who are around us and support us.

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And now, let's get to the business that we were sent here to do, and do the state's work. Thank you.

ADDENDUM TO THE JOURNAL

The following remarks by Senator K. JOHNSON were ordered printed in the Journal of February 7, 2023:

Remarks by Senator K. JOHNSON

Mr. PRESIDENT, I appreciate it. Members, I think I have made my position on this issue known every time that I have been given the opportunity. As I have said before and I will say it again, it would suit me just fine if there were never another abortion performed in South Carolina, or anywhere, but I'm one of those people that thinks there are times when the government is too involved in people's private business. I just think that as much as I am not for or against abortion. I'm just a pro-choice person. I've been involved in this abortion debate long enough to know that a lot of people who have abortions or are contemplating having abortions -- that all their situations are different and a lot of their situations and choices make sense to them even if it doesn't make sense to us. We would have to walk in their shoes to know what they are up against -- the stress and everything that comes with a decision such as that. I think that most of the people who have abortions do it because they, not me, and not us, but they, think it's the right decision for them and for the baby.

I just want to make my position clear that, above anything else, I am pro-choice. I don't think that's my decision to make, and I don't think that we would like people making those types of decisions for us. I've heard repeatedly in this Body and when I was across the hall that the government should not be too involved in people's lives. Government should not be involved in what they call "kitchen table issues," but here we are involved in one of the most private, personal and important life-changing decisions that some people choose to make.

There is a twist I want to put on this argument, and I've said it before; I'm hearing over and over again, pro-life, pro-life, pro-life, now we're talking about human life protection, and I think it's ironic that most of the members in this Body and across the hall who just march to the drum beat of "I'm pro-life," voted overwhelmingly in favor of the death penalty. Most of the members who say, "I want to protect life and I want to protect innocent life", voted last year to use the firing squad as a means

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of execution, knowing that we have data to show that some people who were put to death because of crimes that they allegedly committed ended up being innocent; but, we have already put them to death. So how do you make up for that? I just never could understand, and I'm not asking for an understanding right now; but, how could we be pro-life and be for the death penalty and even say that we can put you before the firing squad. If you are truly pro-life, then you would be 100% against the death penalty. I don't like people committing violent and heinous crimes, but I would not want it on me to vote for the death penalty to put that person in front of a firing squad or to inject some type of chemical in their arm and then find out a little while later, that person was innocent, and we just put them to death. So, I say how can you be pro-life and not do anything to try to preserve and protect the lives of these same babies we are talking about? When they're born, what do we do for them? We don't want to provide childcare for them so they go from place to place where anybody would sit with them -- most of them being abused -- we don't want to expand Medicaid -- we want to be with Wyoming and be the only two states who don't have a Hate Crime Bill in place, whereby if we had Hate Crime Legislation, maybe some folks would not commit these crimes that take people's lives because they would be afraid of the consequences. We say we're pro-life, but we won't expand Medicaid, which is a known fact, that we lose a lot of people in South Carolina and across the country because of the lack of quality affordable health care yet we're pro-life. It just doesn't add up to me. We are pro-life but we want to let people work in South Carolina for \$7.25 an hour and I wouldn't be a bit surprised if we have lost some lives because they don't have the means or the income for what they need. Although they work hard, forty-six hours a week, they don't have the means and the income to buy medicine, go to doctors, and do those types of things. I think Senator McLEOD, termed it as we are pro-birth but not pro-life, and I agree with her. We want all these babies to be born, and that's good, but then as we stand here and try to propose legislation that would help them have the quality of life that they deserve -- we vote against it time and time again.

So, I just want to leave with us that pro-life means pro-life. If we're pro-life, we're going to make sure that if these people have the children, then the families have life, and as the Bible says, have it more abundantly.

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ADDENDUM TO THE JOURNAL

The following remarks by Senator SABB were ordered printed in the Journal of February 7, 2023:

Remarks by Senator SABB

Members, I just wanted to make a couple of comments as it relates both to the amendment and to the underlying legislation. I listened to my colleague and his comments as it relates to back in 1970 prior to the Roe v. Wade decision. I think it's important from a contextual standpoint at least for me to talk just a bit about what was going on in South Carolina and in the country during that span of time, and the reality is, what you had was common law notions that there ought not be abortions under any circumstances. I mean that was essentially where we were as a State; you don't have to trust me on this. There's a law review article -- 1972 -- a gentleman by the name of Gerald E. Berendt of the John Marshall Law School publishing this law review article as it relates to abortion law in South Carolina. What the author shares, I believe is worth me sharing, and that is, that it's clear that there was a trend not only in our State but in our Nation where questions were raised about whether or not there were circumstances upon which the whole idea of what goes on in a family's household -- in a family's bedroom -- were questions asked to what role the State had in it. My reading tells me that back in those days the zone of privacy was contemplated, and it was contemplated on this very issue that we're talking about today. So, I would respectfully disagree with the notion that privacy rights were not critical to the debate and the decision-making process in those days.

So, from a contextual standpoint, it's key in my mind that the Supreme Court does not ignore jurisprudence of old when they're analyzing the issues of this present point in time. So, it was not surprising to me -- legal scholars -- that the issue of privacy would find itself not only as it relates to the heartbeat law, but any laws relating to this kind of an issue. It is not shocking to the legal world, nor should it be shocking to this Body that the court would examine the privacy issue when it comes to a matter relating to what I consider to be the more intimate and personal aspects of our society. When we look at the law and how it evolved, what we found was that there was a large percentage of South Carolinians who opposed the idea of abortions in South Carolina and there were trends associated with how we should legislate this issue. It was as challenging then as it is now. Can we legislate morality? All those issues are nothing new to this Body, nor is it new to the notion of jurisprudence.

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I want to hit on two points and then I am going to take my seat. These are, you know, nineteenth century tendencies that I am referring to, but one thing that was shared from the podium I think is where we ought to be, and that's on the question of what happened when the issue of privacy was placed before the voters of South Carolina. My colleague has made it clear that in his view, which I respect, that there's no way that 77% of the voters in South Carolina would vote one way or another as it relates to the privacy issue if they knew this was what was being contemplated. I'm going to say that again, just case anybody is interested in hearing it. The idea is, that if the issue were placed before the voters of the State of South Carolina, there's absolutely no way I've heard, that 77% of South Carolinians would decide the issue and that the only reason why they decided the way they did then was because they didn't know. Well, news flash -- breaking news -- we all know now what we're talking about. So, if you really want to know, if you really want to take the notion of debate out of the question as to what South Carolinians would do, give them the opportunity. Give them the same opportunity that we're saying that if they had in 1970, they wouldn't do A, B, C, D, E, F, and G, but here we are sunshine, clear skies -- everybody understands how important this issue is to South Carolinians and the rural areas, and the other areas in every nook and cranny of our State. People are paying attention to this issue. I would submit it's simply wrong for us in this Chamber to ignore their opinions and their views if we're in a position to stand here boldly and say if the people of South Carolina knew in 1970 what they know now, there's no way they would have voted the way they did.

Well, here we are 52 years later, and we know, and so if we really want to know, I'm not talking about guessing, I'm not talking about speculating. I'm talking about absolutely knowing. They know, they know, everybody knows. The youngest of our girls, they know. They pay attention to what they hear, what they see and what they read. Why, in a Democracy would we not give them the opportunity to have a conversation with momma? A conversation with daddy? Why are we taking that away from families in South Carolina? Why are we saying that they should not have the right to weigh in? Think about it, don't we want to know? Or do we? Do we want to know where South Carolinians really stand, or are we afraid because we want to insert our own judgment in the place of voters of South Carolina? I submit it's wrong. We have said repeatedly in this Chamber that we trust South Carolinians. That they get it right just like when I'm in court. I'm on one side of the table, and as Paul Harvey says, after I say what I've got to say now, for the rest

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of the story, and I'm always wondering what ultimately happened but guess what? I trusted jurors. I trusted them to listen to my arguments when I was on the plaintiff's side and trusted them to listen my colleagues on the defense side, and ultimately I trusted them to render a verdict that speaks the truth -- that I get the opportunity to present my case, to give my opening statement and to give my closing arguments just as the other side does and the playing field is level because Lady Justice is blind. Thank you, Mr. PRESIDENT.

ADDENDUM TO THE JOURNAL

The following remarks by Senator GUSTAFSON were ordered printed in the Journal of March 7, 2023:

Remarks by Senator GUSTAFSON

This statement of personal interest is a statement of public interest. We are bombarded with negative and toxic messages and news too much. Today I am sharing a brief chronicle about our people, our community leaders, our state representatives, and SCDOT collaborating towards a positive common purpose in District 27.

There has been an intense public outcry to address the steady stream of accidents at the crossroads of Love's Travel Stop and Dove Sutton Road in Pageland. Lynches River Industrial Park, Love's, and Walmart Distribution Center are all located on a short stretch of Highway 601 punctuated by hills and hindered sight areas. We all agree adequate sight distance is needed to have safe and efficient traffic. There are no current stops, lights, or intersections that would slow traffic enough to avoid vehicle accidents.

The problems there pre-date Love's opening on April 21, 2022. For well over a year, many of us have been requesting the installation of a traffic light. My first official written request to SCDOT is dated February 22, 2022.

As a mother of three, I know the heartbreak of a hurting child, so when I was contacted on Friday, December 23, 2022, about yet another serious incident, I felt compelled to get in touch with the family immediately. Quanicka Robinson is the mother of Quadazhia Blakeney who was injured in December. They both use this road to get to work. I caught Ms. Robinson at the hospital, and she tearfully explained that Quadazhia was in surgery and would have several more by Sunday, Christmas Day. Perhaps there would be comfort in knowing the state

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government cares and the intersection was in the middle of serious scrutiny.

Quadahzia was released from the hospital on January 5th but readmitted the same night at a different hospital. She cannot walk. She cannot bear any weight on her legs, so rehab is not possible right now. She cannot work, and she has received two paychecks since this accident. She is but ONE accident victim from this deadly intersection and there have been fatalities. Along the way, there was a petition signed by almost 2,000 people, online complaints on social media, newspaper reports, elected officials' statements, and calls.

Reaching for support, I got in touch with Laura Moore, General Manager of the Walmart Distribution Center. We discussed the situation, and ultimately, she agreed to request financial support for this possible project from the corporate office. I also suggested that her on-site employees write letters of support directly to SCDOT and offered to handle the coordination. When we touched base last week, she had discontinued that request for letters, since there had been an unofficial announcement of the traffic light moving forward. The question about financial assistance remains open this week.

I saw a quote from Calvin Coolidge, our thirtieth President about persistence and I'm just going to read this and thank you for indulging me. "Persistence, passion, positive work, and support as well as collaboration, does happen in our State Government. It can happen and this is just a tiny example. Nothing in the world can take the place of persistence. Talent will not, nothing is more common than unsuccessful men with talent. Genius will not, unrewarded genius is almost a proverb. Education will not, the world is full of educated derelicts. Persistence and determination alone are omnipotent." As we face our challenge of workforce development and economic development, let us persist together and collaborate. Let us work together with other elected officials to move good legislation and say thank you when it's deserved. Thank you SCDOT and thank you for your time.

ADDENDUM TO THE JOURNAL

The following remarks by Senator JACKSON were ordered printed in the Journal of March 9, 2023:

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Remarks by Senator JACKSON

Thank you, Mr. PRESIDENT. I will not take more than five minutes to speak briefly, with the intent of not taking any questions on this. I just wanted to stand to congratulate the House of Representatives for passing the Hate Crimes Bill yesterday. I also wanted to just encourage this Body to do the same. I hope, and I'm confident that I think we can get together and iron out any of our differences. I'll leave you with something I have in my hand. On March the 18, 1999, there was a Bill called S. 45 introduced by a bipartisan group of Senators that passed here in South Carolina. In fact, it was one of, if not the first time, any legislative chamber in the South passed a Hate Crimes Bill, Senator DAVIS. At that time on March 18, 1999, we were not required to have roll call votes, but to the seven of us who were here at the time, we remember that if you were against it, you were told to go put your name on the list so that you could be recorded voting against it. I was proud then, I am proud now to say out of forty-six Senators only three Senators were recorded to vote against a Hate Crimes Bill on March 18, 1999. Thank you. I hope that sometime this year we can pass the House Bill revisiting this subject and make all of us as proud as we were on March 18, 1999. Thank you, Mr. PRESIDENT.

ADJOURNMENT

At 11:06 A.M., on motion of Senator HARPOOTLIAN, the Senate adjourned to meet next Tuesday, March 21, 2023, at 12:00 P.M.

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