**Thursday, January 28, 2021**

**(Statewide 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 PRESIDENT.

 A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

1 Samuel 3:10

 In 1 Samuel we read that finally:

 “The Lord came and stood there, calling as at the other times, ‘Samuel! Samuel!’ Then Samuel said, ‘Speak, for your servant is listening.’ ”

 Let us pray. Holy God, how hugely significant it is to be a servant of Your people, to be one of those chosen to work for You on behalf of the citizens of South Carolina. It is an honor, of course. But far beyond that fact is the responsibility which goes along with the role. We do thank You, Lord, for having called these women and men to this place and to their roles in this Senate. Now we ask You to grant to each of them not just wise use of their individual gifts, but also to give them the grace to work together collegially and positively. And may it always be, O God, that it is Your voice they continue to hear clearly above all others as You lead them forward day by day. This we pray in Your most holy name, dear Lord. Amen.

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

**Point of Quorum**

 At 11:03 A.M., Senator ALEXANDER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

 Senator ALEXANDER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams Alexander Allen

Bennett Cash Climer

Corbin Davis Fanning

Gambrell Garrett Grooms

Gustafson Harpootlian Hembree

Hutto *Johnson, Kevin Johnson, Michael*

Kimbrell Kimpson Martin

Massey Matthews Peeler

Rankin Rice Scott

Shealy Stephens Turner

Williams Young

 A quorum being present, the Senate resumed.

**Doctor of the Day**

 Senator RANKIN introduced Dr. Gerald Harmon of Georgetown, S.C., Doctor of the Day.

**Leave of Absence**

 At 1:46 P.M., Senator HUTTO requested a leave of absence for Senator KIMPSON for the balance of the day.

**Leave of Absence**

 At 1:46 P.M., Senator SABB requested a leave of absence for Senator JACKSON for the day.

**Leave of Absence**

 At 1:50 P.M., Senator HUTTO requested a leave of absence for Senator SETZLER for the day.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S. 133 Sens. Campsen and M. Johnson

S. 271 Sen. M. Johnson

S. 436 Sen. Turner

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 496 -- Senator McLeod: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF MRS. WILHELMENIA PERCELL GOLSTON, TO CELEBRATE HER LIFE AND ACHIEVEMENTS, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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 The Senate Resolution was adopted.

 S. 497 -- Senator Campsen: A BILL TO AMEND SECTION 50-21-90 OF THE 1976 CODE, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50 OF THE 1976 CODE, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A SOUTH CAROLINA BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS, AND TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION; TO DEFINE NECESSARY TERMS; TO DELETE SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO DELETE SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

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 Read the first time and referred to the Committee on Fish, Game and Forestry.

 S. 498 -- Senators Grooms, Massey, Shealy, Verdin, Gambrell and Matthews: A BILL TO AMEND CHAPTER 95, TITLE 44 OF THE 1976 CODE, RELATING TO THE CLEAN INDOOR AIR ACT, BY ADDING SECTION 44-95-45, TO PROVIDE THAT POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT ENACT ANY LAWS, ORDINANCES, OR RULES PERTAINING TO THE INGREDIENTS, FLAVORS, OR LICENSING OF CIGARETTES, ELECTRONIC SMOKING DEVICES, E-LIQUID, VAPOR PRODUCTS, TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR CERTAIN PRODUCTS CONTAINING NICOTINE, AND TO PROVIDE THAT LAWS, ORDINANCES, OR RULES ENACTED BY A POLITICAL SUBDIVISION PRIOR TO DECEMBER 31, 2020, ARE NOT SUBJECT TO THIS PREEMPTION.

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

 S. 499 -- Senator Campsen: A BILL TO ENACT THE "SOUTH CAROLINA ELECTION COMMISSION RESTRUCTURING ACT"; TO AMEND CHAPTER 1, TITLE 7 OF THE 1976 CODE, RELATING TO ELECTIONS, BY ADDING SECTION 7-1-110, TO PROVIDE THAT THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES HAVE THE RIGHT TO INTERVENE AND HAVE STANDING ON BEHALF OF THEIR RESPECTIVE BODIES IN ACTIONS THAT CHALLENGE THE VALIDITY OF AN ELECTION LAW, AN ELECTION POLICY, OR THE MANNER IN WHICH AN ELECTION IS CONDUCTED; TO AMEND SECTION 7-3-10(a) OF THE 1976 CODE, RELATING TO THE STATE ELECTION COMMISSION, TO PROVIDE THAT THE MEMBERSHIP OF THE COMMISSION CONSISTS OF FIVE MEMBERS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; AND TO AMEND SECTION 7-3-20(A) OF THE 1976 CODE, RELATING TO THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, TO REVISE HIS PROCEDURE OF APPOINTMENT.

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 Read the first time and referred to the Committee on Judiciary.

 S. 500 -- Senators Scott and Loftis: A BILL TO AMEND SECTION 40-3-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS AND ACTIVITIES EXEMPT FROM LICENSURE OR REGULATION BY THE BOARD OF ARCHITECTURAL EXAMINERS, SO AS TO REVISE AN EXEMPTION FOR PLANS AND SPECIFICATIONS FOR CERTAIN DWELLINGS.

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 Read the first time and referred to the Committee on Labor, Commerce and Industry.

 S. 501 -- Senator Gambrell: A BILL TO AMEND SECTION 38-73-920, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ISSUING INSURANCE, SO AS TO INCLUDE RELEVANT CITATIONS WHICH ARE NOT SUBJECT TO THE ENUMERATED RATE-FILING LIMITATIONS.

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 Read the first time and referred to the Committee on Banking and Insurance.

 S. 502 -- Senator Gambrell: A BILL TO AMEND SECTION 12-36-2120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO AS TO EXEMPT TOYS PURCHASED BY THE MARINES TOYS FOR TOTS FOUNDATION.

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 Read the first time and referred to the Committee on Finance.

 S. 503 -- Senator Hutto: A BILL TO AMEND SECTION 40-33-34, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL ACTS THAT ADVANCED PRACTICE REGISTERED NURSES MAY PERFORM, SO AS TO INCLUDE ISSUING ORDERS FOR CERTAIN HOME HEALTH SERVICES; AND TO AMEND SECTION 40-47-935, AS AMENDED, RELATING TO MEDICAL ACTS THAT PHYSICIAN ASSISTANTS MAY PERFORM, SO AS TO INCLUDE ISSUING ORDERS FOR CERTAIN HOME HEALTH SERVICES.

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

 S. 504 -- Senator Gambrell: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF GRACIE SEABROOK FLOYD OF ANDERSON, TO CELEBRATE HER LIFE, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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 The Senate Resolution was adopted.

 S. 505 -- Senator Talley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS TO PROVIDE DEFINITIONS, TO PROVIDE THAT A PERSON WHO OWNS OR OPERATES A WEBSITE DEALING IN ELECTRONIC DISSEMINATION OF THIRD-PARTY COMMERCIAL RECORDINGS OR AUDIOVISUAL WORKS SHALL MAKE CERTAIN DISCLOSURES, TO PROVIDE FOR A PRIVATE CAUSE OF ACTION, TO PROVIDE THAT THIS CHAPTER IS SUPPLEMENTAL TO STATE AND FEDERAL

CRIMINAL AND CIVIL LAW, AND TO PROVIDE THAT VIOLATIONS CONSTITUTE AN UNFAIR TRADE PRACTICE.

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 Read the first time and referred to the Committee on Labor, Commerce and Industry.

 S. 506 -- Senators Kimbrell, Rice, Garrett, Talley and M. Johnson: A BILL TO AMEND SECTION 44-1-143 OF THE 1976 CODE, RELATING TO REQUIREMENTS FOR HOME-BASED FOOD PRODUCTION OPERATIONS, TO EXPAND THE TYPES OF NONPOTENTIALLY HAZARDOUS FOODS THAT MAY BE SOLD TO INCLUDE ALL NONPOTENTIALLY HAZARDOUS FOODS, TO ALLOW FOR DIRECT SALES TO RETAIL STORES, TO ALLOW FOR ONLINE AND MAIL ORDER DIRECT-TO-CONSUMER SALES, TO ALLOW HOME-BASED FOOD PRODUCTION OPERATORS TO PROVIDE ON THEIR LABELS AN IDENTIFICATION NUMBER PROVIDED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AT THE OPERATOR'S REQUEST, IN LIEU OF THEIR ADDRESSES, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

 H. 3194 -- Reps. Lucas, G. M. Smith, Simrill, Rutherford, Thigpen, McCravy, McGarry, B. Newton, Long, Yow and Carter: A BILL TO AUTHORIZE THE SALE OF THE ASSETS OF THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY AND THE ASSUMPTION OR DEFEASMENT OF ITS LIABILITIES OR THE MANAGEMENT OF THE OPERATIONS OF THE PUBLIC SERVICE AUTHORITY BY A THIRD PARTY OR ENTITY; TO CREATE A SPECIAL COMMITTEE OF THE GENERAL ASSEMBLY TO FURTHER NEGOTIATE THE TERMS AND CONDITIONS OF THE PREFERRED SALE RECOMMENDATION OF THE DEPARTMENT OF ADMINISTRATION REGARDING THE PUBLIC SERVICE AUTHORITY AND THE PREFERRED MANAGEMENT RECOMMENDATION OF THE DEPARTMENT OF ADMINISTRATION REGARDING THE PUBLIC SERVICE AUTHORITY, TO PROVIDE THAT THE SPECIAL COMMITTEE SHALL REPORT ONE RECOMMENDATION TO EACH HOUSE OF THE GENERAL ASSEMBLY FOR ITS APPROVAL, AND TO PROVIDE FOR THE MANNER IN WHICH THE SELECTED PROPOSAL SHALL TAKE EFFECT; AND TO AMEND CHAPTER 31, TITLE 58, CODE LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PUBLIC SERVICE AUTHORITY, SO AS TO FURTHER PROVIDE FOR THE GOVERNANCE AND OPERATIONS OF THE AUTHORITY IN CERTAIN PARTICULARS.

 Read the first time and referred to the Committee on Judiciary.

 H. 3602 -- Reps. W. Cox, Elliott, B. Cox, Hyde, Ligon, Collins, West, Gilliard, T. Moore, Gilliam, Yow, Bradley, Gagnon, Burns, Chumley, Haddon, Govan, Howard, G. M. Smith, Brawley, Cobb-Hunter, J. L. Johnson, Rose, Wooten, Calhoon, Cogswell, Hewitt, Jefferson, R. Williams, Murray, B. Newton, Hixon, Carter, Jones, King, McGarry, Anderson, K. O. Johnson, Wheeler, Rivers and Henegan: A JOINT RESOLUTION TO ADDRESS THE LOW RATE OF ADMINISTRATION OF COVID-19 VACCINATIONS IN SOUTH CAROLINA BY DIRECTING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO TEMPORARILY AUTHORIZE CERTAIN QUALIFIED HEALTH CARE WORKERS TO ADMINISTER CERTAIN APPROVED COVID-19 VACCINATIONS REGARDLESS OF WHETHER THE HEALTH CARE WORKERS ARE OTHERWISE PROHIBITED FROM DOING SO UNDER ANY PROFESSIONAL SCOPE OF PRACTICE OR UNAUTHORIZED PRACTICE PROVISION OF LAW IN THIS STATE.

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

 H. 3608 -- Reps. Lucas, G. M. Smith, Allison, Whitmire and McGarry: A JOINT RESOLUTION TO ADDRESS A FUNDING SHORTFALL FOR THE PUBLIC CHARTER SCHOOL DISTRICT AS A RESULT OF THE GENERAL ASSEMBLY ENACTING ACT 135 OF 2020 DUE TO FINANCIAL UNCERTAINTIES CAUSED BY THE COVID-19 VIRUS, BY APPROPRIATING NINE MILLION DOLLARS TO THE DEPARTMENT OF EDUCATION FOR DISTRIBUTION TO THE PUBLIC CHARTER SCHOOL DISTRICT FOR PER PUPIL FUNDING FOR THE 2020-2021 SCHOOL YEAR.

 Read the first time and referred to the Committee on Finance.

 H. 3691 -- Rep. Murphy: A BILL TO ADOPT REVISED CODE VOLUMES 1A AND 14A OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2021.

 Read the first time and referred to the Committee on Judiciary.

 H. 3707 -- Ways and Means Committee: A JOINT RESOLUTION TO MAKE APPROPRIATIONS FOR THE STATE'S PUBLIC HEALTH RESPONSE TO THE COVID-19 VIRUS, INCLUDING VACCINATIONS.

 Read the first time and referred to the Committee on Finance.

 H. 3720 -- Reps. Gagnon, West, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE ABBEVILLE HIGH SCHOOL FOOTBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXCEPTIONAL SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2020 SOUTH CAROLINA CLASS AA STATE CHAMPIONSHIP TITLE.

 The Concurrent Resolution was adopted, ordered returned to the House.

 H. 3721 -- Reps. J. L. Johnson, Brawley, Garvin, Bernstein, Rose, Thigpen, Howard, McDaniel, Rutherford, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Blackwell, Bradley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Huggins, Hyde, Jefferson, J. E. Johnson, K. O. Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Martin, Matthews, May, McCabe, McCravy, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Stringer, Taylor, Tedder, Thayer, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SHOP ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH PINEWOOD DRIVE TO ITS INTERSECTION WITH LONGWOOD ROAD THE "HONORABLE JIMMY C. BALES HIGHWAY" AND TO ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

 The Concurrent Resolution was introduced and referred to the Committee on Transportation.

**RECALLED AND ADOPTED**

 S. 493 -- Senator Hembree: A SENATE RESOLUTION TO DESIGNATE THE WEEK OF JANUARY 24 THROUGH JANUARY 30, 2021, AS “NATIONAL SCHOOL CHOICE WEEK” IN SOUTH CAROLINA AND TO CONGRATULATE STUDENTS, PARENTS, TEACHERS, AND SCHOOL LEADERS FROM K‑12 EDUCATIONAL ENVIRONMENTS OF ALL VARIETIES FOR THEIR PERSISTENCE, ACHIEVEMENTS, DEDICATION, AND CONTRIBUTIONS TO THEIR COMMUNITIES IN SOUTH CAROLINA.

 Senator HEMBREE asked unanimous consent to make a motion to recall the Resolution from the Committee on Education.

 The Resolution was recalled from the Committee on Education.

 Senator HEMBREE asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

 There was no objection.

 The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

 On motion of Senator HEMBREE, the Resolution was adopted.

**REPORT OF STANDING COMMITTEE**

 Senator HEMBREE from the Committee on Education submitted a favorable report on:

 S. 201 -- Senator Hembree: A BILL TO AMEND CHAPTER 18, TITLE 59 OF THE 1976 CODE, RELATING TO THE EDUCATION ACCOUNTABILITY ACT, BY ADDING ARTICLE 16, TO PROVIDE REVISED ACCOUNTABILITY MEASURES FOR PUBLIC SCHOOLS AND PUBLIC SCHOOL DISTRICTS; AND TO REPEAL ARTICLE 15, CHAPTER 18, TITLE 59 OF THE 1976 CODE, RELATING TO INTERVENTION AND ASSISTANCE UNDER THE EDUCATION ACCOUNTABILITY ACT.

 Ordered for consideration tomorrow.

 Senator VERDIN from the Committee on Medical Affairs polled out S. 454 favorable:

 S. 454 -- Senators Martin, Bennett, Massey and Jackson: A BILL TO AMEND SECTION 40‑33‑43, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZED PROVISION OF MEDICATIONS BY UNLICENSED PERSONS IN COMMUNITY RESIDENTIAL FACILITIES, SO AS TO EXTEND THESE PROVISIONS TO CORRECTIONAL FACILITIES.

**Poll of the Medical Affairs Committee**

**Polled 17; Ayes 17; Nays 0**

**AYES**

Verdin Peeler Hutto

Martin Scott Alexander

Davis *K. Johnson* Corbin

Kimpson Matthews Gambrell

Senn Cash McLeod

Loftis Garrett

**Total--17**

**NAYS**

**Total--0**

 Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

S. 487 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE LIEUTENANT MICHAEL CLAYTOR AND LIEUTENANT THOMAS MILLER FOR RECEIVING THE SOUTH CAROLINA SHERIFF’S ASSOCIATION MEDAL OF VALOR AND TO COMMEND THEM FOR THEIR HEROIC ACTIONS IN THE LINE OF DUTY.

 Returned with concurrence.

 Received as information.

 S. 488 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE SERGEANT COREY COOK FOR RECEIVING THE SOUTH CAROLINA SHERIFF’S ASSOCIATION MEDAL OF VALOR AND TO COMMEND HIM FOR HIS LEVEL-HEADED AND HEROIC ACTIONS IN THE LINE OF DUTY.

 Returned with concurrence.

 Received as information.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**READ THE THIRD TIME**

**SENT TO THE HOUSE**

S. 478 -- Senator K. Johnson: A BILL TO AMEND SECTION 2 OF ACT 183 OF 2020, RELATING TO THE CONSOLIDATION OF CLARENDON COUNTY SCHOOL DISTRICTS ONE AND THREE INTO CLARENDON COUNTY SCHOOL DISTRICT FOUR, TO INCREASE THE INITIAL MEMBERSHIP OF THE CLARENDON COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES FROM SEVEN TO NINE MEMBERS, TO PROVIDE THAT THE BOARD OF TRUSTEES SHALL BE COMPRISED OF SEVEN MEMBERS BEGINNING WITH THE 2024 GENERAL ELECTION, AND TO MAKE CONFORMING CHANGES.

On motion of Senator K. JOHNSON.

**Expression of Personal Interest**

 Senator MASSEY rose for an Expression of Personal Interest.

**Expression of Personal Interest**

 Senator CASH rose for an Expression of Personal Interest.

**READ THE THIRD TIME**

**SENT TO THE HOUSE**

S. 1 -- Senators Grooms, Verdin, Kimbrell, Garrett, Martin, Shealy, Climer, Corbin, Cromer, Rice, Adams, Hembree, Gambrell, Loftis and Campsen: A BILL TO ENACT THE “SOUTH CAROLINA FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT”; TO AMEND CHAPTER 41, TITLE 44 OF THE 1976 CODE, RELATING TO ABORTIONS, BY ADDING ARTICLE 6, TO REQUIRE TESTING FOR A DETECTABLE FETAL HEARTBEAT BEFORE AN ABORTION IS PERFORMED ON A PREGNANT WOMAN, TO PROHIBIT THE PERFORMANCE OF AN ABORTION IF A FETAL HEARTBEAT IS DETECTED, TO PROVIDE MEDICAL EMERGENCY EXCEPTIONS, TO REQUIRE CERTAIN DOCUMENTATION AND RECORDKEEPING BY PHYSICIANS PERFORMING ABORTIONS, TO CREATE A CIVIL ACTION FOR A PREGNANT WOMAN UPON WHOM AN ABORTION IS PERFORMED, TO CREATE CRIMINAL PENALTIES, AND FOR OTHER PURPOSES; TO AMEND SECTION 44‑41‑460(A) OF THE 1976 CODE, RELATING TO THE REQUIRED REPORTING OF ABORTION DATA TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO ADD REPORTING OF FETAL HEARTBEAT TESTING AND PATIENT MEDICAL CONDITION DATA; AND TO AMEND SECTION 44‑41‑330(A)(1) OF THE 1976 CODE, RELATING TO A PREGNANT WOMAN’S RIGHT TO KNOW CERTAIN INFORMATION, TO REQUIRE NOTIFICATION OF THE DETECTION OF A FETAL HEARTBEAT.

 The Senate proceeded to a consideration of the Bill.

 The question being third reading of the Bill.

 Senator SENN spoke on the Bill.

**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. 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 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 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 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 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 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.

 On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator SENN, were ordered printed in the Journal.

 Senator SHEALY spoke on the Bill.

**Remarks by Senator SHEALY**

 During this important debate of the Heartbeat Bill, it was clear to me, until a few minutes ago, the vast majority of the arguments and opinions have been offered by men. That is no surprise. Men make up the majority of the Senate. Members of the Senate, regardless of gender, should speak up for their constituents and faithfully represent those that they represent, especially when balancing such profound rights such as life and liberty. A man's perspective is still a man's perspective. As a woman whose actual liberty could have been affected in a life-changing way by the policy we are considering, I have a different perspective. I believe that abortion should never be used as birth control. Other methods are inexpensive or free and are readily available and should be employed and encouraged. I believe that no woman should be forced to suffer the horror of rape or incest, then be forced by the government to give birth to a child that was conceived out of hate and evil. As a woman, it has been very difficult for me to listen to the arguments by men in favor of forcing such circumstances upon a woman. I believe that women and men -- that all people have personal rights and responsibilities over what happens to their bodies and how they use their bodies. These rights are not unlimited and exclusive, particularly when these rights come into conflict with the rights of others, including the unborn. I believe passing the Heartbeat Bill with the exception of rape, incest, and fetal anomalies is the right thing for South Carolina. This Bill protects the life of the unborn with a heartbeat. At the same time recognizes, under exceptional circumstances, a woman's right to choose what happens to her body is a superior right. As Senator DAVIS so eloquently argued, it is impossible to attain, but the work done by this Senate gets as close to reaching that balance as we can hope to reach. I am a woman. I am a pro-life conservative, but I was a woman first. I will always be a woman first. I hope you will join me in voting and supporting this Heartbeat Bill. Thank you, Mr. PRESIDENT.

 On motion of Senator MARTIN, with unanimous consent, the remarks of Senator SHEALY, were ordered printed in the Journal.

 Senator CASH spoke on the Bill.

**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 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.

 On motion of Senator RICE, with unanimous consent, the remarks of Senator CASH, were ordered printed in the Journal.

 Senator MATTHEWS spoke on the Bill.

**Remarks by Senator MATTHEWS**

 Thank you, Mr. PRESIDENT. Thank you for those words, and I want to thank the entire Senate for where we are on this Bill. When I came to the Senate for this session after sitting at home for this entire last year and trying to work remotely as much as possible, I had explored with many of my colleagues the thought of how we would proceed to this session. I had asked several times, “Can't we meet in a more safe place?” and I got the same response, “No”, because of the constitution. I thank several committee chairs for allowing us to do it by video conferencing, and as we approach the session, still no accommodations. The pandemic, yes, it is a priority to all of us, cause it has affected all of our lives. The pandemic has made us change the way we do business, but unfortunately, here in the Senate it seems even though there is a pandemic, we are doing the same thing. Some of our oldest Senators are relegated to sitting up in the balcony where they cannot converse with us, and I was not in the Senate, but I was told by some of the older members that when the Senate and the House were being refurbished, when they were doing the upgrades, we met in a larger more feasible location. Well, we met in a different location, and so my point is why couldn’t we do that now so that we could have the appropriate discussion about accommodations during this pandemic? No, instead, where are we?

 We immediately jumped on this Bill. Do not get me wrong. The Senator that just spoke is exactly right. Elections have consequences. I am not going to be up here long. This Bill gives me a lot of problems. I appreciate the words of Senator SENN. You are spot on. You said many of the things that I started saying when I first came to the Senate. They have fallen on deaf ears. And I get it, elections have consequences. Power should not be abused, though. My other fellow female Senator, thank you for your words because it is important for us to understand and respect the perspectives of all of our fellow Senators. I have sat in close proximity to Senator CASH since he came to the Senate, and often we banter about our differences in opinion. You are exactly right, Mr. PRESIDENT, we should respect everybody's different perspectives on every Bill that comes before us and do that respectfully.

 I ask the Senate -- please make accommodations for all of us during this pandemic. Let us make that our priority. Elections have consequences. Winners make policy and law. Losers simply advocate for mercy. We have asked from the beginning why S.1 first? Why do this Bill now? Why is this a priority during the pandemic? The numbers are through the roof here in South Carolina. Eighty-eight people died yesterday, and the only thing we could do here is talk about how we are going to speed up this abortion law. That is the only thing? Can't we mark time and blow bubble gum? We have done nothing except hear DHEC talk and give us their side of what is going on, long enough for us to see they are way in over their head and they need our legislative help. What have we done as any resolution? I thank Senator DAVIS for presenting a Resolution in reference to the vaccinations. What have we done to help the living? What have we done to put shots in people's arms?

 I had a 70-something year old friend from Bennett’s point -- and if you know anything about where I live, Colleton County, Walterboro is where the health department is. To get from Bennett’s Point to our local DHEC is about 45 miles. Well, he is elderly. He is sitting out there on that island and he is sitting there trying to call, trying to call to get this vaccination because he has many health issues and trying to get online. Nobody seems to care. So finally he got in his old pick-up truck and came on up. He came by my office. He was so mad because the people in the local offices were twiddling their thumbs and told them he could not come in. They had nobody in line because nobody could get shots. What are we doing about the people who are alive, the people who put us here? What are we doing to take care of them? It seems like we do not care. We just can't put our heads in the sand and say, oh, DHEC will take care of it? We are not doing what we are supposed to do to make sure that elderly people have access to vaccines -- the people who take care of us every day. We are not doing what we are supposed to do to make sure that teachers, who we are requiring to go back to teach our children, are protected. They are the real first responders just like the police officers, just like the medical providers. Teaching is helping our economy grow. Why then is this General Assembly not doing anything to make sure the teachers and support staff get their shots now? Why are we doing nothing as it relates to rolling out the vaccine properly?

 All we are doing is sitting back saying, “Oh, DHEC needs to do better.” No, and I do not get it. I asked the gentleman who is the nominee to be Director of DHEC, “What specific and special will you bring to the table to get the shots out and get our elderly served?” He talked about, well, collaborating with D.C. to try to get more shots. Well, we need some more specifics. I believe that as Senators -- 46 Senators in here-- we need to be progressive about that. Be as dogmatic about getting shots in South Carolinians’ arms. Be as dogmatic about taking care of the living as you are about restricting a woman's right to decide what she does with her body.

 Yes, Senator SENN is right; our body is not chattel. You can do what you want regarding S. 1. You can pass it, but then what? It reminds me of this, simply this. Y'all have been chasing this car; it is like a dog chasing a car. The far right -- the radical right of the Republican Party have been chasing this car, this abortion car, since I have been in this Senate and way before then. Okay. Let us say you catch the car. Then what are you going to do with it? Because guess what? I do not think it is going to work. I do not think it is going to work. I know elections have consequences. We are going to march on -- the fact that you have a mandate from the radical right to pass abortion. Forget the fact that many are disgusted by the next major legislation that you want to take up being something the radical right wants, open carry of guns. I do not get it. Yes, we hear these things from people, but we have to take care of South Carolinians. I ask the DHEC folks, “Why don't you?” If you want to take care of South Carolinians, why not tell that 90-year-old person, don't get on the phone? Do not get on the internet, because you know he cannot use it. Get in your car and be first come first serve at your local DHEC. Those are problems we need to be resolving. There is no excuse why South Carolina has 90-year-old folks and above still do not have shots. That is taking care of pro-life. Elections do have consequences.

 What are you going to do when you make doctors criminals? Felons. Yes, I have been on this Bill since I have gotten here. At first when I got here, the Bill said to make them a felon -- $350,000 fine and 10 years. That has changed. It is still a felony, but let me ask you this. Why have we not seen a bunch of white coats in the lobby? Why? What is the deal there? Because I know if they become a felon for honoring their Hippocratic Oath and doing what they are supposed to protect their patient -- guess what happens? They lose their livelihood. If you are so prolife, what about the life of the doctor? What happens to his or her children? What happens to their practice? The other thing Senator SENN brought up that I was going to go into -- and I thank her for doing that, she's exactly right, if you tell someone, no, I can't give you an abortion, I can't terminate this pregnancy because it's beyond six weeks unless it's incest or rape -- have you not been to any of these colleges? Come on. I have had four pregnancies, and in not a one of them did I know that I was pregnant before I was eight weeks. That is not the way the body works.

 When all of this came down last week, my OB/GYN called me and said, “You know, sometimes we go in and we hear a heartbeat. The next time we go in and do not hear a heartbeat.” He said it is not as complicated as hearing a heartbeat, there are other things you have to check. Nevertheless, you know what; we sent this Bill through committee so fast that we did not get to hear from any of those people who really know what they were talking about. It was a priority. Now, the other thing he brought up to me was he said, “We in South Carolina don't have enough OB/GYNs to treat the patients.” Do you realize that there is a vast underrepresentation of OB/GYNs? We have 10 counties in South Carolina that do not even have an OB/GYN. He said to me, “That's why I used to have to serve Charleston and work myself into the ground -- come to Colleton just because you didn't have an OB/GYN in Hampton, Allendale or Colleton.” That is sad. Shouldn't we be doing something to incentivize the care of the women rather than criminalizing the doctors?

 I printed out a report that he sent me and I will be glad to make it available to you, but I know it will not really matter to a lot. It is a study that was done in August of 2020 on the best and worst states to have a baby. The best and worst states to have a baby. Guess where South Carolina ranks? You are right. Once again, we are at the bottom. South Carolina is 50th. This law will simply send doctors further away. Let's talk about the consequences of the report. And here, again, you are going to get this Bill because you have the numbers. Elections have consequences, but watch out. When your grandson or great grandson or neighbor has to call a lawyer because a cop is knocking on their door because some girl after a frat party got pregnant and now she is claiming rape; please, do not come see me. It is going to happen. Because she's going to say just what she needs to say, not all the time, but she's going to say what she needs to say to accuse someone of rape. Sad.

 The other part is this is going to disproportionately affect low-income women because they do not have the resources of mommy and daddy to take them to a bordering county or state. They do not have the resources to fly to a blue state or get in the car and go to a blue state. It is not going to stop abortions as it relates to girls that are more affluent. Only the ones without means. While we are talking about ones without means, there was an amendment, and I do not know what happened to that amendment, it is not a part of S. 1. However, I think the public needs to know that when we were in committee on S. 1, there was an amendment, and I kept telling Senator DAVIS there, you know, this is a pig. You can put a bow on it, you can put lipstick on it, but it is still a pig, so I would not vote for any of the amendments. Then they kept coming. One of the amendments had the nerve to say that we will provide so-called Obamacare to those who would have the baby with the exception to those women who might be illegal. Oh, my God. So, in other words, you really care about making women have babies with the exception of those women that might be illegal. A baby is a baby. A life is a life. All of us in here are pro-life.

 I submit to you, ladies and gentlemen of this Senate, this is not a pro-life Bill, this is a pro-birth Bill -- have it at all costs. Now the challenge is going to be what we are going to do when we make them have it. The challenge is going to be are we going to provide healthcare? Are we going to expand Medicare? The challenge is going to be are we going to protect and create an educational system that will make these children that you have forced into this world productive educated citizens? Are we up for the challenge? We are pro-birth, not pro-life. What are we going to do about our hospitals in the rural areas? We are not going to be able to attract any doctors, so let us give up on that. No doctor is going to want to come to this State. What are we going to do about training and educating at our teaching hospitals? Will this Bill mean that they can't learn all the procedures of aborting a because of the limitations of this Bill? Of course, that is what it means.

 What happened to the Republican initiatives announced this summer as a priority once we came into session? I remembered the disgust we all felt after George Floyd died. What happened to the press conference that was had where there was an agreement or a pronouncement that the Republican Party was dedicated to police reform? I remember the Senator who was here before Senator SENN, Senator Thurman. He kept pressing a Bill relating to PTSD for police officers and getting them treatment. It died and died and died. What happened to the initiatives to protect the life of people who are killed and officers who are affected because we have not done anything regarding police reform? Yes, elections do have consequences.

 You have with your numbers essentially caught the car. Now let us see what you are going to do with it. It seems like the two tricks are pro- birth and open carry of guns. If you want to go ahead and get that done, let's do it. Hurry up and do it. Get it over with so we can get on and do the work of the State of South Carolina. The work of protecting the people that are alive, protecting the people that need us. Let's stop bowing down and catering to the radical right. We have to do better. I am of the belief that, yes, our rights end where our nose begins. All lawyers in here know that that is one of the first things they tell you in constitutional law, and we know about separation of church and state. I have heard many biblical references during this debate, and I am going to give you one. My mother always told me, if you turn that bible around enough, turn enough pages, and look enough, you will find a biblical reference to anything, and you can shape it the way you want. I have heard all of this about personhood and heartbeat. Well, I am going to give you a reference. You can read it on your own. Numbers, Chapter 5 verse 11 through 31. I never professed to be a biblical scholar, but Numbers, Chapter 5 verses 11 through 31 details the punishment for a women found to have committed adultery and gotten pregnant. A formula of drink was mixed up and given to the woman. It caused her uterus to swell and she would miscarry the baby if she were guilty. Now, that flies in the face of that oh, the child is innocent. We need to protect all life. That chapter also indicates that the fetus does not possess a right to life in and of itself, and back then, they felt that the fetus did not possess a life -- a right to life. It was killed if it was conceived in adultery.

 I am going to end by saying I am ready. I am ready to roll up my sleeves and take care of all of South Carolina. I am ready to do whatever is necessary to deal with this pandemic and the effects. I am ready to deal with real issues. Let's deal with police reform. Let's deal with the pandemic. Let's deal with healthcare for women. Healthcare for all. Let's deal fairly for those extra 5,000 children. Let's deal with education, freedom for them. Let's do that. Let's hurry up and do it. We have to do it together. Just because you have the power, does not mean you should trample on the rights of others. Thank you.

 On motion of Senator McLEOD, with unanimous consent, the remarks of Senator MATTHEWS, were ordered printed in the Journal.

 Senator HARPOOTLIAN spoke on the Bill.

 Senator K. JOHNSON spoke on the Bill.

 Senator McLEOD spoke on the Bill.

**Remarks by Senator McLEOD**

 Thank you Mr. PRESIDENT. I hadn’t planned to speak again today. But after hearing Senator CASH talk about how grateful some women are to have been raped, yesterday, I could barely contain myself.

 Clearly, he has never been raped. It’s probably safe to assume that the 40 men in this Body and the one hundred men of the South Carolina House haven’t either. Well, I have.  You’re looking at a sexual assault survivor who, like most women and girls, didn’t tell my parents and didn’t report the crime to law enforcement. Not because I didn’t want to and definitely not because I didn’t need to.  But, because I was afraid to.

So, how dare you. How dare you!

 And all the talk about God. Let me remind you -- God gives us free will to make our own decisions and choices. It’s this Bill, and others like it, that take that away -- our rights, our liberties, our freedoms and our choices -- with this Bill that’s about anything BUT life. It’s this Bill that mocks God by taking away our rights, our liberties, our freedoms and our choices. And it’s this Bill that’s about anything but life.  So, after all of that -- do you have to take our dignity too? Does it make you feel good when women have to relive the horror, unspeakable shame and the trauma we’ve experienced by a man, then forced to retell it to yet another man -- this one with a badge?

 Just like rape, this Bill is about POWER and CONTROL.  Raped by a man. Now, forced to report it to a man. Governed by a body of men. A reminder that she may have survived the assault, but her every move during and after it will be governed by men. We’ve got 46 county sheriffs in this State. Forty-five of them happen to be men. And likely, men who have no idea what it’s like to be sexually assaulted or raped. Men who don’t have the God-given capacity to become pregnant or be forced to give birth and be forever bonded to the seed of her rapist. Men who have no idea what she’s been through or going through and quite frankly, couldn’t care less.

 We’ve heard enough of the hypocrisy. We’ve seen the props and the pics. And yes, we know we’re outnumbered now in this Chamber, just like you’re now outnumbered beyond this Chamber.  But what I can’t get past is the sheer audacity that this male-dominated legislature has to force women and girls of this State to report this crime to our male-dominated law enforcement agencies -- knowing that both are ill-equipped to handle the magnitude of that responsibility.  We’ve still got rape kits that haven’t been touched and rape cases that haven’t been solved from years ago, but who cares if these survivors ever get justice. You just hope they get pregnant.

 The reality is most women and girls don’t report these crimes to law enforcement. Not because they don’t want to hold these offenders accountable, but because they’re scared to death. They’ve survived the rape, but then comes the trauma, the guilt, the shame, the torment and the fear. Without mental, emotional and financial support, many more women and girls won’t survive the additional hell we’re going to put them through with this Bill. And sadly, desperation and despair will lead some down a dark, dangerous and deadly path only to bleed out in back alleys because they feel hopeless, helpless and believe they have no other choice.

 This isn’t about holding rapists and sexual predators accountable and you know it. In fact, you’ve said very little if anything about that because you know this Bill does just the opposite. It protects rapists and child molesters and you’re fine with that. It doesn’t protect the unborn. And it certainly doesn’t protect the women who are forced into motherhood, many before they even get to experience womanhood.

 Senator CASH, I’m glad that some women are able to move beyond the physical, mental emotional and psychological scars to turn their mess onto a message. Their trauma into a testimony. God’s Grace into gratitude. But even they had a choice. I’m just asking that the men in this Body give the women and girls of this State that same choice. Because you’ve reminded us again today that S.1 and other anti-abortion bills are your party’s only priority, even during a global pandemic. And because appealing to your conscience about your unwillingness to protect ALL LIVES -- regardless of guilt or innocence -- doesn’t work, let me try to appeal to what drives you -- your politics.

 At least 1.2 million of South Carolina’s registered voters are women. That’s 55% of our state’s registered voters. And according to the Institute of Women’s Policy Research, South Carolina is home to almost 2.5 million women and girls.  That’s almost half of our State’s population.  So enjoy this power and control while you have it, fellas. It’s just politics for you.  But it’s personal for millions of us and one of these good ole election days not too long from now, we’re going let you know it.

 On motion of Senator FANNING, with unanimous consent, the remarks of Senator McLEOD, were ordered printed in the Journal.

 Senator STEPHENS spoke on the Bill.

**Remarks by Senator STEPHENS**

 Thank you, Mr. PRESIDENT. Thank you, my esteemed colleagues. I never thought I would be standing here this afternoon to discuss one of the most important issues that affects not only South Carolina but also the United States as a whole. As I look back through my many emails since I took the oath of office, there have been in excess of 120 emails concerning the Abortion Bill. Looking at and going back, evaluating those emails and seeing the opinions and reading the opinions of those emails, I did a survey and out of the 120 emails, there were 70 persons who asked me to vote “no” on the Heartbeat Bill. That is the majority as relates to the number of individuals that asked me to do such. Now more than four decades after the Supreme Court Roe v. Wade decision, many opponents and supporters are still battling over the issue -- courts and at ballot boxes throughout the United States. Recently, enacted Alabama law has been described, as the nation, most restrictive. Several other states also passed new restrictions on abortion with an eye towards giving the Supreme Court the chance to overturn its decision in Roe. As the debate when abortion continues -- there are five facts I would like to share with you as it relates to polling that was done by a pew research center. About six in ten U.S. adults, 60 or more percent, said in a 2019 survey that abortion should be legal in all or most cases compared to 38% who said it should be legal all, or most of the time. Now on both sides of the issue -- Americans are more likely than not to leave room for exceptions with more saying abortions should be legal or illegal most of the time rather than always. Public support for legal abortion remains high as it has been in two decades of polling. There is virtually no difference between views of men and women. There is substantial and growing partisan divide on abortion as we know that exists here in this Chamber and chambers throughout the United States of America. With Democrats, those who lean toward the Democratic Party -- more likely Republicans and GOP leaders to support legal abortion in all and more likely than GOP leaders that support abortion in all or most cases -- 82% versus 36%. There are large gaps based on religious affiliation. Now get this, everyone, please. For example, three-quarters of white evangelical, and private citizens, 77%, say abortion should be illegal in all or most cases -- while all or most cases the largest share of unaffiliated Americans, 83% take the opposing view, saying that abortion should be mostly or entirely legal. Now, when it came to the Supreme Court in the 1973 landmark abortion ruling, Americans, 70%, in a 2019 survey -- Roe v. Wade should not be completely overturned. Again, Democrats are far more likely than Republicans to hold this view. Republicans are roughly evenly divided, with 50% saying they do not want to see Roe v. Wade completely overturned and 48% said they would like the decision to be tossed out. Now overall, a similar majority of women at 70% and men at 69% do not want Roe v. Wade overturned. In December 2017, roughly half of Americans, 48%, said having an abortion is morally wrong while 20% said it was morally acceptable and 31% said it was not a moral issue. These views also differ. They differ by religious affiliations. About three-quarters of evangelical and Protestants, 77%, say having abortion is morally wrong. Just 24% of religious unaffiliated people agreed. Now the vast majority of Americans, the vast majority of Americans expect abortion to remain at least mostly legal in the United States. Now a survey conducted in 2018 asked Americans what you think the status of abortion laws in the country will be in 2050. About three-quarters of them said it would either be legal with no restrictions, 22% or legal with some restrictions, 55% or fewer said it would be illegal except in certain cases -- 68%. Now ladies and gentlemen, I was sent here to voice the concerns of the constituents in Senate District 39, but I also will sit here to voice the concerns of South Carolinians as a whole. Now, I may have just been targeted by those who cared for me just to vote “no” but it took a lot of thinking. I had a mother, I have sisters, I have nieces, and in conversation with those individuals they asked would you please voice the concerns of women having the authority over their bodies. When hearing that and being reminded of my responsibility as an elected official in voicing the concerns of those who sent me here, I have no other choice but to stand as I said to those by text messages and to those by emails that I stand firmly with them in not supporting this Bill as it is presently written. I understand numbers and I understand that this Bill will pass. It will go to the other Chamber and it will be slashed, cut up, however you want to phrase it, and it will probably come back to a conference committee. As I listen to the debates throughout, I am truly concerned about the direction that this Assembly will go. I have all confidence that our PRESIDENT will lead us in the right direction -- our Majority leader and Minority leader will help lead us in the right direction. I am asking us to please when we stand before this Assembly that we take in regards those individuals who sent us here to do a job. With that being said, Mr. PRESIDENT and my esteemed colleagues, I say thank you.

 On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator STEPHENS, were ordered printed in the Journal.

 Senator HUTTO spoke on the Bill.

 The question then was third reading of the Bill.

 The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 30; Nays 13**

**AYES**

Adams Alexander Bennett

Campsen Cash Climer

Corbin Cromer Davis

Gambrell Garrett Goldfinch

Grooms Gustafson Hembree

*Johnson, Michael* Kimbrell Leatherman

Loftis Martin Massey

Peeler Rankin Rice

Shealy Talley Turner

Verdin Williams Young

**Total--30**

**NAYS**

Allen Fanning Harpootlian

Hutto *Johnson, Kevin* Malloy

Matthews McElveen McLeod
Sabb Scott Senn

Stephens

**Total--13**

 There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

**Statement by Senator MALLOY**

 I did not vote for S. 1, as I have concerns about a woman’s knowledge

of her pregnancy at only six weeks. Further, criminal prosecution of doctors set forth in this Bill is problematic. I have supported the 20 week abortion ban and the SC Pain-Capable Unborn Protection Act. This Bill has further constitutional problems that will prove timely and expensive as a stay/injunction is expected. It is my further belief that while many say that this legislation is a partisan issue, this Bill could have been defeated by the opponents if they had fought the exception amendment, (R014, KMM.ASM). Finally, it is my belief that the Senate should be addressing other priorities such as the COVID-19 at this early stage of the session instead of S. 1.

**Expression of Personal Interest**

 Senator MARTIN rose for an Expression of Personal Interest.

**ADOPTED**

S. 492 -- Senators Jackson, Scott, Harpootlian, McLeod and McElveen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SHOP ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH PINEWOOD DRIVE TO ITS INTERSECTION WITH LONGWOOD ROAD THE “HONORABLE JIMMY C. BALES HIGHWAY” AND TO ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

 The Resolution was adopted, ordered sent to the House.

**Motion Adopted**

 On motion of Senator MASSEY, the Senate agreed to stand adjourned.

**MOTION ADOPTED**

 On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Wayne Steven Smith of West Columbia, S.C. Wayne was a friend of our beloved Senator Setzler. He was a graduate of Brookland-Cayce High School and a U.S. Navy vet. Wayne worked for Delta Airlines several years before starting a career with Richland Wholesale Liquors. He was an avid Gamecock Club member for over 50 years. Wayne was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

 At 1:58 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up and to stand adjourned to meet Tuesday, February 2, 2021, under the provisions of Rule 1B.

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