**Wednesday, November 9, 2022**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:05 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:

Deuteronomy 6:5

From Deuteronomy we turn to a part of the prayer called the Shema:

“You shall love the Lord your God with all your heart, and with all your soul, and with all your might.”

I urge you, good friends, to join me as together we pray: Truly, O Wondrous God, we know full well that You command us to be ever faithful to You as we strive to serve others. May that always be our goal every moment of our lives, Lord. And particularly today do we pray that these Senators themselves will never lose sight of Your intent that they unfailingly carry out Your will, governing in ways that are right and just and beneficial for all of our citizens. To that end embrace and guide not only all who strive to honor You here in this Senate Chamber, but also those women and men in uniform in the many world’s hotspots and here at home, as well as all who serve in so many other leadership roles in our State and Nation. And ultimately, in every regard, may this Senate’s actions always reflect love for You and for every South Carolinian. In Your wondrous name we humbly pray, dear Lord. Amen.

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

**Leave of Absence**

On motion of Senator GROOMS, at 11:08 A.M., Senator CAMPSEN was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator WILLIAMS, at 1:32 P.M., Senator YOUNG was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator CROMER, at 1:32 P.M., Senator GROOMS was granted a leave of absence for balance of the day.

**Leave of Absence**

On motion of Senator GOLDFINCH, at 1:32 P.M., Senator RANKIN was granted a leave of absence for today.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1398 -- Senator Kimbrell: A SENATE RESOLUTION TO CONGRATULATE DR. GARY HOLLINGSWORTH UPON THE OCCASION OF HIS RETIREMENT FROM THE SOUTH CAROLINA BAPTIST CONVENTION, TO COMMEND HIM FOR HIS SEVEN YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

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The Senate Resolution was adopted.

S. 1399 -- Senator Kimpson: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF MR. PETER MILLER AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1400 -- Senator Young: A SENATE RESOLUTION TO CONGRATULATE COUNCILMEMBER CAMILLE FURGIUELE UPON THE OCCASION OF HER RETIREMENT AS AIKEN COUNTY COUNCILMEMBER, TO COMMEND HER FOR HER EIGHT YEARS OF DEDICATED SERVICE TO AIKEN COUNTY, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

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The Senate Resolution was adopted.

S. 1401 -- Senator Jackson: A SENATE RESOLUTION TO HONOR REVEREND SAMMY LEE WADE, PASTOR OF MT. NEBO BAPTIST CHURCH IN EASTOVER AND ST. JOHN BAPTIST CHURCH IN HOPKINS, AND TO CONGRATULATE HIM UPON TWENTY YEARS OF PASTORAL MINISTRY.

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The Senate Resolution was adopted.

S. 1402 -- Senator Allen: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DEION M. JAMISON, A NINTH AND TENTH GRADE ENGLISH TEACHER AT LEGACY EARLY COLLEGE IN GREENVILLE, AND TO CONGRATULATE HIM UPON BEING NAMED THE 2023 SOUTH CAROLINA TEACHER OF THE YEAR.

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The Senate Resolution was adopted.

**THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**H. 5399--REPORT OF THE**

**COMMITTEE OF CONFERENCE**

H. 5399 -- Reps. Lucas, G.M. Smith, McCravy, T. Moore, White, Ligon, Long, Gilliam, Chumley, Burns, Hardee, Bailey, J.E. Johnson, B. Newton, Hewitt, Bustos, Jordan, M.M. Smith, Davis, Hyde, Hixon, West, Hiott, Jones, Caskey, Fry, Thayer, Pope, Forrest, Oremus, Trantham, Bennett, McGarry, Felder, Allison, D.C. Moss, Brittain, Nutt, Haddon, Huggins, G.R. Smith, Magnuson, May, Wooten, B. Cox, Yow, Murphy, Crawford, Bryant and Robbins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑41‑05 SO AS TO PROHIBIT ABORTIONS IN THE STATE OF SOUTH CAROLINA.

On motion of Senator MASSEY, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

**H. 5399 -- Conference Report**

The General Assembly, Columbia, S.C., November 9, 2022

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 5399 -- Reps. Lucas, G.M. Smith, McCravy, T. Moore, White, Ligon, Long, Gilliam, Chumley, Burns, Hardee, Bailey, J.E. Johnson, B. Newton, Hewitt, Bustos, Jordan, M.M. Smith, Davis, Hyde, Hixon, West, Hiott, Jones, Caskey, Fry, Thayer, Pope, Forrest, Oremus, Trantham, Bennett, McGarry, Felder, Allison, D.C. Moss, Brittain, Nutt, Haddon, Huggins, G.R. Smith, Magnuson, May, Wooten, B. Cox, Yow, Murphy, Crawford, Bryant and Robbins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑41‑05 SO AS TO PROHIBIT ABORTIONS IN THE STATE OF SOUTH CAROLINA.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. This act may be cited and shall be known as the “South Carolina Human Life Protection Act”.

SECTION 2. The General Assembly hereby finds all of the following:

(1) All human beings are created equal, and endowed by their Creator with certain unalienable rights, the foremost of which is the right to life.

(2) Section 3, Article I of the Constitution of the State of South Carolina, 1895, guarantees that no person may be deprived of life, liberty, or property without due process of law or be denied the equal protection of the laws, and a preborn child is deserving of that protection.

SECTION 3. Chapter 41, Title 44 of the 1976 Code is amended by adding:

“Article 7 South Carolina Human Life Protection Act

Section 44‑41‑810. For purposes of this article:

(1) ‘Abortion’ means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn human being. Such use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of the preborn human being, or to remove a dead unborn human being.

(2) ‘Female’ means a biological female as assigned at the time of birth or an intersexed person capable of producing an ovum at birth.

(3) ‘Physician’ means any person licensed to practice medicine and surgery, or osteopathic medicine and surgery, in this State.

(4) ‘Pregnant woman’ means the human biological female reproductive condition of having a living unborn child within her body, whether or not she has reached the age of majority.

(5) ‘Reasonable medical judgment’ means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(6) ‘Unborn human being’ or ‘unborn child’ or ‘preborn child’ or ‘preborn human being’ or ‘fetus’ each mean an individual organism of the species homo sapiens from conception until live birth.

Section 44‑41‑820. (A) No person may knowingly administer to, prescribe for, or sell to any pregnant woman any medicine, drug, or other substance with the specific intent of causing an abortion.

(B) No person may knowingly use or employ any instrument, device, means, or procedure upon a pregnant woman with the specific intent of causing an abortion.

Section 44‑41‑825. (A) Notwithstanding another provision of law, a physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman if the pregnancy is the result of rape or incest, and the probable post‑fertilization age of the fetus is fewer than twelve weeks.

(B) A physician who performs or induces an abortion on a pregnant woman based on the exceptions in subsection (A) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than twenty‑four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, a physician who performs or induces an abortion based upon an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman’s medical records that the abortion was performed pursuant to the applicable exception, that the doctor timely notified the sheriff of the allegation of rape or incest, and that the woman was notified prior to the abortion that the physician would notify the sheriff of the allegation of rape or incest.

Section 44‑41‑830. (A) It is not a violation of Section 44‑41‑820 for a licensed physician to perform a medical procedure necessary in reasonable medical judgment to prevent:

(1) the death of the pregnant woman;

(2) a substantial risk of death for the pregnant woman because of a physical condition; or

(3) the substantial physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions.

However, the physician shall make reasonable medical efforts under the circumstances to preserve the life of the pregnant woman’s unborn child, to the extent it does not substantially risk the death or physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions and in a manner consistent with reasonable medical practice. A medical procedure shall not be considered necessary if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial physical impairment of a major bodily function.

(B) A physician who performs a medical procedure as described in subsection (A) shall declare, in a written document, that the medical procedure was necessary, by reasonable medical judgment, to prevent the death of the pregnant woman, to prevent a substantial risk of death for the pregnant woman because of a physical condition, or to prevent the substantial risk of a substantial physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions. In the document, the physician shall specify the pregnant woman’s medical condition that the medical procedure was asserted to address and the medical rationale for the physician’s conclusion that the medical procedure was necessary to prevent the death of the pregnant woman, to prevent a substantial risk of death for the pregnant woman because of a physical condition, or to prevent the serious risk of a substantial impairment of a major bodily function of the pregnant woman and that all reasonable efforts were made to save the fetus in the event it was living and in utero. Such documentation must be included in the woman’s medical records within thirty days from the date of the procedure. The physician’s exercise of reasonable medical judgement for a permitted medical procedure is presumed within the applicable standard of care.

(C) It is presumed that the following medical conditions constitute a substantial risk of death or substantial risk of a substantial physical impairment of a major bodily function of a pregnant woman: molar pregnancy, partial molar pregnancy, blighted ovum, ectopic pregnancy, severe preeclampsia, HELLP syndrome, abruptio placentae, severe physical maternal trauma, uterine rupture, intrauterine fetal demise, and miscarriage.However, when an unborn child is alive in utero, the physician must make all reasonable efforts to deliver and save the life of an unborn child during the process of separating the unborn child from the pregnant woman, to the extent it does not adversely affect the life or physical health of the pregnant woman, and in a manner consistent with reasonable medical practice. The enumeration of the medical conditions in this subsection is not intended to exclude or abrogate other conditions that satisfy the exclusions of subsection (A) or prevent other procedures that are not included in the definition of abortion in Section 44‑41‑810.

(D) Medical treatment provided to the pregnant woman by a licensed physician which results in the accidental or unintentional injury to or the death of her unborn child is not a violation of Section 44‑41‑820.

(E) It is not a violation of Section 44‑41‑820, and nothing in this article may be construed to prohibit the use, sale, prescription, or administration of a contraceptive measure, drug, chemical, or device if the contraceptive measure, drug, chemical, or device is used, sold, prescribed, or administered in accordance with manufacturer instructions and is not used, sold, prescribed, or administered to cause or induce an abortion of a clinically diagnosable pregnancy.

(F) Nothing in this article shall be construed to prohibit in vitro fertilization or assisted reproductive technology procedures accepted as standard of care by the reproductive medical community. No part of the in vitro fertilization procedures or assisted reproductive procedures considered normal standard of care will be considered an abortion procedure. Notwithstanding the above, the practice of ‘selective reduction,’ (defined as a procedure to stop the development of one or more fetuses in utero*)* shall constitute an abortion in violation of Section 44‑41‑820, above, except, when necessary, in reasonable medical judgment, to prevent a substantial risk of death for another fetus, or the substantial and irreversible physical impairment of a major bodily function of another fetus.

Section 44‑41‑840. (A) A person who violates Section 44‑41‑820 is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both.

(B) Any person who uses force or the threat of force to intentionally injure or intimidate any person, for the purpose of coercing an abortion in violation of Section 44‑41‑820 is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both.

(C) Notwithstanding the provisions of Section 44‑41‑830, any person who is not a physician licensed in this State, who prescribes any means of abortion as defined in this article, for the purpose of facilitating an abortion inside the borders of this State, violates Section 44‑41‑820, is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both.

Section 44‑41‑850. (A) In addition to whatever remedies are available under the common or statutory law of this State, failure to comply with the requirements of this article shall provide the basis for a civil action as described in this section.

(B) Any pregnant woman upon whom an abortion has been performed, induced, or coerced in violation of this article may maintain an action against the person or persons who violated this article for actual and punitive damages. In addition to all other damages, and separate and distinct from all other damages, each plaintiff is entitled to statutory damages of ten thousand dollars for each violation of this article to be imposed on each defendant of each such violation.

(C) A separate and distinct cause of action for injunctive relief against any person or persons who have violated this article may be maintained by:

(1) the woman upon whom an abortion was performed or induced in violation of this article;

(2) the parent or guardian of the pregnant woman if the woman had not attained the age of eighteen years at the time of the abortion or has died as a result of the abortion;

(3) a solicitor or prosecuting attorney with proper jurisdiction; or

(4) the Attorney General.

The injunction prevents the person or persons who violated the article from further violation of this article in this State.

(D) If judgment is rendered in favor of the plaintiff(s) in an action described in this section, the court also shall render judgment for reasonable costs and attorney’s fees in favor of the plaintiff(s) against the defendant(s).

(E) No damages, costs, or attorney’s fees may be assessed against the woman upon whom an abortion was performed or induced.

(F) In no case may civil damages be awarded to any plaintiff if the pregnancy resulted from the plaintiff’s criminal conduct.

(G) A civil cause of action under this section must be brought within three years from the date of the abortion and is not subject to the limitations and requirements of Chapter 79, Title 15.

Section 44‑41‑860. A pregnant woman on whom an abortion is performed or induced in violation of this article may not be criminally prosecuted for violating any of the provisions of this article or for attempting to commit, conspiring to commit, or acting complicitly in committing a violation of any of the provisions of the article and is not subject to a civil or criminal penalty based on the abortion being performed or induced in violation of any of the provisions of this article.

Section 44‑41‑870. In addition to any other penalties imposed by law, a physician or any other professionally licensed person who intentionally, knowingly, or recklessly violates the prohibition in Section 44‑41‑820 commits an act of unprofessional conduct and the person’s license to practice in the State of South Carolina immediately shall be revoked by the State Board of Medical Examiners for South Carolina, after due process according to the rules and procedures of the State Board of Medical Examiners. A complaint may be originated by any person or sua sponte. In addition, the State Board of Medical Examiners may assess costs of the investigation, fines, and other disciplinary actions it may deem appropriate.

Section 44‑41‑880. In every civil or criminal proceeding or action brought under this article, the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or induced shall be preserved from public disclosure if the woman does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that the woman’s anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or induced, anyone, other than a public official, who brings an action pursuant to Section 44‑41‑820 shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

Section 44‑41‑890. If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.

Section 44‑41‑900. (A) Notwithstanding any other provision of law, a biological father of a child has a duty to pay the mother of the child the following financial obligations beginning with the date of conception:

(1) child support payment obligations in an amount determined pursuant to Section 63‑17‑470;

(2) fifty percent of the mother’s pregnancy expenses.

(a) Any portion of a mother’s pregnancy expenses paid by the mother or the biological father reduces that parent’s fifty percent obligation regardless of when the mother or biological father pays the pregnancy expenses.

(b) Pregnancy expenses must include fifty percent of the mother’s insurance premiums that are not paid by her employer or governmental program beginning from the date of conception and before the pregnancy ends, unless otherwise ordered by the court.

(c) Item (2) does not apply if a court apportions pregnancy expenses as part of an award of child support in item (1).

(B) In the case of a mother who becomes pregnant as a result of rape or incest, the biological father, in addition to the duties imposed by subsection (A), also is responsible for the full cost of any expenses incurred by the mother for mental health counseling arising out of the rape or incest.

(C) The duties imposed by this section accrue at the time of conception and must be applied retroactively when paternity is contested and medical evidence establishes the paternity of the child. Interest accrues on any retroactive obligations beginning with conception until either the obligations are brought current or paid in full whichever happens first. The rate of interest must be calculated based on the applicable interest rate for money decrees and judgments in this State established annually by the South Carolina Supreme Court.”

SECTION 4. Article 1, Chapter 41, Title 44 of the 1976 Code is amended by adding:

“Section 44‑41‑90. (A) No funds appropriated by the State for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except as provided in Section 44‑41‑680.

(B) No funds appropriated or authorized by the State may be used by any political subdivision of the State to purchase fetal tissue obtained from an abortion or fetal remains, nor may any political subdivision of the State accept donated fetal remains.

(C) No state funds may, directly or indirectly, be utilized by Planned Parenthood for abortions, abortion services or procedures, or administrative functions related to abortions.”

SECTION 5. Section 44‑41‑20 of the 1976 Code is repealed.

SECTION 6. Section 44‑41‑70(b) of the 1976 Code is amended to read:

“(b) The department shall promulgate and enforce regulations for the licensing and certification of facilities other than hospitals as defined in Section 44‑41‑10(d) wherein abortions are to be performed ~~as provided for in Section 44‑41‑20(a) and (b)~~.”

SECTION 7. The South Carolina House of Representatives, the South Carolina Senate, the South Carolina Governor and/or the South Carolina Attorney General may intervene as a matter of right in any case in which the constitutionality or enforceability of any SECTION of this act is challenged. The General Assembly may appoint one or more of its members to intervene as a matter of right in any case in which the constitutionality or enforceability of any SECTION of this act is challenged.

SECTION 8. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 9. This act takes effect upon approval of the Governor. /

Amend title to conform.

/s/Sen. Richard J. Cash /s/Rep. John R. McCravy III

/s/Sen. A. Shane Massey /s/Rep. Thomas E. “Tommy” Pope

Sen. Margie Bright Matthews Rep. Elizabeth “Spencer” Wetmore

On Part of the Senate. On Part of the House.

Senator MASSEY explained the report.

Senator CASH spoke on the report.

The question then was adoption of the Report of Committee of Conference.

Senator DAVIS moved to lay the conference report on the table.

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

**Ayes 23; Nays 21**

**AYES**

Allen Davis Fanning

Gustafson Harpootlian Hembree

Hutto Jackson *Johnson, Kevin*

Kimpson Malloy Massey

Matthews McElveen McLeod

Sabb Scott Senn

Setzler Shealy Stephens

Williams Young

**Total--23**

**NAYS**

Adams Alexander Bennett

Cash Climer Corbin

Cromer Gambrell Garrett

Goldfinch Grooms *Johnson, Michael*

Kimbrell Loftis Martin

Peeler Reichenbach Rice

Talley Turner Verdin

**Total--21**

The report was laid on the table.

**Remarks by Senator CASH**

On June the 24th of this year, Roe v. Wade was overturned. The Supreme Court made it clear at that time it was giving back to the states the right and responsibility for any law regarding human abortion. It's been 138 days since the Dobbs decision was announced and according to DHEC, statistics, at a minimum, at a minimum -- 2128 unborn babies, probably half or more -- with a beating heart -- have been killed in South Carolina. That is an average of 15 unborn babies a day over the last past 138 days -- that the responsibility and the right regarding the law to abortion has rested with the General Assembly. What do you think we would do in this General Assembly if 17 school age children were gunned down one day? If 15 school age children were gunned down one day and then the next day 15 more were gunned down and the day after that 15 more school age children were gunned down? What would be the response of this General Assembly? Would we say well, we ought to do something about that, maybe, some day -- eventually. Let's not rush into it. We might write a law that's not perfect. Let's have some committees, and think about it, and we'll get back to this next year, and in the meantime, just hope that when your child goes to school today they come home. You know, you could wish that the Supreme Court had not overturned Roe v. Wade. and that every abortion in this State was not our responsibility because the law permits it, which it currently does. But that's just wishful thinking. Because it rests with us, unless they change their mind in a future ruling. Whatever the abortion law is in this State is what we want it to be.

So where does this stark comparison lead us? Well, I'll tell where you it leads me, very simply. We can talk about being pro-life. We can talk about unborn babies being human and having a right to life. There's one party that talks about that a whole lot more than the other party. But when we can't actually bring ourselves to do that which we profess to believe, that which our party platform clearly articulates -- when 15 unborn babies a day are being killed in this State, after 138 days, and into the foreseeable future the way things are looking this morning -- then I would challenge you -- you don't really believe what you say you believe. If you claim to be pro-life, if you claim to believe that a human life begins at conception -- You don't value that unborn life in the womb the way you value the school-aged child. It's that simple because if 15 children a day were being gunned down in our schools we would shut everything down in this State until we figured it out. So it's that simple. We can profess whatever we want. But we don't believe those unborn babies have the same value as a school aged child. We just don't. I'm going to ask you today to do what we often do. Which is vote for a Bill that has been worked out through the compromise of conference committee. It's not a perfect pro life Bill. and I am assured that there's not even a single member of this Body that is perfectly happy with that Bill the way it stands right now. I'm not. I don't believe a single person in here would say I'm perfectly happy with this compromise report from the conference committee. But we vote for Bills all the time that we're not in complete agreement with because that is the way the elastic process -- legislative process works. And when we say there's parts of this I don't like -- we make up our minds to come back and try to fix it when we can. And that's what we do on a regular basis.

So I'm going to knock down those excuses about not voting for this conference report before I'm done. And then we're going to have a tabling motion and we're going to find out who wants to try and protect 98% of the unborn babies and who doesn't. Before we vote I'm going to state why I believe all pro-life Senators should vote for this conference report and furthermore why all pro-life Senators should vote to end any filibuster that should result if this conference report is not tabled. And let me just say this based on what Senator MASSEY has already mentioned -- it fares to me this is the final vote -- it appears to me this is a final vote. I don't know where the House members are but if they've gone home and they are not here, then a vote to table this Bill is the last vote that we're going to take. A vote to table is a vote to kill the Bill. Over the past 50 years, the pro-life movement has been built on two foundational principles.

The first principle is this. A human life begins at conception. When the human sperm and egg form together form a zygote and all the dna that determines to a large degree what you're going to look like and be like as an adult, all that DNA is present at that point in time. Now, this is not my religious belief. This is what we call science. the science of human embryology -- Embryology. I doubt if you could find an embryologist who wouldn't say human life begins at conception. This is Biology 101. To put it in simplest terms, this is why people who don't want to have a baby practice contraception. Why does someone practice conception -- contraception? So the first principle of the pro-life movement is the scientific fact that a human life begins at conception.

The second principle of the pro-life movement that has been well established for over 50 years is that from its earliest stages of development every human being has an inalienable right to life and is deserving of equal protection under the law in regard to life. You can argue that until the baby is born it has no rights independent of his or her mother. Can you argue that a right to -- you can argue that a right to life does not begin until viability. You can argue for a line of protection after the first trimester or perhaps when a heartbeat has been detected. But we all know those are simply arbitrary lines. There are lines that we create by voting. We're going to vote and determine when a human life gets equal protection of the law. Is that it? So on a good day maybe that human being gets equal protection at a heartbeat. On a bad day maybe the human being gets equal protection at the end of the first trimester or maybe not until viability or some other point in time. I don't know. Does that make any rational sense to anybody? That if you believe a human life begins at conception -- now by majority vote the will of the majority, which changes with time, and whoever is in the Body -- we're going to say it's okay to kill that baby at six weeks, not at 13 weeks. Can you kill the baby at 13 weeks, but not 20 weeks, 20 weeks but not -- because we've decided. Because we've taken upon ourselves the authority to give another person the authority to kill an innocent human being. So we have the authority as a legislative Body to give anyone the authority to kill an innocent human being. Do we have the authority to say that human trafficking is okay by a majority vote? If we just voted, that makes it okay? No. Yet we sit here and say we have the authority to say you can kill the unborn human being by our vote. I think it's blasphemous -- presuming to ourselves the place of God. You may say, I'm not killing anybody. No, you're just voting to let other people kill innocent people. You can say well as long as you don't do it I'm not guilty. No. We are guilty. If we're voting to let other people kill innocent people, we are making the law. There is no supreme court to hide behind.

You know for decades the republican party, going back to the time of Ronald Reagan, has embraced these two pro-life principles that I’ve tried to articulate. The platform of the South Carolina Republican Party lists life as a fundamental principle and when I printed it off from the Republican Party website, I hope they haven't changed it, the right to life was the first principle listed. The Republican Party says we believe the right to life is the first inalienable right before which there can be no other rights. If you are dead, you don't have any other rights. We believe that all human life has intrinsic worth and therefore support vigorous legal protection at all stages of life from the unborn child to the derelict to the disabled. If you can affirm life at one end of the spectrum you can devalue life at the other end of the spectrum in its final stages and don't you know that's happening in other places around the world. Furthermore, the South Carolina Republican Party platform says this: We believe the 14th Amendment's protection applies to unborn children. Unborn children should be classified as legal persons not as legal property. So who knew? The Republican Party of South Carolina believes in personhood. That the unborn child should be classified as a person. You know if you look up the definition of person in the dictionary, unless they've changed it, it says a person is a human being. A person is a human being. A human being you might say is a person. Except when is a person not a person? Well, when we vote in such a way that a person is not a person -- when a government takes into itself to say certain groups of people don't have the same rights as other groups of people that we are going to call persons -- we had a little conflict about that in this country. And which of course is why we have the 14th Amendment. You can look all through human history, if you want to get rid of a group of people, you've got to dehumanize them. This has been the Republican Party platform. I'm old enough, as are many of you here, to have lived through this history. I'm not telling you anything you don't know. When I say this has been a fundamental tenet of the Republican Party going back to the time of Ronald Reagan -- since the 1980s we've been trying to elect, since the 1980s we've been trying to elect justices to the Supreme Court that would follow the constitution and not legislate from the bench. All the way back to the time of Ronald Reagan. I lived through it. Well, God, in my humble opinion, did a miracle and allowed that to happen. Didn't think that I would ever live to see it, honestly. Well, we got a Supreme Court that decided abortion actually was not in the constitution. And that abortion since it was not in the constitution should be returned to the states. After 40 years of trying, we got such a Supreme Court and they returned it to the states. Of course we're waiting to see what our Supreme Court is going to have to say about this. We're waiting to see whether our court is going to see something in the constitution that maybe is not apparent simply by reading it. But in the meantime, we are the branch of government that writes the law. Not my job to try to figure out what the Supreme Court would say about H. 5399. They haven't even told us what they think about the Heartbeat Law yet. I'm not going to be guided in my actions today by something they may do or may not do about the right to privacy. It is our job to legislate. It should surprise no one, not a single member of this Chamber should be surprised first of all, that the Senate deferred to the House to write the Bill. The Senate could have taken up the challenge and written our own Bill, but we deferred to the House, okay? So let's just put that on the table. We said, y'all do the heavy lifting and send something over to us and we'll take a look at it. That's the way this happened. It should come as no surprise that the House drafted H. 5399 in such a way as to reflect fundamental principles of the pro-life movement which also happen to be the Republican Party platform. Why wouldn't they draft such a Bill? We've been working for three or four decades to have the opportunity to try to protect an innocent human life. Of course they are going to draft a bill that tries to protect life from its earliest stages. That was their job. That's no surprise that they did that. I will tell you what is a surprise, honestly, to me, to many people in the pro-life movement. What is a surprise is the inability and the unwillingness of this Body, dominated by a 30 to 16 republican majority -- the unwillingness of this Body to pass H. 5399. That's what's a surprise. That Bill's no surprise. Our inability to pass it was the surprise. We took a vote in September, took a vote on the House Bill with Senate amendments added to it. Right? Now when I say we took a vote, what we actually did was, we took a vote on a tabling measure, okay? And the tabling measure of H. 5399 as amended by the Senate failed, 24-20. Or another way of saying it is that Bill with Senate amendments on it got 24 votes which is a majority of the Chamber. At that time, a filibuster began that was led by a Republican. And after about 15 minutes, we had a cloture vote and we could only get 24 of 30 Republicans to vote cloture, and everybody in here knows that you got to have 26 votes. And I don't know if we took another cloture vote. Maybe we took two. I really don't know. But we didn't stay here long -- Republican party members. It didn't take us long to carry that amendment over and move on to fixing the Heartbeat Bill. We didn't put up any kind of struggle or titanic fight. 15-minute filibuster might become the thing of the day. I mean if you can -- filibusters might become the thing of the day. If you can stop the fundamental pro-life movement platform issue in 15 minutes then heck maybe you can stop anything in 15 minutes if you just signal that you're willing to filibuster -- 15 minutes. We said well, can't do H.5399, we're not that committed. We might have to stay here a while. So this was happening on September 7th and 8th. The Supreme Court back in August had issued a temporary injunction against the Heartbeat Bill. So the idea arose that we will take that temporary injunction and we will try to address it with some language to hopefully fix the Heartbeat Bill in the way that the Supreme Court will like. We'll make that our mission here. We can't pass this; it's not going to happen. We'll just do this instead. So that's what we did. We sent it over to the House. and lo and behold, they nonconcurred. I don't know why that would surprise people -- that they would nonconcur -- that we threw their work away. I tell you, the Senate and the House versions of this Bill are so different, that when we got into the conference committee, I’m told I can't even really merge the House and Senate language together because they're so different. What we passed had nothing to do with the House Bill. We threw it away and said we'll do something with the Heartbeat Bill so we can claim we did something. We need a victory out of this. We're not going to pass the House Bill but boy we need to pass something and that's what we're talking about today -- passing something. Passing something so we can say, well, we think we're doing good. And we couldn't do that, that was too hard. Let's just do this. You know, there are people who spend decades of their life dedicated to getting to the point where we could actually have a Bill like H. 5399 that would be the law of the land. They form this little group called Citizens for Life. And they've been working in this State House for decades. Trying to come up with creative ways to lower a number of babies that are being killed -- to protect the unborn baby this any way they could think of that the Supreme Court would allow. They worked for decades to get to the point where we could actually just write the law. And we got to the point and we said well, we don't want to write the law and now we wonder why those same pro-life people are scratching their heads and wondering, what is wrong with the South Carolina Senate? What is wrong with the Republicans who all claim to an -- every last one to be pro-life. Well I'll tell you what's wrong. Some people are trying to redefine what it means to be pro-life. I'm not going to let that happen -- not on my watch. A human life begins at conception and deserves equal protection of the law. I am never going to accept pro-life as meaning it's okay to kill the unborn baby this the first trimester or it's okay to kill the unborn baby in the first six weeks. That's not what the pro-life movement believes by any stretch of the imagination. You say well I may get re-elected that way. Well, you may but you're not going to change the meaning and understanding of what the pro-life movement has been about for the past 50 years. You're not going to convince South Carolina Citizens for Life or Family Research Council or anyone who has been in this battle that all of a sudden, six weeks or 13 weeks or 20 weeks is good enough for the pro-life movement. Those of us have to be satisfied because it's too hard to pass that other Bill they want. They're not satisfied. So the House nonconcurred. I don't blame the House. I don't know why anybody should be surprised that the House would nonconcur when we wrote a Bill that is completely different from what they sent over here and asked them to swallow it because of our failure. They sent it back to us without amending it because they knew by sending it back to us without amending it, we could have an up and down vote without a filibuster and pass that Bill. October 18th we came in here and we failed a second time. By a simple motion to recede we could have sent the House Bill to the Governor's desk. But boy, all the problems in that House Bill -- problems by the way that people complain about -- some of which were fixed in the original version in September -- that was then filibustered to death. I'm glad they sent it back to us and made us take a vote on whether to recede from their amendment and let the House Bill pass, or to insist on our amendment and send it to conference. I’m glad that they nonconcurred. South Carolina Citizens for Life called that vote to recede the most important pro-life vote in the history of this State. South Carolina Citizens for Life told the legislators we're going to score this vote for life. But hey, maybe they are not as smart as we are. They've spent decades studying this. They've got their own attorneys, but maybe they don't know what we all know. So the vote to recede really wasn't even that close -- 17 Republicans voted to recede -- total of 26 didn't. So we sent it to conference. As we came together in conference, Mr. McCravy presented a proposal that was a merger of the two Bills. It merged the House and the Senate Bills together. It was the understanding of the House Chamber and the House attorneys that could be done in the way that it was proposed to us without free conference. So there's a difference in understanding between the two Chambers on what you can do in a conference committee. So I asked our attorneys about that. And some research was done and lo and behold, look folks, I understand there may be a difference of understanding -- but there was one example pointed out to me. In the past 32 years there's been one example that was somewhat similar to this in terms of precedent. The rules about conference committee are really just limited to how they're appointed. The rest of is oral tradition. Oral tradition and precedent about what a conference committee can do. I thought that the proposal by Mr. McCravy was a very good proposal. It brought over and merged together all of the Senate language into the House Bill. And the House lawyers said that's fine and the Senate lawyers said you can't do that without free conference powers. I will try to briefly explain this because it's important. The Senate language, when it was talking about fetal anomaly, was talking about fetal anomaly within the context of the Heartbeat Bill. So to bring over fetal anomaly to the House Bill, and try to merge it in, you would be bringing it out of the context of the Heartbeat Bill -- the Heartbeat law and you would be bringing it into the context of protecting life from the time that pregnancy can be clinically diagnosed and they said you just can't do that. So I accepted that, although I am making the point, and I do think it bears consideration, the fact that when the research was done, they found for me one example in the past 32 years that could have been a reference to this oral tradition that we are abiding by that prevented a complete merger of the Senate and House Bills and I find that troubling. But be that as it may I didn't want to put this Body through the test of bringing that proposal over here and having a point of order raised, and then going through all of that. So I asked for a draft based on the House Bill, that would bring over from the Senate version as much as possible -- as much as our attorneys felt like was legitimately possible from a conference committee that does not have free conference powers and that's the report that you have before you today. So yeah, it doesn't solve all the issues that some people have raised even here today on the floor. Some weeks ago, I brought forward a proposal, I sent it out to my republican colleagues -- at least most of them, can't quite remember the exact distribution but my proposal was this. If we've got some Senate amendments that we voted on back in September, in that amendment that got 24 votes -- if we got some amendments and hey I voted for it, I was one of those 24. I voted for some thinks I don't like -- things I don't like. If we've got some Senate amendments that can't be brought into this Bill at this point in time, we can pass those in a separate Bill in January. As much as I don't even like some of those amendments, I made it clear I would not filibuster such a Bill. The things that some of y'all are going to use for excuses today could be fixed in a separate Bill in January, if you wanted to take that path -- fetal anomaly, definition of rape -- I said I'd be willing to allow a Bill that had anything that was in those Senate amendments that we voted on 24-20. I'd be willing to let that go for a vote without filibustering it, so we can fix these humongous problems that everybody is so worried about. I couldn't get any interest in the Senate. We don't trust the House. We send that Bill over there, they may not do anything. Well, why don't you ask them? So I called the Speaker of the House. He was very gracious to talk to because I've never had a conversation with him. I requested Mr. McCravy to speak to the Speaker of the House about this idea of passing a separate Bill in January -- on some Senate amendments that were not making it through this process at this point in time, and the idea was favorably received. So I just tell you that the idea was favorably received. Now, that could be done in January. But let me tell what you can't be done in January. In January, we cannot pass H. 5399 to protect 98% of unborn babies. I know that and you know that. That's not going to happen in January. If it doesn't happen this week, then there's a good chance it won't happen in the next two years because of the makeup of this Chamber. And even after the 2024 Elections -- we all know an abortion Bill takes two years to get through so if we don't pass H. 5399 this week, there's a good chance that we won't be voting on such a Bill again until 2026. If we table this Bill when we take this vote in a few minutes, if you vote to table that Bill -- I think that's the scenario you're voting for -- we can fix H. 5399 where it needs to be fixed, we can do that in January but we can't pass H. 5399 unless we do it this week. The conference report before us today -- the conference report before us today does employ the main two goals of both the House and Senate versions of H. 5399. The main thrust of the Senate version that we passed was this: there is a potential conflict in the language where we certified Roe v. Wade in Section 44-41-20 -- potential conflict in language that the Supreme Court mentioned in their temporary injunction. So we were trying to address that concern in that Heartbeat fix about Section 44-41-20, that was the main thrust of that -- of the Senate version. The main thrust of the House Bill is to protect 98% of unborn babies. This conference report is the only way I know to put those two Bills together to accomplish and incorporate the work of both Chambers. This conference report is based on the House Bill, but it does bring over from the Senate version the deletion from the code of Section 44-41-20. If that section is deleted, then the conflict -- potential conflict of language -- I will say goes away because Section 44-41-20 at that point doesn't exist anymore. So it brings over the fix of the Heartbeat law that the Senate attempted. If the conference committee had brought -- if the conference committee had brought forth a proposal that started with the Senate language then the only two sections of the House Bill that we could have brought over would have been the child tax credit, and the child support provision from the House Bill. That's it. If we started with the Senate version, the only two sections that we could have brought from the House Bill would have been the child tax credit and the child support section. The part about saving 98% of the babies couldn't be brought over -- babies couldn't be brought over. We did it the only way possible to incorporate the work of both Chambers. I talked to Citizens for Life about fatal fetal anomaly. You know when I ran for office I filled out a survey from that group and I think probably a lot of y'all did as well. Do you know that on that survey there is no question about fatal fetal anomaly at all. There is no mention; there is no box to check to say well, I can't vote for a Bill unless it has this in it. There never has been. Many of y'all signed a pledge, and I don't know who. I don't have the records. But many of y'all signed a pledge that said you would support legislation if it had a rape and incest exception. Many of y'all signed the pledge and that's what this Bill has. I don't like it. Again, it's not a Bill that everyone's perfectly happy with but it has rape and incest exceptions. But you can't say that you signed their pledge that you wouldn't support it without fatal fetal anomaly because that's not on their pledge. So we're at a departure point here in the Republican Party in the South Carolina Senate. We're at a moment of truth where what it means to be pro-life is going to be voted on and duly noted and recorded by the pro-life movement. And let me tell you, you're not going to fool the people who actually are the backbone of the pro-life movement. Folks, I know these people. I know these crisis pregnancy center directors. I know the people who go and pray and protest outside the abortion clinics. You're not going to fool them. You can make all kinds of noise about how this Bill had defects. How you want something better in the future. You're not going to fool them. You're not going to fool them. I have one vote, you have one vote and we're going to be accountable for that vote. And you know, this will surprise you but not everybody even likes my position. That's right, some people think I've compromised and they're not happy with me. You know what? I will have to answer to God for my vote one day. And that's what it's going to come down to. I am going to have to answer to God for my vote on how I tried to protect unborn human life. Now, the voters can do whatever they want in 2024. I’m not overly concerned about that. As long as I'm here, I'm going to speak up for those who cannot speak for themselves. I am going to defend what I believe to be justice and righteousness -- in creating equal protection of the law for the unborn child. And you will have to answer the question as you will concerning your vote. Since the Dobbs decision has come down, there have been two states that have passed very tough abortion laws -- West Virginia is one, Indiana is the other. So there's a number of states that have very restrictive abortion laws. States like Alabama -- but we're going to have to do some soul searching in South Carolina. The Republican Party's going to have to do some soul searching about what they believe, concerning the origin of the human life, and the protection that life deserves. I don't know that there's any issue that has been more important to the base of the Republican Party in the past 30 to 40 years than the right to life. I know gun rights are important to people. But I don't know that there's any issue that moved people at such a deep level as this issue. And I think it's because we are dealing with life. We are dealing with life. We're not dealing with taxes. We're not even dealing with gun regulations. We are dealing with God's greatest gift life itself.

So we have this vote before us today. As Senator MASSEY has mentioned, I don't know if the House members are around or not. I wouldn't count on having any more votes today. I wouldn't count on another vote to save the day and if this doesn't pass -- I don't know where they are but I do know this. This Bill incorporates the Senate language to protect the Heartbeat Bill and this Bill would protect the 98% of life and I believe that all pro-life Senators should vote for it. Thank you.

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

The Senate stood at ease at 12:31 P.M.

The Senate resumed at 1:10 P.M.

Senator MASSEY spoke on the work of the Conference Committee.

**Remarks by Senator MASSEY**

Thank you, Mr. PRESIDENT. Senators, we went upstairs to reconvene the conference committee. None of the House members showed up. It has been a little over thirty minutes, I guess, since we had our vote and we stood at ease -- hoping the conference committee could reconvene. Look, I want to tell whoever is here -- because I'm very cognizant of not wanting to waste people's time, which is why we tried to have the conference committee meeting this morning with the understanding something was probably going to come out and the Senate could deal with that. I announced while I didn't think the Senate had the votes for the conference report, we would be willing to reconvene to try to come up with something else. Let's keep talking -- come up with an idea. Maybe we can get there. I made that announcement this morning. The fact we are convened thirty minutes is no surprise to anybody that House members just decided to go home. What has been proposed as a compromise was -- wasn't a compromise on the issue that everybody knew was the issue. What I've gotten from the House is it is our way or no way. If you don't give us what we want, we're going home -- not going to work anymore. They left. They won't even talk to us anymore. I'm extremely disappointed by that. I know there are people disappointed on both sides.

I will tell you when we came up in September personally, I thought we had a shot, as long as there were exceptions in there. I knew it was real close. It was real close. I know there was a vote that had 24 Senators votes, as Senator CASH has reminded me a number of times. Also think most everybody who was watching understood that vote was soft. It was never going to get 24 votes if that is what people thought was going to be the final product, but I support that. For me this was never an academic issue. Didn't matter what the courts were going to do. I've not been playing the political gains, which I’m getting from the House. They are not interested in solving a problem but more interested in playing to the cameras. That makes it more frustrating for me because I do think there is room to move. I do think there are some things we could do to save more lives. But nope, if it is not what we want, we are not going to do it. We are just going to go home. It's put us in a difficult position. The House nonconcurring, and I heard Senator CASH saying he was glad they did that. That was a very not smart move -- put us in a position we couldn't negotiate, take it or leave it -- One or the other. We couldn't do very much. You've got amateurs playing legislative strategy and don't know what they are doing. Anybody paying attention in the past year and a half knows where the votes are -- know what exceptions have to be. I understand there are people that don't like that. I don't like it. It is what it is. So put us in a posture. Not a political posture but legislative posture where we can't do anything to fix the problems. When Senator CASH proposes something to fix the problems, it requires free conference. I understand he doesn't understand the rules. As he told me earlier, I don't think he would mind me saying this, this is the first conference committee he's served on. Never had to deal with free conference before. I'm a Republican. We used to stand for law and order -- follow the rules. I'm not going to blow them up on this one but not that one. Senator MARTIN tell me what happens when you don't have free conference rules for conference committees? They do whatever they want to do. There are no limitations anymore. The conference committee, not on this, can write whatever they want to write. I understand the House doesn't care what the rules are. You've got to come to work -- Show up -- Negotiate an issue. That is not what we've had on this. Mr. McCravy told me he hoped I would get 24 -- even there was no way. Hope you get 24 for a good faith effort. It wasn't rational -- Never good faith. This was always a show. What I regret is we weren't able to do something but I regret I have wasted all y'all's time. I apologize for that. I was hopeful we would pass lives. It wasn't a touchdown but first down. The House guys will tell you privately they knew -- Senator CASH said this was back in legislature now, not in front of courts. The House guys will tell you privately they know if we passed their version that it gets enjoined within ten minutes of the Governor signing it. They knew anybody who listened to the arguments in our Supreme Court knows there is no way that will happen. But that is okay. I'm happy to vote. We have come back and voted now three times. I wasn't bluffing. When the PRESIDENT sent out after nonconcurring and put us in a position where it is unlikely we will pass anything, Mr. PRESIDENT, I don't think you were bluffing. I think you were telling them exactly how it was. That is even more case if the House won't come to work. So I'm frustrated by that. Others are frustrated on both sides of this. But it is clear to me now the House won't even talk. If they put us in that position, I don't know what else to do. I do think this is the best time, Senator CASH. I think this is the best time to pass something. I agree with you on that. Doesn't mean it can't happen because it did happen in past years. You said earlier it takes two years. We got heartbeat done in about two weeks when folks come together, we can get it done. They've got to be willing to talk. It is tough in October and November. You weren't told you needed to be here in October and November. Some of you cancelled some vacation plans to be here today for the House not to show up to work. I appreciate you doing that. I'm sorry you had to do that. Sorry you had to do that. Some cancelled some international plans -- all sorts of plans. But I'm glad Senators showed up to work today. Glad the Senate showed up. There are enough that disagree -- don't want us to pass anything. The conferees have helped your position if you didn't want to pass anything, right. Those on the left, those Democrats hoping we weren't going to pass anything, the planned parenthood and others, the House conferees have helped you because the reason we are not going to pass anything is because the House conferees left. That frustrates me. I was hopeful we could do something. Not just because I wanted to pass something for a win. I'm going to appreciate that. I'm not interested in that. I wanted to pass something that was going to advance the ball -- save some more lives. Didn't go as far as what I wanted but it was going to be something, right. I think saving any lives isn't minuscule. You can't do it when the House won't even talk to you. Chairman of Finance, Senator PEELER, that is frustrating. I have tried to be straight forward with people the whole time about this is where I see folks are. Think I said in first conference committee about 14, 15 times, we will take it out but you will not have the votes to pass it. But it is frustrating to do nothing. It is frustrating to be here in October and November, then them just not show up to work anymore. So I apologize to you. I apologize to you for having you having to come back for this exercise in futility. I apologize for those of you who cancelled plans to be out of state because you came back to do your job. But our commitment is to the Senate. Our constituents elected us to do a job. We didn't really want that to mean he had to show up November 9th but did. We showed up November 9th. The fact that the House conferees won't even come back to work is a disgrace. I don't know what else to do y'all. I have tried -- I talked with people privately, publicly. We came back to work today in hopes that -- telling you this isn't going to pass, but I will take it out even though I'm not going to vote because I think the rape exception is fake. I think the rape exception is fake. That is a deal killer for me. That is what I said in conference committee. I'll take it out and give you your vote because the Senators showed up to work and they are going to vote on it, again. What if we can't pass that? Can we pass something not just to get a win? Can we pass something that will actually save some lives? Can we pass something that will not have us be a destination state? Can we pass something that will send a message to the Supreme Court that yes, we really, really want Fetal Heartbeat to stay in place so we are not at 20 weeks, which puts us as the most lenient in the southeast. That is the problem. The injunction has made us the most lenient in the southeast, which is why people are seeing these come to abortion clinics. If we did what the Senate passed in September, that would not happen. Would it go as far as some wanted? No, it wouldn't. Last year what we passed was triumphed as the most significant pro-life win in history, because it was. It would still be a big win. Heartbeat would still be one of the most aggressive abortion laws in the country. I would go further than that. Got to have the votes otherwise to do that. You got to have people who are willing to talk to you. My concern was that by passing nothing we are actually going to regress because you are completely ignoring what the State Supreme Court has told you, so you are more likely to lose Heartbeat by not passing anything.

This is baffling to me. How -- granted I agree, I have been accused of not being pro-life. I have been told by the pro-life community in the last few days that I was going to hell -- no way I could be a Christian. It is amazing how many disregard the entire ministry of apostle Paul. Like Paul never existed. I will tell you if we want to advance that cause, fire and brimstone isn't going to work. If the church's word is to spread gospel, fire and brimstone ain't going to work y'all. If the idea is to persuade enough people to support stricter abortion laws, one -- you've got to talk to me. The other is fire and brimstone is not going to persuade people. You might scare a few people into a vote here or there but you are not going to win the issue with fire and brimstone. So no matter how many times you say the people who voted to ban abortion at six weeks are pro-abortion -- good grief. Come on. How would anybody pro-abortion vote to ban abortion after a fetal heartbeat is detected? That is ridiculous.

I will tell you if we want to move the ball forward the whole effort has to change. Because I don't care how it's been done for 50 years, there's been a lot of progress. But if the effort now is it is fire and brimstone. If you are not with us on every single issue, we are going to take you out. So be it. There are people out there that think I like this job a lot more than I actually do. Because I'll tell y'all, after June I didn't want to see y'all again this year. Now most of you shouldn't take that personally. That is what voters -- that is what they do. Everybody knows it will be an issue in the election in 2024. So be it. If you can't defend how you vote, then you shouldn't be here.

There is no way to do legislation if the two bodies won't talk. We are in a position right now where the House won't even talk to us. So for those who wanted to advance the cause of life, I don't know what else to do. I'm frustrated by that. Senator CASH criticized -- I think he was really talking to me -- criticized us for giving up too early in September because for those people who have been here more than four or five years those that have seen a filibuster, you know the longer the filibuster goes votes change in your favor, right? That is what happens. But I'm -- of course I was being sarcastic and I apologize for that -- the only thing that will happen is you are going to lose votes. We did the strongest thing we could. I understand there are people that don't agree or understand that, but that is the reality, though that was frustrating to me at the time. But you know, Senator CASH accused me of giving up too early or not doing things that are hard. Let's not avoid it because it is hard. Come on back. Let's do it. You are going to pick up votes with that. If you put in -- you fix the rate, put in fetal anomalies, you are going get more votes on that. I guess it is too hard. I'm not taking questions. I'm in a position where I don't know what else to do. I have tried everything I could try. I don't know how a conference committee does anything if the House won't talk to them. So Mr. PRESIDENT I think the only thing we can do is adjourn. I don't want to adjourn because I wanted to pass something. What do I do if they won't talk to me. Mr. PRESIDENT, I move we adjourn pursuant to the *Sine Die* Resolution.

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

At 1:29 P.M., Senator MASSEY moved that the Senate adjourn under the provisions of S. 1325, the *Sine Die* Resolution.

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

**Ayes 22; Nays 20**

**AYES**

Allen Davis Fanning

Gustafson Harpootlian Hembree

Hutto Jackson *Johnson, Kevin*

Kimpson Malloy Matthews

McElveen McLeod Sabb

Scott Senn Setzler

Shealy Stephens Talley

Williams

**Total--22**

**NAYS**

Adams Alexander Bennett

Cash Climer Corbin

Cromer Gambrell Garrett

Goldfinch *Johnson, Michael* Kimbrell

Loftis Martin Massey

Peeler Reichenbach Rice

Turner Verdin

**Total--20**

The motion was adopted.

**Statement by Senator YOUNG**

Unfortunately, I had to leave the Senate Chamber today due to a family emergency. Had I been present, I would have voted against the motion to adjourn.

**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senator McLEOD, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Jim Dewitt and Mrs. Gloria Dewitt of Columbia, S.C. Jim and Gloria were high school sweethearts. They owned Legends Security and Sound and Jim was a member of the Atlantic Beach City Council. Jim and Gloria were the parents of two boys and will be dearly missed.

And

**MOTION ADOPTED**

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Lieutenant Colonel James William Ross of Sumter, S.C. Jim was a graduate of Hillcrest High School, Newberry College and the Armed Forces Staff College. Jim owned and operated Ross Construction. He retired from the U.S. Marine Corps after more than 24 years of service and was a veteran of the Vietnam War. Jim was a member of Trinity United Methodist Church and the American Legion Post 15.

and

**MOTION ADOPTED**

On motion of Senators McELVEEN and K. JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Reverend Frank E. Williams, Jr. of Sumter, S.C. Frank was a graduate of Benedict College and began his career in the funeral service industry. He later founded and faithfully pastored Faith Missionary Baptist Church. Frank served on Sumter County Council and was a worship master at Catchall Masonic Lodge 425. He enjoyed fishing and serving his community. Frank was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 1:35 P.M., on motion of Senator MASSEY, the Senate adjourned under the provisions of S. 1325, the *Sine Die* Resolution.

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