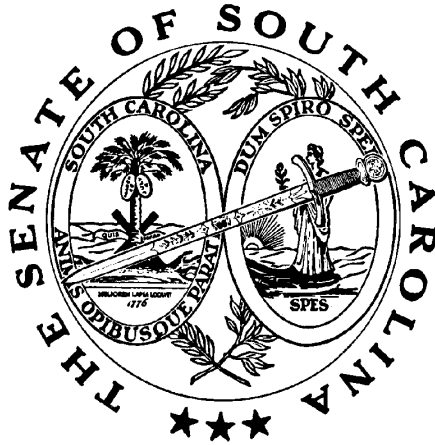


NO. 52

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

FRIDAY, APRIL 5, 2024

**April 5, 2024
(Local Session)**

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator MASSEY.

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

The following Bills were read the third time and ordered sent to the House:

S. 858 -- Senators Davis, Garrett, Kimbrell, Setzler and Malloy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-130, RELATING TO HEALTH CARE FACILITY LICENSURE DEFINITIONS, SO AS TO ADD A DEFINITION FOR “ACUTE HOSPITAL CARE AT HOME”; BY AMENDING SECTION 44-7-170, RELATING TO CERTIFICATE OF NEED PROGRAM EXEMPTIONS, SO AS TO EXEMPT ACUTE HOSPITAL CARE AT HOME PROGRAMS AND SERVICES; AND BY ADDING SECTION 44-7-267 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROMULGATE REGULATIONS FOR LICENSING ACUTE HOSPITAL CARE AT HOME PROGRAMS AND SERVICES.

On motion of Senator DAVIS.

S. 1188 -- Senators Tedder and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-240, RELATING TO EXPULSION FOR THE REMAINDER OF THE YEAR AND HEARINGS, SO AS TO AMEND REQUIREMENTS TO BE INCLUDED IN THE WRITTEN NOTIFICATION TO PARENTS OR LEGAL GUARDIANS OF THE PUPIL.

On motion of Senator MASSEY.

ADDENDUM TO THE JOURNAL

The following remarks by Senator SABB were ordered printed in the Journal of February 21, 2024:

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Remarks by Senator SABB

Thank you, Mr. PRESIDENT and members. I've been asked to speak for five hours; I intend to speak for five minutes or less. There is something that troubles me a little bit, and as a result, I decided that I would talk about it. Truthfully, it's more procedural than it is substantive because I have an appreciation for what occurred with several of the Bills that we've advanced this session. Grant you, I was on the losing end of most of those Bills, but we debated the Bills.

People who had amendments got an opportunity to put their amendments up and they were heard fully on their amendments. That's the South Carolina Senate that I knew I had come to. When I was in the House, it wasn't often that I watched the Senate and what they did, but the few times I did watch, I watched with great interest. I watched one of our Senators take the well and discuss an issue about whether or not one individual should have more than one position, whether or not that was too much of a consolidation of power, and just observed it, where an individual has an opinion, and he gets to fully express it. We witnessed a lot of that I think this week. I think that's a tradition of the Senate that in my mind keeps it a deliberative body, which I believe is important for the State of South Carolina. I experienced something in my short time in the Senate that won't leave me. The idea of not being able to be heard on a matter of importance will not leave me. We were debating critical race theory, and I'm going to tie it into the Flounder Bill in a minute but we were debating critical race theory. To me, the substance of critical race theory is in direct opposition to the Education Improvement Act. If you read the Act, it talks about the discussions that minorities had on education in our State and if you compare what critical race theory does to that, in my mind, it overrules a substantial portion of it. However -- never got to talk about it because of how some view the need to move on and to pass a Bill.

To me, that's not this Body and frankly, it won't leave me. I believe, not because of me or my ego -- I think that there's a part of me, and I'll probably never be as much of an institutionalist as Senator SHEALY, Senator PEELER or several other Senators that I could call by name. I don't know that I'll ever grow to appreciate the institution of the Senate as I've witnessed them display in this Body. I couldn't sit idle because, as I listened to Senator MATTHEWS talk, it just didn't seem right to me that an individual could object to a Bill on Tuesday and want to deal with it responsibly. Then a day or so later, we're on the Bill because of how we've used the rules to pass the Bill quickly. I just don't believe that's

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how we ought to operate. I have a fundamental problem with it, and obviously, because I have a fundamental problem with it doesn't mean it's got to change, and perhaps it won't. However, in my mind, I have an obligation to speak out about it because I think it's wrong. I think it's wrong for our institution, and I don't believe there's any right way, regardless of how we manipulate rules -- I don't think there's any right way to do a wrong thing. I think to the extent that we are to remain a deliberative body that listens to each other, not necessarily agree, but at least listen to each other. I think that's what this institution is all about.

Today we are where we are, on this Lord's Day, but there will be a tomorrow. If God's gracious unto us, perhaps we'll see some days beyond that. I don't just want the precedent of the Senate to be that we're all about passing as much Legislation as we can, as quickly as we can. I want, at the end of the day, for each and every one of us to be able to leave the Chambers knowing that we've done everything we could to be a part of trying to channel Legislation in the right direction for the benefit of every South Carolinian. A lot of Legislation that we deal with doesn't deal with the masses. Quite frankly, I believe that some of what we deal with are bullies in certain settings of the segments of our society, and to the extent that there is one in this chamber that feels a connection to that individual. That individual has a right to have one of us champion their cause. Then our goal, of course, is to try to get a majority of the Body to agree with whatever situation, whatever circumstance we believe that person is entitled to because everyone has rights. I feel my five minutes easing away and I was serious when I said I wanted to talk for five minutes. I guess I would conclude by saying that Dr. Charles A. Murray, my high school principal, said a bunch of profound things, but one of the things that he said was that people do according to their understanding -- that people do according to their understanding. My understanding is that this is, not was, but that this is a deliberative body -- that's my understanding.

We are the South Carolina Senate, and we are a deliberative body. I intend to govern myself accordingly. Now, the history of the Senate will prove me right or will prove me wrong, but if it's an institution that we believe in, then she's worth fighting for. If she serves as the bedrock of our State, as many of us believe, then she's worth fighting for. I'm just urging us to please, ma'ams and sirs, consider each other as it relates to the issue of whether or not we ought to have the opportunity to be fully heard. It becomes a due process right, in my opinion, of every Senator. Thank you, Mr. PRESIDENT.

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

ADDENDUM TO THE JOURNAL

The following remarks by Senator SABB were ordered printed in the Journal of March 14, 2024:

Remarks by Senator SABB

Thank you, Mr. PRESIDENT, thank you Senator MALLOY for reminding everybody that I'm what stands in your way. I got the message loud and clear, so it's certainly not my intent to be long.

I do want to say two things in the beginning. One is that given the privilege to serve on JMSC, I'm thankful for the experience and I tried my best every single time I was in there to do the kind of work that could be looked upon favorably by folks in South Carolina, but especially folks in the Senate where I serve. The other thing is, I was given the opportunity to sit around a conference table for a number of hours with folks who I believe have the best interest of our judiciary in our State at heart. I would agree that it is not a perfect document, but I'm convinced that it is a document that allows a good system that's important and vital to our State to remain intact.

I wanted to make some remarks. Candidly I was going to hold them, but sometimes you just can't hold it after you hear certain things. I wanted to talk about what Senator CLIMER started his exchange with, when he reminded us of the importance of the citizens of South Carolina having confidence in our judiciary. I would underscore the importance, because I think it is critical, so there are a couple of things that I want to share along those lines. Frankly, I don't think that the makeup of our JMSC before, nor do I think now, impacts public sentiment as much as a couple of other things that are going on that I want to point out. I believe that when there is an absence of diversity, on a judiciary -- I believe that issue in and of itself could erode public confidence. When I think you don't have any women on the Supreme Court, when you are the only state in the United States that doesn't have one, I think it forces people to take a look at whether or not our judiciary is reflective and whether or not it is fair to everybody. I think the makeup matters. I think when persons of color are not on our judiciary, I think that you have a substantial part of our population that looks at that. I believe that can erode public confidence.

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I also believe that when the chamber -- Senate, and the House -- if we work to adopt a stringent test, like whether or not somebody is strong Republican or whether or not somebody is strong Democrat, I think that erodes public confidence in our system. One of the things that Senator CLIMER just shared is that the process ought to be free from political influence. So then, how can we say on the one hand that the process is going to be free if that is the litmus test that we use? I would just be cautious, please, I know that there is incredible pressure on the outside. I know that there are those who firmly believe that South Carolina is just a red state and the more Republicans we have in power, the better off the State is. I just want to remind us that we might be majority Republican, but we have a substantial amount of the folks who look to us to be Senators of the State of South Carolina, not Republican Senators, not Democrat Senators, but Senators from the State of South Carolina who are here to ensure that everybody who walks into a courtroom looks at it -- looks at Lady Justice with her blindfolds on and believes I'm going to get a fair shake. And Senator MASSEY is right, when a number of people step in there, it's their worst day. It's a life-changing moment for each and every one of them. The stakes are high, but they deserve to walk in believing that the playing field is going to be fair. We've got a responsibility y'all and it's my hope that we view it seriously.

Folks in South Carolina that vote for us don't have the responsibility that we do. I think if we ever just focus on what's good, somebody who votes for us -- knowing that there is a vast majority of folks out there who disagree with them -- and because we have an influential type of situation -- we can just have it happen anyway. I mean that falls on us and not on them. We can't blame them for asking. I believe we have a responsibility, if we know what's right and we know what's wrong, to do what's right.

My last point is, the idea of allowing one office, the Governor's office, to choose the judiciary, which is not a good idea. One of the things that we talked about in our discussions was how individualism matters. How we would have a comfort level with one person having the authority that might not have the same degree of confidence with another individual. And so, then the focus had to shift from whoever the Governor is right now, or pardon me, Mr. PRESIDENT, to whoever the President is right now to an institutional type of approach where it doesn't matter. The rules are in place such that fairness hopefully would be the end result of those processes. To think that placing it in the hands of one individual is going to cure all, is just not a good idea. I look forward to that we have to debate

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the matter in the future, to debating that issue on the merits, but I take this opportunity to say that it's a bad, bad, bad idea. Thank you, Mr. PRESIDENT.

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

MOTION ADOPTED

On motion of Senator CROMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Robert Heron Haile, Sr. of Chapin, S.C. Robert was a graduate of Chapin High School and was a member of Chapin Baptist Church. He enjoyed boating, hunting and telling stories. Robert was a loving father and devoted grandfather who will be dearly missed.

ADJOURNMENT

At 11:05 A.M., on motion of Senator McELVEEN, the Senate adjourned to meet next Tuesday, April 9, 2024, at 11:00 A.M., under the provisions of Rule 1B.

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